



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1427

Introduced 2/21/2007, by Rep. Angelo Saviano

SYNOPSIS AS INTRODUCED:

See Index

Amends the Real Estate Appraiser Licensing Act of 2002. Makes changes throughout the Act that mark the transfer of authority to administer and enforce the Act to the Department of Financial and Professional Regulation (rather than the Office of Banks and Real Estate). Replaces "associate real estate appraiser" with "associate real estate trainee appraiser" throughout the Act. Changes the Real Estate Appraisal Board to the Real Estate Appraisal Administration and Disciplinary Board. Provides that a person who violates certain licensure provisions for a second or any subsequent time is guilty of a Class 4 felony. Sets forth additional education requirements for licensure under the Act. Removes a provision allowing a person who holds a valid license as a licensed real estate appraiser, issued pursuant to a predecessor Act, to convert that license to an associate real estate appraiser license. Removes a provision concerning licensed real estate appraiser's licenses issued pursuant to a predecessor Act and provides that an associate real estate trainee appraiser license may not be renewed more than 2 times. Adds a provision concerning temporary license suspension. Provides that an education provider may use an instructor who is a faculty member in good standing with an accredited college or university or community college or who is an approved appraisal instructor from an appraisal organization that is a member of the Appraisal Foundation. Makes other changes. Amends the Illinois Savings and Loan Act of 1985, the Savings Bank Act, and the Real Estate License Act of 2000 to make related changes. Effective January 1, 2008.

LRB095 10026 RAS 30240 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Illinois Savings and Loan Act of 1985 is
5 amended by changing Section 5-13 as follows:

6 (205 ILCS 105/5-13) (from Ch. 17, par. 3305-13)
7 Sec. 5-13. Appraisals.

8 (a) Every appraisal or reappraisal of property which an
9 association is required to make shall be made as follows:

10 (1) By an independent qualified appraiser designated
11 by the board of directors;

12 (2) By the association's appraisal committee appointed
13 by the board of directors; or

14 (3) In the case of an insured or guaranteed loan, by
15 any appraiser appointed by any lending, insuring or
16 guaranteeing agency of the United States or the State of
17 Illinois which insures or guarantees such loan, wholly or
18 in part.

19 (a-5) Any association that employs the services of a person
20 who is not licensed as an appraiser under the Real Estate
21 Appraiser Licensing Act of 2002 to provide an opinion of value
22 in a transaction that is exempt from the requirements of Title
23 XI of the federal Financial Institutions Reform, Recovery, and

1 Enforcement Act of 1989 must disclose to the costumer to whom
2 the opinion of value is provided, in writing, that the opinion
3 of value was not performed by a person licensed as an appraiser
4 under the Real Estate Appraiser Licensing Act of 2002.

5 (b) Each appraisal shall be in writing, prepared at the
6 request of the lender for the lender's use, disclose the market
7 value of the security offered, contain sufficient information
8 and data concerning the appraised property to substantiate the
9 market value thereof, be certified and signed by the appraiser
10 or appraisers and state that he or they have personally
11 examined the described property; which appraisal shall be filed
12 and preserved by the association.

13 (c) If appraisals of real estate securing an association's
14 loans are obtained as part of an examination by the
15 Commissioner, the cost of such appraisals shall promptly be
16 paid by the association directly to the appraiser or
17 appraisers.

18 (Source: P.A. 86-137.)

19 Section 10. The Savings Bank Act is amended by changing
20 Section 6001 as follows:

21 (205 ILCS 205/6001) (from Ch. 17, par. 7306-1)

22 Sec. 6001. General provisions.

23 (a) No savings bank shall make any loan or investment
24 authorized by this Article unless the savings bank first has

1 determined that the type, amount, purpose, and repayment
2 provisions of the loan or investment in relation to the
3 borrower's or issuer's resources and credit standing support
4 the reasonable belief that the loan or investment will be
5 financially sound and will be repaid according to its terms and
6 that the loan or investment is not otherwise unlawful.

7 (b) Each loan or investment that a savings bank makes or
8 purchases, whether wholly or in part, must be adequately
9 underwritten, reviewed periodically, and reserved against as
10 necessary in accordance with its payment performance, all in
11 accordance with the regulations and directives of the
12 Commissioner.

13 (c) Every appraisal or reappraisal of property that a
14 savings bank is required to make shall be made as follows:

15 (1) By an independent qualified appraiser, designated
16 by the board of directors, who is properly licensed or
17 certified by the entity authorized to govern his licensure
18 or certification and who meets the requirements of the
19 Appraisal Subcommittee and of the Federal Act.

20 (2) In the case of an insured or guaranteed loan, by
21 any appraiser appointed by any lending, insuring, or
22 guaranteeing agency of the United States or the State of
23 Illinois that insures or guarantees the loan, wholly or in
24 part.

25 (3) Each appraisal shall be in writing prepared at the
26 request of the lender for the lender's use; disclose the

1 market value of the security offered; contain sufficient
2 information and data concerning the appraised property to
3 substantiate the market value thereof; be certified and
4 signed by the appraiser or appraisers; and state that the
5 appraiser or appraisers have personally examined the
6 described property. The appraisal shall be filed and
7 preserved by the savings bank. In addition, the appraisal
8 shall be prepared and reported in accordance with the
9 Standards of Professional Practice and the ethical rules of
10 the Appraisal Foundation as adopted and promulgated by the
11 Appraisal Subcommittee.

12 (c-5) Any savings bank that employs the services of a
13 person who is not licensed as an appraiser under the Real
14 Estate Appraiser Licensing Act of 2002 to provide an opinion of
15 value in a transaction that is exempt from the Federal Act must
16 disclose to the costumer to whom the opinion of value is
17 provided, in writing, that the opinion of value was not
18 performed by a person licensed as an appraiser under the Real
19 Estate Appraiser Licensing Act of 2002.

