

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: West Virginia Real Estate Appraiser TITLE NUMBER: 190
Licensing and Certification Board
AMENDMENT TO AN EXISTING RULE: YES , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: Series 3

TITLE OF RULE BEING PROPOSED: Renewal of Licensure or
Certification

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB1

SECTION 64-9-31(c), PASSED ON March 14, 1992

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: April 10, 1992

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

SERIES 3

§ 190-3-1. General.

1.1. Scope - These legislative rules establish the procedures and qualifications for the renewal of a Licensed Residential Real Estate Appraiser license and a Certified General Real Estate Appraiser certification by the West Virginia Real Estate Appraiser Licensing and Certification Board.

1.2. Authority. - W. Va. Code § 37-14-6.

1.3. Filing date. - _____.

1.4. Effective date. - _____.

§ 190-3-2. Definitions.

2.1. "Accredited colleges, universities, 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.

2.2. "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.

2.3. "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.

2.4. "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.

§ 190-3-3. Renewal required.

3.1. Licenses and certifications issued under these rules expire one year from the last day of the month in which they are issued. Provided that, following the effective date of these rules, the licenses and certifications issued within the first year by the Board under the provisions of W. Va. Code 37-14-1 et seq.

(1991), and these rules, are valid until September 30, 1992. Thereafter, the board shall issue all licenses and certifications for the period of October to October of the following year. ~~Fees for licensure or certification shall not be pro-rated by the Board until April 1, 1992, thereafter, all application fees shall be paid by the applicant in full.~~ The Board shall prorate fees for licensure or certification after April 1, 1992. Before April 1, 1992 the applicant shall pay all application fees in full. Nothing in this section applies to those individuals who qualify for and maintain a transitional license as covered by Section 6.64 of 190 CSR 2.

§ 190-3-4. Qualifications for renewal.

Continuing education requirements.

4.1. As a condition of renewal, all licensed residential real estate appraisers, resident or non-resident, and all certified general real estate appraisers are required to complete continuing education courses satisfactorily within each licensing or certification term.

4.1.1. Continuing education requirements for both licensed real estate appraisers and certified general real estate appraisers.

- a. Licensed residential real estate appraisers or certified general real estate appraisers must satisfactorily complete continuing education courses or seminars offered by accredited colleges, universities, junior and community colleges; adult distributive or marketing education programs; local, state or federal government agencies, boards or commissions; proprietary schools; or real estate appraisal or real estate related organizations of not less than ten (10) classroom hours during each licensing or certification term.
- b. The Board shall award credit for continuing education for but not limited to the coverage of topics listed below:
 1. Ad valorem taxation;
 2. Arbitration;
 3. Business courses related to practice or real estate appraisal;
 4. Construction estimating;
 5. Ethics and standards of professional practice;

6. Land use planning, zoning and taxation;
 7. Management, leasing, brokerage timesharing;
 8. Property development;
 9. Real estate appraisal (valuations/evaluations)
 10. Real estate law;
 11. Real estate litigation;
 12. Real estate financing and investment;
 13. Real estate appraisal related computer applications;
 14. Real estate securities and syndication;
 15. Real property exchange.
- c. Licensed real estate appraisers or certified general real estate appraisers may also satisfy continuing education requirements by participation other than as a student in educational processes and programs approved by the Board as substantially equivalent to courses and seminars which have been approved by the Board for continuing education purposes, to include but not be limited to, teaching, program development, or authorship of textbooks.
- d. The Board does not require an appraiser to complete the ten (10) classroom hours of continuing education as a condition for initial license or certification renewal if the time between the effective date on the initial license or certification as an appraiser and the beginning of the initial renewal of license or certification is less than nine (9) months.

4.2. The Board may not award credit for continuing education for the classroom hour requirement when an individual seeks a different classification other than that currently held.

4.3. The Board shall not issue notice of a satisfactory course completion to any licensee or certified appraiser not attending a minimum of 90% of each of the classroom hours of proscribed course instruction. The applicant for renewal is responsible for seeing that his or her record of attendance and the grade received from an approved course is submitted to the Board with his or her application for renewal.

4.4. The institution, organization, licensed real estate school or Board approved entity offering these approved courses, shall fully inform each student of the standards and requirements

at the commencement of the course. The entity shall also maintain and monitor the attendance and grades of students taking its respective offering by utilizing an appropriate system of record keeping. The entity shall submit to the Board the guidelines utilized by the entity in evaluating and grading the work of the applicant for renewal of license or certification.

4.5. Applicants for renewal of a license or certification shall continue to meet the standards for entry as set forth in 190 CSR 2.5 of these rules.

§ 190-3-5. Policies and procedures of the Board for approving courses, seminars and educational programs of continuing education.

5.1. The Board has the authority and duty to evaluate and approve courses, seminars and their equivalent, for the purpose of accepting hours for continuing education of applicants for the renewal of licensure or certification. The Board will evaluate the attendance and grade of the student taking each respective course toward satisfaction of the continued education requirement.

5.2. The Board may only grant credit towards the classroom hour requirement only when the length of the educational offering is a minimum of two (2) hours.

5.3. In order for a course, seminar, or other educational program to be approved by the Board, the instructor of that course, seminar or program shall present to the Board a written plan of the class, including but not limited to, a syllabus of the subject areas covered by the course, the attendance requirements, and the method of evaluating the student's knowledge of the subject matter.

5.4. The Board shall determine whether the subject matter covered by the course, seminar or educational program includes the topic listed in 190 CSR 2.6, 190 CSR 2.7 or 190 CSR 3, those topics listed in ~~sections~~ 190 CSR 2.7.1.7, 190 CSR 2.8.1.7, or 190 CSR 4.1.1.b respectively, or any other appropriate topic relating to the area of real estate appraisal activity, determined by the Board to be worthy of hours toward continuing education.

