

SENATE BILL NO. 367

BY SENATOR HENRY

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 37:3392, 3392(8) and (12) through  
3 (14), 3393(A) through (E), (G), the introductory paragraph of 3393(I), 3393(J)  
4 through (L), 3394(B)(1)(b) and (c) and (B)(2), 3395(A)(1), (2), (4), (C) and (D),  
5 3396(A), 3397, 3398(A), 3405, 3408(A), (B), the introductory paragraph of 3408(D),  
6 and 3408(F), the introductory paragraph of 3409(A), 3409(A)(6), (B)(2) and (3),  
7 (C)(2), (D), the introductory paragraph of 3409(E) and 3409(F), 3410, and 3411, to  
8 enact R.S. 37:3392 (15) through (27) and 3399, and to repeal R.S. 37:3392(11) and  
9 3397.1, relative to the Louisiana Real Estate Appraisers Board; to provide for  
10 definitions; to provide relative to real estate appraisers; to provide relative to real  
11 estate appraisers board; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. The introductory paragraph of R.S. 37:3392, 3392(8) and (12) through  
14 (14), 3393(A) through (E), (G), the introductory paragraph of 3393(I), 3393(J) through (L),  
15 3394(B)(1)(b) and (c) and (B)(2), 3395(A)(1), (2), (4), (C), and (D), 3396(A), 3397,  
16 3398(A), 3405, 3408(A), (B), the introductory paragraph of 3408(D), and 3408(F), the  
17 introductory paragraph of 3409(A), 3409(A)(6), (B)(2) and (3), (C)(2), (D), the introductory  
18 paragraph of 3409(E), and 3409(F), 3410, and 3411, are hereby amended and reenacted and  
19 R.S. 37:3392 (15) through (27) and 3399 are hereby enacted to read as follows:

20 §3392. Definitions

21 As used in this Chapter, the following words have the meaning ascribed to  
22 them in this Section ~~unless the context clearly indicates otherwise:~~

23 \* \* \*

24 (8) "~~General certified real estate~~ **Certified general** appraiser" means a **any**  
25 person ~~who holds a current, valid license issued to him~~ **licensed** by the board ~~for~~  
26 appraisal of **to appraise** all types of real estate regardless of complexity or

1 transaction value.

2 \* \* \*

3 (12) ~~"Real estate appraiser trainee"~~ **"Trainee appraiser"** means any person  
 4 ~~who has been issued a license~~ **registered** by the board **and authorized** to appraise  
 5 properties under the supervision of a licensed general real estate appraiser or  
 6 residential real estate appraiser.

7 (13) "Real property" **or "real estate" means** ~~one or more defined interests~~  
 8 ~~in a parcel of real estate, whether an unencumbered fee or a lesser estate~~ **immovable**  
 9 **property, as defined by Civil Code Article 462 et seq.**

10 (14)(a) ~~"Residential certified real estate~~ **Certified residential** appraiser"  
 11 means any person who holds a current, valid license issued **licensed** by the board to  
 12 appraise **the following:** ~~one to four residential units, without regard to transaction~~  
 13 ~~value or complexity, and perform appraisals of other types of real estate having a~~  
 14 ~~transaction value of two hundred fifty thousand dollars or less. This includes the~~  
 15 ~~appraisal of vacant or unimproved land that is utilized for one to four family~~  
 16 ~~residential units.~~

17 **(i) One to four residential units without regard to value or complexity.**

18 **(ii) All other real or immovable property, which is the subject of an**  
 19 **appraisal involving or having a market value of five hundred thousand dollars**  
 20 **or less.**

21 **(iii) The authority of a "certified residential appraiser" includes but is**  
 22 **not limited to the authority to appraise vacant or unimproved land utilized for**  
 23 **the purposes of one to four family residential units or for which the highest and**  
 24 **best use is for one to four family residential units; however, such authority shall**  
 25 **not include the authority to appraise any subdivision for which a development**  
 26 **analysis or development appraisal is necessary.**

27 **(15) "Licensed residential appraiser" means any person licensed by the**  
 28 **board whose authority to appraise real property is limited to the appraisal of**  
 29 **noncomplex one to four residential units having a transaction value of less than**  
 30 **one million dollars and of complex one to four residential units having a**

1 transaction value of less than four hundred thousand dollars in accordance with  
2 the Real Property Appraiser Qualification Criteria. For the purposes of this  
3 Paragraph, "transaction value" means market value for nonfederally related  
4 transaction appraisals.

