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09400SB0482ham005

LRB094 10608 RAS 58265 a

1 AMENDMENT TO SENATE BILL 482

2 AMENDMENT NO. _____. Amend Senate Bill 482, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Real Estate Appraiser Licensing Act of 2002
6 is amended by changing Sections 1-10, 5-5, 5-10, 5-15, 5-20,
7 5-25, 5-30, 5-35, 5-40, 5-45, 5-55, 10-5, 10-10, 10-15, 10-20,
8 15-5, 15-10, 15-15, 15-20, 15-30, 15-35, 15-40, 15-45, 15-50,
9 15-55, 15-60, 20-5, 20-10, 25-5, 25-10, 25-15, 25-20, 25-25,
10 and 30-10 and by adding Sections 15-17 and 5-21 as follows:

11 (225 ILCS 458/1-10)

12 (Section scheduled to be repealed on January 1, 2012)

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

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

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

23 "Appraisal" means (noun) the act or process of developing
24 an opinion of value; an opinion of value (adjective) of or

1 pertaining to appraising and related functions, such as
2 appraisal practices.

3 "Appraisal assignment" means an engagement for which an
4 appraiser is employed or retained to act, or would be perceived
5 by third parties or the public as acting, as a disinterested
6 third party.

7 "Appraisal practice" means valuation services performed by
8 an individual acting as an appraiser, including, but not
9 limited to, appraisal, appraisal review, or appraisal
10 consulting.

11 "Appraisal report" means any communication, written or
12 oral, or any appraisal, appraisal review, or appraisal
13 consulting service that is transmitted to a client upon
14 completion of an assignment ~~a written appraisal by an appraiser~~
15 ~~to a client.~~

16 "Appraisal review" means the act or process of developing
17 and communicating an opinion about the quality of another
18 appraiser's work that was performed as part of an appraisal,
19 appraisal review, or appraisal consulting assignment.

20 "Appraisal Subcommittee" means the Appraisal Subcommittee
21 of the Federal Financial Institutions Examination Council as
22 established by Title XI.

23 "Appraiser" means a person who performs or offers to
24 perform valuation services competently and in a manner that is
25 independent, impartial, and objective ~~real estate or real~~
26 ~~property appraisals.~~

27 "AOB" means the Appraisal Qualifications Board of the
28 Appraisal Foundation.

29 "Associate real estate trainee appraiser" means an
30 entry-level appraiser who holds a license of this
31 classification under this Act ~~and applies to the appraisal of~~
32 ~~non-complex property having a transaction value less than~~
33 ~~\$1,000,000, but~~ with restrictions as to the scope of practice
34 in accordance with this Act.

1 "Board" means the Real Estate Appraisal Administration and
2 Disciplinary Board.

3 "Classroom hour" means 50 minutes of instruction out of
4 each 60 minute segment of coursework.

5 "Client" means the party or parties who engage an appraiser
6 by employment or contract in a specific assignment ~~a person who~~
7 ~~utilizes the services of an appraiser or engages an appraiser~~
8 ~~for an appraisal by employment or contract.~~

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

11 "Coordinator" means the Coordinator of Real Estate
12 Appraisal of the Division of Professional Regulation of the
13 Department of Financial and Professional Regulation.

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

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

18 ~~"Federal financial institutions regulatory agencies" means~~
19 ~~the Board of Governors of the Federal Reserve System, the~~
20 ~~Federal Deposit Insurance Corporation, the Office of the~~
21 ~~Comptroller of the Currency, the Office of Thrift Supervision,~~
22 ~~and the National Credit Union Administration.~~

23 ~~"Federally related transaction" means any real~~
24 ~~estate related financial transaction in which a federal~~
25 ~~financial institutions regulatory agency, the Department of~~
26 ~~Housing and Urban Development, Fannie Mae, Freddie Mae, or the~~
27 ~~National Credit Union Administration engages in, contracts~~
28 ~~for, or regulates and requires the services of an appraiser.~~

29 ~~"Financial institution" means any bank, savings bank,~~
30 ~~savings and loan association, credit union, mortgage broker,~~
31 ~~mortgage banker, licensee under the Consumer Installment Loan~~
32 ~~Act or the Sales Finance Agency Act, or a corporate fiduciary,~~
33 ~~subsidiary, affiliate, parent company, or holding company of~~
34 ~~any such licensee, or any institution involved in real estate~~

1 ~~financing that is regulated by state or federal law.~~

2 "Modular Course" means the Appraisal Qualifying Course
3 Design conforming to the Sub Topics Course Outline contained in
4 the AQB Criteria 2008.

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

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

8 ~~"Real estate related financial transaction" means any~~
9 ~~transaction involving:~~

10 ~~(1) the sale, lease, purchase, investment in, or~~
11 ~~exchange of real property, including interests in property~~
12 ~~or the financing thereof;~~

13 ~~(2) the refinancing of real property or interests in~~
14 ~~real property; and~~

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

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

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

22 "State certified general real estate appraiser" means an
23 appraiser who holds a license of this classification under this
24 Act and such classification applies to the appraisal of all
25 types of real property without restrictions as to the scope of
26 practice.