20 (d) If appraisals of real estate securing a savings bank's
21 loans are obtained as part of an examination by the
22 Commissioner, the cost of those appraisals shall promptly be
23 paid by the savings bank directly to the appraiser or
24 appraisers.

25 (e) Any violation of this Article shall constitute an
26 unsafe or unsound practice. Any person who knowingly violates

1 any provision of this Article shall be subject to enforcement
2 action or civil money penalties as provided for in this Act.

3 (f) For purposes of this Article, "underwriting" shall mean
4 the process of compiling information to support a determination
5 as to whether an investment or extension of credit shall be
6 made by a savings bank. It shall include, but not be limited
7 to, evaluating a borrower's creditworthiness, determination of
8 the value of the underlying collateral, market factors, and the
9 appropriateness of the investment or loan for the savings bank.
10 Underwriting as used herein does not include the agreement to
11 purchase unsold portions of public offerings of stocks or bonds
12 as commonly used in corporate securities issuances and sales.

13 (g) For purposes of this Section, the following definitions
14 shall apply:

15 (1) "Federal Act" means Title XI of the Financial
16 Institutions Reform, Recovery and Enforcement Act of 1989
17 and regulations adopted pursuant thereto.

18 (2) "Appraisal Subcommittee" means the designee of the
19 heads of the Federal Financial Institutions Examination
20 Council Act of 1978 (12 U.S.C. 3301 et seq.).

21 (3) "Appraisal Foundation" means the Appraisal
22 Foundation that was incorporated as an Illinois
23 not-for-profit corporation on November 30, 1987.

24 (Source: P.A. 90-665, eff. 7-30-98.)

25 Section 15. The Real Estate License Act of 2000 is amended

1 by adding Section 10-28 as follows:

2 (225 ILCS 454/10-28 new)

3 Sec. 10-28. Opinions of value. Any real estate broker or
4 salesperson licensed under this Act who is not licensed as an
5 appraiser under the Real Estate Appraiser Licensing Act of 2002
6 and who provides an opinion of value for a mortgage purpose
7 must disclose to the client to whom the opinion of value is
8 provided, in writing, that the opinion of value was not
9 performed by a person licensed as an appraiser under the Real
10 Estate Appraiser Licensing Act of 2002.

11 Section 20. The Real Estate Appraiser Licensing Act of 2002
12 is amended by changing Sections 1-10, 5-5, 5-10, 5-15, 5-20,
13 5-25, 5-30, 5-35, 5-40, 5-45, 5-55, 10-5, 10-10, 10-15, 10-20,
14 15-5, 15-10, 15-15, 15-20, 15-30, 15-35, 15-40, 15-45, 15-50,
15 15-55, 15-60, 20-5, 20-10, 25-5, 25-10, 25-15, 25-20, 25-25,
16 and 30-10 and by adding Sections 15-17 and 5-21 as follows:

17 (225 ILCS 458/1-10)

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

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

21 "Accredited college or university, junior college, or
22 community college" means a college or university, junior
23 college, or community college that is approved or accredited by

1 the Board of Higher Education, a regional or national
2 accreditation association, or by an accrediting agency that is
3 recognized by the U.S. Secretary of Education.

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

6 "Appraisal" or "real estate appraisal" means ~~(noun) the act~~
7 ~~or process of developing~~ an analysis, opinion, or conclusion as
8 to the ~~of~~ value of identified real estate or specified interest
9 therein performed for compensation or other valuable
10 consideration; an opinion of value (adjective) of or pertaining
11 to appraising and related functions.

12 "Appraisal assignment" means an engagement for which an
13 appraiser is employed or retained to act, or would be perceived
14 by third parties or the public as acting, as a disinterested
15 third party.

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

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

25 "Appraisal review" means the act or process of developing
26 and communicating an opinion about the quality of another

1 appraiser's work that was performed as part of an appraisal,
2 appraisal review, or appraisal consulting assignment.

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

6 "Appraiser" means a person who performs or offers to
7 perform valuation services competently and in a manner that is
8 independent, impartial, and objective ~~real estate or real~~
9 ~~property appraisals.~~

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

12 "Associate real estate trainee appraiser" means an
13 entry-level appraiser who holds a license of this
14 classification under this Act ~~and applies to the appraisal of~~
15 ~~non-complex property having a transaction value less than~~
16 ~~\$1,000,000, but~~ with restrictions as to the scope of practice
17 in accordance with this Act.

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

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

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

26 ~~"Commissioner" means the Commissioner of the Office of~~

1 ~~Banks and Real Estate or his or her designee.~~

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

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

7 "Department" means the Department of Financial and
8 Professional Regulation.

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

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

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

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

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

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

7 ~~"Real estate related financial transaction" means any~~
8 ~~transaction involving:~~

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

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

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

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

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

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

26 "State certified residential real estate appraiser" means

1 an appraiser who holds a license of this classification under
2 this Act and such classification applies to the appraisal of
3 one to 4 units of residential real property without regard to
4 transaction value or complexity, but with restrictions as to
5 the scope of practice, as set forth in this Act, and any other
6 requirements set forth in this Act or ~~in a federally related~~
7 ~~transaction in accordance with Title XI, the provisions of~~
8 ~~USPAP, criteria established by the AQB, and further defined by~~
9 rule.

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

20 ~~"State licensed real estate appraiser" means an appraiser~~
21 ~~who holds a real estate appraiser license issued pursuant to a~~
22 ~~predecessor Act. A real estate appraiser license authorizes its~~
23 ~~holder to conduct the appraisal of non-complex one to 4 units~~
24 ~~of residential real property having a transaction value less~~
25 ~~than \$1,000,000 and complex one to 4 residential units of real~~
26 ~~property having a value less than \$250,000, but with~~

1 ~~restrictions as to the scope of practice in accordance with~~
2 ~~Title XI, criteria established by USPAP, by the AQB, by this~~
3 ~~Act, and by rule. No such initial license shall be issued after~~
4 ~~the effective date of this Act or renewed after September 30,~~
5 ~~2003 under this Act.~~

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

8 "USPAP" means the Uniform Standards of Professional
9 Appraisal Practice as promulgated by the Appraisal Standards
10 Board pursuant to Title XI and by rule.

