1   HB132

2   173264-2

3   By Representative Williams (JD)

4   RFD: Boards, Agencies and Commissions

5   First Read: 09-FEB-16

1   173264-2:n:02/02/2016:DSM/cj LRS2016-284R1

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8   SYNOPSIS: Under existing law, the Real Estate

9   Appraisers Board may set and regulate license

10   application fees.

11   This bill would prohibit the board from

12   establishing minimum fees for real estate appraisal

13   services.

14

15   A BILL

16   TO BE ENTITLED

17   AN ACT

18

19   To amend Section 34-27A-5, Code of Alabama 1975, to

20   prohibit the Real Estate Appraisers Board from establishing

21   minimum fees for real estate appraisal services.

22   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23   Section 1. Section 34-27A-5, Code of Alabama 1975,

24   is amended to read as follows:

25   "§34-27A-5.

26   "(a) The board shall act by a majority vote of its

27   members to adopt administrative rules and regulations

1 necessary, from time to time, to carry out this chapter. Rules

2 and regulations of the board shall be adopted in compliance

3 with the Alabama Administrative Procedure Act, Chapter 22 of

4 Title 41.

5   "(b) The board shall have the following powers and

6 duties:

7   "(1) To receive and process applications for

8 licensure for all classifications of real estate appraisers,

9 including, but not limited to, "trainee real property

10 appraiser," "state registered real property appraiser,"

11 "licensed real property appraiser," "certified residential

12 real property appraiser," and "certified general real property

13 appraiser" and any subsequent classifications necessary to

14 conform with the Financial Institutions Reform, Recovery and

15 Enforcement Act of 1989, Pub. L. No. 101-73, and any

16 subsequent regulations issued pursuant thereto.

17   "(2) To establish the administrative procedures for

18 processing applications for licensure for all classifications

19 of real estate appraisers.

20   "(3) To maintain a registry of the names and

21 addresses of people licensed under this chapter, and to

22 furnish the list annually to the federal agency designated by

23 Congress to receive it.

24   "(4) To retain records and all application materials

25 submitted to it.

26   "(5) To establish the examination specifications

27 when an examination is required by administrative rule for

1   each category of licensed real estate appraiser, to provide or

2   procure appropriate examination questions and answers, and to

3   establish procedures for grading examinations.

4   "(6) To approve or disapprove applications for

5   licensure and issue licenses.

6   "(7) To further define by regulation and with

7   respect to each category of licensed real estate appraiser the

8   continuing education requirements for the renewal of a license

9   that will meet the statutory requirements provided in this

10 chapter. No examinations shall be required on the continuing

11 education except to comply with subsection (c) of Section

12 34-27A-19.

13   "(8) To review and adopt the standards for the

14 development and communication of real estate appraisals

15 provided in this chapter, that are generally accepted within

16 the appraisal profession, and to adopt regulations explaining

17 and interpreting the standards.

18   "(9) To establish administrative procedures for

19 disciplinary proceedings conducted pursuant to this chapter.

20   "(10) To censure, suspend, and revoke licenses

21 pursuant to the disciplinary proceedings provided for in

22 Section 34-27A-21.

23   "(11) To hire the executive director of the board

24 and an executive assistant if needed to fulfill the

25 requirements of this chapter. The executive director shall

26 administer this chapter, and may employ, subject to the

27 approval of the board, other staff members, consultants, or

1   service contractors as are necessary to discharge the board's

2   duties and administer this chapter.

3   "(12) To perform other functions and duties as may

4   be necessary in carrying out this chapter, and to promulgate

5   necessary and appropriate regulations which comply in all

6   respects with requirements of Pub. L. No. 101-73 and any

7   subsequent amendments thereto. Regulations shall be

8   promulgated within 90 days following completion of the

9   schedule for prescription and adoption of regulations by the

10 federal financial institutions regulatory agencies and the

11 resolution trust corporation. Regulations shall be promulgated

12 and take effect by (i) July 1, 1991, unless an extension is

13 granted by the appraisal subcommittee until December 31, 1991,

14 based on written findings as specified by Section 1119(a)(2)

15 of Pub. L. No. 101-73; or (ii) any other date specified by

16 subsequent act of Congress. All regulations issued by the

17 board that govern real estate appraiser licensure and

18 certification shall conform in all respects with the

19 requirements of Pub. L. No. 101-73 and any subsequent

20 amendments thereto and are subject to administrative review

21 under the Administrative Procedure Act and to judicial review

22 by application to the Circuit Court for Montgomery County.

23   "(13) To include in its regulations educational

24 requirements for all classes of licensure of real estate

25 appraisers that comply with this chapter and in all respects

26 comply with the requirements of Pub. L. No. 101-73 and any

1   subsequent amendments thereto or regulations issued

2   thereunder.

3   "(14) Notwithstanding any law to the contrary, the

4   board shall not establish specific minimum fees for real

5   estate appraisal services by administrative rule or in any

6   other manner.

7   "(c) The members of the board shall be immune from

8   any civil action or criminal prosecution for initiating or

9   assisting in any lawful investigation of the actions of, or

10 any disciplinary proceeding concerning, a licensed real estate

11 appraiser pursuant to this chapter, or alleged appraisals

12 being made without a license, provided that the action is

13 taken in good faith and in the reasonable belief that the

14 action taken was pursuant to the powers and duties vested in

15 the members of the board under this chapter."

16   Section 2. This act shall become effective on the

17 first day of the third month following its passage and

18 approval by the Governor, or its otherwise becoming law.