

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Real Estate 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8 (Section scheduled to be repealed on January 1, 2020)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
17 those changes must be made either through the Department's
18 website or by contacting the Department.

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

21 "Agency" means a relationship in which a real estate broker
22 or licensee, whether directly or through an affiliated
23 licensee, represents a consumer by the consumer's consent,

1 whether express or implied, in a real property transaction.

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

5 "Blind advertisement" means any real estate advertisement
6 that does not include the sponsoring broker's business name and
7 that is used by any licensee regarding the sale or lease of
8 real estate, including his or her own, licensed activities, or
9 the hiring of any licensee under this Act. The broker's
10 business name in the case of a franchise shall include the
11 franchise affiliation as well as the name of the individual
12 firm.

13 "Board" means the Real Estate Administration and
14 Disciplinary Board of the Department as created by Section
15 25-10 of this Act.

16 "Branch office" means a sponsoring broker's office other
17 than the sponsoring broker's principal office.

18 "Broker" means an individual, partnership, limited
19 liability company, corporation, or registered limited
20 liability partnership other than a real estate salesperson or
21 leasing agent who, whether in person or through any media or
22 technology, for another and for compensation, or with the
23 intention or expectation of receiving compensation, either
24 directly or indirectly:

25 (1) Sells, exchanges, purchases, rents, or leases real
26 estate.

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

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

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

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

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

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

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

18 (9) Assists or directs in the negotiation of any
19 transaction intended to result in the sale, exchange,
20 lease, or rental of real estate.

21 (10) Opens real estate to the public for marketing
22 purposes.

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

25 (12) Prepares or provides a broker price opinion or
26 comparative market analysis as those terms are defined in

1 this Act, pursuant to the provisions of Section 10-45 of
2 this Act.

3 "Brokerage agreement" means a written or oral agreement
4 between a sponsoring broker and a consumer for licensed
5 activities to be provided to a consumer in return for
6 compensation or the right to receive compensation from another.
7 Brokerage agreements may constitute either a bilateral or a
8 unilateral agreement between the broker and the broker's client
9 depending upon the content of the brokerage agreement. All
10 exclusive brokerage agreements shall be in writing.

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

21 "Client" means a person who is being represented by a
22 licensee.

23 "Comparative market analysis" is an analysis or opinion
24 regarding pricing, marketing, or financial aspects relating to
25 a specified interest or interests in real estate that may be
26 based upon an analysis of comparative market data, the

1 expertise of the real estate broker or managing broker, and
2 such other factors as the broker or managing broker may deem
3 appropriate in developing or preparing such analysis or
4 opinion. The activities of a real estate broker or managing
5 broker engaging in the ordinary course of business as a broker,
6 as defined in this Section, shall not be considered a
7 comparative market analysis if no compensation is paid to the
8 broker or managing broker, other than compensation based upon
9 the sale or rental of real estate.

10 "Compensation" means the valuable consideration given by
11 one person or entity to another person or entity in exchange
12 for the performance of some activity or service. Compensation
13 shall include the transfer of valuable consideration,
14 including without limitation the following:

- 15 (1) commissions;
- 16 (2) referral fees;
- 17 (3) bonuses;
- 18 (4) prizes;
- 19 (5) merchandise;
- 20 (6) finder fees;
- 21 (7) performance of services;
- 22 (8) coupons or gift certificates;
- 23 (9) discounts;
- 24 (10) rebates;
- 25 (11) a chance to win a raffle, drawing, lottery, or
26 similar game of chance not prohibited by any other law or

1 statute;

2 (12) retainer fee; or

3 (13) salary.

4 "Confidential information" means information obtained by a
5 licensee from a client during the term of a brokerage agreement
6 that (i) was made confidential by the written request or
7 written instruction of the client, (ii) deals with the
8 negotiating position of the client, or (iii) is information the
9 disclosure of which could materially harm the negotiating
10 position of the client, unless at any time:

11 (1) the client permits the disclosure of information
12 given by that client by word or conduct;

13 (2) the disclosure is required by law; or

14 (3) the information becomes public from a source other
15 than the licensee.

