

<b>Chapter 36</b>	<b>STATE BOARD OF APPRAISAL</b>
<b>Article 1</b>	<b>General Provisions</b>
32-3601	Definitions
32-3602	Applicability of chapter
32-3603	Registration, license or certificate use; exception
32-3604	State board of appraisal
32-3605	State board of appraisal; duties
32-3606	Executive director; duties
32-3607	Fees; use of credit cards
32-3608	Board of appraisal fund
32-3609	Confidential records
32-3610	Uniform standards of professional appraisal practice; state standards; exception
<b>Article 2</b>	<b>Licensing and Certification</b>
32-3611	Registration, licensure and certification process
32-3612	Classifications of licensure, registration and certification
32-3613	Application and qualification requirements for issuance of license
32-3614	Application and qualification requirements for certification
32-3614.01	Application for registered trainee appraiser certificates
32-3614.02	Application for supervisory appraiser designation
32-3615	Experience requirement for licensure or certification
32-3616	Terms of license or certificate
32-3617	Nonresident temporary licensure or certification
32-3618	Reciprocity
32-3619	Renewal of license or certificate; fees
32-3620	Basis for denial of a license or certificate
32-3621	Addresses; telephone numbers; notification of change
32-3622	Licenses and certificates
32-3623	Use of term
32-3624	Professional corporations and partnerships
32-3625	Continuing education
32-3626	Scarcity determination; resident temporary licenses and certificates; exemption
32-3627	Inactive license or certificate status; reactivation application; renewal application and fee; continuing education
32-3628	Inactive license or certificate status during military duty; reactivation application; renewal application and fee; continuing education
<b>Article 3</b>	<b>Regulation</b>
32-3631	Disciplinary proceedings
32-3632	Hearing and judicial review
32-3633	Undue influence; classification
32-3634	Prohibition against discrimination
32-3635	Standards of practice
32-3636	Contingent fees
32-3637	Retention of records; definition
32-3638	Violation; classification
32-3639	Damages; injunctive relief
32-3640	Prohibition; indemnification agreement

<b>Article 4</b>	<b>Property Tax Agents</b>
32-3651	Definitions
32-3652	Registration; renewal; fees
32-3653	Property tax agent conduct
32-3654	Disciplinary actions
32-3655	Rules
32-3656	Confidential records
<b>Article 5</b>	<b>Appraisal Management Companies</b>
32-3661	Definitions
32-3662	Registration
32-3663	Exemptions
32-3664	Registration forms
32-3665	Expiration of registration
32-3666	Consent to service of process
32-3667	Fee; bond
32-3668	Owner requirements
32-3669	Controlling person
32-3670	Employee requirements
32-3671	Agreements with independent appraisers; limitations
32-3672	Annual certifications
32-3673	Disclosure of fees
32-3674	Appraiser independence; prohibitions
32-3675	Payment
32-3676	Appraisal reports; alteration; use
32-3677	Adjudication of disputes
32-3678	Enforcement
32-3679	Disciplinary hearings
32-3680	Rule making authority

**32-3601. Definitions**

In this chapter, unless the context otherwise requires:

1. "Appraisal" or "real estate appraisal" means a statement that is independently and impartially prepared by an individual setting forth an opinion as to the market value of real property as of a specific date and supported by the presentation and analysis of relevant market information.
2. "Appraisal assignment" means an engagement for which a real estate appraiser is employed or retained to act, or would be perceived by third parties or the public in acting, as a disinterested third party in rendering an unbiased analysis, opinion or conclusion relating to the nature, quality, value or utility of specified interests in or aspects of identified real estate.
3. "Appraisal foundation" means the appraisal foundation incorporated as an Illinois not-for-profit corporation on November 30, 1987.
4. "Appraisal report" means any communication, written or oral, of an appraisal.
5. "Appraisal review" means the act of reviewing or the report that follows a review of an appraisal assignment or appraisal report in which a real estate appraiser forms an opinion as to the adequacy and appropriateness of the report being reviewed.

6. "Appraisal standards board" means the appraisal standards board appointed by the board of trustees of the appraisal foundation to develop, interpret and amend the uniform standards of professional appraisal practice.
7. "Appraisal subcommittee" means the subcommittee of the federal financial institutions examination council created pursuant to 12 United States Code section 3310 and chapter 34A, as amended.
8. "Appraiser qualifications board" means the appraiser qualifications board that is appointed by the board of trustees of the appraisal foundation to establish the minimum education, experience and examination requirements for real estate appraisers.
9. "Board" means the state board of appraisal.
10. "Complex one to four residential units" means property that is atypical for the marketplace. Atypical factors may include architectural style, age of improvements, size of improvements, size of lot, neighborhood land use, potential environmental hazard liability, leasehold interests, limited readily available comparable sales data or other unusual factors.
11. "Course approval" means the act of the board reviewing course materials to form an opinion as to the adequacy and appropriateness of the course for licensing pursuant to section 32-3613, certification pursuant to section 32-3614 and continuing education as prescribed in section 32-3625 in accordance with the appraiser qualifications board and this chapter.
12. "Federal financial institutions examination council" means that agency of the federal government created pursuant to 12 United States Code chapters 34 and 34A, as amended.
13. "Federally related transaction" means any real estate related financial transaction that a federal financial institution's regulatory agency or the resolution trust corporation engages in, contracts for or regulates and that requires an appraisal.
14. "Property tax agent" means an individual who is designated by a person or is an employee of an entity designated as an agent pursuant to section 42-16001, who acts on behalf of a person who owns, controls or possesses property valued by a county assessor and who receives a fee for the analysis of any matter relating to the review of the valuation of the person's property before the assessor. Property tax agent does not include a person who is admitted to practice law in this state, an employee of the person owning, controlling or possessing the property or an employee of an entity designated pursuant to section 42-16001, if the employee is performing a secretarial, clerical or administrative support function.
15. "Real estate" means an identified parcel or tract of land, including improvements, if any.
16. "Real estate related financial transaction" means any transaction involving the sale of, lease of, purchase of, investment in or exchange of real property, including interests in property or the financing of property, the refinancing of real property or interests in real property and the use of real property or interests in property as security for a loan or investment including mortgage-backed securities.
17. "Real property" means one or more defined interests, benefits and rights inherent in the ownership of real estate.
18. "Registered trainee appraiser" means a person who meets both of the following requirements:

(a) Is registered with the board and meets the appraiser qualifications board's qualifications for trainee appraisers to perform appraisal services only under the direct supervision of a certified appraiser who has met the minimum criteria to be a supervisory appraiser.

(b) Accepts assignments only from the registered trainee appraiser's supervisory appraiser.

19. "Review appraiser" means a person who engages in the activity of reviewing and evaluating the appraisal work of others from the perspective of an appraiser, generally for compensation as a separate skill. This includes the function of reviewing an appraisal report or a file memorandum setting forth the results of the review process.

20. "Standards of professional appraisal practice" means the uniform standards of professional appraisal practice adopted by the board.

21. "State licensed or state certified appraiser" means a person who develops and communicates appraisals and who holds a current, valid license or certificate issued under this chapter.

22. "Supervisory appraiser" means a state certified appraiser who has a supervisory appraiser designation and who:

(a) Has been in good standing for the last three years in the jurisdiction in which the registered trainee appraiser practices.

(b) Has not been disciplined in a manner that affects the supervisory appraiser's eligibility to engage in appraisal practice in any jurisdiction in the last three years.

(c) Directly supervises registered trainee appraisers by doing the following:

(i) Accepting responsibility for an appraisal by signing and certifying that the appraisal complies with the uniform standards of professional appraisal practice.

(ii) Reviewing and signing all registered trainee appraiser reports.

(iii) Personally inspecting each appraised property with the registered trainee appraiser.

23. "Value" means the monetary relationship between properties and those who buy, sell or use those properties.

### 32-3602. Applicability of chapter

This chapter does not apply to:

1. A real estate broker or salesperson who is licensed in this state and who, when acting as such, gives an opinion as to the price of real estate if this opinion is not referred to as an appraisal.

