



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5347

Introduced 01/26/06, by Rep. Angelo Saviano

SYNOPSIS AS INTRODUCED:

See Index

Amends the Real Estate Appraiser Licensing Act of 2002. Makes changes throughout the Act that mark the transfer of authority to administer and enforce the Act to the Department of Financial and Professional Regulation (rather than the Office of Banks and Real Estate). Replaces "associate real estate appraiser" with "associate real estate trainee appraiser" throughout the Act. Changes the Real Estate Appraisal Board to the Real Estate Appraisal Administration and Disciplinary Board. Provides that a person who violates certain licensure provisions for a second or any subsequent time, is guilty of a Class 4 felony. Sets forth additional education requirements for licensure under the Act and additional grounds for discipline. Adds a provision concerning temporary license suspension. Repeals a Section concerning license renewal. Makes other changes. Effective January 1, 2007.

LRB094 17437 RAS 52732 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 Sections 1-10, 5-5, 5-10, 5-15, 5-20,
6 5-30, 5-35, 5-40, 5-45, 5-55, 10-5, 10-10, 10-15, 10-20, 15-5,
7 15-10, 15-15, 15-20, 15-30, 15-35, 15-40, 15-45, 15-50, 15-55,
8 15-60, 20-5, 20-10, 25-5, 25-10, 25-15, 25-20, 25-25, and 30-10
9 and by adding Section 15-17 as follows:

10 (225 ILCS 458/1-10)

11 (Section scheduled to be repealed on January 1, 2012)

12 Sec. 1-10. Definitions. As used in this Act, unless the
13 context otherwise requires:

14 "Accredited college or university, junior college, or
15 community college" means a college or university, junior
16 college, or community college that is approved or accredited by
17 the Board of Higher Education, a regional or national
18 accreditation association, or by an accrediting agency that is
19 recognized by the U.S. Secretary of Education.

20 "Applicant" means person who applies to the Department ~~OBPE~~
21 for a license under this Act.

22 "Appraisal" means (noun) the act or process of developing
23 an opinion of value; an opinion of value (adjective) of or
24 pertaining to appraising and related functions, such as
25 appraisal practices or appraisal services.

26 "Appraisal assignment" means an engagement for which an
27 appraiser is employed or retained to act, or would be perceived
28 by third parties or the public as acting, as a disinterested
29 third party in rendering an unbiased appraisal.

30 "Appraisal practice" means valuation services performed by
31 an individual acting as an appraiser, including, but not
32 limited to, appraisal, appraisal review, or appraisal

1 consulting.

2 "Appraisal report" means any communication, written or
3 oral, or any appraisal, appraisal review, or appraisal
4 consulting service that is transmitted to a client upon
5 completion of an assignment ~~a written appraisal by an appraiser~~
6 ~~to a client.~~

7 "Appraisal review" means the act or process of developing
8 and communicating an opinion about the quality of another
9 appraiser's work that was performed as part of an appraisal,
10 appraisal review, or appraisal consulting assignment.

11 "Appraisal Subcommittee" means the Appraisal Subcommittee
12 of the Federal Financial Institutions Examination Council as
13 established by Title XI.

14 "Appraiser" means a person who performs or offers to
15 perform valuation services competently and in a manner that is
16 independent, impartial, and objective ~~real estate or real~~
17 ~~property appraisals.~~

18 "AQB" means the Appraisal Qualifications Board of the
19 Appraisal Foundation.

20 "Associate real estate trainee appraiser" means an
21 entry-level appraiser who holds a license of this
22 classification under this Act ~~and applies to the appraisal of~~
23 ~~non-complex property having a transaction value less than~~
24 ~~\$1,000,000, but~~ with restrictions as to the scope of practice
25 in accordance with this Act.

26 "Board" means the Real Estate Appraisal Administration and
27 Disciplinary Board.

28 "Classroom hour" means 50 minutes of instruction out of
29 each 60 minute segment of coursework.

30 "Client" means the party or parties who engage an appraiser
31 by employment or contract in a specific assignment ~~a person who~~
32 ~~utilizes the services of an appraiser or engages an appraiser~~
33 ~~for an appraisal by employment or contract.~~

34 "~~Commissioner~~" means ~~the Commissioner of the Office of~~
35 ~~Banks and Real Estate or his or her designee.~~

36 "Coordinator" means the Coordinator of Real Estate

1 Appraisal of the Division of Professional Regulation of the
2 Department of Financial and Professional Regulation.

3 ~~"Director" means the Director of the Real Estate Appraisal~~
4 ~~Division of OBRE or his or her designee.~~

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

7 "Modular Course" means the Appraisal Qualifying Course
8 Design conforming to the Sub Topics Course Outline contained in
9 the AQB Criteria 2008.

10 ~~"Federal financial institutions regulatory agencies" means~~
11 ~~the Board of Governors of the Federal Reserve System, the~~
12 ~~Federal Deposit Insurance Corporation, the Office of the~~
13 ~~Comptroller of the Currency, the Office of Thrift Supervision,~~
14 ~~and the National Credit Union Administration.~~

15 ~~"Federally related transaction" means any real~~
16 ~~estate related financial transaction in which a federal~~
17 ~~financial institutions regulatory agency, the Department of~~
18 ~~Housing and Urban Development, Fannie Mae, Freddie Mac, or the~~
19 ~~National Credit Union Administration engages in, contracts~~
20 ~~for, or regulates and requires the services of an appraiser.~~

21 ~~"Financial institution" means any bank, savings bank,~~
22 ~~savings and loan association, credit union, mortgage broker,~~
23 ~~mortgage banker, licensee under the Consumer Installment Loan~~
24 ~~Act or the Sales Finance Agency Act, or a corporate fiduciary,~~
25 ~~subsidiary, affiliate, parent company, or holding company of~~
26 ~~any such licensee, or any institution involved in real estate~~
27 ~~financing that is regulated by state or federal law.~~

28 ~~"OBRE" means the Office of Banks and Real Estate.~~

29 "Real estate" means an identified parcel or tract of land,
30 including any improvements.

31 ~~"Real estate related financial transaction" means any~~
32 ~~transaction involving:~~

33 ~~(1) the sale, lease, purchase, investment in, or~~
34 ~~exchange of real property, including interests in property~~
35 ~~or the financing thereof;~~

36 ~~(2) the refinancing of real property or interests in~~

1 ~~real property; and~~

2 ~~(3) the use of real property or interest in property as~~
3 ~~security for a loan or investment, including mortgage~~
4 ~~backed securities.~~

5 "Real property" means the interests, benefits, and rights
6 inherent in the ownership of real estate.

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

9 "State certified general real estate appraiser" means an
10 appraiser who holds a license of this classification under this
11 Act and such classification applies to the appraisal of all
12 types of real property without restrictions as to the scope of
13 practice.

14 "State certified residential real estate appraiser" means
15 an appraiser who holds a license of this classification under
16 this Act and such classification applies to the appraisal of
17 one to 4 units of residential real property without regard to
18 transaction value or complexity, but with restrictions as to
19 the scope of practice, as set forth in this Act, and any other
20 requirements set forth in this Act or in a federally related
21 transaction in accordance with Title XI, the provisions of
22 USPAP, criteria established by the AQB, and further defined by
23 rule.

24 "Supervising appraiser" means either (i) an appraiser who
25 holds a valid license under this Act as either a State
26 certified general real estate appraiser or a State certified
27 residential real estate appraiser, who co-signs an appraisal
28 report for an associate real estate trainee appraiser or (ii) a
29 State certified general real estate appraiser who holds a valid
30 license under this Act who cosigns an appraisal report for a
31 State certified residential real estate appraiser on
32 properties other than one to 4 units of residential real
33 property without regard to transaction value or complexity.

34 ~~"State licensed real estate appraiser" means an appraiser~~
35 ~~who holds a real estate appraiser license issued pursuant to a~~
36 ~~predecessor Act. A real estate appraiser license authorizes its~~

1 ~~holder to conduct the appraisal of non-complex one to 4 units~~
2 ~~of residential real property having a transaction value less~~
3 ~~than \$1,000,000 and complex one to 4 residential units of real~~
4 ~~property having a value less than \$250,000, but with~~
5 ~~restrictions as to the scope of practice in accordance with~~
6 ~~Title XI, criteria established by USPAP, by the AQB, by this~~
7 ~~Act, and by rule. No such initial license shall be issued after~~
8 ~~the effective date of this Act or renewed after September 30,~~
9 ~~2003 under this Act.~~

10 "Title XI" means Title XI of the federal Financial
11 Institutions Reform, Recovery and Enforcement Act of 1989.

