

Part 3

Licensure, Certification, or Registration

61-2g-301 License or certification required.

- (1) Except as provided in Subsection (2), it is unlawful for a person to prepare, for valuable consideration, an appraisal, an appraisal report, a certified appraisal report, or perform a consultation service relating to real estate or real property in this state without first being licensed or certified in accordance with this chapter.
- (2) This section does not apply to:
 - (a) a principal broker, associate broker, or sales agent as defined by Section 61-2f-102 licensed by this state who, in the ordinary course of the broker's or sales agent's business, gives an opinion regarding the value of real estate:
 - (i) to a potential seller or third-party recommending a listing price of real estate; or
 - (ii) to a potential buyer or third-party recommending a purchase price of real estate;
 - (b) an employee of a company who states an opinion of value or prepares a report containing value conclusions relating to real estate or real property solely for the company's use;
 - (c) an official or employee of a government agency while acting solely within the scope of the official's or employee's duties, unless otherwise required by Utah law;
 - (d) an auditor or accountant who states an opinion of value or prepares a report containing value conclusions relating to real estate or real property while performing an audit;
 - (e) an individual, except an individual who is required to be licensed or certified under this chapter, who states an opinion about the value of property in which the individual has an ownership interest;
 - (f) an individual who states an opinion of value if no consideration is paid or agreed to be paid for the opinion and no other party is reasonably expected to rely on the individual's appraisal expertise;
 - (g) an individual, such as a researcher or a secretary, who does not render significant professional assistance, as defined by the board, in arriving at a real estate appraisal analysis, opinion, or conclusion;
 - (h) an attorney authorized to practice law in any state who, in the course of the attorney's practice or tax appeal services, uses an appraisal report governed by this chapter or who states an opinion of the value of real estate; or
 - (i) an individual who is not an appraiser who presents or provides a price estimate, evidence, or property tax information solely for a property tax appeal in accordance with Section 59-2-1017.
- (3) An opinion of value or report containing value conclusions exempt under Subsection (2) may not be referred to as an appraisal.
- (4) Except as provided in Subsection (2), to prepare or cause to be prepared in this state an appraisal, an appraisal report, or a certified appraisal report, an individual shall:
 - (a) apply in writing for licensure or certification as provided in this chapter in the form the division may prescribe; and
 - (b) become licensed or certified under this chapter.

Amended by Chapter 384, 2016 General Session

61-2g-302 Registration as trainee.

- (1) An individual shall register with the division as a trainee before the individual acts in the capacity of a trainee or earns experience for licensure.
- (2) Subject to Subsection (2), the board, with the concurrence of the division, shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for:
 - (a) the trainee registration required under Subsection (1); and
 - (b) renewal of a trainee registration.

Amended by Chapter 350, 2014 General Session

61-2g-304 Application for licensure, certification, or registration.

- (1) An application for the following shall be sent to the division on a form approved by the division:
 - (a) original certification, licensure, or registration; and
 - (b) renewal of certification, licensure, or registration.
- (2) The payment of the appropriate fee, as established by the division, with the concurrence of the board, in accordance with Section 63J-1-504, must accompany an application for:
 - (a) original certification, licensure, or registration; and
 - (b) renewal of certification, licensure, or registration.
- (3) At the time of filing an application described in Subsection (1), an applicant shall:
 - (a) sign a pledge to comply with the Uniform Standards of Professional Appraisal Practice and the ethical rules to be observed by an appraiser that are established under Section 61-2g-403 for:
 - (i) a certified or licensed appraiser; or
 - (ii) a trainee; and
 - (b) certify that the applicant understands the types of misconduct, as set forth in this chapter, for which a disciplinary proceeding may be initiated against a person certified, licensed, or registered under this chapter.

Amended by Chapter 166, 2012 General Session

61-2g-304.5 Background checks.

- (1) An individual applying for licensure, certification, or registration under this chapter shall:
 - (a) submit, with the individual's application, a fingerprint card in a form acceptable to the division; and
 - (b) consent to a criminal background check by:
 - (i) the Utah Bureau of Criminal Identification; and
 - (ii) the Federal Bureau of Investigation.
- (2) The division shall request that the Department of Public Safety complete a Federal Bureau of Investigation criminal background check for each applicant through the national criminal history system or any system that succeeds the national criminal history system.
- (3) The applicant shall pay the cost of:
 - (a) the fingerprint card described in Subsection (1)(a); and
 - (b) a criminal background check.
- (4)
 - (a) A license, certification, or registration issued under this chapter is conditional pending completion of a criminal background check.
 - (b) A license, certification, or registration issued under this chapter is immediately and automatically revoked if a criminal background check reveals that the applicant failed to accurately disclose a criminal history that:

- (i) relates to the appraisal industry; or
- (ii) includes a felony conviction based on fraud, misrepresentation, or deceit.
- (c) If a criminal background check reveals that an applicant failed to accurately disclose a criminal history other than a type described in Subsection (4)(b), the division shall review the application and, in accordance with rules made by the division pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, may:
 - (i) place one or more conditions on the license, certification, or registration;
 - (ii) place one or more restrictions on the license, certification, or registration;
 - (iii) revoke the license, certification, or registration; or
 - (iv) refer the application to the board for a decision.
- (d) An individual whose conditional license, certification, or registration is automatically revoked under Subsection (4)(b) or whose license, certification, or registration is conditioned, restricted, or revoked under Subsection (4)(c) may appeal the action in a hearing conducted by the board in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- (e) The board may delegate to the division or an administrative law judge the authority to conduct a hearing described in Subsection (4)(d).
- (f) The board, the division, or an administrative law judge may reverse an automatic revocation under Subsection (4)(b) only if:
 - (i) the criminal history upon which the revocation was based did not occur or is the criminal history of another individual;
 - (ii) at the time the applicant disclosed the applicant's criminal history, the applicant had a reasonable good faith belief that there was no criminal history to be disclosed; or
 - (iii) the division failed to follow the prescribed procedure for the revocation.
- (5)
 - (a) If an individual's conditional license, certification, or registration is revoked under Subsection (4) and the individual does not appeal the revocation in accordance with Subsection (4)(d), the individual may not apply for a new certification, license, or registration under this chapter for a period of 12 months after the day on which the conditional license, certification, or registration is revoked.
 - (b) If an individual's conditional license, certification, or registration is revoked, the individual appeals that revocation in accordance with Subsection (4)(d), and the revocation is upheld, the individual may not apply for a new license, certification, or registration under this chapter for a period of 12 months after the day on which the decision from the appeal is issued.
- (6) The board may delegate to the division the authority to make a decision on whether relief from a revocation should be granted.
- (7) Money an applicant pays for the cost of the criminal background check is nonlapsing.

Enacted by Chapter 350, 2014 General Session

61-2g-305 Expiration of license, certification, or registration.

- (1) An initial license, certification, or registration issued under this chapter expires on the expiration date indicated on the license, certificate, or registration.
- (2) A renewal license, certification, or registration issued under this chapter expires two years from the date of issuance.
- (3)
 - (a) The scheduled expiration date of a license, certification, or registration shall appear on the license, certification, or registration document.
 - (b)

- (i) The division shall mail a holder of a license, certification, or registration notice of its expiration to the last address stated on the division's records as the holder's current address.
- (ii) To be mailed a notice under this Subsection (3)(b), a holder of a license, certification, or registration shall provide to the division in writing the holder's current address.
- (iii) A holder's license, certification, or registration expires if not renewed by the holder notwithstanding whether the holder receives a notice of its expiration by the division under this Subsection (3)(b).

Renumbered and Amended by Chapter 289, 2011 General Session

61-2g-306 Renewal of license, certification, or registration.

- (1) To renew a license, certification, or registration, before the license, certification, or registration expires, the holder of the license, certification, or registration shall submit to the division in compliance with procedures set through the concurrence of the division and the board:
 - (a) an application for renewal;
 - (b) a fee established by the division and the board, in accordance with Section 63J-1-504; and
 - (c) evidence in the form prescribed by the division of having completed the continuing education requirements for renewal specified in this chapter.
- (2)
 - (a) A license, certification, or registration expires if it is not renewed on or before its expiration date.
 - (b) For a period of 30 days after the expiration date, a license, certification, or registration may be reinstated upon:
 - (i) payment of a renewal fee and a late fee determined through the concurrence of the division and the board; and
 - (ii) satisfying the continuing education requirements specified in Section 61-2g-307.
 - (c) After the 30-day period described in Subsection (2)(b), and until six months after the expiration date, a license, certification, or registration may be reinstated by:
 - (i) paying a renewal fee and a reinstatement fee determined through the concurrence of the division and the board; and
 - (ii) satisfying the continuing education requirements specified in Section 61-2g-307.
 - (d) After the six-month period described in Subsection (2)(c), and until one year after the expiration date, a license, certification, or registration may be reinstated by:
 - (i) paying a renewal fee and a reinstatement fee determined through the concurrence of the division and the board in accordance with Section 63J-1-504;
 - (ii) providing proof acceptable to the division, with the concurrence of the board, of the person having satisfied the continuing education requirements of Section 61-2g-307; and
 - (iii) providing proof acceptable to the division, with the concurrence of the board, of the person completing 24 hours of continuing education:
 - (A) in addition to the requirements in Section 61-2g-307; and
 - (B) on a subject determined by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (e) The division shall relicense, recertify, or reregister a person who does not renew that person's license, certification, or registration within one year after the expiration date as prescribed for an original application.
 - (f) Notwithstanding Subsection (2)(a), the division may extend the term of a license, certification, or registration that would expire under Subsection (2)(a) except for the extension if:

