

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 846 & 847

89TH GENERAL ASSEMBLY

Reported from the Committee on Corrections and General Laws, February 17, 1998, with recommendation that the Senate Committee Substitute do pass.

S2952.04C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 339.503, 339.505, 339.511, 339.515, 339.517, 339.519, 339.523, 339.529, 339.530, 339.532 and 339.545, RSMo 1994, relating to real estate appraisers, and to enact in lieu thereof fourteen new sections relating to the same subject.

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

Section A. Section 339.503, 339.505, 339.511, 339.515, 339.517, 339.519, 339.523, 339.529, 339.530, 339.532 and 339.545, RSMo 1994, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 339.501, 339.503, 339.505, 339.511, 339.515, 339.517, 339.519, 339.523, 339.529, 339.530, 339.532, 339.545, 339.546 and 339.549, to read as follows:

339.501. 1. From and after July 1, 1999, it shall be unlawful for persons in this state to act as a real estate appraiser, or to directly or indirectly engage or assume to engage in the business of real estate appraisal or to advertise or hold themselves out as engaging in or conducting such business without first obtaining a license or certificate issued by the Missouri Real Estate Appraisers Commission under the provisions of this chapter.

2. No license or certificate shall be issued under the provisions of this chapter to a partnership, association, corporation, firm or group. However, nothing herein shall preclude a state-licensed or state-certified real estate appraiser from rendering appraisals for or on behalf of a partnership, association, corporation, firm or group, provided the appraisal report is prepared by, or under the immediate personal direction of, the state-licensed or state-certified real estate appraiser and is reviewed and signed by such state-licensed or state-certified appraiser.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

3. Any person who is not state-licensed or state-certified under this chapter may assist a state-licensed or state-certified real estate appraiser in the performance of an appraisal provided that such person is personally supervised by a state-licensed or state-certified appraiser and provided further that any appraisal report rendered in connection with the appraisal is reviewed and signed by the state-licensed or state-certified real estate appraiser.

4. Nothing in this chapter shall abridge, infringe upon, or otherwise restrict the right to use the term "certified ad valorem tax appraiser" or any similar term by persons performing ad valorem tax appraisals.

5. The provisions of this chapter shall not be construed to require a license or certificate for:

(1) Any person, partnership, association or corporation who, as owner, shall perform appraisals of property owned by them;

(2) Any licensed real estate broker or salesperson who prepares a comparative market analysis or a broker price opinion for a listing or a sale;

(3) Any employee of a local, state, or federal agency who performs appraisal services within the scope of his employment. However, this exemption shall not apply where any local, state, or federal agency requires an employee to be registered, licensed, or certified to perform appraisal services; or

(4) Any full-time regular employee of a federal or state regulated lending agency or institution.

339.503. As used in sections 339.500 to [339.545] **339.549**, the following words have the meaning ascribed to them in this act unless the context clearly indicates otherwise:

(1) "Appraisal" or "real estate appraisal" means an **objective** analysis, **evaluation**, opinion, or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate[, for or in expectation of compensation]. An appraisal may be classified by subject matter into either a valuation or an analysis;

(2) "Appraisal assignment" means an engagement for which person is employed or retained to act as a disinterested third party in rendering an [unbiased analysis, opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate] **objective appraisal**;

(3) "Appraisal Foundation" means the organization of the same name that was incorporated as an Illinois not for profit corporation on November [30] **20**, 1987, **whose operative boards are the appraisal standards board and the appraisal qualifications board**;

(4) "Appraisal report" means any communication, written or oral, of an [analysis, opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate and all other reports communicating an appraisal analysis, opinion or conclusion regardless of title. Under this definition,] **appraisal**. The purpose of an appraisal is

immaterial[;], therefore valuation reports, real estate counseling reports, real estate tax counseling reports, real estate offering memoranda, mortgage banking offers, highest and best use studies, market demand and economic feasibility studies and all other reports communicating an appraisal analysis, opinion or conclusion are "appraisal reports", regardless of title;

(5) "Appraisal Standards Board (ASB)" means the independent board of the appraisal foundation which promulgates the generally accepted standards of the appraisal profession and the uniform standards of professional appraisal practices;

