

No. 1992-28

AN ACT

SB 1355

Providing for the certification and recertification of assessors; establishing eligibility and training requirements; defining the powers and duties of the State Board of Certified Real Estate Appraisers relating to training, certification and recertification of assessors; and authorizing the board to establish fees.

TABLE OF CONTENTS

- Section 1. Short title.
- Section 2. Definitions.
- Section 3. Regulations.
- Section 4. Duties of board.
- Section 5. Qualifications.
- Section 6. Certification.
- Section 7. Disciplinary and correction measures.
- Section 8. Unlawful practice.
- Section 9. Fees.
- Section 10. Disposition of fees.
- Section 11. Nonapplicability.
- Section 12. Implementation.
- Section 13. Holders of valid certification.
- Section 14. Ratification of action.
- Section 15. Construction of act.
- Section 16. Retroactivity.
- Section 17. Effective date.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Assessors Certification Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Assessor.” Any person responsible for the valuation of real property for ad valorem taxation purposes.

“Board.” The State Board of Certified Real Estate Appraisers.

“Certified Pennsylvania Evaluator.” An individual who has completed a minimum of 90 hours of basic courses of study covering the appraisal assessing profession and has successfully completed a comprehensive examination covering all phases of the appraisal process and the assessment function established by the assessment statutes of this Commonwealth.

“Commissioner.” The Commissioner of Professional and Occupational Affairs in the Department of State.

“Revaluation company.” A mass appraisal company.

### Section 3. Regulations.

The board may promulgate rules and regulations consistent with the statutes of this Commonwealth to administer and enforce the provisions of this act.

### Section 4. Duties of board.

(a) Certification of assessors.—It shall be the duty of the board to certify all assessors in this Commonwealth. Any assessor employed on or before March 16, 1992, but not holding the title of Certified Pennsylvania Evaluator shall have three years from the effective date of employment as an assessor to obtain certification by the board. Any assessor employed after March 16, 1992, shall obtain certification within a period of three years from the effective date of employment as an assessor.

(b) Qualification of revaluation company personnel.—Any person employed by a revaluation company who is directly responsible for the valuation of real property shall have met the educational requirements of this act or successfully completed educational courses equal to the minimum qualifications established by the board. Failure to meet the requirements contained in this section will prohibit that person from determining the value of real property in this Commonwealth.

(c) Biennial renewal of certificates.—Renewal of certification shall occur on a biennial basis commencing with the 1993 renewal cycle administered by the board for other professional certification renewals.

(d) Continuing education.—An assessor applying for renewal of certification shall submit proof to the board that, during the two years immediately preceding renewal, the assessor has satisfactorily completed a minimum of 20 hours of continuing education relating to assessment and appraisal practices, provided that, for the 1993 renewal, an assessor shall be required to complete only ten hours of continuing education. The board shall approve continuing education courses and providers pursuant to regulations promulgated by the board.

### Section 5. Qualifications.

(a) General rule.—All assessors in this Commonwealth shall meet the requirements enumerated in subsection (b).

(b) Requirements.—An applicant shall meet the following requirements:

(1) The applicant shall have a high school diploma, or its equivalent, or two years of assessing experience.

(2) The applicant shall be at least 18 years of age.

(3) The applicant shall be a resident of this Commonwealth for at least six months.

(4) The applicant shall have successfully completed a minimum of 90 hours of the basic courses of study approved by the board covering the appraisal assessing profession or any other professional courses acceptable to the board. At the discretion of the county commissioners, the county may reimburse county assessors for the costs of completing the courses of study required by this subsection.

**Section 6. Certification.**

(a) Requirement.—All assessors in this Commonwealth shall be certified under this act.

(b) Application.—Application for certification shall be made to the board by completion of the board's prescribed application form and shall be accompanied by the appropriate fee established by the board.

(c) Examination.—Applicants shall successfully complete a comprehensive examination covering all phases of the appraisal process and the assessment function established by the assessment statutes of this Commonwealth. Any such examination shall be prepared and administered by a qualified and approved professional testing organization in accordance with section 812.1 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(d) Certification.—Upon successful completion of the comprehensive examination, the board shall issue a Certified Pennsylvania Evaluator's Certificate to the applicant. A certificate shall be valid for two years or until the next renewal cycle administered by the board for other professional certification renewals, whichever occurs earlier.

(e) Licensure.—Nothing in this act shall relieve any individual or company from any otherwise applicable legal obligation to be licensed as a real estate broker pursuant to the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, or to be certified as a certified State real estate appraiser under the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act.

**Section 7. Disciplinary and correction measures.**

(a) Authority of board.—The board may deny, suspend or revoke certificates or limit, restrict or reprimand a certificate holder for any of the following causes:

(1) Procuring or attempting to procure a certificate or renewal of a certificate pursuant to this act by knowingly making a false statement, submitting false information or refusing to provide complete information in response to a question in an application for certification or renewal.

(2) Failing to meet the minimum qualifications established by this act.

(3) Paying or offering to pay any valuable consideration other than provided for by this act to any member or employee of the board to procure a certificate or renewal of a certificate under this act.

(4) Being convicted of or pleading guilty to a crime which is substantially related to the qualifications, functions and duties of a person developing real property assessments.