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

12 (225 ILCS 458/5-5)

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

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

15 (a) ~~It Beginning July 1, 2002, it~~ is unlawful for a person
16 to (i) act, offer services, or advertise services ~~or assume to~~
17 ~~act~~ as a State certified general real estate appraiser, State
18 certified residential real estate appraiser, or associate real
19 estate trainee appraiser ~~to engage in the business of real~~
20 ~~estate appraisal, (ii) to~~ develop a real estate appraisal,
21 (iii) to practice as a real estate appraiser, (iv) or to
22 advertise or hold himself or herself out to be a real estate
23 appraiser, or (v) solicit clients or enter into an appraisal
24 engagement with clients ~~in connection with a federally related~~
25 ~~transaction~~ without a ~~real estate appraiser~~ license issued

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

4 (b) ~~It Beginning July 1, 2002, it~~ is unlawful for a person,
5 other than a person who holds a valid license issued pursuant
6 to this Act as a State certified general real estate appraiser,
7 a State certified residential real estate appraiser, or an
8 associate real estate trainee appraiser, ~~or as a State licensed~~
9 ~~real estate appraiser issued pursuant to a predecessor Act~~ to
10 use these titles or any other title, designation, or
11 abbreviation likely to create the impression that the person is
12 licensed as a real estate appraiser pursuant to this Act. A
13 person who violates this subsection is guilty of a Class A
14 misdemeanor for a first offense and a Class 4 felony for any
15 subsequent offense.

16 (c) ~~This The licensing requirements of this Act~~ does ~~do~~ not
17 prohibit ~~require~~ a real estate broker or salesperson who holds
18 a valid license pursuant to the Real Estate License Act of 2000
19 from performing a comparative market analysis, provided the
20 person does not represent himself or herself as being a
21 licensed real estate appraiser pursuant to this Act. A real
22 estate broker or salesperson may perform a comparative market
23 analysis for compensation or other valuable consideration only
24 for prospective or actual brokerage clients or for real
25 property involved in an employee relocation program, ~~to be~~
26 ~~licensed as a real estate appraiser under this Act, unless the~~

1 ~~broker or salesperson is providing or attempting to provide an~~
2 ~~appraisal report, as defined in Section 1-10 of this Act, in~~
3 ~~connection with a federally-related transaction.~~

4 (d) Nothing in this Act shall preclude a State certified
5 general real estate appraiser, a State certified residential
6 real estate appraiser, or an associate real estate trainee
7 appraiser from rendering appraisals for or on behalf of a
8 partnership, association, corporation, firm, or group.
9 However, no State appraisal license or certification shall be
10 issued under this Act to a partnership, association,
11 corporation, firm, or group.

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

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

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

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

1 (3) A person in order to qualify as an expert witness
2 for court or administrative agency testimony, if otherwise
3 qualified.

4 (4) A person employed by a lender in the performance of
5 appraisals with respect to which federal regulations do not
6 require a licensed or certified appraiser.

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

13 (g) For the purposes of this subsection, "brokerage
14 service" means the activity of offering, negotiating, buying,
15 listing, selling, or leasing real estate or procuring or
16 referring prospects intended to result in the listing, sale,
17 purchase, lease, or exchange of real estate for another and for
18 compensation.

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

20 (225 ILCS 458/5-10)

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

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

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

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

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

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

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

10 (5) prior to taking the examination, provide evidence to
11 the Department, in Modular Course format, with each module
12 conforming to the Real Property Appraiser Qualification
13 Criteria established and adopted by the AQB on February 20,
14 2004, ~~OBRE~~ that he or she has successfully completed the
15 prerequisite classroom hours of instruction in appraising as
16 established by the AQB and by rule; and

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

21 (b) Before December 31, 2008, applicants must provide
22 evidence to the Department of having attained a high school
23 diploma or completed an equivalent course of study as
24 determined by an examination conducted or accepted by the State
25 Board of Education.

26 (c) On or after December 31, 2008, applicants must provide

1 evidence to the Department of (i) holding a Bachelor's degree
2 or higher from an accredited college or university or (ii)
3 successfully passing 30 semester credit hours or the equivalent
4 from an accredited college or university, junior college, or
5 community college in the following subjects:

6 (1) English composition;

7 (2) micro economics;

8 (3) macro economics;

9 (4) finance;

10 (5) algebra, geometry, or higher mathematics;

11 (6) statistics;

12 (7) introduction to computers-word
13 processing/spreadsheets;

14 (8) business or real estate law; and

15 (9) two elective courses in accounting, geography,
16 agricultural economics, business management, or real
17 estate and any other requirements established by the
18 Department by rule.

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

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

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

2 Sec. 5-15. Application for State certified residential
3 real estate appraiser. Every person who desires to obtain a
4 State certified residential real estate appraiser license
5 shall:

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

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

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

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

15 (5) prior to taking the examination, provide evidence to
16 the Department, in Modular Course format, with each module
17 conforming to the Real Property Appraiser Qualification
18 Criteria established and adopted by the AQB on February 20,
19 2004, ~~OBRE~~ that he or she has successfully completed the
20 prerequisite classroom hours of instruction in appraising as
21 established by the AQB and by rule; and

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

26 (b) Before December 31, 2008, applicants must provide

1 evidence of having attained a high school diploma or completed
2 an equivalent course of study as determined by an examination
3 conducted or accepted by the State Board of Education;

4 (c) On or after December 31, 2008, applicants must provide
5 evidence to the Department of (i) holding an Associate's degree
6 or its equivalent from an accredited college or university,
7 junior college, or community college or (ii) successfully
8 passing 21 semester credit hours or the equivalent from an
9 accredited college or university, junior college, or community
10 college in the following subjects:

11 (1) English composition;

12 (2) principals of economics (micro or macro);

13 (3) finance;

14 (4) algebra, geometry, or higher mathematics;

15 (5) statistics;

16 (6) introduction to computers-word processing and
17 spreadsheets;

18 (7) business or real estate law; and

19 (8) any other requirements established by the
20 Department by rule.