(6) "Appraiser Qualifications Board (AQB)" means the independent board of the appraisal foundation which establishes minimum experience, education and examination criteria for state licensing of appraisers;

(7) "Broker price opinion", an opinion of value, prepared by a real estate licensee for a fee, that includes, but is not limited to, analysis of competing properties, comparable sold properties, recommended repairs and costs, and suggested marketing techniques. A broker price opinion is not an appraisal and shall prominently and specifically state that it is not an appraisal;

(8) "Certificate" means that document issued by the Missouri Real Estate Appraisal Commission evidencing that the person named therein has satisfied the requirements for certification as a state-certified real estate appraiser and bearing a certificate number assigned by the commission;

(9) "Certificate holder" means a person certified by the commission under the provisions of this chapter;

[(5)] (10) "Certified appraisal report" means an appraisal report prepared or signed by a state certified real estate appraiser. A certified appraisal report represents to the public that it meets the appraisal standards defined in sections 339.500 to [339.545] 339.549;

[(6)] (11) "Commission" means the Missouri Real Estate Appraisers Commission, created by this act;

(12) "Comparative Market Analysis" means the analysis of sales of similar recently-sold properties in order to derive an indication of the probable sales price of a particular property undertaken by a licensed real estate broker or salesman, for his principal, in connection with listing real estate;

[(7)] (13) "Disinterested third party" shall not exclude any state certified real estate appraiser or state licensed real estate appraiser employed or retained by any bank, savings association, credit union, mortgage banker or other lender to perform appraisal assignments, provided that the appraisal assignments are rendered with respect to loans to be extended by the bank, savings association, credit union, mortgage banker or other lender, and provided further that the state certified real estate appraiser or state licensed real estate appraiser is not requested or required to report a predetermined analysis or opinion of value;

[(8) "General certificate" or "general certification" means a certificate or certification

issued pursuant to the provisions of sections 339.500 to 339.545 for appraisals of all types of real estate;

(9) **(14)** "License" or "licensure" means a license or licensure issued pursuant to the provisions of this act [for appraisals of residential real property of one to four single-family dwelling units and other real estate including real estate used in the production of farm products, with a value of less than one million dollars, unless the nature or the size and complexity of the appraisal require a state certified real estate appraiser as determined by the commission or federal law] **evidencing that the person named therein has satisfied the requirements for licensure as a state-licensed real estate appraiser and bearing a license number assigned by the commission;**

[(10) "Real estate" means an interest in an identified parcel or tract of land, including improvements, if any;

(11) "Real estate appraisal experience" means, for purposes of this act, any full calendar year in which a person spent an average of at least twenty hours per week engaged in appraising real estate;

(12) "Residential certificate" or "residential certification" means a certificate or certification issued pursuant to the provisions of sections 339.500 to 339.545 for appraisals of residential real property of one to four single-family dwelling units and other real estate including real estate used in the production of farm products, unless the nature or the size and complexity of the appraisal require a state certified general real estate appraiser as determined by the commission or federal law;]

(15) "Real estate" means an identified parcel or tract of land, including improvements if any;

(16) "Real estate appraiser" or "appraiser" means a person who for a fee or valuable consideration develops and communicates real estate appraisals or otherwise gives an opinion of the value of real estate or any interest therein;

(17) "Real estate appraising" means the practice of developing and communicating real estate appraisals;

(18) "Real property" means the interests, benefits and rights inherent in the ownership of real estate;

(19) "Residential real estate" means any parcel of real estate, improved or unimproved, that is primarily residential in nature and that includes or is intended to include a residential structure containing not more than four dwelling units and no other improvements except those which are typical residential improvements that support the residential use for the location and property type. A residential unit in a condominium, town house, or cooperative complex or planned unit development is considered to be residential real estate. Subdivisions are not considered residential real estate. Individual parcels of property located within a residential subdivision shall

be considered residential property;

[(13)] **(20)** "Specialized appraisal services" means appraisal services which do not fall within the definition of appraisal assignment. The term "specialized services" may include valuation work and analysis work. Regardless of the intention of the client or employer, if the appraiser is acting as a disinterested third party in rendering an unbiased analysis, opinion or conclusion, the work is classified as an appraisal assignment and not specialized services;

