

# WEST VIRGINIA CODE: §30-38A-13

## §30-38A-13. Duties of appraisal management companies.

(a) Each appraisal management company shall:

(1) Verify that an appraiser receiving work or being placed on an appraiser panel is:

(A) Professionally and geographically competent;

(B) Competent to perform the appraisal service being assigned to the appraiser;

(C) Licensed or certified under the provisions of article thirty-eight of this chapter; and

(D) In good standing in this state;

(2) Designate a controlling person responsible for ensuring compliance with this article, including filing with the board the following:

(A) The name of the controlling person;

(B) The contact information for the controlling person;

(C) A verified acceptance of responsibility from the controlling person; and

(D) An updated registration form identifying the current controlling person submitted within ten business days, when there is a change of the controlling person;

(3) Maintain complete detailed records of requests for appraisals from clients, including:

(A) The type of appraisal requested;

(B) The name and license or certification number of the appraiser to whom the appraisal was referred;

(C) The fees received from the client; and

(D) The fees paid to the appraiser or any third party for services performed;

(4) Ensure that appraisal services are provided in an independent manner, free from inappropriate influence and coercion, as required by appraisal independence standards established under Section 129E of the Truth in Lending Act and the rules and regulations issued pursuant to the Act, including the requirement that fee appraisers be compensated at a customary and reasonable rate when the appraisal management company is providing services for a consumer credit transaction secured by the principal dwelling of a consumer;

- (5) Except in cases of breach of contract or substandard performance, pay an independent appraiser for the completion of an appraisal within forty-five days after the appraiser provides the completed appraisal to the appraisal management company, unless otherwise agreed to by the parties;
  - (6) Disclose its registration number on all engagement documentation with appraisers;
  - (7) Disclose to its clients the fees paid:
    - (A) For appraisal management services; and
    - (B) To the appraiser for the completion of an appraisal assignment;
  - (8) Inform the board, when it has a reasonable basis to believe, that an appraiser has:
    - (A) Failed to comply with USPAP and the failure to comply is likely to significantly affect the opinion of value;
    - (B) Violated applicable laws or rules; or
    - (C) Engaged in unethical or unprofessional conduct;
  - (9) Keep all records, including, but not limited to, appraisals ordered by the appraisal management company, for a minimum of five years after an appraisal is completed or two years after final disposition of a judicial proceeding related to the assignment, whichever period expires later; and
  - (10) Maintain a registered agent for service of process and provide the board with the same information for the agent that is provided to the Secretary of State.
- (b) The board may inspect the records of appraisal management companies at any time without prior notice.
  - (c) A sole proprietor of an appraisal management company is considered the controlling person.
  - (d) If information on a disclosure becomes inaccurate for any reason, then a revised or amended disclosure shall be provided within five business days after the change. The revised or amended disclosure shall be clearly marked as revised or amended and contain sufficient information for the client to identify the original disclosure referenced.
  - (e) The provisions of this section do not exempt a registrant from any other reporting requirements contained in any federal or state law.