5 (16) "AQB" means the Appraiser Qualifications Board of TAF created  
6 in accordance with Title XI of FIRREA. The AQB develops, interprets, and  
7 amends the Real Property Appraiser Qualification Criteria.

8 (17) "ASB" means the Appraisal Standards Board of TAF created in  
9 accordance with Title XI of FIRREA. The ASB develops, promulgates,  
10 interprets, and amends USPAP.

11 (18) "ASC" means the Appraisal Subcommittee created in accordance  
12 with Title XI of FIRREA and organized and subject to the Federal Financial  
13 Institutions Examination Council, or its successor, according to the Financial  
14 Institutions Regulatory and Interest Rate Control Act of 1978.

15 (19) "FIRREA" means the Financial Institution Reform, Recovery and  
16 Enforcement Act of 1989, as enacted under federal law, and specifically includes  
17 but is not limited to Title XI, requiring real estate appraisals used in connection  
18 with federally related transactions to comply with uniform standards and to be  
19 prepared by credentialed real property appraisers.

20 (20) "Market value" means a value stated as an opinion, which presumes  
21 the transfer of real property as of a certain date and subject to specific  
22 conditions set forth in the value definition identified by an appraiser as  
23 applicable to an appraisal.

24 (21) "PAREA" means or refers to any Practical Applications of Real  
25 Estate Appraisal training program created or implemented in accordance with  
26 the Real Property Appraiser Qualification Criteria developed and approved by  
27 the AQB, to provide an alternate pathway for applicants to obtain licensure as  
28 a licensed residential appraiser or as a certified residential appraiser without  
29 training as a trainee appraiser, subject to the direct control and supervision of  
30 a supervisory appraiser.

1           (22) "Real Property Appraiser Qualification Criteria" means the  
2           qualifying criteria regarding the minimum education, experience, and  
3           examination requirements for real estate appraisers, as established by the AQB.

4           (23) "Supervisory appraiser" means a certified residential appraiser or  
5           certified general appraiser registered by the board to supervise one or more  
6           trainee appraisers and who satisfies the applicable minimum qualifications  
7           required by the the Real Property Appraiser Qualification Criteria including  
8           but not limited to the following:

9           (a) The supervisory appraiser shall have been licensed and in good  
10           standing with any competent appraisal licensing jurisdiction for at least three  
11           years.

12           (b) The supervisory appraiser shall not have been subject to any  
13           disciplinary action within any jurisdiction, that affected the appraiser's legal  
14           eligibility to engage in the appraisal practice, within the last three years.

15           (c) The supervisory appraiser shall not be registered at any one time to  
16           supervise more than three trainee appraisers.

17           (d) Prior to his supervision of any trainee appraiser, the supervisory  
18           appraiser shall register on a form and in a manner prescribed by the board for  
19           each trainee appraiser supervised.

20           (24) "TAF" means The Appraisal Foundation created in accordance  
21           with Title XI of FIRREA.

22           (25) "Transaction value" means the following in accordance with Title  
23           XI of FIRREA:

24           (a) For loans or other extensions of credit, the amount of the loan or  
25           extension of credit.

26           (b) For sales, leases, purchases, and investments in or exchanges of real  
27           property, the market value of the real property interest involved.

28           (c) For the pooling of loans or interests in real property for resale or  
29           purchase, the amount of the loan or market value of the real property  
30           calculated with respect to each such loan or interest in real property.

1                    (26) "USPAP" means the Uniform Standards of Professional Appraisal  
 2                    Practice, which establishes the minimum requirements applicable to appraisers  
 3                    for the purpose of promoting and maintaining public trust in the appraisal  
 4                    practice, as implemented and periodically amended by the ASB.

