

1 SB109  
2 134876-2  
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 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to the Alabama Sunset Law; to continue the  
12 existence and functioning of the Alabama Real Estate  
13 Appraisers Board with certain modifications; to amend Section  
14 34-27A-20, Code of Alabama 1975, so as to remove the authority  
15 of the board to discipline a licensee by private reprimand.  
16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Pursuant to the Alabama Sunset Law, the  
18 Sunset Committee recommends the continuance of the Alabama  
19 Real Estate Appraisers Board until October 1, 2016, with the  
20 additional recommendation for statutory change as set out in  
21 Section 3.

22 Section 2. The existence and functioning of the  
23 Alabama Real Estate Appraisers Board, created and functioning  
24 pursuant to Sections 34-27A-1 to 34-27A-29, inclusive, Code of  
25 Alabama 1975, is continued until October 1, 2016, and those  
26 code sections are expressly preserved.

1           Section 3. Section 34-27A-20 of the Code of Alabama  
2       1975, is amended to read as follows:

3           "§34-27A-20.

4           "(a) The board may investigate the actions of a  
5       licensed real property appraiser on complaint or on its own  
6       motion, and may revoke or suspend the license, levy fines as  
7       provided in subsection (c), require completion of education  
8       courses, or discipline by public and no more than two private  
9       ~~or private reprimand~~ a reprimands per licensed real property  
10      appraiser for any of the following acts or omissions:

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

17           "(2) Failing to meet the minimum qualifications  
18      established by this chapter.

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

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

1           "(5) An act or omission involving dishonesty, fraud,  
2 or misrepresentation with the intent to substantially benefit  
3 the certificate holder or another person, or with the intent  
4 to substantially injure another person.

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

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

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

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

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

25           "(11) Violating the confidential nature of  
26 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  
25 opportunity to present matters in mitigation and extenuation,  
26 but may not collaterally attack the civil judgment.

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

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

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

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2  
3 Senate  
  
4 Read for the first time and referred to the Senate  
5 committee on Governmental Affairs..... 07-FEB-12  
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7 Read for the second time and placed on the calen-  
8 dar 1 amendment..... 28-FEB-12  
9  
10 Read for the third time and passed as amended .... 14-MAR-12

11 Yeas 34  
12 Nays 0

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15 Patrick Harris  
16 Secretary  
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