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

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

1 (225 ILCS 458/5-20)

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

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

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

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

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

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

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

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

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

1 (225 ILCS 458/5-21 new)

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

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

7 (225 ILCS 458/5-25)

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

9 Sec. 5-25. Renewal of license.

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

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

20 (2) paying the required fees; and

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

25 (b) A State certified general real estate appraiser or

1 State certified residential real estate appraiser whose
2 license under this Act has expired may renew the license for a
3 period of 2 years following the expiration date by complying
4 with the requirements of paragraphs (1), (2), and (3) of
5 subsection (a) of this Section and paying any late penalties
6 established by rule.

7 (c) (Blank). ~~A State licensed real estate appraiser's~~
8 ~~license issued pursuant to a predecessor Act shall continue in~~
9 ~~effect until the earlier of its expiration date or September~~
10 ~~30, 2003. The holder of such a license may not renew the~~
11 ~~license for any period after September 30, 2003, but may~~
12 ~~convert the license to an associate real estate appraiser~~
13 ~~license under this Act until September 30, 2003 pursuant to~~
14 ~~subsection (b) of Section 5-20 of this Act.~~

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

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

24 (2) paying the required fees; and

25 (3) providing evidence of successful completion of the
26 continuing education requirements through courses approved

1 by the Department ~~OBRE~~ from education providers approved by
2 the Department ~~OBRE~~, as established by rule.

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

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

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

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

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

25 (g) The Department ~~OBRE~~ shall provide reasonable care and
26 due diligence to ensure that each licensee under this Act is

1 provided with a renewal application at least 90 days prior to
2 the expiration date, but each licensee is responsible to timely
3 renew or convert his or her license prior to its expiration
4 date.

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

6 (225 ILCS 458/5-30)

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

8 Sec. 5-30. Reciprocity; consent to jurisdiction. ~~(a)~~A
9 nonresident who holds a valid appraiser license issued to him
10 or her by the proper licensing authority of a state, territory,
11 possession of the United States, or the District of Columbia
12 that has licensing requirements equal to or substantially
13 equivalent to the requirements of the State of Illinois and
14 otherwise meets the requirements for licensure may obtain a
15 license without examination, provided that:

16 (1) the Department ~~OBRE~~ has entered into a valid
17 reciprocal agreement with the proper licensing authority
18 of the state, territory, or possession of the United
19 States, or the District of Columbia;

20 (2) the applicant provides the Department ~~OBRE~~ with a
21 certificate of good standing from the licensing authority
22 of the applicant's place of residence or by an Appraisal
23 Subcommittee National Registry ~~registry history~~ report;

24 (3) the applicant completes and submits an application
25 as provided by the Department ~~OBRE~~ and the applicant pays

1 all applicable fees as established by rule ~~required under~~
2 ~~this Act.~~

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

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

20 (225 ILCS 458/5-35)

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

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

23 (a) The prerequisite classroom hours necessary for a person
24 to be approved to sit for the examination for licensure as a
25 State certified general real estate appraiser or a State

1 certified residential real estate appraiser shall be in
2 accordance with AQB criteria and established by rule.

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

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

7 (225 ILCS 458/5-40)

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

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

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

16 (225 ILCS 458/5-45)

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

18 Sec. 5-45. Continuing education renewal requirements.

19 (a) The continuing education requirements for a person to
20 renew a license as a State certified general real estate
21 appraiser or a State certified residential real estate
22 appraiser shall be ~~in accordance with AQB criteria and~~
23 established by rule.

24 (b) The continuing education requirements for a person to

1 renew a license as an associate real estate trainee appraiser
2 shall be established by rule.

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

4 (225 ILCS 458/5-55)

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

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

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

14 (225 ILCS 458/10-5)

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

16 Sec. 10-5. Scope of practice.

17 (a) This Act does not limit a State certified general real
18 estate appraiser in his or her scope of practice ~~in a federally~~
19 ~~related transaction~~. A certified general real estate appraiser
20 may independently provide appraisal services, review, or
21 consulting relating to any type of property for which he or she
22 has experience or ~~and~~ is competent. All such appraisal practice
23 must be made in accordance with the provisions of USPAP,
24 criteria established by the AQB, and rules adopted pursuant to

1 this Act.

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

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

18 (d) An associate real estate trainee appraiser is limited
19 in his or her scope of practice in all transactions in
20 accordance with the provisions of USPAP, this Act, and the
21 rules adopted pursuant to this Act. In addition, an associate
22 real estate trainee appraiser shall be required to have a State
23 certified general real estate appraiser or State certified
24 residential real estate appraiser who holds a valid license
25 under this Act to co-sign all appraisal reports. The associate
26 real estate trainee appraiser licensee may not have more than 3

1 supervising appraisers, and a supervising appraiser may not
2 supervise more than 3 associate real estate trainee appraisers
3 at one time. A chronological appraisal log on an approved log
4 form shall be maintained by the associate real estate trainee
5 appraiser and shall be made available to the Department upon
6 request.

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

8 (225 ILCS 458/10-10)

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

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

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

21 (225 ILCS 458/10-15)

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

23 Sec. 10-15. Identifying client. In addition to any other
24 requirements for disclosure of a client on an appraisal report,

1 a licensee under this Act shall also identify on the appraisal
2 report the individual by name who ordered or originated the
3 appraisal assignment. If an individual's name is not provided
4 due to an automated ordering system, an email address for the
5 delivery of the appraisal report must be identified on the
6 appraisal report.

