

1 AN ACT regarding appraisers.

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

4 ARTICLE 1. GENERAL PROVISIONS

5 Section 1-1. Short title. This Act may be cited as the
6 Real Estate Appraiser Licensing Act of 2002.

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

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

18 "Applicant" means person who applies to OBRE for a
19 license under this Act.

20 "Appraisal" means (noun) the act or process of developing
21 an opinion of value; an opinion of value (adjective) of or
22 pertaining to appraising and related functions.

23 "Appraisal report" means a written appraisal by an
24 appraiser to a client.

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

28 "Appraiser" means a person who performs real estate or
29 real property appraisals.

1 "AQB" means the Appraisal Qualifications Board of the
2 Appraisal Foundation.

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

9 "Board" means the Real Estate Appraisal Board.

10 "Classroom hour" means 50 minutes of instruction out of
11 each 60 minute segment of coursework.

12 "Client" means a person who utilizes the services of an
13 appraiser or engages an appraiser for an appraisal by
14 employment or contract.

15 "Commissioner" means the Commissioner of the Office of
16 Banks and Real Estate or his or her designee.

17 "Director" means the Director of the Real Estate
18 Appraisal Division of OBRE or his or her designee.

19 "Federal financial institutions regulatory agencies"
20 means the Board of Governors of the Federal Reserve System,
21 the Federal Deposit Insurance Corporation, the Office of the
22 Comptroller of the Currency, the Office of Thrift
23 Supervision, and the National Credit 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
27 Housing and Urban Development, Fannie Mae, Freddie Mae, or
28 the National Credit Union Administration engages in,
29 contracts for, or regulates and requires the services of an
30 appraiser.

31 "Financial institution" means any bank, savings bank,
32 savings and loan association, credit union, mortgage broker,
33 mortgage banker, licensee under the Consumer Installment Loan
34 Act or the Sales Finance Agency Act, or a corporate

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

5 "OBRE" means the Office of Banks and Real Estate.

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

8 "Real estate related financial transaction" means any
9 transaction involving:

10 (1) the sale, lease, purchase, investment in, or
11 exchange of real property, including interests in
12 property or the financing thereof;

13 (2) the refinancing of real property or interests
14 in real property; and

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

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

20 "State certified general real estate appraiser" means an
21 appraiser who holds a license of this classification under
22 this Act and such classification applies to the appraisal of
23 all types of real property without restrictions as to the
24 scope of practice.

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

33 "State licensed real estate appraiser" means an appraiser
34 who holds a real estate appraiser license issued pursuant to

1 a predecessor Act. A real estate appraiser license
 2 authorizes its holder to conduct the appraisal of non-complex
 3 one to 4 units of residential real property having a
 4 transaction value less than \$1,000,000 and complex one to 4
 5 residential units of real property having a value less than
 6 \$250,000, but with restrictions as to the scope of practice
 7 in accordance with Title XI, criteria established by USPAP,
 8 by the AQB, by this Act, and by rule. No such initial
 9 license shall be issued after the effective date of this Act
 10 or renewed after September 30, 2003 under this Act.

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

13 "USPAP" means the Uniform Standards of Professional
 14 Appraisal Practice as promulgated by the Appraisal Standards
 15 Board pursuant to Title XI and by rule.

16 ARTICLE 5. LICENSING PROVISIONS

17 Section 5-5. Necessity of license; use of title;
 18 exemptions.

19 (a) Beginning July 1, 2002, it is unlawful for a person
 20 to act or assume to act as a real estate appraiser, to engage
 21 in the business of real estate appraisal, to develop a real
 22 estate appraisal, to practice as a real estate appraiser, or
 23 to advertise or hold himself or herself out to be a real
 24 estate appraiser in connection with a federally related
 25 transaction without a real estate appraiser license issued
 26 under this Act. A person who violates this subsection is
 27 guilty of a Class A misdemeanor.

28 (b) Beginning July 1, 2002, it is unlawful for a person,
 29 other than a person who holds a valid license issued pursuant
 30 to this Act as a State certified general real estate
 31 appraiser, a State certified residential real estate
 32 appraiser, an associate real estate appraiser, or as a State

1 licensed real estate appraiser issued pursuant to a
2 predecessor Act to use these titles or any other title,
3 designation, or abbreviation likely to create the impression
4 that the person is licensed as a real estate appraiser
5 pursuant to this Act. A person who violates this subsection
6 is guilty of a Class A misdemeanor.

7 (c) The licensing requirements of this Act do not
8 require a real estate broker or salesperson who holds a valid
9 license pursuant to the Real Estate License Act of 2000, to
10 be licensed as a real estate appraiser under this Act, unless
11 the broker or salesperson is providing or attempting to
12 provide an appraisal report, as defined in Section 1-10 of
13 this Act, in connection with a federally-related transaction.

