



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3714

Introduced 2/22/2021, by Rep. Lakesia Collins

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Real Estate Appraiser Licensing Act. Provides that all applicants and licensees under the Act shall provide a valid address and email address to the Department of Financial and Professional Regulation. Provides that except as otherwise expressly provided, nothing in the Act shall be construed to grant to any person a private right of action for damages or to enforce the provisions of the Act or the rules issued under the Act. Creates provisions concerning inactive licenses; citations; and illegal discrimination. Makes changes in provisions concerning necessity of license, use of title, exemptions; applications for State certified general real estate appraiser; application for State certified residential real estate appraiser; application for associate real estate trainee appraiser; duration of application; criminal history records checks; renewal of license; qualifying education requirements; scope of practice; standards of practice; unlicensed practice; grounds for disciplinary action; investigation, notice, and hearing; credit card charges; education providers; course approval; the Real Estate Appraisal Administration and Disciplinary Board; Department powers and duties; rules; and savings provisions. Repeals provisions concerning surveys and the Appraisal Administration Fund. Makes other changes. Amends the Appraisal Management Company Registration Act. Provides that nothing in the Act shall apply to a department or division of an entity that provides appraisal management services only to that entity. Makes changes to definitions. Amends the Regulatory Sunset Act. Extends the repeal date of the Real Estate Appraiser Licensing Act from January 1, 2022 to January 1, 2032. Effective January 1, 2022, except provisions amending the Regulatory Sunset Act take effect immediately.

LRB102 03960 SPS 13976 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by  
5 changing Section 4.32 and by adding Section 4.41 as follows:

6 (5 ILCS 80/4.32)

7 Sec. 4.32. Acts repealed on January 1, 2022. The following  
8 Acts are repealed on January 1, 2022:

9 The Boxing and Full-contact Martial Arts Act.

10 The Cemetery Oversight Act.

11 The Collateral Recovery Act.

12 The Community Association Manager Licensing and  
13 Disciplinary Act.

14 The Crematory Regulation Act.

15 The Detection of Deception Examiners Act.

16 The Home Inspector License Act.

17 The Illinois Health Information Exchange and Technology  
18 Act.

19 The Medical Practice Act of 1987.

20 The Registered Interior Designers Act.

21 The Massage Licensing Act.

22 The Petroleum Equipment Contractors Licensing Act.

23 The Radiation Protection Act of 1990.

1 ~~The Real Estate Appraiser Licensing Act of 2002.~~

2 The Water Well and Pump Installation Contractor's License  
3 Act.

4 (Source: P.A. 100-920, eff. 8-17-18; 101-316, eff. 8-9-19;  
5 101-614, eff. 12-20-19; 101-639, eff. 6-12-20.)

6 (5 ILCS 80/4.41 new)

7 Sec. 4.41. Act repealed on January 1, 2032. The following  
8 Act is repealed on January 1, 2032:

9 The Real Estate Appraiser Licensing Act of 2002.

10 Section 10. The Real Estate Appraiser Licensing Act of  
11 2002 is amended by changing Sections 1-10, 5-5, 5-10, 5-15,  
12 5-20, 5-20.5, 5-22, 5-25, 5-30, 5-35, 10-5, 10-10, 15-5,  
13 15-10, 15-15, 15-55, 20-5, 20-10, 25-10, 25-15, 25-16, 25-20,  
14 25-25, and 30-5 and by adding Sections 1-12, 5-26, 15-10.1,  
15 15-11, and 25-35 as follows:

16 (225 ILCS 458/1-10)

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

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

20 "Accredited college or university, junior college, or  
21 community college" means a college or university, junior  
22 college, or community college that is approved or accredited  
23 by the Board of Higher Education, a regional or national

1 accreditation association, or by an accrediting agency that is  
2 recognized by the U.S. Secretary of Education.

3 "Address of record" means the designated street address,  
4 which may not be a post office box, recorded by the Department  
5 in the applicant's or licensee's application file or license  
6 file as maintained by the ~~Department's licensure maintenance~~  
7 ~~unit. It is the duty of the applicant or licensee to inform the~~  
8 ~~Department of any change of address and those changes must be~~  
9 ~~made either through the Department's website or by contacting~~  
10 ~~the~~ Department.

11 "Applicant" means person who applies to the Department for  
12 a license under this Act.

13 "Appraisal" means (noun) the act or process of developing  
14 an opinion of value; an opinion of value (adjective) of or  
15 pertaining to appraising and related functions, such as  
16 appraisal practice or appraisal services.

17 "Appraisal assignment" means a valuation service provided  
18 pursuant to ~~as a consequence of~~ an agreement between an  
19 appraiser and a client.

20 ~~"Appraisal consulting" means the act or process of~~  
21 ~~developing an analysis, recommendation, or opinion to solve a~~  
22 ~~problem, where an opinion of value is a component of the~~  
23 ~~analysis leading to the assignment results.~~

24 "Appraisal firm" means an appraisal entity that is 100%  
25 owned and controlled by a person or persons licensed in  
26 Illinois as a certified general real estate appraiser or a

1 certified residential real estate appraiser. "Appraisal firm"  
2 does not include an appraisal management company.

3 "Appraisal management company" means any corporation,  
4 limited liability company, partnership, sole proprietorship,  
5 subsidiary, unit, or other business entity that directly or  
6 indirectly: (1) provides appraisal management services to  
7 creditors or secondary mortgage market participants, including  
8 affiliates; (2) provides appraisal management services in  
9 connection with valuing the consumer's principal dwelling as  
10 security for a consumer credit transaction (including consumer  
11 credit transactions incorporated into securitizations); and  
12 ~~(3) within a given year, oversees an appraiser panel of any~~  
13 ~~size of State-certified appraisers in Illinois; and (4) any~~  
14 appraisal management company that, within a given 12-month  
15 period ~~year~~, oversees an appraiser panel of 16 or more  
16 State-certified appraisers in Illinois or 25 or more  
17 State-certified or State-licensed appraisers in 2 or more  
18 jurisdictions ~~shall be subject to the appraisal management~~  
19 ~~company national registry fee in addition to the appraiser~~  
20 ~~panel fee~~. "Appraisal management company" includes a hybrid  
21 entity.

22 "Appraisal practice" means valuation services performed by  
23 an individual acting as an appraiser, including, but not  
24 limited to, appraisal or appraisal review, ~~or appraisal~~  
25 ~~consulting~~.

26 "Appraisal report" means any communication, written or

1 oral, of an appraisal or appraisal review that is transmitted  
2 to a client upon completion of an assignment.

3 "Appraisal review" means the act or process of developing  
4 and communicating an opinion about the quality of another  
5 appraiser's work that was performed as part of an appraisal,  
6 appraisal review, or appraisal assignment.

7 "Appraisal Subcommittee" means the Appraisal Subcommittee  
8 of the Federal Financial Institutions Examination Council as  
9 established by Title XI.

10 "Appraiser" means a person who performs real estate or  
11 real property appraisals competently and in a manner that is  
12 independent, impartial, and objective.

13 "Appraiser panel" means a network, list, or roster of  
14 licensed or certified appraisers approved by the appraisal  
15 management company or by the end-user client to perform  
16 appraisals as independent contractors for the appraisal  
17 management company. "Appraiser panel" includes both appraisers  
18 accepted by an appraisal management company for consideration  
19 for future appraisal assignments and appraisers engaged by an  
20 appraisal management company to perform one or more  
21 appraisals. For the purposes of determining the size of an  
22 appraiser panel, only independent contractors of hybrid  
23 entities shall be counted towards the appraiser panel.

24 "AQB" means the Appraisal Qualifications Board of the  
25 Appraisal Foundation.

26 "Associate real estate trainee appraiser" means an

1 entry-level appraiser who holds a license of this  
2 classification under this Act with restrictions as to the  
3 scope of practice in accordance with this Act.

4 "Automated valuation model" means an automated system that  
5 is used to derive a property value through the use of available  
6 property records and various analytic methodologies such as  
7 comparable sales prices, home characteristics, and price  
8 changes.

9 "Board" means the Real Estate Appraisal Administration and  
10 Disciplinary Board.

11 "Broker price opinion" means an estimate or analysis of  
12 the probable selling price of a particular interest in real  
13 estate, which may provide a varying level of detail about the  
14 property's condition, market, and neighborhood and information  
15 on comparable sales. The activities of a real estate broker or  
16 managing broker engaging in the ordinary course of business as  
17 a broker, as defined in this Section, shall not be considered a  
18 broker price opinion if no compensation is paid to the broker  
19 or managing broker, other than compensation based upon the  
20 sale or rental of real estate.

21 "Classroom hour" means 50 minutes of instruction out of  
22 each 60 minute segment of coursework.

23 "Client" means the party or parties who engage an  
24 appraiser by employment or contract in a specific appraisal  
25 assignment.

26 "Comparative market analysis" is an analysis or opinion

1 regarding pricing, marketing, or financial aspects relating to  
2 a specified interest or interests in real estate that may be  
3 based upon an analysis of comparative market data, the  
4 expertise of the real estate broker or managing broker, and  
5 such other factors as the broker or managing broker may deem  
6 appropriate in developing or preparing such analysis or  
7 opinion. The activities of a real estate broker or managing  
8 broker engaging in the ordinary course of business as a  
9 broker, as defined in this Section, shall not be considered a  
10 comparative market analysis if no compensation is paid to the  
11 broker or managing broker, other than compensation based upon  
12 the sale or rental of real estate.

13 "Coordinator" means the ~~Coordinator of~~ Real Estate  
14 Appraisal Coordinator created in Section 25-15 ~~of the Division~~  
15 ~~of Professional Regulation of the Department of Financial and~~  
16 ~~Professional Regulation.~~

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

19 "Email address of record" means the designated email  
20 address recorded by the Department in the applicant's  
21 application file or the licensee's license file maintained by  
22 the Department.

