

94TH GENERAL ASSEMBLY**State of Illinois****2005 and 2006****HB3495**

Introduced 2/23/2005, by Rep. Angelo Saviano

SYNOPSIS AS INTRODUCED:

See Index

Amends the Real Estate Appraiser Licensing Act of 2002. Changes the short title to the Illinois Real Estate Appraisers Act (and amends the Regulatory Sunset Act to reflect the change in the short title). Changes and repeals the provisions of, and adds provisions to, the Real Estate Appraiser Licensing Act of 2002 as follows: creates the Illinois Appraisal Board as an entity with 9 members appointed by the Governor, sets forth its powers and duties, and provides that the Board shall appoint a non-voting Executive Director with specified qualifications, powers, and duties; requires real estate appraisers to obtain a registration, license, or certificate issued by the Board, with specified exceptions; prohibits the use of certain designations unless the person is registered, licensed, or certified by the Board; provides for the scope of practice of appraisers in federally related transactions; requires appraisers to comply with standards of professional appraisal practice adopted by the Board; sets forth application, pre-license and continuing education, and examination requirements and qualifications for an associate real estate appraiser, a State certified residential real estate appraiser, and a State certified General real estate appraiser and provides for renewals; provides for temporary practice permits for nonresident appraisers; provides for fees, retention of records, approval of education programs and courses and education providers; provides that the Board may adopt rules; provides that the Board shall appoint an Executive Director with specified qualifications, powers, and duties; provides that the Board may take disciplinary action and suspend or revoke any registration, license, or certificate or reprimand any registered associate appraiser or certificate holder under specified circumstances; provides for surrender of a registration, license, or certificate; provides for investigations and disposition of complaints; provides that records of the Board concerning a complaint or investigation are not public records, but a statement of charges contained within a notice of a hearing to be held by the Board is a public record, and records admitted into evidence in a hearing held by the Board, and any final decisions and orders by the Board, including consent orders, are public records; provides for inspection of records, penalties for violation of the Act, and injunctions; provides that a court may refer a matter to the Board if an appraiser is adjudged to have caused injury or damage through gross negligence, incompetence, fraud, dishonesty, or other civil or criminal misconduct; repeals various provisions of the Act; and makes other changes.

LRB094 08891 RAS 39111 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLYFISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning professional 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 changing
5 Section 4.22 as follows:

6 (5 ILCS 80/4.22)

7 Sec. 4.22. Acts ~~Act~~ repealed on January 1, 2012. The
8 following Acts are ~~Act is~~ repealed on January 1, 2012:

9 The Detection of Deception Examiners Act.

10 The Home Inspector License Act.

11 The Interior Design Title Act.

12 The Massage Licensing Act.

13 The Petroleum Equipment Contractors Licensing Act.

14 The Professional Boxing Act.

15 The Illinois Real Estate Appraisers ~~Appraiser Licensing~~
16 ~~Act of 2002~~.

17 The Water Well and Pump Installation Contractor's License
18 Act.

19 (Source: P.A. 92-104, eff. 7-20-01; 92-180, eff. 7-1-02;
20 92-239, eff. 8-3-01; 92-453, eff. 8-21-01; 92-499, eff. 1-1-02;
21 92-500, eff. 12-18-01; 92-618, eff. 7-11-02; 92-651, eff.
22 7-11-02; 92-860, eff. 6-1-03; revised 1-18-03.)

23 Section 10. The Real Estate Appraiser Licensing Act of 2002
24 is amended by changing Sections 1-1 and 1-10 and the heading of
25 Article 1, by changing and renumbering Sections 5-10, 5-15,
26 5-20, 5-25, 5-35, 5-45, 5-55, 10-5, 10-10, 15-10, 20-5, 20-10,
27 25-10, and 25-15, by renumbering Sections 5-50 and 10-20, by
28 adding Sections 1-11, 1-12, 1-13, 1-45, 1-55, 1-70, 1-85, 1-90,
29 1-100, 1-110, 1-115, and 1-120, and by adding Article 2 as
30 follows:

1 (225 ILCS 458/Art. 1 heading)

2 ARTICLE 1. REAL ESTATE APPRAISER ~~GENERAL PROVISIONS~~

3 (Scheduled to be repealed on January 1, 2012)

4 (225 ILCS 458/1-1)

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

6 Sec. 1-1. Short title. This Act may be cited as the
7 Illinois Real Estate Appraisers ~~Appraiser Licensing Act of~~
8 ~~2002.~~

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

10 (225 ILCS 458/1-10)

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

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

14 "Applicant" means person who applies to the Board ~~OBRE~~ for
15 a license, registration, or certificate under this Act.

16 "Appraisal" or "real estate appraisal" means an analysis,
17 opinion, or conclusion as to the value of identified real
18 estate or specified interests therein performed for
19 compensation or other valuable consideration. ~~means (noun) the~~
20 ~~act or process of developing an opinion of value; an opinion of~~
21 ~~value (adjective) of or pertaining to appraising and related~~
22 ~~functions.~~

23 "Appraisal assignment" means an engagement for which an
24 appraiser is employed or retained to act, or would be perceived
25 by third parties or the public as acting, as a disinterested
26 third party in rendering an unbiased analysis, opinion, or
27 conclusion, relating to the nature, quality, value, or utility
28 of specified interests in, or aspects of, identified real
29 estate. The term "appraisal assignment" may apply to valuation
30 work and to analysis work ~~report" means a written appraisal by~~
31 ~~an appraiser to a client.~~

32 "Appraisal Subcommittee" means the Appraisal Subcommittee
33 of the Federal Financial Institutions Examination Council as
34 established by Title XI.

1 "Appraiser" or "real estate appraiser" means any person who
2 inspects, analyzes, or renders an opinion or conclusion
3 relating to the nature, quality, value, or utility of specified
4 interests in or aspects of identified real estate, for or in
5 expectation of compensation ~~means a person who performs real~~
6 ~~estate or real property appraisals.~~

7 "AQB" means the Appraisal Qualifications Board of the
8 Appraisal Foundation.

9 "Associate real estate appraiser" means an entry-level
10 appraiser who holds a license of this classification under this
11 Act and applies to the appraisal of non-complex property having
12 a transaction value less than \$1,000,000, but with restrictions
13 as to the scope of practice in accordance with this Act.

14 "Board" means the Illinois ~~"Board" means the Real Estate~~
15 Appraisal Board.

16 "Foundation" means the Appraisal Foundation established on
17 November 20, 1987, as a not-for-profit corporation under the
18 laws of Illinois.

19 "Classroom hour" means 50 minutes of instruction out of
20 each 60 minute segment of coursework.

21 "Client" means a person who utilizes the services of an
22 appraiser or engages an appraiser for an appraisal by
23 employment or contract.

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

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

28 "Federal financial institutions regulatory agencies" means
29 the Board of Governors of the Federal Reserve System, the
30 Federal Deposit Insurance Corporation, the Office of the
31 Comptroller of the Currency, the Office of Thrift Supervision,
32 and the National Credit Union Administration.

33 "Federally related transaction" means any real
34 estate-related financial transaction in which a federal
35 financial institutions regulatory agency, the Department of
36 Housing and Urban Development, Fannie Mae, Freddie Mac ~~Mac~~, or

1 the National Credit Union Administration engages in, contracts
2 for, or regulates and requires the services of an appraiser.

