

1 SB97
2 156301-1
3 By Senator Brewbaker
4 RFD: Small Business
5 First Read: 14-JAN-14
6 PFD: 01/10/2014

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8 SYNOPSIS: Under existing law, a person must be
9 trustworthy and of good moral character to be
10 licensed as a real estate appraiser. Federal law
11 requires that states conduct criminal history
12 background checks in the appraiser licensing
13 process.

14 This bill would authorize the Alabama Real
15 Estate Appraisers Board to consult with the Alabama
16 Bureau of Investigation and the Federal Bureau of
17 Investigation to ascertain an applicant's criminal
18 history.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT

23
24 Relating to the licensure of real estate appraisers;
25 to amend Section 34-27A-7, Code of Alabama 1975, to authorize
26 the Alabama Real Estate Appraisers Board to consult with

1 federal and state law enforcement authorities to ascertain an
2 applicant's criminal history.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§34-27A-7.

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

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

13 "(c) At the time of filing an application for
14 license for any real property appraiser classification, each
15 applicant shall sign a pledge to comply with the standards set
16 forth in this chapter and state that he or she understands the
17 types of misconduct for which disciplinary proceedings may be
18 initiated against a licensed real property appraiser, as set
19 forth in this chapter.

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

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

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

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

6 ""I, as a nonresident applicant for an appraisal
7 license and as a licensee, agree that the State of Alabama
8 Real Estate Appraisers Board shall have jurisdiction over me
9 in any and all of my real estate related activities the same
10 as if I were an Alabama resident licensee. I agree to be
11 subject to investigations and disciplinary actions the same as
12 Alabama resident licensees. Further, I agree that civil
13 actions may be commenced against me in any court of competent
14 jurisdiction in any court of the State of Alabama.

15 ""I appoint the Executive Director of the State of
16 Alabama Real Estate Appraisers Board as my agent upon whom all
17 disciplinary, judicial, or other process or legal notices may
18 be served. I agree that service upon my agent shall be the
19 same as service upon me and that certified copies of this
20 appointment shall be deemed sufficient evidence thereof and
21 shall be admitted into evidence with the same force and effect
22 as the original might be admitted. I agree that any lawful
23 process against me which is served upon my agent shall be of
24 the same legal force and validity as if personally served upon
25 me and that this appointment shall continue in effect for as
26 long as I have any liability as an appraiser remaining in the
27 State of Alabama. I understand that my agent shall, within a

1 reasonable time after service upon him or her, mail a copy of
2 same by certified mail, return receipt requested, to me, at my
3 last known business address.

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

6 _____
7 Legal Signature of Applicant"

8 "(4) Who is trustworthy and competent to transact
9 the business of an appraiser in a manner that safeguards the
10 interests of the public. In addition to all other
11 requirements, an applicant for certification shall submit to
12 the board a form, sworn to by the applicant, containing name,
13 date of birth, and Social Security number for completion of a
14 criminal history background check. The applicant shall submit
15 two complete sets of fingerprints to the board. The board
16 shall submit the fingerprints to the Alabama Bureau of
17 Investigation (ABI) for a state criminal history record check.
18 The fingerprints shall be forwarded by the ABI to the Federal
19 Bureau of Investigation (FBI) for a national criminal history
20 record check. Costs associated with conducting a criminal
21 history background check shall be borne by the applicant. The
22 board shall keep information received pursuant to this section
23 confidential, except that such information received and relied
24 upon in denying the issuance of a real property appraiser

1 license in this state may be disclosed to support the denial
2 of the license.

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

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

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

12 "(8) Who on applying for a license before July 1,
13 1991, provides evidence to the board of possessing basic
14 appraisal skills by showing to the board that for a period of
15 24 months prior to application for an appraisal license, has
16 operated within the State of Alabama, as a real estate
17 appraiser or review appraiser or has been employed as a
18 permanent employee, by a company, lending institution, or
19 governmental agency located within the State of Alabama, that
20 appraises real estate or reviews real estate appraisals and
21 produces evidence to the board that he or she possesses those
22 qualifications listed in Section 34-27A-10(a) (1) through
23 (a) (7).

24 "(9) Who on applying for a license after January 1,
25 1991, provides evidence of having passed within 24 months
26 prior to application a Uniform Standards of Professional
27 Appraisal Practice course presented by an approved institution

1 or appraisal organization, provides evidence of having
2 successfully completed the required education from an approved
3 course provider for the real estate appraiser classification
4 for which he or she is applying, and demonstrates basic
5 appraisal skills by achieving a passing grade on the test
6 requirements of Section 34-27A-10."

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.