1	State of Arkansas	A Bill	
2 3	95th General Assembly Regular Session, 2025		SENATE BILL 443
4	Regular Session, 2023		SEIVALE DIEL 443
5	By: Senator J. Bryant		
6	By: Representative Rose		
7	2)		
8		For An Act To Be Entitled	
9	AN ACT TO	AMEND THE DUTIES OF THE STATE BOARD OF	
10	APPRAISER	S, ABSTRACTERS, AND HOME INSPECTORS; TO	
11	AMEND THE	LAW REGARDING LICENSURE OF ABSTRACTERS;	ТО
12	AMEND THE	LAW REGARDING LICENSURE OF HOME INSPECTO	RS;
13	TO DECLAR	E AN EMERGENCY; AND FOR OTHER PURPOSES.	
14			
15			
16		Subtitle	
17	TO A	AMEND THE DUTIES OF THE STATE BOARD	
18	OF A	APPRAISERS, ABSTRACTERS, AND HOME	
19	INSI	PECTORS; TO AMEND THE LAW REGARDING	
20	LICI	ENSURE OF ABSTRACTERS; TO AMEND THE	
21	LAW	REGARDING LICENSURE OF HOME	
22	INSI	PECTORS; AND TO DECLARE AN EMERGENCY.	
23			
24	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF ARKANSAS	:
25			
26		ansas Code § 17-11-301 is amended to read	as follows:
27		tificate of registration required.	
28		eerson, firm, or private corporation engag	
29		ng in one (1) county only, shall be or ha	ve in its
30	employ a registered a		
31		y person, firm, or private corporation en	
32		ng in more than one (1) county in this st	
33	-	stered abstracter for each county in whic	h it maintains
34	an abstract office.		
35	-	shall execute an abstract certificate or	
36	attest to the accurac	y of abstracts unless the person is a reg	istered



1 abstracter as defined in this chapter.

2 (c)(1) Each person engaged in the business of abstracting who is a
3 registered abstracter may fulfill the requirements of subsection (a) of this
4 section in one (1) county only.
5 (2) No registered abstracter may fulfill the requirements of
6 subsection (a) of this section for more than one (1) county or more than one
7 (1) company at any one (1) time.
8
9 SECTION 2. Arkansas Code § 17-11-302(d), concerning an application for

(d) Thereupon the board shall notify the applicant of the time and
place of the next scheduled examination, and notice of the examination shall
be given to the applicant by mail <u>or email</u>.

to become a registered abstracter, is amended to read as follows:

14

10

15 SECTION 3. Arkansas Code § 17-11-305(d), concerning a temporary 16 certificate of registration as an abstracter, is amended to read as follows: 17 (d) The board shall notify the applicant by mail <u>or email</u> of the time 18 and place of the examination.

19

20 SECTION 4. Arkansas Code § 17-11-322(c), concerning renewal notice for 21 a certificate of registration as an abstracter, is amended to read as 22 follows:

(c)(1)(A) No more than sixty (60) days nor less than thirty (30) days before the expiration date of the certificate issued, the board shall cause a notice of expiration and application for renewal to be mailed or electronically mailed to each of the holders of the certificates.

27 (B) The notice and application shall be in a form prepared28 by the board.

(2) Upon determination by the board of the applicant's
compliance with this chapter, a renewal certificate of authority shall be
issued to the applicant.

32

33 SECTION 5. Arkansas Code § 17-11-322(d)(1), concerning failure to 34 renew a certificate of registration as an abstracter, is amended to read as 35 follows:

36 (d)(l)(A) If a holder of a certificate of authority fails to apply for

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1
    renewal of his or her authority and to pay the fee provided therefor, the
 2
    board shall cause to be mailed or emailed to the holder a notice that his or
3
    her certificate has expired and is no longer valid authority for the person
4
     to engage in the business of abstracting.
5
                           The notice shall be mailed or emailed not more than
                       (B)
6
    thirty (30) days following the certificate expiration date.
7
                       (C)
                           The holder shall be granted an additional period of
8
    sixty (60) days from the date of mailing the notice within which to file his
9
    or her application for renewal.
10
           SECTION 6. Arkansas Code § 17-11-342 is repealed.
11
12
          17-11-342. Seal.
13
          Any licensee under this chapter shall provide a seal, which shall have
14
    stamped on the license the name of the licensee, and shall deposit with the
    State Board of Appraisers, Abstracters, and Home Inspectors an impression of
15
    the seal and the names of all persons authorized to sign certificates to
16
17
    abstracts on behalf of the licensee.
18
19
           SECTION 7. Arkansas Code § 17-11-343 is repealed.
20
          17-11-343. Abstract as evidence.
21
          An abstract or photostat or verbatim copy of any public record, where
22
    certified by and impressed with the official seal of any licensed abstracter,
23
    shall be admissible in evidence, if otherwise admissible, on behalf of any
    party litigant in any court in the State of Arkansas and shall be prima facie
24
25
    evidence of the facts recited therein.
26
27
           SECTION 8. Arkansas Code § 17-11-404 is repealed.
          17-11-404. Investigations - Independent or private investigator.
28
29
          (a) A member of the State Board of Appraisers, Abstracters, and Home
30
    Inspectors shall not:
31
                 (1) Act as an investigator on a matter before the board; or
32
                 (2) Perform any investigative task or work required by the
    board.
33
34
          (b)(1)(A) The board shall contract an independent investigator or
35
    private investigator to perform any investigative task or work as needed or
36
    as required by law.
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1	(B) An independent investigator or private investigator
2	contracted under subdivision (b)(1)(A) of this section shall have expertise
3	or background in the subject matter in which he or she is being contracted to
4	investigate.
5	(2) An appropriation made available for professional fees in the
6	board's Operations appropriation act shall be made available to the board for
7	the purpose of contracting under subdivision (b)(1) of this section.
8	(c)(l) The board shall file a report annually on or before December l
9	with the Senate Committee on State Agencies and Covernmental Affairs and the
10	House Committee on State Agencies and Governmental Affairs for the Senate
11	Committee on State Agencies and Covernmental Affairs' and the House Committee
12	on State Agencies and Governmental Affairs' review.
13	(2) The report shall include:
14	(A) The number of complaints that have been filed;
15	(B) A list of who has been investigated and the purported
16	violation; and
17	(C) A summary of the findings of each investigation.
18	
19	SECTION 9. Arkansas Code § 17-14-103(17), concerning definitions
20	pertaining to appraisers, is amended to read as follows:
21	(17) (A) "Real estate appraisal" means an unbiased estimate of
22	the nature, quality, value, or utility of an interest in, or aspect of,
23	identified real estate and related personalty-;
24	(B)(i) A real estate appraisal may be classified by
25	subject matter into either a valuation or an evaluation.
26	(ii) Valuation is the process of estimating the
27	market value, investment value, insurable value, or other properly defined
28	value of an identified interest or interests in a specific parcel or parcels
29	of real estate as of a given date.
30	(iii) Evaluation or analysis is the study of the
31	nature, quality, or utility of a parcel of real estate, or interests in or
32	aspects of real property, in which a value estimate is not necessarily
33	required, i.e., a study of real estate or real property other than estimating
34	value;
35	
36	SECTION 10. Arkansas Code § 17-14-201(a)(3), concerning the

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    composition of the State Board of Appraisers, Abstracters, and Home
2
    Inspectors, is amended to read as follows;
3
                 (3) One (1) senior and consumer representative;
 4
5
           SECTION 11. Arkansas Code § 17-14-201(b)(2), concerning the composition
6
    of the State Board of Appraisers, Abstracters, and Home Inspectors, is
7
    repealed.
8
                 (2) At least four (4) real estate appraiser members appointed to
9
    the board shall be members in good standing of:
10
                       (\Lambda) A state or regional chapter of a nationally recognized
    real estate appraisal organization that requires an individual to have
11
12
    qualified appraisal experience, education, and testing in order to become a
13
    designated member and to adhere to standards of professional practice in
14
    order to retain such a designation; or
15
                       (B) The Association of Consulting Foresters of America,
16
    Inc., Arkansas Chapter.
17
18
           SECTION 12. Arkansas Code § 17-14-203(6)(E)(i), the powers and duties
19
    of the State Board of Appraisers, Abstracters, and Home Inspectors, is
20
     amended to read as follows:
21
                 (E)(i) Every applicant for registering, licensing, and
22
    certifying shall be accompanied by an application fee and a criminal
23
    background check fee that the State Board of Appraisers, Abstracters, and
24
    Home Inspectors may establish by rule.
25
26
           SECTION 13. Arkansas Code § 17-14-205(b), concerning disciplinary
27
    hearings conducted by the State Board of Appraisers, Abstracters, and Home
28
    Inspectors, is repealed.
29
           (b) Disciplinary hearings conducted by the board for the purpose of
30
    determining whether to levy civil penalties under the Arkansas Appraiser
    Licensing and Certification Act, § 17-14-101 et seg., § 17-14-201 et seg.,
31
32
    and § 17-14-301 et seq., and for the purpose of determining whether to revoke
33
    or suspend any registration, license, or certificate issued under the
34
    Arkansas Appraiser Licensing and Certification Act, § 17-14-101 et seq., §
    17-14-201 et seq., and § 17-14-301 et seq., shall not be deemed open public
35
36
    meetings but shall be executive sessions conducted as provided for in the
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Freedom of Information Act of 1967, § 25-19-101 et seq.

2

3 SECTION 14. Arkansas Code § 17-14-206(a)(3), concerning disciplinary 4 action of the State Board of Appraisers, Abstracters, and Home Inspectors, is 5 amended to add an additional subdivision to read as follows:

6 (3) <u>Conviction of or pleading guilty or nolo contendere to any</u>
7 <u>offense listed under § 17-3-102 or § 17-14-203(12)(C) unless the person</u>
8 requests and the board approves a waiver under § 17-3-102(b).

9

SECTION 15. Arkansas Code § 17-14-305 is amended to read as follows:
 17-14-305. Compliance with uniform standards and code of ethics –
 Seals – Licensing and certification documents.

1 0

13 (a)(1) Each state-registered appraiser, each state-licensed appraiser, 14 each registered apprentice appraiser, and each state-certified appraiser 15 shall comply with the Uniform Standards of Professional Appraisal Practice 16 and code of ethics adopted by the State Board of Appraisers, Abstracters, and 17 Home Inspectors and shall authenticate all written appraisal reports with a 18 seal that shall indicate the registration, license, or certification number 19 <u>of the appraiser</u>.

20 (2)(b) The seal and number shall also be used in all statements 21 of qualifications, contracts, or other instruments used by the registration, 22 license, or certificate holder when reference is made to his or her status as 23 a state-registered appraiser, state-licensed appraiser, registered apprentice 24 appraiser, or state-certified appraiser.

25 (b) Registration, license, and certificate documents, licenses, certificates, seals, and pocket cards shall remain the property of the state, 26 27 and, upon any suspension, revocation, or other termination of a registration, 28 license, or certification under the Arkansas Appraiser Licensing and 29 Certification Act, § 17-14-101 et seq., § 17-14-201 et seq., and § 17-14-301 et seq., the individual holding the related documents shall immediately 30 31 return the documents to the board. 32 SECTION 16. Arkansas Code § 17-14-409(a)(1), concerning the registry 33 34 of applicants for appraisers, is amended to read as follows:

35 (a)(1) The Executive Director of the State Board of Appraisers,
36 Abstracters, and Home Inspectors shall keep a register of all applicants for

