

Senate Amendment 5116

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1 1 Amend Senate File 2373 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. NEW SECTION. 543D.3A REGISTRATION OF
1 5 UNCERTIFIED REAL ESTATE APPRAISERS REQUIRED.
1 6 1. REGISTRATION. A person who is engaged in the
1 7 business or acting in the capacity of a real estate
1 8 appraiser for compensation within this state and who
1 9 does not hold an unexpired certificate as a certified
1 10 real estate appraiser pursuant to this chapter or is
1 11 not working as an associate real estate appraiser
1 12 shall register biennially with the board. The board
1 13 shall maintain a separate registry of the names and
1 14 addresses of the uncertified appraisers who register
1 15 with the board pursuant to this section.
1 16 2. INELIGIBILITY. A person shall not be eligible
1 17 to register as an uncertified appraiser, except upon
1 18 such conditions as the board may specify by rule or
1 19 order, if the person has been issued a certificate
1 20 under this chapter and the board, in connection with a
1 21 disciplinary investigation or proceeding, has
1 22 suspended, revoked, or otherwise imposed discipline
1 23 against, or refused to renew or accepted the voluntary
1 24 surrender of the certificate.
1 25 3. EXEMPTIONS. This section shall not apply to
1 26 any of the following:
1 27 a. An individual licensed under chapter 543B.
1 28 b. An individual registered under chapter 535B.
1 29 c. An individual who provides administrative
1 30 services to a certified real estate appraiser, such as
1 31 taking photographs, preparing charts, or typing
1 32 reports, who is not an associate real estate appraiser
1 33 and who does not provide any assistance in developing
1 34 the analysis, valuation, opinions, or conclusions
1 35 associated with the appraisal assignment.
1 36 d. An employee of any of the following, so long as
1 37 the employee does not provide appraisal services or
1 38 complete an appraisal assignment for any person other
1 39 than the person's employer unless the person is in
1 40 compliance with this section:
1 41 (1) The federal government.
1 42 (2) The state, or any agency, department, or
1 43 political subdivision of the state, except as provided
1 44 for an employee of the state department of
1 45 transportation pursuant to section 543D.3.
1 46 (3) A financial institution as defined in section
1 47 527.2.
1 48 (4) An insurance company authorized to transact
1 49 the business of insurance in this state.
1 50 (5) A licensee or registrant under chapter 535B,
2 1 536, or 536A.
2 2 e. An individual who holds an unexpired
2 3 certificate or license to practice as a real estate
2 4 appraiser under the laws of another jurisdiction who
2 5 acts in compliance with board rules on temporary
2 6 practice or who otherwise acts in conformance with
2 7 federal laws or regulations governing the cross=
2 8 jurisdictional practice of certified or licensed real
2 9 estate appraisers.
2 10 4. The board shall establish and collect fees for
2 11 the registration of uncertified real estate
2 12 appraisers, in an amount not to exceed twenty-five
2 13 dollars biennially.
2 14 5. UNLAWFUL ACTS, INJUNCTIONS, AND CIVIL
2 15 PENALTIES.
2 16 a. The board may investigate complaints or
2 17 initiate complaints against uncertified real estate
2 18 appraisers and in connection with such complaints or
2 19 investigations may issue subpoenas to compel witnesses
2 20 to testify or persons to produce evidence consistent
2 21 with the provisions of section 272C.6, subsection 3,
2 22 as needed to determine whether probable cause exists
2 23 to initiate proceedings under this section or to make
2 24 application to the district court for an order

2 25 enjoining violations of this chapter.
2 26 b. If as a result of an investigation the board
2 27 believes that an uncertified real estate appraiser has
2 28 engaged, or is about to engage, in an act or practice
2 29 which constitutes a violation of this chapter, the
2 30 board may make application to the district court for
2 31 an order enjoining such act or practice. Upon a
2 32 showing by the board that such uncertified real estate
2 33 appraiser has engaged, or is about to engage, in any
2 34 such act or practice, an injunction, restraining
2 35 order, or other order as may be appropriate shall be
2 36 granted by the court.
2 37 c. In addition to or as an alternative to making
2 38 application to the district court for an injunction,
2 39 the board may issue an order to an uncertified real
2 40 estate appraiser to require compliance with this
2 41 chapter and may impose a civil penalty against such
2 42 person for any violation of this chapter in an amount
2 43 up to one thousand dollars for each violation. All
2 44 civil penalties collected pursuant to this subsection
2 45 shall be deposited in the housing trust fund created
2 46 in section 16.181. An order issued pursuant to this
2 47 section may prohibit a person from registering under
2 48 this section if the person has engaged in willful or
2 49 repeated violations of this chapter.
2 50 d. The board may impose civil penalties against an
3 1 uncertified real estate appraiser for engaging in any
3 2 of the following acts or practices, all of which are
3 3 unlawful acts under this chapter:
3 4 (1) A violation of subsection 1.
3 5 (2) A violation of section 543D.15.
3 6 (3) Acting with bias while involved in valuation
3 7 assignments in real property appraisal practice.
3 8 Sec. 2. Section 543D.17, subsection 1, paragraph
3 9 f, Code 2005, is amended to read as follows:
3 10 f. Negligence, ~~or~~ incompetence, ~~or~~ bias in
3 11 developing an appraisal, in preparing an appraisal
3 12 report, or in communicating an appraisal.
3 13 Sec. 3. EFFECTIVE DATE. This Act takes effect
3 14 January 1, 2007.>
3 15 #2. Title page, line 2, by adding after the word
3 16 <penalty> the following: <and an effective date>.
3 17 #3. By renumbering as necessary.
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3 21 JACK HATCH
3 22 SF 2373.701 81
3 23 jr/gg/5266