



General Assembly

February Session, 2014

Raised Bill No. 205

LCO No. 1331



Referred to Committee on GENERAL LAW

Introduced by:
(GL)

AN ACT MAKING MINOR AND TECHNICAL CHANGES TO REAL ESTATE APPRAISER AND APPRAISAL MANAGEMENT COMPANY STATUTORY DEFINITIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-500 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2014*):

3 As used in sections 20-500 to 20-529e, inclusive, unless the context
4 otherwise requires:

5 (1) "Appraisal" means the practice of developing an opinion of the
6 value of real property, in conformance with the USPAP.

7 (2) "Appraisal Foundation" means the not-for-profit corporation
8 referred to in Section 1121 of Title XI of FIRREA.

9 (3) "Appraisal management company" means any person,
10 partnership, association, limited liability company or corporation that
11 performs appraisal management services. "Appraisal management
12 company" does not include:

13 (A) An appraiser that enters into a written or oral agreement with
14 another appraiser for the performance of an appraisal, which is signed
15 by both appraisers upon completion;

16 (B) An appraisal management company that (i) is wholly owned by
17 a financial institution subject to regulation by an agency or department
18 of the United States government or an agency of this state, and (ii) only
19 receives appraisal requests from an employee of such financial
20 institution. For the purposes of this subdivision, "financial institution"
21 means a bank, as defined in section 36a-2, an out-of-state bank, as
22 defined in section 36a-2, an institutional lender, any subsidiary or
23 affiliate of such bank, out-of-state bank or institutional lender, or other
24 lender licensed by the Department of Banking;

25 (C) A department or unit of a financial institution subject to
26 regulation by an agency or department of the United States
27 government or an agency of this state that only receives appraisal
28 requests from an employee of such financial institution; or

29 (D) Any local, state or federal agency or department thereof.

30 (4) "Appraisal management services" means any of the following:

31 (A) The administration of an appraiser panel;

32 (B) The recruitment of certified or licensed appraisers to be part of
33 an appraiser panel, including, but not limited to, the negotiation of fees
34 to be paid to, and services to be provided by, such appraisers for their
35 participation on such panel; or

36 (C) The receipt of an appraisal request or order and the delivery of
37 such request or order to an appraiser panel.

38 (5) "Appraiser panel" means a network of appraisers who are
39 certified [or licensed] in accordance with the requirements established
40 or provisionally licensed by the commission by regulation, who are
41 independent contractors of an appraisal management company and

42 who have:

43 (A) Responded to an invitation, request or solicitation from an
44 appraisal management company to perform appraisals (i) requested or
45 ordered through such company, or (ii) directly for such company on a
46 periodic basis as assigned by the company; and

47 (B) Been selected and approved by such company.

48 (6) "Certified appraiser" means a person who has satisfied the
49 minimum requirements for a category of certification established by
50 the commission by regulation. Such minimum requirements shall be
51 consistent with guidelines established by the Appraisal Qualification
52 Board of the Appraisal Foundation. The categories of certification shall
53 include, but may be modified by the commission thereafter, one
54 category denoted as "certified residential appraiser" and another
55 denoted as "certified general appraiser".

56 [(7) "Limited appraiser" means a person who held a real estate
57 appraisal license as of January 1, 1991, and has satisfied the minimum
58 requirements for a license as a limited appraiser as established by the
59 commission by regulation. The categories of limited appraisal shall
60 include one category denoted as "limited residential appraiser" and
61 another denoted as "limited general appraiser".]

62 [(8) (7) "Commission" means the Connecticut Real Estate Appraisal
63 Commission appointed under the provisions of section 20-502.

64 [(9) (8) "Commissioner" means the Commissioner of Consumer
65 Protection.

66 [(10) (9) "Compliance manager" means a person who holds an
67 appraiser [license or certificate] certification in at least one state and
68 who is responsible for overseeing the implementation of, and
69 compliance with, procedures for an appraisal management company
70 to:

71 (A) Verify that a person being added to the appraiser panel of the
72 company holds a license in good standing in accordance with section
73 20-509;

74 (B) Maintain detailed records of each appraisal request or order the
75 company receives and of the appraiser who performs such appraisal;
76 and

77 (C) Review on a periodic basis the work of all appraisers performing
78 appraisals for the company to ensure that such appraisals are being
79 conducted in accordance with [the] USPAP.

80 [(11)] (10) "Controlling person" means a person who has not had an
81 appraiser license or a similar license or appraiser certificate denied,
82 refused to be renewed, suspended or revoked in any state and who:

83 (A) Is an owner, officer or director of a partnership, association,
84 limited liability company or corporation offering or seeking to offer
85 appraisal management services in this state;

86 (B) Is employed by an appraisal management company and has the
87 authority to enter into contracts or agreements for the performance of
88 appraisal management services or appraisals, or is appointed or
89 authorized by such company to enter into such contracts or
90 agreements; or

91 (C) May exercise authority over or direct the management or
92 policies of an appraisal management company.

