



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB5067

by Rep. Angelo Saviano

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Real Estate Appraiser Licensing Act of 2002. Makes changes throughout the Act that mark the transfer of authority to administer and enforce the Act to the Department of Financial and Professional Regulation (rather than the Office of Banks and Real Estate). Replaces "associate real estate appraiser" with "associate real estate trainee appraiser" throughout the Act. Changes the Real Estate Appraisal Board to the Real Estate Appraisal Administration and Disciplinary Board. Provides that a person who violates certain licensure provisions for a second or any subsequent time is guilty of a Class 4 felony. Sets forth additional education requirements for licensure under the Act. Removes a provision allowing a person who holds a valid license as a licensed real estate appraiser, issued pursuant to a predecessor Act, to convert that license to an associate real estate appraiser license. Removes a provision concerning licensed real estate appraiser's licenses issued pursuant to a predecessor Act and provides that an associate real estate trainee appraiser license may not be renewed more than 2 times. Adds a provision concerning temporary license suspension. Provides that an education provider may use an instructor who is a faculty member in good standing with an accredited college or university or community college or who is an approved appraisal instructor from an appraisal organization that is a member of the Appraisal Foundation. Makes other changes. Effective immediately.

LRB095 17131 RAS 43186 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 Real Estate Appraiser Licensing Act of 2002  
5 is amended by changing Sections 1-10, 5-5, 5-10, 5-15, 5-20,  
6 5-25, 5-30, 5-35, 5-40, 5-45, 5-55, 10-5, 10-10, 10-15, 10-20,  
7 15-5, 15-10, 15-15, 15-20, 15-30, 15-35, 15-40, 15-45, 15-50,  
8 15-55, 15-60, 20-5, 20-10, 25-5, 25-10, 25-15, 25-20, 25-25,  
9 and 30-10 and by adding Sections 15-17, 15-18, and 5-21 as  
10 follows:

11 (225 ILCS 458/1-10)

12 (Section scheduled to be repealed on January 1, 2012)

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

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

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

23 "Appraisal" or "real estate appraisal" means ~~(noun) the act~~

1 ~~er process of developing~~ an analysis, opinion, or conclusion as  
2 to the of value of identified real estate or a specified  
3 interest therein performed for another for compensation or  
4 other valuable consideration; an opinion of value (adjective)  
5 of or pertaining to appraising and related functions.

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

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

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

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

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

25 "Appraiser" means a person who performs real estate or real  
26 property appraisals.

1 "AOB" means the Appraisal Qualifications Board of the  
2 Appraisal Foundation.

3 "Associate real estate trainee appraiser" means an  
4 entry-level appraiser who holds a license of this  
5 classification under this Act ~~and applies to the appraisal of~~  
6 ~~non complex property having a transaction value less than~~  
7 ~~\$1,000,000, but~~ with restrictions as to the scope of practice  
8 in accordance with this Act.

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

11 "Classroom hour" means 50 minutes of instruction out of  
12 each 60 minute segment of coursework.

13 "Client" means the party or parties who engage an appraiser  
14 by employment or contract in a specific assignment ~~a person who~~  
15 ~~utilizes the services of an appraiser or engages an appraiser~~  
16 ~~for an appraisal by employment or contract.~~

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

19 "Coordinator" means the Coordinator of Real Estate  
20 Appraisal of the Division of Professional Regulation of the  
21 Department of Financial and Professional Regulation.

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

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

26 "Federal financial institutions regulatory agencies" means

1 the Board of Governors of the Federal Reserve System, the  
2 Federal Deposit Insurance Corporation, the Office of the  
3 Comptroller of the Currency, the Office of Thrift Supervision,  
4 and the National Credit Union Administration.

5 "Federally related transaction" means any real  
6 estate-related financial transaction in which a federal  
7 financial institutions regulatory agency, the Department of  
8 Housing and Urban Development, Fannie Mae, Freddie Mae, or the  
9 National Credit Union Administration engages in, contracts  
10 for, or regulates and requires the services of an appraiser.

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

18 "Modular Course" means the Appraisal Qualifying Course  
19 Design conforming to the Sub Topics Course Outline contained in  
20 the AQB Criteria 2008.

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

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

24 "Real estate related financial transaction" means any  
25 transaction involving:

26 (1) the sale, lease, purchase, investment in, or

1 exchange of real property, including interests in property  
2 or the financing thereof;

3 (2) the refinancing of real property or interests in  
4 real property; and

5 (3) the use of real property or interest in property as  
6 security for a loan or investment, including mortgage  
7 backed securities.

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

10 "Secretary" means the Secretary of Financial and  
11 Professional Regulation.

12 "State certified general real estate appraiser" means an  
13 appraiser who holds a license of this classification under this  
14 Act and such classification applies to the appraisal of all  
15 types of real property without restrictions as to the scope of  
16 practice.

17 "State certified residential real estate appraiser" means  
18 an appraiser who holds a license of this classification under  
19 this Act and such classification applies to the appraisal of  
20 one to 4 units of residential real property without regard to  
21 transaction value or complexity, but with restrictions as to  
22 the scope of practice in a federally related transaction in  
23 accordance with Title XI, the provisions of USPAP, criteria  
24 established by the AQB, and further defined by rule.

25 "Supervising appraiser" means either (i) an appraiser who  
26 holds a valid license under this Act as either a State

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

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

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

23 "USPAP" means the Uniform Standards of Professional  
24 Appraisal Practice as promulgated by the Appraisal Standards  
25 Board pursuant to Title XI and by rule.

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

1 (225 ILCS 458/5-5)

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

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

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

18 (b) ~~It Beginning July 1, 2002, it~~ is unlawful for a person,  
19 other than a person who holds a valid license issued pursuant  
20 to this Act as a State certified general real estate appraiser,  
21 a State certified residential real estate appraiser, or an  
22 associate real estate trainee appraiser, ~~or as a State licensed~~  
23 ~~real estate appraiser issued pursuant to a predecessor Act~~ to  
24 use these titles or any other title, designation, or  
25 abbreviation likely to create the impression that the person is



1 licensed as a real estate appraiser pursuant to this Act. A  
2 person who violates this subsection is guilty of a Class A  
3 misdemeanor for a first offense and a Class 4 felony for any  
4 subsequent offense.

5 (c) The licensing requirements of this Act do not require a  
6 person ~~real estate broker or salesperson~~ who holds a valid  
7 license pursuant to the Real Estate License Act of 2000, to be  
8 licensed as a real estate appraiser under this Act, unless that  
9 person ~~the broker or salesperson~~ is providing or attempting to  
10 provide an appraisal report, as defined in Section 1-10 of this  
11 Act, in connection with a federally-related transaction.  
12 Nothing in this Act shall prohibit a person who holds a valid  
13 license under the Real Estate License Act of 2000 from  
14 performing a comparative market analysis or broker price  
15 opinion for compensation, provided that the person does not  
16 hold himself out as being a licensed real estate appraiser.

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

25 (e) This Act does not apply to a township assessor,  
26 multi-township assessor, county supervisor of assessments, or

1 any deputy or employee of any township assessor, multi-township  
2 assessor, or county supervisor of assessments who is performing  
3 his or her respective duties in accordance with the provisions  
4 of the Property Tax Code.

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

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

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

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

20 (g) This Act does not apply to an employee, officer,  
21 director, or member of a credit or loan committee of a  
22 financial institution when engaged in an evaluation of real  
23 property for the sole use of the financial institution in a  
24 transaction that is exempt from the requirements of Title XI of  
25 the federal Financial Institutions Reform, Recovery, and  
26 Enforcement Act of 1989 and the regulations promulgated

1 thereunder.

2 ~~For the purposes of this subsection, "brokerage service"~~  
3 ~~means the activity of offering, negotiating, buying, listing,~~  
4 ~~selling, or leasing real estate or procuring or referring~~  
5 ~~prospects intended to result in the listing, sale, purchase,~~  
6 ~~lease, or exchange of real estate for another and for~~  
7 ~~compensation.~~

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

9 (225 ILCS 458/5-10)

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

11 Sec. 5-10. Application for State certified general real  
12 estate appraiser.

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

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

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

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

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

24 (5) prior to taking the examination, provide evidence to  
25 the Department, in Modular Course format, with each module

1 conforming to the Real Property Appraiser Qualification  
2 Criteria established and adopted by the AQB on February 20,  
3 2004, ~~OBRE~~ that he or she has successfully completed the  
4 prerequisite classroom hours of instruction in appraising as  
5 established by the AQB and by rule; and

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

10 (b) Before December 31, 2008, applicants must provide  
11 evidence to the Department of having attained a high school  
12 diploma or completed an equivalent course of study as  
13 determined by an examination conducted or accepted by the State  
14 Board of Education.

15 (c) On or after December 31, 2008, applicants must provide  
16 evidence to the Department of (i) holding a Bachelor's degree  
17 or higher from an accredited college or university or (ii)  
18 successfully passing 30 semester credit hours or the equivalent  
19 from an accredited college or university, junior college, or  
20 community college in the following subjects:

21 (1) English composition;

22 (2) micro economics;

23 (3) macro economics;

24 (4) finance;

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

26 (6) statistics;

1           (7) introduction to computers-word  
2           processing/spreadsheets;

3           (8) business or real estate law; and

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

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

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

14           (225 ILCS 458/5-15)

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

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

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

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

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

1 ~~Illinois State Board of Education;~~

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

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

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

15 (b) Before December 31, 2008, applicants must provide  
16 evidence of having attained a high school diploma or completed  
17 an equivalent course of study as determined by an examination  
18 conducted or accepted by the State Board of Education;

19 (c) On or after December 31, 2008, applicants must provide  
20 evidence to the Department of (i) holding an Associate's degree  
21 or its equivalent from an accredited college or university,  
22 junior college, or community college or (ii) successfully  
23 passing 21 semester credit hours or the equivalent from an  
24 accredited college or university, junior college, or community  
25 college in the following subjects:

26 (1) English composition;

- 1           (2) principals of economics (micro or macro);
- 2           (3) finance;
- 3           (4) algebra, geometry, or higher mathematics;
- 4           (5) statistics;
- 5           (6) introduction to computers-word processing and
- 6           spreadsheets;
- 7           (7) business or real estate law; and
- 8           (8) any other requirements established by the
- 9           Department by rule.

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

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

16           (225 ILCS 458/5-20)

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

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

- 21           (1) apply to the Department ~~OBRE~~ on forms provided by
- 22           the Department ~~OBRE~~ accompanied by the required fee;
- 23           (2) be at least 18 years of age;
- 24           (3) provide evidence of having attained a high school
- 25           diploma or completed an equivalent course of study as

1 determined by an examination conducted or accepted by the  
2 Illinois State Board of Education;

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

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

9 ~~(b) A person who holds a valid license as a licensed real  
10 estate appraiser, issued pursuant to a predecessor Act, may  
11 convert that license to an associate real estate appraiser  
12 license by making application to OBRE on forms provided by OBRE  
13 accompanied by the required fee.~~

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

15 (225 ILCS 458/5-21 new)

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

17 Sec. 5-21. Change of address notification. Any individual  
18 licensed under this Act must inform the Department of any  
19 change of address in a manner and within the amount of time  
20 determined by the Department.

21 (225 ILCS 458/5-25)

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

23 Sec. 5-25. Renewal of license.

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



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

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

10 (2) paying the required fees; and

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

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

22 (c) (Blank). ~~A State licensed real estate appraiser's~~  
23 ~~license issued pursuant to a predecessor Act shall continue in~~  
24 ~~effect until the earlier of its expiration date or September~~  
25 ~~30, 2003. The holder of such a license may not renew the~~  
26 ~~license for any period after September 30, 2003, but may~~

1 ~~convert the license to an associate real estate appraiser~~  
2 ~~license under this Act until September 30, 2003 pursuant to~~  
3 ~~subsection (b) of Section 5-20 of this Act.~~

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

10 (1) completing and submitting to the Department ~~OBRE~~ a  
11 renewal application form as provided by the Department  
12 ~~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 Department ~~OBRE~~ from education providers approved by  
17 the Department ~~OBRE~~, as established by rule.

18 (e) Any associate real estate appraiser trainee whose  
19 license under this Act has expired may renew the license for a  
20 period of 2 years following the expiration date by complying  
21 with the requirements of paragraphs (1), (2), and (3) of  
22 subsection (d) of this Section and paying any late penalties as  
23 established by rule. An associate real estate trainee appraiser  
24 license may not be renewed more than 2 times.

25 (f) Notwithstanding subsections (c) and (e), an appraiser  
26 whose license under this Act has expired may renew or convert

1 the license without paying any lapsed renewal fees or late  
2 penalties if the license expired while the appraiser was:

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

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

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

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

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

21 (225 ILCS 458/5-30)

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

23 Sec. 5-30. Reciprocity; consent to jurisdiction. ~~(a)~~—A  
24 nonresident who holds a valid appraiser license issued to him  
25 or her by the proper licensing authority of a state, territory,

1 possession of the United States, or the District of Columbia  
2 that has licensing requirements equal to or substantially  
3 equivalent to the requirements of the State of Illinois and  
4 otherwise meets the requirements for licensure may obtain a  
5 license without examination, provided that:

6 (1) the Department ~~OBRE~~ has entered into a valid  
7 reciprocal agreement with the proper licensing authority  
8 of the state, territory, or possession of the United  
9 States, or the District of Columbia;

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

14 (3) the applicant completes and submits an application  
15 as provided by the Department ~~OBRE~~ and the applicant pays  
16 all applicable fees as established by rule ~~required under~~  
17 ~~this Act.~~

18 ~~(b) A nonresident applicant shall file an irrevocable~~  
19 ~~consent with OBRE authorizing that actions may be commenced~~  
20 ~~against the applicant or nonresident licensee in a court of~~  
21 ~~competent jurisdiction in the State of Illinois by the service~~  
22 ~~of summons, process, or other pleading authorized by law upon~~  
23 ~~the Commissioner. The consent shall stipulate and agree that~~  
24 ~~service of the summons, process, or pleading upon the~~  
25 ~~Commissioner shall be taken and held in all courts to be valid~~  
26 ~~and binding as if actual service had been made upon the~~

1 ~~nonresident licensee in Illinois. If a summons, process, or~~  
2 ~~other pleading is served upon the Commissioner, it shall be by~~  
3 ~~duplicate copies, one of which shall be retained by OBRE and~~  
4 ~~the other of which shall be immediately forwarded by certified~~  
5 ~~or registered mail to the last known address of the nonresident~~  
6 ~~licensee against whom the summons, process, or other pleading~~  
7 ~~may be directed.~~

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

9 (225 ILCS 458/5-35)

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

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

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

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

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

21 (225 ILCS 458/5-40)

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

23 Sec. 5-40. Pre-license experience requirements. The  
24 prerequisite experience necessary for a person to be approved

1 to sit for the examination for licensure as a State certified  
2 general real estate appraiser or a State certified residential  
3 real estate appraiser shall be ~~in accordance with AQB criteria~~  
4 ~~and~~ established by rule.

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

6 (225 ILCS 458/5-45)

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

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

9 (a) The continuing education requirements for a person to  
10 renew a license as a State certified general real estate  
11 appraiser or a State certified residential real estate  
12 appraiser shall be ~~in accordance with AQB criteria and~~  
13 established by rule.

