
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 485 Session of
2007

INTRODUCED BY BROWNE, FERLO, BOSCOLA, ERICKSON, RHOADES, COSTA,
BAKER, STACK AND WASHINGTON, MARCH 15, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 25, 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 real estate appraiser
6 certification required, for State Board of Certified Real
7 Estate Appraisers, ~~for application and qualifications, for~~ <—
8 ~~disciplinary and corrective measures and for penalties.~~ FOR <—
9 POWERS AND DUTIES OF BOARD, FOR APPLICATION AND
10 QUALIFICATIONS, FOR CERTIFICATION RENEWAL AND RECORDS, FOR
11 DISCIPLINARY AND CORRECTIVE MEASURES, FOR REINSTATEMENT OF
12 CERTIFICATE, FOR SURRENDER OF SUSPENDED OR REVOKED
13 CERTIFICATE AND FOR PENALTIES.

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

16 Section 1. Section 3 of the act of July 10, 1990 (P.L.404,
17 No.98), known as the Real Estate Appraisers Certification Act,
18 amended July 2, 1996 (P.L.460, No.71), is amended to read:

19 Section 3. Real estate appraiser certification required.

20 [It shall be unlawful, on or after January 1, 1993, for any
21 person to hold himself out as a State-certified real estate
22 appraiser or to perform appraisals required by the Financial

1 Institutions Reform, Recovery, and Enforcement Act of 1989
2 (Public Law 101-73, 103 Stat. 183) to be performed by a State-
3 certified or State-licensed real estate appraiser unless that
4 person holds an appropriate, current and valid certification
5 from the board to perform real estate appraisals. It shall be
6 unlawful two years after the effective date of this act for any
7 person to perform real estate appraisals in nonfederally related
8 transactions unless that person holds a valid certificate from
9 the board to perform real estate appraisals.] It shall be
10 unlawful for any person to do any of the following:

11 (1) To hold himself out as a State-certified real estate
12 appraiser or to perform appraisals required by the Financial
13 Institutions Reform, Recovery, and Enforcement Act of 1989
14 (Public Law 101-73, 103 Stat. 183) to be performed by a
15 State-certified or State-licensed real estate appraiser
16 unless that person holds an appropriate, current and valid
17 certificate from the board to perform real estate appraisals.

18 (2) To perform real estate appraisals in nonfederally
19 related transactions unless that person holds an appropriate,
20 current and valid certificate or license from the board to
21 perform real estate appraisals.

22 (3) To hold himself out as a real estate appraiser or
23 appraiser trainee without an appropriate, current and valid
24 certificate or license from the board.

25 ~~Section 2. Section 4(a) of the act is amended to read:~~ <—

26 SECTION 2. SECTIONS 4(A) AND (G) AND 5 OF THE ACT ARE <—

27 AMENDED TO READ:

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

29 (a) Creation.--There is hereby created the State Board of
30 Certified Real Estate Appraisers as a departmental

1 administrative board in the Department of State. The board shall
2 consist of [seven members who are citizens of the United States
3 and who have been residents of this Commonwealth for a two-year
4 period immediately prior to appointment, two of whom shall be
5 public members, four of whom shall be persons who are State-
6 certified real estate appraisers and one of whom shall be the
7 Secretary of the Commonwealth or his or her designee. For the
8 initial board appointments, the four professional members need
9 not be certified at the time of appointment but shall have
10 appropriate appraisal experience and education and shall have
11 demonstrated adherence to standards of professional practice.]

12 the following members:

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

14 (2) The Attorney General or a designee.

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

16 (4) Eight members who are citizens of the United States
17 and who have been residents of this Commonwealth for a two-
18 year period immediately prior to appointment, two of whom
19 shall be public members and six of whom shall be persons who
20 are State-certified real estate appraisers.