16 "Confidential information" shall not be considered to
17 include material information about the physical condition of
18 the property.

19 "Consumer" means a person or entity seeking or receiving
20 licensed activities.

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

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

26 "Credit hour" means 50 minutes of classroom instruction in

1 course work that meets the requirements set forth in rules
2 adopted by the Department.

3 "Customer" means a consumer who is not being represented by
4 the licensee but for whom the licensee is performing
5 ministerial acts.

6 "Department" means the Department of Financial and
7 Professional Regulation.

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

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

15 "Dual agency" means an agency relationship in which a
16 licensee is representing both buyer and seller or both landlord
17 and tenant in the same transaction. When the agency
18 relationship is a designated agency, the question of whether
19 there is a dual agency shall be determined by the agency
20 relationships of the designated agent of the parties and not of
21 the sponsoring broker.

22 "Employee" or other derivative of the word "employee", when
23 used to refer to, describe, or delineate the relationship
24 between a real estate broker and a real estate salesperson,
25 another real estate broker, or a leasing agent, shall be
26 construed to include an independent contractor relationship,

1 provided that a written agreement exists that clearly
2 establishes and states the relationship. All responsibilities
3 of a broker shall remain.

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

14 "Electronic means of proctoring" means a methodology
15 providing assurance that the person taking a test and
16 completing the answers to questions is the person seeking
17 licensure or credit for continuing education and is doing so
18 without the aid of a third party or other device.

19 "Exclusive brokerage agreement" means a written brokerage
20 agreement that provides that the sponsoring broker has the sole
21 right, through one or more sponsored licensees, to act as the
22 exclusive designated agent or representative of the client and
23 that meets the requirements of Section 15-75 of this Act.

24 "Inoperative" means a status of licensure where the
25 licensee holds a current license under this Act, but the
26 licensee is prohibited from engaging in licensed activities

1 because the licensee is unsponsored or the license of the
2 sponsoring broker with whom the licensee is associated or by
3 whom he or she is employed is currently expired, revoked,
4 suspended, or otherwise rendered invalid under this Act.

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

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

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

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

18 "Licensed activities" means those activities listed in the
19 definition of "broker" under this Section.

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

23 "Listing presentation" means a communication between a
24 real estate broker or salesperson and a consumer in which the
25 licensee is attempting to secure a brokerage agreement with the
26 consumer to market the consumer's real estate for sale or

1 lease.

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

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

9 "Ministerial acts" means those acts that a licensee may
10 perform for a consumer that are informative or clerical in
11 nature and do not rise to the level of active representation on
12 behalf of a consumer. Examples of these acts include without
13 limitation (i) responding to phone inquiries by consumers as to
14 the availability and pricing of brokerage services, (ii)
15 responding to phone inquiries from a consumer concerning the
16 price or location of property, (iii) attending an open house
17 and responding to questions about the property from a consumer,
18 (iv) setting an appointment to view property, (v) responding to
19 questions of consumers walking into a licensee's office
20 concerning brokerage services offered or particular
21 properties, (vi) accompanying an appraiser, inspector,
22 contractor, or similar third party on a visit to a property,
23 (vii) describing a property or the property's condition in
24 response to a consumer's inquiry, (viii) completing business or
25 factual information for a consumer on an offer or contract to
26 purchase on behalf of a client, (ix) showing a client through a

1 property being sold by an owner on his or her own behalf, or
2 (x) referral to another broker or service provider.

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

7 "Person" means and includes individuals, entities,
8 corporations, limited liability companies, registered limited
9 liability partnerships, and partnerships, foreign or domestic,
10 except that when the context otherwise requires, the term may
11 refer to a single individual or other described entity.

