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March 15, 1994

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**SB 159** authorizing, **Title 190, Series 2, Requirements for Licensure & Certification**, passed the Legislature on **March 12, 1994**. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs SB 159, to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office with a promulgation history of the rule. Authorization for your legislative rule is cited in **SB 159** section **64-9-31(e)**. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

**\*\*\*IMPORTANT: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A WORD PERFECT OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM THAT USES A 3 1/2" OR 5 1/4" DISK, YOU MUST SUBMIT A CLEAN COPY, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, TO OUR OFFICE WHEN FINAL FILING THE RULE. STATE ON THE DISK THE FORMAT THE RULE IS IN AND THE TITLE IT IS FILED UNDER. THIS WILL MAKE IT QUICKER FOR US TO ENTER YOUR RULES ON THE LEGISLATIVE DATA BASE. REMEMBER THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE.**

After the final rule is entered into the legislative data base, the rule will be sent to the agency for review and proofing. Following confirmation or corrections, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to call our office.

Thank You  
Administrative Law Division

## PROMULGATION HISTORY

### TITLE 190 - SERIES 2

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1. 03/02/93 Filed Rule in State Register with Notice of Hearing
2. 04/14/93 Held hearing
3. 05/28/93 Filed Agency Approved Rule
4. 05/28/93 Filed Emergency Rule
5. 07/07/93 Refiled Modified Rule in accordance with Legislative Rule-Making Review Committee notification
6. 03/12/94 Senate Bill 159, which authorized Rule, was passed by Legislature

TITLE 190  
LEGISLATIVE RULES  
WEST VIRGINIA REAL ESTATE APPRAISER  
LICENSING AND CERTIFICATION BOARD

SERIES 2

§ 190-2-1. General.

1.1. Scope - This rule establishes the requirements for an applicant to become a licensed or certified real estate appraiser in the state of West Virginia by the West Virginia Real Estate Appraiser Licensing and Certification Board.

1.2. Authority - W.Va. Code § 37-14-6 as amended (1991).

1.3. Filing Date - \_\_\_\_\_.

1.4. Effective date - \_\_\_\_\_.

§190-2-2. Definitions.

2.1. "Classroom hour" means 50 minutes out of each 60 minute segment of classroom instruction. A "classroom hour" does not include time spent in the performance of a home study program or correspondence course.

2.2. "Experience" as used in this rule includes, but is not limited to, experience gained in the performance of traditional appraisal assignments, or in the performance of the following: fee and staff appraisals, ad valorem tax appraisal, review appraisal, appraisal analysis, real estate counseling, highest and best use analysis, feasibility analysis/study, and teaching of appraisal courses.

2.3. "Accredited colleges, universities and junior and community colleges" means those institutions of higher learning under the West Virginia Board of Directors or Board of Trustees, or listed in the Transfer Credit Practices of Designated Educational Institutions, published by the American Association of Collegiate Registrars and Admissions Officers.

2.4. "Adult distributive or marketing education programs" means those programs offered at schools approved by the West Virginia Board of Directors or Board of Trustees, or any other local, state, or federal government agency, board or commission to teach adult education or marketing courses.

2.5. "Appraiser Qualification Board" means the board created by the Appraisal Foundation to establish appropriate criteria for the licensure and certification of qualified appraisers by defining, issuing and promoting the qualification criteria; to

disseminate the qualification criteria to states, governmental entities and others; and to develop or assist in the development of appropriate examinations for qualified appraisers.

2.6. "Local, state or federal government agency, board or commission" means an entity established by any local, federal or state government to protect or promote the health, safety and welfare for the citizens of its domain.

2.7. "Proprietary School" means a privately owned school, under the authority of a local, state or federal government agency, board or commission, offering appraisal or appraisal related courses.

2.8. "Uniform Standards of Professional Appraiser Practice" means those standards promulgated by the Appraisal Standards Board of the Appraisal Foundation for use by all appraisers in the preparation of appraisal reports.

§ 190-2-3. Real Estate appraiser license required.

3.1. Beginning the first day of January, one thousand nine hundred ninety-two, it is unlawful for any person, for compensation or valuable consideration, to prepare a valuation appraisal or a valuation appraisal report relating to real estate or real property in this state without first being licensed or certified as provided in this rule. This section does not apply to persons who do not render significant professional assistance in arriving at a real estate appraisal analysis, opinion or conclusion. Nothing in this rule prohibits any person who is licensed to practice in this state under any other law from engaging in the practice for which he or she is licensed.

3.2. This rule does not apply to the following individuals or activities:

3.3.1. A licensed real estate broker or salesperson who, in the ordinary course of his or her business, gives an opinion to a potential buyer, seller or third party, as to the recommended listing price of a piece of real estate, when the advice or opinion is not referred to as an appraisal, no opinion is given as to the value of the real estate, and no fee is charged.

3.3.2. A casual or drive-by inspection of real estate in connection with a consumer loan secured by the real estate, when the inspection is not referred to as an appraisal report, no opinion is rendered as to the value of the real estate, and no fee is charged;

3.3.3. An employee who renders an opinion as to the value of real estate for his or her full-time employer, for the employer's internal use only, and when the opinion is rendered in the regular course of the employee's position, the opinion is not referred to as an appraisal report and no fee is charged;

3.3.4. Appraisals of personal property, including, but not limited to, jewelry, household furnishings, vehicles, and manufactured homes not attached to real estate;

3.3.5. Any officer or employee of the United States or the State of West Virginia or a political subdivision thereof, when the officer or employee is performing his or her official duties: Provided, the individual does not furnish advisory service for compensation to the public or act as an independent contracting party in West Virginia or any subdivision thereof in connection with the appraisal of real estate: Provided however, this exception does not apply with respect to federally related transactions as defined in Title XI of the United States Code, entitled "Financial Institutions Reform, Recovery, and Enforcement Act of 1989."

3.3.6. A person licensed to practice public accountancy as defined in W. Va. Code § 30-9-2, including the performance of a business evaluation; Provided, that this exception does not apply to federally related transactions as defined in the "Financial Institutions Reform, Recovery, and Enforcement Act of 1989", 12 U.S.C. § 3331 et seq.

3.3.7. Any evaluation of the value of real estate serving as collateral for a loan made by a financial institution insured by the Federal Deposit Insurance Corporation: Provided, That: (1) The amount of the loan is less than fifty thousand dollars or such other amount not to exceed one hundred thousand dollars established by the Federal Deposit Insurance Corporation, the board of governors of the federal reserve system, the office of the comptroller of the currency or the office of thrift supervision pursuant to authority granted under Title XI of the United States Code, entitled Financial Institutions Reform Recovery, and Enforcement Act of 1989 applicable to a particular insured financial institution as the level below which collateral evaluations need not be performed by a licensed or certified appraiser; (2) the evaluation is used solely by the lender in its records to document the collateral value; (3) the evaluation clearly indicates on its face that it is for the lender's internal use only; (4) the evaluation is not labeled an "appraisal"; and (5) the

evaluation is on a form approved by the board. Individuals performing these evaluations may be compensated for their services.

§ 190-2-4. Classification of licensure and certification.

There are three classifications of real estate appraisers:

4.1. State licensed residential real estate appraiser. -- The state licensed residential real estate appraiser classification consists of those persons who meet the requirements for licensure that relate to the appraisal of (1) Complex residential real estate of one to four units having a value of less than two hundred fifty thousand dollars; (2) non-complex residential real estate of one to four units having a value of less than one million dollars; and (3) non-residential real estate having a value of less than one hundred thousand dollars.

4.2 State Certified Residential Real Estate Appraiser. -- The state certified residential real estate appraiser classification consists of those persons who meet the requirements for certification that relate to the appraisal of residential real estate of one to four units without regard to value or complexity and to the appraisal of nonresidential real estate when the value is less than one hundred thousand dollars.

4.3. State certified general real estate appraiser. --The state certified general real estate appraiser classification consists of those persons who meet the requirements for certification relating to the appraisal of all types of real estate ~~and to the appraisal of non-residential real estate when the value is less than one hundred thousand dollars.~~

4.4. On each application for licensure or certification and each application to take an examination the applicant shall specify the classification being applied for and, if applicable, the class of licensure or certification previously granted the applicant.

§ 190-2-5. Adoption of Appraisal Foundation criteria

5.1. Pursuant to W. Va. Code § 37-14-30, all applicants for licensure or certification as a real estate appraiser shall satisfy the education, experience and examination criteria established by the Appraisal Qualifications Board of the Appraisal Foundation which have been adopted by this Board.

§ 190-2-6. General qualifications for licensure or certification.

6.1. Every applicant to the Board who wishes to be classified as a licensed or certified real estate appraiser shall have the following qualifications:

6.1.1. The applicant has a good reputation for honesty, truthfulness, and fair dealing, and is competent to transact the business of a licensed or certified real estate appraiser in such a manner as to safeguard the interests of the public.

6.1.2. Except as provided for in 190 CSR 2, the applicant meets the current education and experience requirements and submits an application to the Board or its agent prior to the time the applicant is approved to sit for the licensing or certification examination. An applicant must complete an application for licensure or certification within twelve months of the date of the receipt of the application and fee by the Board.

6.1.3. The applicant is in good standing as a real estate appraiser in every jurisdiction where licensed or certified. The applicant's occupational or professional license or certification has not been suspended, revoked or surrendered in connection with a disciplinary action or the applicant has not been the subject of disciplinary action in any jurisdiction prior to applying for licensure or certification in West Virginia.

6.1.4. The applicant has not been found guilty or pled guilty, regardless of adjudication, in any jurisdiction, of a misdemeanor involving moral turpitude or of any felony. Any plea of nolo contendere is considered a conviction for purposes of this subsection. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted is admissible as prima facie evidence of the conviction.

6.1.5. The applicant is at least 18 years of age.

6.2. The board may consider and approve for licensure or certification applicants who do not meet the requirements set forth in this section.

6.3. At the time of filing an application for original or renewal of certification, each applicant shall sign a pledge to comply with the standards of professional appraisal practice and the ethical rules that are established by the Board. Each applicant must also certify that he or she understands the types of misconduct as described in 190 CSR 4 and that disciplinary proceedings may be initiated against him or her for such misconduct.

§ 190-2-7. Additional qualifications for licensed residential real estate appraisers.

An applicant for a license as a licensed residential real estate appraiser shall meet the following requirements in addition to those set forth in Section 6 of this rule:

7.1. Education.

7.1.1. The applicant has successfully completed seventy-five (75) classroom hours of courses in subjects related to real estate appraisal of which a minimum of fifteen (15) hours includes coverage of the Uniform Standards of Professional Appraisal Practice.

7.1.2. The Board will grant credit towards classroom hours where the length of the educational offering was at least fifteen (15) hours and the applicant successfully completed an examination concerning that offering.

7.1.3. An applicant may obtain credit towards classroom hours from the following: Provided that, the courses have been registered with and approved by the Board:

- a. Accredited colleges or universities;
- b. Community or junior colleges;
- c. Real estate appraisal or real estate related organizations;
- d. Local, state or federal agencies, boards or commissions;
- e. Proprietary schools;
- f. Adult distributive or marketing educational programs; and
- g. Any other entity which has received prior approval by the Board.

7.1.4. The Board may award credit towards classroom hours to teachers of appraisal courses, however, a teacher may not receive both education and experience credit for the same classroom hour. A teacher may obtain credit for the classroom hour or experience, but not both.

7.1.5. There is no time limit for when an applicant must obtain qualifying education credit.

7.1.6. The Board may grant credit for courses where the applicant obtained credit from the course provider by challenge examination without attending the courses, provided, that the credit was granted by the course provider prior to July 1, 1990, and provided further, that the Board is satisfied with the quality of the challenge examination that was administered by the course provider.

7.1.7. The Board may credit various appraisal courses toward the seventy-five (75) classroom hour requirement if the applicant can show that his or her education involved coverage of all of the following topics, with particular emphasis on the appraisal of one to four unit residential properties:

- a. Influences on real estate value;
- b. Legal considerations in appraisal;
- c. Types of value;
- d. Economic principles;
- e. Real estate markets and analysis;
- f. Valuation process;
- g. Property description;
- h. Highest and best use analysis;
- i. Appraisal statistical concepts;
- j. Sales comparison approach;
- k. Cost approach;
- l. Site value;
- m. Income approach;  
    gross rent multiplier analysis  
    estimation of income and expenses  
    operating expense ratios
- n. Valuation of partial interests; and
- o. Appraisal standards and ethics.

7.1.8. The applicant shall submit to the Board a listing of those courses which he or she claims meet the education credit requirement, on a form to be prescribed by the Board. In addition, the applicant shall submit proof that he or she completed the course if proof is available. The applicant shall submit proof of the completion of a course claimed for credit if that course was completed after July 1, 1991.

## 7.2. Experience.

7.2.1. The applicant has a minimum of two thousand (2000) hours of appraisal experience. The Board or the applicant may treat hours as cumulative in order to achieve the required 2000 hours.

7.2.2. The applicant shall execute an affidavit as a part of the application for licensure, attesting to his or her experience in the field of real estate appraisal. This affidavit should be on log forms provided by the Board with the application, and the application shall also comply with the procedure for calculation of experience set forth in Section 9 of this rule.

## 7.3. Examination.

7.3.1. The applicant shall have registered for and passed a written examination administered by the Board or by a testing service acting on behalf of the Board prior to the issuance of his or her initial license.

7.4. Transitional license.

7.4.1. The applicant may take the exam and be issued a transitional license as a state licensed residential real estate appraiser as long as: (1) the applicant meets either the education or experience requirements for licensure; (2) all other criteria is satisfied; (3) the applicant passes the examination; and (4) the educational deficiency is corrected within one (1) year of the issuance of the transitional license, or the experience deficiency is corrected within two (2) years of the issuance of the transitional license. Provided: This license shall not be issued to any applicant after July 15, 1993.

§ 190-2-8. Additional qualifications for certified general and certified residential real estate appraisers.

An applicant for a classification as a certified real estate appraiser shall meet the following requirements in addition to those set forth in Section 3 of this rule:

8.1. Education.

8.1.1(a). For general certification, the applicant has successfully completed one hundred sixty-five (165) classroom hours of courses in subjects related to real estate appraisal of which a minimum of fifteen (15) hours included coverage of the Uniform Standards of Professional Appraisal Practice.

8.1.1(b). For residential certification the applicant has successfully completed one hundred and five (105) classroom hours of courses in subjects related to real estate appraisal of which a minimum of (15) hours included coverage of the Uniform Standards of Professional Appraisal Practice. Effective January 1, 1994, the applicant must have successfully completed ~~one hundred sixty-five (165)~~ one hundred thirty-five (135) classroom hours of courses in subjects related to real estate appraisal of which a minimum of fifteen (15) hours included coverage of the Uniform Standards of Professional Appraisal Practice.

8.1.2. The Board will grant credit towards classroom hours only where the length of the educational offering is at least fifteen (15) hours and the individual successfully completes an examination concerning that offering.

