

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

Form #2

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2001 MAY 29 A 10:35

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: Series 3

TITLE OF RULE BEING AMENDED: Renewal of Licensure or Certification

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 1, 2001 AT 4:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WV Real Estate Appraiser Licensing & 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

BRIEF SUMMARY
AND
STATEMENT OF CIRCUMSTANCES REQUIRING CHANGES

1. Changes statute cites from §37-14 to §30-38.
2. Changes definition of 'classroom hour' to allow the board more latitude in approving computer-based continuing education courses.
3. Adds definition of "Uniform Standards of Professional Appraisal Practice" and which edition the board recognizes as current.
4. Adds section adopting 2001 edition of the Uniform Standards of Professional Appraisal Practice.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 190, Series 3

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Real Estate Appraiser Licensing & Certification Board

Address: 2110 Kanawha Boulevard East, Suite 101

Charleston, West Virginia 25311

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST			170,000	170,000	Same
PERSONAL SERVICES			91,000	91,000	Same
CURRENT EXPENSE			79,000	79,000	Same
REPAIRS & ALTERATIONS			---	---	
EQUIPMENT			---	---	
OTHER			---	---	

2. Explanation of Above Estimates:

All funds are generated by license fees - special revenue.

3. Objectives of These Rules:

To update and clarify.

Rule Title: 190, Series 3

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

None

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

None

C. Economic Impact on Citizens/Public at Large.

None

Date: _____

Signature of Agency Head or Authorized Representative:

TITLE 190
LEGISLATIVE RULE
WEST VIRGINIA REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD

FILED

2007 MAY 29 A 10:35

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 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~~ 30-38-7 ~~§37-14-36~~ 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 April 9, 1992, and effective April 10, 1992.

§190-3-2. Definitions.

- 2.1. A "Course Provider" means any of the following: Accredited colleges or universities; Community of 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.
- 2.2. "Accredited colleges, universities, junior and community colleges" means those institutions of higher learning under the West Virginia State College System Board of Directors or University System 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.
- 2.3. "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.

- 2.4. "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.
- 2.5. "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.
- 2.6. "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 in courses approved by the board.~~
- 2.7. "Licensee" means a person who holds a current valid license as a state licensed residential real estate appraiser or a person who holds a current valid certification as a state certified residential real estate appraiser or a state certified general real estate appraiser issued under the provisions of the W. Va. Code §37-14-1 ~~30-38-7~~ et seq.
- 2.8. "Uniform Standards of Professional Appraisal Practice" means the Uniform Standards of Professional Appraisal Practice (USPAP), published 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 additions or amendments. A copy of the USPAP may be obtained from 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 must satisfactorily complete continuing education courses or seminars offered by Board approved course providers of not less than fourteen (14) classroom hours during each licensing or certification term.

4.1.a. Effective January 1, 1998, as a condition of renewal, the required continuing education hours shall include completion of 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 are licensees on January 1, 1998.

~~**4.1.b.** For the licensing or certification term beginning October 1, 1998, as a condition of renewal, a minimum of four (4) hours of the fourteen (14) hours of continuing education required by subsection 4.1 of this section, shall consist of training in the application of Uniform Standards of Professional Appraisal Practice (USPAP).~~

4.1.cb. The Board shall award credit for various continuing education courses relating to real estate appraising, including but not limited to, the topics listed below:

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

4.1.-cb.15. Real property exchange.

4.1.-dc. An appraiser 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 an appraiser and the beginning of the first renewal term is less than nine (9) months.

- 4.2.** A course provider shall issue notice of a satisfactory course completion to any licensee who attended a minimum of 90% of the classroom hours of approved course instruction. The applicant for renewal is responsible for submitting a certificate stating that they have satisfactorily completed the course to the Board with his or her application for renewal.
- 4.3.** The course provider shall fully inform each student of the standards and requirements at the commencement of the course. The course provider shall monitor the attendance of students and submit the attendance records to the Board. Said attendance records shall be used to verify documentation submitted with an applicant's application for renewal.

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

- 5.1.** The Board shall evaluate and approve courses and seminars that meet the standards of the Board for the purpose of accepting hours for continuing education of an applicant for the renewal of a licensure or certification.
- 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)~~ three (3) hours.
- 5.3.** In order for a course or seminar to be approved by the Board, the instructor shall present 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 or seminar is an approved topic listed in the Board's rule, "Requirements for Licensure and Certification", 190 CSR 2, subdivisions 6.1.g., 7.1.h., or 7.1.i., subdivision 4.1.c. 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, seminars and instructors after a determination that the course provider does or does not meet the standards of the Board. The board shall maintain a list of courses and seminars which it has approved in order for licensees to have access to approved offerings.
- 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~~ 30-38-7(d) and 30-38-11(e). This determination shall be based upon the topic of the program as it relates to the area of real estate appraisal and the amount of time which the program uses for instruction. The applicant 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, seminars or programs under the auspices of organizations or associations of professional real estate appraisers which are used for the purpose of awarding real estate 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. Failure to receive the renewal application form shall not relieve the applicant of the obligation to renew 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 5 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 applicant whose application for renewal is denied may demand and shall be afforded a hearing pursuant to W. Va. Code ~~§37-14-7~~ 30-1-8(e).

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

- 8.1.** Each real estate appraiser licensed or certified 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 2001 edition of the Uniform Standards of Professional Appraisal Practice (USPAP) promulgated by the appraisal foundation.