12 "Personal assistant" means a licensed or unlicensed person
13 who has been hired for the purpose of aiding or assisting a
14 sponsored licensee in the performance of the sponsored
15 licensee's job.

16 "Pocket card" means the card issued by the Department to
17 signify that the person named on the card is currently licensed
18 under this Act.

19 "Pre-license school" means a school licensed by the
20 Department offering courses in subjects related to real estate
21 transactions, including the subjects upon which an applicant is
22 examined in determining fitness to receive a license.

23 "Pre-renewal period" means the period between the date of
24 issue of a currently valid license and the license's expiration
25 date.

26 "Proctor" means any person, including, but not limited to,

1 an instructor, who has a written agreement to administer
2 examinations fairly and impartially with a licensed
3 pre-license school or a licensed continuing education school.

4 "Real estate" means and includes leaseholds as well as any
5 other interest or estate in land, whether corporeal,
6 incorporeal, freehold, or non-freehold, including timeshare
7 interests, and whether the real estate is situated in this
8 State or elsewhere.

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

15 "Salesperson" means any individual, other than a real
16 estate broker or leasing agent, who is employed by a real
17 estate broker or is associated by written agreement with a real
18 estate broker as an independent contractor and participates in
19 any activity described in the definition of "broker" under this
20 Section.

21 "Secretary" means the Secretary of the Department of
22 Financial and Professional Regulation, or a person authorized
23 by the Secretary to act in the Secretary's stead.

24 "Sponsoring broker" means the broker who has issued a
25 sponsor card to a licensed salesperson, another licensed
26 broker, or a leasing agent.

1 "Sponsor card" means the temporary permit issued by the
2 sponsoring real estate broker certifying that the real estate
3 broker, real estate salesperson, or leasing agent named thereon
4 is employed by or associated by written agreement with the
5 sponsoring real estate broker, as provided for in Section 5-40
6 of this Act.

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

8 (225 ILCS 454/5-27)

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

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

11 (a) Every applicant for licensure as a broker must meet the
12 following qualifications:

13 (1) Be at least 21 years of age. After April 30, 2011,
14 the minimum age of 21 years shall be waived for any person
15 seeking a license as a broker who has attained the age of
16 18 and can provide evidence of the successful completion of
17 at least 4 semesters of post-secondary school study as a
18 full-time student or the equivalent, with major emphasis on
19 real estate courses, in a school approved by the
20 Department;

21 (2) Be of good moral character;

22 (3) Successfully complete a 4-year course of study in a
23 high school or secondary school approved by the Illinois
24 State Board of Education or an equivalent course of study
25 as determined by an examination conducted by the Illinois

1 State Board of Education which shall be verified under oath
2 by the applicant;

3 (4) Prior to May 1, 2011, provide (i) satisfactory
4 evidence of having completed at least 120 classroom hours,
5 45 of which shall be those hours required to obtain a
6 salesperson's license plus 15 hours in brokerage
7 administration courses, in real estate courses approved by
8 the Advisory Council or (ii) for applicants who currently
9 hold a valid real estate salesperson's license, give
10 satisfactory evidence of having completed at least 75 hours
11 in real estate courses, not including the courses that are
12 required to obtain a salesperson's license, approved by the
13 Advisory Council;

14 (5) After April 30, 2011, provide satisfactory
15 evidence of having completed 90 hours of instruction in
16 real estate courses approved by the Advisory Council, 15
17 hours of which must consist of situational and case studies
18 presented in the classroom or by other interactive delivery
19 method ~~presenting instruction and real time discussion~~
20 between the instructor and the students;

21 (6) Personally take and pass a written examination
22 authorized by the Department;

23 (7) Present a valid application for issuance of a
24 license accompanied by a sponsor card and the fees
25 specified by rule.

26 (b) The requirements specified in items (4) and (5) of

1 subsection (a) of this Section do not apply to applicants who
2 are currently admitted to practice law by the Supreme Court of
3 Illinois and are currently in active standing.

