

AN ACT concerning government.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the Professional Limited Liability Company Act.

Section 5. Definitions. In this Act:

"Department" means the Department of Financial and Professional Regulation.

"Professional limited liability company" means a limited liability company that intends to provide, or does provide, professional services that require the individuals engaged in the profession to be licensed by the Department of Financial and Professional Regulation.

Section 10. Application of the Limited Liability Company Act. The Limited Liability Company Act, as now or hereafter amended, shall be applicable to professional limited liability companies, and they shall enjoy the powers and privileges and be subject to the duties, restrictions, and liabilities of other limited liability companies, except where inconsistent with the letter and purpose of this Act. This Act shall take precedence in the event of any conflict with the provisions of the Limited Liability Company Act or other laws.

Section 15. Certificate of registration.

(a) No professional limited liability company may render professional services that require the issuance of a license by the Department, except through its managers, members, agents, or employees who are duly licensed or otherwise legally authorized to render such professional services within this State. An individual's association with a professional limited liability company as a manager, member, agent, or employee, shall in no way modify or diminish the jurisdiction of the Department that licensed, certified, or registered the individual for a particular profession.

(b) A professional limited liability company shall not open, operate, or maintain an establishment for any of the purposes for which a limited liability company may be organized without obtaining a certificate of registration from the Department.

(c) Application for a certificate of registration shall be made in writing and shall contain the name and primary mailing address of the professional limited liability company, the name and address of the company's registered agent, the address of the practice location maintained by the company, each assumed name being used by the company, and such other information as may be required by the Department. All official correspondence from the Department shall be mailed to the primary mailing address of the company except that the company may elect to

have renewal and non-renewal notices sent to the registered agent of the company. Upon receipt of such application, the Department shall make an investigation of the professional limited liability company. If this Act or any Act administered by the Department requires the organizers, managers, and members to each be licensed in the particular profession or related professions related to the professional services offered by the company, the Department shall determine that the organizers, managers, and members are each licensed pursuant to the laws of Illinois to engage in the particular profession or related professions involved (except that an initial organizer may be a licensed attorney) and that no disciplinary action is pending before the Department against any of them before issuing a certificate of registration. For all other companies submitting an application, the Department shall determine if any organizer, manager, or member claiming to hold a professional license issued by the Department is currently so licensed and that no disciplinary action is pending before the Department against any of them before issuing a certificate of registration. If it appears that the professional limited liability company will be conducted in compliance with the law and the rules and regulations of the Department, the Department shall issue, upon payment of a registration fee of \$50, a certificate of registration.

(d) A separate application shall be submitted for each business location in Illinois. If the professional limited

liability company is using more than one fictitious or assumed name and has an address different from that of the parent company, a separate application shall be submitted for each fictitious or assumed name.

(e) Upon written application of the holder, the Department shall renew the certificate if it finds that the professional limited liability company has complied with its regulations and the provisions of this Act and the applicable licensing Act. This fee for the renewal of a certificate of registration shall be calculated at the rate of \$40 per year. The certificate of registration shall be conspicuously posted upon the premises to which it is applicable. A certificate of registration shall not be assignable.

(f) The Department shall not issue or renew any certificate of registration to a professional limited liability company during the period of dissolution.

Section 20. Failure to obtain a certificate of registration. Whenever the Department has reason to believe a professional limited liability company has opened, operated, or maintained an establishment without a certificate of registration, the Department may issue a notice of violation to the professional limited liability company. The notice of violation shall provide a period of 30 days after the date of the notice to either file an answer to the satisfaction of the Department or submit an application for a certificate of

registration in compliance with this Act. If the professional limited liability company submits an application for a certificate of registration, it must pay the \$50 application fee and a late fee of \$100 for each year that the professional limited liability company opened, operated, or maintained an establishment without a certificate of registration for the purpose of providing any professional service that requires the individuals engaged in the profession to be licensed by the Department, with a maximum late fee of \$500. If the professional limited liability company that is the subject of the notice of violation fails to respond, fails to respond to the satisfaction of the Department, or fails to submit an application for registration, the Department may institute disciplinary proceedings against the professional limited liability company and may impose a civil penalty up to \$1,000 for violation of this Act after affording the professional limited liability company a hearing in conformance with the requirements of this Act.

Section 25. Suspension, revocation or discipline of certificate of registration.

(a) The Department may suspend, revoke, or otherwise discipline the certificate of registration of a professional limited liability company for any of the following reasons:

(1) the revocation or suspension of the license to practice the profession of any officer, manager, member,

agent, or employee not promptly removed or discharged by the professional limited liability company;

(2) unethical professional conduct on the part of any officer, manager, member, agent, or employee not promptly removed or discharged by the professional limited liability company;

(3) the death of the last remaining member;

(4) upon finding that the holder of the certificate has failed to comply with the provisions of this Act or the regulations prescribed by the Department; or

(5) the failure to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by a tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(b) Before any certificate of registration is suspended or revoked, the holder shall be given written notice of the proposed action and the reasons for the proposed action and shall be provided a public hearing by the Department with the right to produce testimony and other evidence concerning the charges made. The notice shall also state the place and date of the hearing, which shall be at least 10 days after service of the notice.

(c) All orders of the Department denying an application for a certificate of registration or suspending or revoking a

certificate of registration or imposing a civil penalty shall be subject to judicial review pursuant to the Administrative Review Law.

(d) The proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review is located. If the party is not currently located in Illinois, the venue shall be in Sangamon County. The Department shall not be required to certify any record to the court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless and until the Department has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department. Exhibits shall be certified without cost. Failure on the part of the plaintiff to file a receipt in court is grounds for dismissal of the action.

### Section 30. Confidentiality.

(a) All information collected by the Department in the course of an examination or investigation of a holder of a certificate of registration or an applicant, including, but not limited to, any complaint against a holder of a certificate of registration filed with the Department and information collected to investigate any such complaint, shall be maintained for the confidential use of the Department and shall not be disclosed.

(b) The Department may not disclose the information to

anyone other than law enforcement officials, other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary of the Department, or a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a holder of a certificate of registration by the Department or any order issued by the Department against a holder of a certificate of registration or an applicant shall be a public record, except as otherwise prohibited by law.

Section 35. Professional relationship and liability; rights and obligations pertaining to communications.

(a) Nothing contained in this Act shall be interpreted to abolish, repeal, modify, restrict, or limit the law in effect in this State on the effective date of this Act that is applicable to the professional relationship and liabilities between the person furnishing the professional services and the person receiving such professional services or the law that is applicable to the standards for professional conduct. Any manager, member, agent, or employee of a professional limited liability company shall remain personally and fully liable and accountable for any negligent or wrongful acts or misconduct committed by him or her or by any person under his or her direct supervision and control while rendering professional

services on behalf of the professional limited liability company. However, a professional limited liability company shall have no greater liability for the conduct of its agents than any other limited liability company organized under the Limited Liability Company Act. A professional limited liability company shall be liable up to the full value of its property for any negligence or wrongful acts or misconduct committed by any of its managers, members, agents, or employees while they are engaged in the rendering of professional services on behalf of the professional limited liability company.

(b) All rights and obligations pertaining to communications made to or information received by any qualified person or the advice he or she gives on such communications or information, shall be extended to the professional limited liability company of which he or she is a manager, member, agent, or employee, and to the professional limited liability company's managers, members, agents, and employees.

Section 40. Dissolution. A professional limited liability company may, for the purposes of dissolution, have as its managers and members individuals who are not licensed by the Department to provide professional services notwithstanding any provision of this Act or of any professional Act administered by the Department, provided that the professional limited liability company under these circumstances does not

render any professional services nor hold itself out as capable or available to render any professional services during the period of dissolution. A copy of the certificate of dissolution, as issued by the Secretary of State, shall be delivered to the Department within 30 days of its receipt by the managers or members.

Section 45. Dishonored payments. Any professional limited liability company that, on 2 occasions, issues or delivers a check or other order to the Department that is not honored by the financial institution upon which it is drawn because of insufficient funds on the account, shall pay to the Department, in addition to the amount owing upon such check or other order, a fee of \$50. If such check or other order was issued or delivered in payment of a renewal fee and the professional limited liability company whose certificate of registration has lapsed continues to practice as a professional limited liability company without paying the renewal fee and the \$50 fee required under this Section, an additional fee of \$100 shall be imposed for practicing without a current certificate. The Department shall notify the professional limited liability company whose certificate of registration has lapsed within 30 days after the discovery by the Department that such professional limited liability company is operating without a current certificate of the fact that the professional limited liability company is operating without a certificate and of the

amount due to the Department, which shall include the lapsed renewal fee and all other fees required by this Section. If the professional limited liability company whose certification has lapsed seeks a current certificate more than 30 days after the date it receives notification from the Department, it shall be required to apply to the Department for reinstatement of the certificate and to pay all fees due to the Department. The Department may establish a fee for the processing of an application for reinstatement of a certificate that allows the Department to pay all costs and expenses related to the processing of the application. The Secretary of the Department may waive the fees due under this Section in individual cases where he or she finds that in the particular case such fees would be unreasonable or unnecessarily burdensome.

Section 50. Deposit of fees and fines. All fees, civil penalties, and fines collected under this Act shall be deposited into the General Professions Dedicated Fund.

Section 900. The Regulatory Sunset Act is amended by changing Section 4.26 and by adding Section 4.36 as follows:

(5 ILCS 80/4.26)

Sec. 4.26. Acts repealed on January 1, 2016. The following Acts are repealed on January 1, 2016:

The Illinois Athletic Trainers Practice Act.

The Illinois Roofing Industry Licensing Act.

The Illinois Dental Practice Act.

~~The Collection Agency Act.~~

The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985.

The Respiratory Care Practice Act.

The Hearing Instrument Consumer Protection Act.

The Illinois Physical Therapy Act.

The Professional Geologist Licensing Act.

(Source: P.A. 95-331, eff. 8-21-07; 95-876, eff. 8-21-08; 96-1246, eff. 1-1-11.)

(5 ILCS 80/4.36 new)

Sec. 4.36. Act repealed on January 1, 2026. The following Act is repealed on January 1, 2026:

The Collection Agency Act.

Section 905. The Department of Professional Regulation Law of the Civil Administrative Code of Illinois is amended by changing Sections 2105-5, 2105-15, 2105-100, 2105-105, 2105-110, 2105-115, 2105-120, 2105-125, 2105-175, 2105-200, 2105-205, 2105-300, 2105-325, and 2105-400 and by adding Section 2105-117 as follows:

(20 ILCS 2105/2105-5) (was 20 ILCS 2105/60b)

Sec. 2105-5. Definitions. ~~(a)~~ In this Law:

"Address of record" means the designated address recorded by the Department in the applicant's application file or the licensee's license file, as maintained by the Department's licensure maintenance unit.

"Department" means the Division of Professional Regulation of the Department of Financial and Professional Regulation. Any reference in this Article to the "Department of Professional Regulation" shall be deemed to mean the "Division of Professional Regulation of the Department of Financial and Professional Regulation".

"Director" means the Director of Professional Regulation.

~~(b) In the construction of this Section and Sections 2105-15, 2105-100, 2105-105, 2105-110, 2105-115, 2105-120, 2105-125, 2105-175, and 2105-325, the following definitions shall govern unless the context otherwise clearly indicates:~~

"Board" means the board of persons designated for a profession, trade, or occupation under the provisions of any Act now or hereafter in force whereby the jurisdiction of that profession, trade, or occupation is devolved on the Department.

"Certificate" means a license, certificate of registration, permit, or other authority purporting to be issued or conferred by the Department by virtue or authority of which the registrant has or claims the right to engage in a profession, trade, occupation, or operation of which the Department has jurisdiction.

"Registrant" means a person who holds or claims to hold a

certificate.

"Retiree" means a person who has been duly licensed, registered, or certified in a profession regulated by the Department and who chooses to relinquish or not renew his or her license, registration, or certification.

(Source: P.A. 94-452, eff. 1-1-06.)

(20 ILCS 2105/2105-15)

Sec. 2105-15. General powers and duties.

(a) The Department has, subject to the provisions of the Civil Administrative Code of Illinois, the following powers and duties:

(1) To authorize examinations in English to ascertain the qualifications and fitness of applicants to exercise the profession, trade, or occupation for which the examination is held.

(2) To prescribe rules and regulations for a fair and wholly impartial method of examination of candidates to exercise the respective professions, trades, or occupations.

(3) To pass upon the qualifications of applicants for licenses, certificates, and authorities, whether by examination, by reciprocity, or by endorsement.

(4) To prescribe rules and regulations defining, for the respective professions, trades, and occupations, what shall constitute a school, college, or university, or

department of a university, or other institution, reputable and in good standing, and to determine the reputability and good standing of a school, college, or university, or department of a university, or other institution, reputable and in good standing, by reference to a compliance with those rules and regulations; provided, that no school, college, or university, or department of a university, or other institution that refuses admittance to applicants solely on account of race, color, creed, sex, sexual orientation, or national origin shall be considered reputable and in good standing.

(5) To conduct hearings on proceedings to revoke, suspend, refuse to renew, place on probationary status, or take other disciplinary action as authorized in any licensing Act administered by the Department with regard to licenses, certificates, or authorities of persons exercising the respective professions, trades, or occupations and to revoke, suspend, refuse to renew, place on probationary status, or take other disciplinary action as authorized in any licensing Act administered by the Department with regard to those licenses, certificates, or authorities.

The Department shall issue a monthly disciplinary report.

The Department shall deny any license or renewal authorized by the Civil Administrative Code of Illinois to

any person who has defaulted on an educational loan or scholarship provided by or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State; however, the Department may issue a license or renewal if the aforementioned persons have established a satisfactory repayment record as determined by the Illinois Student Assistance Commission or other appropriate governmental agency of this State. Additionally, beginning June 1, 1996, any license issued by the Department may be suspended or revoked if the Department, after the opportunity for a hearing under the appropriate licensing Act, finds that the licensee has failed to make satisfactory repayment to the Illinois Student Assistance Commission for a delinquent or defaulted loan. For the purposes of this Section, "satisfactory repayment record" shall be defined by rule.

The Department shall refuse to issue or renew a license to, or shall suspend or revoke a license of, any person who, after receiving notice, fails to comply with a subpoena or warrant relating to a paternity or child support proceeding. However, the Department may issue a license or renewal upon compliance with the subpoena or warrant.

The Department, without further process or hearings, shall revoke, suspend, or deny any license or renewal authorized by the Civil Administrative Code of Illinois to

a person who is certified by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) as being more than 30 days delinquent in complying with a child support order or who is certified by a court as being in violation of the Non-Support Punishment Act for more than 60 days. The Department may, however, issue a license or renewal if the person has established a satisfactory repayment record as determined by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) or if the person is determined by the court to be in compliance with the Non-Support Punishment Act. The Department may implement this paragraph as added by Public Act 89-6 through the use of emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to implement this paragraph shall be considered an emergency and necessary for the public interest, safety, and welfare.

(6) To transfer jurisdiction of any realty under the control of the Department to any other department of the State Government or to acquire or accept federal lands when the transfer, acquisition, or acceptance is advantageous to the State and is approved in writing by the Governor.

(7) To formulate rules and regulations necessary for the enforcement of any Act administered by the Department.

(8) To exchange with the Department of Healthcare and Family Services information that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984. Notwithstanding any provisions in this Code to the contrary, the Department of Professional Regulation shall not be liable under any federal or State law to any person for any disclosure of information to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) under this paragraph (8) or for any other action taken in good faith to comply with the requirements of this paragraph (8).

(8.5) To accept continuing education credit for mandated reporter training on how to recognize and report child abuse offered by the Department of Children and Family Services and completed by any person who holds a professional license issued by the Department and who is a mandated reporter under the Abused and Neglected Child Reporting Act. The Department shall adopt any rules necessary to implement this paragraph.

(9) To perform other duties prescribed by law.

(a-5) Except in cases involving default on an educational

loan or scholarship provided by or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State or in cases involving delinquency in complying with a child support order or violation of the Non-Support Punishment Act and notwithstanding anything that may appear in any individual licensing Act or administrative rule, no person or entity whose license, certificate, or authority has been revoked as authorized in any licensing Act administered by the Department may apply for restoration of that license, certification, or authority until 3 years after the effective date of the revocation.

(b) The Department may, when a fee is payable to the Department for a wall certificate of registration provided by the Department of Central Management Services, require that portion of the payment for printing and distribution costs be made directly or through the Department to the Department of Central Management Services for deposit into the Paper and Printing Revolving Fund. The remainder shall be deposited into the General Revenue Fund.

(c) For the purpose of securing and preparing evidence, and for the purchase of controlled substances, professional services, and equipment necessary for enforcement activities, recoupment of investigative costs, and other activities directed at suppressing the misuse and abuse of controlled substances, including those activities set forth in Sections 504 and 508 of the Illinois Controlled Substances Act, the

Director and agents appointed and authorized by the Director may expend sums from the Professional Regulation Evidence Fund that the Director deems necessary from the amounts appropriated for that purpose. Those sums may be advanced to the agent when the Director deems that procedure to be in the public interest. Sums for the purchase of controlled substances, professional services, and equipment necessary for enforcement activities and other activities as set forth in this Section shall be advanced to the agent who is to make the purchase from the Professional Regulation Evidence Fund on vouchers signed by the Director. The Director and those agents are authorized to maintain one or more commercial checking accounts with any State banking corporation or corporations organized under or subject to the Illinois Banking Act for the deposit and withdrawal of moneys to be used for the purposes set forth in this Section; provided, that no check may be written nor any withdrawal made from any such account except upon the written signatures of 2 persons designated by the Director to write those checks and make those withdrawals. Vouchers for those expenditures must be signed by the Director. All such expenditures shall be audited by the Director, and the audit shall be submitted to the Department of Central Management Services for approval.

(d) Whenever the Department is authorized or required by law to consider some aspect of criminal history record information for the purpose of carrying out its statutory

powers and responsibilities, then, upon request and payment of fees in conformance with the requirements of Section 2605-400 of the Department of State Police Law (20 ILCS 2605/2605-400), the Department of State Police is authorized to furnish, pursuant to positive identification, the information contained in State files that is necessary to fulfill the request.

(e) The provisions of this Section do not apply to private business and vocational schools as defined by Section 15 of the Private Business and Vocational Schools Act of 2012.

(f) (Blank). ~~Beginning July 1, 1995, this Section does not apply to those professions, trades, and occupations licensed under the Real Estate License Act of 2000, nor does it apply to any permits, certificates, or other authorizations to do business provided for in the Land Sales Registration Act of 1989 or the Illinois Real Estate Time Share Act.~~

(g) Notwithstanding anything that may appear in any individual licensing statute or administrative rule, the Department shall deny any license application or renewal authorized under any licensing Act administered by the Department to any person who has failed to file a return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirement of any such tax Act are satisfied; however, the Department may issue a license or renewal if the person has established a satisfactory

repayment record as determined by the Illinois Department of Revenue. For the purpose of this Section, "satisfactory repayment record" shall be defined by rule.

In addition, a complaint filed with the Department by the Illinois Department of Revenue that includes a certification, signed by its Director or designee, attesting to the amount of the unpaid tax liability or the years for which a return was not filed, or both, is prima facie evidence of the licensee's failure to comply with the tax laws administered by the Illinois Department of Revenue. Upon receipt of that certification, the Department shall, without a hearing, immediately suspend all licenses held by the licensee. Enforcement of the Department's order shall be stayed for 60 days. The Department shall provide notice of the suspension to the licensee by mailing a copy of the Department's order by certified and regular mail to the licensee's last known address as registered with the Department. The notice shall advise the licensee that the suspension shall be effective 60 days after the issuance of the Department's order unless the Department receives, from the licensee, a request for a hearing before the Department to dispute the matters contained in the order.

Any suspension imposed under this subsection (g) shall be terminated by the Department upon notification from the Illinois Department of Revenue that the licensee is in compliance with all tax laws administered by the Illinois Department of Revenue.

The Department may ~~shall~~ promulgate rules for the administration of this subsection (g).

(h) The Department may grant the title "Retired", to be used immediately adjacent to the title of a profession regulated by the Department, to eligible retirees. The use of the title "Retired" shall not constitute representation of current licensure, registration, or certification. Any person without an active license, registration, or certificate in a profession that requires licensure, registration, or certification shall not be permitted to practice that profession.

(i) Within 180 days after December 23, 2009 (the effective date of Public Act 96-852), the Department shall promulgate rules which permit a person with a criminal record, who seeks a license or certificate in an occupation for which a criminal record is not expressly a per se bar, to apply to the Department for a non-binding, advisory opinion to be provided by the Board or body with the authority to issue the license or certificate as to whether his or her criminal record would bar the individual from the licensure or certification sought, should the individual meet all other licensure requirements including, but not limited to, the successful completion of the relevant examinations.

(Source: P.A. 97-650, eff. 2-1-12; 98-756, eff. 7-16-14; 98-850, eff. 1-1-15.)

(20 ILCS 2105/2105-100) (was 20 ILCS 2105/60c)

Sec. 2105-100. Disciplinary action with respect to certificates; notice ~~citation~~; hearing.

(a) Certificates may be revoked, suspended, placed on probationary status, reprimanded, fined, or have other disciplinary action taken with regard to them as authorized in any licensing Act administered by the Department in the manner provided by the Civil Administrative Code of Illinois and not otherwise.

(b) The Department may upon its own motion and shall upon the verified complaint in writing of any person, provided the complaint or the complaint together with evidence, documentary or otherwise, presented in connection with the complaint makes a prima facie case, investigate the actions of any person holding or claiming to hold a certificate.

(c) Before suspending, revoking, placing on probationary status, reprimanding, fining, or taking any other disciplinary action that may be authorized in any licensing Act administered by the Department with regard to any certificate, the Department shall issue a notice informing ~~citation~~ ~~notifying~~ the registrant of the time and place when and where a hearing of the charges shall be had. The notice ~~citation~~ shall contain a statement of the charges or shall be accompanied by a copy of the written complaint if such complaint shall have been filed. The notice ~~citation~~ shall be served on the registrant at least 10 days prior to the date set in the notice ~~citation~~ for the

hearing, either by delivery of the notice ~~citation~~ personally to the registrant or by mailing the notice ~~citation~~ by registered mail to the registrant's address of record ~~last known place of residence~~; provided that in any case where the registrant is now or may hereafter be required by law to maintain a place of business in this State and to notify the Department of the location of that place of business, the notice ~~citation~~ may be served by mailing it by registered mail to the registrant at the place of business last described by the registrant in the notification to the Department.

(d) At the time and place fixed in the notice ~~citation~~, the Department shall proceed to a hearing of the charges. Both the registrant and the complainant shall be accorded ample opportunity to present, in person or by counsel, any statements, testimony, evidence, and argument that may be pertinent to the charges or to any defense to the charges. The Department may continue the hearing from time to time.

(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 2105/2105-105) (was 20 ILCS 2105/60d)

Sec. 2105-105. Oaths; subpoenas; penalty.

(a) The Department, by its Director or a person designated by him or her, is empowered, at any time during the course of any investigation or hearing conducted pursuant to any Act administered by the Department, to administer oaths, subpoena witnesses, take evidence, and compel the production of any

books, papers, records, or any other documents that the Director, or a person designated by him or her, deems relevant or material to any such investigation or hearing conducted by the Department, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State. Discovery or evidence depositions shall not be taken, except by agreement of the Department and registrant.

(b) Any person who, without lawful authority, fails to appear in response to a subpoena or to answer any question or produce any books, papers, records, or any other documents relevant or material to the investigation or hearing is guilty of a Class A misdemeanor. Each violation shall constitute a separate and distinct offense.

In addition to initiating criminal proceedings, the Department, through the Attorney General, may seek enforcement of any such subpoena by any circuit court of this State.

(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 2105/2105-110) (was 20 ILCS 2105/60e)

Sec. 2105-110. Court order requiring attendance of witnesses or production of materials. Any circuit court, upon the application of the registrant ~~or complainant~~ or of the Department, may by order duly entered enforce a subpoena issued by the Department for ~~require~~ the attendance of witnesses and the production of relevant books and papers before the

Department in any hearing relative to the application for refusal to renew, suspension, revocation, placing on probationary status, reprimand, fine, or the taking of any other disciplinary action as may be authorized in any licensing Act administered by the Department with regard to any certificate of registration. The court may compel obedience to its order by proceedings for contempt.

(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 2105/2105-115) (was 20 ILCS 2105/60f)

Sec. 2105-115. Certified shorthand reporter ~~Stenographer~~; transcript. The Department, at its expense, shall provide a certified shorthand reporter ~~stenographer~~ to take down the testimony and preserve a record of all proceedings at the hearing of any case in which a certificate may be revoked, suspended, placed on probationary status, reprimanded, fined, or subjected to other disciplinary action with reference to the certificate when a disciplinary action is authorized in any licensing Act administered by the Department. The notice ~~citation~~, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the board, and the orders of the Department shall be the record of the proceedings. The Department shall furnish ~~a transcript of~~ the record to any person interested in the hearing upon payment therefor of \$1 per page. The Department may contract for court

reporting services, and, in the event it does so, the Department shall provide the name and contact information for the certified shorthand reporter who transcribed the testimony at a hearing to any person interested, who may obtain a copy of the transcript of any proceedings at a hearing upon payment of the fee specified by the certified shorthand reporter. This charge is in addition to any fee charged by the Department for certifying the record.

(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 2105/2105-117 new)

Sec. 2105-117. Confidentiality. All information collected by the Department in the course of an examination or investigation of a licensee, registrant, or applicant, including, but not limited to, any complaint against a licensee or registrant filed with the Department and information collected to investigate any such complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department may not disclose the information to anyone other than law enforcement officials, other regulatory agencies that have an appropriate regulatory interest as determined by the Director, or a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a

licensee or registrant by the Department or any order issued by the Department against a licensee, registrant, or applicant shall be a public record, except as otherwise prohibited by law.

(20 ILCS 2105/2105-120) (was 20 ILCS 2105/60g)

Sec. 2105-120. Board's report; registrant's motion for rehearing.

(a) The board shall present to the Director its written report of its findings and recommendations. A copy of the report shall be served upon the registrant, either personally or by registered mail as provided in Section 2105-100 for the service of the notice ~~citation~~.