8.1.3. An applicant may obtain credit towards classroom hours from the following: Provided that, the courses have been registered with and approved by the Board:

- a. Accredited colleges or universities;
- b. Community or junior colleges;
- c. Real estate appraisal or real estate related organizations;
- d. Local, state or federal agencies, boards or commissions;
- e. Proprietary schools;
- f. Adult distributive or marketing education programs; and
- g. Any other entity which has received prior approval by the Board.

8.1.4. The Board may award credit toward classroom hours to teachers of appraisal courses, however, a teacher may not receive both education and experience credit for the same classroom hour. A teacher may obtain credit for the classroom hour or experience, but not both.

8.1.5. There is no time limit for when an applicant must obtain qualifying education credit.

8.1.6. The Board may grant credit for courses where the applicant obtained credit from the course provider by challenge examination without attending the courses, provided that such credit was granted by the course provider prior to July 1, 1990, and provided further that the Board is satisfied with the quality of the challenge examination that was administered by the course provider.

8.1.7. For general certification, the Board may credit various appraisal courses toward the one hundred sixty-five (165) classroom hour requirement if the applicant can show that his or her education involved coverage of all of the following topics, with particular emphasis on the appraisal of non-residential properties:

- a. Influences on real estate value;
- b. Legal considerations in appraisal;
- c. Types of value;
- d. Economic principles;
- e. Real estate markets and analysis;
- f. Valuation process;

- g. Property description;
- h. Highest and best use analysis;
- i. Appraisal math and statistics;
- j. Sales comparison approach;
- k. Site value;
- l. Cost approach;
- m. Income approach;
  - estimation of income and expenses
  - operating statement ratios
  - direct capitalization
  - cash flow estimates
  - measures of cash flow
  - discounted cash flow analysis
- n. Valuation of partial interests;
- o. Appraisal standards and ethics; and
- p. Narrative report writing.

8.1.8 For residential certification, the Board may credit various appraisal courses toward the classroom hours required by subsection 8.1.1(b) if the applicant can show that his or her education involved coverage of all topics listed below with particular emphasis on the appraisal of one to four unit residential properties:

- a. Influences on real estate value
- b. Legal considerations in appraisal
- c. Types of value
- d. Economic principles
- e. Real estate markets and analysis
- f. Valuation process
- g. Property description
- h. Highest and best use analysis
- i. Appraisal statistical concepts
- j. Sales comparison approach
- k. Site value
- l. Cost approach
- m. Income approach
  - gross rent multiplier analysis
  - estimation of income and expenses
  - operating expense ratios
  - direct capitalization
- n. Valuation of partial interests
- o. Appraisal standards and ethics
- p. Narrative report writing

8.1.9. The applicant shall submit to the Board a listing of those courses which he or she claims meet the education credit requirement, on a form to be prescribed by the Board. In addition, the applicant shall submit proof that he or she completed the course if proof is available. The applicant shall submit proof of the

completion of a course claimed for credit if that course was completed after July 1, 1991.

8.2. Experience.

8.2.1.(a). The applicant has a minimum of two (2) calendar years experience as a real estate appraiser. The Board considers two thousand (2000) hours of experience to be the equivalent of two (2) years of experience.

8.2.1.(b). For general certification only, at least one-half (1000 hours) of the appraisal experience required must be in non-residential appraisal assignments.

8.2.2. The applicant shall execute an affidavit attesting to his or her experience in the field of real estate appraisal, as a part of the application for certification upon log forms provided by the Board with the application. This affidavit must consist of a detailed list of the real estate appraisal reports or file memoranda for each year of which experience is claimed by the applicant. Upon request, the applicant shall provide the Board a sample of appraisal reports which the applicant has prepared in the course of his or her practice.

8.2.3. A licensed or certified residential appraiser may accumulate the experience hours required in subsection 8.2.1(b) by assisting in the appraisal of non-residential property valued over \$100,000. He or she must:

1. work under the direct supervision of a state certified general real estate appraiser; and
2. view the property and participate in the appraisal process in order to sign the report and receive credit for the hours spent.

For purposes of this section, DIRECT SUPERVISION means that the state certified general appraiser must:

- a. personally view with the residential appraiser the interior and exterior of each piece of property appraised;
- b. personally review each appraisal report prepared by the residential appraiser;
- c. assign work to the residential appraiser only if he or she is competent to perform the work;
- d. accept full responsibility for the report; and
- e. approve and sign the report as being independently and impartially prepared and in compliance with the

Uniform Standards of Professional Appraisal Practice,  
this rule and applicable statutory requirements.

8.3. Examination.

8.3.1. The applicant has registered for and passed a written examination administered by the Board or by a testing service acting on behalf of the Board prior to the issuance of his or her initial certification.

§ 190-2-9. Procedure for calculation of experience by the Board.

9.1. As provided for in Sections 7 and 8 of this rule, an applicant for residential real estate appraiser licensing or certification must provide evidence satisfactory to the Board that the applicant possesses two (2) years of appraisal experience. The Board considers 2000 hours of experience to be the equivalent of two (2) years of experience. The Board may award maximum experience hours for residential real estate appraiser licensing or certification as follows:

- a. A maximum of twelve hours of credit for a complex residential appraisal.
- b. A maximum of four hours of credit for a complex residential field review.
- c. A maximum of two hours of credit for a complex residential desk review.
- d. A maximum of six hours of credit for a non-complex residential appraisal.
- e. A maximum of two hours of credit for a non-complex residential field review.
- f. A maximum of three hours of credit for a non-complex residential desk review.

