

Part 1 General Provisions

61-2g-101 Title.

This chapter is known as the "Real Estate Appraiser Licensing and Certification Act."

Renumbered and Amended by Chapter 289, 2011 General Session

61-2g-102 Definitions.

(1) As used in this chapter:

(a)

- (i) "Appraisal" means an analysis, opinion, or conclusion relating to the nature, quality, value, or utility of a specified interest in, or aspect of, identified real estate or identified real property.
- (ii) An appraisal is classified by the nature of the assignment as a valuation appraisal, an analysis assignment, or a review assignment in accordance with the following definitions:
 - (A) "Analysis assignment" means an unbiased analysis, opinion, or conclusion that relates to the nature, quality, or utility of identified real estate or identified real property.
 - (B) "Review assignment" means an unbiased analysis, opinion, or conclusion that forms an opinion as to the adequacy and appropriateness of a valuation appraisal or an analysis assignment.
 - (C) "Valuation appraisal" means an unbiased analysis, opinion, or conclusion that estimates the value of an identified parcel of real estate or identified real property at a particular point in time.

(b) "Appraisal Foundation" means the Appraisal Foundation that was incorporated as an Illinois not-for-profit corporation on November 30, 1987.

(c)

- (i) "Appraisal report" means a communication, written or oral, of an appraisal.
 - (ii) An appraisal report is classified by the nature of the assignment as a valuation report, analysis report, or review report in accordance with the definitions provided in Subsection (1)(a)(ii).
 - (iii) The testimony of a person relating to the person's analyses, conclusions, or opinions concerning identified real estate or identified real property is considered to be an oral appraisal report.
- (d) "Appraisal Qualification Board" means the Appraisal Qualification Board of the Appraisal Foundation.
- (e) "Board" means the Real Estate Appraiser Licensing and Certification Board that is established in Section 61-2g-204.
- (f) "Certified appraisal report" means a written or oral appraisal report that is certified by a state-certified general appraiser or state-certified residential appraiser.
- (g) "Concurrence" means that the entities that are given a concurring role jointly agree to an action.
- (h)
- (i)
 - (A) "Consultation service" means an engagement to provide a real estate valuation service analysis, opinion, conclusion, or other service that does not fall within the definition of appraisal.

- (B) "Consultation service" does not mean a valuation appraisal, analysis assignment, or review assignment.
- (ii) Regardless of the intention of the client or employer, if a person prepares an unbiased analysis, opinion, or conclusion, the analysis, opinion, or conclusion is considered to be an appraisal and not a consultation service.
- (i) "Contingent fee" means a fee or other form of compensation, payment of which is dependent on or conditioned by:
 - (i) the reporting of a predetermined analysis, opinion, or conclusion by the person performing the analysis, opinion, or conclusion; or
 - (ii) achieving a result specified by the person requesting the analysis, opinion, or conclusion.
- (j) "Credential" means a state-issued registration, license, or certification that allows an individual to perform any act or service that requires licensure or certification under this chapter.
- (k) "Division" means the Division of Real Estate of the Department of Commerce.
- (l) "Evaluation" means an opinion on the market value of real property or real estate that:
 - (i) is made in accordance with the Interagency Appraisal and Evaluation Guidelines; and
 - (ii) is provided to a financial institution for use in a real estate related transaction for which the regulations of the federal financial institutions regulatory agencies do not require an appraisal.
- (m) "Executive director" means the executive director of the Department of Commerce.
- (n) "Federal financial institutions regulatory agencies" means:
 - (i) the Board of Governors of the Federal Reserve System;
 - (ii) the Federal Deposit Insurance Corporation;
 - (iii) the Office of the Comptroller of the Currency; and
 - (iv) the National Credit Union Administration.
- (o) "Federally related transaction" means a real estate related transaction that is required by federal law or by federal regulation to be supported by an appraisal prepared by:
 - (i) a state-licensed appraiser; or
 - (ii) a state-certified appraiser.
- (p) "Financial institution" means an insured:
 - (i) depository as defined in 12 U.S.C. Sec. 1813(c)(1); or
 - (ii) credit union as defined in 12 U.S.C. Sec. 1752(7).
- (q) "Interagency Appraisal and Evaluation Guidelines" means the guidelines published as Interagency Appraisal and Evaluation Guidelines, 75 Fed. Reg. 77,450 (Dec. 10, 2010), and all amendments or updates thereto.
- (r) "Real estate" means an identified parcel or tract of land including improvements if any.
- (s) "Real estate appraisal activity" means the act or process of making an appraisal of real estate or real property and preparing an appraisal report.
- (t) "Real estate related transaction" means:
 - (i) the sale, lease, purchase, investment in, or exchange of real property or an interest in real property, or the financing of such a transaction;
 - (ii) the refinancing of real property or an interest in real property; or
 - (iii) the use of real property or an interest in real property as security for a loan or investment, including mortgage-backed securities.
- (u) "Real property" means one or more defined interests, benefits, or rights inherent in the ownership of real estate.
- (v) "State-certified general appraiser" means a person who holds a current, valid certification as a state-certified general appraiser issued under this chapter.

- (w) "State-certified residential appraiser" means a person who holds a current, valid certification as a state-certified residential real estate appraiser issued under this chapter.
 - (x) "State-licensed appraiser" means a person who holds a current, valid license as a state-licensed appraiser issued under this chapter.
 - (y) "Trainee" means an individual who:
 - (i) does not hold an appraiser license or appraiser certification issued under this chapter;
 - (ii) works under the direct supervision of a state-certified appraiser to earn experience for licensure; and
 - (iii) is registered as a trainee under this chapter.
 - (z) "Unbiased analysis, opinion, or conclusion" means an analysis, opinion, or conclusion relating to the nature, quality, value, or utility of identified real estate or identified real property that is prepared by a person who is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested third-party in rendering the analysis, opinion, or conclusion.
- (2)
- (a) If a term not defined in this section is defined by rule, the term shall have the meaning established by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (b) If a term not defined in this section is not defined by rule, the term shall have the meaning commonly accepted in the business community.

Amended by Chapter 337, 2019 General Session

61-2g-103 Other law unaffected.

This chapter may not be considered to prohibit a person licensed, certified, or registered under this chapter from engaging in the practice of real estate appraising as a professional corporation or a limited liability company in accordance with:

- (1) Title 16, Chapter 11, Professional Corporation Act; or
- (2) Title 48, Chapter 3a, Utah Revised Uniform Limited Liability Company Act.

Amended by Chapter 281, 2018 General Session