21 * * *

22 (G) COMPENSATION.--EACH MEMBER OF THE BOARD, EXCEPT THE
23 SECRETARY, THE ATTORNEY GENERAL AND THE SECRETARY OF BANKING,
24 SHALL RECEIVE PER DIEM COMPENSATION AT THE RATE OF \$60 PER DIEM
25 WHEN ACTUALLY ATTENDING TO THE WORK OF THE BOARD. MEMBERS SHALL
26 ALSO RECEIVE REASONABLE TRAVELING, HOTEL AND OTHER NECESSARY
27 EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES IN
28 ACCORDANCE WITH COMMONWEALTH REGULATIONS.

29 * * *

30 SECTION 5. POWERS AND DUTIES OF BOARD.

1 THE BOARD SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

2 (1) TO PASS UPON THE QUALIFICATIONS AND FITNESS OF
3 APPLICANTS FOR CERTIFICATION OR LICENSURE AND TO ADOPT AND
4 REVISE RULES AND REGULATIONS REQUIRING APPLICANTS FOR
5 CERTIFICATION TO PASS EXAMINATIONS RELATING TO THEIR
6 QUALIFICATIONS FOR CERTIFICATION.

7 (2) TO ADOPT AND, FROM TIME TO TIME, REVISE SUCH RULES
8 AND REGULATIONS AS MAY BE NECESSARY TO CARRY OUT THE
9 PROVISIONS OF THIS ACT. SUCH REGULATIONS SHALL INCLUDE, BUT
10 NOT BE LIMITED TO, STANDARDS OF PROFESSIONAL APPRAISAL
11 PRACTICE REQUIRING THAT APPRAISALS BE PERFORMED IN ACCORDANCE
12 WITH GENERALLY ACCEPTED APPRAISAL STANDARDS AS REQUIRED
13 PURSUANT TO THE FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND
14 ENFORCEMENT ACT OF 1989 (PUBLIC LAW 101-73, 103 STAT. 183).

15 (3) TO EXAMINE FOR, DENY, APPROVE, ISSUE, REVOKE,
16 SUSPEND OR RENEW CERTIFICATES OF APPRAISERS AND LICENSES OF
17 APPRAISER TRAINEES PURSUANT TO THIS ACT AND TO CONDUCT
18 HEARINGS IN CONNECTION THEREWITH.

19 (4) TO CONDUCT HEARINGS UPON COMPLAINTS CONCERNING
20 VIOLATIONS OF THE PROVISIONS OF THIS ACT AND THE RULES AND
21 REGULATIONS ADOPTED PURSUANT TO THIS ACT AND SEEK THE
22 PROSECUTION AND ENJOINER OF ALL SUCH VIOLATIONS.

23 (5) TO EXPEND MONEYS NECESSARY TO THE PROPER CARRYING
24 OUT OF ITS ASSIGNED DUTIES.

25 (6) TO ESTABLISH FEES FOR THE OPERATION OF THE BOARD,
26 INCLUDING FEES FOR THE ISSUANCE AND RENEWAL OF CERTIFICATES
27 AND LICENSES AND FOR EXAMINATIONS.

28 (7) TO SUBMIT ANNUALLY A REPORT TO THE PROFESSIONAL
29 LICENSURE COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
30 CONSUMER PROTECTION AND PROFESSIONAL LICENSURE COMMITTEE OF

1 THE SENATE CONTAINING A DESCRIPTION OF THE TYPES OF
2 COMPLAINTS RECEIVED, STATUS OF THE CASES, BOARD ACTION WHICH
3 HAS BEEN TAKEN AND LENGTH OF TIME FROM THE INITIAL COMPLAINT
4 TO FINAL BOARD RESOLUTION.

5 (8) TO SUBMIT ANNUALLY TO THE DEPARTMENT OF STATE, AN
6 ESTIMATE OF THE FINANCIAL REQUIREMENTS OF THE BOARD FOR ITS
7 ADMINISTRATIVE, INVESTIGATIVE, LEGAL AND MISCELLANEOUS
8 EXPENSES.