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

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

11 "Real estate" or "real property" means an identified parcel
12 or tract of land, including the air above and ground below and
13 all appurtenances and improvements thereto, as well as any
14 interest or right inherent in the ownership of land ~~means an~~
15 ~~identified parcel or tract of land, including any improvements.~~

16 "Real estate related financial transaction" means any
17 transaction involving:

18 (1) the sale, lease, purchase, investment in, or
19 exchange of real property, including interests in property
20 or the financing thereof;

21 (2) the refinancing of real property or interests in
22 real property; and

23 (3) the use of real property or interest in property as
24 security for a loan or investment, including mortgage
25 backed securities.

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

28 "State certified general real estate appraiser" means an
29 appraiser who holds a license of this classification under this
30 Act and such classification applies to the appraisal of all
31 types of real property without restrictions as to the scope of
32 practice.

33 "State certified residential real estate appraiser" means
34 an appraiser who holds a license of this classification under
35 this Act and such classification applies to the appraisal of
36 one to 4 units of residential real property without regard to

1 transaction value or complexity, but with restrictions as to
2 the scope of practice in a federally related transaction in
3 accordance with Title XI, the provisions of USPAP, criteria
4 established by the AQB, and further defined by rule.

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

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

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

22 "Appraisal report" means any communication, written or
23 oral, of an appraisal.

24 "Comparative market analysis" means the analysis of sales
25 of similar recently sold properties in order to derive an
26 indication of the probable sales price of a particular property
27 by a licensed real estate broker or salesperson.

28 "Residential real estate" means any parcel of real estate,
29 improved or unimproved, that is exclusively residential in
30 nature and that includes or is intended to include a
31 residential structure containing not more than 4 dwelling units
32 and no other improvements except those which are typical
33 residential improvements that support the residential use for
34 the location and property type. A residential unit in a
35 condominium, town house, or cooperative complex, or planned
36 unit development is considered to be residential real estate.

1 "Temporary appraiser licensure or certification" means the
2 issuance of a temporary license or certificate by the Board to
3 a person licensed or certified in another state who enters this
4 State for the purpose of completing a particular appraisal
5 assignment.

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

7 (225 ILCS 458/1-11 new)

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

9 Sec. 1-11. Registration, license, or certificate required
10 of real estate appraisers. It shall be unlawful for any person
11 in this State to act as a real estate appraiser, to directly or
12 indirectly engage or attempt to engage in the business of real
13 estate appraisal, or to advertise or hold himself or herself
14 out as engaging in or conducting the business of real estate
15 appraisal without first obtaining a registration, license, or
16 certificate issued by the Board under the provisions of this
17 Act. It shall also be unlawful, with regard to any real
18 property where any portion of that property is located within
19 this State, for any person to perform any of the acts listed
20 above without first being registered, licensed, or certified by
21 the Board under the provisions of this Act.

22 (225 ILCS 458/1-12 new)

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

24 Sec. 1-12. When registration, license, or certificate not
25 required.

26 (a) No trainee registration, license, or certificate shall
27 be issued under the provisions of this Act to a partnership,
28 association, corporation, firm, or group. However, nothing
29 herein shall preclude a registered trainee or State certified
30 real estate appraiser from rendering appraisals for or on
31 behalf of a partnership, association, corporation, firm, or
32 group, provided that the appraisal report is prepared by a
33 State certified real estate appraiser or by a registered
34 trainee under the immediate personal direction of the State

1 certified real estate appraiser and is reviewed and signed by
2 that State certified appraiser.

3 (b) Nothing in this Act shall preclude a real estate broker
4 or salesman licensed under the Real Estate License Act of 2000
5 from performing a comparative market analysis provided the
6 person does not represent himself or herself as being an
7 Associate Appraiser, a State Certified Residential Appraiser
8 or a State Certified General Real Estate Appraiser. A real
9 estate broker or salesperson may perform a comparative market
10 analysis for compensation or other valuable consideration only
11 for prospective or actual brokerage clients or for real
12 property involved in an employee relocation program.

13 (c) Registration, license, or certification is not
14 required under this Act for:

15 (1) Any person, partnership, association, or
16 corporation that performs appraisals of property owned by
17 that person, partnership, association, or corporation for
18 the sole use of that person, partnership, association, or
19 corporation;

20 (2) Any court-appointed commissioner who conducts an
21 appraisal pursuant to a judicially ordered evaluation of
22 property;

23 (3) Any person who qualifies as an expert witness for
24 court or administrative agency testimony, if otherwise
25 qualified;

26 (4) A person who appraises standing timber so long as
27 the appraisal does not include a determination of value of
28 any land;

29 (5) Any person employed by a lender in the performance
30 of appraisals with respect to which federal regulations do
31 not require a certified appraiser;

32 however, any person who is registered, licensed, or certified
33 under this Act and who performs any of the activities set in
34 this subsection (c), must comply with all of the provisions of
35 this Act.

1 (225 ILCS 458/1-13 new)

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

3 Sec. 1-13. Prohibited use of title; permissible use of
4 title.

5 (a) It shall be unlawful for any person to assume or use
6 the title "Associate Appraiser", "State Certified General Real
7 Estate Appraiser", "State Certified Residential Real Estate
8 Appraiser" or any title, designation, or abbreviation likely to
9 create the impression of registration, licensure, or
10 certification as a real estate appraiser, unless the person is
11 registered, licensed, or certified by the Board in accordance
12 with the provisions of this Act. The Board may adopt for the
13 exclusive use of persons licensed or certified under the
14 provisions of this Act, a seal, symbol, or other mark
15 identifying the user as an Associate Appraiser or State
16 certified real estate appraiser.

17 (b) Any person certified as a real estate appraiser by an
18 appraisal trade organization shall retain the right to use the
19 term "certified" or any similar term in identifying the person
20 to the public, provided that:

21 (1) In each instance wherein the term is used, the name
22 of the certifying organization or body is prominently and
23 conspicuously displayed immediately adjacent to the term;
24 and

25 (2) The use of the term does not create the impression
26 of certification by the State.

27 This subsection (b) does not entitle any person certified only
28 by a trade organization to conduct an appraisal that requires a
29 State registration, license, or certification.

30 (c) The terms "Associate Appraiser" and "State certified
31 real estate appraiser" or any similar term shall not be used
32 following or immediately in connection with the name of a
33 partnership, association, corporation, or other firm or group,
34 or in a manner that might create the impression of
35 registration, licensure, or certification as a real estate

1 appraiser under this Act.

2 (225 ILCS 458/1-15) (was 225 ILCS 458/25-10)

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

4 Sec. 1-15 ~~25-10~~. Illinois ~~Real Estate~~ Appraisal Board;
5 appointment.

6 (a) There is ~~hereby~~ created the Illinois ~~Real Estate~~
7 Appraisal Board. The Board shall consist of 9 members. ~~be~~
8 ~~composed of 10 persons appointed by the Governor, plus the~~
9 ~~Director of the Real Estate Appraisal Division. Members shall~~
10 ~~be appointed to the Board subject to the following conditions:~~

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

14 (2) The appointed membership of the Board should
15 reasonably reflect the geographic distribution of the
16 population of the State.

17 (3) Six ~~Four~~ appointed members shall have been actively
18 engaged and currently licensed as State certified general
19 real estate appraisers for a period of not less than 5
20 years.

