



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB1015

Introduced 2/11/2009, by Rep. Angelo Saviano - Robert Rita - John A. Fritchey

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. Imposes conditions on any rulemaking authority. Makes other changes. Repeals a Section concerning identifying a client. Effective immediately.

LRB096 04384 ASK 14754 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, 10-20, 15-5,
7 15-10, 15-15, 15-20, 15-30, 15-35, 15-40, 15-45, 15-50, 15-55,
8 15-60, 20-5, 20-10, 25-5, 25-10, 25-15, 25-20, 25-25, and 30-10
9 and by adding Sections 5-20.5, 5-21, 15-17, and 15-18 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12 (Section scheduled to be repealed on January 1, 2012)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" means (noun) the act or process of developing

1 an opinion of value; an opinion of value (adjective) of or
2 pertaining to appraising and related functions, such as
3 appraisal practice or appraisal services.

4 "Appraisal assignment" means a valuation service provided
5 as a consequence of an agreement between an appraiser and a
6 client.

7 "Appraisal consulting" means the act or process of
8 developing an analysis, recommendation, or opinion to solve a
9 problem, where an opinion of value is a component of the
10 analysis leading to the assignment results.

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

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

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

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

1 "Appraiser" means a person who performs real estate or real
2 property appraisals.

3 "AOB" means the Appraisal Qualifications Board of the
4 Appraisal Foundation.

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

11 "Board" means the Real Estate Appraisal Administration and
12 Disciplinary Board.

13 "Classroom hour" means 50 minutes of instruction out of
14 each 60 minute segment of coursework.

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

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

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

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

26 "Department" means the Department of Financial and

1 Professional Regulation.

2 "Federal financial institutions regulatory agencies" means
3 the Board of Governors of the Federal Reserve System, the
4 Federal Deposit Insurance Corporation, the Office of the
5 Comptroller of the Currency, the Office of Thrift Supervision,
6 and the National Credit Union Administration.

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

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

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

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

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

26 "Real estate related financial transaction" means any

1 transaction involving:

2 (1) the sale, lease, purchase, investment in, or
3 exchange of real property, including interests in property
4 or the financing thereof;

5 (2) the refinancing of real property or interests in
6 real property; and

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

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

12 "Secretary" means the Secretary of Financial and
13 Professional Regulation.

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

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

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

11 ~~"State licensed real estate appraiser" means an appraiser~~
12 ~~who holds a real estate appraiser license issued pursuant to a~~
13 ~~predecessor Act. A real estate appraiser license authorizes its~~
14 ~~holder to conduct the appraisal of non-complex one to 4 units~~
15 ~~of residential real property having a transaction value less~~
16 ~~than \$1,000,000 and complex one to 4 residential units of real~~
17 ~~property having a value less than \$250,000, but with~~
18 ~~restrictions as to the scope of practice in accordance with~~
19 ~~Title XI, criteria established by USPAP, by the AQB, by this~~
20 ~~Act, and by rule. No such initial license shall be issued after~~
21 ~~the effective date of this Act or renewed after September 30,~~
22 ~~2003 under this Act.~~

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

25 "USPAP" means the Uniform Standards of Professional
26 Appraisal Practice as promulgated by the Appraisal Standards

1 Board pursuant to Title XI and by rule.

2 "Valuation services" means services pertaining to aspects
3 of property value.

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

5 (225 ILCS 458/5-5)

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

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

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

22 (b) ~~It Beginning July 1, 2002, it~~ is unlawful for a person,
23 other than a person who holds a valid license issued pursuant
24 to this Act as a State certified general real estate appraiser,
25 a State certified residential real estate appraiser, or an

1 associate real estate trainee appraiser, ~~or as a State licensed~~
2 ~~real estate appraiser issued pursuant to a predecessor Act~~ to
3 use these titles or any other title, designation, or
4 abbreviation likely to create the impression that the person is
5 licensed as a real estate appraiser pursuant to this Act. A
6 person who violates this subsection is guilty of a Class A
7 misdemeanor for a first offense and a Class 4 felony for any
8 subsequent offense.

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

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

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

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

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

12 (1) A person, partnership, association, or corporation
13 that performs appraisals of property owned by that person,
14 partnership, association, or corporation for the sole use
15 of that person, partnership, association, or corporation.

16 (2) A court-appointed commissioner who conducts an
17 appraisal pursuant to a judicially ordered evaluation of
18 property.

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

25 (g) This Act does not apply to an employee, officer,
26 director, or member of a credit or loan committee of a

1 financial institution or any other person engaged by a
2 financial institution when performing an evaluation of real
3 property for the sole use of the financial institution in a
4 transaction for which the financial institution would not be
5 required to use the services of a State licensed or State
6 certified appraiser pursuant to federal regulations adopted
7 under Title XI of the federal Financial Institutions Reform,
8 Recovery, and Enforcement Act of 1989, nor does this Act apply
9 to the procurement of an automated valuation model.