1 registration. 2 SECTION 17. Arkansas Code § 17-52-303(8), concerning definitions 3 4 pertaining to home inspectors, is amended to read as follows: 5 "Residential unit" means any dwelling from one (1) to four (4) (8) 6 units in design intended principally for residential purposes by one (1) or 7 more persons a structure consisting of at least one (1) but no more than four 8 (4) units designed for occupancy by a single family that is occupied or 9 unoccupied. 10 SECTION 18. Arkansas Code § 17-52-306 is amended to read as follows: 11 12 17-52-306. Powers and duties of board. 13 The State Board of Appraisers, Abstracters, and Home Inspectors may: 14 (1) Perform the duties and functions appropriate and necessary to 15 carry out the provisions of this subchapter; 16 (2) Review, approve, or reject registration applications and issue 17 registration certificates to applicants; 18 (3) Establish a mandatory continuing education program designed to 19 upgrade the professional skills and knowledge of home inspectors practicing 20 in Arkansas; 21 (4)(A) Establish administrative procedures for disciplinary 22 proceedings conducted according to the provisions for this subchapter. 23 (B) The procedures shall include provisions for the suspension 24 and revocation of registration and enforcement of civil penalties; 25 (5) Establish procedures for processing and resolving complaints 26 against home inspectors conducting home inspections in Arkansas; 27 (6) Authorize disbursement of the funds collected into the Arkansas 28 Home Inspectors Registration Fund; 29 (7) Employ legal counsel to represent it in any proceedings when legal 30 counsel is required; 31 (8) Develop competency exams for home inspectors; 32 (9)(7) Establish a standard of practice and code of ethics for home 33 inspectors; 34 (10)(8) Enter into agreements with other states, territories, 35 districts, or possessions of the United States concerning registration or 36 licensing requirements acceptable between Arkansas and the other entities;

1 (11)(9) Maintain working files as it deems necessary; 2 (12) Contract for administrative support services and meet financial obligations of those contracts using moneys from the fund; 3 4 (13)(A)(10)(A) Develop and implement a means for conducting internet 5 board meetings, which may be observed by the public in real time. 6 (B) Public participation in the meetings may be permitted in 7 accordance with rules developed by the board; 8 (14)(11) Establish and maintain a website devoted to home inspection 9 registration and related subjects; and 10 (15) [Repealed.] (16) (12) Establish educational requirements for registration to begin 11 12 after July 1, 2004, including the standards and procedures for approval of 13 educational programs if the maximum number of hours required shall not exceed 14 ninety (90) classroom hours. 15 SECTION 19. Arkansas Code § 17-52-307 is amended to read as follows: 16 17 17-52-307. Hearings - Review - Access to records. 18 (a) As part of an investigation or as a condition of renewal, the 19 State Board of Appraisers, Abstracters, and Home Inspectors may require a 20 home inspector to submit in writing home inspection reports and other 21 documents to be reviewed by the board. 22 (b) Requests by the board for copies of home inspection reports shall 23 supersede any contract of client privacy or confidentiality whether written 24 or oral. 25 (c) Any documents submitted to the board as part of an investigation shall: 26 27 (1) Be considered as confidential documents; (2) Be used only for the purpose for which they are requested; 28 29 (3) Not be available for public viewing; 30 (4) Not become part of any official file; and (5) Not be revealed to any nonboard members. 31 32 (d) When the action for which they were requested is completed by the board, the documents shall be returned to the home inspector at his or her 33 34 own expense or destroyed if the home inspector requests that the documents be 35 destroyed. 36 (e)(c) In fulfilling its duties under this subchapter, the board shall

1 comply with the Arkansas Administrative Procedure Act, § 25-15-201 et seq., 2 and any person aggrieved by any rule or other actions of the board for which 3 an appeal is not provided for in the Arkansas Administrative Procedure Act, § 4 25-15-201 et seq., may appeal to the Pulaski County Circuit Court. 5 (f) All work papers submitted to the board for action on complaints 6 and disciplinary procedures under this subchapter shall not be deemed public 7 records under the Freedom of Information Act of 1967, § 25-19-101 et seq. 8 9 SECTION 20. Arkansas Code § 17-52-310(e)(1), concerning continuing 10 education for home inspectors, is amended to read as follows: (e)(1) Failure to complete continuing education requirements shall may 11 12 result in suspension of the home inspector's registration. 13 14 SECTION 21. Arkansas Code § 17-52-311 is amended to read as follows: 15 17-52-311. Custodian of records. 16 (a)(1) The Executive Director of the State Board of Appraisers, 17 Abstracters, and Home Inspectors shall be the custodian of permanent, 18 official, home inspector registration files and shall maintain permanent 19 records of all home inspector registration applications received since the 20 enactment of this subchapter. 21 (2) The executive director shall maintain the permanent records 22 of the State Board of Appraisers, Abstracters, and Home Inspectors. 23 (b) The executive director shall receive and process applications for 24 initial registration and renewal of registration. 25 26 SECTION 22. Arkansas Code § 17-52-312 is amended to read as follows: 27 17-52-312. Fund. 28 (a) There is created in the State Treasury a fund to be known as the 29 "Arkansas Home Inspectors Registration Fund" "State Board of Appraisers, 30 Abstracters, and Home Inspectors Fund". 31 (b) All funds, fees, charges, costs, and collections accruing to or 32 collected under the provisions of this subchapter shall be deposited into the State Treasury to the credit of this fund. 33 34 (c) The funds shall be used for the purposes as specified in this 35 subchapter. 36 (d)(1) Except as provided in subdivision (d)(2) of this section,

1	effective with the 2003 registration and under the provisions of this
2	subchapter, all funds, fees, charges, costs, and collections accruing to or
3	collected by the Secretary of the Department of Labor and Licensing shall be
4	deposited quarterly into the fund.
5	(2) [Repealed.]
6	(e) The State Board of Appraisers, Abstracters, and Home Inspectors
7	will process disbursements of those funds as necessary in the administration
8	of this subchapter.
9	
10	SECTION 23. Arkansas Code § 17-52-313 is amended to read as follows:
11	17-52-313. Disposition of funds.
12	(a)(l) The Executive Director of the State Board of Appraisers,
13	Abstracters, and Home Inspectors shall receive, disburse, and account for all
14	income paid to or received by the State Board of Appraisers, Abstracters, and
15	Home Inspectors.
16	(2) The executive director shall institute a system of books and
17	financial records satisfactory to the Secretary of the Department of Finance
18	and Administration.
19	(3)(A) All fees collected on behalf of the board and all
20	receipts of every kind and nature shall be paid into the State Treasury and
21	shall be credited to the Arkansas Home Inspectors Registration Fund <u>State</u>
22	Board of Appraisers, Abstracters, and Home Inspectors Fund.
23	(B) The Arkansas Home Inspectors Registration Fund <u>State</u>
24	Board of Appraisers, Abstracters, and Home Inspectors Fund shall be for the
25	general uses of the board, and out of it shall be paid all salaries and all
26	other expenses necessarily incurred in carrying into effect the provisions of
27	this subchapter.
28	(C) Expenditures from the Arkansas Home Inspectors
29	Registration Fund State Board of Appraisers, Abstracters, and Home Inspectors
30	$\underline{\mathrm{Fund}}$ shall be substantiated by vouchers and itemized statements at the end of
31	each fiscal year or at any other time when demand is made by the Department
32	of Finance and Administration.
33	(4) The executive director shall deposit all funds of the board
34	that he or she receives with the State Treasury within forty-eight (48)
35	hours, excluding holidays and Sundays, after he or she receives the funds.
36	(b) All fines collected for the violation of any provisions of this

subchapter shall be paid over to the board to be used by it in the same 2 manner as funds received for the issuance of registration. 3 (c) The total amount of warrants issued by the board or Auditor of 4 State in payment of the expenses and compensation provided in this subchapter 5 shall not exceed the amount of the application, registration, and other fees 6 collected. 7 (d)(1) Any surplus funds at the end of the fiscal year may be retained 8 by the board for future expenditures. 9 (2) The board shall not be required to pay any surplus into the 10 General Revenue Fund Account of the State Apportionment Fund. 11 12 SECTION 24. Arkansas Code § 17-52-315(a)(1), concerning an application 13 for registration as a home inspector, is amended to read as follows: 14 (1) An application under oath upon a form to be prescribed by 15 the board; 16 17 SECTION 25. Arkansas Code § 17-52-316(d), concerning registration and 18 renewal fees set by the State Board of Appraisers, Abstracters, and Home 19 Inspectors concerning home inspectors, is amended to read as follows: 20 (d) Other fees authorized to be assessed by the board are: 21 (1) Delinquent renewal Late fees not to exceed the amount of the 22 renewal fee for one year; and 23 (2) Home inspector training or continuing education provider 24 fees as follows: 25 Initial qualifying fees not to exceed two hundred (A) 26 dollars (\$200); 27 Annual renewal fees not to exceed two hundred dollars (B) 28 (\$200); and 29 (C) Additional course filing fees not to exceed twenty-30 five dollars (\$25.00); 31 (3) Duplicate registration fees not to exceed twenty-five 32 dollars (\$25.00); (4) Returned check fees not to exceed twenty-five dollars 33 (\$25.00); and 34 35 (5) Change-of-address fees not to exceed twenty-five dollars 36 (\$25.00).

