

1 SB109
2 134876-3
3 By Senator Bussman
4 RFD: Governmental Affairs
5 First Read: 07-FEB-12
6 PFD: 01/30/2012

1 SB109

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4 ENROLLED, An Act,

5 Relating to the Alabama Sunset Law; to continue the
6 existence and functioning of the Alabama Real Estate
7 Appraisers Board with certain modifications; to amend Section
8 34-27A-20, Code of Alabama 1975, so as to remove the authority
9 of the board to discipline a licensee by private reprimand.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Pursuant to the Alabama Sunset Law, the
12 Sunset Committee recommends the continuance of the Alabama
13 Real Estate Appraisers Board until October 1, 2016, with the
14 additional recommendation for statutory change as set out in
15 Section 3.

16 Section 2. The existence and functioning of the
17 Alabama Real Estate Appraisers Board, created and functioning
18 pursuant to Sections 34-27A-1 to 34-27A-29, inclusive, Code of
19 Alabama 1975, is continued until October 1, 2016, and those
20 code sections are expressly preserved.

21 Section 3. Section 34-27A-20 of the Code of Alabama
22 1975, is amended to read as follows:

23 "§34-27A-20.

24 "(a) The board may investigate the actions of a
25 licensed real property appraiser on complaint or on its own

1 motion, and may revoke or suspend the license, levy fines as
2 provided in subsection (c), require completion of education
3 courses, or discipline by public and no more than two private
4 reprimands per licensed real property appraiser for any of the
5 following acts or omissions:

6 "(1) Procuring or attempting to procure a license or
7 certificate pursuant to this chapter by knowingly making a
8 false statement, submitting false information, refusing to
9 provide complete information in response to a question in an
10 application for a license, or through any form of fraud or
11 misrepresentation.

12 "(2) Failing to meet the minimum qualifications
13 established by this chapter.

14 "(3) Paying money other than authorized by this
15 chapter to any member or employee of the board to procure a
16 license under this chapter.

17 "(4) A conviction, including a conviction based upon
18 a plea of guilty or nolo contendere, of a crime which is
19 substantially related to the qualifications, functions, and
20 duties of a person developing real estate appraisals and
21 communicating real estate appraisals to others, or a
22 conviction involving moral turpitude.

23 "(5) An act or omission involving dishonesty, fraud,
24 or misrepresentation with the intent to substantially benefit

1 the certificate holder or another person, or with the intent
2 to substantially injure another person.

3 "(6) Violation of any of the standards for the
4 development or communication of real estate appraisals as
5 provided in this section.

6 "(7) Failure or refusal without good cause to
7 exercise reasonable diligence in developing an appraisal,
8 preparing an appraisal, in preparing an appraisal report, or
9 in communicating an appraisal.

10 "(8) Negligence or incompetence in developing an
11 appraisal, in preparing an appraisal report, or in
12 communicating an appraisal.

13 "(9) Willfully disregarding or violating this
14 chapter or the regulations of the board for the administration
15 and enforcement of this chapter.

16 "(10) Accepting an appraisal assignment, as defined
17 in Section 34-27A-24, when the employment itself is contingent
18 upon the appraiser reporting a predetermined estimate,
19 analysis, or opinion, or where the fee to be paid is
20 contingent upon the opinion, conclusions, or valuation
21 reached, or upon the consequences resulting from the appraisal
22 assignment.

23 "(11) Violating the confidential nature of
24 governmental records to which he or she gained access through

1 employment or engagement as an appraiser by a governmental
2 agency.

3 "(12) Entry of a final civil judgment against the
4 person on grounds of fraud, misrepresentation, or deceit in
5 the making of any appraisal of real property.

6 "(13) Presenting to the board, as payment for a fee
7 or fine, a check that is returned unpaid.

8 "(14) Failing to keep for at least five years, a
9 complete record or file of appraisal or specialized
10 assignments regulated under this chapter, in accordance with
11 Uniform Standards of Professional Appraisal Practice and
12 Section 34-27A-26.

13 "(15) Failing within a reasonable time to provide
14 information or providing false information in response to a
15 request by the board during an investigation or after a formal
16 complaint has been filed.

17 "(16) Failing to pay by required deadlines, fees or
18 fines levied by the board.

19 "(17) Failing to notify the board within a
20 reasonable time of the filing of any civil action related to
21 the appraisal practice or of any criminal prosecution filed
22 against the appraiser.

23 "(b) In a disciplinary proceeding based upon a civil
24 judgment, the real property appraiser shall be afforded an

1 opportunity to present matters in mitigation and extenuation,
2 but may not collaterally attack the civil judgment.

3 "(c) In addition to the disciplinary powers granted
4 in subsection (a), the board may levy administrative fines for
5 serious violations of this chapter or the rules and
6 regulations of the board of not more than \$500 for each
7 violation."

8 Section 4. The Legislature concurs in the
9 recommendations of the Sunset Committee as provided in
10 Sections 1, 2, and 3.

11 Section 5. This act shall become effective
12 immediately upon its passage and approval by the Governor, or
13 its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB109

Senate 14-MAR-12

I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 22-MAR-12

By: Senator Bussman