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

20 Section 5-10. Application for State certified general
21 real estate appraiser. Every person who desires to obtain a
22 State certified general real estate appraiser license shall:

23 (1) apply to OBRE on forms provided by OBRE accompanied
24 by the required fee;

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

26 (3) provide evidence of having attained a high school
27 diploma or completed an equivalent course of study as
28 determined by an examination conducted or accepted by the
29 Illinois State Board of Education;

30 (4) personally take and pass an examination authorized
31 by OBRE and endorsed by the AQB;

32 (5) prior to taking the examination, provide evidence to
33 OBRE that he or she has successfully completed the

1 prerequisite classroom hours of instruction in appraising as
2 established by the AQB and by rule; and

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

7 Section 5-15. Application for State certified
8 residential real estate appraiser. Every person who desires
9 to obtain a State certified residential real estate appraiser
10 license shall:

11 (1) apply to OBRE on forms provided by OBRE accompanied
12 by the required fee;

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

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

18 (4) personally take and pass an examination authorized
19 by OBRE and endorsed by the AQB;

20 (5) prior to taking the examination, provide evidence to
21 OBRE that he or she has successfully completed the
22 prerequisite classroom hours of instruction in appraising as
23 established by the AQB and by rule; and

24 (6) prior to taking the examination, provide evidence to
25 OBRE that he or she has successfully completed the
26 prerequisite experience requirements as established by AQB
27 and by rule.

28 Section 5-20. Application for associate real estate
29 appraiser.

30 (a) Every person who desires to obtain an associate real
31 estate appraiser license shall:

32 (1) apply to OBRE on forms provided by OBRE

1 accompanied by the required fee;

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

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

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

9 (5) prior to taking the examination, provide
10 evidence to OBRE that he or she has successfully
11 completed the prerequisite classroom hours of instruction
12 in appraising as established by rule.

13 (b) A person who holds a valid license as a licensed
14 real estate appraiser, issued pursuant to a predecessor Act,
15 may convert that license to an associate real estate
16 appraiser license by making application to OBRE on forms
17 provided by OBRE accompanied by the required fee.

18 Section 5-25. Renewal of license.

19 (a) The expiration date and renewal period for a State
20 certified general real estate appraiser license or a State
21 certified residential real estate appraiser license issued
22 under this Act shall be set by rule. Except as otherwise
23 provided in subsections (b) and (f) of this Section, the
24 holder of a license may renew the license within 90 days
25 preceding the expiration date by:

26 (1) completing and submitting to OBRE a renewal
27 application form as provided by OBRE;

28 (2) paying the required fees; and

29 (3) providing evidence of successful completion of
30 the continuing education requirements through courses
31 approved by OBRE from education providers licensed by
32 OBRE, as established by the AQB and by rule.

33 (b) A State certified general real estate appraiser or

1 State certified residential real estate appraiser whose
 2 license under this Act has expired may renew the license for
 3 a period of 2 years following the expiration date by
 4 complying with the requirements of paragraphs (1), (2), and
 5 (3) of subsection (a) of this Section and paying any late
 6 penalties established by rule.

7 (c) A State licensed real estate appraiser's license
 8 issued pursuant to a predecessor Act shall continue in effect
 9 until the earlier of its expiration date or September 30,
 10 2003. The holder of such a license may not renew the license
 11 for any period after September 30, 2003, but may convert the
 12 license to an associate real estate appraiser license under
 13 this Act until September 30, 2003 pursuant to subsection (b)
 14 of Section 5-20 of this Act.

15 (d) The expiration date and renewal period for an
 16 associate real estate appraiser license issued under this Act
 17 shall be set by rule. Except as otherwise provided in
 18 subsections (e) and (f) of this Section, the holder of an
 19 associate real estate appraiser license may renew the license
 20 within 90 days preceding the expiration date by:

- 21 (1) completing and submitting to OBRE a renewal
- 22 application form as provided by OBRE;
- 23 (2) paying the required fees; and
- 24 (3) providing evidence of successful completion of
- 25 the continuing education requirements through courses
- 26 approved by OBRE from education providers approved by
- 27 OBRE, as established by rule.

28 (e) Any associate real estate appraiser whose license
 29 under this Act has expired may renew the license for a period
 30 of 2 years following the expiration date by complying with
 31 the requirements of paragraphs (1), (2), and (3) of
 32 subsection (d) of this Section and paying any late penalties
 33 as established by rule.

34 (f) Notwithstanding subsections (c) and (e), an

1 appraiser whose license under this Act has expired may renew
2 or convert the license without paying any lapsed renewal fees
3 or late penalties if the license expired while the appraiser
4 was:

5 (1) on active duty with the United States Armed
6 Services;

7 (2) serving as the Director of Real Estate
8 Appraisal or an employee of OBRE who was required to
9 surrender his or her license during the term of
10 employment.

