

AN ACT concerning regulation.

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

Section 5. The Real Estate Appraiser Licensing Act of 2002 is amended by changing Sections 1-10, 5-5, 5-10, 5-15, 5-20, 5-25, 5-30, 5-35, 5-40, 5-45, 5-55, 10-5, 10-10, 10-20, 15-5, 15-10, 15-15, 15-20, 15-30, 15-35, 15-40, 15-45, 15-50, 15-55, 15-60, 20-5, 20-10, 25-5, 25-10, 25-15, 25-20, 25-25, and 30-10 and by adding Sections 5-20.5, 5-21, 15-17, and 15-18 as follows:

(225 ILCS 458/1-10)

(Section scheduled to be repealed on January 1, 2012)

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

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

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

"Appraisal" means (noun) the act or process of developing

an opinion of value; an opinion of value (adjective) of or pertaining to appraising and related functions, such as appraisal practice or appraisal services.

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

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

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

"Appraisal report" means any communication, written or oral, of an appraisal, appraisal review, or appraisal consulting service that is transmitted to a client upon completion of an assignment ~~a written appraisal by an appraiser to a client.~~

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

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

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

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

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

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

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

"Client" means the party or parties who engage an appraiser by employment or contract in a specific assignment ~~a person who utilizes the services of an appraiser or engages an appraiser for an appraisal by employment or contract.~~

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

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

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

"Department" means the Department of Financial and

Professional Regulation.

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

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

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

"Modular Course" means the Appraisal Qualifying Course Design conforming to the Sub Topics Course Outline contained in the AQB Criteria 2008.

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

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

"Real estate related financial transaction" means any

transaction involving:

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

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

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

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

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

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

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

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

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

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

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

Board pursuant to Title XI and by rule.

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

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/5-5)

(Section scheduled to be repealed on January 1, 2012)

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

(a) ~~It Beginning July 1, 2002, it~~ is unlawful for a person to (i) act, offer services, or advertise services ~~or assume to act~~ as a State certified general real estate appraiser, State certified residential real estate appraiser, or associate real estate trainee appraiser ~~to engage in the business of real estate appraisal,~~ (ii) to develop a real estate appraisal, (iii) to practice as a real estate appraiser, (iv) or to advertise or hold himself or herself out to be a real estate appraiser, or (v) solicit clients or enter into an appraisal engagement with clients ~~in connection with a federally related transaction~~ without a ~~real estate appraiser~~ license issued under this Act. A person who violates this subsection is guilty of a Class A misdemeanor for a first offense and a Class 4 felony for any subsequent offense.

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

associate real estate trainee appraiser, ~~or as a State licensed real estate appraiser issued pursuant to a predecessor Act~~ to use these titles or any other title, designation, or abbreviation likely to create the impression that the person is licensed as a real estate appraiser pursuant to this Act. A person who violates this subsection is guilty of a Class A misdemeanor for a first offense and a Class 4 felony for any subsequent offense.

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

(d) Nothing in this Act shall preclude a State certified general real estate appraiser, a State certified residential real estate appraiser, or an associate real estate trainee appraiser from rendering appraisals for or on behalf of a partnership, association, corporation, firm, or group. However, no State appraisal license or certification shall be

issued under this Act to a partnership, association, corporation, firm, or group.

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

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

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

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

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

(g) This Act does not apply to an employee, officer, director, or member of a credit or loan committee of a

financial institution or any other person engaged by a financial institution when performing an evaluation of real property for the sole use of the financial institution in a transaction for which the financial institution would not be required to use the services of a State licensed or State certified appraiser pursuant to federal regulations adopted under Title XI of the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989, nor does this Act apply to the procurement of an automated valuation model.

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

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

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/5-10)

(Section scheduled to be repealed on January 1, 2012)

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

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

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

(2) be at least 18 years of age;

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

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

(5) prior to taking the examination, provide evidence to the Department, in Modular Course format, with each module conforming to the Real Property Appraiser Qualification Criteria established and adopted by the AQB, ~~OBRE~~ that he or she has successfully completed the prerequisite classroom hours of instruction in appraising as established by the AQB and by rule; and

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

(b) Applicants must provide evidence to the Department of (i) holding a Bachelor's degree or higher from an accredited college or university or (ii) successfully passing 30 semester credit hours or the equivalent from an accredited college or

university, junior college, or community college in the following subjects:

- (1) English composition;
- (2) micro economics;
- (3) macro economics;
- (4) finance;
- (5) algebra, geometry, or higher mathematics;
- (6) statistics;
- (7) introduction to computers-word processing and spreadsheets;
- (8) business or real estate law; and
- (9) two elective courses in accounting, geography, agricultural economics, business management, or real estate.

If an accredited college or university accepts the College-Level Examination Program (CLEP) examinations and issues a transcript for the exam showing its approval, it will be considered credit for the college course for the purposes of meeting the requirements of this subsection (c).

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/5-15)

(Section scheduled to be repealed on January 1, 2012)

Sec. 5-15. Application for State certified residential real estate appraiser.