93 [(12)] (11) "Engaging in the real estate appraisal business" means the
94 act or process of estimating the value of real estate for a fee or other
95 valuable consideration.

96 [(13)] (12) "FIRREA" means the Financial Institutions, Reform,
97 Recovery and Enforcement Act of 1989, P.L. 101-73, 103 Stat. 183.

98 [(14)] "Licensed appraiser" means a person who has satisfied the

99 minimum requirements for a category of licensing, other than licensed
100 limited appraiser, established by the commission by regulation. Such
101 minimum requirements may be consistent with guidelines established
102 by the Appraisal Qualification Board of the Appraisal Foundation. The
103 categories of licensing shall include, but may be modified by the
104 commission thereafter, one category denoted as "licensed residential
105 appraiser" and another denoted as "licensed general appraiser".]

106 [(15)] (13) "Person" means [any] an individual.

107 [(16)] (14) "Provisional appraiser" means a person engaged in the
108 business of estimating the value of real estate for a fee or other
109 valuable consideration under the supervision of a [licensed or]
110 certified real estate appraiser and who meets the minimum
111 requirements, if any, established by the commission by regulation for
112 provisional appraiser status.

113 (15) "Provisional license" means a license issued to a provisional
114 appraiser.

115 [(17)] (16) "Real estate appraiser" or "appraiser" means a person
116 engaged in the business of estimating the value of real estate for a fee
117 or other valuable consideration.

118 [(18)] (17) "USPAP" means the Uniform Standards of Professional
119 Appraisal Practice [as developed] issued by the Appraisal Standards
120 Board of the Appraisal Foundation pursuant to Title XI of FIRREA.

121 Sec. 2. Section 20-501 of the general statutes is repealed and the
122 following is substituted in lieu thereof (*Effective July 1, 2014*):

123 [(a)] No person shall act as a real estate appraiser or provisional
124 appraiser or engage in the real estate appraisal business without the
125 appropriate certification [, license, limited license] or provisional
126 license issued by the commission, unless exempted by the provisions
127 of sections 20-500 to 20-528, inclusive, as amended by this act.

128 [(b) No person licensed as a limited appraiser shall perform an
129 appraisal in connection with a federally related transaction, as defined
130 in FIRREA. Notwithstanding any provision of this chapter: (1) Limited
131 appraiser licenses and renewals of such limited appraiser licenses
132 issued pursuant to this chapter shall expire no later than September 30,
133 2006; and (2) no limited appraiser licenses shall be issued or renewed
134 on or after October 1, 2006.

135 (c) Notwithstanding any provision of this chapter: (1) Licenses and
136 renewals for licensed appraisers issued pursuant to this chapter shall
137 expire no later than September 30, 2003; and (2) no such license shall be
138 issued or renewed on or after October 1, 2003.]

139 Sec. 3. Subsection (b) of section 20-503 of the general statutes is
140 repealed and the following is substituted in lieu thereof (*Effective July*
141 *1, 2014*):

142 (b) (1) The commission shall authorize the Department of Consumer
143 Protection to issue certification [, licenses, limited licenses] and
144 provisional licenses to real estate appraisers.

145 (2) The commission shall administer the provisions of sections 20-
146 500 to 20-528, inclusive, as amended by this act, as to certification,
147 [licensing, limited licensing,] provisional licensing and issuance,
148 renewal, suspension or revocation of certifications [, licenses, limited
149 licenses] and provisional licenses concerning the real estate appraisal
150 business.

151 Sec. 4. Section 20-504 of the general statutes is repealed and the
152 following is substituted in lieu thereof (*Effective July 1, 2014*):

153 The Commissioner of Consumer Protection, with advice and
154 assistance from the commission, may adopt such reasonable
155 regulations, in accordance with chapter 54, as the commissioner deems
156 necessary to carry out the provisions of sections 20-500 to 20-528,
157 inclusive, as amended by this act. Such regulations shall, at a

158 minimum, address [real estate] appraiser qualifications, continuing
159 education, discipline, [real estate] appraiser certification, provisional
160 licensing [, limited licensing] and [provisional licensing] applications
161 for and renewals of such certifications and licenses, and shall require
162 any [real estate] appraiser to comply with generally accepted
163 standards of professional appraisal practice as described in the
164 Uniform Standards of Professional Appraisal Practice issued by the
165 Appraisal Standards Board of the Appraisal Foundation pursuant to
166 Title XI of FIRREA. The regulations shall further require [(1)] any [real
167 estate] appraiser who wishes to enter in or upon any premises not the
168 subject of appraisal for purposes of estimating the value of comparable
169 real estate to [(A)] (1) obtain the permission of the owner or [occupier]
170 occupant of the premises, and [(B)] (2) identify himself or herself as an
171 appraiser. [, and (2) that a limited appraiser shall in any written
172 statement, including contracts, stationary and business cards, state that
173 such limited appraiser shall not perform an appraisal in connection
174 with a federally related transaction, as defined in FIRREA.]

