

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 Practice 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).

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:

45 REGISTRATION TO OFFER OPINION OF
46 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~~[-(i)]~~ regarding the value of real estate~~[-(i)]~~:

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 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.

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

Fiscal Note
Bill Number SB0102

Property Tax Appeal Provisions

21-Jan-03
3:09 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst