

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1884

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BEHNEN.

Read 1st time February 27, 2006 and copies ordered printed.

Read 2nd time February 28, 2006 and referred to the Committee on Professional Registration and Licensing March 9, 2006.

Reported from the Committee on Professional Registration and Licensing April 4, 2006 with recommendation that the bill Do Pass - Federal Mandate. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

Reported from the Committee on Rules April 6, 2006 with recommendation that the bill Do Pass - Federal Mandate.

Taken up for Perfection April 13, 2006. Bill ordered Perfected and printed.

STEPHEN S. DAVIS, Chief Clerk

5304L.01P

AN ACT

To repeal sections 339.509, 339.519, and 339.525, RSMo, and to enact in lieu thereof three new sections relating to real estate appraisers.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 339.509, 339.519, and 339.525, RSMo, are repealed and three new
2 sections enacted in lieu thereof, to be known as sections 339.509, 339.519, and 339.525, to read
3 as follows:

339.509. **1.** The commission shall have the following powers and duties:

2 (1) To establish educational programs and research projects related to the appraisal of
3 real estate;

4 (2) To establish administrative procedures for processing applications and issuing
5 certificates of state-certified real estate appraisers and licenses of state-licensed real estate
6 appraisers and for conducting disciplinary proceedings pursuant to the provisions of sections
7 339.500 to 339.549; and shall have authority to determine who meets the criteria for certification

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

8 and licensure, and shall have authority to renew, censure, suspend or revoke certifications and
9 licenses;

10 (3) To further define by regulation, with respect to each category of state-certified real
11 estate appraiser, and for state-licensed real estate appraisers, the type of educational experience,
12 appraisal experience and equivalent experience that will meet the statutory requirements of
13 sections 339.500 to 339.549; provided that such standards shall be equivalent to the minimum
14 criteria for certification and licensure issued by the appraiser qualifications board of the appraisal
15 foundation and the provisions of section 339.517;

16 (4) To further define by regulation, with respect to each category of state-certified real
17 estate appraiser, and for state-licensed real estate appraisers, the continuing education
18 requirements for the renewal of certification and licensure that will meet the statutory
19 requirements provided in section 339.530;

20 (5) To adopt standards for the development and communication of real estate appraisals
21 and to adopt regulations explaining and interpreting the standards; provided that such standards
22 shall meet the standards specified by the appraisal standards board of the appraisal foundation;

23 (6) To establish an examination for each category of state-certified real estate appraiser,
24 and for state-licensed real estate appraisers, to provide or procure appropriate examination
25 questions and answers, and to establish procedures for grading examinations; provided that such
26 standards for examinations for certification shall meet the minimum criteria specified by the
27 appraiser qualifications board of the appraisal foundation;

28 (7) To maintain a registry of the names and addresses of state-certified real estate
29 appraisers and state-licensed real estate appraisers; and

30 (8) To perform such other functions and duties as may be necessary to carry out the
31 provisions of sections 339.500 to 339.549.

32 **2. The chairperson of the commission may administer oaths, issue subpoenas, and**
33 **issue subpoenas duces tecum requiring the production of documents and records.**
34 **Subpoenas and subpoenas duces tecum shall be served by a person authorized to serve**
35 **subpoenas of courts of record. In lieu of requiring attendance of a person to produce**
36 **original documents in response to a subpoena duces tecum, the commission may require**
37 **sworn copies of such documents to be filed with or delivered to its designated**
38 **representative.**

39 **3. The commission may enforce its subpoenas and subpoenas duces tecum by**
40 **applying to the circuit court of Cole County, the county of the investigation, hearing, or**
41 **proceeding, or any county where the person subpoenaed resides or may be found for an**
42 **order to show cause why such subpoena should not be enforced. Such order and a copy**
43 **of the application shall be served upon the person in the same manner as a summons in a**

44 **civil action, and if the circuit court determines after a hearing that the subpoena should be**
45 **sustained and enforced, such court shall proceed to enforce the subpoena in the same**
46 **manner as though the subpoena had been issued in a civil case in the circuit court.**

339.519. 1. The term of an original certificate or license issued pursuant to sections
2 339.500 to 339.549 shall be for a period set by the commission. All certificates and licenses
3 shall be subject to renewal on the same date. The expiration date of the certificate or license
4 shall appear on the certificate or license and no other notice of its expiration need be given to its
5 holder.