12 "USPAP" means the Uniform Standards of Professional
13 Appraisal Practice as promulgated by the Appraisal Standards
14 Board pursuant to Title XI and by rule.

15 (Source: P.A. 92-180, eff. 7-1-02.)

16 (225 ILCS 458/5-5)

17 (Section scheduled to be repealed on January 1, 2012)

18 Sec. 5-5. Necessity of license; use of title; exemptions.

19 (a) Beginning July 1, 2002, it is unlawful for a person to
20 (i) act, offer services, or advertise services ~~or assume to act~~
21 as a State certified residential real estate appraiser, State
22 certified general appraiser, or associate real estate trainee
23 appraiser, (ii) to engage in the business of real estate
24 appraisal, (iii) to develop a real estate appraisal, (iv) to
25 practice as a real estate appraiser, or (v) to advertise or
26 hold himself or herself out to be a real estate appraiser ~~in~~
27 ~~connection with a federally related transaction~~ without a ~~real~~
28 ~~estate appraiser~~ license issued under this Act. A person who
29 violates this subsection is guilty of a Class A misdemeanor for
30 a first offense and a Class 4 felony for any subsequent
31 offense.

32 (b) Beginning July 1, 2002, it is unlawful for a person,
33 other than a person who holds a valid license issued pursuant
34 to this Act as a State certified general real estate appraiser,
35 a State certified residential real estate appraiser, an

1 associate real estate trainee appraiser, or as a State licensed
2 real estate appraiser issued pursuant to a predecessor Act to
3 use these titles or any other title, designation, or
4 abbreviation likely to create the impression that the person is
5 licensed as a real estate appraiser pursuant to this Act. A
6 person who violates this subsection is guilty of a Class A
7 misdemeanor for a first offense and a Class 4 felony for any
8 subsequent offense.

9 (c) This ~~The licensing requirements of this Act~~ does ~~do~~ not
10 apply to require a real estate broker or salesperson who holds
11 a valid license pursuant to the Real Estate License Act of
12 2000, ~~to be licensed as a real estate appraiser under this Act,~~
13 unless the broker or salesperson is providing or attempting to
14 provide an appraisal report, as defined in Section 1-10 of this
15 Act, ~~in connection with a federally related transaction.~~

16 For the purposes of this subsection, "brokerage service"
17 means the activity of offering, negotiating, buying, listing,
18 selling, or leasing real estate or procuring or referring
19 prospects intended to result in the listing, sale, purchase,
20 lease, or exchange of real estate for another and for
21 compensation.

22 (Source: P.A. 92-180, eff. 7-1-02.)

23 (225 ILCS 458/5-10)

24 (Section scheduled to be repealed on January 1, 2012)

25 Sec. 5-10. Application for State certified general real
26 estate appraiser.

27 (a) Every person who desires to obtain a State certified
28 general real estate appraiser license shall:

29 (1) apply to the Department ~~OBRE~~ on forms provided by the
30 Department ~~OBRE~~ accompanied by the required fee;

31 (2) be at least 18 years of age;

32 (3) (blank); ~~provide evidence of having attained a high~~
33 ~~school diploma or completed an equivalent course of study as~~
34 ~~determined by an examination conducted or accepted by the~~
35 ~~Illinois State Board of Education;~~

1 (4) ~~personally take and~~ pass an examination authorized by
2 the Department ~~OBRE~~ and endorsed by the AQB;

3 (5) prior to taking the examination, provide evidence to
4 the Department, in Modular Course format, with each module
5 conforming to the Real Property Appraiser Qualification
6 Criteria established and adopted by the AQB on February 20,
7 2004, ~~OBRE~~ that he or she has successfully completed the
8 prerequisite classroom hours of instruction in appraising as
9 established by the AQB and by rule; and

10 (6) prior to taking the examination, provide evidence to
11 the Department ~~OBRE~~ that he or she has successfully completed
12 the prerequisite experience requirements in appraising as
13 established by AQB and by rule.

14 (b) Before December 31, 2007, applicants must provide
15 evidence to the Department of having attained a high school
16 diploma or completed an equivalent course of study as
17 determined by an examination conducted or accepted by the State
18 Board of Education.

19 (c) On or after December 31, 2007, applicants must provide
20 evidence to the Department of (i) holding a Bachelors degree or
21 higher from an accredited college or university or (ii)
22 successfully passing 30 semester credit hours or the equivalent
23 from an accredited college or university, junior college, or
24 community college in the following subjects:

25 (1) English composition;

26 (2) micro economics;

27 (3) macro economics;

28 (4) finance;

29 (5) algebra, geometry, or higher mathematics;

30 (6) statistics;

31 (7) introduction to computers-Word
32 processing/spreadsheets;

33 (8) business or real estate law; and

34 (9) two elective courses in accounting, geography,
35 agricultural economics, business management, or real
36 estate and any other requirements established by the

1 Department by rule.

2 If an accredited college or university accepts the
3 College-Level Examination Program (CLEP) examinations and
4 issues a transcript for the exam showing its approval, it will
5 be considered credit for the college course for the purposes of
6 meeting the requirements of this subsection (c).

7 (Source: P.A. 92-180, eff. 7-1-02.)

8 (225 ILCS 458/5-15)

9 (Section scheduled to be repealed on January 1, 2012)

10 Sec. 5-15. Application for State certified residential
11 real estate appraiser. Every person who desires to obtain a
12 State certified residential real estate appraiser license
13 shall:

14 (1) apply to the Department ~~OBRE~~ on forms provided by the
15 Department ~~OBRE~~ accompanied by the required fee;

16 (2) be at least 18 years of age;

17 (3) (blank); ~~provide evidence of having attained a high~~
18 ~~school diploma or completed an equivalent course of study as~~
19 ~~determined by an examination conducted or accepted by the~~
20 ~~Illinois State Board of Education;~~

21 (4) ~~personally take and~~ pass an examination authorized by
22 the Department ~~OBRE~~ and endorsed by the AQB;

23 (5) prior to taking the examination, provide evidence to
24 the Department, in Modular Course format, with each module
25 conforming to the Real Property Appraiser Qualification
26 Criteria established and adopted by the AQB on February 20,
27 2004, ~~OBRE~~ that he or she has successfully completed the
28 prerequisite classroom hours of instruction in appraising as
29 established by the AQB and by rule; and

30 (6) prior to taking the examination, provide evidence to
31 the Department ~~OBRE~~ that he or she has successfully completed
32 the prerequisite experience requirements as established by AQB
33 and by rule.

34 (b) Before December 31, 2007, applicants must provide
35 evidence of having attained a high school diploma or completed

1 an equivalent course of study as determined by an examination
2 conducted or accepted by the State Board of Education;

3 (c) On or after December 31, 2007, applicants must provide
4 evidence to the Department of (i) holding a Bachelors degree or
5 higher from an accredited college or university or (ii)
6 successfully passing 30 semester credit hours or the equivalent
7 from an accredited college or university, junior college, or
8 community college in the following subjects:

9 (1) English composition;

10 (2) principals of economics (micro or macro);

11 (3) finance;

12 (4) algebra, geometry, or higher mathematics;

13 (5) statistics;

14 (6) introduction to computers-word processing and
15 spreadsheets;

16 (7) business or real estate law; and

17 (8) any other requirements established by the
18 Department by rule.

19 If an accredited college or university accepts the
20 College-Level Examination Program (CLEP) examinations and
21 issues a transcript for the exam showing its approval, it will
22 be considered credit for the college course for the purposes of
23 the requirements of this subsection (c).

24 (Source: P.A. 92-180, eff. 7-1-02.)

25 (225 ILCS 458/5-20)

26 (Section scheduled to be repealed on January 1, 2012)

27 Sec. 5-20. Application for associate real estate trainee
28 appraiser.

29 (a) Every person who desires to obtain an associate real
30 estate trainee appraiser license shall:

31 (1) apply to the Department ~~OBRE~~ on forms provided by
32 the Department ~~OBRE~~ accompanied by the required fee;

33 (2) be at least 18 years of age;

34 (3) provide evidence of having attained a high school
35 diploma or completed an equivalent course of study as

1 determined by an examination conducted or accepted by the
2 Illinois State Board of Education;

3 (4) personally take and pass an examination authorized
4 by the Department ~~OBRE~~ and endorsed by the AQB; and

5 (5) prior to taking the examination, provide evidence
6 to the Department ~~OBRE~~ that he or she has successfully
7 completed the prerequisite classroom hours of instruction
8 in appraising as established by rule.

9 (b) A person who holds a valid license as a licensed real
10 estate appraiser, issued pursuant to a predecessor Act, may
11 convert that license to an associate real estate trainee
12 appraiser license by making application to the Department ~~OBRE~~
13 on forms provided by the Department ~~OBRE~~ accompanied by the
14 required fee.

15 (Source: P.A. 92-180, eff. 7-1-02.)

16 (225 ILCS 458/5-30)

17 (Section scheduled to be repealed on January 1, 2012)

18 Sec. 5-30. Reciprocity; consent to jurisdiction. ~~(a)~~—A
19 nonresident who holds a valid appraiser license issued to him
20 or her by the proper licensing authority of a state, territory,
21 possession of the United States, or the District of Columbia
22 that has licensing requirements equal to or substantially
23 equivalent to the requirements of the State of Illinois and
24 otherwise meets the requirements for licensure may obtain a
25 license without examination, provided that:

26 (1) the Department ~~OBRE~~ has entered into a valid
27 reciprocal agreement with the proper licensing authority
28 of the state, territory, or possession of the United
29 States, or the District of Columbia;

30 (2) the applicant provides the Department ~~OBRE~~ with a
31 certificate of good standing from the licensing authority
32 of the applicant's place of residence or by an Appraisal
33 Subcommittee National Registry ~~registry history~~ report;

34 (3) the applicant completes and submits an application
35 as provided by the Department ~~OBRE~~ and the applicant pays

1 all applicable fees as established by rule ~~required under~~
2 ~~this Act.~~

3 ~~(b) A nonresident applicant shall file an irrevocable~~
4 ~~consent with OBRE authorizing that actions may be commenced~~
5 ~~against the applicant or nonresident licensee in a court of~~
6 ~~competent jurisdiction in the State of Illinois by the service~~
7 ~~of summons, process, or other pleading authorized by law upon~~
8 ~~the Commissioner. The consent shall stipulate and agree that~~
9 ~~service of the summons, process, or pleading upon the~~
10 ~~Commissioner shall be taken and held in all courts to be valid~~
11 ~~and binding as if actual service had been made upon the~~
12 ~~nonresident licensee in Illinois. If a summons, process, or~~
13 ~~other pleading is served upon the Commissioner, it shall be by~~
14 ~~duplicate copies, one of which shall be retained by OBRE and~~
15 ~~the other of which shall be immediately forwarded by certified~~
16 ~~or registered mail to the last known address of the nonresident~~
17 ~~licensee against whom the summons, process, or other pleading~~
18 ~~may be directed.~~

19 (Source: P.A. 92-180, eff. 7-1-02.)

20 (225 ILCS 458/5-35)

21 (Section scheduled to be repealed on January 1, 2012)

22 Sec. 5-35. Pre-license education requirements.

23 (a) The prerequisite classroom hours necessary for a person
24 to be approved to sit for the examination for licensure as a
25 State certified general real estate appraiser or a State
26 certified residential real estate appraiser shall be ~~in~~
27 ~~accordance with AQB criteria and~~ established by rule.

28 (b) The prerequisite classroom hours necessary for a person
29 to sit for the examination for licensure as an associate real
30 estate trainee appraiser shall be established by rule.

31 (Source: P.A. 92-180, eff. 7-1-02.)

32 (225 ILCS 458/5-40)

33 (Section scheduled to be repealed on January 1, 2012)

34 Sec. 5-40. Pre-license experience requirements. The

1 prerequisite experience necessary for a person to be approved
2 to sit for the examination for licensure as a State certified
3 general real estate appraiser or a State certified residential
4 real estate appraiser shall be ~~in accordance with AQB criteria~~
5 ~~and~~ established by rule.

6 (Source: P.A. 92-180, eff. 7-1-02.)

7 (225 ILCS 458/5-45)

8 (Section scheduled to be repealed on January 1, 2012)

9 Sec. 5-45. Continuing education renewal requirements.

10 (a) The continuing education requirements for a person to
11 renew a license as a State certified general real estate
12 appraiser or a State certified residential real estate
13 appraiser shall be ~~in accordance with AQB criteria and~~
14 established by rule.

15 (b) The continuing education requirements for a person to
16 renew a license as an associate real estate trainee appraiser
17 shall be established by rule.

18 (Source: P.A. 92-180, eff. 7-1-02.)

19 (225 ILCS 458/5-55)

20 (Section scheduled to be repealed on January 1, 2012)

21 Sec. 5-55. Fees. The Department ~~OBRE~~ shall establish rules
22 for fees to be paid by applicants and licensees to cover the
23 reasonable costs of the Department ~~OBRE~~ in administering and
24 enforcing the provisions of this Act. The Department ~~OBRE~~ may
25 also establish rules for general fees to cover the reasonable
26 expenses of carrying out other functions and responsibilities
27 under this Act.

28 (Source: P.A. 92-180, eff. 7-1-02.)

29 (225 ILCS 458/10-5)

30 (Section scheduled to be repealed on January 1, 2012)

31 Sec. 10-5. Scope of practice.

32 (a) This Act does not limit a State certified general real
33 estate appraiser in his or her scope of practice ~~in a federally~~

1 ~~related transaction.~~ A certified general real estate appraiser
2 may independently provide appraisal services, review, or
3 consulting relating to any type of property for which he or she
4 has experience or ~~and~~ is competent. All such appraisal practice
5 must be made in accordance with the provisions of USPAP,
6 criteria established by the AQB, and rules adopted pursuant to
7 this Act.

8 (b) A State certified residential real estate appraiser is
9 limited in his or her scope of practice in all transactions in
10 accordance with ~~in a federally related transaction as provided~~
11 ~~by Title XI,~~ the provisions of USPAP, criteria established by
12 the AQB, and the rules adopted pursuant to this Act.

13 (c) A State certified residential real estate appraiser
14 must have a State certified general real estate appraiser who
15 holds a valid license under this Act co-sign all appraisal
16 reports on properties other than one to 4 units of residential
17 real property without regard to transaction value or
18 complexity. ~~A State licensed real estate appraiser is limited~~
19 ~~in his or her scope of practice in a federally related~~
20 ~~transaction as provided by Title XI, the provisions of USPAP,~~
21 ~~criteria established by the AQB, and the rules adopted pursuant~~
22 ~~to this Act. No State licensed real estate appraiser license~~
23 ~~shall be issued on or after September 30, 2003 under this Act.~~

24 (d) An associate real estate trainee appraiser is limited
25 in his or her scope of practice in all transactions in
26 accordance with the provisions of USPAP, this Act, and the
27 rules adopted pursuant to this Act. In addition, an associate
28 real estate trainee appraiser shall be required to have a State
29 certified general real estate appraiser or State certified
30 residential real estate appraiser who holds a valid license
31 under this Act to co-sign all appraisal reports. The associate
32 real estate trainee appraiser licensee may have more than one
33 supervising appraiser; however, supervising appraisers may not
34 supervise more than 3 associate real estate trainee appraisers
35 at one time. A chronological appraisal log on an approved log
36 form shall be maintained by the associate real estate trainee

1 appraiser and shall be made available to the Department upon
2 request.

3 (Source: P.A. 92-180, eff. 7-1-02.)

4 (225 ILCS 458/10-10)

5 (Section scheduled to be repealed on January 1, 2012)

6 Sec. 10-10. Standards of practice. All persons licensed
7 under this Act must comply with standards of professional
8 appraisal practice adopted by the Department ~~OBRE~~. The
9 Department ~~OBRE~~ must adopt, as part of its rules, the Uniform
10 Standards of Professional Appraisal Practice (ASPAP) as
11 published from time to time by the Appraisal Standards Board of
12 the Appraisal Foundation. The Department ~~OBRE~~ shall consider
13 federal laws and regulations regarding the licensure of real
14 estate appraisers prior to adopting its rules for the
15 administration of this Act.

