

SECOND REGULAR SESSION

# SENATE BILL NO. 955

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CUNNINGHAM.

Read 1st time February 26, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

6125S.02I

## AN ACT

To repeal section 339.507, RSMo, and to enact in lieu thereof two new sections relating to the real estate appraisers commission.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 339.507, RSMo, is repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 339.507 and 339.531, to read as  
3 follows:

339.507. 1. There is hereby created within the division of professional  
2 registration the "Missouri Real Estate Appraisers Commission", which shall  
3 consist of seven members appointed by the governor with the advice and consent  
4 of the senate, six of whom shall be appraiser members, and one shall be a public  
5 member. Each member shall be a resident of this state and a registered voter for  
6 a period of one year prior to the person's appointment. The president of the  
7 Missouri Appraiser Advisory Council in office at the time shall, at least ninety  
8 days prior to the expiration of the term of the commission member, other than the  
9 public member, or as soon as feasible after the vacancy on the commission  
10 otherwise occurs, submit to the director of the division of professional registration  
11 a list of five appraisers qualified and willing to fill the vacancy in question, with  
12 the request and recommendation that the governor appoint one of the five persons  
13 so listed, and with the list so submitted, the president of the Missouri Appraiser  
14 Advisory Council shall include in his or her letter of transmittal a description of  
15 the method by which the names were chosen by that association. The public  
16 member shall have never been engaged in the businesses of real estate appraisal,  
17 real estate sales or making loans secured by real estate.

18 2. The real estate appraiser members appointed by the governor shall be  
19 Missouri residents who have real estate appraisal experience in the state of

20 Missouri for not less than five years immediately preceding their  
21 appointment. Appraiser members of the commission shall be appointed from the  
22 registry of state-certified real estate appraisers and state-licensed real estate  
23 appraisers. **Real estate appraiser members shall not be from the same**  
24 **United State Congressional district.**

25 3. All members shall be appointed for three-year terms. All members  
26 shall serve until their successors have been appointed and qualified. Vacancies  
27 occurring in the membership of the commission for any reason shall be filled by  
28 appointment by the governor for the unexpired term. Upon expiration of their  
29 terms, members of the commission shall continue to hold office until the  
30 appointment and qualification of their successors. No more than four members  
31 of the commission shall be members of the same political party. No person shall  
32 be appointed for more than two consecutive terms. The governor may remove a  
33 member for cause.

34 4. The commission shall meet at least once each calendar quarter to  
35 conduct its business. A quorum of the commission shall consist of four members.

36 5. Each member of the commission shall be entitled to a per diem  
37 allowance of fifty dollars for each meeting of the commission at which the member  
38 is present and shall be entitled to reimbursement of the member's expenses  
39 necessarily incurred in the discharge of the member's official duties. Each  
40 member of the commission shall be entitled to reimbursement of travel expenses  
41 necessarily incurred in attending meetings of the commission.

**339.531. 1. Any person may file a complaint with the commission**  
2 **alleging that a licensee has committed any combination of the acts or**  
3 **omissions provided in subsection 2 of section 339.532. A complainant**  
4 **is not required to specify the provisions of law or regulations alleged**  
5 **to have been violated in the complaint.**

6 2. Upon the receipt of a complaint against a licensee, the  
7 commission shall investigate the actions of the licensee against whom  
8 the complaint is made. In conducting an investigation, the commission  
9 may request the licensee under investigation to:

- 10 (1) Answer the charges made against him or her in writing;  
11 (2) Produce relevant documentary evidence;  
12 (3) Appear before the commission.

13 3. A copy of any written answer of the licensee requested  
14 pursuant to subsection 2 of this section may be furnished to the

15 complainant.

16       4. The commission shall notify the complainant that an  
17 investigation has been commenced within ten working days of receipt  
18 of the complaint. The commission shall also notify and inform the  
19 complainant of the status of the investigation every sixty days  
20 following the commencement of the investigation. No investigation  
21 shall last longer than six months. Once an investigation is closed or  
22 dismissed it shall not be reopened.

23       5. In the event that the commission fails to meet the notification  
24 and investigation requirements of this section or does not finish the  
25 investigation within six months then the commission shall provide the  
26 complainant, at the commission's expense, with an appraisal and an  
27 appraisal report of the real estate originally appraised by the licensee  
28 under investigation.

29       6. The commission may at its discretion investigate anonymous  
30 complaints. Upon its own motion, the commission may initiate an  
31 inquiry or investigation against an applicant or licensee. A real estate  
32 appraiser member of the commission shall not take part or participate  
33 in the investigation of a direct competitor.

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