

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 485 Session of  
2007

INTRODUCED BY BROWNE, FERLO, BOSCOLA, ERICKSON, RHOADES, COSTA,  
BAKER, STACK AND WASHINGTON, MARCH 15, 2007

AS REPORTED FROM COMMITTEE ON COMMERCE, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 17, 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 application and qualifications, for~~ <—  
8 ~~disciplinary and corrective measures and for penalties.~~ FOR <—  
9 POWERS AND DUTIES OF BOARD, FOR APPLICATION AND  
10 QUALIFICATIONS, FOR CERTIFICATION RENEWAL AND RECORDS, FOR  
11 DISCIPLINARY AND CORRECTIVE MEASURES, FOR REINSTATEMENT OF  
12 CERTIFICATE, FOR SURRENDER OF SUSPENDED OR REVOKED  
13 CERTIFICATE AND FOR PENALTIES.

14 The General Assembly of the Commonwealth of Pennsylvania  
15 hereby enacts as follows:

16 Section 1. Section 3 of the act of July 10, 1990 (P.L.404,  
17 No.98), known as the Real Estate Appraisers Certification Act,  
18 amended July 2, 1996 (P.L.460, No.71), is amended to read:

19 Section 3. Real estate appraiser certification required.

20 [It shall be unlawful, on or after January 1, 1993, for any  
21 person to hold himself out as a State-certified real estate  
22 appraiser or to perform appraisals required by the Financial

1 Institutions Reform, Recovery, and Enforcement Act of 1989  
2 (Public Law 101-73, 103 Stat. 183) to be performed by a State-  
3 certified or State-licensed real estate appraiser unless that  
4 person holds an appropriate, current and valid certification  
5 from the board to perform real estate appraisals. It shall be  
6 unlawful two years after the effective date of this act for any  
7 person to perform real estate appraisals in nonfederally related  
8 transactions unless that person holds a valid certificate from  
9 the board to perform real estate appraisals.] It shall be  
10 unlawful for any person to do any of the following:

11 (1) To hold himself out as a State-certified real estate  
12 appraiser or to perform appraisals required by the Financial  
13 Institutions Reform, Recovery, and Enforcement Act of 1989  
14 (Public Law 101-73, 103 Stat. 183) to be performed by a  
15 State-certified or State-licensed real estate appraiser  
16 unless that person holds an appropriate, current and valid  
17 certificate from the board to perform real estate appraisals.

18 (2) To perform real estate appraisals in nonfederally  
19 related transactions unless that person holds an appropriate,  
20 current and valid certificate or license from the board to  
21 perform real estate appraisals.

22 (3) To hold himself out as a real estate appraiser or  
23 appraiser trainee without an appropriate, current and valid  
24 certificate or license from the board.

25 ~~Section 2. Section 4(a) of the act is amended to read:~~ <—

26 SECTION 2. SECTIONS 4(A) AND 5 OF THE ACT ARE AMENDED TO <—

27 READ:

28 Section 4. State Board of Certified Real Estate Appraisers.

29 (a) Creation.--There is hereby created the State Board of  
30 Certified Real Estate Appraisers as a departmental

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

12 the following members:

13 (1) The Secretary of the Commonwealth or a designee.

14 (2) The Attorney General or a designee.

15 (3) The Secretary of Banking or a designee.

16 (4) Eight members who are citizens of the United States  
17 and who have been residents of this Commonwealth for a two-  
18 year period immediately prior to appointment, two of whom  
19 shall be public members and six of whom shall be persons who  
20 are State-certified real estate appraisers.

21 \* \* \*

22 SECTION 5. POWERS AND DUTIES OF BOARD.

<—

23 THE BOARD SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

24 (1) TO PASS UPON THE QUALIFICATIONS AND FITNESS OF  
25 APPLICANTS FOR CERTIFICATION OR LICENSURE AND TO ADOPT AND  
26 REVISE RULES AND REGULATIONS REQUIRING APPLICANTS FOR  
27 CERTIFICATION TO PASS EXAMINATIONS RELATING TO THEIR  
28 QUALIFICATIONS FOR CERTIFICATION.