27 "State certified residential real estate appraiser" means
28 an appraiser who holds a license of this classification under
29 this Act and such classification applies to the appraisal of
30 one to 4 units of residential real property without regard to
31 transaction value or complexity, but with restrictions as to
32 the scope of practice, as set forth in this Act, and any other
33 requirements set forth in this Act or ~~in a federally related~~
34 ~~transaction in accordance with Title XI, the provisions of~~

1 ~~USPAP, criteria established by the AQB, and~~ further defined by
2 rule.

3 "Supervising appraiser" means either (i) an appraiser who
4 holds a valid license under this Act as either a State
5 certified general real estate appraiser or a State certified
6 residential real estate appraiser, who co-signs an appraisal
7 report for an associate real estate trainee appraiser or (ii) a
8 State certified general real estate appraiser who holds a valid
9 license under this Act who cosigns an appraisal report for a
10 State certified residential real estate appraiser on
11 properties other than one to 4 units of residential real
12 property without regard to transaction value or complexity.

13 ~~"State licensed real estate appraiser" means an appraiser~~
14 ~~who holds a real estate appraiser license issued pursuant to a~~
15 ~~predecessor Act. A real estate appraiser license authorizes its~~
16 ~~holder to conduct the appraisal of non complex one to 4 units~~
17 ~~of residential real property having a transaction value less~~
18 ~~than \$1,000,000 and complex one to 4 residential units of real~~
19 ~~property having a value less than \$250,000, but with~~
20 ~~restrictions as to the scope of practice in accordance with~~
21 ~~Title XI, criteria established by USPAP, by the AQB, by this~~
22 ~~Act, and by rule. No such initial license shall be issued after~~
23 ~~the effective date of this Act or renewed after September 30,~~
24 ~~2003 under this Act.~~

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

27 "USPAP" means the Uniform Standards of Professional
28 Appraisal Practice as promulgated by the Appraisal Standards
29 Board pursuant to Title XI and by rule.

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

31 (225 ILCS 458/5-5)

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

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

1 (a) Beginning July 1, 2002, it is unlawful for a person to
2 (i) act, offer services, or advertise services ~~or assume to act~~
3 as a State certified residential real estate appraiser, State
4 certified general appraiser, or associate real estate trainee
5 appraiser ~~to engage in the business of real estate appraisal,~~
6 (ii) to develop a real estate appraisal, (iii) to practice as a
7 real estate appraiser, (iv) or to advertise or hold himself or
8 herself out to be a real estate appraiser, or (v) solicit
9 clients or enter into an appraisal engagement with clients ~~in~~
10 ~~connection with a federally related transaction~~ without a ~~real~~
11 ~~estate appraiser~~ license issued under this Act. A person who
12 violates this subsection is guilty of a Class A misdemeanor for
13 a first offense and a Class 4 felony for any subsequent
14 offense.

15 (b) Beginning July 1, 2002, it is unlawful for a person,
16 other than a person who holds a valid license issued pursuant
17 to this Act as a State certified general real estate appraiser,
18 a State certified residential real estate appraiser, an
19 associate real estate trainee appraiser, or as a State licensed
20 real estate appraiser issued pursuant to a predecessor Act to
21 use these titles or any other title, designation, or
22 abbreviation likely to create the impression that the person is
23 licensed as a real estate appraiser pursuant to this Act. A
24 person who violates this subsection is guilty of a Class A
25 misdemeanor for a first offense and a Class 4 felony for any
26 subsequent offense.

27 (c) This ~~The licensing requirements of this Act~~ does ~~do~~ not
28 apply to ~~require~~ a real estate broker or salesperson who holds
29 a valid license pursuant to the Real Estate License Act of
30 2000, ~~to be licensed as a real estate appraiser under this Act,~~
31 unless the broker or salesperson is providing a written opinion
32 of value on real property for the purpose of allowing a person
33 or entity to secure a mortgage on that real property or a
34 written opinion of value in which the opinion provided is

1 described or represented in the content of the written opinion
 2 of value as an appraisal ~~or attempting to provide an appraisal~~
 3 ~~report, as defined in Section 1-10 of this Act, in connection~~
 4 ~~with a federally related transaction.~~

5 (d) This Act does not apply to a township assessor,
 6 multi-township assessor, county supervisor of assessments, or
 7 any deputy or employee of any township assessor, multi-township
 8 assessor, or county supervisor of assessments who is performing
 9 his or her respective duties in accordance with the provisions
 10 of the Property Tax Code.

11 (e) Any person who is not exempt under this Act and who
 12 conducts a real estate appraisal must be licensed under this
 13 Act. A person who violates this subsection (e) is guilty of a
 14 Class A misdemeanor for a first offense and a Class 4 felony
 15 for any subsequent offense.

16 (f) For the purposes of this Section, "services"
 17 ~~subsection, "brokerage service"~~ means the activities ~~activity~~
 18 of offering, negotiating, buying, listing, selling, or leasing
 19 real estate or procuring or referring prospects intended to
 20 result in the listing, sale, purchase, lease, or exchange of
 21 real estate for another and for 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 ~~ODRE~~ on forms provided by the
 30 Department ~~ODRE~~ 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~~

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 by
4 the Department ~~OBRE~~ and endorsed by the AQB;

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

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

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

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

27 (1) English composition;

28 (2) micro economics;

29 (3) macro economics;

30 (4) finance;

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

32 (6) statistics;

33 (7) introduction to computers-word

34 processing/spreadsheets;

1 (8) business or real estate law; and

2 (9) two elective courses in accounting, geography,
3 agricultural economics, business management, or real
4 estate and any other requirements established by the
5 Department by rule.

