

FIRST REGULAR SESSION

HOUSE BILL NO. 829

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WASSON.

Read 1st time February 12, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2035L.01I

AN ACT

To repeal sections 339.507, 339.513, 339.519, 339.521, and 339.525, RSMo, and to enact in lieu thereof six new sections relating to real estate appraisers.

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

Section A. Sections 339.507, 339.513, 339.519, 339.521, and 339.525, RSMo, are
2 repealed and six new sections enacted in lieu thereof, to be known as sections 339.507, 339.513,
3 339.519, 339.521, 339.525, and 339.533, to read as follows:

339.507. 1. There is hereby created within the division of professional registration of
2 the department of economic development the "Missouri Real Estate Appraisers Commission",
3 which shall consist of seven members appointed by the governor with the advice and consent of
4 the senate, six of whom shall be appraiser members, and one shall be a public member. Each
5 member shall be a resident of this state and a registered voter for a period of one year prior to the
6 person's appointment. The president of the Missouri Appraiser Advisory Council in office at the
7 time shall, at least ninety days prior to the expiration of the term of the commission member,
8 other than the public member, or as soon as feasible after the vacancy on the commission
9 otherwise occurs, submit to the director of the division of professional registration a list of five
10 appraisers qualified and willing to fill the vacancy in question, with the request and
11 recommendation that the governor appoint one of the five persons so listed, and with the list so
12 submitted, the president of the Missouri Appraiser Advisory Council shall include in his or her
13 letter of transmittal a description of the method by which the names were chosen by that
14 association. The public member shall have never been engaged in the businesses of real estate

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.

15 appraisal, real estate sales or making loans secured by real estate. [The governor shall designate
16 one of the appraiser appointees to be chairperson.]

17 2. The real estate appraiser members appointed by the governor shall be Missouri
18 residents who have real estate appraisal experience in the state of Missouri for not less than five
19 years immediately preceding their appointment. [The real estate appraiser members appointed
20 to the commission shall be designated members in good standing of nationally recognized real
21 estate appraisal organizations that required, as of June 1, 1988, in order to become a designated
22 member, appraisal experience, education and testing, and recertification that is at least equal to
23 that required for certification or licensure pursuant to sections 339.500 to 339.549, provided that
24 not more than one member of the commission shall be a designated member of the same
25 nationally recognized real estate appraisal organization. Successor] Appraiser members of the
26 commission shall be appointed from the registry of state-certified real estate appraisers and
27 state-licensed real estate appraisers [and not more than one successor appraiser member of the
28 commission shall be a designated member in good standing of the same nationally recognized
29 real estate appraisal organization as provided in this subsection. The governor shall not exclude
30 a state-certified real estate appraiser or a state-licensed real estate appraiser from appointment
31 as a successor appraiser member of the commission by virtue of membership or lack of
32 membership of the state-certified real estate appraiser or state-licensed real estate appraiser in
33 any particular real estate appraisal organization].

34 3. [Of the initial members appointed, two members shall be appointed for one-year
35 terms, two members for two-year terms, and three members for three-year terms, provided that
36 the initial public member shall be appointed for a three-year term. All successor] **All** members
37 shall be appointed for three-year terms. All members shall serve until their successors have been
38 appointed and qualified. Vacancies occurring in the membership of the commission for any
39 reason shall be filled by appointment by the governor for the unexpired term. Upon expiration
40 of their terms, members of the commission shall continue to hold office until the appointment
41 and qualification of their successors. No more than four members of the commission shall be
42 members of the same political party. No person shall be appointed for more than two
43 consecutive terms. The governor may remove a member for cause. [The executive director of
44 the commission shall be employed by the division of professional registration, subject to
45 approval and confirmation by the commission.]

46 4. The commission shall meet at least once each calendar quarter to conduct its business.
47 [The location in Missouri of future meetings shall be decided by a vote of the members present
48 at the current meeting. The executive director shall give written notice by certified mail to each
49 member of the time and place of each meeting of the commission at least ten days before the
50 scheduled date of the meeting, and notice of any special meeting shall state the specific matters

51 to be considered in the special meeting which is not a regular quarterly meeting.] A quorum of
52 the commission shall consist of four members.

53 5. Each member of the commission shall be entitled to a per diem allowance of [fifty]
54 **up to seventy** dollars for each [meeting] **day devoted to the affairs** of the commission [at which
55 the member is present] and shall be entitled to reimbursement of the member's expenses
56 necessarily incurred in the discharge of the member's official duties. [Each member of the
57 commission shall be entitled to reimbursement of travel expenses necessarily incurred in
58 attending meetings of the commission.]