- (i)
 - (A) the person complies with the requirements of this section to renew the license, certification, or registration; and
 - (B) the application for renewal remains pending at the time of the extension; or
 - (ii) at the time of the extension, there is pending under this chapter a disciplinary action.
- (3) A person who is licensed, certified, or registered under this chapter shall notify the division of the following by sending the division a signed statement within 10 business days of:
- (a) a conviction of, or the entry of a plea in abeyance to:
 - (i) a felony; or
 - (ii) a misdemeanor involving financial services or a financial services-related business, fraud, a false statement or omission, theft or wrongful taking of property, bribery, perjury, forgery, counterfeiting, or extortion;
 - (b) the potential resolution of a felony or of a misdemeanor described in Subsection (3)(a)(ii) by:
 - (i) a diversion agreement; or
 - (ii) any other agreement under which a criminal charge is suspended for a period of time;
 - (c) the suspension, revocation, surrender, cancellation, or denial of a professional license, certification, or registration of the person, whether the license, certification, or registration is issued by this state or another jurisdiction; or
 - (d) the entry of a cease and desist order or a temporary or permanent injunction:
 - (i) against the person by a court or administrative agency; and
 - (ii) on the basis of:
 - (A) conduct or a practice involving an act regulated by this chapter; or
 - (B) conduct involving fraud, misrepresentation, or deceit.
- (4) The board, with the concurrence of the division, shall enforce the reporting requirement of Subsection (3) pursuant to Section 61-2g-502.

Amended by Chapter 166, 2012 General Session

61-2g-307 Continuing education requirements.

- (1) As a prerequisite to renewal of a license, certification, or registration, the applicant for renewal shall present evidence satisfactory to the division of having met the continuing education requirements of this section.
- (2) A person licensed, certified, or registered under this chapter shall complete during the two-year period immediately preceding the filing of an application for renewal not less than 28 classroom hours of instruction in courses or seminars that have received the approval of the division.
- (3)
 - (a) The division, with the concurrence of the board, may adopt rules for the implementation of this section to assure that a person renewing that person's license, certification, or registration under this chapter has a working knowledge of current real estate appraisal theories, practices, and techniques that will enable the person to provide competent real estate appraisal services to the members of the public with whom that person deals in a professional relationship under the authority of that person's license, certificate, or registration.
 - (b) An amendment or repeal of a rule adopted by the division under this section, with the concurrence of the board, does not operate to deprive a person of credit toward renewal of that person's license, certification, or registration for a course of instruction that is successfully completed by the applicant before the date of the amendment or repeal of the rule.
 - (c) The rules made under this Subsection (3) shall prescribe:

- (i) policies and procedures to be followed in obtaining division approval of courses of instruction and seminars;
 - (ii) standards, policies, and procedures to be used by the division in evaluating an applicant's claims of equivalency; and
 - (iii) standards, monitoring methods, and systems for recording attendance to be employed by course and seminar sponsors as a prerequisite to division approval of courses and seminars for credit.
- (4) In lieu of meeting the requirements set forth in Subsection (2) and applicable rules, an applicant for renewal may satisfy all or part of the continuing education requirements that are imposed by the board in excess of the minimum requirements of the Appraisal Qualification Board by presenting evidence of the following:
- (a) completion of an educational program of study determined by the board to be equivalent, for continuing education purposes, to courses or seminars approved by the board; or
 - (b) participation other than as a student in educational processes and programs approved by the board that relate to real property appraisal theory, practices, or techniques including teaching, program development, and preparation of textbooks, monographs, articles, and other instructional materials.
- (5) A person whose license, certification, or registration is suspended as the result of a disciplinary action taken under this chapter may not apply for reinstatement unless the person presents evidence of completion of the continuing education requirement that is required by this chapter for renewal.

