



Rep. Anthony DeLuca

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09800HB5709ham002

LRB098 18353 ZMM 58391 a

1 AMENDMENT TO HOUSE BILL 5709

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5709, 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 Section 5-5 as follows:

7 (225 ILCS 458/5-5)

8 (Section scheduled to be repealed on January 1, 2022)

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

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

1 person who violates this subsection is guilty of a Class A  
2 misdemeanor for a first offense and a Class 4 felony for any  
3 subsequent offense.

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

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

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

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

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

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

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

1 valuations if the valuations are performed by (1) an employee  
2 of the Illinois Department of Transportation who has completed  
3 a minimum of 45 hours of course work in real estate appraisal,  
4 including the principals of real estate appraisals, appraisal  
5 of partial acquisitions, easement valuation, reviewing  
6 appraisals in eminent domain, appraisal for federal aid highway  
7 programs, and appraisal review for federal aid highway programs  
8 and has at least 2 years' experience in a field closely related  
9 to real estate; ~~or~~ (2) a county engineer who is a registered  
10 professional engineer under the Professional Engineering  
11 Practice Act of 1989; (3) an employee of a municipality who has  
12 (i) completed a minimum of 45 hours of coursework in real  
13 estate appraisal, including the principals of real estate  
14 appraisals, appraisal of partial acquisitions, easement  
15 valuation, reviewing appraisals in eminent domain, appraisal  
16 for federal aid highway programs, and appraisal review for  
17 federal aid highway programs and (ii) has either 2 years'  
18 experience in a field clearly related to real estate or has  
19 completed 20 hours of additional coursework that is sufficient  
20 for a person to complete waiver valuations as approved by the  
21 Federal Highway Administration; or (4) a municipal engineer who  
22 has completed coursework that is sufficient for his or her  
23 waiver valuations to be approved by the Federal Highway  
24 Administration and who is a registered professional engineer  
25 under the Professional Engineering Act of 1989, under the  
26 following circumstances:

1 (A) a valuation waiver in an amount not to exceed  
2 \$10,000 prepared pursuant to the federal Uniform  
3 Relocation Assistance and Real Property Acquisition  
4 Policies Act of 1970, or prepared pursuant to the federal  
5 Uniform Relocation Assistance and Real Property  
6 Acquisition for Federal and Federally-Assisted Programs  
7 regulations and which is performed by (1) an employee of  
8 the Illinois Department of Transportation and co-signed,  
9 with a license number affixed, by another employee of the  
10 Illinois Department of Transportation who is a registered  
11 professional engineer under the Professional Engineering  
12 Practice Act of 1989 or (2) an employee of a municipality  
13 and co-signed with a license number affixed by a county or  
14 municipal engineer who is a registered professional  
15 engineer under the Professional Engineering Practice Act  
16 of 1989; and

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

1 signature, the county or municipal engineer shall affix his  
2 or her license number to the valuation.

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

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

9 (1) A person, partnership, association, or corporation  
10 that performs appraisals of property owned by that person,  
11 partnership, association, or corporation for the sole use  
12 of that person, partnership, association, or corporation.

13 (2) A court-appointed commissioner who conducts an  
14 appraisal pursuant to a judicially ordered evaluation of  
15 property.

16 However, any person who is certified or licensed under this Act  
17 and who performs any of the activities set forth in this  
18 subsection (f) must comply with the provisions of this Act. A  
19 person who violates this subsection (f) is guilty of a Class A  
20 misdemeanor for a first offense and a Class 4 felony for any  
21 subsequent offense.

22 (g) This Act does not apply to an employee, officer,  
23 director, or member of a credit or loan committee of a  
24 financial institution or any other person engaged by a  
25 financial institution when performing an evaluation of real  
26 property for the sole use of the financial institution in a

1 transaction for which the financial institution would not be  
2 required to use the services of a State licensed or State  
3 certified appraiser pursuant to federal regulations adopted  
4 under Title XI of the federal Financial Institutions Reform,  
5 Recovery, and Enforcement Act of 1989, nor does this Act apply  
6 to the procurement of an automated valuation model.

7 "Automated valuation model" means an automated system that  
8 is used to derive a property value through the use of publicly  
9 available property records and various analytic methodologies  
10 such as comparable sales prices, home characteristics, and  
11 historical home price appreciations.

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