2. A natural person, a corporation through its officers or a partnership through its partners that gives an opinion of value of that person's or its own property and does not receive special compensation for the transaction if this opinion is not referred to as an appraisal.

3. An attorney in the performance of that person's duties as an attorney.

4. A mortgage banker, mortgage broker or commercial mortgage banker who is licensed in this state and who, when acting as such, prepares a report analyzing real property if the report is not made for the primary purpose of establishing the sale or market value of the property.

5. An individual who is otherwise subject to licensing or certification by law and whose duties require appraisal of real property for purposes of tax assessment.

6. An engineer or architect registered in this state or a contractor or insurance producer licensed in this state who, when acting as such, prepares a report

analyzing real property if the report utilizes the specialized knowledge of the registered engineer or architect or the licensed contractor or insurance producer.

7. A property tax agent who is registered in this state and who, when acting as such, prepares a report analyzing real estate if the report is made for purposes of tax assessment or tax valuation of the real estate.

8. An individual appraising real property only for the purpose of providing an opinion in a judicial proceeding or an individual providing an opinion in a judicial proceeding. An individual providing an opinion under the exemption of this paragraph shall not represent or imply in any report or testimony that the individual testifying is licensed or certified under this chapter.

9. A person who produces a statement that is provided to any other person concerning the estimated value of real property through an internet website, automated valuation or other software program or other means of comparative market analysis and who discloses that the estimate is not an appraisal.

#### 32-3603. Registration, license or certificate use; exception

A. All real estate appraisals and appraisal reviews performed on real property in this state shall be performed only by individuals who are registered, licensed or certified in accordance with the requirements of this chapter. No person, other than a registered trainee appraiser or a state licensed or state certified appraiser, may assume or use that title or any title, designation or abbreviation likely to create the impression of registration as a trainee appraiser or licensure or certification as an appraiser by this state.

B. No person other than a state licensed or state certified appraiser may receive a fee for a real estate appraisal or an appraisal review of real property in this state. This subsection does not prohibit a supervisory appraiser from remitting compensation to a registered trainee appraiser during the course of training.

#### 32-3604. State board of appraisal

A. A state board of appraisal is established and is composed of nine members who are appointed by the governor pursuant to section 38-211.

B. The membership of the board consists of:

1. Four members who are state certified or state licensed appraisers under this chapter, one of whom is a state certified general appraiser, one of whom is a state certified residential appraiser and two of whom are either state certified or state licensed appraisers. Membership in a professional appraisal organization or association is not a prerequisite to service on the board.

2. Three public members who are not related within the third degree of consanguinity or affinity to any real estate appraiser.

3. A registered property tax agent.

4. One member who is not a certified or licensed appraiser, who is employed by a lending institution that purchases or makes use of either commercial or residential appraisals and whose position of employment relates to the use of appraisals by that institution.

C. Members shall serve for staggered terms of three years.

D. Not more than two persons from the same professional appraisal organization or association may serve on the board concurrently. The governor may remove a member for cause. No person may serve as a member of the board for more than two consecutive terms unless both of the following apply:

1. The person is appointed to serve the remainder of some other board member's term of office after that board member's seat is declared vacant.

2. The person's service for the remainder of the vacated term does not exceed eighteen months.

E. The public members of the board shall not be engaged in the practice of appraising or be the owner or employee of any proprietary business involving appraisal education or testing of appraisers.

F. The board shall meet at least once each calendar quarter to conduct business. Places of future meetings shall be decided by the vote of members at meetings. By order of the chairman and if necessary to meet the requirements of this chapter, the board may hold special meetings or emergency meetings including meetings using conference telephone or other similar communications equipment in such a manner that the voices of all members participating in the meeting are simultaneously audible to all other members participating in the meeting.

G. The board shall meet to elect a chairman annually from among its members.

H. A majority of the members constitutes a quorum.

I. Each member of the board is eligible to receive compensation not to exceed one hundred fifty dollars for each day or seventy-five dollars for each part of a day consisting of less than four hours actually spent in the conduct of the business of the board, plus reimbursement for all expenses pursuant to title 38, chapter 4, article 2.

J. The auditor general shall conduct a performance audit or a special audit of the board pursuant to section 41-1279.03 on or before December 31, 2004 and at least once every ten years thereafter. The auditor general shall also conduct performance audits or special audits of the board when directed to do so by the joint legislative audit committee.

### 32-3605. State board of appraisal; duties

A. The board shall adopt rules in aid or in furtherance of this chapter.

B. The state board of appraisal shall:

1. In prescribing standards of professional appraisal practice, adopt standards that at a minimum are equal to the standards prescribed by the appraisal standards board.

2. In prescribing criteria for certification, adopt criteria that at a minimum are equal to the minimum criteria for certification adopted by the appraiser qualifications board.

3. In prescribing criteria for licensing and registration, adopt criteria that at a minimum are equal to the minimum criteria for licensing and registration adopted by the appraiser qualifications board.

4. Further define by rule with respect to state licensed or state certified appraisers appropriate and reasonable educational experience, appraisal experience and equivalent experience that meets the statutory requirement of this chapter.

5. Adopt the national examination as approved by the appraiser qualifications board for state certified appraisers.

6. Adopt the national examination as approved by the appraiser qualifications board for state licensed appraisers.

7. Establish administrative procedures for approving or disapproving applications for registration, licensure and certification and issuing licenses and certificates, including registration certificates.

8. Define by rule, with respect to state licensed and certified appraisers, the continuing education requirements for the renewal of licenses or certificates that satisfy the statutory requirements provided in this chapter.

9. Periodically review the requirements for the development and communication of appraisals provided in this chapter and adopt rules explaining and interpreting the requirements.

10. Define and explain by rule each stage and step associated with the administrative procedures for the disciplinary process pursuant to this chapter, including:

(a) Prescribing minimum criteria for accepting a complaint against a registered trainee appraiser or a licensed or certified appraiser.

(b) Defining the process and procedures used in investigating the allegations of the complaint.

(c) Defining the process and procedures used in hearings on the complaint, including a description of the rights of the board and any person who is alleged to have committed the violation.

(d) Establishing criteria to be used in determining the appropriate actions for violations.

11. Communicate information that is useful to the public and appraisers relating to actions for violations.

12. Censure, suspend and revoke licenses and certificates pursuant to the disciplinary proceedings provided for in section 32-3631.

13. At least monthly transmit to the appraisal subcommittee a roster listing individuals who have received a state certificate or license in accordance with this chapter.

14. Report on the disposition of any matter referred by the appraisal subcommittee or any other federal agency or instrumentality or federally recognized entity reporting any action of a state licensed or state certified appraiser that is contrary to this chapter.

15. Make a determination and finding if there exists a scarcity of state certified or state licensed appraisers to perform appraisals in connection with federally related transactions in this state and issue resident temporary licenses and certificates pursuant to section 32-3626.

16. Transmit the national registry fee collected pursuant to section 32-3607 to the appraisal subcommittee.

17. Establish the fees in accordance with the limits established in section 32-3607.

18. Perform such other functions and duties as may be necessary to carry out this chapter.

C. Subject to title 41, chapter 4, article 4, the board may employ an executive director and other personnel and designate their duties. The executive director shall serve at the pleasure of the board.

D. The executive director shall not change or amend actions of the board.

E. The board may accept and spend federal monies and grants, gifts, contributions and devises from any public or private source to assist in carrying out the purposes of this chapter. These monies do not revert to the state general fund at the end of the fiscal year.

[32-3606. Executive director: duties](#)

The executive director shall:

1. Receive applications for state licenses and certificates.

2. Establish the administrative procedures for processing applications for state licenses and certificates.

3. Maintain a registry of the names and addresses of people who are registered, licensed or certified under this chapter.
4. Retain records and all application materials submitted to the board.
5. Assist the board in such other matters as the board may require.
6. Publish on the board's website a current list of supervisory appraisers and registered trainee appraisers.

**32-3607. Fees; use of credit cards**

A. The board shall charge and collect fees that are sufficient to fund the activities necessary to carry out this chapter. These include:

1. An application fee for licensure or certification of not more than four hundred dollars.
2. An application fee for a resident temporary license or certificate of not more than four hundred dollars.
3. An examination fee in an amount to be determined by the board.
4. A fee for renewal of a license, certificate or resident temporary license or certificate of not more than four hundred twenty-five dollars.
5. A delinquent renewal fee in addition to the renewal fee of not more than twenty-five dollars.
6. A two-year national registry fee of not to exceed the actual cost of twice the current annual national registry fee.
7. A nonresident temporary licensure or certification fee of not more than one hundred fifty dollars.
8. A course approval fee of not more than five hundred dollars.
9. An application fee to be a registered trainee appraiser in an amount to be determined by the board.

B. If the appraisal subcommittee raises the national registry fee during the second year of a biennial license or certificate, state licensed and state certified appraisers shall pay the additional national registry fee on demand by the board. Failure to pay the additional fee within thirty days of notice by the board subjects the license or certificate holder to a penalty of twice the amount owed but not to exceed twenty dollars. The board shall not renew a license or certificate until all outstanding obligations of the license or certificate holder are paid.

C. Pursuant to section 35-142, subsection I, the board may accept a credit card or debit card for the payment of fees established by this section. The board may impose a convenience fee for payment made pursuant to this subsection in an amount to be determined by the board.

**32-3608. Board of appraisal fund**

A. A board of appraisal fund is established. Except as provided in subsection C of this section, pursuant to sections 35-146 and 35-147, the board shall deposit ten per cent of the monies in the state general fund and deposit the remaining ninety per cent in the board of appraisal fund.

B. Except as provided in subsection C of this section, all monies deposited in the board of appraisal fund are subject to section 35-143.01.

C. The national registry fee collected pursuant to section 32-3607, subsection A, paragraph 6 shall be deposited in the board of appraisal fund pending transmittal to the appraisal subcommittee. These monies are not subject to section 35-143.01.

**32-3609. Confidential records**

Except as otherwise provided by law, the following records are confidential:

1. Questions contained in any examination administered by or for the board or in any examination submitted to the board for course approval.
2. Questions asked and the answers of individual examinees, except that the board shall provide the grades of each examinee for public inspection and copying.
3. Appraisal reports or appraisal reviews and supporting documentation deemed confidential under the uniform standards of professional appraisal practice edition adopted by the board.
4. All documents associated with a complaint until the complaint is resolved.

32-3610. Uniform standards of professional appraisal practice; state standards; exception

The uniform standards of professional appraisal practice as published by the appraisal standards board are the standards for the appraisal practice in this state unless the board objects.

32-3611. Registration, licensure and certification process

- A. Applications for original registration, licensure or certification, renewals and examinations shall be made in writing to the executive director on forms approved by the board.
- B. Appropriate fees, as fixed by the board pursuant to section 32-3607, shall accompany all applications for original registration, licensure or certification, renewal and examination.
- C. At the time of filing an application for registration, licensure or certification, each applicant shall sign a pledge to comply with the standards set forth in this chapter and shall state that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated against a registered trainee appraiser or a state licensed or state certified appraiser, as set forth in this chapter.
- D. Except as otherwise provided in this chapter, the executive director shall require such other proof and request such documents, through the application or otherwise, as the board deems necessary for the interests of the public and to verify the honesty, truthfulness, reputation and competency of the applicant and shall require that the applicant for registration, licensure or certification:
  1. Be at least eighteen years of age and a citizen of the United States or a qualified alien as defined in 8 United States Code section 1641.
  2. Not have had a license or certificate denied pursuant to this chapter within one year immediately preceding the application.
  3. Not have had a license or certificate revoked pursuant to this chapter within two years immediately preceding the application.
  4. State whether or not the applicant has ever been convicted in a court of competent jurisdiction in this or any other state of a felony or of forgery, theft, extortion or conspiracy to defraud or any other crime involving dishonesty or moral turpitude.
- E. Applications for registration, licensure or certification by persons who are charged or under indictment for fraud involving appraisal of real property may be denied pending final disposition of the charge or indictment. On final disposition, the board shall review the proceedings and act on the application.

32-3612. Classifications of licensure, registration and certification

The following classifications are established:

1. State certified general real estate appraisers consisting of those persons meeting the requirements for certification relating to the appraisal or appraisal review of all types of real property.

2. State certified residential real estate appraisers consisting of those persons meeting the requirements for certification relating to the appraisal or appraisal review of one to four residential units without regard to value or complexity. The classification includes the appraisal for federally and nonfederally related transactions of vacant or unimproved land that is used for one to four family purposes or for which the highest and best use is for one to four family purposes. This classification does not include the appraisal of a subdivision for which a development analysis or appraisal is necessary.

3. State licensed real estate appraisers consisting of those persons meeting the requirements for licensing relating to appraisal or appraisal review of noncomplex one to four residential units having a value of less than one million dollars and complex one to four residential units having a value of less than two hundred fifty thousand dollars. The classification includes the appraisal for nonfederally related transactions of vacant or unimproved land that is used for one to four family purposes or for which the highest and best use is for one to four family purposes. This classification does not include the appraisal of subdivisions for which a development analysis or appraisal is necessary.

4. Registered trainee appraisers who may not appraise any property type without being subject to the direct control and supervision of the registered trainee appraiser's designated supervisory appraiser.

5. Supervisory appraisers.

#### 32-3613. Application and qualification requirements for issuance of license

A. An application for licensing and examination shall be made on forms as prescribed by the board and accompanied by the required fees.

B. Those persons filing for licensing shall meet the minimum criteria for licensing established by the board under section 32-3605, subsection B, paragraph 3.

C. No person may be a state licensed appraiser unless the person has achieved a passing grade on the national examination approved by the appraiser qualifications board.

#### 32-3614. Application and qualification requirements for certification

A. An application for certification and examination shall be made on forms prescribed by the board and accompanied by the required fees.

B. Those persons filing for certification shall meet the minimum criteria for certification established by the board under section 32-3605, subsection B, paragraph 2 and section 32-3615.

C. No person may be a state certified real estate appraiser unless the person has achieved a passing grade on the national examination approved by the appraiser qualifications board.

D. Persons presenting evidence showing successful completion of the requirements of this section shall be recognized as having met the qualifications as a state certified real estate appraiser.

#### 32-3614.01. Application for registered trainee appraiser certificates

A. An application for a registered trainee appraiser certificate shall be made on a form prescribed by the board and accompanied by the fees prescribed by section 32-3607. An applicant must complete education requirements as outlined by the appraiser qualifications board. The applicant must submit proof that the applicant has successfully passed the required courses that are specifically oriented to the requirements and responsibilities of supervisory appraisers and trainee appraisers

and that comply with the specifications established by the appraiser qualifications board.

B. A criminal background check may be conducted pursuant to section 41-1750. The state board of appraisal may charge the cost of a criminal background check to the applicant.

32-3614.02. Application for supervisory appraiser designation

A. An application for a supervisory appraiser designation shall be made on a form prescribed by the board. The applicant must submit proof of successful completion of a course that is specifically oriented to the requirements and responsibilities of supervisory appraisers and trainee appraisers and that complies with the specifications established by the appraiser qualifications board.

B. A criminal background check may be conducted pursuant to section 41-1750. The state board of appraisal may charge the cost of a criminal background check to the applicant.

32-3615. Experience requirement for licensure or certification

A. Each applicant for licensure or certification shall have experience that was acquired within ten years immediately preceding the filing of the application for licensure or certification.

B. Each applicant for licensure or certification shall furnish under oath a detailed listing of the real estate or other appraisal reports, review reports or filed memoranda for each year for which experience is claimed by the applicant. On request, the applicant shall make available to the board for examination copies of appraisal reports which the applicant has prepared in the course of the applicant's appraisal experience.

32-3616. Terms of license or certificate

A. Except as provided in subsection B of this section, a license or certificate issued under this chapter is valid for two years from the date of issuance. The expiration date of the license or certificate shall appear on the license or certificate.

B. A registration certificate issued for registered trainee appraisers shall be valid for three years from the date of issuance. The expiration date of the registration shall appear on the registration certificate.

32-3617. Nonresident temporary licensure or certification

A. Every applicant for nonresident temporary licensure or certification under this chapter who is not a resident of this state shall submit, with the application for nonresident temporary licensure or certification, an irrevocable consent that service of process on the applicant may be made by delivery of the process to the secretary of state if, in an action against the applicant in a court of this state arising out of the applicant's activities as a nonresident temporary state licensed or state certified appraiser, the plaintiff cannot effect, in the exercise of due diligence, personal service on the applicant.

B. A nonresident of this state who has complied with subsection A of this section may obtain a nonresident temporary license or certificate as a nonresident temporary state licensed or state certified appraiser by conforming to all of the requirements of this chapter relating to state licensed or state certified appraisers.

C. A nonresident of this state who is licensed or certified in another state is entitled to nonresident temporary licensure or certification from the board, which shall be valid until the completion of each appraisal assignment but not for a period of more than one year from the date of issuance, if:

1. The nonresident appraiser's business in this state is of a temporary nature.

2. The nonresident appraiser applies with the board on forms prepared by the board.

3. The nonresident appraiser pays the nonresident temporary licensure or certification fee required by the board.

D. The board shall adopt rules in furtherance of this section to avoid the abuse of the temporary practice rights in this state.

#### 32-3618. Reciprocity

Reciprocity shall be granted to an appraiser if all of the following conditions apply:

1. The appraiser holds a credential from a state that is in compliance with 12 United States Code sections 3310, 3332, 3333, 3335, 3338, 3339, 3341, 3342, 3345, 3346, 3347, 3348, 3350, 3351, 3353, 3354 and 3355.

2. The credential requirements for the state described in paragraph 1 of this section meet or exceed those of this state.

3. The appraiser has completed an application for licensure or certification on a form as prescribed by the board and submitted the fees prescribed pursuant to section 32-3607.

#### 32-3619. Renewal of license or certificate; fees

A. Except as otherwise provided in this section and in section 32-4301, to renew a registration certificate as a registered trainee appraiser or a license or certificate as a state licensed or state certified appraiser, the holder of a current, valid license or certificate shall make an application and pay the prescribed fee to the board not earlier than ninety days nor later than thirty days before the expiration date of the license or certificate then held. With the application for renewal, the registered trainee appraiser or the state licensed or state certified appraiser shall present evidence in the form prescribed by the board of having completed the continuing education requirements for renewal specified in section 32-3625. The renewal application shall be mailed to the last known address of record not more than ninety days nor less than sixty days before the renewal date.

B. The board may accept a renewal application after the expiration date and within ninety days of the date of expiration but shall assess a delinquent renewal fee in addition to the renewal fee.

C. An appraiser or registered trainee appraiser who fails to seek renewal within the time period specified in subsection A or B of this section must reapply for licensure or certification and meet all of the requirements of this chapter.

D. An appraiser or registered trainee appraiser shall not engage in, advertise or purport to engage in real estate appraisal activity in this state after a license or certificate has expired and before the renewal of the expired license or certificate.

E. Notwithstanding section 41-1092.11, a license or certificate expires on its expiration date.

#### 32-3620. Basis for denial of a license or certificate

A. The board may deny the issuance of a license or certificate as a registered trainee appraiser, a supervisory appraiser or a state licensed or state certified appraiser to an applicant who has been convicted of a felony or on any of the grounds prescribed in this chapter.

B. To assist in determining whether grounds exist to deny the issuance of a license or certificate to an applicant, the board may require a criminal background check including the fingerprinting of every applicant for an original license and certificate.

The criminal background check may be conducted pursuant to section 41-1750 or in

any other manner deemed suitable by the board. The board may charge the cost of each criminal background check to the applicant.

C. A person who is denied the issuance of a license or certificate may request, and if requested shall receive, a hearing in accordance with title 41, chapter 6, article 10.

#### 32-3621. Addresses; telephone numbers; notification of change

A. Each registered trainee appraiser or state licensed or state certified appraiser shall advise the board of the address of the person's principal place of business and all other addresses at which the person is currently engaged in the business of preparing real property appraisal reports.

B. Every registered trainee appraiser or state licensed or state certified appraiser shall notify the board of the person's current residence address. Residence addresses on file with the board are exempt from disclosure as public records.

C. Every registered trainee appraiser or state licensed or state certified appraiser shall provide the person's e-mail address if one exists and a daytime telephone number to the board.

D. If a registered trainee appraiser or a state licensed or state certified appraiser changes the person's place of business or residence, e-mail address or daytime telephone number, the person shall give the board written notification of the change within ten days after the change.

#### 32-3622. Licenses and certificates

A. A license or certificate issued under this chapter shall be signed on behalf of the board and shall bear the license or certificate number assigned by the board.

B. Each state licensed or state certified appraiser shall place the appraiser's license or certificate number adjacent to or immediately below the title "state licensed appraiser" or "state certified appraiser" and the number shall be included in an appraisal report or in a contract or other instrument used by the license or certificate holder in conducting appraisal activities.

#### 32-3623. Use of term

A. The term "state licensed appraiser" or "state certified appraiser" may only be used to refer to individuals who hold the license or certificate and may not be used after or immediately in connection with the name or signature of a firm, partnership, corporation or group or in such a manner that it might be interpreted as referring to a firm, partnership, corporation or group or anyone other than the individual holder of the license or certificate.

B. A license or certificate shall not be issued under this chapter to a corporation, partnership, firm or group. This subsection shall not be construed to prevent a state licensed or state certified appraiser from signing an appraisal report on behalf of a corporation, partnership, firm or group.

#### 32-3624. Professional corporations and partnerships

A corporation, partnership or other business entity may provide appraisal services in connection with transactions related to this chapter if the appraisal is prepared by individuals licensed or certified in accordance with this chapter. An individual who is not a state licensed or state certified appraiser may assist in the preparation of an appraisal if both of the following apply:

1. The assistant is under the direct supervision of a state licensed or state certified appraiser.

2. The final appraisal document is approved and signed by an individual who is licensed or certified.

### 32-3625. Continuing education

A. As a prerequisite to renewal of a license or certificate, a state registered trainee appraiser or a licensed or state certified appraiser shall present evidence satisfactory to the board of having met the continuing education requirements of either subsection B or C of this section.

B. The basic continuing education requirement for renewal of a license or certificate is the completion by the applicant, during the immediately preceding term of the license or certificate, of courses or seminars that are approved by the board.

C. An applicant for reregistering, relicensing or recertification may satisfy all or part of the continuing education requirements by presenting evidence of the following, which shall be approved by the board:

1. Completion of an education program of study determined by the board to be equivalent, for continuing education purposes, to courses approved by the board pursuant to subsection B of this section.

2. Participation other than as a student in educational processes and programs that are approved by the board and that relate to appropriate appraisal theory, practices or techniques, including teaching, program development and preparation of textbooks, monographs, articles and other instructional materials, not to exceed fifty per cent of an applicant's continuing education requirements and not for the same course in consecutive renewal periods.

D. The board shall adopt rules to assure that persons renewing their licenses or certificates as state licensed or state certified appraisers follow practices and techniques that provide a high degree of service and protection to those members of the public with whom they deal in the professional relationship under the authority of the license or certificate. The rules shall include the following:

1. Policies and procedures for obtaining board approval of courses and instruction pursuant to subsection B of this section.

2. Standards, policies and procedures to be applied by the board in evaluating an applicant's claims of equivalency in accordance with subsection C of this section.

3. Standards, monitoring methods and systems for recording attendance to be employed by course sponsors as a prerequisite to board approval of courses for credit.

E. In adopting rules pursuant to subsection D, paragraph 1 of this section, the board shall give consideration to courses of instruction, seminars and other appropriate appraisal educational courses or programs previously or hereafter developed by or under the auspices of professional appraisal organizations and utilized by those associations for purposes of designation, or indicating compliance with the continuing education requirements of such organizations. No person who offers these courses may discriminate in the opportunity to participate in these courses on the basis of membership or nonmembership in an appraisal organization.

F. No amendment or repeal of a rule adopted by the board pursuant to this section may operate to deprive a state registered trainee appraiser or a state licensed or state certified appraiser of credit toward renewal of a license or certificate for any course of instruction either completed by the applicant or enrolled in by the applicant before the amendment or repeal of the rule that would have qualified for continuing education credit under the rule as it existed before the repeal or amendment.

G. A license or certificate as a state registered trainee appraiser or a state licensed or state certified appraiser that has been suspended as a result of disciplinary action by the board shall not be reinstated unless the applicant presents evidence of completion of the continuing education required by this chapter.

H. A license or certificate that has been revoked by the board shall not be reinstated unless the applicant successfully completes the appropriate requirements of the appraisal qualifications board, including education and passage of the current national examination.

32-3626. Scarcity determination; resident temporary licenses and certificates; exemption

A. No later than November 1 of each year, the board shall determine and make a finding whether there is a scarcity of state certified or state licensed appraisers in an area within the state to perform appraisals in federally related transactions.

B. In determining whether a scarcity exists, the board shall follow procedures in accordance with the provisions governing scarcity in 12 United States Code section 3348 and regulations adopted pursuant to that section as of September 30, 1992.

C. If the board makes a finding of scarcity, within fifteen days after the finding, the board shall apply to the appropriate federal agency for a temporary waiver of the state certification or licensing requirements.

D. If a waiver request has been approved by the federal agency authorized to issue waivers, the board may thereafter issue resident temporary licenses or certificates to applicants consistent with the reduction in application requirements of this chapter for licenses and certificates as authorized by the waiver. A resident temporary license or certificate shall be subject to all provisions of this chapter not inconsistent with the provisions of the waiver.

E. A person obtaining a resident temporary license or certificate under this section is required to comply with all of the provisions of this chapter except for those provisions of this chapter for which a temporary waiver has been approved and shall indicate on all appraisals performed by the person that the appraisal is not an appraisal done by a state certified or state licensed appraiser and the person performing the appraisal is a resident temporary license or certificate holder. A person holding a resident temporary license or certificate may perform appraisals only in areas within the state where it has been determined by the board that a scarcity exists.

F. The board is exempt from title 41, chapter 6, article 10 in making the determination and finding and in issuing resident temporary licenses and certificates in accordance with the waiver in subsection D of this section and section 32-3605, subsection B, paragraph 14.

32-3627. Inactive license or certificate status; reactivation application; renewal application and fee; continuing education

A. Any license or certificate holder may request that the license or certificate be placed on inactive status by filing with the board an application that includes all of the following:

1. The license or certificate holder's name.
2. The license or certificate number.
3. A request for inactive status.

B. The period a license or certificate is on inactive status under this section may not exceed two years.

C. A license or certificate holder who is on inactive status shall not do either of the following:

1. Represent that the license or certificate holder is an active appraiser licensed or certified in this state.

2. Perform real estate appraisals or appraisal reviews on real estate in this state.

D. A license or certificate holder on inactive status under this section must file with the board an application for reactivation of the license or certificate before resuming real estate appraisal activity.

E. To return to active status, an inactive license or certificate holder shall do both of the following:

1. File with the board an application for reactivation of the license or certificate.

2. Provide evidence of completion of the required continuing education that the license or certificate holder would have been required to meet during the period when the license or certificate holder's license or certificate was on inactive status.

F. If the holder of an inactive license or certificate under this section does not file an application for reactivation within a two year period, that person must reapply for licensure or certification pursuant to the requirements of this chapter.

G. A license or certificate holder who is on inactive status pursuant to this section remains on inactive status until the board approves the application for reactivation of the license or certificate.

H. The board may take disciplinary or remedial action against a license or certificate holder who is on inactive status pursuant to this section.

I. A license or certificate holder who places the holder's license or certificate on inactive status must pay the renewal fee and complete an application for renewal as prescribed in section 32-3619. A license or certificate holder on inactive status is not required to provide evidence of completion of the continuing education requirements until the application for reactivation is filed pursuant to subsection E of this section.

[32-3628. Inactive license or certificate status during military duty; reactivation application; renewal application and fee; continuing education](#)

A. A license or certificate holder who is ordered to active military duty with the United States armed forces may request that the license or certificate be placed on inactive status by filing with the board an application that includes all of the following:

1. The license or certificate holder's name.

2. The license or certificate number.

3. The date that the active military duty begins.

4. A request for inactive status.

B. The license or certificate is deemed to be on inactive status while the license or certificate holder is on active military duty, but the period of inactive status may not exceed three years.

C. A license or certificate holder who is on inactive status pursuant to this section shall not do either of the following:

1. Represent that the holder is an active appraiser licensed or certified in this state.

2. Perform real estate appraisals or appraisal reviews on real estate in this state.

D. A license or certificate holder on inactive status must file with the board an application for reactivation of the license or certificate within one hundred eighty days after returning home from active military duty.

E. If the holder of an inactive license or certificate timely files an application for reactivation of the license or certificate, the license or certificate is returned to active status on the board's approval of the application for reactivation. The time period for completion of the continuing education requirements that the license or certificate holder would otherwise have been required to meet during the period when the license or certificate was on inactive status is extended for a period not to exceed ninety days after return from active military duty. The license or certificate holder must submit proof of completion of any continuing education requirements to the board no later than one hundred twenty days after completion.

F. If the holder of an inactive license or certificate under this section does not make a timely application for reactivation as required by subsection D of this section, the holder must reapply for licensure or certification meeting all of the requirements of this chapter.

G. A license or certificate holder who is on inactive status pursuant to this section remains on inactive status until the board approves the application for reactivation of the license or certificate.

H. The holder of an inactive license or certificate applying for reactivation of the license or certificate under this section shall include with the application for reactivation a copy of the documentation from the armed forces showing the period of time that the holder of the inactive license or certificate was on active military duty.

I. Any license or certificate holder who places the holder's license or certificate on inactive status under this section must pay the renewal fee prescribed in section 32-3607 and complete an application for renewal pursuant to section 32-3619. A license or certificate holder on inactive status pursuant to this section who files an application for reactivation is required to provide evidence of completion of the continuing education requirements pursuant to subsection E of this section.

J. For the purposes of this section, active military duty does not include service persons performing weekend drill and annual training.

#### [32-3631. Disciplinary proceedings](#)

A. The rights of an applicant or holder under a license or certificate as a registered trainee appraiser or a state licensed or state certified appraiser may be revoked or suspended or the holder of the license or certificate may otherwise be disciplined in accordance with this chapter on any of the grounds set forth in this section. The board may investigate the actions of a registered trainee appraiser or a state licensed or state certified appraiser and may revoke or suspend the rights of a license or certificate holder or otherwise discipline a registered trainee appraiser or a state licensed or state certified appraiser for any of the following acts or omissions:

1. Procuring or attempting to procure a license or certificate pursuant to this chapter by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for a license or certificate or committing any form of fraud or misrepresentation.
2. Failing to meet the minimum qualifications established by this chapter.
3. Paying or offering to pay money or other considerations other than as provided by this chapter to any member or employee of the board to procure a license or certificate under this chapter.
4. A conviction, including a conviction based on a plea of guilty, of a crime that is substantially related to the qualifications, functions and duties of a person

developing appraisals and communicating appraisals to others, or a conviction for any felony or any crime involving moral turpitude.

5. An act or omission involving dishonesty, fraud or misrepresentation with the intent to substantially benefit the license or certificate holder or another person or with the intent to substantially injure another person.

6. Violation of any of the standards of the development or communication of appraisals as provided in this chapter.

7. Negligence or incompetence by the state licensed or state certified appraiser in developing an appraisal, in preparing an appraisal report or in communicating an appraisal.

8. Wilfully disregarding or violating any of the provisions of this chapter or the rules of the board for the administration and enforcement of this chapter.

9. Accepting an appraisal assignment if the employment itself is contingent on the appraiser reporting a predetermined estimate, analysis or opinion or if the fee to be paid is contingent on the opinion, conclusion or value reached or on the consequences resulting from the appraisal assignment.