175 Sec. 5. Section 20-507 of the general statutes is repealed and the
176 following is substituted in lieu thereof (*Effective July 1, 2014*):

177 A certified [, licensed, limited or] appraiser or licensed provisional
178 appraiser shall not be considered an employee under the provisions of
179 section 31-275 if substantially all of the remuneration for the services
180 performed by such appraiser, whether paid in cash or otherwise, is
181 directly related to sales or other output rather than to the number of
182 hours worked, and such services are performed by the appraiser
183 pursuant to a written contract that contains the following provisions:
184 (1) The appraiser, for purposes of workers' compensation, is engaged
185 as an independent contractor associated with the person for whom
186 services are performed; (2) the appraiser shall not receive any
187 remuneration related to the number of hours worked, and shall not be
188 treated as an employee with respect to such services for purposes of
189 workers' compensation; (3) the appraiser shall be permitted to work
190 any hours the appraiser chooses; (4) the appraiser shall be permitted to

191 work out of the appraiser's own home or the office of the person for
192 whom services are performed; (5) the appraiser shall be free to engage
193 in outside employment; (6) the person for whom the services are
194 performed may provide office facilities and supplies for the use of the
195 appraiser, but the appraiser shall otherwise pay the appraiser's own
196 expenses, including, but not limited to, automobile, travel and
197 entertainment expenses; and (7) the contract may be terminated by
198 either party at any time upon notice given to the other.

199 Sec. 6. Section 20-508 of the general statutes is repealed and the
200 following is substituted in lieu thereof (*Effective July 1, 2014*):

201 Any person possessing the qualifications prescribed in sections 20-
202 500 to 20-528, inclusive, as amended by this act, and in any regulations
203 adopted in [conformity] accordance with said sections, who desires to
204 engage in the real estate appraisal business shall make application to
205 the commission, in writing, as provided in section 20-509, as amended
206 by this act, for the specific appraiser certification [, license, limited
207 license] or provisional license desired.

208 Sec. 7. Section 20-509 of the general statutes is repealed and the
209 following is substituted in lieu thereof (*Effective July 1, 2014*):

210 (a) Certifications [, licenses, limited licenses] and provisional
211 licenses issued under the provisions of sections 20-500 to 20-528,
212 inclusive, as amended by this act, shall be granted only to persons who
213 bear a good reputation for honesty, truthfulness and fair dealing and
214 who are competent to transact the business of a real estate appraiser in
215 such manner as to safeguard the interests of the public.

216 (b) Each application for [a] an appraiser certification [, license,
217 limited license] or provisional license under said sections, or for a
218 renewal thereof, shall be made in writing, on such forms and in such
219 manner as is prescribed by the Department of Consumer Protection
220 and accompanied by such evidence in support of such application as is
221 prescribed by the commission. The commission may require such

222 information with regard to an applicant as the commission deems
223 desirable, with due regard to the paramount interests of the public, as
224 to the honesty, truthfulness, integrity and competency of the applicant.

225 (c) Fees for applications under this section shall be paid to the
226 commission as follows: Forty-five dollars for an appraiser certification
227 [; forty dollars for licensing; forty dollars for limited licensing] and
228 forty dollars for a provisional [licensing] license. The payment of an
229 application fee shall entitle an applicant who otherwise meets the
230 appropriate requirements established by the commission to take the
231 appropriate written examination, where applicable, [four times] within
232 the one-year period from the date of payment. In addition to the
233 application fee, applicants taking an examination administered by a
234 national testing service shall be required to pay directly to such testing
235 service an examination fee covering the cost of such examination.

236 Sec. 8. Section 20-510 of the general statutes is repealed and the
237 following is substituted in lieu thereof (*Effective July 1, 2014*):

238 In order to determine the competency of any applicant for a real
239 estate appraiser's certification or provisional license, the commission
240 shall, and, in the case of an applicant for a provisional license, may,
241 subject such applicant to personal written examination as to the
242 applicant's competency to act as a real estate appraiser. Such
243 examination shall be prepared by the Appraisal Qualification Board of
244 the Appraisal Foundation, the Department of Consumer Protection or
245 by a national testing service designated by the Commissioner of
246 Consumer Protection, shall be administered to applicants by the
247 Department of Consumer Protection or by such testing service at such
248 times and places as the commissioner may deem necessary and shall
249 be consistent with guidelines established by the Appraisal
250 Qualification Board of the Appraisal Foundation. The commission may
251 waive the written examination requirement in the case of an applicant
252 who, in the opinion of the commission, has taken an equivalent written
253 examination in another state and has received a score deemed

254 satisfactory by the commission.