9.2 The Board will award credit for appraisals of non-residential properties as provided in subsection 8.2 of this rule.

9.3. As provided for in Section 8 of this rule, an applicant for general real estate appraiser certification must provide evidence satisfactory to the Board that the applicant possesses two (2) years of appraisal experience. The Board considers 2,000 hours of experience to be the equivalent of two (2) years of experience. Fifty percent of the experience, or 1,000 hours must be in non-residential appraisal work. Residential is defined as

one to four units. The Board may award maximum experience credits for general real estate appraiser certification as follows:

- a. A maximum of thirty-two hours of credit for a complex non-residential appraisal.
- b. A maximum of six hours of credit for a complex non-residential field review.
- c. A maximum of three hours of credit for a complex non-residential desk review.
- d. A maximum of eight hours of credit for a non-complex non-residential appraisal.
- e. A maximum of four hours of credit for a non-complex non-residential field review.
- f. A maximum of two hours of credit for a non-complex non-residential desk review.

9.4. The Board shall award hours for appraisal of residential properties as provided in section 8.1 of this rule.

9.5. If an applicant for licensure or certification feels that he or she has performed any real estate appraisals under unique circumstances, or that he or she has expended a greater amount of hours in the performance of an appraisal than the provisions of this section allow for experience credit; that applicant may provide the Board with a separate log, other than the log provided for in Sections 7 and 8 of this rule, detailing the amount of actual hours spent on that appraisal, with sufficient details and proof of the credit hours of experience that the Board should award him or her.

9.6. For the purpose of this section only: a non-complex appraisal is one having the following characteristics:

- a. There is an active market of essentially identical properties;
- b. Adequate data is available to the appraiser;
- c. Adjustments to comparable sales are not large in the aggregate, specifically not exceeding the trading range found in the market of essentially identical properties; and
- d. For residential property, the contract price falls within the market norm (median sales price) of homes in the neighborhood.

9.7. For the purpose of this section only: a complex appraisal for non-residential property is one that relied to any significant degree on all three approaches to value (cost, sales comparison and income) or was an appraisal which did not have the characteristics of a non-complex appraisal. A complex appraisal for residential property is one that relied to any significant degree on at least two of the three approaches to value, with one approach being the sales comparison approach, or was an appraisal which did not have the characteristics of a non-complex appraisal.

9.8. The Board shall award each signer (co-author) of an appraisal report accepting responsibility for the report full credit for the appraisal. The Board shall award credit for each appraisal having three or more signers accepting responsibility for the report based on the appropriate hours divided by the number of signers.

9.9. All appraisals submitted or claimed for experience credit are subject to verification by the Board. Applicants may not claim experience hours for appraisals which are not supported by written reports or file memoranda. On request, the applicant shall furnish the board copies of appraisal reports and file memoranda supporting the experience hours sought by the applicant. The Board shall treat all appraisal reports and file memoranda submitted to the Board as confidential to the extent permitted by law.

9.10. Review appraisal experience must be matched hour for hour by experience in preparing appraisal reports other than as a review appraisal. The Board may award matching appraisal experience for appraisal reports prepared at any time in the applicant's career.

§ 190-2-10. Qualifications for licensure or certification by reciprocity.

Every applicant to the Board for a license or certification by reciprocity shall meet the following qualifications:

10.1. An applicant who is currently licensed or certified as a real estate appraiser in another jurisdiction may obtain a West Virginia real estate appraiser license or certification by providing documentation that he or she has met educational, experience and examination requirements that are substantially equivalent to those required in West Virginia for the appropriate level of licensure or certification: Provided that, the other jurisdiction extends the same reciprocal consideration to all West Virginia licensed or certified appraisers in good standing in this state. All reciprocal applicants must pass the West Virginia appraiser law and regulation section of the licensing examination prior to licensure or certification, and pay to the Board the appropriate fees provided for by Section 11 of this rule.

10.2. The applicant is at least 18 years of age.

10.3. The applicant shall sign, as part of the application, an affidavit certifying that the applicant has read and understands the West Virginia real estate appraiser license laws and the regulations of the Real Estate Appraiser Board.

10.4. The applicant is in good standing as real estate appraiser in every jurisdiction where licensed or certified. The applicant's license or certification has not been suspended, revoked or surrendered in connection with a disciplinary action or the applicant has not been or is not currently the subject of disciplinary action in any jurisdiction.

10.5. The applicant has a good reputation for honesty, truthfulness, and fair dealing, and is competent to transact the business of a real estate appraiser in such a manner as to safeguard the interest of the public.

10.6. The applicant has not been convicted or pled guilty, regardless of adjudication, in any jurisdiction, of a misdemeanor involving moral turpitude or of any felony. Any plea of nolo contendere is considered a conviction for purposes of this subsection. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted is admissible as prima facie evidence of the conviction.