1

4 (a)(1) Certificates of registration shall be issued by the State Board
5 of Appraisers, Abstracters, and Home Inspectors to an applicant after
6 compliance with the registration or renewal requirements of this subchapter.

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3

(2) Certificates shall be consecutively numbered.

8 (b) When registration is renewed, that person's registration number9 shall be perpetuated.

10 (c) Certificates of registration of a home inspector shall be issued 11 for a period of at least one (1) year and shall expire at the end of a period 12 of up to three (3) years, as may be set by the board expire annually on 13 December 31.

(d) Notices of upcoming registration expiration and a reminder to
renew shall be mailed <u>or emailed</u> to registered home inspectors no more than
sixty (60) days and no less than forty-five (45) days before the expiration
date of the applicant's registration.

18

SECTION 27. Arkansas Code § 17-52-320 is amended to read as follows:
17-52-320. Limitations.

21 (a) Any cause of action to recover damages suffered by a consumer as a 22 result of any act or omission of a home inspector relating to a home 23 inspection report must be commenced within one (1) year three (3) years from 24 the date the home inspection report is completed.

25 (b) Disciplinary action taken against a home inspector by the State
26 Board of Appraisers, Abstracters, and Home Inspectors shall not in and of
27 itself be the basis for civil or criminal action.

28

29 SECTION 28. Arkansas Code § 19-6-301(93), concerning the abstracter's 30 examining licenses and fees, is repealed.

31 (93) Abstracter's examining licenses and fees, as enacted by
 32 Acts 1969, No. 109, as amended, known as the "Abstracters' Licensing Law of
 33 1969", § 17-11-101 et seq.;

34

35 SECTION 29. Arkansas Code § 19-6-415 is repealed.

36 19-6-415. Arkansas Abstracters' Board Fund.

1	The Arkansas Abstracters' Board Fund shall consist of those special
2	revenues as specified in § 19-6-301(93), there to be used for the
3	maintenance, operation, and improvement of the State Board of Appraisers,
4	Abstracters, and Home Inspectors.
5	
6	SECTION 30. DO NOT CODIFY. Abolition of the Arkansas Abstracters'
7	Board Fund.
8	The Arkansas Abstracters' Board Fund is abolished, and all funds are
9	transferred to the State Board of Appraisers, Abstracters, and Home
10	Inspectors Fund.
11	
12	SECTION 31. DO NOT CODIFY. <u>Abolition of the Arkansas Home Inspectors</u>
13	Registration Fund.
14	The Arkansas Home Inspectors Registration Fund is abolished, and all
15	funds are transferred to the State Board of Appraisers, Abstracters, and Home
16	Inspectors Fund.
17	
18	SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
19	General Assembly of the State of Arkansas that the State Board of Appraisers,
20	Abstracters, and Home Inspectors preserves the public peace, health, and
21	safety by providing needed funds and services for Arkansas; that this act
22	provides for the abolition and transfer of the Arkansas Abstracters' Board
23	Fund and the Arkansas Home Inspectors Registration Fund to the State Board of
24	Appraisers, Abstracters, and Home Inspectors Fund; and that this act should
25	become effective on July 1, 2025, to coincide with the appropriation bill of
26	the State Board of Appraisers, Abstracters, and Home Inspectors and ensure
27	that the State Board of Appraisers, Abstracters, and Home Inspectors
28	continues to provide its vital services as the transfer is implemented and
29	does not experience any issues with funding under the transfer. Therefore, an
30	emergency is declared to exist, and this act being necessary for the
31	preservation of the public peace, health, and safety shall become effective
32	<u>on July 1, 2025.</u>
33	
34	
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36	