

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 and to license and regulate those persons for the protection
11 of the public. Additionally, it is the intent of the General
12 Assembly for this Act to be consistent with the provisions of
13 Title XI of the federal Financial Institutions Reform,
14 Recovery and Enforcement Act of 1989.

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

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

19 "Appraisal" means (noun) the act or process of developing
20 an opinion of value; an opinion of value; (adjective) of or
21 pertaining to appraising and related functions, e.g.,
22 appraisal practice, appraisal services; and as defined in
23 USPAP.

24 "Appraisal report" means a written or oral appraisal by
25 an appraiser to a client.

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

29 "Appraiser" means a person who performs real estate or

1 real property appraisals.

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

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

10 "Board" means the Real Estate Appraisal Board.

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

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

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

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

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

25 "Federally related transaction" means any real
26 estate-related financial transaction in which a federal
27 financial institutions regulatory agency, the Department of
28 Housing and Urban Development, Fannie Mae, Freddie Mae, or
29 the National Credit Union Administration engages in,
30 contracts for, or regulates and requires the services of an
31 appraiser.

32 "Financial institution" means any bank, savings bank,
33 savings and loan association, credit union, mortgage broker,
34 mortgage banker, licensee under the Consumer Installment Loan

1 Act or the Sales Finance Agency Act, or a corporate
2 fiduciary, subsidiary, affiliate, parent company, or holding
3 company of any such licensee, or any institution involved in
4 real estate financing that is regulated by state or federal
5 law.

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

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

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

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

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

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

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

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

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

34 "State licensed real estate appraiser" means an appraiser

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

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

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

17 ARTICLE 5. LICENSING PROVISIONS

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

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

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

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

8 (c) The licensing requirements of this Act do not
9 require a real estate broker or salesperson who holds a valid
10 license pursuant to the Real Estate License Act of 2000, to
11 be licensed as a real estate appraiser under this Act, if the
12 broker or salesperson is providing a consumer with an opinion
13 or estimate of the value of real property for the purposes of
14 providing a "brokerage service" to a consumer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 Section 5-25. Renewal of license.

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

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

29 (2) paying the required fees; and

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

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

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

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

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

24 (2) paying the required fees; and

25 (3) providing evidence of successful completion of
26 the continuing education requirements through courses
27 approved by OBRE from education providers approved by
28 OBRE, as established by rule.

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

1 (f) Notwithstanding subsections (c) and (e), an
2 appraiser whose license under this Act has expired may renew
3 or convert the license without paying any lapsed renewal fees
4 or late penalties if the license expired while the appraiser
5 was:

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

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

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

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

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

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

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

1 the District of Columbia;

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

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

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

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

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

31 (b) The prerequisite classroom hours necessary for a
32 person to sit for the examination for licensure as an
33 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 for
28 valuation when the employment itself is contingent upon
29 the appraiser reporting a predetermined estimate,
30 analysis, or opinion or when the fee to be paid is
31 contingent upon the opinion, conclusion, or valuation
32 reached or upon the consequences resulting from the
33 appraisal assignment.

34 (12) Developing valuation conclusions based on the

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

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

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

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

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

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

29 (18) Failing to include within the certificate of
30 appraisal for all written appraisal reports the
31 appraiser's license number, licensure title, and the date
32 of expiration of the license. All appraisers providing
33 significant contribution to the development and reporting
34 of an appraisal must be disclosed in the appraisal

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

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

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

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

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

27 (4) Engaging in misleading or untruthful
28 advertising.

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

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

34 (7) Failing to administer an approved course using

1 the course materials, syllabus, and examinations
2 submitted as the basis of the course approval.

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

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

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

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

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

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

31 (a) Upon the motion of the Office of Banks and Real
32 Estate or the Board or upon a complaint in writing of a
33 person setting forth facts that, if proven, would constitute

1 grounds for suspension, revocation, or other disciplinary
2 action against a licensee or applicant for licensure, the
3 Office of Banks and Real Estate shall investigate the actions
4 of the licensee or applicant.

