	Cr. C.A.1	4 5 1 172/	26/00					
1	State of Arkansas	As Engrossed: H2/ A Rill	20/09					
2	87th General Assembly		L	HOUSE BILL 1500				
3	Regular Session, 2009	ACT 413 of	2009	HOUSE BILL 1900				
4 5	By: Representative G. Smith							
6	by. Representative of Simul							
7								
8		For An Act To Be	Entitled					
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								
14	Subtitle							
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 GEN	IERAL ASSEMBLY OF TH	E STATE OF	ARKANSAS:				
23								
24	SECTION 1. Arkans	sas Code § 17-14-308	is amende	ed to read as follows:				
25	17-14-308. Violation of law — Civil penalties, injunctions, venue.							
26	(a)(l) It is unlawful for $\frac{\partial}{\partial x}$ a person not registered, licensed, or							
27	certified under this cha	apter 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 gu	ilty of a	misdemeanor. A person is				
32	guilty of a Class A misdemeanor if the person:							
33	\ <u>\</u>	acts as an appraiser		ne meaning of this				
34	chapter without an appra							
35	<u>(B)(i)</u>	With an interest	in a real	estate transaction				

involving an appraisal, improperly influences or attempts to improperly



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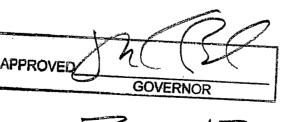
licensee; or

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)(l) 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; ΘF						
30	(B) Engaging in any practice or business authorized by a						
31	certificate, license, or registration issued pursuant to <u>under</u> 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						
25	of any resident of this state or client of the certificate holder or						

(C)	Violating	subdivision	(a)(2)	of	this	section
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- (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) $\underline{\text{Any}}$ $\underline{\text{An}}$ action brought $\underline{\text{pursuant to}}$ $\underline{\text{under}}$ 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 <u>any</u> other actions action to enforce the provisions of this chapter.

/s/ G. Smith



3-13-09