9 (9) TO SUBMIT ANNUALLY TO THE APPROPRIATIONS COMMITTEES
10 OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, 15 DAYS AFTER
11 THE GOVERNOR HAS SUBMITTED HIS BUDGET TO THE GENERAL
12 ASSEMBLY, A COPY OF THE BUDGET REQUEST FOR THE UPCOMING
13 FISCAL YEAR WHICH THE BOARD PREVIOUSLY SUBMITTED TO THE
14 DEPARTMENT OF STATE.

15 (10) TO SUBMIT ANNUALLY PURSUANT TO THE FINANCIAL
16 INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT OF 1989 A
17 ROSTER LISTING INDIVIDUALS WHO HAVE RECEIVED STATE
18 CERTIFICATION.

19 Section 2.1. Section 6 of the act, amended July 2, 1996
20 (P.L.460, No.71) and October 18, 2000 (P.L.600, No.77), is
21 amended to read:

22 Section 6. Application and qualifications.

23 (a) Classes of certification.--There shall be three classes
24 of [certification for certified] certified real estate
25 appraisers as follows:

26 (1) [Residential] Certified Residential Appraiser, which
27 shall consist of those persons applying for and granted
28 certification relating solely to the appraisal of residential
29 real property [as] in accordance with the criteria
30 established by the Appraiser Qualifications Board of the

1 Appraisal Foundation required pursuant to the Financial
2 Institutions Reform, Recovery, and Enforcement Act of 1989
3 (Public Law 101-73, 103 Stat. 183).

4 (2) [General] Certified General Appraiser, which shall
5 consist of those persons applying for and granted
6 certification relating to the appraisal of both residential
7 and nonresidential real property without limitation [as] in
8 accordance with the criteria established by the Appraiser
9 Qualifications Board of the Appraisal Foundation required
10 pursuant to the Financial Institutions Reform, Recovery, and
11 Enforcement Act of 1989 (Public Law 101-73, 103 Stat. 183).

12 (3) Broker/appraiser, which shall consist of those
13 persons who, [on the effective date of this act, are] as of
14 September 3, 1996, were licensed real estate brokers under
15 the act of February 19, 1980 (P.L.15, No.9), known as the
16 Real Estate Licensing and Registration Act, and who, [within
17 two years of the effective date of this act, make] by
18 September 3, 1998, made application to the board and [are]
19 were granted without examination a broker/appraiser
20 certificate. A holder of a broker/appraiser certificate shall
21 only be permitted to perform those real property appraisals
22 that were permitted to be performed by a licensed real estate
23 broker under the Real Estate Licensing and Registration Act
24 as of [the effective date of this act] September 3, 1996. A
25 holder of a broker/appraiser certificate is not authorized to
26 perform real estate appraisals pursuant to the Financial
27 Institutions Reform, Recovery, and Enforcement Act of 1989.

28 (a.1) Appraiser trainee license.--In addition to the
29 certificates authorized in subsection (a), the board shall issue
30 an appraiser trainee license, without examination, to any person

1 who meets the appraiser trainee educational requirements set by
2 the board and who does not already hold an appraiser credential
3 under subsection (a). An appraiser trainee shall operate under
4 the direct supervision of one Certified Residential Appraiser or
5 Certified General Appraiser for the purpose of completing the
6 experience requirement for an appraiser credential in subsection
7 (a). An appraisal trainee shall be permitted to assist in the
8 performance of any appraisal that is within the supervisory
9 appraiser's scope of practice. The supervisory appraiser shall
10 be in good standing, have at least five years of experience as a
11 certified residential appraiser or certified general appraiser
12 and shall not supervise more than three appraiser trainees.

13 (b) Classification to be specified.--The application for
14 examination, original certification or license and renewal of
15 certification or license shall specify the classification being
16 applied for.