21 (4) One ~~Two~~ appointed member ~~members~~ shall have been
22 actively engaged and currently licensed as a State
23 certified residential real estate appraiser ~~appraisers~~ for
24 a period of not less than 5 years.

25 (5) One ~~Two~~ appointed member ~~members~~ shall hold a valid
26 license as a real estate broker for at least 10 years prior
27 to the date of the appointment and shall hold a valid
28 appraiser license issued under this Act or a predecessor
29 Act for a period of at least 5 years prior to the
30 appointment.

31 (6) (Blank). ~~One appointed member shall be a~~
32 ~~representative of a financial institution, as evidenced by~~
33 ~~his or her employment with a financial institution.~~

34 (7) One appointed member shall represent the interests
35 of the general public. This member or his or her spouse

1 shall not be licensed under this Act nor be employed by or
2 have any interest in an appraisal business, real estate
3 brokerage business, or a financial institution.

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

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

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

16 (b) The term for members of the Board shall be 4 years,
17 except for the initial appointees. Of the initial appointments,
18 3 ~~4~~ members shall be appointed for terms ending June 30, 2007
19 ~~2006~~, 3 members shall be appointed for terms ending June 30,
20 2008 ~~2005~~, and 3 members shall be appointed for terms ending
21 June 30, 2009 ~~2004~~. No member shall serve more than 10 years in
22 a lifetime. Those persons serving on the Board pursuant to the
23 Real Estate Appraiser Licensing Act of 2002 on the effective
24 date of this amendatory Act of the 94th General Assembly shall
25 become members of the new Board on the effective date of this
26 amendatory Act of the 94th General Assembly ~~July 1, 2002~~ and
27 shall serve until the Governor has made the new appointments
28 pursuant to this amendatory Act of the 94th General Assembly
29 ~~Act~~. The members of the Board shall elect one of their members
30 to serve as chairman of the Board for a term of one year.

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

36 (d) (Blank). ~~A majority of the Board members currently~~

1 ~~appointed shall constitute a quorum. A vacancy in the~~
2 ~~membership of the Board shall not impair the right of a quorum~~
3 ~~to exercise all of the rights and perform all of the duties of~~
4 ~~the Board.~~

5 (e) (Blank). ~~The Board shall meet at least quarterly and~~
6 ~~may be convened by the Chairperson, Co Chairperson, or 3~~
7 ~~members of the Board upon 10 days written notice.~~

8 (f) (Blank). ~~The Board shall, annually at the first meeting~~
9 ~~of the fiscal year, elect a Chairperson and Vice Chairperson~~
10 ~~from its members. The Chairperson shall preside over the~~
11 ~~meetings and shall coordinate with the Director in developing~~
12 ~~and distributing an agenda for each meeting. In the absence of~~
13 ~~the Chairperson, the Co Chairperson shall preside over the~~
14 ~~meeting.~~

15 (g) (Blank). ~~The Director of the Real Estate Appraisal~~
16 ~~Division shall serve as a member of the Board without vote.~~

17 (h) (Blank). ~~The Board shall advise and make~~
18 ~~recommendations to OBRE on matters of licensing and education.~~
19 ~~OBRE shall give due consideration to all recommendations~~
20 ~~presented by the Board.~~

21 (i) (Blank). ~~The Board shall hear and make recommendations~~
22 ~~to the Commissioner on disciplinary matters that require a~~
23 ~~formal evidentiary hearing. The Commissioner shall give due~~
24 ~~consideration to the recommendations of the Board involving~~
25 ~~discipline and questions involving standards of professional~~
26 ~~conduct of licensees.~~

27 (j) (Blank). ~~The Board may make recommendations to OBRE~~
28 ~~consistent with the provisions of this Act and for the~~
29 ~~administration and enforcement of the rules adopted pursuant to~~
30 ~~this Act. OBRE shall give due consideration to the~~
31 ~~recommendations of the Board prior to adopting rules.~~

32 (k) (Blank). ~~The Board shall make recommendations to OBRE~~
33 ~~on the approval of courses submitted to OBRE pursuant to this~~
34 ~~Act and the rules adopted pursuant to this Act. OBRE shall give~~
35 ~~due consideration to the recommendations of the Board prior to~~
36 ~~approving and licensing courses.~~

1 (1) (Blank). ~~Each voting member of the Board shall receive~~
2 ~~a per diem stipend in an amount to be determined by the~~
3 ~~Commissioner. Each member shall be paid his or her necessary~~
4 ~~expenses while engaged in the performance of his or her duties.~~

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

8 (n) Members of the Board shall be paid a per diem,
9 subsistence, and travel allowances; provided that none of the
10 expenses of the Board or the compensation or expenses of any
11 officer or employee thereof shall be payable out of the
12 treasury of the State of Illinois; the total expenses of the
13 administration of this Act shall not exceed the total income
14 therefrom; and neither the Board nor any officer or employee
15 thereof shall have any power or authority to make or incur any
16 expense, debt, or other financial obligation binding upon the
17 State of Illinois.

18 (o) The Board shall adopt a seal for its use, which shall
19 bear thereon the words "Illinois Appraisal Board". Copies of
20 all papers in the office of the Board duly certified and
21 authenticated by the seal of the Board shall be received in
22 evidence in all courts and administrative bodies and with like
23 effect as the originals.

24 (p) The Board may employ an Executive Director and
25 professional and clerical staff as may be necessary to carry
26 out the provisions of this Act and to put into effect the rules
27 that the Board may promulgate. The Board shall fix salaries.
28 The Board shall have the authority to issue to its employees
29 credentials or other means of identification.

30 (q) The Board shall be entitled to the services of the
31 Attorney General in connection with the affairs of the Board or
32 may, in its discretion, employ an attorney to assist or
33 represent it in the enforcement of this Act.

34 (r) The Board may refer a complaint for violation of this
35 Act before any court of competent jurisdiction, and it may take
36 the necessary legal steps through the proper legal offices of

1 the State to enforce the provisions of this Act.

2 (s) The Board shall have the power to acquire, hold, rent,
3 encumber, alienate, and otherwise deal with real property in
4 the same manner as a private person or corporation, subject
5 only to the approval of the Governor. Collateral pledged by the
6 Board for an encumbrance is limited to the assets, income, and
7 revenues of the Board.

8 (t) The Board may purchase, rent, or lease equipment and
9 supplies and purchase liability insurance or other insurance to
10 cover the activities of the Board, its operations, or its
11 employees.

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

13 (225 ILCS 458/1-20) (was 225 ILCS 458/10-5)

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

15 Sec. 1-20 ~~10-5~~. Scope of practice.

16 (a) This Act does not limit a State certified general real
17 estate appraiser in his or her scope of practice in a federally
18 related transaction. A certified general real estate appraiser
19 may independently provide appraisal services, review, or
20 consulting relating to any type of property for which he or she
21 has experience and is competent. All such appraisal practice
22 must be made in accordance with the provisions of USPAP,
23 criteria established by the AQB, and the rules adopted after
24 approval by the Board pursuant to this Act.

25 (b) A State certified residential real estate appraiser is
26 limited in his or her scope of practice in a federally related
27 transaction as provided by Title XI, the provisions of USPAP,
28 criteria established by the AQB, and the rules adopted after
29 approval by the Board pursuant to this Act.

30 (c) (Blank). ~~A State licensed real estate appraiser is~~
31 ~~limited in his or her scope of practice in a federally related~~
32 ~~transaction as provided by Title XI, the provisions of USPAP,~~
33 ~~criteria established by the AQB, and the rules adopted pursuant~~
34 ~~to this Act. No State licensed real estate appraiser license~~
35 ~~shall be issued on or after September 30, 2003 under this Act.~~

1 (d) An associate real estate appraiser is limited in his or
2 her scope of practice in all transactions in accordance with
3 USPAP, this Act, and the rules adopted after approval by the
4 Board pursuant to this Act. In addition, an associate real
5 estate appraiser shall be required to have a State certified
6 general real estate appraiser or State certified residential
7 real estate appraiser who holds a valid license under this Act
8 to co-sign all appraisal reports.

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

10 (225 ILCS 458/1-25) (was 225 ILCS 458/10-10)

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

12 Sec. 1-25 ~~10-10~~. Standards of practice. All persons
13 licensed under this Act must comply with standards of
14 professional appraisal practice as approved and adopted by the
15 Board. The Board shall consider for adoption ~~OBRE. OBRE must~~
16 ~~adopt~~, as part of its rules, the Uniform Standards of
17 Professional Appraisal Practice as published from time to time
18 by the Appraisal Standards Board of the Appraisal Foundation.
19 The Board ~~OBRE~~ shall consider federal laws and regulations
20 regarding the licensure of real estate appraisers prior to
21 adopting its rules for the administration of this Act.

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

23 (225 ILCS 458/1-30) (was 225 ILCS 458/5-20, 458/5-15,
24 458/5-10)

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

26 Sec. 1-30 ~~5-20~~. Qualifications for State registration,
27 licensure, and certification; applications; application fees;
28 examinations ~~Application for associate real estate appraiser.~~

29 (a) Any person desiring to be registered as a trainee or to
30 obtain certification as a State certified real estate appraiser
31 shall make written application to the Board on forms prescribed
32 by the Board that set forth the applicant's qualifications for
33 registration, licensure, or certification. Each applicant
34 shall satisfy the following qualification requirements:

1 (1) Application for associate real estate appraiser.

2 ~~(a)~~ Every person who desires to obtain an associate real
3 estate appraiser license shall:

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

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

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

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

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

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

24 (2) Sec. 5-15. Application for State certified
25 residential real estate appraiser. Every person who
26 desires to obtain a State certified residential real estate
27 appraiser license shall:

28 (A) ~~(1)~~ apply to the Board ~~OBRE~~ on forms provided
29 by the Board ~~OBRE~~ accompanied by the required fee;

30 (B) ~~(2)~~ be at least 18 years of age;

31 (C) ~~(3)~~ provide evidence of having attained a high
32 school diploma or completed an equivalent course of
33 study as determined by an examination conducted or
34 accepted by the Illinois State Board of Education;
35 beginning January 1, 2008, applicants must provide
36 evidence of meeting the criteria adopted by the AQB in

1 February 2004;

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

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

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

13 (3) ~~Sec. 5-10.~~ Application for State certified general
14 real estate appraiser. Every person who desires to obtain a
15 State certified general real estate appraiser license
16 shall:

17 (A) ~~(1)~~ apply to the Board ~~OBRE~~ on forms provided
18 by the Board ~~OBRE~~ accompanied by the required fee;

19 (B) ~~(2)~~ be at least 18 years of age;

20 (C) ~~(3)~~ provide evidence of having attained a high
21 school diploma or completed an equivalent course of
22 study as determined by an examination conducted or
23 accepted by the Illinois State Board of Education;
24 beginning January 1, 2008, applicants must provide
25 evidence of meeting the criteria adopted by the AQB in
26 February 2004;

27 (D) ~~(4)~~ personally take and pass an examination
28 authorized by the Board ~~OBRE~~ and endorsed by the AQB;

29 (E) ~~(5)~~ prior to taking the examination, provide
30 evidence to the Board ~~OBRE~~ that he or she has
31 successfully completed the prerequisite classroom
32 hours of instruction in appraising as established by
33 the AQB and by rule; and

34 (F) ~~(6)~~ prior to taking the examination, provide
35 evidence to the Board ~~OBRE~~ that he or she has
36 successfully completed the prerequisite experience

1 requirements in appraising as established by AQB and by
2 rule.

3 (b) Each application for registration as an appraisal
4 associate or certification as a real estate appraiser shall be
5 accompanied by a fee to be set by rule, plus any additional fee
6 as may be necessary to defray the cost of any competency
7 examination administered by a private testing service.

8 (c) Any person who files with the Board an application for
9 State registration, licensure, or certification as a real
10 estate appraiser shall be required to pass an examination to
11 demonstrate the person's competence. The Board shall also make
12 an investigation as it deems necessary into the background of
13 the applicant to determine the applicant's qualifications with
14 due regard to the paramount interest of the public as to the
15 applicant's competency, honesty, truthfulness, and integrity.
16 In addition, the Board may investigate and consider whether the
17 applicant has had any disciplinary action taken against any
18 other professional license in Illinois or any other state, or
19 if the applicant has committed or done any act which, if
20 committed or done by any real estate trainee or appraiser,
21 would be grounds under the provisions hereinafter set forth for
22 disciplinary action including the suspension or revocation of
23 registration, licensure, or certification, or whether the
24 applicant has been convicted of or pleaded guilty to any
25 criminal act. If the results of the investigation shall be
26 satisfactory to the Board, and the applicant is otherwise
27 qualified, then the Board shall issue to the applicant a
28 trainee registration, license, or certificate authorizing the
29 applicant to act as a registered trainee real estate appraiser
30 or a State certified real estate appraiser in this State.

31 (d) If the applicant has not affirmatively demonstrated
32 that the applicant meets the requirements for registration,
33 licensure, or certification, action on the application will be
34 deferred pending a hearing before the Board.

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

1 (225 ILCS 458/1-35) (was 225 ILCS 458/5-25)
2 (Section scheduled to be repealed on January 1, 2012)
3 Sec. 1-35 ~~5-25~~. Renewal of license.

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

11 (1) completing and submitting to the Board ~~OBRE~~ a
12 renewal application form as provided by the Board ~~OBRE~~;

13 (2) paying the required fees; and

14 (3) providing evidence of successful completion of the
15 continuing education requirements through courses approved
16 by the Board ~~OBRE~~ from education providers approved and
17 licensed by the Board ~~OBRE~~, as established by the AQB and
18 by rule.

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

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

34 (d) The expiration date and renewal period for an associate
35 real estate appraiser license issued under this Act shall be
36 set by rule. Except as otherwise provided in subsections (e)

1 and (f) of this Section, the holder of an associate real estate
2 appraiser license may renew the license within 90 days
3 preceding the expiration date by:

4 (1) completing and submitting to the Board ~~OBRE~~ a
5 renewal application form as provided by the Board ~~OBRE~~;

6 (2) paying the required fees; and

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

11 (e) Any associate real estate appraiser whose license under
12 this Act has expired may renew the license for a period of 2
13 years following the expiration date by complying with the
14 requirements of paragraphs (1), (2), and (3) of subsection (d)
15 of this Section and paying any late penalties as established by
16 rule.

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

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

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

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

30 (g) The Board ~~OBRE~~ shall provide reasonable care and due
31 diligence to ensure that each licensee under this Act is
32 provided with a renewal application at least 90 days prior to
33 the expiration date, but each licensee is responsible to timely
34 renew or convert his or her license prior to its expiration
35 date.

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

1 (225 ILCS 458/1-40) (was 225 ILCS 458/5-35)

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

3 Sec. 1-40 ~~5-35~~. Pre-license education requirements.

4 (a) The prerequisite classroom hours necessary for a person
5 to be approved to sit for the examination for licensure as a
6 State certified general real estate appraiser or a State
7 certified residential real estate appraiser shall be ~~in~~
8 ~~accordance with AQB criteria and established by rule,~~ with
9 consideration given to AQB criteria.

10 (b) The prerequisite classroom hours necessary for a person
11 to sit for the examination for licensure as an associate real
12 estate appraiser shall be established by rule after approval by
13 the Board.

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

15 (225 ILCS 458/1-45 new)

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

17 Sec. 1-45. Pre-license experience requirements. The
18 prerequisite experience necessary for a person to be approved
19 to sit for the examination for licensure as a State certified
20 general real estate appraiser or a State certified residential
21 real estate appraiser shall be established by rule, after Board
22 approval, with consideration given to AQB criteria.

23 (225 ILCS 458/1-50) (was 225 ILCS 458/5-45)

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

25 Sec. 1-50 ~~5-45~~. Continuing education renewal requirements.

26 (a) The continuing education requirements for a person to
27 renew a license as a State certified general real estate
28 appraiser or a State certified residential real estate
29 appraiser shall be ~~in accordance with AQB criteria and~~
30 established by rule, after Board approval, with consideration
31 given to AQB criteria.

32 (b) The continuing education requirements for a person to
33 renew a license as an associate real estate appraiser shall be

1 established by rule, after Board approval.

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

3 (225 ILCS 458/1-55 new) (was 225 ILCS 458/5-50)

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

5 Sec. 1-55 ~~5-50~~. Temporary practice permits. A nonresident
6 appraiser who holds a valid appraiser license in another state,
7 territory, possession of the United States, or the District of
8 Columbia may be granted a temporary practice permit to practice
9 as an appraiser in the State of Illinois upon making an
10 application and paying the applicable fees pursuant to
11 Appraisal Subcommittee policy statements and as established by
12 rule.

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

14 (225 ILCS 458/1-60) (was 225 ILCS 458/5-55)

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

16 Sec. 1-60 ~~5-55~~. Fees. The Board ~~OBRE~~ shall establish rules
17 for fees to be paid by applicants and licensees to cover the
18 reasonable costs of the Board ~~OBRE~~ in administering and
19 enforcing the provisions of this Act. The Board ~~OBRE~~ may also
20 establish rules for general fees to cover the reasonable
21 expenses of carrying out other functions and responsibilities
22 under this Act.

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

24 (225 ILCS 458/1-65) (was 225 ILCS 458/10-20)

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

26 Sec. 1-65 ~~10-20~~. Retention of records. A person licensed
27 under this Act shall retain the original copy of all written
28 contracts engaging his or her services as an appraiser and all
29 appraisal reports, including any supporting data used to
30 develop the appraisal report, for a period of 5 years or 2
31 years after the final disposition of any judicial proceeding in
32 which testimony was given, whichever is longer. In addition, a
33 person licensed under this Act shall retain contracts, logs,

1 and appraisal reports used in meeting pre-license experience
2 requirements for a period of 5 years.

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

4 (225 ILCS 458/1-70 new)

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

6 Sec. 1-70. Education program approval and fees. The Board
7 may by rule prescribe minimum standards and fees for the
8 approval and renewal of approval of schools and other course
9 sponsors and their instructors to conduct appraiser
10 pre-licensing and pre-certification courses. These standards
11 may address subject matter, program structuring, instructional
12 materials, requirements for satisfactory course completion,
13 instructors' qualifications, and other related matters
14 relevant to the provision of the courses in a manner that best
15 serves the public interest.

16 (225 ILCS 458/1-75) (was 225 ILCS 458/20-5)

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

18 Sec. 1-75 ~~20-5~~. Education providers.

19 (a) Beginning July 1, 2002, only education providers
20 approved and licensed by the Board ~~OPRE~~ may provide the
21 pre-license and continuing education courses required for
22 licensure under this Act.

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

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

28 (2) a sufficient number of qualified instructors;

29 (3) adequate support personnel to assist with
30 administrative matters and technical assistance;

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

33 (5) a qualified administrator, who is responsible for
34 the administration of the education provider, courses, and

1 the actions of the instructors; and

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

3 (c) All applicants for an education provider's license
4 shall make initial application to the Board on forms approved
5 and provided by the Board ~~OBRE on forms provided by OBRE~~ and
6 pay the appropriate fee as provided by rule. The term,
7 expiration date, and renewal of an education provider's license
8 shall be established by rule.

9 (d) An education provider shall provide each successful
10 course participant with a certificate of completion signed by
11 the school administrator. The format and content of the
12 certificate shall be specified by rule.

13 (e) All education providers shall provide to the Board ~~OBRE~~
14 a monthly roster of all successful course participants as
15 provided by rule.

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

17 (225 ILCS 458/1-80) (was 225 ILCS 458/20-10)

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

19 Sec. 1-80 ~~20-10~~. Course approval.

20 (a) Only courses offered by licensed education providers
21 and approved by the Board ~~OBRE~~ shall be used to meet the
22 requirements of this Act and rules.

23 (b) An education provider licensed under this Act may
24 submit courses to the Board ~~OBRE~~ for approval. The criteria,
25 requirements, and fees for courses shall be established by rule
26 in accordance with this Act, Title XI, and the criteria
27 established by the AQB.

28 (c) For each course approved, the Board ~~OBRE~~ shall issue a
29 license to the education provider. The term, expiration date,
30 and renewal of a course approval shall be established by rule.

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

32 (225 ILCS 458/1-85 new)

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

34 Sec. 1-85. Rulemaking authority. The Board may adopt rules

1 not inconsistent with the provisions of this Act and the laws
2 of Illinois that are reasonably necessary to implement,
3 administer, and enforce the provisions of this Act, including,
4 but not limited to, the authority to:

5 (1) prescribe forms and procedures for submitting
6 information to the Board;

7 (2) prescribe standards of practice for persons
8 registered as an appraisal associate, a certified
9 residential appraiser, or a certified general appraiser
10 under this Act; and

11 (3) prescribe standards for the operation of real
12 estate appraiser education programs.

13 (225 ILCS 458/1-90 new)

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

15 Sec. 1-90. Register of applicants; roster of associate
16 appraisers, State certified residential appraisers, and State
17 certified general appraisers; financial report to Secretary of
18 State; administrative expenses.

19 (a) The Executive Director of the Board shall keep a
20 register of all applicants for State trainee registration or
21 for State certification as a real estate appraiser, showing,
22 for each, the date of application, name, business or residence
23 address, and whether the registration, license, or certificate
24 was granted or refused. The register shall be prima facie
25 evidence of all matters received therein.

26 (b) The Executive Director of the Board shall also keep a
27 current roster showing the names and places of business of all
28 registered trainees and State certified real estate
29 appraisers, which shall be kept on file in the office of the
30 Board and be open to public inspection.

31 (c) On or before November 1 of each year, the Board shall
32 file with the Secretary of State a copy of the roster of
33 registered trainees and real estate appraisers certified by the
34 Board and a report containing a complete statement of income
35 received by the Board in connection with the licensing of

1 associate appraisers and the certification of appraisers for
2 the preceding fiscal year ending June 30th, attested by the
3 affidavit of the Executive Director of the Board.

4 (d) In addition to those fees prescribed in this Act for
5 making application for and renewing trainee registrations,
6 appraiser licenses, and certificates, the Board may collect
7 from applicants and holders of the licenses and certificates
8 and remit to the appropriate agency or instrumentality of the
9 federal government any additional fees as may be required to
10 render State certified appraisers eligible to perform
11 appraisals in connection with federally related transactions.

12 (225 ILCS 458/1-95) (was 225 ILCS 458/25-15)

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

14 Sec. 1-95 25-15. Executive Director of the Appraisal Board
15 Director of the Real Estate Appraisal Division; appointment;
16 duties. The Board shall appoint an Executive Director. As of
17 January 1, 2006, the Executive Director must hold a current,
18 valid certified general real estate certificate, which shall be
19 surrendered to the Board during the term of his or her
20 appointment. The Executive Director must have completed the
21 30-hour National Instructors Course on Uniform Standards of
22 Professional Appraisal Practice. The Director's certificate
23 shall be returned in the same status as it was on the date of
24 surrender, credited with all fees and continuing education
25 requirements that came due during the Director's employment.
26 The Executive Director Commissioner shall appoint a Director of
27 the Real Estate Appraisal Division for a term of 4 years. The
28 Director shall hold a valid State certified general real estate
29 appraiser or State certified residential real estate appraiser
30 license, which shall be surrendered to OBRE during the term of
31 his or her appointment. The Director of the Real Estate
32 Appraisal Division shall:

33 (1) serve as a member of the ~~Real Estate Appraisal~~
34 Board without vote;

35 (2) be a ~~the~~ direct liaison between the Board ~~OBRE~~, the

1 profession, and the real estate appraisal industry
2 organizations and associations;

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

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

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

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

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

18 (225 ILCS 458/1-100 new)

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

20 Sec. 1-100. Disciplinary action by Board.

21 (a) The Board may take disciplinary action against
22 registered trainees and State certified real estate
23 appraisers. Upon its own motion or the complaint of any person,
24 the Board may investigate the actions of any person registered
25 as a trainee or certified as a real estate appraiser under this
26 Act, any person who performs appraisals without an appropriate
27 registration, license, or certificate, or any person who holds
28 himself or herself out to be registered as a trainee or
29 certified as a real estate appraiser when the person holds no
30 registration, license, or certificate. If the Board finds
31 probable cause to believe that a person registered as a trainee
32 or certified as a real estate appraiser under this Act has
33 violated any of the provisions of this Act, the Board may hold
34 a hearing on the allegations of misconduct. The Board may
35 suspend or revoke the registration, license, or certificate

1 granted to any person under the provisions of this Act or
2 reprimand any registered trainee, licensee, or certificate
3 holder if, following a hearing or by consent, the Board finds
4 the registered trainee, licensee, or certificate holder to have
5 done any of the following:

6 (1) Procured registration, licensure, or certification
7 pursuant to this Act by making a false or fraudulent
8 representation.

9 (2) Made any willful or negligent misrepresentation or
10 any willful or negligent omission of material fact.

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

18 (4) Acted or held himself or herself out as a
19 registered trainee or a State certified real estate
20 appraiser when not so registered or certified.

21 (5) Failed, as a State certified real estate appraiser,
22 to actively and personally supervise any person not
23 licensed or certified under this Act who assists the State
24 certified real estate appraiser in performing real estate
25 appraisals.

26 (6) Failed to make available to the Board for its
27 inspection without prior notice, originals or true copies
28 of all written contracts engaging the person's services to
29 appraise real property and all reports and supporting data
30 assembled and formulated by the appraiser in preparing the
31 reports.

32 (7) Paid a fee or valuable consideration to any person
33 for acts or services performed in violation of this Act.

34 (8) Acted as a real estate appraiser in an unworthy or
35 incompetent manner as to endanger the interest of the
36 public.

1 (9) Violated any of the standards of practice for real
2 estate appraisers or any other rule promulgated by the
3 Board.

4 (10) Performed any other act that constitutes
5 improper, fraudulent, or other dishonest conduct.

6 (11) Violated any of the provisions of this Act.

7 The Executive Director of the Board shall transmit a
8 certified copy of all final orders of the Board suspending or
9 revoking registrations, licenses, or certificates issued under
10 this Act to the clerk of the circuit court of the county in
11 which the licensee or certificate holder maintains the person's
12 principal place of business.

13 (b) Following a hearing, or by consent, the Board may also
14 suspend or revoke any registration, license, or certificate
15 issued under the provisions of this Act or reprimand any
16 registered associate appraiser or certificate holder when:

17 (1) The registered associate appraiser or certificate
18 holder has been convicted of or has entered a plea of
19 guilty or no contest upon which final judgment is entered
20 by a court of competent jurisdiction in this State, or any
21 other state, to an offense which involves moral turpitude,
22 in which an essential element is dishonesty, fraud, or
23 deceit, or which, in the discretion of the Board, would
24 reasonably affect the performance of the registered
25 trainee, licensee, or certificate holder in the real estate
26 appraisal business;

27 (2) A final civil judgment has been entered against the
28 registered associate appraiser or certificate holder on
29 grounds of fraud, misrepresentation, or deceit in the
30 making of any appraisal of real estate;

31 (3) The associate appraiser or certificate holder has
32 violated any of the provisions of this Act when appraising
33 his own property;

34 (4) The associate appraiser or certificate holder has
35 had a real estate trainee registration or its equivalent,
36 real estate appraiser license, or real estate appraiser

1 certification suspended, revoked, or denied by a real
2 estate licensing board in another state;

3 (5) The associate appraiser or certificate holder has
4 had any disciplinary action taken against any other
5 professional license in Illinois or any other state;

6 (6) The associate appraiser or certificate holder has
7 been adjudged mentally incompetent by a court; or

8 (7) The associate appraiser or certificate holder
9 performs any of the duties of a real estate appraiser,
10 including, but not limited to, site inspection and public
11 records checks, while impaired by alcohol or drugs.

12 If any of the actions taken in subdivision (1), (2), (4),
13 (5), or (6) of this subsection (b) are taken against an
14 associate appraiser or certificate holder, the trainee,
15 licensee, or certificate holder must report such actions within
16 60 days of the final judgment or final order in the case.

17 (c) When a person registered as an associate appraiser or
18 certified as a real estate appraiser under this Act is accused
19 of any act, omission, or misconduct which would subject the
20 person to disciplinary action, the registered trainee,
21 licensee, or certificate holder, with the consent and approval
22 of the Board, may surrender his or her registration, license,
23 or certificate and all the rights and privileges pertaining to
24 it for a period of time established by the Board. A person who
25 surrenders his or her registration, license, or certificate
26 shall not thereafter be eligible for or submit any application
27 for registration, licensure, or certification as a real estate
28 appraiser during the period that the registration, license, or
29 certificate is surrendered.

