



Rep. Angelo Saviano

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09500HB5067ham002

LRB095 17131 RAS 50141 a

1 AMENDMENT TO HOUSE BILL 5067

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5067, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Real Estate Appraiser Licensing Act of 2002  
6 is amended by changing Sections 1-10, 5-5, 5-10, 5-15, 5-20,  
7 5-25, 5-30, 5-35, 5-40, 5-45, 5-55, 10-5, 10-10, 10-20, 15-5,  
8 15-10, 15-15, 15-20, 15-30, 15-35, 15-40, 15-45, 15-50, 15-55,  
9 15-60, 20-5, 20-10, 25-5, 25-10, 25-15, 25-20, 25-25, and 30-10  
10 and by adding Sections 5-20.5, 5-21, 15-17, and 15-18 as  
11 follows:

12 (225 ILCS 458/1-10)

13 (Section scheduled to be repealed on January 1, 2012)

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

16 "Accredited college or university, junior college, or

1 community college" means a college or university, junior  
2 college, or community college that is approved or accredited by  
3 the Board of Higher Education, a regional or national  
4 accreditation association, or by an accrediting agency that is  
5 recognized by the U.S. Secretary of Education.

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

8 "Appraisal" means (noun) the act or process of developing  
9 an opinion of value; an opinion of value (adjective) of or  
10 pertaining to appraising and related functions, such as  
11 appraisal practice or appraisal services.

12 "Appraisal assignment" means a valuation service provided  
13 as a consequence of an agreement between an appraiser and a  
14 client.

15 "Appraisal consulting" means the act or process of  
16 developing an analysis, recommendation, or opinion to solve a  
17 problem, where an opinion of value is a component of the  
18 analysis leading to the assignment results.

19 "Appraisal practice" means valuation services performed by  
20 an individual acting as an appraiser, including, but not  
21 limited to, appraisal, appraisal review, or appraisal  
22 consulting.

23 "Appraisal report" means any communication, written or  
24 oral, of an appraisal, appraisal review, or appraisal  
25 consulting service that is transmitted to a client upon  
26 completion of an assignment ~~a written appraisal by an appraiser~~

1 ~~to a client.~~

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

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

9 "Appraiser" means a person who performs real estate or real  
10 property appraisals.

11 "AOB" means the Appraisal Qualifications Board of the  
12 Appraisal Foundation.

13 "Associate real estate trainee appraiser" means an  
14 entry-level appraiser who holds a license of this  
15 classification under this Act ~~and applies to the appraisal of~~  
16 ~~non complex property having a transaction value less than~~  
17 ~~\$1,000,000, but~~ with restrictions as to the scope of practice  
18 in accordance with this Act.

19 "Board" means the Real Estate Appraisal Administration and  
20 Disciplinary Board.

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

23 "Client" means the party or parties who engage an appraiser  
24 by employment or contract in a specific assignment ~~a person who~~  
25 ~~utilizes the services of an appraiser or engages an appraiser~~  
26 ~~for an appraisal by employment or contract.~~

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

3       "Coordinator" means the Coordinator of Real Estate  
4 Appraisal of the Division of Professional Regulation of the  
5 Department of Financial and Professional Regulation.

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

8       "Department" means the Department of Financial and  
9 Professional Regulation.

10       "Federal financial institutions regulatory agencies" means  
11 the Board of Governors of the Federal Reserve System, the  
12 Federal Deposit Insurance Corporation, the Office of the  
13 Comptroller of the Currency, the Office of Thrift Supervision,  
14 and the National Credit Union Administration.

15       "Federally related transaction" means any real  
16 estate-related financial transaction in which a federal  
17 financial institutions regulatory agency, the Department of  
18 Housing and Urban Development, Fannie Mae, Freddie Mae, or the  
19 National Credit Union Administration engages in, contracts  
20 for, or regulates and requires the services of an appraiser.

21       "Financial institution" means any bank, savings bank,  
22 savings and loan association, credit union, mortgage broker,  
23 mortgage banker, licensee under the Consumer Installment Loan  
24 Act or the Sales Finance Agency Act, or a corporate fiduciary,  
25 subsidiary, affiliate, parent company, or holding company of  
26 any such licensee, or any institution involved in real estate

1 financing that is regulated by state or federal law.

2 "Modular Course" means the Appraisal Qualifying Course  
3 Design conforming to the Sub Topics Course Outline contained in  
4 the AQB Criteria 2008.

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

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

8 "Real estate related financial transaction" means any  
9 transaction involving:

10 (1) the sale, lease, purchase, investment in, or  
11 exchange of real property, including interests in property  
12 or the financing thereof;

13 (2) the refinancing of real property or interests in  
14 real property; and

15 (3) the use of real property or interest in property as  
16 security for a loan or investment, including mortgage  
17 backed securities.

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

20 "Secretary" means the Secretary of Financial and  
21 Professional Regulation.

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

1 "State certified residential real estate appraiser" means  
2 an appraiser who holds a license of this classification under  
3 this Act and such classification applies to the appraisal of  
4 one to 4 units of residential real property without regard to  
5 transaction value or complexity, but with restrictions as to  
6 the scope of practice in a federally related transaction in  
7 accordance with Title XI, the provisions of USPAP, criteria  
8 established by the AQB, and further defined by rule.

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

19 ~~"State licensed real estate appraiser" means an appraiser~~  
20 ~~who holds a real estate appraiser license issued pursuant to a~~  
21 ~~predecessor Act. A real estate appraiser license authorizes its~~  
22 ~~holder to conduct the appraisal of non-complex one to 4 units~~  
23 ~~of residential real property having a transaction value less~~  
24 ~~than \$1,000,000 and complex one to 4 residential units of real~~  
25 ~~property having a value less than \$250,000, but with~~  
26 ~~restrictions as to the scope of practice in accordance with~~

1 ~~Title XI, criteria established by USPAP, by the AQB, by this~~  
2 ~~Act, and by rule. No such initial license shall be issued after~~  
3 ~~the effective date of this Act or renewed after September 30,~~  
4 ~~2003 under this Act.~~

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

7 "USPAP" means the Uniform Standards of Professional  
8 Appraisal Practice as promulgated by the Appraisal Standards  
9 Board pursuant to Title XI and by rule.

10 "Valuation services" means services pertaining to aspects  
11 of property value.