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

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

18 (225 ILCS 458/5-55)

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

20 Sec. 5-55. Fees. The Department ~~OBRE~~ shall establish rules  
21 for fees to be paid by applicants and licensees to cover the  
22 reasonable costs of the Department ~~OBRE~~ in administering and  
23 enforcing the provisions of this Act. The Department ~~OBRE~~ may  
24 also establish rules for general fees to cover the reasonable

1 expenses of carrying out other functions and responsibilities  
2 under this Act.

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

4 (225 ILCS 458/10-5)

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

6 Sec. 10-5. Scope of practice.

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

16 (b) A State certified residential real estate appraiser is  
17 limited in his or her scope of practice in a federally related  
18 transaction as provided by Title XI, the provisions of USPAP,  
19 criteria established by the AQB, and the rules adopted pursuant  
20 to this Act.

21 (c) A State certified residential real estate appraiser  
22 must have a State certified general real estate appraiser who  
23 holds a valid license under this Act co-sign all appraisal  
24 reports on properties other than one to 4 units of residential  
25 real property without regard to transaction value or

1 ~~complexity. A State licensed real estate appraiser is limited~~  
2 ~~in his or her scope of practice in a federally related~~  
3 ~~transaction as provided by Title XI, the provisions of USPAP,~~  
4 ~~criteria established by the AQB, and the rules adopted pursuant~~  
5 ~~to this Act. No State licensed real estate appraiser license~~  
6 ~~shall be issued on or after September 30, 2003 under this Act.~~

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

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

23 (225 ILCS 458/10-10)

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

25 Sec. 10-10. Standards of practice. All persons licensed



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

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

11 (225 ILCS 458/10-15)

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

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

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

22 (225 ILCS 458/10-20)

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

24 Sec. 10-20. Retention of records. A person licensed under

1 this Act shall retain the original copy of all written  
2 contracts engaging his or her services as an appraiser and all  
3 appraisal reports, including any supporting data used to  
4 develop the appraisal report, for a period of 5 years or 2  
5 years after the final disposition of any judicial proceeding in  
6 which testimony was given, whichever is longer. In addition, a  
7 person licensed under this Act shall retain contracts, logs,  
8 and appraisal reports used in meeting pre-license experience  
9 requirements for a period of 5 years and shall be made  
10 available to the Department upon request.

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

12 (225 ILCS 458/15-5)

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

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

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

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

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

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

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

1 order without notice or bond enjoining the defendant from  
2 further practice. The showing of non-licensure, by affidavit or  
3 otherwise, is sufficient for the issuance of a temporary  
4 injunction. If it is established that the defendant has been or  
5 is engaged in unlawful practice, the court may enter an order  
6 or judgment perpetually enjoining the defendant from further  
7 unlawful practice. In all proceedings under this Section, the  
8 court, in its discretion, may apportion the costs among the  
9 parties interested in the action, including the cost of filing  
10 the complaint, service of process, witness fees and expenses,  
11 court reporter charges, and reasonable attorneys' fees. These  
12 injunction proceedings shall be in addition to, and not in lieu  
13 of, all penalties and other remedies provided in this Act.

14 (e) No person may directly or indirectly compensate,  
15 instruct, induce, coerce, or intimidate an appraiser licensed  
16 or certified under this Act for the purpose of corruption or  
17 improperly influencing the appraiser's independent judgment  
18 with respect to the valuation of any property pursuant to this  
19 Act. A person who violates this subsection (e) is guilty of a  
20 Class A misdemeanor for the first offense and a Class 4 felony  
21 for any subsequent offense.

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

23 (225 ILCS 458/15-10)

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

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

1 (a) The Department ~~Office of Banks and Real Estate~~ may  
2 suspend, revoke, refuse to issue or renew a license and may  
3 reprimand place on probation or administrative supervision, or  
4 otherwise discipline a licensee, including imposing conditions  
5 limiting the scope, nature, or extent of the real estate  
6 appraisal practice of a licensee or reducing the appraisal rank  
7 of a licensee, and may impose an administrative fine ~~a civil~~  
8 ~~penalty~~ not to exceed \$10,000 upon a licensee for ~~one or~~ any  
9 ~~combination~~ of the following:

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

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

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

22 (4) Being convicted of any crime, an essential element  
23 of which is dishonesty, fraud, theft, or embezzlement, or  
24 obtaining money, property, or credit by false pretenses, or  
25 any other crime that is reasonably related to the practice  
26 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.

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

7           (12) Developing valuation conclusions based on the  
8           race, color, religion, sex, national origin, ancestry,  
9           age, marital status, family status, physical or mental  
10          handicap, or unfavorable military discharge, as defined  
11          under the Illinois Human Rights Act, of the prospective or  
12          present owners or occupants of the area or property under  
13          appraisal.

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

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

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

26          (16) Engaging in misleading or untruthful advertising

1 or using a trade name or insignia of membership in a real  
2 estate appraisal or real estate organization of which the  
3 licensee is not a member.

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

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

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

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

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



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

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

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

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

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

23           (4) Engaging in misleading or untruthful advertising.