23 "Federal financial institutions regulatory agencies" means  
24 the Board of Governors of the Federal Reserve System, the  
25 Federal Deposit Insurance Corporation, the Office of the  
26 Comptroller of the Currency, the Consumer Financial Protection



1 Bureau, and the National Credit Union Administration.

2 "Federally related transaction" means any real  
3 estate-related financial transaction in which a federal  
4 financial institutions regulatory agency engages in, contracts  
5 for, or regulates and requires the services of an appraiser.

6 "Financial institution" means any bank, savings bank,  
7 savings and loan association, credit union, mortgage broker,  
8 mortgage banker, licensee under the Consumer Installment Loan  
9 Act or the Sales Finance Agency Act, or a corporate fiduciary,  
10 subsidiary, affiliate, parent company, or holding company of  
11 any such licensee, or any institution involved in real estate  
12 financing that is regulated by state or federal law.

13 "Hybrid entity" means an appraisal management company that  
14 hires an appraiser as an employee to perform an appraisal and  
15 engages an independent contractor to perform an appraisal.

16 "License" means the privilege conferred by the Department  
17 to a person that has fulfilled all requirements prerequisite  
18 to any type of licensure under this Act.

19 "Licensee" means any person, as defined in this Section,  
20 who holds a valid unexpired license.

21 "Multi-state licensing system" means a web-based platform  
22 that allows an applicant to submit the ~~his or her~~ application  
23 or license renewal application to the Department online.

24 "Person" means an individual, entity, sole proprietorship,  
25 corporation, limited liability company, partnership, and joint  
26 venture, foreign or domestic, except that when the context

1 otherwise requires, the term may refer to more than one  
2 individual or other described entity.

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

5 "Real estate related financial transaction" means any  
6 transaction involving:

7 (1) the sale, lease, purchase, investment in, or  
8 exchange of real property, including interests in property  
9 or the financing thereof;

10 (2) the refinancing of real property or interests in  
11 real property; and

12 (3) the use of real property or interest in property  
13 as security for a loan or investment, including mortgage  
14 backed securities.

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

17 "Secretary" means the Secretary of Financial and  
18 Professional Regulation or the Secretary's designee.

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

24 "State certified residential real estate appraiser" means  
25 an appraiser who holds a license of this classification under  
26 this Act and such classification applies to the appraisal of

1 one to 4 units of residential real property without regard to  
2 transaction value or complexity, but with restrictions as to  
3 the scope of practice in a federally related transaction in  
4 accordance with Title XI, the provisions of USPAP, criteria  
5 established by the AQB, and further defined by rule.

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

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

18 "USPAP" means the Uniform Standards of Professional  
19 Appraisal Practice as promulgated by the Appraisal Standards  
20 Board pursuant to Title XI and by rule.

21 "Valuation services" means services pertaining to aspects  
22 of property value.

23 (Source: P.A. 100-604, eff. 7-13-18.)

24 (225 ILCS 458/1-12 new)

25 Sec. 1-12. Address of record; email address of record. All

1 applicants and licensees shall:

2 (1) provide a valid address and email address to the  
3 Department, which shall serve as the address of record and  
4 email address of record, respectively, at the time of  
5 application for licensure or renewal of a license; and

6 (2) inform the Department of any change of address of  
7 record or email address of record within 14 days after  
8 such change through the Department's website.

9 (225 ILCS 458/5-5)

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

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

12 (a) It is unlawful for a person to (i) act, offer services,  
13 or advertise services as a State certified general real estate  
14 appraiser, State certified residential real estate appraiser,  
15 or associate real estate trainee appraiser, (ii) develop a  
16 real estate appraisal, (iii) practice as a real estate  
17 appraiser, or (iv) advertise as ~~or hold himself or herself out~~  
18 ~~to be~~ a real estate appraiser without a license issued under  
19 this Act. A person who violates this subsection is guilty of a  
20 Class A misdemeanor for a first offense and a Class 4 felony  
21 for any subsequent offense.

22 (a-5) It is unlawful for a person, unless registered as an  
23 appraisal management company, to solicit clients or enter into  
24 an appraisal engagement with clients without either a  
25 certified residential real estate appraiser license or a

1 certified general real estate appraiser license issued under  
2 this Act. A person who violates this subsection is guilty of a  
3 Class A misdemeanor for a first offense and a Class 4 felony  
4 for any subsequent offense.

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

15 (c) This Act does not apply to a person who holds a valid  
16 license as a real estate broker or managing broker pursuant to  
17 the Real Estate License Act of 2000 who prepares or provides a  
18 broker price opinion or comparative market analysis in  
19 compliance with Section 10-45 of the Real Estate License Act  
20 of 2000.

21 (d) Nothing in this Act shall preclude a State certified  
22 general real estate appraiser, a State certified residential  
23 real estate appraiser, or an associate real estate trainee  
24 appraiser from rendering appraisals for or on behalf of a  
25 partnership, association, corporation, firm, or group.  
26 However, no State appraisal license or certification shall be

1 issued under this Act to a partnership, association,  
2 corporation, firm, or group.

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

10 (e-5) For the purposes of this Act, valuation waivers may  
11 be prepared by a licensed appraiser notwithstanding any other  
12 provision of this Act, and the following types of valuations  
13 are not appraisals and may not be represented to be  
14 appraisals, and a license is not required under this Act to  
15 perform such valuations if the valuations are performed by (1)  
16 an employee of the Illinois Department of Transportation who  
17 has completed a minimum of 45 hours of course work in real  
18 estate appraisal, including the principles ~~principals~~ of real  
19 estate appraisals, appraisal of partial acquisitions, easement  
20 valuation, reviewing appraisals in eminent domain, appraisal  
21 for federal aid highway programs, and appraisal review for  
22 federal aid highway programs and has at least 2 years'  
23 experience in a field closely related to real estate; (2) a  
24 county engineer who is a registered professional engineer  
25 under the Professional Engineering Practice Act of 1989; (3)  
26 an employee of a municipality who has (i) completed a minimum

1 of 45 hours of coursework in real estate appraisal, including  
2 the principles ~~principals~~ of real estate appraisals, appraisal  
3 of partial acquisitions, easement valuation, reviewing  
4 appraisals in eminent domain, appraisal for federal aid  
5 highway programs, and appraisal review for federal aid highway  
6 programs and (ii) has either 2 years' experience in a field  
7 clearly related to real estate or has completed 20 hours of  
8 additional coursework that is sufficient for a person to  
9 complete waiver valuations as approved by the Federal Highway  
10 Administration; or (4) a municipal engineer who has completed  
11 coursework that is sufficient for ~~his or her~~ waiver valuations  
12 to be approved by the Federal Highway Administration and who  
13 is a registered professional engineer under the Professional  
14 Engineering Act of 1989, under the following circumstances:

15 (A) a valuation waiver in an amount not to exceed  
16 \$20,000 ~~\$10,000~~ prepared pursuant to the federal Uniform  
17 Relocation Assistance and Real Property Acquisition  
18 Policies Act of 1970, or prepared pursuant to the federal  
19 Uniform Relocation Assistance and Real Property  
20 Acquisition for Federal and Federally-Assisted Programs  
21 regulations and which is performed by (1) an employee of  
22 the Illinois Department of Transportation and co-signed,  
23 with a license number affixed, by another employee of the  
24 Illinois Department of Transportation who is a registered  
25 professional engineer under the Professional Engineering  
26 Practice Act of 1989 or (2) an employee of a municipality

1 and co-signed with a license number affixed by a county or  
2 municipal engineer who is a registered professional  
3 engineer under the Professional Engineering Practice Act  
4 of 1989; and

5 (B) a valuation waiver in an amount not to exceed  
6 \$20,000 ~~\$10,000~~ prepared pursuant to the federal Uniform  
7 Relocation Assistance and Real Property Acquisition  
8 Policies Act of 1970, or prepared pursuant to the federal  
9 Uniform Relocation Assistance and Real Property  
10 Acquisition for Federal and Federally-Assisted Programs  
11 regulations and which is performed by a county or  
12 municipal engineer who is employed by a county or  
13 municipality and is a registered professional engineer  
14 under the Professional Engineering Practice Act of 1989.  
15 The valuation shall include ~~In addition to his or her~~  
16 ~~signature,~~ the county or municipal engineer's signature  
17 and ~~engineer shall affix his or her license number to the~~  
18 ~~valuation.~~

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

23 (f) A State real estate appraisal certification or license  
24 is not required under this Act for any ~~of the following: (1) A~~  
25 person, partnership, association, or corporation that performs  
26 appraisals of property owned by that person, partnership,



1 association, or corporation for the sole use of that person,  
2 partnership, association, or corporation.

3 ~~(2) A court appointed commissioner who conducts an~~  
4 ~~appraisal pursuant to a judicially ordered evaluation of~~  
5 ~~property.~~

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

12 (g) This Act does not apply to an employee, officer,  
13 director, or member of a credit or loan committee of a  
14 financial institution or any other person engaged by a  
15 financial institution when performing an evaluation of real  
16 property serving as collateral for a loan made by a federally  
17 regulated institution for the sole use of the financial  
18 institution in a transaction for which the financial  
19 institution would not be required to use the services of a  
20 State licensed or State certified appraiser pursuant to  
21 federal regulations adopted under Title XI of the federal  
22 Financial Institutions Reform, Recovery, and Enforcement Act  
23 of 1989, ~~nor does this Act apply to the procurement of an~~  
24 ~~automated valuation model.~~ An evaluation shall be labeled  
25 prominently, in body text of the report, "This is not an  
26 appraisal." Nothing in this Section shall prevent a State

1 certified appraiser or an associate real estate trainee  
2 appraiser, in any license status, from completing an  
3 evaluation.