255 Sec. 9. Section 20-511 of the general statutes is repealed and the
256 following is substituted in lieu thereof (*Effective July 1, 2014*):

257 (a) In order to obtain [a] an appraiser certification [, license, limited
258 license] or a provisional license, [persons who have] each person who
259 has met, to the satisfaction of the commission, the minimum
260 requirements established by the commission for such certification [,
261 license, limited license] or provisional license, shall pay to the
262 commission, in addition to the application fee described in subsection
263 (c) of section 20-509, as amended by this act, an initial fee of: Three
264 hundred seventy-five dollars, in the case of certified appraisers [; two
265 hundred eighty-five dollars, in the case of licensed appraisers and
266 limited licensed appraisers;] and one hundred dollars, in the case of
267 provisional [appraisers] licensees.

268 (b) All certifications [, licenses, limited licenses] and provisional
269 licenses issued under the provisions of sections 20-500 to 20-528,
270 inclusive, as amended by this act, shall expire annually and be subject
271 to renewal. The renewal fee for certifications [, licenses, limited
272 licenses] and provisional licenses, to be paid to the commission, shall
273 be: Two hundred eighty-five dollars in the case of certified appraisers
274 [; two hundred eighty-five dollars in the case of licensed and limited
275 licensed appraisers;] and one hundred dollars [,] in the case of
276 provisional [appraisers] licensees.

277 (c) In order for the commission to comply with federal law and
278 transmit a roster of real estate appraisers to the appropriate federal
279 regulatory entity, certified real estate appraisers shall pay to the
280 Commissioner of Consumer Protection, in addition to application and
281 recordation fees, an annual registry fee established by the
282 [commission] appraisal subcommittees of the federal Financial
283 Institutions Examination Council.

284 (d) Any certification [, license, limited license] or provisional license

285 [which] that expires pursuant to this [subsection] section may be
286 reinstated by the commission, if, not later than two years after the date
287 of expiration, the former certification holder [, licensee, limited
288 licensee] or provisional licensee pays to the commission [for each
289 certification the sum of two hundred twenty-five dollars, for each
290 license or limited license the sum of two hundred twenty-five dollars
291 and for each provisional license the sum of fifty dollars] all past due
292 fees for each year or fraction thereof from the date of expiration of the
293 previous certification [, license, limited license] or provisional license
294 to the date of payment for reinstatement, except that any certified [,
295 licensed, limited licensed] or provisionally licensed appraiser whose
296 certification [, license, limited license] or provisional license expired
297 after entering military service shall be reinstated without payment of
298 any fee if an application for reinstatement is filed with the commission
299 within two years after the date of expiration. Any such reinstated
300 certification [, license, limited license] or provisional license shall
301 expire annually. Any such reinstated certification [, license, limited
302 license] or provisional license shall be subject to an annual renewal
303 thereafter.

304 (e) Any person whose application has been filed as provided in this
305 section and section 20-509, as amended by this act, who is refused a
306 certification [, license, limited license] or provisional license shall be
307 given notice and afforded an opportunity for hearing as provided in
308 the regulations adopted by the Commissioner of Consumer Protection.

309 Sec. 10. Section 20-512 of the 2014 supplement to the general statutes
310 is repealed and the following is substituted in lieu thereof (*Effective July*
311 *1, 2014*):

312 (a) The Commissioner of Consumer Protection, with the advice and
313 assistance of the commission, may adopt such reasonable regulations,
314 in accordance with chapter 54, as the commissioner may deem
315 necessary relating to the approval of schools offering courses in real
316 estate appraisal principles and practice and related subjects, the

317 content of such courses [or programs] and the advertising to the public
318 of the services of such schools. Such regulations may require approval
319 of instructors at such schools.

320 (b) Each such school shall obtain a registration as a real estate
321 appraisal school from the commission before offering approved
322 courses in real estate appraisal prerequisite education or continuing
323 education. Each application for such school registration shall be made
324 on forms prescribed by the Commissioner of Consumer Protection.

325 (c) Each real estate appraisal school registration shall expire
326 biennially and may be renewed. The application fee for such
327 registration shall be one hundred dollars. The initial registration fee
328 and renewal fee for such registration shall be two hundred dollars
329 each.

330 (d) Each course in appraisal prerequisite education or continuing
331 education shall require a separate application and be approved by the
332 commissioner. The application fee for each course in appraisal
333 prerequisite education or continuing education shall be one hundred
334 dollars.

