

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990

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ENROLLED

Com. Sub. for
HOUSE BILL No. 4224

(By ~~ME~~ *Delegate Meind*)

— ● —

Passed *March 10,* 1990

In Effect *from* Passage

RECEIVED
LEGISLATIVE
SERVICES
DIVISION
MARCH 10 1990

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4224
(By DELEGATE MINARD)

RECEIVED
LEGISLATIVE COUNCIL
MARCH 10 1990

[Passed March 10, 1990; in effect from passage.]

AN ACT to amend chapter thirty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article fourteen, relating to the creation of the West Virginia Appraiser Licensing and Certification Board to be charged with licensing and certifying real estate appraisers; requiring licenses for persons appraising real estate; exceptions; powers and duties of board; requiring certification for persons using the term "state certified real estate appraiser" or signing certified appraisal reports; hearings and orders of board; applications; qualifications for licensure and certification; education, experience, and examination requirements; continuing education requirements; complaints, investigations and disciplinary proceedings; fees; criminal penalties; waiver of license requirements; prohibited acts and omissions; nonresident licensure and certification; and attorney general opinion and duties.

Be it enacted by the Legislature of West Virginia:

That chapter thirty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted by adding thereto a new article, designated

article fourteen, to read as follows:

ARTICLE 14. THE REAL ESTATE APPRAISER LICENSING AND CERTIFICATION ACT.

§37-14-1. Short title.

1 This act shall be known and may be cited as the “Real
2 Estate Appraiser Licensing and Certification Act.”

§37-14-2. Definitions.

1 As used in this act, the following terms shall have the
2 following meanings:

3 (a) “Appraisal” means an analysis, opinion or conclu-
4 sion prepared by a real estate appraiser relating to the
5 nature, quality, value or utility of specified interests in,
6 or aspects of, identified real estate or identified real
7 property. An appraisal may be classified by the nature
8 of the assignment as a valuation appraisal, an analysis
9 assignment, or a review assignment. The term “valua-
10 tion appraisal” refers to an analysis, opinion or conclu-
11 sion prepared by a real estate appraiser that estimates
12 the value of an identified parcel of real estate or
13 identified real property at a particular point in time. An
14 “analysis assignment” refers to an analysis, opinion or
15 conclusion prepared by a real estate appraiser that
16 relates to the nature, quality or utility of identified real
17 estate or identified real property. A “review assign-
18 ment” refers to an analysis, opinion or conclusion
19 prepared by a real estate appraiser that forms an
20 opinion as to the adequacy and appropriateness of a
21 valuation appraisal or an analysis assignment;

22 (b) “Appraisal foundation” means the appraisal
23 foundation established on the thirtieth day of November,
24 one thousand nine hundred eighty-seven, as a not-for-
25 profit corporation under the laws of Illinois;

26 (c) “Appraisal report” means any communication,
27 written or oral, of an appraisal. An appraisal report
28 may be classified by the nature of the assignment as a
29 “valuation report,” “analysis report” or “review report.”
30 For the purposes of this act, the testimony of an
31 appraiser dealing with the appraiser’s analyses, conclu-
32 sions or opinions concerning identified real estate or

33 identified real property is deemed to be an oral
34 appraisal report;

35 (d) "Board" means the real estate appraiser licensing
36 and certification board established pursuant to the
37 provisions of this article;

38 (e) "Certified appraisal report" means a written or
39 oral appraisal report that is certified as such by a state
40 certified real estate appraiser. When a state certified
41 real estate appraiser identifies an appraisal report as
42 "certified", such state certified real estate appraiser
43 must indicate which type of certification he or she holds.
44 The certification of an appraisal report by a state
45 certified real estate appraiser represents to the public
46 that it meets the appraisal standards established
47 pursuant to this article;

48 (f) "Licensed real estate appraiser" means a person
49 who holds a current, valid real estate appraiser license
50 issued to him or her under the provisions of this article;

51 (g) "Real estate" means an identified parcel or tract
52 of land, including improvements, if any;

53 (h) "Real estate appraisal activity" means the act or
54 process of making an appraisal of real estate or real
55 property and preparing an appraisal report;

56 (i) "Real estate appraiser" means a person who
57 engages in real estate appraisal activity for a fee or
58 other valuable consideration;

59 (j) "Real property interests" means one or more
60 defined interests, benefits or rights inherent in the
61 ownership of real estate; and

62 (k) "State certified real estate appraiser" means a
63 person who holds a current, valid certification as a real
64 estate appraiser issued to him or her under the
65 provisions of this article.

§37-14-3. Real estate appraiser license required.

1 Beginning the first day of July, one thousand nine
2 hundred ninety-one, it is unlawful for any person, for
3 compensation or valuable consideration, to prepare a

4 valuation appraisal or a valuation appraisal report
5 relating to real estate or real property in this state
6 without first obtaining a real estate appraiser license as
7 provided in this article. This section shall not be
8 construed to apply to persons who do not render
9 significant professional assistance in arriving at a real
10 estate appraisal analysis, opinion or conclusion. Nothing
11 in this article, however, shall be construed to prohibit
12 any person who is licensed to practice in this state under
13 any other law from engaging in the practice for which
14 he or she is licensed.

§37-14-4. Exceptions to license requirement.

1 This article does not apply to:

2 (a) A real estate broker or salesperson licensed by this
3 state who, in the ordinary course of his or her business,
4 gives an opinion to a potential seller or third party as
5 to the recommended listing price of real estate or an
6 opinion to a potential purchaser or third party as to the
7 recommended purchase price of real estate, when this
8 opinion as to the listing price or the purchase price is
9 not to be referred to as an appraisal, no opinion is
10 rendered as to the value of the real estate, and no fee
11 is charged;

12 (b) A casual or drive-by inspection of real estate in
13 connection with a consumer loan secured by the said
14 real estate, when the inspection is not referred to as an
15 appraisal, no opinion is rendered as to the value of the
16 real estate, and no fee is charged for the inspection;

17 (c) An employee who renders an opinion as to the
18 value of real estate for his full-time employer, for the
19 employer's internal use only and performed in the
20 regular course of the employee's position, when the
21 opinion is not referred to as an appraisal and no fee is
22 charged; and

23 (d) An appraisal or opinion with regard to the value
24 of a manufactured home, as such term is defined in
25 section two, article nine, chapter twenty-one of this code,
26 if the property appraised does not include real estate or
27 an interest therein.

§37-14-5. Board created; appointment, qualifications, terms, oath, etc., of members; quorum; meetings; when members are disqualified from participation; compensation; records; office space; personnel.

1 (a) There is hereby created the West Virginia Real
2 Estate Appraiser Licensing and Certification Board
3 which consists of seven members appointed by the
4 governor with the advice and consent of the Senate.
5 Each member shall be a resident of the state of West
6 Virginia. Two members shall be real estate appraisers
7 having at least five years' experience in appraisal as a
8 principal line of work immediately preceding their
9 appointment, two members shall be selected from
10 financial institutions having at least five years' exper-
11 ience in real estate lending, and three members who
12 shall not be engaged in the practice of real estate
13 appraisal, real estate brokerage or sales, or have any
14 financial interest in such practices. No member of the
15 board may concurrently be a member of the West
16 Virginia real estate commission. Not more than one
17 appraiser member may be appointed from each congres-
18 sional district.

19 (b) Appointments shall be for a three-year term,
20 except of the members first appointed, three shall serve
21 for two years and one for one year. Each real estate
22 appraiser appointed after the first day of January, one
23 thousand nine hundred ninety-one, shall have appraisal
24 as their principal work and must be a state certified real
25 estate appraiser under this article at the time of
26 appointment and during the term of appointment. No
27 member appointed shall serve for more than six
28 consecutive years. Before entering upon the perfor-
29 mance of his duties, each member shall subscribe to the
30 oath required by section five, article four of the
31 constitution of this state. The governor shall, within
32 sixty days following the occurrence of a vacancy on the
33 board, fill the same by appointing a person for the
34 unexpired term of, and meeting the same requirements
35 for membership as, the person vacating said office. Any
36 member may be removed by the governor in case of

37 incompetency, neglect of duty, gross immorality or
38 malfeasance in office.

39 (c) The board shall elect a chairman. A majority of
40 the members of the board shall constitute a quorum. The
41 board shall meet at least once in each calendar quarter
42 on a date fixed by the board. The board may, upon its
43 own motion, or shall upon the written request of three
44 members of the board, call additional meetings of the
45 board upon at least twenty-four hours' notice. No
46 member shall participate in a proceeding before the
47 board to which a corporation, partnership or unincor-
48 porated association is a party, and of which he is or was
49 at any time in the preceding twelve months a director,
50 officer, owner, partner, employee, member or stock-
51 holder. A member may disqualify himself from partic-
52 ipation in a proceeding for any other cause deemed by
53 him to be sufficient. Each member shall receive fifty
54 dollars for each day or portion thereof spent in attending
55 meetings of the board and shall be reimbursed for all
56 reasonable and necessary expenses incurred incidental
57 to his duties as a member of the board.

58 (d) The board shall keep an accurate record of all of
59 its proceedings and make certificates thereupon as may
60 be required by law.

§37-14-6. General powers and duties.

1 The board shall:

2 (a) Define by rule the type of educational experience,
3 appraisal experience and equivalent experience that
4 will meet the statutory requirements of this article;

5 (b) Establish examination specifications as prescribed
6 herein and provide or procure appropriate
7 examinations;

8 (c) Approve or disapprove applications for certifica-
9 tion and licensure;

10 (d) Define by rule continuing education requirements
11 for the renewal of certification and licenses;

12 (e) Censure, suspend or revoke licenses and certifica-
13 tion as provided in this article;

14 (f) Hold meetings, hearings and examinations in
15 places and at times as it shall designate;

16 (g) Establish procedures for submitting, approving
17 and disapproving applications;

18 (h) Maintain an accurate registry of the names and
19 addresses of all persons certified or issued a license to
20 practice under this article;

21 (i) Maintain accurate records on applicants and
22 licensed or certified real estate appraisers;

23 (j) Issue to each licensed or certified real estate
24 appraiser a pocket card with the name and license or
25 certification number on each in the size and form it may
26 approve. The license or certification pocket card shall
27 remain the property of the state of West Virginia, and,
28 upon suspension or revocation of the license to practice
29 pursuant to this article, shall be returned immediately
30 to the commission;

31 (k) Deposit all fees collected by the commission in the
32 state treasury. The state treasurer shall deposit the fees
33 to the credit of the West Virginia appraiser licensing
34 and certification board and shall disburse moneys from
35 the account to pay the cost of board operation.
36 Disbursements from the account shall not exceed the
37 moneys credited to it;

38 (l) Hire employees to assist in the discharge of the
39 duties imposed upon it by this article subject to the
40 policies and standards of the department of administra-
41 tion. No employee of the commission may be a paid
42 employee of any real estate association, group or real
43 estate dealers, brokers, appraisers or lenders;

44 (m) Perform any other functions and duties as may be
45 necessary in carrying out the provisions of this article.

46 All rules shall be promulgated pursuant to the
47 provisions of chapter twenty-nine-a of this code. The
48 members of the board shall be immune from any civil
49 action or criminal prosecution for initiating or assisting
50 in any lawful investigation of the actions of, or partic-
51 ipating in any disciplinary proceeding concerning a

52 licensed or certified real estate appraiser pursuant to
53 this act: *Provided*, That such action is taken without
54 malicious intent and in the reasonable belief that the
55 action was taken pursuant to the powers and duties
56 vested in the members of the board under this act.

**§37-14-7. Hearings and orders; entry of order without
notice and hearing.**

1 (a) Subject to the provisions of subsection (c) of this
2 section, notice and hearing shall be provided in advance
3 of the entry of any order by the board. Such notice shall
4 be given to the person with respect to whom the hearing
5 is to be conducted and such hearing and the adminis-
6 trative procedures in connection therewith shall be
7 governed by all of the provisions of article five, chapter
8 twenty-nine-a of this code, and shall be held at a time
9 and place set by the board, but shall not be held less
10 than ten or more than thirty days after such notice is
11 given. A hearing may be continued by the board on its
12 own motion or for good cause shown. At any such
13 hearing a party may represent himself or be repres-
14 ented by an attorney admitted to practice before any
15 circuit court of this state.

16 (b) The board shall have the power and authority to
17 issue subpoenas and subpoenas duces tecum, administer
18 oaths and examine any person under oath in connection
19 with any subject relating to duties imposed upon or
20 powers vested in the board.

21 (c) Whenever the board shall find that extraordinary
22 circumstances exist which require immediate action, it
23 may forthwith without notice or hearing enter an order
24 taking any action permitted by this article. Immediately
25 upon the entry of such order, certified copies thereof
26 shall be served upon all persons affected thereby and
27 upon demand such persons shall be entitled to a hearing
28 thereon at the earliest practicable time.

**§37-14-8. Judicial review; appeals to supreme court of
appeals.**

1 (a) Any party to a hearing before the board affected
2 by any order of the board made and entered after a

3 hearing as provided in this chapter shall be entitled to
4 judicial review thereof in the manner provided in article
5 five, chapter twenty-nine-a of this code.