4 (h) This Act does not apply to the procurement of an  
5 automated valuation model.

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

11 (Source: P.A. 98-444, eff. 8-16-13; 98-933, eff. 1-1-15;  
12 98-1109, eff. 1-1-15; 99-78, eff. 7-20-15.)

13 (225 ILCS 458/5-10)

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

15 Sec. 5-10. Application for State certified general real  
16 estate appraiser.

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

19 (1) apply to the Department on forms provided by the  
20 Department, or through a multi-state licensing system as  
21 designated by the Secretary, accompanied by the required  
22 fee;

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

24 (3) (blank);

25 (4) personally take and pass an examination authorized

1 by the Department and endorsed by the AQB;

2 (5) prior to taking the examination, provide evidence  
3 to the Department, or through a multi-state licensing  
4 system as designated by the Secretary, of successful  
5 completion of ~~in Modular Course format, with each module~~  
6 ~~conforming to the Required Core Curriculum established and~~  
7 ~~adopted by the AQB, that he or she has successfully~~  
8 ~~completed~~ the prerequisite classroom hours of instruction  
9 in appraising as established by the AQB and by rule;  
10 evidence shall be in a Modular Course format with each  
11 module conforming to the Required Core Curriculum  
12 established and adopted by the AQB; and

13 (6) prior to taking the examination, provide evidence  
14 to the Department, or through a multi-state licensing  
15 system as designated by the Secretary, of successful  
16 completion of ~~that he or she has successfully completed~~  
17 the prerequisite experience and educational requirements  
18 in appraising as established by AQB and by rule.

19 (b) Applicants must provide evidence to the Department, or  
20 through a multi-state licensing system as designated by the  
21 Secretary, of holding a Bachelor's degree or higher from an  
22 accredited college or university.

23 (Source: P.A. 100-604, eff. 7-13-18.)

24 (225 ILCS 458/5-15)

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

1           Sec. 5-15. Application for State certified residential  
2 real estate appraiser. Every person who desires to obtain a  
3 State certified residential real estate appraiser license  
4 shall:

5           (1) apply to the Department on forms provided by the  
6 Department, or through a multi-state licensing system as  
7 designated by the Secretary, accompanied by the required  
8 fee;

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

10          (3) (blank);

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

13          (5) prior to taking the examination, provide evidence  
14 to the Department, or through a multi-state licensing  
15 system as designated by the Secretary, of successful  
16 completion of in Modular Course format, with each module  
17 conforming to the Required Core Curriculum established and  
18 adopted by the AQB, that he or she has successfully  
19 completed the prerequisite classroom hours of instruction  
20 in appraising as established by the AQB and by rule;  
21 evidence shall be in a Modular Course format with each  
22 module conforming to the Required Core Curriculum  
23 established and adopted by the AQB; and

24          (6) prior to taking the examination, provide evidence  
25 to the Department, or through a multi-state licensing  
26 system as designated by the Secretary, of successful

1        completion of ~~that he or she has successfully completed~~  
2        the prerequisite experience and educational requirements  
3        as established by AQB and by rule.

4        (Source: P.A. 100-201, eff. 8-18-17; 100-604, eff. 7-13-18.)

5            (225 ILCS 458/5-20)

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

7            Sec. 5-20. Application for associate real estate trainee  
8        appraiser. Every person who desires to obtain an associate  
9        real estate trainee appraiser license shall:

10            (1) apply to the Department on forms provided by the  
11            Department, or through a multi-state licensing system as  
12            designated by the Secretary, accompanied by the required  
13            fee;

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

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

19            (4) (blank); and

20            (5) provide evidence to the Department, or through a  
21            multi-state licensing system as designated by the  
22            Secretary, of successful completion of ~~that he or she has~~  
23            ~~successfully completed~~ the prerequisite qualifying and any  
24            conditional education requirements as established by rule.

25        (Source: P.A. 100-604, eff. 7-13-18; 100-832, eff. 1-1-19;

1 101-81, eff. 7-12-19.)

2 (225 ILCS 458/5-20.5)

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

4 Sec. 5-20.5. Duration of application. Applicants have 3  
5 years from the date of application to complete the application  
6 process. If the process has not been completed within 3 years,  
7 the application shall expire ~~be denied~~, the fee shall be  
8 forfeited, and the applicant must reapply and meet the  
9 requirements in effect at the time of reapplication.

10 (Source: P.A. 96-844, eff. 12-23-09.)

11 (225 ILCS 458/5-22)

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

13 Sec. 5-22. Criminal history records check.

14 (a) An application ~~Each applicant~~ for licensure by  
15 examination or restoration shall include the applicant's ~~have~~  
16 ~~his or her~~ fingerprints submitted to the Department of State  
17 Police in an electronic format that complies with the form and  
18 manner for requesting and furnishing criminal history record  
19 information as prescribed by the Department of State Police.  
20 These fingerprints shall be checked against the Department of  
21 State Police and Federal Bureau of Investigation criminal  
22 history record databases now and hereafter filed. The  
23 Department of State Police shall charge applicants a fee for  
24 conducting the criminal history records check, which shall be

1 deposited into the State Police Services Fund and shall not  
2 exceed the actual cost of the records check. The Department of  
3 State Police shall furnish, pursuant to positive  
4 identification, records of Illinois convictions to the  
5 Department. The Department may require applicants to pay a  
6 separate fingerprinting fee, either to the Department or to a  
7 vendor. The Department may adopt any rules necessary to  
8 implement this Section.

9 (b) The Secretary may designate a multi-state licensing  
10 system to perform the functions described in subsection (a).  
11 The Department may require applicants to pay a separate  
12 fingerprinting fee, either to the Department or to the  
13 multi-state licensing system. The Department may adopt any  
14 rules necessary to implement this subsection.

15 (c) The Department shall not consider the following  
16 criminal history records in connection with an application for  
17 licensure or certification:

18 (1) juvenile adjudications of delinquent minors as  
19 defined in Section 5-105 of the Juvenile Court Act of 1987  
20 subject to the restrictions set forth in Section 5-130 of  
21 that Act;

22 (2) law enforcement records, court records, and  
23 conviction records of an individual who was 17 years old  
24 at the time of the offense and before January 1, 2014,  
25 unless the nature of the offense required the individual  
26 to be tried as an adult;

1           (3) records of arrest not followed by a charge or  
2           conviction;

3           (4) records of arrest in which the charges were  
4           dismissed unless related to the practice of the  
5           profession; however, applicants shall not be asked to  
6           report any arrests, and an arrest not followed by a  
7           conviction shall not be the basis of a denial and may be  
8           used only to assess an applicant's rehabilitation;

9           (5) convictions overturned by a higher court; or

10           (6) convictions or arrests that have been sealed or  
11           expunged.

12           (d) If an applicant makes a false statement of material  
13           fact on the application, the false statement may in itself be  
14           sufficient grounds to revoke or refuse to issue a license or  
15           certification.

16           (e) A licensee or certificate holder shall report to the  
17           Department, in a manner prescribed by the Department, any plea  
18           of guilty or nolo contendere to forgery, embezzlement,  
19           obtaining money under false pretenses, larceny, extortion,  
20           conspiracy to defraud, or any similar offense or offenses or  
21           any conviction of a felony involving moral turpitude that  
22           occurs during the licensee's term of licensure or certificate  
23           holder's term of certification.

24           (Source: P.A. 100-604, eff. 7-13-18.)



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

2 Sec. 5-25. Renewal of license.

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

10 (1) completing and submitting to the Department, or  
11 through a multi-state licensing system as designated by  
12 the Secretary, a renewal application form as provided by  
13 the Department;

14 (2) paying the required fees; and

15 (3) providing evidence to the Department, or through a  
16 multi-state licensing system as designated by the  
17 Secretary, of successful completion of the continuing  
18 education requirements through courses approved by the  
19 Department from education providers licensed by the  
20 Department, as established by the AQB and by rule.

21 (b) A State certified general real estate appraiser or  
22 State certified residential real estate appraiser whose  
23 license under this Act has expired may renew the license for a  
24 period of 2 years following the expiration date by complying  
25 with the requirements of paragraphs (1), (2), and (3) of  
26 subsection (a) of this Section and paying any late penalties

1 established by rule.

2 (c) (Blank).

3 (d) The expiration date and renewal period for an  
4 associate real estate trainee appraiser license issued under  
5 this Act shall be set by rule. Except as otherwise provided in  
6 subsections (e) and (f) of this Section, the holder of an  
7 associate real estate trainee appraiser license may renew the  
8 license within 90 days preceding the expiration date by:

9 (1) completing and submitting to the Department, or  
10 through a multi-state licensing system as designated by  
11 the Secretary, a renewal application form as provided by  
12 the Department;

13 (2) paying the required fees; and

14 (3) providing evidence to the Department, or through a  
15 multi-state licensing system as designated by the  
16 Secretary, of successful completion of the continuing  
17 education requirements through courses approved by the  
18 Department from education providers approved by the  
19 Department, as established by rule.

20 (e) Any associate real estate trainee appraiser ~~trainee~~  
21 whose license under this Act has expired may renew the license  
22 for a period of 2 years following the expiration date by  
23 complying with the requirements of paragraphs (1), (2), and  
24 (3) of subsection (d) of this Section and paying any late  
25 penalties as established by rule.