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

15 ~~For the purposes of this subsection, "brokerage service"~~
16 ~~means the activity of offering, negotiating, buying, listing,~~
17 ~~selling, or leasing real estate or procuring or referring~~
18 ~~prospects intended to result in the listing, sale, purchase,~~
19 ~~lease, or exchange of real estate for another and for~~
20 ~~compensation.~~

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

22 (225 ILCS 458/5-10)

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

24 Sec. 5-10. Application for State certified general real
25 estate appraiser.

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

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

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

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

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

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

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

23 (b) Applicants must provide evidence to the Department of
24 (i) holding a Bachelor's degree or higher from an accredited
25 college or university or (ii) successfully passing 30 semester
26 credit hours or the equivalent from an accredited college or

1 university, junior college, or community college in the
2 following subjects:

3 (1) English composition;

4 (2) micro economics;

5 (3) macro economics;

6 (4) finance;

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

8 (6) statistics;

9 (7) introduction to computers-word processing and
10 spreadsheets;

11 (8) business or real estate law; and

12 (9) two elective courses in accounting, geography,
13 agricultural economics, business management, or real
14 estate.

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

20 (c) Rulemaking authority to implement this amendatory Act
21 of the 96th General Assembly, if any, is conditioned on the
22 rules being adopted in accordance with all provisions of the
23 Illinois Administrative Procedure Act and all rules and
24 procedures of the Joint Committee on Administrative Rules; any
25 purported rule not so adopted, for whatever reason, is
26 unauthorized.

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

2 (225 ILCS 458/5-15)

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

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

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

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

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

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

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

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

24 (6) prior to taking the examination, provide evidence
25 to the Department ~~OBRE~~ that he or she has successfully

1 completed the prerequisite experience requirements as
2 established by AQB and by rule.

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

9 (1) English composition;

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

11 (3) finance;

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

13 (5) statistics;

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

16 (7) business or real estate law.

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

22 (c) Rulemaking authority to implement this amendatory Act
23 of the 96th General Assembly, if any, is conditioned on the
24 rules being adopted in accordance with all provisions of the
25 Illinois Administrative Procedure Act and all rules and
26 procedures of the Joint Committee on Administrative Rules; any

1 purported rule not so adopted, for whatever reason, is
2 unauthorized.

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

4 (225 ILCS 458/5-20)

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

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

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

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

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

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

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

22 ~~(b) A person who holds a valid license as a licensed real~~
23 ~~estate appraiser, issued pursuant to a predecessor Act, may~~
24 ~~convert that license to an associate real estate appraiser~~
25 ~~license by making application to OBRE on forms provided by OBRE~~

1 ~~accompanied by the required fee.~~

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

3 (225 ILCS 458/5-20.5 new)

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

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

11 (225 ILCS 458/5-21 new)

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

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

17 (225 ILCS 458/5-25)

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

19 Sec. 5-25. Renewal of license.

20 (a) The expiration date and renewal period for a State
21 certified general real estate appraiser license or a State
22 certified residential real estate appraiser license issued
23 under this Act shall be set by rule. Except as otherwise

1 provided in subsections (b) and (f) of this Section, the holder
2 of a license may renew the license within 90 days preceding the
3 expiration date by:

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

7 (2) paying the required fees; and

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

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

19 (c) (Blank). ~~A State licensed real estate appraiser's~~
20 ~~license issued pursuant to a predecessor Act shall continue in~~
21 ~~effect until the earlier of its expiration date or September~~
22 ~~30, 2003. The holder of such a license may not renew the~~
23 ~~license for any period after September 30, 2003, but may~~
24 ~~convert the license to an associate real estate appraiser~~
25 ~~license under this Act until September 30, 2003 pursuant to~~
26 ~~subsection (b) of Section 5-20 of this Act.~~

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

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

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

26 (1) on active duty with the United States Armed

1 Services;

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

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

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

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

18 (225 ILCS 458/5-30)

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

20 Sec. 5-30. Endorsement Reciprocity; ~~consent~~ to
21 ~~jurisdiction~~. The Department may issue an (a) A nonresident who
22 ~~holds a valid~~ appraiser license, without the required
23 examination, to an applicant licensed by another ~~issued to him~~
24 ~~or her by the proper licensing authority of a state, territory,~~
25 possession of the United States, or the District of Columbia, L

1 if (i) the ~~that has~~ licensing requirements of that licensing
2 authority are, on the date of licensure, substantially equal to
3 ~~or substantially equivalent to~~ the requirements set forth under
4 this Act or to a person who, at the time of his or her
5 application, possessed individual qualifications that were
6 substantially equivalent to the requirements of this Act or
7 (ii) ~~of the State of Illinois and otherwise meets the~~
8 ~~requirements for licensure may obtain a license without~~
9 ~~examination, provided that: (1) OBRE has entered into a valid~~
10 ~~reciprocal agreement with the proper licensing authority of the~~
11 ~~state, territory, or possession of the United States, or the~~
12 ~~District of Columbia; (2) the applicant provides the Department~~
13 OBRE with evidence ~~a certificate~~ of good standing from the
14 ~~licensing authority of the applicant's place of residence or by~~
15 ~~an~~ Appraisal Subcommittee National Registry ~~registry history~~
16 report. An applicant under this Section shall pay all of the
17 required fees.; (3) ~~the applicant completes and submits an~~
18 ~~application as provided by OBRE and the applicant pays all~~
19 ~~applicable fees required under this Act.~~