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

13 (225 ILCS 458/5-5)

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

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

16 (a) ~~It Beginning July 1, 2002, it~~ is unlawful for a person  
17 to (i) act, offer services, or advertise services ~~or assume to~~  
18 ~~act~~ as a State certified general real estate appraiser, State  
19 certified residential real estate appraiser, or associate real  
20 estate trainee appraiser ~~to engage in the business of real~~  
21 ~~estate appraisal, (ii) to~~ develop a real estate appraisal,  
22 (iii) to practice as a real estate appraiser, (iv) or to  
23 advertise or hold himself or herself out to be a real estate  
24 appraiser, or (v) solicit clients or enter into an appraisal  
25 engagement with clients ~~in connection with a federally related~~

1 ~~transaction~~ without a ~~real estate appraiser~~ license issued  
2 under this Act. A person who violates this subsection is guilty  
3 of a Class A misdemeanor for a first offense and a Class 4  
4 felony for any subsequent offense.

5 (b) ~~It Beginning July 1, 2002, it~~ is unlawful for a person,  
6 other than a person who holds a valid license issued pursuant  
7 to this Act as a State certified general real estate appraiser,  
8 a State certified residential real estate appraiser, or an  
9 associate real estate trainee appraiser, ~~or as a State licensed~~  
10 ~~real estate appraiser issued pursuant to a predecessor Act~~ to  
11 use these titles or any other title, designation, or  
12 abbreviation likely to create the impression that the person is  
13 licensed as a real estate appraiser pursuant to this Act. A  
14 person who violates this subsection is guilty of a Class A  
15 misdemeanor for a first offense and a Class 4 felony for any  
16 subsequent offense.

17 (c) The licensing requirements of this Act do not require a  
18 person ~~real estate broker or salesperson~~ who holds a valid  
19 license pursuant to the Real Estate License Act of 2000, to be  
20 licensed as a real estate appraiser under this Act, unless that  
21 person ~~the broker or salesperson~~ is providing or attempting to  
22 provide an appraisal report, as defined in Section 1-10 of this  
23 Act, in connection with a federally-related transaction.  
24 Nothing in this Act shall prohibit a person who holds a valid  
25 license under the Real Estate License Act of 2000 from  
26 performing a comparative market analysis or broker price



1 opinion for compensation, provided that the person does not  
2 hold himself out as being a licensed real estate appraiser.

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

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

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

20 (1) A person, partnership, association, or corporation  
21 that performs appraisals of property owned by that person,  
22 partnership, association, or corporation for the sole use  
23 of that person, partnership, association, or corporation.

24 (2) A court-appointed commissioner who conducts an  
25 appraisal pursuant to a judicially ordered evaluation of  
26 property.

1 However, any person who is certified or licensed under this Act  
2 and who performs any of the activities set forth in this  
3 subsection (f) must comply with the provisions of this Act. A  
4 person who violates this subsection (f) is guilty of a Class A  
5 misdemeanor for a first offense and a Class 4 felony for any  
6 subsequent offense.

7 (g) This Act does not apply to an employee, officer,  
8 director, or member of a credit or loan committee of a  
9 financial institution or any other person engaged by a  
10 financial institution when performing an evaluation of real  
11 property for the sole use of the financial institution in a  
12 transaction for which the financial institution would not be  
13 required to use the services of a State licensed or State  
14 certified appraiser pursuant to federal regulations adopted  
15 under Title XI of the federal Financial Institutions Reform,  
16 Recovery, and Enforcement Act of 1989, nor does this Act apply  
17 to the procurement of an automated valuation model.

18 "Automated valuation model" means an automated system that  
19 is used to derive a property value through the use of publicly  
20 available property records and various analytic methodologies  
21 such as comparable sales prices, home characteristics, and  
22 historical home price appreciations.

23 ~~For the purposes of this subsection, "brokerage service"~~  
24 ~~means the activity of offering, negotiating, buying, listing,~~  
25 ~~selling, or leasing real estate or procuring or referring~~  
26 ~~prospects intended to result in the listing, sale, purchase,~~

1 ~~lease, or exchange of real estate for another and for~~  
2 ~~compensation.~~

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

4 (225 ILCS 458/5-10)

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

6 Sec. 5-10. Application for State certified general real  
7 estate appraiser.

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

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

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

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

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

19 (5) prior to taking the examination, provide evidence to  
20 the Department, in Modular Course format, with each module  
21 conforming to the Real Property Appraiser Qualification  
22 Criteria established and adopted by the AQB, ~~OBRE~~ that he or  
23 she has successfully completed the prerequisite classroom  
24 hours of instruction in appraising as established by the AQB  
25 and by rule; and

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

5 (b) Applicants must provide evidence to the Department of  
6 (i) holding a Bachelor's degree or higher from an accredited  
7 college or university or (ii) successfully passing 30 semester  
8 credit hours or the equivalent from an accredited college or  
9 university, junior college, or community college in the  
10 following subjects:

11 (1) English composition;

12 (2) micro economics;

13 (3) macro economics;

14 (4) finance;

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

16 (6) statistics;

17 (7) introduction to computers-word  
18 processing/spreadsheets;

19 (8) business or real estate law; and

20 (9) two elective courses in accounting, geography,  
21 agricultural economics, business management, or real  
22 estate.

23 If an accredited college or university accepts the  
24 College-Level Examination Program (CLEP) examinations and  
25 issues a transcript for the exam showing its approval, it will  
26 be considered credit for the college course for the purposes of

1 meeting the requirements of this subsection (c).

2 (c) Notwithstanding any other rulemaking authority that  
3 may exist, neither the Governor nor any agency or agency head  
4 under the jurisdiction of the Governor has any authority to  
5 make or promulgate rules to implement or enforce the provisions  
6 of this amendatory Act of the 95th General Assembly. If,  
7 however, the Governor believes that rules are necessary to  
8 implement or enforce the provisions of this amendatory Act of  
9 the 95th General Assembly, the Governor may suggest rules to  
10 the General Assembly by filing them with the Clerk of the House  
11 and the Secretary of the Senate and by requesting that the  
12 General Assembly authorize such rulemaking by law, enact those  
13 suggested rules into law, or take any other appropriate action  
14 in the General Assembly's discretion. Nothing contained in this  
15 amendatory Act of the 95th General Assembly shall be  
16 interpreted to grant rulemaking authority under any other  
17 Illinois statute where such authority is not otherwise  
18 explicitly given. For the purposes of this amendatory Act of  
19 the 95th General Assembly, "rules" is given the meaning  
20 contained in Section 1-70 of the Illinois Administrative  
21 Procedure Act, and "agency" and "agency head" are given the  
22 meanings contained in Sections 1-20 and 1-25 of the Illinois  
23 Administrative Procedure Act to the extent that such  
24 definitions apply to agencies or agency heads under the  
25 jurisdiction of the Governor.

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

1 (225 ILCS 458/5-15)

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

3 Sec. 5-15. Application for State certified residential  
4 real estate appraiser.

5 (a) Every person who desires to obtain a State certified  
6 residential real estate appraiser license shall:

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

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

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

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

16 (5) prior to taking the examination, provide evidence  
17 to the Department, in Modular Course format, with each  
18 module conforming to the Real Property Appraiser  
19 Qualification Criteria established and adopted by the AQB,  
20 ~~OBRE~~ that he or she has successfully completed the  
21 prerequisite classroom hours of instruction in appraising  
22 as established by the AQB and by rule; and

23 (6) prior to taking the examination, provide evidence  
24 to the Department ~~OBRE~~ that he or she has successfully  
25 completed the prerequisite experience requirements as

1 established by AQB and by rule.

2 (b) Applicants must provide evidence to the Department of  
3 (i) holding an Associate's degree or its equivalent from an  
4 accredited college or university, junior college, or community  
5 college or (ii) successfully passing 21 semester credit hours  
6 or the equivalent from an accredited college or university,  
7 junior college, or community college in the following subjects:

8 (1) English composition;

9 (2) principals of economics (micro or macro);

10 (3) finance;

11 (4) algebra, geometry, or higher mathematics;

12 (5) statistics;

13 (6) introduction to computers-word processing and  
14 spreadsheets; and

15 (7) business or real estate law.

16 If an accredited college or university accepts the  
17 College-Level Examination Program (CLEP) examinations and  
18 issues a transcript for the exam showing its approval, it will  
19 be considered credit for the college course for the purposes of  
20 the requirements of this subsection (b).

21 (c) Notwithstanding any other rulemaking authority that  
22 may exist, neither the Governor nor any agency or agency head  
23 under the jurisdiction of the Governor has any authority to  
24 make or promulgate rules to implement or enforce the provisions  
25 of this amendatory Act of the 95th General Assembly. If,  
26 however, the Governor believes that rules are necessary to

1 implement or enforce the provisions of this amendatory Act of  
2 the 95th General Assembly, the Governor may suggest rules to  
3 the General Assembly by filing them with the Clerk of the House  
4 and the Secretary of the Senate and by requesting that the  
5 General Assembly authorize such rulemaking by law, enact those  
6 suggested rules into law, or take any other appropriate action  
7 in the General Assembly's discretion. Nothing contained in this  
8 amendatory Act of the 95th General Assembly shall be  
9 interpreted to grant rulemaking authority under any other  
10 Illinois statute where such authority is not otherwise  
11 explicitly given. For the purposes of this amendatory Act of  
12 the 95th General Assembly, "rules" is given the meaning  
13 contained in Section 1-70 of the Illinois Administrative  
14 Procedure Act, and "agency" and "agency head" are given the  
15 meanings contained in Sections 1-20 and 1-25 of the Illinois  
16 Administrative Procedure Act to the extent that such  
17 definitions apply to agencies or agency heads under the  
18 jurisdiction of the Governor.

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

20 (225 ILCS 458/5-20)

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

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

25 (1) apply to the Department ~~OBRE~~ on forms provided by



1 the Department ~~OBRE~~ accompanied by the required fee;

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

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

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

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

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

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

20 (225 ILCS 458/5-20.5 new)

21 Sec. 5-20.5. Duration of application. Applicants have 3  
22 years from the date of application to complete the application  
23 process. If the process has not been completed within 3 years,  
24 the application shall be denied, the fee shall be forfeited,  
25 and the applicant must reapply and meet the requirements in

1 effect at the time of reapplication.

2 (225 ILCS 458/5-21 new)

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

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

8 (225 ILCS 458/5-25)

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

10 Sec. 5-25. Renewal of license.

11 (a) The expiration date and renewal period for a State  
12 certified general real estate appraiser license or a State  
13 certified residential real estate appraiser license issued  
14 under this Act shall be set by rule. Except as otherwise  
15 provided in subsections (b) and (f) of this Section, the holder  
16 of a license may renew the license within 90 days preceding the  
17 expiration date by:

18 (1) completing and submitting to the Department ~~OBRE~~ a  
19 renewal application form as provided by the Department  
20 ~~OBRE~~;

21 (2) paying the required fees; and

22 (3) providing evidence of successful completion of the  
23 continuing education requirements through courses approved  
24 by the Department ~~OBRE~~ from education providers licensed by

1           the Department ~~OBRE~~, as established by the AQB and by rule.

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

9           (c) (Blank). ~~A State licensed real estate appraiser's~~  
10 ~~license issued pursuant to a predecessor Act shall continue in~~  
11 ~~effect until the earlier of its expiration date or September~~  
12 ~~30, 2003. The holder of such a license may not renew the~~  
13 ~~license for any period after September 30, 2003, but may~~  
14 ~~convert the license to an associate real estate appraiser~~  
15 ~~license under this Act until September 30, 2003 pursuant to~~  
16 ~~subsection (b) of Section 5-20 of this Act.~~

17           (d) The expiration date and renewal period for an associate  
18 real estate trainee appraiser license issued under this Act  
19 shall be set by rule. Except as otherwise provided in  
20 subsections (e) and (f) of this Section, the holder of an  
21 associate real estate appraiser license may renew the license  
22 within 90 days preceding the expiration date by:

23           (1) completing and submitting to the Department ~~OBRE~~ a  
24 renewal application form as provided by the Department  
25 ~~OBRE~~;

26           (2) paying the required fees; and

1 (3) providing evidence of successful completion of the  
2 continuing education requirements through courses approved  
3 by the Department ~~OBRE~~ from education providers approved by  
4 the Department ~~OBRE~~, as established by rule.

5 (e) Any associate real estate appraiser trainee whose  
6 license under this Act has expired may renew the license for a  
7 period of 2 years following the expiration date by complying  
8 with the requirements of paragraphs (1), (2), and (3) of  
9 subsection (d) of this Section and paying any late penalties as  
10 established by rule. An associate real estate trainee appraiser  
11 license may not be renewed more than 2 times.

12 (f) Notwithstanding subsections (c) and (e), an appraiser  
13 whose license under this Act has expired may renew or convert  
14 the license without paying any lapsed renewal fees or late  
15 penalties if the license expired while the appraiser was:

16 (1) on active duty with the United States Armed  
17 Services;

18 (2) serving as the Coordinator ~~Director~~ of Real Estate  
19 Appraisal or an employee of the Department ~~OBRE~~ who was  
20 required to surrender his or her license during the term of  
21 employment.

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

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

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

8           (225 ILCS 458/5-30)

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

10          Sec. 5-30. Endorsement Reciprocity; ~~consent to~~  
11 ~~jurisdiction. The Department may issue an (a) A nonresident who~~  
12 ~~holds a valid appraiser license, without the required~~  
13 ~~examination, to an applicant licensed by another issued to him~~  
14 ~~or her by the proper licensing authority of a state, territory,~~  
15 ~~possession of the United States, or the District of Columbia,~~  
16 if (i) the that has licensing requirements of that licensing  
17 authority are, on the date of licensure, substantially equal to  
18 ~~or substantially equivalent to the requirements set forth under~~  
19 this Act or to a person who, at the time of his or her  
20 application, possessed individual qualifications that were  
21 substantially equivalent to the requirements of this Act or  
22 (ii) of the State of Illinois and otherwise meets the  
23 ~~requirements for licensure may obtain a license without~~  
24 ~~examination, provided that: (1) OBRE has entered into a valid~~  
25 ~~reciprocal agreement with the proper licensing authority of the~~

1 ~~state, territory, or possession of the United States, or the~~  
2 ~~District of Columbia;~~ (2) the applicant provides the Department  
3 ~~OBRE~~ with evidence ~~a certificate~~ of good standing from the  
4 ~~licensing authority of the applicant's place of residence or by~~  
5 ~~an~~ Appraisal Subcommittee National Registry ~~registry history~~  
6 ~~report.~~ An applicant under this Section shall pay all of the  
7 required fees.; (3) ~~the applicant completes and submits an~~  
8 ~~application as provided by OBRE and the applicant pays all~~  
9 ~~applicable fees required under this Act.~~

10 ~~(b) A nonresident applicant shall file an irrevocable~~  
11 ~~consent with OBRE authorizing that actions may be commenced~~  
12 ~~against the applicant or nonresident licensee in a court of~~  
13 ~~competent jurisdiction in the State of Illinois by the service~~  
14 ~~of summons, process, or other pleading authorized by law upon~~  
15 ~~the Commissioner. The consent shall stipulate and agree that~~  
16 ~~service of the summons, process, or pleading upon the~~  
17 ~~Commissioner shall be taken and held in all courts to be valid~~  
18 ~~and binding as if actual service had been made upon the~~  
19 ~~nonresident licensee in Illinois. If a summons, process, or~~  
20 ~~other pleading is served upon the Commissioner, it shall be by~~  
21 ~~duplicate copies, one of which shall be retained by OBRE and~~  
22 ~~the other of which shall be immediately forwarded by certified~~  
23 ~~or registered mail to the last known address of the nonresident~~  
24 ~~licensee against whom the summons, process, or other pleading~~  
25 ~~may be directed.~~

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

1 (225 ILCS 458/5-35)

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

3 Sec. 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.

9 (b) The prerequisite classroom hours necessary for a person  
10 to sit for the examination for licensure as an associate real  
11 estate trainee appraiser shall be established by rule.  
12 (Source: P.A. 92-180, eff. 7-1-02.)

13 (225 ILCS 458/5-40)

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

15 Sec. 5-40. Pre-license experience requirements. The  
16 prerequisite experience necessary for a person to be approved  
17 to sit for the examination for licensure as a State certified  
18 general real estate appraiser or a State certified residential  
19 real estate appraiser shall be ~~in accordance with AQB criteria~~  
20 ~~and~~ established by rule.

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

22 (225 ILCS 458/5-45)

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

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

2           (a) The continuing education requirements for a person to  
3 renew a license as a State certified general real estate  
4 appraiser or a State certified residential real estate  
5 appraiser shall be ~~in accordance with AQB criteria and~~  
6 established by rule.

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

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

11           (225 ILCS 458/5-55)

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

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

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

21           (225 ILCS 458/10-5)

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

23           Sec. 10-5. Scope of practice.

24           (a) This Act does not limit a State certified general real



1 estate appraiser in his or her scope of practice in a federally  
2 related transaction. A certified general real estate appraiser  
3 may independently provide appraisal services, review, or  
4 consulting relating to any type of property for which he or she  
5 has experience or ~~and~~ is competent. All such appraisal practice  
6 must be made in accordance with the provisions of USPAP,  
7 criteria established by the AQB, and rules adopted pursuant to  
8 this Act.

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

14 (c) A State certified residential real estate appraiser  
15 must have a State certified general real estate appraiser who  
16 holds a valid license under this Act co-sign all appraisal  
17 reports on properties other than one to 4 units of residential  
18 real property without regard to transaction value or  
19 complexity. ~~A State licensed real estate appraiser is limited~~  
20 ~~in his or her scope of practice in a federally related~~  
21 ~~transaction as provided by Title XI, the provisions of USPAP,~~  
22 ~~eriteria established by the AQB, and the rules adopted pursuant~~  
23 ~~to this Act. No State licensed real estate appraiser license~~  
24 ~~shall be issued on or after September 30, 2003 under this Act.~~

25 (d) An associate real estate trainee appraiser is limited  
26 in his or her scope of practice in all transactions in

1 accordance with the provisions of USPAP, this Act, and the  
2 rules adopted pursuant to this Act. In addition, an associate  
3 real estate trainee appraiser shall be required to have a State  
4 certified general real estate appraiser or State certified  
5 residential real estate appraiser who holds a valid license  
6 under this Act to co-sign all appraisal reports. The associate  
7 real estate trainee appraiser licensee may not have more than 3  
8 supervising appraisers, and a supervising appraiser may not  
9 supervise more than 3 associate real estate trainee appraisers  
10 at one time. A chronological appraisal log on an approved log  
11 form shall be maintained by the associate real estate trainee  
12 appraiser and shall be made available to the Department upon  
13 request.

