

1. **PROPERTY TAX APPEAL PROVISIONS**

2 2003 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Curtis S. Bramble**

5 **This act amends the Real Estate Appraiser Licensing and Certification Act and the**  
6 **Revenue and Taxation Code. This act exempts real estate brokers, real estate sales**  
7 **agents, and other persons from real estate appraiser licensing and certification**  
8 **requirements when giving an opinion regarding the value of real estate in certain**  
9 **circumstances. The act makes technical changes.**

10 This act affects sections of Utah Code Annotated 1953 as follows:

11 AMENDS:

12 **59-2-701**, as last amended by Chapter 214, Laws of Utah 2001

13 **61-2b-3**, as last amended by Chapter 117, Laws of Utah 1999

14 *Be it enacted by the Legislature of the state of Utah:*

15 Section 1. Section **59-2-701** is amended to read:

16 **59-2-701. Appraisal by certified or licensed appraisers only -- Exception --**  
17 **Certification of elected county assessors.**

18 (1) (a) Any person performing an appraisal for purposes of establishing fair market  
19 value of real estate or real property for the assessment roll shall be the holder of an appraiser's  
20 certificate or license issued by the Division of Real Estate under Title 61, Chapter 2b, Real  
21 Estate Appraiser Licensing and Certification Act, except uncertified or unlicensed appraiser  
22 trainees may, for up to 36 months after the date of hire or appointment as an appraiser trainee,  
23 appraise property under the direction of a holder of an appraiser's certificate or license issued  
24 by the division.

25 (b) Subsection (1)(a) does not apply to:

26 (i) any person who states an opinion of value if no consideration is paid or agreed to be  
27 paid for the opinion and no other party is reasonably expected to rely on the person's appraisal



28 expertise; or

29 (ii) any person described in Subsection (2) representing or assisting a taxpayer in a real  
30 property tax appeal, provided:

31 (A) the person follows the Uniform Standards of Professional § APPRAISAL § Practice  
31a adopted by the

32 Utah Appraiser Licensing and Certification Board; and

33 § [(B) the person registers with the county board of equalization prior to or at the time of  
34 the appeal, by completing and filing with the county board of equalization a registration form  
35 as described in Subsection (3);] (B) THE PERSON COMPLIES WITH ONE OF THE FOLLOWING:

35a (I) PRIOR TO OR AT THE TIME THE PERSON REPRESENTS OR ASSISTS A TAXPAYER IN A  
35b REAL PROPERTY TAX APPEAL AT THE COUNTY BOARD OF EQUALIZATION, THE PERSON  
35c COMPLETES AND FILES WITH THE COUNTY BOARD OF EQUALIZATION A REGISTRATION FORM AS  
35d DESCRIBED IN SUBSECTION (3); OR

35e (II) PRIOR TO OR AT THE TIME THE PERSON REPRESENTS OR ASSISTS A TAXPAYER IN A  
35f REAL PROPERTY TAX APPEAL AT THE COMMISSION, THE PERSON COMPLETES AND FILES WITH  
35g THE COUNTY BOARD OF EQUALIZATION OR THE COMMISSION A REGISTRATION FORM AS  
35h DESCRIBED IN SUBSECTION (3). §

36 (2) Subsection (1)(b)(ii) applies to any of the following persons:

37 (a) a principal real estate broker or associate real estate broker, as defined in Section  
38 61-2-2, who provides an opinion of value for a parcel of real property; or

39 (b) any person, including a real estate sales agent, as defined in Section 61-2-2, who  
40 provides an opinion of value for a parcel of real property whose fair market value is less than  
41 the "transaction value" set forth in Real Estate Lending and Appraisals, 12 C.F.R. Sec.  
42 34.43(a)(1), as that "transaction value" may be adjusted from time to time.

43 (3) The registration form referred to in Subsection (1)(b)(ii)(B) shall be substantially  
44 similar to the following:

REGISTRATION TO OFFER OPINION OF  
VALUE IN REAL ESTATE PROPERTY TAX APPEAL(S)

47 § [— (to be submitted to the County Board of Equalization before offering a value opinion in any  
48 appeal)] §

49 Name:

50 \_\_\_\_\_

51 (please print)

52 Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_

53 Office Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_ e-Mail: \_\_\_\_\_

54 \_\_\_\_\_

55 Date of Birth \_\_\_\_\_ Social Security # \_\_\_\_\_

56 \_\_\_\_\_

57 My registration is for (choose one):

58 \_\_\_\_\_ Appeal(s) on the following property(s), by parcel number(s):

59 \_\_\_\_\_

60 Any property tax appeals for the tax year 20\_\_\_\_\_.

61 HONESTY

62 YOU MUST ANSWER BOTH QUESTIONS

63 1. Yes No Have you in the last five years been convicted of, or plead guilty or no contest  
64 to, any

65 \_\_\_\_\_ offense of fraud, misrepresentation, theft, or deceit? If yes, describe.

66 2. Yes No Have you in the last five years had a civil judgment entered against you for  
67 fraud,

68 \_\_\_\_\_ misrepresentation, theft, or deceit? If yes, describe.