20 ~~(b) A nonresident applicant shall file an irrevocable~~
21 ~~consent with OBRE authorizing that actions may be commenced~~
22 ~~against the applicant or nonresident licensee in a court of~~
23 ~~competent jurisdiction in the State of Illinois by the service~~
24 ~~of summons, process, or other pleading authorized by law upon~~
25 ~~the Commissioner. The consent shall stipulate and agree that~~
26 ~~service of the summons, process, or pleading upon the~~

~~Commissioner shall be taken and held in all courts to be valid and binding as if actual service had been made upon the nonresident licensee in Illinois. If a summons, process, or other pleading is served upon the Commissioner, it shall be by duplicate copies, one of which shall be retained by OBRE and the other of which shall be immediately forwarded by certified or registered mail to the last known address of the nonresident licensee against whom the summons, process, or other pleading may be directed.~~

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

(225 ILCS 458/5-35)

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

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

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

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

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

(225 ILCS 458/5-40)

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

1 Sec. 5-40. Pre-license experience requirements. The
2 prerequisite experience necessary for a person to be approved
3 to sit for the examination for licensure as a State certified
4 general real estate appraiser or a State certified residential
5 real estate appraiser shall be ~~in accordance with AQB criteria~~
6 ~~and~~ established by rule.

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

8 (225 ILCS 458/5-45)

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

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

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

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

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

20 (225 ILCS 458/5-55)

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

22 Sec. 5-55. Fees. The Department ~~OBRE~~ shall establish rules
23 for fees to be paid by applicants and licensees to cover the
24 reasonable costs of the Department ~~OBRE~~ in administering and

1 enforcing the provisions of this Act. The Department ~~OBRE~~ may
2 also establish rules for general fees to cover the reasonable
3 expenses of carrying out other functions and responsibilities
4 under this Act.

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

6 (225 ILCS 458/10-5)

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

8 Sec. 10-5. Scope of practice.

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

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

23 (c) A State certified residential real estate appraiser
24 must have a State certified general real estate appraiser who
25 holds a valid license under this Act co-sign all appraisal

1 reports on properties other than one to 4 units of residential
2 real property without regard to transaction value or
3 complexity. A State licensed real estate appraiser is limited
4 in his or her scope of practice in a federally related
5 transaction as provided by Title XI, the provisions of USPAP,
6 criteria established by the AQB, and the rules adopted pursuant
7 to this Act. No State licensed real estate appraiser license
8 shall be issued on or after September 30, 2003 under this Act.

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

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

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

2 Sec. 10-10. Standards of practice. All persons licensed
3 under this Act must comply with standards of professional
4 appraisal practice adopted by the Department ~~OBRE~~. The
5 Department ~~OBRE~~ must adopt, as part of its rules, the Uniform
6 Standards of Professional Appraisal Practice (USPAP) as
7 published from time to time by the Appraisal Standards Board of
8 the Appraisal Foundation. The Department ~~OBRE~~ shall consider
9 federal laws and regulations regarding the licensure of real
10 estate appraisers prior to adopting its rules for the
11 administration of this Act.

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

13 (225 ILCS 458/10-20)

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

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

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

2 (225 ILCS 458/15-5)

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

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

6 (a) A person who violates Section 5-5 of this Act shall, in
7 addition to any other penalty provided by law, pay a civil
8 penalty to the Department ~~OBRE~~ in an amount not to exceed
9 \$25,000 ~~\$10,000~~ for each violation as determined by the
10 Secretary ~~Commissioner~~. The civil penalty shall be assessed by
11 the Secretary ~~Commissioner~~ after a hearing in accordance with
12 the provisions of this Act regarding the provision of a hearing
13 for the discipline of a license.

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

16 (c) A civil penalty imposed pursuant to subsection (a)
17 shall be paid within 60 days after the effective date of the
18 order imposing the civil penalty. The order shall constitute a
19 judgment and may be filed and executed in the same manner as
20 any judgment from any court of record ~~OBRE may petition the~~
21 ~~circuit court for a judgment to enforce the collection of the~~
22 ~~penalty~~. Any civil penalty collected under this Act shall be
23 made payable to the Department of Financial and Professional
24 Regulation ~~Office of Banks and Real Estate~~ and deposited into
25 the Appraisal Administration Fund. In addition to or in lieu of

1 the imposition of a civil penalty, the Department ~~OBRE~~ may
2 report a violation of this Act or the failure or refusal to
3 comply with an order of the Department ~~OBRE~~ to the Attorney
4 General or to the appropriate State's Attorney.

5 (d) Practicing as an appraiser without holding a valid
6 license as required under this Act is declared to be adverse to
7 the public welfare, to constitute a public nuisance, and to
8 cause irreparable harm to the public welfare. The Secretary
9 ~~Commissioner~~, the Attorney General, or the State's Attorney of
10 any county in the State may maintain an action for injunctive
11 relief in any circuit court to enjoin any person from engaging
12 in such practice.

13 Upon the filing of a verified petition in a circuit court,
14 the court, if satisfied by affidavit or otherwise that a person
15 has been engaged in the practice of real estate appraisal
16 without a valid license, may enter a temporary restraining
17 order without notice or bond enjoining the defendant from
18 further practice. The showing of non-licensure, by affidavit or
19 otherwise, is sufficient for the issuance of a temporary
20 injunction. If it is established that the defendant has been or
21 is engaged in unlawful practice, the court may enter an order
22 or judgment perpetually enjoining the defendant from further
23 unlawful practice. In all proceedings under this Section, the
24 court, in its discretion, may apportion the costs among the
25 parties interested in the action, including the cost of filing
26 the complaint, service of process, witness fees and expenses,

1 court reporter charges, and reasonable attorneys' fees. These
2 injunction proceedings shall be in addition to, and not in lieu
3 of, all penalties and other remedies provided in this Act.