(b) Within 20 days after the service required under subsection (a), the registrant may present to the Department a motion in writing for a rehearing. The written motion shall specify the particular grounds for a rehearing. If the registrant orders and pays for a transcript of the record as provided in Section 2105-115, the time elapsing thereafter and before the transcript is ready for delivery to the registrant shall not be counted as part of the 20 days.

(Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16, eff. 6-28-01.)

(20 ILCS 2105/2105-125) (was 20 ILCS 2105/60h)

Sec. 2105-125. Restoration of certificate. At any time

after the successful completion of any term of suspension, revocation, placement on probationary status, or other disciplinary action taken by the Department with reference to any certificate, including payment of any fine, the Department may restore it to the registrant without examination, upon the written recommendation of the appropriate board.

(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 2105/2105-175) (was 20 ILCS 2105/60a in part)

Sec. 2105-175. Reexaminations or rehearings. Whenever the Director is satisfied that substantial justice has not been done either in an examination or in the revocation of, refusal to renew, suspension, placing on probationary status, reprimanding, fining, or taking of other disciplinary action as may be authorized in any licensing Act administered by the Department with regard to a license, certificate, or authority, the Director may order reexaminations or rehearings by the same or other examiners or hearing officers.

(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 2105/2105-200) (was 20 ILCS 2105/60.1)

Sec. 2105-200. Index of formal decisions regarding disciplinary action. The Department shall maintain an index of formal decisions regarding the issuance of or refusal to issue licenses, the renewal of or refusal to renew licenses, the revocation or suspension of licenses, and probationary or other

disciplinary action taken by the Department after August 31, 1971 (the effective date of Public Act 77-1400). ~~The decisions shall be indexed according to the statutory Section and the administrative regulation, if any, that is the basis for the decision.~~ The index shall be available to the public during regular business hours.

(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 2105/2105-205) (was 20 ILCS 2105/60.3)

Sec. 2105-205. Publication of disciplinary actions. The Department shall publish on its website, at least monthly, final disciplinary actions taken by the Department against a licensee or applicant pursuant to any licensing Act administered by the Department ~~the Medical Practice Act of 1987~~. The specific disciplinary action and the name of the applicant or licensee shall be listed. ~~This publication shall be made available to the public upon request and payment of the fees set by the Department. This publication may be made available to the public on the Internet through the State of Illinois World Wide Web site.~~

(Source: P.A. 90-14, eff. 7-1-97; 91-239, eff. 1-1-00.)

(20 ILCS 2105/2105-300) (was 20 ILCS 2105/61e)

Sec. 2105-300. Professions Indirect Cost Fund; allocations; analyses.

(a) Appropriations for the direct and allocable indirect

costs of licensing and regulating each regulated profession, trade, occupation, or industry are intended to be payable from the fees and fines that are assessed and collected from that profession, trade, occupation, or industry, to the extent that those fees and fines are sufficient. In any fiscal year in which the fees and fines generated by a specific profession, trade, occupation, or industry are insufficient to finance the necessary direct and allocable indirect costs of licensing and regulating that profession, trade, occupation, or industry, the remainder of those costs shall be financed from appropriations payable from revenue sources other than fees and fines. The direct and allocable indirect costs of the Department identified in its cost allocation plans that are not attributable to the licensing and regulation of a specific profession, trade, or occupation, or industry or group of professions, trades, occupations, or industries shall be financed from appropriations from revenue sources other than fees and fines.

(b) The Professions Indirect Cost Fund is hereby created as a special fund in the State Treasury. Except as provided in subsection (e), the Fund may receive transfers of moneys authorized by the Department from the cash balances in special funds that receive revenues from the fees and fines associated with the licensing of regulated professions, trades, occupations, and industries by the Department. ~~For purposes of this Section only, until June 30, 2010, the Fund may also~~

~~receive transfers of moneys authorized by the Department from the cash balances in special funds that receive revenues from the fees and fines associated with the licensing of regulated professions, trades, occupations, and industries by the Department of Insurance.~~ Moneys in the Fund shall be invested and earnings on the investments shall be retained in the Fund. Subject to appropriation, the Department shall use moneys in the Fund to pay the ordinary and necessary allocable indirect expenses associated with each of the regulated professions, trades, occupations, and industries.

(c) Before the beginning of each fiscal year, the Department shall prepare a cost allocation analysis to be used in establishing the necessary appropriation levels for each cost purpose and revenue source. At the conclusion of each fiscal year, the Department shall prepare a cost allocation analysis reflecting the extent of the variation between how the costs were actually financed in that year and the planned cost allocation for that year. Variations between the planned and actual cost allocations for the prior fiscal year shall be adjusted into the Department's planned cost allocation for the next fiscal year.

Each cost allocation analysis shall separately identify the direct and allocable indirect costs of each regulated profession, trade, occupation, or industry and the costs of the Department's general public health and safety purposes. The analyses shall determine whether the direct and allocable

indirect costs of each regulated profession, trade, occupation, or industry and the costs of the Department's general public health and safety purposes are sufficiently financed from their respective funding sources. The Department shall prepare the cost allocation analyses in consultation with the respective regulated professions, trades, occupations, and industries and shall make copies of the analyses available to them in a timely fashion. ~~For purposes of this Section only, until June 30, 2010, the Department shall include in its cost allocation analysis the direct and allocable indirect costs of each regulated profession, trade, occupation, or industry and the costs of the general public health and safety purposes of the Department of Insurance.~~

(d) Except as provided in subsection (e), the Department may direct the State Comptroller and Treasurer to transfer moneys from the special funds that receive fees and fines associated with regulated professions, trades, occupations, and industries into the Professions Indirect Cost Fund in accordance with the Department's cost allocation analysis plan for the applicable fiscal year. For a given fiscal year, the Department shall not direct the transfer of moneys under this subsection from a special fund associated with a specific regulated profession, trade, occupation, or industry (or group of professions, trades, occupations, or industries) in an amount exceeding the allocable indirect costs associated with that profession, trade, occupation, or industry (or group of

professions, trades, occupations, or industries) as provided in the cost allocation analysis for that fiscal year and adjusted for allocation variations from the prior fiscal year. No direct costs identified in the cost allocation plan shall be used as a basis for transfers into the Professions Indirect Cost Fund or for expenditures from the Fund.

(e) No transfer may be made to the Professions Indirect Cost Fund under this Section from the Public Pension Regulation Fund.

(Source: P.A. 95-950, eff. 8-29-08; 96-45, eff. 7-15-09.)

(20 ILCS 2105/2105-325) (was 20 ILCS 2105/60a in part)

Sec. 2105-325. Board member expenses ~~compensation~~. Except as otherwise provided in any licensing Act, from amounts appropriated for ~~compensation and~~ expenses of boards, each member of each board shall ~~receive compensation at a rate, established by the Director, not to exceed \$50 per day, for the member's service and shall~~ be reimbursed for the member's expenses necessarily incurred in relation to that service in accordance with the travel regulations applicable to the Department at the time the expenses are incurred.

(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 2105/2105-400)

Sec. 2105-400. Emergency Powers.

(a) Upon proclamation of a disaster by the Governor, as

provided for in the Illinois Emergency Management Agency Act, the Secretary of Financial and Professional Regulation shall have the following powers, which shall be exercised only in coordination with the Illinois Emergency Management Agency and the Department of Public Health:

(1) The power to suspend the requirements for permanent or temporary licensure of persons who are licensed in another state and are working under the direction of the Illinois Emergency Management Agency and the Department of Public Health pursuant to a declared disaster.

(2) The power to modify the scope of practice restrictions under any licensing act administered by the Department for any person working under the direction of the Illinois Emergency Management Agency and the Illinois Department of Public Health pursuant to the declared disaster.

(3) The power to expand the exemption in Section 4(a) of the Pharmacy Practice Act to those licensed professionals whose scope of practice has been modified, under paragraph (2) of subsection (a) of this Section, to include any element of the practice of pharmacy as defined in the Pharmacy Practice Act for any person working under the direction of the Illinois Emergency Management Agency and the Illinois Department of Public Health pursuant to the declared disaster.

(b) Persons exempt from licensure under paragraph (1) of

subsection (a) of this Section and persons operating under modified scope of practice provisions under paragraph (2) of subsection (a) of this Section shall be exempt from licensure or be subject to modified scope of practice only until the declared disaster has ended as provided by law. For purposes of this Section, persons working under the direction of an emergency services and disaster agency accredited by the Illinois Emergency Management Agency and a local public health department, pursuant to a declared disaster, shall be deemed to be working under the direction of the Illinois Emergency Management Agency and the Department of Public Health.

(c) The Secretary or the Director, as his or her designee, shall exercise these powers by way of proclamation.

(Source: P.A. 94-733, eff. 4-27-06; 95-689, eff. 10-29-07.)

(20 ILCS 2105/2105-150 rep.)

(20 ILCS 2105/2105-350 rep.)

Section 910. The Department of Professional Regulation Law of the Civil Administrative Code of Illinois is amended by repealing Sections 2105-150 and 2105-350.

Section 915. The Clinical Psychologist Licensing Act is amended by changing Section 3 and by adding Section 24.2 as follows:

(225 ILCS 15/3) (from Ch. 111, par. 5353)

(Section scheduled to be repealed on January 1, 2017)

Sec. 3. Necessity of license; corporations, professional limited liability companies, partnerships, and associations; display of license.

(a) No individual, partnership, association or corporation shall, without a valid license as a clinical psychologist issued by the Department, in any manner hold himself or herself out to the public as a psychologist or clinical psychologist under the provisions of this Act or render or offer to render clinical psychological services as defined in paragraph 7 of Section 2 of this Act; or attach the title "clinical psychologist", "psychologist" or any other name or designation which would in any way imply that he or she is able to practice as a clinical psychologist; or offer to render or render, to individuals, corporations or the public, clinical psychological services as defined in paragraph 7 of Section 2 of this Act.

No person may engage in the practice of clinical psychology, as defined in paragraph (5) of Section 2 of this Act, without a license granted under this Act, except as otherwise provided in this Act.

(b) No association or partnership shall be granted a license and no professional limited liability company shall provide, attempt to provide, or offer to provide clinical psychological services unless every member, partner, and employee of the association, ~~or partnership,~~ or professional

limited liability company who renders clinical psychological services holds a currently valid license issued under this Act. No license shall be issued by the Department to a corporation that (i) has a stated purpose that includes clinical psychology, or (ii) practices or holds itself out as available to practice clinical psychology, unless it is organized under the Professional Service Corporation Act.

(c) Individuals, corporations, professional limited liability companies, partnerships, and associations may employ practicum students, interns or postdoctoral candidates seeking to fulfill educational requirements or the professional experience requirements needed to qualify for a license as a clinical psychologist to assist in the rendering of services, provided that such employees function under the direct supervision, order, control and full professional responsibility of a licensed clinical psychologist in the corporation, professional limited liability company, partnership, or association. Nothing in this paragraph shall prohibit a corporation, professional limited liability company, partnership, or association from contracting with a licensed health care professional to provide services.

(c-5) Nothing in this Act shall preclude individuals licensed under this Act from practicing directly or indirectly for a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987 or for any legal entity as provided under subsection (c) of Section 22.2

of the Medical Practice Act of 1987.

Nothing in this Act shall preclude individuals licensed under this Act from practicing directly or indirectly for any hospital licensed under the Hospital Licensing Act or any hospital affiliate as defined in Section 10.8 of the Hospital Licensing Act and any hospital authorized under the University of Illinois Hospital Act.

(d) Nothing in this Act shall prevent the employment, by a clinical psychologist, individual, association, partnership, professional limited liability company, or ~~a~~ corporation furnishing clinical psychological services for remuneration, of persons not licensed as clinical psychologists under the provisions of this Act to perform services in various capacities as needed, provided that such persons are not in any manner held out to the public as rendering clinical psychological services as defined in paragraph 7 of Section 2 of this Act. Nothing contained in this Act shall require any hospital, clinic, home health agency, hospice, or other entity that provides health care services to employ or to contract with a clinical psychologist licensed under this Act to perform any of the activities under paragraph (5) of Section 2 of this Act.

(e) Nothing in this Act shall be construed to limit the services and use of official title on the part of a person, not licensed under the provisions of this Act, in the employ of a State, county or municipal agency or other political

subdivision insofar that such services are a part of the duties in his or her salaried position, and insofar that such services are performed solely on behalf of his or her employer.

Nothing contained in this Section shall be construed as permitting such person to offer their services as psychologists to any other persons and to accept remuneration for such psychological services other than as specifically excepted herein, unless they have been licensed under the provisions of this Act.

(f) Duly recognized members of any bonafide religious denomination shall not be restricted from functioning in their ministerial capacity provided they do not represent themselves as being clinical psychologists or providing clinical psychological services.

(g) Nothing in this Act shall prohibit individuals not licensed under the provisions of this Act who work in self-help groups or programs or not-for-profit organizations from providing services in those groups, programs, or organizations, provided that such persons are not in any manner held out to the public as rendering clinical psychological services as defined in paragraph 7 of Section 2 of this Act.

(h) Nothing in this Act shall be construed to prevent a person from practicing hypnosis without a license issued under this Act provided that the person (1) does not otherwise engage in the practice of clinical psychology including, but not limited to, the independent evaluation, classification, and

treatment of mental, emotional, behavioral, or nervous disorders or conditions, developmental disabilities, alcoholism and substance abuse, disorders of habit or conduct, the psychological aspects of physical illness, (2) does not otherwise engage in the practice of medicine including, but not limited to, the diagnosis or treatment of physical or mental ailments or conditions, and (3) does not hold himself or herself out to the public by a title or description stating or implying that the individual is a clinical psychologist or is licensed to practice clinical psychology.

(i) Every licensee under this Act shall prominently display the license at the licensee's principal office, place of business, or place of employment and, whenever requested by any representative of the Department, must exhibit the license.

(Source: P.A. 94-870, eff. 6-16-06.)

(225 ILCS 15/24.2 new)

Sec. 24.2. Confidentiality. All information collected by the Department in the course of an examination or investigation of a licensee or applicant, including, but not limited to, any complaint against a licensee filed with the Department and information collected to investigate any such complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department may not disclose the information to anyone other than law enforcement officials, other regulatory agencies that have an appropriate regulatory

interest as determined by the Secretary, or a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a licensee by the Department or any order issued by the Department against a licensee or applicant shall be a public record, except as otherwise prohibited by law.

Section 920. The Clinical Social Work and Social Work Practice Act is amended by changing Section 10 and by adding Section 34.1 as follows:

(225 ILCS 20/10) (from Ch. 111, par. 6360)

(Section scheduled to be repealed on January 1, 2018)

Sec. 10. License restrictions and limitations.

(a) No person shall, without a license as a social worker issued by the Department: (i) in any manner hold himself or herself out to the public as a social worker under this Act; (ii) use the title "social worker" or "licensed social worker"; or (iii) offer to render to individuals, corporations, or the public social work services if the words "social work" or "licensed social worker" are used to describe the person offering to render or rendering the services or to describe the services rendered or offered to be rendered.

(b) No person shall, without a license as a clinical social

worker issued by the Department: (i) in any manner hold himself or herself out to the public as a clinical social worker or licensed clinical social worker under this Act; (ii) use the title "clinical social worker" or "licensed clinical social worker"; or (iii) offer to render to individuals, corporations, or the public clinical social work services if the words "licensed clinical social worker" or "clinical social work" are used to describe the person to render or rendering the services or to describe the services rendered or offered to be rendered.

(c) Licensed social workers may not engage in independent practice of clinical social work without a clinical social worker license. In independent practice, a licensed social worker shall practice at all times under the order, control, and full professional responsibility of a licensed clinical social worker, a licensed clinical psychologist, or a psychiatrist, as defined in Section 1-121 of the Mental Health and Developmental Disabilities Code.

(d) No association, ~~or~~ partnership, or professional limited liability company shall provide, attempt to provide, or offer to provide social work or clinical social work services ~~be granted a license~~ unless every member, partner, and employee of the association, ~~or~~ partnership, or professional limited liability company who practices social work or clinical social work<sub>7</sub> or who renders social work or clinical social work services<sub>7</sub> holds a current license issued under this Act. No business shall provide, attempt to provide, or offer to provide

~~social work or clinical social work services license shall be issued to a corporation, the stated purpose of which includes or that practices or holds itself out as available to practice social work or clinical social work~~ unless it is organized under the Professional Service Corporation Act, the Medical Corporation Act, or the Professional Limited Liability Company Act.

(e) Nothing in this Act shall preclude individuals licensed under this Act from practicing directly or indirectly for a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987 or for any legal entity as provided under subsection (c) of Section 22.2 of the Medical Practice Act of 1987.

Nothing in this Act shall preclude individuals licensed under this Act from practicing directly or indirectly for any hospital licensed under the Hospital Licensing Act or any hospital affiliate as defined in Section 10.8 of the Hospital Licensing Act and any hospital authorized under the University of Illinois Hospital Act.

(Source: P.A. 90-150, eff. 12-30-97.)

(225 ILCS 20/34.1 new)

Sec. 34.1. Confidentiality. All information collected by the Department in the course of an examination or investigation of a licensee or applicant, including, but not limited to, any complaint against a licensee filed with the Department and

information collected to investigate any such complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department may not disclose the information to anyone other than law enforcement officials, other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a licensee by the Department or any order issued by the Department against a licensee or applicant shall be a public record, except as otherwise prohibited by law.

(225 ILCS 20/18 rep.)

Section 925. The Clinical Social Work and Social Work Practice Act is amended by repealing Section 18.

Section 930. The Marriage and Family Therapy Licensing Act is amended by changing Section 75 and by adding Section 156 as follows:

(225 ILCS 55/75) (from Ch. 111, par. 8351-75)

(Section scheduled to be repealed on January 1, 2018)

Sec. 75. License restrictions and limitations. ~~Practice by corporations.~~ No association, partnership, or professional

limited liability company shall provide, attempt to provide, or offer to provide marriage and family therapy services unless every member, partner, and employee of the association, partnership, or professional limited liability company who practices marriage and family therapy or who renders marriage and family therapy services holds a current license issued under this Act. No business shall provide, attempt to provide, or offer to provide ~~license shall be issued by the Department to any corporation (i) that has a stated purpose that includes, or (ii) that practices or holds itself out as available to practice,~~ marriage and family therapy services, unless it is organized under the Professional Service Corporation Act or Professional Limited Liability Company Act. Nothing in this Act shall preclude individuals licensed under this Act from practicing directly or indirectly for a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987 or for any legal entity as provided under subsection (c) of Section 22.2 of the Medical Practice Act of 1987.

(Source: P.A. 87-783.)

(225 ILCS 55/156 new)

Sec. 156. Confidentiality. All information collected by the Department in the course of an examination or investigation of a licensee or applicant, including, but not limited to, any complaint against a licensee filed with the Department and

information collected to investigate any such complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department may not disclose the information to anyone other than law enforcement officials, other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a licensee by the Department or any order issued by the Department against a licensee or applicant shall be a public record, except as otherwise prohibited by law.

Section 935. The Professional Counselor and Clinical Professional Counselor Licensing and Practice Act is amended by changing Section 20 as follows:

(225 ILCS 107/20)

(Section scheduled to be repealed on January 1, 2023)

Sec. 20. Restrictions and limitations.

(a) No person shall, without a valid license as a professional counselor issued by the Department: (i) in any manner hold himself or herself out to the public as a professional counselor under this Act; (ii) attach the title "professional counselor" or "licensed professional counselor";

or (iii) offer to render or render to individuals, corporations, or the public professional counseling services.

(b) No person shall, without a valid license as a clinical professional counselor issued by the Department: (i) in any manner hold himself or herself out to the public as a clinical professional counselor or licensed clinical professional counselor under this Act; (ii) attach the title "clinical professional counselor" or "licensed clinical professional counselor"; or (iii) offer to render to individuals, corporations, or the public clinical professional counseling services.

(c) (Blank).

(d) No association, limited liability company, professional limited liability company, or partnership shall provide, attempt to provide, or offer to provide ~~practice~~ clinical professional counseling or professional counseling services unless every member, partner, and employee of the association, limited liability company, professional limited liability company, or partnership who practices professional counseling or clinical professional counseling, or who renders professional counseling or clinical professional counseling services, holds a currently valid license issued under this Act. No business shall provide, attempt to provide, or offer to provide ~~license shall be issued to a corporation, the stated purpose of which includes or which practices or which holds itself out as available to practice~~ professional counseling or

clinical professional counseling services unless it is organized under the Professional Service Corporation Act or Professional Limited Liability Company Act.

(d-5) Nothing in this Act shall preclude individuals licensed under this Act from practicing directly or indirectly for a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987 or for any legal entity as provided under subsection (c) of Section 22.2 of the Medical Practice Act of 1987.

(e) Nothing in this Act shall be construed as permitting persons licensed as professional counselors or clinical professional counselors to engage in any manner in the practice of medicine in all its branches as defined by law in this State.

(f) When, in the course of providing professional counseling or clinical professional counseling services to any person, a professional counselor or clinical professional counselor licensed under this Act finds indication of a disease or condition that in his or her professional judgment requires professional service outside the scope of practice as defined in this Act, he or she shall refer that person to a physician licensed to practice medicine in all of its branches or another appropriate health care practitioner.

(Source: P.A. 97-706, eff. 6-25-12.)

Section 940. The Sex Offender Evaluation and Treatment

Provider Act is amended by changing Section 40 as follows:

(225 ILCS 109/40)

Sec. 40. Application; exemptions.

(a) No person may act as a sex offender evaluator, sex offender treatment provider, or associate sex offender provider as defined in this Act for the provision of sex offender evaluations or sex offender treatment pursuant to the Sex Offender Management Board Act, the Sexually Dangerous Persons Act, or the Sexually Violent Persons Commitment Act unless the person is licensed to do so by the Department. Any evaluation or treatment services provided by a licensed health care professional not licensed under this Act shall not be valid under the Sex Offender Management Board Act, the Sexually Dangerous Persons Act, or the Sexually Violent Persons Commitment Act. No business shall provide, attempt to provide, or offer to provide sex offender evaluation services unless it is organized under the Professional Service Corporation Act, the Medical Corporation Act, or the Professional Limited Liability Company Act.

(b) Nothing in this Act shall be construed to require any licensed physician, advanced practice nurse, physician assistant, or other health care professional to be licensed under this Act for the provision of services for which the person is otherwise licensed. This Act does not prohibit a person licensed under any other Act in this State from engaging

in the practice for which he or she is licensed. This Act only applies to the provision of sex offender evaluations or sex offender treatment provided for the purposes of complying with the Sex Offender Management Board Act, the Sexually Dangerous Persons Act, or the Sexually Violent Persons Commitment Act.

(Source: P.A. 97-1098, eff. 7-1-13.)

Section 945. The Collection Agency Act is amended by changing Sections 2, 2.03, 2.04, 3, 4, 4.5, 5, 7, 8, 8a, 8b, 8c, 9, 9.1, 9.2, 9.3, 9.4, 9.5, 9.7, 9.22, 11, 13.1, 13.2, 14a, 14b, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27 and by adding Sections 30, 35, 40, 45, 50, and 55 as follows:

(225 ILCS 425/2) (from Ch. 111, par. 2002)

(Section scheduled to be repealed on January 1, 2016)

Sec. 2. Definitions. In this Act:

"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file as maintained by the Department's licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address and those changes must be made either through the Department's website or by contacting the Department.

"Board" means the Collection Agency Licensing and Disciplinary Board.

"Charge-off balance" means an account principal and other

legally collectible costs, expenses, and interest accrued prior to the charge-off date, less any payments or settlement.

"Charge-off date" means the date on which a receivable is treated as a loss or expense.

"Credit ~~Consumer credit~~ transaction" means a transaction between a natural person and another person in which property, service, or money is acquired on credit by that natural person from such other person primarily for personal, family, or household purposes.

~~"Consumer debt" or "consumer credit" means money, property, or their equivalent, due or owing or alleged to be due or owing from a natural person by reason of a consumer credit transaction.~~

"Creditor" means a person who extends consumer credit to a debtor.

"Current balance" means the charge-off balance plus any legally collectible costs, expenses, and interest, less any credits or payments.

"Debt" means money, property, or their equivalent which is due or owing or alleged to be due or owing from a ~~natural~~ person to another person.

"Debt buyer" means a person or entity that is engaged in the business of purchasing delinquent or charged-off consumer loans or consumer credit accounts or other delinquent consumer debt for collection purposes, whether it collects the debt itself or hires a third-party for collection or an

attorney-at-law for litigation in order to collect such debt.

~~"Debt collection" means any act or practice in connection with the collection of consumer debts.~~

~~"Debt collector", "collection agency", or "agency" means any person who, in the ordinary course of business, regularly, on behalf of himself or herself or others, engages in debt collection.~~

"Debtor" means a ~~natural~~ person from whom a collection agency ~~debt collector~~ seeks to collect a consumer or commercial debt that is due and owing or alleged to be due and owing from such person.

"Department" means ~~Division of Professional Regulation within~~ the Department of Financial and Professional Regulation.

~~"Director" means the Director of the Division of Professional Regulation within the Department of Financial and Professional Regulation.~~

"Person" means a natural person, partnership, corporation, limited liability company, trust, estate, cooperative, association, or other similar entity.

"Licensed collection agency" means a person who is licensed under this Act to engage in the practice of debt collection in Illinois.

"Secretary" means the Secretary of Financial and Professional Regulation.

(Source: P.A. 97-1070, eff. 1-1-13.)

(225 ILCS 425/2.03) (from Ch. 111, par. 2005)

(Section scheduled to be repealed on January 1, 2016)

Sec. 2.03. Exemptions. This Act does not apply to persons whose collection activities are confined to and are directly related to the operation of a business other than that of a collection agency, and specifically does not include the following:

1. Banks, including trust departments, affiliates, and subsidiaries thereof, fiduciaries, and financing and lending institutions (except those who own or operate collection agencies);

2. Abstract companies doing an escrow business;

3. Real estate brokers when acting in the pursuit of their profession;

4. Public officers and judicial officers acting under order of a court;

5. Licensed attorneys at law;

6. Insurance companies;

7. Credit unions, including affiliates and subsidiaries thereof (except those who own or operate collection agencies);

8. Loan and finance companies, including entities licensed pursuant to the Residential Mortgage License Act of 1987;

9. Retail stores collecting their own accounts;

10. Unit Owner's Associations established under the Condominium Property Act, and their duly authorized agents, when collecting assessments from unit owners; and

11. Any person or business under contract with a creditor to notify the creditor's debtors of a debt using only the creditor's name.