[(14)] **(21)** "State certified **general** real estate appraiser" means a person who holds a current, valid certificate [issued to him for either residential or other real estate appraisal] **as a state-certified general real estate appraiser issued** under the provisions of sections 339.500 to [339.545] **339.549**;

[(15)] **(22)** "State [licensed] -**certified residential** real estate appraiser" means a person who holds a current, valid [license issued to him for residential real estate appraisal subject to the] **certificate as a state-certified residential real estate appraiser issued under the** provisions of sections 339.500 to [339.545.] **339.549**;

(23) "State-licensed real estate appraiser" means a person who holds a current, valid license as a state-licensed real estate appraiser issued under the provisions of this chapter;

(24) "Subdivision" means a tract of land that has been divided into blocks or plots with streets, roadways, open areas, and other facilities appropriate to its development as residential, commercial or industrial sites;

(25) "Temporary appraiser licensure or certification" means the issuance of a temporary license or certificate by the commission to a person licensed or certified in another state who enters this state for the purpose of completing a particular appraisal assignment.

339.505. 1. [No person, other than a state certified real estate appraiser or a state licensed real estate appraiser, shall assume or use those titles or any title, designation, or abbreviation likely to create the impression of certification or licensure as a real estate appraiser by this state. A person who is not a state certified real estate appraiser pursuant to sections 339.500 to 339.545 shall not describe or refer to any appraisal or other evaluation of real estate located in this state by the term "certified".

2. Sections 339.500 to 339.545 shall not prohibit a person who is not certified as a state certified real estate appraiser or licensed as a state licensed real estate appraiser from appraising real estate for compensation.] **It shall be unlawful for any person in this state to assume or use the title "state-licensed real estate appraiser" or "state-certified real estate appraiser", or any title, designation, or abbreviation likely to create the impression of licensure or certification by the state of Missouri as a real estate appraiser, unless the person has first been licensed or certified by the Missouri Real Estate Appraisers**

Commission under the provisions of this chapter. The commission may adopt for the exclusive use of persons licensed or certified under the provisions of this chapter, a seal, symbol, or other mark identifying the user as a state-licensed or state-certified real estate appraiser.

2. Any person certified as a real estate appraiser by an appraisal trade organization, on the effective date of this act, shall retain the right to use the term "certified" or any similar term in identifying himself to the public, provided that in each instance wherein such term is used, the name of the certifying organization or body is prominently and conspicuously displayed immediately adjacent to such term, and provided further that the use of such term does not create the impression of certification by the state of Missouri. Nothing herein shall entitle any person certified only by a trade organization, and not certified or licensed by the state, the right to conduct any appraisal.

3. The term "state-licensed real estate appraiser", "state-certified real estate appraiser" or any similar term shall not be used following or immediately in connection with the name of a partnership, association, corporation or other firm or group or in such manner that it might create the impression of licensure or certification by the state of Missouri as a real estate appraiser.

339.511. 1. There shall be [two] **three** classes of [certification] **licensure: a state-licensed real estate appraiser, certified residential or certified general real estate appraiser.** [for certified real estate appraisers as follows:

(1) The state certified residential real estate appraiser classification shall consist of those persons meeting the requirements for certification related solely to the appraisal of residential real estate of one to four single-family dwelling units; and other real estate including real estate used in the production of farm products, unless the nature or the size and complexity of the appraisal require a state certified general real estate appraiser as determined by the commission or federal law;

(2) The state certified general real estate appraiser classification shall consist of those persons meeting the requirements for certification related to the appraisal of all types of real estate.

2. There shall be one class of state licensed real estate appraisers, which shall consist of those persons who shall meet the requirements for licensure related to the appraisal of residential real estate of one to four single-family dwelling units and other real estate including real estate used in the production of farm products, with a value of less than one million dollars, unless the nature or the size and complexity of the appraisal require a state certified real estate appraiser as determined by the commission or federal law.]

2. Persons desiring to obtain licensure as a state-licensed real estate appraiser or certification as a certified residential or certified general real estate appraiser shall

make written application to the commission on such forms as are prescribed by the commission setting forth the applicant's qualification for licensure or certification and present to the commission satisfactory proof that they are a person of good moral character and bear a good reputation for honesty, integrity and fair dealing.