29 (2) TO ADOPT AND, FROM TIME TO TIME, REVISE SUCH RULES  
30 AND REGULATIONS AS MAY BE NECESSARY TO CARRY OUT THE

1 PROVISIONS OF THIS ACT. SUCH REGULATIONS SHALL INCLUDE, BUT  
2 NOT BE LIMITED TO, STANDARDS OF PROFESSIONAL APPRAISAL  
3 PRACTICE REQUIRING THAT APPRAISALS BE PERFORMED IN ACCORDANCE  
4 WITH GENERALLY ACCEPTED APPRAISAL STANDARDS AS REQUIRED  
5 PURSUANT TO THE FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND  
6 ENFORCEMENT ACT OF 1989 (PUBLIC LAW 101-73, 103 STAT. 183).

7 (3) TO EXAMINE FOR, DENY, APPROVE, ISSUE, REVOKE,  
8 SUSPEND OR RENEW CERTIFICATES OF APPRAISERS AND LICENSES OF  
9 APPRAISER TRAINEES PURSUANT TO THIS ACT AND TO CONDUCT  
10 HEARINGS IN CONNECTION THEREWITH.

11 (4) TO CONDUCT HEARINGS UPON COMPLAINTS CONCERNING  
12 VIOLATIONS OF THE PROVISIONS OF THIS ACT AND THE RULES AND  
13 REGULATIONS ADOPTED PURSUANT TO THIS ACT AND SEEK THE  
14 PROSECUTION AND ENJOINER OF ALL SUCH VIOLATIONS.

15 (5) TO EXPEND MONEYS NECESSARY TO THE PROPER CARRYING  
16 OUT OF ITS ASSIGNED DUTIES.

17 (6) TO ESTABLISH FEES FOR THE OPERATION OF THE BOARD,  
18 INCLUDING FEES FOR THE ISSUANCE AND RENEWAL OF CERTIFICATES  
19 AND LICENSES AND FOR EXAMINATIONS.

20 (7) TO SUBMIT ANNUALLY A REPORT TO THE PROFESSIONAL  
21 LICENSURE COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE  
22 CONSUMER PROTECTION AND PROFESSIONAL LICENSURE COMMITTEE OF  
23 THE SENATE CONTAINING A DESCRIPTION OF THE TYPES OF  
24 COMPLAINTS RECEIVED, STATUS OF THE CASES, BOARD ACTION WHICH  
25 HAS BEEN TAKEN AND LENGTH OF TIME FROM THE INITIAL COMPLAINT  
26 TO FINAL BOARD RESOLUTION.

27 (8) TO SUBMIT ANNUALLY TO THE DEPARTMENT OF STATE, AN  
28 ESTIMATE OF THE FINANCIAL REQUIREMENTS OF THE BOARD FOR ITS  
29 ADMINISTRATIVE, INVESTIGATIVE, LEGAL AND MISCELLANEOUS  
30 EXPENSES.

1 (9) TO SUBMIT ANNUALLY TO THE APPROPRIATIONS COMMITTEES  
2 OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, 15 DAYS AFTER  
3 THE GOVERNOR HAS SUBMITTED HIS BUDGET TO THE GENERAL  
4 ASSEMBLY, A COPY OF THE BUDGET REQUEST FOR THE UPCOMING  
5 FISCAL YEAR WHICH THE BOARD PREVIOUSLY SUBMITTED TO THE  
6 DEPARTMENT OF STATE.

7 (10) TO SUBMIT ANNUALLY PURSUANT TO THE FINANCIAL  
8 INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT OF 1989 A  
9 ROSTER LISTING INDIVIDUALS WHO HAVE RECEIVED STATE  
10 CERTIFICATION.

11 Section 2.1. Section 6 of the act, amended July 2, 1996  
12 (P.L.460, No.71) and October 18, 2000 (P.L.600, No.77), is  
13 amended to read:

14 Section 6. Application and qualifications.

15 (a) Classes of certification.--There shall be three classes  
16 of [certification for certified] certified real estate  
17 appraisers as follows:

18 (1) [Residential] Certified Residential Appraiser, which  
19 shall consist of those persons applying for and granted  
20 certification relating solely to the appraisal of residential  
21 real property [as] in accordance with the criteria  
22 established by the Appraiser Qualifications Board of the  
23 Appraisal Foundation required pursuant to the Financial  
24 Institutions Reform, Recovery, and Enforcement Act of 1989  
25 (Public Law 101-73, 103 Stat. 183).