10. Violating the confidential nature of any records to which the registered trainee appraiser or the state licensed or state certified appraiser gains access through employment or engagement as a registered trainee appraiser or an appraiser.

11. Entry of a final civil judgment against the person on grounds of fraud, misrepresentation or deceit in the making of any appraisal.

B. In a disciplinary proceeding based on a civil judgment, a registered trainee appraiser or state licensed or state certified appraiser shall be afforded an opportunity to present matters in mitigation and extenuation.

C. The board may issue subpoenas for the attendance of witnesses and the production of books, records, documents and other evidence necessary and relevant to an investigation or hearing.

D. The lapsing or suspension of a license or certificate by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license or certificate by a license or certificate holder, shall not deprive the board of jurisdiction to do any of the following within twenty-four months after the expiration of the license or certificate pursuant to section 32-3616:

1. Proceed with any investigation of or action or disciplinary proceeding against the license or certificate holder.

2. Render a decision suspending or revoking the license or certificate or denying the renewal or right of renewal of the license or certificate.

#### 32-3632. Hearing and judicial review

A. The hearing on the charges shall be at a time and place prescribed by the board and shall be in accordance with title 41, chapter 6, article 10.

B. If the board determines that a state licensed or state certified appraiser is guilty of a violation of this chapter, it shall prepare a finding of fact and take disciplinary or remedial action.

C. Except as provided in section 41-1092.08, subsection H, any final decision or order of the board may be appealed to the superior court pursuant to title 12, chapter 7, article 6.

#### 32-3633. Undue influence; classification

A person who induces or influences the actions of an appraiser for purposes of securing an appraisal that is grossly misleading, or fraudulent, is guilty of a class 6 felony.

#### 32-3634. Prohibition against discrimination

If appraisal users require specific appraiser qualifications or experience for certain transactions necessary to carry out or to meet the responsibilities of the appraisal user, these requirements shall be related to the special skills that are required of an individual in connection with the specific appraisal assignment and shall not exclude an appraiser for consideration for such assignment solely by membership or lack of membership in any particular professional appraisal organization or association.

#### 32-3635. Standards of practice

A. A registered trainee appraiser or a state licensed or state certified appraiser shall comply with the standards of professional appraisal practice adopted by the board.

B. An appraisal or appraisal report shall not be issued by a real estate appraiser unless it meets the appraisal standards established by this chapter and rules adopted pursuant to this chapter.

C. An appraisal review report shall clearly indicate the nature of the review process undertaken and shall separate the review function from any other functions.

D. All federally related appraisals shall be in writing.

#### 32-3636. Contingent fees

A state licensed or state certified appraiser may not accept a fee for an appraisal assignment that is contingent on the appraiser reporting a predetermined estimate, analysis or opinion or that is contingent on the opinion, conclusion or value reached or on the consequences resulting from the appraisal assignment.

#### 32-3637. Retention of records; definition

A. A state licensed or state certified appraiser shall retain a work file for at least five years after preparation of the work file or at least two years after final disposition of any judicial proceeding in which the appraiser provided testimony related to the work file, whichever period of time is greater.

B. A state licensed or state certified appraiser shall do either of the following:

1. Have custody of the appraiser's work file.

2. Make appropriate work file retention, access and retrieval arrangements with the party having custody of the work file.

C. The board may inspect all records required to be maintained under this chapter by the state licensed or state certified appraiser on reasonable notice to the appraiser.

D. For the purposes of this section, "work file" includes documentation that is necessary to support an appraiser's analyses, opinions and conclusions and that demonstrates compliance with the uniform standards of professional appraisal practice.

#### 32-3638. Violation; classification

Any person who performs a real estate appraisal or appraisal review, who is not licensed or certified under this chapter and who knowingly assumes or uses any title, designation or abbreviation likely to create the impression of licensure or certification by this state or any person who knowingly provides false or fraudulent information to the board is guilty of a class 1 misdemeanor.

#### 32-3639. Damages; injunctive relief

If the board has a reasonable basis to believe, after investigation, that any person is violating any provision of this chapter, the board may bring an action in superior court for appropriate injunctive or other equitable relief, damages sustained and taxable costs and reasonable attorney fees.

#### 32-3640. Prohibition; indemnification agreement

A. Any person, party or entity who hires, engages or communicates with an appraiser directly or through an agent shall not require or attempt to require the appraiser to sign any indemnification agreement that would hold harmless the hiring person, party or entity, its owners, agent's employees or independent contractors from any liability, damage, loss or claim arising from the services performed by the person, party or entity, its owners, agent's employees or independent contractors.

B. This section does not limit liability for services performed by the appraiser.

#### 32-3651. Definitions

In this article, unless the context otherwise requires:

1. "Analysis" means the review of a property valuation or legal classification established by a county assessor in the representation of a person in appealing the property valuation to the county assessor.

2. "Appraisal" means the development of real or personal property value or legal classification opinions or conclusions.

3. "Board" means the state board of appraisal.

4. "Property tax agent" means an individual who is designated by a person or is an employee of an entity designated as an agent pursuant to section 42-16001, who acts on behalf of a person who owns, controls or possesses property valued by a county assessor or the department of revenue and who receives a fee for the analysis of any matter relating to the review of the valuation or legal classification of the person's property before the assessor, the county or state board of equalization or the department of revenue. Property tax agent does not include a person who is admitted to practice law in this state, an employee of the person owning, controlling or possessing the property or an employee of an entity designated pursuant to section 42-16001, if such employee is performing a secretarial, clerical or administrative support function.

#### 32-3652. Registration; renewal; fees

A. An individual who wishes to act as a property tax agent shall apply for registration by submitting to the board a completed application form prescribed by the board with the initial registration fee. The applicant shall also file with the board an affidavit stating whether the applicant has been convicted of a felony or any misdemeanor involving dishonesty or moral turpitude in this or any other state within the last ten years. The board may review the affidavit and issue or deny the registration based on its findings.

B. Except as provided in section 32-4301, registration is valid for two years. An individual may renew a registration by submitting to the board a renewal form prescribed by the board with the renewal fee on or before the date the registration expires.

C. An appraiser licensed or certified pursuant to this chapter may register and renew registration as a property tax agent without paying the fee prescribed by this section.

D. The board shall issue a certificate of registration to an individual, if the individual complies with this section and the individual is not prohibited from registering pursuant to section 32-3654.

E. A person shall not act as a property tax agent if the person is not registered pursuant to this section.

F. The board shall collect from each individual a fee of:

1. Two hundred dollars for an initial registration.

2. One hundred dollars for a renewal.
3. Five dollars for a duplicate registration certificate.
- G. The board shall deposit, pursuant to sections 35-146 and 35-147, monies collected pursuant to subsection F of this section in the board of appraisal fund.

#### 32-3653. Property tax agent conduct

A property tax agent:

1. Shall not knowingly misrepresent any information or act in a fraudulent manner.
2. Shall not prepare documents or provide evidence in a property valuation or legal classification appeal unless the agent is authorized by the property owner to do so and any required agency authorization form has been filed.
3. Shall not knowingly submit false or erroneous information in a property valuation or legal classification appeal.
4. Shall use appraisal standards and methods that are adopted by the board when the agent submits appraisal information in a property valuation or legal classification appeal.

#### 32-3654. Disciplinary actions

A. On the complaint of any person or on its own motion, the board shall investigate any suspected violation of this article by a property tax agent. If the board finds a violation it may issue a letter of concern.

B. If the board finds that the property tax agent committed any of the following violations, it shall revoke or suspend the agent's registration:

1. Secured registration by fraud or deceit.
2. Committed an act or is responsible for an omission involving fraud or knowing misrepresentation with the intent to obtain a benefit.
3. Knowingly violated section 32-3653.

C. The board shall:

1. Suspend the agent's registration for not less than six months on the first finding of a violation pursuant to subsection B of this section.
2. Suspend the agent's registration for not less than twelve months on the second finding of a violation pursuant to subsection B of this section.
3. Revoke the agent's registration on a third or subsequent finding of a violation pursuant to subsection B of this section.