30 (d) The Board shall have the power to issue subpoenas
31 requiring the attendance of persons and the production of
32 papers and records before the Board in any hearing,
33 investigation, inquiry, or other proceeding conducted by it.
34 Upon the production of any papers, records, or documents, the
35 Board shall have the power to authorize true copies thereof to
36 be substituted in the permanent record of the matter in which

1 the books, records, or documents shall have been introduced in
2 evidence.

3 (225 ILCS 458/1-105) (was 225 ILCS 458/15-10)

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

5 Sec. 15-10. Investigations and complaints ~~Grounds for~~
6 ~~disciplinary action.~~

7 (a) The Board may dismiss a complaint, accept a consent
8 order, or hold a hearing, or may accept a voluntary surrender
9 of a registration, license, or certificate or of approval as a
10 course sponsor. ~~The Office of Banks and Real Estate may~~
11 ~~suspend, revoke, refuse to issue or renew a license and may~~
12 ~~reprimand place on probation or administrative supervision, or~~
13 ~~otherwise discipline a licensee, including imposing conditions~~
14 ~~limiting the scope, nature, or extent of the real estate~~
15 ~~appraisal practice of a licensee or reducing the appraisal rank~~
16 ~~of a licensee, and may impose a civil penalty not to exceed~~
17 ~~\$10,000 upon a licensee for one or any combination of the~~
18 ~~following:~~

19 ~~(1) Procuring or attempting to procure a license by~~
20 ~~knowingly making a false statement, submitting false~~
21 ~~information, engaging in any form of fraud or~~
22 ~~misrepresentation, or refusing to provide complete~~
23 ~~information in response to a question in an application for~~
24 ~~licensure.~~

25 ~~(2) Failing to meet the minimum qualifications for~~
26 ~~licensure as an appraiser established by this Act.~~

27 ~~(3) Paying money, other than for the fees provided for~~
28 ~~by this Act, or anything of value to a member or employee~~
29 ~~of the Board or Office of Banks and Real Estate to procure~~
30 ~~licensure under this Act.~~

31 ~~(4) Being convicted of any crime, an essential element~~
32 ~~of which is dishonesty, fraud, theft, or embezzlement, or~~
33 ~~obtaining money, property, or credit by false pretenses, or~~
34 ~~any other crime that is reasonably related to the practice~~
35 ~~of real estate appraisal or a conviction in any state or~~

1 ~~federal court of any felony.~~

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

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

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

15 ~~(8) Violating a provision of this Act or the rules~~
16 ~~adopted pursuant to this Act.~~

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

24 ~~(10) Engaging in dishonorable, unethical, or~~
25 ~~unprofessional conduct of a character likely to deceive,~~
26 ~~defraud, or harm the public.~~

27 ~~(11) Accepting an appraisal assignment when the~~
28 ~~employment itself is contingent upon the appraiser~~
29 ~~reporting a predetermined estimate, analysis, or opinion~~
30 ~~or when the fee to be paid is contingent upon the opinion,~~
31 ~~conclusion, or valuation reached or upon the consequences~~
32 ~~resulting from the appraisal assignment.~~

33 ~~(12) Developing valuation conclusions based on the~~
34 ~~race, color, religion, sex, national origin, ancestry,~~
35 ~~age, marital status, family status, physical or mental~~
36 ~~handicap, or unfavorable military discharge, as defined~~

1 ~~under the Illinois Human Rights Act, of the prospective or~~
2 ~~present owners or occupants of the area or property under~~
3 ~~appraisal.~~

4 ~~(13) Violating the confidential nature of government~~
5 ~~records to which the licensee gained access through~~
6 ~~employment or engagement as an appraiser by a government~~
7 ~~agency.~~

8 ~~(14) Being adjudicated liable in a civil proceeding on~~
9 ~~grounds of fraud, misrepresentation, or deceit. In a~~
10 ~~disciplinary proceeding based upon a finding of civil~~
11 ~~liability, the appraiser shall be afforded an opportunity~~
12 ~~to present mitigating and extenuating circumstances, but~~
13 ~~may not collaterally attack the civil adjudication.~~

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

16 ~~(16) Engaging in misleading or untruthful advertising~~
17 ~~or using a trade name or insignia of membership in a real~~
18 ~~estate appraisal or real estate organization of which the~~
19 ~~licensee is not a member.~~

20 ~~(17) Failing to fully cooperate with an OBRE~~
21 ~~investigation by knowingly making a false statement,~~
22 ~~submitting false or misleading information, or refusing to~~
23 ~~provide complete information in response to written~~
24 ~~interrogatories or a written request for documentation~~
25 ~~within 30 days of the request.~~

26 ~~(18) Failing to include within the certificate of~~
27 ~~appraisal for all written appraisal reports the~~
28 ~~appraiser's license number and licensure title. All~~
29 ~~appraisers providing significant contribution to the~~
30 ~~development and reporting of an appraisal must be disclosed~~
31 ~~in the appraisal report. It is a violation of this Act for~~
32 ~~an appraiser to sign a report, transmittal letter, or~~
33 ~~appraisal certification knowing that a person providing a~~
34 ~~significant contribution to the report has not been~~
35 ~~disclosed in the appraisal report.~~

36 ~~(b) The Office of Banks and Real Estate may reprimand~~

1 ~~suspend, revoke, or refuse to issue or renew an education~~
2 ~~provider's license, may reprimand, place on probation, or~~
3 ~~otherwise discipline an education provider and may suspend or~~
4 ~~revoke the course approval of any course offered by an~~
5 ~~education provider and may impose a civil penalty not to exceed~~
6 ~~\$10,000 upon an education provider, for any of the following:~~

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

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

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

19 ~~(4) Engaging in misleading or untruthful advertising.~~

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

22 ~~(6) Failing to meet the topic or time requirements for~~
23 ~~course approval as the provider of a pre-license curriculum~~
24 ~~course or a continuing education course.~~

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

28 ~~(8) Failing to provide an appropriate classroom~~
29 ~~environment for presentation of courses, with~~
30 ~~consideration for student comfort, acoustics, lighting,~~
31 ~~seating, workspace, and visual aid material.~~

32 ~~(9) Failing to maintain student records in compliance~~
33 ~~with the rules adopted under this Act.~~

34 ~~(10) Failing to provide a certificate, transcript, or~~
35 ~~other student record to OBRE or to a student as may be~~
36 ~~required by rule.~~

1 ~~(11) Failing to fully cooperate with an OBRE~~
2 ~~investigation by knowingly making a false statement,~~
3 ~~submitting false or misleading information, or refusing to~~
4 ~~provide complete information in response to written~~
5 ~~interrogatories or a written request for documentation~~
6 ~~within 30 days of the request.~~

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

19 (b) Records, papers, and other documents containing
20 information received, collected, or compiled by the Board, its
21 members, or its employees, as a result of a complaint or
22 investigation, shall not be considered public records. Any
23 statement of charges contained within a notice of a hearing to
24 be held by the Board is a public record, even though it may
25 contain information collected and compiled as a result of a
26 complaint or investigation against a trainee, licensee, or
27 certificate holder or an applicant. Any record, paper, or other
28 document admitted into evidence in a hearing held by the Board,
29 and any final decisions and orders by the Board, including
30 consent orders, shall be public records.

