

1 AN ACT concerning regulation.

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

4 Section 5. The Public Contract Fraud Act is amended by  
5 changing Section 2 as follows:

6 (30 ILCS 545/2) (from Ch. 127, par. 132.52)

7 Sec. 2. Spending money without obtaining title to land;  
8 approval of title by Attorney General.

9 (a) Except as otherwise provided in Section 2 of the  
10 Superconducting Super Collider Act or for projects constructed  
11 under the Bikeway Act, any person or persons, commissioner or  
12 commissioners, or other officer or officers, entrusted with  
13 the construction or repair of any public work or improvement,  
14 as set forth in Section 1, who shall expend or cause to be  
15 expended upon such public work or improvement, the whole or  
16 any part of the moneys appropriated therefor, or who shall  
17 commence work, or in any way authorize work to be commenced,  
18 thereon, without first having obtained a title, by purchase,  
19 donation, condemnation or otherwise, to all lands needed for  
20 such public work or improvement, running to the People of the  
21 State of Illinois; such title to be approved by the Attorney  
22 General, and his approval certified by the Secretary of State  
23 and placed on record in his office, shall be deemed guilty of a

1 Class A misdemeanor.

2 (b) Approval of title by the Attorney General for all  
3 lands needed for a public work or improvement shall not be  
4 required as established under subsection (a) of this Section  
5 and the State Comptroller may draw warrant in payment of  
6 consideration for all such lands without requiring approval of  
7 title by the Attorney General if consideration to be paid does  
8 not exceed \$25,000 and the title acquired for such lands is  
9 for:

10 (1) a fee simple title or easement acquired by the  
11 State for highway right-of-way; or

12 (2) an acquisition of rights or easements of access,  
13 crossing, light, air or view to, from or over a freeway  
14 vested in abutting property; or

15 (3) a fee simple title or easement used to place  
16 utility lines and connect a permanent public work or  
17 improvement owned by the State to main utility lines; or

18 (4) for the purpose of flood relief or other water  
19 resource projects.

20 (c) This Section does not apply to any otherwise lawful  
21 expenditures for the construction, completion, remodeling,  
22 maintenance and equipment of buildings and other facilities  
23 made in connection with and upon premises owned by the  
24 Illinois Building Authority, nor shall this Section apply to  
25 improvements to real estate leased by any State agency as  
26 defined in the Illinois State Auditing Act, provided the

1 leasehold improvements were contracted for by an agency with  
2 leasing authority and in compliance with the rules and  
3 regulations promulgated by such agency for that purpose.

4 (d) Notwithstanding subsection (a), the Department of  
5 Transportation may proceed with bidding or awarding a contract  
6 or any construction activities once it has complied with the  
7 requirements for conditional certification under 23 CFR  
8 635.309(c) (3).

9 The Department of Transportation shall comply with the  
10 requirements under subsection (a) before expending funds on  
11 construction activities or property acquisition related to  
12 parcels that were outstanding at the time of conditional  
13 certification under this subsection (d).

14 No construction activities shall be undertaken on any  
15 property until the requirements under subsection (a) have been  
16 met for that property. No delay costs shall be assessed  
17 against the State until the Department of Transportation has  
18 complied with subsection (a).

19 (Source: P.A. 103-865, eff. 1-1-25.)

20 Section 10. The Real Estate Appraiser Licensing Act of  
21 2002 is amended by changing Sections 1-10 and 5-5 as follows:

22 (225 ILCS 458/1-10)

23 (Section scheduled to be repealed on January 1, 2027)

24 Sec. 1-10. Definitions. As used in this Act, unless the

1 context otherwise requires:

2 "Accredited college or university, junior college, or  
3 community college" means a college or university, junior  
4 college, or community college that is approved or accredited  
5 by the Board of Higher Education, a regional or national  
6 accreditation association, or by an accrediting agency that is  
7 recognized by the U.S. Secretary of Education.

8 "Address of record" means the designated street address,  
9 which may not be a post office box, recorded by the Department  
10 in the applicant's or licensee's application file or license  
11 file as maintained by the Department.

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

14 "Appraisal" means (noun) the act or process of developing  
15 an opinion of value; an opinion of value (adjective) of or  
16 pertaining to appraising and related functions, such as  
17 appraisal practice or appraisal services.

18 "Appraisal assignment" means a valuation service provided  
19 pursuant to an agreement between an appraiser and a client.

