

Part 4 Operational Restrictions

61-2g-401 State-certified and state-licensed appraisers -- Restrictions on use of terms -- Conduct prohibited or required -- Trainee.

- (1)
 - (a) The terms "state-certified general appraiser," "state-certified residential appraiser," and "state-licensed appraiser":
 - (i) may only be used to refer to an individual who is certified or licensed under this chapter; and
 - (ii) may not be used following, or immediately in connection with, the name or signature of a firm, partnership, corporation, or group, or in any manner that it might be interpreted as referring to a firm, partnership, corporation, group, or to anyone other than the individual who is certified or licensed under this chapter.
 - (b) The requirement of this Subsection (1) may not be construed to prevent a state-certified general appraiser from signing an appraisal report on behalf of a corporation, partnership, firm, or group practice if it is clear that:
 - (i) only the individual is certified; and
 - (ii) the corporation, partnership, firm, or group practice is not certified.
 - (c) Except as provided in Section 61-2g-103, a certificate or license may not be issued under this chapter to a corporation, partnership, firm, or group.
- (2)
 - (a) A person other than a state-certified general appraiser or state-certified residential appraiser, may not assume or use any title, designation, or abbreviation likely to create the impression of certification in this state as a real estate appraiser.
 - (b) A person other than a state-licensed appraiser may not assume or use any title, designation, or abbreviation likely to create the impression of licensure in this state as a real estate appraiser.
- (3)
 - (a) Only an individual who has qualified under the certification requirements of this chapter is authorized to prepare and sign a certified appraisal report relating to real estate or real property in this state.
 - (b) If a certified appraisal report is prepared and signed by a state-certified residential appraiser, the certified appraisal report shall state, immediately following the signature on the report, "State-Certified Residential Appraiser."
 - (c) If a certified appraisal report is prepared and signed by a state-certified general appraiser, the certified appraisal report shall state, immediately following the signature on the report, "State-Certified General Appraiser."
 - (d) An appraisal report prepared by a state-licensed appraiser shall state, immediately following the signature on the report, "State-Licensed Appraiser."
 - (e) When signing a certified appraisal report, a state-certified appraiser shall also place on the report, immediately below the state-certified appraiser's signature the state-certified appraiser's certificate number and its expiration date.
 - (f) A state-certified residential appraiser may not prepare a certified appraisal report outside the state-certified residential appraiser's authority as defined in Section 61-2g-312.
 - (g) A state-licensed appraiser who assisted in the preparation of a certified appraisal report is authorized to cosign the certified appraisal report.

- (4) A person who has not qualified under this chapter may not describe or refer to any appraisal or appraisal report relating to real estate or real property in this state by the terms "certified appraisal" or "certified appraisal report."
- (5) If a trainee assists a state-certified appraiser in the preparation of an appraisal report, the appraisal report shall disclose:
 - (a) the trainee's name; and
 - (b) the extent to which the trainee assists in the preparation of the appraisal report.

Renumbered and Amended by Chapter 289, 2011 General Session

61-2g-402 Principal place of business -- Display of documents -- Notify of changes -- Nonresidents.

- (1) A person licensed or certified under this chapter shall:
 - (a) designate and maintain a principal place of business; and
 - (b) conspicuously display the person's license or certification.
- (2) Upon a change of a person's principal business location or home address, a person licensed or certified under this chapter shall promptly send the division a signed statement notifying the division of the change within 10 business days of the change.
- (3) A nonresident licensee or certificate holder is not required to maintain a place of business in this state if the nonresident maintains an active place of business in the nonresident's state of domicile.

Amended by Chapter 166, 2012 General Session

61-2g-403 Professional conduct -- Uniform standards.

- (1)
 - (a) A person licensed, certified, or registered under this chapter shall comply with:
 - (i) generally accepted standards of professional appraisal practice; and
 - (ii) generally accepted ethical rules to be observed by a real estate appraiser.
 - (b) Subject to the other provisions of this Subsection (1), generally accepted standards of professional appraisal practice are evidenced by the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Foundation.
 - (c) After a public hearing held in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board, with the concurrence of the division:
 - (i) shall adopt and may make modifications of or additions to the Uniform Standards of Professional Appraisal Practice as the board considers appropriate to comply with the Financial Institutions Reform, Recovery, and Enforcement Act of 1989; or
 - (ii) may by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, exempt a person licensed, certified, or registered from complying with a provision of the Uniform Standards of Professional Appraisal Practice for an activity that the person engages in on behalf of a governmental entity.
 - (d) When an individual is a state-licensed appraiser or state-certified appraiser and also holds a license issued under Chapter 2f, Real Estate Licensing and Practices Act, the individual may provide an opinion of price of real estate without complying with the Uniform Standards of Professional Appraisal Practice if the individual provides the opinion of price as a licensee under Chapter 2f, Real Estate Licensing and Practices Act.