(5) Performing an act or omitting an act when such performance or omission involves dishonesty, fraud or misrepresentation with intent to substantially benefit the certificate holder in his profession or with the intent to substantially injure another person.

(6) Violating any of the standards of professional conduct for real property assessment as adopted by the board by regulation.

(7) Failing or refusing, without good cause, to exercise reasonable diligence in developing an assessment or preparing an assessment report.

(8) Negligently or incompetently developing an assessment or preparing an assessment.

(9) Willfully disregarding or violating any of the provisions of this act or the regulations of the board for the administration and enforcement of the provisions of this act.

(10) Violating the confidential nature of records to which the assessor gained access through employment or engagement as an assessor.

(11) Having an assessor's license or certificate suspended, revoked or refused or receiving other disciplinary action by a licensing or certification authority of another state, territory or country.

(b) Board action.—When the board finds that the certification or application for certification or renewal of a person should be denied, revoked, restricted or suspended under the terms of subsection (a), the board may:

(1) Deny the application for certification or renewal.

(2) Administer a public reprimand.

(3) Revoke, suspend, limit or otherwise restrict a certificate as determined by the board.

(4) Suspend enforcement of its findings and place a certificate holder on probation with the right to vacate the probationary order for noncompliance.

(5) Restore a suspended certification and impose any disciplinary or corrective measure which it might originally have imposed.

#### Section 8. Unlawful practice.

(a) Prohibition.—A person may not perform valuations of real property for ad valorem tax purposes, except as provided by the three-year grace period under section 4(a), unless the person is currently certified by the board as a Certified Pennsylvania Evaluator.

(b) Penalty.—A person who intentionally violates subsection (a) commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of \$2,500 or to imprisonment for not more than one year, or both.

(c) Injunction.—A violation of subsection (a) may be enjoined by the courts upon petition of the commissioner or the board. In any proceeding under this section, it shall not be necessary to show that any person is individually injured by the actions complained of. If the court finds that the respondent has violated subsection (a), it shall enjoin him or her from so practicing or holding himself or herself out until he or she has been duly certified. Procedure in such cases shall be the same as in any other injunctive suit.

(d) Remedy cumulative.—The injunctive remedy provided in this section shall be in addition to any other civil or criminal prosecution and punishment.

(e) Civil penalty.—In addition to any other civil remedy or criminal penalty provided in this act, the board, by a vote of the majority of the maximum number of the authorized membership of the board as provided by law or by a vote of the majority of the duly qualified and confirmed membership or a minimum of three members, whichever is greater, may levy a

civil penalty of up to \$1,000 on any current certificate holder who violates any provision of this act or on any person who holds himself or herself out as a Certified Pennsylvania Evaluator or performs valuations of real property for ad valorem tax purposes for which certification as a Certified Pennsylvania Evaluator is required without being so certified pursuant to this act. The board shall levy this penalty only after affording the accused party the opportunity for a hearing, as provided in 2 Pa.C.S. (relating to administrative law and procedure).

#### Section 9. Fees.

The board shall establish by regulation such fees as it deems necessary for applications, examinations, certifications and renewals authorized by this act or by regulations promulgated by the board.

#### Section 10. Disposition of fees.

All fees collected under this act shall be deposited in the Professional Licensure Augmentation Account.

#### Section 11. Nonapplicability.

This act shall not apply to counties of the first and second class.

#### Section 12. Implementation.

In order to facilitate the speedy implementation of this act, the board shall have the power and authority to promulgate, adopt and use guidelines, including the authority to prescribe the examination and other qualifications required for certification and renewal under this section. Such guidelines shall be published in the Pennsylvania Bulletin. The guidelines shall not be subject to review under section 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, sections 204(b) and 301(10) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, or the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, and shall be effective for a period not to exceed two years from the effective date of this act. After the expiration of the two-year period, the guidelines shall expire and shall be replaced by regulations which shall have been promulgated, adopted and published as provided by law.

#### Section 13. Holders of valid certification.

Any person who, on the effective date of this act, holds a valid certificate issued by the State Tax Equalization Board under the act of December 17, 1986 (P.L.1675, No.192), known as the Assessors Certification Act, prior to the effective date of this act shall on and after the effective date of this act be deemed to be certified by the State Board of Certified Real Estate Appraisers as provided in this act, provided that such certification shall expire commencing with the 1993 renewal cycle administered by the board for other professional certification renewals unless renewed in accordance with this act.

#### Section 14. Ratification of action.

All actions taken by the State Tax Equalization Board relative to the administration of the provisions of the expired act of December 17, 1986 (P.L.1675, No.192), known as the Assessors Certification Act, between March 17, 1992, and the effective date of this act are hereby ratified and validated.

**Section 15. Construction of act.**

This act shall be construed as a continuation of the act of December 17, 1986 (P.L.1675, No.192), known as the Assessors Certification Act.

**Section 16. Retroactivity.**

This act shall be retroactive to March 17, 1992.

**Section 17. Effective date.**

This act shall take effect immediately.

**APPROVED—The 16th day of April, A. D. 1992.**

**ROBERT P. CASEY**