3. Each applicant for licensure as a state-licensed real estate appraiser, a state-certified residential real estate appraiser or a state-certified general real estate appraiser shall have demonstrated the knowledge and competence necessary to perform appraisals of residential and other real estate as the commission may prescribe by rule not inconsistent with any requirements imposed by the Appraiser Qualifications Board. The commission shall prescribe by rule procedures for obtaining and maintaining approved courses of instruction. It shall also prescribe the hours of training in real estate appraisal practices and the minimum level of experience acceptable for licensure or certification.

4. Those who receive certification after March 1991, or who have a state license or certificate to engage in business as a real estate appraiser issued by the commission, shall receive the same license or certificate from the commission as they are then holding without further education, experience, examination or application fee, but shall be required to meet all continuing education requirements prescribed by the commission.

339.515. 1. An original certification as a state certified real estate appraiser [shall] **may** be issued to any person who meets the **qualification** requirements [of subsection 1 or 2 of section 339.517] **for certification** and who has achieved a passing grade upon a written examination which is consistent with and equivalent to the Uniform State Certification Examination issued or endorsed by the appraiser qualifications board of the appraisal foundation **and the commission.**

2. An original license as a state licensed real estate appraiser [shall] **may** be issued to any person who meets the **qualification** requirements [of subsection 3 or 4 of section 339.517] **for licensure** and who has achieved a passing grade upon a written examination [established and administered by the commission that is based upon forty-five classroom hours of appraisal study and is designed to test an individual's knowledge of the basic principles of land economics, the basic principles of real estate appraising, the Uniform Standards of Professional Appraisal Practice promulgated by the appraisal standards board of the appraisal foundation, and the provisions of sections 339.500 to 339.545] **which is consistent with and equivalent to the uniform state licensure examination issued or endorsed by the appraisal qualification board of the appraisal foundation and the commission.**

3. If an applicant is not certified or licensed within three years after passing an examination given pursuant to the provisions of this section, he shall be required to retake the examination prior to certification or licensure.

4. An applicant who has failed an examination taken pursuant to this section may apply

for reexamination by submitting an application with the appropriate examination fee within ninety days after the date of having last taken and failed the examination.

339.517. 1. Any person who files with the commission an application for state licensure or certification as a real estate appraiser shall be required to pass an examination to demonstrate his competence. The commission shall also make such investigation as is required to verify such qualifications. If the results of the investigation shall be satisfactory to the commission and the applicant is otherwise qualified, then the commission shall issue to the applicant a license or certificate authorizing the applicant to act as a state-licensed real estate appraiser or a state certified real estate appraiser in Missouri. If the results of the investigation shall be unsatisfactory, action on the application may be deferred pending a hearing before the real estate appraisal commission. [As a prerequisite to receiving a general certification, an applicant shall present evidence satisfactory to the commission that he has two years of real estate appraisal experience, acquired within a period of five years immediately preceding the filing of the application for certification, or the equivalent thereof, and:

(1) Has successfully completed not less than one hundred fifty classroom hours of academic instruction in subjects related to real estate appraisal from a nationally recognized appraisal organization or real estate organization or an agency of the state or federal government or a college or university or other qualified provider approved by the commission; and

(2) Has successfully completed fifteen classroom hours of instruction relating to standards of professional practice and the provisions of sections 339.500 to 339.545.

2. As a prerequisite to receiving a residential certification, an applicant shall present evidence satisfactory to the commission that he has two years of real estate appraisal experience, acquired within a period of five years immediately preceding the filing of the application for certification, or the equivalent thereof, and:

(1) Has successfully completed not less than sixty classroom hours of academic instruction in subjects related to real estate appraisal from a nationally recognized appraisal organization or real estate organization or an agency of the state or federal government or a college or university or other qualified provider approved by the commission; and

(2) Has successfully completed fifteen classroom hours of instruction relating to standards of professional practice and the provisions of sections 339.500 to 339.545.