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

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

12 (225 ILCS 458/5-15)

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

14 Sec. 5-15. Application for State certified residential
15 real estate appraiser. Every person who desires to obtain a
16 State certified residential real estate appraiser license
17 shall:

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

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

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

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

27 (5) prior to taking the examination, provide evidence to
28 the Department, in Modular Course format, with each module
29 conforming to the Real Property Appraiser Qualification
30 Criteria established and adopted by the AQB on February 20,
31 2004, ~~OBRE~~ that he or she has successfully completed the
32 prerequisite classroom hours of instruction in appraising as
33 established by the AQB and by rule; and

1 (6) prior to taking the examination, provide evidence to
2 the Department ~~OPRE~~ that he or she has successfully completed
3 the prerequisite experience requirements as established by AQB
4 and by rule.

5 (b) Before December 31, 2007, applicants must provide
6 evidence of having attained a high school diploma or completed
7 an equivalent course of study as determined by an examination
8 conducted or accepted by the State Board of Education;

9 (c) On or after December 31, 2007, applicants must provide
10 evidence to the Department of (i) holding an Associate's degree
11 or its equivalent from an accredited college or university,
12 junior college, or community college or (ii) successfully
13 passing 21 semester credit hours or the equivalent from an
14 accredited college or university, junior college, or community
15 college in the following subjects:

16 (1) English composition;

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

18 (3) finance;

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

20 (5) statistics;

21 (6) introduction to computers-word processing and
22 spreadsheets;

23 (7) business or real estate law; and

24 (8) any other requirements established by the
25 Department by rule.

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

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

32 (225 ILCS 458/5-20)

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

1 Sec. 5-20. Application for associate real estate trainee
2 appraiser. ~~(a)~~ Every person who desires to obtain an associate
3 real estate trainee appraiser license shall:

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

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

7 (3) provide evidence of having attained a high school
8 diploma or completed an equivalent course of study as
9 determined by an examination conducted or accepted by the
10 Illinois State Board of Education;

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

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

17 ~~(b) A person who holds a valid license as a licensed real~~
18 ~~estate appraiser, issued pursuant to a predecessor Act, may~~
19 ~~convert that license to an associate real estate appraiser~~
20 ~~license by making application to OBRE on forms provided by OBRE~~
21 ~~accompanied by the required fee.~~

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

23 (225 ILCS 458/5-21 new)

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

25 Sec. 5-21. Change of address notification. Any individual
26 licensed under this Act must inform the Department of any
27 change of address in a manner and within the amount of time
28 determined by the Department.

29 (225 ILCS 458/5-25)

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

31 Sec. 5-25. Renewal of license.

32 (a) The expiration date and renewal period for a State

1 certified general real estate appraiser license or a State
2 certified residential real estate appraiser license issued
3 under this Act shall be set by rule. Except as otherwise
4 provided in subsections (b) and (f) of this Section, the holder
5 of a license may renew the license within 90 days preceding the
6 expiration date by:

7 (1) completing and submitting to the Department ~~OBRE~~ a
8 renewal application form as provided by the Department
9 ~~OBRE~~;

10 (2) paying the required fees; and

11 (3) providing evidence of successful completion of the
12 continuing education requirements through courses approved
13 by the Department ~~OBRE~~ from education providers licensed by
14 the Department ~~OBRE~~, as established by the AQB and by rule.

15 (b) A State certified general real estate appraiser or
16 State certified residential real estate appraiser whose
17 license under this Act has expired may renew the license for a
18 period of 2 years following the expiration date by complying
19 with the requirements of paragraphs (1), (2), and (3) of
20 subsection (a) of this Section and paying any late penalties
21 established by rule.

22 (c) (Blank). ~~A State licensed real estate appraiser's~~
23 ~~license issued pursuant to a predecessor Act shall continue in~~
24 ~~effect until the earlier of its expiration date or September~~
25 ~~30, 2003. The holder of such a license may not renew the~~
26 ~~license for any period after September 30, 2003, but may~~
27 ~~convert the license to an associate real estate appraiser~~
28 ~~license under this Act until September 30, 2003 pursuant to~~
29 ~~subsection (b) of Section 5-20 of this Act.~~

30 (d) The expiration date and renewal period for an associate
31 real estate trainee appraiser license issued under this Act
32 shall be set by rule. Except as otherwise provided in
33 subsections (e) and (f) of this Section, the holder of an
34 associate real estate appraiser license may renew the license

1 within 90 days preceding the expiration date by:

2 (1) completing and submitting to the Department ~~OBRE~~ a
3 renewal application form as provided by the Department
4 ~~OBRE~~;

5 (2) paying the required fees; and

6 (3) providing evidence of successful completion of the
7 continuing education requirements through courses approved
8 by the Department ~~OBRE~~ from education providers approved by
9 the Department ~~OBRE~~, as established by rule.

10 (e) Any associate real estate appraiser trainee whose
11 license under this Act has expired may renew the license for a
12 period of 2 years following the expiration date by complying
13 with the requirements of paragraphs (1), (2), and (3) of
14 subsection (d) of this Section and paying any late penalties as
15 established by rule. An associate real estate trainee appraiser
16 license may not be renewed more than 2 times.

