

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 949 Session of
2007

INTRODUCED BY R. STEVENSON, BAKER, BELFANTI, BOYD, CAPPELLI,
CREIGHTON, DeLUCA, FLECK, GEIST, GILLESPIE, GINGRICH,
HARHART, HERSHEY, KORTZ, McILHATTAN, MILLARD, R. MILLER,
MURT, MUSTIO, NAILOR, PICKETT, PYLE, REICHLEY, SAYLOR, STERN,
THOMAS, YOUNGBLOOD, EVERETT, HELM, DERMODY, DENLINGER,
LONGIETTI, PERRY AND SIPTROTH, MARCH 29, 2007

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL
LICENSURE, IN SENATE, AS AMENDED, SEPTEMBER 23, 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 powers and duties of board, for~~
8 ~~application and qualifications, for reciprocity, for~~
9 ~~certification and licensure renewal, for disciplinary and~~
10 ~~corrective measures, for reinstatement, for reporting of~~
11 ~~multiple certification, for surrender of suspended or revoked~~
12 ~~certificate, for penalties and for injunctive relief. FURTHER~~ <—
13 PROVIDING FOR REAL ESTATE APPRAISER CERTIFICATION REQUIRED,
14 FOR APPLICATION AND QUALIFICATIONS AND FOR CERTIFICATION
15 RENEWAL, LICENSURE RENEWAL AND RECORDS.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 ~~Section 1. Section 3 of the act of July 10, 1990 (P.L.404,~~ <—
19 ~~No.98), known as the Real Estate Appraisers Certification Act,~~
20 ~~amended July 2, 1996 (P.L.460, No.71), is amended to read:~~
21 ~~Section 3. Real estate appraiser certification required.~~

1 ~~It shall be unlawful[, on or after January 1, 1993,] for any~~
2 ~~person to hold himself out as a State certified real estate~~
3 ~~appraiser or to perform appraisals required by the Financial~~
4 ~~Institutions Reform, Recovery, and Enforcement Act of 1989~~
5 ~~(Public Law 101-73, 103 Stat. 183) to be performed by a State-~~
6 ~~certified or State licensed real estate appraiser unless that~~
7 ~~person holds an appropriate, current and valid [certification]~~
8 ~~certificate from the board to perform real estate appraisals. It~~
9 ~~shall be unlawful [two years after the effective date of this~~
10 ~~act] for any person to perform real estate appraisals in~~
11 ~~nonfederally related transactions unless that person holds a~~
12 ~~valid certificate from the board to perform real estate~~
13 ~~appraisals. It shall be unlawful for a person to hold himself~~
14 ~~out as a licensed appraiser trainee without a current and valid~~
15 ~~license issued by the board.~~

16 Section 2. ~~Sections 4(a) and (c) and 5 of the act are~~
17 ~~amended to read:~~

18 Section 4. ~~State Board of Certified Real Estate Appraisers.~~

19 ~~(a) Creation.—~~

20 ~~(1) There is hereby created the State Board of Certified~~
21 ~~Real Estate Appraisers as a departmental administrative board~~
22 ~~in the Department of State. The board shall consist of [seven~~
23 ~~members who are] the following members:~~

24 ~~(i) The Secretary of the Commonwealth or a designee.~~

25 ~~(ii) The Attorney General or a designee.~~

26 ~~(iii) The Secretary of Banking or a designee.~~

27 ~~(iv) Six State certified real estate appraisers.~~

28 ~~(v) Two public members.~~

29 ~~(2) Members under subsection (a)(1)(iv) and (v) must be~~
30 ~~citizens of the United States and [who have been] must be~~

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

11 ~~* * *~~

12 ~~[(c) Initial appointments. Within 90 days of the effective~~
13 ~~date of this act, the Governor shall nominate one professional~~
14 ~~member to serve a four year term; one public member and one~~
15 ~~professional member to serve three year terms; one public member~~
16 ~~and one professional member to serve two year terms; and one~~
17 ~~professional member to serve a one year term.]~~

18 ~~* * *~~

19 ~~Section 5. Powers and duties of board.~~

20 ~~The board shall have the following powers and duties:~~

21 ~~(1) To pass upon the qualifications and fitness of~~
22 ~~applicants for certification or licensure and to adopt and~~
23 ~~revise rules and regulations requiring applicants for~~
24 ~~certification to pass examinations relating to their~~
25 ~~qualifications for certification.~~

26 ~~(2) To adopt and, from time to time, revise such rules~~
27 ~~and regulations as may be necessary to carry out the~~
28 ~~provisions of this act. Such regulations shall include, but~~
29 ~~not be limited to, standards of professional appraisal~~
30 ~~practice requiring that appraisals be performed in accordance~~

1 with generally accepted appraisal standards as required
2 pursuant to the Financial Institutions Reform, Recovery, and
3 Enforcement Act of 1989 (Public Law 101-73, 103 Stat. 183).