(Source: P.A. 95-437, eff. 1-1-08.)

(225 ILCS 425/2.04) (from Ch. 111, par. 2005.1)

(Section scheduled to be repealed on January 1, 2016)

Sec. 2.04. Child support debt ~~indebtedness~~.

(a) Collection agencies ~~Persons, associations, partnerships, corporations, or other legal entities~~ engaged in the business of collecting child support debt ~~indebtedness~~ owing under a court order as provided under the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, ~~the Non-Support of Spouse and Children Act,~~ the Non-Support Punishment Act, the Illinois Parentage Act of 1984, or similar laws of other states are not restricted (i) in the frequency of contact with an obligor who is in arrears, whether by phone, mail, or other means, (ii) from contacting the employer of an obligor who is in arrears, (iii) from publishing or threatening to publish a list of obligors in arrears, (iv) from disclosing or threatening to disclose an arrearage that the obligor disputes, but for which a verified notice of delinquency has been served under the Income Withholding for

Support Act (or any of its predecessors, Section 10-16.2 of the Illinois Public Aid Code, Section 706.1 of the Illinois Marriage and Dissolution of Marriage Act, Section 22 ~~4.1~~ of the Non-Support Punishment ~~of Spouse and Children~~ Act, Section 26.1 of the Revised Uniform Reciprocal Enforcement of Support Act, or Section 20 of the Illinois Parentage Act of 1984), or (v) from engaging in conduct that would not cause a reasonable person mental or physical illness. For purposes of this subsection, "obligor" means an individual who owes a duty to make periodic payments, under a court order, for the support of a child. "Arrearage" means the total amount of an obligor's unpaid child support obligations.

(a-5) A collection agency may not impose a fee or charge, including costs, for any child support payments collected through the efforts of a federal, State, or local government agency, including but not limited to child support collected from federal or State tax refunds, unemployment benefits, or Social Security benefits.

No collection agency that collects child support payments shall (i) impose a charge or fee, including costs, for collection of a current child support payment, (ii) fail to apply collections to current support as specified in the order for support before applying collection to arrears or other amounts, or (iii) designate a current child support payment as arrears or other amount owed. In all circumstances, the collection agency shall turn over to the obligee all support

collected in a month up to the amount of current support required to be paid for that month.

As to any fees or charges, including costs, retained by the collection agency, that agency shall provide documentation to the obligee demonstrating that the child support payments resulted from the actions of the agency.

After collection of the total amount or arrearage, including statutory interest, due as of the date of execution of the collection contract, no further fees may be charged.

(a-10) The Department ~~of Professional Regulation~~ shall determine a fee rate of not less than 25% but not greater than 35%, based upon presentation by the licensees as to costs to provide the service and a fair rate of return. This rate shall be established by administrative rule.

Without prejudice to the determination by the Department of the appropriate rate through administrative rule, a collection agency shall impose a fee of not more than 29% of the amount of child support actually collected by the collection agency subject to the provisions of subsection (a-5). This interim rate is based upon the March 2002 General Account Office report "Child Support Enforcement", GAO-02-349. This rate shall apply until a fee rate is established by administrative rule.

(b) The Department shall adopt rules necessary to administer and enforce the provisions of this Section.

(Source: P.A. 93-896, eff. 8-10-04; 94-414, eff. 12-31-05.)

(225 ILCS 425/3) (from Ch. 111, par. 2006)

(Section scheduled to be repealed on January 1, 2016)

Sec. 3. A person, ~~association, partnership, corporation,~~  
~~or other legal entity~~ acts as a collection agency when he, she,  
or it:

(a) Engages in the business of collection for others of  
any account, bill or other debt ~~indebtedness~~;

(b) Receives, by assignment or otherwise, accounts,  
bills, or other debt ~~indebtedness~~ from any person owning or  
controlling 20% or more of the business receiving the  
assignment, with the purpose of collecting monies due on  
such account, bill or other debt ~~indebtedness~~;

(c) Sells or attempts to sell, or gives away or  
attempts to give away to any other person, other than one  
licensed ~~registered~~ under this Act, any system of  
collection, letters, demand forms, or other printed matter  
where the name of any person, other than that of the  
creditor, appears in such a manner as to indicate, directly  
or indirectly, that a request or demand is being made by  
any person other than the creditor for the payment of the  
sum or sums due or asserted to be due;

(d) Buys accounts, bills or other debt ~~indebtedness~~ and  
~~engages in collecting the same; or~~

(e) Uses a fictitious name in collecting its own  
accounts, bills, or debts with the intention of conveying  
to the debtor that a third party has been employed to make

such collection; or -

(f) Engages in the business of collection of a check or other payment that is returned unpaid by the financial institution upon which it is drawn.

(Source: P.A. 94-414, eff. 12-31-05; 95-437, eff. 1-1-08.)

(225 ILCS 425/4) (from Ch. 111, par. 2007)

(Section scheduled to be repealed on January 1, 2016)

Sec. 4. No collection agency shall operate in this State, directly or indirectly engage in the business of collecting debt, solicit debt claims for others, have a sales office, a client, or solicit a client in this State, exercise the right to collect, or receive payment for another of any debt account, ~~bill or other indebtedness~~, without obtaining a license registering under this Act except that no collection agency shall be required to be licensed ~~or maintain an established business address in this State~~ if the agency's activities in this State are limited to collecting debts from debtors located in this State by means of interstate communication, including telephone, mail, or facsimile transmission, electronic mail, or any other Internet communication from the agency's location in another state provided they are licensed in that state and these same privileges are permitted in that licensed state to agencies licensed in Illinois.

(Source: P.A. 88-363; 89-387, eff. 1-1-96.)

(225 ILCS 425/4.5)

(Section scheduled to be repealed on January 1, 2016)

Sec. 4.5. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a collection agency without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 ~~\$5,000~~ for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all unlicensed activity. In addition to taking any other action provided under this Act, whenever the Department has reason to believe a person, ~~association,~~ ~~partnership, corporation, or other legal entity~~ has violated any provision of subsection (a) of this Section, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person, ~~association,~~ ~~partnership, corporation, or other legal entity~~. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(d) All moneys collected under this Section shall be deposited into the General Professions Dedicated Fund.

(Source: P.A. 94-414, eff. 12-31-05.)

(225 ILCS 425/5) (from Ch. 111, par. 2008)

(Section scheduled to be repealed on January 1, 2016)

Sec. 5. Application for original license. Application for an original license ~~registration~~ shall be made to the Secretary ~~Director~~ on forms provided by the Department, shall be accompanied by the required fee and shall state:

(1) the applicant's name and address;

(2) the names and addresses of the officers of the collection agency and, if the collection agency is a corporation, the names and addresses of all persons owning 10% or more of the stock of such corporation, if the collection agency is a partnership, the names and addresses of all partners of the partnership holding a 10% or more interest in the partnership, ~~and,~~ if the collection agency is a limited liability company, the names and addresses of all members holding 10% or more interest in the limited liability company, and if the collection agency is any

other legal business entity, the names and addresses of all persons owning 10% or more interest in the entity; and

(3) such other information as the Department may deem necessary.

(Source: P.A. 94-414, eff. 12-31-05.)

(225 ILCS 425/7) (from Ch. 111, par. 2010)

(Section scheduled to be repealed on January 1, 2016)

Sec. 7. Qualifications for license. In order to be qualified to obtain a license or a renewal license ~~certificate or a renewal certificate~~ under this Act, a collection agency's officers shall:

(a) be of good moral character and of the age of 18 years or more;

(b) (blank); and ~~have had at least one year experience working in the credit field or a related area, or be qualified for an original license under Section 6 (c) of this Act;~~

(c) have an acceptable credit rating, have no unsatisfied judgments; and not have been officers and owners of 10% or more interest of a former licensee or registrant under this Act whose licenses or certificates were suspended or revoked without subsequent reinstatement.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 425/8) (from Ch. 111, par. 2011)

(Section scheduled to be repealed on January 1, 2016)

Sec. 8. Bond requirement. ~~A Before issuing a certificate or renewing one, the Director shall require each~~ collection agency shall be required to file and maintain in force a surety bond, issued by an insurance company authorized to transact fidelity and surety business in the State of Illinois. The bond shall be for the benefit of creditors who obtain a judgment from a court of competent jurisdiction based on the failure of the agency to remit money collected on account and owed to the creditor. No action on the bond shall be commenced more than one year after the creditor obtains a judgment against the collection agency from a court of competent jurisdiction. The bond shall be in the form prescribed by the Secretary ~~Director~~ in the sum of \$25,000. The bond shall be continuous in form and run concurrently with the original and each renewal license period unless terminated by the insurance company. An insurance company may terminate a bond and avoid further liability by filing a 60-day notice of termination with the Department and at the same time sending the same notice to the agency. A license ~~certificate of registration~~ shall be cancelled on the termination date of the agency's bond unless a new bond is filed with the Department to become effective at the termination date of the prior bond. If a license ~~certificate of registration~~ has been cancelled under this Section, the agency must file a new application and will be considered a new applicant if it obtains a new bond.

(Source: P.A. 84-242.)

(225 ILCS 425/8a) (from Ch. 111, par. 2011a)

(Section scheduled to be repealed on January 1, 2016)

Sec. 8a. Fees.

(a) ~~The Department shall provide by rule for a schedule of~~ fees for the administration and enforcement of this Act, including but not limited to original licensure, renewal, and restoration, shall be set by the Department by rule. The fees shall be nonrefundable.

(b) All fees collected under this Act shall be deposited into the General Professions Dedicated Fund and shall be appropriated to the Department for the ordinary and contingent expenses of the Department in the administration of this Act.

(Source: P.A. 91-454, eff. 1-1-00.)

(225 ILCS 425/8b) (from Ch. 111, par. 2011b)

(Section scheduled to be repealed on January 1, 2016)

Sec. 8b. Assignment for collection. An account may be assigned to a collection agency for collection with title passing to the collection agency to enable collection of the account in the agency's name as assignee for the creditor provided:

(a) The assignment is manifested by a written agreement, separate from and in addition to any document intended for the purpose of listing a debt with a collection agency. The document manifesting the assignment shall specifically state

and include:

- (i) the effective date of the assignment; and
- (ii) the consideration for the assignment.

(b) The consideration for the assignment may be paid or given either before or after the effective date of the assignment. The consideration may be contingent upon the settlement or outcome of litigation and if the debt claim being assigned has been listed with the collection agency as an account for collection, the consideration for assignment may be the same as the fee for collection.

(c) All assignments shall be voluntary and properly executed and acknowledged by the corporate authority or individual transferring title to the collection agency before any action can be taken in the name of the collection agency.

(d) No assignment shall be required by any agreement to list a debt with a collection agency as an account for collection.

(e) No litigation shall commence in the name of the licensee as plaintiff unless: (i) there is an assignment of the account that satisfies the requirements of this Section and (ii) the licensee is represented by a licensed attorney at law.

(f) If a collection agency takes assignments of accounts from 2 or more creditors against the same debtor and commences litigation against that debtor in a single action, in the name of the collection agency, then (i) the complaint must be stated in separate counts for each assignment and (ii) the debtor has

an absolute right to have any count severed from the rest of the action.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 425/8c) (from Ch. 111, par. 2011c)

(Section scheduled to be repealed on January 1, 2016)

Sec. 8c. (a) Each licensed collection agency ~~office~~ shall at all times maintain a separate bank account in which all monies received on debts ~~claims~~ shall be deposited, referred to as a "Trust Account", except that negotiable instruments received may be forwarded directly to a creditor if such procedure is provided for by a writing executed by the creditor. Monies received shall be so deposited within 5 business days after posting to the agency's books of account.

There shall be sufficient funds in the trust account at all times to pay the creditors the amount due them.

(b) The trust account shall be established in a bank, savings and loan association, or other recognized depository which is federally or State insured or otherwise secured as defined by rule. Such account may be interest bearing. The licensee shall pay to the creditor interest earned on funds on deposit after the sixtieth day.

(c) Notwithstanding any contractual arrangement, every client of a licensee shall within 60 days after the close of each calendar month, account and pay to the licensee collection agency all sums owed to the collection agency for payments

received by the client during that calendar month on debts ~~claims~~ in possession of the collection agency. If a client fails to pay the licensee any sum due under this Section, the licensee shall, in addition to other remedies provided by law, have the right to offset any money due the licensee under this Section against any moneys due the client.

(d) Each collection agency shall keep on file the name of the bank, savings and loan association, or other recognized depository in which each trust account is maintained, the name of each trust account, and the names of the persons authorized to withdraw funds from each account.

The collection agency, within 30 days of the time of a change of depository or person authorized to make withdrawal, shall update its files to reflect such change.

An examination and audit of an agency's trust accounts may be made by the Department as the Department deems appropriate.

A trust account financial report shall be submitted annually on forms provided by the Department.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 425/9) (from Ch. 111, par. 2012)

(Section scheduled to be repealed on January 1, 2016)

Sec. 9. Disciplinary actions.

(a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary or non-disciplinary action as the Department may

deem proper, including fines ~~not to exceed \$5,000 for a first violation and~~ not to exceed \$10,000 per violation ~~for a second or subsequent violation~~, for any one or any combination of the following causes:

(1) Material misstatement in furnishing information to the Department.

(2) ~~(1)~~ Violations of this Act or of the rules promulgated hereunder.

(3) ~~(2)~~ Conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of any crime, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation of the collection agency or any of the officers or owners of more than 10% interest ~~principals of the agency of any crime under the laws of any U.S. jurisdiction that (i) is a felony, (ii) is a misdemeanor, an essential element of which is dishonesty, or (iii) is directly related to the practice of a collection agency any U.S. jurisdiction which is a felony, a misdemeanor an essential element of which is dishonesty, or of any crime which directly relates to the practice of the profession.~~

(4) Fraud or ~~(3) Making any~~ misrepresentation in applying for, or procuring, a license under this Act or in connection with applying for renewal of ~~for the purpose of obtaining a license under this Act or certificate.~~

(5) Aiding or assisting another person in violating any provision of this Act or rules adopted under this Act.

(6) Failing, within 60 days, to provide information in response to a written request made by the Department.

(7) ~~(4)~~ Habitual or excessive use or addiction to alcohol, narcotics, stimulants or any other chemical agent or drug which results in the inability to practice with reasonable judgment, skill, or safety by any of the officers or owners of 10% or more interest ~~principals~~ of a collection agency.

(8) ~~(5)~~ Discipline by another state, the District of Columbia, a territory of the United States, U.S. jurisdiction or a foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.

(9) ~~(6)~~ A finding by the Department that the licensee, after having his license placed on probationary status, has violated the terms of probation.

(10) Willfully making or filing false records or reports in his or her practice, including, but not limited to, false records filed with State agencies or departments.

(11) ~~(7)~~ Practicing or attempting to practice under a false or, except as provided by law, an assumed name ~~a name other than the name as shown on his or her license or any other legally authorized name.~~

(12) ~~(8)~~ A finding by the Federal Trade Commission that

a licensee violated the federal ~~Federal~~ Fair Debt ~~and~~ Collection Practices Act or its rules.

(13) ~~(9)~~ Failure to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue until such time as the requirements of any such tax Act are satisfied.

(14) ~~(10)~~ Using or threatening to use force or violence to cause physical harm to a debtor, his or her family or his or her property.

(15) ~~(11)~~ Threatening to instigate an arrest or criminal prosecution where no basis for a criminal complaint lawfully exists.

(16) ~~(12)~~ Threatening the seizure, attachment or sale of a debtor's property where such action can only be taken pursuant to court order without disclosing that prior court proceedings are required.

(17) ~~(13)~~ Disclosing or threatening to disclose information adversely affecting a debtor's reputation for credit worthiness with knowledge the information is false.

(18) ~~(14)~~ Initiating or threatening to initiate communication with a debtor's employer unless there has been a default of the payment of the obligation for at least 30 days and at least 5 days prior written notice, to the last known address of the debtor, of the intention to

communicate with the employer has been given to the employee, except as expressly permitted by law or court order.

(19) ~~(15)~~ Communicating with the debtor or any member of the debtor's family at such a time of day or night and with such frequency as to constitute harassment of the debtor or any member of the debtor's family. For purposes of this Section the following conduct shall constitute harassment:

(A) Communicating with the debtor or any member of his or her family in connection with the collection of any debt without the prior consent of the debtor given directly to the debt collector, or the express permission of a court of competent jurisdiction, at any unusual time or place or a time or place known or which should be known to be inconvenient to the debtor. In the absence of knowledge of circumstances to the contrary, a debt collector shall assume that the convenient time for communicating with a consumer is after 8 o'clock a.m. and before 9 o'clock p.m. local time at the debtor's location.

(B) The threat of publication or publication of a list of consumers who allegedly refuse to pay debts, except to a consumer reporting agency.

(C) The threat of advertisement or advertisement for sale of any debt to coerce payment of the debt.

(D) Causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

(20) ~~(16)~~ Using profane, obscene or abusive language in communicating with a debtor, his or her family or others.

(21) ~~(17)~~ Disclosing or threatening to disclose information relating to a debtor's debt ~~indebtedness~~ to any other person except where such other person has a legitimate business need for the information or except where such disclosure is permitted ~~regulated~~ by law.

(22) ~~(18)~~ Disclosing or threatening to disclose information concerning the existence of a debt which the collection agency ~~debt collector~~ knows to be ~~reasonably~~ disputed by the debtor without disclosing the fact that the debtor disputes the debt.

(23) ~~(19)~~ Engaging in any conduct that is ~~which the Director finds was~~ intended to cause and did cause mental or physical illness to the debtor or his or her family.

(24) ~~(20)~~ Attempting or threatening to enforce a right or remedy with knowledge or reason to know that the right or remedy does not exist.

(25) ~~(21)~~ Failing to disclose to the debtor or his or her family the corporate, partnership or proprietary name, or other trade or business name, under which the collection agency ~~debt collector~~ is engaging in debt collections and

which he or she is legally authorized to use.

(26) ~~(22)~~ Using any form of communication which simulates legal or judicial process or which gives the appearance of being authorized, issued or approved by a governmental agency or official or by an attorney at law when it is not.

(27) ~~(23)~~ Using any badge, uniform, or other indicia of any governmental agency or official except as authorized by law.

(28) ~~(24)~~ Conducting business under any name or in any manner which suggests or implies that the collection agency ~~a debt collector~~ is ~~bonded if such collector is or is~~ a branch of or is affiliated in with any way with a governmental agency or court if such collection agency ~~collector~~ is not.

(29) ~~(25)~~ Failing to disclose, at the time of making any demand for payment, the name of the person to whom the debt claim is owed and at the request of the debtor, the address where payment is to be made and the address of the person to whom the debt claim is owed.

(30) ~~(26)~~ Misrepresenting the amount of the ~~claim or~~ debt alleged to be owed.

(31) ~~(27)~~ Representing that an existing debt may be increased by the addition of attorney's fees, investigation fees or any other fees or charges when such fees or charges may not legally be added to the existing

debt.

(32) ~~(28)~~ Representing that the collection agency ~~debt collector~~ is an attorney at law or an agent for an attorney if he or she is not.

(33) ~~(29)~~ Collecting or attempting to collect any interest or other charge or fee in excess of the actual debt ~~or claim~~ unless such interest or other charge or fee is expressly authorized by the agreement creating the debt ~~or claim~~ unless expressly authorized by law or unless in a commercial transaction such interest or other charge or fee is expressly authorized in a subsequent agreement. If a contingency or hourly fee arrangement (i) is established under an agreement between a collection agency and a creditor to collect a debt and (ii) is paid by a debtor pursuant to a contract between the debtor and the creditor, then that fee arrangement does not violate this Section unless the fee is unreasonable. The Department shall determine what constitutes a reasonable collection fee.

(34) ~~(30)~~ Communicating or threatening to communicate with a debtor when the collection agency ~~debt collector~~ is informed in writing by an attorney that the attorney represents the debtor concerning the debt ~~claim, unless authorized by the attorney~~. If the attorney fails to respond within a reasonable period of time, the collector may communicate with the debtor. The collector may communicate with the debtor when the attorney gives his or

her consent.

(35) ~~(31)~~ Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(b) The Department shall deny any license or renewal authorized by this Act to any person who has defaulted on an educational loan guaranteed by the Illinois State Scholarship Commission; however, the Department may issue a license or renewal if the person in default has established a satisfactory repayment record as determined by the Illinois State Scholarship Commission.

No collection agency ~~debt collector~~ while collecting or attempting to collect a debt shall engage in any of the Acts specified in this Section, each of which shall be unlawful practice.

(Source: P.A. 94-414, eff. 12-31-05.)

(225 ILCS 425/9.1)

(Section scheduled to be repealed on January 1, 2016)

Sec. 9.1. Communication with persons other than debtor. Any ~~debt collector or~~ collection agency communicating with any person other than the debtor for the purpose of acquiring location information about the debtor shall:

(1) identify himself or herself, state that he or she is confirming or correcting location information concerning the consumer, and, ~~only if expressly requested,~~

identify his or her employer;

(2) not state that the consumer owes any debt;

(3) not communicate with any person more than once unless requested to do so by the person or unless the ~~debt collector or~~ collection agency reasonably believes that the earlier response of the person is erroneous or incomplete and that the person now has correct or complete location information;

(4) not communicate by postcard;

(5) not use any language or symbol on any envelope or in the contents of any communication effected by mail or telegram that indicates that the ~~debt collector or~~ collection agency is in the debt collection business or that the communication relates to the collection of a debt; and

(6) not communicate with any person other than the attorney after the ~~debt collector or~~ collection agency knows the debtor is represented by an attorney with regard to the subject debt and has knowledge of or can readily ascertain the attorney's name and address, ~~not communicate with any person other than the attorney,~~ unless the attorney fails to respond within a reasonable period of time, not less than 30 days, to communication from the ~~debt collector or~~ collection agency.

(Source: P.A. 95-437, eff. 1-1-08; 95-876, eff. 8-21-08.)

(225 ILCS 425/9.2)

(Section scheduled to be repealed on January 1, 2016)

Sec. 9.2. Communication in connection with debt collection.

(a) Without the prior consent of the debtor given directly to the ~~debt collector or~~ collection agency or the express permission of a court of competent jurisdiction, a ~~debt collector or~~ collection agency may not communicate with a debtor in connection with the collection of any debt in any of the following circumstances:

(1) At any unusual time, place, or manner that is known or should be known to be inconvenient to the debtor. In the absence of knowledge of circumstances to the contrary, a ~~debt collector or~~ collection agency shall assume that the convenient time for communicating with a debtor is after 8:00 ~~8 o'clock~~ a.m. and before 9:00 ~~9 o'clock~~ p.m. local time at the debtor's location.

(2) If the ~~debt collector or~~ collection agency knows the debtor is represented by an attorney with respect to such debt and has knowledge of or can readily ascertain, the attorney's name and address, unless the attorney fails to respond within a reasonable period of time to a communication from the ~~debt collector or~~ collection agency or unless the attorney consents to direct communication with the debtor.

(3) At the debtor's place of employment, if the ~~debt~~

~~collector or~~ collection agency knows or has reason to know that the debtor's employer prohibits the debtor from receiving such communication.

(b) Except as provided in Section 9.1 of this Act, without the prior consent of the debtor given directly to the ~~debt collector or~~ collection agency, ~~or~~ the express permission of a court of competent jurisdiction, ~~or~~ as reasonably necessary to effectuate a post judgment judicial remedy, a ~~debt collector or~~ collection agency may not communicate, in connection with the collection of any debt, with any person other than the debtor, the debtor's attorney, a consumer reporting agency if otherwise permitted by law, the creditor, the attorney of the creditor, or the attorney of the collection agency.

(c) If a debtor notifies a ~~debt collector or~~ collection agency in writing that the debtor refuses to pay a debt or that the debtor wishes the ~~debt collector or~~ collection agency to cease further communication with the debtor, the ~~debt collector or~~ collection agency may not communicate further with the debtor with respect to such debt, except to perform any of the following tasks:

(1) Advise the debtor that the ~~debt collector's or~~ collection agency's further efforts are being terminated.

(2) Notify the debtor that the collection agency or creditor may invoke specified remedies that are ordinarily invoked by such collection agency or creditor.

(3) Notify the debtor that the collection agency or

creditor intends to invoke a specified remedy.

If such notice from the debtor is made by mail, notification shall be complete upon receipt.

(d) For the purposes of this Section, "debtor" includes the debtor's spouse, parent (if the debtor is a minor), guardian, executor, or administrator.

(Source: P.A. 95-437, eff. 1-1-08.)

(225 ILCS 425/9.3)

(Section scheduled to be repealed on January 1, 2016)

Sec. 9.3. Validation of debts.

(a) Within 5 days after the initial communication with a debtor in connection with the collection of any debt, a ~~debt collector or~~ collection agency shall, unless the following information is contained in the initial communication or the debtor has paid the debt, send the debtor a written notice with each of the following disclosures:

(1) The amount of the debt.

(2) The name of the creditor to whom the debt is owed.

(3) That, unless the debtor, within 30 days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the ~~debt collector or~~ collection agency.

(4) That, if the debtor notifies the ~~debt collector or~~ collection agency in writing within the 30-day period that the debt, or any portion thereof, is disputed, the ~~debt~~

~~collector or~~ collection agency will obtain verification of the debt or a copy of a judgment against the debtor and a copy of the verification or judgment will be mailed to the debtor by the ~~debt collector or~~ collection agency.

(5) The ~~That upon the debtor's written request within the 30 day period, the debt collector or~~ collection agency will provide the debtor with the name and address of the original creditor, if different from the current creditor. If the disclosures required under this subsection (a) are placed on the back of the notice, the front of the notice shall contain a statement notifying debtors of that fact.

(b) If the debtor notifies the ~~debt collector or~~ collection agency in writing within the 30-day period set forth in paragraph (3) of subsection (a) of this Section that the debt, or any portion thereof, is disputed ~~or that the debtor requests the name and address of the original creditor,~~ the ~~debt collector or~~ collection agency shall cease collection of the debt, or any disputed portion thereof, until the ~~debt collector or~~ collection agency obtains verification of the debt or a copy of a judgment ~~or the name and address of the original creditor~~ and mails a copy of the verification or judgment ~~or name and address of the original creditor~~ to the debtor.