3. As a prerequisite to receiving a license, an applicant shall present evidence satisfactory to the commission that he:

(1) Has successfully completed not less than thirty classroom hours of academic instruction in subjects related to real estate appraisal from a nationally recognized appraisal organization or real estate organization or an agency of the state or federal government or a college or university or other qualified provider approved by the commission; and

(2) Has successfully completed fifteen classroom hours of instruction relating to standards of professional practice and the provisions of sections 339.500 to 339.545.

4. Until July 1, 1991, the commission may waive the requirements of subdivision (1) of subsection 3 of this section relating to the successful completion of thirty classroom hours of academic instruction in subjects related to real estate appraisal if an applicant:

(1) Submits evidence satisfactory to the commission that he has a minimum of five years of real estate appraisal experience within a period of seven years immediately preceding the date of application;

(2) Has successfully completed fifteen classroom hours of instruction relating to standards of professional practice and the provisions of sections 339.500 to 339.545; and

(3) Passes the examination administered by the commission that satisfies the requirements of subsection 2 of section 339.515.

Any license issued pursuant to the provisions of this subsection shall be temporary in nature, and shall be conditioned on the completion, within eighteen months of issuance of the license, of the requirements of subdivision (1) of subsection 3 of this section. Any license issued pursuant to the provisions of this subsection shall be revoked by the commission eighteen months after issuance of the license unless the holder of the license presents evidence satisfactory to the commission of the completion of the requirements of subdivision (1) of subsection 3 of this section.

5.] **2.** The commission shall promulgate and adopt regulations which prescribe and define the subjects related to real estate appraisal and the experience in real estate appraisal that will satisfy the **qualification** requirements [of subsections 1, 2 and 3 of this section] **for licensure or certification.** The commission [shall] **may** approve courses of instruction in an accredited college or university relating to the appraisal of real estate and related disciplines including, but not limited to, economics, finance, statistics, principles of capitalization, real estate and such other areas deemed relevant by the commission. The commission [shall] **may** also approve similar courses of instruction offered by recognized professional appraisal organizations and real estate organizations and agencies of the state and federal government, and other qualified providers which may be approved by the commission.

[6.] **3.** Each applicant for certification or licensure [pursuant to subsection 4 of this section] shall furnish under oath a detailed statement of the real estate appraisal assignments or file memoranda for each year in which real estate appraisal experience is claimed by the applicant. Upon request, the applicant shall furnish to the commission a sample of appraisal reports or file memoranda which the applicant has prepared in the course of his appraisal practice.

339.519. **1.** The term of [a] **an original** certificate or license issued under this act shall be [three years from the date of issuance.] **for a period set by the commission. All certificates and licenses shall be subject to renewal on the same date.** The expiration date of the certificate or license shall appear on the certificate or license and no other notice of its

expiration need be given to its holder.

2. The commission shall require every state certified or licensed real estate appraiser to provide satisfactory evidence of the completion of the required continuing education hours as promulgated by the appraiser qualifications board. The commission may waive the requirements of continuing education for retired or disabled licensed or certified appraisers or for other good cause.

339.523. 1. A nonresident of this state who has complied with the provisions of sections **339.511**, 339.513, 339.515 and 339.517 or section 339.521 may obtain certification as a state certified real estate appraiser or licensure as a state licensed real estate appraiser by conforming to all of the provisions of sections 339.500 to [339.545] **339.549** relating to state certified real estate appraisers or state licensed real estate appraisers.

2. Every applicant for certification or licensure under this act who is not a resident of this state shall submit, with the application for certification, an irrevocable consent that service of process in any action against the applicant arising out of the applicant's activities as a state certified real estate appraiser or state licensed real estate appraiser may be made by delivery of the process to the executive director of the commission, if the plaintiff cannot, in the exercise of due diligence, effect personal service upon the applicant. The executive director shall immediately mail a copy of the materials served on the executive director by ordinary mail to the state certified real estate appraiser or state licensed real estate appraiser at both his principal place of business and his residence address.

339.529. 1. Each state certified real estate appraiser and state licensed real estate appraiser shall advise the commission of the address of his principal place of **residence**, business and all other addresses at which he is currently engaged in the business of preparing real property appraisal reports.