335 Sec. 11. Section 20-513 of the general statutes is repealed and the
336 following is substituted in lieu thereof (*Effective July 1, 2014*):

337 Any person holding a certification [, license, limited license] or
338 provisional license under the provisions of sections 20-500 to 20-528,
339 inclusive, as amended by this act, shall be permitted to perform the
340 work covered by such certification [, license, limited license] or
341 provisional license in any municipality of this state without further
342 examination or the imposition of any additional requirements by such
343 municipality.

344 Sec. 12. Section 20-514 of the general statutes is repealed and the
345 following is substituted in lieu thereof (*Effective July 1, 2014*):

346 (a) No certification [, license, limited license] or provisional license,
347 as the case may be, shall be denied by the commission under the
348 provisions of sections 20-500 to 20-528, inclusive, as amended by this
349 act, to any applicant who has been convicted of forgery,
350 embezzlement, obtaining money under false pretenses, extortion,
351 criminal conspiracy to defraud, or other like offense or offenses, or to
352 any association or partnership of which such person is a member, or to
353 any corporation of which such person is an officer or in which as a
354 stockholder such person has or exercises a controlling interest either
355 directly or indirectly except in accordance with the provisions of
356 section 46a-80.

357 (b) No certification [, license, limited license] or provisional license,
358 as the case may be, shall be issued by the Department of Consumer
359 Protection under the provisions of sections 20-500 to 20-528, inclusive,
360 as amended by this act, to any applicant (1) whose application for a
361 certification [, license, limited license] or provisional license, as the case
362 may be, has, within one year prior to the date of the applicant's
363 application, been rejected in this state, in any other state or in the
364 District of Columbia or (2) whose certification [, license, limited
365 license] or provisional license, as the case may be, has, within one year
366 prior to the date of the applicant's application, been revoked in this
367 state, in any other state or in the District of Columbia.

368 (c) No certification [, license, limited license] or provisional license,
369 as the case may be, shall be issued under the provisions of sections 20-
370 500 to 20-528, inclusive, as amended by this act, to any person who has
371 not attained the age of eighteen years.

372 Sec. 13. Section 20-515 of the general statutes is repealed and the
373 following is substituted in lieu thereof (*Effective July 1, 2014*):

374 (a) A person who is licensed in another state as a real estate
375 appraiser may become a real estate appraiser in this state by
376 conforming to all of the provisions of sections 20-500 to 20-528,

377 inclusive, as amended by this act. The commission shall recognize a
378 current, valid certification [, license] or provisional license, as the case
379 may be, issued to a currently practicing, competent real estate
380 appraiser by another state as satisfactorily qualifying such appraiser
381 for a certification [, license] or provisional license, as the case may be,
382 as a real estate appraiser under said sections, provided: (1) The laws of
383 the state in which such appraiser is licensed allow certifications [,
384 licenses] or provisional licenses, as the case may be, to be issued to a
385 resident of this state, without examination, who is certified, licensed or
386 provisionally licensed, as the case may be, under said sections 20-500
387 to 20-528, inclusive, as amended by this act, and (2) the certification [,
388 licensing] and provisional licensing requirements of the state in which
389 such appraiser is licensed are substantially similar to or higher than
390 those of this state, including establishment of competency by written
391 examination in the case of [licensed and] certified appraisers, and such
392 appraiser has no disciplinary proceeding or unresolved complaint
393 pending against such appraiser. If the applicant is licensed in a state
394 that does not have such requirements, such applicant shall be certified
395 [, licensed] or provisionally licensed by a state in accordance with
396 Section 1116 of Title XI of FIRREA.

397 (b) Every applicant who is licensed in another state shall file an
398 irrevocable consent that suits and actions may be commenced against
399 such applicant in the proper court in any judicial district of the state in
400 which a cause of action may arise or in which the plaintiff may reside,
401 by the service of any process or pleading, authorized by the laws of
402 this state, on the chairperson of the commission, such consent
403 stipulating and agreeing that such service of such process or pleading
404 shall be taken and held in all courts to be as valid and binding as if
405 service had been made upon such applicant in this state. If any process
406 or pleadings mentioned in this chapter are served upon the
407 chairperson of the commission, it shall be by duplicate copies, one of
408 which shall be filed in the office of the commission, and the other
409 immediately forwarded by registered or certified mail, to the applicant

410 against whom such process or pleadings are directed, at the last-
411 known address of such applicant as shown by the records of the
412 commission. No default in any such proceedings or action shall be
413 taken unless it appears by affidavit of the chairperson of the
414 commission that a copy of the process or pleading was mailed to the
415 defendant as required in this subsection, and no judgment by default
416 shall be taken in any such action or proceeding within twenty days
417 after the date of mailing of such process or pleading to the out-of-state
418 defendant.

419 (c) The Commissioner of Consumer Protection, with the advice and
420 assistance of the commission, pursuant to Section 1122(a) of Title XI of
421 FIRREA, shall adopt regulations, in accordance with chapter 54, as the
422 commissioner deems necessary to effectuate certification [, licensing]
423 and provisional licensing of persons who are licensed in other states as
424 appraisers. Such certification [, licensing] and provisional licensing
425 shall be recognized on a temporary basis in this state. The fee for a
426 temporary certification [, license] or provisional license shall be one
427 hundred dollars. The temporary certification [, license] or provisional
428 license shall be effective for one hundred eighty days from issuance
429 and may be extended for one additional period not to exceed one
430 hundred eighty days for no additional fee.

431 Sec. 14. Section 20-516 of the general statutes is repealed and the
432 following is substituted in lieu thereof (*Effective July 1, 2014*):

433 (a) The Department of Consumer Protection shall issue to each
434 certified [, licensed, limited licensed] and provisional appraiser, a
435 certificate or provisional license, as the case may be, in such size and
436 form as it determines, evidencing the real estate appraiser's status.

437 (b) A fee of twenty-five dollars shall be paid to the commission for
438 the issuance of a proof of certification [, licensing, limited licensing] or
439 provisional licensing or a duplicate certification [, license, limited
440 license] or provisional license. [certificate.]

441 Sec. 15. Section 20-517 of the general statutes is repealed and the
442 following is substituted in lieu thereof (*Effective July 1, 2014*):

443 (a) There is hereby established an annual renewal certification [,
444 license, limited license] and provisional license to be issued by the
445 Department of Consumer Protection.

446 (b) The commission shall authorize the Department of Consumer
447 Protection to issue a renewal certification [, license, limited license] or
448 provisional license, as the case may be, to any applicant who possesses
449 the qualifications specified and otherwise has complied with the
450 provisions of sections 20-500 to 20-528, inclusive, as amended by this
451 act, and any regulation adopted in conformity with said sections.

452 (c) Persons certified [, licensed, limited licensed] or provisionally
453 licensed in accordance with the provisions of sections 20-500 to 20-528,
454 inclusive, as amended by this act, shall fulfill a continuing education
455 requirement. Applicants for an annual renewal certification [, license,
456 limited license] or provisional license shall, in addition to the other
457 requirements imposed by the provisions of said sections, biennially
458 within any even-numbered year submit proof of compliance with the
459 continuing education requirements of this subsection, if any, to the
460 commission, accompanied by a sixteen-dollar processing fee.

461 (d) The continuing education requirements for certified [, licensed,
462 limited licensed,] or provisionally licensed appraisers shall be satisfied
463 by successful completion of the required number of hours of classroom
464 study, during the two-year period preceding such renewal of
465 certification [, license, limited license] or provisional license as
466 provided by the commission or standards of the Appraiser
467 Qualification Board of the Appraisal Foundation, as the case may be.

468 (e) If the commission refuses to grant a renewal certification [,
469 license, limited license] or provisional license, the certificate holder [,
470 licensee, limited licensee] or provisional licensee, upon written notice
471 received as provided for in this chapter, may avail himself or herself of

472 any of the remedies provided by sections 20-511, as amended by this
473 act, and 20-520.

474 (f) The Commissioner of Consumer Protection, in consultation with
475 the commission, shall adopt regulations in accordance with the
476 provisions of chapter 54, concerning the approval of schools,
477 institutions or organizations offering courses in current real estate or
478 real estate appraisal practices and licensing laws and the content of
479 such courses. Such regulations may include, but not be limited to: (1)
480 Specifications for meeting equivalent continuing educational
481 experience or study; (2) exceptions from continuing education
482 requirements for reasons of health or instances of individual hardship.

483 Sec. 16. Section 20-518 of the general statutes is repealed and the
484 following is substituted in lieu thereof (*Effective July 1, 2014*):

485 The Department of Consumer Protection may, upon the request of
486 the commission or upon the verified complaint in writing of any
487 person, provided such complaint, or such complaint together with
488 evidence, documentary or otherwise, represented in connection with
489 such complaint, shall make out a prima facie case, investigate the
490 actions of any real estate appraiser or any person who assumes to act
491 in any of such capacities within this state. The commission shall have
492 the power temporarily to suspend or permanently to revoke any
493 certification [, license, limited license] or provisional license, as the case
494 may be, issued under the provisions of sections 20-500 to 20-528,
495 inclusive, as amended by this act, and in addition to, or in lieu of, such
496 suspension or revocation, may, in its discretion, impose a fine of not
497 more than one thousand dollars for the first offense at any time when,
498 after proceedings as provided in section 20-519, as amended by this
499 act, it finds that the certification holder [, licensee, limited licensee] or
500 provisional licensee has by false or fraudulent misrepresentation
501 obtained a certification [, license, limited license] or provisional license,
502 as the case may be, or that the certification holder [, licensee, limited
503 licensee] or provisional licensee is guilty of any of the following: (1)