17 (f) Notwithstanding subsections (c) and (e), an appraiser
18 whose license under this Act has expired may renew or convert
19 the license without paying any lapsed renewal fees or late
20 penalties if the license expired while the appraiser was:

21 (1) on active duty with the United States Armed
22 Services;

23 (2) serving as the Coordinator ~~Director~~ of Real Estate
24 Appraisal or an employee of the Department ~~OBRE~~ who was
25 required to surrender his or her license during the term of
26 employment.

27 Application for renewal must be made within 2 years
28 following the termination of the military service or related
29 education, training, or employment. The licensee shall furnish
30 the Department ~~OBRE~~ with an affidavit that he or she was so
31 engaged.

32 (g) The Department ~~OBRE~~ shall provide reasonable care and
33 due diligence to ensure that each licensee under this Act is
34 provided with a renewal application at least 90 days prior to

1 the expiration date, but each licensee is responsible to timely
2 renew or convert his or her license prior to its expiration
3 date.

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

5 (225 ILCS 458/5-30)

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

7 Sec. 5-30. Reciprocity; consent to jurisdiction. ~~(a)~~ A
8 nonresident who holds a valid appraiser license issued to him
9 or her by the proper licensing authority of a state, territory,
10 possession of the United States, or the District of Columbia
11 that has licensing requirements equal to or substantially
12 equivalent to the requirements of the State of Illinois and
13 otherwise meets the requirements for licensure may obtain a
14 license without examination, provided that:

15 (1) the Department ~~OBRE~~ has entered into a valid
16 reciprocal agreement with the proper licensing authority
17 of the state, territory, or possession of the United
18 States, or the District of Columbia;

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

23 (3) the applicant completes and submits an application
24 as provided by the Department ~~OBRE~~ and the applicant pays
25 all applicable fees as established by rule ~~required under~~
26 ~~this Act.~~

27 ~~(b) A nonresident applicant shall file an irrevocable~~
28 ~~consent with OBRE authorizing that actions may be commenced~~
29 ~~against the applicant or nonresident licensee in a court of~~
30 ~~competent jurisdiction in the State of Illinois by the service~~
31 ~~of summons, process, or other pleading authorized by law upon~~
32 ~~the Commissioner. The consent shall stipulate and agree that~~
33 ~~service of the summons, process, or pleading upon the~~

1 ~~Commissioner shall be taken and held in all courts to be valid~~
2 ~~and binding as if actual service had been made upon the~~
3 ~~nonresident licensee in Illinois. If a summons, process, or~~
4 ~~other pleading is served upon the Commissioner, it shall be by~~
5 ~~duplicate copies, one of which shall be retained by OBRE and~~
6 ~~the other of which shall be immediately forwarded by certified~~
7 ~~or registered mail to the last known address of the nonresident~~
8 ~~licensee against whom the summons, process, or other pleading~~
9 ~~may be directed.~~

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

11 (225 ILCS 458/5-35)

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

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

14 (a) The prerequisite classroom hours necessary for a person
15 to be approved to sit for the examination for licensure as a
16 State certified general real estate appraiser or a State
17 certified residential real estate appraiser shall be in
18 accordance with AQB criteria and established by rule.

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

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

23 (225 ILCS 458/5-40)

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

25 Sec. 5-40. Pre-license experience requirements. The
26 prerequisite experience necessary for a person to be approved
27 to sit for the examination for licensure as a State certified
28 general real estate appraiser or a State certified residential
29 real estate appraiser shall be ~~in accordance with AQB criteria~~
30 ~~and~~ established by rule.

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

1 (225 ILCS 458/5-45)

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

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

4 (a) The continuing education requirements for a person to
5 renew a license as a State certified general real estate
6 appraiser or a State certified residential real estate
7 appraiser shall be ~~in accordance with AQB criteria and~~
8 established by rule.

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

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

13 (225 ILCS 458/5-55)

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

15 Sec. 5-55. Fees. The Department ~~OBRE~~ shall establish rules
16 for fees to be paid by applicants and licensees to cover the
17 reasonable costs of the Department ~~OBRE~~ in administering and
18 enforcing the provisions of this Act. The Department ~~OBRE~~ may
19 also establish rules for general fees to cover the reasonable
20 expenses of carrying out other functions and responsibilities
21 under this Act.

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

23 (225 ILCS 458/10-5)

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

25 Sec. 10-5. Scope of practice.

26 (a) This Act does not limit a State certified general real
27 estate appraiser in his or her scope of practice ~~in a federally~~
28 ~~related transaction~~. A certified general real estate appraiser
29 may independently provide appraisal services, review, or
30 consulting relating to any type of property for which he or she
31 has experience or ~~and~~ is competent. All such appraisal practice
32 must be made in accordance with the provisions of USPAP,

1 criteria established by the AQB, and rules adopted pursuant to
2 this Act.

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

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

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

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

1 (225 ILCS 458/10-10)

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

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

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

14 (225 ILCS 458/10-15)

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

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

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

25 (225 ILCS 458/10-20)

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

27 Sec. 10-20. Retention of records. A person licensed under
28 this Act shall retain the original copy of all written
29 contracts engaging his or her services as an appraiser and all
30 appraisal reports, including any supporting data used to
31 develop the appraisal report, for a period of 5 years or 2

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

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

8 (225 ILCS 458/15-5)

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

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

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

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

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

1 comply with an order of the Department ~~OBRE~~ to the Attorney
2 General or to the appropriate State's Attorney.