4 ~~(3) To examine for, deny, approve, issue, revoke,~~
5 ~~suspend or renew certificates of appraisers pursuant to this~~
6 ~~act and to conduct hearings in connection therewith.~~

7 ~~(3.1) To deny, approve, issue, revoke, suspend or renew~~
8 ~~licenses of appraiser trainees pursuant to this act and to~~
9 ~~conduct hearings in connection therewith.~~

10 ~~(4) To conduct hearings upon complaints concerning~~
11 ~~violations of the provisions of this act and the rules and~~
12 ~~regulations adopted pursuant to this act and seek the~~
13 ~~prosecution and enjoinder of all such violations.~~

14 ~~(5) To expend moneys necessary to the proper carrying~~
15 ~~out of its assigned duties.~~

16 ~~(6) To establish fees for the operation of the board,~~
17 ~~including fees for the issuance and renewal of certificates~~
18 ~~and licenses and for examinations.~~

19 ~~(7) To submit annually a report to the Professional~~
20 ~~Licensure Committee of the House of Representatives and the~~
21 ~~Consumer Protection and Professional Licensure Committee of~~
22 ~~the Senate containing a description of the types of~~
23 ~~complaints received, status of the cases, board action which~~
24 ~~has been taken and length of time from the initial complaint~~
25 ~~to final board resolution.~~

26 ~~(8) To submit annually to the Department of State, an~~
27 ~~estimate of the financial requirements of the board for its~~
28 ~~administrative, investigative, legal and miscellaneous~~
29 ~~expenses.~~

30 ~~(9) To submit annually to the Appropriations Committees~~

1 ~~of the House of Representatives and the Senate, 15 days after~~
2 ~~the Governor has submitted his budget to the General~~
3 ~~Assembly, a copy of the budget request for the upcoming~~
4 ~~fiscal year which the board previously submitted to the~~
5 ~~Department of State.~~

6 ~~(10) To submit annually pursuant to the Financial~~
7 ~~Institutions Reform, Recovery, and Enforcement Act of 1989 a~~
8 ~~roster listing individuals who have received State~~
9 ~~certification or licensure.~~

10 ~~Section 3. Section 6(b), (c) and (f) of the act, amended~~
11 ~~October 18, 2000 (P.L. 600, No. 77), are amended and the section~~
12 ~~is amended by adding a subsection to read:~~

13 ~~Section 6. Application and qualifications.~~

14 ~~* * *~~

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

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

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

30 ~~(2) His or her application has been accompanied by the~~

1 application fee.

2 * * *

3 ~~(f) Definition of subjects. The board shall prescribe and~~
4 ~~define the subjects related to real property appraisal and the~~
5 ~~experience in real property appraisal which will satisfy the~~
6 ~~requirements of subsections (d)[and (e)], (e) and (i). To the~~
7 ~~extent permitted pursuant to the Financial Institutions Reform,~~
8 ~~Recovery, and Enforcement Act of 1989 with regard to certified~~
9 ~~appraisers, the board may give credit to an applicant for~~
10 ~~classroom hours of academic experience successfully completed~~
11 ~~prior to the board's prescription and definition of subjects~~
12 ~~pursuant to this subsection.~~

13 * * *

14 ~~(i) Appraiser trainee license. In addition to the~~
15 ~~certificates authorized in subsection (a), the board may issue~~
16 ~~an appraiser trainee license to an individual who, in addition~~
17 ~~to meeting the other requirements of this act, meets the~~
18 ~~appraiser trainee educational requirements of the Appraiser~~
19 ~~Qualifications Board of the Appraisal Foundation and who does~~
20 ~~not already hold an appraiser credential under subsection (a)(1)~~
21 ~~or (2). A licensed appraiser trainee shall operate under the~~
22 ~~direct supervision of an individual holding certification~~
23 ~~pursuant to subsection (a)(1) or (2) for the purpose of~~
24 ~~completing the experience requirement for an appraiser~~
25 ~~credential set forth in subsection (a)(1) or (2). The board~~
26 ~~shall promulgate regulations which adopt the supervision~~
27 ~~requirements for the trainee real property appraiser~~
28 ~~classification set forth by the Appraiser Qualifications Board~~
29 ~~of the Appraisal Foundation. A licensed appraiser trainee shall~~
30 ~~be permitted to assist in the performance of any appraisal that~~

