

## SENATE FILE NO. SF0083

Real estate appraisers-licensing amendments.

Sponsored by: Senator(s) Pappas, Nethercott, Scott and Von  
Flatern and Representative(s) Brown, Duncan,  
Henderson, Kinner, Sweeney and Zwonitzer

A BILL

for

1 AN ACT relating to real estate appraisers; creating new  
2 definitions; authorizing the certified real estate appraiser  
3 board to allow temporary permits; modifying exam  
4 prerequisites and experience requirements; modifying  
5 provisions relating to management company registration and  
6 regulation; updating grounds for disciplinary proceedings;  
7 and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 33-39-102(a)(viii), (ix), by creating  
12 new paragraphs (xvii) through (xix) and by renumbering (xvii)  
13 as (xx), 33-39-106(a)(vi), (vii) and (b), 33-39-108,  
14 33-39-109(a), (c) and (d), 33-39-110(a)(intro), (iii) and by  
15 creating a new paragraph (iv), 33-39-112, 33-39-113(a) and

1 (b), 33-39-116 through 33-39-119, 33-39-123(a)(intro), (i),  
2 (iv) and by creating a new paragraph (x), 33-39-126(b),  
3 33-39-202(a)(iii), 33-39-203(a), 33-39-209(a) and (b)(iii),  
4 33-39-211(a)(i) and 33-39-224(a)(intro), (i) and (iv) are  
5 amended to read:

6

7 **33-39-102. Definitions.**

8

9 (a) As used in this act:

10

11 (viii) "Permit" means the document issued by the  
12 board certifying that the person named thereon has fulfilled  
13 all requirements ~~prerequisite~~ for obtaining a permit to  
14 practice as a certified real estate appraiser or temporary  
15 certified appraiser under this act;

16

17 (ix) "Permittee" means any individual who has been  
18 issued a permit under this act to practice as a certified  
19 general, or residential appraiser, a temporary certified  
20 appraiser or a certified appraiser trainee; ~~appraiser~~

21

22 (xvii) "Certified appraiser trainee" means a  
23 person who drafts and communicates real estate appraisals and

1 who holds a valid permit for either general or residential  
2 real estate training under this act;

3  
4 (xviii) "Temporary permit" means written  
5 permission from the board to an actively certified appraiser  
6 in good standing in at least one (1) recognized permitting  
7 jurisdiction to conduct the number of appraisal assignments  
8 the board allows in the time frame set by the board. A  
9 temporary permit shall not require completion of a criminal  
10 history record background check and may be abbreviated in  
11 other respects as prescribed in board rule;

12  
13 (xix) "Temporary certified appraiser" means a  
14 certified appraiser who has been granted a temporary permit  
15 by the board;

16  
17 ~~(xvii)~~(xx) "This act" means W.S. 33-39-101 through  
18 33-39-130.

19  
20 **33-39-106. Additional powers and duties of the board;**  
21 **disposition of fees.**

22  
23 (a) The board shall:

1

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

7

8 (vii) Require criminal history record background  
9 checks on applicants for permits under this act, excluding  
10 those who apply for temporary permits.

11

12 (b) All fees collected by the board shall be deposited  
13 in the state treasury. The state treasurer shall deposit the  
14 fees to the credit of the certified real estate appraiser  
15 board account. Disbursements from the account shall not  
16 exceed the monies credited to it. The real estate commission  
17 director shall ~~review and pay appropriate charges against the~~  
18 ~~account for services provided to the certified real estate~~  
19 ~~appraiser board by the real estate commission or its staff~~  
20 ~~and for payment of costs of the board~~ appropriately authorize  
21 payments for all costs and expenses related to the  
22 administration and enforcement of this act with approval from

1 the board. All payments shall be made using fees collected  
2 pursuant to this act.

3

4 **33-39-108. Fees.**

5

6 Pursuant to W.S. 33-1-201, the board shall establish fees for  
7 examinations, original permits, temporary permits, renewals,  
8 change of place of business, certifications, and change of  
9 contractual association, ~~duplicate permits and duplicate~~  
10 ~~poCKET cards~~. The fees shall be used to pay the expense of  
11 maintaining and operating the office of the board and the  
12 enforcement of this act.

13

14 **33-39-109. Permit and temporary permit process.**

15

16 (a) Any person who desires to engage in the practice of  
17 certified real estate appraisal in this state or to practice  
18 as a certified appraiser trainee shall make application, in  
19 writing, on forms prescribed by the board.

20

21 (c) Each applicant for a certified appraiser trainee,  
22 certified residential or general permit shall have reached  
23 the age of majority.

1

2 (d) An application for a permit under this act shall be  
3 accompanied by fingerprints and other information necessary  
4 for a criminal history record background check as provided  
5 under W.S. 7-19-201, excluding applications for temporary  
6 permits.

7

8 **33-39-110. Classes of permits.**

9

10 (a) There shall be ~~three (3)~~ the following classes of  
11 permits for certified real estate appraisers and temporary  
12 certified appraisers:

13

14 (iii) A ~~real estate appraisal~~ certified appraiser  
15 trainee is authorized only to assist a certified general or  
16 residential appraiser in the performance of an appraisal  
17 assignment; ~~;~~

18

19 (iv) A temporary certified appraiser is authorized  
20 only to act in accordance with the terms of the temporary  
21 permit, shall have a predetermined permit expiration and is  
22 not required to submit to a background check.