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

15 (225 ILCS 458/10-10)

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

17 Sec. 10-10. Standards of practice. All persons licensed  
18 under this Act must comply with standards of professional  
19 appraisal practice adopted by the Department ~~OBRE~~. The  
20 Department ~~OBRE~~ must adopt, as part of its rules, the Uniform  
21 Standards of Professional Appraisal Practice (USPAP) as  
22 published from time to time by the Appraisal Standards Board of  
23 the Appraisal Foundation. The Department ~~OBRE~~ shall consider  
24 federal laws and regulations regarding the licensure of real  
25 estate appraisers prior to adopting its rules for the

1 administration of this Act.

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

3 (225 ILCS 458/10-20)

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

5 Sec. 10-20. Retention of records. A person licensed under  
6 this Act shall retain the original copy of all written  
7 contracts engaging his or her services as an appraiser and all  
8 appraisal reports, including any supporting data used to  
9 develop the appraisal report, for a period of 5 years or 2  
10 years after the final disposition of any judicial proceeding in  
11 which testimony was given, whichever is longer. In addition, a  
12 person licensed under this Act shall retain contracts, logs,  
13 and appraisal reports used in meeting pre-license experience  
14 requirements for a period of 5 years and shall be made  
15 available to the Department upon request.

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

17 (225 ILCS 458/15-5)

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

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

21 (a) A person who violates Section 5-5 of this Act shall, in  
22 addition to any other penalty provided by law, pay a civil  
23 penalty to the Department ~~OBRE~~ in an amount not to exceed  
24 \$25,000 ~~\$10,000~~ for each violation as determined by the

1 ~~Secretary Commissioner~~. The civil penalty shall be assessed by  
2 the ~~Secretary Commissioner~~ after a hearing in accordance with  
3 the provisions of this Act regarding the provision of a hearing  
4 for the discipline of a license.

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

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

21 (d) Practicing as an appraiser without holding a valid  
22 license as required under this Act is declared to be adverse to  
23 the public welfare, to constitute a public nuisance, and to  
24 cause irreparable harm to the public welfare. The Secretary  
25 ~~Commissioner~~, the Attorney General, or the State's Attorney of  
26 any county in the State may maintain an action for injunctive

1 relief in any circuit court to enjoin any person from engaging  
2 in such practice.

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

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

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

2 (225 ILCS 458/15-10)

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

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

5 (a) The Department ~~Office of Banks and Real Estate~~ may  
6 suspend, revoke, refuse to issue, ~~or~~ renew, or restore a  
7 license and may reprimand place on probation or administrative  
8 supervision, or take any disciplinary or non-disciplinary  
9 action ~~otherwise discipline a licensee~~, including imposing  
10 conditions limiting the scope, nature, or extent of the real  
11 estate appraisal practice of a licensee or reducing the  
12 appraisal rank of a licensee, and may impose an administrative  
13 fine ~~a civil penalty~~ not to exceed \$25,000 for each violation  
14 ~~\$10,000~~ upon a licensee for ~~one or~~ any one or combination of  
15 the following:

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

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

24 (3) Paying money, other than for the fees provided for  
25 by this Act, or anything of value to a member or employee

1 of the Board or the Department ~~Office of Banks and Real~~  
2 ~~Estate~~ to procure licensure under this Act.

3 (4) Conviction of or entry of a plea of guilty or nolo  
4 contendere to Being convicted of any crime that is a felony  
5 under the laws of the United States or any state or  
6 territory thereof or a misdemeanor of which, an essential  
7 element ~~of which~~ is dishonesty, ~~fraud, theft, or~~  
8 ~~embezzlement, or obtaining money, property, or credit by~~  
9 ~~false pretenses, or any other crime~~ that is directly  
10 ~~reasonably~~ related to the practice of the profession ~~real~~  
11 ~~estate appraisal or a conviction in any state or federal~~  
12 ~~court of any felony.~~

13 (5) Committing an act or omission involving  
14 dishonesty, fraud, or misrepresentation with the intent to  
15 substantially benefit the licensee or another person or  
16 with intent to substantially injure another person as  
17 defined by rule.

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

22 (7) Failing or refusing without good cause to exercise  
23 reasonable diligence in developing, reporting, or  
24 communicating an appraisal, as defined by this Act or by  
25 rule.

26 (8) Violating a provision of this Act or the rules

1           adopted pursuant to this Act.

2           (9) Having been disciplined by another state, the  
3           District of Columbia, a territory, a foreign nation, a  
4           governmental agency, or any other entity authorized to  
5           impose discipline if at least one of the grounds for that  
6           discipline is the same as or the equivalent of one of the  
7           grounds for which a licensee may be disciplined under this  
8           Act.

9           (10) Engaging in dishonorable, unethical, or  
10          unprofessional conduct of a character likely to deceive,  
11          defraud, or harm the public.

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

18          (12) Developing valuation conclusions based on the  
19          race, color, religion, sex, national origin, ancestry,  
20          age, marital status, family status, physical or mental  
21          handicap, or unfavorable military discharge, as defined  
22          under the Illinois Human Rights Act, of the prospective or  
23          present owners or occupants of the area or property under  
24          appraisal.

25          (13) Violating the confidential nature of government  
26          records to which the licensee gained access through



1 employment or engagement as an appraiser by a government  
2 agency.

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

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

11 (16) Engaging in misleading or untruthful advertising  
12 or using a trade name or insignia of membership in a real  
13 estate appraisal or real estate organization of which the  
14 licensee is not a member.

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

21 (18) Failing to include within the certificate of  
22 appraisal for all written appraisal reports the  
23 appraiser's license number and licensure title. All  
24 appraisers providing significant contribution to the  
25 development and reporting of an appraisal must be disclosed  
26 in the appraisal report. It is a violation of this Act for

1 an appraiser to sign a report, transmittal letter, or  
2 appraisal certification knowing that a person providing a  
3 significant contribution to the report has not been  
4 disclosed in the appraisal report.

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

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

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

14 (22) Gross negligence in developing an appraisal or in  
15 communicating an appraisal or failing to observe one or  
16 more of the Uniform Standards of Professional Appraisal  
17 Practice.