5                    (27) "Complex one to four unit residential property appraisal" means  
 6                    an appraisal in which the property to be appraised, the form of ownership, or  
 7                    the market conditions are atypical.

8                    §3393. License required; penalty for unlicensed real estate appraiser activity

9                    A. No person, other than a ~~state-licensed~~ real estate appraiser registered or  
 10                    licensed by the board, shall assume or use that title or any title, designation, or  
 11                    abbreviation that may create the impression of being registered or licensed as a real  
 12                    estate appraiser ~~by~~ in this state.

13                    B. No registered or licensed real estate appraiser shall assume or use any  
 14                    title, designation, or abbreviation that may create the impression of being registered  
 15                    or licensed in a class other than ~~that for which his~~ actual registration or license ~~has~~  
 16                    ~~been issued.~~

17                    C. It shall be unlawful for any individual, for a fee or other valuable  
 18                    consideration, or with the intention or expectation of receiving or collecting a fee or  
 19                    valuable consideration from another, to do any of the following unless the individual  
 20                    is registered or licensed ~~under~~ in accordance with the provisions of this Chapter:

21                    (1) Be employed to perform or perform an appraisal ~~as defined in this~~  
 22                    ~~Chapter~~ where the subject property of the assignment lies within the borders of the  
 23                    state of Louisiana.

24                    (2) Present himself, or allow himself to be presented, as being able to perform  
 25                    an appraisal for which a registration or license is required ~~under~~ in accordance  
 26                    with the provisions of this Chapter.

27                    D. All real estate appraiser registrations or licenses ~~issued under the~~  
 28                    ~~provisions of this Chapter~~ shall be issued in the individual name of the applicant and  
 29                    shall not be issued to a partnership, association, corporation, firm, or group. Nothing  
 30                    shall preclude a ~~licensed real property~~ registered or licensed appraiser from

1 performing appraisals for or on behalf of a partnership, association, corporation,  
2 firm, or group.

3 E. Nothing in this Chapter shall preclude a licensed real estate broker or  
4 salesperson from performing a broker price opinion/comparative market analysis in  
5 the ordinary course of the practice of real estate, provided that the broker or  
6 salesperson does not **unlawfully** represent himself as ~~being a state licensed real~~  
7 ~~estate~~ **a registered or licensed** appraiser.

8 \* \* \*

9 G. It shall be unlawful for any individual, person, partnership, association,  
10 or corporation to perform any type of review or analysis of a real property appraisal,  
11 unless that person is **registered or** licensed to perform real property appraisals.

12 \* \* \*

13 I. In addition to any other civil remedy or civil penalty provided in this  
14 Chapter, the board may issue a subpoena to any person based on the probable cause  
15 that he has engaged in real estate appraiser activity without a **registration or** license.  
16 Subpoenas issued by the board shall:

17 \* \* \*

18 J. In accordance with the provisions of this Chapter and the Administrative  
19 Procedure Act, the board may impose a civil penalty not to exceed five thousand  
20 dollars and costs and attorney fees upon any person who is found to have engaged  
21 in real estate ~~appraiser~~ **appraisal** activity without a **registration or** license **issued**  
22 **by the board**.

23 ~~K. An unlicensed person who engages in or offers to engage in, or performs~~  
24 ~~or offers to perform, any of the practices, acts, or operations set forth in R.S. 37:3392~~  
25 ~~and this Section shall be sufficient evidence to raise a presumption of fact or to~~  
26 ~~establish the fact that he has illegally engaged in or performed real estate appraiser~~  
27 ~~activity.~~

28 ~~L.K.~~ A person engaged in real estate ~~appraiser~~ **appraisal** activity without a  
29 **registration or** license **issued by the board** shall not have the right to receive any  
30 compensation for services so rendered **in this state**. In addition to any other penalties

1 imposed under **authorized by** this Chapter, the board may require any person  
2 engaged in real estate ~~appraiser appraisal~~ activity without a **registration or** license  
3 to return any fees collected for such activity.

