

ACT No. 259

2016 Regular Session

HOUSE BILL NO. 804

BY REPRESENTATIVE PUGH

1 AN ACT

2 To amend and reenact R.S. 37:3397(B)(1) and (3), 3411, 3415.10, 3415.15(A) and to enact
3 R.S. 37:3415.22, relative to the regulation of real estate appraisers and appraisal
4 management companies; provides for licensing classifications and requirements; to
5 regulate record keeping requirements; to change a sunset provision; to regulate real
6 estate appraiser compensation; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 37:3397(B)(1) and (3), 3411, 3415.10, 3415.15(A) are hereby
9 amended and reenacted and R.S. 37:3415.22 is hereby enacted to read as follows:

10 §3397. License classifications; criteria

11 * * *

12 B.(1)(a) Applicants for a real estate appraiser trainee license shall be subject
13 to training and direct supervision by a certified appraiser who meets all of the
14 following qualifications:

15 (i) Has been licensed as a certified real estate appraiser in Louisiana for at
16 least three years prior to becoming a supervising appraiser.

17 (ii) Is in good standing as a certified residential or certified general real
18 estate appraiser in Louisiana.

19 (b) Both the trainee applicant and the supervising appraiser shall complete
20 a course that complies, at minimum, with the specifications for course content
21 established by the Appraiser Qualifications Board (AQB) of the Appraisal
22 Foundation. The course shall be oriented toward the requirements and
23 responsibilities of supervising appraisers and expectations for trainee appraisers.

24 The course shall be completed by the trainee appraiser prior to obtaining a trainee

1 appraiser license and by the supervising appraiser prior to supervising a trainee
 2 appraiser. The supervising appraiser shall not have been subject to any disciplinary
 3 action in any jurisdiction within the last three years that affects the supervisor's legal
 4 eligibility to engage in appraiser practice. The appraiser trainee is permitted to have
 5 more than one supervising appraiser. The scope of work for the appraiser trainee is
 6 limited to the appraisal of those properties that the supervising appraiser is licensed
 7 to appraise.

* * *

9 (3) ~~The appraiser trainee shall maintain a separate appraisal log for each~~
 10 ~~supervising licensed appraiser that includes, at a minimum, the following~~
 11 ~~information for each appraisal~~ An appraisal experience log shall be maintained
 12 jointly by the supervising appraiser and the trainee appraiser. It is the responsibility
 13 of both the supervisory appraiser and the trainee appraiser to ensure the appraisal
 14 experience log is accurate, current, and complies with the requirements of the trainee
 15 appraiser's credentialing jurisdiction. At a minimum, the appraisal log shall include
 16 the following:

- 17 (a) Type of property.
- 18 (b) ~~Client name and address~~ Date of report.
- 19 (c) Address of appraised property.
- 20 (d) Description of work performed by the ~~appraiser trainee and supervising~~
 21 ~~appraiser~~ trainee appraiser and scope of the review and supervision of the
 22 supervisory appraiser.
- 23 (e) Number of actual work hours by the trainee appraiser on the assignment.
- 24 (f) ~~Name;~~ The signature; and state ~~license~~ certification number of the
 25 ~~supervising~~ supervisory appraiser. Separate appraisal logs shall be maintained for
 26 each supervisory appraiser if applicable.

* * *

28 §3411. Documents to be retained

29 A licensed real estate appraiser shall retain for five years originals or true
 30 copies of contracts engaging the appraiser's services for real property appraisal work,

1 appraisal reports, and supporting data assembled and formulated by the appraiser in
 2 preparing reports. The period for retention of the records applicable to each
 3 engagement of the services of the appraiser shall run from the date of the submission
 4 of the appraisal report to the client. These records shall be made available by the
 5 appraiser for inspection and copying by the board on reasonable notice to the
 6 appraiser. When litigation is contemplated at any time, reports and records shall be
 7 retained for two years ~~after the trial date~~ from final disposition.

8 * * *

9 §3415.10. License application assessment; delinquent renewal

10 A. When accepting an application for an initial or renewal license, the board
 11 is authorized to collect an assessment not in excess of one thousand five hundred
 12 dollars.

13 B. If the license renewal is delinquent, the board is further authorized to
 14 collect a delinquent renewal assessment as follows:

15 (1) If the renewal application is submitted during the period of January first
 16 to February fifteenth, an amount not in excess of one hundred fifty dollars.

17 (2) If the renewal application is submitted during the period of February
 18 sixteenth to June thirtieth, an amount not in excess of three hundred dollars.

19 C. If an initial license is issued after January first of any year, the assessment
 20 shall be prorated to the remaining portion of the year ending December thirty-first.

21 D. The provisions of this Section shall expire on December 31, ~~2015~~ 2017.

22 * * *

23 §3415.15. Fees; customary and reasonable; disclosure

24 A. An appraisal management company shall compensate appraisers at a rate
 25 that is customary and reasonable for appraisals being performed in the market area
 26 of the property being appraised, consistent with the ~~presumptions of compliance~~
 27 under requirements of 15 U.S.C. 1639(e) and the final federal law rules as provided
 28 for in the applicable provisions of 12 CFR Parts 34, 225, 226, 323, 1026, and 1222.

29 * * *

1 §3415.22. Federal registry requirements

2 A. The board shall collect from each appraisal management company that is
3 registered or seeking to be registered in this state the information that the appraisal
4 subcommittee, as described in R.S. 37:3395, requires to be submitted to it by the
5 state pursuant to regulations promulgated by the appraisal subcommittee, including
6 the collection of administrative fees consistent with the final federal rules as
7 provided for in the applicable provisions of 12 CFR Parts 34, 208, 225, 323, 390,
8 1026, and 1222.

9 B.(1) A federally regulated appraisal management company operating in this
10 state shall report to the board any information required to be submitted by the state
11 to the appraisal subcommittee pursuant to the policies of the appraisal subcommittee
12 regarding the determination of the appraisal management company national registry
13 fee.

14 (2) Reports submitted pursuant to this Subsection shall include the
15 following:

16 (a) A statement, in a form prescribed by the board, detailing the intent of the
17 federally regulated appraisal management company to operate in this state.

18 (b)(i) Any information related to whether the appraisal management
19 company is owned in whole or in part, directly or indirectly, by any person who has
20 had an appraiser license or certification refused, denied, cancelled, surrendered in
21 lieu of revocation, or revoked in any state.

22 (ii) Any information related to the revocation of a license of any person
23 described in Item (i) of this Subparagraph and whether the revoked license has been
reinstated by the state or states in which the appraiser was licensed.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____