11 Application for renewal must be made within 2 years
12 following the termination of the military service or related
13 education, training, or employment. The licensee shall
14 furnish OBRE with an affidavit that he or she was so engaged.

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

21 Section 5-30. Reciprocity; consent to jurisdiction.

22 (a) A nonresident who holds a valid appraiser license
23 issued to him or her by the proper licensing authority of a
24 state, territory, possession of the United States, or the
25 District of Columbia that has licensing requirements equal to
26 or substantially equivalent to the requirements of the State
27 of Illinois and otherwise meets the requirements for
28 licensure may obtain a license without examination, provided
29 that:

30 (1) OBRE has entered into a valid reciprocal
31 agreement with the proper licensing authority of the
32 state, territory, or possession of the United States, or
33 the District of Columbia;

1 (2) the applicant provides OBRE with a certificate
2 of good standing from the licensing authority of the
3 applicant's place of residence or by an Appraisal
4 Subcommittee registry history report;

5 (3) the applicant completes and submits an
6 application as provided by OBRE and the applicant pays
7 all applicable fees required under this Act.

8 (b) A nonresident applicant shall file an irrevocable
9 consent with OBRE authorizing that actions may be commenced
10 against the applicant or nonresident licensee in a court of
11 competent jurisdiction in the State of Illinois by the
12 service of summons, process, or other pleading authorized by
13 law upon the Commissioner. The consent shall stipulate and
14 agree that service of the summons, process, or pleading upon
15 the Commissioner shall be taken and held in all courts to be
16 valid and binding as if actual service had been made upon the
17 nonresident licensee in Illinois. If a summons, process, or
18 other pleading is served upon the Commissioner, it shall be
19 by duplicate copies, one of which shall be retained by OBRE
20 and the other of which shall be immediately forwarded by
21 certified or registered mail to the last known address of the
22 nonresident licensee against whom the summons, process, or
23 other pleading may be directed.

24 Section 5-35. Pre-license education requirements.

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

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

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

7 Section 5-45. Continuing education renewal requirements.

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

13 (b) The continuing education requirements for a person
 14 to renew a license as an associate real estate appraiser
 15 shall be established by rule.

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

24 Section 5-55. Fees. OBRE shall establish rules for fees
 25 to be paid by applicants and licensees to cover the
 26 reasonable costs of OBRE in administering and enforcing the
 27 provisions of this Act. OBRE may also establish rules for
 28 general fees to cover the reasonable expenses of carrying out
 29 other functions and responsibilities under this Act.

30 ARTICLE 10. BUSINESS PRACTICE PROVISIONS

1 Section 10-5. Scope of practice.

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

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

16 (c) A State licensed real estate appraiser is limited in
17 his or her scope of practice in a federally related
18 transaction as provided by Title XI, the provisions of USPAP,
19 criteria established by the AQB, and the rules adopted
20 pursuant to this Act. No State licensed real estate
21 appraiser license shall be issued on or after September 30,
22 2003 under this Act.

23 (d) An associate real estate appraiser is limited in his
24 or her scope of practice in all transactions in accordance
25 with USPAP, this Act, and the rules adopted pursuant to this
26 Act. In addition, an associate real estate appraiser shall
27 be required to have a State certified general real estate
28 appraiser or State certified residential real estate
29 appraiser who holds a valid license under this Act to co-sign
30 all appraisal reports.

31 Section 10-10. Standards of practice. All persons
32 licensed under this Act must comply with standards of
33 professional appraisal practice adopted by OBRE. OBRE must

1 adopt, as part of its rules, the Uniform Standards of
 2 Professional Appraisal Practice as published from time to
 3 time by the Appraisal Standards Board of the Appraisal
 4 Foundation. OBRE shall consider federal laws and regulations
 5 regarding the licensure of real estate appraisers prior to
 6 adopting its rules for the administration of this Act.

7 Section 10-15. Identifying client. In addition to any
 8 other requirements for disclosure of a client on an appraisal
 9 report, a licensee under this Act shall also identify on the
 10 appraisal report the individual by name who ordered or
 11 originated the appraisal assignment.

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

22 ARTICLE 15. DISCIPLINARY PROVISIONS

23 Section 15-5. Unlicensed practice; civil penalty;
 24 injunctive relief.

25 (a) A person who violates Section 5-5 of this Act shall,
 26 in addition to any other penalty provided by law, pay a civil
 27 penalty to OBRE in an amount not to exceed \$10,000 for each
 28 violation as determined by the Commissioner. The civil
 29 penalty shall be assessed by the Commissioner after a hearing
 30 in accordance with the provisions of this Act.

1 (b) OBRE has the authority to investigate any activity
2 that may violate this Act.