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

26           (6) Failing to meet the topic or time requirements for

1 course approval as the provider of a pre-license curriculum  
2 course or a continuing education course.

3 (7) Failing to administer an approved course using the  
4 course materials, syllabus, and examinations submitted as  
5 the basis of the course approval.

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

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

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

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

21 (c) In appropriate cases, the Department ~~OBRE~~ may resolve a  
22 complaint against a licensee through the issuance of a Consent  
23 to Administrative Supervision order. A licensee subject to a  
24 Consent to Administrative Supervision order shall be  
25 considered by the Department ~~OBRE~~ as an active licensee in good  
26 standing. This order shall not be reported or considered by the

1 Department ~~OBRE~~ to be a discipline of the licensee. The records  
2 regarding an investigation and a Consent to Administrative  
3 Supervision order shall be considered confidential and shall  
4 not be released by the Department ~~OBRE~~ except as mandated by  
5 law. A complainant shall be notified if his or her complaint  
6 has been resolved by a Consent to Administrative Supervision  
7 order.

8 (d) A licensee may be represented by legal counsel at an  
9 informal conference. If the informal conference results in a  
10 consent order between the accused licensee and the Department,  
11 the consent order must be approved by the Coordinator before it  
12 is approved by the Department. However, if the consent order  
13 would result in a fine exceeding \$5,000 or the suspension in  
14 excess of one year or revocation of the license, the consent  
15 order must be approved by the Board and the Director.

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

17 (225 ILCS 458/15-15)

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

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

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

1 investigate the actions of the licensee or applicant. If, upon  
2 a preliminary investigation, the Department or the Board  
3 determines that there is probable cause to believe that grounds  
4 for suspension, revocation, or other disciplinary action  
5 exist, the Department or the Board shall use the services of a  
6 State certified general real estate appraiser or a State  
7 certified residential real estate appraiser in conducting a  
8 final investigation prior to commencing formal disciplinary  
9 proceedings.

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

1 an answer after service of notice, his or her license may, at  
2 the discretion of the Department ~~Office of Banks and Real~~  
3 ~~Estate~~, be suspended, revoked, or placed on probationary status  
4 and the Department ~~Office of Banks and Real Estate~~ may take  
5 whatever disciplinary action it deems proper, including  
6 limiting the scope, nature, or extent of the person's practice,  
7 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 present  
11 in person or by counsel such statements, testimony, evidence,  
12 and argument as may be pertinent to the charges or to a defense  
13 thereto.

14 (d) The Board shall present to the Secretary ~~Commissioner~~ a  
15 written report of its findings and recommendations. A copy of  
16 the report shall be served upon the licensee or applicant,  
17 either personally or by certified mail. Within 20 days after  
18 the service, the licensee or applicant may present the  
19 Secretary ~~Commissioner~~ with a motion in writing for either a  
20 rehearing, a proposed finding of fact, a conclusion of law, or  
21 an alternative sanction, and shall specify the particular  
22 grounds for the request. If the accused orders a transcript of  
23 the record as provided in this Act, the time elapsing  
24 thereafter and before the transcript is ready for delivery to  
25 the accused shall not be counted as part of the 20 days. If the  
26 Secretary ~~Commissioner~~ is not satisfied that substantial

1 justice has been done, the Secretary ~~Commissioner~~ may order a  
2 rehearing by the Board or other special committee appointed by  
3 the Secretary ~~Commissioner~~, may remand the matter to the Board  
4 for its reconsideration of the matter based on the pleadings  
5 and evidence presented to the Board, or may enter a final order  
6 in contravention of the Board's recommendation. In all  
7 instances under this Act in which the Board has rendered a  
8 recommendation to the Secretary ~~Commissioner~~ with respect to a  
9 particular licensee or applicant, the Secretary ~~Commissioner~~,  
10 if he or she disagrees with the recommendation of the Board,  
11 shall file with the Board and provide to the licensee or  
12 applicant a copy of the Secretary's ~~Commissioner's~~ specific  
13 written reasons for disagreement with the Board. The reasons  
14 shall be filed within 60 days of the Board's recommendation to  
15 the Secretary ~~Commissioner~~ and prior to any contrary action.  
16 Notwithstanding a licensee's or applicant's failure to file a  
17 motion for rehearing ~~At the expiration of the time specified~~  
18 ~~for filing a motion for a rehearing,~~ the Secretary ~~Commissioner~~  
19 shall have the right to take any of the actions specified in  
20 this subsection (d). Upon the suspension or revocation of a  
21 license, the licensee shall be required to surrender his or her  
22 license to the Department ~~OBRE~~, and upon failure or refusal to  
23 do so, the Department ~~OBRE~~ shall have the right to seize the  
24 license.

25 (e) The Department ~~Office of Banks and Real Estate~~ has the  
26 power to issue subpoenas and subpoenas duces tecum to bring

1 before it any person in this State, to take testimony, or to  
2 require production of any records relevant to an inquiry or  
3 hearing by the Board in the same manner as prescribed by law in  
4 judicial proceedings in the courts of this State. In a case of  
5 refusal of a witness to attend, testify, or to produce books or  
6 papers concerning a matter upon which he or she might be  
7 lawfully examined, the circuit court of the county where the  
8 hearing is held, upon application of the Department ~~Office of~~  
9 ~~Banks and Real Estate~~ or any party to the proceeding, may  
10 compel obedience by proceedings as for contempt.

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

14 (g) In addition to the provisions of this Section  
15 concerning the conduct of hearings and the recommendations for  
16 discipline, the Department ~~OBRE~~ has the authority to negotiate  
17 disciplinary and non-disciplinary settlement agreements  
18 concerning any license issued under this Act. All such  
19 agreements shall be recorded as Consent Orders or Consent to  
20 Administrative Supervision Orders.

21 (h) The Secretary ~~Commissioner~~ shall have the authority to  
22 appoint an attorney duly licensed to practice law in the State  
23 of Illinois to serve as the hearing officer in any action to  
24 suspend, revoke, or otherwise discipline any license issued by  
25 the Department ~~Office of Banks and Real Estate~~. The Hearing  
26 Officer shall have full authority to conduct the hearing.

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

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

10 (225 ILCS 458/15-17 new)

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

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



1 (225 ILCS 458/15-18 new)

2 Sec. 15-18. Report of fraud. Whenever the Secretary becomes  
3 aware, based on reliable information, that any person or entity  
4 regulated by the Department, other than a person or entity  
5 regulated under this Act, is engaged or has been engaged in  
6 real estate appraising for mortgage loan purposes in a manner  
7 that constitutes fraud or misrepresentation or constitutes  
8 dishonest, unethical, or unprofessional conduct of a character  
9 likely to defraud or harm the public, the Secretary shall refer  
10 that matter in a timely manner to the appropriate disciplinary  
11 board or investigative body charged with investigating and  
12 prosecuting the unlawful conduct of such regulated person or  
13 entity and may also refer the matter to the Attorney General or  
14 other appropriate law enforcement agency, as deemed  
15 appropriate by the Secretary.

16 (225 ILCS 458/15-20)

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

18 Sec. 15-20. Administrative Review Law; certification fees;  
19 Administrative Procedure Act.

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

1 the Administrative Review Law.

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

8 (c) The Administrative Procedures Act is hereby expressly  
9 adopted and incorporated herein. In the event of a conflict  
10 between this Act and the Administrative Procedures Act, this  
11 Act shall control.

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

13 (225 ILCS 458/15-30)

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

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

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

1 (225 ILCS 458/15-35)

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

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

8 (1) the signature is the genuine signature of the  
9 Secretary ~~Commissioner~~;

10 (2) the Secretary ~~Commissioner~~ is duly appointed and  
11 qualified; and

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

13 This proof may be rebutted.

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

15 (225 ILCS 458/15-40)

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

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

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

1 (225 ILCS 458/15-45)

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

3 Sec. 15-45. Disciplinary action for educational loan  
4 defaults. The Department ~~OBRE~~ shall deny a license or renewal  
5 authorized by this Act to a person who has defaulted on an  
6 educational loan or scholarship provided or guaranteed by the  
7 Illinois Student Assistance Commission or any governmental  
8 agency of this State; however, the Department ~~OBRE~~ may issue a  
9 license or renewal if the person has established a satisfactory  
10 repayment record as determined by the Illinois Student  
11 Assistance Commission or other appropriate governmental agency  
12 of this State. Additionally, a license issued by the Department  
13 ~~OBRE~~ may be suspended or revoked if the Secretary ~~Commissioner~~,  
14 after the opportunity for a hearing under this Act, finds that  
15 the licensee has failed to make satisfactory repayment to the  
16 Illinois Student Assistance Commission for a delinquent or  
17 defaulted loan.

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

19 (225 ILCS 458/15-50)

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

21 Sec. 15-50. Nonpayment of child support. In cases where the  
22 Department of Healthcare and Family Services (formerly  
23 Department of Public Aid) has previously determined that a  
24 licensee or a potential licensee is more than 30 days  
25 delinquent in the payment of child support and has subsequently

1 certified the delinquency to the Department ~~OBRE~~, the  
2 Department ~~OBRE~~ may refuse to issue or renew or may revoke or  
3 suspend that person's license or may take other disciplinary  
4 action against that person based solely upon the certification  
5 of delinquency made by the Department of Healthcare and Family  
6 Services (formerly Department of Public Aid). Redetermination  
7 of the delinquency by the Department ~~OBRE~~ shall not be  
8 required. In cases regarding the renewal of a license, the  
9 Department ~~OBRE~~ shall not renew any license if the Department  
10 of Healthcare and Family Services (formerly Department of  
11 Public Aid) has certified the licensee to be more than 30 days  
12 delinquent in the payment of child support, unless the licensee  
13 has arranged for payment of past and current child support  
14 obligations in a manner satisfactory to the Department of  
15 Healthcare and Family Services (formerly Department of Public  
16 Aid). The Department ~~OBRE~~ may impose conditions, restrictions,  
17 or disciplinary action upon that renewal.

18 (Source: P.A. 95-331, eff. 8-21-07.)

