



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5140

by Rep. Sara Wojcicki Jimenez

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Real Estate Appraiser Licensing Act of 2002 and Appraisal Management Company Registration Act. Provides that the Secretary of Financial and Professional Regulation may require participation in a third-party, multi-state licensing system for the licensing of certified general real estate appraisers, certified residential real estate appraisers, associate real estate trainee appraisers, and real estate appraisal education providers; and registration of appraisal management companies. Makes corresponding changes in both Acts. Provides that the multi-state licensing system may share regulatory information and maintain records in compliance with the provisions of the Acts. Provides that the multi-state licensing system may charge an applicant an administration fee that shall be paid directly to the system. Defines "multi-state licensing system". In provisions of the Real Estate Appraiser Licensing Act of 2002 concerning criminal history record checks, provides that the Secretary may designate a multi-state licensing system to perform the checks. Effective immediately.

LRB100 16090 SMS 31209 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Real Estate Appraiser Licensing Act of 2002  
5 is amended by changing Sections 1-10, 5-10, 5-15, 5-20, 5-22,  
6 5-25, 5-55, 20-5, and 20-10 and by adding Section 5-7 as  
7 follows:

8 (225 ILCS 458/1-10)

9 (Section scheduled to be repealed on January 1, 2022)

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

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

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

1 website or by contacting the Department.

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

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

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

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

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

20 "Appraisal management company" means any corporation,  
21 limited liability company, partnership, sole proprietorship,  
22 subsidiary, unit, or other business entity that directly or  
23 indirectly performs the following appraisal management  
24 services: (1) administers networks of independent contractors  
25 or employee appraisers to perform real estate appraisal  
26 assignments for clients; (2) receives requests for real estate

1 appraisal services from clients and, for a fee paid by the  
2 client, enters into an agreement with one or more independent  
3 appraisers to perform the real estate appraisal services  
4 contained in the request; or (3) otherwise serves as a  
5 third-party broker of appraisal management services between  
6 clients and appraisers. "Appraisal management company" does  
7 not include an appraisal firm.

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

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

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

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

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

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

26 "Associate real estate trainee appraiser" means an

1 entry-level appraiser who holds a license of this  
2 classification under this Act with restrictions as to the scope  
3 of practice in accordance with this Act.

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

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

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

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

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

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

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

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

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

17 "Federally related transaction" means any real  
18 estate-related financial transaction in which a federal  
19 financial institutions regulatory agency engages in, contracts  
20 for, or regulates and requires the services of an appraiser.

21 "Financial institution" means any bank, savings bank,  
22 savings and loan association, credit union, mortgage broker,  
23 mortgage banker, licensee under the Consumer Installment Loan  
24 Act or the Sales Finance Agency Act, or a corporate fiduciary,  
25 subsidiary, affiliate, parent company, or holding company of  
26 any such licensee, or any institution involved in real estate

1 financing that is regulated by state or federal law.

2 "Multi-state licensing system" means a web-based platform  
3 that allows an applicant to submit his or her application or  
4 license renewal application to the Department online.

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

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

12 "Real estate related financial transaction" means any  
13 transaction involving:

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

17 (2) the refinancing of real property or interests in  
18 real property; and

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

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

24 "Secretary" means the Secretary of Financial and  
25 Professional Regulation.

26 "State certified general real estate appraiser" means an

1 appraiser who holds a license of this classification under this  
2 Act and such classification applies to the appraisal of all  
3 types of real property without restrictions as to the scope of  
4 practice.

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

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

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

25 "USPAP" means the Uniform Standards of Professional  
26 Appraisal Practice as promulgated by the Appraisal Standards

1 Board pursuant to Title XI and by rule.

2 "Valuation services" means services pertaining to aspects  
3 of property value.

4 (Source: P.A. 97-602, eff. 8-26-11; 98-1109, eff. 1-1-15.)

5 (225 ILCS 458/5-7 new)

6 Sec. 5-7. Multi-state licensing system. The Secretary may  
7 require participation in a third-party, multi-state licensing  
8 system for licensing under this Act. The multi-state licensing  
9 system may share regulatory information and maintain records in  
10 compliance with the provisions of this Act. The multi-state  
11 licensing system may charge an applicant an administration fee.