D. The board shall not impose discipline until the agent has been provided an opportunity for a hearing before the board pursuant to title 41, chapter 6, article 10. The board shall notify the agent of the charges and the date and time of the hearing. The notice may be personally served or sent by certified mail to the agent's last known address. Except as provided in section 41-1092.08, subsection H, the final decision of the board is subject to judicial review pursuant to title 12, chapter 7, article 6.

E. The board shall not renew an agent's registration during the time the registration is suspended or revoked.

#### 32-3655. Rules

The board may adopt rules for the purpose of administering this article.

#### 32-3656. Confidential records

Except as otherwise provided by law, all documents associated with a complaint pursuant to this article are confidential until the complaint is resolved.

#### 32-3661. Definitions

In this article, unless the context otherwise requires:

1. "Appraisal" means the act or process of developing an opinion of the value of real property in conformance with the uniform standards of professional appraisal practice published by the appraisal foundation, or any other definition used in state or federal laws.
2. "Appraisal management company" means a corporation, partnership, sole proprietorship, subsidiary or other business entity that directly or indirectly performs appraisal management services, regardless of the use of the term "appraisal management company", "mortgage technology provider", "lender processing services", "lender services", "loan processor", "mortgage services", "real estate closing services provider", "settlement services provider", "vendor management company" or any other term, and that does any of the following:
  - (a) Administers an appraiser panel of independent contract appraisers to perform real property appraisal services in this state for clients.
  - (b) Receives requests for real property appraisal services from clients and, for a fee paid by the client, enters into an agreement with one or more independent appraisers to perform the real property appraisal services contained in the request.
  - (c) Otherwise serves as a third party liaison of appraisal management services between clients and appraisers.
3. "Appraisal management services" means the process of receiving a request for the performance of real property appraisal services from a client and, for a fee paid by the client, entering into an agreement with one or more independent appraisers who are part of an appraiser panel to perform the real property appraisal services contained in the request.
4. "Appraisal review" means the act or process of developing and communicating an opinion about the quality of another appraiser's work that was performed as part of an appraisal assignment, but does not include an examination of an appraisal for grammatical, typographical or other similar errors that do not communicate an opinion related to the appraiser's data collection, analysis, opinions, conclusions, estimate of value or compliance with the uniform standards of professional appraisal practice.
5. "Appraiser" means a person who is licensed or certified as an appraiser pursuant to this chapter and who performs valuation services competently and in a manner that is independent, impartial and objective.
6. "Appraiser panel" means a group of independent appraisers that has been selected by an appraisal management company to perform real property appraisal services for the appraisal management company.
7. "Client" means a person that contracts with, or otherwise enters into an agreement with, an appraisal management company for the performance of real property appraisal services.
8. "Controlling person" means any of the following:
  - (a) An owner, officer or director of a corporation, partnership or other business entity seeking to offer appraisal management services in this state.
  - (b) An individual who is employed, appointed or authorized by an appraisal management company and who has the authority to enter into a contractual relationship with clients for the performance of appraisal management services and to enter into agreements with independent appraisers for the performance of real property appraisal services.
  - (c) An individual who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of an appraisal management company.

9. "Real property appraisal services" means the practice of developing an opinion of the value of real property in conformance with the uniform standards of professional appraisal practice published by the appraisal foundation.

10. "Relocation management company" means a business entity whose exclusive business services are not for mortgage purposes and include the relocation of employees as an agent or contractor for the employer or the employer's agent for the purposes of determining an anticipated sales price, as defined by the worldwide employee relocation council, of the residence of an employee being relocated by the employer in the course of its business.

11. "Uniform standards of professional appraisal practice" means the uniform standards of professional appraisal practice promulgated by the appraisal foundation and adopted pursuant to this chapter.

### 32-3662. Registration

A. A person shall not directly or indirectly engage or attempt to engage in business as an appraisal management company, directly or indirectly perform or attempt to perform appraisal management services or advertise or hold itself out as engaging in or conducting business as an appraisal management company without first obtaining a registration issued by the board pursuant to this article, regardless of the entity's use of appraisal management company, mortgage technology company or any other name.

B. A person who wishes to be registered as an appraisal management company in this state must file a written application with the board on a form prepared and furnished by the board and pay a fee in an amount to be determined by the board. The registration required by subsection A shall include:

1. The name, residence address, business address and telephone number of the applicant and the location of each principal office and branch office at which the appraisal management company will conduct business in this state.

2. The name under which the applicant will conduct business as an appraisal management company.

3. The name, residence address, business address and telephone number of each person who will have an interest in the appraisal management company as a principal, partner, officer, director or trustee, specifying the capacity and title of each person.

4. If the person seeking registration is a corporation that is not domiciled in this state, the name and contact information for the company's agent for service of process in this state.

5. A certification that the person seeking registration has a system and process in place to verify that a person being added to the appraiser panel for the appraisal management company's appraisal management services in this state holds a license or certification in good standing in this state.

6. A certification that the person seeking registration has a system in place to review the work of all independent appraisers that are performing real property appraisal services for the appraisal management company on a periodic basis to confirm that the real property appraisal services are being conducted in accordance with uniform standards of professional appraisal practice.

7. A certification that the person maintains a detailed record of each service request that it receives and the independent appraiser that performs the real property appraisal services for the appraisal management company.

8. A certification that the person seeking registration has a system in place to train those who select individual appraisers for real property services in this state, to ensure that the selectors have appropriate training in placing appraisal assignments.

9. An irrevocable consent to service of process.

10. Any other information required by the board deemed reasonable in scope and content and necessary for the implementation and administration of this chapter.

#### 32-3663. Exemptions

This article does not apply to:

1. A department or unit within a financial institution that is subject to direct regulation by an agency of the United States government or of this state and that receives requests for the performance of real estate appraisals from the financial institution and then assigns such requests to an appraiser who is part of the financial institution's appraiser panel.

2. A corporation, partnership, sole proprietorship, subsidiary or other business entity that employs real estate appraisers exclusively on an employer and employee basis for the performance of all real property appraisal services in the normal course of its business and that is responsible for ensuring that the real property appraisal services being performed by its employees are being performed in accordance with uniform standards of professional appraisal practice and federal and state law.

3. A relocation management company in the course of employee relocation pursuant to its relocation policy.

#### 32-3664. Registration forms

An applicant for initial and renewal registration as an appraisal management company shall submit to the board an application on a form prescribed by the board.

#### 32-3665. Expiration of registration

An initial registration granted by the board pursuant to this article is valid for one year from the date on which it is issued. Registration renewals are valid for two years.

#### 32-3666. Consent to service of process

Each entity applying for registration as an appraisal management company shall complete and execute an irrevocable consent to service of process form as prescribed by the board

#### 32-3667. Fee; bond

A. The board shall establish the fee for appraisal management company registration by rule.

B. The appraisal management company is required to show proof of a surety bond of twenty thousand dollars.

#### 32-3668. Owner requirements

A. An appraisal management company applying for registration may not be owned by a person or have any principal of the company who has had any financial, real estate or mortgage lending industry license or certificate refused, denied, canceled, revoked or voluntarily surrendered in this state or in any other state. This requirement may be waived by appeal and at the discretion of the board.

B. Each person that owns, is an officer of or has a financial interest in an appraisal management company in this state shall:

1. Be of good moral character.

2. Submit to a criminal background check conducted pursuant to section 41-1750. The board may charge the cost of a criminal background check to the applicant.
3. Certify to the board that the person has never had any financial, real estate or mortgage lending industry license or certificate refused, denied, canceled, revoked or voluntarily surrendered in this state or in any other state. This requirement may be waived by appeal and at the discretion of the board.

#### 32-3669. Controlling person

A. Each appraisal management company applying to the board for registration in this state shall designate one controlling person that will be the main contact for all communication between the board and the appraisal management company.