19 (225 ILCS 458/15-55)

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

21 Sec. 15-55. Returned checks; penalty; termination. A  
22 person who delivers a check or other payment to the Department  
23 ~~OBRE~~ that is returned to the Department ~~OBRE~~ unpaid by the  
24 financial institution upon which it was drawn shall pay to the  
25 Department ~~OBRE~~, in addition to the amount already owed, a

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

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

22 (225 ILCS 458/15-60)

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

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

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

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

5 (225 ILCS 458/20-5)

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

7 Sec. 20-5. Education providers.

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

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

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

17 (2) a sufficient number of qualified instructors;

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

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

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

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

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

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

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

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

14 (225 ILCS 458/20-10)

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

16 Sec. 20-10. Course approval.

17 (a) Only courses offered by licensed education providers  
18 and approved by the Department, courses approved by the AQB, or  
19 courses approved by jurisdictions regulated by the Appraisal  
20 Subcommittee ~~OBRE~~ shall be used to meet the requirements of  
21 this Act and rules.

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



1 the criteria established by the AQB.

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

6 (d) An education provider must use an instructor for each  
7 course approved by the Department who (i) holds a valid real  
8 estate appraisal license in good standing as a State certified  
9 general real estate appraiser or a State certified residential  
10 real estate appraiser in Illinois or any other jurisdiction  
11 regulated by the Appraisal Subcommittee, (ii) holds a valid  
12 teaching certificate issued by the State of Illinois, (iii) is  
13 a faculty member in good standing with an accredited college or  
14 university or community college, (iv) is an approved appraisal  
15 instructor from an appraisal organization that is a member of  
16 the Appraisal Foundation, or (v) meets any other requirements  
17 established by the Department by rule.

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

19 (225 ILCS 458/25-5)

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

21 Sec. 25-5. Appraisal Administration Fund; surcharge. The  
22 Appraisal Administration Fund is created as a special fund in  
23 the State Treasury. All fees, fines, and penalties received by  
24 the Department ~~OBRE~~ under this Act shall be deposited into the  
25 Appraisal Administration Fund. All earnings attributable to

1 investment of funds in the Appraisal Administration Fund shall  
2 be credited to the Appraisal Administration Fund. Subject to  
3 appropriation, the moneys in the Appraisal Administration Fund  
4 shall be paid to the Department ~~OBRE~~ for the expenses incurred  
5 by the Department ~~OBRE~~ and the Board in the administration of  
6 this Act. Moneys in the Appraisal Administration Fund may be  
7 transferred to the Professions Indirect Cost Fund as authorized  
8 under Section 2105-300 of the Department of Professional  
9 Regulation Law of the Civil Administrative Code of Illinois.

10 Upon the completion of any audit of the Department ~~OBRE~~, as  
11 prescribed by the Illinois State Auditing Act, which shall  
12 include an audit of the Appraisal Administration Fund, the  
13 Department ~~OBRE~~ shall make the audit report open to inspection  
14 by any interested person.

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

16 (225 ILCS 458/25-10)

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

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

20 (a) There is hereby created the Real Estate Appraisal  
21 Administration and Disciplinary Board. The Board shall be  
22 composed of 10 persons appointed by the Governor, plus the  
23 Coordinator ~~Director~~ of the Real Estate Appraisal Division.  
24 Members shall be appointed to the Board subject to the  
25 following conditions:

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

4           (2) The appointed membership of the Board should  
5 reasonably reflect the geographic distribution of the  
6 population of the State.

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

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

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

25           (6) One appointed member shall be a representative of a  
26 financial institution, as evidenced by his or her

1 employment with a financial institution.

2 (7) One appointed member shall represent the interests  
3 of the general public. This member or his or her spouse  
4 shall not be licensed under this Act nor be employed by or  
5 have any interest in an appraisal business, real estate  
6 brokerage business, or a financial institution.

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

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

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

19 (b) The term for members of the Board shall be 4 years, and  
20 each member shall serve until his or her successor is appointed  
21 and qualified, ~~except for the initial appointees. Of the~~  
22 ~~initial appointments, 4 members shall be appointed for terms~~  
23 ~~ending June 30, 2006, 3 members shall be appointed for terms~~  
24 ~~ending June 30, 2005, and 3 members shall be appointed for~~  
25 ~~terms ending June 30, 2004.~~ No member shall serve more than 10  
26 years in a lifetime. ~~Those persons serving on the Board~~

1 ~~pursuant to the Real Estate Appraiser Licensing Act shall~~  
2 ~~become members of the new Board on July 1, 2002 and shall serve~~  
3 ~~until the Governor has made the new appointments pursuant to~~  
4 ~~this Act.~~

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

10 (d) A majority of the Board members ~~currently appointed~~  
11 shall constitute a quorum. A vacancy in the membership of the  
12 Board shall not impair the right of a quorum to exercise all of  
13 the rights and perform all of the duties of the Board.

14 (e) The Board shall meet at least quarterly and may be  
15 convened by the Chairperson, Co-Chairperson, or 3 members of  
16 the Board upon 10 days written notice.

17 (f) The Board shall, annually at the first meeting of the  
18 fiscal year, elect a Chairperson and Vice-Chairperson from its  
19 members. The Chairperson shall preside over the meetings and  
20 shall coordinate with the Coordinator ~~Director~~ in developing  
21 and distributing an agenda for each meeting. In the absence of  
22 the Chairperson, the Co-Chairperson shall preside over the  
23 meeting.