3 (c) A civil penalty imposed pursuant to subsection (a)
4 shall be paid within 60 days after the effective date of the
5 order imposing the civil penalty. OBRE may petition the
6 circuit court for a judgment to enforce the collection of the
7 penalty. Any civil penalty collected under this Act shall be
8 made payable to the Office of Banks and Real Estate and
9 deposited into the Appraisal Administration Fund. In
10 addition to or in lieu of the imposition of a civil penalty,
11 OBRE may report a violation of this Act or the failure or
12 refusal to comply with an order of OBRE to the Attorney
13 General or to the appropriate State's Attorney.

14 (d) Practicing as an appraiser without holding a valid
15 license as required under this Act is declared to be adverse
16 to the public welfare, to constitute a public nuisance, and
17 to cause irreparable harm to the public welfare. The
18 Commissioner, the Attorney General, or the State's Attorney
19 of any county in the State may maintain an action for
20 injunctive relief in any circuit court to enjoin any person
21 from engaging in such practice.

22 Upon the filing of a verified petition in a circuit
23 court, the court, if satisfied by affidavit or otherwise that
24 a person has been engaged in the practice of real estate
25 appraisal without a valid license, may enter a temporary
26 restraining order without notice or bond enjoining the
27 defendant from further practice. The showing of
28 non-licensure, by affidavit or otherwise, is sufficient for
29 the issuance of a temporary injunction. If it is
30 established that the defendant has been or is engaged in
31 unlawful practice, the court may enter an order or judgment
32 perpetually enjoining the defendant from further unlawful
33 practice. In all proceedings under this Section, the court,
34 in its discretion, may apportion the costs among the parties

1 interested in the action, including the cost of filing the
2 complaint, service of process, witness fees and expenses,
3 court reporter charges, and reasonable attorneys' fees. These
4 injunction proceedings shall be in addition to, and not in
5 lieu of, all penalties and other remedies provided in this
6 Act.

7 Section 15-10. Grounds for disciplinary action.

8 (a) The Office of Banks and Real Estate may suspend,
9 revoke, refuse to issue or renew a license and may reprimand
10 place on probation or administrative supervision, or
11 otherwise discipline a licensee, including imposing
12 conditions limiting the scope, nature, or extent of the real
13 estate appraisal practice of a licensee or reducing the
14 appraisal rank of a licensee, and may impose a civil penalty
15 not to exceed \$10,000 upon a licensee for one or any
16 combination of the following:

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

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

25 (3) Paying money, other than for the fees provided
26 for by this Act, or anything of value to a member or
27 employee of the Board or Office of Banks and Real Estate
28 to procure licensure under this Act.

29 (4) Being convicted of any crime, an essential
30 element of which is dishonesty, fraud, theft, or
31 embezzlement, or obtaining money, property, or credit by
32 false pretenses, or any other crime that is reasonably
33 related to the practice of real estate appraisal or a

1 conviction in any state or federal court of any felony.

2 (5) Committing an act or omission involving
3 dishonesty, fraud, or misrepresentation with the intent
4 to substantially benefit the licensee or another person
5 or with intent to substantially injure another person as
6 defined by rule.

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

11 (7) Failing or refusing without good cause to
12 exercise reasonable diligence in developing, reporting,
13 or communicating an appraisal, as defined by this Act or
14 by rule.

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

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

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

27 (11) Accepting an appraisal assignment when the
28 employment itself is contingent upon the appraiser
29 reporting a predetermined estimate, analysis, or opinion
30 or when the fee to be paid is contingent upon the
31 opinion, conclusion, or valuation reached or upon the
32 consequences resulting from the appraisal assignment.

33 (12) Developing valuation conclusions based on the
34 race, color, religion, sex, national origin, ancestry,

1 age, marital status, family status, physical or mental
2 handicap, or unfavorable military discharge, as defined
3 under the Illinois Human Rights Act, of the prospective
4 or present owners or occupants of the area or property
5 under appraisal.

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

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

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

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

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

28 (18) Failing to include within the certificate of
29 appraisal for all written appraisal reports the
30 appraiser's license number and licensure title. All
31 appraisers providing significant contribution to the
32 development and reporting of an appraisal must be
33 disclosed in the appraisal report. It is a violation of
34 this Act for an appraiser to sign a report, transmittal

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

4 (b) The Office of Banks and Real Estate may reprimand
5 suspend, revoke, or refuse to issue or renew an education
6 provider's license, may reprimand, place on probation, or
7 otherwise discipline an education provider and may suspend or
8 revoke the course approval of any course offered by an
9 education provider and may impose a civil penalty not to
10 exceed \$10,000 upon an education provider, for any of the
11 following:

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

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

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

25 (4) Engaging in misleading or untruthful
26 advertising.

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

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

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

1 (8) Failing to provide an appropriate classroom
 2 environment for presentation of courses, with
 3 consideration for student comfort, acoustics, lighting,
 4 seating, workspace, and visual aid material.

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

7 (10) Failing to provide a certificate, transcript,
 8 or other student record to OBRE or to a student as may be
 9 required by rule.

10 (11) Failing to fully cooperate with an OBRE
 11 investigation by knowingly making a false statement,
 12 submitting false or misleading information, or refusing
 13 to provide complete information in response to written
 14 interrogatories or a written request for documentation
 15 within 30 days of the request.

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

28 Section 15-15. Investigation; notice; hearing.

29 (a) Upon the motion of the Office of Banks and Real
 30 Estate or the Board or upon a complaint in writing of a
 31 person setting forth facts that, if proven, would constitute
 32 grounds for suspension, revocation, or other disciplinary
 33 action against a licensee or applicant for licensure, the

1 Office of Banks and Real Estate shall investigate the actions
2 of the licensee or applicant.

3 (b) Formal disciplinary proceedings shall commence upon
4 the issuance of a written complaint describing the charges
5 that are the basis of the disciplinary action and delivery of
6 the detailed complaint to the address of record of the
7 licensee or applicant. OBRE shall notify the licensee or
8 applicant to file a verified written answer within 20 days
9 after the service of the notice and complaint. The
10 notification shall inform the licensee or applicant of his or
11 her right to be heard in person or by legal counsel; that the
12 hearing will be afforded not sooner than 30 days after
13 receipt of the answer to the specific charges; that failure
14 to file an answer will result in a default being entered
15 against the licensee or applicant; that the license may be
16 suspended, revoked, or placed on probationary status; and
17 that other disciplinary action may be taken pursuant to this
18 Act, including limiting the scope, nature, or extent of the
19 licensee's practice. If the licensee or applicant fails to
20 file an answer after service of notice, his or her license
21 may, at the discretion of the Office of Banks and Real
22 Estate, be suspended, revoked, or placed on probationary
23 status and the Office of Banks and Real Estate may take
24 whatever disciplinary action it deems proper, including
25 limiting the scope, nature, or extent of the person's
26 practice, without a hearing.

27 (c) At the time and place fixed in the notice, the Board
28 shall conduct hearing of the charges, providing both the
29 accused person and the complainant ample opportunity to
30 present in person or by counsel such statements, testimony,
31 evidence, and argument as may be pertinent to the charges or
32 to a defense thereto.

33 (d) The Board shall present to the Commissioner a
34 written report of its findings and recommendations. A copy

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

34 (e) The Office of Banks and Real Estate has the power to

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

12 (f) Any license that is suspended indefinitely or
13 revoked may not be restored for a minimum period of 2 years,
14 or as otherwise ordered by the Commissioner.

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

22 (h) The Commissioner shall have the authority to appoint
23 an attorney duly licensed to practice law in the State of
24 Illinois to serve as the hearing officer in any action to
25 suspend, revoke, or otherwise discipline any license issued
26 by the Office of Banks and Real Estate. The Hearing Officer
27 shall have full authority to conduct the hearing.

28 (i) OBRE, at its expense, shall preserve a record of all
29 formal hearings of any contested case involving the
30 discipline of a license. At all hearings or pre-hearing
31 conferences, OBRE and the licensee shall be entitled to have
32 the proceedings transcribed by a certified shorthand
33 reporter. A copy of the transcribed proceedings shall be
34 made available to the licensee by the certified shorthand

1 reporter upon payment of the prevailing contract copy rate.

2 Section 15-20. Administrative Review Law; certification
3 fees; Administrative Procedure Act.

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

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

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

20 Section 15-30. Statute of limitations. No action may be
21 taken under this Act against a person licensed under this Act
22 unless the action is commenced within 5 years after the
23 occurrence of the alleged violation. A continuing violation
24 is be deemed to have occurred on the date when the
25 circumstances last existed that gave rise to the alleged
26 continuing violation.

27 Section 15-35. Signature of the Commissioner. An order
28 of revocation or suspension or a certified copy of the order,
29 bearing the seal of OBRE and purporting to be signed by the
30 Commissioner, shall be prima facie proof that:

31 (1) the signature is the genuine signature of the

1 Commissioner;

2 (2) the Commissioner is duly appointed and
3 qualified; and

4 (3) the Board and the members thereof are
5 qualified.

6 This proof may be rebutted.

7 Section 15-40. Violation of tax Acts. OBRE may refuse
8 to issue or renew or may suspend the license of any person
9 who fails to file a return, pay the tax, penalty, or interest
10 shown in a filed return, or pay any final assessment of tax,
11 penalty, or interest, as required by any tax Act administered
12 by the Department of Revenue, until such time as the
13 requirements of that tax Act are satisfied.

