
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 564 Session of
1995

INTRODUCED BY HOLL, FEBRUARY 15, 1995

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 13, 1996

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; and making a repeal.

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 1993, 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

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

20 Section 6. Application and qualifications.

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

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

29 (2) General, which shall consist of those persons
30 applying for, and granted, certification relating to the

1 appraisal of both residential and nonresidential real
2 property without limitation as required pursuant to the
3 Financial Institutions Reform, Recovery, and Enforcement Act
4 of 1989 (Public Law 101-73, 103 Stat. 183).

5 (3) Broker/appraiser, which shall consist of those
6 persons who, on the effective date of this act, are licensed
7 real estate brokers under the act of February 19, 1980
8 (P.L.15, No.9), known as the Real Estate Licensing and
9 Registration Act, and who, within two years of the effective
10 date of this act, make application to the board and are
11 granted without examination a broker/appraiser certificate. A
12 holder of a broker/appraiser certificate shall only be
13 permitted to perform those real property appraisals that were
14 permitted to be performed by a licensed real estate broker
15 under the Real Estate Licensing and Registration Act as of
16 the effective date of this act. Furthermore, this <—
17 certification classification precludes performance of A <—
18 HOLDER OF A BROKER/APPRAISER CERTIFICATE IS NOT AUTHORIZED TO
19 PERFORM real estate appraisals pursuant to the Financial
20 Institutions Reform, Recovery, and Enforcement Act of 1989.

21 * * *

22 [(h) Guidelines and regulations.--In order to facilitate the
23 speedy implementation of this act, the board shall have the
24 power and authority to promulgate, adopt and use guidelines to
25 prescribe the education, experience, examination and other
26 qualifications required for certification pursuant to this
27 section. Such guidelines shall be published in the Pennsylvania
28 Bulletin. The guidelines shall not be subject to review pursuant
29 to section 205 of the act of July 31, 1968 (P.L.769, No.240),
30 referred to as the Commonwealth Documents Law, sections 204(b)

1 and 301(10) of the act of October 15, 1980 (P.L.950, No.164),
2 known as the Commonwealth Attorneys Act, or the act of June 25,
3 1982 (P.L.633, No.181), known as the Regulatory Review Act, and
4 shall be effective for a period not to exceed two years from the
5 effective date of this act. After the expiration of the two-year
6 period, the guidelines shall expire and shall be replaced by
7 regulations which shall have been promulgated, adopted and
8 published as provided by law.]

9 Section 11. Disciplinary and corrective measures.

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

13 * * *

14 (15) Having a license or certificate to perform
15 appraisals suspended, revoked[,] or refused by an appraisal
16 licensure or certification authority of another state,
17 territory or country, or receiving other disciplinary actions
18 by the appraisal licensure or certification authority of
19 another state, territory or country.

20 * * *

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

22 Persons who are certified as residential real estate
23 appraisers and general real estate appraisers under this act
24 [shall also be deemed to be State-licensed appraisers under the
25 Financial Institutions Reform, Recovery, and Enforcement Act of
26 1989 (Public Law 101-73, 103 Stat. 183).] shall also have
27 authority to perform real estate appraisals in nonfederally
28 related transactions appropriate to their certification
29 classification. Brokers/appraisers shall continue to have
30 authority to perform real estate appraisals in nonfederally

1 related transactions.

2 Section 2. As much as reads "or appraises" in paragraph (3)
3 of the definition of "broker" in section 201 of the act of
4 February 19, 1980 (P.L.15, No.9), known as the Real Estate
5 Licensing and Registration Act, is repealed TWO YEARS AFTER THE <—
6 EFFECTIVE DATE OF THIS ACT.

7 Section 3. This act shall take effect in 60 days.