



Rep. Robert Rita

Filed: 5/22/2014

09800SB3044ham001

LRB098 17651 ZMM 60019 a

1 AMENDMENT TO SENATE BILL 3044

2 AMENDMENT NO. _____. Amend Senate Bill 3044 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Real Estate License Act of 2000 is amended
5 by changing Sections 1-10, 5-27, and 25-10 and by adding
6 Section 10-45 as follows:

7 (225 ILCS 454/1-10)

8 (Section scheduled to be repealed on January 1, 2020)

9 Sec. 1-10. Definitions. In this Act, unless the context
10 otherwise requires:

11 "Act" means the Real Estate License Act of 2000.

12 "Address of Record" means the designated address recorded
13 by the Department in the applicant's or licensee's application
14 file or license file as maintained by the Department's
15 licensure maintenance unit. It is the duty of the applicant or
16 licensee to inform the Department of any change of address, and

1 those changes must be made either through the Department's
2 website or by contacting the Department.

3 "Advisory Council" means the Real Estate Education
4 Advisory Council created under Section 30-10 of this Act.

5 "Agency" means a relationship in which a real estate broker
6 or licensee, whether directly or through an affiliated
7 licensee, represents a consumer by the consumer's consent,
8 whether express or implied, in a real property transaction.

9 "Applicant" means any person, as defined in this Section,
10 who applies to the Department for a valid license as a real
11 estate broker, real estate salesperson, or leasing agent.

12 "Blind advertisement" means any real estate advertisement
13 that does not include the sponsoring broker's business name and
14 that is used by any licensee regarding the sale or lease of
15 real estate, including his or her own, licensed activities, or
16 the hiring of any licensee under this Act. The broker's
17 business name in the case of a franchise shall include the
18 franchise affiliation as well as the name of the individual
19 firm.

20 "Board" means the Real Estate Administration and
21 Disciplinary Board of the Department as created by Section
22 25-10 of this Act.

23 "Branch office" means a sponsoring broker's office other
24 than the sponsoring broker's principal office.

25 "Broker" means an individual, partnership, limited
26 liability company, corporation, or registered limited

1 liability partnership other than a real estate salesperson or
2 leasing agent who, whether in person or through any media or
3 technology, for another and for compensation, or with the
4 intention or expectation of receiving compensation, either
5 directly or indirectly:

6 (1) Sells, exchanges, purchases, rents, or leases real
7 estate.

8 (2) Offers to sell, exchange, purchase, rent, or lease
9 real estate.

10 (3) Negotiates, offers, attempts, or agrees to
11 negotiate the sale, exchange, purchase, rental, or leasing
12 of real estate.

13 (4) Lists, offers, attempts, or agrees to list real
14 estate for sale, lease, or exchange.

15 (5) Buys, sells, offers to buy or sell, or otherwise
16 deals in options on real estate or improvements thereon.

17 (6) Supervises the collection, offer, attempt, or
18 agreement to collect rent for the use of real estate.

19 (7) Advertises or represents himself or herself as
20 being engaged in the business of buying, selling,
21 exchanging, renting, or leasing real estate.

22 (8) Assists or directs in procuring or referring of
23 leads or prospects, intended to result in the sale,
24 exchange, lease, or rental of real estate.

25 (9) Assists or directs in the negotiation of any
26 transaction intended to result in the sale, exchange,

1 lease, or rental of real estate.

2 (10) Opens real estate to the public for marketing
3 purposes.

4 (11) Sells, leases, or offers for sale or lease real
5 estate at auction.

6 (12) Prepares or provides a broker price opinion or
7 comparative market analysis as those terms are defined in
8 this Act, pursuant to the provisions of Section 10-45 of
9 this Act.

10 "Brokerage agreement" means a written or oral agreement
11 between a sponsoring broker and a consumer for licensed
12 activities to be provided to a consumer in return for
13 compensation or the right to receive compensation from another.
14 Brokerage agreements may constitute either a bilateral or a
15 unilateral agreement between the broker and the broker's client
16 depending upon the content of the brokerage agreement. All
17 exclusive brokerage agreements shall be in writing.

18 "Broker price opinion" means an estimate or analysis of the
19 probable selling price of a particular interest in real estate,
20 which may provide a varying level of detail about the
21 property's condition, market, and neighborhood and information
22 on comparable sales. The activities of a real estate broker or
23 managing broker engaging in the ordinary course of business as
24 a broker, as defined in this Section, shall not be considered a
25 broker price opinion if no compensation is paid to the broker
26 or managing broker, other than compensation based upon the sale

1 or rental of real estate.

2 "Client" means a person who is being represented by a
3 licensee.

4 "Comparative market analysis" is an analysis or opinion
5 regarding pricing, marketing, or financial aspects relating to
6 a specified interest or interests in real estate that may be
7 based upon an analysis of comparative market data, the
8 expertise of the real estate broker or managing broker, and
9 such other factors as the broker or managing broker may deem
10 appropriate in developing or preparing such analysis or
11 opinion. The activities of a real estate broker or managing
12 broker engaging in the ordinary course of business as a broker,
13 as defined in this Section, shall not be considered a
14 comparative market analysis if no compensation is paid to the
15 broker or managing broker, other than compensation based upon
16 the sale or rental of real estate.

17 "Compensation" means the valuable consideration given by
18 one person or entity to another person or entity in exchange
19 for the performance of some activity or service. Compensation
20 shall include the transfer of valuable consideration,
21 including without limitation the following:

- 22 (1) commissions;
- 23 (2) referral fees;
- 24 (3) bonuses;
- 25 (4) prizes;
- 26 (5) merchandise;

- 1 (6) finder fees;
- 2 (7) performance of services;
- 3 (8) coupons or gift certificates;
- 4 (9) discounts;
- 5 (10) rebates;
- 6 (11) a chance to win a raffle, drawing, lottery, or
- 7 similar game of chance not prohibited by any other law or
- 8 statute;
- 9 (12) retainer fee; or
- 10 (13) salary.

11 "Confidential information" means information obtained by a
12 licensee from a client during the term of a brokerage agreement
13 that (i) was made confidential by the written request or
14 written instruction of the client, (ii) deals with the
15 negotiating position of the client, or (iii) is information the
16 disclosure of which could materially harm the negotiating
17 position of the client, unless at any time:

- 18 (1) the client permits the disclosure of information
- 19 given by that client by word or conduct;
- 20 (2) the disclosure is required by law; or
- 21 (3) the information becomes public from a source other
- 22 than the licensee.

23 "Confidential information" shall not be considered to
24 include material information about the physical condition of
25 the property.

26 "Consumer" means a person or entity seeking or receiving

1 licensed activities.

2 "Continuing education school" means any person licensed by
3 the Department as a school for continuing education in
4 accordance with Section 30-15 of this Act.

5 "Coordinator" means the Coordinator of Real Estate created
6 in Section 25-15 of this Act.

7 "Credit hour" means 50 minutes of classroom instruction in
8 course work that meets the requirements set forth in rules
9 adopted by the Department.

10 "Customer" means a consumer who is not being represented by
11 the licensee but for whom the licensee is performing
12 ministerial acts.

13 "Department" means the Department of Financial and
14 Professional Regulation.

15 "Designated agency" means a contractual relationship
16 between a sponsoring broker and a client under Section 15-50 of
17 this Act in which one or more licensees associated with or
18 employed by the broker are designated as agent of the client.

19 "Designated agent" means a sponsored licensee named by a
20 sponsoring broker as the legal agent of a client, as provided
21 for in Section 15-50 of this Act.

22 "Dual agency" means an agency relationship in which a
23 licensee is representing both buyer and seller or both landlord
24 and tenant in the same transaction. When the agency
25 relationship is a designated agency, the question of whether
26 there is a dual agency shall be determined by the agency

1 relationships of the designated agent of the parties and not of
2 the sponsoring broker.

3 "Employee" or other derivative of the word "employee", when
4 used to refer to, describe, or delineate the relationship
5 between a real estate broker and a real estate salesperson,
6 another real estate broker, or a leasing agent, shall be
7 construed to include an independent contractor relationship,
8 provided that a written agreement exists that clearly
9 establishes and states the relationship. All responsibilities
10 of a broker shall remain.

11 "Escrow moneys" means all moneys, promissory notes or any
12 other type or manner of legal tender or financial consideration
13 deposited with any person for the benefit of the parties to the
14 transaction. A transaction exists once an agreement has been
15 reached and an accepted real estate contract signed or lease
16 agreed to by the parties. Escrow moneys includes without
17 limitation earnest moneys and security deposits, except those
18 security deposits in which the person holding the security
19 deposit is also the sole owner of the property being leased and
20 for which the security deposit is being held.

21 "Electronic means of proctoring" means a methodology
22 providing assurance that the person taking a test and
23 completing the answers to questions is the person seeking
24 licensure or credit for continuing education and is doing so
25 without the aid of a third party or other device.

26 "Exclusive brokerage agreement" means a written brokerage

1 agreement that provides that the sponsoring broker has the sole
2 right, through one or more sponsored licensees, to act as the
3 exclusive designated agent or representative of the client and
4 that meets the requirements of Section 15-75 of this Act.

5 "Inoperative" means a status of licensure where the
6 licensee holds a current license under this Act, but the
7 licensee is prohibited from engaging in licensed activities
8 because the licensee is unsponsored or the license of the
9 sponsoring broker with whom the licensee is associated or by
10 whom he or she is employed is currently expired, revoked,
11 suspended, or otherwise rendered invalid under this Act.

12 "Interactive delivery method" means delivery of a course by
13 an instructor through a medium allowing for 2-way communication
14 between the instructor and a student in which either can
15 initiate or respond to questions.

16 "Leads" means the name or names of a potential buyer,
17 seller, lessor, lessee, or client of a licensee.

18 "Leasing Agent" means a person who is employed by a real
19 estate broker to engage in licensed activities limited to
20 leasing residential real estate who has obtained a license as
21 provided for in Section 5-5 of this Act.

22 "License" means the document issued by the Department
23 certifying that the person named thereon has fulfilled all
24 requirements prerequisite to licensure under this Act.

25 "Licensed activities" means those activities listed in the
26 definition of "broker" under this Section.

1 "Licensee" means any person, as defined in this Section,
2 who holds a valid unexpired license as a real estate broker,
3 real estate salesperson, or leasing agent.

4 "Listing presentation" means a communication between a
5 real estate broker or salesperson and a consumer in which the
6 licensee is attempting to secure a brokerage agreement with the
7 consumer to market the consumer's real estate for sale or
8 lease.

9 "Managing broker" means a broker who has supervisory
10 responsibilities for licensees in one or, in the case of a
11 multi-office company, more than one office and who has been
12 appointed as such by the sponsoring broker.

13 "Medium of advertising" means any method of communication
14 intended to influence the general public to use or purchase a
15 particular good or service or real estate.

16 "Ministerial acts" means those acts that a licensee may
17 perform for a consumer that are informative or clerical in
18 nature and do not rise to the level of active representation on
19 behalf of a consumer. Examples of these acts include without
20 limitation (i) responding to phone inquiries by consumers as to
21 the availability and pricing of brokerage services, (ii)
22 responding to phone inquiries from a consumer concerning the
23 price or location of property, (iii) attending an open house
24 and responding to questions about the property from a consumer,
25 (iv) setting an appointment to view property, (v) responding to
26 questions of consumers walking into a licensee's office

1 concerning brokerage services offered or particular
2 properties, (vi) accompanying an appraiser, inspector,
3 contractor, or similar third party on a visit to a property,
4 (vii) describing a property or the property's condition in
5 response to a consumer's inquiry, (viii) completing business or
6 factual information for a consumer on an offer or contract to
7 purchase on behalf of a client, (ix) showing a client through a
8 property being sold by an owner on his or her own behalf, or
9 (x) referral to another broker or service provider.

10 "Office" means a real estate broker's place of business
11 where the general public is invited to transact business and
12 where records may be maintained and licenses displayed, whether
13 or not it is the broker's principal place of business.

14 "Person" means and includes individuals, entities,
15 corporations, limited liability companies, registered limited
16 liability partnerships, and partnerships, foreign or domestic,
17 except that when the context otherwise requires, the term may
18 refer to a single individual or other described entity.

19 "Personal assistant" means a licensed or unlicensed person
20 who has been hired for the purpose of aiding or assisting a
21 sponsored licensee in the performance of the sponsored
22 licensee's job.

23 "Pocket card" means the card issued by the Department to
24 signify that the person named on the card is currently licensed
25 under this Act.

26 "Pre-license school" means a school licensed by the

1 Department offering courses in subjects related to real estate
2 transactions, including the subjects upon which an applicant is
3 examined in determining fitness to receive a license.

4 "Pre-renewal period" means the period between the date of
5 issue of a currently valid license and the license's expiration
6 date.

7 "Proctor" means any person, including, but not limited to,
8 an instructor, who has a written agreement to administer
9 examinations fairly and impartially with a licensed
10 pre-license school or a licensed continuing education school.

11 "Real estate" means and includes leaseholds as well as any
12 other interest or estate in land, whether corporeal,
13 incorporeal, freehold, or non-freehold, including timeshare
14 interests, and whether the real estate is situated in this
15 State or elsewhere.

16 "Regular employee" means a person working an average of 20
17 hours per week for a person or entity who would be considered
18 as an employee under the Internal Revenue Service eleven main
19 tests in three categories being behavioral control, financial
20 control and the type of relationship of the parties, formerly
21 the twenty factor test.

22 "Salesperson" means any individual, other than a real
23 estate broker or leasing agent, who is employed by a real
24 estate broker or is associated by written agreement with a real
25 estate broker as an independent contractor and participates in
26 any activity described in the definition of "broker" under this

1 Section.

2 "Secretary" means the Secretary of the Department of
3 Financial and Professional Regulation, or a person authorized
4 by the Secretary to act in the Secretary's stead.

5 "Sponsoring broker" means the broker who has issued a
6 sponsor card to a licensed salesperson, another licensed
7 broker, or a leasing agent.

8 "Sponsor card" means the temporary permit issued by the
9 sponsoring real estate broker certifying that the real estate
10 broker, real estate salesperson, or leasing agent named thereon
11 is employed by or associated by written agreement with the
12 sponsoring real estate broker, as provided for in Section 5-40
13 of this Act.

14 (Source: P.A. 98-531, eff. 8-23-13.)

15 (225 ILCS 454/5-27)

16 (Section scheduled to be repealed on January 1, 2020)

17 Sec. 5-27. Requirements for licensure as a broker.

18 (a) Every applicant for licensure as a broker must meet the
19 following qualifications:

20 (1) Be at least 21 years of age. After April 30, 2011,
21 the minimum age of 21 years shall be waived for any person
22 seeking a license as a broker who has attained the age of
23 18 and can provide evidence of the successful completion of
24 at least 4 semesters of post-secondary school study as a
25 full-time student or the equivalent, with major emphasis on

1 real estate courses, in a school approved by the
2 Department;

3 (2) Be of good moral character;

4 (3) Successfully complete a 4-year course of study in a
5 high school or secondary school approved by the Illinois
6 State Board of Education or an equivalent course of study
7 as determined by an examination conducted by the Illinois
8 State Board of Education which shall be verified under oath
9 by the applicant;

10 (4) Prior to May 1, 2011, provide (i) satisfactory
11 evidence of having completed at least 120 classroom hours,
12 45 of which shall be those hours required to obtain a
13 salesperson's license plus 15 hours in brokerage
14 administration courses, in real estate courses approved by
15 the Advisory Council or (ii) for applicants who currently
16 hold a valid real estate salesperson's license, give
17 satisfactory evidence of having completed at least 75 hours
18 in real estate courses, not including the courses that are
19 required to obtain a salesperson's license, approved by the
20 Advisory Council;

21 (5) After April 30, 2011, provide satisfactory
22 evidence of having completed 90 hours of instruction in
23 real estate courses approved by the Advisory Council, 15
24 hours of which must consist of situational and case studies
25 presented in the classroom or by other interactive delivery
26 method ~~presenting instruction and real time discussion~~

1 between the instructor and the students;

2 (6) Personally take and pass a written examination
3 authorized by the Department;

4 (7) Present a valid application for issuance of a
5 license accompanied by a sponsor card and the fees
6 specified by rule.

7 (b) The requirements specified in items (4) and (5) of
8 subsection (a) of this Section do not apply to applicants who
9 are currently admitted to practice law by the Supreme Court of
10 Illinois and are currently in active standing.

11 (c) No applicant shall engage in any of the activities
12 covered by this Act until a valid sponsor card has been issued
13 to such applicant. The sponsor card shall be valid for a
14 maximum period of 45 days after the date of issuance unless
15 extended for good cause as provided by rule.

16 (d) All licenses should be readily available to the public
17 at their place of business.

18 (e) An individual holding an active license as a managing
19 broker may return the license to the Department along with a
20 form provided by the Department and shall be issued a broker's
21 license in exchange. Any individual obtaining a broker's
22 license under this subsection (e) shall be considered as having
23 obtained a broker's license by education and passing the
24 required test and shall be treated as such in determining
25 compliance with this Act.

26 (Source: P.A. 98-531, eff. 8-23-13.)

1 (225 ILCS 454/10-45 new)

2 Sec. 10-45. Broker price opinions and comparative market
3 analyses.

4 (a) A broker price opinion or comparative market analysis
5 may be prepared or provided by a real estate broker or managing
6 broker for any of the following:

7 (1) an existing or potential buyer or seller of an
8 interest in real estate;

9 (2) an existing or potential lessor or lessee of an
10 interest in real estate;

11 (3) a third party making decisions or performing due
12 diligence related to the potential listing, offering,
13 sale, option, lease, or acquisition price of an interest in
14 real estate; or

15 (4) an existing or potential lienholder or other third
16 party for any purpose other than as the primary basis to
17 determine the market value of an interest in real estate
18 for the purpose of a mortgage loan origination by a
19 financial institution secured by such real estate.

20 (b) A broker price opinion or comparative market analysis
21 shall be in writing either on paper or electronically and shall
22 include the following provisions:

23 (1) a statement of the intended purpose of the broker
24 price opinion or comparative market analysis;

25 (2) a brief description of the interest in real estate

1 that is the subject of the broker price opinion or
2 comparative market analysis;

3 (3) a brief description of the methodology used to
4 develop the broker price opinion or comparative market
5 analysis;

6 (4) any assumptions or limiting conditions;

7 (5) a disclosure of any existing or contemplated
8 interest of the broker or managing broker in the interest
9 in real estate that is the subject of the broker price
10 opinion or comparative market analysis;

11 (6) the name, license number, and signature of the
12 broker or managing broker that developed the broker price
13 opinion or comparative market analysis;

14 (7) a statement in substantially the following form:

15 "This is a broker price opinion/comparative market
16 analysis, not an appraisal of the market value of the real
17 estate, and was prepared by a licensed real estate broker
18 or managing broker, not by a State certified real estate
19 appraiser."; and

20 (8) such other items as the broker or managing broker
21 may deem appropriate.

22 (225 ILCS 454/25-10)

23 (Section scheduled to be repealed on January 1, 2020)

24 Sec. 25-10. Real Estate Administration and Disciplinary
25 Board; duties. There is created the Real Estate Administration

1 and Disciplinary Board. The Board shall be composed of 9
2 persons appointed by the Governor. Members shall be appointed
3 to the Board subject to the following conditions:

4 (1) All members shall have been residents and citizens
5 of this State for at least 6 years prior to the date of
6 appointment.

7 (2) Six members shall have been actively engaged as
8 brokers or salespersons or both for at least the 10 years
9 prior to the appointment.

10 (3) Three members of the Board shall be public members
11 who represent consumer interests.

12 None of these members shall be (i) a person who is licensed
13 under this Act or a similar Act of another jurisdiction, (ii)
14 the spouse or family member of a licensee, (iii) a person who
15 has an ownership interest in a real estate brokerage business,
16 or (iv) a person the Department determines to have any other
17 connection with a real estate brokerage business or a licensee.
18 The members' terms shall be 4 years or until their successor is
19 appointed, and the expiration of their terms shall be
20 staggered. Appointments to fill vacancies shall be for the
21 unexpired portion of the term. ~~No member shall be reappointed~~
22 ~~to the Board for a term that would cause his or her service on~~
23 ~~the Board to be longer than 12 years in a lifetime.~~ The
24 membership of the Board should reasonably reflect the
25 geographic distribution of the licensee population in this
26 State. In making the appointments, the Governor shall give due

1 consideration to the recommendations by members and
2 organizations of the profession. The Governor may terminate the
3 appointment of any member for cause that in the opinion of the
4 Governor reasonably justifies the termination. Cause for
5 termination shall include without limitation misconduct,
6 incapacity, neglect of duty, or missing 4 board meetings during
7 any one calendar year. Each member of the Board may receive a
8 per diem stipend in an amount to be determined by the
9 Secretary. Each member shall be paid his or her necessary
10 expenses while engaged in the performance of his or her duties.
11 Such compensation and expenses shall be paid out of the Real
12 Estate License Administration Fund. The Secretary shall
13 consider the recommendations of the Board on questions
14 involving standards of professional conduct, discipline, and
15 examination of candidates under this Act. The Department, after
16 notifying and considering the recommendations of the Board, if
17 any, may issue rules, consistent with the provisions of this
18 Act, for the administration and enforcement thereof and may
19 prescribe forms that shall be used in connection therewith.
20 Five Board members shall constitute a quorum. A quorum is
21 required for all Board decisions.

22 (Source: P.A. 96-856, eff. 12-31-09.)

23 Section 10. The Real Estate Appraiser Licensing Act of 2002
24 is amended by changing Sections 1-5, 1-10, 5-5, 5-10, 5-15,
25 5-20, 5-30, 5-35, 5-40, 5-50, 10-5, 15-10, 20-5, 20-10, 25-10,

1 and 25-15 and by adding Section 5-22 as follows:

2 (225 ILCS 458/1-5)

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

4 Sec. 1-5. Legislative intent. The intent of the General
5 Assembly in enacting this Act is to evaluate the competency of
6 persons engaged in the appraisal of real estate ~~in connection~~
7 ~~with a federally related transaction~~ and to license and
8 regulate those persons for the protection of the public.
9 Additionally, it is the intent of the General Assembly for this
10 Act to be consistent with the provisions of Title XI of the
11 federal Financial Institutions Reform, Recovery and
12 Enforcement Act of 1989.

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

14 (225 ILCS 458/1-10)

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

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

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

24 "Address of record" means the designated address recorded

1 by the Department in the applicant's or licensee's application
2 file or license file as maintained by the Department's
3 licensure maintenance unit. It is the duty of the applicant or
4 licensee to inform the Department of any change of address and
5 those changes must be made either through the Department's
6 website or by contacting the Department.

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

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

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

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

20 "Appraisal firm" means an appraisal entity that is 100%
21 owned and controlled by a person or persons licensed in
22 Illinois as a certified general real estate appraiser or a
23 certified residential real estate appraiser. "Appraisal firm"
24 does not include an appraisal management company.

25 "Appraisal management company" means any corporation,
26 limited liability company, partnership, sole proprietorship,

1 subsidiary, unit, or other business entity that directly or
2 indirectly performs the following appraisal management
3 services: (1) administers networks of independent contractors
4 or employee appraisers to perform real estate appraisal
5 assignments for clients; (2) receives requests for real estate
6 appraisal services from clients and, for a fee paid by the
7 client, enters into an agreement with one or more independent
8 appraisers to perform the real estate appraisal services
9 contained in the request; or (3) otherwise serves as a
10 third-party broker of appraisal management services between
11 clients and appraisers. "Appraisal management company" does
12 not include an appraisal firm.

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

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

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

25 "Appraisal Subcommittee" means the Appraisal Subcommittee
26 of the Federal Financial Institutions Examination Council as

1 established by Title XI.

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

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

6 "Associate real estate trainee appraiser" means an
7 entry-level appraiser who holds a license of this
8 classification under this Act with restrictions as to the scope
9 of practice in accordance with this Act.

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

12 "Broker price opinion" means an estimate or analysis of the
13 probable selling price of a particular interest in real estate,
14 which may provide a varying level of detail about the
15 property's condition, market, and neighborhood and information
16 on comparable sales. The activities of a real estate broker or
17 managing broker engaging in the ordinary course of business as
18 a broker, as defined in this Section, shall not be considered a
19 broker price opinion if no compensation is paid to the broker
20 or managing broker, other than compensation based upon the sale
21 or rental of real estate.

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

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

26 "Comparative market analysis" is an analysis or opinion

1 regarding pricing, marketing, or financial aspects relating to
2 a specified interest or interests in real estate that may be
3 based upon an analysis of comparative market data, the
4 expertise of the real estate broker or managing broker, and
5 such other factors as the broker or managing broker may deem
6 appropriate in developing or preparing such analysis or
7 opinion. The activities of a real estate broker or managing
8 broker engaging in the ordinary course of business as a broker,
9 as defined in this Section, shall not be considered a
10 comparative market analysis if no compensation is paid to the
11 broker or managing broker, other than compensation based upon
12 the sale or rental of real estate.

13 "Coordinator" means the Coordinator of Real Estate
14 Appraisal of the Division of Professional Regulation of the
15 Department of Financial and Professional Regulation.

16 "Department" means the Department of Financial and
17 Professional Regulation.

18 "Federal financial institutions regulatory agencies" means
19 the Board of Governors of the Federal Reserve System, the
20 Federal Deposit Insurance Corporation, the Office of the
21 Comptroller of the Currency, the Consumer Financial Protection
22 Bureau ~~Office of Thrift Supervision~~, and the National Credit
23 Union Administration.

24 "Federally related transaction" means any real
25 estate-related financial transaction in which a federal
26 financial institutions regulatory agency, ~~the Department of~~

1 ~~Housing and Urban Development, Fannie Mae, Freddie Mac, or the~~
2 ~~National Credit Union Administration~~ engages in, contracts
3 for, or regulates and requires the services of an appraiser.

4 "Financial institution" means any bank, savings bank,
5 savings and loan association, credit union, mortgage broker,
6 mortgage banker, licensee under the Consumer Installment Loan
7 Act or the Sales Finance Agency Act, or a corporate fiduciary,
8 subsidiary, affiliate, parent company, or holding company of
9 any such licensee, or any institution involved in real estate
10 financing that is regulated by state or federal law.

11 ~~"Modular Course" means the Appraisal Qualifying Course~~
12 ~~Design conforming to the Sub Topics Course Outline contained in~~
13 ~~the AQB Criteria 2008.~~

14 "Person" means an individual, entity, sole proprietorship,
15 corporation, limited liability company, partnership, and joint
16 venture, foreign or domestic, except that when the context
17 otherwise requires, the term may refer to more than one
18 individual or other described entity.

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

21 "Real estate related financial transaction" means any
22 transaction involving:

23 (1) the sale, lease, purchase, investment in, or
24 exchange of real property, including interests in property
25 or the financing thereof;

26 (2) the refinancing of real property or interests in

1 real property; and

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

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

7 "Secretary" means the Secretary of Financial and
8 Professional Regulation.

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

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

22 "Supervising appraiser" means either (i) an appraiser who
23 holds a valid license under this Act as either a State
24 certified general real estate appraiser or a State certified
25 residential real estate appraiser, who co-signs an appraisal
26 report for an associate real estate trainee appraiser or (ii) a

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

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

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

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

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

14 (225 ILCS 458/5-5)

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

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

17 (a) It is unlawful for a person to (i) act, offer services,
18 or advertise services as a State certified general real estate
19 appraiser, State certified residential real estate appraiser,
20 or associate real estate trainee appraiser, (ii) develop a real
21 estate appraisal, (iii) practice as a real estate appraiser, or
22 (iv) advertise or hold himself or herself out to be a real
23 estate appraiser without a 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 (a-5) It is unlawful for a person, unless registered as an
3 appraisal management company, to solicit clients or enter into
4 an appraisal engagement with clients without either a certified
5 residential real estate appraiser license or a certified
6 general real estate appraiser license issued under this Act. A
7 person who violates this subsection is guilty of a Class A
8 misdemeanor for a first offense and a Class 4 felony for any
9 subsequent offense.

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

20 (c) This Act does not apply to a person who holds a valid
21 license as a real estate broker or managing broker pursuant to
22 the Real Estate License Act of 2000 who prepares or provides a
23 broker price opinion or comparative market analysis in
24 compliance with Section 10-45 of the Real Estate License Act of
25 2000. ~~The licensing requirements of this Act do not require a~~
26 ~~person who holds a valid license pursuant to the Real Estate~~

1 ~~License Act of 2000, to be licensed as a real estate appraiser~~
2 ~~under this Act, unless that person is providing or attempting~~
3 ~~to provide an appraisal report, as defined in Section 1-10 of~~
4 ~~this Act, in connection with a federally-related transaction.~~
5 ~~Nothing in this Act shall prohibit a person who holds a valid~~
6 ~~license under the Real Estate License Act of 2000 from~~
7 ~~performing a comparative market analysis or broker price~~
8 ~~opinion for compensation, provided that the person does not~~
9 ~~hold himself out as being a licensed real estate appraiser.~~

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

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

25 (e-5) For the purposes of this Act, valuation waivers may
26 be prepared by a licensed appraiser notwithstanding any other

1 provision of this Act, and the following types of valuations
2 are not appraisals and may not be represented to be appraisals,
3 and a license is not required under this Act to perform such
4 valuations if the valuations are performed by (1) an employee
5 of the Illinois Department of Transportation who has completed
6 a minimum of 45 hours of course work in real estate appraisal,
7 including the principals of real estate appraisals, appraisal
8 of partial acquisitions, easement valuation, reviewing
9 appraisals in eminent domain, appraisal for federal aid highway
10 programs, and appraisal review for federal aid highway programs
11 and has at least 2 years' experience in a field closely related
12 to real estate or (2) a county engineer who is a registered
13 professional engineer under the Professional Engineering
14 Practice Act of 1989, under the following circumstances:

15 (A) a valuation waiver in an amount not to exceed
16 \$10,000 prepared pursuant to the federal Uniform
17 Relocation Assistance and Real Property Acquisition
18 Policies Act of 1970, or prepared pursuant to the federal
19 Uniform Relocation Assistance and Real Property
20 Acquisition for Federal and Federally-Assisted Programs
21 regulations and which is performed by an employee of the
22 Illinois Department of Transportation and co-signed, with
23 a license number affixed, by another employee of the
24 Illinois Department of Transportation who is a registered
25 professional engineer under the Professional Engineering
26 Practice Act of 1989; and

1 (B) 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, or prepared pursuant to the federal
5 Uniform Relocation Assistance and Real Property
6 Acquisition for Federal and Federally-Assisted Programs
7 regulations and which is performed by a county engineer who
8 is employed by a county and is a registered professional
9 engineer under the Professional Engineering Practice Act
10 of 1989. In addition to his or her signature, the county
11 engineer shall affix his or her license number to the
12 valuation.

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

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

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

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

26 However, any person who is certified or licensed under this Act

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

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

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

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

23 (225 ILCS 458/5-10)

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

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

1 estate appraiser.

2 (a) Every person who desires to obtain a State certified
3 general real estate 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) (blank);

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

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

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

21 (b) Applicants must provide evidence to the Department of
22 ~~(i) holding a Bachelor's degree or higher from an accredited~~
23 ~~college or university. or (ii) successfully passing 30 semester~~
24 ~~credit hours or the equivalent from an accredited college or~~
25 ~~university, junior college, or community college in the~~
26 ~~following subjects:~~

- 1 ~~(1) English composition;~~
- 2 ~~(2) micro economics;~~
- 3 ~~(3) macro economics;~~
- 4 ~~(4) finance;~~
- 5 ~~(5) algebra, geometry, or higher mathematics;~~
- 6 ~~(6) statistics;~~
- 7 ~~(7) introduction to computers word processing and~~
- 8 ~~spreadsheets;~~
- 9 ~~(8) business or real estate law; and~~
- 10 ~~(9) two elective courses in accounting, geography,~~
- 11 ~~agricultural economics, business management, or real~~
- 12 ~~estate.~~

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

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

19 (225 ILCS 458/5-15)

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

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

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

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

1 Department accompanied by the required fee;

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

3 (3) (blank);

