

HOUSE BILL NO. HB0224

Real estate appraisers.

Sponsored by: Representative(s) Quarberg and Semlek and
Senator(s) Mockler, Peterson, Sessions and
Von Flatern

A BILL

for

1 AN ACT relating to the Certified Real Estate Appraiser Act;
2 modifying duties of the certified real estate appraiser
3 board; amending permit application requirements; specifying
4 requirements for permittees; providing definitions;
5 providing penalties for violations of the act; and
6 providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 7-19-201(a) by creating a new
11 paragraph (viii), 33-39-102(a)(vii), (viii), (xiii) and
12 (xvi), 33-39-105(a)(v) and (ix), 33-39-106(a)(intro), (i),
13 (vi), by creating a new paragraph (vii) and (b),
14 33-39-109(a), (c) and by creating a new subsection (d),
15 33-39-110(a)(i) and (iii), 33-39-112 through 33-39-114,
16 33-39-115(a) and (b), 33-39-117 through 33-39-119,

1 33-39-122(a) and (b), 33-39-123(a)(intro), (vii) and by
2 creating a new paragraph (ix), 33-39-125(a) and (b) and
3 33-39-126(a) and (b) are amended to read:

4

5 **7-19-201. State or national criminal history record**
6 **information.**

7

8 (a) The following persons shall be required to submit
9 to fingerprinting in order to obtain state and national
10 criminal history record information:

11

12 (viii) Persons applying for a permit under W.S.
13 33-39-109.

14

15 **33-39-102. Definitions.**

16

17 (a) As used in this act:

18

19 (vii) "Inactive permittee" means a permittee who
20 has temporarily surrendered his license to the ~~commission~~
21 board, who can no longer function as a certified real
22 estate appraiser, but who may reactivate his permit without
23 having to take an examination. An inactive status
24 permittee may be subject to disciplinary action and

1 activation of an inactive permit may be subject to a denial
2 action;

3
4 (viii) "Permit" means the document issued by the
5 ~~commission~~ board certifying that the person named thereon
6 has fulfilled all requirements prerequisite for obtaining a
7 permit to practice as a certified real estate appraiser
8 under this act;

9
10 (xiii) "Responsible permittee" means a person
11 issued a permit to practice as a certified residential or
12 general real estate appraiser, or a trainee;

13
14 (xvi) "Uniform standards of professional
15 appraisal practices" (USPAP) means that edition of the
16 standards of appraisal practice promulgated by the
17 appraisal foundation as adopted ~~and modified~~ by the
18 ~~certified real estate appraisal~~ board; provided the
19 ~~standards adopted and modified by the real estate appraisal~~
20 ~~board shall not be more stringent than those standards~~
21 ~~promulgated by the appraisal foundation;~~

22
23 **33-39-105. Powers of the board; rulemaking authority.**
24

1 (a) The board shall:

2

3 (v) Impose an administrative fine not to exceed
4 two thousand five hundred dollars (\$2,500.00) for each
5 separate offense, censure the permittee, place the
6 permittee on probation and set the terms of probation,
7 suspend or revoke ~~permits~~ any permit as provided in this
8 act and the Wyoming Administrative Procedure Act;

9

10 (ix) Promulgate reasonable rules and regulations
11 necessary to carry out the requirements imposed under ~~OMB~~
12 ~~Circular A 129 issued November 25, 1988~~ Title XI of the
13 Financial Institutions Reform, Recovery and Enforcement Act
14 of 1989 (FIRREA).

15

16 **33-39-106. Additional powers and duties of the board;**
17 **disposition of fees.**

18

19 (a) In addition to the powers authorized under W.S.
20 33-39-106, the ~~commission~~ board shall:

21

22 (i) Receive applications for permits and
23 certification;

24

1 (vi) Issue to each permittee a permit and pocket
2 card in the size and form as it may approve. The permit
3 and card shall remain the property of the state, and, upon
4 suspension or revocation of the permit to practice pursuant
5 to this act, shall be returned immediately to the
6 ~~commission.~~ board;

7
8 (vii) Require criminal history record background
9 checks on applicants for permits under this act.

10
11 (b) All fees collected by the ~~commission~~ board shall
12 be deposited in the state treasury. The state treasurer
13 shall deposit the fees to the credit of the certified real
14 estate appraiser board account. Disbursements from the
15 account shall not exceed the monies credited to it. The
16 real estate commission director shall review and pay
17 appropriate charges against the account for services
18 provided to the certified real estate appraiser board by
19 the real estate commission or its staff and for payment of
20 costs of the board.

21
22 **33-39-109. Permit process.**

1 (a) Any person who desires to engage in the practice
2 of certified real estate appraisal in this state or to
3 practice as a certified trainee shall make application, in
4 writing, on forms prescribed by the board.

5
6 (c) Each applicant for a trainee, certified
7 residential or general permit shall have reached the age of
8 majority.