1 ~~is within the supervisory appraiser's scope of practice.~~

2 Section 3.1. ~~Section 7 of the act is amended to read:~~

3 Section 7. ~~Reciprocity.~~

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

14 Section 4. ~~Section 10 of the act, amended December 20, 2000~~
15 ~~(P.L.733, No.103), is amended to read:~~

16 Section 10. ~~Certification and licensure~~ renewal; records.

17 (a) ~~Renewal term. Renewal of certification or licensure~~
18 shall be on a biennial basis ~~for persons in good standing,~~
19 ~~except that the board may prescribe limitations on the number of~~
20 ~~times that a licensed appraiser trainee may renew such license.~~

21 (b) ~~Continuing education for residential and general~~
22 ~~appraisers. The board shall by regulation require evidence of~~
23 ~~professional activity or continuing education as a condition of~~
24 ~~certification renewal of residential and general appraisers if,~~
25 ~~and only to the minimum extent, required pursuant to the~~
26 ~~Financial Institutions Reform, Recovery, and Enforcement Act of~~
27 ~~1989 (Public Law 101 73, 103 Stat. 183). No credit shall be~~
28 ~~given for any course in office management or practice building.~~

29 (b.1) ~~Continuing education for broker/appraisers.~~
30 Broker/appraisers shall be subject to the same continuing

1 ~~education requirements for certification renewal as residential~~
2 ~~and general appraisers. The board shall have the power and~~
3 ~~authority to promulgate regulations to prescribe evidence of~~
4 ~~continuing education required for certification renewal pursuant~~
5 ~~to this section.~~

6 ~~(b.2) Continuing education for licensed appraiser~~
7 ~~trainees. The board shall by regulation require evidence of~~
8 ~~continuing education as a condition of licensure renewal for~~
9 ~~licensed appraiser trainees. The board shall promulgate~~
10 ~~regulations which adopt the continuing education requirements~~
11 ~~for licensed appraiser trainees as set forth by the Appraiser~~
12 ~~Qualifications Board of the Appraisal Foundation. As a condition~~
13 ~~of licensure renewal, licensed appraiser trainees shall comply~~
14 ~~with mandatory continuing education requirements established by~~
15 ~~the board through regulation.~~

16 ~~(c) Records. A record of all persons licensed as appraiser~~
17 ~~trainees and all persons certified as real estate appraisers in~~
18 ~~this Commonwealth shall be kept in the office of the board and~~
19 ~~shall be open to public inspection and copying upon payment of a~~
20 ~~nominal fee for copying the record. Each certificateholder and~~
21 ~~licensee shall advise the board of the address of his or her~~
22 ~~principal place of business.~~

23 ~~Section 5. Section 11 of the act, amended July 2, 1996~~
24 ~~(P.L.460, No.71), is amended to read:~~

25 ~~Section 11. Disciplinary and corrective measures.~~

26 ~~(a) Authority of board. The board may deny, suspend or~~
27 ~~revoke certificates or licenses, or limit, restrict or reprimand~~
28 ~~a certificateholder or licensee for any of the following causes:~~

29 ~~(1) Procuring or attempting to procure a certificate or~~
30 ~~license or renewal of a certificate or license pursuant to~~

1 ~~this act by knowingly making a false statement, submitting~~
2 ~~false information or refusing to provide complete information~~
3 ~~in response to a question in an application for certification~~
4 ~~or licensure or renewal of certification or licensure through~~
5 ~~any form of fraud or misrepresentation.~~

6 ~~(2) Failing to meet the minimum qualifications~~
7 ~~established by this act.~~

8 ~~(3) Paying, or offering to pay, any valuable~~
9 ~~consideration other than provided for by this act to any~~
10 ~~member or employee of the board to procure a certificate or~~
11 ~~license under this act.~~

12 ~~(4) Being convicted of or pleading guilty to a crime~~
13 ~~which is substantially related to the qualifications,~~
14 ~~functions and duties of a person developing real property~~
15 ~~appraisals and communicating real property appraisals to~~
16 ~~others.~~

17 ~~(5) Performing an act or omitting an act when such~~
18 ~~performance or omission involves dishonesty, fraud or~~
19 ~~misrepresentation with intent to substantially benefit the~~
20 ~~certificateholder or licensee in his profession or with the~~
21 ~~intent to substantially injure another person.~~