Renumbered and Amended by Chapter 289, 2011 General Session

**61-2g-308 Licensing, certification, or registration requirements for nonresidents --
Temporary license or certificate -- Revocation.**

- (1) An individual applicant for licensure, certification, or registration under this chapter who is not a resident of this state shall submit with the applicant's application an irrevocable consent that service of process upon the applicant may be made by delivery of the process to the director of the division if, in an action against the applicant in a court of this state arising out of the applicant's activities governed by this chapter in this state, the plaintiff cannot, in the exercise of due diligence, obtain personal service upon the applicant.
- (2) A nonresident of this state who complies with Subsection (1) may obtain a license, a certification, or a registration in this state by complying with this chapter relating to licensure, certification, or registration.
- (3)
- (a) A nonresident of this state who complies with Subsection (1) may obtain a temporary permit for a license or certification to perform a contract relating to the appraisal of real estate or real property in this state.
 - (b) To qualify for the issuance of a temporary permit for a license or certification, an applicant shall:
 - (i) submit an application on a form approved by the division;
 - (ii) submit evidence that the applicant is licensed or certified in the state in which the applicant primarily conducts business;
 - (iii) certify that no formal charges alleging violation of state appraisal licensing or certification laws have been filed against the applicant by the applicant's state of domicile; and
 - (iv) pay an application fee in an amount established by the division with the concurrence of the board.

- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division, with the concurrence of the board, shall make rules establishing:
 - (a) the duration of a temporary permit; and
 - (b) procedures for renewal of a temporary permit.
- (5) A temporary permit issued under this section shall be immediately and automatically revoked if the appraiser's license or certification is suspended or revoked in the appraiser's state of domicile.
- (6) A person whose temporary permit for a license or certification is revoked under Subsection (5) is entitled to a postrevocation hearing to challenge the revocation. The hearing shall be conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

Amended by Chapter 166, 2012 General Session

61-2g-309 Denial of licensure, certification, or registration.

The division may, upon compliance with Title 63G, Chapter 4, Administrative Procedures Act, deny the issuance of a license, certification, or registration to an applicant on any of the grounds enumerated in this chapter.

Renumbered and Amended by Chapter 289, 2011 General Session

61-2g-310 Reciprocal licensure.

- (1) An applicant for licensure or certification in this state who is credentialed under the laws of any other state, territory, or district may obtain a reciprocal credential in this state if:
 - (a) the individual holds a current, valid credential issued by a state that, on the day on which the individual submits an application, is in compliance with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, as determined by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council; and
 - (b) the credentialing requirements of that state, that are in force on the day on which the individual submits an application, meet or exceed the credentialing requirements described in this chapter and the rules made under this chapter.
- (2) An individual who holds a reciprocal credential described in Subsection (1) shall comply with all statutes and rules that govern the appraisal industry in this state, including requirements relating to:
 - (a) the payment of fees; and
 - (b) continuing education.

Amended by Chapter 350, 2014 General Session

61-2g-311 State-licensed appraiser -- Authority and qualifications.

- (1) A state-licensed appraiser is authorized to appraise complex and noncomplex 1-4 family residential units in this state having a transaction value permitted under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and related federal regulations.
- (2) A state-licensed appraiser is authorized to appraise vacant or unimproved land having a transaction value permitted under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and related federal regulations that is utilized for 1-4 family purposes or for which the highest and best use is 1-4 family purposes and subdivisions for which a development analysis/appraisal is not necessary.
- (3) A state-licensed appraiser may not issue a certified appraisal report.

- (4) To qualify as a state-licensed appraiser, an applicant must:
 - (a) be of good moral character;
 - (b) demonstrate honesty, competency, integrity, truthfulness, and general fitness to command the confidence of the community;
 - (c) pass the licensing examination with a satisfactory score as determined by the Appraisal Qualification Board;
 - (d) successfully complete the educational requirements established by rule in accordance with Subsection (5); and
 - (e) possess the experience in real property appraisal established by rule in accordance with Subsection (5).
- (5)
 - (a) The division shall, with the concurrence of the board, make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish:
 - (i) the educational requirements described in Subsection (4)(d); and
 - (ii) the experience in real property appraisal described in Subsection (4)(e).
 - (b) The educational and experience requirements established under Subsection (5)(a) shall meet or exceed the educational requirements and the hourly experience requirements adopted by the Appraisal Qualification Board.

Amended by Chapter 350, 2014 General Session

61-2g-312 State-certified appraisers -- Authority.

