



Rep. Frank J. Mautino

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09800HB0596ham001

LRB098 03418 MGM 43304 a

1 AMENDMENT TO HOUSE BILL 596

2 AMENDMENT NO. _____. Amend House Bill 596 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Real Estate Appraiser Licensing Act of 2002
5 is amended by changing Section 5-5 as follows:

6 (225 ILCS 458/5-5)

7 (Section scheduled to be repealed on January 1, 2022)

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

9 (a) It is unlawful for a person to (i) act, offer services,
10 or advertise services as a State certified general real estate
11 appraiser, State certified residential real estate appraiser,
12 or associate real estate trainee appraiser, (ii) develop a real
13 estate appraisal, (iii) practice as a real estate appraiser, or
14 (iv) advertise or hold himself or herself out to be a real
15 estate appraiser without a license issued under this Act. A
16 person who violates this subsection is guilty of a Class A

1 misdemeanor for a first offense and a Class 4 felony for any
2 subsequent offense.

3 (a-5) It is unlawful for a person, unless registered as an
4 appraisal management company, to solicit clients or enter into
5 an appraisal engagement with clients without either a certified
6 residential real estate appraiser license or a certified
7 general real estate appraiser license issued under this Act. A
8 person who violates this subsection is guilty of a Class A
9 misdemeanor for a first offense and a Class 4 felony for any
10 subsequent offense.

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

21 (c) The licensing requirements of this Act do not require a
22 person who holds a valid license pursuant to the Real Estate
23 License Act of 2000, to be licensed as a real estate appraiser
24 under this Act, unless that person is providing or attempting
25 to provide an appraisal report, as defined in Section 1-10 of
26 this Act, in connection with a federally-related transaction.

1 Nothing in this Act shall prohibit a person who holds a valid
2 license under the Real Estate License Act of 2000 from
3 performing a comparative market analysis or broker price
4 opinion for compensation, provided that the person does not
5 hold himself out as being a licensed real estate appraiser.

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

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

21 (e-5) For the purposes of this Act, the following types of
22 valuations are not appraisals and may not be represented to be
23 appraisals, and a license is not required under this Act to
24 perform such valuations if the valuations are performed by an
25 employee of the Illinois Department of Transportation or an
26 employee of a county:

1 (1) a valuation waiver in an amount not to exceed
2 \$10,000 prepared pursuant to the federal Uniform
3 Relocation Assistance and Real Property Acquisition
4 Policies Act of 1970, as amended; or

5 (2) a valuation waiver in an amount not to exceed
6 \$10,000 prepared pursuant to the federal Uniform
7 Relocation Assistance and Real Property Acquisition for
8 Federal and Federally-Assisted Programs regulations.

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

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

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

19 (2) A court-appointed commissioner who conducts an
20 appraisal pursuant to a judicially ordered evaluation of
21 property.

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

1 subsequent offense.

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

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

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

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