26 (f) Notwithstanding subsections (c) and (e), an appraiser

1 whose license under this Act has expired may renew or convert  
2 the license without paying any lapsed renewal fees or late  
3 penalties if the license expired while the appraiser was:

4 (1) on active duty with the United States Armed  
5 Services;

6 (2) serving as the Coordinator ~~of Real Estate~~  
7 ~~Appraisal~~ or an employee of the Department who was  
8 required to surrender the ~~his or her~~ license during the  
9 term of employment.

10 Application for renewal must be made within 2 years  
11 following the termination of the military service or related  
12 education, training, or employment and shall include an  
13 affidavit from the licensee of engagement. ~~The licensee shall~~  
14 ~~furnish the Department with an affidavit that he or she was so~~  
15 ~~engaged.~~

16 (g) The Department shall provide reasonable care and due  
17 diligence to ensure that each licensee under this Act is  
18 provided with a renewal application at least 90 days prior to  
19 the expiration date, but ~~each licensee is responsible to~~  
20 timely renewal or conversion of the ~~renew or convert his or her~~  
21 license prior to its expiration date is the responsibility of  
22 the licensee.

23 (h) The Department shall not renew a license if the  
24 licensee has an unpaid fine from a disciplinary matter or an  
25 unpaid fee from a non-disciplinary action imposed by the  
26 Department until the fine or fee is paid to the Department or

1 the licensee has entered into a payment plan and is current on  
2 the required payments.

3 (i) The Department shall not issue a license if the  
4 applicant has an unpaid fine imposed by the Department for  
5 unlicensed practice until the fine is paid to the Department  
6 or the applicant has entered into a payment plan and is current  
7 on the required payments.

8 (Source: P.A. 100-604, eff. 7-13-18; 100-832, eff. 1-1-19;  
9 101-81, eff. 7-12-19.)

10 (225 ILCS 458/5-26 new)

11 Sec. 5-26. Inactive licenses. Any licensee who notifies  
12 the Department, in writing on forms prescribed by the  
13 Department, may elect to place the license on an inactive  
14 status and shall, subject to the rules of the Department, be  
15 excused from payment of renewal fees until notification in  
16 writing to the Department of the desire to resume active  
17 status. Any licensee requesting reinstatement from inactive  
18 status shall pay the current renewal fee, provide proof of  
19 meeting the continuing education requirements for the period  
20 of time the license is inactive (not to exceed 2 renewal  
21 periods), and follow the requirements for reinstatement as  
22 provided by rule. Any licensee whose license is in an inactive  
23 status shall not practice in the State of Illinois. The  
24 Department will update the licensee's record in the National  
25 Registry to show that the license is inactive.

1 (225 ILCS 458/5-30)

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

3 Sec. 5-30. Endorsement. The Department may issue an  
4 appraiser license, without the required examination, to an  
5 applicant licensed by another state, territory, possession of  
6 the United States, or the District of Columbia, if (i) the  
7 licensing requirements of that licensing authority are, on the  
8 date of licensure, substantially equal to the requirements set  
9 forth under this Act or to a person who, at the time of ~~the his~~  
10 ~~or her~~ application, possessed individual qualifications that  
11 were substantially equivalent to the requirements of this Act  
12 or (ii) the applicant provides the Department with evidence of  
13 good standing from the Appraisal Subcommittee National  
14 Registry report and a criminal history records check in  
15 accordance with Section 5-22. An applicant under this Section  
16 shall pay all of the required fees.

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

18 (225 ILCS 458/5-35)

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

20 Sec. 5-35. Qualifying education requirements. ~~(a)~~ The  
21 prerequisite classroom hours necessary for a person to be  
22 approved to sit for the examination for licensure as a State  
23 certified general real estate appraiser or a State certified  
24 residential real estate appraiser shall be in accordance with

1 AQB criteria and established by rule.

2 ~~(b) The prerequisite classroom hours necessary for a~~  
3 ~~person to sit for the examination for licensure as an~~  
4 ~~associate real estate trainee appraiser shall be established~~  
5 ~~by rule.~~

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

7 (225 ILCS 458/10-5)

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

9 Sec. 10-5. Scope of practice.

10 (a) This Act does not limit a State certified general real  
11 estate appraiser's ~~appraiser in his or her~~ scope of practice  
12 in a federally related transaction. A State certified general  
13 real estate appraiser may independently provide appraisal  
14 services, review, or consult related ~~consulting relating~~ to  
15 any type of property for which there is related ~~he or she has~~  
16 experience or competency by the appraiser ~~is competent~~. All  
17 such appraisal practice must be made in accordance with the  
18 provisions of USPAP, criteria established by the AQB, and  
19 rules adopted pursuant to this Act.

20 (b) A State certified residential real estate appraiser is  
21 limited in ~~his or her~~ scope of practice to the provisions of  
22 USPAP, criteria established by the AQB, and the rules adopted  
23 pursuant to this Act.

24 (c) A State certified residential real estate appraiser  
25 must have a State certified general real estate appraiser who

1 holds a valid license under this Act co-sign all appraisal  
2 reports on properties other than one to 4 units of residential  
3 real property without regard to transaction value or  
4 complexity.

5 (d) An associate real estate trainee appraiser is limited  
6 in ~~his or her~~ scope of practice in all transactions in  
7 accordance with the provisions of USPAP, this Act, and the  
8 rules adopted pursuant to this Act. In addition, an associate  
9 real estate trainee appraiser shall be required to have a  
10 State certified general real estate appraiser or State  
11 certified residential real estate appraiser who holds a valid  
12 license under this Act to co-sign all appraisal reports. A  
13 supervising appraiser may not supervise more than 3 associate  
14 real estate trainee appraisers at one time. Associate real  
15 estate trainee appraisers shall not be limited in the number  
16 of concurrent supervising appraisers. A chronological  
17 appraisal log on an approved log form shall be maintained by  
18 the associate real estate trainee appraiser and shall be made  
19 available to the Department upon request.

20 (Source: P.A. 97-602, eff. 8-26-11; 98-1109, eff. 1-1-15.)

21 (225 ILCS 458/10-10)

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

23 Sec. 10-10. Standards of practice. All persons licensed  
24 under this Act must comply with standards of professional  
25 appraisal practice adopted by the Department. The Department

1 must adopt, as part of its rules, the Uniform Standards of  
2 Professional Appraisal Practice (USPAP) as published from time  
3 to time by the Appraisal Standards Board of the Appraisal  
4 Foundation. The Department shall consider federal laws and  
5 regulations regarding the licensure of real estate appraisers  
6 prior to adopting its rules for the administration of this  
7 Act. When an appraisal obtained through an appraisal  
8 management company is used for loan purposes, the borrower or  
9 loan applicant shall be provided with a written disclosure of  
10 the total compensation to the appraiser or appraisal firm  
11 within the body ~~certification~~ of the appraisal report and it  
12 shall not be redacted or otherwise obscured.

13 (Source: P.A. 96-844, eff. 12-23-09; 97-602, eff. 8-26-11.)

14 (225 ILCS 458/15-5)

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

16 Sec. 15-5. Unlicensed practice; civil penalty; injunctive  
17 relief; unlawful influence.

18 (a) A person who violates Section 5-5 of this Act shall, in  
19 addition to any other penalty provided by law, pay a civil  
20 penalty to the Department in an amount not to exceed \$25,000  
21 for each violation as determined by the Secretary. The civil  
22 penalty shall be assessed by the Secretary after a hearing in  
23 accordance with the provisions of this Act regarding the  
24 provision of a hearing for the discipline of a license.

25 (b) The Department has the authority to investigate any



1 activity that may violate this Act.

2 (c) A civil penalty imposed pursuant to subsection (a)  
3 shall be paid within 60 days after the effective date of the  
4 order imposing the civil penalty. The order shall constitute a  
5 judgment and may be filed and executed in the same manner as  
6 any judgment from any court of record. Any civil penalty  
7 collected under this Act shall be made payable to the  
8 Department of Financial and Professional Regulation and  
9 deposited into the Appraisal Administration Fund. In addition  
10 to or in lieu of the imposition of a civil penalty, the  
11 Department may report a violation of this Act or the failure or  
12 refusal to comply with an order of the Department to the  
13 Attorney General or to the appropriate State's Attorney.

14 (d) Practicing as an appraiser without holding an active ~~a~~  
15 ~~valid~~ license as required under this Act is declared to be  
16 adverse to the public welfare, to constitute a public  
17 nuisance, and to cause irreparable harm to the public welfare.  
18 The Secretary, the Attorney General, or the State's Attorney  
19 of any county in the State may maintain an action for  
20 injunctive relief in any circuit court to enjoin any person  
21 from engaging in such practice.

22 Upon the filing of a verified petition in a circuit court,  
23 the court, if satisfied by affidavit or otherwise that a  
24 person has been engaged in the practice of real estate  
25 appraisal without an active ~~a valid~~ license, may enter a  
26 temporary restraining order without notice or bond enjoining

1 the defendant from further practice. The showing of  
2 non-licensure, by affidavit or otherwise, is sufficient for  
3 the issuance of a temporary injunction. If it is established  
4 that the defendant has been or is engaged in unlawful  
5 practice, the court may enter an order or judgment perpetually  
6 enjoining the defendant from further unlawful practice. In all  
7 proceedings under this Section, the court, in its discretion,  
8 may apportion the costs among the parties interested in the  
9 action, including the cost of filing the complaint, service of  
10 process, witness fees and expenses, court reporter charges,  
11 and reasonable attorneys' fees. These injunction proceedings  
12 shall be in addition to, and not in lieu of, all penalties and  
13 other remedies provided in this Act.

14 (e) No person shall influence or attempt to influence  
15 through coercion, extortion, or bribery the independent  
16 judgment of an appraiser licensed or certified under this Act  
17 in the development, reporting, result, or review of a real  
18 estate appraisal. A person who violates this subsection (e) is  
19 guilty of a Class A misdemeanor for the first offense and a  
20 Class 4 felony for any subsequent offense.

