

ENROLLED ACT NO. 118, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2007 GENERAL SESSION

AN ACT relating to the Certified Real Estate Appraiser Act; modifying duties of the certified real estate appraiser board; amending permit application requirements; specifying requirements for permittees; providing for criminal background checks of permit applicants; providing definitions; providing penalties for violations of the act; and providing for effective dates.

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

Section 1. W.S. 7-19-106(a) by creating a new paragraph (xv), 7-19-201(a) by creating a new paragraph (viii), 33-39-102(a)(vii), (viii), (xiii) and (xvi), 33-39-105(a)(v) and (ix), 33-39-106(a)(intro), (i), (vi), by creating a new paragraph (vii) and (b), 33-39-109(a), (c) and by creating a new subsection (d), 33-39-110(a)(i) and (iii), 33-39-112(c), 33-39-114, 33-39-115(a) and (b), 33-39-117 through 33-39-119, 33-39-122(a) and (b), 33-39-123(a)(intro), (vii) and by creating a new paragraph (ix), 33-39-125(a) and (b) and 33-39-126(a) and (b) are amended to read:

7-19-106. Access to, and dissemination of, information.

(a) Criminal history record information shall be disseminated by criminal justice agencies in this state, whether directly or through any intermediary, only to:

(xv) The certified real estate appraiser board for purposes of permitting under title 33, chapter 39.

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

ORIGINAL HOUSE
BILL NO. 0224

ENROLLED ACT NO. 118, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2007 GENERAL SESSION

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

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

33-39-102. Definitions.

(a) As used in this act:

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

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

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

(xvi) "Uniform standards of professional appraisal practices" (USPAP) means that edition of the standards of appraisal practice promulgated by the appraisal foundation as adopted ~~and modified~~ by the ~~certified real estate appraisal board~~, provided the standards adopted and modified by the real estate appraisal

ORIGINAL HOUSE
BILL NO. 0224

ENROLLED ACT NO. 118, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2007 GENERAL SESSION

~~board shall not be more stringent than those standards promulgated by the appraisal foundation;~~

33-39-105. Powers of the board; rulemaking authority.

(a) The board shall:

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

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

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

(a) The ~~commission~~ board shall:

(i) Receive applications for permits and certification;

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

ORIGINAL HOUSE
BILL NO. 0224

ENROLLED ACT NO. 118, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2007 GENERAL SESSION

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

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

33-39-109. Permit process.

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

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

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

33-39-110. Classes of permits.

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

ORIGINAL HOUSE
BILL NO. 0224

ENROLLED ACT NO. 118, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2007 GENERAL SESSION

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

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

33-39-112. Examination prerequisites.

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

33-39-114. Term of permit.

The term of a permit issued under the authority of this act shall be ~~three (3)~~ two (2) years from the date of issuance. The expiration date of the permit shall appear on the permit and no other notice of its expiration need be given to its holder.

33-39-115. Nonresident permit.

(a) Prior to being issued a permit, every nonresident permittee shall file with the ~~commission~~ board a designation in writing which appoints the director of the ~~commission~~ board to act as his licensed agent upon whom all

ORIGINAL HOUSE
BILL NO. 0224

ENROLLED ACT NO. 118, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2007 GENERAL SESSION

judicial and other process or legal notices directed to the permittee may be served. Service upon the agent so designated shall be equivalent to personal service upon the permittee. Copies of the appointment, certified by the director of the ~~commission~~board, shall be received in evidence in any proceeding and shall be given the same force and effect as the original. In the written designation the permittee shall agree that any lawful process against the permittee which is served upon his appointed agent shall be of the same legal force and validity as if served upon the permittee, and that the authority of the agent shall continue in force so long as any liability of the permittee remains outstanding in this state. Upon the receipt of any process or notice, the director shall mail a copy of the same by certified mail, return receipt requested, to the last known business address of the permittee.

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

33-39-117. Renewal permit.

To obtain a renewal permit to practice as a certified real estate appraiser, the holder of a current permit shall make application and pay the prescribed fee to the ~~commission~~board. With the application for renewal, the certified

ORIGINAL HOUSE
BILL NO. 0224

ENROLLED ACT NO. 118, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2007 GENERAL SESSION

real estate appraiser shall present evidence in the form prescribed by the board of having completed the continuing education requirements for renewal as specified in this act. A trainee is not required to present evidence of continuing education to renew the trainee's permit.