(c) The failure of a debtor to dispute the validity of a debt under this Section shall not be construed by any court as an admission of liability by the debtor.

(Source: P.A. 95-437, eff. 1-1-08.)

(225 ILCS 425/9.4)

(Section scheduled to be repealed on January 1, 2016)

Sec. 9.4. Debt collection as a result of identity theft.

(a) Upon receipt from a debtor of all of the following information, a ~~debt collector or~~ collection agency must cease collection activities until completion of the review provided in subsection (d) of this Section:

(1) A copy of a police report filed by the debtor alleging that the debtor is the victim of an identity theft crime for the specific debt being collected by the collection agency ~~debt collector~~.

(2) The debtor's written statement that the debtor claims to be the victim of identity theft with respect to the specific debt being collected by the collection agency ~~debt collector~~, including (i) a Federal Trade Commission's Affidavit of Identity Theft, (ii) an Illinois Attorney General ID Theft Affidavit, or (iii) a written statement that certifies that the representations are true, correct, and contain no material omissions of fact to the best knowledge and belief of the person submitting the certification. This written statement must contain or be accompanied by, each of the following, to the extent that an item listed below is relevant to the debtor's allegation of identity theft with respect to the debt in question:

(A) A statement that the debtor is a victim of

identity theft.

(B) A copy of the debtor's driver's license or identification card, as issued by this State.

(C) Any other identification document that supports the statement of identity theft.

(D) Specific facts supporting the claim of identity theft, if available.

(E) Any explanation showing that the debtor did not incur the debt.

(F) Any available correspondence disputing the debt after transaction information has been provided to the debtor.

(G) Documentation of the residence of the debtor at the time of the alleged debt, which may include copies of bills and statements, such as utility bills, tax statements, or other statements from businesses sent to the debtor and showing that the debtor lived at another residence at the time the debt was incurred.

(H) A telephone number for contacting the debtor concerning any additional information or questions or direction that further communications to the debtor be in writing only, with the mailing address specified in the statement.

(I) To the extent the debtor has information concerning who may have incurred the debt, the identification of any person whom the debtor believes

is responsible.

(J) An express statement that the debtor did not authorize the use of the debtor's name or personal information for incurring the debt.

(b) A written certification submitted pursuant to item (iii) of paragraph (2) of subsection (a) of this Section shall be sufficient if it is in substantially the following form:

"I certify that the representations made are true, correct, and contain no material omissions of fact known to me.

(Signature)

(Date) "

(c) If a debtor notifies a ~~debt collector or~~ collection agency orally that he or she is a victim of identity theft, the ~~debt collector or~~ collection agency shall notify the debtor orally or in writing, that the debtor's claim must be in writing. If a debtor notifies a ~~debt collector or~~ collection agency in writing that he or she is a victim of identity theft, but omits information required pursuant to this Section, and if the ~~debt collector or~~ collection agency continues ~~does not~~ ~~cease~~ collection activities, the ~~debt collector or~~ collection agency must provide written notice to the debtor of the additional information that is required or send the debtor a copy of the Federal Trade Commission's ~~Affidavit of~~ Identity

Theft Affidavit form.

(d) Upon receipt of the complete statement and information described in subsection (a) of this Section, the collection agency ~~debt collector~~ shall review and consider all of the information provided by the debtor and other information available to the ~~debt collector or~~ collection agency in its file or from the creditor. The ~~debt collector or~~ collection agency may recommence debt collection activities only upon making a good faith determination that the information does not establish that the debtor is not responsible for the specific debt in question. The ~~debt collector or~~ collection agency must notify the debtor ~~consumer~~ in writing of that determination and the basis for that determination before proceeding with any further collection activities. The ~~debt collector's or~~ collection agency's determination shall be based on all of the information provided by the debtor and other information available to the ~~debt collector or~~ collection agency in its file or from the creditor.

(e) No inference or presumption that the debt is valid or invalid or that the debtor is liable or not liable for the debt may arise if the ~~debt collector or~~ collection agency decides after the review described in subsection (d) to cease or recommence the debt collection activities. The exercise or non-exercise of rights under this Section is not a waiver of any other right or defense of the debtor or collection agency ~~debt collector~~.

(f) A ~~debt collector or~~ collection agency that (i) ceases collection activities under this Section, (ii) does not recommence those collection activities, and (iii) furnishes adverse information to a consumer credit reporting agency, must notify the consumer credit reporting agency to delete that adverse information.

(Source: P.A. 95-437, eff. 1-1-08.)

(225 ILCS 425/9.5)

(Section scheduled to be repealed on January 1, 2016)

Sec. 9.5. Statute of limitations. No action may be filed against any licensee ~~registrant~~ for violation of the terms of this Act or its rules unless the action is commenced within 5 years after the occurrence of the alleged violation. A continuing violation will be deemed to have occurred on the date when the circumstances first existed which gave rise to the alleged continuing violation.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 425/9.7)

(Section scheduled to be repealed on January 1, 2016)

Sec. 9.7. Enforcement under the Consumer Fraud and Deceptive Business Practices Act. The Attorney General may enforce the knowing violation of Section 9 (except for items (2) through (4), (7) through (9), (11) through (13), and (23) ~~(1) through (9) and (19)~~ of subsection (a)), 9.1, 9.2, 9.3, or

9.4 of this Act as an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act.

(Source: P.A. 95-437, eff. 1-1-08.)

(225 ILCS 425/9.22) (from Ch. 111, par. 2034)

(Section scheduled to be repealed on January 1, 2016)

Sec. 9.22. Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, continuation or renewal of the license is specifically excluded. For the purposes of this Act the notice required under Section 10-25 of the Administrative Procedure Act is deemed sufficient when mailed to the ~~last known~~ address of record of a party.

(Source: P.A. 88-45.)

(225 ILCS 425/11) (from Ch. 111, par. 2036)

(Section scheduled to be repealed on January 1, 2016)

Sec. 11. Informal conferences. Informal conferences shall be conducted with at least one member of the ~~Licensing and Disciplinary~~ Board in attendance. Notwithstanding any provisions concerning the conduct of hearings and

recommendations for disciplinary actions, the Department has the authority to negotiate agreements with licensees ~~registrants~~ and applicants resulting in disciplinary or non-disciplinary consent orders. The consent orders may provide for any of the forms of discipline provided in this Act. The consent orders shall provide that they were not entered into as a result of any coercion by the Department.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 425/13.1) (from Ch. 111, par. 2038.1)

(Section scheduled to be repealed on January 1, 2016)

Sec. 13.1. Collection Agency Licensing and Disciplinary Board; members; qualifications; duties.

(a) There is created in the Department the Collection Agency Licensing and Disciplinary Board composed of 7 members appointed by the Secretary ~~Director~~. Five members of the Board shall be employed in a collection agency licensed ~~registered~~ under this Act and 2 members of the Board shall represent the general public, ~~and~~ shall not be employed by or possess an ownership interest in any collection agency licensed ~~registered~~ under this Act, and shall have no family or business connection with the practice of collection agencies.

(b) Each of the members appointed to the Board, except for the public members, shall have at least 5 years of active collection agency experience.

(c) The Board shall annually elect a chairperson ~~chairman~~

from among its members ~~and shall meet at least twice each year.~~  
The members of the Board shall receive no compensation for their services, but shall be reimbursed for their necessary actual expenses as authorized by the Department while engaged in ~~incurred in the performance of~~ their duties.

(d) Members shall serve for a term of 4 years and until their successors are appointed and qualified. No Board member,  
~~after the effective date of this amendatory Act of 1995,~~ shall be appointed to more than 2 full consecutive terms. A partial term of more than 2 years shall be considered a full term ~~The initial terms created by this amendatory Act of 1995 shall count as full terms for the purposes of reappointment to the Board.~~ Appointments to fill vacancies for the unexpired portion of a vacated term shall be made in the same manner as original appointments. All members shall serve until their successors are appointed and qualified.

(e) The Secretary may remove any member of the Board for cause at any time before the expiration of his or her term. The Secretary shall be the sole arbiter of cause.

(f) The majority of the Board shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to exercise all the duties of the Board.

(g) Members of the Board shall be immune from suit in any action based upon disciplinary proceedings or other acts performed in good faith as members of the Board.

~~The appointments of those Board members currently~~

~~appointed shall end upon the effective date of this amendatory Act of 1995, and those Board members currently sitting at the effective date of this amendatory Act of 1995, shall be reappointed to the following terms by and in the discretion of the Director:~~

~~(1) one member shall be appointed for one year;~~

~~(2) two members shall be appointed to serve 2 years;~~

~~(3) two members shall be appointed to serve 3 years;~~

~~and~~

~~(4) two members shall be appointed to serve for 4 years.~~

~~All members shall serve until their successors are appointed and qualified.~~

~~The Board members appointed to terms by this amendatory Act of 1995 shall be appointed as soon as possible after the effective date of this amendatory Act of 1995.~~

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 425/13.2) (from Ch. 111, par. 2038.2)

(Section scheduled to be repealed on January 1, 2016)

Sec. 13.2. Powers and duties of Department. The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of licensing Acts and shall exercise such other powers and duties necessary for effectuating the purposes of this Act.

~~The Director shall promulgate rules consistent with the~~

~~provisions of this Act, for its administration and enforcement, and may prescribe forms which shall be issued in connection therewith. The rules shall include standards and criteria for licensure and certification, and professional conduct and discipline.~~

~~The Department shall consult with the Board in promulgating rules.~~

Subject to the provisions of this Act, the Department may:

(1) Conduct hearings on proceedings to refuse to issue or renew or to revoke licenses or suspend, place on probation, or reprimand persons licensed under this Act.

(2) Formulate rules required for the administration of this Act.

(3) Obtain written recommendations from the Board regarding standards of professional conduct, formal disciplinary actions and the formulation of rules affecting these matters. Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the Board's responses and any recommendations made therein. ~~The Department shall notify the Board in writing with explanations of deviations from the Board's recommendations and responses.~~ The Department may ~~shall~~ solicit the advice of the Board on any matter relating to the administration and enforcement of this Act.

(4) Maintain rosters of the names and addresses of all licensees and all persons whose licenses have been

suspended, revoked, or denied renewal for cause within the previous calendar year. These rosters shall be available upon written request and payment of the required fee as established by rule.

(Source: P.A. 86-615.)

(225 ILCS 425/14a) (from Ch. 111, par. 2039a)

(Section scheduled to be repealed on January 1, 2016)

Sec. 14a. Unlicensed practice; Injunctions. The practice as a collection agency by any person ~~entity~~ not holding a valid and current license under this Act is declared to be inimical to the public welfare, to constitute a public nuisance, and to cause irreparable harm to the public welfare. The Secretary ~~Director~~, the Attorney General, the State's Attorney of any county in the State, or any person may maintain an action in the name of the People of the State of Illinois, and may apply for injunctive relief in any circuit court to enjoin such entity from engaging in such practice. Upon the filing of a verified petition in such court, the court, if satisfied by affidavit or otherwise that such entity has been engaged in such practice without a valid and current license, may enter a temporary restraining order without notice or bond, enjoining the defendant from such further practice. Only the showing of non-licensure ~~nonlicensure~~, by affidavit or otherwise, is necessary in order for a temporary injunction to issue. A copy of the verified complaint shall be served upon the defendant

and the proceedings shall thereafter be conducted as in other civil cases except as modified by this Section. If it is established that the defendant has been or is engaged in such unlawful practice, the court may enter an order or judgment perpetually enjoining the defendant from further practice. In all proceedings hereunder, the court, in its discretion, may apportion the costs among the parties interested in the action, including cost of filing the complaint, service of process, witness fees and expenses, court reporter charges and reasonable attorneys' fees. In case of violation of any injunctive order entered under the provisions of this Section, the court may summarily try and punish the offender for contempt of court. Such injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this Act.

(Source: P.A. 86-615.)

(225 ILCS 425/14b) (from Ch. 111, par. 2039b)

(Section scheduled to be repealed on January 1, 2016)

Sec. 14b. Penalty of unlawful practice; Second and subsequent offenses. Any entity that practices or offers to practice as a collection agency in this State without being licensed for that purpose, or whose license is ~~has been~~ suspended, ~~or~~ or revoked, or expired, or that violates any of the provisions of this Act for which no specific penalty has been provided herein, is guilty of a Class A misdemeanor.

Any entity that has been previously convicted under any of the provisions of this Act and that subsequently violates any of the provisions of this Act is guilty of a Class 4 felony. In addition, whenever any entity is punished as a subsequent offender under this Section, the Secretary ~~Director~~ shall proceed to obtain a permanent injunction against such entity under Section 14a of this Act.

(Source: P.A. 86-615.)

(225 ILCS 425/16)

(Section scheduled to be repealed on January 1, 2016)

Sec. 16. Investigation; notice and hearing. The Department may investigate the actions or qualifications of any applicant or of any person rendering or offering to render collection agency services or any person ~~or persons~~ holding or claiming to hold a license as a collection agency certificate of registration. The Department shall, before refusing to issue or renew, suspending or revoking, suspending, placing on probation, reprimanding, or taking any other disciplinary action under Section 9 of this Act ~~any certificate of registration~~, at least 30 days before the date set for the hearing, (i) notify the accused in writing of the charges made and the time and place for the hearing on the charges, (ii) of the charges before the Board, direct him or her to file his or her written answer ~~thereto~~ to the charges with the Department under oath ~~Board~~ within 20 days after the service on him or her

of the notice, and (iii) inform the accused ~~him or her~~ that if he or she fails to file an answer default will be taken against him or her or ~~and~~ his or her license ~~certificate of registration~~ may be suspended, ~~or~~ revoked, or placed on probation, or other disciplinary action may be taken with regard to the license, including limiting the scope, nature, or extent of his or her practice, as the Department may consider proper. ~~This written notice may be served by personal delivery or certified mail to the respondent at the address of his or her last notification to the Department. In case the person fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action is considered proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. The written answer shall be served by personal delivery, certified delivery, or certified or registered mail to the Department. At the time and place fixed in the notice, the Department shall proceed to hear the charges. The parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments as may be pertinent to the charges or to the defense thereto. The Department may continue the hearing from time to time~~ Board

~~shall be notified and may attend.~~ Nothing in this Section shall be construed to require that a hearing be commenced and completed in one day. At the discretion of the Secretary ~~Director~~, after having first received the recommendation of the Board, the accused person's license ~~certificate of registration~~ may be suspended or revoked, if the evidence constitutes sufficient grounds for such action under this Act. If the person fails to file an answer after receiving notice, his or her license may, in the discretion of the Department, be suspended, revoked, or placed on probation, or the Department may take whatever disciplinary action it considers proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. This written notice may be served by personal delivery or certified mail to the respondent at the address of record.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 425/17)

(Section scheduled to be repealed on January 1, 2016)

Sec. 17. Record of hearing; transcript. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case. The notice of hearing, complaint, all ~~and~~ other documents in the nature of pleadings, ~~and~~ written motions filed in the proceedings, the transcript of testimony,

the report of the Board, and orders of the Department shall be in the record of the proceedings. If the respondent orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing under Section 20, the 20 calendar day period within which a motion may be filed shall commence upon the delivery of the transcript to the respondent ~~The Department shall furnish a transcript of the record to any person interested in the hearing upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law (20 ILCS 2105/2105-115).~~

(Source: P.A. 91-239, eff. 1-1-00.)

(225 ILCS 425/18)

(Section scheduled to be repealed on January 1, 2016)

Sec. 18. Subpoenas; oaths; attendance of witnesses.

(a) The Department has ~~shall have~~ the power to subpoena documents, books, records, or other materials and to bring before it any person and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State.

(b) The Secretary ~~Director~~, the designated hearing officer, and every member of the Board has ~~shall have~~ power to administer oaths to witnesses at any hearing that the Department is authorized to conduct and any other oaths authorized in any Act administered by the Department.

(c) Any circuit court may, upon application of the Department or designee or of the applicant or licensee, ~~registrant, or person holding a certificate of registration~~ against whom proceedings under this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books, and records in connection with any hearing or investigations. The court may compel obedience to its order by proceedings for contempt.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 425/19)

(Section scheduled to be repealed on January 1, 2016)

Sec. 19. Findings and recommendations ~~Board report~~. At the conclusion of the hearing, the Board shall present to the Secretary ~~Director~~ a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding whether or not the accused person violated this Act or the rules adopted under this Act or failed to comply with the conditions required in this Act or those rules. The Board shall specify the nature of the violation or failure to comply and shall make its recommendations to the Secretary ~~Director~~.

The report of findings of fact, conclusions of law, and recommendation of the Board shall be the basis for the Department's order for refusing to issue, restore, or renew a

license, or otherwise disciplining a licensee, refusal or for the granting of a license ~~certificate of registration~~. If the Secretary ~~Director~~ disagrees ~~in any regard~~ with the report, findings of fact, conclusions of law, and recommendations ~~report~~ of the Board, the Secretary ~~Director~~ may issue an order in contravention of the Board's recommendations ~~report~~. ~~The Director shall provide a written report to the Board on any deviation and shall specify with particularity the reasons for that action in the final order.~~ The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and finding are ~~is~~ not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 425/20)

(Section scheduled to be repealed on January 1, 2016)

Sec. 20. Board; rehearing ~~Motion for rehearing~~. At the conclusion of the hearing ~~In any hearing involving the discipline of a registrant,~~ a copy of the Board's report shall be served upon the applicant or licensee ~~respondent~~ by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 calendar days after the service, the applicant or licensee ~~respondent~~ may present to the Department a motion in writing for a rehearing which shall specify the particular grounds for rehearing. The

Department may respond to the motion for rehearing within 20 days after its service on the Department, and the applicant or licensee may reply within 7 days thereafter. If no motion for rehearing is filed, then upon the expiration of the time specified for filing a motion, or if a motion for rehearing is denied, then upon denial, the Secretary ~~Director~~ may enter an order in accordance with the recommendations of the Board, except as provided for in Section 19. If the applicant or licensee ~~respondent~~ orders a transcript of the record from the reporting service and pays for it within the time for filing a motion for rehearing, the 20 ~~calendar~~ day period within which a motion for rehearing may be filed shall commence upon the delivery of the transcript to the applicant or licensee ~~respondent~~.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 425/21)

(Section scheduled to be repealed on January 1, 2016)

Sec. 21. Secretary; rehearing ~~Rehearing~~. Whenever the Secretary ~~Director~~ is not satisfied that substantial justice has been done in the revocation, suspension, or refusal to issue, restore, or renew a license, or other discipline of an applicant or licensee ~~a certificate of registration~~, the Secretary ~~Director~~ may order a rehearing by the same or other examiners.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 425/22)

(Section scheduled to be repealed on January 1, 2016)

Sec. 22. Appointment of a hearing ~~Hearing~~ officer. The Secretary has ~~Director shall have~~ the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue, restore, or renew a license ~~certificate of registration~~ or to discipline a licensee ~~registrant or person holding a certificate of registration~~. The hearing officer shall have full authority to conduct the hearing. A Board member or members may, but are not required to, attend hearings. The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Board ~~and the Director~~. The Board shall ~~have 60 calendar days from receipt of the report to~~ review the report of the hearing officer and present its findings of fact, conclusions of law, and recommendations to the Secretary and to all parties to the proceeding ~~Director~~. ~~If the Board fails to present its report within the 60 calendar day period, the Director may issue an order based on the report of the hearing officer.~~ If the Secretary ~~Director~~ disagrees with the recommendation of the Board or of the hearing officer, the Secretary ~~Director~~ may issue an order in contravention of the recommendation.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 425/23)

(Section scheduled to be repealed on January 1, 2016)

Sec. 23. Order or ~~+~~ certified copy; prima facie proof. An order or a certified copy thereof ~~of an order~~, over the seal of the Department and purporting to be signed by the Secretary ~~Director~~, shall be prima facie proof that ~~of the following~~:

(1) ~~That~~ the signature is the genuine signature of the Secretary; Director.

(2) ~~That~~ the Secretary ~~Director~~ is duly appointed and qualified; and ~~-~~

(3) ~~That~~ the Board and its ~~the Board~~ members are qualified to act.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 425/24)

(Section scheduled to be repealed on January 1, 2016)

Sec. 24. Restoration of license from discipline ~~certificate of registration~~. At any time after the successful completion of a term of indefinite probation, suspension, or revocation of any license ~~certificate of registration~~, the Department may restore the license ~~certificate of registration~~ to the licensee, ~~accused person~~ upon the written recommendation of the Board, unless after an investigation and a hearing the Secretary ~~Board~~ determines that restoration is not in the public interest. No person whose license or authority has been revoked as authorized in this Act may apply for restoration of

that license or authority until such time as provided for in the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 425/25)

(Section scheduled to be repealed on January 1, 2016)

Sec. 25. Surrender of license ~~certificate of registration~~.  
Upon the revocation or suspension of any license, ~~certificate of registration~~ the licensee ~~registrant~~ shall immediately surrender the license ~~certificate of registration~~ to the Department. If the licensee ~~registrant~~ fails to do so, the Department shall have the right to seize the license ~~certificate of registration~~.

(Source: P.A. 89-387, eff. 1-1-96.)"; and

(225 ILCS 425/26)

(Section scheduled to be repealed on January 1, 2016)

Sec. 26. Administrative review; ~~venue Review Law~~.

(a) All final administrative decisions of the Department are subject to judicial review under the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(b) Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but if the party is not a resident of Illinois

~~this State~~, the venue shall be in Sangamon County.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 425/27)

(Section scheduled to be repealed on January 1, 2016)

Sec. 27. Certifications ~~Certification~~ of record; costs ~~receipt~~. The Department shall not be required to certify any record to the court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless and until ~~there is filed in the court, with the complaint, a receipt from~~ the Department has received from the plaintiff acknowledging payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department. Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 425/30 new)

Sec. 30. Expiration, renewal, and restoration of license.  
The expiration date and renewal period for each license shall be set by rule. A collection agency whose license has expired may reinstate its license at any time within 5 years after the expiration thereof, by making a renewal application and by paying the required fee.

However, any licensed collection agency whose license has expired while the individual licensed or while a shareholder,

partner, or member owning 50% or more of the interest in the collection agency whose license has expired while he or she was (i) on active duty with the Armed Forces of the United States or called into service or training by the State militia; or (ii) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her license renewed, restored, or reinstated without paying any lapsed renewal fee, restoration fee, or reinstatement fee if, within 2 years after termination of the service, training, or education, he or she furnishes the Department with satisfactory evidence of service, training, or education and it has been terminated under honorable conditions.

Any collection agency whose license has expired for more than 5 years may have it restored by applying to the Department, paying the required fee, and filing acceptable proof of fitness to have the license restored as set by rule.

(225 ILCS 425/35 new)

Sec. 35. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on

a non-renewed license. The Department shall notify the entity that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after the termination or denial, the entity seeks a license, it shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.

(225 ILCS 425/40 new)

Sec. 40. Unlicensed practice; cease and desist. Whenever, in the opinion of the Department, a person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Department and shall allow at least 7 days from the date of the rule to file an answer satisfactory to the Department. Failure to answer to the satisfaction of the

Department shall cause an order to cease and desist to be issued.

(225 ILCS 425/45 new)

Sec. 45. Summary suspension of license. The Secretary may summarily suspend the license of a licensed collection agency without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 16 of this Act, if the Secretary finds that evidence in the Secretary's possession indicates that the continuation of practice by a licensed collection agency would constitute an imminent danger to the public. In the event that the Secretary summarily suspends the license of a licensed collection agency without a hearing, a hearing must be commenced within 30 days after the suspension has occurred and concluded as expeditiously as practical.

(225 ILCS 425/50 new)

Sec. 50. Consent order. At any point in the proceedings as provided in Sections 9.5, 11, 14a, 16, and 45, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Secretary.

(225 ILCS 425/55 new)

Sec. 55. Confidentiality. All information collected by the Department in the course of an examination or investigation of

a licensee or applicant, including, but not limited to, any complaint against a licensee filed with the Department and information collected to investigate any such complaint, shall be maintained for the confidential use of the Department and shall not be disclosed other than in the course of a formal hearing as determined by the Department. The Department may not disclose the information to anyone other than law enforcement officials, other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against the licensee by the Department or any order issued by the Department against a licensee or applicant shall be a public record, except as otherwise prohibited by law.

(225 ILCS 425/6 rep.)

(225 ILCS 425/6a rep.)

(225 ILCS 425/10 rep.)

(225 ILCS 425/13 rep.)

(225 ILCS 425/13.3 rep.)

(225 ILCS 425/14 rep.)

Section 950. The Collection Agency Act is amended by repealing Sections 6, 6a, 10, 13, 13.3, and 14.

Section 955. The Real Estate License Act of 2000 is amended by changing Sections 1-10, 5-5, 5-10, 5-15, 5-20, 5-26, 5-27, 5-28, 5-32, 5-35, 5-41, 5-50, 5-60, 5-70, 10-10, 10-15, 15-5, 20-10, 20-20, 20-21, 20-22, 20-85, 25-10, 25-25, 30-15, and 35-5 as follows:

(225 ILCS 454/1-10)

(Section scheduled to be repealed on January 1, 2020)

Sec. 1-10. Definitions. In this Act, unless the context otherwise requires:

"Act" means the Real Estate License Act of 2000.

"Address of Record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file as maintained by the Department's licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address, and those changes must be made either through the Department's website or by contacting the Department.

"Advisory Council" means the Real Estate Education Advisory Council created under Section 30-10 of this Act.

"Agency" means a relationship in which a ~~real estate~~ broker or licensee, whether directly or through an affiliated licensee, represents a consumer by the consumer's consent, whether express or implied, in a real property transaction.

"Applicant" means any person, as defined in this Section, who applies to the Department for a valid license as a managing

~~real estate broker, broker real estate salesperson,~~ or leasing agent.

"Blind advertisement" means any real estate advertisement that does not include the sponsoring broker's business name and that is used by any licensee regarding the sale or lease of real estate, including his or her own, licensed activities, or the hiring of any licensee under this Act. The broker's business name in the case of a franchise shall include the franchise affiliation as well as the name of the individual firm.

"Board" means the Real Estate Administration and Disciplinary Board of the Department as created by Section 25-10 of this Act.

"Branch office" means a sponsoring broker's office other than the sponsoring broker's principal office.

"Broker" means an individual, partnership, limited liability company, corporation, or registered limited liability partnership other than a ~~real estate salesperson or~~ leasing agent who, whether in person or through any media or technology, for another and for compensation, or with the intention or expectation of receiving compensation, either directly or indirectly:

(1) Sells, exchanges, purchases, rents, or leases real estate.

(2) Offers to sell, exchange, purchase, rent, or lease real estate.

(3) Negotiates, offers, attempts, or agrees to negotiate the sale, exchange, purchase, rental, or leasing of real estate.

(4) Lists, offers, attempts, or agrees to list real estate for sale, rent, lease, or exchange.

(5) Buys, sells, offers to buy or sell, or otherwise deals in options on real estate or improvements thereon.

(6) Supervises the collection, offer, attempt, or agreement to collect rent for the use of real estate.

(7) Advertises or represents himself or herself as being engaged in the business of buying, selling, exchanging, renting, or leasing real estate.

(8) Assists or directs in procuring or referring of leads or prospects, intended to result in the sale, exchange, lease, or rental of real estate.

(9) Assists or directs in the negotiation of any transaction intended to result in the sale, exchange, lease, or rental of real estate.

(10) Opens real estate to the public for marketing purposes.

(11) Sells, rents, leases, or offers for sale or lease real estate at auction.

(12) Prepares or provides a broker price opinion or comparative market analysis as those terms are defined in this Act, pursuant to the provisions of Section 10-45 of this Act.

"Brokerage agreement" means a written or oral agreement between a sponsoring broker and a consumer for licensed activities to be provided to a consumer in return for compensation or the right to receive compensation from another. Brokerage agreements may constitute either a bilateral or a unilateral agreement between the broker and the broker's client depending upon the content of the brokerage agreement. All exclusive brokerage agreements shall be in writing.

"Broker price opinion" means an estimate or analysis of the probable selling price of a particular interest in real estate, which may provide a varying level of detail about the property's condition, market, and neighborhood and information on comparable sales. The activities of a real estate broker or managing broker engaging in the ordinary course of business as a broker, as defined in this Section, shall not be considered a broker price opinion if no compensation is paid to the broker or managing broker, other than compensation based upon the sale or rental of real estate.

"Client" means a person who is being represented by a licensee.

"Comparative market analysis" is an analysis or opinion regarding pricing, marketing, or financial aspects relating to a specified interest or interests in real estate that may be based upon an analysis of comparative market data, the expertise of the real estate broker or managing broker, and such other factors as the broker or managing broker may deem

appropriate in developing or preparing such analysis or opinion. The activities of a real estate broker or managing broker engaging in the ordinary course of business as a broker, as defined in this Section, shall not be considered a comparative market analysis if no compensation is paid to the broker or managing broker, other than compensation based upon the sale or rental of real estate.

"Compensation" means the valuable consideration given by one person or entity to another person or entity in exchange for the performance of some activity or service. Compensation shall include the transfer of valuable consideration, including without limitation the following:

- (1) commissions;
- (2) referral fees;
- (3) bonuses;
- (4) prizes;
- (5) merchandise;
- (6) finder fees;
- (7) performance of services;
- (8) coupons or gift certificates;
- (9) discounts;
- (10) rebates;
- (11) a chance to win a raffle, drawing, lottery, or similar game of chance not prohibited by any other law or statute;
- (12) retainer fee; or

(13) salary.

"Confidential information" means information obtained by a licensee from a client during the term of a brokerage agreement that (i) was made confidential by the written request or written instruction of the client, (ii) deals with the negotiating position of the client, or (iii) is information the disclosure of which could materially harm the negotiating position of the client, unless at any time:

(1) the client permits the disclosure of information given by that client by word or conduct;

(2) the disclosure is required by law; or

(3) the information becomes public from a source other than the licensee.

"Confidential information" shall not be considered to include material information about the physical condition of the property.

"Consumer" means a person or entity seeking or receiving licensed activities.

"Continuing education school" means any person licensed by the Department as a school for continuing education in accordance with Section 30-15 of this Act.

"Coordinator" means the Coordinator of Real Estate created in Section 25-15 of this Act.

"Credit hour" means 50 minutes of classroom instruction in course work that meets the requirements set forth in rules adopted by the Department.

"Customer" means a consumer who is not being represented by the licensee but for whom the licensee is performing ministerial acts.

"Department" means the Department of Financial and Professional Regulation.

"Designated agency" means a contractual relationship between a sponsoring broker and a client under Section 15-50 of this Act in which one or more licensees associated with or employed by the broker are designated as agent of the client.

"Designated agent" means a sponsored licensee named by a sponsoring broker as the legal agent of a client, as provided for in Section 15-50 of this Act.

"Dual agency" means an agency relationship in which a licensee is representing both buyer and seller or both landlord and tenant in the same transaction. When the agency relationship is a designated agency, the question of whether there is a dual agency shall be determined by the agency relationships of the designated agent of the parties and not of the sponsoring broker.

"Employee" or other derivative of the word "employee", when used to refer to, describe, or delineate the relationship between a sponsoring ~~real estate~~ broker and a managing broker, ~~a real estate salesperson, another real estate~~ broker, or a leasing agent, shall be construed to include an independent contractor relationship, provided that a written agreement exists that clearly establishes and states the relationship.

All responsibilities of a broker shall remain.

"Escrow moneys" means all moneys, promissory notes or any other type or manner of legal tender or financial consideration deposited with any person for the benefit of the parties to the transaction. A transaction exists once an agreement has been reached and an accepted real estate contract signed or lease agreed to by the parties. Escrow moneys includes without limitation earnest moneys and security deposits, except those security deposits in which the person holding the security deposit is also the sole owner of the property being leased and for which the security deposit is being held.

"Electronic means of proctoring" means a methodology providing assurance that the person taking a test and completing the answers to questions is the person seeking licensure or credit for continuing education and is doing so without the aid of a third party or other device.

"Exclusive brokerage agreement" means a written brokerage agreement that provides that the sponsoring broker has the sole right, through one or more sponsored licensees, to act as the exclusive designated agent or representative of the client and that meets the requirements of Section 15-75 of this Act.

"Inoperative" means a status of licensure where the licensee holds a current license under this Act, but the licensee is prohibited from engaging in licensed activities because the licensee is unsponsored or the license of the sponsoring broker with whom the licensee is associated or by

whom he or she is employed is currently expired, revoked, suspended, or otherwise rendered invalid under this Act.

"Interactive delivery method" means delivery of a course by an instructor through a medium allowing for 2-way communication between the instructor and a student in which either can initiate or respond to questions.

"Leads" means the name or names of a potential buyer, seller, lessor, lessee, or client of a licensee.

"Leasing Agent" means a person who is employed by a ~~real estate~~ broker to engage in licensed activities limited to leasing residential real estate who has obtained a license as provided for in Section 5-5 of this Act.

"License" means the document issued by the Department certifying that the person named thereon has fulfilled all requirements prerequisite to licensure under this Act.

"Licensed activities" means those activities listed in the definition of "broker" under this Section.

"Licensee" means any person, as defined in this Section, who holds a valid unexpired license as a managing ~~real estate~~ broker, broker ~~real estate salesperson~~, or leasing agent.

"Listing presentation" means a communication between a managing ~~real estate~~ broker or broker ~~salesperson~~ and a consumer in which the licensee is attempting to secure a brokerage agreement with the consumer to market the consumer's real estate for sale or lease.

"Managing broker" means a broker who has supervisory

responsibilities for licensees in one or, in the case of a multi-office company, more than one office and who has been appointed as such by the sponsoring broker.

"Medium of advertising" means any method of communication intended to influence the general public to use or purchase a particular good or service or real estate.

"Ministerial acts" means those acts that a licensee may perform for a consumer that are informative or clerical in nature and do not rise to the level of active representation on behalf of a consumer. Examples of these acts include without limitation (i) responding to phone inquiries by consumers as to the availability and pricing of brokerage services, (ii) responding to phone inquiries from a consumer concerning the price or location of property, (iii) attending an open house and responding to questions about the property from a consumer, (iv) setting an appointment to view property, (v) responding to questions of consumers walking into a licensee's office concerning brokerage services offered or particular properties, (vi) accompanying an appraiser, inspector, contractor, or similar third party on a visit to a property, (vii) describing a property or the property's condition in response to a consumer's inquiry, (viii) completing business or factual information for a consumer on an offer or contract to purchase on behalf of a client, (ix) showing a client through a property being sold by an owner on his or her own behalf, or (x) referral to another broker or service provider.

"Office" means a ~~real-estate~~ broker's place of business where the general public is invited to transact business and where records may be maintained and licenses displayed, whether or not it is the broker's principal place of business.

"Person" means and includes individuals, entities, corporations, limited liability companies, registered limited liability partnerships, and partnerships, foreign or domestic, except that when the context otherwise requires, the term may refer to a single individual or other described entity.

"Personal assistant" means a licensed or unlicensed person who has been hired for the purpose of aiding or assisting a sponsored licensee in the performance of the sponsored licensee's job.

"Pocket card" means the card issued by the Department to signify that the person named on the card is currently licensed under this Act.

"Pre-license school" means a school licensed by the Department offering courses in subjects related to real estate transactions, including the subjects upon which an applicant is examined in determining fitness to receive a license.

"Pre-renewal period" means the period between the date of issue of a currently valid license and the license's expiration date.

"Proctor" means any person, including, but not limited to, an instructor, who has a written agreement to administer examinations fairly and impartially with a licensed

pre-license school or a licensed continuing education school.

"Real estate" means and includes leaseholds as well as any other interest or estate in land, whether corporeal, incorporeal, freehold, or non-freehold, including timeshare interests, and whether the real estate is situated in this State or elsewhere.

"Regular employee" means a person working an average of 20 hours per week for a person or entity who would be considered as an employee under the Internal Revenue Service eleven main tests in three categories being behavioral control, financial control and the type of relationship of the parties, formerly the twenty factor test.

~~"Salesperson" means any individual, other than a real estate broker or leasing agent, who is employed by a real estate broker or is associated by written agreement with a real estate broker as an independent contractor and participates in any activity described in the definition of "broker" under this Section.~~

"Secretary" means the Secretary of the Department of Financial and Professional Regulation, or a person authorized by the Secretary to act in the Secretary's stead.

"Sponsoring broker" means the broker who has issued a sponsor card to a licensed managing broker ~~salesperson, another licensed~~ broker, or a leasing agent.

"Sponsor card" means the temporary permit issued by the sponsoring ~~real estate~~ broker certifying that the managing ~~real~~

~~estate broker, broker real estate salesperson,~~ or leasing agent named thereon is employed by or associated by written agreement with the sponsoring ~~real estate~~ broker, as provided for in Section 5-40 of this Act.

(Source: P.A. 98-531, eff. 8-23-13; 98-1109, eff. 1-1-15.)

(225 ILCS 454/5-5)

(Section scheduled to be repealed on January 1, 2020)

Sec. 5-5. Leasing agent license.

(a) The purpose of this Section is to provide for a limited scope license to enable persons who wish to engage in activities limited to the leasing of residential real property for which a license is required under this Act, and only those activities, to do so by obtaining the license provided for under this Section.

(b) Notwithstanding the other provisions of this Act, there is hereby created a leasing agent license that shall enable the licensee to engage only in residential leasing activities for which a license is required under this Act. Such activities include without limitation leasing or renting residential real property, or attempting, offering, or negotiating to lease or rent residential real property, or supervising the collection, offer, attempt, or agreement to collect rent for the use of residential real property. Nothing in this Section shall be construed to require a licensed managing ~~real estate~~ broker or broker ~~salesperson~~ to obtain a leasing agent license in order

to perform leasing activities for which a license is required under this Act. Licensed leasing agents must be sponsored and employed by a sponsoring broker.

(c) The Department, by rule shall provide for the licensing of leasing agents, including the issuance, renewal, and administration of licenses.

(d) Notwithstanding any other provisions of this Act to the contrary, a person may engage in residential leasing activities for which a license is required under this Act, for a period of 120 consecutive days without being licensed, so long as the person is acting under the supervision of a sponsoring ~~licensed real estate~~ broker and the sponsoring broker has notified the Department that the person is pursuing licensure under this Section. During the 120 day period all requirements of Sections 5-10 and 5-65 of this Act with respect to education, successful completion of an examination, and the payment of all required fees must be satisfied. The Department may adopt rules to ensure that the provisions of this subsection are not used in a manner that enables an unlicensed person to repeatedly or continually engage in activities for which a license is required under this Act.

(Source: P.A. 96-856, eff. 12-31-09.)

(225 ILCS 454/5-10)

(Section scheduled to be repealed on January 1, 2020)

Sec. 5-10. Requirements for license as leasing agent.

(a) Every applicant for licensure as a leasing agent must meet the following qualifications:

(1) be at least 18 years of age;

(2) be of good moral character;

(3) successfully complete a 4-year course of study in a high school or secondary school or an equivalent course of study approved by the Illinois State Board of Education;

(4) personally take and pass a written examination authorized by the Department sufficient to demonstrate the applicant's knowledge of the provisions of this Act relating to leasing agents and the applicant's competence to engage in the activities of a licensed leasing agent;

(5) provide satisfactory evidence of having completed 15 hours of instruction in an approved course of study relating to the leasing of residential real property. The course of study shall, among other topics, cover the provisions of this Act applicable to leasing agents; fair housing issues relating to residential leasing; advertising and marketing issues; leases, applications, and credit reports; owner-tenant relationships and owner-tenant laws; the handling of funds; and environmental issues relating to residential real property;

(6) complete any other requirements as set forth by rule; and

(7) present a valid application for issuance of an

initial license accompanied by a sponsor card and the fees specified by rule.

(b) No applicant shall engage in any of the activities covered by this Act until a valid sponsor card has been issued to such applicant. The sponsor card shall be valid for a maximum period of 45 days after the date of issuance unless extended for good cause as provided by rule.

(c) Successfully completed course work, completed pursuant to the requirements of this Section, may be applied to the course work requirements to obtain a managing ~~real estate~~ broker's or broker's ~~salesperson's~~ license as provided by rule. The Advisory Council may recommend through the Board to the Department and the Department may adopt requirements for approved courses, course content, and the approval of courses, instructors, and schools, as well as school and instructor fees. The Department may establish continuing education requirements for licensed leasing agents, by rule, with the advice of the Advisory Council and Board.

(Source: P.A. 96-856, eff. 12-31-09.)

(225 ILCS 454/5-15)

(Section scheduled to be repealed on January 1, 2020)

Sec. 5-15. Necessity of managing broker, broker, ~~salesperson~~, or leasing agent license or sponsor card; ownership restrictions.

(a) It is unlawful for any person, corporation, limited

liability company, registered limited liability partnership, or partnership to act as a managing broker, ~~real estate broker,~~ ~~real estate salesperson,~~ or leasing agent or to advertise or assume to act as such managing broker, ~~broker,~~ ~~salesperson,~~ or leasing agent without a properly issued sponsor card or a license issued under this Act by the Department, either directly or through its authorized designee.

(b) No corporation shall be granted a license or engage in the business or capacity, either directly or indirectly, of a ~~real estate broker,~~ unless every officer of the corporation who actively participates in the real estate activities of the corporation holds a license as a managing broker or broker and unless every employee who acts as a managing broker, broker, ~~salesperson,~~ or leasing agent for the corporation holds a license as a managing broker, broker, ~~salesperson,~~ or leasing agent.

(c) No partnership shall be granted a license or engage in the business or serve in the capacity, either directly or indirectly, of a ~~real estate broker,~~ unless every general partner in the partnership holds a license as a managing broker or broker and unless every employee who acts as a managing broker, broker, ~~salesperson,~~ or leasing agent for the partnership holds a license as a managing broker, broker, ~~salesperson,~~ or leasing agent. In the case of a registered limited liability partnership (LLP), every partner in the LLP must hold a license as a managing broker or broker and every

employee who acts as a managing broker, broker, salesperson or leasing agent must hold a license as a managing broker, broker, salesperson, or leasing agent.

(d) No limited liability company shall be granted a license or engage in the business or serve in the capacity, either directly or indirectly, of a broker unless every manager in the limited liability company or every member in a member managed limited liability company holds a license as a managing broker or broker and unless every other member and employee who acts as a managing broker, broker, salesperson or leasing agent for the limited liability company holds a license as a managing broker, broker, salesperson, or leasing agent.

(e) No partnership, limited liability company, or corporation shall be licensed to conduct a brokerage business where an individual ~~salesperson or~~ leasing agent, or group of ~~salespersons or~~ leasing agents, owns or directly or indirectly controls more than 49% of the shares of stock or other ownership in the partnership, limited liability company, or corporation.

(Source: P.A. 96-856, eff. 12-31-09.)

(225 ILCS 454/5-20)

(Section scheduled to be repealed on January 1, 2020)

Sec. 5-20. Exemptions from managing broker, broker, salesperson, or leasing agent license requirement. The requirement for holding a license under this Article 5 shall

not apply to:

(1) Any person, partnership, or corporation that as owner or lessor performs any of the acts described in the definition of "broker" under Section 1-10 of this Act with reference to property owned or leased by it, or to the regular employees thereof with respect to the property so owned or leased, where such acts are performed in the regular course of or as an incident to the management, sale, or other disposition of such property and the investment therein, provided that such regular employees do not perform any of the acts described in the definition of "broker" under Section 1-10 of this Act in connection with a vocation of selling or leasing any real estate or the improvements thereon not so owned or leased.

(2) An attorney in fact acting under a duly executed and recorded power of attorney to convey real estate from the owner or lessor or the services rendered by an attorney at law in the performance of the attorney's duty as an attorney at law.

(3) Any person acting as receiver, trustee in bankruptcy, administrator, executor, or guardian or while acting under a court order or under the authority of a will or testamentary trust.

(4) Any person acting as a resident manager for the owner or any employee acting as the resident manager for a broker managing an apartment building, duplex, or

apartment complex, when the resident manager resides on the premises, the premises is his or her primary residence, and the resident manager is engaged in the leasing of the property of which he or she is the resident manager.

(5) Any officer or employee of a federal agency in the conduct of official duties.

(6) Any officer or employee of the State government or any political subdivision thereof performing official duties.

(7) Any multiple listing service or other similar information exchange that is engaged in the collection and dissemination of information concerning real estate available for sale, purchase, lease, or exchange for the purpose of providing licensees with a system by which licensees may cooperatively share information along with which no other licensed activities, as defined in Section 1-10 of this Act, are provided.

(8) Railroads and other public utilities regulated by the State of Illinois, or the officers or full time employees thereof, unless the performance of any licensed activities is in connection with the sale, purchase, lease, or other disposition of real estate or investment therein not needing the approval of the appropriate State regulatory authority.

(9) Any medium of advertising in the routine course of selling or publishing advertising along with which no other

licensed activities, as defined in Section 1-10 of this Act, are provided.

(10) Any resident lessee of a residential dwelling unit who refers for compensation to the owner of the dwelling unit, or to the owner's agent, prospective lessees of dwelling units in the same building or complex as the resident lessee's unit, but only if the resident lessee (i) refers no more than 3 prospective lessees in any 12-month period, (ii) receives compensation of no more than \$1,500 or the equivalent of one month's rent, whichever is less, in any 12-month period, and (iii) limits his or her activities to referring prospective lessees to the owner, or the owner's agent, and does not show a residential dwelling unit to a prospective lessee, discuss terms or conditions of leasing a dwelling unit with a prospective lessee, or otherwise participate in the negotiation of the leasing of a dwelling unit.

(11) An exchange company registered under the Real Estate Timeshare Act of 1999 and the regular employees of that registered exchange company but only when conducting an exchange program as defined in that Act.

(12) An existing timeshare owner who, for compensation, refers prospective purchasers, but only if the existing timeshare owner (i) refers no more than 20 prospective purchasers in any calendar year, (ii) receives no more than \$1,000, or its equivalent, for referrals in

any calendar year and (iii) limits his or her activities to referring prospective purchasers of timeshare interests to the developer or the developer's employees or agents, and does not show, discuss terms or conditions of purchase or otherwise participate in negotiations with regard to timeshare interests.

(13) Any person who is licensed without examination under Section 10-25 (now repealed) of the Auction License Act is exempt from holding a managing broker's or broker's ~~salesperson's~~ license under this Act for the limited purpose of selling or leasing real estate at auction, so long as:

(A) that person has made application for said exemption by July 1, 2000;

(B) that person verifies to the Department that he or she has sold real estate at auction for a period of 5 years prior to licensure as an auctioneer;

(C) the person has had no lapse in his or her license as an auctioneer; and

(D) the license issued under the Auction License Act has not been disciplined for violation of those provisions of Article 20 of the Auction License Act dealing with or related to the sale or lease of real estate at auction.

(14) A person who holds a valid license under the Auction License Act and a valid real estate auction

certification and conducts auctions for the sale of real estate under Section 5-32 of this Act.

(15) A hotel operator who is registered with the Illinois Department of Revenue and pays taxes under the Hotel Operators' Occupation Tax Act and rents a room or rooms in a hotel as defined in the Hotel Operators' Occupation Tax Act for a period of not more than 30 consecutive days and not more than 60 days in a calendar year.

(Source: P.A. 98-553, eff. 1-1-14.)

(225 ILCS 454/5-26)

(Section scheduled to be repealed on January 1, 2020)

Sec. 5-26. License ~~Requirements for license~~ as a salesperson.

~~(a) Every applicant for licensure as a salesperson must meet the following qualifications:~~

~~(1) Be at least 21 years of age. The minimum age of 21 years shall be waived for any person seeking a license as a real estate salesperson who has attained the age of 18 and can provide evidence of the successful completion of at least 4 semesters of post-secondary school study as a full-time student or the equivalent, with major emphasis on real estate courses, in a school approved by the Department;~~

~~(2) Be of good moral character;~~

~~(3) Successfully complete a 4-year course of study in a high school or secondary school approved by the Illinois State Board of Education or an equivalent course of study as determined by an examination conducted by the Illinois State Board of Education, which shall be verified under oath by the applicant;~~

~~(4) Provide satisfactory evidence of having completed at least 45 hours of instruction in real estate courses approved by the Advisory Council, except applicants who are currently admitted to practice law by the Supreme Court of Illinois and are currently in active standing;~~

~~(5) Personally take and pass a written examination authorized by the Department; and~~

~~(6) Present a valid application for issuance of a license accompanied by a sponsor card and the fees specified by rule.~~

~~(b) No applicant shall engage in any of the activities covered by this Act until a valid sponsor card has been issued to the applicant. The sponsor card shall be valid for a maximum period of 45 days after the date of issuance unless extended for good cause as provided by rule.~~

~~(c) All licenses should be readily available to the public at their sponsoring place of business.~~

~~(d)~~ No new salesperson licenses shall be issued after April 30, 2011 and all existing salesperson licenses shall terminate on May 1, 2012.

(Source: P.A. 96-856, eff. 12-31-09; 97-333, eff. 8-12-11.)

(225 ILCS 454/5-27)

(Section scheduled to be repealed on January 1, 2020)

Sec. 5-27. Requirements for licensure as a broker.

(a) Every applicant for licensure as a broker must meet the following qualifications:

(1) Be at least 21 years of age. After April 30, 2011, the minimum age of 21 years shall be waived for any person seeking a license as a broker who has attained the age of 18 and can provide evidence of the successful completion of at least 4 semesters of post-secondary school study as a full-time student or the equivalent, with major emphasis on real estate courses, in a school approved by the Department;

(2) Be of good moral character;

(3) Successfully complete a 4-year course of study in a high school or secondary school approved by the Illinois State Board of Education or an equivalent course of study as determined by an examination conducted by the Illinois State Board of Education which shall be verified under oath by the applicant;

(4) (Blank); ~~Prior to May 1, 2011, provide (i) satisfactory evidence of having completed at least 120 classroom hours, 45 of which shall be those hours required to obtain a salesperson's license plus 15 hours in~~

~~brokerage administration courses, in real estate courses approved by the Advisory Council or (ii) for applicants who currently hold a valid real estate salesperson's license, give satisfactory evidence of having completed at least 75 hours in real estate courses, not including the courses that are required to obtain a salesperson's license, approved by the Advisory Council;~~

(5) After April 30, 2011, provide satisfactory evidence of having completed 90 hours of instruction in real estate courses approved by the Advisory Council, 15 hours of which must consist of situational and case studies presented in the classroom or by other interactive delivery method between the instructor and the students;

(6) Personally take and pass a written examination authorized by the Department;

(7) Present a valid application for issuance of a license accompanied by a sponsor card and the fees specified by rule.

(b) The requirements specified in items (3) ~~(4)~~ and (5) of subsection (a) of this Section do not apply to applicants who are currently admitted to practice law by the Supreme Court of Illinois and are currently in active standing.

(c) No applicant shall engage in any of the activities covered by this Act until a valid sponsor card has been issued to such applicant. The sponsor card shall be valid for a maximum period of 45 days after the date of issuance unless

extended for good cause as provided by rule.

(d) All licenses should be readily available to the public at their place of business.

(e) An individual holding an active license as a managing broker may return the license to the Department along with a form provided by the Department and shall be issued a broker's license in exchange. Any individual obtaining a broker's license under this subsection (e) shall be considered as having obtained a broker's license by education and passing the required test and shall be treated as such in determining compliance with this Act.

(Source: P.A. 98-531, eff. 8-23-13; 98-1109, eff. 1-1-15.)

(225 ILCS 454/5-28)

(Section scheduled to be repealed on January 1, 2020)

Sec. 5-28. Requirements for licensure as a managing broker.

(a) Effective May 1, 2012, every applicant for licensure as a managing broker must meet the following qualifications:

- (1) be at least 21 years of age;
- (2) be of good moral character;
- (3) have been licensed at least 2 out of the preceding 3 years as a ~~real estate broker or salesperson~~;

(4) successfully complete a 4-year course of study in high school or secondary school approved by the Illinois State Board of Education or an equivalent course of study as determined by an examination conducted by the Illinois

State Board of Education, which shall be verified under oath by the applicant;

(5) provide satisfactory evidence of having completed at least 165 hours, 120 of which shall be those hours required pre and post-licensure to obtain a broker's license, and 45 additional hours completed within the year immediately preceding the filing of an application for a managing broker's license, which hours shall focus on brokerage administration and management and include at least 15 hours in the classroom or by other interactive delivery method between the instructor and the students;

(6) personally take and pass a written examination authorized by the Department; and

(7) present a valid application for issuance of a license accompanied by a sponsor card, an appointment as a managing broker, and the fees specified by rule.