69 COMPETENCE

70 YOU MUST CHECK AT LEAST ONE. Please fill out the applicable section completely.

71 \_\_\_\_\_ I am a licensed principal or associate real estate broker in the state of Utah. My license  
72 number is:\_\_\_\_\_ . It expires:\_\_\_\_\_ . I certify that my  
73 opinion(s) of value will be in compliance with the Uniform Standards of Appraisal  
74 Practice as currently adopted by the Utah Appraiser Licensing and Certification Board.

75 \_\_\_\_\_ I am not currently licensed in Utah as either an appraiser or real estate broker. I  
76 acknowledge that I may not offer an opinion of value in a tax appeal for any parcel of  
77 real property whose fair market value exceeds \$ \_\_\_\_\_ [the "transaction value" set  
78 forth in Real Estate Licensing and Appraisals, 12 C.F.R. Sec. 34.43(a)(1), as that  
79 "transaction value" may be adjusted from time to time]. I certify that my opinion(s) of  
80 value will be in compliance with the Uniform Standards of Appraisal Practice as  
81 currently adopted by the Utah Appraiser Licensing and Certification Board. (If you  
82 have a real estate sales agent license, list the # \_\_\_\_\_ and expiration date  
83 \_\_\_\_\_.)

84 Date:\_\_\_\_\_

85 Signature:\_\_\_\_\_

86 SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_,

87 \_\_\_\_\_

88 \_\_\_\_\_

89 NOTARY PUBLIC

90           ~~[(2)]~~ (4) The limitations on appraisal authority under Subsections 61-2b-10(1) and (2)  
 91 and Section 61-2b-13 do not apply to a person performing an appraisal for purposes of  
 92 establishing fair market value for the assessment roll.

93           ~~[(3)]~~ (5) The commission may prescribe additional requirements for any person  
 94 performing an appraisal for purposes of establishing fair market value for the assessment roll.

95           ~~[(4)]~~ (6) The commission may, by rule, establish qualifications for personal property  
 96 appraisers exempt from licensure under Title 61, Chapter 2b, Real Estate Appraiser Licensing  
 97 and Certification Act.

98           ~~[(5)]~~ (7) It is the duty of a county assessor, as established in Section 17-17-1, to ensure  
 99 that the assessor's office is in compliance with this section and any additional rules or  
 100 requirements for property appraisers established by the commission.

101           Section 2. Section **61-2b-3** is amended to read:

102           **61-2b-3. License or certification required.**

103           (1) Except as provided in Subsection (2), it is unlawful for anyone to prepare, for  
 104 valuable consideration, an appraisal, an appraisal report, a certified appraisal report, or perform  
 105 a consultation service relating to real estate or real property in this state without first being  
 106 registered, licensed, or certified in accordance with the provisions of this chapter.

107           (2) This section does not apply to:

108           (a) a principal real estate broker, associate real estate broker, or real estate sales agent,  
 109 as defined by Section 61-2-2 [~~licensed by this state~~], who, in the ordinary course of [~~his~~]  
 110 business, gives an opinion[~~-(+)~~] regarding the value of real estate[~~;~~];

111           ~~[(ii)]~~ (i) to a potential seller or third party recommending a listing price of real estate;  
 112 [~~or~~]

113           ~~[(iii)]~~ (ii) to a potential buyer or third party recommending a purchase price of real  
 114 estate;

115           (iii) as allowed under Subsections 59-2-701(1)(b) and (2); or

116           (iv) in connection with any § PROPERTY § tax matter or proceeding;

117           (b) an employee of a company who states an opinion of value or prepares a report  
 118 containing value conclusions relating to real estate or real property solely for the company's  
 119 use;

120           (c) any official or employee of a government agency while acting solely within the

- 121 scope of his duties, unless otherwise required by Utah law;
- 122 (d) an auditor or accountant who states an opinion of value or prepares a report  
123 containing value conclusions relating to real estate or real property while performing an audit;
- 124 (e) an individual, except an individual who is required to be registered, licensed, or  
125 certified under this chapter, who states an opinion about the value of property in which he has  
126 an ownership interest;
- 127 (f) an individual who states an opinion of value if no consideration is paid or agreed to  
128 be paid for the opinion and no other party is reasonably expected to rely on the individual's  
129 appraisal expertise;
- 130 (g) an individual, such as a researcher or a secretary, who does not render significant  
131 professional assistance, as defined by the board, in arriving at a real estate appraisal analysis,  
132 opinion, or conclusion; or
- 133 (h) an attorney authorized to practice law in this state who, in the course of his practice,  
134 utilizes an appraisal report governed by this chapter or who states an opinion of the value of  
135 real estate.
- 136 (3) No opinion of value or report containing value conclusions exempt under  
137 Subsection (2) may be referred to as an appraisal.

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**Legislative Review Note**  
**as of 12-12-02 9:31 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number SB0102**

**Property Tax Appeal Provisions**

*21-Jan-03*  
*3:09 PM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**