6 (b) Any such party adversely affected by a final
7 judgment of a circuit court following judicial review as
8 provided in subsection (a) of this section may seek
9 review thereof by appeal to the supreme court of appeals
10 in the manner provided in article six, chapter twenty-
11 nine-a of this code.

§37-14-9. Applications for license.

1 An individual who desires to engage in real estate
2 appraisal activity in this state shall make application for
3 a license, in writing, in such form as the board may
4 prescribe.

5 To assist the board in determining whether grounds
6 exist to deny the issuance of a license to an applicant,
7 the board may require the fingerprinting of every
8 applicant for an original license.

§37-14-10. Scope of real estate appraiser license.

1 A licensed real estate appraiser is authorized to
2 appraise all types of real estate and real property in this
3 state, including, but not limited to, commercial, indus-
4 trial, residential and special purpose.

§37-14-11. Qualifications for license.

1 To qualify for a real estate appraiser license, an
2 applicant shall:

3 (a) Successfully complete not less than forty-five
4 classroom hours in courses of study approved by the
5 board which relate to real estate appraisal. The required
6 forty-five classroom hours shall include (1) not less than
7 thirty classroom hours of study relating to the basic
8 principles of land economics and the basic principles of
9 real estate appraising, and (2) not less than fifteen
10 classroom hours of study specifically relating to the
11 standards of professional appraisal practice and the
12 ethical rules to be observed by a real estate appraiser
13 as required by section twenty-three of this act;

14 (b) Pass an examination administered by the board
15 that is based upon forty-five classroom hours of apprai-
16 sal study and is designed to test an individual's
17 knowledge of the basic principles of land economics, the
18 basic principles of real estate appraising, the standards
19 of professional appraisal practice, and the ethical rules
20 to be observed by a real estate appraiser; and

21 (c) Be of good moral character, in the opinion of the
22 board.

23 The courses of study referred to in subsection (a) (1)
24 above must be conducted by (i) an accredited university,
25 college or junior college; (ii) an approved appraisal
26 society, institute or association; or (iii) such other school
27 as may be approved by the board.

§37-14-12. Courses of study.

1 In making its determinations with respect to the
2 courses of study required by section eleven, the board
3 shall give weight to courses which teach one or more of
4 the following:

5 (a) Appropriate knowledge of technical terms com-
6 monly used in or related to real estate appraising,
7 appraisal report writing and economical concepts
8 applicable to real estate;

9 (b) An understanding of the basic principles of land
10 economics, the basic principles of the real estate
11 appraisal process, and the problems likely to be
12 encountered in gathering, interpreting, and processing
13 the data required in the real estate appraisal process;

14 (c) An understanding of the standards for the devel-
15 opment and communication of real estate appraisals as
16 provided in this act;

17 (d) An understanding of the ethical rules that a real
18 estate appraiser is required to observe;

19 (e) Appropriate knowledge of theories of depreciation,
20 cost estimating, methods of capitalization, and the
21 mathematics of real estate appraisal;

22 (f) An understanding of basic real estate law; and

23 (g) An understanding of the types of misconduct for
24 which disciplinary proceedings may be initiated against
25 a licensed real estate appraiser.

§37-14-13. Term of license.

1 If the board determines that an applicant meets the
2 requirements of this act and is qualified for a real estate
3 appraiser license, it shall issue a license to the applicant
4 that shall expire one year following the date of issuance
5 unless revoked or suspended prior thereto. The board
6 shall approve or deny each application within ninety
7 days of receipt. If no action is taken within ninety days,
8 the application will be deemed approved and the board
9 shall issue the license.

§37-14-14. Continuing education.

1 (a) As a prerequisite to renewal of license, a licensed
2 real estate appraiser shall present evidence satisfactory
3 to the board of having obtained ten hours of continuing
4 education.

5 (b) The board shall adopt rules for the implementa-
6 tion of the provisions of this section to the end of
7 assuring that each individual renewing his or her
8 license as a real estate appraiser under this act has a
9 working knowledge of current real estate appraisal
10 theories, practices and techniques that will enable such
11 individual to provide competent real estate appraisal
12 services to the members of the public and to financial
13 institutions with whom such individual deals in a
14 professional relationship under the authority of his or
15 her real estate appraiser license.

§37-14-15. Renewal of license.

1 To renew a current, valid real estate appraiser license,
2 other than a temporary license issued under section
3 forty-four of this article, the holder of such license shall
4 file an application on a form approved by the board and
5 pay the prescribed renewal fee to the board not earlier
6 than one hundred twenty days nor later than thirty days
7 prior to the expiration date of the license then held.
8 Each application for renewal shall be accompanied by
9 evidence in the form prescribed by the board of having

10 completed the continuing education requirement for
11 renewal specified in this act.

12 If a licensee fails to apply for a renewal of his or her
13 license as a real estate appraiser within the period
14 prescribed above, such licensee may, within a period of
15 two years following the expiration date of his or her
16 license, obtain a renewal of such license by satisfying all
17 of the requirements for renewal and paying a late
18 renewal fee. The board may refuse to renew any license
19 if the licensee has continued to perform real estate
20 appraisal activities in this state following the expiration
21 of his or her license.

§37-14-16. Complaints and investigations relating to real estate appraiser licenses.

1 The board may, upon its own motion, and shall, upon
2 the written complaint of any aggrieved person, cause an
3 investigation to be made with respect to an alleged
4 violation of section twenty-three of this act by any
5 licensee or applicant for license in this state. If any
6 investigation discloses a probable violation of section
7 twenty-three of this article by a licensee or applicant,
8 a formal complaint shall be filed. The board shall have
9 the power to deny, suspend, or revoke a license, issue
10 a formal reprimand or impose a fine not to exceed five
11 hundred dollars against an applicant or licensee if, after
12 hearing and notice as provided in this article, the board
13 finds that an applicant or licensee has violated the
14 provisions of section twenty-three of this article.

§37-14-17. Professional corporations.

1 Nothing contained in this article shall be deemed to
2 prohibit any licensee from engaging in the practice of
3 real estate appraising as a professional corporation in
4 accordance with the provisions of the professional
5 service corporation act of this state.

§37-14-18. Collection of appraisal fees.

1 No person engaged in the business of real estate
2 appraising in this state or acting in the capacity of a
3 real estate appraiser in this state may bring or maintain
4 any action in any court of this state to collect compen-

5 sation for the performance of real appraisal services for
6 which a license is required by this act without alleging
7 and proving that he or she was the holder of a valid real
8 estate appraiser license in this state at all times during
9 the performance of such services.

§37-14-19. Penalties.