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

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

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

29 (225 ILCS 458/15-10)

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

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

32 (a) The Department ~~Office of Banks and Real Estate~~ may
33 suspend, revoke, refuse to issue or renew a license and may

1 reprimand place on probation or administrative supervision, or
2 otherwise discipline a licensee, including imposing conditions
3 limiting the scope, nature, or extent of the real estate
4 appraisal practice of a licensee or reducing the appraisal rank
5 of a licensee, and may impose an administrative fine ~~a civil~~
6 ~~penalty~~ not to exceed \$10,000 upon a licensee for ~~one or~~ any
7 ~~combination~~ of the following:

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

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

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

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

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

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

1 (7) Failing or refusing without good cause to exercise
2 reasonable diligence in developing, reporting, or
3 communicating an appraisal, as defined by this Act or by
4 rule.

5 (8) Violating a provision of this Act or the rules
6 adopted pursuant to this Act.

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

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

17 (11) Accepting an appraisal assignment when the
18 employment itself is contingent upon the appraiser
19 reporting a predetermined estimate, analysis, or opinion
20 or when the fee to be paid is contingent upon the opinion,
21 conclusion, or valuation reached or upon the consequences
22 resulting from the appraisal assignment.

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

30 (13) Violating the confidential nature of government
31 records to which the licensee gained access through
32 employment or engagement as an appraiser by a government
33 agency.

34 (14) Being adjudicated liable in a civil proceeding on

1 grounds of fraud, misrepresentation, or deceit. In a
2 disciplinary proceeding based upon a finding of civil
3 liability, the appraiser shall be afforded an opportunity
4 to present mitigating and extenuating circumstances, but
5 may not collaterally attack the civil adjudication.

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

8 (16) Engaging in misleading or untruthful advertising
9 or using a trade name or insignia of membership in a real
10 estate appraisal or real estate organization of which the
11 licensee is not a member.

12 (17) Failing to fully cooperate with an the Department
13 ~~OBRE~~ investigation by knowingly making a false statement,
14 submitting false or misleading information, or refusing to
15 provide complete information in response to written
16 interrogatories or a written request for documentation
17 within 30 days of the request.

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

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

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

34 (21) A physical or mental illness or disability which

1 results in the inability to practice under this Act with
2 reasonable judgment, skill, or safety.

3 (b) The Department ~~Office of Banks and Real Estate~~ may
4 reprimand suspend, revoke, or refuse to issue or renew an
5 education provider's license, may reprimand, place on
6 probation, or otherwise discipline an education provider and
7 may suspend or revoke the course approval of any course offered
8 by an education provider and may impose an administrative fine
9 ~~a civil penalty~~ not to exceed \$10,000 upon an education
10 provider, for any of the following:

11 (1) Procuring or attempting to procure licensure by
12 knowingly making a false statement, submitting false
13 information, engaging in any form of fraud or
14 misrepresentation, or refusing to provide complete
15 information in response to a question in an application for
16 licensure.

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

19 (3) Committing an act or omission involving
20 dishonesty, fraud, or misrepresentation or allowing any
21 such act or omission by any employee or contractor under
22 the control of the provider.

23 (4) Engaging in misleading or untruthful advertising.

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

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

29 (7) Failing to administer an approved course using the
30 course materials, syllabus, and examinations submitted as
31 the basis of the course approval.

32 (8) Failing to provide an appropriate classroom
33 environment for presentation of courses, with
34 consideration for student comfort, acoustics, lighting,

1 seating, workspace, and visual aid material.

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

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

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

13 (c) In appropriate cases, the Department ~~OBRE~~ may resolve a
14 complaint against a licensee through the issuance of a Consent
15 to Administrative Supervision order. A licensee subject to a
16 Consent to Administrative Supervision order shall be
17 considered by the Department ~~OBRE~~ as an active licensee in good
18 standing. This order shall not be reported or considered by the
19 Department ~~OBRE~~ to be a discipline of the licensee. The records
20 regarding an investigation and a Consent to Administrative
21 Supervision order shall be considered confidential and shall
22 not be released by the Department ~~OBRE~~ except as mandated by
23 law. A complainant shall be notified if his or her complaint
24 has been resolved by a Consent to Administrative Supervision
25 order.

26 (d) A licensee may be represented by legal counsel at an
27 informal conference. If the informal conference results in a
28 consent order between the accused licensee and the Department,
29 the consent order must be approved by the Director. However, if
30 the consent order would result in a fine exceeding \$5,000 or
31 the suspension in excess of one year or revocation of the
32 license, the consent order must be approved by the Board and
33 the Director.

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

1 (225 ILCS 458/15-15)

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

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

4 (a) Upon the motion of the Department ~~Office of Banks and~~
5 ~~Real Estate~~ or the Board or upon a complaint in writing of a
6 person setting forth facts that, if proven, would constitute
7 grounds for suspension, revocation, or other disciplinary
8 action against a licensee or applicant for licensure, the
9 Department ~~Office of Banks and Real Estate~~ shall investigate
10 the actions of the licensee or applicant.

