

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1081 Session of
2007

INTRODUCED BY LONGIETTI, DALEY, SIPTROTH, BRENNAN, SCAVELLO,
McGEEHAN, CALTAGIRONE, HELM, KULA, KOTIK, JAMES, GIBBONS,
DeLUCA, YOUNGBLOOD, HARKINS, HENNESSEY, KORTZ AND D. EVANS,
APRIL 18, 2007

AS REPORTED FROM COMMITTEE ON COMMERCE, HOUSE OF
REPRESENTATIVES, AS AMENDED, FEBRUARY 12, 2008

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 State Board of
6 Certified Real Estate Appraisers, for disciplinary and
7 corrective measures and for penalties.

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

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

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

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

18 (1) The Secretary of the Commonwealth or a designee.

19 (2) The Attorney General or a designee.

1 (3) The Secretary of Banking or a designee.

2 ~~(4) Eight~~ TEN members who are citizens of the United <—
3 States and who have been residents of this Commonwealth for a
4 two-year period immediately prior to appointment[, two of
5 whom shall be public members, four of whom shall be persons
6 who are State-certified real estate appraisers and one of
7 whom shall be the Secretary of the Commonwealth or his or her
8 designee. For the initial board appointments, the four
9 professional members need not be certified at the time of
10 appointment but shall have appropriate appraisal experience
11 and education and shall have demonstrated adherence to
12 standards of professional practice.], CONSISTING OF THREE <—
13 PUBLIC MEMBERS, AT LEAST ONE OF WHOM SHALL BE A WORKING
14 BANKER HAVING SUBSTANTIAL AND RECENT MORTGAGE LENDING
15 EXPERIENCE, AND SEVEN STATE-CERTIFIED REAL ESTATE APPRAISERS.

16 ~~(5) Two public members.~~ <—

17 ~~(6) Six State certified real estate appraisers.~~

18 * * *

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

21 Section 11. Disciplinary and corrective measures.

22 (a) Authority of board.--The board may deny, suspend or
23 revoke certificates, or limit, restrict or reprimand a
24 certificateholder for any of the following causes:

25 * * *

26 (16) Suspension or revocation of the right to practice
27 by a Federal or State governmental agency.

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

30 * * *

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

2 Section 15. Penalties.

3 * * *

4 (b) Civil penalty.--In addition to any other civil remedy or
5 criminal penalty provided for in this act, the board, by a vote
6 of the majority of the maximum number of the authorized
7 membership of the board as provided by law, or by a vote of the
8 majority of the duly qualified and confirmed membership or a
9 minimum of three members, whichever is greater, may levy a civil
10 penalty of up to [\$1,000] \$10,000 on any [current]
11 certificateholder who violates any provision of this act or on
12 any person who holds himself or herself out as a certified real
13 estate appraiser or performs [appraisals for which certification
14 or licensure is required pursuant to the Financial Institutions
15 Reform, Recovery, and Enforcement Act of 1989 (Public Law 101-
16 73, 103 Stat. 183)] an appraisal in any federally related or
17 nonfederally related transaction without being [so] certified
18 pursuant to this act. The board shall levy this penalty only
19 after affording the accused party the opportunity for a hearing,
20 as provided in 2 Pa.C.S. (relating to administrative law and
21 procedure).

22 * * *

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