

H. B. 2730

(By Delegates Morgan, Stephens, Azinger, Diserio,
Ferns, Jones, Paxton, Perry, D. Poling,
Romine and Swartzmiller)

[Introduced February 26, 2013; referred to the
Committee on Government Organization then the Judiciary.]

A BILL amend and reenact §30-38-5 of the Code of West Virginia,
1931, as amended; and to amend said code by adding thereto
new section, designated §30-38-19, all relating to the Real
Estate Appraisal Board; providing reciprocity requirements;
and moving the temporary registration requirements to its own
section.

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.

~~(a) A nonresident of this state who has complied with the~~

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

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

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

21 ~~(d) If the board determines that another state or territory or~~
22 ~~the District of Columbia has substantially equivalent licensure or~~
23 ~~certification laws for real estate appraisers, an applicant for~~
24 ~~licensure or certification in this state who is licensed or~~

~~1 certified under the laws of the other state, territory or district
2 may obtain a license or certificate as a real estate appraiser in
3 this state upon the terms and conditions set by the board:
4 *Provided*, That the laws of such state, territory or district accord
5 substantially equal reciprocal rights to a licensed or certified
6 real estate appraiser in good standing in this state, and that
7 disciplinary proceedings are not pending against the applicant in
8 his or her state of licensure or certification.~~

9 The board shall issue a reciprocal credential if:

10 (1) The appraiser is coming from a state that has been deemed
11 by the Appraisal Subcommittee (ASC) as "in compliance" with Title
12 XI;

13 (2) The appraiser holds a valid credential from that state;
14 and

15 (3) The credentialing requirements of that state meet or
16 exceed those of the reciprocal credentialing state.

17 **§30-38-19. Temporary registration.**

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

1 nonrefundable fees, the board may issue a temporary permit, for a
2 licensee to perform one specific assignment relating to the
3 appraisal of real estate or real property in this state, after
4 being approved by the board in accordance with the rule for
5 temporary registration.

NOTE: The purpose of this bill is to update the reciprocity requirements of the Real Estate Appraisers' Board to comply with federal law.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

§30-38-19 is new; therefore, it has been completely underscored.