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

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

12 (225 ILCS 458/15-10)

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

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

15 (a) The Department ~~Office of Banks and Real Estate~~ may
16 suspend, revoke, refuse to issue, ~~or~~ renew, or restore a
17 license and may reprimand place on probation or administrative
18 supervision, or take any disciplinary or non-disciplinary
19 action ~~otherwise discipline a licensee,~~ including imposing
20 conditions limiting the scope, nature, or extent of the real
21 estate appraisal practice of a licensee or reducing the
22 appraisal rank of a licensee, and may impose an administrative
23 fine ~~a civil penalty~~ not to exceed \$25,000 for each violation
24 ~~\$10,000~~ upon a licensee for ~~one or~~ any one or combination of
25 the following:

1 (1) Procuring or attempting to procure a license by
2 knowingly making a false statement, submitting false
3 information, engaging in any form of fraud or
4 misrepresentation, or refusing to provide complete
5 information in response to a question in an application for
6 licensure.

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

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

13 (4) Conviction of or entry of a plea of guilty or nolo
14 contendere to ~~Being convicted of~~ any crime that is a felony
15 under the laws of the United States or any state or
16 territory thereof or a misdemeanor of which, an essential
17 element ~~of which~~ is dishonesty, ~~fraud, theft, or~~
18 ~~embezzlement, or obtaining money, property, or credit by~~
19 ~~false pretenses, or any other crime~~ that is directly
20 reasonably related to the practice of the profession ~~real~~
21 ~~estate appraisal or a conviction in any state or federal~~
22 ~~court of any felony.~~

23 (5) Committing an act or omission involving
24 dishonesty, fraud, or misrepresentation with the intent to
25 substantially benefit the licensee or another person or
26 with intent to substantially injure another person as

1 defined by rule.

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

6 (7) Failing or refusing without good cause to exercise
7 reasonable diligence in developing, reporting, or
8 communicating an appraisal, as defined by this Act or by
9 rule.

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

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

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

22 (11) Accepting an appraisal assignment when the
23 employment itself is contingent upon the appraiser
24 reporting a predetermined estimate, analysis, or opinion
25 or when the fee to be paid is contingent upon the opinion,
26 conclusion, or valuation reached or upon the consequences

1 resulting from the appraisal assignment.

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

9 (13) Violating the confidential nature of government
10 records to which the licensee gained access through
11 employment or engagement as an appraiser by a government
12 agency.

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

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

21 (16) Engaging in misleading or untruthful advertising
22 or using a trade name or insignia of membership in a real
23 estate appraisal or real estate organization of which the
24 licensee is not a member.

25 (17) Failing to fully cooperate with a Department ~~an~~
26 ~~OBRE~~ investigation by knowingly making a false statement,

1 submitting false or misleading information, or refusing to
2 provide complete information in response to written
3 interrogatories or a written request for documentation
4 within 30 days of the request.

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

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

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

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

24 (22) Gross negligence in developing an appraisal or in
25 communicating an appraisal or failing to observe one or
26 more of the Uniform Standards of Professional Appraisal

1 Practice.

2 (23) A pattern of practice or other behavior that
3 demonstrates incapacity or incompetence to practice under
4 this Act.

5 (24) Using or attempting to use the seal, certificate,
6 or license of another as his or her own; falsely
7 impersonating any duly licensed appraiser; using or
8 attempting to use an inactive, expired, suspended, or
9 revoked license; or aiding or abetting any of the
10 foregoing.

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

13 (26) Making a material misstatement in furnishing
14 information to the Department.

15 (27) Failure to furnish information to the Department
16 upon written request.

17 (b) The Department ~~Office of Banks and Real Estate~~ may
18 reprimand suspend, revoke, or refuse to issue or renew an
19 education provider's license, may reprimand, place on
20 probation, or otherwise discipline an education provider and
21 may suspend or revoke the course approval of any course offered
22 by an education provider and may impose an administrative fine
23 ~~a civil penalty~~ not to exceed \$25,000 ~~\$10,000~~ upon an education
24 provider, for any of the following:

25 (1) Procuring or attempting to procure licensure by
26 knowingly making a false statement, submitting false

1 information, engaging in any form of fraud or
2 misrepresentation, or refusing to provide complete
3 information in response to a question in an application for
4 licensure.

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

7 (3) Committing an act or omission involving
8 dishonesty, fraud, or misrepresentation or allowing any
9 such act or omission by any employee or contractor under
10 the control of the provider.

11 (4) Engaging in misleading or untruthful advertising.

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

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

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

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

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

26 (10) Failing to provide a certificate, transcript, or

1 other student record to the Department ~~OBRE~~ or to a student
2 as may be required by rule.