11 (b) Formal disciplinary proceedings shall commence upon
12 the issuance of a written complaint describing the charges that
13 are the basis of the disciplinary action and delivery of the
14 detailed complaint to the address of record of the licensee or
15 applicant. The Department ~~OBRE~~ shall notify the licensee or
16 applicant to file a verified written answer within 20 days
17 after the service of the notice and complaint. The notification
18 shall inform the licensee or applicant of his or her right to
19 be heard in person or by legal counsel; that the hearing will
20 be afforded not sooner than 30 days after service ~~receipt~~ of
21 the complaint ~~answer to the specific charges~~; that failure to
22 file an answer will result in a default being entered against
23 the licensee or applicant; that the license may be suspended,
24 revoked, or placed on probationary status; and that other
25 disciplinary action may be taken pursuant to this Act,
26 including limiting the scope, nature, or extent of the
27 licensee's practice. If the licensee or applicant fails to file
28 an answer after service of notice, his or her license may, at
29 the discretion of the Department ~~Office of Banks and Real~~
30 ~~Estate~~, be suspended, revoked, or placed on probationary status
31 and the Department ~~Office of Banks and Real Estate~~ may take
32 whatever disciplinary action it deems proper, including
33 limiting the scope, nature, or extent of the person's practice,

1 without a hearing.

2 (c) At the time and place fixed in the notice, the Board
3 shall conduct hearing of the charges, providing both the
4 accused person and the complainant ample opportunity to present
5 in person or by counsel such statements, testimony, evidence,
6 and argument as may be pertinent to the charges or to a defense
7 thereto.

8 (d) The Board shall present to the Secretary ~~Commissioner~~ a
9 written report of its findings and recommendations. A copy of
10 the report shall be served upon the licensee or applicant,
11 either personally or by certified mail. Within 20 days after
12 the service, the licensee or applicant may present the
13 Secretary ~~Commissioner~~ with a motion in writing for either a
14 rehearing, a proposed finding of fact, a conclusion of law, or
15 an alternative sanction, and shall specify the particular
16 grounds for the request. If the accused orders a transcript of
17 the record as provided in this Act, the time elapsing
18 thereafter and before the transcript is ready for delivery to
19 the accused shall not be counted as part of the 20 days. If the
20 Secretary ~~Commissioner~~ is not satisfied that substantial
21 justice has been done, the Secretary ~~Commissioner~~ may order a
22 rehearing by the Board or other special committee appointed by
23 the Secretary ~~Commissioner~~, may remand the matter to the Board
24 for its reconsideration of the matter based on the pleadings
25 and evidence presented to the Board, or may enter a final order
26 in contravention of the Board's recommendation. In all
27 instances under this Act in which the Board has rendered a
28 recommendation to the Secretary ~~Commissioner~~ with respect to a
29 particular licensee or applicant, the Secretary ~~Commissioner~~,
30 if he or she disagrees with the recommendation of the Board,
31 shall file with the Board and provide to the licensee or
32 applicant a copy of the Secretary's ~~Commissioner's~~ specific
33 written reasons for disagreement with the Board. The reasons
34 shall be filed within 60 days of the Board's recommendation to

1 the Secretary Commissioner and prior to any contrary action.
2 Notwithstanding a licensee's or applicant's failure to file a
3 motion for rehearing ~~At the expiration of the time specified~~
4 ~~for filing a motion for a rehearing,~~ the Secretary Commissioner
5 shall have the right to take any of the actions specified in
6 this subsection (d). Upon the suspension or revocation of a
7 license, the licensee shall be required to surrender his or her
8 license to the Department OBRE, and upon failure or refusal to
9 do so, the Department OBRE shall have the right to seize the
10 license.

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

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

26 (g) In addition to the provisions of this Section
27 concerning the conduct of hearings and the recommendations for
28 discipline, the Department ~~OBRE~~ has the authority to negotiate
29 disciplinary and non-disciplinary settlement agreements
30 concerning any license issued under this Act. All such
31 agreements shall be recorded as Consent Orders or Consent to
32 Administrative Supervision Orders.

33 (h) The Secretary Commissioner shall have the authority to
34 appoint an attorney duly licensed to practice law in the State

1 of Illinois to serve as the hearing officer in any action to
2 suspend, revoke, or otherwise discipline any license issued by
3 the Department Office of Banks and Real Estate. The Hearing
4 Officer shall have full authority to conduct the hearing.

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

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

14 (225 ILCS 458/15-17 new)

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

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

30 (225 ILCS 458/15-20)

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

32 Sec. 15-20. Administrative Review Law; certification fees;

1 Administrative Procedure Act.

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

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

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

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

19 (225 ILCS 458/15-30)

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

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

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

31 (225 ILCS 458/15-35)

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

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

6 (1) the signature is the genuine signature of the
7 Secretary ~~Commissioner~~;

8 (2) the Secretary ~~Commissioner~~ is duly appointed and
9 qualified; and

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

11 This proof may be rebutted.

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

13 (225 ILCS 458/15-40)

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

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

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

23 (225 ILCS 458/15-45)

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

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

1 (225 ILCS 458/15-55)

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

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

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

29 (225 ILCS 458/15-60)

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

31 Sec. 15-60. Cease and desist orders. The Department ~~OBRE~~
32 may issue cease and desist orders to persons who engage in

1 activities prohibited by this Act. Any person in violation of a
2 cease and desist order issued by the Department ~~OBRE~~ is subject
3 to all of the penalties provided by law.