26 (2) [General] Certified General Appraiser, which shall  
27 consist of those persons applying for and granted  
28 certification relating to the appraisal of both residential  
29 and nonresidential real property without limitation [as] in  
30 accordance with the criteria established by the Appraiser

1 Qualifications Board of the Appraisal Foundation required  
2 pursuant to the Financial Institutions Reform, Recovery, and  
3 Enforcement Act of 1989 (Public Law 101-73, 103 Stat. 183).

4 (3) Broker/appraiser, which shall consist of those  
5 persons who, [on the effective date of this act, are] as of  
6 September 3, 1996, were licensed real estate brokers under  
7 the act of February 19, 1980 (P.L.15, No.9), known as the  
8 Real Estate Licensing and Registration Act, and who, [within  
9 two years of the effective date of this act, make] by  
10 September 3, 1998, made application to the board and [are]  
11 were granted without examination a broker/appraiser  
12 certificate. A holder of a broker/appraiser certificate shall  
13 only be permitted to perform those real property appraisals  
14 that were permitted to be performed by a licensed real estate  
15 broker under the Real Estate Licensing and Registration Act  
16 as of [the effective date of this act] September 3, 1996. A  
17 holder of a broker/appraiser certificate is not authorized to  
18 perform real estate appraisals pursuant to the Financial  
19 Institutions Reform, Recovery, and Enforcement Act of 1989.

20 (a.1) Appraiser trainee license.--In addition to the  
21 certificates authorized in subsection (a), the board shall issue  
22 an appraiser trainee license, without examination, to any person  
23 who meets the appraiser trainee educational requirements set by  
24 the board and who does not already hold an appraiser credential  
25 under subsection (a). An appraiser trainee shall operate under  
26 the direct supervision of one Certified Residential Appraiser or  
27 Certified General Appraiser for the purpose of completing the  
28 experience requirement for an appraiser credential in subsection  
29 (a). An appraisal trainee shall be permitted to assist in the  
30 performance of any appraisal that is within the supervisory

1 appraiser's scope of practice. The supervisory appraiser shall  
2 be in good standing, have at least five years of experience as a  
3 certified residential appraiser or certified general appraiser  
4 and shall not supervise more than three appraiser trainees.

5 (b) Classification to be specified.--The application for  
6 examination, original certification or license and renewal of  
7 certification or license shall specify the classification being  
8 applied for.

9 (c) Application.--An applicant for certification or license  
10 [as a certified real estate appraiser] shall submit a written  
11 application on forms provided by the board. The application and  
12 any and all documentation submitted with the application shall  
13 be subscribed and sworn to before a notary public. The applicant  
14 shall be held responsible for the statements contained in the  
15 application. The making of a false statement in an application  
16 may constitute a ground for certification or license denial or  
17 revocation. The application shall evidence that:

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

19 (2) His or her application has been accompanied by the  
20 application fee.

21 (d) Residential Appraiser certification.--As a prerequisite  
22 to taking the examination for certification relating solely to  
23 the appraisal of residential real property, an applicant shall,  
24 in addition to meeting the requirements of subsection (c), meet  
25 the minimum education and experience requirements established  
26 pursuant to the Financial Institutions Reform, Recovery, and  
27 Enforcement Act of 1989.

28 (e) General Appraiser certification.--As a prerequisite to  
29 taking the examination for the general certification relating to  
30 the appraisal of real property, an applicant shall, in addition

1 to meeting the requirements of subsection (c), meet the minimum  
2 education and experience requirements established pursuant to  
3 the Financial Institutions Reform, Recovery, and Enforcement Act  
4 of 1989.

5 (f) Definition of subjects.--The board shall prescribe and  
6 define the subjects related to real property appraisal and the  
7 experience in real property appraisal which will satisfy the  
8 requirements of subsections (a), (a.1), (d) and (e). To the  
9 extent permitted pursuant to the Financial Institutions Reform,  
10 Recovery, and Enforcement Act of 1989 with regard to certified  
11 residential and general appraisers, the board may give credit to  
12 an applicant for classroom hours of academic experience  
13 successfully completed prior to the board's prescription and  
14 definition of subjects pursuant to this subsection.

15 (g) Examinations.--Examinations for certification or license  
16 shall be selected in accordance with the Financial Institutions  
17 Reform, Recovery, and Enforcement Act of 1989. Examinations  
18 shall be prepared and administered by a qualified and approved  
19 professional testing organization in accordance with section  
20 812.1 of the act of April 9, 1929 (P.L.177, No.175), known as  
21 The Administrative Code of 1929.