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

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

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

23 (225 ILCS 458/15-15)

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

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

1 (a) Upon the motion of the Department ~~Office of Banks and~~
2 ~~Real Estate~~ or the Board or upon a complaint in writing of a
3 person setting forth facts that, if proven, would constitute
4 grounds for suspension, revocation, or other disciplinary
5 action against a licensee or applicant for licensure, the
6 ~~Department Office of Banks and Real Estate~~ shall investigate
7 the actions of the licensee or applicant. If, upon
8 investigation, the Department believes that there may be cause
9 for suspension, revocation, or other disciplinary action, the
10 Department shall use the services of a State certified general
11 real estate appraiser, a State certified residential real
12 estate appraiser, or the Real Estate Coordinator to assist in
13 determining whether grounds for disciplinary action exist
14 prior to commencing formal disciplinary proceedings.

15 (b) Formal disciplinary proceedings shall commence upon
16 the issuance of a written complaint describing the charges that
17 are the basis of the disciplinary action and delivery of the
18 detailed complaint to the address of record of the licensee or
19 applicant. The Department ~~OBRE~~ shall notify the licensee or
20 applicant to file a verified written answer within 20 days
21 after the service of the notice and complaint. The notification
22 shall inform the licensee or applicant of his or her right to
23 be heard in person or by legal counsel; that the hearing will
24 be afforded not sooner than 30 days after service ~~receipt~~ of
25 the complaint ~~answer to the specific charges~~; that failure to
26 file an answer will result in a default being entered against

1 the licensee or applicant; that the license may be suspended,
2 revoked, or placed on probationary status; and that other
3 disciplinary action may be taken pursuant to this Act,
4 including limiting the scope, nature, or extent of the
5 licensee's practice. If the licensee or applicant fails to file
6 an answer after service of notice, his or her license may, at
7 the discretion of the Department ~~Office of Banks and Real~~
8 ~~Estate~~, be suspended, revoked, or placed on probationary status
9 and the Department ~~Office of Banks and Real Estate~~ may take
10 whatever disciplinary action it deems proper, including
11 limiting the scope, nature, or extent of the person's practice,
12 without a hearing.

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

19 (d) The Board shall present to the Secretary ~~Commissioner~~ a
20 written report of its findings and recommendations. A copy of
21 the report shall be served upon the licensee or applicant,
22 either personally or by certified mail. Within 20 days after
23 the service, the licensee or applicant may present the
24 Secretary ~~Commissioner~~ with a motion in writing for either a
25 rehearing, a proposed finding of fact, a conclusion of law, or
26 an alternative sanction, and shall specify the particular

1 grounds for the request. If the accused orders a transcript of
2 the record as provided in this Act, the time elapsing
3 thereafter and before the transcript is ready for delivery to
4 the accused shall not be counted as part of the 20 days. If the
5 Secretary ~~Commissioner~~ is not satisfied that substantial
6 justice has been done, the Secretary ~~Commissioner~~ may order a
7 rehearing by the Board or other special committee appointed by
8 the Secretary ~~Commissioner~~, may remand the matter to the Board
9 for its reconsideration of the matter based on the pleadings
10 and evidence presented to the Board, or may enter a final order
11 in contravention of the Board's recommendation. In all
12 instances under this Act in which the Board has rendered a
13 recommendation to the Secretary ~~Commissioner~~ with respect to a
14 particular licensee or applicant, the Secretary ~~Commissioner~~,
15 if he or she disagrees with the recommendation of the Board,
16 shall file with the Board and provide to the licensee or
17 applicant a copy of the Secretary's ~~Commissioner's~~ specific
18 written reasons for disagreement with the Board. The reasons
19 shall be filed within 60 days of the Board's recommendation to
20 the Secretary ~~Commissioner~~ and prior to any contrary action.
21 Notwithstanding a licensee's or applicant's failure to file a
22 motion for rehearing ~~At the expiration of the time specified~~
23 ~~for filing a motion for a rehearing,~~ the Secretary ~~Commissioner~~
24 shall have the right to take any of the actions specified in
25 this subsection (d). Upon the suspension or revocation of a
26 license, the licensee shall be required to surrender his or her

1 license to the Department ~~OBRE~~, and upon failure or refusal to
2 do so, the Department ~~OBRE~~ shall have the right to seize the
3 license.

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

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

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

26 (h) The Secretary ~~Commissioner~~ shall have the authority to

1 appoint an attorney duly licensed to practice law in the State
2 of Illinois to serve as the hearing officer in any action to
3 suspend, revoke, or otherwise discipline any license issued by
4 the Department ~~Office of Banks and Real Estate~~. The Hearing
5 Officer shall have full authority to conduct the hearing.

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

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

15 (225 ILCS 458/15-17 new)

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

17 Sec. 15-17. Temporary suspension. The Secretary may
18 temporarily suspend the license of a licensee without a
19 hearing, simultaneously with the institution of proceedings
20 for a hearing provided in Section 15-10 of this Act, if the
21 Secretary finds that the public interest, safety, or welfare
22 requires such emergency action. In the event that the Secretary
23 temporarily suspends a license without a hearing before the
24 Board, a hearing shall be held within 30 days after the
25 suspension has occurred. The suspended licensee may seek a

1 continuance of the hearing, during which time the suspension
2 shall remain in effect. The proceeding shall be concluded
3 without appreciable delay. If the Department does not hold a
4 hearing within 30 days after the date of suspension, the
5 licensee's license shall be automatically reinstated.

