

No. 1996-71

AN ACT

SB 564

Amending the act of July 10, 1990 (P.L.404, No.98), entitled "An act providing for the certification of real estate appraisers; specifying requirements for certification; providing for sanctions and penalties; and making an appropriation," further providing for certification, for applications, for qualifications, for disciplinary measures and for scope of practice; and making a repeal.

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

Section 1. Sections 3, 6(a) and (h), 11(a)(15) and 18 of the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, are amended to read:

Section 3. Real estate appraiser certification required.

It shall be unlawful, on or after ~~[July 1, 1991]~~ *January 1, 1993*, for any person to hold himself out as a State-certified real estate appraiser or to perform appraisals required by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (Public Law 101-73, 103 Stat. 183) to be performed by a State-certified or State-licensed real estate appraiser unless that person holds [a] *an appropriate*, current[,] *and* valid certification from the board to perform real estate appraisals. ~~[The board shall postpone the prohibition on the performance of appraisals without certification from on or after July 1, 1991, to on or after a later date upon notice that such prohibition has been postponed pursuant to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. Nothing in this act shall prohibit a person who is licensed or exempted from licensure under the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, from performing a real property appraisal without being a State-certified real estate appraiser if that appraisal is not required by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 to be performed by a State-certified or a State-licensed real estate appraiser.]~~ *It shall be unlawful two years after the effective date of this act for any person to perform real estate appraisals in nonfederally related transactions unless that person holds a valid certificate from the board to perform real estate appraisals.*

Section 6. Application and qualifications.

(a) Classes of certification.—There shall be ~~[two]~~ *three* classes of certification for certified real estate appraisers as follows:

(1) Residential, which shall consist of those persons applying for *and granted* certification relating solely to the appraisal of residential real property as required pursuant to the Financial Institutions Reform,

Recovery, and Enforcement Act of 1989 (Public Law 101-73, 103 Stat. 183).

(2) General, which shall consist of those persons applying for *and granted* certification relating to the appraisal of both residential and nonresidential real property without limitation *as required pursuant to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (Public Law 101-73, 103 Stat. 183)*.

(3) *Broker/appraiser, which shall consist of those persons who, on the effective date of this act, are licensed real estate brokers under the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, and who, within two years of the effective date of this act, make application to the board and are granted without examination a broker/appraiser certificate. A holder of a broker/appraiser certificate shall only be permitted to perform those real property appraisals that were permitted to be performed by a licensed real estate broker under the Real Estate Licensing and Registration Act as of the effective date of this act. A holder of a broker/appraiser certificate is not authorized to perform real estate appraisals pursuant to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.*

* * *

[(h) Guidelines and regulations.—In order to facilitate the speedy implementation of this act, the board shall have the power and authority to promulgate, adopt and use guidelines to prescribe the education, experience, examination and other qualifications required for certification pursuant to this section. Such guidelines shall be published in the Pennsylvania Bulletin. The guidelines shall not be subject to review pursuant to 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 11. Disciplinary and corrective measures.

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

* * *

(15) Having a license or certificate to perform appraisals suspended, revoked[,] or refused *by an appraisal licensure or certification authority of another state, territory or country*, or receiving other disciplinary

actions by the appraisal licensure or certification authority of another state, territory or country.

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Section 18. [State licensure requirements] *Scope of practice.*

Persons who are certified as *residential* real estate appraisers *and general real estate appraisers* under this act [shall also be deemed to be State-licensed appraisers under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (Public Law 101-73, 103 Stat. 183).] *shall also have authority to perform real estate appraisals in nonfederally related transactions appropriate to their certification classification. Brokers/appraisers shall continue to have authority to perform real estate appraisals in nonfederally related transactions.*

Section 2. As much as reads "or appraises" in paragraph (3) of the definition of "broker" in section 201 of the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, is repealed two years after the effective date of this act.

Section 3. This act shall take effect in 60 days.

APPROVED—The 2nd day of July, A.D. 1996.

THOMAS J. RIDGE