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

8 (225 ILCS 458/10-20)

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

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

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

22 (225 ILCS 458/15-5)

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

24 Sec. 15-5. Unlicensed practice; civil penalty; injunctive

1 relief; unlawful influence.

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

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

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

26 (d) Practicing as an appraiser without holding a valid

1 license as required under this Act is declared to be adverse to
2 the public welfare, to constitute a public nuisance, and to
3 cause irreparable harm to the public welfare. The Secretary
4 ~~Commissioner~~, the Attorney General, or the State's Attorney of
5 any county in the State may maintain an action for injunctive
6 relief in any circuit court to enjoin any person from engaging
7 in such practice.

8 Upon the filing of a verified petition in a circuit court,
9 the court, if satisfied by affidavit or otherwise that a person
10 has been engaged in the practice of real estate appraisal
11 without a valid license, may enter a temporary restraining
12 order without notice or bond enjoining the defendant from
13 further practice. The showing of non-licensure, by affidavit or
14 otherwise, is sufficient for the issuance of a temporary
15 injunction. If it is established that the defendant has been or
16 is engaged in unlawful practice, the court may enter an order
17 or judgment perpetually enjoining the defendant from further
18 unlawful practice. In all proceedings under this Section, the
19 court, in its discretion, may apportion the costs among the
20 parties interested in the action, including the cost of filing
21 the complaint, service of process, witness fees and expenses,
22 court reporter charges, and reasonable attorneys' fees. These
23 injunction proceedings shall be in addition to, and not in lieu
24 of, all penalties and other remedies provided in this Act.

25 (e) No person may directly or indirectly compensate,
26 instruct, induce, coerce, or intimidate an appraiser licensed

1 or certified under this Act for the purpose of corruption or
2 improperly influencing the appraiser's independent judgment
3 with respect to the valuation of any property pursuant to this
4 Act. A person who violates this subsection (e) is guilty of a
5 Class A misdemeanor for the first offense and a Class 4 felony
6 for any subsequent offense.

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

8 (225 ILCS 458/15-10)

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

10 Sec. 15-10. Grounds for disciplinary action.

11 (a) The Department ~~Office of Banks and Real Estate~~ may
12 suspend, revoke, refuse to issue or renew a license and may
13 reprimand place on probation or administrative supervision, or
14 otherwise discipline a licensee, including imposing conditions
15 limiting the scope, nature, or extent of the real estate
16 appraisal practice of a licensee or reducing the appraisal rank
17 of a licensee, and may impose an administrative fine ~~a civil~~
18 ~~penalty~~ not to exceed \$10,000 upon a licensee for ~~one or~~ any
19 ~~combination~~ of the following:

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

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

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

7 (4) Being convicted of any crime, an essential element
8 of which is dishonesty, fraud, theft, or embezzlement, or
9 obtaining money, property, or credit by false pretenses, or
10 any other crime that is reasonably related to the practice
11 of real estate appraisal or a conviction in any state or
12 federal court of any felony.

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

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

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

26 (8) Violating a provision of this Act or the rules

1 adopted pursuant to this Act.

2 (9) Having been disciplined by another state, the
3 District of Columbia, a territory, a foreign nation, a
4 governmental agency, or any other entity authorized to
5 impose discipline if at least one of the grounds for that
6 discipline is the same as or the equivalent of one of the
7 grounds for which a licensee may be disciplined under this
8 Act.

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

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

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

25 (13) Violating the confidential nature of government
26 records to which the licensee gained access through

1 employment or engagement as an appraiser by a government
2 agency.

3 (14) Being adjudicated liable in a civil proceeding on
4 grounds of fraud, misrepresentation, or deceit. In a
5 disciplinary proceeding based upon a finding of civil
6 liability, the appraiser shall be afforded an opportunity
7 to present mitigating and extenuating circumstances, but
8 may not collaterally attack the civil adjudication.

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

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

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

21 (18) Failing to include within the certificate of
22 appraisal for all written appraisal reports the
23 appraiser's license number ~~and licensure title~~. All
24 appraisers providing significant contribution to the
25 development and reporting of an appraisal must be disclosed
26 in the appraisal report. It is a violation of this Act for

1 an appraiser to sign a report, transmittal letter, or
2 appraisal certification knowing that a person providing a
3 significant contribution to the report has not been
4 disclosed in the appraisal report.

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

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

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

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

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

1 licensure.

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

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

8 (4) Engaging in misleading or untruthful advertising.

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

11 (6) Failing to meet the topic or time requirements for
12 course approval as the provider of a pre-license curriculum
13 course or a continuing education course.

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

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

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

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

26 (11) Failing to fully cooperate with an ~~OBRE~~

1 investigation by the Department by knowingly making a false
2 statement, submitting false or misleading information, or
3 refusing to provide complete information in response to
4 written interrogatories or a written request for
5 documentation within 30 days of the request.

6 (c) In appropriate cases, the Department ~~OBRE~~ may resolve a
7 complaint against a licensee through the issuance of a Consent
8 to Administrative Supervision order. A licensee subject to a
9 Consent to Administrative Supervision order shall be
10 considered by the Department ~~OBRE~~ as an active licensee in good
11 standing. This order shall not be reported or considered by the
12 Department ~~OBRE~~ to be a discipline of the licensee. The records
13 regarding an investigation and a Consent to Administrative
14 Supervision order shall be considered confidential and shall
15 not be released by the Department ~~OBRE~~ except as mandated by
16 law. A complainant shall be notified if his or her complaint
17 has been resolved by a Consent to Administrative Supervision
18 order.

19 (d) A licensee may be represented by legal counsel at an
20 informal conference. If the informal conference results in a
21 consent order between the accused licensee and the Department,
22 the consent order must be approved by the Director. However, if
23 the consent order would result in a fine exceeding \$5,000 or
24 the suspension in excess of one year or revocation of the
25 license, the consent order must be approved by the Board and
26 the Director.