6 (225 ILCS 458/15-18 new)

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

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

22 (225 ILCS 458/15-20)

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

24 Sec. 15-20. Administrative Review Law; certification fees;

1 Administrative Procedure Act.

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

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

14 (c) The Administrative Procedures Act is hereby expressly
15 adopted and incorporated herein. In the event of a conflict
16 between this Act and the Administrative Procedures Act, this
17 Act shall control.

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

19 (225 ILCS 458/15-30)

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

21 Sec. 15-30. Statute of limitations. No action may be taken
22 under this Act against a person licensed under this Act unless
23 the action is commenced within 5 years after the occurrence of
24 the alleged violation or at least 2 years after final
25 disposition of any judicial proceeding in which the appraiser

1 provided testimony related to the assignment, whichever period
2 expires last. A continuing violation is deemed to have occurred
3 on the date when the circumstances last existed that gave rise
4 to the alleged continuing violation.

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

6 (225 ILCS 458/15-35)

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

8 Sec. 15-35. Signature of the Secretary ~~Commissioner~~. An
9 order of revocation or suspension or a certified copy of the
10 order, bearing the seal of the Department ~~OBRE~~ and purporting
11 to be signed by the Secretary ~~Commissioner~~, shall be prima
12 facie proof that:

13 (1) the signature is the genuine signature of the
14 Secretary ~~Commissioner~~;

15 (2) the Secretary ~~Commissioner~~ is duly appointed and
16 qualified; and

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

18 This proof may be rebutted.

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

20 (225 ILCS 458/15-40)

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

22 Sec. 15-40. Violation of tax Acts. The Department ~~OBRE~~ may
23 refuse to issue or renew or may suspend the license of any
24 person who fails to file a return, pay the tax, penalty, or

1 interest shown in a filed return, or pay any final assessment
2 of tax, penalty, or interest, as required by any tax Act
3 administered by the Department of Revenue, until such time as
4 the requirements of that tax Act are satisfied.

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

6 (225 ILCS 458/15-45)

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

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

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

24 (225 ILCS 458/15-50)

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

2 Sec. 15-50. Nonpayment of child support. In cases where the
3 Department of Healthcare and Family Services (formerly
4 Department of Public Aid) has previously determined that a
5 licensee or a potential licensee is more than 30 days
6 delinquent in the payment of child support and has subsequently
7 certified the delinquency to the Department ~~OBRE~~, the
8 Department ~~OBRE~~ may refuse to issue or renew or may revoke or
9 suspend that person's license or may take other disciplinary
10 action against that person based solely upon the certification
11 of delinquency made by the Department of Healthcare and Family
12 Services (formerly Department of Public Aid). Redetermination
13 of the delinquency by the Department ~~OBRE~~ shall not be
14 required. In cases regarding the renewal of a license, the
15 Department ~~OBRE~~ shall not renew any license if the Department
16 of Healthcare and Family Services (formerly Department of
17 Public Aid) has certified the licensee to be more than 30 days
18 delinquent in the payment of child support, unless the licensee
19 has arranged for payment of past and current child support
20 obligations in a manner satisfactory to the Department of
21 Healthcare and Family Services (formerly Department of Public
22 Aid). The Department ~~OBRE~~ may impose conditions, restrictions,
23 or disciplinary action upon that renewal.

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

25 (225 ILCS 458/15-55)

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

2 Sec. 15-55. Checks or orders to Department dishonored
3 because of insufficient funds ~~Returned checks; penalty;~~
4 ~~termination.~~ Any ~~A~~ person who delivers a check or other payment
5 to the Department ~~OBRE~~ that is returned to the Department ~~OBRE~~
6 unpaid by the financial institution upon which it was drawn
7 shall pay to the Department ~~OBRE~~, in addition to the amount
8 already owed to the Department, a fine ~~penalty~~ of \$50. The
9 finer imposed by this Section are in addition to any other
10 discipline provided under this Act for unlicensed practice or
11 practice on a non-renewed license. The Department shall notify
12 the applicant or licensee that payment of fees and fines shall
13 be paid to the Department by certified check or money order
14 within 30 calendar days after the notification. ~~OBRE shall~~
15 ~~notify the person, by certified mail return receipt requested,~~
16 ~~that his or her check or payment was returned and that the~~
17 ~~person shall pay to OBRE by certified check or money order the~~
18 ~~amount of the returned check plus a \$50 penalty within 30~~
19 ~~calendar days after the date of the notification. If, after the~~
20 ~~expiration of 30 calendar days of the notification, the person~~
21 ~~has failed to remit the necessary funds and penalty, OBRE shall~~
22 ~~automatically terminate the license or deny the application~~
23 ~~without hearing. If the returned check or other payment was for~~
24 ~~issuance of a license under this Act and that person practices~~
25 ~~as an appraiser, that person may be subject to discipline for~~
26 ~~unlicensed practice as provided in this Act. If, after the~~

1 expiration of 30 days from the date of the notification
2 termination or denial, the person has failed to submit the
3 necessary remittance, the Department shall automatically
4 terminate the license or deny the application, without hearing.
5 If, after termination or denial, the person seeks a license, he
6 or she must apply to the Department for restoration or issuance
7 of the license and pay all fees and fines due to the
8 Department. The Department may establish a fee for the
9 processing of an application for restoration of a license to
10 pay all of the expenses of processing the application ~~seeks a~~
11 ~~license, he or she shall petition OBRE for restoration and he~~
12 ~~or she may be subject to additional discipline or fines.~~ The
13 Secretary ~~Commissioner~~ may waive the fines ~~penalties or fines~~
14 due under this Section in individual cases where the Secretary
15 ~~Commissioner~~ finds that the penalties or fines would be
16 unreasonable or unnecessarily burdensome.