(b) The requirements specified in item (5) of subsection (a) of this Section do not apply to applicants who are currently admitted to practice law by the Supreme Court of Illinois and are currently in active standing.

(c) No applicant shall act as a managing broker for more than 90 days after an appointment as a managing broker has been filed with the Department without obtaining a managing broker's license.

(Source: P.A. 98-531, eff. 8-23-13.)

(225 ILCS 454/5-32)

(Section scheduled to be repealed on January 1, 2020)

Sec. 5-32. Real estate auction certification.

(a) An auctioneer licensed under the Auction License Act who does not possess a valid and active broker's or managing broker's license under this Act, or who is not otherwise exempt from licensure, may not engage in the practice of auctioning real estate, except as provided in this Section.

(b) The Department shall issue a real estate auction certification to applicants who:

(1) possess a valid auctioneer's license under the Auction License Act;

(2) successfully complete a real estate auction course of at least 30 hours approved by the Department, which shall cover the scope of activities that may be engaged in by a person holding a real estate auction certification and the activities for which a person must hold a real estate license, as well as other material as provided by the Department;

(3) provide documentation of the completion of the real estate auction course; and

(4) successfully complete any other reasonable requirements as provided by rule.

(c) The auctioneer's role shall be limited to establishing the time, place, and method of the real estate auction, placing advertisements regarding the auction, and crying or calling the

auction; any other real estate brokerage activities must be performed by a person holding a valid and active ~~real estate~~ broker's or managing broker's license under the provisions of this Act or by a person who is exempt from holding a license under paragraph (13) of Section 5-20 who has a certificate under this Section.

(d) An auctioneer who conducts any real estate auction activities in violation of this Section is guilty of unlicensed practice under Section 20-10 of this Act.

(e) The Department may revoke, suspend, or otherwise discipline the real estate auction certification of an auctioneer who is adjudicated to be in violation of the provisions of this Section or Section 20-15 of the Auction License Act.

(f) Advertising for the real estate auction must contain the name and address of the licensed ~~real estate~~ broker, managing broker, or a licensed auctioneer under paragraph (13) of Section 5-20 of this Act who is providing brokerage services for the transaction.

(g) The requirement to hold a real estate auction certification shall not apply to a person exempt from this Act under the provisions of paragraph (13) of Section 5-20 of this Act, unless that person is performing licensed activities in a transaction in which a licensed auctioneer with a real estate certification is providing the limited services provided for in subsection (c) of this Section.

(h) Nothing in this Section shall require a person licensed under this Act as a ~~real-estate~~ broker or managing broker to obtain a real estate auction certification in order to auction real estate.

(i) The Department may adopt rules to implement this Section.

(Source: P.A. 98-553, eff. 1-1-14; 98-756, eff. 7-16-14.)

(225 ILCS 454/5-35)

(Section scheduled to be repealed on January 1, 2020)

Sec. 5-35. Examination; managing broker, broker, ~~salesperson~~, or leasing agent.

(a) The Department shall authorize examinations at such times and places as it may designate. The examination shall be of a character to give a fair test of the qualifications of the applicant to practice as a managing broker, broker, ~~salesperson~~, or leasing agent. Applicants for examination as a managing broker, broker, ~~salesperson~~, or leasing agent shall be required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee. An applicant shall be eligible to take the examination only

after successfully completing the education requirements and attaining the minimum age provided for in Article 5 of this Act. Each applicant shall be required to establish compliance with the eligibility requirements in the manner provided by the rules promulgated for the administration of this Act.

(b) If a person who has received a passing score on the written examination described in this Section fails to file an application and meet all requirements for a license under this Act within one year after receiving a passing score on the examination, credit for the examination shall terminate. The person thereafter may make a new application for examination.

(c) If an applicant has failed an examination 4 times, the applicant must repeat the pre-license education required to sit for the examination. For the purposes of this Section, the fifth attempt shall be the same as the first. Approved education, as prescribed by this Act for licensure as a managing broker, salesperson or broker, or leasing agent, shall be valid for 4 years after the date of satisfactory completion of the education.

(d) The Department may employ consultants for the purposes of preparing and conducting examinations.

(Source: P.A. 96-856, eff. 12-31-09.)

(225 ILCS 454/5-41)

(Section scheduled to be repealed on January 1, 2020)

Sec. 5-41. Change of address. A licensee shall notify the

Department of the address or addresses, and of every change of address, where the licensee practices as a leasing agent, ~~salesperson~~, broker or managing broker.

(Source: P.A. 96-856, eff. 12-31-09.)

(225 ILCS 454/5-50)

(Section scheduled to be repealed on January 1, 2020)

Sec. 5-50. Expiration and renewal of managing broker, broker, ~~salesperson~~, or leasing agent license; sponsoring broker; register of licensees; pocket card.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule, ~~except that the first renewal period ending after the effective date of this Act for those licensed as a salesperson shall be extended through April 30, 2012.~~ Except as otherwise provided in this Section, the holder of a license may renew the license within 90 days preceding the expiration date thereof by completing the continuing education required by this Act and paying the fees specified by rule.

(b) An individual whose first license is that of a broker received after April 30, 2011, must provide evidence of having completed 30 hours of post-license education in courses approved by the Advisory Council, 15 hours of which must consist of situational and case studies presented in the classroom or by other interactive delivery method between the instructor and the students, and personally take and pass an

examination approved by the Department prior to the first renewal of their broker's license.

(c) Any ~~salesperson until April 30, 2011 or any~~ managing broker, broker, or leasing agent whose license under this Act has expired shall be eligible to renew the license during the 2-year period following the expiration date, provided the managing broker, broker, ~~salesperson,~~ or leasing agent pays the fees as prescribed by rule and completes continuing education and other requirements provided for by the Act or by rule. Beginning on May 1, 2012, a managing broker licensee, broker, or leasing agent whose license has been expired for more than 2 years but less than 5 years may have it restored by (i) applying to the Department, (ii) paying the required fee, (iii) completing the continuing education requirements for the most recent pre-renewal period that ended prior to the date of the application for reinstatement, and (iv) filing acceptable proof of fitness to have his or her license restored, as set by rule. A managing broker, broker, or leasing agent whose license has been expired for more than 5 years shall be required to meet the requirements for a new license.

(d) Notwithstanding any other provisions of this Act to the contrary, any managing broker, broker, ~~salesperson,~~ or leasing agent whose license expired while he or she was (i) on active duty with the Armed Forces of the United States or called into service or training by the state militia, (ii) engaged in training or education under the supervision of the United

States preliminary to induction into military service, or (iii) serving as the Coordinator of Real Estate in the State of Illinois or as an employee of the Department may have his or her license renewed, reinstated or restored without paying any lapsed renewal fees if within 2 years after the termination of the service, training or education by furnishing the Department with satisfactory evidence of service, training, or education and it has been terminated under honorable conditions.

(e) The Department shall establish and maintain a register of all persons currently licensed by the State and shall issue and prescribe a form of pocket card. Upon payment by a licensee of the appropriate fee as prescribed by rule for engagement in the activity for which the licensee is qualified and holds a license for the current period, the Department shall issue a pocket card to the licensee. The pocket card shall be verification that the required fee for the current period has been paid and shall indicate that the person named thereon is licensed for the current renewal period as a managing broker, broker, ~~salesperson~~, or leasing agent as the case may be. The pocket card shall further indicate that the person named thereon is authorized by the Department to engage in the licensed activity appropriate for his or her status (managing broker, broker, ~~salesperson~~, or leasing agent). Each licensee shall carry on his or her person his or her pocket card or, if such pocket card has not yet been issued, a properly issued sponsor card when engaging in any licensed activity and shall

display the same on demand.

(f) The Department shall provide to the sponsoring broker a notice of renewal for all sponsored licensees by mailing the notice to the sponsoring broker's address of record, or, at the Department's discretion, by an electronic means as provided for by rule.

(g) Upon request from the sponsoring broker, the Department shall make available to the sponsoring broker, either by mail or by an electronic means at the discretion of the Department, a listing of licensees under this Act who, according to the records of the Department, are sponsored by that broker. Every licensee associated with or employed by a broker whose license is revoked, suspended, terminated, or expired shall be considered as inoperative until such time as the sponsoring broker's license is reinstated or renewed, or the licensee changes employment as set forth in subsection (c) of Section 5-40 of this Act.

(Source: P.A. 98-531, eff. 8-23-13.)

(225 ILCS 454/5-60)

(Section scheduled to be repealed on January 1, 2020)

Sec. 5-60. Managing broker licensed in another state; broker licensed in another state; ~~salesperson licensed in another state;~~ reciprocal agreements; agent for service of process.

(a) Effective May 1, 2011, a managing broker's license may

be issued by the Department to a managing broker or its equivalent licensed under the laws of another state of the United States, under the following conditions:

(1) the managing broker holds a managing broker's license in a state that has entered into a reciprocal agreement with the Department;

(2) the standards for that state for licensing as a managing broker are substantially equal to or greater than the minimum standards in the State of Illinois;

(3) the managing broker has been actively practicing as a managing broker in the managing broker's state of licensure for a period of not less than 2 years, immediately prior to the date of application;

(4) the managing broker furnishes the Department with a statement under seal of the proper licensing authority of the state in which the managing broker is licensed showing that the managing broker has an active managing broker's license, that the managing broker is in good standing, and that no complaints are pending against the managing broker in that state;

(5) the managing broker passes a test on Illinois specific real estate brokerage laws; and

(6) the managing broker was licensed by an examination in the state that has entered into a reciprocal agreement with the Department.

(b) A broker's license may be issued by the Department to a

broker or its equivalent licensed under the laws of another state of the United States, under the following conditions:

(1) the broker holds a broker's license in a state that has entered into a reciprocal agreement with the Department;

(2) the standards for that state for licensing as a broker are substantially equivalent to or greater than the minimum standards in the State of Illinois;

(3) if the application is made prior to May 1, 2012, then the broker has been actively practicing as a broker in the broker's state of licensure for a period of not less than 2 years, immediately prior to the date of application;

(4) the broker furnishes the Department with a statement under seal of the proper licensing authority of the state in which the broker is licensed showing that the broker has an active broker's license, that the broker is in good standing, and that no complaints are pending against the broker in that state;

(5) the broker passes a test on Illinois specific real estate brokerage laws; and

(6) the broker was licensed by an examination in a state that has entered into a reciprocal agreement with the Department.

(c) (Blank). ~~Prior to May 1, 2011, a salesperson may, in the discretion of the Department, be issued a salesperson's license provided all of the following conditions are met:~~

~~(1) the salesperson maintains an active license in the state that has entered into a reciprocal agreement with the Department;~~

~~(2) the salesperson passes a test on Illinois specific real estate brokerage laws; and~~

~~(3) the salesperson was licensed by an examination in the state that has entered into a reciprocal agreement with the Department.~~

~~The broker with whom the salesperson is associated shall comply with the provisions of this Act and issue the salesperson a sponsor card upon the form provided by the Department.~~

(d) As a condition precedent to the issuance of a license to a managing broker, or broker, ~~or salesperson~~ pursuant to this Section, the managing broker or broker ~~salesperson~~ shall agree in writing to abide by all the provisions of this Act with respect to his or her real estate activities within the State of Illinois and submit to the jurisdiction of the Department as provided in this Act. The agreement shall be filed with the Department and shall remain in force for so long as the managing broker, or broker ~~or salesperson~~ is licensed by this State and thereafter with respect to acts or omissions committed while licensed as a managing broker or broker ~~salesperson~~ in this State.

(e) Prior to the issuance of any license to any managing broker, or broker, ~~or salesperson~~ licensed pursuant to this

Section, verification of active licensure issued for the conduct of such business in any other state must be filed with the Department by the managing broker~~7~~ or broker, ~~or salesperson~~, and the same fees must be paid as provided in this Act for the obtaining of a managing broker's~~7~~ or broker's ~~or salesperson's~~ license in this State.

(f) Licenses previously granted under reciprocal agreements with other states shall remain in force so long as the Department has a reciprocal agreement with the state that includes the requirements of this Section, unless that license is suspended, revoked, or terminated by the Department for any reason provided for suspension, revocation, or termination of a resident licensee's license. Licenses granted under reciprocal agreements may be renewed in the same manner as a resident's license.

(g) Prior to the issuance of a license to a nonresident managing broker~~7~~ or broker ~~or salesperson~~, the managing broker~~7~~ or broker ~~or salesperson~~ shall file with the Department a designation in writing that appoints the Secretary to act as his or her agent upon whom all judicial and other process or legal notices directed to the managing broker~~7~~ or broker ~~or salesperson~~ may be served. Service upon the agent so designated shall be equivalent to personal service upon the licensee. Copies of the appointment, certified by the Secretary, shall be deemed sufficient evidence thereof and shall be admitted in evidence with the same force and effect as the original thereof

might be admitted. In the written designation, the managing broker, or broker ~~or salesperson~~ shall agree that any lawful process against the licensee that is served upon the agent shall be of the same legal force and validity as if served upon the licensee and that the authority shall continue in force so long as any liability remains outstanding in this State. Upon the receipt of any process or notice, the Secretary shall forthwith mail a copy of the same by certified mail to the last known business address of the licensee.

(h) Any person holding a valid license under this Section shall be eligible to obtain a ~~resident~~ managing broker's license, or a broker's license, ~~or, prior to May 1, 2011, a salesperson's license~~ without examination should that person change their state of domicile to Illinois and that person otherwise meets the qualifications for licensure under this Act.

(Source: P.A. 96-856, eff. 12-31-09.)

(225 ILCS 454/5-70)

(Section scheduled to be repealed on January 1, 2020)

Sec. 5-70. Continuing education requirement; managing broker, or broker, ~~or salesperson~~.

(a) The requirements of this Section apply to all managing brokers, and brokers, ~~and salespersons~~.

(b) Except as otherwise provided in this Section, each person who applies for renewal of his or her license as a

managing broker, or ~~real estate broker, or real estate salesperson~~ must successfully complete 6 hours of real estate continuing education courses approved by the Advisory Council for each year of the pre-renewal period. ~~Broker licensees must successfully complete a 6 hour broker management continuing education course approved by the Department for the pre renewal period ending April 30, 2010.~~ In addition, beginning with the pre-renewal period for managing broker licensees that begins after the effective date of this Act, those licensees renewing or obtaining a managing broker's license must successfully complete a 12-hour broker management continuing education course approved by the Department each pre-renewal period. The broker management continuing education course must be completed in the classroom or by other interactive delivery method between the instructor and the students. Successful completion of the course shall include achieving a passing score as provided by rule on a test developed and administered in accordance with rules adopted by the Department. No license may be renewed except upon the successful completion of the required courses or their equivalent or upon a waiver of those requirements for good cause shown as determined by the Secretary with the recommendation of the Advisory Council. The requirements of this Article are applicable to all managing brokers, and ~~brokers, and salespersons~~ except those managing brokers and brokers ~~salespersons~~ who, during the pre-renewal period:

- (1) serve in the armed services of the United States;
- (2) serve as an elected State or federal official;
- (3) serve as a full-time employee of the Department; or
- (4) are admitted to practice law pursuant to Illinois Supreme Court rule.

(c) (Blank). ~~A person licensed as a salesperson as of April 30, 2011 shall not be required to complete the 18 hours of continuing education for the pre renewal period ending April 30, 2012 if that person takes the 30 hour post licensing course to obtain a broker's license. A person licensed as a broker as of April 30, 2011 shall not be required to complete the 12 hours of broker management continuing education for the pre renewal period ending April 30, 2012, unless that person passes the proficiency exam provided for in Section 5-47 of this Act to qualify for a managing broker's license.~~

(d) A person receiving an initial license during the 90 days before the renewal date shall not be required to complete the continuing education courses provided for in subsection (b) of this Section as a condition of initial license renewal.

(e) The continuing education requirement for ~~salespersons,~~ brokers and managing brokers shall consist of a core curriculum and an elective curriculum, to be established by the Advisory Council. In meeting the continuing education requirements of this Act, at least 3 hours per year or their equivalent, 6 hours for each two-year pre-renewal period, shall be required to be completed in the core curriculum. In establishing the

core curriculum, the Advisory Council shall consider subjects that will educate licensees on recent changes in applicable laws and new laws and refresh the licensee on areas of the license law and the Department policy that the Advisory Council deems appropriate, and any other areas that the Advisory Council deems timely and applicable in order to prevent violations of this Act and to protect the public. In establishing the elective curriculum, the Advisory Council shall consider subjects that cover the various aspects of the practice of real estate that are covered under the scope of this Act. However, the elective curriculum shall not include any offerings referred to in Section 5-85 of this Act.

(f) The subject areas of continuing education courses approved by the Advisory Council may include without limitation the following:

- (1) license law and escrow;
- (2) antitrust;
- (3) fair housing;
- (4) agency;
- (5) appraisal;
- (6) property management;
- (7) residential brokerage;
- (8) farm property management;
- (9) rights and duties of sellers, buyers, and brokers;
- (10) commercial brokerage and leasing; and
- (11) real estate financing.

(g) In lieu of credit for those courses listed in subsection (f) of this Section, credit may be earned for serving as a licensed instructor in an approved course of continuing education. The amount of credit earned for teaching a course shall be the amount of continuing education credit for which the course is approved for licensees taking the course.

(h) Credit hours may be earned for self-study programs approved by the Advisory Council.

(i) A managing broker or broker ~~salesperson~~ may earn credit for a specific continuing education course only once during the prerenewal period.

(j) No more than 6 hours of continuing education credit may be taken or earned in one calendar day.

(k) To promote the offering of a uniform and consistent course content, the Department may provide for the development of a single broker management course to be offered by all continuing education providers who choose to offer the broker management continuing education course. The Department may contract for the development of the 12-hour broker management continuing education course with an outside vendor or consultant and, if the course is developed in this manner, the Department or the outside consultant shall license the use of that course to all approved continuing education providers who wish to provide the course.

(l) Except as specifically provided in this Act, continuing education credit hours may not be earned for completion of pre

or post-license courses. The approved 30-hour post-license course for broker licensees shall satisfy the continuing education requirement for the pre-renewal period in which the course is taken. The approved 45-hour brokerage administration and management course shall satisfy the 12-hour broker management continuing education requirement for the pre-renewal period in which the course is taken.

(Source: P.A. 97-1002, eff. 8-17-12; 98-531, eff. 8-23-13.)

(225 ILCS 454/10-10)

(Section scheduled to be repealed on January 1, 2020)

Sec. 10-10. Disclosure of compensation.

(a) A licensee must disclose to a client the sponsoring broker's compensation and policy with regard to cooperating with brokers who represent other parties in a transaction.

(b) A licensee must disclose to a client all sources of compensation related to the transaction received by the licensee from a third party.

(c) If a licensee refers a client to a third party in which the licensee has greater than a 1% ownership interest or from which the licensee receives or may receive dividends or other profit sharing distributions, other than a publicly held or traded company, for the purpose of the client obtaining services related to the transaction, then the licensee shall disclose that fact to the client at the time of making the referral.

(d) If in any one transaction a sponsoring broker receives compensation from both the buyer and seller or lessee and lessor of real estate, the sponsoring broker shall disclose in writing to a client the fact that the compensation is being paid by both buyer and seller or lessee and lessor.

(e) Nothing in the Act shall prohibit the cooperation with or a payment of compensation to a person not domiciled in this State or country who is licensed as a ~~real estate~~ broker in his or her state or country of domicile or to a resident of a country that does not require a person to be licensed to act as a ~~real estate~~ broker if the person complies with the laws of the country in which that person resides and practices there as a ~~real estate~~ broker.

(Source: P.A. 91-245, eff. 12-31-99; 92-217, eff. 8-2-01.)

(225 ILCS 454/10-15)

(Section scheduled to be repealed on January 1, 2020)

Sec. 10-15. No compensation to persons in violation of Act; compensation to unlicensed persons; consumer.

(a) No compensation may be paid to any unlicensed person in exchange for the person performing licensed activities in violation of this Act.

(b) No action or suit shall be instituted, nor recovery therein be had, in any court of this State by any person, partnership, registered limited liability partnership, limited liability company, or corporation for compensation for any act

done or service performed, the doing or performing of which is prohibited by this Act to other than licensed managing brokers, brokers, ~~salespersons~~, or leasing agents unless the person, partnership, registered limited liability partnership, limited liability company, or corporation was duly licensed hereunder as a managing broker, broker, ~~salesperson~~, or leasing agent under this Act at the time that any such act was done or service performed that would give rise to a cause of action for compensation.

(c) A licensee may offer compensation, including prizes, merchandise, services, rebates, discounts, or other consideration to an unlicensed person who is a party to a contract to buy or sell real estate or is a party to a contract for the lease of real estate, so long as the offer complies with the provisions of subdivision (35) of subsection (a) of Section 20-20 of this Act.

(d) A licensee may offer cash, gifts, prizes, awards, coupons, merchandise, rebates or chances to win a game of chance, if not prohibited by any other law or statute, to a consumer as an inducement to that consumer to use the services of the licensee even if the licensee and consumer do not ultimately enter into a broker-client relationship so long as the offer complies with the provisions of subdivision (35) of subsection (a) of Section 20-20 of this Act.

(Source: P.A. 96-856, eff. 12-31-09.)

(225 ILCS 454/15-5)

(Section scheduled to be repealed on January 1, 2020)

Sec. 15-5. Legislative intent.

(a) The General Assembly finds that application of the common law of agency to the relationships among managing ~~real estate~~ brokers and brokers ~~salespersons~~ and consumers of real estate brokerage services has resulted in misunderstandings and consequences that have been contrary to the best interests of the public. The General Assembly further finds that the real estate brokerage industry has a significant impact upon the economy of the State of Illinois and that it is in the best interest of the public to provide codification of the relationships between managing ~~real estate~~ brokers and brokers ~~salespersons~~ and consumers of real estate brokerage services in order to prevent detrimental misunderstandings and misinterpretations of the relationships by consumers, managing ~~real estate~~ brokers, and brokers ~~salespersons~~ and thus promote and provide stability in the real estate market. This Article 15 is enacted to govern the relationships between consumers of real estate brokerage services and managing ~~real estate~~ brokers and brokers ~~salespersons~~ to the extent not governed by an individual written agreement between a sponsoring broker and a consumer, providing that there is a relationship other than designated agency. This Article 15 applies to the exclusion of the common law concepts of principal and agent and to the fiduciary duties, which have been applied to managing ~~real~~

~~estate~~ brokers, brokers ~~salespersons~~, and real estate brokerage services.

(b) The General Assembly further finds that this Article 15 is not intended to prescribe or affect contractual relationships between managing brokers and ~~real estate~~ brokers and the broker's affiliated licensees.

(c) This Article 15 may serve as a basis for private rights of action and defenses by sellers, buyers, landlords, tenants, managing brokers, and ~~real estate brokers, and real estate salespersons~~. The private rights of action, however, do not extend to the provisions of any other Articles of this Act.

(Source: P.A. 91-245, eff. 12-31-99.)

(225 ILCS 454/20-10)

(Section scheduled to be repealed on January 1, 2020)

Sec. 20-10. Unlicensed practice; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a managing ~~real estate broker, broker real estate salesperson~~, or leasing agent without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$25,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a license.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner from any court of record.

(Source: P.A. 96-856, eff. 12-31-09.)

(225 ILCS 454/20-20)

(Section scheduled to be repealed on January 1, 2020)

Sec. 20-20. Grounds for discipline.

(a) The Department may refuse to issue or renew a license, may place on probation, suspend, or revoke any license, reprimand, or take any other disciplinary or non-disciplinary action as the Department may deem proper and impose a fine not to exceed \$25,000 upon any licensee or applicant under this Act or any person who holds himself or herself out as an applicant or licensee or against a licensee in handling his or her own property, whether held by deed, option, or otherwise, for any one or any combination of the following causes:

(1) Fraud or misrepresentation in applying for, or procuring, a license under this Act or in connection with applying for renewal of a license under this Act.

(2) The conviction of or plea of guilty or plea of nolo contendere to a felony or misdemeanor in this State or any

other jurisdiction; or the entry of an administrative sanction by a government agency in this State or any other jurisdiction. Action taken under this paragraph (2) for a misdemeanor or an administrative sanction is limited to a misdemeanor or administrative sanction that has as an essential element dishonesty or fraud or involves larceny, embezzlement, or obtaining money, property, or credit by false pretenses or by means of a confidence game.

(3) Inability to practice the profession with reasonable judgment, skill, or safety as a result of a physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill, or a mental illness or disability.

(4) Practice under this Act as a licensee in a retail sales establishment from an office, desk, or space that is not separated from the main retail business by a separate and distinct area within the establishment.

(5) Having been disciplined by another state, the District of Columbia, a territory, a foreign nation, or a governmental agency authorized to impose discipline if at least one of the grounds for that discipline is the same as or the equivalent of one of the grounds for which a licensee may be disciplined under this Act. A certified copy of the record of the action by the other state or jurisdiction shall be prima facie evidence thereof.

(6) Engaging in the practice of real estate brokerage

without a license or after the licensee's license was expired or while the license was inoperative.

(7) Cheating on or attempting to subvert the Real Estate License Exam or continuing education exam.

(8) Aiding or abetting an applicant to subvert or cheat on the Real Estate License Exam or continuing education exam administered pursuant to this Act.

(9) Advertising that is inaccurate, misleading, or contrary to the provisions of the Act.

(10) Making any substantial misrepresentation or untruthful advertising.

(11) Making any false promises of a character likely to influence, persuade, or induce.

(12) Pursuing a continued and flagrant course of misrepresentation or the making of false promises through licensees, employees, agents, advertising, or otherwise.

(13) Any misleading or untruthful advertising, or using any trade name or insignia of membership in any real estate organization of which the licensee is not a member.

(14) Acting for more than one party in a transaction without providing written notice to all parties for whom the licensee acts.

(15) Representing or attempting to represent a broker other than the sponsoring broker.

(16) Failure to account for or to remit any moneys or documents coming into his or her possession that belong to

others.