(a) Every person who desires to obtain a State certified

residential real estate appraiser license shall:

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

(2) be at least 18 years of age;

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

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

(5) prior to taking the examination, provide evidence to the Department, in Modular Course format, with each module conforming to the Real Property Appraiser Qualification Criteria established and adopted by the AQB, ~~OBRE~~ that he or she has successfully completed the prerequisite classroom hours of instruction in appraising as established by the AQB and by rule; and

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

(b) Applicants must provide evidence to the Department of
(i) holding an Associate's degree or its equivalent from an accredited college or university, junior college, or community college or
(ii) successfully passing 21 semester credit hours or the equivalent from an accredited college or university,

junior college, or community college in the following subjects:

- (1) English composition;
- (2) principals of economics (micro or macro);
- (3) finance;
- (4) algebra, geometry, or higher mathematics;
- (5) statistics;
- (6) introduction to computers-word processing and spreadsheets; and
- (7) business or real estate law.

If an accredited college or university accepts the College-Level Examination Program (CLEP) examinations and issues a transcript for the exam showing its approval, it will be considered credit for the college course for the purposes of the requirements of this subsection (b).

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/5-20)

(Section scheduled to be repealed on January 1, 2012)

Sec. 5-20. Application for associate real estate trainee appraiser. ~~(a)~~ Every person who desires to obtain an associate real estate trainee appraiser license shall:

- (1) apply to the Department ~~OBRE~~ on forms provided by the Department ~~OBRE~~ accompanied by the required fee;
- (2) be at least 18 years of age;
- (3) provide evidence of having attained a high school diploma or completed an equivalent course of study as

determined by an examination conducted or accepted by the Illinois State Board of Education;

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

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

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

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/5-20.5 new)

(Section scheduled to be repealed on January 1, 2012)

Sec. 5-20.5. Duration of application. Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(225 ILCS 458/5-21 new)

(Section scheduled to be repealed on January 1, 2012)

Sec. 5-21. Change of address notification. Any individual licensed under this Act must inform the Department of any change of address in a manner and within the amount of time determined by the Department.

(225 ILCS 458/5-25)

(Section scheduled to be repealed on January 1, 2012)

Sec. 5-25. Renewal of license.

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

(1) completing and submitting to the Department ~~OBRE~~ a renewal application form as provided by the Department ~~OBRE~~;

(2) paying the required fees; and

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

(b) A State certified general real estate appraiser or State certified residential real estate appraiser whose license under this Act has expired may renew the license for a

period of 2 years following the expiration date by complying with the requirements of paragraphs (1), (2), and (3) of subsection (a) of this Section and paying any late penalties established by rule.

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

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

(1) completing and submitting to the Department ~~OBRE~~ a renewal application form as provided by the Department ~~OBRE~~;

(2) paying the required fees; and

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

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

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

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

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

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

(g) The Department ~~OBRE~~ shall provide reasonable care and due diligence to ensure that each licensee under this Act is provided with a renewal application at least 90 days prior to the expiration date, but each licensee is responsible to timely

renew or convert his or her license prior to its expiration date.

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/5-30)

(Section scheduled to be repealed on January 1, 2012)

Sec. 5-30. Endorsement Reciprocity; ~~consent to jurisdiction. The Department may issue an (a) A nonresident who holds a valid appraiser license, without the required examination, to an applicant licensed by another issued to him or her by the proper licensing authority of a state, territory, possession of the United States, or the District of Columbia, if (i) the that has licensing requirements of that licensing authority are, on the date of licensure, substantially equal to or substantially equivalent to the requirements set forth under this Act or to a person who, at the time of his or her application, possessed individual qualifications that were substantially equivalent to the requirements of this Act or (ii) of the State of Illinois and otherwise meets the requirements for licensure may obtain a license without examination, provided that: (1) OBRE has entered into a valid reciprocal agreement with the proper licensing authority of the state, territory, or possession of the United States, or the District of Columbia; (2) the applicant provides the Department OBRE with evidence a certificate of good standing from the licensing authority of the applicant's place of residence or by~~

~~an Appraisal Subcommittee National Registry registry history report. An applicant under this Section shall pay all of the required fees.; (3) the applicant completes and submits an application as provided by OBRE and the applicant pays all applicable fees required under this Act.~~

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

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/5-35)

(Section scheduled to be repealed on January 1, 2012)

Sec. 5-35. Pre-license education requirements.

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

(b) The prerequisite classroom hours necessary for a person to sit for the examination for licensure as an associate real estate trainee appraiser shall be established by rule.

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/5-40)

(Section scheduled to be repealed on January 1, 2012)

Sec. 5-40. Pre-license experience requirements. The prerequisite experience necessary for a person to be approved to sit for the examination for licensure as a State certified general real estate appraiser or a State certified residential real estate appraiser shall be ~~in accordance with AQB criteria and~~ established by rule.

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/5-45)

(Section scheduled to be repealed on January 1, 2012)

Sec. 5-45. Continuing education renewal requirements.

(a) The continuing education requirements for a person to renew a license as a State certified general real estate appraiser or a State certified residential real estate

appraiser shall be ~~in accordance with AQB criteria and~~ established by rule.

(b) The continuing education requirements for a person to renew a license as an associate real estate trainee appraiser shall be established by rule.

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/5-55)

(Section scheduled to be repealed on January 1, 2012)

Sec. 5-55. Fees. The Department ~~OBRE~~ shall establish rules for fees to be paid by applicants and licensees to cover the reasonable costs of the Department ~~OBRE~~ in administering and enforcing the provisions of this Act. The Department ~~OBRE~~ may also establish rules for general fees to cover the reasonable expenses of carrying out other functions and responsibilities under this Act.

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/10-5)

(Section scheduled to be repealed on January 1, 2012)

Sec. 10-5. Scope of practice.

(a) This Act does not limit a State certified general real estate appraiser in his or her scope of practice in a federally related transaction. A certified general real estate appraiser may independently provide appraisal services, review, or consulting relating to any type of property for which he or she

has experience or ~~and~~ is competent. All such appraisal practice must be made in accordance with the provisions of USPAP, criteria established by the AQB, and rules adopted pursuant to this Act.

(b) A State certified residential real estate appraiser is limited in his or her scope of practice in a federally related transaction as provided by Title XI, the provisions of USPAP, criteria established by the AQB, and the rules adopted pursuant to this Act.

(c) A State certified residential real estate appraiser must have a State certified general real estate appraiser who holds a valid license under this Act co-sign all appraisal reports on properties other than one to 4 units of residential real property without regard to transaction value or complexity. ~~A State licensed real estate appraiser is limited in his or her scope of practice in a federally related transaction as provided by Title XI, the provisions of USPAP, criteria established by the AQB, and the rules adopted pursuant to this Act. No State licensed real estate appraiser license shall be issued on or after September 30, 2003 under this Act.~~

(d) An associate real estate trainee appraiser is limited in his or her scope of practice in all transactions in accordance with the provisions of USPAP, this Act, and the rules adopted pursuant to this Act. In addition, an associate real estate trainee appraiser shall be required to have a State certified general real estate appraiser or State certified

residential real estate appraiser who holds a valid license under this Act to co-sign all appraisal reports. The associate real estate trainee appraiser licensee may not have more than 3 supervising appraisers, and a supervising appraiser may not supervise more than 3 associate real estate trainee appraisers at one time. A chronological appraisal log on an approved log form shall be maintained by the associate real estate trainee appraiser and shall be made available to the Department upon request.

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/10-10)

(Section scheduled to be repealed on January 1, 2012)

Sec. 10-10. Standards of practice. All persons licensed under this Act must comply with standards of professional appraisal practice adopted by the Department ~~OBRE~~. The Department ~~OBRE~~ must adopt, as part of its rules, the Uniform Standards of Professional Appraisal Practice (USPAP) as published from time to time by the Appraisal Standards Board of the Appraisal Foundation. The Department ~~OBRE~~ shall consider federal laws and regulations regarding the licensure of real estate appraisers prior to adopting its rules for the administration of this Act.

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/10-20)

(Section scheduled to be repealed on January 1, 2012)

Sec. 10-20. Retention of records. A person licensed under this Act shall retain the original copy of all written contracts engaging his or her services as an appraiser and all appraisal reports, including any supporting data used to develop the appraisal report, for a period of 5 years or 2 years after the final disposition of any judicial proceeding in which testimony was given, whichever is longer. In addition, a person licensed under this Act shall retain contracts, logs, and appraisal reports used in meeting pre-license experience requirements for a period of 5 years and shall be made available to the Department upon request.

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/15-5)

(Section scheduled to be repealed on January 1, 2012)

Sec. 15-5. Unlicensed practice; civil penalty; injunctive relief; unlawful influence.

(a) A person who violates Section 5-5 of this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department ~~OBRE~~ in an amount not to exceed \$25,000 ~~\$10,000~~ for each violation as determined by the Secretary ~~Commissioner~~. The civil penalty shall be assessed by the Secretary ~~Commissioner~~ after a hearing in accordance with the provisions of this Act regarding the provision of a hearing for the discipline of a license.

(b) The Department ~~OBRE~~ has the authority to investigate any activity that may violate this Act.

(c) A civil penalty imposed pursuant to subsection (a) shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and executed in the same manner as any judgment from any court of record ~~OBRE may petition the circuit court for a judgment to enforce the collection of the penalty.~~ Any civil penalty collected under this Act shall be made payable to the Department of Financial and Professional Regulation ~~Office of Banks and Real Estate~~ and deposited into the Appraisal Administration Fund. In addition to or in lieu of the imposition of a civil penalty, the Department ~~OBRE~~ may report a violation of this Act or the failure or refusal to comply with an order of the Department ~~OBRE~~ to the Attorney General or to the appropriate State's Attorney.

(d) Practicing as an appraiser without holding a valid license as required under this Act is declared to be adverse to the public welfare, to constitute a public nuisance, and to cause irreparable harm to the public welfare. The Secretary ~~Commissioner~~, the Attorney General, or the State's Attorney of any county in the State may maintain an action for injunctive relief in any circuit court to enjoin any person from engaging in such practice.

