



Rep. Robert Rita

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1 AMENDMENT TO HOUSE BILL 5931

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5931 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 Sections 1-5, 1-10, 5-5, 5-10, 5-15,  
6 5-20, 5-30, 5-35, 5-40, 5-50, 10-5, 15-10, 20-5, 20-10, 25-10,  
7 and 25-15 and by adding Section 5-22 as follows:

8 (225 ILCS 458/1-5)

9 (Section scheduled to be repealed on January 1, 2022)

10 Sec. 1-5. Legislative intent. The intent of the General  
11 Assembly in enacting this Act is to evaluate the competency of  
12 persons engaged in the appraisal of real estate ~~in connection~~  
13 ~~with a federally related transaction~~ and to license and  
14 regulate those persons for the protection of the public.  
15 Additionally, it is the intent of the General Assembly for this  
16 Act to be consistent with the provisions of Title XI of the

1 federal Financial Institutions Reform, Recovery and  
2 Enforcement Act of 1989.

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

4 (225 ILCS 458/1-10)

5 (Section scheduled to be repealed on January 1, 2022)

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

8 "Accredited college or university, junior college, or  
9 community college" means a college or university, junior  
10 college, or community college that is approved or accredited by  
11 the Board of Higher Education, a regional or national  
12 accreditation association, or by an accrediting agency that is  
13 recognized by the U.S. Secretary of Education.

14 "Address of record" means the designated address recorded  
15 by the Department in the applicant's or licensee's application  
16 file or license file as maintained by the Department's  
17 licensure maintenance unit. It is the duty of the applicant or  
18 licensee to inform the Department of any change of address and  
19 those changes must be made either through the Department's  
20 website or by contacting the Department.

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

23 "Appraisal" means (noun) the act or process of developing  
24 an opinion of value; an opinion of value (adjective) of or  
25 pertaining to appraising and related functions, such as

1 appraisal practice or valuation ~~appraisal~~ services.

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

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

9 "Appraisal firm" means an appraisal entity that is 100%  
10 owned and controlled by a person or persons licensed in  
11 Illinois as a certified general real estate appraiser or a  
12 certified residential real estate appraiser. "Appraisal firm"  
13 does not include an appraisal management company.

14 "Appraisal management company" means any corporation,  
15 limited liability company, partnership, sole proprietorship,  
16 subsidiary, unit, or other business entity that directly or  
17 indirectly performs the following appraisal management  
18 services: (1) administers networks of independent contractors  
19 or employee appraisers to perform real estate appraisal  
20 assignments for clients; (2) receives requests for real estate  
21 appraisal services from clients and, for a fee paid by the  
22 client, enters into an agreement with one or more independent  
23 appraisers to perform the real estate appraisal services  
24 contained in the request; or (3) otherwise serves as a  
25 third-party broker of appraisal management services between  
26 clients and appraisers. "Appraisal management company" does

1 not include an appraisal firm.

2 "Appraisal practice" means valuation services performed by  
3 an individual acting as an appraiser, including, but not  
4 limited to, appraisal, appraisal review, or appraisal  
5 consulting.

6 "Appraisal report" means any communication, written or  
7 oral, of an appraisal or appraisal review, ~~or appraisal~~  
8 ~~consulting service~~ that is transmitted to a client upon  
9 completion of an assignment.

10 "Appraisal review" means the act or process of developing  
11 and communicating an opinion about the quality of another  
12 appraiser's work that was performed as part of an appraisal,  
13 appraisal review, or appraisal assignment.

14 "Appraisal Subcommittee" means the Appraisal Subcommittee  
15 of the Federal Financial Institutions Examination Council as  
16 established by Title XI.

17 "Appraiser" means a person who performs real estate or real  
18 property appraisals in accordance with USPAP.

19 "AQB" means the Appraisal Qualifications Board of the  
20 Appraisal Foundation.

21 "Associate real estate trainee appraiser" means an  
22 entry-level appraiser who holds a license of this  
23 classification under this Act with restrictions as to the scope  
24 of practice in accordance with this Act.