4 §3394. Louisiana Real Estate Appraisers Board

5 \* \* \*

6 B.(1) \* \* \*

7 (a) \* \* \*

8 (b) One member shall have been engaged in the business of appraisal  
9 management for at least four years and shall be an employee or representative of a  
10 Louisiana licensed appraisal management company. Additionally, this member shall  
11 be a citizen and qualified elector of Louisiana and licensed ~~as a~~ **in** Louisiana ~~certified~~  
12 ~~real estate~~ **as either a certified residential appraiser or certified general** appraiser  
13 immediately preceding the appointment to the board.

14 (c) ~~The remainder~~ **Each of the remaining members** shall have been  
15 domiciled in Louisiana and licensed as ~~certified real estate appraisers~~ **either a**  
16 **certified residential appraiser or certified general appraiser** for not less than five  
17 **consecutive** years immediately preceding the appointment.

18 (2) At least four of the ten members shall be **certified** general appraisers and  
19 at least two of the ten members shall be **certified** residential appraisers. ~~All appraiser~~  
20 ~~members shall be state certified.~~

21 \* \* \*

22 §3395. Powers, duties

23 A. The board shall have the following autonomous powers and duties:

24 (1) To regulate the issuance of real estate appraiser ~~and trainee~~ **registrations**  
25 **and** licenses.

26 (2) To establish administrative procedures for processing applications and  
27 issuing **registrations and** licenses to real estate appraisers and trainees.

28 \* \* \*

29 (4) To require any satisfactory proof it may desire in reference to the honesty,  
30 truthfulness, reputation, knowledge, and experience of any applicant for a real estate

1 appraiser registration or license prior to ~~the~~ issuance of any license.

2 \* \* \*

3 C. The board shall have authority to require any real estate appraiser  
4 registrant or licensee to maintain records, as specified in this Chapter, and to  
5 inspect and subpoena such records.

6 D. The board shall have the authority to subpoena any real estate appraiser  
7 registrant, licensee, or witness for the purpose of holding any hearing or in  
8 furtherance of an investigation. Failure of a licensee to comply with a subpoena  
9 duces tecum shall be punishable by the board in accordance with the provisions of  
10 R.S. 37:3409.

11 §3396. Applications

12 A. Applications for examination, experience review, registration, licensure,  
13 and renewal ~~certification~~ shall be made ~~in writing to the board on forms provided on~~  
14 a form prescribed and in a manner required by the board.

15 \* \* \*

16 §3397. License and registration classifications; criteria

17 A.(1) There ~~shall be~~ are three classes of licenses for real estate appraisers::

18 (a) Licensed residential appraiser.

19 (b) Certified residential appraiser.

20 (c) Certified general appraiser.

21 (2) Such ~~The license~~ classes enumerated in Paragraph (1) of this  
22 Subsection shall conform in all respects with the Financial Institutions Reform,  
23 Recovery and Enforcement Act of 1989, P.L. 101-73, and any subsequent  
24 amendments and regulations issued pursuant thereto.

25 ~~(2) The application for examination, experience review, and renewal~~  
26 ~~certification shall specify the license classification for which the applicant is~~  
27 ~~applying.~~

28 B. There are two classes of registrations for real estate appraisers:

29 (1)(a) Trainee appraiser. ~~Applicants for a real estate appraiser trainee~~  
30 ~~license shall be subject to training and direct supervision by a certified appraiser who~~



1 meets all of the following qualifications:

2 (i) ~~Has been licensed as a certified real estate appraiser in Louisiana for at~~  
 3 ~~least three years prior to becoming a supervising appraiser.~~

4 (ii) ~~Is in good standing as a certified residential or certified general real estate~~  
 5 ~~appraiser in Louisiana.~~