6 2. The commission shall require every state-certified or state-licensed real estate
7 appraiser to provide satisfactory evidence of the completion of the required continuing education
8 hours as promulgated by the appraiser qualifications board. [The commission may waive the
9 requirements of continuing education for retired or disabled licensed or certified appraisers or
10 for other good cause.]

339.525. 1. To obtain a renewal certificate or license, a state certified real estate
2 appraiser or state licensed real estate appraiser shall make application and pay the prescribed fee
3 to the commission not earlier than one hundred twenty days nor later than thirty days prior to the
4 expiration date of the certificate or license then held. With the application for renewal, the state
5 certified real estate appraiser or state licensed real estate appraiser shall present evidence in the
6 form prescribed by the commission of having completed the continuing education requirements
7 for renewal specified in section 339.530.

8 2. If the commission determines that a state certified real estate appraiser or state
9 licensed real estate appraiser has failed to meet the requirements for renewal of certification or
10 licensure through mistake, misunderstanding, or circumstances beyond the appraiser's control,
11 the commission may extend the term of the certificate or license for good cause shown for a
12 period not to exceed six months, upon payment of a prescribed fee for the extension.

13 3. If a state certified real estate appraiser or state licensed real estate appraiser satisfies
14 the requirements for renewal during the extended term of certification or licensure, the beginning
15 date of the new renewal certificate or license shall be the day following the expiration of the
16 certificate or license previously held by the state certified real estate appraiser or state licensed
17 real estate appraiser.

18 4. If a person is otherwise eligible to renew the person's certification or license, the
19 person may renew an expired certification or license within one year from the date of expiration.
20 To renew such expired certification or license, the person shall submit an application for
21 renewal, pay the renewal fee [and], pay a delinquent renewal fee as established by the
22 commission, **and present evidence in the form prescribed by the commission of having**
23 **completed the continuing education requirements for renewal specified in section 339.530.**

24 Upon a finding of extenuating circumstances, the commission may waive the payment of the
25 delinquent fee.

26 5. If a person has failed to renew the person's license within one year of its expiration,
27 the person may renew such expired certification or license by completing either the number of
28 hours of continuing education equal to fifty percent of the hours required for initial certification
29 or licensure or pass the state examination for such classification, submit an application for
30 renewal, pay the renewal fee and pay a delinquent renewal fee not to exceed an amount as
31 established by the commission. Upon a finding of extenuating circumstances, the commission
32 may waive the payment of the delinquent fee.

33 6. [If a state certified real estate appraiser or state licensed real estate appraiser renews
34 an expired certification or license pursuant to subsection 5 of this section, the beginning date of
35 the new term of certification or licensure shall be the day following the expiration of the
36 certification or license term previously held by the state certified real estate appraiser or state
37 licensed real estate appraiser.] **The commission shall be authorized to issue an inactive
38 certificate or license to any licensee who makes written application for such on a form
39 provided by the commission and remits the fee for an inactive certificate or license
40 established by the commission. An inactive certificate or license shall be issued only to a
41 person who has previously been issued a certificate or license to practice as a real estate
42 appraiser in this state, who is no longer regularly engaged in such practice, and who does
43 not hold himself or herself out to the public as being professionally engaged in such
44 practice in this state. Each inactive certificate or license shall be subject to all provisions
45 of this chapter, except as otherwise specifically provided. Each inactive certificate or
46 license may be renewed by the commission subject to all provisions of this section and all
47 other provisions of this chapter. An inactive licensee may apply for a certificate or license
48 to regularly engage in the practice of real estate appraising upon filing a written
49 application on a form provided by the commission, submitting the reactivation fee
50 established by the commission, and submitting satisfactory proof of current competency,
51 as established by the commission.**

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