1 (a) A person required by this act to be licensed who
2 engages in real estate appraisal activity in this state
3 without obtaining a license therefor shall be guilty of a
4 misdemeanor, and, upon conviction, shall be punished
5 by fine of not less than five hundred dollars nor more
6 than one thousand dollars and shall be ineligible to
7 obtain a license for a period of one year from the date
8 of his or her conviction of such offense: *Provided*, That
9 the board, at its discretion, may grant a license to such
10 person within such one-year period upon application,
11 upon a finding of extenuating circumstances, and after
12 an administrative hearing thereon.

13 (b) Any person acting or purporting to act as a
14 certified real estate appraiser without first obtaining a
15 license to practice under this article is guilty of a
16 misdemeanor, and, upon conviction, shall be fined not
17 more than two thousand five hundred dollars or
18 imprisoned in the county jail for not more than one year,
19 or both fined and imprisoned.

20 (c) If any person receives any money or the equivalent
21 thereof as a fee, commission, compensation or profit by
22 or in consequence of a violation of any provision of this
23 article, he shall, in addition to the penalties prescribed
24 above, be subject to a penalty of not less than the sum
25 of money so received nor more than three times such
26 sum as may be determined by the court, which penalty
27 may be recovered in a court of competent jurisdiction
28 by any person aggrieved as a result of any such
29 violation.

§37-14-20. Waiver of license qualification requirements.

1 Upon an individual review of the qualifications of a
2 real estate appraiser who is actively engaged in
3 appraising real estate or real property in this state on

4 the effective date of this article, the board may waive
5 the requirements in section eleven of this article relating
6 to the successful completion of forty-five classroom
7 hours of appraisal study and the passing of an exam-
8 ination administered by the board that is based upon
9 forty-five classroom hours of appraisal study.

10 Within ninety days after the effective date of this
11 article, the board shall develop general standards and
12 criteria for its use in conducting an individual review
13 of the qualifications of a real estate appraiser who is
14 actively engaged in appraising real estate or real
15 property in this state. These general standards and
16 criteria shall include a requirement that an applicant
17 for a license under this section must have obtained a
18 minimum of two years of real estate appraisal expe-
19 rience within the last five years preceding the date of
20 application. The general standards and criteria devel-
21 oped by the board shall be printed and distributed
22 without charge to all presently practicing real estate
23 appraisers who request a copy.

24 Each real estate appraiser who is actively engaged in
25 appraising real estate in this state on the effective date
26 of this article and wishes to apply for a real estate
27 appraiser's license under the waiver provisions of this
28 section shall file an application for a license on or before
29 the thirty-first day of December, one thousand nine
30 hundred ninety, on a form approved by the board. If a
31 timely application is filed and the applicant demon-
32 strates competence and experience satisfactory to the
33 board, he or she shall be granted a license under the
34 provisions of this article.

§37-14-21. Special waiver of license qualification requirements.

1 The board may waive the requirements of this article
2 relating to the successful completion of forty-five
3 classroom hours of appraisal study if an applicant:

4 (1) Submits satisfactory evidence of having obtained
5 a minimum of five years of real estate appraisal
6 experience within the last seven years preceding the
7 date of application; and

8 (2) Passes the examination approved by the board
9 that satisfies the requirement in subsection (b) of section
10 ten of this act.

§37-14-22. Standards of professional appraisal practice.

1 Each real estate appraiser licensed or certified under
2 this act shall comply with generally accepted standards
3 of professional appraisal practice and generally ac-
4 cepted ethical rules to be observed by a real estate
5 appraiser. Generally accepted standards of professional
6 appraisal practice are currently evidenced by the
7 uniform standards of professional appraisal practice
8 promulgated by the appraisal foundation; however, after
9 a public hearing held in accordance with provisions of
10 the state statutes applicable to public hearings, the
11 board may make such modifications of or additions to
12 the uniform standards of professional appraisal practice
13 as may be appropriate.

§37-14-23. Prohibited acts and omissions—Licensees.

1 The following acts and omissions shall be considered
2 grounds for disciplinary action by the board:

3 (1) Procuring or attempting to procure license under
4 this act by knowingly making a false statement,
5 submitting false information or making a material
6 misrepresentation in an application filed with the board,
7 or procuring or attempting to procure a license through
8 fraud or misrepresentation;

9 (2) Paying money other than the fees provided for by
10 this act to any member or employee of the board to
11 procure a license under this act;

12 (3) An act or omission in the practice of real estate
13 appraising which constitutes dishonesty, fraud or
14 misrepresentation with the intent to substantially
15 benefit the licensee or another person or with the intent
16 to substantially injure another person;

17 (4) Entry of a final civil or criminal judgment against
18 a licensee on grounds of fraud, misrepresentation or
19 deceit in the making of an appraisal of real estate;

20 (5) Conviction, including a conviction based upon a

21 plea of guilty or nolo contendere, of a crime which is
22 substantially related to the qualifications, functions or
23 duties of a person developing real estate appraisals and
24 communicating real estate appraisals to others;

25 (6) Making a false or misleading statement in that
26 portion of a written appraisal report that deals with
27 professional qualifications or in any testimony concern-
28 ing professional qualifications;

29 (7) Violation of any section of this act, or any rule
30 promulgated thereunder, other than section twenty-
31 three;

32 (8) Violation of section twenty-three of this act, or any
33 rule promulgated thereunder, as determined by order of
34 the board and related findings of fact;

35 (9) Violation of the confidential nature of government-
36 al records to which a licensee gained access through
37 employment or engagement as an appraiser by a
38 governmental agency; and

39 (10) Acceptance of a fee for performing an independ-
40 ent appraisal service, when, in fact, the fee is or was
41 contingent upon the appraiser reporting a predeter-
42 mined analysis, opinion, or conclusion, or is or was
43 contingent upon the analysis, opinion, conclusion or
44 valuation reached, or upon the consequences resulting
45 from the appraisal assignment.

46 In a disciplinary proceeding based upon a civil
47 judgment, the licensee shall be afforded an opportunity
48 to present matters in mitigation and extenuation but
49 may not collaterally attack the civil judgment.

§37-14-24. Classification of service.

1 A client or employer may retain or employ a licensed
2 or certified real estate appraiser to act as a disinterested
3 third party in rendering an unbiased estimate of value
4 or an unbiased analysis, opinion or conclusion. A client
5 or employer may also retain or employ a licensed or
6 certified real estate appraiser to provide specialized
7 appraisal services to facilitate the client's or employer's
8 objectives. In either case, the appraisal and the apprai-

9 sal report must comply with the provisions of this
10 article.

