

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 Section 5-5 as follows:

6 (225 ILCS 458/5-5)

7 (Section scheduled to be repealed on January 1, 2022)

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

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

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

1 person who violates this subsection is guilty of a Class A  
2 misdemeanor for a first offense and a Class 4 felony for any  
3 subsequent offense.

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

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

25 (d) Nothing in this Act shall preclude a State certified  
26 general real estate appraiser, a State certified residential

1 real estate appraiser, or an associate real estate trainee  
2 appraiser from rendering appraisals for or on behalf of a  
3 partnership, association, corporation, firm, or group.  
4 However, no State appraisal license or certification shall be  
5 issued under this Act to a partnership, association,  
6 corporation, firm, or group.

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

14 (e-5) For the purposes of this Act, the following ~~types of~~  
15 ~~valuations are not appraisals and may not be represented to be~~  
16 ~~appraisals,~~ valuation waivers may be prepared by a licensed  
17 appraiser notwithstanding any other provision of this Act and a  
18 license is not required under this Act to perform such  
19 valuations if the valuations are performed by an employee of  
20 the Illinois Department of Transportation or an employee of a  
21 county under the following circumstances:

22 (1) if performed by an employee of the Illinois  
23 Department of Transportation, a valuation waiver in an  
24 amount not to exceed \$10,000, performed by a licensed  
25 professional engineer under the Professional Engineering  
26 Practice Act of 1989 or co-signed by a State certified

1 general appraiser, and prepared under the federal Uniform  
2 Relocation Assistance and Real Property Acquisition  
3 Policies Act of 1970;

4 (2) if performed by an employee of the Illinois  
5 Department of Transportation, a valuation waiver in an  
6 amount not to exceed \$10,000, performed by a licensed  
7 professional engineer under the Professional Engineering  
8 Practice Act of 1989 or co-signed by a State certified  
9 general appraiser, and prepared under the federal Uniform  
10 Relocation Assistance and Real Property Acquisition for  
11 Federal and Federally-Assisted Programs regulations;

12 (3) if performed by a county engineer employed by a  
13 county who is a licensed professional engineer under the  
14 Professional Engineering Practice Act of 1989, a valuation  
15 waiver in an amount not to exceed \$10,000 prepared under  
16 the federal Uniform Relocation Assistance and Real  
17 Property Acquisition Policies Act of 1970;

18 (4) if performed by a county engineer employed by a  
19 county who is a licensed professional engineer under the  
20 Professional Engineering Practice Act of 1989, a valuation  
21 waiver in an amount not to exceed \$10,000 prepared under  
22 the federal Uniform Relocation Assistance and Real  
23 Property Acquisition for Federal and Federally-Assisted  
24 Programs regulations;

25 (5) a valuation waiver in an amount not to exceed  
26 \$10,000 and limited to the valuation of a temporary

1 easement prepared under the federal Uniform Relocation  
2 Assistance and Real Property Acquisition Policies Act of  
3 1970; or

4 (6) a valuation waiver in an amount not to exceed  
5 \$10,000 and limited to the valuation of a temporary  
6 easement prepared under the federal Uniform Relocation  
7 Assistance and Real Property Acquisition for Federal and  
8 Federally-Assisted Programs regulations.

9 ~~(1) a valuation waiver in an amount not to exceed~~  
10 ~~\$10,000 prepared pursuant to the federal Uniform~~  
11 ~~Relocation Assistance and Real Property Acquisition~~  
12 ~~Policies Act of 1970, as amended; or~~

13 ~~(2) a valuation waiver in an amount not to exceed~~  
14 ~~\$10,000 prepared pursuant to the federal Uniform~~  
15 ~~Relocation Assistance and Real Property Acquisition for~~  
16 ~~Federal and Federally Assisted Programs regulations.~~

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

23 (1) A person, partnership, association, or corporation  
24 that performs appraisals of property owned by that person,  
25 partnership, association, or corporation for the sole use  
26 of that person, partnership, association, or corporation.

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

4           However, any person who is certified or licensed under this Act  
5           and who performs any of the activities set forth in this  
6           subsection (f) must comply with the provisions of this Act. A  
7           person who violates this subsection (f) is guilty of a Class A  
8           misdemeanor for a first offense and a Class 4 felony for any  
9           subsequent offense.

10          (g) This Act does not apply to an employee, officer,  
11          director, or member of a credit or loan committee of a  
12          financial institution or any other person engaged by a  
13          financial institution when performing an evaluation of real  
14          property for the sole use of the financial institution in a  
15          transaction for which the financial institution would not be  
16          required to use the services of a State licensed or State  
17          certified appraiser pursuant to federal regulations adopted  
18          under Title XI of the federal Financial Institutions Reform,  
19          Recovery, and Enforcement Act of 1989, nor does this Act apply  
20          to the procurement of an automated valuation model.

21          "Automated valuation model" means an automated system that  
22          is used to derive a property value through the use of publicly  
23          available property records and various analytic methodologies  
24          such as comparable sales prices, home characteristics, and  
25          historical home price appreciations.

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

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.