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

5 (225 ILCS 458/20-5)

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

7 Sec. 20-5. Education providers.

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

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

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

17 (2) a sufficient number of qualified instructors;

18 (3) adequate support personnel to assist with
19 administrative matters and technical assistance;

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

22 (5) a qualified administrator, who is responsible for
23 the administration of the education provider, courses, and
24 the actions of the instructors; and

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

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

31 (d) An education provider shall provide each successful
32 course participant with a certificate of completion signed by
33 the school administrator. The format and content of the

1 certificate shall be specified by rule.

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

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

6 (225 ILCS 458/20-10)

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

8 Sec. 20-10. Course approval.

9 (a) Only courses offered by licensed education providers
10 and approved by the Department, courses approved by the AQB, or
11 courses approved by jurisdictions regulated by the Appraisal
12 Subcommittee ~~OBRE~~ shall be used to meet the requirements of
13 this Act and rules.

14 (b) An education provider licensed under this Act may
15 submit courses to the Department ~~OBRE~~ for approval. The
16 criteria, requirements, and fees for courses shall be
17 established by rule in accordance with this Act, Title XI, and
18 the criteria established by the AQB.

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

23 (d) An education provider must use an instructor for each
24 course approved by the the Department who (i) holds a valid
25 real estate appraisal license in good standing as a State
26 certified general real estate appraiser or a State certified
27 residential real estate appraiser in Illinois or any other
28 jurisdiction regulated by the Appraisal Subcommittee, (ii)
29 holds a valid teaching certificate issued by the State of
30 Illinois, (iii) is a faculty member in good standing with an
31 accredited college or university or community college, (iv) is
32 an approved appraisal instructor from an appraisal
33 organization that is a member of the Appraisal Foundation, or

1 (v) meets any other requirements established by the Department
2 by rule.

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

4 (225 ILCS 458/25-5)

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

6 Sec. 25-5. Appraisal Administration Fund; surcharge. The
7 Appraisal Administration Fund is created as a special fund in
8 the State Treasury. All fees, fines, and penalties received by
9 the Department ~~OBRE~~ under this Act shall be deposited into the
10 Appraisal Administration Fund. All earnings attributable to
11 investment of funds in the Appraisal Administration Fund shall
12 be credited to the Appraisal Administration Fund. Subject to
13 appropriation, the moneys in the Appraisal Administration Fund
14 shall be paid to the Department ~~OBRE~~ for the expenses incurred
15 by the Department ~~OBRE~~ and the Board in the administration of
16 this Act. Moneys in the Appraisal Administration Fund may be
17 transferred to the Professions Indirect Cost Fund as authorized
18 under Section 2105-300 of the Department of Professional
19 Regulation Law of the Civil Administrative Code of Illinois.

20 Upon the completion of any audit of the Department ~~OBRE~~, as
21 prescribed by the Illinois State Auditing Act, which shall
22 include an audit of the Appraisal Administration Fund, the
23 Department ~~OBRE~~ shall make the audit report open to inspection
24 by any interested person.

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

26 (225 ILCS 458/25-10)

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

28 Sec. 25-10. Real Estate Appraisal Administration and
29 Disciplinary Board; appointment.

30 (a) There is hereby created the Real Estate Appraisal
31 Administration and Disciplinary Board. The Board shall be
32 composed of 10 persons appointed by the Governor, plus the

1 Coordinator ~~Director~~ of the Real Estate Appraisal Division.
2 Members shall be appointed to the Board subject to the
3 following conditions:

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

7 (2) The appointed membership of the Board should
8 reasonably reflect the geographic distribution of the
9 population of the State.

10 (3) Four appointed members shall have been actively
11 engaged and currently licensed as State certified general
12 real estate appraisers for a period of not less than 5
13 years.

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

18 (5) Two appointed members shall hold a valid license as
19 a real estate broker for at least 10 years prior to the
20 date of the appointment, one of whom ~~and~~ shall hold a valid
21 State certified general real estate appraiser license
22 issued under this Act or a predecessor Act for a period of
23 at least 5 years prior to the appointment and one of whom
24 shall hold a valid State certified residential real estate
25 appraiser license issued under this Act or a predecessor
26 Act for a period of at least 5 years prior to the
27 appointment.

28 (6) One appointed member shall be a representative of a
29 financial institution, as evidenced by his or her
30 employment with a financial institution.

31 (7) One appointed member shall represent the interests
32 of the general public. This member or his or her spouse
33 shall not be licensed under this Act nor be employed by or
34 have any interest in an appraisal business, real estate

1 brokerage business, or a financial institution.

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

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

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

14 (b) The term for members of the Board shall be 4 years,
15 ~~except for the initial appointees. Of the initial appointments,~~
16 ~~4 members shall be appointed for terms ending June 30, 2006, 3~~
17 ~~members shall be appointed for terms ending June 30, 2005, and~~
18 ~~3 members shall be appointed for terms ending June 30, 2004.~~ No
19 member shall serve more than 10 years in a lifetime. ~~Those~~
20 ~~persons serving on the Board pursuant to the Real Estate~~
21 ~~Appraiser Licensing Act shall become members of the new Board~~
22 ~~on July 1, 2002 and shall serve until the Governor has made the~~
23 ~~new appointments pursuant to this Act.~~

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

29 (d) A majority of the Board members currently appointed
30 shall constitute a quorum. A vacancy in the membership of the
31 Board shall not impair the right of a quorum to exercise all of
32 the rights and perform all of the duties of the Board.