504 Making any material misrepresentation; (2) making any false promise
505 of a character likely to influence, persuade or induce; (3) acting for
506 more than one party in a transaction without the knowledge of all
507 parties for whom he or she acts; (4) conviction in a court of competent
508 jurisdiction of this or any other state of forgery, embezzlement,
509 obtaining money under false pretenses, larceny, extortion, conspiracy
510 to defraud, or other like offense or offenses, provided suspension or
511 revocation under this subdivision shall be subject to the provisions of
512 section 46a-80; (5) any act or conduct [which] that constitutes
513 dishonest, fraudulent or improper dealings; (6) a violation of any
514 provision of sections 20-500 to 20-528, inclusive, or any regulation
515 adopted under said sections.

516 Sec. 17. Section 20-519 of the general statutes is repealed and the
517 following is substituted in lieu thereof (*Effective July 1, 2014*):

518 Before refusing, suspending or revoking any certification [, license,
519 limited license] or provisional license, or imposing any fine, the
520 commission shall give notice and afford an opportunity for hearing as
521 provided in the regulations adopted by the Commissioner of
522 Consumer Protection.

523 Sec. 18. Section 20-521 of the general statutes is repealed and the
524 following is substituted in lieu thereof (*Effective July 1, 2014*):

525 Any certification holder [, licensee, limited licensee] or provisional
526 licensee convicted of a violation of any of the offenses enumerated in
527 subdivision (4) of section 20-518, as amended by this act, shall incur a
528 forfeiture of his or her certification [, license, limited license] or
529 provisional license and all moneys that may have been paid for such
530 certification [, license, limited license] or provisional license. The clerk
531 of any court in which such conviction has been rendered shall forward
532 to the commission without charge a certified copy of such conviction.
533 The commission, upon the receipt of a copy of the judgment of
534 conviction, shall, not later than ten days after such receipt, notify the

535 certification holder [, licensee, limited licensee] or provisional licensee,
536 in writing, of the revocation of his or her certification [, license, limited
537 license] or provisional license, as the case may be, which notice shall be
538 conclusive of such revocation. Application for reinstatement of such
539 certification [, license, limited license] or provisional license shall be
540 subject to the provisions of section 46a-80.

541 Sec. 19. Section 20-522 of the general statutes is repealed and the
542 following is substituted in lieu thereof (*Effective July 1, 2014*):

543 Any person wilfully misrepresenting any fact required to be
544 disclosed in any application or in any other form, paper or document
545 required to be filed with the commission in connection with an
546 application for a certification [, license, tenured license] or provisional
547 license shall be fined not more than five hundred dollars or
548 imprisoned not more than six months, or both.

549 Sec. 20. Section 20-523 of the general statutes is repealed and the
550 following is substituted in lieu thereof (*Effective July 1, 2014*):

551 (a) Any person who engages in the real estate appraisal business
552 without obtaining a certification [, license, limited license] or
553 provisional license, as the case may be, as provided in sections 20-500
554 to 20-528, inclusive, as amended by this act, shall be fined not more
555 than one thousand dollars or imprisoned not more than six months or
556 both, and shall be ineligible to obtain a certification [, license, limited
557 license] or provisional license for one year from the date of conviction
558 of such offense, except the commission, in its discretion, may grant a
559 certification [, license, limited license] or provisional license, as the case
560 may be, to such person within such one-year period upon application
561 and after a hearing on such application.

562 (b) No person who is not certified [, licensed, limited licensed] or
563 provisionally licensed, as [appropriate] the case may be, by the
564 commission as a real estate appraiser shall represent himself or herself
565 as being so certified [, licensed, limited licensed] or provisionally

566 licensed or use in connection with such person's name or place of
567 business the term "real estate appraiser", "real estate appraisal",
568 "certified appraiser", "certified appraisal", "residential appraiser",
569 "residential appraisal", ["limited licensed appraiser",] "provisional
570 appraiser" or "provisional appraisal" or any words, letters,
571 abbreviations or insignia indicating or implying that such person is a
572 certified [, licensed, limited licensed] or provisionally licensed, as
573 [appropriate] the case may be, real estate appraiser in this state. Any
574 person who violates the provisions of this subsection shall be fined not
575 more than one thousand dollars or imprisoned not more than six
576 months, or both.