5.5. The Board shall approve or disapprove courses, seminars, educational programs, or instructors, after a determination by the Board that said entity or subject matter does or does not meet the standards of the Board. The Board shall maintain a list of all approved courses, seminars or educational programs for the purpose of providing to the applicants for renewal of licensure or certification, notice of whether said course, seminar or educational program's hours qualify for the requirements of continuing education for the renewal of licensure or certification.

5.6. The Board shall determine whether or not an educational program meets the equivalency standard of an approved course or seminar, pursuant to W. Va. Code § 37-14-36, by looking at the topic of the program as it relates to the area of real estate appraisal, the amount of time which the program uses for instruction, and the method by which the applicant for licensure or certification is evaluated during or at the end of the program. The Applicant has the responsibility of providing to the Board information on the subject matter, instructor and time of the program, in order for the Board to make a case by case determination of the equivalency value of the program.

5.7. In making a determination concerning the approval of a course, seminar or educational program, the Board shall consider those courses, seminars or programs under the auspices of organizations or associations of professional real estate appraisers which are utilized by such organizations or associations for the purpose of awarding real estate designations or indicating compliance with the continuing education requirement of such organizations or associations.

§ 190-3-6. Procedures for renewal.

6.1. The board will mail a renewal application form to the applicant at the last known home address. This form shall outline the procedures for renewal. Failure to receive the renewal application form shall not relieve the applicant of the obligation to renew.

6.2. Prior to the expiration date shown on the license or certification, each licensee or certified appraiser desiring to renew his or her license or certification, shall return to the Board the completed renewal application form and the appropriate renewal and registry fees as outlined in section 6 of these rules, no earlier than one-hundred and twenty (120) days nor later than thirty (30) days prior to the expiration date of the license or certification. Each applicant shall submit, on forms provided by the Board, satisfactory evidence of the applicant's conformity with the continuing education requirements as described in section 3 of this rule.

6.3. If the Board determines that the applicant for renewal of a licensure or certification has failed to meet the requirements for renewal of licensure or certification through a mistake, misunderstanding, or circumstances beyond the applicant's control, the Board may extend the term of the applicant's licensure or certification for a period not to exceed six (6) months upon payment by the applicant of the prescribed fee. If a state licensure or certified real estate appraiser fails to renew his or her certification prior to the expiration date or within any period approved by the board, such person may obtain a renewal of his or her license or certification by satisfying all of the requirements

for renewal and filing an application accompanied by a late renewal fee, within two (2) years of the date of his or her certification expiration. The Board may refuse to issue the license or certification if, during the two (2) year period, the applicant has continued to perform real estate appraiser activities in this state.

6.4. The Board may deny the issuance of a license as a licensed residential real estate appraiser, or a certificate as a state certified real estate appraiser, on any ground enumerated in these rules. Any applicant whose application for renewal of licensure or certification is denied may demand and shall be afforded a hearing pursuant to 190 CSR 4.

§ 190-3-7. Fees for renewal.

7.1. Renewal fees are established as follows:

| | |
|--|----------|
| Certified general real estate appraiser | \$525.00 |
| Licensed residential real estate appraiser | \$325.00 |
| Registry fee | \$ 25.00 |

§ 190-3-8. Board discretion to deny renewal.

8.1. The board may deny renewal of a license or certification within the Board's discretion, for the same reasons as it may refuse initial licensure or certification. The Board may also deny renewal of a license or certification consistent with the provisions of section 5 of these rules. The board shall approve or deny each application within ninety days of receipt.

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Bill RE Appraiser, Renewal 170-3

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H. B. 4323

(By Delegate Grubb)

(Introduced January 27, 1992 referred to the

Committee on Government Organization then the Judiciary)

10 A BILL to amend article nine, chapter sixty-four of the code of
11 West Virginia, one thousand nine hundred thirty-one, as
12 amended, by adding thereto a new section, designated section
13 twenty-nine, relating to authorizing the real estate
14 appraiser licensing and certification board to promulgate
15 legislative rules relating to the renewal of licensure or
16 certification.

17 Be it enacted by the Legislature of West Virginia:

18 That article nine, chapter sixty-four of the code of West
19 Virginia, one thousand nine hundred thirty-one, as amended, be
20 amended by adding thereto a new section, designated section
21 twenty-nine, to read as follows:

22 ARTICLE 9. AUTHORIZATION FOR MICELLANEOUS AGENCIES AND BOARDS TO
23 PROMULGATE LEGISLATIVE RULES.

1 §64-9-29. Real estate appraiser licensing and certification
2 board.

3 The legislative rules filed in the state register on the
4 eighteenth day of July, one thousand nine hundred ninety-one,
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 eighteenth day of November, one thousand nine hundred ninety-one,
9 relating to the real estate appraiser licensing and certification
10 board (renewal of licensure or certification) are authorized.

11
12 NOTE: The purpose of this bill is to authorize the Real
13 Estate Appraiser Licensing and Certification Board to promulgate
14 legislative rules relating to the renewal of licensure or
15 certification.

16
17 This section is new; therefore, strike-throughs and
18 underscoring have been omitted.



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(Plus all the volunteer
help we can get)

STATE OF WEST VIRGINIA
SECRETARY OF STATE
Building 1, Suite 157-K
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Charleston, WV 25305-0770

TO: Si Galperin

AGENCY: Real Est. Appr. Lic. & Cert.

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: January 29, 1993

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: 3 TITLE: 190 Real Est. Appr. Lic. & Cert.

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Si Galperin

TITLE OF PERSON SIGNING: Executive Director

DATE: 2/3/93

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

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

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