

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Commerce to Original House Bill No. 1014
by Representative Hoffmann

1 AMENDMENT NO. 1

2 On page 1, line 2, change "R.S. 37:3415.13" to "R.S. 37:3397(B)(4), 3401(D), 3410,
3 3415.3(B)(10) and (11), 3415.13,"

4 AMENDMENT NO. 2

5 On page 1, delete line 3 in its entirety and insert in lieu thereof the following:

6 "and (13), 3415.3(C) and (D), and 3415.15, relative to real estate appraisals;
7 to repeal the maximum time an individual may hold a real estate appraiser
8 trainee license; to provide for reciprocity for real estate appraiser licenses;"

9 AMENDMENT NO. 3

10 On page 1, at the beginning of line 6, after "license;" and before "to provide" insert "to
11 require a surety bond;"

12 AMENDMENT NO. 4

13 On page 1, line 7, after "appraisers;" delete the remainder of the line

14 AMENDMENT NO. 5

15 On page 1, line 10, change "repeal the requirement" to "require"

16 AMENDMENT NO. 6

17 On page 1, line 12, after "clause;" and before "and to" insert "to provide for applicability;
18 to provide for an effective date;"

19 AMENDMENT NO. 7

20 On page 1, line 14, change "R.S. 37:3415.13" to "R.S. 37:3397(B)(4), 3401(D), 3410,
21 3415.3(B)(10) and (11), 3415.13,"

22 AMENDMENT NO. 8

23 On page 1, delete line 15 in its entirety and insert in lieu thereof the following:

24 "37:3415.2(11), (12), and (13), 3415.3(C) and (D), and 3415.15 are hereby enacted to read
25 as"

26 AMENDMENT NO. 9

27 On page 1, between lines 16 and 17, insert the following:

28 "§3397. License classifications; criteria
29 * * *
30 B. * * *
31 * * *

1 (4) ~~A real estate appraiser trainee may not be licensed in this~~
2 ~~category in excess of six years.~~ All trainees who have been licensed in
3 excess of two years shall be required to obtain continuing education that is
4 equivalent to fifteen classroom hours of instruction for each year.

5 * * *

6 §3401. Nonresident license; temporary registration; reciprocity

7 * * *

8 D. If the board determines that another jurisdiction has substantially
9 equivalent certification or license requirements to those of this state, the
10 board may ~~enter into a reciprocal agreement with the appropriate authority~~
11 ~~to~~ allow any resident applicant who is certified under the laws of that
12 jurisdiction to obtain a reciprocal license as a real estate appraiser in this
13 state. ~~The terms and conditions shall be determined by written agreement~~
14 ~~between the jurisdictions.~~

15 * * *

16 §3410. Standards for the development and communication of real estate
17 appraisals

18 A. A licensed real estate appraiser shall comply with generally
19 accepted standards of professional practice in the development and
20 communication of appraisals of real estate located in this state and with
21 generally accepted ethical rules of conduct as contained in the "Uniform
22 Standards of Professional Appraisal Practice", or its successor, as approved
23 by the Appraisal Subcommittee of the Federal Financial Institutions
24 Examination Council, or its successor.

25 B. The licensed real estate appraiser shall include within the body of
26 the appraisal report the amount of the appraiser's fee for appraisal services.

27 * * *"

28 AMENDMENT NO. 10

29 On page 2, delete lines 5 and 6 in their entirety and insert in lieu thereof the following:

30 "(12) "Appraisal review" means the act or process of developing and
31 communicating an opinion about the quality of another appraiser's work that
32 was performed as part of an appraisal assignment. The term shall not include
33 an examination of an appraisal for grammatical, typographical, mathematical,
34 or other similar administrative errors that do not involve the appraiser's
35 professional judgment, including compliance with the elements of the client's
36 statement of work."

37 AMENDMENT NO. 11

38 On page 2, delete lines 18 and 19 in their entirety.

39 AMENDMENT NO. 12

40 On page 2, between lines 21 and 22 insert the following:

41 "B. The license required by Subsection A of this Section shall, at a
42 minimum, include the following information:

43 * * *

44 (10) Proof that the entity has obtained and maintains a surety bond
45 that meets the requirements of Subsection D of this Section.