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

28 Section 15-50. Nonpayment of child support. In cases
29 where the Department of Public Aid has previously determined
30 that a licensee or a potential licensee is more than 30 days
31 delinquent in the payment of child support and has

1 subsequently certified the delinquency to OBRE, OBRE may
2 refuse to issue or renew or may revoke or suspend that
3 person's license or may take other disciplinary action
4 against that person based solely upon the certification of
5 delinquency made by the Department of Public Aid.
6 Redetermination of the delinquency by OBRE shall not be
7 required. In cases regarding the renewal of a license, OBRE
8 shall not renew any license if the Department of Public Aid
9 has certified the licensee to be more than 30 days delinquent
10 in the payment of child support, unless the licensee has
11 arranged for payment of past and current child support
12 obligations in a manner satisfactory to the Department of
13 Public Aid. OBRE may impose conditions, restrictions, or
14 disciplinary action upon that renewal.

15 Section 15-55. Returned checks; penalty; termination. A
16 person who delivers a check or other payment to OBRE that is
17 returned to OBRE unpaid by the financial institution upon
18 which it was drawn shall pay to OBRE, in addition to the
19 amount already owed, a penalty of \$50. OBRE shall notify the
20 person, by certified mail return receipt requested, that his
21 or her check or payment was returned and that the person
22 shall pay to OBRE by certified check or money order the
23 amount of the returned check plus a \$50 penalty within 30
24 calendar days after the date of the notification. If, after
25 the expiration of 30 calendar days of the notification, the
26 person has failed to remit the necessary funds and penalty,
27 OBRE shall automatically terminate the license or deny the
28 application without hearing. If the returned check or other
29 payment was for issuance of a license under this Act and that
30 person practices as an appraiser, that person may be subject
31 to discipline for unlicensed practice as provided in this
32 Act. If, after termination or denial, the person seeks a
33 license, he or she shall petition OBRE for restoration and he

1 or she may be subject to additional discipline or fines. The
 2 Commissioner may waive the penalties or fines due under this
 3 Section in individual cases where the Commissioner finds that
 4 the penalties or fines would be unreasonable or unnecessarily
 5 burdensome.

6 Section 15-60. Cease and desist orders. OBRE may issue
 7 cease and desist orders to persons who engage in activities
 8 prohibited by this Act. Any person in violation of a cease
 9 and desist order issued by OBRE is subject to all of the
 10 penalties provided by law.

11 ARTICLE 20. EDUCATION PROVISIONS

12 Section 20-5. Education providers.

13 (a) Beginning July 1, 2002, only education providers
 14 licensed by OBRE may provide the pre-license and continuing
 15 education courses required for licensure under this Act.

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

- 19 (1) a sound financial base for establishing,
 20 promoting, and delivering the necessary courses;
- 21 (2) a sufficient number of qualified instructors;
- 22 (3) adequate support personnel to assist with
 23 administrative matters and technical assistance;
- 24 (4) a written policy dealing with procedures for
 25 management of grievances and fee refunds;
- 26 (5) a qualified administrator, who is responsible
 27 for the administration of the education provider,
 28 courses, and the actions of the instructors; and
- 29 (6) any other requirements as provided by rule.

30 (c) All applicants for an education provider's license
 31 shall make initial application to OBRE on forms provided by

1 OBRE and pay the appropriate fee as provided by rule. The
2 term, expiration date, and renewal of an education provider's
3 license shall be established by rule.

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

8 (e) All education providers shall provide to OBRE a
9 monthly roster of all successful course participants as
10 provided by rule.

11 Section 20-10. Course approval.

12 (a) Only courses offered by licensed education providers
13 and approved by OBRE shall be used to meet the requirements
14 of this Act and rules.

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

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

23 ARTICLE 25. ADMINISTRATIVE PROVISIONS

24 Section 25-5. Appraisal Administration Fund; surcharge.
25 The Appraisal Administration Fund is created as a special
26 fund in the State Treasury. All fees, fines, and penalties
27 received by OBRE under this Act shall be deposited into the
28 Appraisal Administration Fund. All earnings attributable to
29 investment of funds in the Appraisal Administration Fund
30 shall be credited to into the Appraisal Administration Fund.
31 Subject to appropriation, the moneys in the Appraisal

1 Administration Fund shall be paid to OBRE for the expenses
2 incurred by OBRE and the Board in the administration of this
3 Act.

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

8 Section 25-10. Real Estate Appraisal Board; appointment.

9 (a) There is hereby created the Real Estate Appraisal
10 Board. The Board shall be composed of 10 persons appointed
11 by the Governor, plus the Director of the Real Estate
12 Appraisal Division. Members shall be appointed to the Board
13 subject to the following conditions:

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

17 (2) The appointed membership of the Board should
18 reasonably reflect the geographic distribution of the
19 population of the State.

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

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

28 (5) Two appointed members shall hold a valid
29 license as a real estate broker for at least 10 years
30 prior to the date of the appointment and shall hold a
31 valid appraiser license issued under this Act or a
32 predecessor Act for a period of at least 5 years prior to
33 the appointment.

1 (6) One appointed member shall be a representative
2 of a financial institution, as evidenced by his or her
3 employment with a financial institution.

4 (7) One appointed member shall represent the
5 interests of the general public. This member or his or
6 her spouse shall not be licensed under this Act nor be
7 employed by or have any interest in an appraisal
8 business, real estate brokerage business, or a financial
9 institution.

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

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

18 In making the appointment as provided in paragraph (6) of
19 this subsection, the Governor shall give due consideration to
20 the recommendations by members and organizations representing
21 financial institutions.

22 (b) The term for members of the Board shall be 4 years,
23 except for the initial appointees. Of the initial
24 appointments, 4 members shall be appointed for terms ending
25 June 30, 2006, 3 members shall be appointed for terms ending
26 June 30, 2005, and 3 members shall be appointed for terms
27 ending June 30, 2004. No member shall serve more than 10
28 years in a lifetime. Those persons serving on the Board
29 pursuant to the Real Estate Appraiser Licensing Act shall
30 become members of the new Board on July 1, 2002 and shall
31 serve until the Governor has made the new appointments
32 pursuant to this Act.

33 (c) The Governor may terminate the appointment of a
34 member for cause that, in the opinion of the Governor,

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

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

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

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

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

21 (h) The Board shall advise and make recommendations to
22 OBRE on matters of licensing and education. OBRE shall give
23 due consideration to all recommendations presented by the
24 Board.

25 (i) The Board shall hear and make recommendations to the
26 Commissioner on disciplinary matters that require a formal
27 evidentiary hearing. The Commissioner shall give due
28 consideration to the recommendations of the Board involving
29 discipline and questions involving standards of professional
30 conduct of licensees.

31 (j) The Board may make recommendations to OBRE
32 consistent with the provisions of this Act and for the
33 administration and enforcement of the rules adopted pursuant
34 to this Act. OBRE shall give due consideration to the

1 recommendations of the Board prior to adopting rules.

2 (k) The Board shall make recommendations to OBRE on the
3 approval of courses submitted to OBRE pursuant to this Act
4 and the rules adopted pursuant to this Act. OBRE shall give
5 due consideration to the recommendations of the Board prior
6 to approving and licensing courses.

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

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

15 Section 25-15. Director of the Real Estate Appraisal
16 Division; appointment; duties. The Commissioner shall
17 appoint a Director of the Real Estate Appraisal Division for
18 a term of 4 years. The Director shall hold a valid State
19 certified general real estate appraiser or State certified
20 residential real estate appraiser license, which shall be
21 surrendered to OBRE during the term of his or her
22 appointment. The Director of the Real Estate Appraisal
23 Division shall:

24 (1) serve as a member of the Real Estate Appraisal
25 Board without vote;

26 (2) be the direct liaison between OBRE, the
27 profession, and the real estate appraisal industry
28 organizations and associations;

29 (3) prepare and circulate to licensees such
30 educational and informational material as the OBRE deems
31 necessary for providing guidance or assistance to
32 licensees;

33 (4) appoint necessary committees to assist in the

1 performance of the functions and duties of OBRE under
2 this Act; and

3 (5) subject to the administrative approval of the
4 Commissioner, supervise the Real Estate Appraisal
5 Division.

6 In appointing the Director of the Real Estate Appraisal
7 Division, the Commissioner shall give due consideration to
8 members, organizations, and associations of the real estate
9 appraisal industry.

10 Section 25-20. OBRE; powers and duties. The Office of
11 Banks and Real Estate shall exercise the powers and duties
12 prescribed by the Civil Administrative Code of Illinois for
13 the administration of licensing Acts and shall exercise such
14 other powers and duties as are prescribed by this Act for the
15 administration of this Act. OBRE may contract with third
16 parties for services necessary for the proper administration
17 of this Act, including without limitation, investigators with
18 the proper knowledge, training, and skills to properly
19 investigate complaints against real estate appraisers.

20 OBRE shall maintain and update a registry of the names
21 and addresses of all licensees and a listing of disciplinary
22 orders issued pursuant to this Act and shall transmit the
23 registry, along with any national registry fees that may be
24 required, to the entity specified by, and in a manner
25 consistent with, Title XI of the federal Financial
26 Institutions Reform, Recovery and Enforcement Act of 1989.

27 Section 25-25. Rules. OBRE, after considering any
28 recommendations of the Board, shall adopt rules that may be
29 necessary for administration, implementation, and enforcement
30 of the Act.

31 Section 25-30. Exclusive State powers and functions;

1 municipal powers. It is declared to be the public policy of
2 this State, pursuant to paragraph (h) of Section 6 of Article
3 VII of the Illinois Constitution of 1970, that any power or
4 function set forth in this Act to be exercised by the State
5 is an exclusive State power or function. Such power and
6 function shall not be exercised concurrently, either directly
7 or indirectly, by any unit of local government, including
8 home rule units, except as otherwise provided in this Act.