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

26 (h) The Board shall advise and make recommendations to the

1 Department ~~OBRE~~ on the education and experience qualifications  
2 of any applicant for initial licensure as a State certified  
3 general real estate appraiser or a State certified residential  
4 real estate appraiser. The Department shall not make any  
5 decisions concerning education or experience qualifications of  
6 an applicant for initial licensure as a State certified general  
7 real estate appraiser or a State certified residential real  
8 estate appraiser without having first received the advice and  
9 recommendation of the Board and ~~matters of licensing and~~  
10 education. ~~OBRE~~ shall give due consideration to all such advice  
11 and recommendations; however, if the Board does not render  
12 advice or make a recommendation within a reasonable amount of  
13 time, as determined by rule of the Department, then the  
14 Department may render a decision ~~presented by the Board.~~

15 (i) Except as provided in Section 15-17 of this Act, the  
16 The Board shall hear and make recommendations to the Secretary  
17 ~~Commissioner~~ on disciplinary matters that require a formal  
18 evidentiary hearing. The Secretary ~~Commissioner~~ shall give due  
19 consideration to the recommendations of the Board involving  
20 discipline and questions involving standards of professional  
21 conduct of licensees.

22 (j) The Department shall seek and the Board shall provide  
23 ~~may make~~ recommendations to the Department ~~OBRE~~ consistent with  
24 the provisions of this Act and for the administration and  
25 enforcement of all ~~the~~ rules adopted pursuant to this Act. The  
26 Department shall not adopt any rules relating to the

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

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

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

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

26 (n) If the Department disagrees with any advice or

1 recommendation provided by the Board under this Section to the  
2 Secretary or the Department, then notice of such disagreement  
3 must be provided to the Board by the Department.

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

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

12 (225 ILCS 458/25-15)

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

14 Sec. 25-15. Coordinator ~~Director~~ of ~~the~~ Real Estate  
15 Appraisal ~~Division~~; appointment; duties. The Secretary shall  
16 appoint, subject to the Personnel Code, a Coordinator of Real  
17 Estate Appraisal. In appointing the Coordinator, the Secretary  
18 shall give due consideration to recommendations made by  
19 members, organizations, and associations of the real estate  
20 appraisal industry. On or after January 1, 2009, the  
21 Coordinator must hold a current, valid State certified general  
22 real estate appraiser license or a State certified residential  
23 real estate appraiser license, which shall be surrendered to  
24 the Department during the term of his or her appointment. The  
25 Coordinator must take the 30-hour National Instructors Course



1 on Uniform Standards of Professional Appraisal Practice. The  
2 Coordinator's license shall be returned in the same status as  
3 it was on the date of surrender, credited with all fees and  
4 continuing education requirements that came due during his or  
5 her employment. Commissioner shall appoint a Director of the  
6 Real Estate Appraisal Division for a term of 4 years. The  
7 Director shall hold a valid State certified general real estate  
8 appraiser or State certified residential real estate appraiser  
9 license, which shall be surrendered to OBRE during the term of  
10 his or her appointment. The Coordinator Director of the Real  
11 Estate Appraisal Division shall:

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

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

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

21 (4) appoint necessary committees to assist in the  
22 performance of the functions and duties of the Department  
23 ~~OBRE~~ under this Act; and

24 (5) (blank). ~~subject to the administrative approval of~~  
25 ~~the Commissioner, supervise the Real Estate Appraisal~~  
26 ~~Division.~~

1       ~~In appointing the Director of the Real Estate Appraisal~~  
2       ~~Division, the Commissioner shall give due consideration to~~  
3       ~~members, organizations, and associations of the real estate~~  
4       ~~appraisal industry.~~

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

6               (225 ILCS 458/25-20)

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

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

20               The Department ~~OBRE~~ shall maintain and update a registry of  
21       the names and addresses of all licensees and a listing of  
22       disciplinary orders issued pursuant to this Act and shall  
23       transmit the registry, along with any national registry fees  
24       that may be required, to the entity specified by, and in a  
25       manner consistent with, Title XI of the federal Financial

1 Institutions Reform, Recovery and Enforcement Act of 1989.

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

3 (225 ILCS 458/25-25)

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

5 Sec. 25-25. Rules. The Department ~~OBRE~~, after considering  
6 any recommendations of the Board, shall adopt rules that may be  
7 necessary for administration, implementation, and enforcement  
8 of the Act.

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

10 (225 ILCS 458/30-10)

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

12 Sec. 30-10. Appraisal Administration Fund.

13 (a) The Appraisal Administrative Fund, created under the  
14 Real Estate License Act of 1983 and continued under Section 40  
15 of the Real Estate Appraiser Licensing Act, is continued under  
16 this Act. All fees collected under this Act shall be deposited  
17 into the Appraisal Administration Fund, created in the State  
18 Treasury under the Real Estate License Act of 1983.

19 (b) Appropriations to the Department ~~OBRE~~ from the  
20 Appraisal Administration Fund for the purpose of administering  
21 the Real Estate Appraiser Licensing Act may be used by the  
22 Department ~~OBRE~~ for the purpose of administering and enforcing  
23 the provisions of this Act.

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

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.

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