

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1600 Session of 2013

INTRODUCED BY STEVENSON, MILLARD, PICKETT, GODSHALL, MILNE, GRELL, MARSICO, GINGRICH, DeLUCA, M. DALEY, R. MILLER, COHEN, TOOHL, MURT, QUINN, WATSON, DENLINGER, KULA AND KORTZ, JUNE 29, 2013

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 17, 2014

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 powers and duties of
6 the State Board of Certified Real Estate Appraisers, for
7 application and qualifications, for reciprocity and for
8 certification renewal, licensure renewal and records.

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

11 Section 1. Section 5 of the act of July 10, 1990 (P.L.404,
12 No.98), known as the Real Estate Appraisers Certification Act,
13 is amended by adding paragraphs to read:

14 Section 5. Powers and duties of board.

15 \* \* \*

16 ~~(11) To request and receive information or records of~~ <--
17 ~~any kind, including reports of criminal history record~~
18 ~~information from any Federal, State, local or foreign~~
19 ~~government entity regarding an applicant for a license,~~

~~licensee or person related in any way to the business of the applicant or licensee, at a cost to be paid by the applicant or licensee.~~

(11) TO REQUIRE EACH INITIAL APPLICANT FOR LICENSED APPRAISER TRAINEE, CERTIFIED RESIDENTIAL APPRAISER OR CERTIFIED GENERAL APPRAISER TO SUBMIT TO FINGERPRINTING BY THE PENNSYLVANIA STATE POLICE. THE PENNSYLVANIA STATE POLICE SHALL SUBMIT THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR PURPOSES OF VERIFYING THE IDENTITY OF THE INDIVIDUAL AND OBTAINING RECORDS OF CRIMINAL ARRESTS AND CONVICTIONS. THE BOARD SHALL CONSIDER INFORMATION OBTAINED PURSUANT TO THIS PARAGRAPH FOR THE PURPOSE OF SCREENING APPLICANTS FOR FITNESS FOR LICENSURE OR CERTIFICATION IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT AND THE REAL PROPERTY APPRAISER QUALIFICATION CRITERIA OF THE APPRAISER QUALIFICATIONS BOARD OF THE APPRAISAL FOUNDATION. NATIONAL CRIMINAL HISTORY RECORD INFORMATION RECEIVED BY THE BOARD SHALL BE HANDLED OR MAINTAINED IN ACCORDANCE WITH FEDERAL BUREAU OF INVESTIGATION POLICY.

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(12) To the extent required by standards and regulations for the qualifications of appraisers promulgated pursuant to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, to consider criminal history record information of arrests that do not result in a conviction, notwithstanding the provisions of 18 Pa.C.S. § 9124(b)(1) (relating to use of records by licensing agencies).

Section 2. Section 6(c) of the act, amended October 9, 2008 (P.L.1380, No.103), is amended to read:

Section 6. Application and qualifications.

\* \* \*

1 (c) Application.--An applicant for certification or license  
2 shall submit a written application on forms provided by the  
3 board[. The application and any and all documentation submitted  
4 with the application shall be subscribed and sworn to before a  
5 notary public. The applicant shall be held responsible for the  
6 statements contained in the application. The making of a false  
7 statement in an application may constitute a ground for  
8 certification or license denial or revocation. The application  
9 shall evidence] that includes information subject to the  
10 penalties for false swearing set forth in 18 Pa.C.S. § 4903  
11 (relating to false swearing) or unsworn falsification to  
12 authorities set forth in 18 Pa.C.S. § 4904 (relating to unsworn  
13 falsification to authorities) and which demonstrates that:

14 (1) [He or she] The applicant is of good moral  
15 character.

16 (2) [His or her application has been accompanied by] The  
17 applicant has paid the application fee.

18 (3) The applicant has satisfied requirements of the  
19 Pennsylvania State Police and the Federal Bureau of  
20 Investigation for dissemination to the board of criminal  
21 history record information required by the Appraiser  
22 Qualifications Board of the Appraisal Foundation.

23 (4) The applicant has satisfied the qualifications for  
24 licensure as an appraiser trainee or certification as a  
25 residential real estate appraiser or general real estate  
26 appraiser required by:

27 (i) This act.

28 ~~(ii) The laws of this Commonwealth.~~ <--

29 ~~(iii) (II) The regulations of the board.~~ <--

30 ~~(iv) (III) The Real Property Appraiser Qualification~~ <--

1 Criteria of the Appraiser Qualifications Board of the  
2 Appraisal Foundation.

3 \* \* \*

4 Section 3. Section 7 of the act is amended to read:

5 Section 7. Reciprocity.

6 The board shall have the power to grant a reciprocal  
7 certification to an applicant who is certified [or licensed] as  
8 an appraiser or licensed as an appraiser trainee in another  
9 state and has demonstrated qualifications which equal or exceed  
10 those required pursuant to this act in the determination of the  
11 board[, provided that no certificate shall be granted under this  
12 section to an applicant unless the state in which the applicant  
13 is certified or licensed affords reciprocal treatment to persons  
14 who are residents of this Commonwealth and who are certified  
15 pursuant to this act].

16 Section 4. Section 10 of the act is amended by adding a  
17 subsection to read:

18 Section 10. Certification renewal, licensure renewal and  
19 records.

20 \* \* \*

21 (b.2) Continuing education for licensed appraiser  
22 trainees.--Licensed appraiser trainees shall be subject to the  
23 same continuing education requirements for licensure renewal as  
24 residential and general appraisers, but any qualifying education  
25 completed after the issuance of the license and during the  
26 biennial licensure period may also be applied to satisfy the  
27 licensed appraiser trainee's continuing education requirements  
28 under this subsection.

29 \* \* \*

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