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

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

11 (e) An individual holding an active license as a managing
12 broker may return the license to the Department along with a
13 form provided by the Department and shall be issued a broker's
14 license in exchange. Any individual obtaining a broker's
15 license under this subsection (e) shall be considered as having
16 obtained a broker's license by education and passing the
17 required test and shall be treated as such in determining
18 compliance with this Act.

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

20 (225 ILCS 454/10-45 new)

21 Sec. 10-45. Broker price opinions and comparative market
22 analyses.

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

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

3 (2) an existing or potential lessor or lessee of an
4 interest in real estate;

5 (3) a third party making decisions or performing due
6 diligence related to the potential listing, offering,
7 sale, option, lease, or acquisition price of an interest in
8 real estate; or

9 (4) an existing or potential lienholder or other third
10 party for any purpose other than as the primary basis to
11 determine the market value of an interest in real estate
12 for the purpose of a mortgage loan origination by a
13 financial institution secured by such real estate.

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

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

19 (2) a brief description of the interest in real estate
20 that is the subject of the broker price opinion or
21 comparative market analysis;

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

25 (4) any assumptions or limiting conditions;

26 (5) a disclosure of any existing or contemplated

1 interest of the broker or managing broker in the interest
2 in real estate that is the subject of the broker price
3 opinion or comparative market analysis;

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

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

8 "This is a broker price opinion/comparative market
9 analysis, not an appraisal of the market value of the real
10 estate, and was prepared by a licensed real estate broker
11 or managing broker, not by a State certified real estate
12 appraiser."; and

13 (8) such other items as the broker or managing broker
14 may deem appropriate.

15 (225 ILCS 454/25-10)

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

17 Sec. 25-10. Real Estate Administration and Disciplinary
18 Board; duties. There is created the Real Estate Administration
19 and Disciplinary Board. The Board shall be composed of 9
20 persons appointed by the Governor. Members shall be appointed
21 to the Board subject to the following conditions:

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

25 (2) Six members shall have been actively engaged as

1 brokers or salespersons or both for at least the 10 years
2 prior to the appointment.

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

5 None of these members shall be (i) a person who is licensed
6 under this Act or a similar Act of another jurisdiction, (ii)
7 the spouse or family member of a licensee, (iii) a person who
8 has an ownership interest in a real estate brokerage business,
9 or (iv) a person the Department determines to have any other
10 connection with a real estate brokerage business or a licensee.
11 The members' terms shall be 4 years or until their successor is
12 appointed, and the expiration of their terms shall be
13 staggered. Appointments to fill vacancies shall be for the
14 unexpired portion of the term. ~~No member shall be reappointed~~
15 ~~to the Board for a term that would cause his or her service on~~
16 ~~the Board to be longer than 12 years in a lifetime.~~ The
17 membership of the Board should reasonably reflect the
18 geographic distribution of the licensee population in this
19 State. In making the appointments, the Governor shall give due
20 consideration to the recommendations by members and
21 organizations of the profession. The Governor may terminate the
22 appointment of any member for cause that in the opinion of the
23 Governor reasonably justifies the termination. Cause for
24 termination shall include without limitation misconduct,
25 incapacity, neglect of duty, or missing 4 board meetings during
26 any one calendar year. Each member of the Board may receive a

1 per diem stipend in an amount to be determined by the
2 Secretary. Each member shall be paid his or her necessary
3 expenses while engaged in the performance of his or her duties.
4 Such compensation and expenses shall be paid out of the Real
5 Estate License Administration Fund. The Secretary shall
6 consider the recommendations of the Board on questions
7 involving standards of professional conduct, discipline, and
8 examination of candidates under this Act. The Department, after
9 notifying and considering the recommendations of the Board, if
10 any, may issue rules, consistent with the provisions of this
11 Act, for the administration and enforcement thereof and may
12 prescribe forms that shall be used in connection therewith.
13 Five Board members shall constitute a quorum. A quorum is
14 required for all Board decisions.

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

16 Section 10. The Real Estate Appraiser Licensing Act of 2002
17 is amended by changing Sections 1-5, 1-10, 5-5, 5-10, 5-15,
18 5-20, 5-30, 5-35, 5-40, 5-50, 10-5, 15-10, 20-5, 20-10, 25-10,
19 and 25-15 and by adding Section 5-22 as follows:

20 (225 ILCS 458/1-5)

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

22 Sec. 1-5. Legislative intent. The intent of the General
23 Assembly in enacting this Act is to evaluate the competency of
24 persons engaged in the appraisal of real estate ~~in connection~~

1 ~~with a federally related transaction~~ and to license and
2 regulate those persons for the protection of the public.
3 Additionally, it is the intent of the General Assembly for this
4 Act to be consistent with the provisions of Title XI of the
5 federal Financial Institutions Reform, Recovery and
6 Enforcement Act of 1989.

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

8 (225 ILCS 458/1-10)

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

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

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

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

25 "Applicant" means person who applies to the Department for

1 a license under this Act.

2 "Appraisal" means (noun) the act or process of developing
3 an opinion of value; an opinion of value (adjective) of or
4 pertaining to appraising and related functions, such as
5 appraisal practice or appraisal services.

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

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

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

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

1 appraisers to perform the real estate appraisal services
2 contained in the request; or (3) otherwise serves as a
3 third-party broker of appraisal management services between
4 clients and appraisers. "Appraisal management company" does
5 not include an appraisal firm.

6 "Appraisal practice" means valuation services performed by
7 an individual acting as an appraiser, including, but not
8 limited to, appraisal, appraisal review, or appraisal
9 consulting.

10 "Appraisal report" means any communication, written or
11 oral, of an appraisal or, appraisal review, ~~or appraisal~~
12 ~~consulting service~~ that is transmitted to a client upon
13 completion of an assignment.

14 "Appraisal review" means the act or process of developing
15 and communicating an opinion about the quality of another
16 appraiser's work that was performed as part of an appraisal,
17 appraisal review, or appraisal assignment.

18 "Appraisal Subcommittee" means the Appraisal Subcommittee
19 of the Federal Financial Institutions Examination Council as
20 established by Title XI.

21 "Appraiser" means a person who performs real estate or real
22 property appraisals.

23 "AQB" means the Appraisal Qualifications Board of the
24 Appraisal Foundation.

25 "Associate real estate trainee appraiser" means an
26 entry-level appraiser who holds a license of this

1 classification under this Act with restrictions as to the scope
2 of practice in accordance with this Act.

3 "Board" means the Real Estate Appraisal Administration and
4 Disciplinary Board.

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

15 "Classroom hour" means 50 minutes of instruction out of
16 each 60 minute segment of coursework.

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

19 "Comparative market analysis" is an analysis or opinion
20 regarding pricing, marketing, or financial aspects relating to
21 a specified interest or interests in real estate that may be
22 based upon an analysis of comparative market data, the
23 expertise of the real estate broker or managing broker, and
24 such other factors as the broker or managing broker may deem
25 appropriate in developing or preparing such analysis or
26 opinion. The activities of a real estate broker or managing

1 broker engaging in the ordinary course of business as a broker,
2 as defined in this Section, shall not be considered a
3 comparative market analysis if no compensation is paid to the
4 broker or managing broker, other than compensation based upon
5 the sale or rental of real estate.

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

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

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

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

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

1 subsidiary, affiliate, parent company, or holding company of
2 any such licensee, or any institution involved in real estate
3 financing that is regulated by state or federal law.

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

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

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

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

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

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

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

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

26 "Secretary" means the Secretary of Financial and

1 Professional Regulation.

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

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

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

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

1 "USPAP" means the Uniform Standards of Professional
2 Appraisal Practice as promulgated by the Appraisal Standards
3 Board pursuant to Title XI and by rule.