- (1) A state-certified residential appraiser:
 - (a) is authorized to appraise the types of real estate that a state-licensed appraiser is authorized to appraise;
 - (b) is authorized to appraise 1-4 unit residential real estate without regard to transaction value or complexity; and
 - (c) is not authorized to appraise subdivisions for which a development analysis/appraisal is necessary.
- (2) A state-certified general appraiser is authorized to appraise all types of real estate and real property.
- (3) A state-certified appraiser who satisfies all requirements described in this chapter and in rule made under this chapter may supervise trainees as allowed by rule.

Amended by Chapter 350, 2014 General Session

61-2g-313 State-certified residential appraiser -- Authority and qualifications.

- (1) An applicant for certification as a residential appraiser shall provide to the division evidence of:
 - (a) the applicant's good moral character, honesty, competency, integrity, truthfulness, and general fitness to command the confidence of the community;
 - (b) completion of the certification examination with a satisfactory score as determined by the Appraisal Qualification Board;
 - (c) completion of the educational requirements established by rule in accordance with Subsection (3); and
 - (d) experience in real property appraisal as established by rule in accordance with Subsection (3).
- (2) Upon request by the division, an applicant shall make available to the division for examination:

- (a) a detailed listing of the real estate appraisal reports or file memoranda for which experience is claimed; and
 - (b) a sample selected by the division of appraisal reports that the applicant has prepared in the course of the applicant's appraisal practice.
- (3)
- (a) The division shall, with the concurrence of the board, make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish:
 - (i) the educational requirements described in Subsection (1)(c); and
 - (ii) the experience in real property appraisal described in Subsection (1)(d).
 - (b) The educational and experience requirements established under Subsection (3)(a) shall meet or exceed the educational requirements and the hourly experience requirements adopted by the Appraisal Qualification Board.

Amended by Chapter 350, 2014 General Session

61-2g-314 State-certified general appraiser -- Application -- Qualifications.

- (1) An applicant for certification as a general appraiser shall provide to the division evidence of:
- (a) the applicant's good moral character, honesty, competency, integrity, truthfulness, and general fitness to command the confidence of the community;
 - (b) completion of the certification examination with a satisfactory score as determined by the Appraisal Qualification Board;
 - (c) completion of the educational requirements established by rule in accordance with Subsection (3); and
 - (d) experience in real property appraisal as established by rule in accordance with Subsection (3).
- (2) Upon request by the division, an applicant shall make available to the division for examination:
- (a) a detailed listing of the real estate appraisal reports or file memoranda for which experience is claimed; and
 - (b) a sample selected by the division of appraisal reports that the applicant has prepared in the course of the applicant's appraisal practice.
- (3)
- (a) The division shall, with the concurrence of the board, make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish:
 - (i) the educational requirements described in Subsection (1)(c); and
 - (ii) the experience in real property appraisal described in Subsection (1)(d).
 - (b) The educational and experience requirements established under Subsection (3)(a) shall meet or exceed the educational requirements and the hourly experience requirements adopted by the Appraisal Qualification Board.

Amended by Chapter 350, 2014 General Session

61-2g-315 Licensing, certification, and registration documents -- Assigned number to be used on contracts -- Surrender of documents upon suspension.

- (1) The division shall issue to a person licensed, certified, or registered under this chapter a document:
- (a) stating that the person is licensed, certified, or registered under this chapter; and
 - (b) specifying the expiration date of a license or certification.
- (2)

- (a) A license, a certification, or a registration document issued under this chapter shall bear a license, certification, or registration number assigned by the division.
 - (b) An assigned number shall be used in a statement of qualification, a contract, or another instrument used by the holder of the license, certificate, or registration when reference is made to the holder's status as being licensed, certified, or registered under this chapter.
- (3)
- (a) A license, certification, or registration document is the property of the state.
 - (b) Upon a suspension or revocation of a license, certification, or registration under this chapter, the individual holding the applicable document shall immediately return the document to the division.

Amended by Chapter 166, 2012 General Session

61-2g-316 Surrender of license.

- (1) The division may, by written agreement, accept the voluntary surrender of a license issued under this chapter.
- (2) Tender and acceptance of a voluntary surrender of a license under Subsection (1):
 - (a) does not prevent the division from pursuing additional action, including disciplinary action, that relates to the surrendered license and is authorized by this chapter or by rules made under this chapter; and
 - (b) terminates all rights and privileges associated with the license.
- (3) A person may restore the rights and privileges described in Subsection (2)(b) only if the person reapplies for, and is granted, licensure in accordance with the requirements described in this chapter.
- (4) Any documentation relating to the tender and acceptance of a voluntary surrender is a public record.

Enacted by Chapter 350, 2014 General Session