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

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

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

1 seize the license.

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

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

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

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

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

1 reporter. A copy of the transcribed proceedings shall be
2 made available to the licensee by the certified shorthand
3 reporter upon payment of the prevailing contract copy rate.

4 Section 15-20. Administrative Review Law; certification
5 fees; Administrative Procedure Act.

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

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

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

22 Section 15-25. Temporary suspension. The Commissioner
23 may temporarily suspend the license of a licensee without a
24 hearing, while instituting a proceeding for a hearing as
25 provided for in Section 15-15 of this Act, if the
26 Commissioner finds that the evidence indicates that the
27 public interest, safety, or welfare imperatively requires
28 emergency action. In the event that the Commissioner
29 temporarily suspends a license without a hearing before the
30 Board, a hearing shall be held within 30 days after the
31 suspension has occurred. A suspended licensee may seek a
32 continuance of the hearing during which the suspension

1 remains in effect. The proceeding shall be concluded without
2 appreciable delay.

3 Section 15-30. Statute of limitations. No action may be
4 taken under this Act against a person licensed under this Act
5 unless the action is commenced within 5 years after the
6 occurrence of the alleged violation. A continuing violation
7 is be deemed to have occurred on the date when the
8 circumstances last existed that gave rise to the alleged
9 continuing violation.

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

14 (1) the signature is the genuine signature of the
15 Commissioner;

16 (2) the Commissioner is duly appointed and
17 qualified; and

18 (3) the Board and the members thereof are
19 qualified.

20 This proof may be rebutted.

21 Section 15-40. Violation of tax Acts. OBRE may refuse
22 to issue or renew or may suspend the license of any person
23 who fails to file a return, pay the tax, penalty, or interest
24 shown in a filed return, or pay any final assessment of tax,
25 penalty, or interest, as required by any tax Act administered
26 by the Department of Revenue, until such time as the
27 requirements of that tax Act are satisfied.

28 Section 15-45. Disciplinary action for educational loan
29 defaults. OBRE shall deny a license or renewal authorized by
30 this Act to a person who has defaulted on an educational loan

1 or scholarship provided or guaranteed by the Illinois Student
2 Assistance Commission or any governmental agency of this
3 State; however, OBRE may issue a license or renewal if the
4 person has established a satisfactory repayment record as
5 determined by the Illinois Student Assistance Commission or
6 other appropriate governmental agency of this State.
7 Additionally, a license issued by OBRE may be suspended or
8 revoked if the Commissioner, after the opportunity for a
9 hearing under this Act, finds that the licensee has failed to
10 make satisfactory repayment to the Illinois Student
11 Assistance Commission for a delinquent or defaulted loan.

12 Section 15-50. Nonpayment of child support. In cases
13 where the Department of Public Aid has previously determined
14 that a licensee or a potential licensee is more than 30 days
15 delinquent in the payment of child support and has
16 subsequently certified the delinquency to OBRE, OBRE may
17 refuse to issue or renew or may revoke or suspend that
18 person's license or may take other disciplinary action
19 against that person based solely upon the certification of
20 delinquency made by the Department of Public Aid.
21 Redetermination of the delinquency by OBRE shall not be
22 required. In cases regarding the renewal of a license, OBRE
23 shall not renew any license if the Department of Public Aid
24 has certified the licensee to be more than 30 days delinquent
25 in the payment of child support, unless the licensee has
26 arranged for payment of past and current child support
27 obligations in a manner satisfactory to the Department of
28 Public Aid. OBRE may impose conditions, restrictions, or
29 disciplinary action upon that renewal.