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

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

1 subsidiary, unit, or other business entity that directly or  
2 indirectly: (1) provides appraisal management services to  
3 creditors or secondary mortgage market participants, including  
4 affiliates; (2) provides appraisal management services in  
5 connection with valuing the consumer's principal dwelling as  
6 security for a consumer credit transaction (including consumer  
7 credit transactions incorporated into securitizations); and  
8 (3) any appraisal management company that, within a given  
9 12-month period, oversees an appraiser panel of 16 or more  
10 State-certified appraisers in Illinois or 25 or more  
11 State-certified or State-licensed appraisers in 2 or more  
12 jurisdictions. "Appraisal management company" includes a  
13 hybrid entity.

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

17 "Appraisal qualification board (AQB)" means the  
18 independent board of the Appraisal Foundation, which, under  
19 the provisions of Title XI of the Financial Institutions  
20 Reform, Recovery, and Enforcement Act of 1989, establishes the  
21 minimum education, experience, and examination requirements  
22 for real property appraisers to obtain a state certification  
23 or license.

24 "Appraisal report" means any communication, written or  
25 oral, of an appraisal or appraisal review that is transmitted  
26 to a client upon completion of an assignment.

1 "Appraisal review" means the act or process of developing  
2 and communicating an opinion about the quality of another  
3 appraiser's work that was performed as part of an appraisal,  
4 appraisal review, or appraisal assignment.

5 "Appraisal Subcommittee" means the Appraisal Subcommittee  
6 of the Federal Financial Institutions Examination Council as  
7 established by Title XI.

8 "Appraiser" means a person who performs real estate or  
9 real property appraisals competently and in a manner that is  
10 independent, impartial, and objective.

11 "Appraiser panel" means a network, list, or roster of  
12 licensed or certified appraisers approved by the appraisal  
13 management company or by the ~~end-user~~ client to perform  
14 appraisals as independent contractors for the appraisal  
15 management company. "Appraiser panel" includes both appraisers  
16 accepted by an appraisal management company for consideration  
17 for future appraisal assignments and appraisers engaged by an  
18 appraisal management company to perform one or more  
19 appraisals. For the purposes of determining the size of an  
20 appraiser panel, only independent contractors of hybrid  
21 entities shall be counted towards the appraiser panel.

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

26 "Automated valuation model" means an automated system that

1 is used to derive a property value through the use of available  
2 property records and various analytic methodologies such as  
3 comparable sales prices, home characteristics, and price  
4 changes.

5 "Board" means the Real Estate Appraisal Administration and  
6 Disciplinary Board.

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

17 "Classroom hour" means 50 minutes of instruction out of  
18 each 60-minute segment of coursework.

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

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

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

9 "Coordinator" means the Real Estate Appraisal Coordinator  
10 created in Section 25-15.

11 "Department" means the Department of Financial and  
12 Professional Regulation.

13 "Email address of record" means the designated email  
14 address recorded by the Department in the applicant's  
15 application file or the licensee's license file maintained by  
16 the Department.

17 "Evaluation" means a valuation permitted by the appraisal  
18 regulations of the Federal Financial Institutions Examination  
19 Council and its federal agencies for transactions that qualify  
20 for the appraisal threshold exemption, business loan  
21 exemption, or subsequent transaction exemption.

22 "Federal financial institutions regulatory agencies" means  
23 the Board of Governors of the Federal Reserve System, the  
24 Federal Deposit Insurance Corporation, the Office of the  
25 Comptroller of the Currency, the Consumer Financial Protection  
26 Bureau, and the National Credit Union Administration.

1 "Federally related transaction" means any real  
2 estate-related financial transaction in which a federal  
3 financial institutions regulatory agency engages in, contracts  
4 for, or regulates and requires the services of an appraiser.

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

12 "Hybrid entity" means an appraisal management company that  
13 hires an appraiser as an employee to perform an appraisal and  
14 engages an independent contractor to perform an appraisal.

15 "License" means the privilege conferred by the Department  
16 to a person that has fulfilled all requirements prerequisite  
17 to any type of licensure under this Act.

18 "Licensee" means any person licensed under this Act.

19 "Multi-state licensing system" means a web-based platform  
20 that allows an applicant to submit the application or license  
21 renewal application to the Department online.

22 "Person" means an individual, entity, sole proprietorship,  
23 corporation, limited liability company, partnership, and joint  
24 venture, foreign or domestic, except that when the context  
25 otherwise requires, the term may refer to more than one  
26 individual or other described entity.

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

3 "Real estate related financial transaction" means any  
4 transaction involving:

5 (1) the sale, lease, purchase, investment in, or  
6 exchange of real property, including interests in property  
7 or the financing thereof;

8 (2) the refinancing of real property or interests in  
9 real property; and

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

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

15 "Secretary" means the Secretary of Financial and  
16 Professional Regulation or the Secretary's designee.

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

22 "State certified residential real estate appraiser" means  
23 an appraiser who holds a license of this classification under  
24 this Act and such classification applies to the appraisal of  
25 one to 4 units of residential real property without regard to  
26 transaction value or complexity, but with restrictions as to

1 the scope of practice in a federally related transaction in  
2 accordance with Title XI, the provisions of USPAP, criteria  
3 established by the AQB, and further defined by rule.

4 "Supervising appraiser" means either (i) an appraiser who  
5 holds a valid license under this Act as either a State  
6 certified general real estate appraiser or a State certified  
7 residential real estate appraiser, who co-signs an appraisal  
8 report for an associate real estate trainee appraiser or (ii)  
9 a State certified general real estate appraiser who holds a  
10 valid license under this Act who co-signs an appraisal report  
11 for a State certified residential real estate appraiser on  
12 properties other than one to 4 units of residential real  
13 property without regard to transaction value or complexity.

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

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

19 "Valuation services" means services pertaining to aspects  
20 of property value.

21 "Waiver valuation" means a valuation prepared pursuant to  
22 the federal Uniform Relocation Assistance and Real Property  
23 Acquisition Policies Act of 1970, as amended, or pursuant to  
24 the federal Uniform Relocation Assistance and Real Property  
25 Acquisition for Federal and Federally Assisted Programs  
26 regulations under 49 CFR Part 24, which is not an appraisal and

1 may not be represented to be an appraisal.

2 (Source: P.A. 102-20, eff. 1-1-22; 102-687, eff. 12-17-21;  
3 102-970, eff. 5-27-22; 103-236, eff. 1-1-24.)

4 (225 ILCS 458/5-5)

5 (Section scheduled to be repealed on January 1, 2027)

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

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

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

24 (b) It is unlawful for a person, other than a person who  
25 holds a valid license issued pursuant to this Act as a State

1 certified general real estate appraiser, a State certified  
2 residential real estate appraiser, or an associate real estate  
3 trainee appraiser 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 is  
7 guilty of a Class A misdemeanor for a first offense and a Class  
8 4 felony for any subsequent offense.

9 (c) This Act does not apply to a person who holds a valid  
10 license as a real estate broker or managing broker pursuant to  
11 the Real Estate License Act of 2000 who prepares or provides a  
12 broker price opinion or comparative market analysis in  
13 compliance with Section 10-45 of the Real Estate License Act  
14 of 2000.

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

23 (e) This Act does not apply to a county assessor, township  
24 assessor, multi-township assessor, county supervisor of  
25 assessments, or any deputy or employee of any county assessor,  
26 township assessor, multi-township assessor, or county

1 supervisor of assessments in performance of respective duties  
2 in accordance with the provisions of the Property Tax Code.

3 (e-5) For the purposes of this Act, waiver valuations  
4 ~~valuation waivers may be prepared by a licensed appraiser~~  
5 ~~notwithstanding any other provision of this Act, and the~~  
6 ~~following types of valuations~~ are not appraisals and may not  
7 be represented to be appraisals, and a license or  
8 certification is not required under this Act to perform such  
9 valuations if the valuations are created in one of the  
10 following manners: ~~performed by (1) an employee of the~~  
11 ~~Illinois Department of Transportation who has completed a~~  
12 ~~minimum of 45 hours of course work in real estate appraisal,~~  
13 ~~including the principles of real estate appraisals, appraisal~~  
14 ~~of partial acquisitions, easement valuation, reviewing~~  
15 ~~appraisals in eminent domain, appraisal for federal aid~~  
16 ~~highway programs, and appraisal review for federal aid highway~~  
17 ~~programs and has at least 2 years' experience in a field~~  
18 ~~closely related to real estate; (2) a county engineer who is a~~  
19 ~~registered professional engineer under the Professional~~  
20 ~~Engineering Practice Act of 1989; (3) an employee of a~~  
21 ~~municipality who has (i) completed a minimum of 45 hours of~~  
22 ~~coursework in real estate appraisal, including the principles~~  
23 ~~of real estate appraisals, appraisal of partial acquisitions,~~  
24 ~~easement valuation, reviewing appraisals in eminent domain,~~  
25 ~~appraisal for federal aid highway programs, and appraisal~~  
26 ~~review for federal aid highway programs and (ii) has either 2~~