22 (i) Real estate brokers as appraisers.--

23 (1) Nothing in this section shall preclude a licensed  
24 real estate broker from also holding an appraiser license or  
25 certificate under subsection (a)(1) or (2) or (a.1).

26 (2) All persons holding a broker/appraiser certificate  
27 under subsection (a)(3) shall be entitled to hold the  
28 certificate for the entire term and shall be entitled and  
29 subject to the privileges, obligations and renewals which  
30 accompany the certificate.



1     ~~Section 3. Section 11(a) of the act is amended by adding~~     <—  
2     ~~paragraphs to read:~~

3     SECTION 2.2. SECTION 10 OF THE ACT, AMENDED DECEMBER 20,     <—  
4     2000 (P.L.733, NO.103), IS AMENDED TO READ:

5     SECTION 10. CERTIFICATION RENEWAL[;], LICENSURE RENEWAL AND  
6                                 RECORDS.

7     (A) RENEWAL TERM.--RENEWAL OF CERTIFICATION OR LICENSURE  
8     SHALL BE ON A BIENNIAL BASIS.

9     (B) CONTINUING EDUCATION FOR RESIDENTIAL AND GENERAL  
10    APPRAISERS.--THE BOARD SHALL BY REGULATION REQUIRE EVIDENCE OF  
11    PROFESSIONAL ACTIVITY OR CONTINUING EDUCATION AS A CONDITION OF  
12    CERTIFICATION RENEWAL OF RESIDENTIAL AND GENERAL APPRAISERS IF,  
13    AND ONLY TO THE MINIMUM EXTENT, REQUIRED PURSUANT TO THE  
14    FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT OF  
15    1989 (PUBLIC LAW 101-73, 103 STAT. 183). NO CREDIT SHALL BE  
16    GIVEN FOR ANY COURSE IN OFFICE MANAGEMENT OR PRACTICE BUILDING.

17    (B.1) CONTINUING EDUCATION FOR BROKER/APPRAISERS.--  
18    BROKER/APPRAISERS SHALL BE SUBJECT TO THE SAME CONTINUING  
19    EDUCATION REQUIREMENTS FOR CERTIFICATION RENEWAL AS RESIDENTIAL  
20    AND GENERAL APPRAISERS. THE BOARD SHALL HAVE THE POWER AND  
21    AUTHORITY TO PROMULGATE REGULATIONS TO PRESCRIBE EVIDENCE OF  
22    CONTINUING EDUCATION REQUIRED FOR CERTIFICATION RENEWAL PURSUANT  
23    TO THIS SECTION.

24    (C) RECORDS.--A RECORD OF ALL PERSONS LICENSED AS APPRAISER  
25    TRAINEES AND ALL PERSONS CERTIFIED AS REAL ESTATE APPRAISERS IN  
26    THIS COMMONWEALTH SHALL BE KEPT IN THE OFFICE OF THE BOARD  
27    [AND], SHALL BE OPEN TO PUBLIC INSPECTION AND COPYING UPON  
28    PAYMENT OF A NOMINAL FEE FOR COPYING THE RECORD AND SHALL BE  
29    ACCESSIBLE ON THE BOARD'S INTERNET WEBSITE. EACH  
30    CERTIFICATEHOLDER AND LICENSEE SHALL ADVISE THE BOARD OF THE

1 ADDRESS OF HIS OR HER PRINCIPAL PLACE OF BUSINESS.

2 SECTION 3. SECTION 11(A) AND (B) OF THE ACT, AMENDED JULY 2,  
3 1996 (P.L.460, NO.71), ARE AMENDED TO READ:

4 Section 11. Disciplinary and corrective measures.

5 (a) Authority of board.--The board may deny, suspend or  
6 revoke certificates or licenses, or limit, restrict or reprimand  
7 a certificateholder or licensee for any of the following causes:

8 \* \* \*

9 (1) PROCURING OR ATTEMPTING TO PROCURE A CERTIFICATE OR <—  
10 LICENSE OR RENEWAL OF A CERTIFICATE OR LICENSE PURSUANT TO  
11 THIS ACT BY KNOWINGLY MAKING A FALSE STATEMENT, SUBMITTING  
12 FALSE INFORMATION OR REFUSING TO PROVIDE COMPLETE INFORMATION  
13 IN RESPONSE TO A QUESTION IN AN APPLICATION FOR CERTIFICATION  
14 OR LICENSURE OR RENEWAL OF CERTIFICATION OR LICENSURE THROUGH  
15 ANY FORM OF FRAUD OR MISREPRESENTATION.

