

**[CHAPTER 466K]
REAL ESTATE APPRAISERS**

SECTION

- 466K-1 Findings and purpose
- 466K-2 Real estate appraiser program
- 466K-3 Powers and duties of the director
- 466K-4 Practice as a real estate appraiser; uniform standards
- 466K-5 Definitions
- 466K-6 Appraisers in arbitration proceedings; recordation; non-confidentiality

§466K-1 Findings and purpose. The legislature finds that the regulation of real estate appraisers is reasonably necessary to protect consumers. The legislature further finds that 12 United States Code §3301 et seq. requires that real estate appraisals utilized in connection with federally related transactions be performed by individuals who are certified appraisers. The purposes of this chapter are to implement the requirements of 12 United States Code §3301 et seq. and to require that all real estate appraisals be performed by licensed or certified appraisers. The requirements of this chapter do not apply to any real estate appraiser employed by any county for purposes of valuing real property for ad valorem taxation.

[466K-2] Real estate appraiser program. There is established a real estate appraiser program within the department of commerce and consumer affairs, to be administered by the director of commerce and consumer affairs.

§466K-3 Powers and duties of the director. In addition to any other powers and duties authorized by law, the director shall have the following powers and duties:

- (1) To grant permission to practice as a certified real estate appraiser in this State pursuant to this chapter and 12 United States Code §3301 et seq. and the rules and regulations adopted pursuant thereto;
- (2) To adopt, amend, or repeal rules as the director finds necessary to effectuate fully this chapter and 12 United States Code §3301 et seq.;
- (3) To enforce this chapter and 12 United States Code §3301 et seq. and rules and regulations adopted pursuant thereto;
- (4) To discipline a certified real estate appraiser for any cause prescribed by this chapter or 12 United States Code §3301 et seq. or for any violation of the rules and regulations and refuse to grant a person permission to practice as a certified real estate appraiser for any cause that would be grounds for disciplining a certified real estate appraiser;
- (5) To act as the designated representative of this State to implement 12 United States Code §3301 et. seq.; and

- (6) To appoint an advisory committee to assist with the implementation of this chapter and 12 United States Code §3301 et seq. and the rules and regulations adopted pursuant thereto.

§466K-4 Practice as a real estate appraiser; uniform standards. (a) No person may practice as a real estate appraiser in this State unless that person has been licensed or certified to practice in accordance with this chapter and rules adopted by the director of commerce and consumer affairs pursuant to chapter 91. All real estate appraisers who are licensed or certified to practice in this State shall comply with the current Uniform Standards of Professional Appraisal Practice approved by the director when performing appraisals in connection with a federally or non-federally related real estate transaction, or certify compliance with the current Uniform Standards of Professional Appraisal Practice in connection with any arbitration proceeding to determine the fair market value, fair market rental value, or fair and reasonable rent of real estate.

- (b) This section shall not apply to any real estate appraiser employed by any county for purposes of valuing real property for ad valorem taxation.
- (c) This section shall not apply to a real estate broker or real estate salesperson licensed pursuant to chapter 467 who provides an opinion as to the estimated price of real estate, regardless of whether the real estate licensee receives compensation, a fee, or other consideration for providing the opinion; provided that:
 - (1) The opinion as to the estimated price of real estate shall state that it is not an appraisal;
 - (2) The real estate licensee shall not represent that the licensee is a certified or licensed real estate appraiser; and
 - (3) If the real estate licensee receives compensation related to the sale of property, the licensee shall not receive any additional compensation, fee, or other consideration for providing an opinion as to the estimated price of that property.

[§466K-5] Definitions. For the purposes of this chapter, unless the context otherwise requires:

"Arbitrator" means an individual appointed to render an award in a controversy that is subject to an agreement to arbitrate.

"Uniform Standards of Professional Appraisal Practice" means the most recent iteration of the Uniform Standards of Professional Appraisal Practice developed by the appraisal standards board of The Appraisal Foundation and approved by the director.

§466K-6 Appraisers in arbitration proceedings; recordation; non-confidentiality.

(a) Arbitration awards, records of awards, and supplementary, dissenting, or explanatory opinions recorded pursuant to this section shall be public records.

(b) In an arbitration proceeding to determine the fair market value, fair market rental, or fair and reasonable rent of real property where the arbitrator is a real estate appraiser licensed or certified under this chapter, the record of an award shall include but not be limited to findings of fact; the state-licensed or certified appraiser's rationale for the award; the state-licensed or

certified appraiser's certification of compliance with the most current Uniform Standards of Professional Appraisal Practice as approved by the director; and information regarding the evidence, including the data, methodologies, and analysis that provided the basis for the award.

(c) A real estate appraiser licensed or certified under this chapter who is named or appointed as an arbitrator in a submission agreement to appraise or arbitrate entered into after July 1, 2014, shall record with the bureau of conveyances all arbitration awards; records of awards, if separately issued; and any supplementary, dissenting, or explanatory opinions on awards within ninety days of the notification of the determination of the award to the parties.

(d) No agreement between the parties or the appraisers acting as arbitrators shall preclude or deny the requirement to record an award, the record of an award, or any supplementary, dissenting, or explanatory opinions as required by this section.

(e) Failure to comply with this section shall be a violation of this chapter for purposes of licensing or certification.