21 (Source: P.A. 96-844, eff. 12-23-09.)

22 (225 ILCS 458/15-10)

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

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

25 (a) The Department may suspend, revoke, refuse to issue,

1 renew, or restore a license and may reprimand place on  
2 probation or administrative supervision, or take any  
3 disciplinary or non-disciplinary action, including imposing  
4 conditions limiting the scope, nature, or extent of the real  
5 estate appraisal practice of a licensee or reducing the  
6 appraisal rank of a licensee, and may impose an administrative  
7 fine not to exceed \$25,000 for each violation upon a licensee  
8 for any one or combination of the following:

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

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

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

21 (4) Conviction by plea of guilty or nolo contendere,  
22 finding of guilt, jury verdict, or entry of judgment or by  
23 sentencing of any crime, including, but not limited to,  
24 convictions, preceding sentences of supervision,  
25 conditional discharge, or first offender probation, under  
26 the laws of any jurisdiction of the United States: (i)

1           that is a felony; or (ii) that is a misdemeanor, an  
2           essential element of which is dishonesty, or that is  
3           directly related to the practice of the profession.

4           (5) Committing an act or omission involving  
5           dishonesty, fraud, or misrepresentation with the intent to  
6           substantially benefit the licensee or another person or  
7           with intent to substantially injure another person as  
8           defined by rule.

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

13          (7) Failing or refusing without good cause to exercise  
14          reasonable diligence in developing, reporting, or  
15          communicating an appraisal, as defined by this Act or by  
16          rule.

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

19          (9) Having been disciplined by another state, the  
20          District of Columbia, a territory, a foreign nation, a  
21          governmental agency, or any other entity authorized to  
22          impose discipline if at least one of the grounds for that  
23          discipline is the same as or the equivalent of one of the  
24          grounds for which a licensee may be disciplined under this  
25          Act.

26          (10) Engaging in dishonorable, unethical, or

1 unprofessional conduct of a character likely to deceive,  
2 defraud, or harm the public.

3 (11) Accepting an appraisal assignment when the  
4 employment itself is contingent upon the appraiser  
5 reporting a predetermined estimate, analysis, or opinion  
6 or when the fee to be paid is contingent upon the opinion,  
7 conclusion, or valuation reached or upon the consequences  
8 resulting from the appraisal assignment.

9 (12) Developing valuation conclusions based on the  
10 race, color, religion, sex, national origin, ancestry,  
11 age, marital status, family status, physical or mental  
12 disability, sexual orientation, pregnancy, order of  
13 protection status, military status, or unfavorable  
14 military discharge, as defined under the Illinois Human  
15 Rights Act, of the prospective or present owners or  
16 occupants of the area or property under appraisal.

17 (13) Violating the confidential nature of government  
18 records to which the licensee gained access through  
19 employment or engagement as an appraiser by a government  
20 agency.

21 (14) Being adjudicated liable in a civil proceeding on  
22 grounds of fraud, misrepresentation, or deceit. In a  
23 disciplinary proceeding based upon a finding of civil  
24 liability, the appraiser shall be afforded an opportunity  
25 to present mitigating and extenuating circumstances, but  
26 may not collaterally attack the civil adjudication.

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

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

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

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

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

25           (20) Habitual or excessive use or addiction to  
26 alcohol, narcotics, stimulants, or any other chemical

1 agent or drug that results in a licensee's inability to  
2 practice with reasonable judgment, skill, or safety.

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

6 (22) Gross negligence in developing an appraisal or in  
7 communicating an appraisal or failing to observe one or  
8 more of the Uniform Standards of Professional Appraisal  
9 Practice.

10 (23) A pattern of practice or other behavior that  
11 demonstrates incapacity or incompetence to practice under  
12 this Act.

13 (24) Using or attempting to use the seal, certificate,  
14 or license of another as one's ~~his or her~~ own; falsely  
15 impersonating any duly licensed appraiser; using or  
16 attempting to use an inactive, expired, suspended, or  
17 revoked license; or aiding or abetting any of the  
18 foregoing.

19 (25) Solicitation of professional services by using  
20 false, misleading, or deceptive advertising.

21 (26) Making a material misstatement in furnishing  
22 information to the Department.

23 (27) Failure to furnish information to the Department  
24 upon written request.

25 (b) The Department may reprimand suspend, revoke, or  
26 refuse to issue or renew an education provider's license, may

1 reprimand, place on probation, or otherwise discipline an  
2 education provider and may suspend or revoke the course  
3 approval of any course offered by an education provider and  
4 may impose an administrative fine not to exceed \$25,000 upon  
5 an education provider, for any of the following:

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

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

14 (3) Committing an act or omission involving  
15 dishonesty, fraud, or misrepresentation or allowing any  
16 such act or omission by any employee or contractor under  
17 the control of the provider.

18 (4) Engaging in misleading or untruthful advertising.

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

21 (6) Failing to meet the topic or time requirements for  
22 course approval as the provider of a qualifying curriculum  
23 course or a continuing education course.

24 (7) Failing to administer an approved course using the  
25 course materials, syllabus, and examinations submitted as  
26 the basis of the course approval.



1           (8) Failing to provide an appropriate classroom  
2 environment for presentation of courses, with  
3 consideration for student comfort, acoustics, lighting,  
4 seating, workspace, and visual aid material.

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

7           (10) Failing to provide a certificate, transcript, or  
8 other student record to the Department or to a student as  
9 may be required by rule.

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

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

1 been resolved by a Consent to Administrative Supervision  
2 order.

3 (Source: P.A. 97-602, eff. 8-26-11; 97-877, eff. 8-2-12;  
4 98-1109, eff. 1-1-15.)

5 (225 ILCS 458/15-10.1 new)

6 Sec. 15-10.1. Citations.

7 (a) The Department may adopt rules to permit the issuance  
8 of citations to any licensee for failure to comply with the  
9 continuing education requirements set forth in this Act or as  
10 established by rule. The citation shall be issued to the  
11 licensee. For associate real estate trainee appraisers, a copy  
12 shall also be sent to the licensee's supervising appraiser of  
13 record. The citation shall contain the licensee's name, the  
14 licensee's address, the licensee's license number, the number  
15 of required hours of continuing education that have not been  
16 successfully completed by the licensee within the renewal  
17 period, and the penalty imposed, which shall not exceed  
18 \$2,000. The issuance of a citation shall not excuse the  
19 licensee from completing all continuing education required for  
20 that renewal period.

21 (b) Service of a citation shall be made in person,  
22 electronically, or by mail to the licensee at the licensee's  
23 address of record or email address of record. Service of a  
24 citation must clearly state that if the cited licensee wishes  
25 to dispute the citation, the cited licensee may make a written

1 request, within 30 days after the citation is served, for a  
2 hearing before the Department. If the cited licensee does not  
3 request a hearing within 30 days after the citation is served,  
4 then the citation shall become a final, non-disciplinary  
5 order, and any fine imposed is due and payable within 60 days  
6 after that final order. If the cited licensee requests a  
7 hearing within 30 days after the citation is served, the  
8 Department shall afford the cited licensee a hearing conducted  
9 in the same manner as a hearing provided for in this Act for  
10 any violation of this Act and shall determine whether the  
11 cited licensee committed the violation as charged and whether  
12 the fine as levied is warranted. If the violation is found, any  
13 fine shall constitute non-public discipline and be due and  
14 payable within 30 days after the order of the Secretary, which  
15 shall constitute a final order of the Department. No change in  
16 license status may be made by the Department until a final  
17 order of the Department has been issued.

18 (c) Payment of a fine that has been assessed pursuant to  
19 this Section shall not constitute disciplinary action  
20 reportable on the Department's website or elsewhere unless a  
21 licensee has previously received 2 or more citations and been  
22 assessed 2 or more fines.

23 (d) Nothing in this Section shall prohibit or limit the  
24 Department from taking further action pursuant to this Act and  
25 rules for additional, repeated, or continuing violations.

1 (225 ILCS 458/15-11 new)

2 Sec. 15-11. Illegal discrimination. When there has been  
3 an adjudication in a civil or criminal proceeding that a  
4 licensee has illegally discriminated while engaged in any  
5 activity for which a license is required under this Act, the  
6 Department, upon the recommendation of the Board as to the  
7 extent of the suspension or revocation, shall suspend or  
8 revoke the license of that licensee in a timely manner, unless  
9 the adjudication is in the appeal process. When there has been  
10 an order in an administrative proceeding finding that a  
11 licensee has illegally discriminated while engaged in any  
12 activity for which a license is required under this Act, the  
13 Department, upon recommendation of the Board as to the nature  
14 and extent of the discipline, shall take one or more of the  
15 disciplinary actions provided for in Section 15-10 in a timely  
16 manner, unless the administrative order is in the appeal  
17 process.

18 (225 ILCS 458/15-15)

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

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

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

1 the licensee or applicant. If, upon investigation, the  
2 Department believes that there may be cause for suspension,  
3 revocation, or other disciplinary action, the Department shall  
4 use the services of a State certified general real estate  
5 appraiser, a State certified residential real estate  
6 appraiser, or the Real Estate Coordinator to assist in  
7 determining whether grounds for disciplinary action exist  
8 prior to commencing formal disciplinary proceedings.