10.7. The Board may consider applicants for licensure or certification who do not meet the requirements set forth in subsection 10.4 or subsection 10.6 of this rule.

§ 190-2-11. Qualifications for temporary permit as a licensed residential real estate appraiser, certified residential or general real estate appraiser.

11.1. An individual who is currently licensed or certified as a real estate appraiser in another jurisdiction may obtain a temporary West Virginia real estate appraiser's permit as provided for in Title XI of the United States Code entitled "Financial Institutions Reform, Recovery and Enforcement Act of 1989." Provided, that every applicant shall file an application on an appropriate form of the Board and an irrevocable consent notice that service of process upon him or her may be made by delivery of the process to the Secretary of State if an action arises out of the temporary work of the permittee in this State, and the plaintiff cannot, in the exercise of due diligence, serve the permittee personally.

11.2. The Board shall recognize the appraiser's certification or license issued by another state as equivalent to a West Virginia license or certification provided that:

11.2.1. The appraiser's business is of a temporary nature, and is limited to one specific assignment.

11.2.2. The Board considers the education, experience and general examination requirements completed in the jurisdiction of original licensure or certification to be substantially equivalent to those required for the appropriate level of licensure or certification in West Virginia.

11.2.3. The applicant signs, as part of the application, an affidavit certifying that the applicant has read and understands the West Virginia real estate appraiser license law and the regulations of the Real Estate Appraiser Board.

11.2.4. The applicant is in good standing as a licensed or certified real estate appraiser in every jurisdiction where he or she is licensed or certified. The applicant's license or certification has not been suspended, revoked, or surrendered in connection with a disciplinary action or the applicant has not been or is not currently the subject of disciplinary action in any jurisdiction.

11.2.5. The applicant has a good reputation for honesty, truthfulness, and fair dealing, and is competent to transact the business of a real estate appraiser in such a matter as to safeguard the interest of the public.

11.2.6. The applicant has not been found guilty or pled guilty, regardless of adjudication, in any jurisdiction, of a misdemeanor involving moral turpitude or of any felony. Any plea of nolo contendere is considered a conviction for purposes of this paragraph. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted is admissible as prima facie evidence of such conviction.

11.2.7. The applicant is at least 18 years of age.

11.3. The Board may consider and approve for a temporary permit an applicant who does not meet the requirements set forth in this section.

11.4. The temporary permit issued under the provisions of this section is expressly limited to the authority of the permittee to perform the specific contract of appraising which is the basis for the temporary permit.

11.5. Each temporary permit obtained expires upon the completion of the appraisal work which is the basis of the permit or after a period of six (6) months, whichever occurs first.

§ 190-2-12. Application fees.

12.1. - All application fees for licenses and certifications are non-refundable.

12.2. Application fees for original licenses and certifications are as follows:

- a. A license application fee of fifty dollars;
- b. A license examination fee of fifty dollars;
- c. A license fee of two hundred seventy-five dollars;
- d. A delinquent license fee of an additional one hundred dollars;
- e. -A registration fee for a temporary permit of one hundred dollars for a non-residential appraisal and of fifty dollars for a residential appraisal;
- f. A certification application fee of fifty dollars;
- g. A certification examination fee of fifty dollars;
- h. A general certification fee of four hundred seventy-five dollars;
- i. A residential certification fee of three hundred twenty-five dollars;
- j. A delinquent certification fee of an additional one hundred dollars;

12.3. The board shall collect from individuals who perform or seek to perform appraisal transactions where required by federal law, an annual registry fee in the amount of \$ 25.00, in order to enable the board to transfer the necessary fees to the Federal Financial Institution Examination Council on an annual basis.

12.4. The Board shall deposit all fees and revenues collected pursuant to these regulations in a special fund that the board shall use solely for the purposes of paying the expenses incurred in connection with the administration of W. Va. Code § 37-41-1 et seq.

\$190-2-13. APPRENTICE PERMITS

13.1. This section establishes a real estate appraiser apprentice program for individuals who desire to acquire the two thousand (2,000) hours of appraisal experience required by subdivisions 7.2.1. and 8.2.1 of this rule in order to be licensed or certified.

Participation in the apprentice program is not a prerequisite to licensure or certification. Those who do not participate, however, must still submit documentation showing they have obtained the required two thousand (2,000) hours of appraisal experience.

13.2. Application for apprentice permit; requirements and qualifications.

The applicant for an apprentice permit shall submit, with the completed application form, a \$100.00 annual permit fee, and the name and address of his or her supervising appraiser. The applicant shall meet the following qualifications:

- a. The applicant is at least eighteen (18) years of age;
- b. The applicant has a good reputation for honesty and truthfulness as required by Subdivisions 6.1.1 and 6.1.4 of this rule;
- c. The applicant has a high school diploma or its equivalent; and
- d. The applicant has successfully completed seventy-five (75) classroom hours in subjects related to real estate appraisal in accordance with Subsection 7.1 of this rule.

13.3. Annual Apprentice Permit Renewal

An apprentice may renew his or her annual permit, four (4) times only, upon submission to the Board of a renewal application, the annual permit fee of \$100.00, an experience log in the form as provided by the Board, and proof of ten (10) hours of continuing education as defined in the Rule of the Board titled "Renewal of Licensure or Certification", 190 C.S.R. §3.

