

HB2396



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2396

by Rep. Keith P. Sommer

SYNOPSIS AS INTRODUCED:

225 ILCS 458/25-10

Amends the Real Estate Appraiser Licensing Act of 2002. Increases the number of appointed members to the Real Estate Appraisal Administration and Disciplinary Board who shall have been actively engaged and currently licensed as a State certified general real estate appraiser for a period of not less than 5 years from 4 to 6. Removes 2 members who hold valid licenses as real estate brokers in addition to real estate appraiser licenses. Effective immediately.

LRB100 05769 SMS 15792 b

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Real Estate Appraiser Licensing Act of 2002
5 is amended by changing Section 25-10 as follows:

6 (225 ILCS 458/25-10)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 25-10. Real Estate Appraisal Administration and
9 Disciplinary Board; appointment.

10 (a) There is hereby created the Real Estate Appraisal
11 Administration and Disciplinary Board. The Board shall be
12 composed of 10 persons appointed by the Governor, plus the
13 Coordinator of the Real Estate Appraisal Division. Members
14 shall be appointed to the Board subject to the following
15 conditions:

16 (1) All appointed members shall have been residents and
17 citizens of this State for at least 5 years prior to the
18 date of appointment.

19 (2) The appointed membership of the Board should
20 reasonably reflect the geographic distribution of the
21 population of the State.

22 (3) ~~Six~~ Six ~~Four~~ appointed members shall have been actively
23 engaged and currently licensed as State certified general

1 real estate appraisers for a period of not less than 5
2 years.

3 (4) Two appointed members shall have been actively
4 engaged and currently licensed as State certified
5 residential real estate appraisers for a period of not less
6 than 5 years.

7 (5) (Blank). ~~Two appointed members shall hold a valid~~
8 ~~license as a real estate broker for at least 10 years prior~~
9 ~~to the date of the appointment, one of whom shall hold a~~
10 ~~valid State certified general real estate appraiser~~
11 ~~license issued under this Act or a predecessor Act for a~~
12 ~~period of at least 5 years prior to the appointment and one~~
13 ~~of whom shall hold a valid State certified residential real~~
14 ~~estate appraiser license issued under this Act or a~~
15 ~~predecessor Act for a period of at least 5 years prior to~~
16 ~~the appointment.~~

17 (6) One appointed member shall be a representative of a
18 financial institution, as evidenced by his or her
19 employment with a financial institution.

20 (7) One appointed member shall represent the interests
21 of the general public. This member or his or her spouse
22 shall not be licensed under this Act nor be employed by or
23 have any interest in an appraisal business, appraisal
24 management company, real estate brokerage business, or a
25 financial institution.

26 In making appointments as provided in paragraphs (3) and

1 (4) of this subsection, the Governor shall give due
2 consideration to recommendations by members and organizations
3 representing the profession.

4 In making the appointments as provided in paragraph (5) of
5 this subsection, the Governor shall give due consideration to
6 the recommendations by members and organizations representing
7 the real estate industry.

8 In making the appointment as provided in paragraph (6) of
9 this subsection, the Governor shall give due consideration to
10 the recommendations by members and organizations representing
11 financial institutions.

12 (b) The term for members of the Board shall be 4 years, and
13 each member shall serve until his or her successor is appointed
14 and qualified.

15 (c) The Governor may terminate the appointment of a member
16 for cause that, in the opinion of the Governor, reasonably
17 justifies the termination. Cause for termination may include,
18 without limitation, misconduct, incapacity, neglect of duty,
19 or missing 4 Board meetings during any one calendar year.

20 (d) A majority of the Board members shall constitute a
21 quorum. A vacancy in the membership of the Board shall not
22 impair the right of a quorum to exercise all of the rights and
23 perform all of the duties of the Board.

24 (e) The Board shall meet at least quarterly and may be
25 convened by the Chairperson, Vice-Chairperson, or 3 members of
26 the Board upon 10 days written notice.

1 (f) The Board shall, annually at the first meeting of the
2 fiscal year, elect a Chairperson and Vice-Chairperson from its
3 members. The Chairperson shall preside over the meetings and
4 shall coordinate with the Coordinator in developing and
5 distributing an agenda for each meeting. In the absence of the
6 Chairperson, the Vice-Chairperson shall preside over the
7 meeting.

8 (g) The Coordinator of the Real Estate Appraisal Division
9 shall serve as a member of the Board without vote.

10 (h) The Board shall advise and make recommendations to the
11 Department on the education and experience qualifications of
12 any applicant for initial licensure as a State certified
13 general real estate appraiser or a State certified residential
14 real estate appraiser. The Department shall not make any
15 decisions concerning education or experience qualifications of
16 an applicant for initial licensure as a State certified general
17 real estate appraiser or a State certified residential real
18 estate appraiser without having first received the advice and
19 recommendation of the Board and shall give due consideration to
20 all such advice and recommendations; however, if the Board does
21 not render advice or make a recommendation within a reasonable
22 amount of time, then the Department may render a decision.

23 (i) Except as provided in Section 15-17 of this Act, the
24 Board shall hear and make recommendations to the Secretary on
25 disciplinary matters that require a formal evidentiary
26 hearing. The Secretary shall give due consideration to the

1 recommendations of the Board involving discipline and
2 questions involving standards of professional conduct of
3 licensees.

4 (j) The Department shall seek and the Board shall provide
5 recommendations to the Department consistent with the
6 provisions of this Act and for the administration and
7 enforcement of all rules adopted pursuant to this Act. The
8 Department shall give due consideration to such
9 recommendations prior to adopting rules.

10 (k) The Department shall seek and the Board shall provide
11 recommendations to the Department on the approval of all
12 courses submitted to the Department pursuant to this Act and
13 the rules adopted pursuant to this Act. The Department shall
14 not approve any courses without having first received the
15 recommendation of the Board and shall give due consideration to
16 such recommendations prior to approving and licensing courses;
17 however, if the Board does not make a recommendation within a
18 reasonable amount of time, then the Department may approve
19 courses.

20 (l) Each voting member of the Board shall receive a per
21 diem stipend in an amount to be determined by the Secretary.
22 Each member shall be paid his or her necessary expenses while
23 engaged in the performance of his or her duties.

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

1 (n) If the Department disagrees with any advice or
2 recommendation provided by the Board under this Section to the
3 Secretary or the Department, then notice of such disagreement
4 must be provided to the Board by the Department.

5 (o) Upon resolution adopted at any Board meeting, the
6 exercise of any Board function, power, or duty enumerated in
7 this Section or in subsection (d) of Section 15-10 of this Act
8 may be suspended. The exercise of any suspended function,
9 power, or duty of the Board may be reinstated by a resolution
10 adopted at a subsequent Board meeting. Any resolution adopted
11 pursuant to this Section shall take effect immediately.

12 (Source: P.A. 98-1109, eff. 1-1-15.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.