6 (b) ~~Both the trainee applicant and the supervising appraiser shall complete~~  
 7 ~~a course that complies, at minimum, with the specifications for course content~~  
 8 ~~established by the Appraiser Qualifications Board (AQB) of the Appraisal~~  
 9 ~~Foundation. The course shall be oriented toward the requirements and~~  
 10 ~~responsibilities of supervising appraisers and expectations for trainee appraisers. The~~  
 11 ~~course shall be completed by the trainee appraiser prior to obtaining a trainee~~  
 12 ~~appraiser license and by the supervising appraiser prior to supervising a trainee~~  
 13 ~~appraiser. The supervising appraiser shall not have been subject to any disciplinary~~  
 14 ~~action in any jurisdiction within the last three years that affects the supervisor's legal~~  
 15 ~~eligibility to engage in appraiser practice. The appraiser trainee is permitted to have~~  
 16 ~~more than one supervising appraiser. The scope of work for the appraiser trainee is~~  
 17 ~~limited to the appraisal of those properties that the supervising appraiser is licensed~~  
 18 ~~to appraise.~~

19 (2) Supervisory appraiser. ~~There are no additional examination or~~  
 20 ~~experience requirements other than those listed in this Subsection for the real estate~~  
 21 ~~appraiser trainee license.~~

22 ~~(3)C.(1) An~~ **A supervisory appraiser and a trainee appraiser shall each**  
 23 **maintain an** appraisal experience log ~~shall be maintained jointly by the supervising~~  
 24 ~~appraiser and the trainee appraiser. It is the responsibility of both the supervisory~~  
 25 ~~appraiser and the trainee appraiser~~ **and shall be independently obligated** to ensure  
 26 the appraisal experience log is accurate, current, and complies with ~~the requirements~~  
 27 ~~of the trainee appraiser's credentialing jurisdiction~~ **the provisions of this Chapter.**

28 At a minimum, the appraisal log shall include the following:

29 (a) Type of property.

30 (b) Date of report.

- 1 (c) Address of appraised property.
- 2 (d) Description of work performed by the trainee appraiser and scope of the
- 3 review and supervision of the supervisory appraiser.
- 4 (e) Number of actual work hours by the trainee appraiser on the assignment.
- 5 (f) The signature and state certification number of the supervisory appraiser.
- 6 Separate appraisal logs shall be maintained for each supervisory appraiser if
- 7 applicable.

8 **(2) Prior to applying for registration with the board, a trainee appraiser**  
 9 **or supervisory appraiser shall meet the minimum qualifications required under**  
 10 **this Chapter and the Real Property Appraiser Qualification Criteria including**  
 11 **but not limited to satisfactory completion or submission of the following:**

- 12 **(a) A course that complies, at a minimum, with the specifications of**  
 13 **course content established by the AQB, including submission of an official**  
 14 **course completion certificate to the board. The course shall be oriented toward**  
 15 **the requirements and responsibilities of supervisory and trainee appraisers.**
- 16 **(b) The registration form that is prescribed by the board.**

17 ~~(4) As a prerequisite to license renewal, all appraiser trainees shall be~~  
 18 ~~required to obtain the equivalent of fourteen hours of continuing education per~~  
 19 ~~calendar year.~~

20 ~~(5)~~**(3)** The ~~appraiser~~ trainee **appraiser** shall be entitled to obtain copies of  
 21 appraisal reports **that he** prepared **in full or in part** by the trainee. The supervising  
 22 **supervisory** appraiser shall keep copies of the trainee appraisal reports **prepared by**  
 23 **the trainee appraiser** for a period of at least five years ~~or at least two years after~~  
 24 ~~final disposition of any judicial proceeding in which testimony is given, whichever~~  
 25 ~~period expires last.~~

26 \* \* \*

27 §3398. Examination

28 A. A license as a real estate appraiser shall not be issued in any class, ~~other~~  
 29 ~~than real estate appraiser trainee~~ unless the applicant has passed a qualifying  
 30 examination approved by the Appraiser Qualifications Board (AQB) of the Appraisal

1 Foundation for such license.

2 \* \* \*

3 §3399. Practical Applications of Real Estate Appraisal (PAREA); legislative  
4 intent; licensure

5 A.(1) The legislature hereby recognizes the present shortage and  
6 declining number of registered and licensed appraisers in Louisiana and hereby  
7 declares its intent to reduce any unnecessary barriers to licensure as a real  
8 property appraiser, including but not limited to the practical barriers caused  
9 by the related shortage of supervisory appraisers in the state.

