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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 953 Session of 2007

INTRODUCED BY DALLY, BASTIAN, BELFANTI, BEYER, CALTAGIRONE, COHEN, DeLUCA, GEIST, GINGRICH, GRUCELA, HARPER, HARRIS, JAMES, MAHONEY, MELIO, MUNDY, MURT, MUSTIO, RUBLEY, SCAVELLO, SIPTROTH, J. TAYLOR AND YOUNGBLOOD, MARCH 29, 2007

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 29, 2007

AN ACT

Amending the act of July 10, 1990 (P.L.404, No.98), entitled "An act providing for the certification of real estate appraisers; specifying requirements for certification; providing for sanctions and penalties; and making an appropriation," further providing for State Board of Certified Real Estate Appraisers, for disciplinary and corrective measures and for penalties.

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

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

Section 4. State Board of Certified Real Estate Appraisers.

(a) Creation.--There is hereby created the State Board of Certified Real Estate Appraisers as a departmental administrative board in the Department of State. The board shall consist of [seven members] <u>the following members:</u>

<u>(1) The Secretary of the Commonwealth or a designee.</u>

<u>(2) The Attorney General or a designee.</u>

(3) The Secretary of Banking or a designee.

(4) Eight members who are citizens of the United States and who have been residents of this Commonwealth for a two-year period immediately prior to appointment, two of whom shall be public members[, four] and six of whom shall be persons who are State-certified real estate appraisers [and one of whom shall be the Secretary of the Commonwealth or his or her designee. For the initial board appointments, the four professional members need not be certified at the time of appointment but shall have appropriate appraisal experience and education and shall have demonstrated adherence to standards of professional practice].

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Section 2. Section 11(a) of the act is amended by adding paragraphs to read:

Section 11. Disciplinary and corrective measures.

(a) Authority of board.--The board may deny, suspend or revoke certificates, or limit, restrict or reprimand a certificateholder for

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(16) Having one's right to practice before a Federal or State governmental agency suspended or revoked.

(17) Having been found by a civil court of competent jurisdiction to have performed a fraudulent appraisal.

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Section 3. Section 15(b) of the act is amended to read:

Section 15. Penalties.

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(b) Civil penalty.--In addition to any other civil remedy or criminal penalty provided for in this act, the board, by a vote

of the majority of the maximum number of the authorized membership of the board as provided by law, or by a vote of the majority of the duly qualified and confirmed membership or a minimum of three members, whichever is greater, may levy a civil penalty of up to [$1,000] $10,000 on any [current] certificateholder who violates any provision of this act or on any person who holds himself or herself out as a certified real estate appraiser or performs [appraisals for which certification or licensure is required pursuant to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (Public Law 101-73, 103 Stat. 183)] an appraisal in any federally related or nonfederally related transaction without being [so] certified pursuant to this act. The board shall levy this penalty only after affording the accused party the opportunity for a hearing, as provided in 2 Pa.C.S. (relating to administrative law and procedure).

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Section 4. This act shall take effect in 60 days.