16 (2) FAILING TO MEET THE MINIMUM QUALIFICATIONS  
17 ESTABLISHED BY THIS ACT.

18 (3) PAYING, OR OFFERING TO PAY, ANY VALUABLE  
19 CONSIDERATION OTHER THAN PROVIDED FOR BY THIS ACT TO ANY  
20 MEMBER OR EMPLOYEE OF THE BOARD TO PROCURE A CERTIFICATE  
21 UNDER THIS ACT.

22 (4) BEING CONVICTED OF OR PLEADING GUILTY TO A CRIME  
23 WHICH IS SUBSTANTIALLY RELATED TO THE QUALIFICATIONS,  
24 FUNCTIONS AND DUTIES OF A PERSON DEVELOPING REAL PROPERTY  
25 APPRAISALS AND COMMUNICATING REAL PROPERTY APPRAISALS TO  
26 OTHERS.

27 (5) PERFORMING AN ACT OR OMITTING AN ACT WHEN SUCH  
28 PERFORMANCE OR OMISSION INVOLVES DISHONESTY, FRAUD OR  
29 MISREPRESENTATION WITH INTENT TO SUBSTANTIALLY BENEFIT THE  
30 CERTIFICATEHOLDER OR LICENSEE IN HIS PROFESSION OR WITH THE

1 INTENT TO SUBSTANTIALLY INJURE ANOTHER PERSON.

2 (6) VIOLATING ANY OF THE STANDARDS FOR THE DEVELOPMENT  
3 OR COMMUNICATION OF REAL PROPERTY APPRAISALS AS REQUIRED  
4 PURSUANT TO THIS ACT OR THE FINANCIAL INSTITUTIONS REFORM,  
5 RECOVERY, AND ENFORCEMENT ACT OF 1989 (PUBLIC LAW 101-73, 103  
6 STAT. 183).

7 (7) FAILING OR REFUSING, WITHOUT GOOD CAUSE, TO EXERCISE  
8 REASONABLE DILIGENCE IN DEVELOPING AN APPRAISAL, PREPARING AN  
9 APPRAISAL REPORT OR COMMUNICATING AN APPRAISAL.

10 (8) NEGLIGENCE OR INCOMPETENTLY DEVELOPING AN  
11 APPRAISAL, PREPARING AN APPRAISAL REPORT OR COMMUNICATING AN  
12 APPRAISAL.

13 (9) WILLFULLY DISREGARDING OR VIOLATING ANY OF THE  
14 PROVISIONS OF THIS ACT OR THE GUIDELINES OR REGULATIONS OF  
15 THE BOARD FOR THE ADMINISTRATION AND ENFORCEMENT OF THE  
16 PROVISIONS OF THIS ACT.

17 (10) ACCEPTING AN APPRAISAL ASSIGNMENT WHEN THE  
18 EMPLOYMENT ITSELF IS CONTINGENT UPON THE APPRAISER'S  
19 REPORTING A PREDETERMINED ANALYSIS OR OPINION, OR WHERE THE  
20 FEE TO BE PAID FOR THE PERFORMANCE OF THE APPRAISAL  
21 ASSIGNMENT IS CONTINGENT UPON THE OPINION, CONCLUSION OR  
22 VALUATION REACHED, OR UPON THE CONSEQUENCE RESULTING FROM THE  
23 APPRAISAL ASSIGNMENT.

24 (11) VIOLATING THE CONFIDENTIAL NATURE OF RECORDS TO  
25 WHICH THE APPRAISER GAINED ACCESS THROUGH EMPLOYMENT OR  
26 ENGAGEMENT AS AN APPRAISER.

27 (12) MAKING THE FEE OR COMPENSATION CONTINGENT UPON AN  
28 AWARD OR RECOVERY IN ANY CASE WHERE THE AMOUNT OF THE AWARD  
29 OR RECOVERY WOULD BE AFFECTED BY THE APPRAISAL.

30 (13) BASING THE FEE OR COMPENSATION ON A PERCENTAGE OF

1 THE FINAL ESTIMATE OF VALUE.

2 (14) CONTRACTING FOR OR ACCEPTING COMPENSATION FOR  
3 APPRAISAL SERVICES IN THE FORM OF A COMMISSION, REBATE,  
4 DIVISION OF BROKERAGE COMMISSIONS OR ANY OTHER SIMILAR FORM.