10 (2) Further, the legislature recognizes that the AQB has created and  
11 authorized implementation of Practical Applications of Real Estate Appraisal  
12 (PAREA) training programs, which shall utilize simulated experience training  
13 to provide an alternative path to licensure as a real property appraiser without  
14 the necessity of obtaining experience or supervision directly from a supervisory  
15 appraiser.

16 B.(1) Accordingly, nothing in this Chapter shall be construed to prohibit  
17 an applicant from submitting an official PAREA program completion  
18 certificate to evidence satisfactory completion of all experience necessary for  
19 licensure as either a licensed residential appraiser or as a certified residential  
20 appraiser in accordance with the qualifications required by the Real Property  
21 Appraiser Qualification Criteria.

22 (2) An applicant who has fully completed an authorized PAREA  
23 program shall apply for licensure either as a licensed residential appraiser or  
24 as a certified residential appraiser on a form prescribed by the board and  
25 obtain board approval of the application prior to conducting appraisal activity  
26 in this state.

27 \* \* \*

28 §3405. Principal place of business for appraiser; contact information

29 A. Each registered or licensed real estate appraiser shall ~~advise~~ notify the  
30 board of any change in the information required for registration, licensure, or

1 **renewal including but not limited to the following:**

2 **(1) the The** address of his ~~or her~~ principal place of business and all other  
3 addresses at which he is currently engaged in the business of preparing real property  
4 appraisal reports.

5 **(2) The address of his domicile.**

6 **(3) Primary telephone number.**

7 **(4) Primary electronic mail address.**

8 B. Each **registered or** licensed appraiser **required by Subsection A of this**  
9 **Section** shall ~~report any changes in the address or telephone number of his business~~  
10 ~~or residence to~~ **notify** the board **shall provide such notice,** in writing within ten days  
11 of the change.

12 \* \* \*

13 §3408. Continuing education requirements

14 A. As a prerequisite to renewal of a real estate appraiser **registration or**  
15 license, all **registrants and** licensees shall present evidence satisfactory to the board  
16 of having met the continuing education requirements set forth in this Chapter.

17 B. ~~(1) The basic continuing education requirements for~~ **Prior to** renewal of  
18 a **registration or a** license, **regardless of classification, the renewal applicant**  
19 **shall obtain** ~~shall be the completion of~~ not less than twenty-eight hours **of**  
20 **continuing education credit,** or its equivalent, in courses ~~that have received the~~  
21 approval of **approved by** the board. ~~As part of this requirement, the applicant shall~~  
22 ~~complete a minimum of seven classroom hours of instruction covering the Uniform~~  
23 ~~Standards of Professional Appraisal Practice every renewal period.~~

24 **(2) All appraisers regardless of registration or license class shall obtain**  
25 **a minimum of seven continuing education credit hours regarding the Uniform**  
26 **Standards of Professional Appraisal Practice (USPAP) each renewal period,**  
27 **which shall be credited toward the total continuing education required by**  
28 **Paragraph (1) of this Subsection.**

29 \* \* \*

30 D. The board shall adopt regulations for implementation of the provisions of

1 this Section to provide registrants and licensees with current knowledge of real  
2 property appraisal theories, practices, and techniques. Such regulations shall  
3 prescribe the following:

4 \* \* \*

5 F. No amendment or repeal of a regulation adopted by the board pursuant to  
6 this Section shall operate to deprive a registered or licensed real estate appraiser of  
7 credit ~~toward renewal of certification~~ for any course of instruction completed by the  
8 applicant prior to the amendment or repeal of the regulation, if the course would  
9 have qualified for continuing education credit under the regulation as it existed prior  
10 to the repeal or amendment.