12 (225 ILCS 458/5-10)

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

14 Sec. 5-10. Application for State certified general real  
15 estate appraiser.

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

18 (1) apply to the Department on forms provided by the  
19 Department, or through a multi-state licensing system as  
20 designated by the Secretary, accompanied by the required  
21 fee;

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

23 (3) (blank);

24 (4) personally take and pass an examination authorized

1 by the Department and endorsed by the AQB;

2 (5) prior to taking the examination, provide evidence  
3 to the Department, or through a multi-state licensing  
4 system as designated by the Secretary, in Modular Course  
5 format, with each module conforming to the Required Core  
6 Curriculum established and adopted by the AQB, that he or  
7 she has successfully completed the prerequisite classroom  
8 hours of instruction in appraising as established by the  
9 AQB and by rule; and

10 (6) prior to taking the examination, provide evidence  
11 to the Department, or through a multi-state licensing  
12 system as designated by the Secretary, that he or she has  
13 successfully completed the prerequisite experience and  
14 educational requirements in appraising as established by  
15 AQB and by rule.

16 (b) Applicants must provide evidence to the Department, or  
17 through a multi-state licensing system as designated by the  
18 Secretary, of holding a Bachelor's degree or higher from an  
19 accredited college or university.

20 (Source: P.A. 98-1109, eff. 1-1-15.)

21 (225 ILCS 458/5-15)

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

23 Sec. 5-15. Application for State certified residential  
24 real estate appraiser. Every person who desires to obtain a  
25 State certified residential real estate appraiser license

1 shall:

2 (1) apply to the Department on forms provided by the  
3 Department, or through a multi-state licensing system as  
4 designated by the Secretary, accompanied by the required  
5 fee;

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

7 (3) (blank);

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

10 (5) prior to taking the examination, provide evidence  
11 to the Department, or through a multi-state licensing  
12 system as designated by the Secretary, in Modular Course  
13 format, with each module conforming to the Required Core  
14 Curriculum established and adopted by the AQB, that he or  
15 she has successfully completed the prerequisite classroom  
16 hours of instruction in appraising as established by the  
17 AQB and by rule; and

18 (6) prior to taking the examination, provide evidence  
19 to the Department, or through a multi-state licensing  
20 system as designated by the Secretary, that he or she has  
21 successfully completed the prerequisite experience and  
22 educational requirements as established by AQB and by rule.

23 (Source: P.A. 100-201, eff. 8-18-17.)

24 (225 ILCS 458/5-20)

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

1           Sec. 5-20. Application for associate real estate trainee  
2 appraiser. Every person who desires to obtain an associate real  
3 estate trainee appraiser license shall:

4           (1) apply to the Department on forms provided by the  
5 Department, or through a multi-state licensing system as  
6 designated by the Secretary, accompanied by the required  
7 fee;

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

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

13           (4) personally take and pass an examination authorized  
14 by the Department; and

15           (5) prior to taking the examination, provide evidence  
16 to the Department, or through a multi-state licensing  
17 system as designated by the Secretary, that he or she has  
18 successfully completed the prerequisite qualifying and any  
19 conditional education requirements as established by rule.

20 (Source: P.A. 98-1109, eff. 1-1-15.)

21 (225 ILCS 458/5-22)

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

23 Sec. 5-22. Criminal history records check.

24 (a) Each applicant for licensure by examination or  
25 restoration shall have his or her fingerprints submitted to the

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

17 (b) The Secretary may designate a multi-state licensing  
18 system to perform the functions described in subsection (a).  
19 The Department may require applicants to pay a separate  
20 fingerprinting fee, either to the Department or to the  
21 multi-state licensing system. The Department may adopt any  
22 rules necessary to implement this subsection.

23 (Source: P.A. 98-1109, eff. 1-1-15.)

