

1 SB73
2 150377-4
3 By Senator Brewbaker
4 RFD: Governmental Affairs
5 First Read: 14-JAN-14
6 PFD: 01/07/2014

1 SB73

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4 ENROLLED, An Act,

5 Relating to the licensure of real estate appraisers;
6 to amend Section 34-27A-7, Code of Alabama 1975, to authorize
7 the Alabama Real Estate Appraisers Board to consult with law
8 enforcement authorities to ascertain an applicant's criminal
9 history.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 34-27A-7, Code of Alabama 1975,
12 is amended to read as follows:

13 "§34-27A-7.

14 "(a) Applications for original license, renewal
15 license, and examinations shall be made in writing to the
16 board on forms approved by the board.

17 "(b) Appropriate fees, as fixed by the board
18 pursuant to Section 34-27A-6, shall accompany all applications
19 for original license, renewal license, and examination.

20 "(c) At the time of filing an application for
21 license for any real property appraiser classification, each
22 applicant shall sign a pledge to comply with the standards set
23 forth in this chapter and state that he or she understands the
24 types of misconduct for which disciplinary proceedings may be

1 initiated against a licensed real property appraiser, as set
2 forth in this chapter.

3 "(d) A license for any real estate appraiser
4 classification shall be issued only to, and held only by a
5 person who meets all of the requirements of the following
6 subdivisions (1) through (7) below and either subdivision (8)
7 or (9) below:

8 "(1) Who is at least 19 years old and has a high
9 school diploma or equivalent.

10 "(2) Who is a citizen of the United States, or is
11 legally present in this state, or is an alien with permanent
12 resident status.

13 "(3) Who, if a nonresident, agrees to sign an
14 affidavit stating the following and in the following terms:

15 ""I, as a nonresident applicant for an appraisal
16 license and as a licensee, agree that the State of Alabama
17 Real Estate Appraisers Board shall have jurisdiction over me
18 in any and all of my real estate related activities the same
19 as if I were an Alabama resident licensee. I agree to be
20 subject to investigations and disciplinary actions the same as
21 Alabama resident licensees. Further, I agree that civil
22 actions may be commenced against me in any court of competent
23 jurisdiction in any court of the State of Alabama.

24 ""I appoint the Executive Director of the State of
25 Alabama Real Estate Appraisers Board as my agent upon whom all

1 disciplinary, judicial, or other process or legal notices may
2 be served. I agree that service upon my agent shall be the
3 same as service upon me and that certified copies of this
4 appointment shall be deemed sufficient evidence thereof and
5 shall be admitted into evidence with the same force and effect
6 as the original might be admitted. I agree that any lawful
7 process against me which is served upon my agent shall be of
8 the same legal force and validity as if personally served upon
9 me and that this appointment shall continue in effect for as
10 long as I have any liability as an appraiser remaining in the
11 State of Alabama. I understand that my agent shall, within a
12 reasonable time after service upon him or her, mail a copy of
13 same by certified mail, return receipt requested, to me, at my
14 last known business address.

15 "I agree that I am bound by all the provisions of
16 the State of Alabama Real Estate Appraisers Act.

17 _____
18 Legal Signature of Applicant"

19 "(4) Who is trustworthy and competent to transact
20 the business of an appraiser in a manner that safeguards the
21 interests of the public.

22 "In addition to all other requirements, an applicant
23 for certification shall submit to the board a form, sworn to

1 by the applicant, containing name, date of birth, and Social
2 Security number for completion of a criminal history
3 background check. The applicant shall submit two complete sets
4 of fingerprints to the board. The board shall submit the
5 fingerprints to the Alabama Bureau of Investigation (ABI) for
6 a state criminal history record check. The fingerprints shall
7 be forwarded by the ABI to the Federal Bureau of Investigation
8 (FBI) for a national criminal history record check. Costs
9 associated with conducting a criminal history background check
10 shall be borne by the applicant. The board shall keep
11 information received pursuant to this section confidential,
12 except that such information received and relied upon in
13 denying the issuance of a real property appraiser license in
14 this state may be disclosed to support the denial of the
15 license.

16 "(5) Whose application or license has not been
17 rejected or revoked in any state within two years prior to
18 date of application on any grounds other than failure to pass
19 a written examination.

20 "(6) Whose membership in any nationally recognized
21 appraisal organization has not been revoked within two years
22 under ethics procedures of the appraisal organization.
23 Membership in an organization is not required by this chapter.

24 "(7) Who is of good moral character.

1 "(8) Who on applying for a license before July 1,
2 1991, provides evidence to the board of possessing basic
3 appraisal skills by showing to the board that for a period of
4 24 months prior to application for an appraisal license, has
5 operated within the State of Alabama, as a real estate
6 appraiser or review appraiser or has been employed as a
7 permanent employee, by a company, lending institution, or
8 governmental agency located within the State of Alabama, that
9 appraises real estate or reviews real estate appraisals and
10 produces evidence to the board that he or she possesses those
11 qualifications listed in Section 34-27A-10(a) (1) through
12 (a) (7).

13 "(9) Who on applying for a license after January 1,
14 1991, provides evidence of having passed within 24 months
15 prior to application a Uniform Standards of Professional
16 Appraisal Practice course presented by an approved institution
17 or appraisal organization, provides evidence of having
18 successfully completed the required education from an approved
19 course provider for the real estate appraiser classification
20 for which he or she is applying, and demonstrates basic
21 appraisal skills by achieving a passing grade on the test
22 requirements of Section 34-27A-10.

23 "(e) The board may consult with appropriate state or
24 federal law enforcement authorities to verify whether an
25 applicant has a criminal record prior to issuing a license

1 and, as an aid to this duty, each applicant may be required to
2 provide his or her fingerprints and complete an affidavit of
3 his or her criminal record, if any, as part of the
4 application. The board may periodically consult with state and
5 federal law enforcement officials to determine whether current
6 licensees have new criminal convictions."

7 Section 2. This act shall become effective on the
8 first day of the third month following its passage and
9 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB73
Senate 23-JAN-14
I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 01-APR-14

By: Senator Brewbaker