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

18 (225 ILCS 458/15-60)

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

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

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

1 (225 ILCS 458/20-5)

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

3 Sec. 20-5. Education providers.

4 (a) Beginning July 1, 2002, only education providers
5 licensed by the Department ~~OBPE~~ may provide the pre-license and
6 continuing education courses required for licensure under this
7 Act.

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

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

13 (2) a sufficient number of qualified instructors;

14 (3) adequate support personnel to assist with
15 administrative matters and technical assistance;

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

18 (5) a qualified administrator, who is responsible for
19 the administration of the education provider, courses, and
20 the actions of the instructors; and

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

22 (c) All applicants for an education provider's license
23 shall make initial application to the Department ~~OBPE~~ on forms
24 provided by the Department ~~OBPE~~ and pay the appropriate fee as
25 provided by rule. The term, expiration date, and renewal of an

1 education provider's license shall be established by rule.

2 (d) An education provider shall provide each successful
3 course participant with a certificate of completion signed by
4 the school administrator. The format and content of the
5 certificate shall be specified by rule.

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

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

10 (225 ILCS 458/20-10)

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

12 Sec. 20-10. Course approval.

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

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

23 (c) For each course approved, the Department ~~OBRE~~ shall
24 issue a license to the education provider. The term, expiration
25 date, and renewal of a course approval shall be established by

1 rule.

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

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

14 (225 ILCS 458/25-5)

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

16 Sec. 25-5. Appraisal Administration Fund; surcharge. The
17 Appraisal Administration Fund is created as a special fund in
18 the State Treasury. All fees, fines, and penalties received by
19 the Department ~~OBRE~~ under this Act shall be deposited into the
20 Appraisal Administration Fund. All earnings attributable to
21 investment of funds in the Appraisal Administration Fund shall
22 be credited to the Appraisal Administration Fund. Subject to
23 appropriation, the moneys in the Appraisal Administration Fund
24 shall be paid to the Department ~~OBRE~~ for the expenses incurred
25 by the Department ~~OBRE~~ and the Board in the administration of

1 this Act. Moneys in the Appraisal Administration Fund may be
2 transferred to the Professions Indirect Cost Fund as authorized
3 under Section 2105-300 of the Department of Professional
4 Regulation Law of the Civil Administrative Code of Illinois.

5 Upon the completion of any audit of the Department ~~OBRE~~, as
6 prescribed by the Illinois State Auditing Act, which shall
7 include an audit of the Appraisal Administration Fund, the
8 Department ~~OBRE~~ shall make the audit report open to inspection
9 by any interested person.

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

11 (225 ILCS 458/25-10)

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

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

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

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

24 (2) The appointed membership of the Board should
25 reasonably reflect the geographic distribution of the

1 population of the State.

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

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

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

20 (6) One appointed member shall be a representative of a
21 financial institution, as evidenced by his or her
22 employment with a financial institution.

23 (7) One appointed member shall represent the interests
24 of the general public. This member or his or her spouse
25 shall not be licensed under this Act nor be employed by or
26 have any interest in an appraisal business, real estate

1 brokerage business, or a financial institution.

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

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

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

14 (b) The term for members of the Board shall be 4 years, and
15 each member shall serve until his or her successor is appointed
16 and qualified, ~~except for the initial appointees. Of the~~
17 ~~initial appointments, 4 members shall be appointed for terms~~
18 ~~ending June 30, 2006, 3 members shall be appointed for terms~~
19 ~~ending June 30, 2005, and 3 members shall be appointed for~~
20 ~~terms ending June 30, 2004.~~ No member shall serve more than 10
21 years in a lifetime. ~~Those persons serving on the Board~~
22 ~~pursuant to the Real Estate Appraiser Licensing Act shall~~
23 ~~become members of the new Board on July 1, 2002 and shall serve~~
24 ~~until the Governor has made the new appointments pursuant to~~
25 ~~this Act.~~

26 (c) The Governor may terminate the appointment of a member

1 for cause that, in the opinion of the Governor, reasonably
2 justifies the termination. Cause for termination may include,
3 without limitation, misconduct, incapacity, neglect of duty,
4 or missing 4 Board meetings during any one calendar year.

5 (d) A majority of the Board members ~~currently appointed~~
6 shall constitute a quorum. A vacancy in the membership of the
7 Board shall not impair the right of a quorum to exercise all of
8 the rights and perform all of the duties of the Board.

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

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

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

21 (h) The Board shall advise and make recommendations to the
22 Department ~~OBRE~~ on the education and experience qualifications
23 of any applicant for initial licensure as a State certified
24 general real estate appraiser or a State certified residential
25 real estate appraiser. The Department shall not make any
26 decisions concerning education or experience qualifications of

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

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

17 (j) The Department shall seek and the Board shall provide
18 ~~may make~~ recommendations to the Department ~~OBRE~~ consistent with
19 the provisions of this Act and for the administration and
20 enforcement of all ~~the~~ rules adopted pursuant to this Act. The
21 Department ~~OBRE~~ shall give due consideration to such ~~the~~
22 recommendations ~~of the Board~~ prior to adopting rules.