24 (225 ILCS 458/5-25)

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

1           Sec. 5-25. Renewal of license.

2           (a) The expiration date and renewal period for a State  
3 certified general real estate appraiser license or a State  
4 certified residential real estate appraiser license issued  
5 under this Act shall be set by rule. Except as otherwise  
6 provided in subsections (b) and (f) of this Section, the holder  
7 of a license may renew the license within 90 days preceding the  
8 expiration date by:

9           (1) completing and submitting to the Department, or  
10 through a multi-state licensing system as designated by the  
11 Secretary, a renewal application form as provided by the  
12 Department;

13           (2) paying the required fees; and

14           (3) providing evidence to the Department, or through a  
15 multi-state licensing system as designated by the  
16 Secretary, of successful completion of the continuing  
17 education requirements through courses approved by the  
18 Department from education providers licensed by the  
19 Department, as established by the AQB and by rule.

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

1 (c) (Blank).

2 (d) The expiration date and renewal period for an associate  
3 real estate trainee appraiser license issued under this Act  
4 shall be set by rule. Except as otherwise provided in  
5 subsections (e) and (f) of this Section, the holder of an  
6 associate real estate appraiser license may renew the license  
7 within 90 days preceding the expiration date by:

8 (1) completing and submitting to the Department, or  
9 through a multi-state licensing system as designated by the  
10 Secretary, a renewal application form as provided by the  
11 Department;

12 (2) paying the required fees; and

13 (3) providing evidence to the Department, or through a  
14 multi-state licensing system as designated by the  
15 Secretary, of successful completion of the continuing  
16 education requirements through courses approved by the  
17 Department from education providers approved by the  
18 Department, as established by rule.

19 (e) Any associate real estate appraiser trainee whose  
20 license under this Act has expired may renew the license for a  
21 period of 2 years following the expiration date by complying  
22 with the requirements of paragraphs (1), (2), and (3) of  
23 subsection (d) of this Section and paying any late penalties as  
24 established by rule. An associate real estate trainee appraiser  
25 license may not be renewed more than 2 times.

26 (f) Notwithstanding subsections (c) and (e), an appraiser

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

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

6 (2) serving as the Coordinator of Real Estate Appraisal  
7 or an employee of the Department who was required to  
8 surrender his or her license during the term of employment.

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

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

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

20 (225 ILCS 458/5-55)

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

22 Sec. 5-55. Fees.

23 (a) The Department shall establish rules for fees to be  
24 paid by applicants and licensees to cover the reasonable costs  
25 of the Department in administering and enforcing the provisions

1 of this Act. The Department, with the advice of the Board, may  
2 also establish rules for general fees to cover the reasonable  
3 expenses of carrying out other functions and responsibilities  
4 under this Act.

5 (b) The administration fee charged by the multi-state  
6 licensing system shall be paid directly to the multi-state  
7 licensing system.

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

9 (225 ILCS 458/20-5)

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

11 Sec. 20-5. Education providers.

12 (a) Beginning July 1, 2002, only education providers  
13 licensed or otherwise approved by the Department may provide  
14 the qualifying and continuing education courses required for  
15 licensure under this Act.

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

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

21 (2) a sufficient number of qualified instructors;

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

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

1           (5) a qualified administrator, who is responsible for  
2           the administration of the education provider, courses, and  
3           the actions of the instructors; and

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

5           (c) All applicants for an education provider's license  
6           shall make initial application to the Department on forms  
7           provided by the Department, or through a multi-state licensing  
8           system as designated by the Secretary, and pay the appropriate  
9           fee as provided by rule. The term, expiration date, and renewal  
10          of an education provider's license shall be established by  
11          rule.

12          (d) An education provider shall provide each successful  
13          course participant with a certificate of completion signed by  
14          the school administrator. The format and content of the  
15          certificate shall be specified by rule.

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

19          (Source: P.A. 98-1109, eff. 1-1-15.)

20                 (225 ILCS 458/20-10)

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

22                 Sec. 20-10. Course approval.

23                 (a) Only courses offered by licensed education providers  
24                 and approved by the Department, courses approved by the AQB, or  
25                 courses approved by jurisdictions regulated by the Appraisal

1 Subcommittee shall be used to meet the requirements of this Act  
2 and rules.

3 (b) An education provider licensed under this Act may  
4 submit courses to the Department, or through a multi-state  
5 licensing system as designated by the Secretary, for approval.  
6 The criteria, requirements, and fees for courses shall be  
7 established by rule in accordance with this Act and the  
8 criteria established by the AQB.

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

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

23 (Source: P.A. 98-1109, eff. 1-1-15.)