2. Whenever a state certified real estate appraiser or state licensed real estate appraiser changes the location of his place of business, he shall amend the certificate or license issued by the commission to reflect the change and shall [immediately] give written notification of the change to the commission **within ten working days of the change**.

3. [Each] **Whenever a** state certified real estate appraiser [and] **or** state licensed real estate appraiser **changes the location of his residence, he** shall notify the commission of [his current] **the new** residence address **within ten working days of the change**.

339.530. 1. As a prerequisite of renewal of certification or licensure, a state certified real estate appraiser or state licensed real estate appraiser shall present evidence satisfactory to the commission of having met the continuing education requirements as provided in this section. The basic continuing education requirements for renewal of certification or licensure shall be the completion by the state certified real estate appraiser or state licensed real estate appraiser, during the immediately preceding term of certification or licensure, [of not less than thirty

classroom hours of instruction in courses which have received the approval of the commission] **of continuing education as prescribed by the appraisal qualification board and approved by the commission.**

2. In lieu of meeting the requirements of subsection 1 of this section, an applicant for renewal of certification or licensure may satisfy all or part of the requirements of this section by presenting evidence of the following:

(1) Completion of courses of study determined by the commission to be equivalent, for continuing education purposes, to courses approved by the commission pursuant to subsection 1 of this section;

(2) Participation, other than as a student, in educational processes and programs in real property appraisal theory, practices, or techniques, including, but not limited to, teaching, program development, and preparation of textbooks, monographs, articles, and other instructional materials, all to be approved by the commission.

3. The commission shall adopt regulations for implementation of the provisions of this section to assure that state certified real estate appraisers renewing their certifications and state licensed real estate appraisers renewing their licenses have current knowledge of real property appraisal theories, practices, and techniques which will provide a high degree of service and protection to those members of the public with whom they deal in a professional relationship under authority of the certification or licensure. Such regulations shall prescribe the following:

(1) Policies and procedures for obtaining commission approval of courses of instruction pursuant to this section;

(2) Standards, policies, and procedures to be applied by the commission in evaluating an applicant's claims of equivalency pursuant to this section;

(3) Standards, monitoring methods, and systems for recording attendance to be employed by course sponsors as a prerequisite to commission approval of courses for credit.

4. In adopting regulations pursuant to this section, the commission shall give favorable consideration to courses of instruction, seminars, and other real property appraisal education courses or programs previously or hereafter developed by or under the auspices of professional appraisal organizations and utilized by those associations for purposes of designation, certification, licensure, recertification or relicensure of the members of the association.

5. No amendment or repeal of a regulation adopted by the commission pursuant to this section shall operate to deprive a state certified real estate appraiser or state licensed real estate appraiser of credit toward renewal of certification or licensure for any course of instruction completed prior to the amendment or repeal of the regulation, if the course would have qualified for continuing education credit under the regulation as it existed prior to the repeal or amendment.

339.532. 1. The commission may refuse to issue or renew any certificate or license issued

pursuant to sections 339.500 to [339.545] **339.549** for one or any combination of causes stated in subsection 2 of this section. The commission shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of [his] **the** right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any state certified real estate appraiser, state licensed real estate appraiser, or any person who has failed to renew or has surrendered his certificate or license for any one or any combination of the following causes:

(1) Procuring or attempting to procure a certificate or license pursuant to section 339.513 by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for certification or licensure, or through any form of fraud or misrepresentation;

(2) Failing to meet the minimum qualifications for certification or licensure or renewal established by this sections 339.500 to [339.545] **339.549**;

(3) Paying money or other valuable consideration, other than as provided for by section 339.513, to any member or employee of the commission to procure a certificate or license under sections 339.500 to [339.545] **339.549**;

(4) [A conviction, including a conviction based upon a plea of guilty or nolo contendere, of a crime which is substantially related to the qualification, functions, and duties of a person developing real estate appraisals for others] **The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under sections 339.500 to 339.549 for any offense of which an essential element is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;**

(5) [An act or omission involving] **Incompetency, misconduct, gross negligence, dishonesty, fraud, or misrepresentation [with the intent to injure substantially another person] in the performance of the functions or duties of any profession licensed or regulated by sections 339.500 to 339.549;**