18 (23) A pattern of practice or other behavior that  
19 demonstrates incapacity or incompetence to practice under  
20 this Act.

21 (24) Using or attempting to use the seal, certificate,  
22 or license of another as his or her own; falsely  
23 impersonating any duly licensed appraiser; using or  
24 attempting to use an inactive, expired, suspended, or  
25 revoked license; or aiding or abetting any of the  
26 foregoing.

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

3           (26) Making a material misstatement in furnishing  
4           information to the Department.

5           (27) Failure to furnish information to the Department  
6           upon written request.

7           (b) The Department ~~Office of Banks and Real Estate~~ may  
8           reprimand suspend, revoke, or refuse to issue or renew an  
9           education provider's license, may reprimand, place on  
10          probation, or otherwise discipline an education provider and  
11          may suspend or revoke the course approval of any course offered  
12          by an education provider and may impose an administrative fine  
13          ~~a civil penalty~~ not to exceed \$25,000 ~~\$10,000~~ upon an education  
14          provider, for any of the following:

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

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

23               (3) Committing an act or omission involving  
24               dishonesty, fraud, or misrepresentation or allowing any  
25               such act or omission by any employee or contractor under  
26               the control of the provider.

1 (4) Engaging in misleading or untruthful advertising.

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

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

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

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

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

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

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

25 (c) In appropriate cases, the Department ~~OBRE~~ may resolve a  
26 complaint against a licensee through the issuance of a Consent

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

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

13 (225 ILCS 458/15-15)

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

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

16 (a) Upon the motion of the Department ~~Office of Banks and~~  
17 ~~Real Estate~~ or the Board or upon a complaint in writing of a  
18 person setting forth facts that, if proven, would constitute  
19 grounds for suspension, revocation, or other disciplinary  
20 action against a licensee or applicant for licensure, the  
21 Department ~~Office of Banks and Real Estate~~ shall investigate  
22 the actions of the licensee or applicant. If, upon  
23 investigation, the Department believes that there may be cause  
24 for suspension, revocation, or other disciplinary action, the  
25 Department shall use the services of a State certified general

1 real estate appraiser, a State certified residential real  
2 estate appraiser, or the Real Estate Coordinator to assist in  
3 determining whether grounds for disciplinary action exist  
4 prior to commencing formal disciplinary proceedings.

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

1 limiting the scope, nature, or extent of the person's practice,  
2 without a hearing.

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

9 (d) The Board shall present to the Secretary ~~Commissioner~~ a  
10 written report of its findings and recommendations. A copy of  
11 the report shall be served upon the licensee or applicant,  
12 either personally or by certified mail. Within 20 days after  
13 the service, the licensee or applicant may present the  
14 Secretary ~~Commissioner~~ with a motion in writing for either a  
15 rehearing, a proposed finding of fact, a conclusion of law, or  
16 an alternative sanction, and shall specify the particular  
17 grounds for the request. If the accused orders a transcript of  
18 the record as provided in this Act, the time elapsing  
19 thereafter and before the transcript is ready for delivery to  
20 the accused shall not be counted as part of the 20 days. If the  
21 Secretary ~~Commissioner~~ is not satisfied that substantial  
22 justice has been done, the Secretary ~~Commissioner~~ may order a  
23 rehearing by the Board or other special committee appointed by  
24 the Secretary ~~Commissioner~~, may remand the matter to the Board  
25 for its reconsideration of the matter based on the pleadings  
26 and evidence presented to the Board, or may enter a final order

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

20 (e) The Department ~~Office of Banks and Real Estate~~ has the  
21 power to issue subpoenas and subpoenas duces tecum to bring  
22 before it any person in this State, to take testimony, or to  
23 require production of any records relevant to an inquiry or  
24 hearing by the Board in the same manner as prescribed by law in  
25 judicial proceedings in the courts of this State. In a case of  
26 refusal of a witness to attend, testify, or to produce books or



1 papers concerning a matter upon which he or she might be  
2 lawfully examined, the circuit court of the county where the  
3 hearing is held, upon application of the Department ~~Office of~~  
4 ~~Banks and Real Estate~~ or any party to the proceeding, may  
5 compel obedience by proceedings as for contempt.

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

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

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

22 (i) The Department ~~OBRE~~, at its expense, shall preserve a  
23 record of all formal hearings of any contested case involving  
24 the discipline of a license. At all hearings or pre-hearing  
25 conferences, the Department ~~OBRE~~ and the licensee shall be  
26 entitled to have the proceedings transcribed by a certified

1 shorthand reporter. A copy of the transcribed proceedings shall  
2 be made available to the licensee by the certified shorthand  
3 reporter upon payment of the prevailing contract copy rate.

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

5 (225 ILCS 458/15-17 new)

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

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

21 (225 ILCS 458/15-18 new)

22 Sec. 15-18. Report of fraud. Whenever the Secretary becomes  
23 aware, based on reliable information, that any person or entity  
24 regulated by the Department, other than a person or entity

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

12 (225 ILCS 458/15-20)

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

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

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

22 (b) The Department ~~OBRE~~ shall not be required to certify  
23 any record, file any answer or otherwise appear unless the  
24 party filing the administrative review complaint pays the  
25 certification fee to the Department ~~OBRE~~ as provided by rule.

1 Failure on the part of the plaintiff to make such a deposit  
2 shall be grounds for dismissal of the action.

3 (c) The Administrative Procedures Act is hereby expressly  
4 adopted and incorporated herein. In the event of a conflict  
5 between this Act and the Administrative Procedures Act, this  
6 Act shall control.