30 Section 15-55. Returned checks; penalty; termination. A
31 person who delivers a check or other payment to OBRE that is
32 returned to OBRE unpaid by the financial institution upon

1 which it was drawn shall pay to OBRE, in addition to the
2 amount already owed, a penalty of \$50. OBRE shall notify the
3 person, by certified mail return receipt requested, that his
4 or her check or payment was returned and that the person
5 shall pay to OBRE by certified check or money order the
6 amount of the returned check plus a \$50 penalty within 30
7 calendar days after the date of the notification. If, after
8 the expiration of 30 calendar days of the notification, the
9 person has failed to remit the necessary funds and penalty,
10 OBRE shall automatically terminate the license or deny the
11 application without hearing. If the returned check or other
12 payment was for issuance of a license under this Act and that
13 person practices as an appraiser, that person may be subject
14 to discipline for unlicensed practice as provided in this
15 Act. If, after termination or denial, the person seeks a
16 license, he or she shall petition OBRE for restoration and he
17 or she may be subject to additional discipline or fines. The
18 Commissioner may waive the penalties or fines due under this
19 Section in individual cases where the Commissioner finds that
20 the penalties or fines would be unreasonable or unnecessarily
21 burdensome.

22 Section 15-60. Cease and desist orders. OBRE may issue
23 cease and desist orders to persons who engage in activities
24 prohibited by this Act. Any person in violation of a cease
25 and desist order issued by OBRE is subject to all of the
26 penalties provided by law.

27 ARTICLE 20. EDUCATION PROVISIONS

28 Section 20-5. Education providers.

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

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

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

6 (2) a sufficient number of qualified instructors;

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

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

11 (5) a qualified school administrator, who is
12 responsible for the administration of the school,
13 courses, and the actions of the instructors; and

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

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

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

24 (e) All education providers shall provide to OBRE a
25 monthly roster of all successful course participants as
26 provided by rule.

27 Section 20-10. Course approval.

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

31 (b) An education provider licensed under this Act may
32 submit courses to OBRE for approval. The criteria,
33 requirements, and fees for courses shall be established by

1 rule in accordance with this Act, Title XI, and the criteria
2 established by the AQB.

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

6 ARTICLE 25. ADMINISTRATIVE PROVISIONS

7 Section 25-5. Appraisal Administration Fund; surcharge.
8 The Appraisal Administration Fund is created as a special
9 fund in the State Treasury. All fees, fines, and penalties
10 received by OBRE under this Act shall be deposited into the
11 Appraisal Administration Fund. All earnings attributable to
12 investment of funds in the Appraisal Administration Fund
13 shall be credited to into the Appraisal Administration Fund.
14 Subject to appropriation, the moneys in the Appraisal
15 Administration Fund shall be paid to OBRE for the expenses
16 incurred by OBRE and the Board in the administration of this
17 Act.

18 Upon the completion of any audit of OBRE, as prescribed
19 by the Illinois State Auditing Act, which shall include an
20 audit of the Appraisal Administration Fund, OBRE shall make
21 the audit report open to inspection by any interested person.

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

23 (a) There is hereby created the Real Estate Appraisal
24 Board. The Board shall be composed of 10 persons appointed
25 by the Governor, plus the Director of the Real Estate
26 Appraisal Division. Members shall be appointed to the Board
27 subject to the following conditions:

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

31 (2) The appointed membership of the Board should

1 reasonably reflect the geographic distribution of the
2 population of the State.

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

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

11 (5) Two appointed members shall hold a valid
12 license as a real estate broker for at least 10 years
13 prior to the date of the appointment.

14 (6) One appointed member shall be a representative
15 of a financial institution, as evidenced by his or her
16 employment with a financial institution.

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

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

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

31 In making the appointment as provided in paragraph (6) of
32 this subsection, the Governor shall give due consideration to
33 the recommendations by members and organizations representing
34 financial institutions.

