

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
4

As Engrossed: H2/26/09

A Bill

HOUSE BILL 1500

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

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

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

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

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

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

30 (B) Engaging in any practice or business authorized by a
31 certificate, license, or registration issued ~~pursuant to~~ under the Arkansas
32 Appraiser Licensing and Certification Act, § 17-14-101 et seq., upon a
33 showing that the holder of the certificate, license, or registration presents
34 a substantial probability of serious danger to the health, safety, or welfare
35 of any resident of this state or client of the certificate holder or
36 licensee; or

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

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

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

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

/s/ G. Smith