

SSB 6457 - S AMD
By Senator

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 18.140.130 and 2005 c 339 s 10 are each amended to
4 read as follows:

5 (1) Each original and renewal certificate, license, or
6 registration issued under this chapter shall expire on the
7 applicant's second birthday following issuance of the certificate,
8 license, or registration.

9 (2) To be renewed as a state-certified or state-licensed real
10 estate appraiser or state-registered appraiser trainee, the holder of
11 a valid certificate, license, or registration shall apply and pay the
12 prescribed fee to the director no earlier than one hundred twenty
13 days prior to the expiration date of the certificate, license, or
14 registration and shall demonstrate satisfaction of any continuing
15 education requirements.

16 (3) If a person fails to renew a certificate, license, or
17 registration prior to its expiration and no more than one year has
18 passed since the person last held a valid certificate, license, or
19 registration, the person may obtain a renewal certificate, license,
20 or registration by satisfying all of the requirements for renewal and
21 paying late renewal fees.

22 (~~The director shall cancel the certificate, license, or~~
23 ~~registration of any person whose renewal fee is not received within~~
24 ~~one year from the date of expiration. A person may obtain a new~~
25 ~~certificate, license, or registration by satisfying the procedures~~
26 ~~and qualifications for initial certification, licensure, or~~
27 ~~registration, including the successful completion of any applicable~~
28 ~~examinations.))~~

29 (4)(a) If a person's certificate, license, or registration is not
30 renewed within one year after the expiration date of the certificate,
31 license, or registration, the director must place the certificate,
32 license, or registration in inactive status.

1 (b) A person whose appraisal certificate or license is placed in
2 inactive status may apply for reinstatement of the certificate or
3 license within a period of eight years by paying the prescribed fee,
4 meeting the continuing education requirements established by the
5 appraiser qualifications board and the director, and achieving a
6 qualifying score on the uniformed standards of professional appraiser
7 practice fifteen hour course.

8 (c) A trainee certificate that has expired cannot be reinstated.
9 The trainee must apply for a new certificate, provide the appropriate
10 documentation, and pay the fee prescribed by the director.

11 (d) If a trainee cannot meet the qualification standards
12 necessary to take the state examination within the specified twenty-
13 four month period, the director may grant one twelve-month extension.

14 (e) The director must cancel a license or certification that is
15 not renewed or reinstated within eight years after the date of
16 expiration of the certificate or license.

17 **Sec. 2.** RCW 18.140.060 and 2005 c 339 s 5 are each amended to
18 read as follows:

19 (1) Applications for examinations, original certification,
20 licensure, or registration, ~~((and))~~ renewal certification, licensure,
21 or registration ~~((shall))~~, and the reinstatement of a certificate,
22 license, or registration must be made in writing to the department on
23 forms approved by the director. Applications for original and renewal
24 certification, licensure, or registration ~~((shall))~~ or the
25 reinstatement of a certificate, license, or registration must include
26 a statement confirming that the applicant ~~((shall))~~ must comply with
27 applicable rules and regulations and that the applicant understands
28 the penalties for misconduct.

29 (2) The appropriate fees ~~((shall))~~ must accompany all
30 applications for ~~((examination, reexamination,))~~ original
31 certification, licensure, ~~((or registration, and))~~ renewal
32 ~~((certification, licensure, or registration)),~~ and/or reinstatement.

33 **Sec. 3.** RCW 18.140.160 and 2007 c 256 s 1 are each amended to
34 read as follows:

35 In addition to the unprofessional conduct described in RCW
36 18.235.130, the director may take disciplinary action for the
37 following conduct, acts, or conditions:

1 (1) Failing to meet the minimum qualifications for state
2 certification, licensure, or registration established by or pursuant
3 to this chapter;

4 (2) Paying money other than the fees provided for by this chapter
5 to any employee of the director or the commission to procure state
6 certification, licensure, or registration under this chapter;

7 (3) Continuing to act as a state-certified real estate appraiser,
8 state-licensed real estate appraiser, or state-registered appraiser
9 trainee when his or her certificate, license, or registration is on
10 an expired or inactive status;

11 (4) Violating any provision of this chapter or any lawful rule
12 made by the director pursuant thereto;

13 (5) Issuing an appraisal report on any real property in which the
14 appraiser has an interest unless his or her interest is clearly
15 stated in the appraisal report;

16 (6) Being affiliated as an employer, independent contractor, or
17 supervisory appraiser of a state-certified real estate appraiser,
18 state-licensed real estate appraiser, or state-registered appraiser
19 trainee whose certification, license, or registration is currently in
20 a suspended or revoked status;

21 (7) Failure or refusal without good cause to exercise reasonable
22 diligence in performing an appraisal practice under this chapter,
23 including preparing an oral or written report to communicate
24 information concerning an appraisal practice; and

25 (8) Negligence or incompetence in performing an appraisal
26 practice under this chapter, including preparing an oral or written
27 report to communicate information concerning an appraisal practice.

28 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.140
29 RCW to read as follows:

30 (1) Except in cases involving fraud, any action to recover
31 damages against a real estate appraiser or an appraisal management
32 company arising out of an appraiser's appraisal practice must be
33 brought within one year from the date of discovery of the act or
34 omission giving rise to the action, but in no event shall an action
35 to recover damages against a real estate appraiser be brought more
36 than three years after the report date.

37 (2) An appraisal report, restricted appraisal report, or
38 appraisal review report, opinion of market value, certification, or
39 statement is deemed prepared at the request of and exclusively for

1 the benefit of the client and intended user or, if the client is a
2 state or federally regulated bank, credit union, or mortgage lender,
3 then their successor in interest, and for the intended use specified
4 in the appraisal report or appraisal review report. An appraiser
5 shall not be liable in any court of law for any action arising out of
6 the appraiser's appraisal practice, to any person or entity other
7 than the client or intended user or the state or federally regulated
8 bank, credit union, or mortgage lender's successor in interest.

9 (3) For the purposes of this section, "report date" means the
10 date the appraiser submits a signed appraisal report, restricted
11 appraisal report, or appraisal review report."

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12 On page 1, line 1 of the title, after "to" strike the remainder
13 of the title and insert "real estate appraisers; amending RCW
14 18.140.130, 18.140.060, and 18.140.160; and adding a new section to
15 chapter 18.140 RCW."

EFFECT: (1) Combines SB 6349 (renewal of real estate appraiser
certificates, licenses and registrations) and SB 6457 (actions
arising out of real estate appraisal activity).

(2) Changes requirements for reactivating a real estate appraisal
license.

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