1 (b) The term for members of the Board shall be 4 years,
2 except for the initial appointees. Of the initial
3 appointments, 4 members shall be appointed for terms ending
4 June 30, 2006, 3 members shall be appointed for terms ending
5 June 30, 2005, and 3 members shall be appointed for terms
6 ending June 30, 2004. No member shall serve more than 10
7 years in a lifetime. Those persons serving on the Board
8 pursuant to the Real Estate Appraiser Licensing Act shall
9 become members of the new Board on January 1, 2002 and shall
10 serve until the Governor has made the new appointments
11 pursuant to this Act.

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

18 (d) A majority of the Board members currently appointed
19 shall constitute a quorum. A vacancy in the membership of
20 the Board shall not impair the right of a quorum to exercise
21 all of the rights and perform all of the duties of the Board.

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

25 (f) The Board shall, annually at the first meeting of
26 the fiscal year, elect a Chairperson and Vice-Chairperson
27 from its members. The Chairperson shall preside over the
28 meetings and shall coordinate with the Director in developing
29 and distributing an agenda for each meeting. In the absence
30 of the Chairperson, the Co-Chairperson shall preside over the
31 meeting.

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

34 (h) The Board shall advise and make recommendations to

1 OBRE on matters of licensing and education. OBRE shall give
2 due consideration to all recommendations presented by the
3 Board.

4 (i) The Board shall hear and make recommendations to the
5 Commissioner on disciplinary matters that require a formal
6 evidentiary hearing. The Commissioner shall give due
7 consideration to the recommendations of the Board involving
8 discipline and questions involving standards of professional
9 conduct of licensees.

10 (j) The Board may make recommendations to OBRE
11 consistent with the provisions of this Act and for the
12 administration and enforcement of the rules adopted pursuant
13 to this Act. OBRE shall give due consideration to the
14 recommendations of the Board prior to adopting rules.

15 (k) The Board shall make recommendations to OBRE on the
16 approval of courses submitted to OBRE pursuant to this Act
17 and the rules adopted pursuant to this Act. OBRE shall give
18 due consideration to the recommendations of the Board prior
19 to approving and licensing courses.

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

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

28 Section 25-15. Director of the Real Estate Appraisal
29 Division; appointment; duties. The Commissioner shall
30 appoint a Director of the Real Estate Appraisal Division for
31 a term of 4 years. The Director shall hold a valid State
32 certified general real estate appraiser or State certified
33 residential real estate appraiser license, which shall be

1 surrendered to OBRE during the term of his or her
2 appointment. The Director of the Real Estate Appraisal
3 Division shall:

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

6 (2) be the direct liaison between OBRE, the
7 profession, and the real estate appraisal industry
8 organizations and associations;

9 (3) prepare and circulate to licensees such
10 educational and informational material as the OBRE deems
11 necessary for providing guidance or assistance to
12 licensees;

13 (4) appoint necessary committees to assist in the
14 performance of the functions and duties of OBRE under
15 this Act; and

16 (5) subject to the administrative approval of the
17 Commissioner, supervise the Real Estate Appraisal
18 Division.

19 In appointing the Director of the Real Estate Appraisal
20 Division, the Commissioner shall give due consideration to
21 members, organizations, and associations of the real estate
22 appraisal industry.

23 Section 25-20. OBRE; powers and duties. The Office of
24 Banks and Real Estate shall exercise the powers and duties
25 prescribed by the Civil Administrative Code of Illinois for
26 the administration of licensing Acts and shall exercise such
27 other powers and duties as are prescribed by this Act for the
28 administration of this Act. OBRE may contract with third
29 parties for services necessary for the proper administration
30 of this Act, including without limitation, investigators with
31 the proper knowledge, training, and skills to properly
32 investigate complaints against real estate appraisers.

1 Section 25-25. Rules. OBRE, after considering any
2 recommendations of the Board, shall adopt rules that may be
3 necessary for administration, implementation, and enforcement
4 of the Act.