B. To serve as a controlling person of an appraisal management company, a person shall:

1. Certify to the board that the person has never had any financial, real estate or mortgage lending industry license or certificate issued by this state, or any other state, refused, denied, canceled, revoked or voluntarily surrendered. This requirement may be waived by appeal and at the discretion of the board.
2. Be of good moral character.
3. Submit to a criminal background check conducted pursuant to section 41-1750. The board may charge the cost of a criminal background check to the applicant.

#### 32-3670. Employee requirements

Any employee of an appraisal management company, or any person working on behalf of an appraisal management company, who has the responsibility of selecting independent appraisers for the performance of real property appraisal services for the appraisal management company or providing appraisal review services on a completed appraisal, shall be appropriately trained and qualified in compliance with this chapter.

#### 32-3671. Agreements with independent appraisers; limitations

An appraisal management company registered in this state pursuant to this article may not enter into contracts or agreements with an independent appraiser for the performance of real property appraisal services in this state unless that person is licensed or certified in good standing with the board.

#### 32-3672. Annual certifications

A. Each appraisal management company seeking to be registered in this state shall certify to the board on an annual basis on a form prescribed by the board that the appraisal management company has a system and process in place to verify that a person being added to the appraiser panel of the appraisal management company holds a license or certificate in good standing in this state pursuant to the board.

B. Each appraisal management company seeking to be registered in this state shall certify to the board on an annual basis that it has a system in place to review the quality of appraisals of all independent appraisers that are performing real property appraisal services for the appraisal management company on a periodic basis to confirm that the real property appraisal services are being conducted in accordance with uniform standards of professional appraisal practice.

C. Each appraisal management company seeking to be registered shall certify to the board on an annual basis that it maintains a detailed record of each service request that it receives and the name of the independent appraiser that performs the real property appraisal services for the appraisal management company. An appraisal management company shall maintain a detailed record for the same time

period that an appraiser is required to maintain an appraisal record for the same real property appraisal activity.

D. Each appraisal management company seeking to be registered shall certify to the board on an annual basis that it has a system in place to train those who select individual appraisers for real property services in this state, to ensure that the selectors have appropriate training in placing appraisal assignments.

#### 32-3673. Disclosure of fees

A. The appraisal management company shall not prohibit the appraiser from reporting in the appraisal report the fee paid to the appraiser.

B. The appraiser shall disclose the fee paid for an appraisal report ordered by an appraisal management company in the scope of work section in the appraisal report.

#### 32-3674. Appraiser independence; prohibitions

A. Any employee, director, officer or agent of an appraisal management company registered pursuant to this article shall not influence or attempt to influence the development, reporting or review of an appraisal through coercion, extortion, collusion, compensation, inducement, intimidation, bribery or any other manner, including:

1. Withholding or threatening to withhold timely payment for an appraisal.
2. Withholding or threatening to withhold future business for an independent appraiser or demoting or terminating, or threatening to demote or terminate, an independent appraiser.
3. Expressly or impliedly promising future business, promotions or increased compensation for an independent appraiser.
4. Conditioning the request for an appraisal service or the payment of an appraisal fee or salary or bonus on the opinion, conclusion or valuation to be reached or on a preliminary estimate or opinion requested from an independent appraiser.
5. Requesting that an independent appraiser provide an estimated, predetermined or desired valuation in an appraisal report or provide estimated values or comparable sales at any time before the independent appraiser's completion of an appraisal service.
6. Providing to an independent appraiser an anticipated, estimated, encouraged or desired value for a subject property or a proposed or target amount to be loaned to the borrower, except that a copy of the sales contract for purchase transactions may be provided.
7. Providing to an independent appraiser, or any entity or person related to the appraiser, stock or other financial or nonfinancial benefits.
8. Allowing the removal of an independent appraiser from an appraiser panel, without prior written notice to the appraiser.
9. Obtaining, using or paying for a second or subsequent appraisal or ordering an automated valuation model in connection with a mortgage financing transaction, unless there is a reasonable basis to believe that the initial appraisal was flawed or tainted and the basis is clearly and appropriately noted in the loan file or unless the appraisal or automated valuation model is done pursuant to a bona fide prefunding or postfunding appraisal review or quality control process.
10. Engaging in any other act or practice that impairs or attempts to impair an appraiser's independence, objectivity or impartiality.

B. An appraisal fee offered or paid may not be based on the predetermined value or range of value of the subject property or the amount of the transaction price.

C. Subsections A and B do not prohibit an appraisal management company from requesting that an independent appraiser either:

1. Provide additional information about the basis for a valuation.
2. Correct objective factual errors in an appraisal report.

#### 32-3675. Payment

Except in cases of breach of contract or substandard performance of services, each appraisal management company shall make payment to an independent appraiser for the completion of an appraisal or valuation assignment within forty-five days after the date on which the independent appraiser transmits or otherwise provides the completed appraisal or valuation study to the appraisal management company or its assignee.

#### 32-3676. Appraisal reports; alteration; use

An appraisal management company shall not:

1. Alter, modify, revise or otherwise change a completed appraisal report submitted by an independent appraiser, including removing the signature of the appraiser.
2. Use an appraisal report submitted by an independent appraiser for any purpose other than the intended use stated in the report.

#### 32-3677. Adjudication of disputes

A. Except within the first sixty days after an independent appraiser is first added to the appraiser panel of an appraisal management company, an appraisal management company shall not remove an appraiser from its appraiser panel, or otherwise refuse to assign requests for real property appraisal services to an independent appraiser, without notifying the appraiser in writing of the reasons for the appraiser being removed from the appraiser panel of the appraisal management company.

B. An independent appraiser that is removed from the appraiser panel of an appraisal management company for alleged illegal conduct, violation of the uniform standards of professional appraisal practice or violation of state licensing standards may file a complaint with the board for a review of the decision of the appraisal management company, except that in no case shall the board make any determination regarding the nature of the business relationship between the appraiser and the appraisal management company that is unrelated to the actions specified in subsection A.

C. If an independent appraiser files a complaint against an appraisal management company pursuant to subsection B, the board shall adjudicate the complaint within a reasonable time.

D. If after opportunity for a hearing and review, the board determines that an independent appraiser did not commit a violation of law, a violation of the uniform standards of professional appraisal practice or a violation of state licensing standards, the board shall order that the appraiser be added to the appraiser panel of the appraisal management company that was the subject of the complaint without prejudice. The board shall furnish the appraisal management company with all written documentation and investigation records that support the board's findings.

#### 32-3678. Enforcement

The board may censure an appraisal management company, conditionally or unconditionally suspend or revoke any registration issued under this article or impose civil penalties not to exceed fifteen thousand dollars per violation if, in the

opinion of the board, an appraisal management company is attempting to perform, has performed or has attempted to perform any of the following acts:

1. Committing any act in violation of this article.
2. Violating any rule adopted by the board in the interest of the public and consistent with this article.
3. Knowingly making or causing to be made to the board any false representation of material fact.
4. Suppressing or withholding from the board any information that the applicant possesses and that, if submitted by the applicant, would have rendered the applicant ineligible to be registered pursuant to rules adopted by the board.
5. Violating the federal financial institutions reform, recovery and enforcement act of 1989 (P.L. 101-73; 103 Stat. 183).

**32-3679. Disciplinary hearings**

A. The board may conduct disciplinary proceedings in accordance with title 41, chapter 6, article 10.

B. Before censuring any registrant, or suspending or revoking any registration, the board shall notify the registrant in writing of any charges made at least forty-five days before the date set for the hearing and shall afford the registrant an opportunity to be heard in person or by counsel.

C. The written notice shall be satisfied by personal service on the controlling person of the registrant or the registrant's agent for service of process in this state or by sending the notice by certified mail to the controlling person of the registrant to the registrant's address on file with the board.

D. The hearing shall be at a time and place prescribed by the board. Any reasonable request for a delay of a hearing shall not exceed ninety days.

E. The board may make findings of fact and shall deliver or mail the findings to the registrant charged with a violation of this article.

**32-3680. Rule making authority**

The board shall adopt rules that are reasonably necessary to implement, administer and enforce this article, including rules for obtaining copies of appraisals and other documents necessary to audit compliance with this article and rules requiring a surety bond to be posted with each application.

