

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

SENATE BILL 779

By: Senator Maloch

For An Act To Be Entitled

AN ACT TO MAINTAIN THE ARKANSAS APPRAISER LICENSING AND CERTIFICATION BOARD'S COMPLIANCE WITH THE REQUIREMENTS OF THE APPRAISER QUALIFICATIONS BOARD OF THE APPRAISAL FOUNDATION; TO AUTHORIZE THE ARKANSAS APPRAISER LICENSING AND CERTIFICATION BOARD TO CONDUCT CRIMINAL BACKGROUND CHECKS TO ENHANCE THE ENFORCEMENT OF APPRAISER QUALIFICATIONS AND STANDARDS; AND FOR OTHER PURPOSES.

Subtitle

TO AUTHORIZE THE ARKANSAS APPRAISER LICENSING AND CERTIFICATION BOARD TO CONDUCT CRIMINAL BACKGROUND CHECKS TO ENHANCE THE ENFORCEMENT OF APPRAISER QUALIFICATIONS AND STANDARDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 17-14-203(2), concerning the powers and duties of the Arkansas Appraiser Licensing and Certification Board, is amended to read as follows:

(2)(A) Receive applications for registering, licensing, and certification.

(B) The application shall include the applicant's consent to a state criminal background check and a national fingerprint-based criminal background check performed by the Federal Bureau of Investigation in compliance with federal law and regulations;



SECTION 2. Arkansas Code § 17-14-203(4)(A), concerning the powers and duties of the Arkansas Appraiser Licensing and Certification Board, is amended to read as follows:

(4)(A)(i) Approve and issue registration, licenses, and certificates to qualified applicants or disapprove applications for registering, licensing, and certification for applicants who do not meet the minimum requirements as prescribed in this chapter.

(ii) The minimum requirements shall include a determination that the applicant possesses a background that does not call into question public trust or the applicant’s fitness for registration, licensure, or certification.

SECTION 3. Arkansas Code § 17-14-203(6)(E), concerning the powers and duties of the Arkansas Appraiser Licensing and Certification Board, is amended to read as follows:

(E)(i) Every application for registering, licensing, and certification shall be accompanied by an application and examination fee, as applicable, and a criminal background check fee that the Arkansas Appraiser Licensing and Certification Board may establish by ~~regulation~~ rule.

(ii) However, the Arkansas Appraiser Licensing and Certification Board, at its discretion, may direct each applicant to pay the actual cost of the examination fee directly to a testing service engaged by the Arkansas Appraiser Licensing and Certification Board to administer the examination.

SECTION 4. Arkansas Code § 17-14-203(6)(G), concerning the powers and duties of the Arkansas Appraiser Licensing and Certification Board, is amended to read as follows:

(G) The total annual resident registering, licensing, certification, and application fees established by the Arkansas Appraiser Licensing and Certification Board shall not exceed three hundred dollars (\$300), excluding fees for:

(i) applicable ~~Applicable~~ examination and federal pass-through fees; and

(ii) Criminal background check fees.

SECTION 5. Arkansas Code § 17-14-203, concerning the powers and duties of the Arkansas Appraiser Licensing and Certification Board, is amended to add an additional subdivision to read as follows:

(12)(A) Obtain a state criminal background check performed by the Identification Bureau of the Department of Arkansas State Police and a national fingerprint-based criminal background check performed by the Federal Bureau of Investigation in compliance with federal law and regulations for all applicants for a real property appraiser registration, license, or certification to determine if the applicant possesses a background that does not call into question public trust or the applicant's fitness for registration, licensure, or certification.

(B) An applicant shall provide all information requested by the Arkansas Appraiser Licensing and Certification Board to assist making the determination.

(C) Factors to consider in making the determination include without limitation whether the applicant:

(i) During the five (5) years immediately preceding the date of the application was convicted of, or pled guilty or nolo contendere to, a crime that would call into question the applicant's fitness for registration, licensure, or certification, including without limitation a crime involving:

(a) Moral turpitude;

(b)(1) An act substantially related to the qualifications, functions, or duties of an appraiser.

(2) A crime or act may be deemed substantially related to the qualifications, functions, or duties of an appraiser if, to a substantial degree, the crime or act evidences present or potential unfitness of a person applying for or holding a real property appraiser credential to perform the functions authorized by the credential;

(c) Taking, appropriating, or retaining the funds or property of another;

(d) Forging, counterfeiting, or altering an instrument affecting the rights or obligations of another;

(e) Evasion of a lawful debt or obligation, including without limitation a tax obligation;

(f) Trafficking in narcotics or controlled substances;

(g) Violation of a relation of trust or confidence;

(h) Theft of personal property or funds;

(i) An act of violence or threatened violence against persons or property; or

(j) A sexually related crime or act under § 5-14-101, et seq.;

(ii) Has had an appraiser registration, license, certification, or credential of any type revoked in any governmental jurisdiction;

(iii) Performed any act which if done by an appraiser would be grounds to revoke or suspend the appraiser's license or certification;

(iv) Knowingly made a false statement of material fact required to be disclosed in an application for any professional license or certification;

(v) Has been prohibited from participating in the affairs of an insured depository institution under Section 19(a) of the Federal Deposit Insurance Act, 12 U.S.C. § 1829;

(vi) Misrepresented facts or information on the appraiser registration, license, or certification application; or

(vii) Cheated on an examination for a real property appraiser registration, license, or certification.

SECTION 6. EFFECTIVE DATE. This act is effective on and after January 1, 2017.