17 (c) Application.--An applicant for certification or license
18 [as a certified real estate appraiser] shall submit a written
19 application on forms provided by the board. The application and
20 any and all documentation submitted with the application shall
21 be subscribed and sworn to before a notary public. The applicant
22 shall be held responsible for the statements contained in the
23 application. The making of a false statement in an application
24 may constitute a ground for certification or license denial or
25 revocation. The application shall evidence that:

26 (1) He or she is of good moral character.

27 (2) His or her application has been accompanied by the
28 application fee.

29 (d) Residential Appraiser certification.--As a prerequisite
30 to taking the examination for certification relating solely to

1 the appraisal of residential real property, an applicant shall,
2 in addition to meeting the requirements of subsection (c), meet
3 the minimum education and experience requirements established
4 pursuant to the Financial Institutions Reform, Recovery, and
5 Enforcement Act of 1989.

6 (e) General Appraiser certification.--As a prerequisite to
7 taking the examination for the general certification relating to
8 the appraisal of real property, an applicant shall, in addition
9 to meeting the requirements of subsection (c), meet the minimum
10 education and experience requirements established pursuant to
11 the Financial Institutions Reform, Recovery, and Enforcement Act
12 of 1989.

13 (f) Definition of subjects.--The board shall prescribe and
14 define the subjects related to real property appraisal and the
15 experience in real property appraisal which will satisfy the
16 requirements of subsections (a), (a.1), (d) and (e). To the
17 extent permitted pursuant to the Financial Institutions Reform,
18 Recovery, and Enforcement Act of 1989 with regard to certified
19 residential and general appraisers, the board may give credit to
20 an applicant for classroom hours of academic experience
21 successfully completed prior to the board's prescription and
22 definition of subjects pursuant to this subsection.

23 (g) Examinations.--Examinations for certification or license
24 shall be selected in accordance with the Financial Institutions
25 Reform, Recovery, and Enforcement Act of 1989. Examinations
26 shall be prepared and administered by a qualified and approved
27 professional testing organization in accordance with section
28 812.1 of the act of April 9, 1929 (P.L.177, No.175), known as
29 The Administrative Code of 1929.

30 (i) Real estate brokers as appraisers.--

1 (1) Nothing in this section shall preclude a licensed
2 real estate broker from also holding an appraiser license or
3 certificate under subsection (a)(1) or (2) or (a.1).

4 (2) All persons holding a broker/appraiser certificate
5 under subsection (a)(3) shall be entitled to hold the
6 certificate for the entire term and shall be entitled and
7 subject to the privileges, obligations and renewals which
8 accompany the certificate.

9 ~~Section 3. Section 11(a) of the act is amended by adding~~ <—
10 ~~paragraphs to read:~~

11 SECTION 2.2. SECTION 10 OF THE ACT, AMENDED DECEMBER 20, <—
12 2000 (P.L.733, NO.103), IS AMENDED TO READ:

13 SECTION 10. CERTIFICATION RENEWAL[;], LICENSURE RENEWAL AND
14 RECORDS.

15 (A) RENEWAL TERM.--RENEWAL OF CERTIFICATION OR LICENSURE
16 SHALL BE ON A BIENNIAL BASIS.

17 (B) CONTINUING EDUCATION FOR RESIDENTIAL AND GENERAL
18 APPRAISERS.--THE BOARD SHALL BY REGULATION REQUIRE EVIDENCE OF
19 PROFESSIONAL ACTIVITY OR CONTINUING EDUCATION AS A CONDITION OF
20 CERTIFICATION RENEWAL OF RESIDENTIAL AND GENERAL APPRAISERS IF,
21 AND ONLY TO THE MINIMUM EXTENT, REQUIRED PURSUANT TO THE
22 FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT OF
23 1989 (PUBLIC LAW 101-73, 103 STAT. 183). NO CREDIT SHALL BE
24 GIVEN FOR ANY COURSE IN OFFICE MANAGEMENT OR PRACTICE BUILDING.