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

8 (225 ILCS 458/15-30)

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

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

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

20 (225 ILCS 458/15-35)

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

22 Sec. 15-35. Signature of the Secretary ~~Commissioner~~. An  
23 order of revocation or suspension or a certified copy of the  
24 order, bearing the seal of the Department ~~OBRE~~ and purporting

1 to be signed by the Secretary ~~Commissioner~~, shall be prima  
2 facie proof that:

3 (1) the signature is the genuine signature of the  
4 Secretary ~~Commissioner~~;

5 (2) the Secretary ~~Commissioner~~ is duly appointed and  
6 qualified; and

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

8 This proof may be rebutted.

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

10 (225 ILCS 458/15-40)

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

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

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

20 (225 ILCS 458/15-45)

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

22 Sec. 15-45. Disciplinary action for educational loan  
23 defaults. The Department ~~OBRE~~ shall deny a license or renewal  
24 authorized by this Act to a person who has defaulted on an

1 educational loan or scholarship provided or guaranteed by the  
2 Illinois Student Assistance Commission or any governmental  
3 agency of this State; however, the Department ~~OBRE~~ may issue a  
4 license or renewal if the person has established a satisfactory  
5 repayment record as determined by the Illinois Student  
6 Assistance Commission or other appropriate governmental agency  
7 of this State. Additionally, a license issued by the Department  
8 ~~OBRE~~ may be suspended or revoked if the Secretary ~~Commissioner~~,  
9 after the opportunity for a hearing under this Act, finds that  
10 the licensee has failed to make satisfactory repayment to the  
11 Illinois Student Assistance Commission for a delinquent or  
12 defaulted loan.

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

14 (225 ILCS 458/15-50)

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

16 Sec. 15-50. Nonpayment of child support. In cases where the  
17 Department of Healthcare and Family Services (formerly  
18 Department of Public Aid) has previously determined that a  
19 licensee or a potential licensee is more than 30 days  
20 delinquent in the payment of child support and has subsequently  
21 certified the delinquency to the Department ~~OBRE~~, the  
22 Department ~~OBRE~~ may refuse to issue or renew or may revoke or  
23 suspend that person's license or may take other disciplinary  
24 action against that person based solely upon the certification  
25 of delinquency made by the Department of Healthcare and Family

1 Services (formerly Department of Public Aid). Redetermination  
2 of the delinquency by the Department ~~OBRE~~ shall not be  
3 required. In cases regarding the renewal of a license, the  
4 Department ~~OBRE~~ shall not renew any license if the Department  
5 of Healthcare and Family Services (formerly Department of  
6 Public Aid) has certified the licensee to be more than 30 days  
7 delinquent in the payment of child support, unless the licensee  
8 has arranged for payment of past and current child support  
9 obligations in a manner satisfactory to the Department of  
10 Healthcare and Family Services (formerly Department of Public  
11 Aid). The Department ~~OBRE~~ may impose conditions, restrictions,  
12 or disciplinary action upon that renewal.

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

14 (225 ILCS 458/15-55)

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

16 Sec. 15-55. Checks or orders to Department dishonored  
17 because of insufficient funds ~~Returned checks; penalty;~~  
18 ~~termination.~~ Any ~~A~~ person who delivers a check or other payment  
19 to the Department ~~OBRE~~ that is returned to the Department ~~OBRE~~  
20 unpaid by the financial institution upon which it was drawn  
21 shall pay to the Department ~~OBRE~~, in addition to the amount  
22 already owed to the Department, a fine ~~penalty~~ of \$50. The  
23 finer imposed by this Section are in addition to any other  
24 discipline provided under this Act for unlicensed practice or  
25 practice on a non-renewed license. The Department shall notify

1 the applicant or licensee that payment of fees and fines shall  
2 be paid to the Department by certified check or money order  
3 within 30 calendar days after the notification. ~~OBRE shall~~  
4 ~~notify the person, by certified mail return receipt requested,~~  
5 ~~that his or her check or payment was returned and that the~~  
6 ~~person shall pay to OBRE by certified check or money order the~~  
7 ~~amount of the returned check plus a \$50 penalty within 30~~  
8 ~~calendar days after the date of the notification. If, after the~~  
9 ~~expiration of 30 calendar days of the notification, the person~~  
10 ~~has failed to remit the necessary funds and penalty, OBRE shall~~  
11 ~~automatically terminate the license or deny the application~~  
12 ~~without hearing. If the returned check or other payment was for~~  
13 ~~issuance of a license under this Act and that person practices~~  
14 ~~as an appraiser, that person may be subject to discipline for~~  
15 ~~unlicensed practice as provided in this Act. If, after the~~  
16 expiration of 30 days from the date of the notification  
17 termination or denial, the person has failed to submit the  
18 necessary remittance, the Department shall automatically  
19 terminate the license or deny the application, without hearing.  
20 If, after termination or denial, the person seeks a license, he  
21 or she must apply to the Department for restoration or issuance  
22 of the license and pay all fees and fines due to the  
23 Department. The Department may establish a fee for the  
24 processing of an application for restoration of a license to  
25 pay all of the expenses of processing the application ~~seeks a~~  
26 ~~license, he or she shall petition OBRE for restoration and he~~



1 ~~or she may be subject to additional discipline or fines.~~ The  
2 Secretary Commissioner may waive the finer penalties or fines  
3 due under this Section in individual cases where the Secretary  
4 ~~Commissioner~~ finds that the penalties or fines would be  
5 unreasonable or unnecessarily burdensome.

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

7 (225 ILCS 458/15-60)

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

9 Sec. 15-60. Cease and desist orders. The Department ~~OBRE~~  
10 may issue cease and desist orders to persons who engage in  
11 activities prohibited by this Act. Any person in violation of a  
12 cease and desist order issued by the Department ~~OBRE~~ is subject  
13 to all of the penalties provided by law.

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

15 (225 ILCS 458/20-5)

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

17 Sec. 20-5. Education providers.

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

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

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

3           (2) a sufficient number of qualified instructors;

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

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

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

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

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

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

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

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

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

2 Sec. 20-10. Course approval.

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

8 (b) An education provider licensed under this Act may  
9 submit courses to the Department ~~OBRE~~ for approval. The  
10 criteria, requirements, and fees for courses shall be  
11 established by rule in accordance with this Act, Title XI, and  
12 the criteria established by the AQB.

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

17 (d) An education provider must use an instructor for each  
18 course approved by the Department who (i) holds a valid real  
19 estate appraisal license in good standing as a State certified  
20 general real estate appraiser or a State certified residential  
21 real estate appraiser in Illinois or any other jurisdiction  
22 regulated by the Appraisal Subcommittee, (ii) holds a valid  
23 teaching certificate issued by the State of Illinois, (iii) is  
24 a faculty member in good standing with an accredited college or  
25 university or community college, or (iv) is an approved  
26 appraisal instructor from an appraisal organization that is a

1 member of the Appraisal Foundation.

