

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 809,
2 Page 1, in the Title, Lines 8-10, by deleting the phrase "licensure by the board for architects,
3 professional engineers, professional land surveyors and professional landscape architects" and
4 inserting in lieu thereof the words "licensing of certain professionals"; and
5

6 Further amend said bill, Page 32, Section 327.635, Line 3, by inserting after all of said line the
7 following:
8

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

23 2. The real estate appraiser members appointed by the governor shall be Missouri residents
24 who have real estate appraisal experience in the state of Missouri for not less than five years
25 immediately preceding their appointment. Appraiser members of the commission shall be appointed
26 from the registry of state-certified real estate appraisers and state-licensed real estate appraisers.
27 Real estate appraiser commission members, appointed after August 28, 2014, shall not be from the
28 same United States congressional district.

29 3. All members shall be appointed for three-year terms. All members shall serve until their
30 successors have been appointed and qualified. Vacancies occurring in the membership of the
31 commission for any reason shall be filled by appointment by the governor for the unexpired term.
32 Upon expiration of their terms, members of the commission shall continue to hold office until the
33 appointment and qualification of their successors. No more than four members of the commission
34 shall be members of the same political party. No person shall be appointed for more than two
35 consecutive terms. The governor may remove a member for cause.

36 4. The commission shall meet at least once each calendar quarter to conduct its business. A

Action Taken _____ Date _____

1 quorum of the commission shall consist of four members.

2 5. Each member of the commission shall be entitled to a per diem allowance of fifty dollars
3 for each meeting of the commission at which the member is present and shall be entitled to
4 reimbursement of the member's expenses necessarily incurred in the discharge of the member's
5 official duties. Each member of the commission shall be entitled to reimbursement of travel
6 expenses necessarily incurred in attending meetings of the commission.

7 6. The commission shall prepare an annual report outlining business conducted by the
8 commission during the previous calendar year and shall submit a copy to the general assembly by
9 April first of each year. The report shall include:

10 (1) The number of complaints that were filed against licensees;

11 (2) The number and disposition of investigations conducted by the commission pursuant to
12 the filing of a complaint; and

13 (3) An accounting of all expenditures of the commission.

14 339.531. 1. Any person may file a complaint with the commission alleging that a licensee
15 has committed any combination of the acts or omissions provided in subsection 2 of section 339.532.
16 A complaint shall be in writing and shall be signed by the complainant, but a complainant is not
17 required to specify the provisions of law or regulations alleged to have been violated in the
18 complaint.

19 2. Upon the receipt of a complaint against a licensee, the commission shall refer the
20 complaint to the probable cause committee. The commission shall appoint a probable cause
21 committee of four members, one of whom shall be a current member of the commission and three
22 members selected by the commission through recommendations provided by the Missouri
23 Appraisers Advisory Council. The probable cause committee shall serve in an advisory capacity to
24 the commission and review complaints and make a recommendation to the commission regarding the
25 disposition of the complaint. The commission shall provide by rule for the selection process, length
26 of committee member terms, and other procedures necessary for the functioning of the committee.
27 No complaints shall be brought before the probable cause committee prior to its creation,
28 appointment of members, and approval of all rules and regulations provided by chapter 536. The
29 provisions of this subsection shall become effective August 28, 2015.

30 3. Each complaint shall be considered a grievance until reviewed by the probable cause
31 committee. When a grievance is filed under subsection 1 of this section, a copy shall be provided to
32 the licensee, who shall have ten working days to respond documenting why the grievance may have
33 no merit. If the licensee responds within the allowable time, the probable cause committee shall
34 review the grievance and response. If the probable cause committee determines that the grievance
35 has no merit, the grievance shall be dismissed and no complaint shall be placed on the licensee's
36 record. If the probable cause committee determines that the grievance has merit, it shall present the
37 case to the commission, and the commission shall decide whether or not to proceed with an
38 investigation of the grievance as a complaint. If the commission decides to proceed with an
39 investigation of a complaint, at that time the complaint shall become a part of the licensee's record.

40 4. When the commission determines to proceed with a complaint against a licensee, the
41 commission shall investigate the actions of the licensee against whom the complaint is made. In
42 conducting an investigation, the commission may request the licensee under investigation to:

43 (1) Answer the charges made against him or her in writing;

44 (2) Produce relevant documentary evidence pertaining to the specific complaint causing the
45 investigation; and

46 (3) Appear before the commission.

47 5. A copy of any written answer of the licensee requested under subsection 4 of this section
48 may be furnished to the complainant, as long as furnishing the written answer does not require

1 disclosure of confidential information under the Uniform Standards of Professional Appraisal
2 Practice.

3 6. The commission shall notify the complainant and the licensee that an investigation has
4 been commenced within ten working days of the date of the commission's decision to proceed with a
5 complaint under subsection 4 of this section. The commission shall also notify and inform the
6 complainant and licensee of the status of the investigation every sixty days following the
7 commencement of the investigation. No investigation shall last longer than twelve months. Once an
8 investigation is closed or dismissed it shall not be reopened.

9 7. In the event that the commission fails to meet the notification and investigation
10 requirements of this section or does not finish the investigation within twelve months, then the
11 commission shall provide the complainant at the commission's expense with an appraisal and an
12 appraisal report of the real estate originally appraised by the licensee under investigation.

13 8. A real estate appraiser member of the commission shall recuse themselves from any
14 matter in which their knowledge of the parties, circumstances, or subject matter will substantially
15 affect their ability to be fair and impartial.

16 9. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
17 under the authority delegated in this section shall become effective only if it complies with and is
18 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
19 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
20 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
21 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
22 the effective date of this section shall be invalid and void.

23 10. Nothing in this section shall be construed as limiting or delaying any administrative
24 remedies or actions available through the administrative hearing process."; and

25
26 Further amend said bill by amending the title, enacting clause, and intersectional references
27 accordingly.
28
29
30
31