23

1           **33-39-112. Examination prerequisites.**

2

3           (a) Certified general classification. As a  
4 prerequisite to taking the examination for a permit to  
5 practice as a certified general real estate appraiser, an  
6 applicant shall have successfully completed a minimum number  
7 of ~~three hundred (300)~~ classroom hours of courses in subjects  
8 related to real estate appraisal from a nationally recognized  
9 appraisal organization or a college or university as  
10 prescribed by the appraisal foundation in rule and approved  
11 by the board, ~~which shall include fifteen (15) classroom~~  
12 ~~hours related to standards of professional appraisal~~  
13 ~~practice.~~

14

15           (b) Certified residential classification. As a  
16 prerequisite to taking the examination for a permit to  
17 practice as a certified residential real estate appraiser, an  
18 applicant shall have successfully completed a minimum number  
19 of ~~two hundred (200)~~ classroom hours of courses in subjects  
20 related to real estate appraisal from a nationally recognized  
21 appraisal organization or a college or university as  
22 prescribed by the appraisal foundation in rule and approved  
23 by the board, ~~which shall include fifteen (15) classroom~~

1 ~~hours related to standards of professional appraisal~~  
2 ~~practice.~~

3  
4 (c) Certified appraiser trainee classification. To  
5 receive a permit to practice as a certified ~~real estate~~  
6 appraisal trainee, an applicant shall successfully complete  
7 a minimum number of ~~seventy five (75)~~ classroom hours of  
8 education in subjects related to real estate appraisal as  
9 prescribed by the appraisal foundation in rule and approved  
10 by the board, ~~which shall include fifteen (15) classroom~~  
11 ~~hours related to standards of professional appraisal~~  
12 ~~practice. No examination is required.~~

13  
14 (d) Temporary certified appraiser classification. A  
15 temporary certified appraiser is only eligible for a  
16 temporary permit. To receive a temporary permit to practice  
17 as a temporary certified appraiser, an applicant shall be  
18 actively certified in a recognized permitting jurisdiction  
19 and satisfy all additional requirements prescribed by the  
20 appraisal foundation in rule and approved by the board.

21

22 **33-39-113. Experience requirement.**

23

1           (a) Certified general classification. An original  
2 permit to practice as a certified general real estate  
3 appraiser shall not be issued to any person who does not  
4 possess the ~~equivalent of two and one half (2 ½) years of~~  
5 ~~experience and a minimum of three thousand (3,000) hours in~~  
6 ~~real estate appraisal. The experience or its equivalent shall~~  
7 ~~be acquired within a period of five (5) years immediately~~  
8 ~~preceding the filing of the application for a permit~~ minimum  
9 experience criteria as prescribed by the appraisal foundation  
10 in rule and approved by the board.

11  
12           (b) Certified residential classification. An original  
13 permit to practice as a certified residential real estate  
14 appraiser shall not be issued to any person who does not  
15 possess the ~~equivalent of two (2) years of experience and a~~  
16 ~~minimum of two thousand five hundred (2,500) hours in real~~  
17 ~~estate appraisal. The experience or its equivalent shall be~~  
18 ~~acquired within a period of five (5) years immediately~~  
19 ~~preceding the filing of the application for a permit~~ minimum  
20 experience criteria as prescribed by the appraisal foundation  
21 in rule and approved by the board.

22  
23           **33-39-116. Nonresident permit by reciprocity.**

1

2 If the board determines that another ~~state~~jurisdiction has  
3 substantially equivalent requirements and reciprocity exists  
4 between the ~~states~~jurisdictions, an applicant from such  
5 other ~~state~~jurisdiction may obtain a permit to practice as  
6 a certified real estate appraiser in this state.

7

8 **33-39-117. Renewal permit.**

9

10 To obtain a renewal permit to practice as a certified real  
11 estate appraiser or certified appraiser trainee, the holder  
12 of a current permit shall make application and pay the  
13 prescribed fee to the board. With the application for  
14 renewal, the certified real estate appraiser or certified  
15 appraiser trainee shall present evidence in the form  
16 prescribed by the board of having completed the continuing  
17 education requirements for renewal as specified in this act.  
18 ~~A trainee is not required to present evidence of continuing~~  
19 ~~education to renew the trainee's permit.~~

20

21 **33-39-118. Basis for denial.**

22

1 The board may deny ~~the issuance of~~ a permit as a certified  
2 real estate appraiser or certified appraiser trainee to an  
3 applicant on any of the grounds enumerated in this act.

4

5 **33-39-119. Principal place of business; address.**

6

7 Each certified real estate appraiser or certified appraiser  
8 trainee holding a permit to practice under this act shall  
9 advise the board of the address of his principal place of  
10 business. Whenever a certified real estate appraiser or  
11 certified appraiser trainee changes a place of business, he  
12 shall within thirty (30) days give written notification of  
13 the change to the board, and pay the required change of  
14 address fee.

