

FEB 17 2000

COMMERCE AND REGULATION

HOUSE FILE
BY ALONS

2349

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for mandatory certification of real estate
2 appraisers and providing exceptions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2349

1 Section 1. Section 543D.1, Code 1999, is amended to read
2 as follows:

3 543D.1 SHORT TITLE.

4 This chapter shall be known and may be cited as the "Iowa
5 ~~Voluntary~~ Appraisal Standards and Appraiser Certification
6 Law".

7 Sec 2. Section 543D.3, Code Supplement 1999, is amended to
8 read as follows:

9 543D.3 PURPOSES -- ~~VOLUNTARY~~ MANDATORY CERTIFICATION.

10 The purpose of this chapter is to establish standards for
11 real estate appraisals and a procedure for the ~~voluntary~~
12 mandatory certification of real estate appraisers.

13 A Except as otherwise provided in this chapter, only a
14 person who is not a certified real estate appraiser under this
15 chapter may shall appraise real estate for compensation if
16 ~~certification-is-not-required-by-this-chapter-or-by-federal-or~~
17 ~~state-law,-rule,-or-policy.~~ However, an employee of the
18 state department of transportation whose duties include
19 appraisals of property pursuant to chapter 6B must be a
20 certified real estate appraiser under this chapter.

21 Sec. 3. NEW SECTION. 543D.20 EXCLUSIONS.

22 This chapter does not apply to the following:

- 23 1. a. A salaried employee of any of the following:
- 24 (1) The federal government.
- 25 (2) The state, or any agency, department, or political
- 26 subdivision of the state other than employees of the state
- 27 department of transportation whose duties include appraisals
- 28 of property.
- 29 (3) A financial institution as defined in section 535A.1.
- 30 (4) An insurance company authorized to transact the
- 31 business of insurance in this state.

32 b. Notwithstanding paragraph "a", an employee otherwise
33 excluded from the application of this chapter as provided in
34 paragraph "a", who engages in acts as a real estate appraiser
35 independently of the employee's employment, is subject to this

1 chapter and must be certified as required in section 543D.3
2 prior to engaging in such other appraisal acts.

3 2. An individual, who in the ordinary course of business,
4 gives an opinion as to the price of real estate for the
5 purpose of a prospective listing or sale, except that such
6 opinion shall not be referred to as an appraisal.
7 Additionally, no compensation, fee, or other consideration
8 shall be charged or received for such opinion other than a
9 real estate commission or brokerage fee charged or paid for
10 brokerage services rendered in connection with the sale of the
11 real estate involved.

12 3. An individual who provides assistance in obtaining data
13 upon which an appraisal is based; in the physical preparation
14 of an appraisal report, such as taking photographs, preparing
15 charts, maps, or graphs, or typing or printing the report; or
16 performing tasks that do not directly involve the exercise of
17 judgment in determining the analysis, opinion, or conclusion
18 concerning real estate or real property the subject of the
19 appraisal.

20 4. An associate real estate appraiser.

21 5. An individual who renders an estimate or opinion of
22 value of real estate or an interest in real estate when the
23 estimate or opinion is for the purpose of real estate
24 taxation.

25 6. An individual who renders an estimate or opinion of
26 value of real estate or an interest in real estate or any
27 damages to the real estate when the estimate or opinion is
28 offered as testimony in a condemnation proceeding.

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EXPLANATION

30 This bill amends Code chapter 543D, relating to the
31 certification of real estate appraisers, and requires
32 appraisers to be certified under that Code chapter.
33 Currently, appraiser certification is voluntary.

34 New Code section 543D.20 is created and excludes certain
35 individuals from the application of Code chapter 543D,

1 including a salaried employee of the federal government; the
2 state, or any agency, department, or political subdivision of
3 the state; a financial institution; or an insurance company
4 authorized to transact the business of insurance in this
5 state; except that an employee otherwise excluded from the
6 application of this chapter who engages in acts as a real
7 estate appraiser independently of the employee's employment is
8 subject to this chapter and must be certified prior to
9 engaging in such other appraisal acts. The bill also excludes
10 from the application of the Code chapter an individual who, in
11 the ordinary course of business, gives an opinion as to the
12 price of real estate for the purpose of a prospective listing
13 or sale; provides assistance in obtaining data upon which an
14 appraisal is based; assists in the physical preparation of an
15 appraisal report, such as taking photographs, preparing
16 charts, maps, or graphs, or typing or printing the report, or
17 that does not directly involve the exercise of judgment in
18 determining the analysis, opinion, or conclusion concerning
19 real estate or real property the subject of the appraisal; an
20 associate real estate appraiser; an individual who renders an
21 estimate or opinion of value of real estate or an interest in
22 real estate when the estimate or opinion is for the purpose of
23 real estate taxation; and an individual who renders an
24 estimate or opinion of value of real estate or an interest in
25 real estate or any damages to the real estate when the
26 estimate or opinion is offered as testimony in a condemnation
27 proceeding.

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