1 ~~years' experience in a field clearly related to real estate or~~  
2 ~~has completed 20 hours of additional coursework that is~~  
3 ~~sufficient for a person to complete waiver valuations as~~  
4 ~~approved by the Federal Highway Administration; or (4) a~~  
5 ~~municipal engineer who has completed coursework that is~~  
6 ~~sufficient for waiver valuations to be approved by the Federal~~  
7 ~~Highway Administration and who is a registered professional~~  
8 ~~engineer under the Professional Engineering Act of 1989, under~~  
9 ~~the following circumstances:~~

10 (A) a waiver valuation ~~waiver~~ in an amount not to  
11 exceed \$35,000 ~~that \$20,000 prepared pursuant to the~~  
12 ~~federal Uniform Relocation Assistance and Real Property~~  
13 ~~Acquisition Policies Act of 1970, or prepared pursuant to~~  
14 ~~the federal Uniform Relocation Assistance and Real~~  
15 ~~Property Acquisition for Federal and Federally Assisted~~  
16 ~~Programs regulations and which is performed by:~~

17 (1) an employee of the Illinois Department of  
18 Transportation who is a registered professional  
19 engineer under the Professional Engineering Practice  
20 Act of 1989 or an employee of the Illinois Department  
21 of Transportation that is ~~and co-signed, with a~~  
22 ~~license number affixed,~~ by another employee of the  
23 Illinois Department of Transportation and who is a  
24 registered professional engineer under the  
25 Professional Engineering Practice Act of 1989, with a  
26 license number affixed;

1           (2) a person who: (i) has at least 2 years'  
2           experience in a field closely related to real estate;  
3           (ii) has completed a minimum of 45 hours of course work  
4           in real estate appraisal, including the principles of  
5           real estate appraisals, appraisal of partial  
6           acquisitions, easement valuation, reviewing appraisals  
7           in eminent domain, appraisal for federal aid highway  
8           programs, or appraisal review for federal aid highway  
9           programs; and (iii) is an employee of the Illinois  
10           Department of Transportation or an employee of a  
11           consultant or subconsultant under contract to provide  
12           land acquisition services to the Illinois Department  
13           of Transportation;

14           (3) a county or municipal engineer who is a  
15           registered professional engineer under the  
16           Professional Engineering Practice Act of 1989, with an  
17           engineer's signature and license number affixed;

18           (4) a municipal engineer who has completed  
19           coursework that is sufficient for waiver valuations to  
20           be approved by the Federal Highway Administration and  
21           who is a registered professional engineer under the  
22           Professional Engineering Practice Act of 1989;

23           (5) ~~or (2)~~ an employee of a county or municipality  
24           that is ~~and~~ co-signed ~~with a license number affixed~~ by  
25           its respective ~~a~~ county or municipal engineer who is a  
26           registered professional engineer under the

1 Professional Engineering Practice Act of 1989, with a  
2 license number affixed;

3 (6) an employee of a municipality who:

4 (A) has completed a minimum of 45 hours of  
5 coursework in real estate appraisal, including the  
6 principles of real estate appraisals, appraisal of  
7 partial acquisitions, easement valuation,  
8 reviewing appraisals in eminent domain, appraisal  
9 for federal aid highway programs, and appraisal  
10 review for federal aid highway programs; and

11 (B) has either 2 years of experience in a  
12 field clearly related to real estate or has  
13 completed 20 hours of additional coursework that  
14 is sufficient for the employee to complete waiver  
15 valuations as approved by the Federal Highway  
16 Administration; or

17 (7) a nonresident appraiser licensed in another  
18 jurisdiction who does not represent himself or herself  
19 to be an Illinois-licensed appraiser; or ~~and~~

20 (B) a waiver valuation ~~waiver~~ in an amount not to  
21 exceed \$50,000 that (1) is performed by a licensed  
22 certified general real estate appraiser, a licensed  
23 certified residential real estate appraiser, or an  
24 associate real estate trainee appraiser employed by the  
25 Illinois Department of Transportation, (2) includes the  
26 signature and license numbers of the appraiser or the

1 trainee and the trainee's supervising appraiser, and (3)  
2 is co-signed by an employee of the Illinois Department of  
3 Transportation who is a registered professional engineer  
4 under the Professional Engineering Practice Act of 1989,  
5 with a license number affixed \$20,000 prepared pursuant to  
6 the federal Uniform Relocation Assistance and Real  
7 Property Acquisition Policies Act of 1970, or prepared  
8 pursuant to the federal Uniform Relocation Assistance and  
9 Real Property Acquisition for Federal and  
10 Federally Assisted Programs regulations and which is  
11 performed by a county or municipal engineer who is  
12 employed by a county or municipality and is a registered  
13 professional engineer under the Professional Engineering  
14 Practice Act of 1989. The valuation shall include the  
15 county or municipal engineer's signature and license  
16 number.