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

3 (225 ILCS 458/25-5)

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

5 Sec. 25-5. Appraisal Administration Fund; surcharge. The  
6 Appraisal Administration Fund is created as a special fund in  
7 the State Treasury. All fees, fines, and penalties received by  
8 the Department ~~OBRE~~ under this Act shall be deposited into the  
9 Appraisal Administration Fund. All earnings attributable to  
10 investment of funds in the Appraisal Administration Fund shall  
11 be credited to the Appraisal Administration Fund. Subject to  
12 appropriation, the moneys in the Appraisal Administration Fund  
13 shall be paid to the Department ~~OBRE~~ for the expenses incurred  
14 by the Department ~~OBRE~~ and the Board in the administration of  
15 this Act. Moneys in the Appraisal Administration Fund may be  
16 transferred to the Professions Indirect Cost Fund as authorized  
17 under Section 2105-300 of the Department of Professional  
18 Regulation Law of the Civil Administrative Code of Illinois.

19 Upon the completion of any audit of the Department ~~OBRE~~, as  
20 prescribed by the Illinois State Auditing Act, which shall  
21 include an audit of the Appraisal Administration Fund, the  
22 Department ~~OBRE~~ shall make the audit report open to inspection  
23 by any interested person.

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

1 (225 ILCS 458/25-10)

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

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

5 (a) There is hereby created the Real Estate Appraisal  
6 Administration and Disciplinary Board. The Board shall be  
7 composed of 10 persons appointed by the Governor, plus the  
8 Coordinator ~~Director~~ of the Real Estate Appraisal Division.  
9 Members shall be appointed to the Board subject to the  
10 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) 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) Two appointed members shall have been actively  
22 engaged and currently licensed as State certified  
23 residential real estate appraisers for a period of not less  
24 than 5 years.

25 (5) Two appointed members shall hold a valid license as  
26 a real estate broker for at least 10 years prior to the

1 date of the appointment, one of whom ~~and~~ shall hold a valid  
2 State certified general real estate appraiser license  
3 issued under this Act or a predecessor Act for a period of  
4 at least 5 years prior to the appointment and one of whom  
5 shall hold a valid State certified residential real estate  
6 appraiser license issued under this Act or a predecessor  
7 Act for a period of at least 5 years prior to the  
8 appointment.

9 (6) One appointed member shall be a representative of a  
10 financial institution, as evidenced by his or her  
11 employment with a financial institution.

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

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

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

25 In making the appointment as provided in paragraph (6) of  
26 this subsection, the Governor shall give due consideration to

1 the recommendations by members and organizations representing  
2 financial institutions.

3 (b) The term for members of the Board shall be 4 years, and  
4 each member shall serve until his or her successor is appointed  
5 and qualified, ~~except for the initial appointees. Of the~~  
6 ~~initial appointments, 4 members shall be appointed for terms~~  
7 ~~ending June 30, 2006, 3 members shall be appointed for terms~~  
8 ~~ending June 30, 2005, and 3 members shall be appointed for~~  
9 ~~terms ending June 30, 2004.~~ No member shall serve more than 10  
10 years in a lifetime. ~~Those persons serving on the Board~~  
11 ~~pursuant to the Real Estate Appraiser Licensing Act shall~~  
12 ~~become members of the new Board on July 1, 2002 and shall serve~~  
13 ~~until the Governor has made the new appointments pursuant to~~  
14 ~~this Act.~~

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

20 (d) A majority of the Board members ~~currently appointed~~  
21 shall constitute a quorum. A vacancy in the membership of the  
22 Board shall not impair the right of a quorum to exercise all of  
23 the rights and perform all of the duties of the Board.

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

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

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

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

25 (i) Except as provided in Section 15-17 of this Act, the  
26 ~~The~~ Board shall hear and make recommendations to the Secretary



1 ~~Commissioner~~ on disciplinary matters that require a formal  
2 evidentiary hearing. The Secretary ~~Commissioner~~ shall give due  
3 consideration to the recommendations of the Board involving  
4 discipline and questions involving standards of professional  
5 conduct of licensees.

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

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

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

26 (m) Members of the Board shall be immune from suit in an

1 action based upon any disciplinary proceedings or other acts  
2 performed in good faith as members of the Board.

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

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

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

15 (225 ILCS 458/25-15)

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

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

1 real estate appraiser license, which shall be surrendered to  
2 the Department during the term of his or her appointment. The  
3 Coordinator must take the 30-hour National Instructors Course  
4 on Uniform Standards of Professional Appraisal Practice. The  
5 Coordinator's license shall be returned in the same status as  
6 it was on the date of surrender, credited with all fees that  
7 came due during his or her employment. Commissioner shall  
8 appoint a Director of the Real Estate Appraisal Division for a  
9 term of 4 years. The Director shall hold a valid State  
10 certified general real estate appraiser or State certified  
11 residential real estate appraiser license, which shall be  
12 surrendered to OBRE during the term of his or her appointment.  
13 The Coordinator Director of the Real Estate Appraisal Division  
14 shall:

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

17 (2) be the direct liaison between the Department ~~OBRE~~,  
18 the profession, and the real estate appraisal industry  
19 organizations and associations;

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

24 (4) appoint necessary committees to assist in the  
25 performance of the functions and duties of the Department  
26 ~~OBRE~~ under this Act; and

1           (5) (blank). ~~subject to the administrative approval of~~  
2           ~~the Commissioner, supervise the Real Estate Appraisal~~  
3           ~~Division.~~

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

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

9           (225 ILCS 458/25-20)

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

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

23          The Department ~~OBRE~~ shall maintain and update a registry of  
24          the names and addresses of all licensees and a listing of  
25          disciplinary orders issued pursuant to this Act and shall

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

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

6 (225 ILCS 458/25-25)

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

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

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

13 (225 ILCS 458/30-10)

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

15 Sec. 30-10. Appraisal Administration Fund.

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

22 (b) Appropriations to the Department ~~OBRE~~ from the  
23 Appraisal Administration Fund for the purpose of administering  
24 the Real Estate Appraiser Licensing Act may be used by the

1 Department ~~OBRE~~ for the purpose of administering and enforcing  
2 the provisions of this Act.

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

4 (225 ILCS 458/10-15 rep.)

5 Section 10. The Real Estate Appraiser Licensing Act of 2002  
6 is amended by repealing Section 10-15.

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.".