

Enrolled
House Bill 2287

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Appraiser Certification and Licensure Board)

CHAPTER

AN ACT

Relating to real estate appraisers; amending ORS 674.205; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 674.205 is amended to read:

674.205. (1) A person may not directly or indirectly engage in or attempt to engage in business as an appraisal management company or advertise or represent that the entity is an appraisal management company unless the person is:

(a) Registered as an appraisal management company with the Appraiser Certification and Licensure Board; or

(b) An appraisal management company owned and controlled by an insured depository institution as defined in 12 U.S.C. 1813 that is regulated by the Comptroller of the Currency, the Board of Governors of the Federal Reserve System or the Federal Deposit Insurance Corporation.

(2) A business entity may apply for registration as an appraisal management company on forms prescribed by rule by the **Appraiser Certification and Licensure Board**. The application must include:

(a) The name, address and phone contact information of the entity;

(b) The name, address and phone contact information of a controlling person of the entity;

(c) If the entity is not domiciled in this state, the name and phone contact information for the entity's agent for service of process in this state;

(d) The name, address and phone contact information of any person that owns 10 percent or more of the entity;

(e) A certification that:

(A) Each owner, in whole or in part, directly or indirectly, of the entity and the controlling person identified in the application have not had an appraiser license or certificate refused, denied, canceled, surrendered in lieu of revocation or revoked in any state, territory or possession of the United States, for a substantive cause, as determined by the [*Appraisal Subcommittee*] **Appraiser Certification and Licensure Board**;

(B) The entity has a system to verify that each appraiser on the entity's appraiser panel is licensed or certified under ORS 674.310;

(C) The entity requires an appraiser completing an appraisal at the entity's request to confirm that the appraiser is competent to perform the appraisal assignment before accepting the assignment;

(D) The entity requires appraisers completing appraisals at the entity's request to comply with the Uniform Standards of Professional Appraisal Practice;

(E) The entity has a system in place to require that appraisals are conducted independently and without inappropriate influence or coercion as required by the appraisal independence standards established under section 129E of the Truth in Lending Act; and

(F) The entity maintains and retains for at least five years, or as required under ORS 674.150, a detailed record of each appraisal management services request the entity receives and the appraiser who performs the real estate appraisal activity contained in the request;

(f) The surety bond, letter of credit or deposit required by ORS 674.210;

(g) Fees in an amount prescribed by rule by the board, which must be sufficient to cover the costs of administering ORS 674.200 to 674.250 and 674.995; and

(h) Any other information required by the board by rule.

(3) The board may not issue a registration to a business entity as an appraisal management company unless:

(a) Each individual who owns 10 percent or more of the entity and the controlling person identified by the entity in the application have completed a criminal records check;

(b) The board finds that no owner, in whole or in part, directly or indirectly, of the entity or the controlling person identified in the application has had an appraiser license or certificate refused, denied, canceled, surrendered in lieu of revocation or revoked in any state or territory or possession of the United States, for a substantive cause, as determined by the [Appraisal Subcommittee] **Appraiser Certification and Licensure Board**; and

(c) The board determines that each individual who owns more than 10 percent of the entity and the controlling person identified by the entity in the application are of good moral character.

(4)(a) The board shall issue a unique registration number to each appraisal management company registered under this section.

(b) The board shall maintain a published list of appraisal management companies registered under this section.

(c) An appraisal management company registered under this section shall disclose the company's registration number to each appraiser used by the company.

(5) An appraisal management company registration expires two years after the date of the issuance of the registration. The board shall adopt rules establishing the requirements for renewal or reactivation of a registration. The rules must require that an appraisal management company provide all of the information and certifications required for an initial application for registration under subsection (2) of this section in the renewal application.

SECTION 2. This 2023 Act takes effect on the 91st day after the date on which the 2023 regular session of the Eighty-second Legislative Assembly adjourns sine die.

Passed by House February 7, 2023

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate March 1, 2023

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Rob Wagner, President of Senate

Received by Governor:

.....M,....., 2023

Approved:

.....M,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

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Shemia Fagan, Secretary of State