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 or certified appraiser  
21 trainee and may impose an administrative fine not to exceed  
22 two thousand five hundred dollars (\$2,500.00) for each  
23 separate offense, censure the permittee, place the permittee

1 on probation and set the terms of the probation, deny, suspend  
2 or revoke any permit issued under this act for any of the  
3 following:

4

5 (i) Procuring, or attempting to procure, a permit  
6 to practice pursuant to this act by knowingly making a false  
7 statement, submitting false information, refusing to provide  
8 complete information in response to a question in an  
9 application for a permit or through any form of fraud or  
10 misrepresentation;

11

12 (iv) Violating any rules or regulations of the  
13 board or any provision of this chapter;

14

15 (x) Use of the services of an appraisal management  
16 company not registered with the board.

17

18 **33-39-126. Certified real estate appraiser education**  
19 **account created; initial monies; fees.**

20

21 (b) ~~Beginning January 1, 1990,~~ Every person obtaining  
22 or renewing a certified appraiser trainee or certified real  
23 estate appraiser's permit shall pay an additional fee of

1 twenty dollars (\$20.00) which shall be deposited in the  
2 certified appraiser education account.

3

4 **33-39-202. Definitions.**

5

6 (a) As used in this article:

7

8 (iii) "Appraisal management company" means, in  
9 connection with valuing properties collateralizing mortgage  
10 loans or mortgages incorporated in a securitization, an  
11 external third party authorized either by a creditor of a  
12 consumer credit transaction secured by real estate or by an  
13 underwriter of or other principal in the secondary mortgage  
14 markets that directly or indirectly performs appraisal  
15 management services;

16

17 **33-39-203. Registration required.**

18

19 (a) No person ~~or entity~~ shall engage in the business or  
20 act in the capacity of an appraisal management company  
21 regarding property located in this state without an active  
22 Wyoming registration ~~therefore.~~ unless exempted from this  
23 article, ~~any single act described within the definition of~~

1 ~~"appraisal management services" is sufficient to constitute~~  
2 ~~"engaging in the business" within the meaning of this article.~~  
3 Any person who engages in the business or acts in the capacity  
4 of an appraisal management company regarding property located  
5 in this state, ~~with or without a Wyoming appraisal management~~  
6 ~~company registration,~~ has thereby submitted to the  
7 jurisdiction of the state of Wyoming and to the administrative  
8 jurisdiction of the board, and shall be subject to all  
9 penalties and remedies available under Wyoming law for any  
10 violation of this ~~article~~ chapter.

11

12 **33-39-209. Owner requirements.**

13

14 (a) No appraisal management company shall be eligible  
15 for registration in this state if the company, ~~has more than~~  
16 ~~ten percent (10%) ownership in whole or in part, directly or~~  
17 ~~indirectly, is owned~~ by any person who has had a license or  
18 certificate to act as an appraiser refused, denied,  
19 cancelled, revoked or surrendered in lieu of revocation in  
20 ~~this state or in any other state unless the certificate or~~  
21 ~~license has been reinstated~~ any jurisdiction for a  
22 substantive cause as determined by the board.

23

1           (b) Each person who owns more than ten percent (10%) of  
2 an appraisal management company performing appraisal  
3 management services regarding real estate located in this  
4 state shall:

5

6           (iii) Certify to the board that the person has  
7 never had a certificate or license to act as an appraiser  
8 refused, denied, cancelled, revoked or surrendered in lieu of  
9 revocation in this state or in any other ~~state unless the~~  
10 ~~certificate or license has been reinstated~~ jurisdiction.

11

12           **33-39-211. Designated contact person; requirements.**

13

14           (a) In order to serve as a contact person of an  
15 appraisal management company, a person shall:

16

17           (i) Certify to the board that the person has never  
18 had a certificate or a license issued by the board of this  
19 state, or the board of any other ~~state~~ jurisdiction, to act  
20 as an appraiser refused, denied, cancelled, revoked or  
21 surrendered in lieu of revocation; ~~unless such certificate or~~  
22 ~~license was subsequently granted or reinstated;~~

23

1           **33-39-224. Disciplinary proceedings.**

2

3           (a) The board shall upon a written sworn complaint or  
4 may upon its own motion investigate the actions of any  
5 appraisal management company and may impose an administrative  
6 fine not to exceed two thousand five hundred dollars  
7 (\$2,500.00) for each separate violation, censure the company,  
8 place the company on probation and set the terms of the  
9 probation, deny, suspend or revoke any registration issued  
10 under this article for any of the following:

11

12           (i) Procuring, or attempting to procure, a  
13 registration pursuant to this article~~chapter~~ by knowingly  
14 making a false statement, submitting false information,  
15 refusing to provide complete information in response to a  
16 question in an application for a registration or through any  
17 form of fraud or misrepresentation;

18

19           (iv) Violating any provision of this article  
20 chapter or rule or regulation of the board;

21

22           **Section 2.** W.S. 33-39-102(a)(xiii) is repealed.

23

1           **Section 3.** This act is effective July 1, 2019.

2

3

(END)