22 ~~(6) Violating any of the standards for the development~~
23 ~~or communication of real property appraisals as required~~
24 ~~pursuant to this act or the Financial Institutions Reform,~~
25 ~~Recovery, and Enforcement Act of 1989 (Public Law 101-73, 103~~
26 ~~Stat. 183).~~

27 ~~(7) Failing or refusing, without good cause, to exercise~~
28 ~~reasonable diligence in developing an appraisal, preparing an~~
29 ~~appraisal report or communicating an appraisal.~~

30 ~~(8) Negligently or incompetently developing an~~

1 appraisal, preparing an appraisal report or communicating an
2 appraisal.

3 ~~(8.1) With respect to an individual holding~~
4 ~~certification under section 6(a)(1) or (2), failing to~~
5 ~~properly supervise a licensed appraiser trainee.~~

6 ~~(9) Willfully disregarding or violating any of the~~
7 ~~provisions of this act or the guidelines or regulations of~~
8 ~~the board for the administration and enforcement of the~~
9 ~~provisions of this act.~~

10 ~~(10) Accepting an appraisal assignment when the~~
11 ~~employment itself is contingent upon the appraiser's~~
12 ~~reporting a predetermined analysis or opinion, or where the~~
13 ~~fee to be paid for the performance of the appraisal~~
14 ~~assignment is contingent upon the opinion, conclusion or~~
15 ~~valuation reached, or upon the consequence resulting from the~~
16 ~~appraisal assignment.~~

17 ~~(11) Violating the confidential nature of records to~~
18 ~~which the appraiser gained access through employment or~~
19 ~~engagement as an appraiser.~~

20 ~~(12) Making the fee or compensation contingent upon an~~
21 ~~award or recovery in any case where the amount of the award~~
22 ~~or recovery would be affected by the appraisal.~~

23 ~~(13) Basing the fee or compensation on a percentage of~~
24 ~~the final estimate of value.~~

25 ~~(14) Contracting for or accepting compensation for~~
26 ~~appraisal services in the form of a commission, rebate,~~
27 ~~division of brokerage commissions or any other similar form.~~

28 ~~(15) Having a license or certificate to assist in~~
29 ~~performing or perform appraisals suspended, revoked or~~
30 ~~refused by an appraisal licensure or certification authority~~

1 ~~of another state, territory or country, or receiving other~~
2 ~~disciplinary actions by the appraisal licensure or~~
3 ~~certification authority of another state, territory or~~
4 ~~country.~~

5 ~~(b) Board action. When the board finds that the~~
6 ~~[certification] certificate or license or application for~~
7 ~~certification or licensure or renewal of [any person]~~
8 ~~certification or licensure may be denied, revoked, restricted or~~
9 ~~suspended under the terms of subsection (a), the board may:~~

10 ~~(1) Deny the application for [certification] renewal.~~

11 ~~(2) Administer a public reprimand.~~

12 ~~(3) Revoke, suspend, limit or otherwise restrict a~~
13 ~~certificate or license as determined by the board.~~

14 ~~(4) Suspend enforcement of its findings thereof and~~
15 ~~place a certificateholder or licensee on probation with the~~
16 ~~right to vacate the probationary order for noncompliance.~~

17 ~~(5) Restore a suspended [certification] certificate or~~
18 ~~license and impose any disciplinary or corrective measure~~
19 ~~which it might originally have imposed.~~

20 ~~(c) Hearing. All actions of the board shall be taken~~
21 ~~subject to the right of notice, hearing and adjudication and the~~
22 ~~right of appeal therefrom in accordance with 2 Pa.C.S. (relating~~
23 ~~to administrative law and procedure). Appeals from actions of~~
24 ~~the board shall be taken to Commonwealth Court or to such other~~
25 ~~court as prescribed by law.~~

26 ~~Section 6. Sections 12, 13, 14, 15 and 17 of the act are~~
27 ~~amended to read:~~

28 ~~Section 12. Reinstatement of certificate or license.~~

29 ~~Unless ordered to do so by Commonwealth Court or an appeal~~
30 ~~therefrom, the board shall not reinstate the certificate or~~

1 ~~license of a person to practice as a certified real estate~~
2 ~~appraiser, or as a licensed appraiser trainee, pursuant to this~~
3 ~~act, which has been revoked. Any person whose [certification]~~
4 ~~certificate or license has been revoked may apply for~~
5 ~~reinstatement, after a period of at least five years, but must~~
6 ~~meet all of the certification or licensure qualifications of~~
7 ~~this act, including [the] any examination requirement, if he or~~
8 ~~she desires to hold himself or herself out or to practice as a~~
9 ~~certified real estate appraiser or as a licensed appraiser~~
10 ~~trainee pursuant to this act at any time after such revocation.~~

11 Section 13.— Reporting of multiple certification.

12 ~~[Any appraiser certified in this Commonwealth] An individual~~
13 ~~certified or licensed under this act who is also certified or~~
14 ~~licensed to perform appraisals in any other state, territory or~~
15 ~~country shall report this information to the board on the~~
16 ~~biennial renewal application. Any disciplinary action taken in~~
17 ~~any other state, territory or country shall be reported to the~~
18 ~~board on the biennial renewal application, or within 90 days of~~
19 ~~disposition, whichever is sooner. Multiple licensure or~~
20 ~~certification shall be noted by the board on the [certified~~
21 ~~appraiser's] individual's record, and such state, territory or~~
22 ~~country shall be notified by the board of any disciplinary~~
23 ~~actions taken against [said certified appraiser] the individual~~
24 ~~in this Commonwealth.~~

25 Section 14.— Surrender of suspended or revoked certificate.

26 ~~The board shall require a person whose [certification]~~
27 ~~certificate or license has been suspended or revoked to return~~
28 ~~the certificate or license in such manner as the board directs.~~
29 ~~Failure to do so shall be a misdemeanor of the third degree.~~

30 Section 15.— Penalties.

1 ~~(a) Criminal penalties. A person who violates this act~~
2 ~~commits a misdemeanor of the third degree and shall, upon~~
3 ~~conviction, be sentenced to pay a fine of up to \$1,000 or to~~
4 ~~imprisonment for not more than 90 days, or both.~~

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

26 ~~(c) Disposition. All fines and civil penalties imposed in~~
27 ~~accordance with this section shall be paid into the Professional~~
28 ~~Licensure Augmentation Account.~~
29 ~~Section 17. Injunctive relief.~~

30 ~~(a) Injunction. A violation of section 3 may be enjoined by~~

1 ~~the courts upon petition of the secretary or the board. In any~~
2 ~~proceeding under this section, it shall not be necessary to show~~
3 ~~that any person is individually injured by the actions~~
4 ~~complained of. If the court finds that the respondent has~~
5 ~~violated section 3, it shall enjoin him or her from so~~
6 ~~practicing or holding himself or herself out until he or she has~~
7 ~~been duly certified or licensed. Procedure in such cases shall~~
8 ~~be the same as in any other injunction suit.~~

9 ~~(b) Remedy cumulative. The injunctive remedy provided in~~
10 ~~this section shall be in addition to any other civil or criminal~~
11 ~~prosecution and punishment.~~

12 ~~Section 7. The board shall promulgate regulations to carry~~
13 ~~into effect the provisions of this act within 18 months of the~~
14 ~~effective date of this section.~~

15 ~~Section 8. This act shall take effect as follows:~~

16 ~~(1) This section shall take effect immediately.~~

17 ~~(2) Section 7 of this act shall take effect immediately.~~

18 ~~(3) The remainder of this act shall take effect in 60~~
19 ~~days.~~

20 SECTION 1. SECTIONS 3, 6 AND 10 OF THE ACT OF JULY 10, 1990 <—
21 (P.L.404, NO.98), KNOWN AS THE REAL ESTATE APPRAISERS
22 CERTIFICATION ACT, AMENDED JULY 8, 2008 (P.L.833, NO.59), ARE
23 AMENDED TO READ:

24 SECTION 3. REAL ESTATE APPRAISER CERTIFICATION REQUIRED.

25 IT SHALL BE UNLAWFUL FOR ANY PERSON TO DO ANY OF THE
26 FOLLOWING:

27 (1) TO HOLD HIMSELF OUT AS A STATE-CERTIFIED REAL ESTATE
28 APPRAISER OR TO PERFORM APPRAISALS REQUIRED BY THE FINANCIAL
29 INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT OF 1989
30 (PUBLIC LAW 101-73, 103 STAT. 183) TO BE PERFORMED BY A

1 STATE-CERTIFIED OR STATE-LICENSED REAL ESTATE APPRAISER
2 UNLESS THAT PERSON HOLDS AN APPROPRIATE, CURRENT AND VALID
3 CERTIFICATE FROM THE BOARD TO PERFORM REAL ESTATE APPRAISALS.