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

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

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

17 ~~(b) Applicants must provide evidence to the Department of~~
18 ~~(i) holding an Associate's degree or its equivalent from an~~
19 ~~accredited college or university, junior college, or community~~
20 ~~college or (ii) successfully passing 21 semester credit hours~~
21 ~~or the equivalent from an accredited college or university,~~
22 ~~junior college, or community college in the following subjects:~~

23 ~~(1) English composition;~~

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

25 ~~(3) finance;~~

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

1 ~~(5) statistics;~~

2 ~~(6) introduction to computers word processing and~~
3 ~~spreadsheets; and~~

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

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

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

11 (225 ILCS 458/5-20)

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

13 Sec. 5-20. Application for associate real estate trainee
14 appraiser. Every person who desires to obtain an associate real
15 estate trainee 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) provide evidence of having attained a high school
20 diploma or completed an equivalent course of study as
21 determined by an examination conducted or accepted by the
22 Illinois State Board of Education;

23 (4) personally take and pass an examination authorized
24 by the Department; and

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

1 to the Department that he or she has successfully completed
2 the prerequisite qualifying and any conditional education
3 requirements ~~classroom hours of instruction in appraising~~
4 as established by rule.

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

6 (225 ILCS 458/5-22 new)

7 Sec. 5-22. Criminal history records check. Each applicant
8 for licensure by examination or restoration shall have his or
9 her fingerprints submitted to the Department of State Police in
10 an electronic format that complies with the form and manner for
11 requesting and furnishing criminal history record information
12 as prescribed by the Department of State Police. These
13 fingerprints shall be checked against the Department of State
14 Police and Federal Bureau of Investigation criminal history
15 record databases now and hereafter filed. The Department of
16 State Police shall charge applicants a fee for conducting the
17 criminal history records check, which shall be deposited into
18 the State Police Services Fund and shall not exceed the actual
19 cost of the records check. The Department of State Police shall
20 furnish, pursuant to positive identification, records of
21 Illinois convictions to the Department. The Department may
22 require applicants to pay a separate fingerprinting fee, either
23 to the Department or to a vendor. The Department may adopt any
24 rules necessary to implement this Section.

1 (225 ILCS 458/5-30)

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

3 Sec. 5-30. Endorsement. The Department may issue an
4 appraiser license, without the required examination, to an
5 applicant licensed by another state, territory, possession of
6 the United States, or the District of Columbia, if (i) the
7 licensing requirements of that licensing authority are, on the
8 date of licensure, substantially equal to the requirements set
9 forth under this Act or to a person who, at the time of his or
10 her application, possessed individual qualifications that were
11 substantially equivalent to the requirements of this Act or
12 (ii) the applicant provides the Department with evidence of
13 good standing from the Appraisal Subcommittee National
14 Registry report and a criminal history records check in
15 accordance with Section 5-22. An applicant under this Section
16 shall pay all of the required fees.

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

18 (225 ILCS 458/5-35)

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

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

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

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

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

5 (225 ILCS 458/5-40)

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

7 Sec. 5-40. Qualifying ~~Pre-license~~ experience requirements.
8 The prerequisite experience necessary for a person to be
9 approved to sit for the examination for licensure as a State
10 certified general real estate appraiser or a State certified
11 residential real estate appraiser shall be established by rule.

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

13 (225 ILCS 458/5-50)

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

15 Sec. 5-50. Temporary practice permits. A nonresident
16 appraiser who holds a valid appraiser license in another state,
17 territory, possession of the United States, or the District of
18 Columbia may be granted a temporary practice permit to practice
19 as an appraiser in the State of Illinois upon making an
20 application and paying the applicable fees ~~pursuant to~~
21 ~~Appraisal Subcommittee policy statements and~~ as established by
22 rule.

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

1 (225 ILCS 458/10-5)

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

3 Sec. 10-5. Scope of practice.

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

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

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

23 (d) An associate real estate trainee appraiser is limited
24 in his or her scope of practice in all transactions in
25 accordance with the provisions of USPAP, this Act, and the
26 rules adopted pursuant to this Act. In addition, an associate

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

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

15 (225 ILCS 458/15-10)

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

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

18 (a) The Department may suspend, revoke, refuse to issue,
19 renew, or restore a license and may reprimand place on
20 probation or administrative supervision, or take any
21 disciplinary or non-disciplinary action, including imposing
22 conditions limiting the scope, nature, or extent of the real
23 estate appraisal practice of a licensee or reducing the
24 appraisal rank of a licensee, and may impose an administrative
25 fine not to exceed \$25,000 for each violation upon a licensee

1 for any one or combination of the following:

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

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

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

14 (4) Conviction by plea of guilty or nolo contendere,
15 finding of guilt, jury verdict, or entry of judgment or by
16 sentencing of any crime, including, but not limited to,
17 convictions, preceding sentences of supervision,
18 conditional discharge, or first offender probation, under
19 the laws of any jurisdiction of the United States: (i) that
20 is a felony; or (ii) that is a misdemeanor, an essential
21 element of which is dishonesty, or that is directly related
22 to the practice of the profession.

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 disability, 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
26 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 may reprimand suspend, revoke, or refuse
18 to issue or renew an education provider's license, may
19 reprimand, place on probation, or otherwise discipline an
20 education provider and may suspend or revoke the course
21 approval of any course offered by an education provider and may
22 impose an administrative fine not to exceed \$25,000 upon an
23 education provider, for any of the following:

24 (1) Procuring or attempting to procure licensure by
25 knowingly making a false statement, submitting false
26 information, engaging in any form of fraud or

1 misrepresentation, or refusing to provide complete
2 information in response to a question in an application for
3 licensure.

