

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009

# A Bill

HOUSE BILL 1500

4  
5 By: Representative G. Smith  
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## For An Act To Be Entitled

8  
9 AN ACT TO INCREASE PENALTIES UNDER THE ARKANSAS  
10 APPRAISER LICENSING AND CERTIFICATION ACT; TO  
11 PROHIBIT IMPROPERLY INFLUENCING AN APPRAISER; AND  
12 FOR OTHER PURPOSES.  
13

## Subtitle

14  
15 TO INCREASE PENALTIES UNDER THE ARKANSAS  
16 APPRAISER LICENSING AND CERTIFICATION  
17 ACT AND TO PROHIBIT IMPROPERLY  
18 INFLUENCING AN APPRAISER.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 17-14-308 is amended to read as follows:

25 17-14-308. Violation of law – Civil penalties, injunctions, venue.

26 (a)(1) It is unlawful for ~~any a~~ a person not registered, licensed, or  
27 certified under this chapter to perform ~~any an~~ an act or advertise to perform an  
28 act for which registration, licensure, or certification is required.

29 (2) ~~Any person acting as an appraiser within the meaning of this~~  
30 ~~chapter without an appraiser classification and any person who violates any~~  
31 ~~other provision of this chapter shall be guilty of a misdemeanor. A person is~~  
32 guilty of a Class A misdemeanor if the person:

33 (A) Acts as an appraiser within the meaning of this  
34 chapter without an appraiser classification;

35 (B)(i) With an interest in a real estate transaction  
36 involving an appraisal, improperly influences or attempts to improperly



1 influence the development, reporting, result, or review of a real estate  
2 appraisal through intimidation, coercion, extortion, bribery, blackmail,  
3 threat of nonpayment or withholding payment for services, or threat of  
4 exclusion from future appraisal work.

5 (ii) Subdivision (a)(2)(B)(i) of this section does  
6 not prohibit a person from:

7 (a) Requesting an appraiser to:

8 (1) Consider additional information  
9 concerning the real estate appraisal;

10 (2) Provide further detail,  
11 substantiation, or explanation for the appraiser's value conclusion; or

12 (3) Correct errors in the appraisal  
13 report; or

14 (b) Withholding payment for an appraisal based  
15 upon a bona fide dispute concerning the appraiser's compliance with the  
16 appraisal standards adopted by the Arkansas Appraiser Licensing and  
17 Certification Board under this chapter.

18 (iii) A violation of this subdivision (a)(2)(B) is a  
19 ground for discipline against a person holding a license, certificate, or  
20 registration under this chapter or any other law of this state if the  
21 practice of the profession, occupation, or business regulated in connection  
22 with the license, certificate, or registration relates to real estate  
23 transactions or the financing of loans secured by real estate; or

24 (C) Violates any other provision of this chapter.

25 ~~(b)(1) Upon application by the Arkansas Appraiser Licensing and~~  
26 ~~Certification Board board,~~ a court may grant an injunction, restraining  
27 order, or other order as may be appropriate to enjoin a person from:

28 (A) Offering to engage or engaging in the performance of  
29 any acts or practices for which a registration, certificate, or license is  
30 required by the Arkansas Appraiser Licensing and Certification Act, § 17-14-  
31 101 et seq., upon a showing that the acts or practices were performed or  
32 offered to be performed without a registration, license, or certificate; ~~or~~

33 (B) Engaging in any practice or business authorized by a  
34 certificate, license, or registration issued ~~pursuant to~~ under the Arkansas  
35 Appraiser Licensing and Certification Act, § 17-14-101 et seq., upon a  
36 showing that the holder of the certificate, license, or registration presents

1 a substantial probability of serious danger to the health, safety, or welfare  
2 of any resident of this state or client of the certificate holder or  
3 licensee; or

4 (C) Violating subdivision (a)(2) of this section.

5 (2) Any person co-signing an appraisal with a state-registered,  
6 state-licensed, or state-certified appraiser becomes subject to the  
7 provisions of this chapter.

8 (c) ~~Any~~ An action brought ~~pursuant to~~ under this section shall be  
9 commenced in the county in which the conduct occurred, in the county in which  
10 the defendant resides, or in Pulaski County.

11 (d) ~~Any actions~~ An action brought under this section shall be in  
12 addition to and not in lieu of any penalty provided by § 17-14-206 and may be  
13 brought concurrently with any other ~~actions~~ action to enforce the provisions  
14 of this chapter.

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