
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 206 Session of
2001

INTRODUCED BY HOLL, JANUARY 31, 2001

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 11, 2002

AN ACT

1 Amending the act of July 10, 1990 (P.L.404, No.98), entitled "An
2 act providing for the certification of real estate
3 appraisers; specifying requirements for certification;
4 providing for sanctions and penalties; and making an
5 appropriation," further providing for the State Board of
6 Certified Real Estate Appraisers and for requirements
7 relating to appraising real estate; prohibiting certain acts;
8 providing for violations and for remedies; and making
9 editorial changes.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 4 of the act of July 10, 1990 (P.L.404,
13 No.98), known as the Real Estate Appraisers Certification Act,
14 is amended to read:

15 Section 4. State Board of Certified Real Estate Appraisers.

16 (a) Creation.--There is hereby created the State Board of
17 Certified Real Estate Appraisers as a departmental
18 administrative board in the Department of State. The board shall
19 consist of [seven] nine members who are citizens of the United
20 States and who have been residents of this Commonwealth for a

1 two-year period immediately prior to appointment, ~~[two] three~~ <—
2 TWO of whom shall be public members, ~~[four] two~~ [, FOUR]; FIVE of <—
3 whom shall be persons who are ~~general certified appraisers, two~~ <—
4 ~~of whom shall be State certified [real estate] appraisers, one~~
5 ~~of whom shall~~ STATE-CERTIFIED REAL ESTATE APPRAISERS, AT LEAST <—
6 TWO OF WHOM SHALL HOLD THE GENERAL CERTIFICATION; ONE OF WHOM
7 SHALL be the Director of Consumer Protection in the Office of
8 Attorney General or his or her designee; and one of whom shall <—
9 be the Secretary of the Commonwealth or his or her designee.
10 [For the initial board appointments, the four professional
11 members need not be certified at the time of appointment but
12 shall have appropriate appraisal experience and education and
13 shall have demonstrated adherence to standards of professional
14 practice.]

15 (b) Term of office.--The professional and public members
16 shall serve four-year terms[, except as provided in subsection
17 (c),] and shall be appointed by the Governor by and with the
18 advice and consent of a majority of the members elected to the
19 Senate.

20 [(c) Initial appointments.--Within 90 days of the effective
21 date of this act, the Governor shall nominate one professional
22 member to serve a four-year term; one public member and one
23 professional member to serve three-year terms; one public member
24 and one professional member to serve two-year terms; and one
25 professional member to serve a one-year term.]

26 (d) Continuation in office.--Each professional and public
27 member shall continue in office until a successor is duly
28 appointed and qualified but no longer than six months after the
29 expiration of the term. In the event that a board member shall
30 die, resign or otherwise become disqualified during the term of

1 office, a successor shall be appointed in the same way and with
2 the same qualifications as set forth in this section and shall
3 hold office for the unexpired portion of the unexpired term.

4 (e) Limit on terms.--No board member shall be eligible for
5 appointment to serve more than two consecutive four-year terms.

6 (f) Forfeiture of membership.--A board member who fails to
7 attend three consecutive meetings shall forfeit his or her seat
8 unless the secretary, upon written request from the member,
9 finds that the member should be excused from a meeting because
10 of illness or the death of a family member.

11 (g) Compensation.--Each member of the board, except the
12 secretary, shall receive per diem compensation at the rate of
13 \$60 per diem when actually attending to the work of the board.
14 Members shall also receive reasonable traveling, hotel and other
15 necessary expenses incurred in the performance of their duties
16 in accordance with Commonwealth regulations.

17 (h) Forfeiture for nonattendance.--A public member who fails
18 to attend two consecutive statutorily mandated training seminars
19 in accordance with section 813(e) of the act of April 9, 1929
20 (P.L.177, No.175), known as The Administrative Code of 1929,
21 shall forfeit his or her seat unless the secretary, upon written
22 request from the public member, finds that the public member
23 should be excused from a meeting because of illness or the death
24 of a family member.

25 (i) Quorum.--A majority of the members of the board serving
26 in accordance with law shall constitute a quorum for purposes of
27 conducting the business of the board. A member may not be
28 counted as part of a quorum or vote on any issue unless he or
29 she is physically in attendance at the meeting.

30 (j) Meetings.--The board shall meet at least four times a

1 year in Harrisburg.

2 (k) Notice.--Reasonable notice of all meetings shall be
3 given in conformity with [the act of July 3, 1986 (P.L.388,
4 No.84), known as the Sunshine Act] 65 Pa.C.S. Ch. 7 (relating to
5 open meetings).

6 (l) Operating procedures.--[The board shall meet within 30
7 days after the appointment of its initial members and] The board
8 shall set up operating procedures and an application form for
9 certifying appraisers. It shall be the responsibility of the
10 board to circulate these forms and educate the public to the
11 requirements of certification. No other board and no commission
12 within the Bureau of Professional and Occupational Affairs shall
13 be responsible, in any manner, for the policies, procedures or
14 other substantive matters which are within the powers and duties
15 of the board as set forth in this act.

16 (m) Election of officers.--The board shall elect annually
17 from its membership a chairman, a vice chairman and a secretary.

18 Section 2. The act is amended by adding sections to read:

19 Section 14.1. Unlawful acts.

20 It shall be unlawful for any person with an interest in the
21 transaction involving an appraisal to coerce, extort or bribe a
22 State-certified appraiser or State-certified broker/appraiser in
23 the development and reporting of an appraisal with the intent to
24 compel the appraiser or broker/appraiser to provide an
25 unsupported and unreasonable value for a property. Nothing in
26 this paragraph shall be construed to prohibit any person from:

27 (i) considering appropriate property information;

28 (ii) asking the appraiser to provide further detail,
29 substantiation or explanation for the appraiser's value
30 conclusion;

1 (iii) asking the appraiser to reconsider a value
2 conclusion in light of additional information relating to
3 the property;

4 (iv) asking an appraiser to correct any error in the
5 appraisal report; or

6 (v) performing relevant appraisal underwriting in
7 accordance with, but not limited to, the guidelines of
8 federally or State-chartered financial institutions or
9 government-sponsored enterprises, including, but not
10 limited to, the Federal National Mortgage Association and
11 the Federal Home Loan Mortgage Corporation.

12 Section 18.1. Violations.

13 A violation of ~~this act~~ SECTION 14.1 or the regulations <—
14 ~~promulgated pursuant to this act~~ TO ADMINISTER SECTION 14.1 is <—
15 also a violation of the act of December 17, 1968 (P.L.1224,
16 No.387), known as the Unfair Trade Practices and Consumer
17 Protection Law.

18 Section 18.2. Remedies.

19 Nothing in this act shall be constructed to limit the
20 remedies available to consumers, the Attorney General or any
21 district attorney under the act of December 17, 1968 (P.L.1224,
22 No.387), known as the Unfair Trade Practices and Consumer
23 Protection Law, or any other Federal or State law.

24 Section 3. This act shall take effect in 60 days.