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

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

10 (4) Engaging in misleading or untruthful advertising.

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

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

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

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

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

25 (10) Failing to provide a certificate, transcript, or
26 other student record to the Department or to a student as

1 may be required by rule.

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

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

20 (Source: P.A. 96-844, eff. 12-23-09; 97-602, eff. 8-26-11;
21 97-877, eff. 8-2-12.)

22 (225 ILCS 458/20-5)

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

24 Sec. 20-5. Education providers.

25 (a) Beginning July 1, 2002, only education providers

1 licensed or otherwise approved by the Department may provide
2 the qualifying ~~pre-license~~ and continuing education courses
3 required for licensure under this Act.

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

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

9 (2) a sufficient number of qualified instructors;

10 (3) adequate support personnel to assist with
11 administrative matters and technical assistance;

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

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

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

18 (c) All applicants for an education provider's license
19 shall make initial application to the Department on forms
20 provided by the Department and pay the appropriate fee as
21 provided by rule. The term, expiration date, and renewal of an
22 education provider's license shall be established by rule.

23 (d) An education provider shall provide each successful
24 course participant with a certificate of completion signed by
25 the school administrator. The format and content of the
26 certificate shall be specified by rule.

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

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

5 (225 ILCS 458/20-10)

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

7 Sec. 20-10. Course approval.

8 (a) Only courses offered by licensed education providers
9 and approved by the Department, courses approved by the AQB, or
10 courses approved by jurisdictions regulated by the Appraisal
11 Subcommittee shall be used to meet the requirements of this Act
12 and rules.

13 (b) An education provider licensed under this Act may
14 submit courses to the Department for approval. The criteria,
15 requirements, and fees for courses shall be established by rule
16 in accordance with this Act, ~~Title XI,~~ and the criteria
17 established by the AQB.

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

21 (d) An education provider must use an instructor for each
22 course approved by the Department who (i) holds a valid real
23 estate appraisal license in good standing as a State certified
24 general real estate appraiser or a State certified residential
25 real estate appraiser in Illinois or any other jurisdiction

1 monitored ~~regulated~~ by the Appraisal Subcommittee, (ii) holds a
2 valid teaching certificate issued by the State of Illinois,
3 (iii) is a faculty member in good standing with an accredited
4 college or university or community college, or (iv) is an
5 approved appraisal instructor from an appraisal organization
6 that is a member of the Appraisal Foundation.

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

8 (225 ILCS 458/25-10)

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

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

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

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

21 (2) The appointed membership of the Board should
22 reasonably reflect the geographic distribution of the
23 population of the State.

24 (3) Four appointed members shall have been actively
25 engaged and currently licensed as State certified general

1 real estate appraisers for a period of not less than 5
2 years.

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

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

17 (6) One appointed member shall be a representative of a
18 financial institution, as evidenced by his or her
19 employment with a financial institution.

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

26 In making appointments as provided in paragraphs (3) and

1 (4) of this subsection, the Governor shall give due
2 consideration to recommendations by members and organizations
3 representing the profession.

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

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

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

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

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

25 (e) The Board shall meet at least quarterly and may be
26 convened by the Chairperson, Vice-Chairperson, or 3 members of

1 the Board upon 10 days written notice.

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

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

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

24 (i) Except as provided in Section 15-17 of this Act, the
25 Board shall hear and make recommendations to the Secretary on
26 disciplinary matters that require a formal evidentiary

1 hearing. The Secretary shall give due consideration to the
2 recommendations of the Board involving discipline and
3 questions involving standards of professional conduct of
4 licensees.

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

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

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

25 (m) Members of the Board shall be immune from suit in an
26 action based upon any disciplinary proceedings or other acts

1 performed in good faith as members of the Board.

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

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

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

14 (225 ILCS 458/25-15)

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

16 Sec. 25-15. Coordinator of Real Estate Appraisal;
17 appointment; duties. The Secretary shall appoint, subject to
18 the Personnel Code, a Coordinator of Real Estate Appraisal. In
19 appointing the Coordinator, the Secretary shall give due
20 consideration to recommendations made by members,
21 organizations, and associations of the real estate appraisal
22 industry. On or after January 1, 2010, the Coordinator must
23 hold a current, valid State certified general real estate
24 appraiser license. The Coordinator shall not practice ~~or a~~
25 ~~State certified residential real estate appraiser license,~~

1 ~~which shall be surrendered to the Department~~ during the term of
2 his or her appointment. The Coordinator must take the 30-hour
3 National Instructors Course on Uniform Standards of
4 Professional Appraisal Practice. The Coordinator ~~Coordinator's~~
5 ~~license shall be returned in the same status as it was on the~~
6 ~~date of surrender,~~ credited with all fees that came due during
7 his or her employment. The Coordinator shall:

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

10 (2) be the direct liaison between the Department, the
11 profession, and the real estate appraisal industry
12 organizations and associations;

13 (3) prepare and circulate to licensees such
14 educational and informational material as the Department
15 deems necessary for providing guidance or assistance to
16 licensees;

17 (4) appoint necessary committees to assist in the
18 performance of the functions and duties of the Department
19 under this Act;

20 (5) (blank); and

21 (6) be authorized to investigate and determine the
22 facts of a complaint; the coordinator may interview
23 witnesses, the complainant, and any licensees involved in
24 the alleged matter and make a recommendation as to the
25 findings of fact.

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