4 (2) TO PERFORM REAL ESTATE APPRAISALS IN NONFEDERALLY
5 RELATED TRANSACTIONS UNLESS THAT PERSON HOLDS AN APPROPRIATE,
6 CURRENT AND VALID CERTIFICATE [OR LICENSE] FROM THE BOARD TO
7 PERFORM REAL ESTATE APPRAISALS.

8 (3) TO HOLD HIMSELF OUT AS A REAL ESTATE APPRAISER OR
9 APPRAISER TRAINEE WITHOUT AN APPROPRIATE, CURRENT AND VALID
10 CERTIFICATE OR LICENSE FROM THE BOARD.

11 SECTION 6. APPLICATION AND QUALIFICATIONS.

12 (A) CLASSES OF CERTIFICATION.--THERE SHALL BE THREE CLASSES
13 OF CERTIFIED REAL ESTATE APPRAISERS AS FOLLOWS:

14 (1) CERTIFIED RESIDENTIAL APPRAISER, WHICH SHALL CONSIST
15 OF THOSE PERSONS APPLYING FOR AND GRANTED CERTIFICATION
16 RELATING SOLELY TO THE APPRAISAL OF RESIDENTIAL REAL PROPERTY
17 IN ACCORDANCE WITH THE CRITERIA ESTABLISHED BY THE APPRAISER
18 QUALIFICATIONS BOARD OF THE APPRAISAL FOUNDATION REQUIRED
19 PURSUANT TO THE FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND
20 ENFORCEMENT ACT OF 1989 (PUBLIC LAW 101-73, 103 STAT. 183).

21 (2) CERTIFIED GENERAL APPRAISER, WHICH SHALL CONSIST OF
22 THOSE PERSONS APPLYING FOR AND GRANTED CERTIFICATION RELATING
23 TO THE APPRAISAL OF BOTH RESIDENTIAL AND NONRESIDENTIAL REAL
24 PROPERTY WITHOUT LIMITATION IN ACCORDANCE WITH THE CRITERIA
25 ESTABLISHED BY THE APPRAISER QUALIFICATIONS BOARD OF THE
26 APPRAISAL FOUNDATION REQUIRED PURSUANT TO THE FINANCIAL
27 INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT OF 1989
28 (PUBLIC LAW 101-73, 103 STAT. 183).

29 (3) BROKER/APPRaiser, WHICH SHALL CONSIST OF THOSE
30 PERSONS WHO, AS OF SEPTEMBER 3, 1996, WERE LICENSED REAL

1 ESTATE BROKERS UNDER THE ACT OF FEBRUARY 19, 1980 (P.L.15,
2 NO.9), KNOWN AS THE REAL ESTATE LICENSING AND REGISTRATION
3 ACT, AND WHO, BY SEPTEMBER 3, 1998, MADE APPLICATION TO THE
4 BOARD AND WERE GRANTED WITHOUT EXAMINATION A BROKER/APPRaiser
5 CERTIFICATE. A HOLDER OF A BROKER/APPRaiser CERTIFICATE SHALL
6 ONLY BE PERMITTED TO PERFORM THOSE REAL PROPERTY APPRAISALS
7 THAT WERE PERMITTED TO BE PERFORMED BY A LICENSED REAL ESTATE
8 BROKER UNDER THE REAL ESTATE LICENSING AND REGISTRATION ACT
9 AS OF SEPTEMBER 3, 1996. A HOLDER OF A BROKER/APPRaiser
10 CERTIFICATE IS NOT AUTHORIZED TO PERFORM REAL ESTATE
11 APPRAISALS PURSUANT TO THE FINANCIAL INSTITUTIONS REFORM,
12 RECOVERY, AND ENFORCEMENT ACT OF 1989.