5 Section 25-30. Exclusive State powers and functions;
6 municipal powers. It is declared to be the public policy of
7 this State, pursuant to paragraph (h) of Section 6 of Article
8 VII of the Illinois Constitution of 1970, that any power or
9 function set forth in this Act to be exercised by the State
10 is an exclusive State power or function. Such power and
11 function shall not be exercised concurrently, either directly
12 or indirectly, by any unit of local government, including
13 home rule units, except as otherwise provided in this Act.

14 ARTICLE 30. TRANSITION PROVISIONS

15 Section 30-5. Savings provisions.

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

18 (b) Beginning July 1, 2002, the rights, powers, and
19 duties exercised by the Office of Banks and Real Estate under
20 the Real Estate Appraiser Licensing Act shall continue to be
21 vested in, to be the obligation of, and to be exercised by
22 the Office of Banks and Real Estate under the provisions of
23 this Act.

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

31 (d) This Act does not affect any license, certificate,

1 permit, or other form of licensure issued by the Office of
2 Banks and Real Estate under the Real Estate Appraiser
3 Licensing Act, except as provided is subsection (c) of
4 Section 5-25. All such licenses, certificates, permits, or
5 other form of licensure shall continue to be valid under the
6 terms and conditions of this Act.

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

14 (f) This Act does not affect any discipline, suspension,
15 or termination that has occurred under the Real Estate
16 Appraiser Licensing Act or other predecessor Act. Any action
17 for discipline, suspension, or termination instituted under
18 the Real Estate Appraiser Licensing Act shall be continued
19 under this Act.

20 Section 30-10. Appraisal Administration Fund.

21 (a) The Appraisal Administrative Fund, created under the
22 Real Estate License Act of 1983 and continued under Section
23 40 of the Real Estate Appraiser Licensing Act, is continued
24 under this Act. All fees collected under this Act shall be
25 deposited into the Appraisal Administration Fund, created in
26 the State Treasury under the Real Estate License Act of 1983.

27 (b) Appropriations to OBRE from the Appraisal
28 Administration Fund for the purpose of administering the Real
29 Estate Appraiser Licensing Act may be used by OBRE for the
30 purpose of administering and enforcing the provisions of this
31 Act.

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

3 (5 ILCS 80/4.18)

4 Sec. 4.18. Acts repealed January 1, 2008. The following
5 Acts are repealed on January 1, 2008:

6 The Acupuncture Practice Act.

7 The Clinical Social Work and Social Work Practice Act.

8 The Home Medical Equipment and Services Provider License
9 Act.

10 The Nursing and Advanced Practice Nursing Act.

11 The Illinois Petroleum Education and Marketing Act.

12 The Illinois Speech-Language Pathology and Audiology
13 Practice Act.

14 The Marriage and Family Therapy Licensing Act.

15 The Nursing Home Administrators Licensing and
16 Disciplinary Act.

17 The Pharmacy Practice Act of 1987.

18 The Physician Assistant Practice Act of 1987.

19 The Podiatric Medical Practice Act of 1987.

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

21 (Source: P.A. 90-61, eff. 12-30-97; 90-69, eff. 7-8-97;
22 90-76, eff. 7-8-97; 90-150, eff. 12-30-97; 90-248, eff.
23 1-1-98; 90-532, eff. 11-14-97; 90-571, eff. 7-1-98;
24 incorporates 90-614, eff. 7-10-98; 90-655, eff. 7-30-98;
25 91-357, eff. 7-29-99.)

26 (5 ILCS 80/4.22 new)

27 Sec. 4.22. Act repealed on January 1, 2012. The
28 following Act is repealed on January 1, 2012:

29 The Real Estate Appraisers Licensing Act of 2002.

30 (225 ILCS 457/Act rep.)

31 Section 950-15. The Real Estate Appraiser Licensing Act

1 is repealed on July 1, 2002.

2 ARTICLE 999. EFFECTIVE DATE

3 Section 999-99. Effective date. This Act takes effect
4 July 1, 2002.