25 "Board" means the Real Estate Appraisal Administration and  
26 Disciplinary Board.

1 "Classroom hour" means 50 minutes of instruction out of  
2 each 60 minute segment of coursework.

3 "Client" means the party or parties who engage an appraiser  
4 by employment or contract in a specific appraisal assignment.

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

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

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

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

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

1 any such licensee, or any institution involved in real estate  
2 financing that is regulated by state or federal law.

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

6 "Person" means an individual, entity, sole proprietorship,  
7 corporation, limited liability company, partnership, and joint  
8 venture, foreign or domestic, except that when the context  
9 otherwise requires, the term may refer to more than one  
10 individual or other described entity.

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

13 "Real estate related financial transaction" means any  
14 transaction involving:

15 (1) the sale, lease, purchase, investment in, or  
16 exchange of real property, including interests in property  
17 or the financing thereof;

18 (2) the refinancing of real property or interests in  
19 real property; and

20 (3) the use of real property or interest in property as  
21 security for a loan or investment, including mortgage  
22 backed securities.

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

25 "Secretary" means the Secretary of Financial and  
26 Professional Regulation.

1 "State certified general real estate appraiser" means an  
2 appraiser who holds a license of this classification under this  
3 Act and such classification applies to the appraisal of all  
4 types of real property without restrictions as to the scope of  
5 practice.

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

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

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

26 "USPAP" means the Uniform Standards of Professional

1 Appraisal Practice as promulgated by the Appraisal Standards  
2 Board pursuant to Title XI and by rule.

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

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

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  
17 misdemeanor for a first offense and a Class 4 felony for any  
18 subsequent offense.

19 (a-5) It is unlawful for a person, unless registered as an  
20 appraisal management company, to solicit clients or enter into  
21 an appraisal engagement with clients without either a certified  
22 residential real estate appraiser license or a certified  
23 general real estate appraiser license issued under this Act. A  
24 person who violates this subsection is guilty of a Class A  
25 misdemeanor for a first offense and a Class 4 felony for any



1 subsequent offense.

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

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

23 (d) Nothing in this Act shall preclude a State certified  
24 general real estate appraiser, a State certified residential  
25 real estate appraiser, or an associate real estate trainee  
26 appraiser from rendering appraisals for or on behalf of a

1 partnership, association, corporation, firm, or group.  
2 However, no State appraisal license or certification shall be  
3 issued under this Act to a partnership, association,  
4 corporation, firm, or group.

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

12 (e-5) For the purposes of this Act, valuation waivers may  
13 be prepared by a licensed appraiser notwithstanding any other  
14 provision of this Act, and the following types of valuations  
15 are not appraisals and may not be represented to be appraisals,  
16 and a license is not required under this Act to perform such  
17 valuations if the valuations are performed by (1) an employee  
18 of the Illinois Department of Transportation who has completed  
19 a minimum of 45 hours of course work in real estate appraisal,  
20 including the principals of real estate appraisals, appraisal  
21 of partial acquisitions, easement valuation, reviewing  
22 appraisals in eminent domain, appraisal for federal aid highway  
23 programs, and appraisal review for federal aid highway programs  
24 and has at least 2 years' experience in a field closely related  
25 to real estate or (2) a county engineer who is a registered  
26 professional engineer under the Professional Engineering

1 Practice Act of 1989, under the following circumstances:

2 (A) a valuation waiver in an amount not to exceed  
3 \$10,000 prepared pursuant to the federal Uniform  
4 Relocation Assistance and Real Property Acquisition  
5 Policies Act of 1970, or prepared pursuant to the federal  
6 Uniform Relocation Assistance and Real Property  
7 Acquisition for Federal and Federally-Assisted Programs  
8 regulations and which is performed by an employee of the  
9 Illinois Department of Transportation and co-signed, with  
10 a license number affixed, by another employee of the  
11 Illinois Department of Transportation who is a registered  
12 professional engineer under the Professional Engineering  
13 Practice Act of 1989; and

