

1 SB73
2 150377-3
3 By Senator Brewbaker
4 RFD: Governmental Affairs
5 First Read: 14-JAN-14
6 PFD: 01/07/2014

2
3
4 ENGROSSED

5
6
7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to the licensure of real estate appraisers;
12 to amend Section 34-27A-7, Code of Alabama 1975, to authorize
13 the Alabama Real Estate Appraisers Board to consult with law
14 enforcement authorities to ascertain an applicant's criminal
15 history.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

19 "§34-27A-7.

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

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

26 "(c) At the time of filing an application for
27 license for any real property appraiser classification, each

1 applicant shall sign a pledge to comply with the standards set
2 forth in this chapter and state that he or she understands the
3 types of misconduct for which disciplinary proceedings may be
4 initiated against a licensed real property appraiser, as set
5 forth in this chapter.

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

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

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

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

18 ""I, as a nonresident applicant for an appraisal
19 license and as a licensee, agree that the State of Alabama
20 Real Estate Appraisers Board shall have jurisdiction over me
21 in any and all of my real estate related activities the same
22 as if I were an Alabama resident licensee. I agree to be
23 subject to investigations and disciplinary actions the same as
24 Alabama resident licensees. Further, I agree that civil
25 actions may be commenced against me in any court of competent
26 jurisdiction in any court of the State of Alabama.

1 "In addition to all other requirements, an applicant
2 for certification shall submit to the board a form, sworn to
3 by the applicant, containing name, date of birth, and Social
4 Security number for completion of a criminal history
5 background check. The applicant shall submit two complete sets
6 of fingerprints to the board. The board shall submit the
7 fingerprints to the Alabama Bureau of Investigation (ABI) for
8 a state criminal history record check. The fingerprints shall
9 be forwarded by the ABI to the Federal Bureau of Investigation
10 (FBI) for a national criminal history record check. Costs
11 associated with conducting a criminal history background check
12 shall be borne by the applicant. The board shall keep
13 information received pursuant to this section confidential,
14 except that such information received and relied upon in
15 denying the issuance of a real property appraiser license in
16 this state may be disclosed to support the denial of the
17 license.

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

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

26 "(7) Who is of good moral character.

1 "(8) Who on applying for a license before July 1,
2 1991, provides evidence to the board of possessing basic
3 appraisal skills by showing to the board that for a period of
4 24 months prior to application for an appraisal license, has
5 operated within the State of Alabama, as a real estate
6 appraiser or review appraiser or has been employed as a
7 permanent employee, by a company, lending institution, or
8 governmental agency located within the State of Alabama, that
9 appraises real estate or reviews real estate appraisals and
10 produces evidence to the board that he or she possesses those
11 qualifications listed in Section 34-27A-10(a) (1) through
12 (a) (7).

13 "(9) Who on applying for a license after January 1,
14 1991, provides evidence of having passed within 24 months
15 prior to application a Uniform Standards of Professional
16 Appraisal Practice course presented by an approved institution
17 or appraisal organization, provides evidence of having
18 successfully completed the required education from an approved
19 course provider for the real estate appraiser classification
20 for which he or she is applying, and demonstrates basic
21 appraisal skills by achieving a passing grade on the test
22 requirements of Section 34-27A-10.

23 "(e) The board may consult with appropriate state or
24 federal law enforcement authorities to verify whether an
25 applicant has a criminal record prior to issuing a license
26 and, as an aid to this duty, each applicant may be required to
27 provide his or her fingerprints and complete an affidavit of

1 his or her criminal record, if any, as part of the
2 application. The board may periodically consult with state and
3 federal law enforcement officials to determine whether current
4 licensees have new criminal convictions."

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

1
2
3
4
5
6
7
8
9
10

11
12
13
14
15
16
17

Senate

Read for the first time and referred to the Senate
committee on Governmental Affairs..... 14-JAN-14

Read for the second time and placed on the calen-
dar 1 amendment..... 15-JAN-14

Read for the third time and passed as amended 23-JAN-14

Yeas 31
Nays 0

Patrick Harris
Secretary