13 (A.1) APPRAISER TRAINEE LICENSE.--IN ADDITION TO THE
14 CERTIFICATES AUTHORIZED IN SUBSECTION (A), THE BOARD SHALL ISSUE
15 AN APPRAISER TRAINEE LICENSE, WITHOUT EXAMINATION, TO ANY PERSON
16 WHO MEETS THE APPRAISER TRAINEE EDUCATIONAL REQUIREMENTS SET BY
17 THE BOARD AND WHO DOES NOT ALREADY HOLD AN APPRAISER CREDENTIAL
18 UNDER SUBSECTION (A). AN APPRAISER TRAINEE SHALL OPERATE UNDER
19 THE DIRECT SUPERVISION OF ONE CERTIFIED RESIDENTIAL APPRAISER OR
20 CERTIFIED GENERAL APPRAISER FOR THE PURPOSE OF COMPLETING THE
21 EXPERIENCE REQUIREMENT FOR AN APPRAISER CREDENTIAL IN SUBSECTION
22 (A). AN [APPRAISAL] APPRAISER TRAINEE SHALL BE PERMITTED TO
23 ASSIST IN THE PERFORMANCE OF ANY APPRAISAL THAT IS WITHIN THE
24 SUPERVISORY APPRAISER'S SCOPE OF PRACTICE. THE SUPERVISORY
25 APPRAISER SHALL BE IN GOOD STANDING, HAVE AT LEAST FIVE YEARS OF
26 EXPERIENCE AS A CERTIFIED RESIDENTIAL APPRAISER OR CERTIFIED
27 GENERAL APPRAISER AND SHALL NOT SUPERVISE MORE THAN THREE
28 APPRAISER TRAINEES.

29 (B) CLASSIFICATION TO BE SPECIFIED.--THE APPLICATION FOR
30 EXAMINATION, ORIGINAL CERTIFICATION OR LICENSE AND RENEWAL OF

1 CERTIFICATION OR LICENSE SHALL SPECIFY THE CLASSIFICATION BEING
2 APPLIED FOR.

3 (C) APPLICATION.--AN APPLICANT FOR CERTIFICATION OR LICENSE
4 SHALL SUBMIT A WRITTEN APPLICATION ON FORMS PROVIDED BY THE
5 BOARD. THE APPLICATION AND ANY AND ALL DOCUMENTATION SUBMITTED
6 WITH THE APPLICATION SHALL BE SUBSCRIBED AND SWORN TO BEFORE A
7 NOTARY PUBLIC. THE APPLICANT SHALL BE HELD RESPONSIBLE FOR THE
8 STATEMENTS CONTAINED IN THE APPLICATION. THE MAKING OF A FALSE
9 STATEMENT IN AN APPLICATION MAY CONSTITUTE A GROUND FOR
10 CERTIFICATION OR LICENSE DENIAL OR REVOCATION. THE APPLICATION
11 SHALL EVIDENCE THAT:

12 (1) HE OR SHE IS OF GOOD MORAL CHARACTER.

13 (2) HIS OR HER APPLICATION HAS BEEN ACCOMPANIED BY THE
14 APPLICATION FEE.

15 (D) RESIDENTIAL APPRAISER CERTIFICATION.--AS A PREREQUISITE
16 TO TAKING THE EXAMINATION FOR CERTIFICATION RELATING SOLELY TO
17 THE APPRAISAL OF RESIDENTIAL REAL PROPERTY, AN APPLICANT SHALL,
18 IN ADDITION TO MEETING THE REQUIREMENTS OF SUBSECTION (C), MEET
19 THE MINIMUM EDUCATION AND EXPERIENCE REQUIREMENTS ESTABLISHED
20 PURSUANT TO THE FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND
21 ENFORCEMENT ACT OF 1989.

22 (E) GENERAL APPRAISER CERTIFICATION.--AS A PREREQUISITE TO
23 TAKING THE EXAMINATION FOR THE GENERAL CERTIFICATION RELATING TO
24 THE APPRAISAL OF REAL PROPERTY, AN APPLICANT SHALL, IN ADDITION
25 TO MEETING THE REQUIREMENTS OF SUBSECTION (C), MEET THE MINIMUM
26 EDUCATION AND EXPERIENCE REQUIREMENTS ESTABLISHED PURSUANT TO
27 THE FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT
28 OF 1989.

29 (F) DEFINITION OF SUBJECTS.--THE BOARD SHALL PRESCRIBE AND
30 DEFINE THE SUBJECTS RELATED TO REAL PROPERTY APPRAISAL AND THE

1 EXPERIENCE IN REAL PROPERTY APPRAISAL WHICH WILL SATISFY THE
2 REQUIREMENTS OF SUBSECTIONS (A), (A.1), (D) AND (E). TO THE
3 EXTENT PERMITTED PURSUANT TO THE FINANCIAL INSTITUTIONS REFORM,
4 RECOVERY, AND ENFORCEMENT ACT OF 1989 WITH REGARD TO CERTIFIED
5 RESIDENTIAL AND GENERAL APPRAISERS, THE BOARD MAY GIVE CREDIT TO
6 AN APPLICANT FOR CLASSROOM HOURS OF ACADEMIC EXPERIENCE
7 SUCCESSFULLY COMPLETED PRIOR TO THE BOARD'S PRESCRIPTION AND
8 DEFINITION OF SUBJECTS PURSUANT TO THIS SUBSECTION.

9 (G) EXAMINATIONS.--EXAMINATIONS FOR CERTIFICATION [OR
10 LICENSE] SHALL BE SELECTED IN ACCORDANCE WITH THE FINANCIAL
11 INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT OF 1989.
12 EXAMINATIONS SHALL BE PREPARED AND ADMINISTERED BY A QUALIFIED
13 AND APPROVED PROFESSIONAL TESTING ORGANIZATION IN ACCORDANCE
14 WITH SECTION 812.1 OF THE ACT OF APRIL 9, 1929 (P.L.177,
15 NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929.

16 (I) REAL ESTATE BROKERS AS APPRAISERS.--

17 (1) NOTHING IN THIS SECTION SHALL PRECLUDE A LICENSED
18 REAL ESTATE BROKER FROM ALSO HOLDING [AN APPRAISER] A LICENSE
19 OR CERTIFICATE UNDER SUBSECTION (A)(1) OR (2) OR (A.1).

20 (2) ALL PERSONS HOLDING A BROKER/APPRaiser CERTIFICATE
21 UNDER SUBSECTION (A)(3) SHALL BE ENTITLED TO HOLD THE
22 CERTIFICATE FOR THE ENTIRE TERM AND SHALL BE ENTITLED AND
23 SUBJECT TO THE PRIVILEGES, OBLIGATIONS AND RENEWALS WHICH
24 ACCOMPANY THE CERTIFICATE.

25 SECTION 10. CERTIFICATION RENEWAL, LICENSURE RENEWAL AND
26 RECORDS.

27 (A) RENEWAL TERM.--[RENEWAL]

28 (1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2), RENEWAL OF
29 CERTIFICATION OR LICENSURE SHALL BE ON A BIENNIAL BASIS FOR
30 PERSONS IN GOOD STANDING.

1 (2) THE BOARD MAY PRESCRIBE LIMITATIONS ON THE NUMBER OF
2 TIMES A LICENSED APPRAISER TRAINEE MAY RENEW A LICENSE.

3 (B) CONTINUING EDUCATION FOR RESIDENTIAL AND GENERAL
4 APPRAISERS.--THE BOARD SHALL BY REGULATION REQUIRE EVIDENCE OF
5 PROFESSIONAL ACTIVITY OR CONTINUING EDUCATION AS A CONDITION OF
6 CERTIFICATION RENEWAL OF RESIDENTIAL AND GENERAL APPRAISERS IF,
7 AND ONLY TO THE MINIMUM EXTENT, REQUIRED PURSUANT TO THE
8 FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT OF
9 1989 (PUBLIC LAW 101-73, 103 STAT. 183). NO CREDIT SHALL BE
10 GIVEN FOR ANY COURSE IN OFFICE MANAGEMENT OR PRACTICE BUILDING.

11 (B.1) CONTINUING EDUCATION FOR BROKER/APPRaisERS.--
12 BROKER/APPRaisERS SHALL BE SUBJECT TO THE SAME CONTINUING
13 EDUCATION REQUIREMENTS FOR CERTIFICATION RENEWAL AS RESIDENTIAL
14 AND GENERAL APPRAISERS. THE BOARD SHALL HAVE THE POWER AND
15 AUTHORITY TO PROMULGATE REGULATIONS TO PRESCRIBE EVIDENCE OF
16 CONTINUING EDUCATION REQUIRED FOR CERTIFICATION RENEWAL PURSUANT
17 TO THIS SECTION.

18 (C) RECORDS.--A RECORD OF ALL PERSONS LICENSED AS APPRAISER
19 TRAINEES AND ALL PERSONS CERTIFIED AS REAL ESTATE APPRAISERS IN
20 THIS COMMONWEALTH SHALL BE KEPT IN THE OFFICE OF THE BOARD,
21 SHALL BE OPEN TO PUBLIC INSPECTION AND COPYING UPON PAYMENT OF A
22 NOMINAL FEE FOR COPYING THE RECORD AND SHALL BE ACCESSIBLE ON
23 THE BOARD'S INTERNET WEBSITE. EACH CERTIFICATEHOLDER AND
24 LICENSEE SHALL ADVISE THE BOARD OF THE ADDRESS OF HIS OR HER
25 PRINCIPAL PLACE OF BUSINESS.

26 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.