11 The term "independent appraisal service" means an
12 engagement for which an appraiser is employed or
13 retained to act, or would be perceived by third parties
14 or the public as acting, as a disinterested third party
15 in rendering an unbiased analysis, opinion, or conclusion
16 relating to the nature, quality, value, or utility of
17 identified real estate or identified real property. The
18 term "specialized appraisal service" means an engage-
19 ment to provide an appraisal service which does not fall
20 within the definition of independent appraisal service.
21 The term specialized appraisal service may include
22 valuation appraisals, analysis assignments and review
23 assignments. Regardless of the intention of the client or
24 employer, if the appraiser is, in fact, perceived by third
25 parties or the public as acting as a disinterested third
26 party in rendering an unbiased analysis, opinion or
27 conclusion, the work is classified as an independent
28 appraisal service and not as a specialized appraisal
29 service.

§37-14-25. Contingent fees.

1 A licensed or certified real estate appraiser who
2 enters into an agreement to perform an independent
3 appraisal service as defined in section twenty-four of
4 this act may not accept a fee that is contingent upon the
5 appraiser reporting a predetermined analysis, opinion,
6 or conclusion that is contingent upon the analysis,
7 opinion, or conclusion reached, or is contingent upon the
8 results achieved by the appraisal assignment.

9 A licensed or certified real estate appraiser who
10 enters into an agreement to perform a specialized
11 appraisal service as defined in section twenty-four of
12 this article may be paid a fixed fee or a fee that is
13 contingent on the results achieved by the specialized
14 appraisal service. If a licensed or certified real estate
15 appraiser enters into an agreement to perform a
16 specialized appraisal service for a contingent fee, this
17 fact shall be clearly stated in each written and oral
18 appraisal report. In each written report, this fact shall

19 be clearly stated in a prominent location in such report
20 and also in each letter of transmittal and in the
21 certification statement made by the appraiser in such
22 report.

§37-14-26. State certified real estate appraiser; use of term.

1 No person other than a state certified real estate
2 appraiser under this act shall assume or use that title
3 or any title, designation, or abbreviation likely to create
4 the impression of certification as a real estate appraiser
5 by this state.

6 Only an individual who has qualified as a state
7 certified real estate appraiser under this act is autho-
8 rized to prepare and sign a certified appraisal report
9 relating to real estate or real property in this state.

10 If an appraisal report is prepared and signed by a
11 state certified real estate appraiser and such appraisal
12 report is certified as such by the state certified real
13 estate appraiser, a holder of a real estate appraiser
14 license under this act who assisted in the preparation
15 of such appraisal report is authorized to cosign such
16 appraisal report.

17 An individual who has not qualified as a state
18 certified real estate appraiser under this act shall not
19 describe or refer to any appraisal or appraisal report
20 relating to real estate or real property in this state by
21 the terms "certified appraisal" or "certified appraisal
22 report."

§37-14-27. Certification application.

1 Applications for original certification, applications for
2 renewal of certification and applications to take an
3 examination shall be made in writing to the board on
4 forms approved by the board.

5 The payment of the appropriate fee must accompany
6 all applications for original certification and renewal of
7 certification and all applications to take an examination.

8 At the time of filing an application for original
9 certification or for renewal of certification, each

10 applicant shall sign a pledge to comply with the
 11 standards of professional appraisal practice and the
 12 ethical rules to be observed by an appraiser that are
 13 established from time to time for state certified real
 14 estate appraisers under this act. Each applicant shall
 15 also certify that he or she understands the types of
 16 misconduct, as set forth in this act, for which discipli-
 17 nary proceedings may be initiated against a state
 18 certified real estate appraiser.

§37-14-28. Classes of certification.

1 There shall be two classes of certification for state
 2 certified real estate appraisers:

3 (a) *State certified residential real estate appraiser.*—
 4 The state certified residential real estate appraiser
 5 classification shall consist of those persons who meet the
 6 requirements for certification that relate to the apprai-
 7 sal of residential real estate of one to four units, and to
 8 the appraisal of residential real estate of up to twelve
 9 units when a net income capitalization analysis is not
 10 required by the terms of the assignment.

11 (b) *State certified general real estate appraiser.*—The
 12 state certified general real estate appraiser classifica-
 13 tion shall consist of those persons who meet the
 14 requirements for certification relating to the appraisal
 15 of all types of real estate.

16 Each application for original certification or for the
 17 renewal of certification and each application to take an
 18 examination shall specify the classification of certifica-
 19 tion being applied for and, if applicable, the certification
 20 previously granted.

§37-14-29. Experience requirement.

1 As a prerequisite to taking the examination for
 2 certification as a state certified real estate appraiser, an
 3 applicant shall present evidence satisfactory to the
 4 board that he or she possesses the equivalent of two
 5 years of experience in real property appraisal supported
 6 by adequate written reports or file memoranda. Such
 7 experience, or the equivalent thereof, must be acquired
 8 within a period of five years immediately preceding the

9 filing of the application for certification.

10 Each applicant for certification shall furnish under
11 oath a detailed listing of the real estate appraisal reports
12 or file memoranda for each year for which experience
13 is claimed by the applicant. Upon request, the applicant
14 shall make available to the board for examination a
15 sample of appraisal reports which the applicant has
16 prepared in the course of his or her appraisal practice.

§37-14-30. Education requirement.

1 (a) *Residential classification.*—As a prerequisite to
2 taking the examination for certification as a state
3 certified residential real estate appraiser, an applicant
4 shall present evidence satisfactory to the board that he
5 or she is the holder of a valid real estate appraiser
6 license under this act, and either:

7 (1) Has a college degree; or

8 (2) Has successfully completed not less than seventy-
9 five classroom hours in courses of study approved by the
10 board. To meet the seventy-five classroom hour require-
11 ment, an applicant must successfully complete not less
12 than sixty classroom hours in courses of study approved
13 by the board which relate to real estate appraisal theory
14 and practice, plus fifteen classroom hours in courses of
15 study approved by the board which relate specifically
16 to the standards of professional appraisal practice, to the
17 ethical rules to be observed by a real estate appraiser,
18 and to the provisions of this act. The courses of study
19 referred to above must be conducted by (1) an accredited
20 university, college or junior college, (2) an approved
21 appraisal society, institute or association, or (3) such
22 other school as may be approved by the board.

23 (b) *General classification.*—As a prerequisite to
24 taking the examination for certification as a state
25 certified general real estate appraiser, an applicant
26 shall present evidence satisfactory to the board that he
27 or she is the holder of a valid real estate appraiser
28 license under this act, and either:

29 (1) Has a college degree; or

30 (2) Has successfully completed not less than one
 31 hundred sixty-five classroom hours in courses of study
 32 approved by the board. To meet the one hundred sixty-
 33 five classroom hour requirement, an applicant must
 34 successfully complete not less than one hundred fifty
 35 classroom hours in courses of study approved by the
 36 board which relate to real estate appraisal theory and
 37 practice, plus fifteen classroom hours in courses of study
 38 approved by the board which relate specifically to the
 39 standards of professional appraisal practice, to the
 40 ethical rules to be observed by a real estate appraiser,
 41 and to the provisions of this act. The courses of study
 42 referred to above must be conducted by (1) an accredited
 43 university, college or junior college, (2) an approved
 44 appraisal society, institute or association, or (3) such
 45 other school as may be approved by the board.

§37-14-31. Examination required.

1 An original certification as a state certified real estate
 2 appraiser shall not be issued to any person who has not
 3 demonstrated through a written examination process
 4 that he or she possesses the following:

5 (a) Appropriate knowledge of technical terms com-
 6 monly used in or related to real estate appraising,
 7 appraisal report writing, and economic concepts appli-
 8 cable to real estate;

9 (b) An understanding of the basic principles of land
 10 economics, the basic principles of the real estate
 11 appraisal process, and the problems likely to be
 12 encountered in gathering, interpreting, and processing
 13 the data that is required in the real estate appraisal
 14 process;

15 (c) An understanding of the standards for the devel-
 16 opment and communication of real estate appraisals as
 17 provided in this act;

18 (d) An understanding of the ethical rules that a real
 19 estate appraiser is required to observe;

20 (e) Knowledge of theories of depreciation, cost esti-
 21 mating, methods of capitalization, and the mathematics
 22 of real estate appraisal that are appropriate for the

23 classification of certification applied for;

24 (f) Knowledge of such other principles and procedures
25 as may be appropriate for the classification of certifi-
26 cation applied for;

27 (g) An understanding of basic real estate law; and

28 (h) An understanding of the types of misconduct for
29 which disciplinary proceedings may be initiated against
30 a state certified real estate appraiser, as set forth in this
31 act.

§37-14-32. Term of certification.

1 The initial certification issued pursuant to this article
2 shall expire upon the expiration date of the license held
3 by the certificate holder. Thereafter, a certification
4 issued pursuant to this article shall expire four years
5 from the date of issuance or upon the date that the state
6 certified appraiser no longer holds a valid license as a
7 real estate appraiser in this state, whichever first
8 occurs. The scheduled expiration date of the certificate
9 shall appear on the certificate and no other notice of its
10 expiration need be given to its holder.

§37-14-33. Renewal of certification.

1 To obtain a renewal of certification as a state certified
2 real estate appraiser under this act, the holder of a
3 current, valid certification shall make application and
4 pay the prescribed fee to the board no earlier than one
5 hundred twenty days nor later than thirty days prior to
6 the expiration date of the certification then held. Each
7 application for renewal shall be accompanied by
8 evidence in the form prescribed by the board of having
9 completed the continuing education requirements for
10 renewal specified in this act.

11 If the board determines that an applicant for renewal
12 has failed to meet the requirements for renewal of
13 certification through mistake, misunderstanding, or
14 circumstances beyond the control of the applicant, the
15 board may extend the term of the applicant's certifica-
16 tion for a period not to exceed six months upon payment
17 by the applicant of a prescribed fee for the extension.

18 If the applicant for renewal of certification satisfies the
 19 requirements for renewal during the extension period,
 20 the beginning date of his or her renewal certificate shall
 21 be the day following the expiration of the certificate
 22 previously held by the applicant.

23 If a state certified real estate appraiser under this act
 24 fails to renew his or her certification prior to its
 25 expiration or within any period of extension granted by
 26 the board pursuant to this act, such person may obtain
 27 a renewal of his or her certification by satisfying all of
 28 the requirements for renewal and filing an application
 29 for renewal, accompanied by a late renewal fee, within
 30 two years of the date that his or her certification
 31 expired.

§37-14-34. Basis for denial.

1 The board may deny the issuance of a certificate as
 2 a state certified real estate appraiser to an applicant on
 3 any ground enumerated in this article. Any applicant
 4 whose application for certification is denied may
 5 demand and shall be afforded a hearing pursuant to
 6 section seven of this article.

§37-14-35. Use of term "state certified real estate appraiser."

1 The term "state certified real estate appraiser" may
 2 be used to refer only to an individual who is a state
 3 certified real estate appraiser under this act and may
 4 not be used following, or immediately in connection
 5 with, the name or signature of a firm, partnership,
 6 corporation, group, or in such manner that it might be
 7 interpreted as referring to a firm, partnership, corpo-
 8 ration or group or to anyone other than the individual
 9 who is certified under this act. This requirement shall
 10 not be construed to prevent a state certified real estate
 11 appraiser from signing an appraisal report on behalf of
 12 a corporation, partnership, firm or group practice if it
 13 is clear that only the individual is certified and that the
 14 corporation, partnership, firm or group practice is not.
 15 No certificate shall be issued under the provisions of this
 16 act to a corporation, partnership, firm or group.

§37-14-36. Continuing education requirement.

1 As a prerequisite to renewal of certification, a state
2 certified real estate appraiser shall present evidence
3 satisfactory to the board of having met the continuing
4 education requirements of this section.

5 The basic continuing education requirement for
6 renewal of certification shall be the completion by the
7 applicant, during the immediately preceding term of
8 certification, of not less than ten classroom hours of
9 instruction per year in courses or seminars which have
10 received the approval of the board.

11 In lieu of meeting the requirements set forth above,
12 an applicant for recertification may satisfy all or part
13 of the requirements by presenting evidence of the
14 following:

15 (a) Completion of an educational program of study
16 determined by the board to be equivalent, for continuing
17 education purposes, to courses or seminars approved by
18 the board; or

19 (b) Participation other than as a student in educa-
20 tional processes and programs approved by the board
21 which relate to real property appraisal theory, practices
22 or techniques, including, but not necessarily limited to,
23 teaching, program development and preparation of
24 textbooks, monographs, articles and other instructional
25 materials.

26 The board shall develop rules for the implementation
27 of the provisions of this section to the end of assuring
28 that an individual who renews his or her certification
29 as a state certified real estate appraiser under this act
30 has a working knowledge of current real estate apprai-
31 sal theories, practices and techniques that will enable
32 such individual to provide competent real estate
33 appraisal services to the members of the public with
34 whom such individual deals in a professional relation-
35 ship under the authority of his or her certification. All
36 rules shall be promulgated pursuant to the provisions of
37 chapter twenty-nine-a of this code and shall prescribe
38 the following:

39 (1) Policies and procedures to be followed in approval
40 of courses of instruction and seminars;

41 (2) Standards, policies and procedures to be used in
42 evaluating an applicant's claim of equivalency;

43 (3) Standards, monitoring methods, and systems for
44 recording attendance to be employed by course and
45 seminar sponsors as a prerequisite to approval of
46 courses and seminars for credit.

