

SENATE BILL 658

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1r1188
CF HB 1181

By: **Senators Kelley ~~and Miller~~, Miller, Glassman, Klausmeier, Muse, and Pugh**

Introduced and read first time: February 4, 2011

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 25, 2011

CHAPTER _____

1 AN ACT concerning

2 ~~Real Estate Appraisal Management Companies – Registration and Regulation~~

3 **State Commission of Real Estate Appraisers and Home Inspectors – Special**
4 **Fund and Registration and Regulation of Real Estate Appraisal Management**
5 **Companies**

6 FOR the purpose of requiring certain persons to register as appraisal management
7 companies with the State Commission of Real Estate Appraisers and Home
8 Inspectors; requiring an appraisal management company's registration to
9 include certain information in a certain form; establishing that a registration is
10 valid for a certain period of time; requiring the Commission to collect a certain
11 national registry fee from appraisal management companies; requiring a person
12 applying for registration to complete a certain consent to service of process;
13 requiring the Commission to set certain fees by regulation; requiring the
14 Commission to publish a certain fee schedule; requiring the Commission to pay
15 certain fees to the Comptroller; requiring the Comptroller to distribute certain
16 fees to a certain fund; prohibiting a person applying for registration from being
17 owned by certain persons; requiring the owner of an appraisal management
18 company to meet certain requirements; requiring a certain individual to serve
19 as a main contact for communication between the Commission and an appraisal
20 management company; prohibiting an appraisal management company from
21 engaging in certain activities relating to employees; requiring an appraisal
22 management company to verify that an appraiser is a competent appraiser
23 before assigning certain work; requiring certain individuals that perform an

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 appraisal review to hold a certain license or certificate; prohibiting an appraisal
2 management company from entering into certain agreements with an appraiser
3 in conjunction with federally related transactions unless the company verifies
4 certain qualifications; requiring a person applying for registration to make a
5 certain certification concerning its record keeping; requiring an appraisal
6 management company to retain certain records for a certain period of time;
7 prohibiting an appraisal management company from handling certain fees and
8 certain compensation in a certain manner; requiring an appraisal management
9 company to ensure that appraisals are conducted in a certain manner;
10 prohibiting an individual working on behalf of an appraisal management
11 company from engaging in certain activities; requiring an appraisal
12 management company to inform the Commission when the company has a
13 reasonable basis to believe that an appraiser is behaving in a certain manner;
14 designating certain conduct as unprofessional; requiring an appraisal
15 management company to pay an appraiser for certain work within a certain
16 period of time under certain circumstances; prohibiting an appraisal
17 management company from changing a completed appraisal report in a certain
18 manner; establishing guidelines for the use of an appraiser's digital signature or
19 seal; requiring the Commission to issue certain registration numbers; requiring
20 the Commission to publish an annual list of appraisal management companies;
21 requiring an appraisal management company to disclose certain registration
22 information in a certain manner; prohibiting an appraisal management
23 company from taking certain actions relative to an appraiser under certain
24 circumstances without providing certain notice and opportunity to respond;
25 authorizing an appraiser that is removed from an appraisal panel for certain
26 reasons to file a certain complaint with the Commission for certain review;
27 requiring the Commission to adjudicate a complaint within a certain period of
28 time; establishing certain grounds for denying a registration or reprimanding,
29 suspending, or revoking the registration of an appraisal management company;
30 establishing certain penalties; altering provisions relating to commencement of
31 Commission proceedings and hearings; authorizing the Commission to adopt
32 certain regulations; altering the membership of the State Commission of Real
33 Estate Appraisers and Home Inspectors; establishing an appraisal management
34 company hearing board; requiring that a certain evaluation of the law and
35 regulations concerning the registration and regulation of real estate appraisal
36 management companies be performed on or before a certain date; establishing
37 the ~~Appraisal Management Company~~ State Commission of Real Estate
38 Appraisers and Home Inspectors Fund as a special, nonlapsing fund in the
39 Department of Labor, Licensing, and Regulation; requiring that the Fund be
40 used for certain purposes; providing for an audit of the Fund; requiring the
41 Secretary of Labor, Licensing, and Regulation, or a designee of the Secretary, to
42 administer the Fund; requiring the Secretary, in consultation with the
43 Commission, to calculate annually certain costs; ~~requiring~~ authorizing the
44 Commission to set certain fees, based on certain calculations, beginning on a
45 certain date; prohibiting certain fees from increasing more than a certain
46 amount each year; requiring the Commission to publish a certain fee schedule;
47 repealing a provision of law requiring the Commission to pay certain money into

1 the General Fund of the State; requiring the Commission to pay certain fees to
 2 the Comptroller beginning on a certain date; requiring the Comptroller to
 3 distribute certain fees to the Fund; requiring any unspent portion of the Fund
 4 in excess of a certain amount to revert to the General Fund at the end of each
 5 fiscal year; crediting certain earnings to the General Fund; altering,
 6 establishing, and specifying the use of certain fees; requiring that certain fees in
 7 effect on a certain date shall remain in full force and effect until certain other
 8 fees are adopted and made effective; requiring certain fees to approximate the
 9 cost of regulating certain professions; defining certain terms; and generally
 10 relating to the registration and regulation of real estate appraisal management
 11 companies and the State Commission of Real Estate Appraisers and Home
 12 Inspectors.

13 BY adding to

14 Article – Business Occupations and Professions
 15 Section 16–210.2 and 16–217; 16–5B–01 through 16–5B–19 to be under the new
 16 subtitle “Subtitle 5B. Real Estate Appraisal Management Companies”;
 17 and 16–701.2
 18 Annotated Code of Maryland
 19 (2010 Replacement Volume)

20 BY repealing and reenacting, with amendments,

21 Article – Business Occupations and Professions
 22 Section ~~16–601~~ 16–202, 16–303(a)(2), 16–308(c)(2), 16–310(3), 16–3A–03,
 23 16–3A–05(2), 16–3A–07(c)(2), 16–3A–08(a)(3), 16–505(2), 16–510(c)(2),
 24 16–512(3), 16–5A–01(b)(5), 16–5A–04(b)(1)(ii), 16–601, and 16–602
 25 Annotated Code of Maryland
 26 (2010 Replacement Volume)

27 BY repealing

28 Article – Business Occupations and Professions
 29 Section 16–217
 30 Annotated Code of Maryland
 31 (2010 Replacement Volume)

32 BY adding to

33 Article – Business Regulation
 34 Section 2–106.7 and 2–106.8
 35 Annotated Code of Maryland
 36 (2010 Replacement Volume and 2010 Supplement)

37 ~~BY repealing and reenacting, with amendments,~~

38 ~~Article – State Government~~
 39 ~~Section 8–403(b)~~
 40 ~~Annotated Code of Maryland~~
 41 ~~(2009 Replacement Volume and 2010 Supplement)~~

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Business Occupations and Professions**

4 16–202.

5 (a) (1) The Commission consists of 15 members.

6 (2) Of the 15 members of the Commission:

7 (i) at least 2 shall be certified general real estate appraisers;

8 (ii) 2 shall be certified general real estate appraisers, certified
9 residential real estate appraisers, or licensed real estate appraisers;

10 (iii) 2 shall be representatives of a financial institution who are
11 not certified or licensed real estate appraisers or home inspectors;

12 (iv) 1 shall be a licensed home inspector who is a member of the
13 American Society of Home Inspectors (ASHI);

14 (v) 1 shall be a licensed home inspector who is a member of the
15 National Association of Home Inspectors;

16 (vi) 2 shall be licensed home inspectors without regard to
17 affiliation with or membership in any society or association; [and]

18 (vii) [5] 4 shall be consumer members; AND

19 (VIII) 1 SHALL BE A REPRESENTATIVE OF AN APPRAISAL
20 MANAGEMENT COMPANY REGISTERED UNDER SUBTITLE 5B OF THIS TITLE.

21 (3) The Governor shall:

22 (i) appoint the members with the advice of the Secretary and
23 with the advice and consent of the Senate; and

24 (ii) consider demographic and geographic diversity when
25 making appointments to the Commission.

26 (b) Each member of the Commission shall be a citizen of the State.

27 (c) (1) Each consumer member of the Commission:

28 (i) shall be a member of the general public;

1 (ii) may not be a licensee, holder of a certificate, or otherwise be
2 subject to regulation by the Commission;

3 (iii) may not be required to meet the qualifications for the
4 professional members of the Commission; and

5 (iv) may not, within 1 year before appointment, have had a
6 financial interest in or have received compensation from a person regulated by the
7 Commission.

8 (2) While a member of the Commission, a consumer member may not:

9 (i) have a financial interest in or receive compensation from a
10 person regulated by the Commission; or

11 (ii) grade any examination given by or for the Commission.

12 (d) Before taking office, each appointee to the Commission shall take the
13 oath required by Article I, § 9 of the Maryland Constitution.

14 (e) (1) The term of a member is 3 years.

15 (2) The terms of members are staggered as required by the terms
16 provided for members of the Commission on January 1, 1991.

17 (3) At the end of a term, a member continues to serve until a successor
18 is appointed and qualifies.

19 (4) A member who is appointed after a term has begun serves only for
20 the rest of the term and until a successor is appointed and qualifies.

21 (5) A member may not serve for more than 2 consecutive 3-year
22 terms.

23 (f) The Governor may remove a member for incompetence or misconduct.

24 **16-210.2.**

25 **(A) THE COMMISSION SHALL ESTABLISH AN APPRAISAL MANAGEMENT**
26 **COMPANY HEARING BOARD.**

27 **(B) (1) THE HEARING BOARD CONSISTS OF THREE MEMBERS OF THE**
28 **COMMISSION, APPOINTED BY THE COMMISSION.**

29 **(2) OF THE THREE POSITIONS ON THE APPRAISAL MANAGEMENT**
30 **COMPANY HEARING BOARD:**

1 **(I) ONE SHALL BE A REPRESENTATIVE OF A FINANCIAL**
2 **INSTITUTION;**

3 **(II) ONE SHALL BE A CONSUMER MEMBER; AND**

4 **(III) ONE SHALL BE A REPRESENTATIVE OF AN APPRAISAL**
5 **MANAGEMENT COMPANY.**

6 **(C) FROM AMONG THE MEMBERS OF THE HEARING BOARD, THE**
7 **COMMISSION SHALL DESIGNATE A CHAIR.**

8 **[16-217.**

9 Except as otherwise provided by law, the Commission shall pay all money
10 collected under this title into the General Fund of the State.]

11 **16-217.**

12 **(A) (1) BEGINNING ON JULY 1, 2011, THE COMMISSION MAY SET BY**
13 **REGULATION REASONABLE FEES FOR ITS SERVICES.**

14 **(2) THE FEES CHARGED SHALL BE:**

15 **(I) SET SO AS TO PRODUCE FUNDS TO APPROXIMATE THE**
16 **COST OF MAINTAINING THE COMMISSION; AND**

17 **(II) BASED ON THE CALCULATIONS PERFORMED BY THE**
18 **SECRETARY OF LABOR, LICENSING, AND REGULATION UNDER § 2-106.8 OF THE**
19 **BUSINESS REGULATION ARTICLE.**

20 **(B) THE COMMISSION SHALL PUBLISH THE FEE SCHEDULE SET BY THE**
21 **COMMISSION.**

22 **(C) (1) BEGINNING ON JULY 1, 2011, THE COMMISSION SHALL PAY**
23 **ALL FEES COLLECTED UNDER THIS TITLE TO THE COMPTROLLER.**

24 **(2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE**
25 **STATE COMMISSION OF REAL ESTATE APPRAISERS AND HOME INSPECTORS**
26 **FUND ESTABLISHED IN § 2-106.7 OF THE BUSINESS REGULATION ARTICLE.**

27 **16-303.**

28 **(a) An applicant for a license shall:**

1 (2) pay to the Commission [an application] A fee [of \$75] SET BY THE
2 COMMISSION.

3 16-308.

4 (c) Before a license expires, the licensee periodically may renew it for an
5 additional 3-year term, if the licensee:

6 (2) pays to the Commission a renewal fee [of \$125] SET BY THE
7 COMMISSION; and

8 16-310.

9 The Commission shall reinstate the license of a real estate appraiser who has
10 failed to renew the license, if the real estate appraiser:

11 (3) in addition to the renewal fee required under § 16-308 of this
12 subtitle, pays to the Commission a reinstatement fee [of \$25] SET BY THE
13 COMMISSION.

14 16-3A-03.

15 [Effective July 1, 2002, an] AN applicant for a home inspector license shall:

16 (1) have completed a minimum of 72 hours of an on-site training
17 course approved by a national home inspection organization and the Commission that
18 at a minimum requires successful completion of the National Home Inspector
19 Examination or its equivalent as determined by the Commission;

20 (2) have a high school diploma or its equivalent;

21 (3) have insurance as required under § 16-4A-04 of this title;

22 (4) submit to the Commission an application on the form that the
23 Commission provides; and

24 (5) pay to the Commission an application fee [of \$50] SET BY THE
25 COMMISSION.

26 16-3A-05.

27 If an applicant qualifies for a home inspector license under this title, the
28 Commission shall send the applicant a notice that states:

29 (2) the Commission will issue the home inspector license to an
30 applicant upon receipt of a license fee [not to exceed \$400] SET BY THE COMMISSION.

1 16-3A-07.

2 (c) Before a license expires, the licensee may renew it for an additional
3 2-year term, if the licensee:

4 (2) pays to the Commission a renewal fee [not to exceed \$400] SET BY
5 THE COMMISSION;

6 16-3A-08.

7 (a) The Commission shall reinstate the license of an individual who has
8 failed to renew a license for any reason if the individual:

9 (3) in addition to the renewal fee required under § 16-3A-07 of this
10 subtitle, pays to the Commission a reinstatement fee [of \$50] SET BY THE
11 COMMISSION.

12 16-505.

13 An applicant for a certificate shall:

14 (2) pay to the Commission an application fee [of \$100] SET BY THE
15 COMMISSION.

16 16-510.

17 (c) Not earlier than 120 days and not later than 30 days before a certificate
18 expires, the certificate holder may renew it for an additional 3-year term, if the
19 certificate holder:

20 (2) pays to the Commission a renewal fee [of \$125] SET BY THE
21 COMMISSION; and

22 16-512.

23 The Commission shall reinstate the certificate of a real estate appraiser who
24 has failed to renew the certificate during the regular term of the certificate or the
25 grace period, if the real estate appraiser:

26 (3) in addition to the renewal fee required under § 16-511 of this
27 subtitle, pays to the Commission a reinstatement fee [of \$25] SET BY THE
28 COMMISSION.

29 16-5A-01.

1 **(b) An applicant for a real estate appraiser trainee license shall:**

2 **(5) pay to the Commission an application fee [of \$75] SET BY THE**
3 **COMMISSION.**

4 **16-5A-04.**

5 **(b) (1) Before a real estate appraiser trainee license expires, the licensee**
6 **may renew the license for one additional 3-year term if the licensee:**

7 **(ii) pays to the Commission a renewal fee [of \$75] SET BY THE**
8 **COMMISSION; and**

9 **SUBTITLE 5B. REAL ESTATE APPRAISAL MANAGEMENT COMPANIES.**

10 **16-5B-01.**

11 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
12 **INDICATED.**

13 **(B) “APPRAISAL MANAGEMENT COMPANY” MEANS A THIRD PARTY**
14 **AUTHORIZED BY A CREDITOR OF A CONSUMER CREDIT TRANSACTION SECURED**
15 **BY A CONSUMER’S PRINCIPAL DWELLING, OR BY AN UNDERWRITER OF OR**
16 **OTHER PRINCIPAL IN THE SECONDARY MORTGAGE MARKETS, THAT DIRECTLY**
17 **OR INDIRECTLY PROVIDES APPRAISAL MANAGEMENT SERVICES IN CONNECTION**
18 **WITH VALUING PROPERTIES COLLATERALIZING MORTGAGE LOANS OR**
19 **MORTGAGES INCORPORATED IN A SECURITIZATION.**

20 **(C) “APPRAISER” MEANS A LICENSED REAL ESTATE APPRAISER OR A**
21 **CERTIFIED REAL ESTATE APPRAISER.**

22 **(D) “APPRAISER PANEL” MEANS A NETWORK OF LICENSED OR**
23 **CERTIFIED APPRAISERS WHO ARE INDEPENDENT CONTRACTORS TO THE**
24 **APPRAISAL MANAGEMENT COMPANY.**

25 **(E) (1) “APPRAISAL REVIEW” MEANS THE ACT OF DEVELOPING AND**
26 **COMMUNICATING AN OPINION ABOUT THE QUALITY OF ANOTHER APPRAISER’S**
27 **WORK THAT WAS PERFORMED AS PART OF AN APPRAISER ASSIGNMENT.**

28 **(2) “APPRAISAL REVIEW” DOES NOT INCLUDE AN EXAMINATION**
29 **OF AN APPRAISAL FOR GRAMMATICAL, TYPOGRAPHICAL, OR OTHER SIMILAR**
30 **ERRORS THAT DO NOT MAKE A SUBSTANTIVE VALUATION CHANGE.**

31 **(F) “COMPETENT APPRAISER” MEANS AN APPRAISER THAT SATISFIES**
32 **EACH PROVISION OF THE COMPETENCY RULE OF THE UNIFORM STANDARDS OF**

1 **PROFESSIONAL PRACTICE FOR A SPECIFIC APPRAISAL ASSIGNMENT THAT THE**
2 **APPRAISER HAS RECEIVED, OR MAY RECEIVE, FROM AN APPRAISAL**
3 **MANAGEMENT COMPANY.**

4 **(G) “CONTROLLING PERSON” MEANS:**

5 **(1) AN OWNER, OFFICER, OR DIRECTOR OF AN APPRAISAL**
6 **MANAGEMENT COMPANY;**

7 **(2) AN INDIVIDUAL EMPLOYED, APPOINTED, OR AUTHORIZED BY**
8 **AN APPRAISAL MANAGEMENT COMPANY THAT HAS THE AUTHORITY TO ENTER**
9 **INTO:**

10 **(I) A CONTRACTUAL RELATIONSHIP WITH OTHER PERSONS**
11 **FOR THE PERFORMANCE OF APPRAISAL MANAGEMENT SERVICES; AND**

12 **(II) AGREEMENTS WITH APPRAISERS FOR THE**
13 **PERFORMANCE OF APPRAISALS; OR**

14 **(3) AN INDIVIDUAL WHO POSSESSES THE POWER TO DIRECT OR**
15 **CAUSE THE DIRECTION OF THE MANAGEMENT OR POLICIES OF AN APPRAISAL**
16 **MANAGEMENT COMPANY.**

17 **(H) “PROVIDE APPRAISAL MANAGEMENT SERVICES” MEANS TO,**
18 **DIRECTLY OR INDIRECTLY, ON BEHALF OF A LENDER, FINANCIAL INSTITUTION,**
19 **CLIENT, OR OTHER PERSON IN CONJUNCTION WITH A CONSUMER CREDIT**
20 **TRANSACTION THAT IS SECURED BY A CONSUMER’S PRIMARY DWELLING:**

21 **(1) ADMINISTER AN APPRAISAL PANEL;**

22 **(2) RECRUIT, RETAIN, OR SELECT APPRAISERS;**

23 **(3) VERIFY LICENSING OR CERTIFICATION, NEGOTIATE FEES AND**
24 **SERVICE LEVEL EXPECTATIONS, AND REVIEW THE QUALIFICATIONS OF**
25 **PERSONS WHO ARE PART OF, OR WHO WISH TO BECOME PART OF, AN APPRAISER**
26 **PANEL;**

27 **(4) CONTRACT WITH APPRAISERS TO PERFORM APPRAISAL**
28 **ASSIGNMENTS;**

29 **(5) RECEIVE AN ORDER FOR AN APPRAISAL FROM ONE PERSON,**
30 **AND DELIVER THE ORDER FOR THE APPRAISAL TO AN APPRAISER THAT IS PART**
31 **OF AN APPRAISER PANEL FOR COMPLETION;**

1 **(6) MANAGE THE PROCESS OF HAVING AN APPRAISAL**
2 **PERFORMED, INCLUDING THE FOLLOWING ADMINISTRATIVE DUTIES:**

3 **(I) RECEIVING APPRAISAL ORDERS AND REPORTS;**

4 **(II) SUBMITTING COMPLETED APPRAISAL REPORTS TO**
5 **CREDITORS AND UNDERWRITERS;**

6 **(III) COLLECTING FEES FROM CREDITORS AND**
7 **UNDERWRITERS FOR SERVICES PROVIDED; AND**

8 **(IV) REIMBURSING APPRAISERS FOR SERVICES PERFORMED;**

9 **(7) TRACK AND DETERMINE THE STATUS OF ORDERS FOR**
10 **APPRAISALS;**

11 **(8) CONDUCT QUALITY CONTROL OF A COMPLETED APPRAISAL**
12 **PRIOR TO THE DELIVERY OF THE APPRAISAL TO THE PERSON THAT ORDERED**
13 **THE APPRAISAL; OR**

14 **(9) PROVIDE A COMPLETED APPRAISAL PERFORMED BY AN**
15 **APPRAISER TO A CLIENT.**

16 **16-5B-02.**

17 **THIS SUBTITLE DOES NOT APPLY TO:**

18 **(1) A PERSON THAT EXCLUSIVELY EMPLOYS APPRAISERS ON AN**
19 **EMPLOYER-EMPLOYEE BASIS FOR THE PERFORMANCE OF APPRAISALS; OR**

20 **(2) AN ENTITY THAT IS A SUBSIDIARY OWNED AND CONTROLLED**
21 **BY A FINANCIAL INSTITUTION AND REGULATED BY A FEDERAL FINANCIAL**
22 **INSTITUTION REGULATORY AGENCY.**

23 **16-5B-03.**

24 **(A) A PERSON SHALL REGISTER WITH THE COMMISSION BEFORE THE**
25 **PERSON:**

26 **(1) ENGAGES OR ATTEMPTS TO ENGAGE IN BUSINESS AS AN**
27 **APPRAISAL MANAGEMENT COMPANY;**

28 **(2) PROVIDES OR ATTEMPTS TO PROVIDE APPRAISAL**
29 **MANAGEMENT SERVICES; OR**

1 **(3) ADVERTISES OR REPRESENTS THE PERSON TO BE AN**
2 **APPRAISAL MANAGEMENT COMPANY.**

3 **(B) THE REGISTRATION REQUIRED UNDER SUBSECTION (A) OF THIS**
4 **SECTION SHALL INCLUDE:**

5 **(1) THE NAME OF THE PERSON SEEKING REGISTRATION;**

6 **(2) THE BUSINESS ADDRESS OF THE PERSON SEEKING**
7 **REGISTRATION;**

8 **(3) THE PHONE CONTACT INFORMATION OF THE PERSON**
9 **SEEKING REGISTRATION;**

10 **(4) IF THE PERSON SEEKING REGISTRATION IS NOT A**
11 **CORPORATION THAT IS DOMICILED IN THE STATE, THE NAME AND CONTACT**
12 **INFORMATION FOR THE COMPANY'S AGENT FOR SERVICE OF PROCESS IN THIS**
13 **STATE;**

14 **(5) THE NAME, ADDRESS, AND CONTACT INFORMATION OF ANY**
15 **INDIVIDUAL OR ANY CORPORATION, PARTNERSHIP, OR OTHER BUSINESS**
16 **ENTITY THAT OWNS 10% OR MORE OF THE PERSON SEEKING REGISTRATION;**

17 **(6) A CERTIFICATION THAT THE PERSON SEEKING REGISTRATION**
18 **WILL VERIFY THAT A PERSON BEING ADDED TO THE APPRAISER PANEL OF THE**
19 **APPRAISAL MANAGEMENT COMPANY HOLDS ~~A~~ AN APPROPRIATE LICENSE OR**
20 **CERTIFICATION IN GOOD STANDING IN THE STATE UNDER THIS SUBTITLE FOR**
21 **THE PURPOSE OF PERFORMING REAL ESTATE APPRAISALS;**

22 **(7) A CERTIFICATION THAT THE PERSON SEEKING REGISTRATION**
23 **REQUIRES APPRAISERS COMPLETING APPRAISALS AT ITS REQUEST TO COMPLY**
24 **WITH THE UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE,**
25 **INCLUDING THE REQUIREMENTS FOR GEOGRAPHIC AND PRODUCT**
26 **COMPETENCE;**

27 **(8) A CERTIFICATION THAT THE PERSON SEEKING REGISTRATION**
28 **WILL REQUIRE APPRAISALS TO BE CONDUCTED INDEPENDENTLY AS REQUIRED**
29 **BY THE APPRAISAL INDEPENDENCE STANDARDS UNDER SECTION 129E OF THE**
30 **TRUTH IN LENDING ACT, INCLUDING THE REQUIREMENTS OF PAYMENT OF A**
31 **REASONABLE AND CUSTOMARY FEE TO APPRAISERS WHEN THE APPRAISAL**
32 **MANAGEMENT COMPANY IS PROVIDING SERVICES FOR A CONSUMER CREDIT**
33 **TRANSACTION SECURED BY THE PRINCIPAL DWELLING OF A CONSUMER;**

1 **(9)** A CERTIFICATION THAT THE PERSON SEEKING REGISTRATION
2 MAINTAINS A DETAILED RECORD OF EACH SERVICE REQUEST THAT IT RECEIVES
3 AND THE APPRAISER THAT PERFORMS THE RESIDENTIAL REAL ESTATE
4 APPRAISAL SERVICES FOR THE PERSON UNDER § 16-5B-09 OF THIS SUBTITLE;

5 **(10)** AN IRREVOCABLE UNIFORM CONSENT TO SERVICE OF
6 PROCESS IN ACCORDANCE WITH § 16-5B-04(C) OF THIS SUBTITLE; AND

7 **(11)** ANY OTHER INFORMATION THAT THE COMMISSION
8 REASONABLY REQUIRES TO IMPLEMENT THIS SUBTITLE.

9 **(C)** IF THE REGISTRATION PROCESS REQUIRED UNDER SUBSECTION (A)
10 OF THIS SECTION HAS NOT BEEN ESTABLISHED AS OF THE EFFECTIVE DATE OF
11 THIS SUBTITLE, AN APPRAISAL MANAGEMENT COMPANY MAY, WITHOUT BEING
12 REGISTERED UNDER THIS SUBTITLE, CONTINUE TO PROVIDE APPRAISAL
13 MANAGEMENT SERVICES IN ACCORDANCE WITH THIS SUBTITLE FOR 120 DAYS
14 AFTER A REGISTRATION PROCESS BECOMES AVAILABLE.

15 **(D)** AN APPRAISAL MANAGEMENT COMPANY THAT HAS SUBMITTED A
16 COMPLETE APPLICATION FOR REGISTRATION UNDER SUBSECTION (B) OF THIS
17 SECTION MAY CONTINUE TO PROVIDE APPRAISAL MANAGEMENT SERVICES IN
18 ACCORDANCE WITH THIS SUBTITLE UNTIL THE COMMISSION MAKES A FINAL
19 DECISION TO APPROVE OR DENY THE COMPANY'S APPLICATION FOR
20 REGISTRATION UNDER THIS SUBTITLE.

21 **16-5B-04.**

22 **(A)** AN APPLICANT FOR REGISTRATION AS AN APPRAISAL MANAGEMENT
23 COMPANY SHALL SUBMIT TO THE COMMISSION AN APPLICATION ON A FORM
24 REQUIRED BY THE COMMISSION.

25 **(B)** A REGISTRATION ISSUED UNDER THIS SUBTITLE IS VALID FOR 1
26 YEAR.

27 **(C)** A PERSON APPLYING FOR REGISTRATION AS AN APPRAISAL
28 MANAGEMENT COMPANY SHALL COMPLETE AN IRREVOCABLE UNIFORM
29 CONSENT TO SERVICE OF PROCESS, AS REQUIRED BY THE COMMISSION.

30 **(D)** ~~THE COMMISSION SHALL COLLECT FROM EACH APPRAISAL~~
31 ~~MANAGEMENT COMPANY THE AMOUNT DETERMINED BY THE APPRAISAL~~
32 ~~SUBCOMMITTEE TO BE A NATIONAL REGISTRY FEE FOR EACH APPRAISER ON~~
33 ~~THE APPRAISER PANEL OF AN APPRAISAL MANAGEMENT COMPANY UNDER~~
34 ~~SECTION 1109(A)(4) OF THE FEDERAL FINANCIAL INSTITUTIONS REFORM,~~
35 ~~RECOVERY, AND ENFORCEMENT ACT OF 1989, AS AMENDED BY THE~~

1 ~~DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT OF~~
 2 ~~2010.~~

3 ~~(E)~~ ~~(1)~~ (D) THE COMMISSION MAY SET BY REGULATION REASONABLE
 4 FEES FOR REGISTERING APPRAISAL MANAGEMENT COMPANIES UNDER THIS
 5 SUBTITLE.

6 ~~(2)~~ ~~THE FEES SHALL BE:~~

7 ~~(I)~~ ~~SET SO AS TO PRODUCE FUNDS TO APPROXIMATE THE~~
 8 ~~COST OF ADMINISTERING THIS SUBTITLE; AND~~

9 ~~(II)~~ ~~BASED ON CALCULATIONS PERFORMED BY THE~~
 10 ~~SECRETARY OF LABOR, LICENSING, AND REGULATION UNDER § 2-106.8 OF THE~~
 11 ~~BUSINESS REGULATION ARTICLE.~~

12 ~~(3)~~ ~~THE COMMISSION SHALL PUBLISH THE FEE SCHEDULE SET~~
 13 ~~BY THE COMMISSION UNDER THIS SECTION.~~

14 ~~(4)~~ ~~(I)~~ ~~THE COMMISSION SHALL PAY ALL FEES COLLECTED~~
 15 ~~UNDER THIS SUBTITLE TO THE COMPTROLLER.~~

16 ~~(II)~~ ~~THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO~~
 17 ~~THE APPRAISAL MANAGEMENT COMPANY FUND ESTABLISHED IN § 2-106.7 OF~~
 18 ~~THE BUSINESS REGULATION ARTICLE.~~

19 ~~16-5B-05.~~

20 (A) A PERSON APPLYING FOR REGISTRATION AS AN APPRAISAL
 21 MANAGEMENT COMPANY MAY NOT BE OWNED IN WHOLE OR IN PART, DIRECTLY
 22 OR INDIRECTLY, BY:

23 (1) A PERSON WHO HAS HAD A LICENSE OR CERTIFICATE TO ACT
 24 AS AN APPRAISER REFUSED, DENIED, CANCELED, REVOKED, OR SURRENDERED
 25 IN ANY STATE; OR

26 (2) ANOTHER ENTITY THAT IS OWNED BY A PERSON WHO HAS HAD
 27 A LICENSE OR CERTIFICATE TO ACT AS AN APPRAISER REFUSED, DENIED,
 28 CANCELED, REVOKED, OR SURRENDERED IN ANY STATE.

29 (B) THE OWNER OF AN APPRAISAL MANAGEMENT COMPANY SHALL:

30 (1) BE OF GOOD ~~MORAL CHARACTER~~ CHARACTER AND
 31 REPUTATION, AS DETERMINED BY THE COMMISSION; AND

1 (2) SUBMIT TO A BACKGROUND INVESTIGATION, AS DETERMINED
2 BY THE COMMISSION.

3 (C) A PERSON APPLYING FOR REGISTRATION AS AN APPRAISAL
4 MANAGEMENT COMPANY SHALL CERTIFY TO THE COMMISSION THAT IT HAS
5 REVIEWED EACH ENTITY THAT OWNS THE PERSON AND THAT NO OTHER ENTITY
6 THAT OWNS THE PERSON IS DIRECTLY OWNED BY A PERSON THAT HAS HAD A
7 LICENSE OR CERTIFICATE TO ACT AS AN APPRAISER REFUSED, DENIED,
8 CANCELED, REVOKED, OR SURRENDERED IN ANY STATE.

9 **16-5B-06.**

10 (A) A PERSON APPLYING FOR REGISTRATION AS AN APPRAISAL
11 MANAGEMENT COMPANY SHALL DESIGNATE AN INDIVIDUAL TO SERVE AS A
12 CONTROLLING PERSON THAT WILL BE THE MAIN CONTACT FOR ALL
13 COMMUNICATION BETWEEN THE COMMISSION AND THE APPRAISAL
14 MANAGEMENT COMPANY.

15 (B) THE CONTROLLING PERSON DESIGNATED UNDER SUBSECTION (A)
16 OF THIS SECTION SHALL:

17 (1) HAVE NEVER HAD A LICENSE OR CERTIFICATE TO ACT AS AN
18 APPRAISER REFUSED, DENIED, CANCELED, REVOKED, OR SURRENDERED IN ANY
19 STATE, UNLESS THE LICENSE OR CERTIFICATE WAS SUBSEQUENTLY GRANTED
20 OR REINSTATED;

21 (2) BE OF GOOD ~~MORAL CHARACTER~~ CHARACTER AND
22 REPUTATION, AS DETERMINED BY THE COMMISSION; AND

23 (3) SUBMIT TO A BACKGROUND INVESTIGATION, AS DETERMINED
24 BY THE COMMISSION.

25 **16-5B-07.**

26 AN APPRAISAL MANAGEMENT COMPANY MAY NOT:

27 (1) KNOWINGLY EMPLOY A PERSON IN A POSITION IN WHICH THE
28 PERSON HAS THE RESPONSIBILITY TO ORDER APPRAISALS OR TO REVIEW
29 COMPLETED APPRAISALS WHO HAS HAD A LICENSE OR CERTIFICATE TO ACT AS
30 AN APPRAISER REFUSED, DENIED, CANCELED, REVOKED, OR SURRENDERED IN
31 ANY STATE, UNLESS THE LICENSE OR CERTIFICATE WAS SUBSEQUENTLY
32 GRANTED OR REINSTATED;

1 **(2) KNOWINGLY ENTER INTO AN INDEPENDENT CONTRACTOR**
 2 **ARRANGEMENT FOR REAL ESTATE APPRAISAL SERVICES WITH A PERSON WHO**
 3 **HAS HAD A LICENSE OR CERTIFICATE TO ACT AS AN APPRAISER REFUSED,**
 4 **DENIED, CANCELED, REVOKED, OR SURRENDERED IN ANY STATE, UNLESS THE**
 5 **LICENSE OR CERTIFICATE WAS SUBSEQUENTLY GRANTED OR REINSTATED; OR**

6 **(3) KNOWINGLY ENTER INTO A CONTRACT, AN AGREEMENT, OR**
 7 **ANY OTHER BUSINESS RELATIONSHIP, FOR THE PURPOSE OF OBTAINING REAL**
 8 **ESTATE APPRAISAL SERVICES, WITH AN ENTITY THAT EMPLOYS, HAS ENTERED**
 9 **INTO AN INDEPENDENT CONTRACT ARRANGEMENT WITH, OR HAS ENTERED**
 10 **INTO A CONTRACT, AN AGREEMENT, OR ANY OTHER BUSINESS RELATIONSHIP**
 11 **WITH A PERSON WHO HAS EVER HAD A LICENSE OR CERTIFICATE TO ACT AS AN**
 12 **APPRAISER REFUSED, DENIED, CANCELED, REVOKED, OR SURRENDERED IN ANY**
 13 **STATE, UNLESS THE LICENSE OR CERTIFICATE WAS SUBSEQUENTLY GRANTED**
 14 **OR REINSTATED.**

15 **16-5B-08.**

16 **(A) ~~BEFORE PLACING AN ASSIGNMENT WITH AN APPRAISER ON THE~~**
 17 **~~APPRAISER PANEL OF AN APPRAISAL MANAGEMENT COMPANY, THE~~ AN**
 18 **APPRAISAL MANAGEMENT COMPANY SHALL ~~VERIFY~~ REQUIRE THAT AN**
 19 **APPRAISER CONFIRM IN WRITING OR VIA ELECTRONIC MEANS THAT ~~THE~~ AN**
 20 **APPRAISER RECEIVING THE ASSIGNMENT IS A COMPETENT APPRAISER FOR THE**
 21 **PERFORMANCE OF THE APPRAISAL BEING ASSIGNED.**

22 **(B) AN APPRAISAL MANAGEMENT COMPANY THAT HAS COMPLIED WITH**
 23 **SUBSECTION (A) OF THIS SECTION IN RELATION TO AN ASSIGNMENT MAY NOT**
 24 **BE HELD LIABLE FOR A VIOLATION OF THIS SUBTITLE IN RELATION TO THAT**
 25 **ASSIGNMENT IF THE COMMISSION SUBSEQUENTLY DETERMINES THAT THE**
 26 **APPRAISER COMPLETING THE ASSIGNMENT VIOLATED THE COMPETENCY RULE**
 27 **OF THE UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE.**

28 **~~(B)~~ (C) AN EMPLOYEE OF OR INDEPENDENT CONTRACTOR TO THE**
 29 **APPRAISAL MANAGEMENT COMPANY THAT PERFORMS AN APPRAISAL REVIEW**
 30 **ON A PROPERTY LOCATED IN THE STATE SHALL BE AN APPRAISER LICENSED OR**
 31 **CERTIFIED IN THE ~~STATE IN WHICH THE PROPERTY THAT IS THE SUBJECT OF~~**
 32 **~~THE APPRAISAL IS LOCATED~~ STATE.**

33 **~~(C)~~ (D) AN APPRAISAL MANAGEMENT COMPANY MAY NOT ENTER**
 34 **INTO ANY AGREEMENTS WITH AN APPRAISER FOR THE PERFORMANCE OF**
 35 **APPRAISALS IN CONJUNCTION WITH FEDERALLY RELATED TRANSACTIONS**
 36 **UNLESS IT VERIFIES THAT THE APPRAISER IS LICENSED OR CERTIFIED TO**
 37 **PERFORM THE APPRAISAL UNDER THIS SUBTITLE.**

1 **16-5B-09.**

2 (A) A PERSON APPLYING FOR REGISTRATION AS AN APPRAISAL
3 MANAGEMENT COMPANY SHALL CERTIFY TO THE COMMISSION ON AN ANNUAL
4 BASIS THAT IT WILL MAINTAIN A DETAILED RECORD OF:

5 (1) EACH SERVICE REQUEST THAT IT RECEIVES; AND

6 (2) EACH APPRAISER THAT PERFORMS THE APPRAISAL FOR THE
7 APPRAISAL MANAGEMENT COMPANY.

8 (B) AN APPRAISAL MANAGEMENT COMPANY SHALL RETAIN THE
9 RECORDS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION FOR 5 YEARS
10 AFTER AN APPRAISAL IS COMPLETED, OR 2 YEARS AFTER FINAL DISPOSITION OF
11 A JUDICIAL PROCEEDING RELATED TO THE ASSIGNMENT, WHICHEVER PERIOD
12 EXPIRES LATER.

13 **16-5B-10.**

14 (A) AN APPRAISAL MANAGEMENT COMPANY MAY NOT:

15 (1) ~~KNOWINGLY FAIL TO COMPENSATE AN APPRAISER AT A RATE~~
16 ~~THAT IS REASONABLE AND CUSTOMARY FOR APPRAISALS BEING PERFORMED~~
17 ~~WITHOUT THE SERVICES OF AN APPRAISAL MANAGEMENT COMPANY IN THE~~
18 ~~MARKET AREA OF THE PROPERTY BEING APPRAISED;~~

19 (2) ~~KNOWINGLY INCLUDE ANY FEES FOR PROVIDING APPRAISAL~~
20 ~~MANAGEMENT SERVICES IN THE AMOUNT THAT IT CHARGES A LENDER, CLIENT,~~
21 ~~OR OTHER PERSON FOR THE COMPLETION OF AN APPRAISAL BY AN APPRAISER~~
22 ~~THAT IS PART OF THE APPRAISER PANEL OF THE APPRAISAL MANAGEMENT~~
23 ~~COMPANY;~~

24 (3) KNOWINGLY FAIL TO SEPARATE AND DISCLOSE ANY FEES
25 CHARGED TO A CLIENT BY THE APPRAISAL MANAGEMENT COMPANY FOR THE
26 COMPLETION OF AN APPRAISAL BY AN APPRAISER FROM THE FEES CHARGED TO
27 A LENDER, CLIENT, OR ANY OTHER PERSON BY AN APPRAISAL MANAGEMENT
28 COMPANY FOR PROVIDING APPRAISAL MANAGEMENT SERVICES; OR

29 (4) (2) KNOWINGLY PROHIBIT AN APPRAISER FROM
30 RECORDING THE FEE THAT THE APPRAISER WAS PAID BY THE APPRAISAL
31 MANAGEMENT COMPANY FOR ~~THE PERFORMANCE OF THE APPRAISAL~~ THE
32 PROVISION OF REAL ESTATE SERVICES WITHIN THE APPRAISAL REPORT THAT IS
33 SUBMITTED BY THE APPRAISER TO THE APPRAISAL MANAGEMENT COMPANY; ~~OR~~

1 ~~(5) KNOWINGLY FAIL TO SEPARATELY STATE THE FEES PAID TO~~
2 ~~AN APPRAISER FOR APPRAISAL SERVICES AND THE FEES CHARGED BY THE~~
3 ~~APPRAISAL MANAGEMENT COMPANY FOR SERVICES ASSOCIATED WITH THE~~
4 ~~MANAGEMENT OF THE APPRAISAL PROCESS TO A CLIENT, BORROWER, OR~~
5 ~~OTHER PAYER.~~

6 **(B) THE COMMISSION MAY NOT BRING DISCIPLINARY ACTION UNDER §**
7 **16-702.2 OF THIS TITLE OR RECOMMEND CRIMINAL SANCTIONS UNDER §**
8 **16-706 OF THIS TITLE BASED SOLELY ON SUBSECTION (A) OF THIS SECTION.**

9 **16-5B-11.**

10 **(A) (1) EACH APPRAISAL MANAGEMENT COMPANY SHALL ENSURE**
11 **THAT APPRAISALS ARE CONDUCTED REAL ESTATE APPRAISAL SERVICES ARE**
12 **PROVIDED INDEPENDENTLY AND FREE FROM INAPPROPRIATE INFLUENCE AND**
13 **COERCION UNDER THE APPRAISAL INDEPENDENCE STANDARDS ESTABLISHED**
14 **UNDER SECTION 129E OF THE TRUTH IN LENDING ACT.**

15 **(2) (I) AN APPRAISAL MANAGEMENT COMPANY SHALL PAY AN**
16 **APPRAISER REASONABLE AND CUSTOMARY FEES CONSISTENT WITH THE**
17 **PRESUMPTIONS OF COMPLIANCE DEFINED UNDER FEDERAL LAW.**

18 **(II) THE COMMISSION MAY NOT BRING DISCIPLINARY**
19 **ACTION UNDER § 16-702.2 OF THIS TITLE OR RECOMMEND CRIMINAL**
20 **SANCTIONS UNDER § 16-706 OF THIS TITLE BASED SOLELY ON SUBPARAGRAPH**
21 **(I) OF THIS PARAGRAPH.**

22 **(B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, AN**
23 **EMPLOYEE, A DIRECTOR, AN OFFICER, OR AN AGENT OF AN APPRAISAL**
24 **MANAGEMENT COMPANY MAY NOT AN EMPLOYEE, PARTNER, DIRECTOR,**
25 **OFFICER, OR AGENT OF AN APPRAISAL MANAGEMENT COMPANY MAY NOT**
26 **INFLUENCE OR ATTEMPT TO INFLUENCE THE DEVELOPMENT, REPORTING,**
27 **RESULT, OR REVIEW OF AN APPRAISAL THROUGH COERCION, EXTORTION,**
28 **COLLUSION, COMPENSATION, INDUCEMENT, INTIMIDATION, BRIBERY, OR ANY**
29 **OTHER MEANS, INCLUDING:**

30 **(1) COMPENSATE, COLLUDE, OR INFLUENCE, OR ATTEMPT**
31 **COMPENSATING, COLLUDING, OR INFLUENCING, OR ATTEMPTING TO**
32 **COMPENSATE, COLLUDE, OR INFLUENCE A PERSON INVOLVED IN AN APPRAISAL**
33 **FOR THE PURPOSE OF CAUSING THE APPRAISED VALUE ASSIGNED UNDER THE**
34 **APPRAISAL TO THE PROPERTY TO BE BASED ON A FACTOR OTHER THAN THE**
35 **INDEPENDENT JUDGMENT OF THE APPRAISER;**

1 (2) ~~MISCHARACTERIZE, OR SUBORN~~ MISCHARACTERIZING, OR
2 SUBORNING ANY MISCHARACTERIZATION OF, THE APPRAISED VALUE OF A
3 PROPERTY IN CONJUNCTION WITH A CONSUMER CREDIT TRANSACTION;

4 (3) ~~SEEK~~ SEEKING TO INFLUENCE AN APPRAISER OR OTHERWISE
5 ~~ENCOURAGE~~ ENCOURAGING A TARGETED VALUE IN ORDER TO FACILITATE THE
6 MAKING OR PRICING OF A CONSUMER CREDIT TRANSACTION;

7 (4) ~~WITHHOLD OR THREATEN~~ WITHHOLDING OR THREATENING
8 TO WITHHOLD TIMELY PAYMENT FOR AN APPRAISAL REPORT OR FOR
9 ~~APPRAISAL SERVICES RENDERED~~ THE PROVISION OF REAL ESTATE APPRAISAL
10 SERVICES WHEN THE APPRAISAL REPORT OR SERVICES ARE PROVIDED IN
11 ACCORDANCE WITH A CONTRACT BETWEEN THE PARTIES;

12 (5) ~~WITHHOLD OR THREATEN~~ WITHHOLDING OR THREATENING
13 TO WITHHOLD FUTURE BUSINESS FROM AN APPRAISER;

14 (6) ~~DEMOTE OR TERMINATE OR THREATEN~~ DEMOTING OR
15 TERMINATING OR THREATENING TO DEMOTE OR TERMINATE AN APPRAISER;

16 (7) EXPRESSLY OR IMPLIEDLY ~~PROMISE~~ PROMISING FUTURE
17 BUSINESS, PROMOTIONS, OR INCREASED COMPENSATION FOR AN APPRAISER;

18 (8) ~~REQUIRE~~ REQUIRING AN APPRAISER TO INDEMNIFY AN
19 APPRAISAL MANAGEMENT COMPANY OR HOLD AN APPRAISAL MANAGEMENT
20 COMPANY HARMLESS FOR ANY LIABILITY, DAMAGE, LOSSES, OR CLAIMS
21 ARISING OUT OF THE SERVICES PROVIDED BY THE APPRAISAL MANAGEMENT
22 COMPANY, AND NOT THE SERVICES PERFORMED BY THE APPRAISER;

23 (9) ~~CONDITION~~ CONDITIONING A REQUEST FOR AN APPRAISAL OR
24 THE PAYMENT OF AN APPRAISAL FEE OR SALARY OR BONUS ON:

25 (I) AN OPINION, A CONCLUSION, OR A VALUATION TO BE
26 REACHED; OR

27 (II) ON A PRELIMINARY ESTIMATE OR OPINION REQUESTED
28 FROM AN APPRAISER;

29 (10) ~~REQUEST~~ REQUESTING THAT AN APPRAISER PROVIDE:

30 (I) AN ESTIMATED, PREDETERMINED, OR DESIRED
31 VALUATION IN AN APPRAISAL REPORT; OR

1 (II) ESTIMATED VALUES OR COMPARABLE SALES AT ANY
2 TIME BEFORE THE APPRAISER'S COMPLETION OF AN APPRAISAL;

3 (11) EXCEPT FOR A COPY OF THE SALES CONTRACT FOR PURCHASE
4 TRANSACTIONS, ~~PROVIDE~~ PROVIDING TO AN APPRAISER AN ANTICIPATED,
5 ESTIMATED, ENCOURAGED, OR DESIRED VALUE FOR A SUBJECT PROPERTY OR A
6 PROPOSED OR TARGET AMOUNT TO BE LOANED TO THE BORROWER;

7 (12) ~~PROVIDE~~ PROVIDING TO AN APPRAISER, OR A PERSON
8 RELATED TO THE APPRAISER, STOCK OR OTHER FINANCIAL OR NONFINANCIAL
9 BENEFITS;

10 (13) ~~ALLOW~~ ALLOWING THE REMOVAL OF AN APPRAISER FROM AN
11 APPRAISER PANEL WITHOUT PRIOR WRITTEN NOTICE TO THE APPRAISER;

12 (14) ~~OBTAIN, USE, OR PAY~~ OBTAINING, USING, OR PAYING FOR A
13 SECOND OR SUBSEQUENT APPRAISAL, OR ~~ORDER~~ ORDERING AN AUTOMATED
14 VALUATION MODEL, IN CONNECTION WITH A MORTGAGE FINANCING
15 TRANSACTION UNLESS:

16 (I) THERE IS A REASONABLE BASIS TO BELIEVE THAT THE
17 INITIAL APPRAISAL WAS FLAWED AND THE BASIS IS CLEARLY AND
18 APPROPRIATELY NOTED IN THE LOAN FILE; ~~OR~~

19 (II) THE SUBSEQUENT APPRAISAL OR AUTOMATED
20 VALUATION MODEL IS DONE UNDER A BONA FIDE PREFUNDING OR
21 POSTFUNDING APPRAISAL REVIEW OR QUALITY CONTROL PROCESS;

22 (III) A SECOND APPRAISAL IS REQUIRED UNDER STATE OR
23 FEDERAL LAW; OR

24 (IV) THE SECOND APPRAISAL OR AUTOMATED VALUATION
25 MODEL IS ORDERED BY AN APPRAISAL MANAGEMENT COMPANY IN RESPONSE
26 TO A REQUEST BY A CLIENT IN ORDER TO SATISFY CLIENT VALUATION POLICIES
27 FOR THE PROPERTY BEING APPRAISED AND THE SECOND APPRAISAL OR
28 AUTOMATED VALUATION MODEL IS ORDERED BY THE CLIENT PRIOR TO THE
29 COMPLETION OF THE FIRST APPRAISAL; OR

30 (15) ANY OTHER ACT ~~THAT IMPAIRS OR ATTEMPTS~~ IMPAIRING OR
31 ATTEMPTING TO IMPAIR AN APPRAISER'S INDEPENDENCE OR IMPARTIALITY.

32 (C) NOTHING IN SUBSECTION (A) OR (B) OF THIS SECTION MAY BE
33 CONSTRUED TO PROHIBIT AN APPRAISAL MANAGEMENT COMPANY FROM
34 ASKING AN APPRAISER TO:

1 (1) CONSIDER ADDITIONAL APPROPRIATE PROPERTY
2 INFORMATION, INCLUDING THE CONSIDERATION OF ADDITIONAL COMPARABLE
3 PROPERTIES TO MAKE OR SUPPORT AN APPRAISAL;

4 (2) PROVIDE FURTHER DETAIL, SUBSTANTIATION, OR
5 EXPLANATION FOR AN APPRAISER'S VALUE CONCLUSION; OR

6 (3) CORRECT ERRORS IN AN APPRAISAL REPORT.

7 **16-5B-12.**

8 AN APPRAISAL MANAGEMENT COMPANY SHALL INFORM THE COMMISSION
9 WHEN THE APPRAISAL MANAGEMENT COMPANY HAS A REASONABLE BASIS TO
10 BELIEVE THAT:

11 (1) AN APPRAISER HAS:

12 ~~(1)~~ (I) ~~IS FAILING~~ FAILED TO COMPLY WITH THE UNIFORM
13 STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE;

14 ~~(2)~~ (II) ~~IS VIOLATING~~ VIOLATED APPLICABLE LAWS; OR

15 ~~(3)~~ (III) ~~IS ENGAGING~~ ENGAGED IN UNETHICAL OR
16 UNPROFESSIONAL CONDUCT; AND

17 (2) THE APPRAISER'S CONDUCT UNDER ITEM (1) OF THIS
18 SECTION IS LIKELY TO AFFECT THE VALUE ASSIGNED TO THE CONSUMER'S
19 PRINCIPAL DWELLING.

20 **16-5B-13.**

21 AN APPRAISAL MANAGEMENT COMPANY COMMITS UNPROFESSIONAL
22 CONDUCT IF THE APPRAISAL MANAGEMENT COMPANY:

23 (1) REQUIRES AN APPRAISER TO MODIFY AN ASPECT OF AN
24 APPRAISAL REPORT AND THE MODIFICATION REQUESTED IS NOT RELATED TO
25 SUBSTANDARD PERFORMANCE OR NONCOMPLIANCE WITH THE TERMS OF
26 ENGAGEMENT;

27 (2) REQUIRES AN APPRAISER TO PREPARE AN APPRAISAL
28 REPORT IF THE APPRAISER HAS NOTIFIED THE APPRAISAL MANAGEMENT
29 COMPANY THAT, IN THE APPRAISER'S OWN PROFESSIONAL JUDGMENT, THE

1 APPRAISER BELIEVES THE APPRAISER DOES NOT HAVE THE NECESSARY
2 EXPERTISE FOR THE SPECIFIC GEOGRAPHIC AREA;

3 (3) REQUIRES AN APPRAISER TO PREPARE AN APPRAISAL
4 REPORT UNDER A TIME FRAME THAT THE APPRAISER HAS NOTIFIED THE
5 APPRAISAL MANAGEMENT COMPANY THAT, IN THE APPRAISER'S OWN
6 PROFESSIONAL JUDGMENT, THE APPRAISER BELIEVES DOES NOT AFFORD THE
7 APPRAISER THE ABILITY TO MEET ALL THE RELEVANT LEGAL AND
8 PROFESSIONAL OBLIGATIONS;

9 (4) PROHIBITS OR INHIBITS COMMUNICATION BETWEEN AN
10 APPRAISER AND A LENDER, A REAL ESTATE LICENSEE, OR ANY OTHER PERSON
11 FROM WHOM THE APPRAISER, IN THE APPRAISER'S OWN PROFESSIONAL
12 JUDGMENT, BELIEVES INFORMATION WOULD BE RELEVANT;

13 (5) REQUIRES THE APPRAISER TO DO ANYTHING THAT DOES NOT
14 COMPLY WITH:

15 (I) THE UNIFORM STANDARDS OF PROFESSIONAL
16 APPRAISAL PRACTICE; OR

17 (II) ANY ASSIGNMENT CONDITIONS AND CERTIFICATIONS
18 REQUIRED BY THE CLIENT; OR

19 (6) MAKES ANY PORTION OF THE APPRAISER'S FEE OR THE
20 APPRAISAL MANAGEMENT COMPANY'S FEE CONTINGENT ON A FAVORABLE
21 OUTCOME, INCLUDING:

22 (I) A LOAN CLOSING; OR

23 (II) A SPECIFIC DOLLAR AMOUNT BEING ACHIEVED BY THE
24 APPRAISER IN THE APPRAISAL REPORT; ~~OR~~

25 ~~(7) REQUESTS, FOR THE PURPOSE OF FACILITATING A MORTGAGE~~
26 ~~LOAN TRANSACTION;~~

27 ~~(I) A BROKER PRICE OPINION; OR~~

28 ~~(II) ANY OTHER REAL PROPERTY PRICE OR VALUE~~
29 ~~ESTIMATION THAT DOES NOT QUALIFY AS AN APPRAISAL.~~

30 16-5B-14.

1 **(A) EXCEPT IN CASES OF BREACH OF CONTRACT OR SUBSTANDARD**
2 **PERFORMANCE OF SERVICES, AN APPRAISAL MANAGEMENT COMPANY SHALL**
3 **PAY AN APPRAISER FOR THE COMPLETION OF AN APPRAISAL OR VALUATION**
4 **ASSIGNMENT WITHIN 60 DAYS AFTER THE APPRAISER PROVIDES THE**
5 **COMPLETED APPRAISAL OR VALUATION STUDY TO THE APPRAISAL**
6 **MANAGEMENT COMPANY OR ITS ASSIGNEE.**

7 **(B) THE COMMISSION MAY NOT BRING DISCIPLINARY ACTION UNDER §**
8 **16-702.2 OF THIS TITLE OR RECOMMEND CRIMINAL SANCTIONS UNDER §**
9 **16-706 OF THIS TITLE BASED SOLELY ON SUBSECTION (A) OF THIS SECTION.**

10 **16-5B-15.**

11 **(A) AN APPRAISAL MANAGEMENT COMPANY MAY NOT CHANGE A**
12 **COMPLETED APPRAISAL REPORT SUBMITTED BY AN APPRAISER BY:**

13 **(1) PERMANENTLY REMOVING THE APPRAISER'S SIGNATURE OR**
14 **SEAL; OR**

15 **(2) ADDING INFORMATION TO, OR REMOVING INFORMATION**
16 **FROM, THE APPRAISAL REPORT WITH AN INTENT TO CHANGE THE VALUATION**
17 **CONCLUSION.**

18 **(B) (1) AN APPRAISAL MANAGEMENT COMPANY MAY NOT REQUIRE**
19 **AN APPRAISER TO PROVIDE THE APPRAISAL MANAGEMENT COMPANY WITH THE**
20 **APPRAISER'S DIGITAL SIGNATURE OR SEAL.**

21 **(2) SUBJECT TO THE RESTRICTIONS IN THE UNIFORM**
22 **STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE, AN APPRAISER MAY**
23 **VOLUNTARILY PROVIDE THE APPRAISER'S DIGITAL SIGNATURE TO ANOTHER**
24 **PERSON.**

25 **16-5B-16.**

26 **(A) THE COMMISSION SHALL ISSUE A UNIQUE REGISTRATION NUMBER**
27 **TO EACH APPRAISAL MANAGEMENT COMPANY THAT IS REGISTERED IN THIS**
28 **STATE.**

29 **(B) THE COMMISSION SHALL PUBLISH ANNUALLY A LIST OF APPRAISAL**
30 **MANAGEMENT COMPANIES.**

31 **(C) AN APPRAISAL MANAGEMENT COMPANY SHALL DISCLOSE THE**
32 **COMPANY'S REGISTRATION NUMBER ON ~~ALL PRINT AND ELECTRONIC~~**
33 **~~ADVERTISING, INCLUDING ANY ELECTRONIC ADVERTISING OR COMMUNICATION~~**

1 ~~VIA THE INTERNET~~ ANY INSTRUMENT UTILIZED BY THE APPRAISAL
2 MANAGEMENT COMPANY TO PROCURE APPRAISAL SERVICES IN THIS STATE.

3 16-5B-17.

4 (A) EXCEPT WITHIN 30 DAYS AFTER AN APPRAISER IS FIRST ADDED TO
5 THE APPRAISER PANEL OF AN APPRAISAL MANAGEMENT COMPANY, AN
6 APPRAISAL MANAGEMENT COMPANY MAY NOT REMOVE AN APPRAISER FROM
7 ITS APPRAISER PANEL, OR OTHERWISE REFUSE TO ASSIGN REQUESTS FOR REAL
8 ESTATE APPRAISAL SERVICES TO AN APPRAISER, WITHOUT:

9 (1) NOTIFYING THE APPRAISER IN WRITING OF THE REASONS
10 WHY THE APPRAISER IS BEING REMOVED FROM THE APPRAISER PANEL OF THE
11 APPRAISAL MANAGEMENT COMPANY;

12 (2) IDENTIFYING THE ILLEGAL CONDUCT, VIOLATION OF THE
13 UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE, ~~OR~~
14 VIOLATION OF STATE LICENSING STANDARDS, OR SUBSTANDARD
15 PERFORMANCE OR VIOLATIONS OF CONTRACTUAL TERMS BETWEEN THE
16 APPRAISER AND THE APPRAISAL MANAGEMENT COMPANY THAT THE APPRAISAL
17 MANAGEMENT COMPANY HAS A REASONABLE BASIS TO BELIEVE THAT THE
18 APPRAISER HAS ENGAGED IN; AND

19 (3) PROVIDING AN OPPORTUNITY FOR THE APPRAISER TO
20 RESPOND.

21 (B) (1) AN APPRAISER THAT IS REMOVED FROM THE APPRAISER
22 PANEL OF AN APPRAISAL MANAGEMENT COMPANY FOR ALLEGED ILLEGAL
23 CONDUCT, A VIOLATION OF THE UNIFORM STANDARDS OF PROFESSIONAL
24 APPRAISAL PRACTICE, OR A VIOLATION OF STATE LICENSING STANDARDS MAY
25 FILE A COMPLAINT WITH THE COMMISSION FOR A REVIEW OF THE DECISION OF
26 THE APPRAISAL MANAGEMENT COMPANY.

27 (2) THE COMMISSION'S REVIEW UNDER PARAGRAPH (1) OF THIS
28 SUBSECTION IS LIMITED TO DETERMINING WHETHER:

29 (I) THE APPRAISAL MANAGEMENT COMPANY HAS
30 COMPLIED WITH SUBSECTION (A) OF THIS SECTION; AND

31 (II) THE APPRAISER HAS COMMITTED A VIOLATION OF:

32 1. STATE LAW; OR

1 **2. THE UNIFORM STANDARDS OF PROFESSIONAL**
2 **APPRAISAL PRACTICE.**

3 **(C) (1) IF AN APPRAISER FILES A COMPLAINT AGAINST AN APPRAISAL**
4 **MANAGEMENT COMPANY UNDER SUBSECTION (B) OF THIS SECTION, THE**
5 **COMMISSION SHALL ~~ADJUDICATE THE COMPLAINT WITHIN 180 DAYS~~ SCHEDULE**
6 **A HEARING WITHIN A REASONABLE TIME, NOT EXCEEDING 1 YEAR, AFTER THE**
7 **COMPLAINT IS FILED.**

8 **(2) THE TIME SPECIFIED UNDER PARAGRAPH (1) OF THIS**
9 **SUBSECTION MAY BE EXTENDED FOR GOOD CAUSE BY THE COMMISSION ON**
10 **WRITTEN NOTICE TO THE PARTIES.**

11 **(D) IF AFTER OPPORTUNITY FOR HEARING AND REVIEW, THE**
12 **COMMISSION DETERMINES THAT AN APPRAISAL MANAGEMENT COMPANY**
13 **ACTED IMPROPERLY IN REMOVING AN APPRAISER FROM THE APPRAISER**
14 **PANEL, OR THAT AN APPRAISER DID NOT COMMIT A VIOLATION OF STATE LAW**
15 **OR A VIOLATION OF THE UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL**
16 **PRACTICE, THE COMMISSION SHALL ORDER THAT AN APPRAISER BE RESTORED**
17 **TO THE APPRAISER PANEL OF THE APPRAISAL MANAGEMENT COMPANY THAT**
18 **WAS THE SUBJECT OF THE COMPLAINT.**

19 **(E) IF THE COMMISSION FINDS THAT THE APPRAISAL MANAGEMENT**
20 **COMPANY ACTED IMPROPERLY IN REMOVING THE APPRAISER FROM THE**
21 **APPRAISER PANEL, AN APPRAISAL MANAGEMENT COMPANY MAY NOT:**

22 **(1) REDUCE THE NUMBER OF REAL ESTATE APPRAISAL**
23 **ASSIGNMENTS THE COMPANY GIVES TO AN APPRAISER; OR**

24 **(2) PENALIZE THE APPRAISER IN ANY OTHER MANNER.**

25 **16-5B-18.**

26 **THE COMMISSION MAY ADOPT REGULATIONS NECESSARY TO IMPLEMENT,**
27 **ADMINISTER, AND ENFORCE THIS SUBTITLE.**

28 **16-5B-19.**

29 **SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF**
30 **THE MARYLAND PROGRAM EVALUATION ACT, THE SUBTITLE AND ALL**
31 **REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF**
32 **NO EFFECT AFTER JULY 1, 2022.**

33 **16-601.**

1 (a) Subject to the provisions of this section, the Commission shall start
2 proceedings under § 16-701 [or], § 16-701.1, **OR § 16-701.2** of this title on a
3 complaint made to the Commission by any person.

4 (b) (1) A complaint shall:

5 (i) be in writing; and

6 (ii) state specifically the facts on which the complaint is based.

7 (2) If a complaint is made by any person other than the Commission,
8 the complaint shall be made under oath by the person who submits the complaint.

9 (3) A complaint may be accompanied by documentary or other
10 evidence.

11 (c) The Commission shall investigate each complaint submitted to the
12 Commission if the complaint:

13 (1) alleges facts that establish a prima facie case that is grounds for
14 disciplinary action under § 16-701 [or], § 16-701.1, **OR § 16-701.2** of this title; and

15 (2) meets the requirements of this section.

16 (d) (1) On conclusion of the investigation, the Commission shall
17 determine if there is a reasonable basis to believe that there are grounds for
18 disciplinary action under § 16-701 [or], § 16-701.1, **OR § 16-701.2** of this title
19 against an applicant or licensee.

20 (2) (i) If the Commission finds a reasonable basis as provided
21 under paragraph (1) of this subsection, the Commission shall act on the complaint as
22 provided under § 16-602 of this subtitle.

23 (ii) If the Commission does not find a reasonable basis as
24 provided under paragraph (1) of this subsection, the Commission shall dismiss the
25 complaint.

26 16-602.

27 (a) Except as otherwise provided in § 10-226 of the State Government
28 Article, before the Commission takes any final action under § 16-701 [or], § 16-701.1,
29 **OR § 16-701.2** of this title, it shall give the individual against whom the action is
30 contemplated an opportunity for a hearing before:

31 (1) the Commission; or

1 (2) the Hearing Board for proceedings under § 16–211 of this title.

2 (b) The Commission shall give notice and hold the hearing in accordance
3 with Title 10, Subtitle 2 of the State Government Article.

4 (c) The Commission may administer oaths in connection with any proceeding
5 under this section.

6 (d) The hearing notice to be given to the individual shall be sent by certified
7 mail to the last known address of the individual at least 10 days before the hearing.

8 (e) The individual may be represented at the hearing by counsel.

9 (f) (1) The Commission may issue subpoenas in connection with any
10 proceeding under this section.

11 (2) If a person fails to comply with a subpoena issued under this
12 subsection, on petition of the Commission, a circuit court may compel compliance with
13 the subpoena.

14 (g) If, after due notice, the individual against whom the action is
15 contemplated fails or refuses to appear, nevertheless the Commission may hear and
16 determine the matter.

17 **16–701.2.**

18 (A) **SUBJECT TO THE HEARING PROVISIONS OF § 16–602 OF THIS TITLE,**
19 **THE COMMISSION MAY DENY REGISTRATION TO ANY APPLICANT FOR**
20 **REGISTRATION AS AN APPRAISAL MANAGEMENT COMPANY, REPRIMAND ANY**
21 **REGISTERED APPRAISAL MANAGEMENT COMPANY, OR SUSPEND OR REVOKE**
22 **THE REGISTRATION OF AN APPRAISAL MANAGEMENT COMPANY IF THE**
23 **APPLICANT OR REGISTRANT:**

24 (1) **FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO**
25 **OBTAIN REGISTRATION FOR THE APPLICANT OR REGISTRANT OR FOR ANOTHER;**

26 (2) **FRAUDULENTLY OR DECEPTIVELY USES A REGISTRATION;**

27 (3) **UNDER THE LAWS OF THE UNITED STATES OR ANY STATE IS**
28 **CONVICTED OF:**

29 (I) **A FELONY; OR**

30 (II) **A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE**
31 **FITNESS AND QUALIFICATIONS OF THE REGISTRANT TO PROVIDE APPRAISAL**
32 **MANAGEMENT SERVICES;**

1 ~~(3)~~ (4) VIOLATES OR ATTEMPTS TO VIOLATE ANY PROVISION OF
2 THIS TITLE; ~~OR~~

3 ~~(4)~~ (5) VIOLATES OR ATTEMPTS TO VIOLATE ANY REGULATION
4 ADOPTED UNDER THIS TITLE; OR

5 (6) VIOLATES § 14-127 OF THE REAL PROPERTY ARTICLE.