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

2 (225 ILCS 458/15-15)

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

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

5 (a) Upon the motion of the Department ~~Office of Banks and~~
6 ~~Real Estate~~ or the Board or upon a complaint in writing of a
7 person setting forth facts that, if proven, would constitute
8 grounds for suspension, revocation, or other disciplinary
9 action against a licensee or applicant for licensure, the
10 Department ~~Office of Banks and Real Estate~~ shall investigate
11 the actions of the licensee or applicant.

12 (b) Formal disciplinary proceedings shall commence upon
13 the issuance of a written complaint describing the charges that
14 are the basis of the disciplinary action and delivery of the
15 detailed complaint to the address of record of the licensee or
16 applicant. The Department ~~OBRE~~ shall notify the licensee or
17 applicant to file a verified written answer within 20 days
18 after the service of the notice and complaint. The notification
19 shall inform the licensee or applicant of his or her right to
20 be heard in person or by legal counsel; that the hearing will
21 be afforded not sooner than 30 days after service ~~receipt~~ of
22 the complaint ~~answer to the specific charges~~; that failure to
23 file an answer will result in a default being entered against
24 the licensee or applicant; that the license may be suspended,
25 revoked, or placed on probationary status; and that other

1 disciplinary action may be taken pursuant to this Act,
2 including limiting the scope, nature, or extent of the
3 licensee's practice. If the licensee or applicant fails to file
4 an answer after service of notice, his or her license may, at
5 the discretion of the Department ~~Office of Banks and Real~~
6 ~~Estate~~, be suspended, revoked, or placed on probationary status
7 and the Department ~~Office of Banks and Real Estate~~ may take
8 whatever disciplinary action it deems proper, including
9 limiting the scope, nature, or extent of the person's practice,
10 without a hearing.

11 (c) At the time and place fixed in the notice, the Board
12 shall conduct hearing of the charges, providing both the
13 accused person and the complainant ample opportunity to present
14 in person or by counsel such statements, testimony, evidence,
15 and argument as may be pertinent to the charges or to a defense
16 thereto.

17 (d) The Board shall present to the Secretary ~~Commissioner~~ a
18 written report of its findings and recommendations. A copy of
19 the report shall be served upon the licensee or applicant,
20 either personally or by certified mail. Within 20 days after
21 the service, the licensee or applicant may present the
22 Secretary ~~Commissioner~~ with a motion in writing for either a
23 rehearing, a proposed finding of fact, a conclusion of law, or
24 an alternative sanction, and shall specify the particular
25 grounds for the request. If the accused orders a transcript of
26 the record as provided in this Act, the time elapsing

1 thereafter and before the transcript is ready for delivery to
2 the accused shall not be counted as part of the 20 days. If the
3 Secretary ~~Commissioner~~ is not satisfied that substantial
4 justice has been done, the Secretary ~~Commissioner~~ may order a
5 rehearing by the Board or other special committee appointed by
6 the Secretary ~~Commissioner~~, may remand the matter to the Board
7 for its reconsideration of the matter based on the pleadings
8 and evidence presented to the Board, or may enter a final order
9 in contravention of the Board's recommendation. In all
10 instances under this Act in which the Board has rendered a
11 recommendation to the Secretary ~~Commissioner~~ with respect to a
12 particular licensee or applicant, the Secretary ~~Commissioner~~,
13 if he or she disagrees with the recommendation of the Board,
14 shall file with the Board and provide to the licensee or
15 applicant a copy of the Secretary's ~~Commissioner's~~ specific
16 written reasons for disagreement with the Board. The reasons
17 shall be filed within 60 days of the Board's recommendation to
18 the Secretary ~~Commissioner~~ and prior to any contrary action.
19 Notwithstanding a licensee's or applicant's failure to file a
20 motion for rehearing ~~At the expiration of the time specified~~
21 ~~for filing a motion for a rehearing,~~ the Secretary ~~Commissioner~~
22 shall have the right to take any of the actions specified in
23 this subsection (d). Upon the suspension or revocation of a
24 license, the licensee shall be required to surrender his or her
25 license to the Department ~~OBRE~~, and upon failure or refusal to
26 do so, the Department ~~OBRE~~ shall have the right to seize the

1 license.

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

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

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

24 (h) The Secretary ~~Commissioner~~ shall have the authority to
25 appoint an attorney duly licensed to practice law in the State
26 of Illinois to serve as the hearing officer in any action to

1 suspend, revoke, or otherwise discipline any license issued by
2 the Department ~~Office of Banks and Real Estate~~. The Hearing
3 Officer shall have full authority to conduct the hearing.

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

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

13 (225 ILCS 458/15-17 new)

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

15 Sec. 15-17. Temporary suspension. The Secretary may
16 temporarily suspend the license of a licensee without a
17 hearing, simultaneously with the institution of proceedings
18 for a hearing provided in Section 15-10 of this Act, if the
19 Secretary finds that the public interest, safety, or welfare
20 requires such emergency action. In the event that the Secretary
21 temporarily suspends a license without a hearing before the
22 Board, a hearing shall be held within 30 days after the
23 suspension has occurred. The suspended licensee may seek a
24 continuance of the hearing, during which time the suspension
25 shall remain in effect. The proceeding shall be concluded

1 without appreciable delay. If the Department does not hold a
2 hearing within 30 days after the date of suspension, the
3 licensee's license shall be automatically reinstated.

4 (225 ILCS 458/15-20)

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

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

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

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

20 (c) The Administrative Procedures Act is hereby expressly
21 adopted and incorporated herein. In the event of a conflict
22 between this Act and the Administrative Procedures Act, this
23 Act shall control.

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

1 (225 ILCS 458/15-30)

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

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

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

13 (225 ILCS 458/15-35)

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

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

20 (1) the signature is the genuine signature of the
21 Secretary ~~Commissioner~~;

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

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

25 This proof may be rebutted.

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

2 (225 ILCS 458/15-40)

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

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

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

12 (225 ILCS 458/15-45)

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

14 Sec. 15-45. Disciplinary action for educational loan
15 defaults. The Department ~~OBRE~~ shall deny a license or renewal
16 authorized by this Act to a person who has defaulted on an
17 educational loan or scholarship provided or guaranteed by the
18 Illinois Student Assistance Commission or any governmental
19 agency of this State; however, the Department ~~OBRE~~ may issue a
20 license or renewal if the person has established a satisfactory
21 repayment record as determined by the Illinois Student
22 Assistance Commission or other appropriate governmental agency
23 of this State. Additionally, a license issued by the Department
24 ~~OBRE~~ may be suspended or revoked if the Secretary ~~Commissioner~~,

1 after the opportunity for a hearing under this Act, finds that
2 the licensee has failed to make satisfactory repayment to the
3 Illinois Student Assistance Commission for a delinquent or
4 defaulted loan.

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

6 (225 ILCS 458/15-50)

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

8 Sec. 15-50. Nonpayment of child support. In cases where the
9 Department of Healthcare and Family Services (formerly
10 Department of Public Aid) has previously determined that a
11 licensee or a potential licensee is more than 30 days
12 delinquent in the payment of child support and has subsequently
13 certified the delinquency to the Department ~~OBRE~~, the
14 Department ~~OBRE~~ may refuse to issue or renew or may revoke or
15 suspend that person's license or may take other disciplinary
16 action against that person based solely upon the certification
17 of delinquency made by the Department of Healthcare and Family
18 Services (formerly Department of Public Aid). Redetermination
19 of the delinquency by the Department ~~OBRE~~ shall not be
20 required. In cases regarding the renewal of a license, the
21 Department ~~OBRE~~ shall not renew any license if the Department
22 of Healthcare and Family Services (formerly Department of
23 Public Aid) has certified the licensee to be more than 30 days
24 delinquent in the payment of child support, unless the licensee
25 has arranged for payment of past and current child support

1 obligations in a manner satisfactory to the Department of
2 Healthcare and Family Services (formerly Department of Public
3 Aid). The Department ~~OBRE~~ may impose conditions, restrictions,
4 or disciplinary action upon that renewal.

5 (Source: P.A. 92-180, eff. 7-1-02; revised 12-15-05.)

6 (225 ILCS 458/15-55)

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

8 Sec. 15-55. Returned checks; penalty; termination. A
9 person who delivers a check or other payment to the Department
10 ~~OBRE~~ that is returned to the Department ~~OBRE~~ unpaid by the
11 financial institution upon which it was drawn shall pay to the
12 Department ~~OBRE~~, in addition to the amount already owed, a
13 penalty of \$50. The Department ~~OBRE~~ shall notify the person, by
14 certified mail return receipt requested, that his or her check
15 or payment was returned and that the person shall pay to the
16 Department ~~OBRE~~ by certified check or money order the amount of
17 the returned check plus a \$50 penalty within 30 calendar days
18 after the date of the notification. If, after the expiration of
19 30 calendar days of the notification, the person has failed to
20 remit the necessary funds and penalty, the Department ~~OBRE~~
21 shall automatically terminate the license or deny the
22 application without hearing. If the returned check or other
23 payment was for issuance of a license under this Act and that
24 person practices as an appraiser, that person may be subject to
25 discipline for unlicensed practice as provided in this Act. If,

1 after termination or denial, the person seeks a license, he or
2 she shall petition the Department ~~OBRE~~ for restoration and he
3 or she may be subject to additional discipline or fines. The
4 Secretary ~~Commissioner~~ may waive the penalties or fines due
5 under this Section in individual cases where the Secretary
6 ~~Commissioner~~ finds that the penalties or fines would be
7 unreasonable or unnecessarily burdensome.

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

9 (225 ILCS 458/15-60)

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

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

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

17 (225 ILCS 458/20-5)

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

19 Sec. 20-5. Education providers.

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

24 (b) A person or entity seeking to be licensed as an

1 education provider under this Act shall provide satisfactory
2 evidence of the following:

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

5 (2) a sufficient number of qualified instructors;

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

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

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

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

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

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

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

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

1 (225 ILCS 458/20-10)

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

3 Sec. 20-10. Course approval.

4 (a) Only courses offered by licensed education providers
5 and approved by the Department, courses approved by the AQB, or
6 courses approved by jurisdictions regulated by the Appraisal
7 Subcommittee ~~OBRE~~ shall be used to meet the requirements of
8 this Act and rules.

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

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

18 (d) An education provider must use an instructor for each
19 course approved by the Department who (i) holds a valid real
20 estate appraisal license in good standing as a State certified
21 general real estate appraiser or a State certified residential
22 real estate appraiser in Illinois or any other jurisdiction
23 regulated by the Appraisal Subcommittee, (ii) holds a valid
24 teaching certificate issued by the State of Illinois, (iii) is
25 a faculty member in good standing with an accredited college or

1 university or community college, (iv) is an approved appraisal
2 instructor from an appraisal organization that is a member of
3 the Appraisal Foundation, or (v) meets any other requirements
4 established by the Department by rule.

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

6 (225 ILCS 458/25-5)

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

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

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

1 by any interested person.

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

3 (225 ILCS 458/25-10)

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

5 Sec. 25-10. Real Estate Appraisal Administration and
6 Disciplinary Board; appointment.

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

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

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

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

23 (4) Two appointed members shall have been actively
24 engaged and currently licensed as State certified
25 residential real estate appraisers for a period of not less

1 than 5 years.

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

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

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

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

24 In making the appointments as provided in paragraph (5) of
25 this subsection, the Governor shall give due consideration to
26 the recommendations by members and organizations representing

1 the real estate industry.