Upon the filing of a verified petition in a circuit court, the court, if satisfied by affidavit or otherwise that a person

has been engaged in the practice of real estate appraisal without a valid license, may enter a temporary restraining order without notice or bond enjoining the defendant from further practice. The showing of non-licensure, by affidavit or otherwise, is sufficient for the issuance of a temporary injunction. If it is established that the defendant has been or is engaged in unlawful practice, the court may enter an order or judgment perpetually enjoining the defendant from further unlawful practice. In all proceedings under this Section, the court, in its discretion, may apportion the costs among the parties interested in the action, including the cost of filing the complaint, service of process, witness fees and expenses, court reporter charges, and reasonable attorneys' fees. These injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this Act.

(e) No person shall influence or attempt to influence through coercion, extortion, or bribery the independent judgment of an appraiser licensed or certified under this Act in the development, reporting, result, or review of a real estate appraisal. A person who violates this subsection (e) is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for any subsequent offense.

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/15-10)

(Section scheduled to be repealed on January 1, 2012)

Sec. 15-10. Grounds for disciplinary action.

(a) The Department ~~Office of Banks and Real Estate~~ may suspend, revoke, refuse to issue, ~~or~~ renew, or restore a license and may reprimand place on probation or administrative supervision, or take any disciplinary or non-disciplinary action ~~otherwise discipline a licensee~~, including imposing conditions limiting the scope, nature, or extent of the real estate appraisal practice of a licensee or reducing the appraisal rank of a licensee, and may impose an administrative fine ~~a civil penalty~~ not to exceed \$25,000 for each violation ~~\$10,000~~ upon a licensee for ~~one or~~ any one or combination of the following:

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

(2) Failing to meet the minimum qualifications for licensure as an appraiser established by this Act.

(3) Paying money, other than for the fees provided for by this Act, or anything of value to a member or employee of the Board or the Department ~~Office of Banks and Real Estate~~ to procure licensure under this Act.

(4) Conviction of or entry of a plea of guilty or nolo contendere to ~~Being convicted of~~ any crime that is a felony

under the laws of the United States or any state or territory thereof or a misdemeanor of which, an essential element ~~of which~~ is dishonesty, ~~fraud, theft, or embezzlement, or obtaining money, property, or credit by false pretenses,~~ or ~~any other crime~~ that is directly reasonably related to the practice of the profession ~~real estate appraisal or a conviction in any state or federal court of any felony.~~

(5) Committing an act or omission involving dishonesty, fraud, or misrepresentation with the intent to substantially benefit the licensee or another person or with intent to substantially injure another person as defined by rule.

(6) Violating a provision or standard for the development or communication of real estate appraisals as provided in Section 10-10 of this Act or as defined by rule.

(7) Failing or refusing without good cause to exercise reasonable diligence in developing, reporting, or communicating an appraisal, as defined by this Act or by rule.

(8) Violating a provision of this Act or the rules adopted pursuant to this Act.

(9) Having been disciplined by another state, the District of Columbia, a territory, a foreign nation, a governmental agency, or any other entity authorized to

impose discipline if at least one of the grounds for that discipline is the same as or the equivalent of one of the grounds for which a licensee may be disciplined under this Act.

(10) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(11) Accepting an appraisal assignment when the employment itself is contingent upon the appraiser reporting a predetermined estimate, analysis, or opinion or when the fee to be paid is contingent upon the opinion, conclusion, or valuation reached or upon the consequences resulting from the appraisal assignment.

(12) Developing valuation conclusions based on the race, color, religion, sex, national origin, ancestry, age, marital status, family status, physical or mental handicap, or unfavorable military discharge, as defined under the Illinois Human Rights Act, of the prospective or present owners or occupants of the area or property under appraisal.

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

(14) Being adjudicated liable in a civil proceeding on grounds of fraud, misrepresentation, or deceit. In a

disciplinary proceeding based upon a finding of civil liability, the appraiser shall be afforded an opportunity to present mitigating and extenuating circumstances, but may not collaterally attack the civil adjudication.

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

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

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

(18) Failing to include within the certificate of appraisal for all written appraisal reports the appraiser's license number and licensure title. All appraisers providing significant contribution to the development and reporting of an appraisal must be disclosed in the appraisal report. It is a violation of this Act for an appraiser to sign a report, transmittal letter, or appraisal certification knowing that a person providing a significant contribution to the report has not been disclosed in the appraisal report.

(19) Violating the terms of a disciplinary order or consent to administrative supervision order.

(20) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in a licensee's inability to practice with reasonable judgment, skill, or safety.

(21) A physical or mental illness or disability which results in the inability to practice under this Act with reasonable judgment, skill, or safety.

(22) Gross negligence in developing an appraisal or in communicating an appraisal or failing to observe one or more of the Uniform Standards of Professional Appraisal Practice.

(23) A pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under this Act.

(24) Using or attempting to use the seal, certificate, or license of another as his or her own; falsely impersonating any duly licensed appraiser; using or attempting to use an inactive, expired, suspended, or revoked license; or aiding or abetting any of the foregoing.

(25) Solicitation of professional services by using false, misleading, or deceptive advertising.

(26) Making a material misstatement in furnishing information to the Department.

(27) Failure to furnish information to the Department upon written request.