24 Section 10. The Appraisal Management Company Registration  
25 Act is amended by changing Sections 10, 35, 40, and 55 and by

1 adding Section 32 as follows:

2 (225 ILCS 459/10)

3 Sec. 10. Definitions. In this Act:

4 "Address of record" means the designated address recorded  
5 by the Department in the applicant's or registrant's  
6 application file or registration file maintained by the  
7 Department's registration maintenance unit. It is the duty of  
8 the applicant or registrant to inform the Department of any  
9 change of address, and the changes must be made either through  
10 the Department's website or by contacting the Department's  
11 registration maintenance unit within a prescribed time period  
12 as defined by rule.

13 "Applicant" means a person or entity who applies to the  
14 Department for a registration under this Act.

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

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

23 "Appraisal management company" means any corporation,  
24 limited liability company, partnership, sole proprietorship,  
25 subsidiary, unit, or other business entity that directly or

1 indirectly performs the following appraisal management  
2 services: (1) administers networks of independent contractors  
3 or employee appraisers to perform real estate appraisal  
4 assignments for clients; (2) receives requests for real estate  
5 appraisal services from clients and, for a fee paid by the  
6 client, enters into an agreement with one or more independent  
7 appraisers to perform the real estate appraisal services  
8 contained in the request; or (3) otherwise serves as a  
9 third-party broker of appraisal management services between  
10 clients and appraisers.

11 "Appraisal report" means a written appraisal by an  
12 appraiser to a client.

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

17 "Appraiser" means a person who performs real estate or real  
18 property appraisals.

19 "Assignment result" means an appraiser's opinions and  
20 conclusions developed specific to an assignment.

21 "Board" means the Real Estate Appraisal Administration and  
22 Disciplinary Board.

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

25 "Controlling Person" means:

26 (1) an owner, officer, or director of an entity seeking

1 to offer appraisal management services;

2 (2) an individual employed, appointed, or authorized  
3 by an appraisal management company who has the authority  
4 to:

5 (A) enter into a contractual relationship with a  
6 client for the performance of an appraisal management  
7 service or appraisal practice service; and

8 (B) enter into an agreement with an appraiser for  
9 the performance of a real estate appraisal activity; or

10 (3) an individual who possesses, directly or  
11 indirectly, the power to direct or cause the direction of  
12 the management or policies of an appraisal management  
13 company.

14 "Coordinator" means the Coordinator of the Appraisal  
15 Management Company Registration Unit of the Department or his  
16 or her designee.

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

19 "Entity" means a corporation, a limited liability company,  
20 partnership, a sole proprietorship, or other entity providing  
21 services or holding itself out to provide services as an  
22 appraisal management company or an appraisal management  
23 service.

24 "End-user client" means any person who utilizes or engages  
25 the services of an appraiser through an appraisal management  
26 company.

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

8 "Multi-state licensing system" means a web-based platform  
9 that allows an applicant to submit his or her application for  
10 original registration or registration renewal application to  
11 the Department online.

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

17 "Quality control review" means a review of an appraisal  
18 report for compliance and completeness, including grammatical,  
19 typographical, or other similar errors, unrelated to  
20 developing an opinion of value.

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

23 "Real estate related financial transaction" means any  
24 transaction involving:

- 25 (1) the sale, lease, purchase, investment in, or  
26 exchange of real property, including interests in property

1 or the financing thereof;

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

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

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

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

11 "USPAP" means the Uniform Standards of Professional  
12 Appraisal Practice as adopted by the Appraisal Standards Board  
13 under Title XI.

14 "Valuation" means any estimate of the value of real  
15 property in connection with a creditor's decision to provide  
16 credit, including those values developed under a policy of a  
17 government sponsored enterprise or by an automated valuation  
18 model or other methodology or mechanism.

19 (Source: P.A. 97-602, eff. 8-26-11.)

20 (225 ILCS 459/32 new)

21 Sec. 32. Multi-state licensing system. The Secretary may  
22 require participation in a third-party, multi-state licensing  
23 system for registration under this Act. The multi-state  
24 licensing system may share regulatory information and maintain  
25 records in compliance with the provisions of this Act. The

1 multi-state licensing system may charge the applicant an  
2 administration fee.

