

1 SB363  
2 150377-2  
3 By Senator Brewbaker  
4 RFD: Job Creation and Economic Development  
5 First Read: 14-MAR-13

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8 SYNOPSIS: Under existing law, a person must be of  
9 good moral character to be licensed as a real  
10 estate appraiser.

11 This bill would authorize the Alabama Real  
12 Estate Appraisers Board to consult with appropriate  
13 law enforcement authorities to ascertain an  
14 applicant's criminal history.

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT

19  
20 Relating to the licensure of real estate appraisers;  
21 to amend Section 34-27A-7, Code of Alabama 1975, to authorize  
22 the Alabama Real Estate Appraisers Board to consult with law  
23 enforcement authorities to ascertain an applicant's criminal  
24 history.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 34-27A-7, Code of Alabama 1975,  
27 is amended to read as follows:

1           "§34-27A-7.

2           "(a) Applications for original license, renewal  
3 license, and examinations shall be made in writing to the  
4 board on forms approved by the board.

5           "(b) Appropriate fees, as fixed by the board  
6 pursuant to Section 34-27A-6, shall accompany all applications  
7 for original license, renewal license, and examination.

8           "(c) At the time of filing an application for  
9 license for any real property appraiser classification, each  
10 applicant shall sign a pledge to comply with the standards set  
11 forth in this chapter and state that he or she understands the  
12 types of misconduct for which disciplinary proceedings may be  
13 initiated against a licensed real property appraiser, as set  
14 forth in this chapter.

15           "(d) A license for any real estate appraiser  
16 classification shall be issued only to, and held only by a  
17 person who meets all of the requirements of the following  
18 subdivisions (1) through (7) below and either subdivision (8)  
19 or (9) below:

20           "(1) Who is at least 19 years old and has a high  
21 school diploma or equivalent.

22           "(2) Who is a citizen of the United States, or is  
23 legally present in this state, or is an alien with permanent  
24 resident status.

25           "(3) Who, if a nonresident, agrees to sign an  
26 affidavit stating the following and in the following terms:

1           ""I, as a nonresident applicant for an appraisal  
2 license and as a licensee, agree that the State of Alabama  
3 Real Estate Appraisers Board shall have jurisdiction over me  
4 in any and all of my real estate related activities the same  
5 as if I were an Alabama resident licensee. I agree to be  
6 subject to investigations and disciplinary actions the same as  
7 Alabama resident licensees. Further, I agree that civil  
8 actions may be commenced against me in any court of competent  
9 jurisdiction in any court of the State of Alabama.

10           ""I appoint the Executive Director of the State of  
11 Alabama Real Estate Appraisers Board as my agent upon whom all  
12 disciplinary, judicial, or other process or legal notices may  
13 be served. I agree that service upon my agent shall be the  
14 same as service upon me and that certified copies of this  
15 appointment shall be deemed sufficient evidence thereof and  
16 shall be admitted into evidence with the same force and effect  
17 as the original might be admitted. I agree that any lawful  
18 process against me which is served upon my agent shall be of  
19 the same legal force and validity as if personally served upon  
20 me and that this appointment shall continue in effect for as  
21 long as I have any liability as an appraiser remaining in the  
22 State of Alabama. I understand that my agent shall, within a  
23 reasonable time after service upon him or her, mail a copy of  
24 same by certified mail, return receipt requested, to me, at my  
25 last known business address.

26           ""I agree that I am bound by all the provisions of  
27 the State of Alabama Real Estate Appraisers Act.

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Legal Signature of Applicant"

"(4) Who is trustworthy and competent to transact the business of an appraiser in a manner that safeguards the interests of the public.

"(5) Whose application or license has not been rejected or revoked in any state within two years prior to date of application on any grounds other than failure to pass a written examination.

"(6) Whose membership in any nationally recognized appraisal organization has not been revoked within two years under ethics procedures of the appraisal organization. Membership in an organization is not required by this chapter.

"(7) Who is of good moral character.

"(8) Who on applying for a license before July 1, 1991, provides evidence to the board of possessing basic appraisal skills by showing to the board that for a period of 24 months prior to application for an appraisal license, has operated within the State of Alabama, as a real estate appraiser or review appraiser or has been employed as a permanent employee, by a company, lending institution, or governmental agency located within the State of Alabama, that appraises real estate or reviews real estate appraisals and produces evidence to the board that he or she possesses those

1 qualifications listed in Section 34-27A-10(a)(1) through  
2 (a)(7).

3 "(9) Who on applying for a license after January 1,  
4 1991, provides evidence of having passed within 24 months  
5 prior to application a Uniform Standards of Professional  
6 Appraisal Practice course presented by an approved institution  
7 or appraisal organization, provides evidence of having  
8 successfully completed the required education from an approved  
9 course provider for the real estate appraiser classification  
10 for which he or she is applying, and demonstrates basic  
11 appraisal skills by achieving a passing grade on the test  
12 requirements of Section 34-27A-10.

13 "(e) The board may consult with appropriate state or  
14 federal law enforcement authorities to verify whether an  
15 applicant has a criminal record prior to issuing a license  
16 and, as an aid to this duty, each applicant may be required to  
17 provide his or her fingerprints and complete an affidavit of  
18 his or her criminal record, if any, as part of the  
19 application. The board may periodically consult with state and  
20 federal law enforcement officials to determine whether current  
21 licensees have new criminal convictions."

22 Section 2. This act shall become effective on the  
23 first day of the third month following its passage and  
24 approval by the Governor, or its otherwise becoming law.