16 (Source: P.A. 92-180, eff. 7-1-02.)

17 (225 ILCS 458/10-15)

18 (Section scheduled to be repealed on January 1, 2012)

19 Sec. 10-15. Identifying client. In addition to any other
20 requirements for disclosure of a client on an appraisal report,
21 a licensee under this Act shall also identify on the appraisal
22 report the individual by name who ordered or originated the
23 appraisal assignment. If an individual's name is not provided
24 due to an automated ordering system, an email address for the
25 delivery of the appraisal report must be identified on the
26 appraisal report.

27 (Source: P.A. 92-180, eff. 7-1-02.)

28 (225 ILCS 458/10-20)

29 (Section scheduled to be repealed on January 1, 2012)

30 Sec. 10-20. Retention of records. A person licensed under
31 this Act shall retain the original copy of all written
32 contracts engaging his or her services as an appraiser and all
33 appraisal reports, including any supporting data used to

1 develop the appraisal report, for a period of 5 years or 2
2 years after the final disposition of any judicial proceeding in
3 which testimony was given, whichever is longer. In addition, a
4 person licensed under this Act shall retain contracts, logs,
5 and appraisal reports used in meeting pre-license experience
6 requirements for a period of 5 years and shall be made
7 available to the Department upon request.

8 (Source: P.A. 92-180, eff. 7-1-02.)

9 (225 ILCS 458/15-5)

10 (Section scheduled to be repealed on January 1, 2012)

11 Sec. 15-5. Unlicensed practice; civil penalty; injunctive
12 relief.

13 (a) A person who violates Section 5-5 of this Act shall, in
14 addition to any other penalty provided by law, pay a civil
15 penalty to the Department ~~OBRE~~ in an amount not to exceed
16 \$25,000 ~~\$10,000~~ for each violation as determined by the
17 Secretary ~~Commissioner~~. The civil penalty shall be assessed by
18 the Secretary ~~Commissioner~~ after a hearing is held in
19 accordance with the provisions of this Act regarding the
20 provision of a hearing for the discipline of the license.

21 (b) The Department ~~OBRE~~ has the authority to investigate
22 any activity that may violate this Act.

23 (c) A civil penalty imposed pursuant to subsection (a)
24 shall be paid within 60 days after the effective date of the
25 order imposing the civil penalty. The order shall constitute a
26 judgment and may be filed and executed in the same manner as
27 any judgment from any court of record ~~OBRE may petition the~~
28 ~~circuit court for a judgment to enforce the collection of the~~
29 ~~penalty~~. Any civil penalty collected under this Act shall be
30 made payable to the Department of Financial and Professional
31 Regulation ~~Office of Banks and Real Estate~~ and deposited into
32 the Appraisal Administration Fund. In addition to or in lieu of
33 the imposition of a civil penalty, the Department ~~OBRE~~ may
34 report a violation of this Act or the failure or refusal to
35 comply with an order of the Department ~~OBRE~~ to the Attorney

1 General or to the appropriate State's Attorney.

2 (d) Practicing as an appraiser without holding a valid
3 license as required under this Act is declared to be adverse to
4 the public welfare, to constitute a public nuisance, and to
5 cause irreparable harm to the public welfare. The Secretary
6 ~~Commissioner~~, the Attorney General, or the State's Attorney of
7 any county in the State may maintain an action for injunctive
8 relief in any circuit court to enjoin any person from engaging
9 in such practice.

10 Upon the filing of a verified petition in a circuit court,
11 the court, if satisfied by affidavit or otherwise that a person
12 has been engaged in the practice of real estate appraisal
13 without a valid license, may enter a temporary restraining
14 order without notice or bond enjoining the defendant from
15 further practice. The showing of non-licensure, by affidavit or
16 otherwise, is sufficient for the issuance of a temporary
17 injunction. If it is established that the defendant has been or
18 is engaged in unlawful practice, the court may enter an order
19 or judgment perpetually enjoining the defendant from further
20 unlawful practice. In all proceedings under this Section, the
21 court, in its discretion, may apportion the costs among the
22 parties interested in the action, including the cost of filing
23 the complaint, service of process, witness fees and expenses,
24 court reporter charges, and reasonable attorneys' fees. These
25 injunction proceedings shall be in addition to, and not in lieu
26 of, all penalties and other remedies provided in this Act.

27 (Source: P.A. 92-180, eff. 7-1-02.)

28 (225 ILCS 458/15-10)

29 (Section scheduled to be repealed on January 1, 2012)

30 Sec. 15-10. Grounds for disciplinary action.

31 (a) The Department ~~Office of Banks and Real Estate~~ may
32 suspend, revoke, refuse to issue or renew a license and may
33 reprimand place on probation or administrative supervision, or
34 otherwise discipline a licensee, including imposing conditions
35 limiting the scope, nature, or extent of the real estate

1 appraisal practice of a licensee or reducing the appraisal rank
2 of a licensee, and may impose an administrative fine ~~a civil~~
3 ~~penalty~~ not to exceed \$10,000 upon a licensee for ~~one or~~ any
4 ~~combination~~ of the following:

5 (1) Procuring or attempting to procure a license by
6 knowingly making a false statement, submitting false
7 information, engaging in any form of fraud or
8 misrepresentation, or refusing to provide complete
9 information in response to a question in an application for
10 licensure.

11 (2) Failing to meet the minimum qualifications for
12 licensure as an appraiser established by this Act.

13 (3) Paying money, other than for the fees provided for
14 by this Act, or anything of value to a member or employee
15 of the Board or the Department ~~Office of Banks and Real~~
16 ~~Estate~~ to procure licensure under this Act.

17 (4) Being convicted of any crime, an essential element
18 of which is dishonesty, fraud, theft, or embezzlement, or
19 obtaining money, property, or credit by false pretenses, or
20 any other crime that is reasonably related to the practice
21 of real estate appraisal or a conviction in any state or
22 federal court of any felony.

23 (5) Committing an act or omission involving
24 dishonesty, fraud, or misrepresentation with the intent to
25 substantially benefit the licensee or another person or
26 with intent to substantially injure another person as
27 defined by rule.

28 (6) Violating a provision or standard for the
29 development or communication of real estate appraisals as
30 provided in Section 10-10 of this Act or as defined by
31 rule.

32 (7) Failing or refusing without good cause to exercise
33 reasonable diligence in developing, reporting, or
34 communicating an appraisal, as defined by this Act or by
35 rule.

36 (8) Violating a provision of this Act or the rules

1 adopted pursuant to this Act.

2 (9) Having been disciplined by another state, the
3 District of Columbia, a territory, a foreign nation, a
4 governmental agency, or any other entity authorized to
5 impose discipline if at least one of the grounds for that
6 discipline is the same as or the equivalent of one of the
7 grounds for which a licensee may be disciplined under this
8 Act.

9 (10) Engaging in dishonorable, unethical, or
10 unprofessional conduct of a character likely to deceive,
11 defraud, or harm the public.

12 (11) Accepting an appraisal assignment when the
13 employment itself is contingent upon the appraiser
14 reporting a predetermined estimate, analysis, or opinion
15 or when the fee to be paid is contingent upon the opinion,
16 conclusion, or valuation reached or upon the consequences
17 resulting from the appraisal assignment.

18 (12) Developing valuation conclusions based on the
19 race, color, religion, sex, national origin, ancestry,
20 age, marital status, family status, physical or mental
21 handicap, or unfavorable military discharge, as defined
22 under the Illinois Human Rights Act, of the prospective or
23 present owners or occupants of the area or property under
24 appraisal.

25 (13) Violating the confidential nature of government
26 records to which the licensee gained access through
27 employment or engagement as an appraiser by a government
28 agency.

29 (14) Being adjudicated liable in a civil proceeding on
30 grounds of fraud, misrepresentation, or deceit. In a
31 disciplinary proceeding based upon a finding of civil
32 liability, the appraiser shall be afforded an opportunity
33 to present mitigating and extenuating circumstances, but
34 may not collaterally attack the civil adjudication.

