

COMMITTEE SUBSTITUTE

for

H. B. 2730

(BY DELEGATE(S) MORGAN, STEPHENS, AZINGER,
DISERIO, FERNS, JONES, PAXTON, PERRY, D. POLING,
ROMINE AND SWARTZMILLER)

(Originating in the Committee on the Judiciary)
[March 29, 2013]

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

Be it enacted by the Legislature of West Virginia:

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

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

§30-38-5. Reciprocal credentialing.

1 ~~(a) A nonresident of this state who has complied with the~~
2 ~~provisions of subsection (b) of this section may obtain a license~~
3 ~~or certification as a real estate appraiser in this state by~~
4 ~~complying with all of the provisions of this article relating to the~~
5 ~~licensing or certification of real estate appraisers.~~

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

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

22 ~~(d) If the board determines that another state or territory or~~
 23 ~~the District of Columbia has substantially equivalent licensure~~
 24 ~~or certification laws for real estate appraisers, an applicant for~~
 25 ~~licensure or certification in this state who is licensed or certified~~
 26 ~~under the laws of the other state, territory or district may obtain~~
 27 ~~a license or certificate as a real estate appraiser in this state upon~~
 28 ~~the terms and conditions set by the board: *Provided*, That the~~
 29 ~~laws of such state, territory or district accord substantially equal~~
 30 ~~reciprocal rights to a licensed or certified real estate appraiser in~~
 31 ~~good standing in this state, and that disciplinary proceedings are~~
 32 ~~not pending against the applicant in his or her state of licensure~~
 33 ~~or certification.~~

34 The board shall issue a reciprocal license or certification to
 35 an applicant from another state if the applicant holds a valid
 36 license or certification from a state whose licensing and
 37 certification program:

38 (1) Is in compliance with the provisions of Title XI of the
 39 Financial Institutions Reform, Recovery and Enforcement Act of
 40 1989 [12 U.S.C. 3331-3351] as amended by the Dodd-Frank
 41 Wall Street Reform and Consumer Protection Act of 2010; and
 42 (2) That has credentialing requirements that meet or exceed
 43 those of West Virginia.

§30-38-19. Temporary permit.

- 1 (a) The board may issue a temporary permit to perform one
- 2 specific assignment relating to the appraisal of real estate or real
- 3 property in this state to an applicant who:
- 4 (1) Completes an application;
- 5 (2) Pays a nonrefundable application fee;
- 6 (3) Provides an irrevocable consent that service of process
- 7 upon him or her may be made by service of process to the
- 8 Secretary of State if, in an action against the applicant in a court
- 9 of this state arising out of the applicant's activities as a real
- 10 estate appraiser in this state, the plaintiff cannot, in the exercise
- 11 of due diligence, effect personal service upon the applicant; and
- 12 (4) Meets the requirements for a temporary permit as
- 13 established by the board by legislative rule.
- 14 (b) The temporary permit is subject to the terms, conditions
- 15 and limitations set forth by the board by legislative rule.