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 (16) Suspension or revocation of the right to practice  
12 by a Federal or State governmental agency.

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

15 (B) BOARD ACTION.--WHEN THE BOARD FINDS THAT THE <—  
16 [CERTIFICATION OR] CERTIFICATE OR LICENSE, APPLICATION FOR  
17 CERTIFICATION OR LICENSURE OR RENEWAL OF CERTIFICATION OR  
18 LICENSURE OF ANY PERSON MAY BE DENIED, REVOKED, RESTRICTED OR  
19 SUSPENDED UNDER THE TERMS OF SUBSECTION (A), THE BOARD MAY:

20 (1) DENY THE APPLICATION FOR CERTIFICATION OR LICENSURE  
21 OR FOR RENEWAL OF CERTIFICATION OR LICENSURE.

22 (2) ADMINISTER A PUBLIC REPRIMAND.

23 (3) REVOKE, SUSPEND, LIMIT OR OTHERWISE RESTRICT A  
24 CERTIFICATE OR LICENSE AS DETERMINED BY THE BOARD.

25 (4) SUSPEND ENFORCEMENT OF ITS FINDINGS THEREOF AND  
26 PLACE A CERTIFICATEHOLDER OR LICENSEE ON PROBATION WITH THE  
27 RIGHT TO VACATE THE PROBATIONARY ORDER FOR NONCOMPLIANCE.

28 (5) RESTORE A SUSPENDED [CERTIFICATION] CERTIFICATE OR  
29 LICENSE AND IMPOSE ANY DISCIPLINARY OR CORRECTIVE MEASURE  
30 WHICH IT MIGHT ORIGINALLY HAVE IMPOSED.

1       \* \* \*

2       ~~Section 4. Section 15(b) of the act is amended to read:~~       <—

3       SECTION 4. SECTIONS 12, 14 AND 15(B) OF THE ACT ARE AMENDED       <—

4 TO READ:

5 SECTION 12. REINSTATEMENT OF CERTIFICATE OR LICENSE.

6       UNLESS ORDERED TO DO SO BY COMMONWEALTH COURT OR AN APPEAL

7 THEREFROM, THE BOARD SHALL NOT REINSTATE THE CERTIFICATE OR

8 LICENSE OF A PERSON TO PRACTICE AS A CERTIFIED REAL ESTATE

9 APPRAISER OR AS AN APPRAISER TRAINEE, PURSUANT TO THIS ACT,

10 WHICH HAS BEEN REVOKED. ANY PERSON WHOSE [CERTIFICATION]

11 CERTIFICATE OR LICENSE HAS BEEN REVOKED MAY APPLY FOR

12 REINSTATEMENT, AFTER A PERIOD OF AT LEAST FIVE YEARS, BUT MUST

13 MEET ALL OF THE CERTIFICATION OR LICENSURE QUALIFICATIONS OF

14 THIS ACT, INCLUDING THE EXAMINATION REQUIREMENT, IF HE OR SHE

15 DESIRES TO HOLD HIMSELF OR HERSELF OUT OR TO PRACTICE AS A

16 [CERTIFIED] REAL ESTATE APPRAISER PURSUANT TO THIS ACT AT ANY

17 TIME AFTER SUCH REVOCATION.

18 SECTION 14. SURRENDER OF SUSPENDED OR REVOKED CERTIFICATE OR

19 LICENSE.

20       THE BOARD SHALL REQUIRE A PERSON WHOSE [CERTIFICATION]

21 CERTIFICATE OR LICENSE HAS BEEN SUSPENDED OR REVOKED TO RETURN

22 THE CERTIFICATE OR LICENSE IN SUCH MANNER AS THE BOARD DIRECTS.

23 FAILURE TO DO SO SHALL BE A MISDEMEANOR OF THE THIRD DEGREE.

24 Section 15. Penalties.

25       \* \* \*

26       (b) Civil penalty.--In addition to any other civil remedy or

27 criminal penalty provided for in this act, the board, by a vote

28 of the majority of the maximum number of the authorized

29 membership of the board as provided by law, or by a vote of the

30 majority of the duly qualified and confirmed membership or a

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

20 \* \* \*

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