(b) The Department ~~Office of Banks and Real Estate~~ may reprimand suspend, revoke, or refuse to issue or renew an education provider's license, may reprimand, place on probation, or otherwise discipline an education provider and may suspend or revoke the course approval of any course offered by an education provider and may impose an administrative fine ~~a civil penalty~~ not to exceed \$25,000 ~~\$10,000~~ upon an education provider, for any of the following:

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

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

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

(4) Engaging in misleading or untruthful advertising.

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

(6) Failing to meet the topic or time requirements for

course approval as the provider of a pre-license curriculum course or a continuing education course.

(7) Failing to administer an approved course using the course materials, syllabus, and examinations submitted as the basis of the course approval.

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

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

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

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

(c) In appropriate cases, the Department ~~OBRE~~ may resolve a complaint against a licensee through the issuance of a Consent to Administrative Supervision order. A licensee subject to a Consent to Administrative Supervision order shall be considered by the Department ~~OBRE~~ as an active licensee in good standing. This order shall not be reported or considered by the

Department ~~OBRE~~ to be a discipline of the licensee. The records regarding an investigation and a Consent to Administrative Supervision order shall be considered confidential and shall not be released by the Department ~~OBRE~~ except as mandated by law. A complainant shall be notified if his or her complaint has been resolved by a Consent to Administrative Supervision order.

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/15-15)

(Section scheduled to be repealed on January 1, 2012)

Sec. 15-15. Investigation; notice; hearing.

(a) Upon the motion of the Department ~~Office of Banks and Real Estate~~ or the Board or upon a complaint in writing of a person setting forth facts that, if proven, would constitute grounds for suspension, revocation, or other disciplinary action against a licensee or applicant for licensure, the Department ~~Office of Banks and Real Estate~~ shall investigate the actions of the licensee or applicant. If, upon investigation, the Department believes that there may be cause for suspension, revocation, or other disciplinary action, the Department shall use the services of a State certified general real estate appraiser, a State certified residential real estate appraiser, or the Real Estate Coordinator to assist in determining whether grounds for disciplinary action exist prior to commencing formal disciplinary proceedings.

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

(c) At the time and place fixed in the notice, the Board shall conduct hearing of the charges, providing both the

accused person and the complainant ample opportunity to present in person or by counsel such statements, testimony, evidence, and argument as may be pertinent to the charges or to a defense thereto.

(d) The Board shall present to the Secretary ~~Commissioner~~ a written report of its findings and recommendations. A copy of the report shall be served upon the licensee or applicant, either personally or by certified mail. Within 20 days after the service, the licensee or applicant may present the Secretary ~~Commissioner~~ with a motion in writing for either a rehearing, a proposed finding of fact, a conclusion of law, or an alternative sanction, and shall specify the particular grounds for the request. If the accused orders a transcript of the record as provided in this Act, the time elapsing thereafter and before the transcript is ready for delivery to the accused shall not be counted as part of the 20 days. If the Secretary ~~Commissioner~~ is not satisfied that substantial justice has been done, the Secretary ~~Commissioner~~ may order a rehearing by the Board or other special committee appointed by the Secretary ~~Commissioner~~, may remand the matter to the Board for its reconsideration of the matter based on the pleadings and evidence presented to the Board, or may enter a final order in contravention of the Board's recommendation. In all instances under this Act in which the Board has rendered a recommendation to the Secretary ~~Commissioner~~ with respect to a particular licensee or applicant, the Secretary ~~Commissioner~~,

if he or she disagrees with the recommendation of the Board, shall file with the Board and provide to the licensee or applicant a copy of the Secretary's ~~Commissioner's~~ specific written reasons for disagreement with the Board. The reasons shall be filed within 60 days of the Board's recommendation to the Secretary ~~Commissioner~~ and prior to any contrary action. Notwithstanding a licensee's or applicant's failure to file a motion for rehearing ~~At the expiration of the time specified for filing a motion for a rehearing,~~ the Secretary ~~Commissioner~~ shall have the right to take any of the actions specified in this subsection (d). Upon the suspension or revocation of a license, the licensee shall be required to surrender his or her license to the Department ~~OBRE~~, and upon failure or refusal to do so, the Department ~~OBRE~~ shall have the right to seize the license.

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

compel obedience by proceedings as for contempt.

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

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

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

(i) The Department ~~OBRE~~, at its expense, shall preserve a record of all formal hearings of any contested case involving the discipline of a license. At all hearings or pre-hearing conferences, the Department ~~OBRE~~ and the licensee shall be entitled to have the proceedings transcribed by a certified shorthand reporter. A copy of the transcribed proceedings shall be made available to the licensee by the certified shorthand reporter upon payment of the prevailing contract copy rate.

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/15-17 new)

(Section scheduled to be repealed on January 1, 2012)

Sec. 15-17. Temporary suspension. The Secretary may temporarily suspend the license of a licensee without a hearing, simultaneously with the institution of proceedings for a hearing provided in Section 15-10 of this Act, if the Secretary finds that the public interest, safety, or welfare requires such emergency action. In the event that the Secretary temporarily suspends a license without a hearing before the Board, a hearing shall be held within 30 days after the suspension has occurred. The suspended licensee may seek a continuance of the hearing, during which time the suspension shall remain in effect. The proceeding shall be concluded without appreciable delay. If the Department does not hold a hearing within 30 days after the date of suspension, the licensee's license shall be automatically reinstated.

