

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

FILED

2002 JUN 24 P 3:10

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WV Real Estate Appraiser Licensing & Certification Board TITLE NUMBER: 190

RULE TYPE: Legislative CITE AUTHORITY: W.Va. Code 30-38 et seq

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: Renewal of Licensure or Certification, 190CSR3

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 17, 2002 AT 4:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

~~West Virginia Real Estate Appraiser~~
Licensing and Certification Board

2110 Kanawha Blvd East, Suite 101

Charleston, WV 25311

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

4.00

SCANNED

BRIEF SUMMARY
AND
STATEMENT OF CIRCUMSTANCES REQUIRING CHANGES

1. Adopt 2003 edition of "Uniform Standards of Professional Appraisal Practice"

This is the only change to these Rules.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 190CSR3 Renewal of Licensure or Certification

Type of Rule: Legislative Interpretive Procedural

Agency: WV Real Estate Appraiser Licensing & Certification Board

Address: 2110 Kanawha Blvd., East, Suite 101

Charleston, WV 25311

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	24,000		170,000	218,000	218,000
PERSONAL SERVICES			117,008	117,008	117,008
CURRENT EXPENSE	24,000		123,850	147,850	
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of Above Estimates:

The number of licenses issued for the past several years has remained steady, with little increase in the number of appraisers in West Virginia. Current expenses are escalating due to increases in Workers Compensation, Board of Risk Insurance, and attorney fees. The Board's legal fees have increased due to disciplinary actions taken.

3. Objectives of These Rules:

The Board is proposing a \$40 increase in all license categories. There are currently approximately 600 appraisers actively practicing in West Virginia.

Rule Title: 190-CSR3

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

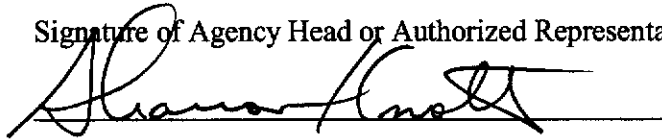
B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of

Citizens: Licensed Residential:	From \$125/yr	To: \$165/yr
Certified Residential:	From \$175/yr	To: \$215/yr
Certified General:	From \$325/yr	To: \$365/yr
Apprentice:	From: \$100/yr	To: \$140/yr

C. Economic Impact on Citizens/Public at Large.

Date: June 24, 2002

Signature of Agency Head or Authorized Representative:



LEGISLATIVE RULE
WEST VIRGINIA REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD

FILED

2002 JUN 24 P 3:10

SERIES 3
RENEWAL OF LICENSURE OR CERTIFICATION

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§190-3-1. General.

- 1.1. Scope. – This legislative rule establishes the procedures and qualifications for the renewal of a Licensed Residential Real Estate Appraiser license, a Certified Residential Real Estate Appraiser certification, a Certified General Real Estate Appraiser certification and an Apprentice Permit by the West Virginia Real Estate Appraiser Licensing and Certification Board.
- 1.2. Authority. – W. Va. Code §30-38-7; §30-38-9; 30-38-11.
- 1.3. Filing Date. –
- 1.4. Effective Date. –
- ~~1.5. Repeal. — This legislative rule repeals and replaces the Board’s rule “Renewal of Licensure or Certification” 190 CSR 3 filed in the Secretary of State’s office May 9, 1997, and effective May 27, 1997.~~

§190-3-2. Definitions.

- 2.1. “Accredited colleges, universities, junior and community colleges” means those institutions of higher learning under the Higher Education Policy Commission, 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 Higher Education Policy Commission, or any other local, state, or federal government agency, board or commission to teach adult education or marketing courses.
- 2.3. “Classroom hour” means 50 minutes out of each 60 minute segment of instruction in courses approved by the board.
- 2.4. “Course” means an educational course, seminar, program or offering approved by the board.
- 2.5. “Course provider” means any of the following: accredited colleges or universities; community or junior colleges; real estate appraisal or real estate related organizations; local, state or federal agencies, boards or

commissions; proprietary schools; adult distributive or marketing education programs; and any other entity which has received prior approval by the board.

- 2.6. "Licensee" means a person who holds a current valid license as a state licensed residential real estate appraiser, a certification as a state certified residential real estate appraiser or a certification as a state certified general real estate appraiser issued under the provisions of the W.Va. Code §30-38 et seq., or an apprentice permit issued under the provisions of the board's rule, "Requirements for Licensure and Certification", 190 CSR 2, subdivision 11.2.
- 2.7. "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 of its domain.
- 2.8. "Proprietary school" means a privately owned school, under the authority of a local, state or federal government agency, board or commission, offering appraisal related courses.
- 2.9. "Uniform Standards of Professional Appraisal Practice" means the Uniform Standards of Professional Appraisal Practice (USPAP), published by The Appraisal Foundation.

§190-3-3. Renewal Term.

- 3.1. Licenses and certifications are renewed for the period from October 1 to September 30 of the following year.

§190-3-4. Qualifications for Renewal.

Continuing education requirements:

- 4.1. As a condition of renewal, all licensees shall satisfactorily complete continuing education courses offered by board approved course providers of not less than fourteen (14) classroom hours during each renewal term.
 - 4.1.a. As a condition of renewal, a licensee shall complete a fourteen (14) hour Uniform Standards of Professional Appraisal Practice (USPAP) course every five (5) years. The first required submission shall be in the year 2002, by those persons who were licensees on January 1, 1998.
 - 4.1.b. The board shall award credit for various continuing education courses relating to real estate appraising, including but not limited to, the following topics:

- 4.1.b.1.** Ad valorem taxation;
- 4.1.b.2.** Arbitration;
- 4.1.b.3.** Business courses related to the practice of real estate appraisal;
- 4.1.b.4.** Construction estimating;
- 4.1.b.5.** Ethics and standards of professional practice;
- 4.1.b.6.** Land use planning, zoning and taxation;
- 4.1.b.7.** Management, leasing, brokerage and timesharing;
- 4.1.b.8.** Property development;
- 4.1.b.9.** Real estate appraisal; (valuations/evaluations)
- 4.1.b.10.** Real estate law and Fair Housing;
- 4.1.b.11.** Real estate litigation;
- 4.1.b.12.** Real estate financing and investment;
- 4.1.b.13.** Real estate appraisal related computer applications;
- 4.1.b.14.** Real estate securities and syndication; and
- 4.1.b.15.** Real property exchange.