(6) Violation of any of the standards for the development or communication of real estate appraisals as provided in or pursuant to sections 339.500 to [339.545] **339.549**;

(7) Failure to comply with the Uniform Standards of Professional Appraisal Practice promulgated by the appraisal standards board of the appraisal foundation;

(8) Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report, or communicating an appraisal;

(9) Negligence or incompetence in developing an appraisal, in preparing an appraisal

report, or in communicating an appraisal;

(10) **Violating, assisting or enabling any person to** willfully [disregarding or violating] **disregard** any of the provisions of sections 339.500 to [339.545] **339.549** or the regulations of the commission for the administration and enforcement of the provisions of sections 339.500 to [339.545] **339.549**;

(11) Accepting an appraisal assignment when the employment itself is contingent upon the appraiser's reporting a predetermined analysis or opinion or where the fee to be paid for the performance of the appraisal assignment is contingent upon the opinion, conclusion, or valuation reached or upon the consequences resulting from the appraisal assignment;

(12) Violating the confidential nature of governmental records to which he gained access through employment or engagement to perform an appraisal assignment or specialized appraisal services for a governmental agency;

(13) Violating any term or condition of a certificate or license issued by the commission under authority of sections 339.500 to [339.545.] **339.549**;

(14) Violation of any professional trust or confidence;

(15) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(16) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 339.500 to 339.549 who is not licensed or certified and currently eligible to practice under sections 339.500 to 339.549;

(17) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(18) Disciplinary action against the holder of a license, certificate or other right to practice any profession regulated under sections 339.500 to 339.549, imposed by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the commission may, singly or in combination, publicly censure or place the person named in the complaint on probation on such terms and conditions as the commission deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke, the certificate or license. The holder of a certificate or license revoked pursuant to this section may not obtain certification as a state certified real estate appraiser or licensure as a state licensed real estate appraiser for at least five years after the date of revocation.

4. A certification of a state certified real estate appraiser or a license of a state licensed

real estate appraiser that has been suspended as a result of disciplinary action by the commission shall not be reinstated, and a person may not obtain certification as a state certified real estate appraiser or licensure as a state licensed real estate appraiser subsequent to revocation, unless the applicant presents evidence of completion of the continuing education required by section 339.530 during the period of suspension or revocation as well as fulfillment of any other conditions imposed by the commission. Applicants for recertification, relicensure or reinstatement also shall be required to successfully complete the examination for original certification or licensure required by section 339.515 as a condition to reinstatement of certification or licensure, or recertification or relicensure subsequent to revocation.

339.545. The commission shall take such action as is necessary to be able to issue general certificates, residential certificates and licenses to qualified persons by no later than [February 1, 1991] **July 1, 1998**.

339.546. Any person or corporation knowingly violating any provision of sections 339.500 to 339.549 shall be guilty of a class B misdemeanor. Any officer or agent of a corporation, or member or agent of a partnership or association, who shall knowingly and personally participate in or be an accessory to any violation of sections 339.500 to 339.549, shall be guilty of a class B misdemeanor. This section shall not be construed to release any person from civil liability or criminal prosecution under any other law of this state. The commission may cause a complaint to be filed for violation of section 339.501 in any court of competent jurisdiction, and perform such other acts as may be necessary to enforce the provisions hereof.

339.549. 1. It shall be unlawful for any person not certified or licensed under sections 339.500 to 339.549 to perform any act for which certification or license is required. Upon application by the commission, and the necessary burden having been met, a court may grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate or license is required by sections 339.500 to 339.549 upon a showing that such acts or practices were performed or offered to be performed without a certificate or license; or

(2) Engaging in any practice or business authorized by a certificate or license issued pursuant to sections 339.500 to 339.549 upon a showing that the holder presents a substantial probability of serious danger to the health, safety or welfare of any resident of this state or client of the certificate holder or licensee.

2. Any such action shall be commenced in the county in which such conduct occurred or in the county to which the defendant resides.

3. Any actions brought under this section shall be in addition to and not in lieu of any penalty provided by sections 339.500 to 339.549 and may be brought concurrently

with other actions to enforce this chapter.

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