47 In developing and proposing rules pursuant to this
48 section, the board shall give consideration to courses of
49 instruction, seminars, and other appraisal education
50 programs developed by or under the auspices of
51 organizations or associations of professional real estate
52 appraisers which are utilized by such organizations or
53 associations for the purpose of awarding real estate
54 appraisal designations or indicating compliance with
55 the continuing education requirements of such organi-
56 zations or associations.

57 No amendment or repeal of a rule adopted by the
58 board pursuant to this section shall operate to deprive
59 a state certified real estate appraiser of credit toward
60 renewal of his or her certification for any course of
61 instruction or seminar that has been completed by such
62 state certified real estate appraiser prior to the adoption
63 of the rule.

64 On or after the first day of January, one thousand nine
65 hundred ninety-one, a certification as a state certified
66 real estate appraiser that has been revoked or suspended
67 as the result of a disciplinary action taken by the board
68 shall not be reinstated unless the applicant for reinstate-
69 ment presents evidence that he or she has completed the
70 continuing education requirement that is provided in
71 this act for the renewal of certification. This continuing
72 education requirement shall not be imposed upon an
73 applicant for reinstatement who has been required by
74 the board to successfully complete the examination for
75 state certified real estate appraiser required by section
76 thirty-one of this article as a condition for reinstatement
77 of certification.

§37-14-37. Prohibited acts and omissions—State certified real estate appraisers.

1 An application for certification or recertification may
2 be denied, and the rights of any state certified real
3 estate appraiser may be revoked or suspended, or the
4 holder of the certificate may be otherwise disciplined in
5 accordance with the provisions of this act, for any of the
6 following acts or omissions:

7 (a) Failing to meet the minimum qualifications for
8 state certification established by or pursuant to this
9 article;

10 (b) Procuring or attempting to procure state certifi-
11 cation pursuant to this article by knowingly making a
12 false statement, submitting false information, or making
13 a material misrepresentation in an application filed
14 with the board or procuring or attempting to procure
15 state certification through any form of fraud or
16 misrepresentation;

17 (c) Paying money other than the fees provided for in
18 this article to any member or employee of the board to
19 procure state certification under this act;

20 (d) Violation of section twenty-three of this act, or any
21 rule promulgated thereunder;

22 (e) Failure or refusal without good cause to exercise
23 reasonable diligence in developing an appraisal, prepar-
24 ing an appraisal report or communicating an appraisal;
25 and

26 (f) Negligence or incompetence in developing an
27 appraisal, preparing an appraisal report, or communi-
28 cating an appraisal.

§37-14-38. Disciplinary proceedings.

1 The board may investigate the actions of a state
2 certified real estate appraiser or an applicant for
3 certification or recertification and may, upon com-
4 pliance with the procedural requirements set forth in
5 section seven of this article, revoke or suspend both the
6 license and the certificate or otherwise discipline a state
7 certified real estate appraiser, or deny an application,

8 for any of the acts or omissions set forth in section
9 thirty-seven herein.

10 If an investigation indicates that a state certified real
11 estate appraiser under this act has violated section
12 thirty-seven of this article, a formal complaint shall be
13 prepared by the board staff and served upon such state
14 certified real estate appraiser. This complaint shall
15 require the accused party to file an answer to the
16 complaint within twenty days of the date of service.

17 In responding to a complaint filed by the staff of the
18 board, the accused party may admit the allegations of
19 the complaint, deny the allegations of the complaint or
20 otherwise plead. Failure to make a timely response shall
21 be deemed an admission of the allegations of the
22 complaint. Upon receipt of an answer to the complaint,
23 the board shall refer the file to the chairperson of the
24 board. Upon receipt of such file, the chairperson of the
25 board shall set a date, time and place for a hearing on
26 the complaint. The date of the hearing shall not be less
27 than thirty nor more than ninety days from the date that
28 the file is received, unless such date is extended by the
29 board for good cause shown.

§37-14-39. Hearing and judicial review.

1 The hearing on the allegations in the complaint shall
2 be at the time and place prescribed by the board and
3 in the manner set forth in section seven of this article.
4 If, at the conclusion of the hearing, the board determines
5 that a state certified real estate appraiser is guilty of
6 a violation of any of the provisions of this article, it shall
7 prepare a formal decision that shall contain findings of
8 fact and a recommendation concerning the appropriate
9 disciplinary action to be taken.

10 Upon receipt of a decision containing findings of fact
11 and a recommendation, the board shall carefully review
12 the decision, the findings of fact and the recommenda-
13 tion made and take such disciplinary action as the board
14 deems appropriate. Disciplinary actions include suspen-
15 sion and revocation of certification, suspension and
16 revocation of license and formal reprimand.

17 Any party to a hearing before the board affected by
18 any order of the board made and entered after a hearing
19 as provided in this chapter shall be entitled to judicial
20 review as provided in section eight of this article.

§37-14-40. Licensing and certification fees.

1 The board shall charge and collect appropriate fees
2 annually for its services under this article. The fees
3 charged by the board shall not exceed the amounts
4 indicated below:

- 5 (1) A license application fee of fifty dollars;
- 6 (2) A license examination fee of twenty-five dollars;
- 7 (3) A license renewal fee of fifty dollars;
- 8 (4) A delinquent license renewal fee of seventy
9 dollars;
- 10 (5) A temporary license fee of thirty dollars;
- 11 (6) A certification application fee of two hundred fifty
12 dollars;
- 13 (7) A certification examination fee of one hundred
14 dollars;
- 15 (8) A certification renewal fee of one hundred dollars;
- 16 (9) A delinquent certification renewal fee of two
17 hundred dollars;
- 18 (10) The board is also required to collect from
19 individuals who perform or seek to perform appraisal
20 transactions where required by federal law an annual
21 registry fee in an amount to be set by regulation in order
22 to enable the board to transfer the necessary fees to the
23 appraisal subcommittee of the Federal Financial
24 Institution Examination Council.

25 All fees and revenues collected by the board pursuant
26 to this act shall be deposited in a special fund that shall
27 be used solely for the purpose of paying the expenses
28 incurred in connection with the administration of this
29 article.

§37-14-41. Licenses, certificates and related records.

1 The board shall issue to each licensee a document
2 stating that such licensee has been licensed under this
3 article and specifying the expiration date.

4 The board shall issue to each state certified real estate
5 appraiser under this article a certificate evidencing
6 such certification and specifying the expiration date. A
7 certificate issued under authority of this act shall bear
8 a certificate number assigned by the board. When
9 signing a certified appraisal report, a state certified real
10 estate appraiser shall place his or her certificate
11 number adjacent to or immediately below his or her title
12 of "State certified residential real estate appraiser" or
13 "State certified general real estate appraiser." Such
14 certificate number shall also be used in all statements
15 of qualification, contracts or other instruments, includ-
16 ing advertising media used by the certificate holder,
17 when reference is made to his or her status as a state
18 certified real estate appraiser.

19 License documents and certificates shall remain the
20 property of the state, and, upon any suspension or
21 revocation of a license or certification pursuant to this
22 act, the individual holding the related license document
23 and certificate shall immediately return such license
24 document and certificate to the board.

25 The board shall maintain and keep open for public
26 inspection during office hours a complete and properly
27 indexed record of all applications for license or certifi-
28 cation received, licenses and certificates issued, licenses
29 and certificates renewed, and licenses and certificates
30 revoked, canceled or suspended under the provisions of
31 this act. A copy of any such record shall be made
32 available to the public, upon application to the board,
33 at such reasonable price per copy as may be fixed by
34 the board.

§37-14-42. Roster of licensed appraisers and certified appraisers.

1 The board shall publish annually a roster of all
2 licensed and certified appraisers and transmit the roster
3 annually to the applicable federal regulator. A copy of
4 such roster shall be made available to the public, upon

5 application to the board, at such reasonable price per
6 copy as may be fixed by the board.

§37-14-43. Certificate of good standing.

1 The board may, upon payment of a fee in an amount
2 specified by rule, issue a certificate of good standing to
3 any licensed real estate appraiser or any certified real
4 estate appraiser who is in good standing in this state.

§37-14-44. Licensure and certification of nonresidents.

1 (a) *Consent to service of process.*—Each applicant for
2 licensure and each applicant for certification who is not
3 a resident of this state shall submit, with his or her
4 application, an irrevocable consent that service of
5 process upon him or her may be made by delivery of
6 the process to the secretary of state if, in an action
7 against the applicant in a court of this state arising out
8 of the applicant's activities as a real estate appraiser in
9 this state, the plaintiff cannot, in the exercise of due
10 diligence, effect personal service upon the applicant.

11 (b) *Nonresident license.*—A nonresident of this state
12 who has complied with the provisions of subsection (a)
13 of this section may obtain a license as a real estate
14 appraiser in this state by complying with all of the
15 provisions of this article relating to the licensing of real
16 estate appraisers.

17 (c) *Temporary License.*—A nonresident of this state
18 who has complied with the provisions of subsection (a)
19 of this section may obtain a temporary license to
20 perform a contract relating to the appraisal of real
21 estate or real property in this state. To qualify for the
22 issuance of a temporary license, an applicant shall:

23 (1) Submit an application on a form approved by the
24 board;

25 (2) Submit evidence that he or she is licensed or
26 otherwise authorized to appraise real estate and real
27 property in his or her state of domicile;

28 (3) Submit a copy of the contract for appraisal
29 services that requires the applicant to appraise real
30 estate or real property in this state and certify that such

31 contract is in full force and effect;

32 (4) Certify that disciplinary proceedings are not
33 pending against the applicant in the applicant's state of
34 domicile; and

35 (5) Pay the temporary license fee set forth in section
36 forty of this article.

37 No more than three temporary licenses shall be
38 granted to an individual in any three-year period.

39 A temporary license issued under this section shall be
40 expressly limited to a grant of authority to perform the
41 appraisal work required by the contract for appraisal
42 services that is submitted with the application for a
43 temporary license. Each temporary license shall expire
44 upon the completion of the appraisal work required by
45 the contract for appraisal services or upon the expira-
46 tion of a period six months from the date of issuance,
47 whichever shall first occur. A temporary license may
48 not be renewed.

49 (d) *License by reciprocity.*—If, in the determination of
50 the board, another state or territory or the District of
51 Columbia is deemed to have substantially equivalent
52 license laws for real estate appraisers, an applicant for
53 license in this state who is licensed under the law of such
54 other state, territory or district may obtain a license as
55 a real estate appraiser in this state upon such terms and
56 conditions as may be determined by the board: *Provided,*
57 That the laws of such state, territory or district accord
58 substantially equal reciprocal rights to a licensed real
59 estate appraiser in good standing in this state: *Provided,*
60 *however,* That disciplinary proceedings are not pending
61 against such applicant in his or her state of license.

62 (e) *Nonresident certification.*—A nonresident of this
63 state may be certified as a state certified real estate
64 appraiser under this act by complying with all of the
65 provisions of this article relating to state certified real
66 estate appraisers.

67 (f) *Nonresident certification by reciprocity.*—If, in the
68 determination of the board, another state, territory or
69 the District of Columbia is deemed to have substantially

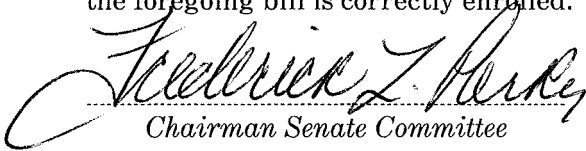
70 equivalent certification requirements, an applicant who
71 is certified under the laws of such other state, territory
72 or district may be certified as a state certified real
73 estate appraiser upon such terms and conditions as may
74 be determined by the board.


75 If the appraiser's business is of a temporary nature,
76 and if the property to be appraised is part of a federally
77 related transaction, and if the appraiser is registered
78 with the appraiser licensing or certifying agency of
79 another state, the board shall recognize the license or
80 certification of such appraiser.

§37-14-45. Attorney general opinions and duties.

1 At the request of the board, the state attorney general
2 shall render to the board an opinion with respect to all
3 questions of law arising in connection with the admin-
4 istration of this article and shall act as attorney for the
5 board in all actions and proceedings brought by or
6 against the board under, or pursuant to, any of the
7 provisions of this act. All fees and expenses of the
8 attorney general arising out of such duties shall be paid
9 out of the special fund created under this act to pay the
10 expenses of the administration of this act.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

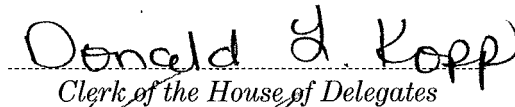

Chairman Senate Committee

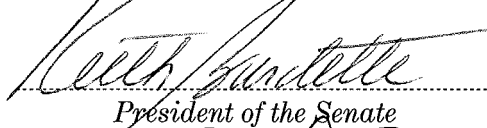

Chairman House Committee

Originating in the House.

Takes effect from passage.

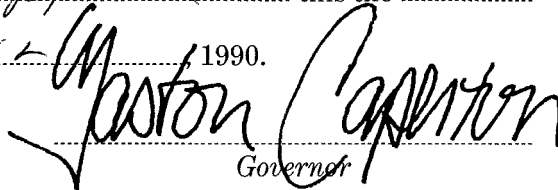

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 3/8th
day of March 1990.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/28/90

Time 2:10 PM