25 (B.1) CONTINUING EDUCATION FOR BROKER/APPRAISERS.--
26 BROKER/APPRAISERS SHALL BE SUBJECT TO THE SAME CONTINUING
27 EDUCATION REQUIREMENTS FOR CERTIFICATION RENEWAL AS RESIDENTIAL
28 AND GENERAL APPRAISERS. THE BOARD SHALL HAVE THE POWER AND
29 AUTHORITY TO PROMULGATE REGULATIONS TO PRESCRIBE EVIDENCE OF
30 CONTINUING EDUCATION REQUIRED FOR CERTIFICATION RENEWAL PURSUANT

1 TO THIS SECTION.

2 (C) RECORDS.--A RECORD OF ALL PERSONS LICENSED AS APPRAISER
3 TRAINEES AND ALL PERSONS CERTIFIED AS REAL ESTATE APPRAISERS IN
4 THIS COMMONWEALTH SHALL BE KEPT IN THE OFFICE OF THE BOARD
5 [AND], SHALL BE OPEN TO PUBLIC INSPECTION AND COPYING UPON
6 PAYMENT OF A NOMINAL FEE FOR COPYING THE RECORD AND SHALL BE
7 ACCESSIBLE ON THE BOARD'S INTERNET WEBSITE. EACH
8 CERTIFICATEHOLDER AND LICENSEE SHALL ADVISE THE BOARD OF THE
9 ADDRESS OF HIS OR HER PRINCIPAL PLACE OF BUSINESS.

10 SECTION 3. SECTION 11(A) AND (B) OF THE ACT, AMENDED JULY 2,
11 1996 (P.L.460, NO.71), ARE AMENDED TO READ:

12 Section 11. Disciplinary and corrective measures.

13 (a) Authority of board.--The board may deny, suspend or
14 revoke certificates or licenses, or limit, restrict or reprimand
15 a certificateholder or licensee for any of the following causes:

16 * * *

17 (1) PROCURING OR ATTEMPTING TO PROCURE A CERTIFICATE OR <—
18 LICENSE OR RENEWAL OF A CERTIFICATE OR LICENSE PURSUANT TO
19 THIS ACT BY KNOWINGLY MAKING A FALSE STATEMENT, SUBMITTING
20 FALSE INFORMATION OR REFUSING TO PROVIDE COMPLETE INFORMATION
21 IN RESPONSE TO A QUESTION IN AN APPLICATION FOR CERTIFICATION
22 OR LICENSURE OR RENEWAL OF CERTIFICATION OR LICENSURE THROUGH
23 ANY FORM OF FRAUD OR MISREPRESENTATION.

24 (2) FAILING TO MEET THE MINIMUM QUALIFICATIONS
25 ESTABLISHED BY THIS ACT.

26 (3) PAYING, OR OFFERING TO PAY, ANY VALUABLE
27 CONSIDERATION OTHER THAN PROVIDED FOR BY THIS ACT TO ANY
28 MEMBER OR EMPLOYEE OF THE BOARD TO PROCURE A CERTIFICATE
29 UNDER THIS ACT.

30 (4) BEING CONVICTED OF OR PLEADING GUILTY TO A CRIME

1 WHICH IS SUBSTANTIALLY RELATED TO THE QUALIFICATIONS,
2 FUNCTIONS AND DUTIES OF A PERSON DEVELOPING REAL PROPERTY
3 APPRAISALS AND COMMUNICATING REAL PROPERTY APPRAISALS TO
4 OTHERS.

5 (5) PERFORMING AN ACT OR OMITTING AN ACT WHEN SUCH
6 PERFORMANCE OR OMISSION INVOLVES DISHONESTY, FRAUD OR
7 MISREPRESENTATION WITH INTENT TO SUBSTANTIALLY BENEFIT THE
8 CERTIFICATEHOLDER OR LICENSEE IN HIS PROFESSION OR WITH THE
9 INTENT TO SUBSTANTIALLY INJURE ANOTHER PERSON.