9
10 (d) An application for a permit under this act shall
11 be accompanied by fingerprints and other information
12 necessary for a criminal history record background check as
13 provided under W.S. 7-19-201.

14
15 **33-39-110. Classes of permits.**

16
17 (a) There shall be three (3) classes of permits for
18 certified real estate appraisers:

19
20 (i) Certified residential real estate appraiser
21 classification shall consist of those persons meeting the
22 requirements for a permit relating to the appraisal of
23 residential real property of one (1) to ~~six (6)~~ four (4)
24 units;

1

2 (iii) ~~Certified~~A real estate appraisal trainee~~,~~
3 is authorized only to assist a certified general or
4 residential appraiser in the performance of an appraisal
5 assignment.

6

7 **33-39-112. Examination prerequisites.**

8

9 (a) General classification. As a prerequisite to
10 taking the examination for a permit to practice as a
11 certified general real estate appraiser, an applicant ~~must~~
12 shall have successfully completed ~~not less than one hundred~~
13 ~~twenty (120)~~ a minimum of three hundred (300) classroom
14 hours of courses in subjects related to real estate
15 appraisal from a nationally recognized appraisal
16 organization or a college or university approved by the
17 board, ~~plus~~ which shall include fifteen (15) classroom
18 hours related to standards of professional appraisal
19 practice. ~~and the provisions of this act.~~

20

21 (b) Residential classification. As a prerequisite to
22 taking the examination for a permit to practice as a
23 certified residential real estate appraiser, an applicant
24 ~~must~~ shall have successfully completed ~~not less than sixty~~

1 ~~(60)~~ a minimum of two hundred (200) classroom hours of
2 courses in subjects related to real estate appraisal from a
3 nationally recognized appraisal organization or a college
4 or university approved by the board, ~~plus~~ which shall
5 include fifteen (15) classroom hours related to standards
6 of professional appraisal practice. ~~and the provisions of~~
7 ~~this act.~~

8
9 (c) Trainee classification. To receive a permit to
10 practice as a certified real estate appraisal trainee, an
11 applicant ~~must~~ shall successfully complete ~~not less than~~
12 ~~thirty (30)~~ a minimum of seventy-five (75) classroom hours
13 of education in subjects related to real estate appraisal
14 as approved by the board, which shall include fifteen (15)
15 classroom hours related to standards of professional
16 appraisal practice. No examination is required.

17
18 **33-39-113. Experience requirement.**

19
20 (a) General classification. An original permit to
21 practice as a certified general real estate appraiser shall
22 not be issued to any person who does not possess the
23 equivalent of two and one-half (2 ½) years of experience
24 and a minimum of three thousand (3,000) hours in real

1 estate appraisal. The experience or its equivalent shall
2 be acquired within a period of five (5) years immediately
3 preceding the filing of the application for a permit.

4
5 ~~(a)~~(b) Residential classification. An original permit
6 to practice as a certified residential real estate
7 appraiser shall not be issued to any person who does not
8 possess the equivalent of two (2) years of experience and a
9 minimum of two thousand five hundred (2,500) hours in real
10 estate appraisal. ~~supported by written reports or file~~
11 ~~memoranda as required by the board. Such~~ The experience or
12 its equivalent ~~must~~ shall be acquired within a period of
13 five (5) years immediately preceding the filing of the
14 application for a permit.

15
16 ~~(b)~~(c) Each applicant for a permit shall furnish,
17 under oath, a detailed listing of the real estate appraisal
18 reports or file memoranda for each year for which
19 experience is claimed by the applicant. Upon request, the
20 applicant shall make available to the board copies of
21 appraisal reports which the applicant has assisted in
22 preparing.

23
24 **33-39-114. Term of permit.**

1

2 The term of a permit issued under the authority of this act
3 shall be ~~three (3)~~ two (2) years from the date of issuance.

4 The expiration date of the permit shall appear on the
5 permit and no other notice of its expiration need be given
6 to its holder.

7

8 **33-39-115. Nonresident permit.**

9

10 (a) Prior to being issued a permit, every nonresident
11 permittee shall file with the ~~commission~~ board a
12 designation in writing which appoints the director of the
13 ~~commission~~ board to act as his licensed agent upon whom all
14 judicial and other process or legal notices directed to the
15 permittee may be served. Service upon the agent so
16 designated shall be equivalent to personal service upon the
17 permittee. Copies of the appointment, certified by the
18 director of the ~~commission~~ board, shall be received in
19 evidence in any proceeding and shall be given the same
20 force and effect as the original. In the written
21 designation the permittee shall agree that any lawful
22 process against the permittee which is served upon his
23 appointed agent shall be of the same legal force and
24 validity as if served upon the permittee, and that the

1 authority of the agent shall continue in force so long as
2 any liability of the permittee remains outstanding in this
3 state. Upon the receipt of any process or notice, the
4 director shall mail a copy of the same by certified mail,
5 return receipt requested, to the last known business
6 address of the permittee.

