

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

As Engrossed: H2/26/09

A Bill

ACT 413 of 2009

HOUSE BILL 1500

4
5 By: Representative G. Smith
6
7

For An Act To Be Entitled

8
9 AN ACT TO INCREASE PENALTIES UNDER THE ARKANSAS
10 APPRAISER LICENSING AND CERTIFICATION ACT; TO
11 PROHIBIT IMPROPERLY INFLUENCING AN APPRAISER; AND
12 FOR OTHER PURPOSES.
13

Subtitle

14
15 TO INCREASE PENALTIES UNDER THE ARKANSAS
16 APPRAISER LICENSING AND CERTIFICATION
17 ACT AND TO PROHIBIT IMPROPERLY
18 INFLUENCING AN APPRAISER.
19
20
21

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

23
24 SECTION 1. Arkansas Code § 17-14-308 is amended to read as follows:
25 17-14-308. Violation of law – Civil penalties, injunctions, venue.

26 (a)(1) It is unlawful for ~~any~~ a person not registered, licensed, or
27 certified under this chapter to perform any an act or advertise to perform an
28 act for which registration, licensure, or certification is required.

29 (2) ~~Any person acting as an appraiser within the meaning of this~~
30 ~~chapter without an appraiser classification and any person who violates any~~
31 ~~other provision of this chapter shall be guilty of a misdemeanor. A person is~~
32 guilty of a Class A misdemeanor if the person:

33 (A) Acts as an appraiser within the meaning of this
34 chapter without an appraiser classification;

35 (B)(i) With an interest in a real estate transaction
36 involving an appraisal, improperly influences or attempts to improperly

William A. Tate
PRESIDENT OF SENATE

SPEAKER OF THE HOUSE

W. A. Tate



1 influence the development, reporting, result, or review of a real estate
2 appraisal through intimidation, coercion, extortion, bribery, blackmail,
3 threat of nonpayment or withholding payment for services, or threat of
4 exclusion from future appraisal work.

5 (ii) Subdivision (a)(2)(B)(i) of this section does
6 not prohibit a person from:

7 (a) Requesting an appraiser to:

8 (1) Consider additional information
9 concerning the real estate appraisal;

10 (2) Provide further detail,
11 substantiation, or explanation for the appraiser's value conclusion; or

12 (3) Correct errors in the appraisal
13 report; or

14 (b) Withholding payment for an appraisal based
15 upon a bona fide dispute concerning the appraiser's compliance with the
16 appraisal standards adopted by the Arkansas Appraiser Licensing and
17 Certification Board under this chapter.

18 (iii) A violation of this subdivision (a)(2)(B) is a
19 ground for discipline against a person holding a license, certificate, or
20 registration under this chapter; or

21 (C) Violates any other provision of this chapter.

22 (b)(1) Upon application by the Arkansas Appraiser Licensing and
23 Certification Board board, a court may grant an injunction, restraining
24 order, or other order as may be appropriate to enjoin a person from:

25 (A) Offering to engage or engaging in the performance of
26 any acts or practices for which a registration, certificate, or license is
27 required by the Arkansas Appraiser Licensing and Certification Act, § 17-14-
28 101 et seq., upon a showing that the acts or practices were performed or
29 offered to be performed without a registration, license, or certificate; or

30 (B) Engaging in any practice or business authorized by a
31 certificate, license, or registration issued pursuant to under the Arkansas
32 Appraiser Licensing and Certification Act, § 17-14-101 et seq., upon a
33 showing that the holder of the certificate, license, or registration presents
34 a substantial probability of serious danger to the health, safety, or welfare
35 of any resident of this state or client of the certificate holder or
36 licensee; or

WILLIAM L. HOGAN
PRESIDENT OF SENATE

WILLIAM L. HOGAN
SPEAKER OF THE HOUSE

(C) Violating subdivision (a)(2) of this section.

(2) Any person co-signing an appraisal with a state-registered, state-licensed, or state-certified appraiser becomes subject to the provisions of this chapter.

(c) ~~Any An~~ action brought ~~pursuant to~~ under this section shall be commenced in the county in which the conduct occurred, in the county in which the defendant resides, or in Pulaski County.

(d) ~~Any actions~~ An action brought under this section shall be in addition to and not in lieu of any penalty provided by § 17-14-206 and may be brought concurrently with any other actions action to enforce the provisions of this chapter.

/s/ G. Smith

Willie Williams
PRESIDENT OF SENATE

David Williams
SPEAKER OF THE HOUSE

APPROVED *JRC*
GOVERNOR

3 - 13 - 09