23 (k) The Department shall seek and the Board shall provide
24 ~~make~~ recommendations to the Department ~~OBRE~~ on the approval of
25 all courses submitted to the Department ~~OBRE~~ pursuant to this
26 Act and the rules adopted pursuant to this Act. The Department

1 shall not approve any courses without having first received the
2 recommendation of the Board and ~~OPRE~~ shall give due
3 consideration to such ~~the~~ recommendations ~~of the Board~~ prior to
4 approving and licensing courses; however, if the Board does not
5 make a recommendation within a reasonable amount of time, then
6 the Department may approve courses.

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

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

14 (n) If the Department disagrees with any advice or
15 recommendation provided by the Board under this Section to the
16 Secretary or the Department, then notice of such disagreement
17 must be provided to the Board by the Department.

18 (o) Upon resolution adopted at any Board meeting, the
19 exercise of any Board function, power, or duty enumerated in
20 this Section or in subsection (d) of Section 15-10 of this Act
21 may be suspended. The exercise of any suspended function,
22 power, or duty of the Board may be reinstated by a resolution
23 adopted at a subsequent Board meeting. Any resolution adopted
24 pursuant to this Section shall take effect immediately.

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

1 (225 ILCS 458/25-15)

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

3 Sec. 25-15. Coordinator ~~Director~~ of ~~the~~ Real Estate
4 Appraisal ~~Division~~; appointment; duties. The Secretary shall
5 appoint, subject to the Personnel Code, a Coordinator of Real
6 Estate Appraisal. In appointing the Coordinator, the Secretary
7 shall give due consideration to recommendations made by
8 members, organizations, and associations of the real estate
9 appraisal industry. On or after January 1, 2010, the
10 Coordinator must hold a current, valid State certified general
11 real estate appraiser license or a State certified residential
12 real estate appraiser license, which shall be surrendered to
13 the Department during the term of his or her appointment. The
14 Coordinator must take the 30-hour National Instructors Course
15 on Uniform Standards of Professional Appraisal Practice. The
16 Coordinator's license shall be returned in the same status as
17 it was on the date of surrender, credited with all fees that
18 came due during his or her employment. Commissioner shall
19 ~~appoint a Director of the Real Estate Appraisal Division for a~~
20 ~~term of 4 years. The Director shall hold a valid State~~
21 ~~certified general real estate appraiser or State certified~~
22 ~~residential real estate appraiser license, which shall be~~
23 ~~surrendered to OBRE during the term of his or her appointment.~~
24 The Coordinator ~~Director~~ of the Real Estate Appraisal Division
25 shall:

26 (1) serve as a member of the Real Estate Appraisal

1 Administration and Disciplinary Board without vote;

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

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

9 (4) appoint necessary committees to assist in the
10 performance of the functions and duties of the Department
11 ~~OBRE~~ under this Act; and

12 (5) (blank). ~~subject to the administrative approval of~~
13 ~~the Commissioner, supervise the Real Estate Appraisal~~
14 ~~Division.~~

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

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

20 (225 ILCS 458/25-20)

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

22 Sec. 25-20. Department ~~OBRE~~; powers and duties. The
23 Department of Financial and Professional Regulation ~~Office of~~
24 ~~Banks and Real Estate~~ shall exercise the powers and duties
25 prescribed by the Civil Administrative Code of Illinois for the

1 administration of licensing Acts and shall exercise such other
2 powers and duties as are prescribed by this Act for the
3 administration of this Act. The Department ~~OBRE~~ may contract
4 with third parties for services necessary for the proper
5 administration of this Act, including without limitation,
6 investigators with the proper knowledge, training, and skills
7 to properly investigate complaints against real estate
8 appraisers.

9 The Department ~~OBRE~~ shall maintain and update a registry of
10 the names and addresses of all licensees and a listing of
11 disciplinary orders issued pursuant to this Act and shall
12 transmit the registry, along with any national registry fees
13 that may be required, to the entity specified by, and in a
14 manner consistent with, Title XI of the federal Financial
15 Institutions Reform, Recovery and Enforcement Act of 1989.

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

17 (225 ILCS 458/25-25)

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

19 Sec. 25-25. Rules. The Department ~~OBRE~~, after considering
20 any recommendations of the Board, shall adopt rules that may be
21 necessary for administration, implementation, and enforcement
22 of the Act.

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

24 (225 ILCS 458/30-10)

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

2 Sec. 30-10. Appraisal Administration Fund.

3 (a) The Appraisal Administrative Fund, created under the
4 Real Estate License Act of 1983 and continued under Section 40
5 of the Real Estate Appraiser Licensing Act, is continued under
6 this Act. All fees collected under this Act shall be deposited
7 into the Appraisal Administration Fund, created in the State
8 Treasury under the Real Estate License Act of 1983.

9 (b) Appropriations to the Department ~~OBRE~~ from the
10 Appraisal Administration Fund for the purpose of administering
11 the Real Estate Appraiser Licensing Act may be used by the
12 Department ~~OBRE~~ for the purpose of administering and enforcing
13 the provisions of this Act.

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

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

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

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.

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