

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Bradford**

A Bill

ACT 1270 OF 1993
SENATE BILL 670

For An Act To Be Entitled

"AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE TITLE
17, CHAPTER 51 RELATING TO LICENSING AND CERTIFICATION OF
APPRAISERS; AND FOR OTHER PURPOSES."

Subtitle

"RELATING TO LICENSING AND CERTIFICATION OF APPRAISERS."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 17-51-103(10) is amended to read as follows:

"(10) Federally related transaction means any real estate-related
financial transaction which:

(A) A financial institution, a federal financial institutions
regulatory agency, or the Resolution Trust Corporation engages in, contracts
for, or regulates; and

(B) In accordance with any federal law, rule or regulation, as the same
may be amended, requires the services of an appraiser:"

SECTION 2. Arkansas Code 17-51-104(b)(2) is amended to read as follows:

"(2) This chapter shall not apply to persons performing appraisals for
nonpublic, nonfederally related purposes, or to company foresters in the
ordinary course of their duties. *In the event licensed or certified*
appraisers perform services in these exempted activities, the appraiser shall
acknowledge within the body of his/her certification that the appraisal report
does or does not meet the Uniform Standards. Appraisers certifying that the
report does not meet the minimum standards shall not affix the seal to reports
or documents related to the appraisal or represent themselves within said
document or appraisal as being licensed or certified."

1 SECTION 3. Arkansas Code Title 17, Chapter 51, Subchapter 1 is amended
2 by adding at the end thereof a new section to read as follows:

3 "17-51-106. Absence of Liability.

4 Financial institutions or affiliates hiring the services of appraisers
5 licensed or certified by the Board in nonfederally related transactions,
6 including transactions below the federally established threshold, shall not be
7 liable to any party asserting damages due to the alleged actions of the
8 appraiser, nor shall the financial institution or affiliate be subject to any
9 requirements to report to the Board regarding such transactions other than as
10 may be required by this chapter and the regulations promulgated by the Board.
11 Nothing in this section shall be interpreted to limit the investigative or
12 subpoena powers of the Board."

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14 SECTION 4. All provisions of this act of a general and permanent nature
15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
16 Revision Commission shall incorporate the same in the Code.

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18 SECTION 5. If any provision of this act or the application thereof to
19 any person or circumstance is held invalid, such invalidity shall not affect
20 other provisions or applications of the act which can be given effect without
21 the invalid provision or application, and to this end the provisions of this
22 act are declared to be severable.

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24 SECTION 6. All laws and parts of laws in conflict with this act are
25 hereby repealed.

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/s/ Senator Bradford

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APPROVED: 4/21/93

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