33 (e) The Board shall meet at least quarterly and may be
34 convened by the Chairperson, Co-Chairperson, or 3 members of

1 the Board upon 10 days written notice.

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

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

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

26 (i) Except as provided in Section 15-17 of this Act, the
27 ~~The~~ Board shall hear and make recommendations to the Secretary
28 ~~Commissioner~~ on disciplinary matters that require a formal
29 evidentiary hearing. The Secretary ~~Commissioner~~ shall give due
30 consideration to the recommendations of the Board involving
31 discipline and questions involving standards of professional
32 conduct of licensees.

33 (j) The Department shall seek and the Board shall provide
34 ~~may make~~ recommendations to the Department ~~OBRE~~ consistent with

1 the provisions of this Act and for the administration and
2 enforcement of all ~~the~~ rules adopted pursuant to this Act. The
3 Department shall not adopt any rules relating to the
4 administration and enforcement of this Act without having first
5 received the recommendation of the Board and ~~OBRE~~ shall give
6 due consideration to such ~~the~~ recommendations ~~of the Board~~
7 prior to adopting rules; however, if the Board does not make a
8 recommendation within a reasonable amount of time, as
9 determined by rule of the Department, then the Department may
10 adopt rules.

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

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

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

29 (n) If the Department disagrees with any advice or
30 recommendation provided by the Board under this Section to the
31 Secretary or the Department, then notice of such disagreement
32 must be provided to the Board by the Department.

33 (o) Upon resolution adopted at any Board meeting, the
34 exercise of any Board function, power, or duty enumerated in

1 this Section or in subsection (d) of Section 15-10 of this Act
2 may be suspended. The exercise of any suspended function,
3 power, or duty of the Board may be reinstated by a resolution
4 adopted at a subsequent Board meeting. Any resolution adopted
5 pursuant to this Section shall take effect immediately.

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

7 (225 ILCS 458/25-15)

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

9 Sec. 25-15. Coordinator ~~Director~~ of ~~the~~ Real Estate
10 Appraisal ~~Division~~; appointment; duties. The Secretary shall
11 appoint, subject to the Personnel Code, a Coordinator of Real
12 Estate Appraisal for a term of 4 years. In appointing the
13 Coordinator, the Secretary shall give due consideration to
14 recommendations made by members, organizations, and
15 associations of the real estate appraisal industry. On or after
16 January 1, 2008, the Coordinator must hold a current, valid
17 State certified general real estate certificate, which shall be
18 surrendered to the Department during the term of his or her
19 appointment. The Coordinator must take the 30-hour National
20 Instructors Course on Uniform Standards of Professional
21 Appraisal Practice. The Coordinator's certificate shall be
22 returned in the same status as it was on the date of surrender,
23 credited with all fees and continuing education requirements
24 that came due during his or her employment. ~~Commissioner shall~~
25 ~~appoint a Director of the Real Estate Appraisal Division for a~~
26 ~~term of 4 years. The Director shall hold a valid State~~
27 ~~certified general real estate appraiser or State certified~~
28 ~~residential real estate appraiser license, which shall be~~
29 ~~surrendered to OBRE during the term of his or her appointment.~~
30 The Coordinator ~~Director~~ of ~~the Real Estate Appraisal Division~~
31 shall:

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

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

4 (3) prepare and circulate to licensees such
5 educational and informational material as the Department
6 ~~OBRE~~ deems necessary for providing guidance or assistance
7 to licensees;

8 (4) appoint necessary committees to assist in the
9 performance of the functions and duties of the Department
10 ~~OBRE~~ under this Act; and

11 (5) (blank). ~~subject to the administrative approval of~~
12 ~~the Commissioner, supervise the Real Estate Appraisal~~
13 ~~Division.~~

14 ~~In appointing the Director of the Real Estate Appraisal~~
15 ~~Division, the Commissioner shall give due consideration to~~
16 ~~members, organizations, and associations of the real estate~~
17 ~~appraisal industry.~~

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

19 (225 ILCS 458/25-20)

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

21 Sec. 25-20. Department ~~OBRE~~; powers and duties. The
22 Department of Financial and Professional Regulation ~~Office of~~
23 ~~Banks and Real Estate~~ shall exercise the powers and duties
24 prescribed by the Civil Administrative Code of Illinois for the
25 administration of licensing Acts and shall exercise such other
26 powers and duties as are prescribed by this Act for the
27 administration of this Act. The Department ~~OBRE~~ may contract
28 with third parties for services necessary for the proper
29 administration of this Act, including without limitation,
30 investigators with the proper knowledge, training, and skills
31 to properly investigate complaints against real estate
32 appraisers. Any investigator who is employed by the Department,
33 contractually or otherwise, must be a State-certified real

1 estate appraiser.

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

10 (225 ILCS 458/25-25)

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

12 Sec. 25-25. Rules. The Department ~~OBRE~~, after considering
13 any recommendations of the Board, shall adopt rules that may be
14 necessary for administration, implementation, and enforcement
15 of the Act.

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

17 (225 ILCS 458/30-10)

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

19 Sec. 30-10. Appraisal Administration Fund.

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

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

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

1 Section 99. Effective date. This Act takes effect January
2 1, 2007.".