

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 419

BY BUSINESS COMMITTEE

AN ACT

RELATING TO THE BOARD OF REAL ESTATE APPRAISERS; AMENDING SECTION 54-4107, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DISCIPLINARY PROCEEDINGS; AND AMENDING SECTION 54-4115, IDAHO CODE, TO REVISE PROVISIONS RELATING TO NONRESIDENT LICENSURE OR CERTIFICATION.

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

SECTION 1. That Section 54-4107, Idaho Code, be, and the same is hereby amended to read as follows:

54-4107. DISCIPLINARY PROCEEDINGS. (1) The board may refuse to issue, refuse to renew or may suspend, revoke or otherwise sanction any license or certificate issued under this chapter for any of the following:

(a) Procuring licensure or certification pursuant to this chapter by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for licensure or certification or through any form of fraud or misrepresentation;

(b) Being convicted of a felony;

(c) Making any substantial misrepresentation, false promises or false or fraudulent representation;

(d) Violating the provisions of this chapter or any rules of the board;

(e) Being negligent or incompetent, as defined in the uniform standards of professional appraisal practices, in developing an appraisal, in preparing an appraisal report or in communicating an appraisal;

(f) Accepting an appraisal assignment when the employment is contingent upon the licensed or certified appraiser reporting a predetermined estimate, analysis or opinion, or where the fee to be paid is contingent upon the opinion, conclusion, or valuation reached, or upon the consequences resulting from the appraisal assignment;

(g) Violating the confidential nature of governmental records to which he gained access through employment as a licensed or certified appraiser by a governmental agency;

(h) Entering into an agreement to perform specialized services for a contingent fee, and failing to clearly state this fact in each written and oral report;

(i) Failing as a state licensed or certified real estate appraiser to actively and personally supervise any person not licensed or certified under the provisions of this chapter, who assists said state licensed or certified appraiser in performing real estate appraisals; ~~or~~

(j) Having had a license or certificate to practice revoked, suspended or otherwise sanctioned by any other state; or

(k) Failing to comply with a board order entered in a disciplinary matter.

(2) The board, or its duly appointed hearing officer, shall have the power in any disciplinary proceeding under this chapter, to administer oaths, take depositions of witnesses within or without the state in the manner provided by law in civil cases, and may apply to any district court of this state for a subpoena to require the attendance of such witnesses and the production of such books, records and papers as it deems necessary. The fees and mileage of the witnesses shall be the same as that allowed in the district courts in civil cases, which fees and mileage shall be paid in the same manner as other expenses of the board are paid. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, it shall be the duty of any district court in this state on application by the board to compel compliance with the subpoena by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or for refusal to testify therein. The state licensed or certified person accused in such proceedings shall have the same right of subpoena.

(3) Except as otherwise provided in this chapter, all proceedings under this chapter shall be in accordance with the administrative procedure act, chapter 52, title 67, Idaho Code.

SECTION 2. That Section 54-4115, Idaho Code, be, and the same is hereby amended to read as follows:

54-4115. NONRESIDENT LICENSURE OR CERTIFICATION AND TEMPORARY PRACTICE. (1) Nonresident licensure or certification. If the board determines that another state has substantially equivalent requirements for appraiser licensure or certification ~~and reciprocity exists between the states~~, an applicant from such other state may obtain a license or certificate to practice as a licensed or certified residential or general real estate appraiser in this state, subject to the rules set forth by the board.

(2) Temporary practice. Only to the extent required by federal law, and subject to the rules set forth by the board, a temporary license or certificate for real estate appraisal may be issued to an individual from another state.

(3) Service of process. Prior to and as a condition of an individual's application for either a nonresident license or certificate or a temporary license or certificate, said applicant who is not a resident of Idaho shall submit with his application an irrevocable consent, on a form prescribed by the board, that service of process in any action against the applicant arising out of the applicant's activities as a state licensed or certified real estate appraiser may be made by delivery of process on the board.