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

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

7 (225 ILCS 458/5-5)

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

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

10 (a) It is unlawful for a person to (i) act, offer services,
11 or advertise services as a State certified general real estate
12 appraiser, State certified residential real estate appraiser,
13 or associate real estate trainee appraiser, (ii) develop a real
14 estate appraisal, (iii) practice as a real estate appraiser, or
15 (iv) advertise or hold himself or herself out to be a real
16 estate appraiser without a license issued under this Act. A
17 person who violates this subsection is guilty of a Class A
18 misdemeanor for a first offense and a Class 4 felony for any
19 subsequent offense.

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

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

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

13 (c) This Act does not apply to a person who holds a valid
14 license as a real estate broker or managing broker pursuant to
15 the Real Estate License Act of 2000 who prepares or provides a
16 broker price opinion or comparative market analysis in
17 compliance with Section 10-45 of the Real Estate License Act of
18 2000. ~~The licensing requirements of this Act do not require a~~
19 ~~person who holds a valid license pursuant to the Real Estate~~
20 ~~License Act of 2000, to be licensed as a real estate appraiser~~
21 ~~under this Act, unless that person is providing or attempting~~
22 ~~to provide an appraisal report, as defined in Section 1-10 of~~
23 ~~this Act, in connection with a federally related transaction.~~
24 ~~Nothing in this Act shall prohibit a person who holds a valid~~
25 ~~license under the Real Estate License Act of 2000 from~~
26 ~~performing a comparative market analysis or broker price~~

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

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

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

18 (e-5) For the purposes of this Act, valuation waivers may
19 be prepared by a licensed appraiser notwithstanding any other
20 provision of this Act, and the following types of valuations
21 are not appraisals and may not be represented to be appraisals,
22 and a license is not required under this Act to perform such
23 valuations if the valuations are performed by (1) an employee
24 of the Illinois Department of Transportation who has completed
25 a minimum of 45 hours of course work in real estate appraisal,
26 including the principals of real estate appraisals, appraisal

1 of partial acquisitions, easement valuation, reviewing
2 appraisals in eminent domain, appraisal for federal aid highway
3 programs, and appraisal review for federal aid highway programs
4 and has at least 2 years' experience in a field closely related
5 to real estate or (2) a county engineer who is a registered
6 professional engineer under the Professional Engineering
7 Practice Act of 1989, under the following circumstances:

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

20 (B) a valuation waiver in an amount not to exceed
21 \$10,000 prepared pursuant to the federal Uniform
22 Relocation Assistance and Real Property Acquisition
23 Policies Act of 1970, or prepared pursuant to the federal
24 Uniform Relocation Assistance and Real Property
25 Acquisition for Federal and Federally-Assisted Programs
26 regulations and which is performed by a county engineer who

1 is employed by a county and is a registered professional
2 engineer under the Professional Engineering Practice Act
3 of 1989. In addition to his or her signature, the county
4 engineer shall affix his or her license number to the
5 valuation.

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

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

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

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

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

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

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

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

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

16 (225 ILCS 458/5-10)

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

18 Sec. 5-10. Application for State certified general real
19 estate appraiser.

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

22 (1) apply to the Department on forms provided by the
23 Department accompanied by the required fee;

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

25 (3) (blank);

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

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

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

14 (b) Applicants must provide evidence to the Department of
15 ~~(i) holding a Bachelor's degree or higher from an accredited~~
16 ~~college or university, or (ii) successfully passing 30 semester~~
17 ~~credit hours or the equivalent from an accredited college or~~
18 ~~university, junior college, or community college in the~~
19 ~~following subjects:~~