35 (15) Being adjudicated liable in a civil proceeding for
36 violation of a state or federal fair housing law.

1 (16) Engaging in misleading or untruthful advertising
2 or using a trade name or insignia of membership in a real
3 estate appraisal or real estate organization of which the
4 licensee is not a member.

5 (17) Failing to fully cooperate with an the Department
6 ~~OBRE~~ investigation by knowingly making a false statement,
7 submitting false or misleading information, or refusing to
8 provide complete information in response to written
9 interrogatories or a written request for documentation
10 within 30 days of the request.

11 (18) Failing to include within the certificate of
12 appraisal for all written appraisal reports the
13 appraiser's license number ~~and licensure title~~. All
14 appraisers providing significant contribution to the
15 development and reporting of an appraisal must be disclosed
16 in the appraisal report. It is a violation of this Act for
17 an appraiser to sign a report, transmittal letter, or
18 appraisal certification knowing that a person providing a
19 significant contribution to the report has not been
20 disclosed in the appraisal report.

21 (19) Violating the terms of a disciplinary order or
22 consent to administrative supervision order.

23 (20) Habitual or excessive use or addiction to alcohol,
24 narcotics, stimulants, or any other chemical agent or drug
25 that results in a licensee's inability to practice with
26 reasonable judgment, skill, or safety.

27 (21) A physical or mental illness or disability which
28 results in the inability to practice under this Act with
29 reasonable judgment, skill, or safety.

30 (b) The Department ~~Office of Banks and Real Estate~~ may
31 reprimand suspend, revoke, or refuse to issue or renew an
32 education provider's license, may reprimand, place on
33 probation, or otherwise discipline an education provider and
34 may suspend or revoke the course approval of any course offered
35 by an education provider and may impose an administrative fine
36 ~~a civil penalty~~ not to exceed \$10,000 upon an education

1 provider, for any of the following:

2 (1) Procuring or attempting to procure licensure by
3 knowingly making a false statement, submitting false
4 information, engaging in any form of fraud or
5 misrepresentation, or refusing to provide complete
6 information in response to a question in an application for
7 licensure.

8 (2) Failing to comply with the covenants certified to
9 on the application for licensure as an education provider.

10 (3) Committing an act or omission involving
11 dishonesty, fraud, or misrepresentation or allowing any
12 such act or omission by any employee or contractor under
13 the control of the provider.

14 (4) Engaging in misleading or untruthful advertising.

15 (5) Failing to retain competent instructors in
16 accordance with rules adopted under this Act.

17 (6) Failing to meet the topic or time requirements for
18 course approval as the provider of a pre-license curriculum
19 course or a continuing education course.

20 (7) Failing to administer an approved course using the
21 course materials, syllabus, and examinations submitted as
22 the basis of the course approval.

23 (8) Failing to provide an appropriate classroom
24 environment for presentation of courses, with
25 consideration for student comfort, acoustics, lighting,
26 seating, workspace, and visual aid material.

27 (9) Failing to maintain student records in compliance
28 with the rules adopted under this Act.

29 (10) Failing to provide a certificate, transcript, or
30 other student record to the Department ~~OBRE~~ or to a student
31 as may be required by rule.

32 (11) Failing to fully cooperate with an ~~OBRE~~
33 investigation by the Department by knowingly making a false
34 statement, submitting false or misleading information, or
35 refusing to provide complete information in response to
36 written interrogatories or a written request for

1 documentation within 30 days of the request.

2 (c) In appropriate cases, the Department ~~OBRE~~ may resolve a
3 complaint against a licensee through the issuance of a Consent
4 to Administrative Supervision order. A licensee subject to a
5 Consent to Administrative Supervision order shall be
6 considered by the Department ~~OBRE~~ as an active licensee in good
7 standing. This order shall not be reported or considered by the
8 Department ~~OBRE~~ to be a discipline of the licensee. The records
9 regarding an investigation and a Consent to Administrative
10 Supervision order shall be considered confidential and shall
11 not be released by the Department ~~OBRE~~ except as mandated by
12 law. A complainant shall be notified if his or her complaint
13 has been resolved by a Consent to Administrative Supervision
14 order.

15 (Source: P.A. 92-180, eff. 7-1-02.)

16 (225 ILCS 458/15-15)

17 (Section scheduled to be repealed on January 1, 2012)

18 Sec. 15-15. Investigation; notice; hearing.

19 (a) Upon the motion of the Department ~~Office of Banks and~~
20 ~~Real Estate~~ or the Board or upon a complaint in writing of a
21 person setting forth facts that, if proven, would constitute
22 grounds for suspension, revocation, or other disciplinary
23 action against a licensee or applicant for licensure, the
24 Department ~~Office of Banks and Real Estate~~ shall investigate
25 the actions of the licensee or applicant.

26 (b) Formal disciplinary proceedings shall commence upon
27 the issuance of a written complaint describing the charges that
28 are the basis of the disciplinary action and delivery of the
29 detailed complaint to the address of record of the licensee or
30 applicant. The Department ~~OBRE~~ shall notify the licensee or
31 applicant to file a verified written answer within 20 days
32 after the service of the notice and complaint. The notification
33 shall inform the licensee or applicant of his or her right to
34 be heard in person or by legal counsel; that the hearing will
35 be afforded not sooner than 30 days after receipt of the answer

1 to the specific charges; that failure to file an answer will
2 result in a default being entered against the licensee or
3 applicant; that the license may be suspended, revoked, or
4 placed on probationary status; and that other disciplinary
5 action may be taken pursuant to this Act, including limiting
6 the scope, nature, or extent of the licensee's practice. If the
7 licensee or applicant fails to file an answer after service of
8 notice, his or her license may, at the discretion of the
9 Department ~~Office of Banks and Real Estate~~, be suspended,
10 revoked, or placed on probationary status and the Department
11 ~~Office of Banks and Real Estate~~ may take whatever disciplinary
12 action it deems proper, including limiting the scope, nature,
13 or extent of the person's practice, without a hearing.

14 (c) At the time and place fixed in the notice, the Board
15 shall conduct hearing of the charges, providing both the
16 accused person and the complainant ample opportunity to present
17 in person or by counsel such statements, testimony, evidence,
18 and argument as may be pertinent to the charges or to a defense
19 thereto.

20 (d) The Board shall present to the Secretary ~~Commissioner~~ a
21 written report of its findings and recommendations. A copy of
22 the report shall be served upon the licensee or applicant,
23 either personally or by certified mail. Within 20 days after
24 the service, the licensee or applicant may present the
25 Secretary ~~Commissioner~~ with a motion in writing for either a
26 rehearing, a proposed finding of fact, a conclusion of law, or
27 an alternative sanction, and shall specify the particular
28 grounds for the request. If the accused orders a transcript of
29 the record as provided in this Act, the time elapsing
30 thereafter and before the transcript is ready for delivery to
31 the accused shall not be counted as part of the 20 days. If the
32 Secretary ~~Commissioner~~ is not satisfied that substantial
33 justice has been done, the Secretary ~~Commissioner~~ may order a
34 rehearing by the Board or other special committee appointed by
35 the Secretary ~~Commissioner~~, may remand the matter to the Board
36 for its reconsideration of the matter based on the pleadings

1 and evidence presented to the Board, or may enter a final order
2 in contravention of the Board's recommendation. In all
3 instances under this Act in which the Board has rendered a
4 recommendation to the Secretary Commissioner with respect to a
5 particular licensee or applicant, the Secretary Commissioner,
6 if he or she disagrees with the recommendation of the Board,
7 shall file with the Board and provide to the licensee or
8 applicant a copy of the Secretary's Commissioner's specific
9 written reasons for disagreement with the Board. The reasons
10 shall be filed within 60 days of the Board's recommendation to
11 the Secretary Commissioner and prior to any contrary action. At
12 the expiration of the time specified for filing a motion for a
13 rehearing, the Secretary Commissioner shall have the right to
14 take any of the actions specified in this subsection (d). Upon
15 the suspension or revocation of a license, the licensee shall
16 be required to surrender his or her license to the Department
17 ~~OBRE~~, and upon failure or refusal to do so, the Department ~~OBRE~~
18 shall have the right to seize the license.

19 (e) The Department ~~Office of Banks and Real Estate~~ has the
20 power to issue subpoenas and subpoenas duces tecum to bring
21 before it any person in this State, to take testimony, or to
22 require production of any records relevant to an inquiry or
23 hearing by the Board in the same manner as prescribed by law in
24 judicial proceedings in the courts of this State. In a case of
25 refusal of a witness to attend, testify, or to produce books or
26 papers concerning a matter upon which he or she might be
27 lawfully examined, the circuit court of the county where the
28 hearing is held, upon application of the Department ~~Office of~~
29 ~~Banks and Real Estate~~ or any party to the proceeding, may
30 compel obedience by proceedings as for contempt.

31 (f) Any license that is suspended indefinitely or revoked
32 may not be restored for a minimum period of 2 years, or as
33 otherwise ordered by the Secretary Commissioner.

34 (g) In addition to the provisions of this Section
35 concerning the conduct of hearings and the recommendations for
36 discipline, the Department ~~OBRE~~ has the authority to negotiate

1 disciplinary and non-disciplinary settlement agreements
2 concerning any license issued under this Act. All such
3 agreements shall be recorded as Consent Orders or Consent to
4 Administrative Supervision Orders.

5 (h) The Secretary ~~Commissioner~~ shall have the authority to
6 appoint an attorney duly licensed to practice law in the State
7 of Illinois to serve as the hearing officer in any action to
8 suspend, revoke, or otherwise discipline any license issued by
9 the Department ~~Office of Banks and Real Estate~~. The Hearing
10 Officer shall have full authority to conduct the hearing.

11 (i) The Department ~~OBRE~~, at its expense, shall preserve a
12 record of all formal hearings of any contested case involving
13 the discipline of a license. At all hearings or pre-hearing
14 conferences, the Department ~~OBRE~~ and the licensee shall be
15 entitled to have the proceedings transcribed by a certified
16 shorthand reporter. A copy of the transcribed proceedings shall
17 be made available to the licensee by the certified shorthand
18 reporter upon payment of the prevailing contract copy rate.

19 (Source: P.A. 92-180, eff. 7-1-02.)

20 (225 ILCS 458/15-17 new)

21 (Section scheduled to be repealed on January 1, 2012)

22 Sec. 15-17. Temporary suspension. The Secretary may
23 temporarily suspend the license of a licensee without a
24 hearing, simultaneously with the institution of proceedings
25 for a hearing provided in Section 15-10 of this Act, if the
26 Secretary finds that the public interest, safety, or welfare
27 requires such emergency action. In the event that the Secretary
28 temporarily suspends a license without a hearing before the
29 Board, a hearing shall be held within 30 days after the
30 suspension has occurred. The suspended licensee may seek a
31 continuance of the hearing, during which time the suspension
32 shall remain in effect. The proceeding shall be concluded
33 without appreciable delay. If the Department does not hold a
34 hearing within 30 days after the date of suspension, the
35 licensee's license shall be automatically reinstated.

1 (225 ILCS 458/15-20)

2 (Section scheduled to be repealed on January 1, 2012)

3 Sec. 15-20. Administrative Review Law; certification fees;
4 Administrative Procedure Act.

5 (a) All final administrative decisions of the Secretary
6 ~~Commissioner~~ under this Act are subject to judicial review
7 pursuant to the provisions of the Administrative Review Law and
8 the rules adopted pursuant thereto. The term "administrative
9 decision" has the meaning ascribed to it in Section 3-101 of
10 the Administrative Review Law.

11 (b) The Department ~~OBRE~~ shall not be required to certify
12 any record, file any answer or otherwise appear unless the
13 party filing the administrative review complaint pays the
14 certification fee to the Department ~~OBRE~~ as provided by rule.
15 Failure on the part of the plaintiff to make such a deposit
16 shall be grounds for dismissal of the action.

17 (c) The Administrative Procedures Act is hereby expressly
18 adopted and incorporated herein. In the event of a conflict
19 between this Act and the Administrative Procedures Act, this
20 Act shall control.

21 (Source: P.A. 92-180, eff. 7-1-02.)

22 (225 ILCS 458/15-30)

23 (Section scheduled to be repealed on January 1, 2012)

24 Sec. 15-30. Statute of limitations. No action may be taken
25 under this Act against a person licensed under this Act unless
26 the action is commenced within 5 years after the occurrence of
27 the alleged violation or at least 2 years after final
28 disposition of any judicial proceeding in which the appraiser
29 provided testimony related to the assignment, whichever period
30 expires last. A continuing violation is deemed to have occurred
31 on the date when the circumstances last existed that gave rise
32 to the alleged continuing violation.

33 (Source: P.A. 92-180, eff. 7-1-02.)

1 (225 ILCS 458/15-35)

2 (Section scheduled to be repealed on January 1, 2012)

3 Sec. 15-35. Signature of the Secretary ~~Commissioner~~. An
4 order of revocation or suspension or a certified copy of the
5 order, bearing the seal of the Department ~~OBRE~~ and purporting
6 to be signed by the Secretary ~~Commissioner~~, shall be prima
7 facie proof that:

8 (1) the signature is the genuine signature of the
9 Secretary ~~Commissioner~~;

10 (2) the Secretary ~~Commissioner~~ is duly appointed and
11 qualified; and

12 (3) the Board and the members thereof are qualified.

13 This proof may be rebutted.

14 (Source: P.A. 92-180, eff. 7-1-02.)

15 (225 ILCS 458/15-40)

16 (Section scheduled to be repealed on January 1, 2012)

17 Sec. 15-40. Violation of tax Acts. The Department ~~OBRE~~ may
18 refuse to issue or renew or may suspend the license of any
19 person who fails to file a return, pay the tax, penalty, or
20 interest shown in a filed return, or pay any final assessment
21 of tax, penalty, or interest, as required by any tax Act
22 administered by the Department of Revenue, until such time as
23 the requirements of that tax Act are satisfied.

24 (Source: P.A. 92-180, eff. 7-1-02.)

25 (225 ILCS 458/15-45)

26 (Section scheduled to be repealed on January 1, 2012)

27 Sec. 15-45. Disciplinary action for educational loan
28 defaults. The Department ~~OBRE~~ shall deny a license or renewal
29 authorized by this Act to a person who has defaulted on an
30 educational loan or scholarship provided or guaranteed by the
31 Illinois Student Assistance Commission or any governmental
32 agency of this State; however, the Department ~~OBRE~~ may issue a
33 license or renewal if the person has established a satisfactory
34 repayment record as determined by the Illinois Student

1 Assistance Commission or other appropriate governmental agency
2 of this State. Additionally, a license issued by the Department
3 ~~OBRE~~ may be suspended or revoked if the Secretary Commissioner,
4 after the opportunity for a hearing under this Act, finds that
5 the licensee has failed to make satisfactory repayment to the
6 Illinois Student Assistance Commission for a delinquent or
7 defaulted loan.

8 (Source: P.A. 92-180, eff. 7-1-02.)

9 (225 ILCS 458/15-50)

10 (Section scheduled to be repealed on January 1, 2012)

11 Sec. 15-50. Nonpayment of child support. In cases where the
12 Department of Healthcare and Family Services (formerly
13 Department of Public Aid) has previously determined that a
14 licensee or a potential licensee is more than 30 days
15 delinquent in the payment of child support and has subsequently
16 certified the delinquency to the Department ~~OBRE~~, the
17 Department ~~OBRE~~ may refuse to issue or renew or may revoke or
18 suspend that person's license or may take other disciplinary
19 action against that person based solely upon the certification
20 of delinquency made by the Department of Healthcare and Family
21 Services (formerly Department of Public Aid). Redetermination
22 of the delinquency by the Department ~~OBRE~~ shall not be
23 required. In cases regarding the renewal of a license, the
24 Department ~~OBRE~~ shall not renew any license if the Department
25 of Healthcare and Family Services (formerly Department of
26 Public Aid) has certified the licensee to be more than 30 days
27 delinquent in the payment of child support, unless the licensee
28 has arranged for payment of past and current child support
29 obligations in a manner satisfactory to the Department of
30 Healthcare and Family Services (formerly Department of Public
31 Aid). The Department ~~OBRE~~ may impose conditions, restrictions,
32 or disciplinary action upon that renewal.