4.1.c. A licensee is not required to complete the required amount of 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 a licensee and the beginning of the first renewal term is less than nine (9) months.

4.2. A course provider shall issue notice of satisfactory course completion to any licensee who attended a minimum of 90% of the classroom hours of approved course instruction. The licensee for renewal is responsible for submitting a certificate stating that he or she has satisfactorily completed the course to the board with his or her application for renewal.

4.3. The course provider shall fully inform each licensee of the standards and requirements at the commencement of the course. The course provider

shall monitor the attendance of licensees and submit the attendance records to the board. The board shall use the attendance records to verify documentation submitted with a licensee's application for renewal.

§190-3-5. Policies and Procedures of the Board for Approving Continuing Education Courses.

- 5.1.** The board shall evaluate and approve courses for the purpose of accepting hours for continuing education of a licensee for the renewal of a license, certification or permit.
- 5.2.** The board may grant credit towards the classroom hour requirement only when the length of the course is a minimum of three (3) hours.
- 5.3.** In order for a course to be approved by the board, the instructor 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 and attendance requirements.
- 5.4.** The board shall determine whether the subject matter covered by the course is an approved topic listed in the board's rule, "Requirements for Licensure and Certification", 190 CSR 2, subdivisions 5.1.g., 6.1.h., or 6.1.i., subdivision 4.1.b. of this rule, or other appropriate topic relating to the area of real estate appraisal activity.
- 5.5.** The board shall approve or disapprove courses and instructors after a determination that the course provider does or does not meet the standards of the board. The board shall maintain and provide licensees access to a list of approved courses.
 - 5.5.a.** Instructors must meet at least one of the following qualifications:
 - 5.5.a.1.** Hold a license or certification in West Virginia or in any other state at the level to be taught and have five (5) years appraisal experience within the past ten (10) years directly related to the subject matter to be taught;
 - 5.5.a.2.** Hold a license or certification in West Virginia or in any other state at the level to be taught and have five (5) years of teaching experience within the past ten (10) years in the subject matter to be taught;
 - 5.5.a.3.** Have five (5) years of teaching experience within the past ten (10) years in the subject matter to be

taught and pass an examination at the level to be taught;

5.5.a.4. Have five (5) years appraisal experience within the past ten (10) years directly related to the subject matter to be taught and pass an examination at the level to be taught;

5.5.a.5. Hold a baccalaureate or higher degree in a field directly related to subject matter to be taught, and pass an examination at the level to be taught; or

5.5.a.6. Be a full time faculty member at a college or university teaching a credit course in appraising.

5.5.b. To teach a Uniform Standards of Professional Appraisal Practice (USPAP) course, the instructor must have successfully completed the 15-hour national USPAP instructor training course and examination adopted by the Appraisal Qualifications Board of The Appraisal Foundation, or its equivalent, and successfully complete the 7-hour national USPAP update course and examination, or its equivalent, every two years in order to maintain his or her USPAP teaching credential.

5.6. The board shall determine whether or not a course meets the equivalency of an approved course based upon the topic of the course as it relates to the area of real estate appraisal and the amount of time which the course uses for instruction. The course provider has the responsibility of providing to the board the information on the subject matter, the instructor and length of the program. The board shall make a case by case determination of the equivalency value of the program.

5.7. The board shall consider for approval those courses under the auspices of organizations or associations of professional real estate appraisers which are used for the purpose of awarding real estate appraiser designations or indicating compliance with the continuing education requirements of the organizations or associations.

§190-3-6. Procedures for renewal.

6.1. Prior to the expiration date of the license or certification, the board shall mail a renewal application form to the address on file of each licensee. A licensee who does not receive the renewal application form is not relieved of the obligation to renew his or her license or certification if he or she desires to retain his or her license or certification.

§190-3-7. Board Discretion to Deny Renewal.

- 7.1. The board may deny the renewal of a license or certification on any grounds enumerated in this rule or in the board's rule, "Requirements for Licensure and Certification", 190 CSR 2. The board may deny renewal for the same reasons as it may refuse an initial license or certification. The board may also deny renewal consistent with the provisions of Section 4 of this rule.
- 7.2. The board shall approve or deny each application for renewal within ninety (90) days of receipt of the application. Any licensee whose application for renewal is denied may demand and shall be afforded a hearing pursuant to W.Va. Code §30-1-8(e).

§190-3-8. Standards of professional appraisal practice.

- 8.1. Each licensee applying for renewal shall comply with generally accepted standards of professional appraisal practice and generally accepted ethical rules to be observed by a real estate appraiser. Generally accepted standards of professional appraisal practice are currently evidenced by the ~~2002~~ 2003 edition of the Uniform Standards of Professional Appraisal Practice (USPAP) promulgated by The Appraisal Foundation, which are incorporated by reference and on file with the board and the office of the secretary of state for use by all appraisers in the preparation of appraisal reports. This incorporation by reference contains no future editions or amendments. A copy of the USPAP may be obtained from The Appraisal Foundation.