10 (6) VIOLATING ANY OF THE STANDARDS FOR THE DEVELOPMENT
11 OR COMMUNICATION OF REAL PROPERTY APPRAISALS AS REQUIRED
12 PURSUANT TO THIS ACT OR THE FINANCIAL INSTITUTIONS REFORM,
13 RECOVERY, AND ENFORCEMENT ACT OF 1989 (PUBLIC LAW 101-73, 103
14 STAT. 183).

15 (7) FAILING OR REFUSING, WITHOUT GOOD CAUSE, TO EXERCISE
16 REASONABLE DILIGENCE IN DEVELOPING AN APPRAISAL, PREPARING AN
17 APPRAISAL REPORT OR COMMUNICATING AN APPRAISAL.

18 (8) NEGLIGENCE OR INCOMPETENTLY DEVELOPING AN
19 APPRAISAL, PREPARING AN APPRAISAL REPORT OR COMMUNICATING AN
20 APPRAISAL.

21 (9) WILLFULLY DISREGARDING OR VIOLATING ANY OF THE
22 PROVISIONS OF THIS ACT OR THE GUIDELINES OR REGULATIONS OF
23 THE BOARD FOR THE ADMINISTRATION AND ENFORCEMENT OF THE
24 PROVISIONS OF THIS ACT.

25 (10) ACCEPTING AN APPRAISAL ASSIGNMENT WHEN THE
26 EMPLOYMENT ITSELF IS CONTINGENT UPON THE APPRAISER'S
27 REPORTING A PREDETERMINED ANALYSIS OR OPINION, OR WHERE THE
28 FEE TO BE PAID FOR THE PERFORMANCE OF THE APPRAISAL
29 ASSIGNMENT IS CONTINGENT UPON THE OPINION, CONCLUSION OR
30 VALUATION REACHED, OR UPON THE CONSEQUENCE RESULTING FROM THE

1 APPRAISAL ASSIGNMENT.

2 (11) VIOLATING THE CONFIDENTIAL NATURE OF RECORDS TO
3 WHICH THE APPRAISER GAINED ACCESS THROUGH EMPLOYMENT OR
4 ENGAGEMENT AS AN APPRAISER.

5 (12) MAKING THE FEE OR COMPENSATION CONTINGENT UPON AN
6 AWARD OR RECOVERY IN ANY CASE WHERE THE AMOUNT OF THE AWARD
7 OR RECOVERY WOULD BE AFFECTED BY THE APPRAISAL.

8 (13) BASING THE FEE OR COMPENSATION ON A PERCENTAGE OF
9 THE FINAL ESTIMATE OF VALUE.

10 (14) CONTRACTING FOR OR ACCEPTING COMPENSATION FOR
11 APPRAISAL SERVICES IN THE FORM OF A COMMISSION, REBATE,
12 DIVISION OF BROKERAGE COMMISSIONS OR ANY OTHER SIMILAR FORM.

13 (15) HAVING A LICENSE OR CERTIFICATE TO PERFORM
14 APPRAISALS SUSPENDED, REVOKED OR REFUSED BY AN APPRAISAL
15 LICENSURE OR CERTIFICATION AUTHORITY OF ANOTHER STATE,
16 TERRITORY OR COUNTRY, OR RECEIVING OTHER DISCIPLINARY ACTIONS
17 BY THE APPRAISAL LICENSURE OR CERTIFICATION AUTHORITY OF
18 ANOTHER STATE, TERRITORY OR COUNTRY.