(225 ILCS 458/15-18 new)

(Section scheduled to be repealed on January 1, 2012)

Sec. 15-18. Report of fraud. Whenever the Secretary becomes aware, based on reliable information, that any person or entity regulated by the Department, other than a person or entity regulated under this Act, is engaged or has been engaged in real estate appraising for mortgage loan purposes in a manner that constitutes fraud or misrepresentation or constitutes

dishonest, unethical, or unprofessional conduct of a character likely to defraud or harm the public, the Secretary shall refer that matter in a timely manner to the appropriate disciplinary board or investigative body charged with investigating and prosecuting the unlawful conduct of such regulated person or entity and may also refer the matter to the Attorney General or other appropriate law enforcement agency, as deemed appropriate by the Secretary.

(225 ILCS 458/15-20)

(Section scheduled to be repealed on January 1, 2012)

Sec. 15-20. Administrative Review Law; certification fees; Administrative Procedure Act.

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

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

(c) The Administrative Procedures Act is hereby expressly

adopted and incorporated herein. In the event of a conflict between this Act and the Administrative Procedures Act, this Act shall control.

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/15-30)

(Section scheduled to be repealed on January 1, 2012)

Sec. 15-30. Statute of limitations. No action may be taken under this Act against a person licensed under this Act unless the action is commenced within 5 years after the occurrence of the alleged violation or at least 2 years after final disposition of any judicial proceeding in which the appraiser provided testimony related to the assignment, whichever period expires last. A continuing violation is deemed to have occurred on the date when the circumstances last existed that gave rise to the alleged continuing violation.

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/15-35)

(Section scheduled to be repealed on January 1, 2012)

Sec. 15-35. Signature of the Secretary ~~Commissioner~~. An order of revocation or suspension or a certified copy of the order, bearing the seal of the Department ~~OBRE~~ and purporting to be signed by the Secretary ~~Commissioner~~, shall be prima facie proof that:

(1) the signature is the genuine signature of the

Secretary Commissioner;

(2) the Secretary Commissioner is duly appointed and qualified; and

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

This proof may be rebutted.

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/15-40)

(Section scheduled to be repealed on January 1, 2012)

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

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/15-45)

(Section scheduled to be repealed on January 1, 2012)

Sec. 15-45. Disciplinary action for educational loan defaults. The Department ~~OBRE~~ shall deny a license or renewal authorized by this Act to a person who has defaulted on an educational loan or scholarship provided or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State; however, the Department ~~OBRE~~ may issue a

license or renewal if the person has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission or other appropriate governmental agency of this State. Additionally, a license issued by the Department ~~OBRE~~ may be suspended or revoked if the Secretary ~~Commissioner~~, after the opportunity for a hearing under this Act, finds that the licensee has failed to make satisfactory repayment to the Illinois Student Assistance Commission for a delinquent or defaulted loan.

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/15-50)

(Section scheduled to be repealed on January 1, 2012)

Sec. 15-50. Nonpayment of child support. In cases where the Department of Healthcare and Family Services (formerly Department of Public Aid) has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department ~~OBRE~~, the Department ~~OBRE~~ may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services (formerly Department of Public Aid). Redetermination of the delinquency by the Department ~~OBRE~~ shall not be required. In cases regarding the renewal of a license, the

Department ~~OBRE~~ shall not renew any license if the Department of Healthcare and Family Services (formerly Department of Public Aid) has certified the licensee to be more than 30 days delinquent in the payment of child support, unless the licensee has arranged for payment of past and current child support obligations in a manner satisfactory to the Department of Healthcare and Family Services (formerly Department of Public Aid). The Department ~~OBRE~~ may impose conditions, restrictions, or disciplinary action upon that renewal.

(Source: P.A. 95-331, eff. 8-21-07.)

(225 ILCS 458/15-55)

(Section scheduled to be repealed on January 1, 2012)

Sec. 15-55. Checks or orders to Department dishonored because of insufficient funds ~~Returned checks; penalty; termination.~~ Any ~~A~~ person who delivers a check or other payment to the Department ~~OBRE~~ that is returned to the Department ~~OBRE~~ unpaid by the financial institution upon which it was drawn shall pay to the Department ~~OBRE~~, in addition to the amount already owed to the Department, a fine ~~penalty~~ of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a non-renewed license. The Department shall notify the applicant or licensee that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days after the notification. ~~OBRE shall~~

~~notify the person, by certified mail return receipt requested, that his or her check or payment was returned and that the person shall pay to OBRE by certified check or money order the amount of the returned check plus a \$50 penalty within 30 calendar days after the date of the notification. If, after the expiration of 30 calendar days of the notification, the person has failed to remit the necessary funds and penalty, OBRE shall automatically terminate the license or deny the application without hearing. If the returned check or other payment was for issuance of a license under this Act and that person practices as an appraiser, that person may be subject to discipline for unlicensed practice as provided in this Act. If, after the expiration of 30 days from the date of the notification termination or denial, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she must apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all of the expenses of processing the application~~ seeks a license, he or she shall petition OBRE for restoration and he or she may be subject to additional discipline or fines. The Secretary Commissioner may waive the fines penalties or fines due under this Section in individual cases where the Secretary

~~Commissioner~~ finds that the penalties or fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/15-60)

(Section scheduled to be repealed on January 1, 2012)

Sec. 15-60. Cease and desist orders. The Department ~~OBRE~~ may issue cease and desist orders to persons who engage in activities prohibited by this Act. Any person in violation of a cease and desist order issued by the Department ~~OBRE~~ is subject to all of the penalties provided by law.