9 (b) Formal disciplinary proceedings shall commence upon  
10 the issuance of a written complaint describing the charges  
11 that are the basis of the disciplinary action and delivery of  
12 the detailed complaint to the address of record of the  
13 licensee or applicant. For an associate real estate trainee  
14 appraiser, a copy shall also be sent to the licensee's  
15 supervising appraiser of record. The Department shall notify  
16 the licensee or applicant to file a verified written answer  
17 within 20 days after the service of the notice and complaint.  
18 The notification shall inform the licensee or applicant of the  
19 ~~his or her~~ right to be heard in person or by legal counsel;  
20 that the hearing will be afforded not sooner than 20 ~~30~~ days  
21 after service of the complaint; that failure to file an answer  
22 will result in a default being entered against the licensee or  
23 applicant; that the license may be suspended, revoked, or  
24 placed on probationary status; and that other disciplinary  
25 action may be taken pursuant to this Act, including limiting  
26 the scope, nature, or extent of the licensee's practice. If

1 the licensee or applicant fails to file an answer after  
2 service of notice, the respective ~~his or her~~ license may, at  
3 the discretion of the Department, be suspended, revoked, or  
4 placed on probationary status and the Department may take  
5 whatever disciplinary action it deems proper, including  
6 limiting the scope, nature, or extent of the person's  
7 practice, without a hearing.

8 (c) At the time and place fixed in the notice, the Board  
9 shall conduct hearing of the charges, providing both the  
10 accused person and the complainant ample opportunity to  
11 present in person or by counsel such statements, testimony,  
12 evidence, and argument as may be pertinent to the charges or to  
13 a defense thereto.

14 (d) The Board shall present to the Secretary a written  
15 report of its findings of fact and recommendations. A copy of  
16 the report shall be served upon the licensee or applicant,  
17 either personally, ~~or by certified mail, or, at the discretion~~  
18 of the Department, by electronic means. For associate real  
19 estate trainee appraisers, a copy shall also be sent to the  
20 licensee's supervising appraiser of record. Within 20 days  
21 after the service, the licensee or applicant may present the  
22 Secretary with a motion in writing for ~~either a rehearing, a~~  
23 ~~proposed finding of fact, a conclusion of law, or an~~  
24 ~~alternative sanction,~~ and shall specify the particular grounds  
25 for the request. If the accused orders a transcript of the  
26 record as provided in this Act, the time elapsing thereafter

1 and before the transcript is ready for delivery to the accused  
2 shall not be counted as part of the 20 days. If the Secretary  
3 is not satisfied that substantial justice has been done, the  
4 Secretary may order a rehearing by the Board or other special  
5 committee appointed by the Secretary, may remand the matter to  
6 the Board for its reconsideration of the matter based on the  
7 pleadings and evidence presented to the Board, or may enter a  
8 final order in contravention of the Board's recommendation.  
9 Notwithstanding a licensee's or applicant's failure to file a  
10 motion for rehearing, the Secretary shall have the right to  
11 take any of the actions specified in this subsection (d). Upon  
12 the suspension or revocation of a license, the licensee shall  
13 be required to surrender the respective ~~his or her~~ license to  
14 the Department, and upon failure or refusal to do so, the  
15 Department shall have the right to seize the license.

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

1 contempt.

2 (f) Any license that is ~~suspended indefinitely or~~ revoked  
3 may not be restored for a minimum period of 3 ~~2~~ years, ~~or as~~  
4 ~~otherwise ordered by the Secretary.~~

5 (g) In addition to the provisions of this Section  
6 concerning the conduct of hearings and the recommendations for  
7 discipline, the Department has the authority to negotiate  
8 disciplinary and non-disciplinary settlement agreements  
9 concerning any license issued under this Act. All such  
10 agreements shall be recorded as Consent Orders or Consent to  
11 Administrative Supervision Orders.

12 (h) The Secretary shall have the authority to appoint an  
13 attorney duly licensed to practice law in the State of  
14 Illinois to serve as the hearing officer in any action to  
15 suspend, revoke, or otherwise discipline any license issued by  
16 the Department. The Hearing Officer shall have full authority  
17 to conduct the hearing.

18 (i) The Department, at its expense, shall preserve a  
19 record of all formal hearings of any contested case involving  
20 the discipline of a license. At all hearings or pre-hearing  
21 conferences, the Department and the licensee shall be entitled  
22 to have the proceedings transcribed by a certified shorthand  
23 reporter. A copy of the transcribed proceedings shall be made  
24 available to the licensee by the certified shorthand reporter  
25 upon payment of the prevailing contract copy rate.

26 (Source: P.A. 100-831, eff. 1-1-19.)



1 (225 ILCS 458/15-55)

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

3 Sec. 15-55. Checks, credit card charges, or orders to  
4 Department dishonored because of insufficient funds. Any  
5 person who:

6 (1) delivers a check or other payment to the  
7 Department that is returned to the Department unpaid by  
8 the financial institution upon which it was drawn; or

9 (2) presents a credit card or debit card for payment  
10 that is invalid or expired or against which charges by the  
11 Department are declined or dishonored;

12 shall pay to the Department, in addition to the amount already  
13 owed to the Department, a fine of \$50. The fines imposed by  
14 this Section are in addition to any other discipline provided  
15 under this Act for unlicensed practice or practice on a  
16 non-renewed license. The Department shall notify the applicant  
17 or licensee that payment of fees and fines shall be paid to the  
18 Department by certified check or money order within 30  
19 calendar days after the notification. If, after the expiration  
20 of 30 days from the date of the notification, the person has  
21 failed to submit the necessary remittance, the Department  
22 shall automatically terminate the license or deny the  
23 application, without hearing. After ~~If, after~~ termination or  
24 denial, the person seeking ~~seeks~~ a license, ~~he or she~~ must  
25 apply to the Department for restoration or issuance of the

1 license and pay all fees and fines due to the Department. The  
2 Department may establish a fee for the processing of an  
3 application for restoration of a license to pay all of the  
4 expenses of processing the application. The Secretary may  
5 waive the fines due under this Section in individual cases  
6 where the Secretary finds that the penalties or fines would be  
7 unreasonable or unnecessarily burdensome.

8 (Source: P.A. 96-844, eff. 12-23-09.)

9 (225 ILCS 458/20-5)

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

11 Sec. 20-5. Education providers.

12 (a) No person shall operate an education provider entity  
13 without possessing an active license issued by the Department.  
14 Only Beginning July 1, 2002, only education providers licensed  
15 or otherwise approved by the Department may provide the  
16 qualifying and continuing education courses required for  
17 licensure under this Act. Every person that desires to obtain  
18 an education provider license shall make application to the  
19 Department in a manner prescribed by the Department and pay  
20 the fee prescribed by rule.

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

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

1           (2) (blank); ~~a sufficient number of qualified~~  
2 ~~instructors;~~

3           (3) (blank); ~~adequate support personnel to assist with~~  
4 ~~administrative matters and technical assistance;~~

5           (4) (blank); ~~a written policy dealing with procedures~~  
6 ~~for management of grievances and fee refunds;~~

7           (5) a qualified administrator, who is responsible for  
8 the administration of the education provider, courses, and  
9 the actions of the instructors; ~~and~~

10           (6) any other requirements as provided by rule; ~~and~~

11           (7) proof of good standing with the Secretary of State  
12 and authority to conduct businesses in this State.

13           (c) All applicants for an education provider's license  
14 shall make initial application to the Department on forms  
15 provided by the Department, or through a multi-state licensing  
16 system as designated by the Secretary, and pay the appropriate  
17 fee as provided by rule. The term, expiration date, and  
18 renewal of an education provider's license shall be  
19 established by rule.

20           (d) An education provider shall provide each successful  
21 course participant with a certificate of completion signed by  
22 the school administrator. The format and content of the  
23 certificate shall be specified by rule.

24           (e) All education providers shall provide to the  
25 Department a monthly roster of all successful course  
26 participants as provided by rule.

1 (Source: P.A. 100-604, eff. 7-13-18.)

2 (225 ILCS 458/20-10)

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

4 Sec. 20-10. Course approval.

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

10 (b) An education provider licensed under this Act may  
11 submit courses to the Department, or through a multi-state  
12 licensing system as designated by the Secretary, for approval.  
13 The criteria, requirements, and fees for courses shall be  
14 established by rule in accordance with this Act and the  
15 criteria established by the AQB.

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

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

1 is a faculty member in good standing with an accredited  
2 college or university or community college, ~~or (iv) is an~~  
3 ~~approved appraisal instructor from an appraisal organization~~  
4 ~~that is a member of the Appraisal Foundation.~~ An education  
5 provider must satisfy any requirements as established by rule.

6 (Source: P.A. 100-604, eff. 7-13-18.)

7 (225 ILCS 458/25-10)

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

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

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

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

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

23 (3) Four appointed members shall have been actively  
24 engaged and currently licensed as State certified general  
25 real estate appraisers for a period of not less than 5

1 years.

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

6 (5) Two appointed members shall hold a valid license  
7 as a real estate broker or managing broker for at least 3  
8 ~~10~~ years prior to the date of the appointment, one of whom  
9 shall hold a valid State certified general real estate  
10 appraiser license issued under this Act or a predecessor  
11 Act for a period of at least 5 years prior to the  
12 appointment and one of whom shall hold a valid State  
13 certified residential real estate appraiser license issued  
14 under this Act or a predecessor Act for a period of at  
15 least 5 years prior to the appointment.

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

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

25 In making appointments as provided in paragraphs (3) and  
26 (4) of this subsection, the Governor shall give due

1 consideration to recommendations by members and organizations  
2 representing the profession.

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

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

11 (b) The members' terms shall be for 4 years or until a  
12 successor is appointed ~~and expire upon completion of the term.~~  
13 No member shall be reappointed to the Board for a term that  
14 would cause the member's ~~his or her~~ cumulative service to the  
15 Board to exceed 10 years. Appointments to fill vacancies shall  
16 be for the unexpired portion of the term.