33 (Source: P.A. 92-180, eff. 7-1-02; revised 12-15-05.)

34 (225 ILCS 458/15-55)

1 (Section scheduled to be repealed on January 1, 2012)

2 Sec. 15-55. Returned checks; penalty; termination. A
3 person who delivers a check or other payment to the Department
4 ~~OBRE~~ that is returned to the Department ~~OBRE~~ unpaid by the
5 financial institution upon which it was drawn shall pay to the
6 Department ~~OBRE~~, in addition to the amount already owed, a
7 penalty of \$50. The Department ~~OBRE~~ shall notify the person, by
8 certified mail return receipt requested, that his or her check
9 or payment was returned and that the person shall pay to the
10 Department ~~OBRE~~ by certified check or money order the amount of
11 the returned check plus a \$50 penalty within 30 calendar days
12 after the date of the notification. If, after the expiration of
13 30 calendar days of the notification, the person has failed to
14 remit the necessary funds and penalty, the Department ~~OBRE~~
15 shall automatically terminate the license or deny the
16 application without hearing. If the returned check or other
17 payment was for issuance of a license under this Act and that
18 person practices as an appraiser, that person may be subject to
19 discipline for unlicensed practice as provided in this Act. If,
20 after termination or denial, the person seeks a license, he or
21 she shall petition the Department ~~OBRE~~ for restoration and he
22 or she may be subject to additional discipline or fines. The
23 Secretary ~~Commissioner~~ may waive the penalties or fines due
24 under this Section in individual cases where the Secretary
25 ~~Commissioner~~ finds that the penalties or fines would be
26 unreasonable or unnecessarily burdensome.

27 (Source: P.A. 92-180, eff. 7-1-02.)

28 (225 ILCS 458/15-60)

29 (Section scheduled to be repealed on January 1, 2012)

30 Sec. 15-60. Cease and desist orders. The Department ~~OBRE~~
31 may issue cease and desist orders to persons who engage in
32 activities prohibited by this Act. Any person in violation of a
33 cease and desist order issued by the Department ~~OBRE~~ is subject
34 to all of the penalties provided by law.

35 (Source: P.A. 92-180, eff. 7-1-02.)

1 (225 ILCS 458/20-5)

2 (Section scheduled to be repealed on January 1, 2012)

3 Sec. 20-5. Education providers.

4 (a) Beginning July 1, 2002, only education providers
5 licensed by the Department ~~OBRE~~ may provide the pre-license and
6 continuing education courses required for licensure under this
7 Act.

8 (b) A person or entity seeking to be licensed as an
9 education provider under this Act shall provide satisfactory
10 evidence of the following:

11 (1) a sound financial base for establishing,
12 promoting, and delivering the necessary courses;

13 (2) a sufficient number of qualified instructors;

14 (3) adequate support personnel to assist with
15 administrative matters and technical assistance;

16 (4) a written policy dealing with procedures for
17 management of grievances and fee refunds;

18 (5) a qualified administrator, who is responsible for
19 the administration of the education provider, courses, and
20 the actions of the instructors; and

21 (6) any other requirements as provided by rule.

22 (c) All applicants for an education provider's license
23 shall make initial application to the Department ~~OBRE~~ on forms
24 provided by the Department ~~OBRE~~ and pay the appropriate fee as
25 provided by rule. The term, expiration date, and renewal of an
26 education provider's license shall be established by rule.

27 (d) An education provider shall provide each successful
28 course participant with a certificate of completion signed by
29 the school administrator. The format and content of the
30 certificate shall be specified by rule.

31 (e) All education providers shall provide to the Department
32 ~~OBRE~~ a monthly roster of all successful course participants as
33 provided by rule.

34 (Source: P.A. 92-180, eff. 7-1-02.)

1 (225 ILCS 458/20-10)

2 (Section scheduled to be repealed on January 1, 2012)

3 Sec. 20-10. Course approval.

4 (a) Only courses offered by licensed education providers
5 and approved by the Department, courses approved by the AQB, or
6 courses approved by jurisdictions regulated by the Appraisal
7 Subcommittee ~~OBRE~~ shall be used to meet the requirements of
8 this Act and rules.

9 (b) An education provider licensed under this Act may
10 submit courses to the Department ~~OBRE~~ for approval. The
11 criteria, requirements, and fees for courses shall be
12 established by rule in accordance with this Act, Title XI, and
13 the criteria established by the AQB.

14 (c) For each course approved, the Department ~~OBRE~~ shall
15 issue a license to the education provider. The term, expiration
16 date, and renewal of a course approval shall be established by
17 rule.

18 (d) An education provider must use an instructor for each
19 course approved by the the Department who (i) holds a valid
20 real estate appraisal license in good standing as a State
21 certified general real estate appraiser or a State certified
22 residential real estate appraiser in Illinois or any other
23 jurisdiction regulated by the Appraisal Subcommittee, (ii)
24 holds a valid teaching certificate issued by the State of
25 Illinois, or (iii) meets any other requirements established by
26 the Department by rule.

27 (Source: P.A. 92-180, eff. 7-1-02.)

28 (225 ILCS 458/25-5)

29 (Section scheduled to be repealed on January 1, 2012)

30 Sec. 25-5. Appraisal Administration Fund; surcharge. The
31 Appraisal Administration Fund is created as a special fund in
32 the State Treasury. All fees, fines, and penalties received by
33 the Department ~~OBRE~~ under this Act shall be deposited into the
34 Appraisal Administration Fund. All earnings attributable to
35 investment of funds in the Appraisal Administration Fund shall

1 be credited to the Appraisal Administration Fund. Subject to
2 appropriation, the moneys in the Appraisal Administration Fund
3 shall be paid to the Department ~~OBRE~~ for the expenses incurred
4 by the Department ~~OBRE~~ and the Board in the administration of
5 this Act. Moneys in the Appraisal Administration Fund may be
6 transferred to the Professions Indirect Cost Fund as authorized
7 under Section 2105-300 of the Department of Professional
8 Regulation Law of the Civil Administrative Code of Illinois.

9 Upon the completion of any audit of the Department ~~OBRE~~, as
10 prescribed by the Illinois State Auditing Act, which shall
11 include an audit of the Appraisal Administration Fund, the
12 Department ~~OBRE~~ shall make the audit report open to inspection
13 by any interested person.

14 (Source: P.A. 94-91, eff. 7-1-05.)

15 (225 ILCS 458/25-10)

16 (Section scheduled to be repealed on January 1, 2012)

17 Sec. 25-10. Real Estate Appraisal Administration and
18 Disciplinary Board; appointment.

19 (a) There is hereby created the Real Estate Appraisal
20 Administration and Disciplinary Board. The Board shall be
21 composed of 10 persons appointed by the Governor, plus the
22 Coordinator ~~Director~~ of the Real Estate Appraisal Division.
23 Members shall be appointed to the Board subject to the
24 following conditions:

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

28 (2) The appointed membership of the Board should
29 reasonably reflect the geographic distribution of the
30 population of the State.

31 (3) Four appointed members shall have been actively
32 engaged and currently licensed as State certified general
33 real estate appraisers for a period of not less than 5
34 years.

35 (4) Three ~~Two~~ appointed members shall have been

1 actively engaged and currently licensed as State certified
2 residential real estate appraisers for a period of not less
3 than 5 years.

4 (5) One ~~Two~~ appointed members shall hold a valid
5 license as a real estate broker for at least 10 years prior
6 to the date of the appointment and shall hold either a
7 valid State certified general real estate appraiser
8 license or a State certified residential real estate
9 appraiser license issued under this Act or a predecessor
10 Act for a period of at least 5 years prior to the
11 appointment.

12 (6) One appointed member shall be a representative of a
13 financial institution, as evidenced by his or her
14 employment with a financial institution.

15 (7) One appointed member shall represent the interests
16 of the general public. This member or his or her spouse
17 shall not be licensed under this Act nor be employed by or
18 have any interest in an appraisal business, real estate
19 brokerage business, or a financial institution.

20 In making appointments as provided in paragraphs (3) and
21 (4) of this subsection, the Governor shall give due
22 consideration to recommendations by members and organizations
23 representing the profession ~~real estate appraisal industry~~.

