

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,
TOOHIL, 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.

(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.