339.513. 1. Applications for examination, original certification and licensure, and
2 renewal certification and licensure shall be made in writing to the commission on forms provided
3 by the commission. The application shall specify the classification of certification, or licensure,
4 for which application is being made.

5 2. Appropriate fees shall accompany all applications for examination, original
6 certification or licensure, and renewal certification or licensure; provided that such fees shall be
7 in amounts set by the commission in order to offset the cost and expense of administering
8 sections 339.500 to 339.549, and in amounts to be determined by the commission with reference
9 to the requirements of Section 1109 of the United States Public Law 101-73, as later codified and
10 as may be amended. All fees collected pursuant to this subsection shall be collected by the
11 commission and deposited with the state treasurer into a fund to be known as the "Missouri Real
12 Estate Appraisers Fund". The provisions of section 33.080, RSMo, relating to the transfer of
13 unexpended balances to the general revenue fund shall not apply to the Missouri real estate
14 appraisers fund. **In any proceeding in which a remedy provided by subsection 1 or 2 of**
15 **section 339.532 is imposed, the commission may also require the respondent licensee to pay**
16 **the costs of the proceeding if the commission is a prevailing party or in settlement. The**
17 **moneys shall be placed in the state treasury to the credit of the "Missouri Real Estate**
18 **Appraisers Fund".**

19 3. At the time of filing an application for certification or licensure, each applicant shall
20 sign a pledge to comply with the standards set forth in sections 339.500 to 339.549 and state that
21 he or she understands the types of misconduct for which disciplinary proceedings may be
22 initiated against a state-certified real estate appraiser or a state-licensed real estate appraiser.

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.]

339.521. [If, in the determination by the commission, another state is deemed to have
2 substantially equivalent certification or licensure requirements,] An applicant who is certified
3 or licensed under the laws of [such other] **another** state may obtain certification as a state
4 certified real estate appraiser or licensure as a state licensed real estate appraiser in this state
5 upon such terms and conditions as may be determined by the board, provided that such terms and
6 conditions shall comply with the minimum criteria for certification or licensure issued by the
7 appraiser qualifications board of the appraisal foundation.

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] **two years** from the date
20 of expiration. To renew such expired certification or license, the person shall submit an
21 application for renewal, pay the renewal fee [and] , pay a delinquent renewal fee as established
22 by the commission, **and present evidence in the form prescribed by the commission of**
23 **having completed the continuing education requirements for renewal specified in section**

24 **339.530.** Upon a finding of extenuating circumstances, the commission may waive the payment
25 of the delinquent fee.

26 [5.] **4.** If a person has failed to renew the person's license within [one year] **two years**
27 of its expiration[, the person may renew such expired certification or license by completing either
28 the number of hours of continuing education equal to fifty percent of the hours required for initial
29 certification or licensure or pass the state examination for such classification, submit an
30 application for renewal, pay the renewal fee and pay a delinquent renewal fee not to exceed an
31 amount as established by the commission. Upon a finding of extenuating circumstances, the
32 commission may waive the payment of the delinquent fee] **the license shall be void.**

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

47 [6. If a state certified real estate appraiser or state licensed real estate appraiser renews
48 an expired certification or license pursuant to subsection 5 of this section, the beginning date of
49 the new term of certification or licensure shall be the day following the expiration of the
50 certification or license term previously held by the state certified real estate appraiser or state
51 licensed real estate appraiser.]

339.533. 1. The chairperson of the commission may administer oaths, issue
2 **subpoenas, and issue subpoenas duces tecum requiring the production of documents and**
3 **records. Subpoenas and subpoenas duces tecum shall be served by a person authorized to**
4 **serve subpoenas of courts of record. In lieu of requiring attendance of a person to produce**
5 **original documents in response to a subpoena duces tecum, the commission may require**
6 **sworn copies of such documents to be filed with it or delivered to its designated**
7 **representative.**

8 **2. The commission may enforce its subpoenas and subpoenas duces tecum by**
9 **applying to the circuit court of Cole County; the county of the investigation, hearing, or**
10 **proceeding; or any county where the person subpoenaed resides or may be found, for an**
11 **order to show cause why such subpoena should not be enforced, such order and a copy of**
12 **the application therefore to be served upon the person in the same manner as a summons**
13 **in a civil action, and if the circuit court shall, after a hearing, determine that the subpoena**
14 **should be sustained and enforced, such court shall proceed to enforce the subpoena in the**
15 **same manner as though the subpoena had been issued in a civil case in the circuit court.**

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