

# WEST VIRGINIA CODE: §30-38A-3

## §30-38A-3. Definitions.

As used in this article, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

(a) "Applicant" means a person or firm making an application for registration under the provisions of this article.

(b) "Appraisal" means an analysis, opinion, or conclusion prepared by a real estate appraiser relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate or identified real property. An appraisal may be classified by the nature of the assignment as a valuation appraisal, an analysis assignment, or a review assignment.

(c) "Appraisal Management Company" means a person or firm that provides appraisal management services to creditors or to secondary mortgage market participants, including affiliates; provides such services in connection with valuing a consumer's principal dwelling as security for a consumer credit transaction or incorporating such transactions into securitizations; and within a given 12-month period oversees an appraiser panel of more than 15 state certified or state licensed appraisers in a state or 25 or more state certified or state licensed appraisers in two or more states.

(d) "Appraisal management services" means the business of managing the process of having an appraisal performed for compensation or pecuniary gain, including but not limited to any of the following actions:

- (1) Conducting business directly or indirectly by telephone, electronically, mail, or in person;
- (2) Providing related administrative and clerical duties;
- (3) Recruiting, selecting, or retaining appraisers;
- (4) Verifying qualifications of appraisers;
- (5) Establishing and administering an appraiser panel;
- (6) Receiving appraisal orders from clients;
- (7) Contracting and negotiating fees with appraisers to perform appraisal services;
- (8) Receiving appraisals from the appraiser and submitting completed appraisals to clients;
- (9) Tracking and determining the status of orders for appraisals;

(10) Reviewing, verifying, and conducting quality control of a completed appraisal;

(11) Collecting fees from the clients; and

(12) Compensating appraisers for appraisal services rendered.

(e) "Appraisal review" means the act of developing and communicating an opinion about the quality of another appraiser's work that was performed as part of an appraiser assignment. The review does not include:

(1) An examination of an appraisal for grammatical, typographical, or other similar errors that do not make a substantive valuation change; or

(2) A general examination for compliance including regulatory or client requirements as specified in the agreement process that do not communicate an opinion as to the valuation conclusion.

(f) "Appraisal services" means the practice of developing an opinion of the value of real estate in conformity with the minimum USPAP standards.

(g) "Appraiser" means a person licensed or certified, under the provisions of §30-38-1 *et seq.* of this code, to perform an appraisal.

(h) "Appraiser panel" means a group of appraisers that perform appraisals for an appraisal management company as independent contractors.

(i) "Automated valuation model (AVM)" means a mathematically based computer software program that produces an estimate of market value based on market analysis of location, market conditions, and real estate characteristics from information that was previously and separately collected.

(j) "Board" means the West Virginia Real Estate Appraiser Licensing and Certification Board established under the provisions of §30-38-1 *et seq.* of this code.

(k) "Client" means a person or firm that contracts or enters into an agreement with an appraisal management company for the performance of an appraisal.

(l) "Controlling person" means a person authorized by an appraisal management company to contract or enter into agreements with clients and independent appraisers for the performance of appraisal services and who has the power to manage the appraisal management company.

(m) "Firm" means a corporation, limited liability company, partnership, sole proprietorship, or any other business entity.

(n) "Registrant" means a person or firm holding a registration issued by the board under the

provisions of this article.

(o) "Registration" means a registration issued by the board under the provisions of this article.

(p) "State" means the State of West Virginia.

(q) "USPAP" means the Uniform Standards of Professional Appraisal Practice.

WV Legislature