31 (c) The Board may inspect records maintained pursuant to
32 this Act periodically, without prior notice, and may also
33 inspect these records whenever the Board determines that they
34 are pertinent to an investigation of any specific complaint
35 against a person registered, licensed, or certified by the
36 Board.

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

2 (225 ILCS 458/1-110 new)

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

4 Sec. 1-110. Penalty for violation of this Act.

5 (a) Any person who acts as, or holds himself or herself out
6 to be, a registered trainee or a State certified real estate
7 appraiser without first obtaining a registration, license, or
8 certificate as provided in this Act or who willfully performs
9 any acts specified in this Act without first obtaining a
10 registration, license, or certificate as provided in this Act
11 is guilty of a Class A misdemeanor.

12 (b) The Board may appear in its own name in circuit court
13 in actions for injunctive relief to prevent any person from
14 violating the provisions of this Act or the rules promulgated
15 by the Board. The circuit court shall have the power to grant
16 these injunctions whether or not criminal prosecution has been
17 or may be instituted as a result of the violations, and whether
18 or not the person is the holder of a registration, license, or
19 certificate issued by the Board under this Act.

20 (225 ILCS 458/1-115 new)

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

22 Sec. 1-115. Referral of cases by courts. Whenever any
23 registered associate appraiser or certificate holder is
24 adjudged by a civil or criminal court to have injured or
25 damaged any person, partnership, association, or corporation
26 through gross negligence, incompetence, fraud, dishonesty, or
27 other civil or criminal misconduct, the court may, as part of
28 its judgment or decree, order a written copy of the transcript
29 of the record in said case to be forwarded by the clerk of
30 court to the Board with a recommendation that the registration,
31 license, or certificate of the registered trainee, licensee, or
32 certificate holder be revoked or otherwise subject to
33 disciplinary action.

1 (225 ILCS 458/1-120 new)

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

3 Sec. 1-120. Illinois Appraisal Fund; surcharge. The
4 Illinois Appraisal Fund is created as a special fund in the
5 State Treasury. All fees, fines, and penalties received by the
6 Board under this Act shall be deposited into the Illinois
7 Appraisal Fund. All earnings attributable to investment of
8 funds in the Appraisal Administration Fund shall be credited to
9 the Illinois Appraisal Fund. Subject to appropriation, the
10 moneys in the Illinois Appraisal Fund shall be paid to the
11 Board for the expenses incurred by the Board in the
12 administration of this Act.

13 Upon the completion of any audit of the Board, as
14 prescribed by the Illinois State Auditing Act, which shall
15 include an audit of the Illinois Appraisal Fund, the Board
16 shall make the audit report open to inspection by any
17 interested person.

18 (225 ILCS 458/Art. 2 heading new)

19 ARTICLE 2. SAVINGS PROVISIONS

20 (Scheduled to be repealed on January 1, 2012)

21 (225 ILCS 458/2-5 new)

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

23 Sec. 2-5. Transfer of authority.

24 (a) This Act is intended to replace the Real Estate
25 Appraiser Licensing Act of 2002 in all respects.

26 (b) Beginning on the effective date of this amendatory Act
27 of the 94th General Assembly, the rights, powers, and duties
28 exercised by the Office of Banks and Real Estate under the Real
29 Estate Appraiser Licensing Act of 2002 shall continue to be
30 vested in, to be the obligation of, and to be exercised by the
31 Illinois Appraisal Board under the provisions of this Act.

32 (c) This Act does not affect any act done, ratified, or
33 cancelled, any right occurring or established, or any action or
34 proceeding commenced in an administrative, civil, or criminal

1 cause before the effective date of this amendatory Act of the
 2 94th General Assembly by the Office of Banks and Real Estate
 3 under the Real Estate Appraiser Licensing Act of 2002. Those
 4 actions or proceedings may be prosecuted and continued by the
 5 Division of Banks and Real Estate of the Department of
 6 Financial and Professional Regulation under this Act.

7 (d) This Act does not affect any license, certificate,
 8 permit, or other form of licensure issued by the Office of
 9 Banks and Real Estate under the Real Estate Appraiser Licensing
 10 Act of 2002, except as provided in this Act. All such licenses,
 11 certificates, permits, or other form of licensure shall
 12 continue to be valid under the terms and conditions of this
 13 Act.

14 (e) The rules adopted by the Office of Banks and Real
 15 Estate relating to the Real Estate Appraiser Licensing Act of
 16 2002, unless inconsistent with the provisions of this Act, are
 17 not affected by this Act, and on the effective date of this
 18 amendatory Act of the 94th General Assembly, those rules become
 19 rules under this Act. The Illinois Appraisal Board shall, as
 20 soon as practicable, adopt new or amended rules consistent with
 21 the provisions of this Act.

22 (f) This Act does not affect any discipline, suspension, or
 23 termination that has occurred under the Real Estate Appraiser
 24 Licensing Act of 2002 or other predecessor Act. Any action for
 25 discipline, suspension, or termination instituted under the
 26 Real Estate Appraiser Licensing Act of 2002 shall be continued
 27 under this Act.

- 28 (225 ILCS 458/1-5 rep.)
- 29 (225 ILCS 458/Art. 5 heading rep.)
- 30 (225 ILCS 458/5-5 rep.)
- 31 (225 ILCS 458/5-30 rep.)
- 32 (225 ILCS 458/5-40 rep.)
- 33 (225 ILCS 458/Art. 10 heading rep.)
- 34 (225 ILCS 458/10-15 rep.)
- 35 (225 ILCS 458/Art. 15 heading rep.)

- 1 (225 ILCS 458/15-5 rep.)
- 2 (225 ILCS 458/15-15 rep.)
- 3 (225 ILCS 458/15-20 rep.)
- 4 (225 ILCS 458/15-30 rep.)
- 5 (225 ILCS 458/15-35 rep.)
- 6 (225 ILCS 458/15-40 rep.)
- 7 (225 ILCS 458/15-45 rep.)
- 8 (225 ILCS 458/15-50 rep.)
- 9 (225 ILCS 458/15-55 rep.)
- 10 (225 ILCS 458/15-60 rep.)
- 11 (225 ILCS 458/Art. 20 heading rep.)
- 12 (225 ILCS 458/Art. 25 heading rep.)
- 13 (225 ILCS 458/25-5 rep.)
- 14 (225 ILCS 458/25-20 rep.)
- 15 (225 ILCS 458/25-25 rep.)
- 16 (225 ILCS 458/25-30 rep.)
- 17 (225 ILCS 458/30-10 rep.)

18 Section 15. The Real Estate Appraiser Licensing Act of 2002
 19 is amended by repealing Section 1-5, the heading of Article 5
 20 and Sections 5-5, 5-30, and 5-40, the heading of Article 10 and
 21 Section 10-15, the heading of Article 15 and Sections 15-5,
 22 15-15, 15-20, 15-30, 15-35, 15-40, 15-45, 15-50, 15-55, and
 23 15-60, the heading of Article 20, the heading of Article 25 and
 24 Sections 25-5, 25-20, 25-25, and 25-30, and Section 30-10.

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10	225 ILCS 458/1-13 new	
11	225 ILCS 458/1-15	was 225 ILCS 458/25-10
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34	heading new	

- 1 225 ILCS 458/2-5 new
- 2 225 ILCS 458/1-5 rep.
- 3 225 ILCS 458/Art. 5
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- 23 225 ILCS 458/Art. 20
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