



Rep. Anthony DeLuca

Filed: 3/20/2014

09800HB5709ham001

LRB098 18353 ZMM 57211 a

1 AMENDMENT TO HOUSE BILL 5709

2 AMENDMENT NO. _____. Amend House Bill 5709 by replacing
3 everything after the enacting clause with the following:

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

6 (225 ILCS 458/5-5)

7 (Section scheduled to be repealed on January 1, 2022)

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

9 (a) It is unlawful for a person to (i) act, offer services,
10 or advertise services as a State certified general real estate
11 appraiser, State certified residential real estate appraiser,
12 or associate real estate trainee appraiser, (ii) develop a real
13 estate appraisal, (iii) practice as a real estate appraiser, or
14 (iv) advertise or hold himself or herself out to be a real
15 estate appraiser without a license issued under this Act. A
16 person who violates this subsection is guilty of a Class A

1 misdemeanor for a first offense and a Class 4 felony for any
2 subsequent offense.

3 (a-5) It is unlawful for a person, unless registered as an
4 appraisal management company, to solicit clients or enter into
5 an appraisal engagement with clients without either a certified
6 residential real estate appraiser license or a certified
7 general real estate appraiser license issued under this Act. A
8 person who violates this subsection is guilty of a Class A
9 misdemeanor for a first offense and a Class 4 felony for any
10 subsequent offense.

11 (b) It is unlawful for a person, other than a person who
12 holds a valid license issued pursuant to this Act as a State
13 certified general real estate appraiser, a State certified
14 residential real estate appraiser, or an associate real estate
15 trainee appraiser to use these titles or any other title,
16 designation, or abbreviation likely to create the impression
17 that the person is licensed as a real estate appraiser pursuant
18 to this Act. A person who violates this subsection is guilty of
19 a Class A misdemeanor for a first offense and a Class 4 felony
20 for any subsequent offense.

21 (c) The licensing requirements of this Act do not require a
22 person who holds a valid license pursuant to the Real Estate
23 License Act of 2000, to be licensed as a real estate appraiser
24 under this Act, unless that person is providing or attempting
25 to provide an appraisal report, as defined in Section 1-10 of
26 this Act, in connection with a federally-related transaction.

1 Nothing in this Act shall prohibit a person who holds a valid
2 license under the Real Estate License Act of 2000 from
3 performing a comparative market analysis or broker price
4 opinion for compensation, provided that the person does not
5 hold himself out as being a licensed real estate appraiser.

6 (d) Nothing in this Act shall preclude a State certified
7 general real estate appraiser, a State certified residential
8 real estate appraiser, or an associate real estate trainee
9 appraiser from rendering appraisals for or on behalf of a
10 partnership, association, corporation, firm, or group.
11 However, no State appraisal license or certification shall be
12 issued under this Act to a partnership, association,
13 corporation, firm, or group.

14 (e) This Act does not apply to a county assessor, township
15 assessor, multi-township assessor, county supervisor of
16 assessments, or any deputy or employee of any county assessor,
17 township assessor, multi-township assessor, or county
18 supervisor of assessments who is performing his or her
19 respective duties in accordance with the provisions of the
20 Property Tax Code.

21 (e-5) For the purposes of this Act, valuation waivers may
22 be prepared by a licensed appraiser notwithstanding any other
23 provision of this Act, and the following types of valuations
24 are not appraisals and may not be represented to be appraisals,
25 and a license is not required under this Act to perform such
26 valuations if the valuations are performed by (1) an employee

1 of the Illinois Department of Transportation who has completed
2 a minimum of 45 hours of course work in real estate appraisal,
3 including the principals of real estate appraisals, appraisal
4 of partial acquisitions, easement valuation, reviewing
5 appraisals in eminent domain, appraisal for federal aid highway
6 programs, and appraisal review for federal aid highway programs
7 and has at least 2 years' experience in a field closely related
8 to real estate; ~~or~~ (2) a county engineer who is a registered
9 professional engineer under the Professional Engineering
10 Practice Act of 1989; (3) an employee of a municipality who has
11 completed a minimum of 45 hours of course work in real estate
12 appraisal, including the principals of real estate appraisals,
13 appraisal of partial acquisitions, easement valuation,
14 reviewing appraisals in eminent domain, appraisal for federal
15 aid highway programs, and appraisal review for federal aid
16 highway programs; or (4) a municipal engineer who has completed
17 the Illinois Department of Transportation's waiver valuation
18 class and who is a registered professional engineer under the
19 Professional Engineering Practice Act of 1989, under the
20 following circumstances:

21 (A) a valuation waiver in an amount not to exceed
22 \$10,000 prepared pursuant to the federal Uniform
23 Relocation Assistance and Real Property Acquisition
24 Policies Act of 1970, or prepared pursuant to the federal
25 Uniform Relocation Assistance and Real Property
26 Acquisition for Federal and Federally-Assisted Programs

1 regulations and which is performed by (1) an employee of
2 the Illinois Department of Transportation and co-signed,
3 with a license number affixed, by another employee of the
4 Illinois Department of Transportation who is a registered
5 professional engineer under the Professional Engineering
6 Practice Act of 1989 or (2) an employee of a municipality
7 and co-signed with a license number affixed by a county or
8 municipal engineer who is a registered professional
9 engineer under the Professional Engineering Practice Act
10 of 1989; and

11 (B) a valuation waiver in an amount not to exceed
12 \$10,000 prepared pursuant to the federal Uniform
13 Relocation Assistance and Real Property Acquisition
14 Policies Act of 1970, or prepared pursuant to the federal
15 Uniform Relocation Assistance and Real Property
16 Acquisition for Federal and Federally-Assisted Programs
17 regulations and which is performed by a county or municipal
18 engineer who is employed by a county or municipality and is
19 a registered professional engineer under the Professional
20 Engineering Practice Act of 1989. In addition to his or her
21 signature, the county or municipal engineer shall affix his
22 or her license number to the valuation.

23 Nothing in this subsection (e-5) shall be construed to
24 allow the State of Illinois, a political subdivision thereof,
25 or any public body to acquire real estate by eminent domain in
26 any manner other than provided for in the Eminent Domain Act.

1 (f) A State real estate appraisal certification or license
2 is not required under this Act for any of the following:

3 (1) A person, partnership, association, or corporation
4 that performs appraisals of property owned by that person,
5 partnership, association, or corporation for the sole use
6 of that person, partnership, association, or corporation.

7 (2) A court-appointed commissioner who conducts an
8 appraisal pursuant to a judicially ordered evaluation of
9 property.

10 However, any person who is certified or licensed under this Act
11 and who performs any of the activities set forth in this
12 subsection (f) must comply with the provisions of this Act. A
13 person who violates this subsection (f) is guilty of a Class A
14 misdemeanor for a first offense and a Class 4 felony for any
15 subsequent offense.

16 (g) This Act does not apply to an employee, officer,
17 director, or member of a credit or loan committee of a
18 financial institution or any other person engaged by a
19 financial institution when performing an evaluation of real
20 property for the sole use of the financial institution in a
21 transaction for which the financial institution would not be
22 required to use the services of a State licensed or State
23 certified appraiser pursuant to federal regulations adopted
24 under Title XI of the federal Financial Institutions Reform,
25 Recovery, and Enforcement Act of 1989, nor does this Act apply
26 to the procurement of an automated valuation model.

1 "Automated valuation model" means an automated system that
2 is used to derive a property value through the use of publicly
3 available property records and various analytic methodologies
4 such as comparable sales prices, home characteristics, and
5 historical home price appreciations.

6 (Source: P.A. 97-602, eff. 8-26-11; 98-444, eff. 8-16-13.)".