

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

SENATE BILL 779

5 By: Senator Maloch
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For An Act To Be Entitled

8 AN ACT TO MAINTAIN THE ARKANSAS APPRAISER LICENSING
9 AND CERTIFICATION BOARD'S COMPLIANCE WITH THE
10 REQUIREMENTS OF THE APPRAISER QUALIFICATIONS BOARD OF
11 THE APPRAISAL FOUNDATION; TO AUTHORIZE THE ARKANSAS
12 APPRAISER LICENSING AND CERTIFICATION BOARD TO
13 CONDUCT CRIMINAL BACKGROUND CHECKS TO ENHANCE THE
14 ENFORCEMENT OF APPRAISER QUALIFICATIONS AND
15 STANDARDS; AND FOR OTHER PURPOSES.
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Subtitle

18 TO AUTHORIZE THE ARKANSAS APPRAISER
19 LICENSING AND CERTIFICATION BOARD TO
20 CONDUCT CRIMINAL BACKGROUND CHECKS TO
21 ENHANCE THE ENFORCEMENT OF APPRAISER
22 QUALIFICATIONS AND STANDARDS.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code § 17-14-203(2), concerning the powers and
29 duties of the Arkansas Appraiser Licensing and Certification Board, is
30 amended to read as follows:

31 (2)(A) Receive applications for registering, licensing, and
32 certification.

33 (B) The application shall include the applicant's consent
34 to a state criminal background check and a national fingerprint-based
35 criminal background check performed by the Federal Bureau of Investigation in
36 compliance with federal law and regulations;



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2 SECTION 2. Arkansas Code § 17-14-203(4)(A), concerning the powers and
3 duties of the Arkansas Appraiser Licensing and Certification Board, is
4 amended to read as follows:

5 (4)(A)(i) Approve and issue registration, licenses, and
6 certificates to qualified applicants or disapprove applications for
7 registering, licensing, and certification for applicants who do not meet the
8 minimum requirements as prescribed in this chapter.

9 (ii) The minimum requirements shall include a
10 determination that the applicant possesses a background that does not call
11 into question public trust or the applicant's fitness for registration,
12 licensure, or certification.

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14 SECTION 3. Arkansas Code § 17-14-203(6)(E), concerning the powers and
15 duties of the Arkansas Appraiser Licensing and Certification Board, is
16 amended to read as follows:

17 (E)(i) Every application for registering, licensing, and
18 certification shall be accompanied by an application and examination fee, as
19 applicable, and a criminal background check fee that the Arkansas Appraiser
20 Licensing and Certification Board may establish by ~~regulation~~ rule.

21 (ii) However, the Arkansas Appraiser Licensing and
22 Certification Board, at its discretion, may direct each applicant to pay the
23 actual cost of the examination fee directly to a testing service engaged by
24 the Arkansas Appraiser Licensing and Certification Board to administer the
25 examination.

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27 SECTION 4. Arkansas Code § 17-14-203(6)(G), concerning the powers and
28 duties of the Arkansas Appraiser Licensing and Certification Board, is
29 amended to read as follows:

30 (G) The total annual resident registering, licensing,
31 certification, and application fees established by the Arkansas Appraiser
32 Licensing and Certification Board shall not exceed three hundred dollars
33 (\$300), excluding fees for:

34 (i) applicable Applicable examination and federal
35 pass-through fees; and

36 (ii) Criminal background check fees.

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2 SECTION 5. Arkansas Code § 17-14-203, concerning the powers and duties
3 of the Arkansas Appraiser Licensing and Certification Board, is amended to
4 add an additional subdivision to read as follows:

5 (12)(A) Obtain a state criminal background check performed by
6 the Identification Bureau of the Department of Arkansas State Police and a
7 national fingerprint-based criminal background check performed by the Federal
8 Bureau of Investigation in compliance with federal law and regulations for
9 all applicants for a real property appraiser registration, license, or
10 certification to determine if the applicant possesses a background that does
11 not call into question public trust or the applicant's fitness for
12 registration, licensure, or certification.

13 (B) An applicant shall provide all information requested
14 by the Arkansas Appraiser Licensing and Certification Board to assist making
15 the determination.

16 (C) Factors to consider in making the determination
17 include without limitation whether the applicant:

18 (i) During the five (5) years immediately preceding
19 the date of the application was convicted of, or pled guilty or nolo
20 contendere to, a crime that would call into question the applicant's fitness
21 for registration, licensure, or certification, including without limitation a
22 crime involving:

23 (a) Moral turpitude;

24 (b)(1) An act substantially related to the
25 qualifications, functions, or duties of an appraiser.

26 (2) A crime or act may be deemed
27 substantially related to the qualifications, functions, or duties of an
28 appraiser if, to a substantial degree, the crime or act evidences present or
29 potential unfitness of a person applying for or holding a real property
30 appraiser credential to perform the functions authorized by the credential;

31 (c) Taking, appropriating, or retaining the
32 funds or property of another;

33 (d) Forging, counterfeiting, or altering an
34 instrument affecting the rights or obligations of another;

35 (e) Evasion of a lawful debt or obligation,
36 including without limitation a tax obligation;

- 1 (f) Trafficking in narcotics or controlled
2 substances;
- 3 (g) Violation of a relation of trust or
4 confidence;
- 5 (h) Theft of personal property or funds;
6 (i) An act of violence or threatened violence
7 against persons or property; or
- 8 (j) A sexually related crime or act under § 5-
9 14-101, et seq.;
- 10 (ii) Has had an appraiser registration, license,
11 certification, or credential of any type revoked in any governmental
12 jurisdiction;
- 13 (iii) Performed any act which if done by an
14 appraiser would be grounds to revoke or suspend the appraiser's license or
15 certification;
- 16 (iv) Knowingly made a false statement of material
17 fact required to be disclosed in an application for any professional license
18 or certification;
- 19 (v) Has been prohibited from participating in the
20 affairs of an insured depository institution under Section 19(a) of the
21 Federal Deposit Insurance Act, 12 U.S.C. § 1829;
- 22 (vi) Misrepresented facts or information on the
23 appraiser registration, license, or certification application; or
- 24 (vii) Cheated on an examination for a real property
25 appraiser registration, license, or certification.

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27 SECTION 6. EFFECTIVE DATE. This act is effective on and after January
28 1, 2017.

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31 **APPROVED: 04/06/2015**

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