13.4. Responsibilities of Apprentice

The holder of a real estate appraiser apprentice permit issued by the Board shall have the following duties and responsibilities;

1. The apprentice shall work under the direct supervision of a state licensed or state certified real estate appraiser, Provided: That appraisers with a transitional license shall not serve as supervisors.

2. The apprentice shall maintain a log on a form as provided by the Board. Experience hours shall be calculated in accordance with Section 9 of this rule.

3. An apprentice must view the property and participate in the appraisal process in order to sign the report and to receive credit for the hours spent. The report shall be signed by the apprentice as follows:

Assisted by

\_\_\_\_\_  
Name

Apprentice  
Number \_\_\_\_\_

4. The apprentice shall ensure that the experience log is available at all times for inspection by the Board.

5. When performing appraisal assignments, the apprentice shall carry on his or her person, the permit issued by the Board.

### 13.5. Responsibilities of Supervisor

A supervising appraiser shall be a state licensed or state certified real estate appraiser and has the following duties and responsibilities:

1. The supervisor is at all times responsible for and shall provide direct supervision of the work performed by the apprentice in accordance with the Uniform Standards of Professional Appraisal Practice. For purposes of this section, "direct supervision" means to:

- a. Personally view with the apprentice the interior and exterior of each piece of property appraised;
- b. Personally review each appraisal report prepared by the apprentice;
- c. Assign work to the apprentice only if the apprentice is competent to perform the work;

d. Accept full responsibility for the report; and

e. Approve and sign the report as being independently and impartially prepared and in compliance with the Uniform Standards of Professional Appraisal Practice, this rule and applicable statutory requirements.

2. The supervisor shall, at least once a month, sign the log required to be kept by the apprentice and shall indicate his or her license or certification number.

3. The supervisor shall make available to the apprentice, a copy of any appraisal report that the apprentice signed that is requested for review by the Board.

4. After the apprentice successfully completes the licensing examination required by Section 7.3 of this rule and has obtained five hundred (500) hours of experience, the supervisor and the apprentice may jointly apply to the Board for an exemption that would allow the supervisor to sign an appraisal report without viewing the property, provided the apprentice is competent to perform the inspection.

13.6. An apprentice may take the licensing examination required by Section 7.3 of this rule at any time.

13.7. This rule is not intended to prohibit a person who does not have an apprentice permit from assisting or helping a licensed or certified appraiser as long as that person does not sign the report, Provided: The licensed or certified appraiser who uses such an assistant or helper shall conform with the duties and responsibilities as required in Subsection 13.5.1 of this rule.

SENATE BILL NO. ~~209~~

(By Senators Manchin, Anderson, Grubb, Macnaughtan  
and Minard)

[Introduced January 31, 1994; referred to the  
Committee on

GOVERNMENT ORGANIZATION

*Finance*

*Judiciary*

A BILL to amend and reenact section thirty-one, article nine,  
chapter sixty-four of the code of West Virginia, one thousand  
nine hundred thirty-one, as amended, relating to authorizing  
the real estate appraiser licensing and certification board  
to promulgate legislative rules relating to requirements for  
licensure and certification.

Be it enacted by the Legislature of West Virginia:

That section thirty-one, article nine, chapter sixty-four of  
the code of West Virginia, one thousand nine hundred thirty-one,  
as amended, be amended and reenacted, to read as follows:

ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS  
TO PROMULGATE LEGISLATIVE RULES.

§64-9-31. Real estate appraiser licensing and certification  
board.

1 (a) The legislative rules filed in the state register on the  
2 eighteenth day of July, one thousand nine hundred ninety-one,  
3 modified by the real estate appraiser licensing and certification  
4 board to meet the objections of the legislative rule-making  
5 review committee and refiled in the state register on the  
6 eighteenth day of November, one thousand nine hundred ninety-one,  
7 relating to the real estate appraiser licensing and certification  
8 board (rules and regulations of the real estate appraiser  
9 licensing and certification board), are authorized.

10 (b) The legislative rules filed in the state register on the  
11 eighteenth day of July, one thousand nine hundred ninety-one,  
12 modified by the real estate appraiser licensing and certification  
13 board to meet the objections of the legislative rule-making  
14 review committee and refiled in the state register on the  
15 eighteenth day of November, one thousand nine hundred ninety-one,  
16 relating to the real estate appraiser licensing and certification  
17 board (requirements of licensure and certification), are  
18 authorized.

19 (c) The legislative rules filed in the state register on the  
20 eighteenth day of July, one thousand nine hundred ninety-one,  
21 modified by the real estate appraiser licensing and certification  
22 board to meet the objections of the legislative rule-making  
23 review committee and refiled in the state register on the  
24 eighteenth day of November, one thousand nine hundred ninety-one,

1 relating to the real estate appraiser licensing and certification  
2 board (renewal of licensure or certification), are authorized.