20 ~~(1) English composition;~~

21 ~~(2) micro economics;~~

22 ~~(3) macro economics;~~

23 ~~(4) finance;~~

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

25 ~~(6) statistics;~~

26 ~~(7) introduction to computers word processing and~~

1 ~~spreadsheets;~~

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

3 ~~(9) two elective courses in accounting, geography,~~
4 ~~agricultural economics, business management, or real~~
5 ~~estate.~~

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

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

12 (225 ILCS 458/5-15)

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

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

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

18 (1) apply to the Department on forms provided by the
19 Department accompanied by the required fee;

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

21 (3) (blank);

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

24 (5) prior to taking the examination, provide evidence
25 to the Department, in Modular Course format, with each

1 module conforming to the Required Core Curriculum ~~Real~~
2 ~~Property Appraiser Qualification Criteria~~ established and
3 adopted by the AQB, that he or she has successfully
4 completed the prerequisite classroom hours of instruction
5 in appraising as established by the AQB and by rule; and

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

10 ~~(b) Applicants must provide evidence to the Department of~~
11 ~~(i) holding an Associate's degree or its equivalent from an~~
12 ~~accredited college or university, junior college, or community~~
13 ~~college or (ii) successfully passing 21 semester credit hours~~
14 ~~or the equivalent from an accredited college or university,~~
15 ~~junior college, or community college in the following subjects:~~

16 ~~(1) English composition;~~

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

18 ~~(3) finance;~~

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

20 ~~(5) statistics;~~

21 ~~(6) introduction to computers word processing and~~
22 ~~spreadsheets; and~~

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

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

1 ~~be considered credit for the college course for the purposes of~~
2 ~~the requirements of this subsection (b).~~

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

4 (225 ILCS 458/5-20)

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

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

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

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

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

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

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

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

24 (225 ILCS 458/5-22 new)

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

19 (225 ILCS 458/5-30)

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

21 Sec. 5-30. Endorsement. The Department may issue an
22 appraiser license, without the required examination, to an
23 applicant licensed by another state, territory, possession of
24 the United States, or the District of Columbia, if (i) the
25 licensing requirements of that licensing authority are, on the

1 date of licensure, substantially equal to the requirements set
2 forth under this Act or to a person who, at the time of his or
3 her application, possessed individual qualifications that were
4 substantially equivalent to the requirements of this Act or
5 (ii) the applicant provides the Department with evidence of
6 good standing from the Appraisal Subcommittee National
7 Registry report and a criminal history records check in
8 accordance with Section 5-22. An applicant under this Section
9 shall pay all of the required fees.

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

11 (225 ILCS 458/5-35)

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

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

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

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

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

23 (225 ILCS 458/5-40)

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

1 Sec. 5-40. Qualifying ~~Pre-license~~ experience requirements.
2 The prerequisite experience necessary for a person to be
3 approved to sit for the examination for licensure as a State
4 certified general real estate appraiser or a State certified
5 residential real estate appraiser shall be established by rule.
6 (Source: P.A. 96-844, eff. 12-23-09.)

7 (225 ILCS 458/5-50)

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

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

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

18 (225 ILCS 458/10-5)

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

20 Sec. 10-5. Scope of practice.

21 (a) This Act does not limit a State certified general real
22 estate appraiser in his or her scope of practice in a federally
23 related transaction. A certified general real estate appraiser
24 may independently provide appraisal services, review, or

1 consulting relating to any type of property for which he or she
2 has experience or is competent. All such appraisal practice
3 must be made in accordance with the provisions of USPAP,
4 criteria established by the AQB, and rules adopted pursuant to
5 this Act.

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

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

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

1 appraisers at one time. Associate real estate trainee
2 appraisers shall not be limited in the number of concurrent
3 supervising appraisers. A chronological appraisal log on an
4 approved log form shall be maintained by the associate real
5 estate trainee appraiser and shall be made available to the
6 Department upon request.

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

8 (225 ILCS 458/15-10)

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

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

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

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

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

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

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

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

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

25 (7) Failing or refusing without good cause to exercise
26 reasonable diligence in developing, reporting, or

1 communicating an appraisal, as defined by this Act or by
2 rule.

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

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

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

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

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

1 appraisal.

2 (13) Violating the confidential nature of government
3 records to which the licensee gained access through
4 employment or engagement as an appraiser by a government
5 agency.

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

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

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

18 (17) Failing to fully cooperate with a Department
19 investigation 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 (18) Failing to include within the certificate of
25 appraisal for all written appraisal reports the
26 appraiser's license number and licensure title. All

1 appraisers providing significant contribution to the
2 development and reporting of an appraisal must be disclosed
3 in the appraisal report. It is a violation of this Act for
4 an appraiser to sign a report, transmittal letter, or
5 appraisal certification knowing that a person providing a
6 significant contribution to the report has not been
7 disclosed in the appraisal report.

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

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

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

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

21 (23) A pattern of practice or other behavior that
22 demonstrates incapacity or incompetence to practice under
23 this Act.

24 (24) Using or attempting to use the seal, certificate,
25 or license of another as his or her own; falsely
26 impersonating any duly licensed appraiser; using or

1 attempting to use an inactive, expired, suspended, or
2 revoked license; or aiding or abetting any of the
3 foregoing.

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

6 (26) Making a material misstatement in furnishing
7 information to the Department.

8 (27) Failure to furnish information to the Department
9 upon written request.

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

17 (1) Procuring or attempting to procure licensure 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 comply with the covenants certified to
24 on the application for licensure as an education provider.

25 (3) Committing an act or omission involving
26 dishonesty, fraud, or misrepresentation or allowing any

1 such act or omission by any employee or contractor under
2 the control of the provider.

3 (4) Engaging in misleading or untruthful advertising.

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

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

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

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

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

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

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

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

13 (Source: P.A. 96-844, eff. 12-23-09; 97-602, eff. 8-26-11;
14 97-877, eff. 8-2-12.)

15 (225 ILCS 458/20-5)

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

17 Sec. 20-5. Education providers.

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

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

25 (1) a sound financial base for establishing,

1 promoting, and delivering the necessary courses;

2 (2) a sufficient number of qualified instructors;

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

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

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

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

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

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

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

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

24 (225 ILCS 458/20-10)

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

1 Sec. 20-10. Course approval.

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

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

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

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

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

1 (225 ILCS 458/25-10)

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

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

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

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

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

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

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

25 (5) Two appointed members shall hold a valid license as

1 a real estate broker for at least 10 years prior to the
2 date of the appointment, one of whom shall hold a valid
3 State certified general real estate appraiser license
4 issued under this Act or a predecessor Act for a period of
5 at least 5 years prior to the appointment and one of whom
6 shall hold a valid State certified residential real estate
7 appraiser license issued under this Act or a predecessor
8 Act for a period of at least 5 years prior to the
9 appointment.

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

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

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

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

1 In making the appointment as provided in paragraph (6) of
2 this subsection, the Governor shall give due consideration to
3 the recommendations by members and organizations representing
4 financial institutions.

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

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

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

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

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

1 meeting.

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

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

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

24 (j) The Department shall seek and the Board shall provide
25 recommendations to the Department consistent with the
26 provisions of this Act and for the administration and

1 enforcement of all rules adopted pursuant to this Act. The
2 Department shall give due consideration to such
3 recommendations prior to adopting rules.

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

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

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

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

25 (o) Upon resolution adopted at any Board meeting, the
26 exercise of any Board function, power, or duty enumerated in

1 this Section or in subsection (d) of Section 15-10 of this Act
2 may be suspended. The exercise of any suspended function,
3 power, or duty of the Board may be reinstated by a resolution
4 adopted at a subsequent Board meeting. Any resolution adopted
5 pursuant to this Section shall take effect immediately.

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

7 (225 ILCS 458/25-15)

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

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

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

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

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

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

13 (5) (blank); and

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

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