46 (11) An irrevocable Uniform Consent to Service of Process, pursuant
47 to this Chapter.

48 ~~(11) Any other information required by the board."~~

1 AMENDMENT NO. 13

2 On page 2, delete line 23 through 25 and insert in lieu thereof the following:

3 "management company shall be licensed or certified in Louisiana."

4 AMENDMENT NO. 14

5 On page 2, between lines 27 and 28, insert the following:

6 "D.(1) Every applicant for a license or the renewal of a license shall
7 obtain and maintain a surety bond in the amount of twenty thousand dollars.
8 The surety bond shall:

9 (a) Be in the form prescribed by the board pursuant to regulations
10 duly promulgated by it.

11 (b) Accrue to the state for the benefit of a claimant against the
12 registrant to secure the faithful performance of the licensee obligations under
13 this Chapter.

14 (2) The aggregate liability of the surety shall not exceed the principal
15 sum of the bond.

16 (3) A party having a claim against the licensee may bring suit
17 directly on the surety bond, or the board may bring suit on behalf of the party
18 having a claim against the licensee.

19 (4) Consumer claims shall be given priority in recovering from the
20 bond.

21 (5) A deposit of cash or security may be accepted in lieu of the surety
22 bond.

23 (6) If a claim reduces the face amount of the bond, the bond shall be
24 annually restored upon renewal of the licensee's registration."

25 AMENDMENT NO. 15

26 On page 3, line 8, after "Before" and before "making" insert "or at the time of"

27 AMENDMENT NO. 16

28 On page 3, delete lines 14 through 28 in their entirety and insert in lieu thereof the following:

29 "A. An appraisal management company shall compensate appraisers
30 at a rate that is customary and reasonable for appraisals being performed in
31 the market area of the property being appraised, consistent with the
32 presumptions of compliance under federal law.

33 B. An appraisal management company shall separately state to the
34 client all of the following:

35 (1) The fees paid to an appraiser for appraisal services.

36 (2) The fees charged by the appraisal management company for
37 services associated with the management of the appraisal process, including
38 procurement of the appraiser's services.

39 C.(1) An appraisal management company shall not prohibit any
40 appraiser who is part of an appraiser panel from recording the fee that the
41 appraiser was paid by the appraisal management company for the
42 performance of the appraisal within the appraisal report that is submitted by
43 the appraiser to the appraisal management company.

44 (2) An appraisal management company shall not include any fees for
45 appraisal management services performed by the company in the amount the
46 company reports as charges for the actual completion of an appraisal by the
47 appraiser."

1 AMENDMENT NO. 17

2 On page 4, at the beginning of line 2, insert "A."

3 AMENDMENT NO. 18

4 On page 4, delete lines 5 through 7 and insert in lieu thereof the following:

5 "B. Notwithstanding any law to the contrary, these rules shall require
6 the affirmative approval by the House of Representatives Committee on
7 Commerce and the Senate Committee on Commerce, Consumer Protection
8 and International Affairs. If the board submits its proposed rules for
9 affirmative approval and the legislature is not in session, the proposed rules
10 shall be deemed affirmatively approved if forty-five days have elapsed from
11 the date the proposed rules are received by the oversight committees and no
12 hearing is held by either committee."

13 AMENDMENT NO. 19

14 On page 4, after line 12 insert the following:

15 "Section 2. The provisions of R.S. 37:3415.3(B)(10) and (C) shall
16 apply to any new or renewed license after December 31, 2011, and only upon
17 promulgation of rules by the board concerning the provisions of R.S.
18 37:3415.3(B)(10) and (C).

19 Section 3. This Act shall become effective upon signature by the
20 governor or, if not signed by the governor, upon expiration of the time for
21 bills to become law without signature by the governor, as provided by Article
22 III, Section 18 of the Constitution of Louisiana. If vetoed by the governor
23 and subsequently approved by the legislature, this Act shall become effective
24 on the day following such approval."