3 (225 ILCS 459/35)

4 Sec. 35. Application for original registration.  
5 Applications for original registration shall be made to the  
6 Department on forms prescribed by the Department, or through a  
7 multi-state licensing system as designated by the Secretary,  
8 and accompanied by the required fee. All applications shall  
9 contain the information that, in the judgment of the  
10 Department, will enable the Department to pass on the  
11 qualifications of the applicant to be registered to practice as  
12 set by rule.

13 (Source: P.A. 97-602, eff. 8-26-11.)

14 (225 ILCS 459/40)

15 Sec. 40. Qualifications for registration.

16 (a) The Department may issue a certification of  
17 registration to practice under this Act to any applicant who  
18 applies to the Department on forms provided by the Department,  
19 or through a multi-state licensing system as designated by the  
20 Secretary, pays the required non-refundable fee, and who  
21 provides the following:

22 (1) the business name of the applicant seeking  
23 registration;

24 (2) the business address or addresses and contact

1 information of the applicant seeking registration;

2 (3) if the business applicant is not a corporation that  
3 is domiciled in this State, then the name and contact  
4 information for the company's agent for service of process  
5 in this State;

6 (4) the name, address, and contact information for any  
7 individual or any corporation, partnership, limited  
8 liability company, association, or other business  
9 applicant that owns 10% or more of the appraisal management  
10 company;

11 (5) the name, address, and contact information for a  
12 designated controlling person;

13 (6) a certification that the applicant will utilize  
14 Illinois licensed appraisers to provide appraisal services  
15 within the State of Illinois;

16 (7) a certification that the applicant has a system in  
17 place utilizing a licensed Illinois appraiser to review the  
18 work of all employed and independent appraisers that are  
19 performing real estate appraisal services in Illinois for  
20 the appraisal management company on a periodic basis,  
21 except for a quality control review, to verify that the  
22 real estate appraisal assignments are being conducted in  
23 accordance with USPAP;

24 (8) a certification that the applicant maintains a  
25 detailed record of each service request that it receives  
26 and the independent appraiser that performs the real estate

1 appraisal services for the appraisal management company;

2 (9) a certification that the employees of the appraisal  
3 management company working on behalf of the appraisal  
4 management company directly involved in providing  
5 appraisal management services, will be appropriately  
6 trained and familiar with the appraisal process to  
7 completely provide appraisal management services;

8 (10) an irrevocable Uniform Consent to Service of  
9 Process, under rule; and

10 (11) a certification that the applicant shall comply  
11 with all other requirements of this Act and rules  
12 established for the implementation of this Act.

13 (b) Applicants have 3 years from the date of application to  
14 complete the application process. If the process has not been  
15 completed in 3 years, the application shall be denied, the fee  
16 shall be forfeited, and the applicant must reapply and meet the  
17 requirements in effect at the time of reapplication.

18 (Source: P.A. 97-602, eff. 8-26-11.)

19 (225 ILCS 459/55)

20 Sec. 55. Fees.

21 (a) The fees for the administration and enforcement of this  
22 Act, including, but not limited to, original registration,  
23 renewal, and restoration fees, shall be set by the Department  
24 by rule. The fees shall not be refundable.

25 (b) All fees and other moneys collected under this Act

1 shall be deposited in the Appraisal Administration Fund, except  
2 as provided in subsection (c) of this Section.

3 (c) The administration fee charged by a multi-state  
4 licensing system under Section 32 shall be paid directly to the  
5 multi-state licensing system.

6 (Source: P.A. 97-602, eff. 8-26-11.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.

1 INDEX

2 Statutes amended in order of appearance

- 3 225 ILCS 458/1-10
- 4 225 ILCS 458/5-7 new
- 5 225 ILCS 458/5-10
- 6 225 ILCS 458/5-15
- 7 225 ILCS 458/5-20
- 8 225 ILCS 458/5-22
- 9 225 ILCS 458/5-25
- 10 225 ILCS 458/5-55
- 11 225 ILCS 458/20-5
- 12 225 ILCS 458/20-10
- 13 225 ILCS 459/10
- 14 225 ILCS 459/32 new
- 15 225 ILCS 459/35
- 16 225 ILCS 459/40
- 17 225 ILCS 459/55