

# Senate Amendment 5117

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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 section.  
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 section, 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 section and may impose a civil penalty against such  
2 42 person for any violation of this section 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 section:  
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 2373.201 81  
3 23 jr/sh/5265