9 ARTICLE 30. TRANSITION PROVISIONS

10 Section 30-5. Savings provisions.

11 (a) This Act is intended to replace the Real Estate
12 Appraiser Licensing Act in all respects.

13 (b) Beginning July 1, 2002, the rights, powers, and
14 duties exercised by the Office of Banks and Real Estate under
15 the Real Estate Appraiser Licensing Act shall continue to be
16 vested in, to be the obligation of, and to be exercised by
17 the Office of Banks and Real Estate under the provisions of
18 this Act.

19 (c) This Act does not affect any act done, ratified, or
20 cancelled, any right occurring or established, or any action
21 or proceeding commenced in an administrative, civil, or
22 criminal cause before July 1, 2002 by the Office of Banks and
23 Real Estate under the Real Estate Appraiser Licensing Act.
24 Those actions or proceedings may be prosecuted and continued
25 by the Office of Banks and Real Estate under this Act.

26 (d) This Act does not affect any license, certificate,
27 permit, or other form of licensure issued by the Office of
28 Banks and Real Estate under the Real Estate Appraiser
29 Licensing Act, except as provided in subsection (c) of
30 Section 5-25. All such licenses, certificates, permits, or
31 other form of licensure shall continue to be valid under the
32 terms and conditions of this Act.

1 (e) The rules adopted by the Office of Banks and Real
 2 Estate relating to the Real Estate Appraiser Licensing Act,
 3 unless inconsistent with the provisions of this Act, are not
 4 affected by this Act, and on July 1, 2002, those rules become
 5 rules under this Act. The Office of Banks and Real Estate
 6 shall, as soon as practicable, adopt new or amended rules
 7 consistent with the provisions of this Act.

8 (f) This Act does not affect any discipline, suspension,
 9 or termination that has occurred under the Real Estate
 10 Appraiser Licensing Act or other predecessor Act. Any action
 11 for discipline, suspension, or termination instituted under
 12 the Real Estate Appraiser Licensing Act shall be continued
 13 under this Act.

14 Section 30-10. Appraisal Administration Fund.

15 (a) The Appraisal Administrative Fund, created under the
 16 Real Estate License Act of 1983 and continued under Section
 17 40 of the Real Estate Appraiser Licensing Act, is continued
 18 under this Act. All fees collected under this Act shall be
 19 deposited into the Appraisal Administration Fund, created in
 20 the State Treasury under the Real Estate License Act of 1983.

21 (b) Appropriations to OBRE from the Appraisal
 22 Administration Fund for the purpose of administering the Real
 23 Estate Appraiser Licensing Act may be used by OBRE for the
 24 purpose of administering and enforcing the provisions of this
 25 Act.

26 ARTICLE 950. AMENDATORY PROVISIONS

27 Section 950-5. The Regulatory Sunset Act is amended by
 28 changing Section 4.18 and adding Section 4.22 as follows:

29 (5 ILCS 80/4.18)

30 Sec. 4.18. Acts repealed January 1, 2008. The following

1 Acts are repealed on January 1, 2008:

2 The Acupuncture Practice Act.

3 The Clinical Social Work and Social Work Practice Act.

4 The Home Medical Equipment and Services Provider License
5 Act.

6 The Nursing and Advanced Practice Nursing Act.

7 The Illinois Petroleum Education and Marketing Act.

8 The Illinois Speech-Language Pathology and Audiology
9 Practice Act.

10 The Marriage and Family Therapy Licensing Act.

11 The Nursing Home Administrators Licensing and
12 Disciplinary Act.

13 The Pharmacy Practice Act of 1987.

14 The Physician Assistant Practice Act of 1987.

15 The Podiatric Medical Practice Act of 1987.

16 ~~The Real Estate Appraiser Licensing Act.~~

17 (Source: P.A. 90-61, eff. 12-30-97; 90-69, eff. 7-8-97;
18 90-76, eff. 7-8-97; 90-150, eff. 12-30-97; 90-248, eff.
19 1-1-98; 90-532, eff. 11-14-97; 90-571, eff. 7-1-98;
20 incorporates 90-614, eff. 7-10-98; 90-655, eff. 7-30-98;
21 91-357, eff. 7-29-99.)

22 (5 ILCS 80/4.22 new)

23 Sec. 4.22. Act repealed on January 1, 2012. The
24 following Act is repealed on January 1, 2012:

25 The Real Estate Appraisers Licensing Act of 2002.

26 (225 ILCS 457/Act rep.)

27 Section 950-15. The Real Estate Appraiser Licensing Act
28 is repealed on July 1, 2002.

29 ARTICLE 999. EFFECTIVE DATE

30 Section 999-99. Effective date. This Act takes effect

1 July 1, 2002.