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

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

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

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

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

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



1 (i) Except as provided in Section 15-17 of this Act, the  
2 Board shall hear and make recommendations to the Secretary on  
3 disciplinary matters that require a formal evidentiary  
4 hearing. The Secretary shall give due consideration to the  
5 recommendations of the Board involving discipline and  
6 questions involving standards of professional conduct of  
7 licensees.

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

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

24 (l) Each voting member of the Board shall receive a per  
25 diem stipend in an amount to be determined by the Secretary.  
26 While engaged in the performance of duties, each ~~Each~~ member

1 shall be paid the ~~his or her~~ necessary expenses ~~while engaged~~  
2 ~~in the performance of his or her duties.~~

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

6 (n) If the Department disagrees with any advice or  
7 recommendation provided by the Board under this Section to the  
8 Secretary or the Department, then notice of such disagreement  
9 must be provided to the Board by the Department.

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

17 (Source: P.A. 100-886, eff. 8-14-18.)

18 (225 ILCS 458/25-15)

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

20 Sec. 25-15. ~~Coordinator of~~ Real Estate Appraisal  
21 Coordinator; appointment; duties. The Secretary shall appoint,  
22 ~~subject to the Personnel Code,~~ a Coordinator ~~of Real Estate~~  
23 ~~Appraisal~~. In appointing the Coordinator, the Secretary shall  
24 give due consideration to recommendations made by members,  
25 organizations, and associations of the real estate appraisal

1 industry. ~~The~~ ~~On or after January 1, 2010,~~ the Coordinator  
2 must hold a current, valid State certified general real estate  
3 appraiser license for a period of at least 5 years prior to  
4 appointment. The Coordinator shall not practice during the  
5 term of the ~~his or her~~ appointment. ~~The Coordinator must take~~  
6 ~~the 30 hour National Instructors Course on Uniform Standards~~  
7 ~~of Professional Appraisal Practice.~~ The Coordinator shall be  
8 credited with all fees that came due during the Coordinator's  
9 ~~his or her~~ employment. The Coordinator shall:

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

12 (2) be the direct liaison between the Department, the  
13 profession, and the real estate appraisal industry  
14 organizations and associations;

15 (3) prepare and circulate to licensees such  
16 educational and informational material as the Department  
17 deems necessary for providing guidance or assistance to  
18 licensees;

19 (4) appoint necessary committees to assist in the  
20 performance of the functions and duties of the Department  
21 under this Act;

22 (5) (blank); and

23 (6) be authorized to investigate and determine the  
24 facts of a complaint; the coordinator may interview  
25 witnesses, the complainant, and any licensees involved in  
26 the alleged matter and make a recommendation as to the

1 findings of fact.

2 (Source: P.A. 97-602, eff. 8-26-11; 98-1109, eff. 1-1-15.)

3 (225 ILCS 458/25-16)

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

5 Sec. 25-16. Staff. The Department shall employ a minimum  
6 of one investigator ~~with an active certified appraiser license~~  
7 per 2,000 licensees in order to have sufficient staff to  
8 perform the Department's obligations under this Act.

9 (Source: P.A. 100-832, eff. 1-1-19.)

10 (225 ILCS 458/25-20)

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

12 Sec. 25-20. Department; powers and duties. The Department  
13 of Financial and Professional Regulation shall exercise the  
14 powers and duties prescribed by the Civil Administrative Code  
15 of Illinois for the administration of licensing Acts and shall  
16 exercise such other powers and duties as are prescribed by  
17 this Act for the administration of this Act. The Department  
18 may contract with third parties for services necessary for the  
19 proper administration of this Act, including without  
20 limitation, investigators with the proper knowledge, training,  
21 and skills to ~~properly~~ investigate complaints against real  
22 estate appraisers.

23 The Department shall maintain and update a registry of the  
24 names and addresses of all licensees and a listing of

1 disciplinary orders issued pursuant to this Act and shall  
2 transmit the registry, along with any national registry fees  
3 that may be required, to the entity specified by, and in a  
4 manner consistent with, Title XI of the federal Financial  
5 Institutions Reform, Recovery and Enforcement Act of 1989.

6 (Source: P.A. 96-844, eff. 12-23-09.)

7 (225 ILCS 458/25-25)

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

9 Sec. 25-25. Rules. The Department, after notifying and  
10 considering any recommendations of the Board, if any, shall  
11 adopt rules that may be necessary for administration,  
12 implementation, and enforcement of the Act.

13 (Source: P.A. 96-844, eff. 12-23-09.)

14 (225 ILCS 458/25-35 new)

15 Sec. 25-35. No private right of action. Except as  
16 otherwise expressly provided for in this Act, nothing in this  
17 Act shall be construed to grant to any person a private right  
18 of action for damages or to enforce the provisions of this Act  
19 or the rules adopted under this Act.

20 (225 ILCS 458/30-5)

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

22 Sec. 30-5. Savings provisions.

23 (a) This Act is intended to replace the Real Estate

1 Appraiser Licensing Act in all respects.

2 (b) Beginning July 1, 2002, the rights, powers, and duties  
3 exercised by the Office of Banks and Real Estate under the Real  
4 Estate Appraiser Licensing Act shall continue to be vested in,  
5 to be the obligation of, and to be exercised by the Division of  
6 Real Estate of the Department of Financial and Professional  
7 Regulation ~~Office of Banks and Real Estate~~ under the  
8 provisions of this Act.

9 (c) This Act does not affect any act done, ratified, or  
10 cancelled, any right occurring or established, or any action  
11 or proceeding commenced in an administrative, civil, or  
12 criminal cause before July 1, 2002 by the Office of Banks and  
13 Real Estate under the Real Estate Appraiser Licensing Act.  
14 Those actions or proceedings may be prosecuted and continued  
15 by the Division of Real Estate of the Department of Financial  
16 and Professional Regulation ~~Office of Banks and Real Estate~~  
17 under this Act.

18 (d) This Act does not affect any license, certificate,  
19 permit, or other form of licensure issued by the Office of  
20 Banks and Real Estate under the Real Estate Appraiser  
21 Licensing Act, except as provided in subsection (c) of Section  
22 5-25. All such licenses, certificates, permits, or other form  
23 of licensure shall continue to be valid under the terms and  
24 conditions of this Act.

25 (e) The rules adopted by the Office of Banks and Real  
26 Estate relating to the Real Estate Appraiser Licensing Act,

1 unless inconsistent with the provisions of this Act, are not  
2 affected by this Act, and on July 1, 2002, those rules become  
3 rules under this Act. ~~The Office of Banks and Real Estate~~  
4 ~~shall, as soon as practicable, adopt new or amended rules~~  
5 ~~consistent with the provisions of this Act.~~

6 (f) This Act does not affect any discipline, suspension,  
7 or termination that has occurred under the Real Estate  
8 Appraiser Licensing Act or other predecessor Act. Any action  
9 for discipline, suspension, or termination instituted under  
10 the Real Estate Appraiser Licensing Act shall be continued  
11 under this Act.

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

13 (225 ILCS 458/10-17 rep.)

14 (225 ILCS 458/30-10 rep.)

15 Section 15. The Real Estate Appraiser Licensing Act of  
16 2002 is amended by repealing Sections 10-17 and 30-10.

17 Section 20. The Appraisal Management Company Registration  
18 Act is amended by changing Sections 10 and 15 as follows:

19 (225 ILCS 459/10)

20 Sec. 10. Definitions. In this Act:

21 "Address of record" means the principal address recorded  
22 by the Department in the applicant's or registrant's  
23 application file or registration file maintained by the

1 Department's registration maintenance unit.

2 "Applicant" means a person or entity who applies to the  
3 Department for a registration under this Act.

4 "Appraisal" means (noun) the act or process of developing  
5 an opinion of value; an opinion of value (adjective) of or  
6 pertaining to appraising and related functions.

7 "Appraisal firm" means an appraisal entity that is 100%  
8 owned and controlled by a person or persons licensed in  
9 Illinois as a certified general real estate appraiser or a  
10 certified residential real estate appraiser. An appraisal firm  
11 does not include an appraisal management company.

12 "Appraisal management company" means any corporation,  
13 limited liability company, partnership, sole proprietorship,  
14 subsidiary, unit, or other business entity that directly or  
15 indirectly: (1) provides appraisal management services to  
16 creditors or secondary mortgage market participants, including  
17 affiliates; (2) provides appraisal management services in  
18 connection with valuing the consumer's principal dwelling as  
19 security for a consumer credit transaction (including consumer  
20 credit transactions incorporated into securitizations); and  
21 ~~(3) within a given year, oversees an appraiser panel of any~~  
22 ~~size of State-certified appraisers in Illinois; and (4) any~~  
23 appraisal management company that, within a given 12-month  
24 period ~~year~~, oversees an appraiser panel of 16 or more  
25 State-certified appraisers in Illinois or 25 or more  
26 State-certified or State-licensed appraisers in 2 or more



1 jurisdictions ~~shall be subject to the appraisal management~~  
2 ~~company national registry fee in addition to the appraiser~~  
3 ~~panel fee.~~ "Appraisal management company" includes a hybrid  
4 entity.

5 "Appraisal management company national registry fee" means  
6 the fee implemented pursuant to Title XI of the federal  
7 Financial Institutions Reform, Recovery and Enforcement Act of  
8 1989 for an appraiser management company's national registry.

9 "Appraisal management services" means one or more of the  
10 following:

11 (1) recruiting, selecting, and retaining appraisers;

12 (2) contracting with State-certified or State-licensed  
13 appraisers to perform appraisal assignments;

14 (3) managing the process of having an appraisal  
15 performed, including providing administrative services  
16 such as receiving appraisal orders and appraisal reports;  
17 submitting completed appraisal reports to creditors and  
18 secondary market participants; collecting compensation  
19 from creditors, underwriters, or secondary market  
20 participants for services provided; or paying appraisers  
21 for services performed; or

22 (4) reviewing and verifying the work of appraisers.