577 Sec. 21. Section 20-524 of the general statutes is repealed and the
578 following is substituted in lieu thereof (*Effective July 1, 2014*):

579 The commission shall submit to the Governor, as provided in
580 section 4-60, a report of its official acts under the provisions of sections
581 20-500 to 20-528, inclusive, as amended by this act. The commission
582 shall keep a record of proceedings and orders pertaining to the matters
583 under its jurisdiction and of certifications [, licenses, limited licenses]
584 or provisional licenses granted, refused, suspended or revoked by it
585 and of all reports sent to its office. The commission shall furnish
586 without charge, for official use only, certified copies of certifications,
587 [licenses, limited licenses,] provisional licenses and documents relating
588 thereto, to officials of this state or any municipality in this state, to
589 officials of any other state and to any court in this state. Any certified
590 copy of any document or record of the commission, attested as a true
591 copy by the chairman of the commission, shall be competent evidence
592 in any court of this state of the facts contained in such document or
593 record.

594 Sec. 22. Section 20-525 of the general statutes is repealed and the
595 following is substituted in lieu thereof (*Effective July 1, 2014*):

596 The Department of Consumer Protection, at the request of the

597 commission, may periodically compile and publish a bulletin
598 containing information and material relating to the commission, its
599 functions and certifications, [licenses, limited licenses,] provisional
600 licenses and other information and material relating to the real estate
601 appraisal industry [which] that might be of help and interest to
602 certificate holders, licensees [, limited licensees] or provisional
603 licensees in their service of the public. The commission may also
604 request the department to publish such information and material in
605 any established periodical published in the state if, in the opinion of
606 the commission, such form of publication would ensure the widest
607 dissemination of such information and material to certification holders,
608 licensees, [limited licensees and] provisional licensees and the public.

609 Sec. 23. Section 20-526 of the general statutes is repealed and the
610 following is substituted in lieu thereof (*Effective July 1, 2014*):

611 The provisions of sections 20-500 to 20-528, inclusive, as amended
612 by this act, concerning the certification [, licensing, limited licensing] or
613 provisional licensing of real estate appraisers shall not apply to (1) any
614 person under contract with a municipality who performs a revaluation
615 of real estate for assessment purposes pursuant to section 12-62, and
616 (2) any licensed real estate broker or real estate salesperson who
617 estimates the value of real estate as part of a market analysis
618 performed for the owner of the real estate or a designee of the owner,
619 on such terms as may be agreed upon between such owner or the
620 owner's designee and the real estate broker or real estate salesperson,
621 for the purpose of (A) a prospective listing or sale of such real estate,
622 (B) providing information to the seller or landlord under a listing
623 agreement, or (C) providing information to a prospective buyer or
624 tenant under a buyer or tenant agency agreement, provided such
625 estimate of value shall not be referred to or be construed as an
626 appraisal. If such owner executes a listing contract with the real estate
627 broker or real estate salesperson who so estimated the value of the real
628 estate for the sale of the real estate and such real estate contains any
629 building or other structure, occupied or intended to be occupied by no

630 more than four families, then such owner shall be credited against any
631 compensation the owner pays on account of such listing contract for
632 any fee paid by the owner for such estimate of value.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2014</i>	20-500
Sec. 2	<i>July 1, 2014</i>	20-501
Sec. 3	<i>July 1, 2014</i>	20-503(b)
Sec. 4	<i>July 1, 2014</i>	20-504
Sec. 5	<i>July 1, 2014</i>	20-507
Sec. 6	<i>July 1, 2014</i>	20-508
Sec. 7	<i>July 1, 2014</i>	20-509
Sec. 8	<i>July 1, 2014</i>	20-510
Sec. 9	<i>July 1, 2014</i>	20-511
Sec. 10	<i>July 1, 2014</i>	20-512
Sec. 11	<i>July 1, 2014</i>	20-513
Sec. 12	<i>July 1, 2014</i>	20-514
Sec. 13	<i>July 1, 2014</i>	20-515
Sec. 14	<i>July 1, 2014</i>	20-516
Sec. 15	<i>July 1, 2014</i>	20-517
Sec. 16	<i>July 1, 2014</i>	20-518
Sec. 17	<i>July 1, 2014</i>	20-519
Sec. 18	<i>July 1, 2014</i>	20-521
Sec. 19	<i>July 1, 2014</i>	20-522
Sec. 20	<i>July 1, 2014</i>	20-523
Sec. 21	<i>July 1, 2014</i>	20-524
Sec. 22	<i>July 1, 2014</i>	20-525
Sec. 23	<i>July 1, 2014</i>	20-526

Statement of Purpose:

To implement the recommendations of the Department of Consumer Protection's Trade Practices Real Estate Unit, as a result of a federal audit conducted by the Appraisal Subcommittee of the federal Financial Institutions Examination Council, and eliminate outdated references to limited appraisers and licensed appraisers.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]