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

6 (b) The term for members of the Board shall be 4 years,
7 ~~except for the initial appointees. Of the initial appointments,~~
8 ~~4 members shall be appointed for terms ending June 30, 2006, 3~~
9 ~~members shall be appointed for terms ending June 30, 2005, and~~
10 ~~3 members shall be appointed for terms ending June 30, 2004. No~~
11 member shall serve more than 10 years in a lifetime. ~~Those~~
12 ~~persons serving on the Board pursuant to the Real Estate~~
13 ~~Appraiser Licensing Act shall become members of the new Board~~
14 ~~on July 1, 2002 and shall serve until the Governor has made the~~
15 ~~new appointments pursuant to this Act.~~

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

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

25 (e) The Board shall meet at least quarterly and may be
26 convened by the Chairperson, Co-Chairperson, or 3 members of

1 the Board upon 10 days written notice.

2 (f) The Board shall, annually at the first meeting of the
3 fiscal year, elect a Chairperson and Vice-Chairperson from its
4 members. The Chairperson shall preside over the meetings and
5 shall coordinate with the Coordinator ~~Director~~ in developing
6 and distributing an agenda for each meeting. In the absence of
7 the Chairperson, the Co-Chairperson shall preside over the
8 meeting.

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

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

26 (i) Except as provided in Section 15-17 of this Act, the

1 ~~The~~ Board shall hear and make recommendations to the Secretary
2 ~~Commissioner~~ on disciplinary matters that require a formal
3 evidentiary hearing. The Secretary ~~Commissioner~~ shall give due
4 consideration to the recommendations of the Board involving
5 discipline and questions involving standards of professional
6 conduct of licensees.

7 (j) The Department shall seek and the Board shall provide
8 ~~may make~~ recommendations to the Department ~~OBRE~~ consistent with
9 the provisions of this Act and for the administration and
10 enforcement of all ~~the~~ rules adopted pursuant to this Act. The
11 Department shall not adopt any rules relating to the
12 administration and enforcement of this Act without having first
13 received the recommendation of the Board and ~~OBRE~~ shall give
14 due consideration to such ~~the~~ recommendations ~~of the Board~~
15 prior to adopting rules; however, if the Board does not make a
16 recommendation within a reasonable amount of time, as
17 determined by rule of the Department, then the Department may
18 adopt rules.

19 (k) The Department shall seek and the Board shall provide
20 ~~make~~ recommendations to the Department ~~OBRE~~ on the approval of
21 all courses submitted to the Department ~~OBRE~~ pursuant to this
22 Act and the rules adopted pursuant to this Act. The Department
23 shall not approve any courses without having first received the
24 recommendation of the Board and ~~OBRE~~ shall give due
25 consideration to such ~~the~~ recommendations ~~of the Board~~ prior to
26 approving and licensing courses; however, if the Board does not

1 make a recommendation within a reasonable amount of time, as
2 determined by rule of the Department, then the Department may
3 approve courses.

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

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

11 (n) If the Department disagrees with any advice or
12 recommendation provided by the Board under this Section to the
13 Secretary or the Department, then notice of such disagreement
14 must be provided to the Board by the Department.

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

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

23 (225 ILCS 458/25-15)

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

25 Sec. 25-15. Coordinator ~~Director~~ of ~~the~~ Real Estate

1 Appraisal ~~Division~~; appointment; duties. The Secretary shall
2 appoint, subject to the Personnel Code, a Coordinator of Real
3 Estate Appraisal for a term of 4 years. In appointing the
4 Coordinator, the Secretary shall give due consideration to
5 recommendations made by members, organizations, and
6 associations of the real estate appraisal industry. On or after
7 January 1, 2009, the Coordinator must hold a current, valid
8 State certified general real estate license or a State
9 certified residential real estate license, which shall be
10 surrendered to the Department during the term of his or her
11 appointment. The Coordinator must take the 30-hour National
12 Instructors Course on Uniform Standards of Professional
13 Appraisal Practice. The Coordinator's license shall be
14 returned in the same status as it was on the date of surrender,
15 credited with all fees and continuing education requirements
16 that came due during his or her employment. ~~Commissioner shall~~
17 ~~appoint a Director of the Real Estate Appraisal Division for a~~
18 ~~term of 4 years. The Director shall hold a valid State~~
19 ~~certified general real estate appraiser or State certified~~
20 ~~residential real estate appraiser license, which shall be~~
21 ~~surrendered to OBRE during the term of his or her appointment.~~
22 The Coordinator ~~Director of the Real Estate Appraisal Division~~
23 shall:

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

26 (2) be the direct liaison between the Department ~~OBRE~~,

1 the profession, and the real estate appraisal industry
2 organizations and associations;

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

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

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

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

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

18 (225 ILCS 458/25-20)

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

20 Sec. 25-20. Department ~~OBRE~~; powers and duties. The
21 Department of Financial and Professional Regulation ~~Office of~~
22 ~~Banks and Real Estate~~ shall exercise the powers and duties
23 prescribed by the Civil Administrative Code of Illinois for the
24 administration of licensing Acts and shall exercise such other
25 powers and duties as are prescribed by this Act for the

1 administration of this Act. The Department ~~OBRE~~ may contract
2 with third parties for services necessary for the proper
3 administration of this Act, including without limitation,
4 investigators with the proper knowledge, training, and skills
5 to properly investigate complaints against real estate
6 appraisers. Any investigator who is employed by the Department,
7 contractually or otherwise, must be a State certified real
8 estate appraiser.

9 The Department ~~OBRE~~ shall maintain and update a registry of
10 the names and addresses of all licensees and a listing of
11 disciplinary orders issued pursuant to this Act and shall
12 transmit the registry, along with any national registry fees
13 that may be required, to the entity specified by, and in a
14 manner consistent with, Title XI of the federal Financial
15 Institutions Reform, Recovery and Enforcement Act of 1989.

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

17 (225 ILCS 458/25-25)

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

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

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

24 (225 ILCS 458/30-10)

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

2 Sec. 30-10. Appraisal Administration Fund.

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

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

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

15 Section 99. Effective date. This Act takes effect January
16 1, 2008.

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