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## DIGEST

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HB 804 Engrossed

2016 Regular Session

Pugh

**Abstract:** Regulates real estate appraisers and appraisal management companies.

Present law establishes the standard for certification as an appraiser who may supervise appraiser trainees. Present law requires a supervisor to have the following qualifications:

- (i) Licensure as a certified real estate appraiser for at least three years prior to becoming a supervising appraiser.
- (ii) Good standing as a certified residential or certified general real estate appraiser.

Proposed law adds a restriction that the enumerated qualifications of present law must have been achieved in La.

Present law states, in part, that a supervising appraiser shall not have been subject to any disciplinary action within the last three years that affects the supervisor's legal eligibility to engage in appraiser practice. Proposed law clarifies that the regulation imposed by present law includes such disciplinary actions in any jurisdiction.

Present law requires an appraiser trainee to maintain a separate appraisal log for each supervising licensed appraiser, and present law enumerates a list of information that must be included in the log. Proposed law amends present law and clarifies that an appraisal experience log shall be maintained jointly by the supervising appraiser and the trainee appraiser. Proposed law further clarifies that it is the responsibility of both the supervisory appraiser and the trainee appraiser to ensure the appraisal experience log is accurate, current, and complies with the requirements of the trainee appraiser's credentialing jurisdiction. Proposed law amends present law by changing the enumerated list of information that must be included in the log and establishes a minimum standard that includes the following:

- (1) Type of property.
- (2) Date of report.
- (3) Address of appraised property.
- (4) Description of work performed by the trainee appraiser and scope of the review and supervision of the supervisory appraiser.

- (5) Number of actual work hours by the trainee appraiser on the assignment.
- (6) The signature and state certification number of the supervisory appraiser. Separate appraisal logs shall be maintained for each supervisory appraiser if applicable.

Present law imposes certain record keeping requirements on licensed real estate appraisers. Present law requires appraisers to retain reports and records for two years after the trial date of any expected litigation. Proposed law requires appraisers to retain reports and records for two years after final disposition.

Present law imposes an expiration date on certain application procedures relative to applicants for licenses or licensees applying for a renewal of their licenses. Proposed law retains the portion of present law imposing the sunset provision but changes the sunset date from December 31, 2015, to December 31, 2017.

Present law requires any appraisal management company to compensate appraisers at a rate that is customary and reasonable for appraisals being performed in the market area of the property being appraised, consistent with the presumptions of compliance under federal law.

Proposed law retains present law consistent with the final federal rules as provided for in the applicable provisions of present law (12 CFR Parts 34, 225, 226, 323, 1026, and 1222). Proposed law also requires appraisal management companies to compensate appraisers in a manner consistent with the requirements imposed by present law (15 U.S.C. 1639(e)).

Proposed law makes it unlawful for an appraisal management company to assess from a fee appraiser any transactional fee or cost that would cause the appraiser's compensation for a specific assignment to fall below a rate that is customary and reasonable for appraisals being performed in the market area of the property being appraised. Proposed law clarifies that proposed law shall not be construed to restrict the ability of an appraisal management company to assess or collect fees related to appraiser panel management that are not transactional in nature including but not limited to fees for conducting periodic background checks.

Proposed law requires the board to collect, from each appraisal management company that is registered or seeking to be registered in this state, the information that the appraisal subcommittee requires to be submitted to it by the state pursuant to regulations promulgated by the appraisal subcommittee, including the collection of administrative fees consistent with the final federal rules.

Proposed law requires federally regulated appraisal management companies operating in this state to report to the board any information required to be submitted by the state to the appraisal subcommittee pursuant to the policies of the appraisal subcommittee regarding the determination of the appraisal management company national registry fee. Proposed law requires that reports submitted pursuant to proposed law shall include the following:

- (1) A statement, in a form prescribed by the board, detailing the intent of the federally regulated appraisal management company to operate in this state.

- (2) Any information related to whether the appraisal management company is owned in whole or in part, directly or indirectly, by any person who has had an appraiser license or certification refused, denied, cancelled, surrendered in lieu of revocation, or revoked in any state.
- (3) Any information related to the revocation of a license of any person described in proposed law and whether the revoked license has been reinstated by the state or states in which the appraiser was licensed.

(Amends R.S. 37:3397(B)(1) and (3), 3411, 3415.10, 3415.15(A); Adds R.S. 37:3415.16(C) and 3415.22)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.
2. Retain a sunset provision but extend the applicable sunset date from Dec. 31, 2015, to Dec. 31, 2017.
3. Correct references to certain provisions of federal law.
4. Revise provisions of the bill restricting the ability of appraisal management companies to impose certain fees and costs.