23 "Appraiser panel" means a network, list, or roster of  
24 licensed or certified appraisers approved by the appraisal  
25 management company or by the end-user client to perform  
26 appraisals as independent contractors for the appraisal

1 management company. "Appraiser panel" includes both appraisers  
2 accepted by an appraisal management company for consideration  
3 for future appraisal assignments and appraisers engaged by an  
4 appraisal management company to perform one or more  
5 appraisals. For the purposes of determining the size of an  
6 appraiser panel, only independent contractors of hybrid  
7 entities shall be counted towards the appraiser panel.

8 "Appraiser panel fee" means the amount collected from a  
9 registrant that, where applicable, includes an appraisal  
10 management company's national registry fee.

11 "Appraisal report" means a written appraisal by an  
12 appraiser to a client.

13 "Appraisal practice service" means valuation services  
14 performed by an individual acting as an appraiser, including,  
15 but not limited to, appraisal or appraisal review.

16 "Appraisal subcommittee" means the appraisal subcommittee  
17 of the Federal Financial Institutions Examination Council as  
18 established by Title XI.

19 "Appraiser" means a person who performs real estate or  
20 real property appraisals.

21 "Assignment result" means an appraiser's opinions and  
22 conclusions developed specific to an assignment.

23 "Audit" includes, but is not limited to, an annual or  
24 special audit, visit, or review necessary under this Act or  
25 required by the Secretary or the Secretary's authorized  
26 representative in carrying out the duties and responsibilities

1 under this Act.

2 "Client" means the party or parties who engage an  
3 appraiser by employment or contract in a specific appraisal  
4 assignment.

5 "Controlling Person" means:

6 (1) an owner, officer, or director of an entity  
7 seeking to offer appraisal management services;

8 (2) an individual employed, appointed, or authorized  
9 by an appraisal management company who has the authority  
10 to:

11 (A) enter into a contractual relationship with a  
12 client for the performance of an appraisal management  
13 service or appraisal practice service; and

14 (B) enter into an agreement with an appraiser for  
15 the performance of a real estate appraisal activity;

16 (3) an individual who possesses, directly or  
17 indirectly, the power to direct or cause the direction of  
18 the management or policies of an appraisal management  
19 company; or

20 (4) an individual who will act as the sole compliance  
21 officer with regard to this Act and any rules adopted  
22 under this Act.

23 ~~"Coordinator" means the Coordinator of the Appraisal~~  
24 ~~Management Company Registration Unit of the Department or his~~  
25 ~~or her designee.~~

26 "Covered transaction" means a consumer credit transaction

1 secured by a consumer's principal dwelling.

2 "Department" means the Department of Financial and  
3 Professional Regulation.

4 "Email address of record" means the designated email  
5 address recorded by the Department in the applicant's  
6 application file or the registrant's registration file  
7 maintained by the Department's registration maintenance unit.

8 "Entity" means a corporation, a limited liability company,  
9 partnership, a sole proprietorship, or other entity providing  
10 services or holding itself out to provide services as an  
11 appraisal management company or an appraisal management  
12 service.

13 "End-user client" means any person who utilizes or engages  
14 the services of an appraiser through an appraisal management  
15 company.

16 "Federally regulated appraisal management company" means  
17 an appraisal management company that is owned and controlled  
18 by an insured depository institution, as defined in 12 U.S.C.  
19 1813, or an insured credit union, as defined in 12 U.S.C. 1752,  
20 and regulated by the Office of the Comptroller of the  
21 Currency, the Federal Reserve Board, the National Credit Union  
22 Association, or the Federal Deposit Insurance Corporation.

23 "Financial institution" means any bank, savings bank,  
24 savings and loan association, credit union, mortgage broker,  
25 mortgage banker, registrant under the Consumer Installment  
26 Loan Act or the Sales Finance Agency Act, or a corporate

1 fiduciary, subsidiary, affiliate, parent company, or holding  
2 company of any registrant, or any institution involved in real  
3 estate financing that is regulated by State or federal law.

4 "Foreign appraisal management company" means any appraisal  
5 management company organized under the laws of any other state  
6 of the United States, the District of Columbia, or any other  
7 jurisdiction of the United States.

8 "Hybrid entity" means an appraisal management company that  
9 hires an appraiser as an employee to perform an appraisal and  
10 engages an independent contractor to perform an appraisal.

11 "Multi-state licensing system" means a web-based platform  
12 that allows an applicant to submit the ~~his or her~~ application  
13 or registration renewal to the Department online.

14 "Person" means individuals, entities, sole  
15 proprietorships, corporations, limited liability companies,  
16 and alien, foreign, or domestic partnerships, except that when  
17 the context otherwise requires, the term may refer to a single  
18 individual or other described entity.

19 "Principal dwelling" means a residential structure that  
20 contains one to 4 units, whether or not that structure is  
21 attached to real property. "Principal dwelling" includes an  
22 individual condominium unit, cooperative unit, manufactured  
23 home, mobile home, and trailer, if it is used as a residence.

24 "Principal office" means the actual, physical business  
25 address, which shall not be a post office box or a virtual  
26 business address, of a registrant, at which (i) the Department

1 may contact the registrant and (ii) records required under  
2 this Act are maintained.

3 "Qualified to transact business in this State" means being  
4 in compliance with the requirements of the Business  
5 Corporation Act of 1983.

6 "Quality control review" means a review of an appraisal  
7 report for compliance and completeness, including grammatical,  
8 typographical, or other similar errors, unrelated to  
9 developing an opinion of value.

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

12 "Real estate related financial transaction" means any  
13 transaction involving:

14 (1) the sale, lease, purchase, investment in, or  
15 exchange of real property, including interests in property  
16 or the financing thereof;

17 (2) the refinancing of real property or interests in  
18 real property; and

19 (3) the use of real property or interest in property  
20 as security for a loan or investment, including mortgage  
21 backed securities.

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

24 "Secretary" means the Secretary of Financial and  
25 Professional Regulation.

26 "USPAP" means the Uniform Standards of Professional

1 Appraisal Practice as adopted by the Appraisal Standards Board  
2 under Title XI.

3 "Valuation" means any estimate of the value of real  
4 property in connection with a creditor's decision to provide  
5 credit, including those values developed under a policy of a  
6 government sponsored enterprise or by an automated valuation  
7 model or other methodology or mechanism.

8 "Written notice" means a communication transmitted by mail  
9 or by electronic means that can be verified between an  
10 appraisal management company and a licensed or certified real  
11 estate appraiser.

12 (Source: P.A. 100-604, eff. 7-13-18.)

13 (225 ILCS 459/15)

14 Sec. 15. Exemptions.

15 (a) Nothing in this Act shall apply to any of the  
16 following:

17 (1) an agency of the federal, State, county, or  
18 municipal government or an officer or employee of a  
19 government agency, or person, described in this Section  
20 when acting within the scope of employment of the officer  
21 or employee;

22 (2) a corporate relocation company when the appraisal  
23 is not used for mortgage purposes and the end user client  
24 is an employer company;

25 (3) any person licensed in this State under any other

1 Act while engaged in the activities or practice for which  
2 he or she is licensed;

3 (4) any person licensed to practice law in this State  
4 who is working with or on behalf of a client of that person  
5 in connection with one or more appraisals for that client;

6 (5) an appraiser that enters into an agreement,  
7 whether written or otherwise, with another appraiser for  
8 the performance of an appraisal, and upon the completion  
9 of the appraisal, the report of the appraiser performing  
10 the appraisal is signed by both the appraiser who  
11 completed the appraisal and the appraiser who requested  
12 the completion of the appraisal, except that an appraisal  
13 management company may not avoid the requirement of  
14 registration under this Act by requiring an employee of  
15 the appraisal management company who is an appraiser to  
16 sign an appraisal that was completed by another appraiser  
17 who is part of the appraisal panel of the appraisal  
18 management company;

19 (6) any person acting as an agent of the Illinois  
20 Department of Transportation in the acquisition or  
21 relinquishment of land for transportation issues to the  
22 extent of their contract scope;

23 (7) a design professional entity when the appraisal is  
24 not used for mortgage purposes and the end user client is  
25 an agency of State government or a unit of local  
26 government;



1 (8) an appraiser firm whose ownership is appropriately  
2 certified under the Real Estate Appraiser Licensing Act of  
3 2002; ~~or~~

4 (9) an appraisal management company solely engaged in  
5 non-residential appraisal management services; ~~or~~

6 (10) a department or division of an entity that  
7 provides appraisal management services only to that  
8 entity.

9 (b) A federally regulated appraisal management company  
10 shall register with the Department for the sole purpose of  
11 collecting required information for, and to pay all fees  
12 associated with, the State of Illinois' obligation to register  
13 the federally regulated appraisal management company with the  
14 Appraisal Management Companies National Registry, but the  
15 federally regulated appraisal management company is otherwise  
16 exempt from all other provisions in this Act.

17 (c) In the event that the Final Interim Rule of the federal  
18 Dodd-Frank Wall Street Reform and Consumer Protection Act  
19 provides that an appraisal management company is a subsidiary  
20 owned and controlled by a financial institution regulated by a  
21 federal financial institution's regulatory agency and is  
22 exempt from State appraisal management company registration  
23 requirements, the Department, shall, by rule, provide for the  
24 implementation of such an exemption.

25 (Source: P.A. 100-604, eff. 7-13-18.)

26 Section 99. Effective date. This Act takes effect January

1 1, 2022, except that Section 5 and this Section take effect  
2 immediately.

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