3 (d) The legislative rules filed in the state register on the  
4 seventh day of July, one thousand nine hundred ninety-two,  
5 modified by the real estate appraiser licensing and certification  
6 board to meet the objections of the legislative rule-making  
7 review committee and refiled in the state register on the  
8 fourteenth day of August, one thousand nine hundred ninety-two,  
9 relating to the real estate appraiser licensing and certification  
10 board (requirements of licensure and certification), are  
11 authorized.

12 (e) The legislative rules filed in the state register on the  
13 twenty-eighth day of May, one thousand nine hundred ninety-three,  
14 modified by the real estate appraiser licensing and certification  
15 board to meet the objections of the legislative rule-making  
16 review committee and refiled in the state register on the seventh  
17 day of July, one thousand nine hundred ninety-three, relating to  
18 the real estate appraiser licensing and certification board  
19 (requirements for licensure and certification), are authorized.

20

21 NOTE: The purpose of this bill is to authorize the Real  
22 Estate Appraiser Licensing and Certification Board to promulgate  
23 legislative rules relating to requirements for licensure and  
24 certification.

25  
26 Strike-throughs indicate language that would be stricken from  
27 the present law, and underscoring indicates new language that  
28 would be added.

43 517

H. B. 4285

(By Delegates Gallagher, Douglas, Compton,  
Huntwork, Burk and Faircloth  
(Introduced January 31, 1994; referred to the  
Committee on Government Organization then the  
Judiciary)

A BILL to amend and reenact section thirty-one, article nine,  
chapter sixty-four of the code of West Virginia, one thousand  
nine hundred thirty-one, as amended, relating to authorizing  
the real estate appraiser licensing and certification board  
to promulgate legislative rules relating to requirements for  
licensure and certification.

Be it enacted by the Legislature of West Virginia:

That section thirty-one, article nine, chapter sixty-four of  
the code of West Virginia, one thousand nine hundred thirty-one,  
as amended, be amended and reenacted, to read as follows:

ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS  
TO PROMULGATE LEGISLATIVE RULES.

§64-9-31. Real estate appraiser licensing and certification  
board.

4285

1 (a) The legislative rules filed in the state register on the  
2 eighteenth day of July, one thousand nine hundred ninety-one,  
3 modified by the real estate appraiser licensing and certification  
4 board to meet the objections of the legislative rule-making  
5 review committee and refiled in the state register on the  
6 eighteenth day of November, one thousand nine hundred ninety-one,  
7 relating to the real estate appraiser licensing and certification  
8 board (rules and regulations of the real estate appraiser  
9 licensing and certification board), are authorized.

10 (b) The legislative rules filed in the state register on the  
11 eighteenth day of July, one thousand nine hundred ninety-one,  
12 modified by the real estate appraiser licensing and certification  
13 board to meet the objections of the legislative rule-making  
14 review committee and refiled in the state register on the  
15 eighteenth day of November, one thousand nine hundred ninety-one,  
16 relating to the real estate appraiser licensing and certification  
17 board (requirements of licensure and certification), are  
18 authorized.

19 (c) The legislative rules filed in the state register on the  
20 eighteenth day of July, one thousand nine hundred ninety-one,  
21 modified by the real estate appraiser licensing and certification  
22 board to meet the objections of the legislative rule-making  
23 review committee and refiled in the state register on the  
24 eighteenth day of November, one thousand nine hundred ninety-one,

1 relating to the real estate appraiser licensing and certification  
2 board (renewal of licensure or certification), are authorized.

3 (d) The legislative rules filed in the state register on the  
4 seventh day of July, one thousand nine hundred ninety-two,  
5 modified by the real estate appraiser licensing and certification  
6 board to meet the objections of the legislative rule-making  
7 review committee and refiled in the state register on the  
8 fourteenth day of August, one thousand nine hundred ninety-two,  
9 relating to the real estate appraiser licensing and certification  
10 board (requirements of licensure and certification), are  
11 authorized.

12 (e) The legislative rules filed in the state register on the  
13 twenty-eighth day of May, one thousand nine hundred ninety-three,  
14 modified by the real estate appraiser licensing and certification  
15 board to meet the objections of the legislative rule-making  
16 review committee and refiled in the state register on the seventh  
17 day of July, one thousand nine hundred ninety-three, relating to  
18 the real estate appraiser licensing and certification board  
19 (requirements for licensure and certification), are authorized.

20

21 NOTE: The purpose of this bill is to authorize the Real  
22 Estate Appraiser Licensing and Certification Board to promulgate  
23 legislative rules relating to requirements for licensure and  
24 certification.

25

26 Strike-throughs indicate language that would be stricken from  
27 the present law, and underscoring indicates new language that  
28 would be added.



KEN HECHLER  
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help we can get)

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**STATE OF WEST VIRGINIA**

**SECRETARY OF STATE**

Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0770

TO: Si Galperin

AGENCY: Real Est. Appr. Lic.

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: April 8, 1994

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 2 TITLE: 190 Real Est. Appr. Lic.

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: \_\_\_\_\_

TITLE OF PERSON SIGNING: \_\_\_\_\_

DATE: \_\_\_\_\_

\*\*\*\*\*

\* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Si Galperin

TITLE OF PERSON SIGNING: Executive Director

DATE: 5/18/94

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.