

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 564 Session of
1995

INTRODUCED BY HOLL, FEBRUARY 15, 1995

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
FEBRUARY 15, 1995

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 certification, for
6 applications, for qualifications, for disciplinary measures
7 and for scope of practice.

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

10 Section 1. Sections 3, 6(a) and (h), 11(a)(15) and 18 of the
11 act of July 10, 1990 (P.L.404, No.98), known as the Real Estate
12 Appraisers Certification Act, are amended to read:

13 Section 3. Real estate appraiser certification required.

14 It shall be unlawful, on or after [July 1, 1991] January 1,
15 1994, for any person to hold himself out as a State-certified
16 real estate appraiser or to perform appraisals required by the
17 Financial Institutions Reform, Recovery, and Enforcement Act of
18 1989 (Public Law 101-73, 103 Stat. 183) to be performed by a
19 State-certified or State-licensed real estate appraiser unless
20 that person holds a current, valid certification from the board

1 to perform real estate appraisals. [The board shall postpone the
2 prohibition on the performance of appraisals without
3 certification from on or after July 1, 1991, to on or after a
4 later date upon notice that such prohibition has been postponed
5 pursuant to the Financial Institutions Reform, Recovery, and
6 Enforcement Act of 1989. Nothing in this act shall prohibit a
7 person who is licensed or exempted from licensure under the act
8 of February 19, 1980 (P.L.15, No.9), known as the Real Estate
9 Licensing and Registration Act, from performing a real property
10 appraisal without being a State-certified real estate appraiser
11 if that appraisal is not required by the Financial Institutions
12 Reform, Recovery, and Enforcement Act of 1989 to be performed by
13 a State-certified or a State-licensed real estate appraiser.] It
14 shall be unlawful on or after the effective date of this act for
15 any person to perform real estate appraisals in nonfederally
16 related transactions unless that person holds a valid
17 certificate from the board to perform real estate appraisals.

18 Section 6. Application and qualifications.

19 (a) Classes of certification.--There shall be [two] three
20 classes of certification for certified real estate appraisers as
21 follows:

22 (1) Residential, which shall consist of those persons
23 applying for certification relating solely to the appraisal
24 of residential real property as required pursuant to the
25 Financial Institutions Reform, Recovery, and Enforcement Act
26 of 1989 (Public Law 101-73, 103 Stat. 183).

27 (2) General, which shall consist of those persons
28 applying for certification relating to the appraisal of both
29 residential and nonresidential real property without
30 limitation.

1 (3) Limited, which shall consist of those persons who,
2 on the effective date of this act, are licensed real estate
3 brokers under the act of February 19, 1980 (P.L.15, No.9),
4 known as the Real Estate Licensing and Registration Act, and
5 who, within two years of the effective date of this act, make
6 application to the board for a limited appraiser certificate.
7 A holder of a limited appraiser certificate shall only be
8 permitted to perform real property appraisals which, prior to
9 the effective date of this act, were permitted to be
10 performed by a licensed real estate broker under the Real
11 Estate Licensing and Registration Act.

12 * * *

13 [(h) Guidelines and regulations.--In order to facilitate the
14 speedy implementation of this act, the board shall have the
15 power and authority to promulgate, adopt and use guidelines to
16 prescribe the education, experience, examination and other
17 qualifications required for certification pursuant to this
18 section. Such guidelines shall be published in the Pennsylvania
19 Bulletin. The guidelines shall not be subject to review pursuant
20 to section 205 of the act of July 31, 1968 (P.L.769, No.240),
21 referred to as the Commonwealth Documents Law, sections 204(b)
22 and 301(10) of the act of October 15, 1980 (P.L.950, No.164),
23 known as the Commonwealth Attorneys Act, or the act of June 25,
24 1982 (P.L.633, No.181), known as the Regulatory Review Act, and
25 shall be effective for a period not to exceed two years from the
26 effective date of this act. After the expiration of the two-year
27 period, the guidelines shall expire and shall be replaced by
28 regulations which shall have been promulgated, adopted and
29 published as provided by law.]

30 Section 11. Disciplinary and corrective measures.

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

4 * * *

5 (15) Having a license or certificate to perform
6 appraisals suspended, revoked[,] or refused by an appraisal
7 licensure or certification authority of another state,
8 territory or country, or receiving other disciplinary actions
9 by the appraisal licensure or certification authority of
10 another state, territory or country.

11 * * *

12 Section 18. [State licensure requirements] Scope of practice.

13 Persons who are certified as residential real estate
14 appraisers and general real estate appraisers under this act
15 [shall also be deemed to be State-licensed appraisers under the
16 Financial Institutions Reform, Recovery, and Enforcement Act of
17 1989 (Public Law 101-73, 103 Stat. 183)] shall also have
18 authority to perform real estate appraisals in nonfederally
19 related transactions appropriate to their certification
20 classification.

21 Section 2. This act shall take effect in 60 days.