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

28 In making the appointment as provided in paragraph (6) of
29 this subsection, the Governor shall give due consideration to
30 the recommendations by members and organizations representing
31 financial institutions.

32 (b) The term for members of the Board shall be 4 years,
33 ~~except for the initial appointees. Of the initial appointments,~~
34 ~~4 members shall be appointed for terms ending June 30, 2006, 3~~
35 ~~members shall be appointed for terms ending June 30, 2005, and~~
36 ~~3 members shall be appointed for terms ending June 30, 2004. No~~

1 member shall serve more than 10 years in a lifetime. ~~Those~~
2 ~~persons serving on the Board pursuant to the Real Estate~~
3 ~~Appraiser Licensing Act shall become members of the new Board~~
4 ~~on July 1, 2002 and shall serve until the Governor has made the~~
5 ~~new appointments pursuant to this Act.~~

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

11 (d) A majority of the Board members currently appointed
12 shall constitute a quorum. A vacancy in the membership of the
13 Board shall not impair the right of a quorum to exercise all of
14 the rights and perform all of the duties of the Board.

15 (e) The Board shall meet at least quarterly and may be
16 convened by the Chairperson, Co-Chairperson, or 3 members of
17 the Board upon 10 days written notice.

18 (f) The Board shall, annually at the first meeting of the
19 fiscal year, elect a Chairperson and Vice-Chairperson from its
20 members. The Chairperson shall preside over the meetings and
21 shall coordinate with the Coordinator ~~Director~~ in developing
22 and distributing an agenda for each meeting. In the absence of
23 the Chairperson, the Co-Chairperson shall preside over the
24 meeting.

25 (g) The Coordinator ~~Director~~ of the Real Estate Appraisal
26 Division shall serve as a member of the Board without vote.

27 (h) The Board shall advise and make recommendations to the
28 Department ~~OBRE~~ on matters of licensing and education. The
29 Department ~~OBRE~~ shall give due consideration to all
30 recommendations presented by the Board.

31 (i) The Board shall hear and make recommendations to the
32 Secretary ~~Commissioner~~ on disciplinary matters that require a
33 formal evidentiary hearing. The Secretary ~~Commissioner~~ shall
34 give due consideration to the recommendations of the Board
35 involving discipline and questions involving standards of
36 professional conduct of licensees.

1 (j) The Board may make recommendations to the Department
2 ~~OBRE~~ consistent with the provisions of this Act and for the
3 administration and enforcement of the rules adopted pursuant to
4 this Act. The Department ~~OBRE~~ shall give due consideration to
5 the recommendations of the Board prior to adopting rules.

6 (k) The Board shall make recommendations to the Department
7 ~~OBRE~~ on the approval of courses submitted to the Department
8 ~~OBRE~~ pursuant to this Act and the rules adopted pursuant to
9 this Act. The Department ~~OBRE~~ shall give due consideration to
10 the recommendations of the Board prior to approving and
11 licensing courses.

12 (l) Each voting member of the Board shall receive a per
13 diem stipend in an amount to be determined by the Secretary
14 ~~Commissioner~~. Each member shall be paid his or her necessary
15 expenses while engaged in the performance of his or her duties.

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

19 (Source: P.A. 92-180, eff. 7-1-02.)

20 (225 ILCS 458/25-15)

21 (Section scheduled to be repealed on January 1, 2012)

22 Sec. 25-15. Coordinator ~~Director~~ of ~~the~~ Real Estate
23 Appraisal ~~Division~~; appointment; duties. The Secretary shall
24 appoint a Coordinator of Real Estate Appraisal for a term of 4
25 years. On or after January 1, 2008, the Coordinator must hold a
26 current, valid State certified general real estate certificate
27 or a State certified residential real estate certificate, which
28 shall be surrendered to the Department during the term of his
29 or her appointment. The Coordinator must have completed the
30 30-hour National Instructors Course on Uniform Standards of
31 Professional Appraisal Practice course. The Coordinators
32 certificate shall be returned in the same status as it was on
33 the date of surrender, credited with all fees and continuing
34 education requirements that came due during his or her
35 employment. ~~Commissioner shall appoint a Director of the Real~~

1 ~~Estate Appraisal Division for a term of 4 years. The Director~~
2 ~~shall hold a valid State certified general real estate~~
3 ~~appraiser or State certified residential real estate appraiser~~
4 ~~license, which shall be surrendered to OBRE during the term of~~
5 ~~his or her appointment. The Coordinator ~~Director of the Real~~~~
6 ~~Estate Appraisal Division shall:~~

7 (1) serve as a member of the Real Estate Appraisal
8 Administration and Disciplinary Board without vote;

9 (2) be the direct liaison between the Department ~~OBRE~~,
10 the profession, and the real estate appraisal industry
11 organizations and associations;

12 (3) prepare and circulate to licensees such
13 educational and informational material as the Department
14 ~~OBRE~~ deems necessary for providing guidance or assistance
15 to licensees;

16 (4) appoint necessary committees to assist in the
17 performance of the functions and duties of the Department
18 ~~OBRE~~ under this Act; and

19 (5) (blank). ~~subject to the administrative approval of~~
20 ~~the Commissioner, supervise the Real Estate Appraisal~~
21 ~~Division.~~

22 ~~In appointing the Director of the Real Estate Appraisal~~
23 ~~Division, the Commissioner shall give due consideration to~~
24 ~~members, organizations, and associations of the real estate~~
25 ~~appraisal industry.~~

26 (Source: P.A. 92-180, eff. 7-1-02.)

27 (225 ILCS 458/25-20)

28 (Section scheduled to be repealed on January 1, 2012)

29 Sec. 25-20. Department ~~OBRE~~; powers and duties. The
30 Department of Financial and Professional Regulation ~~Office of~~
31 ~~Banks and Real Estate~~ shall exercise the powers and duties
32 prescribed by the Civil Administrative Code of Illinois for the
33 administration of licensing Acts and shall exercise such other
34 powers and duties as are prescribed by this Act for the
35 administration of this Act. The Department ~~OBRE~~ may contract

1 with third parties for services necessary for the proper
2 administration of this Act, including without limitation,
3 investigators with the proper knowledge, training, and skills
4 to properly investigate complaints against real estate
5 appraisers.

6 The Department ~~OBRE~~ shall maintain and update a registry of
7 the names and addresses of all licensees and a listing of
8 disciplinary orders issued pursuant to this Act and shall
9 transmit the registry, along with any national registry fees
10 that may be required, to the entity specified by, and in a
11 manner consistent with, Title XI of the federal Financial
12 Institutions Reform, Recovery and Enforcement Act of 1989.
13 (Source: P.A. 92-180, eff. 7-1-02.)

14 (225 ILCS 458/25-25)

15 (Section scheduled to be repealed on January 1, 2012)

16 Sec. 25-25. Rules. The Department ~~OBRE~~, after considering
17 any recommendations of the Board, shall adopt rules that may be
18 necessary for administration, implementation, and enforcement
19 of the Act.

20 (Source: P.A. 92-180, eff. 7-1-02.)

21 (225 ILCS 458/30-10)

22 (Section scheduled to be repealed on January 1, 2012)

23 Sec. 30-10. Appraisal Administration Fund.

24 (a) The Appraisal Administrative Fund, created under the
25 Real Estate License Act of 1983 and continued under Section 40
26 of the Real Estate Appraiser Licensing Act, is continued under
27 this Act. All fees collected under this Act shall be deposited
28 into the Appraisal Administration Fund, created in the State
29 Treasury under the Real Estate License Act of 1983.

30 (b) Appropriations to the Department ~~OBRE~~ from the
31 Appraisal Administration Fund for the purpose of administering
32 the Real Estate Appraiser Licensing Act may be used by the
33 Department ~~OBRE~~ for the purpose of administering and enforcing
34 the provisions of this Act.

1 (Source: P.A. 92-180, eff. 7-1-02.)

2 (225 ILCS 458/5-25 rep.)

3 Section 10. The Real Estate Appraiser Licensing Act of 2002
4 is amended by repealing Section 5-25.

5 Section 99. Effective date. This Act takes effect January
6 1, 2007.

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2 225 ILCS 458/5-25 rep.