11 §3409. Disciplinary proceedings

12 A. The board may censure a registered or licensed real estate appraiser,  
13 conditionally or unconditionally suspend or revoke any registration or license  
14 issued ~~under~~ in accordance with the provisions of this Chapter, levy fines or  
15 impose civil penalties not to exceed five thousand dollars, or impose continuing  
16 education requirements on registrants and licensees if, in the opinion of the board,  
17 a registrant or licensee is performing, is attempting to perform, has performed, or  
18 has attempted to perform any of the following acts:

19 \* \* \*

20 (6) Procuring a registration or license for himself or anyone else by fraud,  
21 misrepresentation, or deceit.

22 \* \* \*

23 B.(1) \* \* \*

24 (2) Before censuring any registrant or licensee, or suspending or revoking  
25 any license, the board shall notify the registrant or licensee in writing of any  
26 charges made at least twenty days prior to the date set for the hearing and shall afford  
27 him an opportunity to be heard in person or by counsel.

28 (3) The written notice shall be satisfied by personal service on the  
29 respondent, or by sending the notice by certified mail to the registrant's or  
30 licensee's address on file with the board, or by hand delivery from board personnel.

1 \* \* \*

2 C.(1) \* \* \*

3 (2) The board may make findings of fact and shall deliver or mail such  
4 findings to the registrant or licensee charged with an offense under this Chapter.  
5 Any finding of fact by the board pursuant to this Subsection shall be conclusive.

6 \* \* \*

7 D. The board may also suspend or revoke the registration or license of a real  
8 estate appraiser based upon a final civil judgment against the appraiser on grounds  
9 of fraud, misrepresentation, or deceit in the making of an appraisal of real property.  
10 In a disciplinary proceeding based upon such judgment, the registered or licensed  
11 real estate appraiser shall be afforded notice and the opportunity to present matters  
12 in mitigation and extenuation but shall not collaterally attack the civil judgment.

13 E. It shall be the duty of each registered or licensed real estate appraiser to  
14 notify the board within ten days by registered or certified mail or by hand delivery  
15 of the following actions:

16 \* \* \*

17 F. A registered or licensed real estate appraiser shall not participate in the  
18 preparation of federally related real estate appraisals during any period in which his  
19 registration or license has been suspended by the board pursuant to adjudicatory  
20 proceedings.

21 §3410. Standards for the development and communication of real estate appraisals

22 A.(1) A registered or licensed real estate appraiser shall comply with  
23 generally accepted standards of professional practice in the development and  
24 communication of appraisals of real estate located in this state and with generally  
25 accepted ethical rules of conduct as contained in the "Uniform Standards of  
26 Professional Appraisal Practice" (USPAP), or its successor, as approved and  
27 periodically amended by the Appraisal Standards Board of the Appraisal  
28 Foundation or its successor.

29 (2) Nothing in this Chapter shall prohibit a registered or licensed real estate  
30 appraiser from performing an evaluation of real property for a federally insured

1 depository institution if the evaluation is permitted by either federal law, regulation,  
2 or the guidelines for evaluations established by the federal financial institutions  
3 regulatory agency of the depository institution, or a mortgage servicer approved to  
4 service any federally related mortgage loans.

5 B. The **registered or** licensed real estate appraiser shall include within the  
6 body of the appraisal report the amount of the appraiser's fee for appraisal services.

7 §3411. ~~Documents to be retained~~ **Recordkeeping requirements**

8 A **registered or** licensed real estate appraiser shall retain for five years  
9 originals or true copies of contracts engaging the appraiser's services for real  
10 property appraisal work, appraisal reports, and supporting data assembled and  
11 formulated by the appraiser in preparing reports. The period for retention of the  
12 records applicable to each engagement of the services of the appraiser shall run from  
13 the date of the submission of the appraisal report to the client. These records shall  
14 be made available by the appraiser for inspection and copying by the board on  
15 reasonable notice to the appraiser. When litigation is contemplated at any time,  
16 reports and records shall be retained for two years from final disposition.

17 Section 2. R.S. 37:3392(11) and 3397.1 are repealed in their entity.

18 Section 3. This Act shall become effective upon signature by the governor or, if not  
19 signed by the governor, upon expiration of the time for bills to become law without signature  
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
21 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
22 effective on the day following such approval.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_