7

8 (b) No permit shall be issued to a nonresident until
9 he has agreed in writing to abide by all the provisions of
10 this act with respect to his certified real estate
11 appraisal activities within this state and to submit to the
12 jurisdiction of the board and this state as provided in
13 subsection (a) of this section. The agreement shall be
14 filed with the ~~commission~~board and shall remain in force
15 for so long as the nonresident holds a permit issued by
16 this state and thereafter with respect to acts or omissions
17 committed while holding a permit in this state as a
18 nonresident permittee.

19

20 **33-39-117. Renewal permit.**

21

22 To obtain a renewal permit to practice as a certified real
23 estate appraiser, the holder of a current permit shall make
24 application and pay the prescribed fee to the ~~commission~~

1 board. With the application for renewal, the certified
2 real estate appraiser shall present evidence in the form
3 prescribed by the board of having completed the continuing
4 education requirements for renewal as specified in this
5 act. A trainee is not required to present evidence of
6 continuing education to renew the trainee's permit.

7
8 **33-39-118. Basis for denial.**

9
10 The board may deny the issuance of a permit as a certified
11 real estate appraiser or trainee to an applicant on any of
12 the grounds enumerated in this act.

13
14 **33-39-119. Principal place of business; address.**

15
16 Each certified real estate appraiser or trainee holding a
17 permit to practice under this act shall advise the board of
18 the address of his principal place of business. Whenever a
19 certified real estate appraiser or trainee changes a place
20 of business, he shall ~~promptly~~ within thirty (30) days give
21 written notification of the change to the ~~commission~~ board,
22 and pay the required change of address fee.

23
24 **33-39-122. Continuing education.**

1

2 (a) As a prerequisite to renewal of a permit, a
3 certified real estate appraiser shall present evidence
4 satisfactory to the board of having met the continuing
5 education requirements of this ~~article~~act.

6

7 (b) The basic continuing education requirement for
8 renewal of a permit shall be the completion by the
9 applicant, during the immediately preceding term of the
10 permit, of ~~not to exceed sixty (60)~~at least thirty (30)
11 classroom hours of instruction in courses or seminars which
12 have received the approval of the board, which shall
13 include one (1) board approved seven (7) hour national
14 USPAP update course.

15

16 **33-39-123. Disciplinary proceedings.**

17

18 (a) The board shall upon a written sworn complaint or
19 may upon its own motion investigate the actions of any
20 certified real estate appraiser and may impose an
21 administrative fine not to exceed two thousand five hundred
22 dollars (\$2,500.00) for each separate offense, censure the
23 permittee, place the permittee on probation and set the

1 terms of the probation, suspend or revoke any permit issued
2 under this act for any of the following:

3
4 (vii) Violating the confidential nature of
5 governmental records to which he or she gained access
6 through employment or engagement as a certified appraiser
7 by a governmental agency; ~~or~~

8
9 (ix) Failing to report to the board any civil or
10 criminal proceedings in which the permittee is a party, if
11 the proceeding involves appraisal services provided by the
12 permittee. The requirement to report to the board under
13 this paragraph shall include providing the board with a
14 copy of the complaint, information or other initial
15 pleading upon receipt and immediately providing the board
16 with a copy of the final judgment, judgment and sentence,
17 settlement agreement or other document reflecting the terms
18 of the final disposition of the proceeding.

19
20 **33-39-125. Retention of records.**

21
22 (a) A certified real estate appraiser shall retain,
23 for at least ~~ten (10)~~ seven (7) years, originals or true
24 copies of all written contracts engaging his services for

1 real estate appraisal work, and all reports and supporting
2 data assembled and formulated by the appraiser in preparing
3 the reports.

4
5 (b) The ~~ten (10)~~ seven (7) year period for retention
6 of records provided by subsection (a) of this section is
7 applicable to each engagement of the services of the
8 appraiser and shall commence upon the date of the submittal
9 of the appraisal to the client unless, within the ~~ten (10)~~
10 seven (7) year period, the appraiser is notified that the
11 appraisal or report is involved in litigation, in which
12 event the ~~ten (10)~~ seven (7) year period for the retention
13 of records shall commence upon the date of the final
14 disposition of the litigation.

15
16 **33-39-126. Certified real estate appraiser education**
17 **account created; initial monies; fees.**

18
19 (a) There is created a certified real estate
20 appraiser education account which shall be under the
21 direction of the ~~commission~~ board.

22
23 (b) Beginning January 1, 1990, every person obtaining
24 or renewing a trainee or certified real estate appraiser's

1 permit shall pay an additional fee of twenty dollars
2 (\$20.00) which shall be deposited in the certified
3 appraiser education account.

4

5 **Section 2.** W.S. 33-39-106(a)(v) and 33-39-120 are
6 repealed.

7

8 **Section 3.** This act is effective July 1, 2007.

9

10 (END)