- (e) A state-licensed or state-certified appraiser who also holds a license issued under Chapter 2c, Utah Residential Mortgage Practices and Licensing Act, or Chapter 2f, Real Estate Licensing and Practices Act, may not act under more than one license in a single transaction.
- (2) When instructed by the board, the division shall schedule a public hearing pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the purpose of deciding whether or not the board should require a modified or supplemental standard or the ethical rule to be observed by a person licensed, certified, or registered under this chapter if the Appraisal Standards Board of the Appraisal Foundation:
 - (a)
 - (i) modifies the Uniform Standards of Professional Appraisal Practice;
 - (ii) issues a supplemental appraisal standard which it considers appropriate for:
 - (A) a residential real estate appraiser; or
 - (B) a general real estate appraiser; or
 - (iii) issues an ethical rule to be observed by a real estate appraiser; and
 - (b) requests the board to consider the adoption of the modified or supplemental standard or ethical rule.
- (3) If, after the notice and public hearing described in Subsection (2), the board finds that a modified or supplemental standard or the ethical rule issued by the Appraisal Standards Board of the Appraisal Foundation is appropriate for a person licensed, certified, or registered under this chapter, the board shall recommend a rule requiring a person licensed, certified, or registered under this chapter to observe the modified or supplemental standard or the ethical rule.

Amended by Chapter 166, 2012 General Session

61-2g-404 Registration, licensure, or certification prerequisite to suit for compensation.

A person engaged in the business of real estate appraising in this state or acting in the capacity of a real estate appraiser in this state may not bring or maintain an action as a plaintiff in a court of this state to collect compensation for the performance of real estate appraisal services for which registration, licensure, or certification is required by this chapter without alleging and proving that the person was the holder of a valid registration, license, or certification in this state at all times during the performance of the real estate appraisal services.

Renumbered and Amended by Chapter 289, 2011 General Session

61-2g-405 Recordkeeping requirements.

- (1) Subject to Subsection (2), a person licensed or certified under this chapter and a person required to be registered under this chapter before May 3, 2001, shall retain for a period of five years the original or a true copy of:
 - (a) each written contract engaging the person's services for real estate or real property appraisal work;
 - (b) each appraisal report prepared or signed by the person; and
 - (c) the supporting data assembled and formulated by the appraiser in preparing each appraisal report.
- (2) The five-year period for retention of records is applicable to each engagement of the services of the appraiser and begins upon the date of the delivery of each appraisal report to the client unless, within the five-year period, the appraiser is notified that the appraisal or the appraisal report is involved in litigation, in which event the records must be maintained for the longer of:

- (a) five years; or
 - (b) two years following the date of the final disposition of the litigation.
- (3) Upon reasonable notice, a person licensed or certified under this chapter and a person required to be registered under this chapter before May 3, 2001, shall make the records required to be maintained under this chapter available to the division for inspection and copying.

Renumbered and Amended by Chapter 289, 2011 General Session

61-2g-406 Contingent fees.

- (1) A person licensed or certified under this chapter who enters into an agreement to perform an appraisal may not accept a contingent fee.
- (2) A person may accept payment of a fixed fee or a contingent fee when the person:
 - (a) if the person is not licensed or certified under this chapter, presents or provides a price estimate or property tax information in accordance with Section 59-2-1017; or
 - (b) if the person is licensed or certified under this chapter, enters into an agreement to provide consultation services.
- (3) A person that accepts payment of a fee under Subsection (2) shall:
 - (a) clearly state in each oral statement the fact that the person is accepting payment of a fee under a contingent fee arrangement and whether the person is licensed or certified under this chapter; and
 - (b) clearly state in any written consultation report or summary, letter of transmittal, certification statement, price estimate, or property tax information that the document is prepared under a contingent fee arrangement and whether the person is licensed or certified under this chapter.

Amended by Chapter 384, 2016 General Session

61-2g-407 Consultation reports -- Restrictions on use of terms.

A person who presents or provides a price estimate or property tax information in accordance with Section 59-2-1017, or prepares a written or oral consultation report, may not refer to the price estimate, property tax information, or consultation report as an appraisal, an appraisal report, or in any manner that may be interpreted as referring to an appraisal or an appraisal report.

Amended by Chapter 180, 2013 General Session