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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2891 Session of  
2006

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INTRODUCED BY DALLY, THOMAS, BEYER, CALTAGIRONE, COHEN,  
CRAHALLA, DeLUCA, DENLINGER, DeWEESE, GEIST, GINGRICH,  
GRUCELA, HARHART, HARPER, R. MILLER, MUNDY, ROBERTS,  
SCAVELLO, SCHRODER, SIPTROTH, SONNEY, E. Z. TAYLOR,  
J. TAYLOR, TIGUE AND YOUNGBLOOD, AUGUST 16, 2006

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, AUGUST 16, 2006

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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.

1           (2) The Attorney General or a designee.

2           (3) The Secretary of the Department of Banking or a  
3           designee.

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

15          \* \* \*

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

18          Section 11. Disciplinary and corrective measures.

19           (a) Authority of board.--The board may deny, suspend or  
20          revoke certificates, or limit, restrict or reprimand a  
21          certificateholder for

22           \* \* \*

23           (16) Having one's right to practice before a Federal or  
24           State governmental agency suspended or revoked.

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

27          \* \* \*

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

29          Section 15. Penalties.

30          \* \* \*

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

19 \* \* \*

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