14 (B) a valuation waiver in an amount not to exceed  
15 \$10,000 prepared pursuant to the federal Uniform  
16 Relocation Assistance and Real Property Acquisition  
17 Policies Act of 1970, or prepared pursuant to the federal  
18 Uniform Relocation Assistance and Real Property  
19 Acquisition for Federal and Federally-Assisted Programs  
20 regulations and which is performed by a county engineer who  
21 is employed by a county and is a registered professional  
22 engineer under the Professional Engineering Practice Act  
23 of 1989. In addition to his or her signature, the county  
24 engineer shall affix his or her license number to the  
25 valuation.

26 Nothing in this subsection (e-5) shall be construed to

1 allow the State of Illinois, a political subdivision thereof,  
2 or any public body to acquire real estate by eminent domain in  
3 any manner other than provided for in the Eminent Domain Act.

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

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

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

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

19 (g) This Act does not apply to an employee, officer,  
20 director, or member of a credit or loan committee of a  
21 financial institution or any other person engaged by a  
22 financial institution when performing an evaluation of real  
23 property for the sole use of the financial institution in a  
24 transaction for which the financial institution would not be  
25 required to use the services of a State licensed or State  
26 certified appraiser pursuant to federal regulations adopted

1 under Title XI of the federal Financial Institutions Reform,  
2 Recovery, and Enforcement Act of 1989, nor does this Act apply  
3 to the procurement of an automated valuation model.

4 "Automated valuation model" means an automated system that  
5 is used to derive a property value through the use of publicly  
6 available property records and various analytic methodologies  
7 such as ~~comparable~~ sales prices, home characteristics, and  
8 historical home price appreciations.

9 (Source: P.A. 97-602, eff. 8-26-11; 98-444, eff. 8-16-13.)

10 (225 ILCS 458/5-10)

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

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

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

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

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

19 (3) (blank);

20 (4) personally take and pass an examination authorized  
21 by the Department and endorsed by the AQB;

22 (5) prior to taking the examination, provide evidence  
23 to the Department, in Modular Course format, with each  
24 module conforming to the Required Core Curriculum ~~Real~~  
25 ~~Property Appraiser Qualification Criteria~~ established and

1 adopted by the AQB, that he or she has successfully  
2 completed the prerequisite classroom hours of instruction  
3 in appraising as established by the AQB and by rule; and

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

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

14 ~~(1) English composition;~~

15 ~~(2) micro economics;~~

16 ~~(3) macro economics;~~

17 ~~(4) finance;~~

18 ~~(5) algebra, geometry, or higher mathematics;~~

19 ~~(6) statistics;~~

20 ~~(7) introduction to computers word processing and~~  
21 ~~spreadsheets;~~

22 ~~(8) business or real estate law; and~~

23 ~~(9) two elective courses in accounting, geography,~~  
24 ~~agricultural economics, business management, or real~~  
25 ~~estate.~~

26 ~~If an accredited college or university accepts the~~

1 ~~College Level Examination Program (CLEP) examinations and~~  
2 ~~issues a transcript for the exam showing its approval, it will~~  
3 ~~be considered credit for the college course for the purposes of~~  
4 ~~meeting the requirements of this subsection (b).~~

5 (Source: P.A. 96-844, eff. 12-23-09; 96-1000, eff. 7-2-10.)

6 (225 ILCS 458/5-15)

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

8 Sec. 5-15. Application for State certified residential  
9 real estate appraiser. ~~(a)~~ Every person who desires to obtain a  
10 State certified residential real estate appraiser license  
11 shall:

12 (1) apply to the Department on forms provided by the  
13 Department accompanied by the required fee;

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

15 (3) (blank);

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

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

25 (6) prior to taking the examination, provide evidence to

1 the Department that he or she has successfully completed the  
2 prerequisite experience and educational requirements as  
3 established by AQB and by rule.

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

10 ~~(1) English composition;~~

11 ~~(2) principals of economics (micro or macro);~~

12 ~~(3) finance;~~

13 ~~(4) algebra, geometry, or higher mathematics;~~

14 ~~(5) statistics;~~

15 ~~(6) introduction to computers word processing and~~  
16 ~~spreadsheets; and~~

17 ~~(7) business or real estate law.~~

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

23 (Source: P.A. 96-844, eff. 12-23-09.)

24 (225 ILCS 458/5-20)

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



1           Sec. 5-20. Application for associate real estate trainee  
2 appraiser. Every person who desires to obtain an associate real  
3 estate trainee appraiser license shall:

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

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

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

11           (4) personally take and pass an examination authorized  
12 by the Department; and

13           (5) prior to taking the examination, provide evidence  
14 to the Department that he or she has successfully completed  
15 the prerequisite qualifying and any conditional education  
16 requirements ~~classroom hours of instruction in appraising~~  
17 as established by rule.

18 (Source: P.A. 96-844, eff. 12-23-09.)

19 (225 ILCS 458/5-22 new)

20           Sec. 5-22. Criminal history records check. Each applicant  
21 for licensure by examination or restoration shall have his or  
22 her fingerprints submitted to the Department of State Police in  
23 an electronic format that complies with the form and manner for  
24 requesting and furnishing criminal history record information  
25 as prescribed by the Department of State Police. These

1 fingerprints shall be checked against the Department of State  
2 Police and Federal Bureau of Investigation criminal history  
3 record databases now and hereafter filed. The Department of  
4 State Police shall charge applicants a fee for conducting the  
5 criminal history records check, which shall be deposited into  
6 the State Police Services Fund and shall not exceed the actual  
7 cost of the records check. The Department of State Police shall  
8 furnish, pursuant to positive identification, records of  
9 Illinois convictions to the Department. The Department may  
10 require applicants to pay a separate fingerprinting fee, either  
11 to the Department or to a vendor. The Department, in its  
12 discretion, may allow an applicant who does not have reasonable  
13 access to a designated vendor to provide his or her  
14 fingerprints in an alternative manner. The Department may adopt  
15 any rules necessary to implement this Section.

16 (225 ILCS 458/5-30)

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

18 Sec. 5-30. Endorsement. The Department may issue an  
19 appraiser license, without the required examination, to an  
20 applicant licensed by another state, territory, possession of  
21 the United States, or the District of Columbia, if (i) the  
22 licensing requirements of that licensing authority are, on the  
23 date of licensure, substantially equal to the requirements set  
24 forth under this Act or to a person who, at the time of his or  
25 her application, possessed individual qualifications that were

1 substantially equivalent to the requirements of this Act or  
2 (ii) the applicant provides the Department with evidence of  
3 good standing from the Appraisal Subcommittee National  
4 Registry report and a criminal history records check in  
5 accordance with Section 5-22. An applicant under this Section  
6 shall pay all of the required fees.

7 (Source: P.A. 96-844, eff. 12-23-09.)

8 (225 ILCS 458/5-35)

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

10 Sec. 5-35. Qualifying ~~Pre-license~~ education requirements.

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

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

19 (Source: P.A. 96-844, eff. 12-23-09.)

20 (225 ILCS 458/5-40)

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

22 Sec. 5-40. Qualifying ~~Pre-license~~ experience requirements.

23 The prerequisite experience necessary for a person to be  
24 approved to sit for the examination for licensure as a State

1 certified general real estate appraiser or a State certified  
2 residential real estate appraiser shall be established by rule.

3 (Source: P.A. 96-844, eff. 12-23-09.)

4 (225 ILCS 458/5-50)

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

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

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

15 (225 ILCS 458/10-5)

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

17 Sec. 10-5. Scope of practice.

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

1 criteria established by the AQB, and rules adopted pursuant to  
2 this Act.

3 (b) A State certified residential real estate appraiser is  
4 limited in his or her scope of practice to the provisions of  
5 USPAP, criteria established by the AQB, and the rules adopted  
6 pursuant to this Act.

7 (c) A State certified residential real estate appraiser  
8 must have a State certified general real estate appraiser who  
9 holds a valid license under this Act co-sign all appraisal  
10 reports on properties other than one to 4 units of residential  
11 real property without regard to transaction value or  
12 complexity.

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

1 approved log form shall be maintained by the associate real  
2 estate trainee appraiser and shall be made available to the  
3 Department upon request.

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

5 (225 ILCS 458/15-10)

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

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

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

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

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

25 (3) Paying money, other than for the fees provided for

1 by this Act, or anything of value to a member or employee  
2 of the Board or the Department to procure licensure under  
3 this Act.

4 (4) Conviction by plea of guilty or nolo contendere,  
5 finding of guilt, jury verdict, or entry of judgment or by  
6 sentencing of any crime, including, but not limited to,  
7 convictions, preceding sentences of supervision,  
8 conditional discharge, or first offender probation, under  
9 the laws of any jurisdiction of the United States: (i) that  
10 is a felony; or (ii) that is a misdemeanor, an essential  
11 element of which is dishonesty, or that is directly related  
12 to the practice of the profession.

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

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

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

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

1           adopted pursuant to this Act.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26           (4) Engaging in misleading or untruthful advertising.

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

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

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

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

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

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

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

24 (c) In appropriate cases, the Department may resolve a  
25 complaint against a licensee through the issuance of a Consent  
26 to Administrative Supervision order. A licensee subject to a

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

10 (Source: P.A. 96-844, eff. 12-23-09; 97-602, eff. 8-26-11;  
11 97-877, eff. 8-2-12.)

12 (225 ILCS 458/20-5)

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

14 Sec. 20-5. Education providers.

15 (a) Beginning July 1, 2002, only education providers  
16 licensed or otherwise approved by the Department may provide  
17 the qualifying ~~pre-license~~ and continuing education courses  
18 required for licensure under this Act.

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

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

24 (2) a sufficient number of qualified instructors;

25 (3) adequate support personnel to assist with

1 administrative matters and technical assistance;

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

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

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

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

13 (d) An education provider shall provide each successful  
14 course participant with a certificate of completion signed by  
15 the school administrator. The format and content of the  
16 certificate shall be specified by rule.

17 (e) All education providers shall provide to the Department  
18 a monthly roster of all successful course participants as  
19 provided by rule.

20 (Source: P.A. 96-844, eff. 12-23-09.)

21 (225 ILCS 458/20-10)

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

23 Sec. 20-10. Course approval.

24 (a) Only courses offered by licensed education providers  
25 and approved by the Department, courses approved by the AQB, or

1 courses approved by jurisdictions regulated by the Appraisal  
2 Subcommittee shall be used to meet the requirements of this Act  
3 and rules.

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

9 (c) For each course approved, the Department shall issue a  
10 license to the education provider. The term, expiration date,  
11 and renewal of a course approval shall be established by rule.

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

23 (Source: P.A. 96-844, eff. 12-23-09.)

24 (225 ILCS 458/25-10)

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

1           Sec. 25-10. Real Estate Appraisal Administration and  
2           Disciplinary Board; appointment.

3           (a) There is hereby created the Real Estate Appraisal  
4           Administration and Disciplinary Board. The Board shall be  
5           composed of 10 persons appointed by the Governor, plus the  
6           Coordinator of the Real Estate Appraisal Division. Members  
7           shall be appointed to the Board subject to the following  
8           conditions:

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

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

15                   (3) Four appointed members shall have been actively  
16                   engaged and currently licensed as State certified general  
17                   real estate appraisers for a period of not less than 5  
18                   years. One shall be actively engaged in the appraisal of  
19                   commercial agricultural property.

