

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7 (Section scheduled to be repealed on January 1, 2022)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, valuation waivers may  
15 be prepared by a licensed appraiser notwithstanding any other  
16 provision of this Act, and the following types of valuations  
17 are not appraisals and may not be represented to be appraisals,  
18 and a license is not required under this Act to perform such  
19 valuations if the valuations are performed by (1) an employee  
20 of the Illinois Department of Transportation who has completed  
21 a minimum of 45 hours of course work in real estate appraisal,  
22 including the principals of real estate appraisals, appraisal  
23 of partial acquisitions, easement valuation, reviewing  
24 appraisals in eminent domain, appraisal for federal aid highway  
25 programs, and appraisal review for federal aid highway programs  
26 and has at least 2 years' experience in a field closely related

1 to real estate or (2) ~~or an employee of~~ a county engineer who  
2 is a registered professional engineer under the Professional  
3 Engineering Practice Act of 1989, under the following  
4 circumstances:

5 (A) a valuation waiver in an amount not to exceed  
6 \$10,000 prepared pursuant to the federal Uniform  
7 Relocation Assistance and Real Property Acquisition  
8 Policies Act of 1970, or prepared pursuant to the federal  
9 Uniform Relocation Assistance and Real Property  
10 Acquisition for Federal and Federally-Assisted Programs  
11 regulations and which is performed by an employee of the  
12 Illinois Department of Transportation and co-signed, with  
13 a license number affixed, by another employee of the  
14 Illinois Department of Transportation who is a registered  
15 professional engineer under the Professional Engineering  
16 Practice Act of 1989; and

17 (B) a valuation waiver in an amount not to exceed  
18 \$10,000 prepared pursuant to the federal Uniform  
19 Relocation Assistance and Real Property Acquisition  
20 Policies Act of 1970, or prepared pursuant to the federal  
21 Uniform Relocation Assistance and Real Property  
22 Acquisition for Federal and Federally-Assisted Programs  
23 regulations and which is performed by a county engineer who  
24 is employed by a county and is a registered professional  
25 engineer under the Professional Engineering Practice Act  
26 of 1989. In addition to his or her signature, the county

1 engineer shall affix his or her license number to the  
2 valuation.

3 ~~(1) a valuation waiver in an amount not to exceed~~  
4 ~~\$10,000 prepared pursuant to the federal Uniform~~  
5 ~~Relocation Assistance and Real Property Acquisition~~  
6 ~~Policies Act of 1970, as amended; or~~

7 ~~(2) a valuation waiver in an amount not to exceed~~  
8 ~~\$10,000 prepared pursuant to the federal Uniform~~  
9 ~~Relocation Assistance and Real Property Acquisition for~~  
10 ~~Federal and Federally Assisted Programs regulations.~~

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

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

17 (1) A person, partnership, association, or corporation  
18 that performs appraisals of property owned by that person,  
19 partnership, association, or corporation for the sole use  
20 of that person, partnership, association, or corporation.

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

24 However, any person who is certified or licensed under this Act  
25 and who performs any of the activities set forth in this  
26 subsection (f) must comply with the provisions of this Act. A

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

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

15 "Automated valuation model" means an automated system that  
16 is used to derive a property value through the use of publicly  
17 available property records and various analytic methodologies  
18 such as comparable sales prices, home characteristics, and  
19 historical home price appreciations.

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

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.