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

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

23 (B) BOARD ACTION.--WHEN THE BOARD FINDS THAT THE <—
24 [CERTIFICATION OR] CERTIFICATE OR LICENSE, APPLICATION FOR
25 CERTIFICATION OR LICENSURE OR RENEWAL OF CERTIFICATION OR
26 LICENSURE OF ANY PERSON MAY BE DENIED, REVOKED, RESTRICTED OR
27 SUSPENDED UNDER THE TERMS OF SUBSECTION (A), THE BOARD MAY:

28 (1) DENY THE APPLICATION FOR CERTIFICATION OR LICENSURE
29 OR FOR RENEWAL OF CERTIFICATION OR LICENSURE.

30 (2) ADMINISTER A PUBLIC REPRIMAND.

(3) REVOKE, SUSPEND, LIMIT OR OTHERWISE RESTRICT A
CERTIFICATE OR LICENSE AS DETERMINED BY THE BOARD.

(4) SUSPEND ENFORCEMENT OF ITS FINDINGS THEREOF AND
PLACE A CERTIFICATEHOLDER OR LICENSEE ON PROBATION WITH THE
RIGHT TO VACATE THE PROBATIONARY ORDER FOR NONCOMPLIANCE.

(5) RESTORE A SUSPENDED [CERTIFICATION] CERTIFICATE OR
LICENSE AND IMPOSE ANY DISCIPLINARY OR CORRECTIVE MEASURE
WHICH IT MIGHT ORIGINALLY HAVE IMPOSED.

* * *

~~Section 4. Section 15(b) of the act is amended to read:~~ <—

SECTION 4. SECTIONS 12, 14 AND 15(B) OF THE ACT ARE AMENDED <—
TO READ:

SECTION 12. REINSTATEMENT OF CERTIFICATE OR LICENSE.

UNLESS ORDERED TO DO SO BY COMMONWEALTH COURT OR AN APPEAL
THEREFROM, THE BOARD SHALL NOT REINSTATE THE CERTIFICATE OR
LICENSE OF A PERSON TO PRACTICE AS A CERTIFIED REAL ESTATE
APPRAISER OR AS AN APPRAISER TRAINEE, PURSUANT TO THIS ACT,
WHICH HAS BEEN REVOKED. ANY PERSON WHOSE [CERTIFICATION]
CERTIFICATE OR LICENSE HAS BEEN REVOKED MAY APPLY FOR
REINSTATEMENT, AFTER A PERIOD OF AT LEAST FIVE YEARS, BUT MUST
MEET ALL OF THE CERTIFICATION OR LICENSURE QUALIFICATIONS OF
THIS ACT, INCLUDING THE EXAMINATION REQUIREMENT, IF HE OR SHE
DESIRES TO HOLD HIMSELF OR HERSELF OUT OR TO PRACTICE AS A
[CERTIFIED] REAL ESTATE APPRAISER PURSUANT TO THIS ACT AT ANY
TIME AFTER SUCH REVOCATION.

SECTION 14. SURRENDER OF SUSPENDED OR REVOKED CERTIFICATE OR
LICENSE.

THE BOARD SHALL REQUIRE A PERSON WHOSE [CERTIFICATION]
CERTIFICATE OR LICENSE HAS BEEN SUSPENDED OR REVOKED TO RETURN
THE CERTIFICATE OR LICENSE IN SUCH MANNER AS THE BOARD DIRECTS.

1 FAILURE TO DO SO SHALL BE A MISDEMEANOR OF THE THIRD DEGREE.

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) without being so certified pursuant to this
17 act.] certificateholder or licensee who violates any provision
18 of this act or any noncertificateholder who holds himself out as
19 a real estate appraiser in this Commonwealth or who performs an
20 appraisal for which certification or licensure is required under
21 the Financial Institutions Reform, Recovery, and Enforcement Act
22 of 1989 (Public Law 101-73, 103 Stat. 183) an appraisal in any
23 federally related or nonfederally related transaction or any
24 other appraisal. The board shall levy this penalty only after
25 affording the accused party the opportunity for a hearing, as
26 provided in 2 Pa.C.S. (relating to administrative law and
27 procedure).

28 * * *

29 Section 5. This act shall take effect in 60 days.