

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 368

BY BUSINESS COMMITTEE

AN ACT

RELATING TO REAL ESTATE APPRAISERS; AMENDING SECTION 54-4104, IDAHO CODE, TO  
REVISE DEFINITIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-4104, Idaho Code, be, and the same is hereby  
amended to read as follows:

54-4104. DEFINITIONS. As used in this chapter:

(1) "Appraisal" or "real estate appraisal" means an ~~analysis,~~ opinion  
or conclusion ~~relating to the~~ of value, ~~nature, quality, or utility of speci-~~  
~~fied interests in, or aspects of,~~ identified real estate.

(2) "Appraisal assignment" means an engagement for which an appraiser  
is employed or retained to act, or would be perceived by third parties or the  
public as acting, as a disinterested third party in rendering an unbiased  
opinion or conclusion relating to the value, ~~nature, quality or utility of~~  
~~specified interests in, or aspects of,~~ identified real estate.

(3) "Appraisal foundation" or "foundation" means the appraisal founda-  
tion established on November 20, 1987, as a not-for-profit corporation under  
the laws of Illinois.

(4) "Board" means the real estate appraiser board.

(5) "Broker's price opinion" means a written price opinion of the es-  
timated price for identified real property that is prepared by a real estate  
broker or associate broker licensed under chapter 20, title 54, Idaho Code,  
pursuant to the requirements and content provisions for the broker's price  
opinions contained in this chapter.

(6) "Federally related transaction" means any real estate related  
financial transaction that a federally regulated institution, regulatory  
agency, or the resolution trust corporation engages in, funds, contracts  
for, or regulates.

(7) "License" or "certificate" means that document issued by the real  
estate appraiser board certifying that the person named thereon has satis-  
fied the requirements for licensure or certification as a state licensed or  
certified real estate appraiser and bearing a license or certificate number  
assigned by the board.

(8) "Noncomplex appraisal" is one in which the subject property has an  
active market of essentially identical properties, there is adequate mar-  
ket data available, adjustments do not exceed the typical range found in the  
market for essentially identical properties, and in the instance of residen-  
tial property, the contract sales price would fall within the market norm for  
homes or lots within the same area.

(9) "Real estate appraiser" or "appraiser" means a person who for a fee  
or other valuable consideration or the expectation thereof, develops and

1 communicates real estate appraisals or otherwise gives an opinion of the  
2 value of real estate or any interest therein.

3 (10) "Real estate related financial transaction" means any transaction  
4 involving:

5 (a) The sale, lease, purchase, investment in or exchange of real prop-  
6 erty, including interest in property or the financing thereof;

7 (b) The financing or refinancing of real property, or any interest in  
8 real property;

9 (c) The use of real property or an interest in real property as security  
10 for a loan or investment, including a mortgage backed security.

11 (11) "Real property" or "real estate" means and includes leaseholds as  
12 well as any other interest or estate in land, whether corporeal, incorpo-  
13 real, freehold or nonfreehold and whether situated in this state or else-  
14 where.

15 (12) "State certified general real estate appraiser" means a person who  
16 is certified to appraise all types of real property.

17 (13) "State certified residential real estate appraiser" means a per-  
18 son who holds a current, valid certificate as a state certified residential  
19 appraiser issued under the provisions of this chapter whose practice is lim-  
20 ited to appraisal of residential properties of four (4) or less units without  
21 regard to transaction value or complexity.

22 (14) "State licensed residential real estate appraiser" means a person  
23 who is licensed to appraise residential real property consisting of one  
24 (1) to four (4) noncomplex residential units having a transaction value  
25 less than one million dollars (\$1,000,000) and complex one (1) to four (4)  
26 residential units having a transaction value less than two hundred fifty  
27 thousand dollars (\$250,000).