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

21 Any person who is certified or licensed under this Act and  
22 performs a waiver valuation in accordance with (1) the  
23 requirements of this subsection (e-5) and (2) the federal  
24 Uniform Relocation Assistance and Real Property Acquisition  
25 Policies Act of 1970, as amended, or pursuant to the federal  
26 Uniform Relocation Assistance and Real Property Acquisition

1 for Federal and Federally Assisted Programs regulations under  
2 49 CFR Part 24 shall be exempt from adherence to all relevant  
3 provisions of the Uniform Standards of Professional Appraisal  
4 Practice while conducting waiver valuations in accordance with  
5 State and federal law. Nothing in this Act shall be construed  
6 to exempt any person who is certified or licensed under this  
7 Act from adhering to the Uniform Standards of Professional  
8 Appraisal Practice while conducting appraisals in accordance  
9 with this Act.

10 (f) A State real estate appraisal certification or license  
11 is not required under this Act for any person, partnership,  
12 association, or corporation that performs appraisals of  
13 property owned by that person, partnership, association, or  
14 corporation for the sole use of that person, partnership,  
15 association, or corporation.

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

22 (g) This Act does not apply to an employee, officer,  
23 director, or member of a credit or loan committee of a  
24 financial institution or any other person engaged by a  
25 financial institution when performing an evaluation of real  
26 property for the sole use of the financial institution in a

1 transaction for which the financial institution would not be  
2 required to use the services of a State licensed or State  
3 certified appraiser pursuant to federal regulations adopted  
4 under Title XI of the federal Financial Institutions Reform,  
5 Recovery, and Enforcement Act of 1989.

6 (h) This Act does not apply to the procurement of an  
7 automated valuation model.

8 (Source: P.A. 102-20, eff. 1-1-22.)

9 Section 15. The Illinois Highway Code is amended by  
10 changing Section 4-501 as follows:

11 (605 ILCS 5/4-501) (from Ch. 121, par. 4-501)

12 Sec. 4-501. The Department, in its name, or any county may  
13 acquire the fee simple title, or such lesser interest as may be  
14 desired, to any public or private land, rights, or other  
15 property necessary for the construction, maintenance or  
16 operation of State highways, or necessary for locating,  
17 relocating, extending, widening or straightening any State  
18 highway, or necessary for locating, relocating, extending,  
19 widening or straightening an existing street or for laying  
20 out, establishing or opening a new street within the corporate  
21 limits of any municipality which has been designated by the  
22 Department as a street to form a part of or to connect with a  
23 State highway leading up to the corporate limits of such  
24 municipality, or necessary for any other purpose or use

1 contemplated by this Code by purchase or by the exercise of the  
2 right of eminent domain under the eminent domain laws of this  
3 State and the Department shall not be required, in any case, to  
4 furnish bond.

5 When, in the judgment of the acquiring agency, it is more  
6 practical and economical to acquire the fee to the  
7 inaccessible remnants of the tracts of land from which  
8 rights-of-way are being acquired than to pay severance  
9 damages, such agency may do so by purchase or by an eminent  
10 domain proceeding.

11 When a part of a parcel of land is to be taken for State  
12 highway purposes and the accessible remnant is to be left in a  
13 shape or condition rendering it of little value to the owner or  
14 giving rise to claims for severance or other damages, upon  
15 written request of the owner, the acquiring agency may take  
16 the whole parcel and may sell or exchange the part not needed  
17 for highway purposes.

18 When acquiring land for a highway on a new location, and  
19 when a parcel of land one acre or less in area contains a  
20 single family residence, which is in conformance with existing  
21 zoning ordinances, and only a part of that parcel is required  
22 for State highway purposes causing the remainder of the parcel  
23 not to conform with the existing zoning ordinances, or when  
24 the location of the right of way line of the proposed highway  
25 reduces the distance from an existing single family residence  
26 to the right of way line to 10 feet or less, the acquiring

1 agency shall, if the owner so demands, take the whole parcel by  
2 negotiation or condemnation. The part not needed for highway  
3 purposes may be rented, sold or exchanged by the acquiring  
4 agency.

5 When any farm land is acquired for State highway purposes  
6 by the exercise of the right of eminent domain, the rate of  
7 compensation to be paid by the acquiring agency shall be  
8 computed by taking into consideration the total acreage  
9 originally involved in the farm land parcel, including that  
10 portion of such parcel already part of a right of way for  
11 highway purposes but for which legal title lies in the owner of  
12 the parcel.

13 (Source: P.A. 81-536.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.