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

24                   (5) One of the ~~Two~~ ~~appointed~~ members appointed under  
25                   subsection (3) or (4) shall hold a valid license as a real  
26                   estate broker or a managing broker for at least 3 ~~10~~ years



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

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

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

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

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

26 In making the appointment as provided in paragraph (6) of

1 this subsection, the Governor shall give due consideration to  
2 the recommendations by members and organizations representing  
3 financial institutions.

4 (b) The term for members of the Board shall be 4 years, and  
5 each member shall serve until his or her successor is appointed  
6 and qualified. No member shall serve more than 10 years in a  
7 lifetime.

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

13 (d) A majority of the Board members shall constitute a  
14 quorum. A vacancy in the membership of the Board shall not  
15 impair the right of a quorum to exercise all of the rights and  
16 perform all of the duties of the Board.

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

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

1           (g) The Coordinator of the Real Estate Appraisal Division  
2 shall serve as a member of the Board without vote.

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

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

23           (j) The Department shall seek and the Board shall provide  
24 recommendations to the Department consistent with the  
25 provisions of this Act and for the administration and  
26 enforcement of all rules adopted pursuant to this Act. The

1 Department shall give due consideration to such  
2 recommendations prior to adopting rules.

3 (k) The Department shall seek and the Board shall provide  
4 recommendations to the Department on the approval of all  
5 courses submitted to the Department pursuant to this Act and  
6 the rules adopted pursuant to this Act. The Department shall  
7 not approve any courses without having first received the  
8 recommendation of the Board and shall give due consideration to  
9 such recommendations prior to approving and licensing courses;  
10 however, if the Board does not make a recommendation within a  
11 reasonable amount of time, then the Department may approve  
12 courses.

13 (l) Each voting member of the Board shall receive a per  
14 diem stipend in an amount to be determined by the Secretary.  
15 Each member shall be paid his or her necessary expenses while  
16 engaged in the performance of his or her duties.

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

20 (n) If the Department disagrees with any advice or  
21 recommendation provided by the Board under this Section to the  
22 Secretary or the Department, then notice of such disagreement  
23 must be provided to the Board by the Department.

24 (o) Upon resolution adopted at any Board meeting, the  
25 exercise of any Board function, power, or duty enumerated in  
26 this Section or in subsection (d) of Section 15-10 of this Act

1 may be suspended. The exercise of any suspended function,  
2 power, or duty of the Board may be reinstated by a resolution  
3 adopted at a subsequent Board meeting. Any resolution adopted  
4 pursuant to this Section shall take effect immediately.

5 (Source: P.A. 96-844, eff. 12-23-09.)

6 (225 ILCS 458/25-15)

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

8 Sec. 25-15. Coordinator of Real Estate Appraisal;  
9 appointment; duties. The Secretary shall appoint, subject to  
10 the Personnel Code, a Coordinator of Real Estate Appraisal. In  
11 appointing the Coordinator, the Secretary shall give due  
12 consideration to recommendations made by members,  
13 organizations, and associations of the real estate appraisal  
14 industry. On or after January 1, 2010, the Coordinator must  
15 hold a current, valid State certified general real estate  
16 appraiser license. The Coordinator shall not practice ~~or a~~  
17 ~~State certified residential real estate appraiser license,~~  
18 ~~which shall be surrendered to the Department~~ during the term of  
19 his or her appointment. ~~The Coordinator must take the 30-hour~~  
20 ~~National Instructors Course on Uniform Standards of~~  
21 ~~Professional Appraisal Practice.~~ The Coordinator ~~Coordinator's~~  
22 ~~license shall be returned in the same status as it was on the~~  
23 ~~date of surrender,~~ credited with all fees that came due during  
24 his or her employment. The Coordinator shall:

25 (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, the  
3 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 deems necessary for providing guidance or assistance to  
8 licensees;

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

12 (5) (blank); and

13 (6) be authorized to investigate and determine the  
14 facts of a complaint; the coordinator may interview  
15 witnesses, the complainant, and any licensees involved in  
16 the alleged matter and make a recommendation as to the  
17 findings of fact.

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