33-39-118. Basis for denial.

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

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

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

33-39-122. Continuing education.

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

(b) The basic continuing education requirement for renewal of a permit shall be the completion by the applicant, during the immediately preceding term of the permit, of ~~not to exceed sixty (60)~~ at least thirty (30) classroom hours of instruction in courses or seminars which have received the approval of the board, which shall

ORIGINAL HOUSE
BILL NO. 0224

ENROLLED ACT NO. 118, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2007 GENERAL SESSION

include one (1) board approved seven (7) hour national USPAP update course.

33-39-123. Disciplinary proceedings.

(a) The board shall upon a written sworn complaint or may upon its own motion investigate the actions of any certified real estate appraiser and may impose an administrative fine not to exceed two thousand five hundred dollars (\$2,500.00) for each separate offense, censure the permittee, place the permittee on probation and set the terms of the probation, suspend or revoke any permit issued under this act for any of the following:

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

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

33-39-125. Retention of records.

(a) A certified real estate appraiser shall retain, for at least ~~ten (10)~~ seven (7) years, originals or true copies of all written contracts engaging his services for real estate appraisal work, and all reports and supporting

ORIGINAL HOUSE
BILL NO. 0224

ENROLLED ACT NO. 118, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2007 GENERAL SESSION

data assembled and formulated by the appraiser in preparing the reports.

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

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

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

(b) Beginning January 1, 1990, every person obtaining or renewing a trainee or certified real estate appraiser's permit shall pay an additional fee of twenty dollars (\$20.00) which shall be deposited in the certified appraiser education account.

Section 2. W.S. 33-39-112(a) and (b) and 33-39-113 are amended to read:

33-39-112. Examination prerequisites.

(a) General classification. As a prerequisite to taking the examination for a permit to practice as a certified general real estate appraiser, an applicant ~~must~~ shall have successfully completed ~~not less than one hundred~~

ORIGINAL HOUSE
BILL NO. 0224

ENROLLED ACT NO. 118, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2007 GENERAL SESSION

~~twenty (120)~~ a minimum of three hundred (300) classroom hours of courses in subjects related to real estate appraisal from a nationally recognized appraisal organization or a college or university approved by the board, ~~plus~~ which shall include fifteen (15) classroom hours related to standards of professional appraisal practice. ~~and the provisions of this act.~~

(b) Residential classification. As a prerequisite to taking the examination for a permit to practice as a certified residential real estate appraiser, an applicant ~~must~~ shall have successfully completed ~~not less than sixty (60)~~ a minimum of two hundred (200) classroom hours of courses in subjects related to real estate appraisal from a nationally recognized appraisal organization or a college or university approved by the board, ~~plus~~ which shall include fifteen (15) classroom hours related to standards of professional appraisal practice. ~~and the provisions of this act.~~

33-39-113. Experience requirement.

(a) General classification. An original permit to practice as a certified general real estate appraiser shall not be issued to any person who does not possess the equivalent of two and one-half (2 ½) years of experience and a minimum of three thousand (3,000) hours in real estate appraisal. The experience or its equivalent shall be acquired within a period of five (5) years immediately preceding the filing of the application for a permit.

~~(a)~~ (b) Residential classification. An original permit to practice as a certified residential real estate appraiser shall not be issued to any person who does not possess the equivalent of two (2) years of experience and a minimum of two thousand five hundred (2,500) hours in real

ORIGINAL HOUSE
BILL NO. 0224

ENROLLED ACT NO. 118, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2007 GENERAL SESSION

estate appraisal. ~~supported by written reports or file memoranda as required by the board. Such~~ The experience or its equivalent ~~must~~ shall be acquired within a period of five (5) years immediately preceding the filing of the application for a permit.

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

Section 3. W.S. 33-39-106(a)(v) and 33-39-120 are repealed.

ORIGINAL HOUSE
BILL NO. 0224

ENROLLED ACT NO. 118, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2007 GENERAL SESSION

Section 4.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2007.

(b) Section 2 of this act is effective January 1, 2008.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk