

1 COMMITTEE SUBSTITUTE

2 for

3 **H. B. 2730**

4
5 (By Delegates Morgan, Stephens, Azinger, Diserio,

6 Ferns, Jones, Paxton, Perry, D. Poling, Romine and Swartzmiller)

7 (Originating in the Committee on the Judiciary)

8 [March 29, 2013]

9
10 A BILL to amend and reenact §30-38-5 of the Code of West Virginia,
11 1931, as amended; and to amend said code by adding thereto a
12 new section, designated §30-38-19, all relating to
13 requirements to perform appraisals; providing requirements for
14 licensure or certification by reciprocity; and clarifying the
15 requirements for temporary permits.

16 *Be it enacted by the Legislature of West Virginia:*

17 That §30-38-5 of the Code of West Virginia, 1931, as amended,
18 be amended and reenacted; and that said code be amended by adding
19 thereto a new section, designated §30-38-19, all to read as
20 follows:

21 **ARTICLE 38. THE REAL ESTATE APPRAISER LICENSING AND CERTIFICATION**
22 **ACT.**

23 **§30-38-5. Reciprocal credentialing.**

24 ~~(a) A nonresident of this state who has complied with the~~
25 ~~provisions of subsection (b) of this section may obtain a license~~
26 ~~or certification as a real estate appraiser in this state by~~
27 ~~complying with all of the provisions of this article relating to~~

1 ~~the licensing or certification of real estate appraisers.~~

2 ~~(b) Each nonresident applicant for licensure or certification~~
3 ~~and each nonresident registrant for temporary practice within this~~
4 ~~state shall submit, with his or her application, an irrevocable~~
5 ~~consent that service of process upon him or her may be made by~~
6 ~~delivery of the process to the Secretary of State if, in an action~~
7 ~~against the applicant in a court of this state arising out of the~~
8 ~~applicant's activities as a real estate appraiser in this state,~~
9 ~~the plaintiff cannot, in the exercise of due diligence, effect~~
10 ~~personal service upon the applicant.~~

11 ~~(c) A nonresident of this state who is not licensed by this~~
12 ~~state but who is licensed in another state, district or territory,~~
13 ~~may perform one specific assignment relating to the appraisal of~~
14 ~~real estate or real property in this state, after being approved by~~
15 ~~the board in accordance with the rule for temporary registration~~
16 ~~and complying with the provisions of subsection (b) of this~~
17 ~~section.~~

18 ~~(d) If the board determines that another state or territory or~~
19 ~~the District of Columbia has substantially equivalent licensure or~~
20 ~~certification laws for real estate appraisers, an applicant for~~
21 ~~licensure or certification in this state who is licensed or~~
22 ~~certified under the laws of the other state, territory or district~~
23 ~~may obtain a license or certificate as a real estate appraiser in~~
24 ~~this state upon the terms and conditions set by the board:~~
25 ~~Provided, That the laws of such state, territory or district accord~~
26 ~~substantially equal reciprocal rights to a licensed or certified~~
27 ~~real estate appraiser in good standing in this state, and that~~

1 ~~disciplinary proceedings are not pending against the applicant in~~
2 ~~his or her state of licensure or certification.~~

3 The board shall issue a reciprocal license or certification to
4 an applicant from another state if the applicant holds a valid
5 license or certification from a state whose licensing and
6 certification program:

7 (1) Is in compliance with the provisions of Title XI of the
8 Financial Institutions Reform, Recovery and Enforcement Act of 1989
9 [12 U.S.C. 3331-3351] as amended by the Dodd-Frank Wall Street
10 Reform and Consumer Protection Act of 2010; and

11 (2) That has credentialing requirements that meet or exceed
12 those of West Virginia.

13 **§30-38-19. Temporary permit.**

14 (a) The board may issue a temporary permit to perform one
15 specific assignment relating to the appraisal of real estate or
16 real property in this state to an applicant who:

17 (1) Completes an application;

18 (2) Pays a nonrefundable application fee;

19 (3) Provides an irrevocable consent that service of process
20 upon him or her may be made by service of process to the Secretary
21 of State if, in an action against the applicant in a court of this
22 state arising out of the applicant's activities as a real estate
23 appraiser in this state, the plaintiff cannot, in the exercise of
24 due diligence, effect personal service upon the applicant; and

25 (4) Meets the requirements for a temporary permit as
26 established by the board by legislative rule.

27 (b) The temporary permit is subject to the terms, conditions

and limitations set forth by the board by legislative rule.