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/20-5)

(Section scheduled to be repealed on January 1, 2012)

Sec. 20-5. Education providers.

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

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

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

(2) a sufficient number of qualified instructors;

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

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

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

(6) any other requirements as provided by rule.

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

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

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

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/20-10)

(Section scheduled to be repealed on January 1, 2012)

Sec. 20-10. Course approval.

(a) Only courses offered by licensed education providers

and approved by the Department, courses approved by the AQB, or courses approved by jurisdictions regulated by the Appraisal Subcommittee ~~OBRE~~ shall be used to meet the requirements of this Act and rules.

(b) An education provider licensed under this Act may submit courses to the Department ~~OBRE~~ for approval. The criteria, requirements, and fees for courses shall be established by rule in accordance with this Act, Title XI, and the criteria established by the AQB.

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

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

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/25-5)

(Section scheduled to be repealed on January 1, 2012)

Sec. 25-5. Appraisal Administration Fund; surcharge. The Appraisal Administration Fund is created as a special fund in the State Treasury. All fees, fines, and penalties received by the Department ~~OBRE~~ under this Act shall be deposited into the Appraisal Administration Fund. All earnings attributable to investment of funds in the Appraisal Administration Fund shall be credited to the Appraisal Administration Fund. Subject to appropriation, the moneys in the Appraisal Administration Fund shall be paid to the Department ~~OBRE~~ for the expenses incurred by the Department ~~OBRE~~ and the Board in the administration of this Act. Moneys in the Appraisal Administration Fund may be transferred to the Professions Indirect Cost Fund as authorized under Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

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

(Source: P.A. 94-91, eff. 7-1-05.)

(225 ILCS 458/25-10)

(Section scheduled to be repealed on January 1, 2012)

Sec. 25-10. Real Estate Appraisal Administration and

Disciplinary Board; appointment.

(a) There is hereby created the Real Estate Appraisal Administration and Disciplinary Board. The Board shall be composed of 10 persons appointed by the Governor, plus the Coordinator ~~Director~~ of the Real Estate Appraisal Division. Members shall be appointed to the Board subject to the following conditions:

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

(2) The appointed membership of the Board should reasonably reflect the geographic distribution of the population of the State.

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

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

(5) Two appointed members shall hold a valid license as a real estate broker for at least 10 years prior to the date of the appointment, one of whom ~~and~~ shall hold a valid State certified general real estate appraiser license issued under this Act or a predecessor Act for a period of

at least 5 years prior to the appointment and one of whom shall hold a valid State certified residential real estate appraiser license issued under this Act or a predecessor Act for a period of at least 5 years prior to the appointment.

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

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

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

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

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

(b) The term for members of the Board shall be 4 years, and

~~each member shall serve until his or her successor is appointed and qualified, except for the initial appointees. Of the initial appointments, 4 members shall be appointed for terms ending June 30, 2006, 3 members shall be appointed for terms ending June 30, 2005, and 3 members shall be appointed for terms ending June 30, 2004. No member shall serve more than 10 years in a lifetime. Those persons serving on the Board pursuant to the Real Estate Appraiser Licensing Act shall become members of the new Board on July 1, 2002 and shall serve until the Governor has made the new appointments pursuant to this Act.~~

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

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

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

(f) The Board shall, annually at the first meeting of the fiscal year, elect a Chairperson and Vice-Chairperson from its members. The Chairperson shall preside over the meetings and

shall coordinate with the Coordinator ~~Director~~ in developing and distributing an agenda for each meeting. In the absence of the Chairperson, the Vice-Chairperson ~~Co-Chairperson~~ shall preside over the meeting.

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

(h) The Board shall advise and make recommendations to the Department ~~OBRE~~ on the education and experience qualifications of any applicant for initial licensure as a State certified general real estate appraiser or a State certified residential real estate appraiser. The Department shall not make any decisions concerning education or experience qualifications of an applicant for initial licensure as a State certified general real estate appraiser or a State certified residential real estate appraiser without having first received the advice and recommendation of the Board and ~~matters of licensing and education.~~ ~~OBRE~~ shall give due consideration to all such advice and recommendations; however, if the Board does not render advice or make a recommendation within a reasonable amount of time, then the Department may render a decision ~~presented by the Board.~~

(i) Except as provided in Section 15-17 of this Act, the ~~The~~ Board shall hear and make recommendations to the Secretary ~~Commissioner~~ on disciplinary matters that require a formal evidentiary hearing. The Secretary ~~Commissioner~~ shall give due consideration to the recommendations of the Board involving

discipline and questions involving standards of professional conduct of licensees.

(j) The Department shall seek and the Board shall provide ~~may make~~ recommendations to the Department ~~OBRE~~ consistent with the provisions of this Act and for the administration and enforcement of all the rules adopted pursuant to this Act. The Department ~~OBRE~~ shall give due consideration to such the recommendations ~~of the Board~~ prior to adopting rules.

(k) The Department shall seek and the Board shall provide ~~make~~ recommendations to the Department ~~OBRE~~ on the approval of all courses submitted to the Department ~~OBRE~~ pursuant to this Act and the rules adopted pursuant to this Act. The Department shall not approve any courses without having first received the recommendation of the Board and ~~OBRE~~ shall give due consideration to such the recommendations ~~of the Board~~ prior to approving and licensing courses; however, if the Board does not make a recommendation within a reasonable amount of time, then the Department may approve courses.

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

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

(n) If the Department disagrees with any advice or

recommendation provided by the Board under this Section to the Secretary or the Department, then notice of such disagreement must be provided to the Board by the Department.

(o) Upon resolution adopted at any Board meeting, the exercise of any Board function, power, or duty enumerated in this Section or in subsection (d) of Section 15-10 of this Act may be suspended. The exercise of any suspended function, power, or duty of the Board may be reinstated by a resolution adopted at a subsequent Board meeting. Any resolution adopted pursuant to this Section shall take effect immediately.

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/25-15)

(Section scheduled to be repealed on January 1, 2012)

Sec. 25-15. Coordinator ~~Director~~ of ~~the~~ Real Estate Appraisal ~~Division~~; appointment; duties. The Secretary shall appoint, subject to the Personnel Code, a Coordinator of Real Estate Appraisal. In appointing the Coordinator, the Secretary shall give due consideration to recommendations made by members, organizations, and associations of the real estate appraisal industry. On or after January 1, 2010, the Coordinator must hold a current, valid State certified general real estate appraiser license or a State certified residential real estate appraiser license, which shall be surrendered to the Department during the term of his or her appointment. The Coordinator must take the 30-hour National Instructors Course

on Uniform Standards of Professional Appraisal Practice. The Coordinator's license shall be returned in the same status as it was on the date of surrender, credited with all fees that came due during his or her employment. Commissioner shall
~~appoint a Director of the Real Estate Appraisal Division for a term of 4 years. The Director shall hold a valid State certified general real estate appraiser or State certified residential real estate appraiser license, which shall be surrendered to OBRE during the term of his or her appointment. The Coordinator Director of the Real Estate Appraisal Division shall:~~

(1) serve as a member of the Real Estate Appraisal Administration and Disciplinary Board without vote;

(2) be the direct liaison between the Department ~~OBRE~~, the profession, and the real estate appraisal industry organizations and associations;

(3) prepare and circulate to licensees such educational and informational material as the Department ~~OBRE~~ deems necessary for providing guidance or assistance to licensees;

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

(5) (blank). ~~subject to the administrative approval of the Commissioner, supervise the Real Estate Appraisal Division.~~

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

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/25-20)

(Section scheduled to be repealed on January 1, 2012)

Sec. 25-20. Department ~~OBRE~~; powers and duties. The Department of Financial and Professional Regulation ~~Office of Banks and Real Estate~~ shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of licensing Acts and shall exercise such other powers and duties as are prescribed by this Act for the administration of this Act. The Department ~~OBRE~~ may contract with third parties for services necessary for the proper administration of this Act, including without limitation, investigators with the proper knowledge, training, and skills to properly investigate complaints against real estate appraisers.

The Department ~~OBRE~~ shall maintain and update a registry of the names and addresses of all licensees and a listing of disciplinary orders issued pursuant to this Act and shall transmit the registry, along with any national registry fees that may be required, to the entity specified by, and in a manner consistent with, Title XI of the federal Financial

Institutions Reform, Recovery and Enforcement Act of 1989.

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/25-25)

(Section scheduled to be repealed on January 1, 2012)

Sec. 25-25. Rules. The Department ~~OBRE~~, after considering any recommendations of the Board, shall adopt rules that may be necessary for administration, implementation, and enforcement of the Act.

(Source: P.A. 92-180, eff. 7-1-02.)

(225 ILCS 458/30-10)

(Section scheduled to be repealed on January 1, 2012)

Sec. 30-10. Appraisal Administration Fund.

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

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

(Source: P.A. 92-180, eff. 7-1-02.)

Public Act 096-0844

HB1015 Re-Enrolled

LRB096 04384 ASK 14754 b

(225 ILCS 458/10-15 rep.)

Section 10. The Real Estate Appraiser Licensing Act of 2002 is amended by repealing Section 10-15.

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

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Statutes amended in order of appearance

- 225 ILCS 458/1-10
- 225 ILCS 458/5-5
- 225 ILCS 458/5-10
- 225 ILCS 458/5-15
- 225 ILCS 458/5-20
- 225 ILCS 458/5-20.5 new
- 225 ILCS 458/5-21 new
- 225 ILCS 458/5-25
- 225 ILCS 458/5-30
- 225 ILCS 458/5-35
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- 225 ILCS 458/5-45
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