(17) Failure to maintain and deposit in a special account, separate and apart from personal and other business accounts, all escrow moneys belonging to others entrusted to a licensee while acting as a ~~real-estate~~ broker, escrow agent, or temporary custodian of the funds of others or failure to maintain all escrow moneys on deposit in the account until the transactions are consummated or terminated, except to the extent that the moneys, or any part thereof, shall be:

(A) disbursed prior to the consummation or termination (i) in accordance with the written direction of the principals to the transaction or their duly authorized agents, (ii) in accordance with directions providing for the release, payment, or distribution of escrow moneys contained in any written contract signed by the principals to the transaction or their duly authorized agents, or (iii) pursuant to an order of a court of competent jurisdiction; or

(B) deemed abandoned and transferred to the Office of the State Treasurer to be handled as unclaimed property pursuant to the Uniform Disposition of Unclaimed Property Act. Escrow moneys may be deemed abandoned under this subparagraph (B) only: (i) in the absence of disbursement under subparagraph (A); (ii) in the absence of notice of the filing of any claim in

a court of competent jurisdiction; and (iii) if 6 months have elapsed after the receipt of a written demand for the escrow moneys from one of the principals to the transaction or the principal's duly authorized agent.

The account shall be noninterest bearing, unless the character of the deposit is such that payment of interest thereon is otherwise required by law or unless the principals to the transaction specifically require, in writing, that the deposit be placed in an interest bearing account.

(18) Failure to make available to the Department all escrow records and related documents maintained in connection with the practice of real estate within 24 hours of a request for those documents by Department personnel.

(19) Failing to furnish copies upon request of documents relating to a real estate transaction to a party who has executed that document.

(20) Failure of a sponsoring broker to timely provide information, sponsor cards, or termination of licenses to the Department.

(21) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(22) Commingling the money or property of others with his or her own money or property.

(23) Employing any person on a purely temporary or single deal basis as a means of evading the law regarding payment of commission to nonlicensees on some contemplated transactions.

(24) Permitting the use of his or her license as a broker to enable a leasing agent ~~salesperson~~ or unlicensed person to operate a real estate business without actual participation therein and control thereof by the broker.

(25) Any other conduct, whether of the same or a different character from that specified in this Section, that constitutes dishonest dealing.

(26) Displaying a "for rent" or "for sale" sign on any property without the written consent of an owner or his or her duly authorized agent or advertising by any means that any property is for sale or for rent without the written consent of the owner or his or her authorized agent.

(27) Failing to provide information requested by the Department, or otherwise respond to that request, within 30 days of the request.

(28) Advertising by means of a blind advertisement, except as otherwise permitted in Section 10-30 of this Act.

(29) Offering guaranteed sales plans, as defined in clause (A) of this subdivision (29), except to the extent hereinafter set forth:

(A) A "guaranteed sales plan" is any real estate purchase or sales plan whereby a licensee enters into a

conditional or unconditional written contract with a seller, prior to entering into a brokerage agreement with the seller, by the terms of which a licensee agrees to purchase a property of the seller within a specified period of time at a specific price in the event the property is not sold in accordance with the terms of a brokerage agreement to be entered into between the sponsoring broker and the seller.

(B) A licensee offering a guaranteed sales plan shall provide the details and conditions of the plan in writing to the party to whom the plan is offered.

(C) A licensee offering a guaranteed sales plan shall provide to the party to whom the plan is offered evidence of sufficient financial resources to satisfy the commitment to purchase undertaken by the broker in the plan.

(D) Any licensee offering a guaranteed sales plan shall undertake to market the property of the seller subject to the plan in the same manner in which the broker would market any other property, unless the agreement with the seller provides otherwise.

(E) The licensee cannot purchase seller's property until the brokerage agreement has ended according to its terms or is otherwise terminated.

(F) Any licensee who fails to perform on a guaranteed sales plan in strict accordance with its

terms shall be subject to all the penalties provided in this Act for violations thereof and, in addition, shall be subject to a civil fine payable to the party injured by the default in an amount of up to \$25,000.

(30) Influencing or attempting to influence, by any words or acts, a prospective seller, purchaser, occupant, landlord, or tenant of real estate, in connection with viewing, buying, or leasing real estate, so as to promote or tend to promote the continuance or maintenance of racially and religiously segregated housing or so as to retard, obstruct, or discourage racially integrated housing on or in any street, block, neighborhood, or community.

(31) Engaging in any act that constitutes a violation of any provision of Article 3 of the Illinois Human Rights Act, whether or not a complaint has been filed with or adjudicated by the Human Rights Commission.

(32) Inducing any party to a contract of sale or lease or brokerage agreement to break the contract of sale or lease or brokerage agreement for the purpose of substituting, in lieu thereof, a new contract for sale or lease or brokerage agreement with a third party.

(33) Negotiating a sale, exchange, or lease of real estate directly with any person if the licensee knows that the person has an exclusive brokerage agreement with another broker, unless specifically authorized by that

broker.

(34) When a licensee is also an attorney, acting as the attorney for either the buyer or the seller in the same transaction in which the licensee is acting or has acted as a managing broker or broker ~~salesperson~~.

(35) Advertising or offering merchandise or services as free if any conditions or obligations necessary for receiving the merchandise or services are not disclosed in the same advertisement or offer. These conditions or obligations include without limitation the requirement that the recipient attend a promotional activity or visit a real estate site. As used in this subdivision (35), "free" includes terms such as "award", "prize", "no charge", "free of charge", "without charge", and similar words or phrases that reasonably lead a person to believe that he or she may receive or has been selected to receive something of value, without any conditions or obligations on the part of the recipient.

(36) Disregarding or violating any provision of the Land Sales Registration Act of 1989, the Illinois Real Estate Time-Share Act, or the published rules promulgated by the Department to enforce those Acts.

(37) Violating the terms of a disciplinary order issued by the Department.

(38) Paying or failing to disclose compensation in violation of Article 10 of this Act.

(39) Requiring a party to a transaction who is not a client of the licensee to allow the licensee to retain a portion of the escrow moneys for payment of the licensee's commission or expenses as a condition for release of the escrow moneys to that party.

(40) Disregarding or violating any provision of this Act or the published rules promulgated by the Department to enforce this Act or aiding or abetting any individual, partnership, registered limited liability partnership, limited liability company, or corporation in disregarding any provision of this Act or the published rules promulgated by the Department to enforce this Act.

(41) Failing to provide the minimum services required by Section 15-75 of this Act when acting under an exclusive brokerage agreement.

(42) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in a managing broker, broker, ~~salesperson~~, or leasing agent's inability to practice with reasonable skill or safety.

(43) Enabling, aiding, or abetting an auctioneer, as defined in the Auction License Act, to conduct a real estate auction in a manner that is in violation of this Act.

(b) The Department may refuse to issue or renew or may suspend the license of any person who fails to file a return,

pay the tax, penalty or interest shown in a filed return, or pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Department of Revenue, until such time as the requirements of that tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Civil Administrative Code of Illinois.

(c) The Department shall deny a license or renewal authorized by this Act to a person who has defaulted on an educational loan or scholarship provided or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State in accordance with item (5) of subsection (a) of Section 2105-15 of the Civil Administrative Code of Illinois.

(d) In cases where the Department of Healthcare and Family Services (formerly Department of Public Aid) has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with item (5) of subsection (a) of Section 2105-15 of the Civil Administrative Code of Illinois.

(e) In enforcing this Section, the Department or Board upon a showing of a possible violation may compel an individual

licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. Failure of an individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of his or her license until the individual submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department or Board finds an individual unable to practice because of the reasons set forth in this Section, the Department or Board may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department or Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Department may file, or the Board may recommend to the

Department to file, a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. An individual whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Secretary for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Secretary immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 30 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 97-813, eff. 7-13-12; 97-1002, eff. 8-17-12; 98-553, eff. 1-1-14; 98-756, eff. 7-16-14.)

(225 ILCS 454/20-21)

(Section scheduled to be repealed on January 1, 2020)

Sec. 20-21. Injunctions; cease and desist order.

(a) If any person violates the provisions of this Act, the Secretary may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois or the State's Attorney for any county in which the action is brought, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or condition, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the Court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) Whenever in the opinion of the Department a person violates a provision of this Act, the Department may issue a ruling to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Department and shall allow at least 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

(c) Other than as provided in Section 5-20 of this Act, if any person practices as a managing ~~real estate~~ broker, broker, ~~real estate salesperson~~ or leasing agent or holds himself or herself out as a licensed sponsoring broker, managing broker, ~~real estate~~ broker, ~~real estate salesperson~~ or leasing agent under this Act without being issued a valid existing license by the Department, then any licensed sponsoring broker, managing broker, ~~real estate~~ broker, ~~real estate salesperson~~, leasing agent, any interested party, or any person injured thereby may, in addition to the Secretary, petition for relief as provided in subsection (a) of this Section.

(Source: P.A. 96-856, eff. 12-31-09.)

(225 ILCS 454/20-22)

(Section scheduled to be repealed on January 1, 2020)

Sec. 20-22. Violations. Any person who is found working or acting as a managing broker, ~~real estate~~ broker, ~~real estate salesperson~~, or leasing agent or holding himself or herself out as a licensed sponsoring broker, managing broker, ~~real estate~~ broker, ~~real estate salesperson~~, or leasing agent without being issued a valid existing license is guilty of a Class A misdemeanor and on conviction of a second or subsequent offense the violator shall be guilty of a Class 4 felony.

(Source: P.A. 96-856, eff. 12-31-09.)

(225 ILCS 454/20-85)

(Section scheduled to be repealed on January 1, 2020)

Sec. 20-85. Recovery from Real Estate Recovery Fund. The Department shall maintain a Real Estate Recovery Fund from which any person aggrieved by an act, representation, transaction, or conduct of a licensee or unlicensed employee of a licensee that is in violation of this Act or the rules promulgated pursuant thereto, constitutes embezzlement of money or property, or results in money or property being unlawfully obtained from any person by false pretenses, artifice, trickery, or forgery or by reason of any fraud, misrepresentation, discrimination, or deceit by or on the part of any such licensee or the unlicensed employee of a licensee and that results in a loss of actual cash money, as opposed to losses in market value, may recover. The aggrieved person may recover, by a post-judgment order of the circuit court of the county where the violation occurred in a proceeding described in Section 20-90 of this Act, an amount of not more than \$25,000 from the Fund for damages sustained by the act, representation, transaction, or conduct, together with costs of suit and attorney's fees incurred in connection therewith of not to exceed 15% of the amount of the recovery ordered paid from the Fund. However, no person ~~licensee~~ may recover from the Fund unless the court finds that the person suffered a loss resulting from intentional misconduct. The post-judgment order shall not include interest on the judgment. The maximum liability against the Fund arising out of any one act shall be

as provided in this Section, and the post-judgment order shall spread the award equitably among all co-owners or otherwise aggrieved persons, if any. The maximum liability against the Fund arising out of the activities of any one licensee or one unlicensed employee of a licensee, since January 1, 1974, shall be \$100,000. Nothing in this Section shall be construed to authorize recovery from the Fund unless the loss of the aggrieved person results from an act or omission of a licensee under this Act who was at the time of the act or omission acting in such capacity or was apparently acting in such capacity or their unlicensed employee and unless the aggrieved person has obtained a valid judgment and post-judgment order of the court as provided for in Section 20-90 of this Act. No person aggrieved by an act, representation, or transaction that is in violation of the Illinois Real Estate Time-Share Act or the Land Sales Registration Act of 1989 may recover from the Fund.

(Source: P.A. 96-856, eff. 12-31-09; 97-1002, eff. 8-17-12.)

(225 ILCS 454/25-10)

(Section scheduled to be repealed on January 1, 2020)

Sec. 25-10. Real Estate Administration and Disciplinary Board; duties. There is created the Real Estate Administration and Disciplinary Board. The Board shall be composed of 9 persons appointed by the Governor. Members shall be appointed to the Board subject to the following conditions:

(1) All members shall have been residents and citizens of this State for at least 6 years prior to the date of appointment.

(2) Six members shall have been actively engaged as managing brokers or brokers ~~salespersons~~ or both for at least the 10 years prior to the appointment.

(3) Three members of the Board shall be public members who represent consumer interests.

None of these members shall be (i) a person who is licensed under this Act or a similar Act of another jurisdiction, (ii) the spouse or family member of a licensee, (iii) a person who has an ownership interest in a real estate brokerage business, or (iv) a person the Department determines to have any other connection with a real estate brokerage business or a licensee. The members' terms shall be 4 years or until their successor is appointed, and the expiration of their terms shall be staggered. Appointments to fill vacancies shall be for the unexpired portion of the term. The membership of the Board should reasonably reflect the geographic distribution of the licensee population in this State. In making the appointments, the Governor shall give due consideration to the recommendations by members and organizations of the profession. The Governor may terminate the appointment of any member for cause that in the opinion of the Governor reasonably justifies the termination. Cause for termination shall include without limitation misconduct, incapacity, neglect of duty, or

missing 4 board meetings during any one calendar year. Each member of the Board may receive a per diem stipend in an amount to be determined by the Secretary. Each member shall be paid his or her necessary expenses while engaged in the performance of his or her duties. Such compensation and expenses shall be paid out of the Real Estate License Administration Fund. The Secretary shall consider the recommendations of the Board on questions involving standards of professional conduct, discipline, and examination of candidates under this Act. The Department, after notifying and considering the recommendations of the Board, if any, may issue rules, consistent with the provisions of this Act, for the administration and enforcement thereof and may prescribe forms that shall be used in connection therewith. Five Board members shall constitute a quorum. A quorum is required for all Board decisions.

(Source: P.A. 98-1109, eff. 1-1-15.)

(225 ILCS 454/25-25)

(Section scheduled to be repealed on January 1, 2020)

Sec. 25-25. Real Estate Research and Education Fund. A special fund to be known as the Real Estate Research and Education Fund is created and shall be held in trust in the State Treasury. Annually, on September 15th, the State Treasurer shall cause a transfer of \$125,000 to the Real Estate Research and Education Fund from the Real Estate License

Administration Fund. The Real Estate Research and Education Fund shall be administered by the Department. Money deposited in the Real Estate Research and Education Fund may be used for research and education at state institutions of higher education or other organizations for research and the advancement of education in the real estate industry. Of the \$125,000 annually transferred into the Real Estate Research and Education Fund, \$15,000 shall be used to fund a scholarship program for persons of minority racial origin who wish to pursue a course of study in the field of real estate. For the purposes of this Section, "course of study" means a course or courses that are part of a program of courses in the field of real estate designed to further an individual's knowledge or expertise in the field of real estate. These courses shall include without limitation ~~courses that a salesperson licensed under this Act must complete to qualify for a real estate broker's license,~~ courses that a broker licensed under this Act must complete to qualify for a managing broker's license, courses required to obtain the Graduate Realtors Institute designation, and any other courses or programs offered by accredited colleges, universities, or other institutions of higher education in Illinois. The scholarship program shall be administered by the Department or its designee. Moneys in the Real Estate Research and Education Fund may be invested and reinvested in the same manner as funds in the Real Estate Recovery Fund and all earnings, interest, and dividends

received from such investments shall be deposited in the Real Estate Research and Education Fund and may be used for the same purposes as moneys transferred to the Real Estate Research and Education Fund. Moneys in the Real Estate Research and Education Fund may be transferred to the Professions Indirect Cost Fund as authorized under Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(Source: P.A. 96-856, eff. 12-31-09.)

(225 ILCS 454/30-15)

(Section scheduled to be repealed on January 1, 2020)

Sec. 30-15. Licensing of continuing education schools; approval of courses.

(a) Only continuing education schools in possession of a valid continuing education school license may provide real estate continuing education courses that will satisfy the requirements of this Act. Pre-license schools licensed to offer pre-license education courses for ~~salespersons,~~ brokers, ~~and~~ managing brokers, or leasing agents shall qualify for a continuing education school license upon completion of an application and the submission of the required fee. Every entity that desires to obtain a continuing education school license shall make application to the Department in writing in forms prescribed by the Department and pay the fee prescribed by rule. In addition to any other information required to be

contained in the application, every application for an original or renewed license shall include the applicant's Social Security number.

(b) The criteria for a continuing education license shall include the following:

(1) A sound financial base for establishing, promoting, and delivering the necessary courses. Budget planning for the School's courses should be clearly projected.

(2) A sufficient number of qualified, licensed instructors as provided by rule.

(3) Adequate support personnel to assist with administrative matters and technical assistance.

(4) Maintenance and availability of records of participation for licensees.

(5) The ability to provide each participant who successfully completes an approved program with a certificate of completion signed by the administrator of a licensed continuing education school on forms provided by the Department.

(6) The continuing education school must have a written policy dealing with procedures for the management of grievances and fee refunds.

(7) The continuing education school shall maintain lesson plans and examinations for each course.

(8) The continuing education school shall require a 70%

passing grade for successful completion of any continuing education course.

(9) The continuing education school shall identify and use instructors who will teach in a planned program. Suggested criteria for instructor selections include:

- (A) appropriate credentials;
- (B) competence as a teacher;
- (C) knowledge of content area; and
- (D) qualification by experience.

(10) The continuing education school shall provide a proctor or an electronic means of proctoring for each examination. The continuing education school shall be responsible for the conduct of the proctor. The duties and responsibilities of a proctor shall be established by rule.

(11) The continuing education school must provide for closed book examinations for each course unless the Advisory Council excuses this requirement based on the complexity of the course material.

(c) Advertising and promotion of continuing education activities must be carried out in a responsible fashion, clearly showing the educational objectives of the activity, the nature of the audience that may benefit from the activity, the cost of the activity to the participant and the items covered by the cost, the amount of credit that can be earned, and the credentials of the faculty.

(d) The Department may or upon request of the Advisory

Council shall, after notice, cause a continuing education school to attend an informal conference before the Advisory Council for failure to comply with any requirement for licensure or for failure to comply with any provision of this Act or the rules for the administration of this Act. The Advisory Council shall make a recommendation to the Board as a result of its findings at the conclusion of any such informal conference.

(e) All continuing education schools shall maintain these minimum criteria and pay the required fee in order to retain their continuing education school license.

(f) All continuing education schools shall submit, at the time of initial application and with each license renewal, a list of courses with course materials to be offered by the continuing education school. The Department, however, shall establish a mechanism whereby continuing education schools may apply for and obtain approval for continuing education courses that are submitted after the time of initial application or renewal. The Department shall provide to each continuing education school a certificate for each approved continuing education course. All continuing education courses shall be valid for the period coinciding with the term of license of the continuing education school. All continuing education schools shall provide a copy of the certificate of the continuing education course within the course materials given to each student or shall display a copy of the certificate of the

continuing education course in a conspicuous place at the location of the class.

(g) Each continuing education school shall provide to the Department a monthly report in a format determined by the Department, with information concerning students who successfully completed all approved continuing education courses offered by the continuing education school for the prior month.

(h) The Department, upon the recommendation of the Advisory Council, may temporarily suspend a licensed continuing education school's approved courses without hearing and refuse to accept successful completion of or participation in any of these continuing education courses for continuing education credit from that school upon the failure of that continuing education school to comply with the provisions of this Act or the rules for the administration of this Act, until such time as the Department receives satisfactory assurance of compliance. The Department shall notify the continuing education school of the noncompliance and may initiate disciplinary proceedings pursuant to this Act. The Department may refuse to issue, suspend, revoke, or otherwise discipline the license of a continuing education school or may withdraw approval of a continuing education course for good cause. Failure to comply with the requirements of this Section or any other requirements established by rule shall be deemed to be good cause. Disciplinary proceedings shall be conducted by the

Board in the same manner as other disciplinary proceedings under this Act.

(Source: P.A. 96-856, eff. 12-31-09.)

(225 ILCS 454/35-5)

(Section scheduled to be repealed on January 1, 2020)

Sec. 35-5. Savings provisions.

(a) This Act is intended to replace the Real Estate License Act of 1983 in all respects.

(b) ~~The Beginning December 31, 1999, the~~ rights, powers, and duties exercised by the Office of Banks and Real Estate under the Real Estate License Act of 1983 shall continue to be vested in, be the obligation of, and shall be exercised by the Division of Real Estate of the Department of Financial and Professional Regulation ~~Office of Banks and Real Estate~~ under the provisions of this Act.

(c) This Act does not affect any act done, ratified, or cancelled, or any right occurring or established, or any action or proceeding had or commenced in an administrative, civil, or criminal cause before December 31, 1999, by the Office of Banks and Real Estate under the Real Estate License Act of 1983, and those actions or proceedings may be prosecuted and continued by the Division of Real Estate of the Department of Financial and Professional Regulation ~~Office of Banks and Real Estate~~ under this Act.

(d) This Act does not affect any license, certificate,

permit, or other form of licensure or authorization issued by the Office of Banks and Real Estate under the Real Estate License Act of 1983 or by the Division of Professional Regulation of the Department of Financial and Professional Regulation under this Act, and all such licenses, certificates, permits, or other form of licensure or authorization shall continue to be valid under the terms and conditions of this Act.

(e) The rules adopted by the Office of Banks and Real Estate relating to the Real Estate License Act of 1983, unless inconsistent with the provisions of this Act, are not affected by this Act, and on December 31, 1999 those rules become the rules under this Act. The Office of Banks and Real Estate shall, as soon as practicable, adopt new or amended rules consistent with the provisions of this Act.

(f) This Act does not affect any discipline, suspension, or termination taken under the Real Estate License Act of 1983 and that discipline, suspension, or termination shall be continued under this Act.

(g) This Act does not affect any appointments, term limitations, years served, or other matters relating to individuals serving on any board or council under the Real Estate License Act of 1983, and these appointments, term limitations, years served, and other matters shall be continued under this Act.

(Source: P.A. 91-245, eff. 12-31-99.)

(225 ILCS 454/5-46 rep.)

(225 ILCS 454/5-47 rep.)

Section 960. The Real Estate License Act of 2000 is amended by repealing Sections 5-46 and 5-47.

Section 965. The Professional Service Corporation Act is amended by changing Sections 2, 3.1, 3.2, 3.6, 12, 12.1, and 13 and by adding Sections 13.5 and 15.5 as follows:

(805 ILCS 10/2) (from Ch. 32, par. 415-2)

Sec. 2. It is the legislative intent to provide for the incorporation of an individual or group of individuals to render the same professional service or related professional services to the public for which such individuals are required by law to be licensed or to obtain other legal authorization, while preserving the established professional aspects of the personal relationship between the professional person and those he or she serves professionally.

(Source: P.A. 78-783.)

(805 ILCS 10/3.1) (from Ch. 32, par. 415-3.1)

Sec. 3.1. "Ancillary personnel" means such person acting in their customary capacities, employed by those rendering a professional service who:

(1) Are not licensed to engage in the category of

professional service for which a professional corporation was formed; and

(2) Work at the direction or under the supervision of those who are so licensed; and

(3) Do not hold themselves out to the public generally as being authorized to engage in the practice of the profession for which the corporation is licensed; and

(4) Are not prohibited by the regulating ~~licensing~~ authority, regulating the category of professional service rendered by the corporation from being so employed and includes clerks, secretaries, technicians and other assistants who are not usually and ordinarily considered by custom and practice to be rendering the professional services for which the corporation was formed.

(Source: P.A. 77-565.)

(805 ILCS 10/3.2) (from Ch. 32, par. 415-3.2)

Sec. 3.2. "Regulating authority" means ~~the State board, department, agency or~~ the Supreme Court of Illinois (in the case of attorneys at law), the Department of Financial and Professional Regulation, or other State board, department, or agency having jurisdiction to grant a license to render the category of professional service for which a professional corporation has been organized, or ~~or~~ the United States Patent Office, or the Internal Revenue Service of the United States Treasury Department.

(Source: P.A. 78-561.)

(805 ILCS 10/3.6) (from Ch. 32, par. 415-3.6)

Sec. 3.6. "Related professions" and "related professional services" mean more than one personal service which requires as a condition precedent to the rendering thereof the obtaining of a license and which prior to October 1, 1973 could not be performed by a corporation by reason of law; provided, however, that these terms shall be restricted to:

(1) a combination of 2 ~~two~~ or more of the following personal services: (a) "architecture" as defined in Section 5 of the Illinois Architecture Practice Act of 1989, (b) "professional engineering" as defined in Section 4 of the Professional Engineering Practice Act of 1989, (c) "structural engineering" as defined in Section 5 of the Structural Engineering Practice Act of 1989, (d) "land surveying" as defined in Section 2 of the Illinois Professional Land Surveyor Act of 1989; ~~or~~

(2) a combination of the following personal services: (a) the practice of medicine by persons licensed under the Medical Practice Act of 1987, (b) the practice of podiatry as defined in ~~Section 5 of~~ the Podiatric Medical Practice Act of 1987, (c) the practice of dentistry as defined in the Illinois Dental Practice Act, (d) the practice of optometry as defined in the Illinois Optometric Practice Act of 1987; ~~or~~

(3) a combination of 2 or more of the following personal services: (a) the practice of clinical psychology by persons licensed under the Clinical Psychologist Licensing Act, (b) the practice of social work or clinical social work by persons licensed under the Clinical Social Work and Social Work Practice Act, (c) the practice of marriage and family therapy by persons licensed under the Marriage and Family Therapy Licensing Act, (d) the practice of professional counseling or clinical professional counseling by persons licensed under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act, or (e) the practice of sex offender evaluations by persons licensed under the Sex Offender Evaluation and Treatment Provider Act; or

(4) a combination of 2 or more of the following personal services: (a) the practice of acupuncture by persons licensed under the Acupuncture Practice Act, (b) the practice of massage by persons licensed under the Massage Licensing Act, (c) the practice of naprapathy by persons licensed under the Naprapathic Practice Act, (d) the practice of occupational therapy by persons licensed under the Illinois Occupational Therapy Practice Act, or (e) the practice of physical therapy by persons licensed under the Illinois Physical Therapy Act.

(Source: P.A. 95-738, eff. 1-1-09.)

(805 ILCS 10/12) (from Ch. 32, par. 415-12)

Sec. 12. (a) No corporation shall open, operate or maintain an establishment for any of the purposes for which a corporation may be organized under this Act without a certificate of registration from the regulating authority authorized by law to license individuals to engage in the profession or related professions concerned. Application for such registration shall be made in writing, and shall contain the name and primary mailing address of the corporation, the name and address of the corporation's registered agent, the address of the practice location maintained by the corporation, each assumed name being used by the corporation, and such other information as may be required by the regulating authority. All official correspondence from the regulating authority shall be mailed to the primary mailing address of the corporation except that the corporation may elect to have renewal and non-renewal notices sent to the registered agent of the corporation. Upon receipt of such application, the regulating authority, or some administrative agency of government designated by it, shall make an investigation of the corporation. If the regulating authority is the Supreme Court it may designate the bar or legal association which investigates and prefers charges against lawyers to it for disciplining. If such authority finds that the incorporators, officers, directors and shareholders are each licensed pursuant to the laws of Illinois to engage in the particular profession or related professions involved

(except that the secretary of the corporation need not be so licensed), and if no disciplinary action is pending before it against any of them, and if it appears that the corporation will be conducted in compliance with the law and the regulations and rules of the regulating authority, such authority, shall issue, upon payment of a registration fee of \$50, a certificate of registration.

A separate application shall be submitted for each business location in Illinois. If the corporation is using more than one fictitious or assumed name and has an address different from that of the parent company, a separate application shall be submitted for each fictitious or assumed name.

Upon written application of the holder, the regulating authority which originally issued the certificate of registration shall renew the certificate if it finds that the corporation has complied with its regulations and the provisions of this Act.

The fee for the renewal of a certificate of registration shall be calculated at the rate of \$40 per year.

The certificate of registration shall be conspicuously posted upon the premises to which it is applicable, ~~and the professional corporation shall have only those offices which are designated by street address in the articles of incorporation, or as changed by amendment of such articles.~~ No certificate of registration shall be assignable.

(b) Moneys collected under this Section from a professional

corporation organized to practice law shall be deposited into the Supreme Court Special Purposes Fund.

(c) After the effective date of this amendatory Act of the 98th General Assembly, the amount of any fee collected under this Section from a professional corporation organized to practice law may be set by Supreme Court rule, except that the amount of the fees shall remain as set by statute until the Supreme Court adopts rules specifying a higher or lower fee amount.

(Source: P.A. 98-324, eff. 10-1-13.)

(805 ILCS 10/12.1) (from Ch. 32, par. 415-12.1)

Sec. 12.1. Any corporation which on 2 occasions issues or delivers a check or other order to the Department of Financial and Professional Regulation which is not honored by the financial institution upon which it is drawn because of insufficient funds on account, shall pay to the Department, in addition to the amount owing upon such check or other order, a fee of \$50. If such check or other order was issued or delivered in payment of a renewal fee and the corporation whose certificate of registration has lapsed continues to practice as a corporation without paying the renewal fee and the \$50 fee required under this Section, an additional fee of \$100 shall be imposed for practicing without a current license. The Department shall notify the corporation whose certificate of registration has lapsed, within 30 days after the discovery by

the Department that such corporation is operating without a current certificate, that the corporation is operating without a certificate, and of the amount due to the Department, which shall include the lapsed renewal fee and all other fees required by this Section. If after the expiration of 30 days from the date of such notification, the corporation whose certificate has lapsed seeks a current certificate, it shall thereafter apply to the Department for reinstatement of the certificate and pay all fees due to the Department. The Department may establish a fee for the processing of an application for reinstatement of a certificate which allows the Department to pay all costs and expenses incident to the processing of this application. The Director may waive the fees due under this Section in individual cases where he finds that in the particular case such fees would be unreasonable or unnecessarily burdensome.

(Source: P.A. 85-1209.)

(805 ILCS 10/13) (from Ch. 32, par. 415-13)

Sec. 13. The regulating authority which issued the certificate of registration may suspend or revoke the certificate or may otherwise discipline the certificate holder ~~it~~ for any of the following reasons:

(a) The revocation or suspension of the license to practice the profession of any officer, director, shareholder or employee not promptly removed or discharged by the corporation;

(b) unethical professional conduct on the part of any officer, director, shareholder or employee not promptly removed or discharged by the corporation; (c) the death of the last remaining shareholder; (d) upon finding that the holder of a certificate has failed to comply with the provisions of this Act or the regulations prescribed by the regulating authority that issued it; or (e) the failure to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

Before any certificate of registration is suspended or revoked, the holder shall be given written notice of the proposed action and the reasons therefor, and shall provide a public hearing by the regulating authority, with the right to produce testimony and other evidence concerning the charges made. The notice shall also state the place and date of the hearing which shall be at least 10 days after service of said notice.

All orders of regulating authorities denying an application for a certificate of registration, ~~or~~ suspending or revoking a certificate of registration, or imposing a civil penalty shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, as now or hereafter amended, and the rules adopted pursuant thereto then

in force.

The proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review is located. If the party is not currently located in Illinois, the venue shall be in Sangamon County. The regulating authority shall not be required to certify any record to the court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless and until the regulating authority has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the regulating authority. Exhibits shall be certified without cost. Failure on the part of the plaintiff to file a receipt in court is grounds for dismissal of the action.

(Source: P.A. 85-1222.)

(805 ILCS 10/13.5 new)

Sec. 13.5. Notice of violation. Whenever the regulating authority has reason to believe a corporation has opened, operated, or maintained an establishment for any of the purposes for which a corporation may be organized under this Act without a certificate of registration from the regulating authority authorized by law to license individuals to engage in the profession or related professions, the regulating authority may issue a notice of violation to the corporation. The notice of violation shall provide a period of 30 days from

the date of the notice to either file an answer to the satisfaction of the regulating authority or submit an application for registration in compliance with this Act, including payment of the \$50 application fee and a late fee of \$100 for each year that the corporation opened, operated, or maintained an establishment for any of the purposes for which a corporation may be organized under this Act without having been issued a certificate of registration, with a maximum late fee of \$500. If the corporation that is the subject of the notice of violation fails to respond, fails to respond to the satisfaction of the regulating authority, or fails to submit an application for registration, the regulating authority may institute disciplinary proceedings against the corporation and may impose a civil penalty up to \$1,000 for violation of this Act after affording the corporation a hearing in conformance with the requirements of this Act.

(805 ILCS 10/15.5 new)

Sec. 15.5. Confidentiality. All information collected by the regulating authority in the course of an examination or investigation of a holder of a certificate of registration or an applicant, including, but not limited to, any complaint against a holder of a certificate of registration filed with the regulating authority and information collected to investigate any such complaint, shall be maintained for the confidential use of the regulating authority and shall not be

disclosed. The regulating authority may not disclose the information to anyone other than law enforcement officials, other regulatory agencies that have an appropriate regulatory interest as determined by the regulating authority, or a party presenting a lawful subpoena to the regulating authority. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a holder of a certificate of registration or an applicant shall be a public record, except as otherwise prohibited by law.

Section 970. The Medical Corporation Act is amended by changing Sections 2, 5, 5.1, 8, 10, 11, 12, 13, and 15 and by adding Sections 13.5 and 16.5 as follows:

(805 ILCS 15/2) (from Ch. 32, par. 632)

Sec. 2. One or more persons licensed pursuant to the Medical Practice Act of 1987, as heretofore or hereafter amended, may form a corporation pursuant to the "Business Corporation Act of 1983", as amended, to own, operate and maintain an establishment for the study, diagnosis and treatment of human ailments and injuries, whether physical or mental, and to promote medical, surgical and scientific research and knowledge; provided that medical or surgical treatment, consultation or advice may be given by shareholders,

directors, officers, agents, and employees of the corporation only if they are licensed pursuant to the Medical Practice Act of 1987; and provided further, however, that nothing herein shall prohibit an attorney licensed to practice law in Illinois from signing and acting as initial incorporator on behalf of such corporation.

(Source: P.A. 85-1209.)

(805 ILCS 15/5) (from Ch. 32, par. 635)

Sec. 5. No corporation shall open, operate or maintain an establishment for any of the purposes set forth in Section 2 of this Act without a certificate of registration from the Department of Financial and Professional Regulation, hereinafter called the Department. Application for such registration shall be made to the Department in writing and shall contain the name and primary mailing address of the corporation, the name and address of the corporation's registered agent, the address of the practice location maintained by the corporation, each assumed name being used by the corporation, and such other information as may be required by the Department. All official correspondence from the Department shall be mailed to the primary mailing address of the corporation except that the corporation may elect to have renewal and non-renewal notices sent to the registered agent of the corporation. A separate application shall be submitted for each business location in Illinois. If the corporation is using

more than one fictitious or assumed name and has an address different from that of the parent company, a separate application shall be submitted for each fictitious or assumed name. Upon receipt of such application, the Department shall make an investigation of the corporation. If the Department finds that the incorporators, officers, directors and shareholders are all licensed pursuant to the Medical Practice Act of 1987 and if no disciplinary action is pending before the Department against any of them, and if it appears that the corporation will be conducted in compliance with law and the regulations of the Department, the Department shall issue, upon payment of a registration fee of \$50, a certificate of registration.

(Source: P.A. 85-1209.)

(805 ILCS 15/5.1)

Sec. 5.1. Deposit of fees and fines. Beginning July 1, 2003, all of the fees, civil penalties, and fines collected under this Act shall be deposited into the General Professions Dedicated Fund.

(Source: P.A. 93-32, eff. 7-1-03.)

(805 ILCS 15/8) (from Ch. 32, par. 638)

Sec. 8. In the event of a change of location of the registered establishment, the corporation shall notify the Department, in accordance with its regulations, and the

Department shall amend the certificate of registration so that it shall apply to the new location.

(Source: Laws 1963, p. 3513.)

(805 ILCS 15/10) (from Ch. 32, par. 640)

Sec. 10. The Department may suspend or revoke any certificate of registration or may otherwise discipline the certificate holder for any of the following reasons: (a) the revocation or suspension of the license to practice medicine of any officer, director, shareholder or employee not promptly removed or discharged by the corporation; (b) unethical professional conduct on the part of any officer, director, shareholder or employee not promptly removed or discharged by the corporation; (c) the death of the last remaining shareholder; or (d) upon finding that the holder of a certificate has failed to comply with the provisions of this Act or the regulations prescribed by the Department.

The Department may refuse to issue or renew or may suspend the certificate of any corporation which fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(Source: P.A. 85-1222.)

(805 ILCS 15/11) (from Ch. 32, par. 641)

Sec. 11. Before any certificate of registration is suspended or revoked, the holder shall be given written notice of the proposed action and the reasons therefor, and shall be given a public hearing by the Department with the right to produce testimony concerning the charges made. The notice shall also state the place and date of the hearing which shall be at least 10 ~~5~~ days after service of said notice.

(Source: Laws 1963, p. 3513.)

(805 ILCS 15/12) (from Ch. 32, par. 642)

Sec. 12. The provisions of the Administrative Review Law, as heretofore or hereafter amended, and all rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

The proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review is located. If the party is not currently located in Illinois, the venue shall be in Sangamon County. The Department shall not be required to certify any record to the court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless and until the Department has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by

the Department. Exhibits shall be certified without cost. Failure on the part of the plaintiff to file a receipt in court is grounds for dismissal of the action.

(Source: P.A. 82-783.)

(805 ILCS 15/13) (from Ch. 32, par. 643)

Sec. 13. (a) All of the officers, directors and shareholders of a corporation subject to this Act shall at all times be persons licensed pursuant to the Medical Practice Act of 1987. No person who is not so licensed shall have any part in the ownership, management, or control of such corporation, nor may any proxy to vote any shares of such corporation be given to a person who is not so licensed. Notwithstanding any provisions to the contrary in the "Business Corporation Act of 1983", as now or hereafter amended, if all of the shares of a corporation subject to this Act are owned by one shareholder, the office of president and secretary may be held by the same person.

(b) No corporation may issue any of its capital stock to anyone other than an individual who is duly licensed under the Medical Practice Act of 1987. No shareholder shall enter into a voting trust agreement or any other type of agreement vesting another person with the authority to exercise the voting power of any of his or her stock.

(c) A corporation may, for purposes of dissolution, have as its shareholders, directors, officers, agents, and employees

individuals who are not licensed under the Medical Practice Act of 1987, provided that the corporation does not render any medical services nor hold itself out as capable of or available to render medical services during the period of dissolution. The Department shall not issue or renew any certificate of authority to a corporation during the period of dissolution. A copy of the certificate of dissolution, as issued by the Secretary of State, shall be delivered to the Department within 30 days after its receipt by the incorporators.

(Source: P.A. 85-1209.)

(805 ILCS 15/13.5 new)

Sec. 13.5. Notice of violation. Whenever the Department has reason to believe a corporation has opened, operated, or maintained an establishment for any of the purposes for which a corporation may be organized under this Act without a certificate of registration from the Department, the Department may issue a notice of violation to the corporation. The notice of violation shall provide a period of 30 days from the date of the notice to either file an answer to the satisfaction of the Department or submit an application for registration in compliance with this Act, including payment of the \$50 application fee and a late fee of \$100 for each year that the corporation opened, operated, or maintained an establishment for any of the purposes for which a corporation may be organized under this Act without having been issued a

certification of registration, with a maximum late fee of \$500.  
If the corporation that is the subject of the notice of  
violation fails to respond, fails to respond to the  
satisfaction of the Department, or fails to submit an  
application for registration, the Department may institute  
disciplinary proceedings against the corporation and may  
impose a civil penalty up to \$1,000 for violation of this Act  
after affording the corporation a hearing in conformance with  
the requirements of this Act.

(805 ILCS 15/15) (from Ch. 32, par. 645)

Sec. 15. Each individual shareholder, director, officer,  
agent, or employee licensed pursuant to the Medical Practice  
Act of 1987 who is employed by a corporation subject to this  
Act shall remain subject to ~~reprimand or~~ discipline for his  
conduct under the provisions of the Medical Practice Act of  
1987.

(Source: P.A. 85-1209.)

(805 ILCS 15/16.5 new)

Sec. 16.5. Confidentiality. All information collected by  
the Department in the course of an examination or investigation  
of a holder of a certificate of registration or an applicant,  
including, but not limited to, any complaint against a holder  
of a certificate of registration filed with the Department and  
information collected to investigate any such complaint, shall

be maintained for the confidential use of the Department and shall not be disclosed. The Department may not disclose the information to anyone other than law enforcement officials, other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a holder of a certificate of registration by the Department or any order issued by the Department against a holder of a certificate of registration or an applicant shall be a public record, except as otherwise prohibited by law.

Section 975. The Limited Liability Company Act is amended by changing Sections 1-10, 1-25, 1-28, 5-5, and 5-55 as follows:

(805 ILCS 180/1-10)

Sec. 1-10. Limited liability company name.

(a) The name of each limited liability company or foreign limited liability company organized, existing, or subject to the provisions of this Act:

(1) shall contain the terms "limited liability company", "L.L.C.", or "LLC", or, if organized as a low-profit limited liability company under Section 1-26 of

this Act, shall contain the term "L3C";

(2) may not contain a word or phrase, or an abbreviation or derivation thereof, the use of which is prohibited or restricted by any other statute of this State unless the restriction has been complied with;

(3) shall consist of letters of the English alphabet, Arabic or Roman numerals, or symbols capable of being readily reproduced by the Office of the Secretary of State;

(4) shall not contain any of the following terms: "Corporation," "Corp.," "Incorporated," "Inc.," "Ltd.," "Co.," "Limited Partnership" or "L.P.";

(5) shall be the name under which the limited liability company transacts business in this State unless the limited liability company also elects to adopt an assumed name or names as provided in this Act; provided, however, that the limited liability company may use any divisional designation or trade name without complying with the requirements of this Act, provided the limited liability company also clearly discloses its name;

(6) shall not contain any word or phrase that indicates or implies that the limited liability company is authorized or empowered to be in the business of a corporate fiduciary unless otherwise permitted by the Secretary of Financial and Professional Regulation ~~Commissioner of the Office of Banks and Real Estate~~ under Section 1-9 of the Corporate Fiduciary Act. The word "trust", "trustee", or "fiduciary"

may be used by a limited liability company only if it has first complied with Section 1-9 of the Corporate Fiduciary Act; and

(7) shall contain the word "trust", if it is a limited liability company organized for the purpose of accepting and executing trusts. ~~and~~

~~(8) shall not, as to any limited liability company organized or amending its company name on or after April 3, 2009 (the effective date of Public Act 96-7), without the express written consent of the United States Olympic Committee, contain the words: (i) "Olympic"; (ii) "Olympiad"; (iii) "Paralympic"; (iv) "Paralympiad"; (v) "Citius Altius Fortius"; or (vi) "CHICOG".~~

(b) Nothing in this Section or Section 1-20 shall abrogate or limit the common law or statutory law of unfair competition or unfair trade practices, nor derogate from the common law or principles of equity or the statutes of this State or of the United States of America with respect to the right to acquire and protect copyrights, trade names, trademarks, service marks, service names, or any other right to the exclusive use of names or symbols.

(c) (Blank).

(d) The name shall be distinguishable upon the records in the Office of the Secretary of State from all of the following:

(1) Any limited liability company that has articles of organization filed with the Secretary of State under

Section 5-5.

(2) Any foreign limited liability company admitted to transact business in this State.

(3) Any name for which an exclusive right has been reserved in the Office of the Secretary of State under Section 1-15.

(4) Any assumed name that is registered with the Secretary of State under Section 1-20.

(5) Any corporate name or assumed corporate name of a domestic or foreign corporation subject to the provisions of Section 4.05 of the Business Corporation Act of 1983 or Section 104.05 of the General Not For Profit Corporation Act of 1986.

(e) The provisions of subsection (d) of this Section shall not apply if the organizer files with the Secretary of State a certified copy of a final decree of a court of competent jurisdiction establishing the prior right of the applicant to the use of that name in this State.

(f) The Secretary of State shall determine whether a name is "distinguishable" from another name for the purposes of this Act. Without excluding other names that may not constitute distinguishable names in this State, a name is not considered distinguishable, for purposes of this Act, solely because it contains one or more of the following:

(1) The word "limited", "liability" or "company" or an abbreviation of one of those words.

(2) Articles, conjunctions, contractions, abbreviations, or different tenses or number of the same word.

(Source: P.A. 98-720, eff. 7-16-14.)

(805 ILCS 180/1-25)

Sec. 1-25. Nature of business.

(a) A limited liability company may be formed for any lawful purpose or business except:

(1) (blank);

(2) insurance unless, for the purpose of carrying on business as a member of a group including incorporated and individual unincorporated underwriters, the Director of Insurance finds that the group meets the requirements of subsection (3) of Section 86 of the Illinois Insurance Code and the limited liability company, if insolvent, is subject to liquidation by the Director of Insurance under Article XIII of the Illinois Insurance Code;

(3) the practice of dentistry unless all the members and managers are licensed as dentists under the Illinois Dental Practice Act; ~~or~~

(4) the practice of medicine unless all the managers, if any, are licensed to practice medicine under the Medical Practice Act of 1987 and each member is either:

(A) licensed to practice medicine under the Medical Practice Act of 1987; or

(B) a registered medical corporation or corporations organized pursuant to the Medical Corporation Act; or

(C) a professional corporation organized pursuant to the Professional Service Corporation Act of physicians licensed to practice under the Medical Practice Act of 1987; ~~or~~

(C-5) a hospital or hospital affiliate as defined in Section 10.8 of the Hospital Licensing Act; or

(D) a limited liability company that satisfies the requirements of subparagraph (A), (B), ~~or~~ (C), or (C-5);

(5) the practice of real estate unless all the managers, if any, or every member in a member-managed company are licensed to practice as a managing broker or broker pursuant to the Real Estate License Act of 2000;

(6) the practice of clinical psychology unless all the managers and members are licensed to practice as a clinical psychologist under the Clinical Psychologist Licensing Act;

(7) the practice of social work unless all the managers and members are licensed to practice as a clinical social worker or social worker under the Clinical Social Work and Social Work Practice Act;

(8) the practice of marriage and family therapy unless all the managers and members are licensed to practice as a

marriage and family therapist under the Marriage and Family Therapy Licensing Act;

(9) the practice of professional counseling unless all the managers and members are licensed to practice as a clinical professional counselor or a professional counselor under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act;

(10) the practice of sex offender evaluations unless all the managers and members are licensed to practice as a sex offender evaluator under the Sex Offender Evaluation and Treatment Provider Act; or

(11) the practice of veterinary medicine unless all the managers and members are licensed to practice as a veterinarian under the Veterinary Medicine and Surgery Practice Act of 2004.

(b) Notwithstanding any provision of this Section, any of the following professional services may be combined and offered within a single company provided that each professional service is only offered by persons licensed to provide that professional service and all managers and members are licensed in at least one of the professional services offered by the company:

(1) the practice of medicine by physicians licensed under the Medical Practice Act of 1987, the practice of podiatry by podiatrists licensed under the Podiatric Medical Practice Act of 1987, the practice of dentistry by

dentists licensed under the Illinois Dental Practice Act, and the practice of optometry by optometrists licensed under the Illinois Optometric Practice Act of 1987; or

(2) the practice of clinical psychology by clinical psychologists licensed under the Clinical Psychologist Licensing Act, the practice of social work by clinical social workers or social workers licensed under the Clinical Social Work and Social Work Practice Act, the practice of marriage and family counseling by marriage and family therapists licensed under the Marriage and Family Therapy Licensing Act, the practice of professional counseling by professional counselors and clinical professional counselors licensed under the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act, and the practice of sex offender evaluations by sex offender evaluators licensed under the Sex Offender Evaluation and Treatment Provider Act.

(c) Professional limited liability companies may be organized under this Act.

(Source: P.A. 95-331, eff. 8-21-07; 95-738, eff. 1-1-09.)

(805 ILCS 180/1-28)

Sec. 1-28. Certificate of Registration; Department of Financial and Professional Regulation. This Section applies only to a limited liability company that intends to provide, or does provide, professional services that require the

individuals engaged in the profession to be licensed by the Department of Financial and Professional Regulation. A limited liability company covered by this Section shall not open, operate, or maintain an establishment for any of the purposes for which a limited liability company may be organized under this Act without obtaining a certificate of registration from the Department pursuant to the Professional Limited Liability Company Act.

~~Application for such registration shall be made in writing and shall contain the name and address of the limited liability company and such other information as may be required by the Department. Upon receipt of such application, the Department shall make an investigation of the limited liability company. If the Department finds that the organizers, managers, and members are each licensed pursuant to the laws of Illinois to engage in the particular profession or related professions involved (except that an initial organizer may be a licensed attorney) and if no disciplinary action is pending before the Department against any of them and if it appears that the limited liability company will be conducted in compliance with the law and the rules and regulations of the Department, the Department shall issue, upon payment of a registration fee of \$50, a certificate of registration.~~

~~Upon written application of the holder, the Department shall renew the certificate if it finds that the limited liability company has complied with its regulations and the~~

~~provisions of this Act and the applicable licensing Act. This fee for the renewal of a certificate of registration shall be calculated at the rate of \$40 per year. The certificate of registration shall be conspicuously posted upon the premises to which it is applicable, and the limited liability company shall have only those offices which are designated by street address in the articles of organization, or as changed by amendment of such articles. A certificate of registration shall not be assignable.~~

~~All fees collected under this Section shall be deposited into the General Professions Dedicated Fund.~~

(Source: P.A. 96-679, eff. 8-25-09; 96-984, eff. 1-1-11; 96-1000, eff. 7-2-10.)

(805 ILCS 180/5-5)

Sec. 5-5. Articles of organization.

(a) The articles of organization shall set forth all of the following:

(1) The name of the limited liability company and the address of its principal place of business which may, but need not be a place of business in this State.

(2) The purposes for which the limited liability company is organized, which may be stated to be, or to include, the transaction of any or all lawful businesses for which limited liability companies may be organized under this Act.

(3) The name of its registered agent and the address of its registered office.

(4) If the limited liability company is to be managed by a manager or managers, the names and business addresses of the initial manager or managers.

(5) If management of the limited liability company is to be vested in the members under Section 15-1, then the names and addresses of the initial member or members.

(5.5) The duration of the limited liability company, which shall be perpetual unless otherwise stated.

(6) (Blank).

(7) The name and address of each organizer.

(8) Any other provision, not inconsistent with law, that the members elect to set out in the articles of organization for the regulation of the internal affairs of the limited liability company, including any provisions that, under this Act, are required or permitted to be set out in the operating agreement of the limited liability company.

(b) A limited liability company is organized at the time articles of organization are filed by the Secretary of State or at any later time, not more than 60 days after the filing of the articles of organization, specified in the articles of organization.

(c) Articles of organization for the organization of a limited liability company for the purpose of accepting and

executing trusts shall not be filed by the Secretary of State until there is delivered to him or her a statement executed by the Secretary of Financial and Professional Regulation ~~Commissioner of the Office of Banks and Real Estate~~ that the organizers of the limited liability company have made arrangements with the Secretary of Financial and Professional Regulation ~~Commissioner of the Office of Banks and Real Estate~~ to comply with the Corporate Fiduciary Act.

(d) Articles of organization for the organization of a limited liability company as a bank or a savings bank must be filed with the Department of Financial and Professional Regulation ~~Commissioner of Banks and Real Estate~~ or, if the bank or savings bank will be organized under federal law, with the appropriate federal banking regulator.

(Source: P.A. 98-171, eff. 8-5-13.)

(805 ILCS 180/5-55)

Sec. 5-55. Filing in Office of Secretary of State.

(a) Whenever any provision of this Act requires a limited liability company to file any document with the Office of the Secretary of State, the requirement means that:

(1) the original document, executed as described in Section 5-45, and, if required by this Act to be filed in duplicate, one copy (which may be a signed carbon or photocopy) shall be delivered to the Office of the Secretary of State;

(2) all fees and charges authorized by law to be collected by the Secretary of State in connection with the filing of the document shall be tendered to the Secretary of State; and

(3) unless the Secretary of State finds that the document does not conform to law, he or she shall, when all fees have been paid:

(A) endorse on the original and on the copy the word "Filed" and the month, day, and year of the filing thereof;

(B) file in his or her office the original of the document; and

(C) return the copy to the person who filed it or to that person's representative.

(b) If another Section of this Act specifically prescribes a manner of filing or signing a specified document that differs from the corresponding provisions of this Section, then the provisions of the other Section shall govern.

(c) Whenever any provision of this Act requires a limited liability company that is a bank or a savings bank to file any document, that requirement means that the filing shall be made exclusively with the Department of Financial and Professional Regulation ~~Commissioner of Banks and Real Estate~~ or, if the bank or savings bank is organized under federal law, with the appropriate federal banking regulator at such times and in such manner as required by the Department ~~Commissioner~~ or federal

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regulator.

(Source: P.A. 92-33, eff. 7-1-01; 93-561, eff. 1-1-04.)

Section 999. Effective date. This Act takes effect upon becoming law.