6 (B) (1) INSTEAD OF OR IN ADDITION TO REPRIMANDING A
7 REGISTRANT OR SUSPENDING OR REVOKING A REGISTRATION UNDER THIS
8 SECTION, THE COMMISSION MAY IMPOSE A PENALTY NOT EXCEEDING \$25,000
9 FOR EACH VIOLATION.

10 (2) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED, THE
11 COMMISSION SHALL CONSIDER:

12 (I) THE SERIOUSNESS OF THE VIOLATION;

13 (II) THE HARM CAUSED BY THE VIOLATION;

14 (III) THE GOOD FAITH OF THE REGISTRANT; AND

15 (IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE
16 REGISTRANT.

17 (3) THE COMMISSION SHALL PAY ANY PENALTY COLLECTED
18 UNDER THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.

19 (C) THE COMMISSION SHALL CONSIDER THE FOLLOWING FACTS IN THE
20 GRANTING, DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A
21 REGISTRATION OR THE REPRIMAND OF A REGISTRANT WHEN AN APPLICANT OR
22 REGISTRANT IS CONVICTED OF A FELONY OR A MISDEMEANOR DESCRIBED IN
23 SUBSECTION (A)(3) OF THIS SECTION:

24 (1) THE NATURE OF THE CRIME;

25 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES
26 AUTHORIZED BY THE REGISTRATION;

27 (3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE
28 CONVICTION TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR
29 REGISTRANT TO PROVIDE APPRAISAL MANAGEMENT SERVICES;

1 **(4) THE LENGTH OF TIME SINCE THE CONVICTION; AND**

2 **(5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR**
3 **REGISTRANT BEFORE AND AFTER THE CONVICTION.**

4 **Article – Business Regulation**

5 **2–106.7.**

6 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
7 **MEANINGS INDICATED.**

8 **(2) “COMMISSION” MEANS THE STATE COMMISSION OF REAL**
9 **ESTATE APPRAISERS AND HOME INSPECTORS.**

10 **(3) “FUND” MEANS THE ~~APPRAISAL MANAGEMENT COMPANY~~**
11 **STATE COMMISSION OF REAL ESTATE APPRAISERS AND HOME INSPECTORS**
12 **FUND.**

13 **(B) (1) THERE IS ~~AN APPRAISAL MANAGEMENT COMPANY~~ A STATE**
14 **COMMISSION OF REAL ESTATE APPRAISERS AND HOME INSPECTORS FUND IN**
15 **THE DEPARTMENT.**

16 **(2) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
17 **SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

18 **(C) THE FUND CONSISTS OF FEES COLLECTED BY THE COMMISSION**
19 **AND DISTRIBUTED TO THE FUND UNDER ~~§ 16–5B–04~~ TITLE 16 OF THE**
20 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.**

21 **(D) THE FUND SHALL BE USED TO COVER THE COMMISSION’S ACTUAL**
22 **DOCUMENTED DIRECT AND INDIRECT COSTS OF ~~REGISTERING AND~~**
23 **~~REGULATING APPRAISAL MANAGEMENT COMPANIES UNDER TITLE 16,~~**
24 **~~SUBTITLE 5B OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE~~**
25 **FULFILLING THE STATUTORY AND REGULATORY DUTIES OF THE COMMISSION.**

26 **(E) THE SECRETARY OR A DESIGNEE OF THE SECRETARY SHALL**
27 **ADMINISTER THE FUND.**

28 **(F) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND**
29 **TRANSACTIONS OF THE FUND AS PROVIDED IN § 2–1220 OF THE STATE**
30 **GOVERNMENT ARTICLE.**

1 (G) AT THE END OF EACH FISCAL YEAR, ANY UNSPENT PORTION OF THE
 2 FUND IN EXCESS OF \$100,000 SHALL REVERT TO THE GENERAL FUND OF THE
 3 STATE.

4 (H) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO
 5 THE GENERAL FUND.

6 **2-106.8.**

7 (A) IN THIS SECTION, “COMMISSION” MEANS THE STATE COMMISSION
 8 OF REAL ESTATE APPRAISERS AND HOME INSPECTORS.

9 (B) IN CONSULTATION WITH THE COMMISSION, THE SECRETARY SHALL
 10 CALCULATE ANNUALLY THE DIRECT AND INDIRECT COSTS ATTRIBUTABLE TO
 11 ~~ADMINISTERING TITLE 16, SUBTITLE 5B OF THE BUSINESS OCCUPATIONS AND~~
 12 ~~PROFESSIONS ARTICLE~~ THE COMMISSION.

13 (C) ~~THE~~ BEGINNING ON JULY 1, 2011, THE COMMISSION SHALL
 14 ESTABLISH FEES BASED ON THE CALCULATIONS PROVIDED BY THE SECRETARY
 15 UNDER THIS SECTION.

16 (D) EACH FEE ESTABLISHED BY THE COMMISSION MAY NOT BE
 17 INCREASED ANNUALLY BY MORE THAN 12.5% OF THE EXISTING AND
 18 CORRESPONDING FEE OF THE COMMISSION.

19 ~~Article—State Government~~

20 ~~§ 403.~~

21 (b) ~~Except as otherwise provided in subsection (a) of this section, on or before~~
 22 ~~the evaluation date for the following governmental activities or units, an evaluation~~
 23 ~~shall be made of the following governmental activities or units and the statutes and~~
 24 ~~regulations that relate to the governmental activities or units:~~

25 (1) ~~Acupuncture Board, State (§ 1A-201 of the Health Occupations~~
 26 ~~Article: July 1, 2014);~~

27 (2) ~~Amusement Ride Safety, State Advisory Board (§ 3-303 of the~~
 28 ~~Business Regulation Article: July 1, 2013);~~

29 (3) ~~Apprenticeship and Training Council (§ 11-403 of the Labor and~~
 30 ~~Employment Article: July 1, 2013);~~

31 (4) ~~Architects, State Board of (§ 3-201 of the Business Occupations~~
 32 ~~and Professions Article: July 1, 2012);~~

- 1 ~~(5) Athletic Commission, State (§ 4-201 of the Business Regulation~~
2 ~~Article: July 1, 2020);~~
- 3 ~~(6) Athletic Training Advisory Committee (§ 14-5D-04 of the Health~~
4 ~~Occupations Article: July 1, 2012);~~
- 5 ~~(7) Audiologists, Hearing Aid Dispensers, and Speech Language~~
6 ~~Pathologists, State Board of Examiners for (§ 2-201 of the Health Occupations Article:~~
7 ~~July 1, 2015);~~
- 8 ~~(8) Banking Board (§ 2-201 of the Financial Institutions Article: July~~
9 ~~1, 2011);~~
- 10 ~~(9) Barbers, State Board of (§ 4-201 of the Business Occupations and~~
11 ~~Professions Article: July 1, 2020);~~
- 12 ~~(10) Boiler Rules, Board of (§ 12-904 of the Public Safety Article: July~~
13 ~~1, 2013);~~
- 14 ~~(11) Cemetery Oversight, Office of (§ 5-201 of the Business Regulation~~
15 ~~Article: July 1, 2012);~~
- 16 ~~(12) Chiropractic and Massage Therapy Examiners, State Board of (§~~
17 ~~3-201 of the Health Occupations Article: July 1, 2021);~~
- 18 ~~(13) Collection Agency Licensing Board, State (§ 7-201 of the Business~~
19 ~~Regulation Article: July 1, 2011);~~
- 20 ~~(14) Cosmetologists, State Board of (§ 5-201 of the Business~~
21 ~~Occupations and Professions Article: July 1, 2020);~~
- 22 ~~(15) Counselors and Therapists, State Board of Professional (§ 17-201~~
23 ~~of the Health Occupations Article: July 1, 2018);~~
- 24 ~~(16) Dental Examiners, State Board of (§ 4-201 of the Health~~
25 ~~Occupations Article: July 1, 2020);~~
- 26 ~~(17) Dietetic Practice, State Board of (§ 5-201 of the Health~~
27 ~~Occupations Article: July 1, 2014);~~
- 28 ~~(18) Electricians, State Board of Master (§ 6-201 of the Business~~
29 ~~Occupations and Professions Article: July 1, 2012);~~
- 30 ~~(19) Electrology Practice Committee (§ 8-6B-05 of the Health~~
31 ~~Occupations Article: July 1, 2012);~~

- 1 ~~(20) Elevator Safety Review Board (§§ 12-819 through 12-841 of the~~
2 ~~Public Safety Article: July 1, 2013);~~
- 3 ~~(21) Engineers, State Board for Professional (§ 14-201 of the Business~~
4 ~~Occupations and Professions Article: July 1, 2012);~~
- 5 ~~(22) Engineers, State Board of Stationary (§ 6.5-201 of the Business~~
6 ~~Occupations and Professions Article: July 1, 2013);~~
- 7 ~~(23) Environmental Sanitarians, State Board of (§ 11-201 of the~~
8 ~~Environment Article: July 1, 2012);~~
- 9 ~~(24) Financial Regulation, Office of the Commissioner of (§ 2-101 of the~~
10 ~~Financial Institutions Article: July 1, 2011);~~
- 11 ~~(25) Foresters, State Board of (§ 7-201 of the Business Occupations and~~
12 ~~Professions Article: July 1, 2014);~~
- 13 ~~(26) Health Care Commission, Maryland (§ 19-103 of the Health~~
14 ~~General Article: July 1, 2017);~~
- 15 ~~(27) Health Services Cost Review Commission, State (§ 19-202 of the~~
16 ~~Health General Article: July 1, 2017);~~
- 17 ~~(28) Heating, Ventilation, Air Conditioning, and Refrigeration~~
18 ~~Contractors, State Board of (§ 9A-201 of the Business Regulation Article: July 1,~~
19 ~~2012);~~
- 20 ~~(29) Home Improvement Commission, Maryland (§ 8-201 of the~~
21 ~~Business Regulation Article: July 1, 2011);~~
- 22 ~~(30) Horse Industry Board, Maryland (§ 2-701 of the Agriculture~~
23 ~~Article: July 1, 2015);~~
- 24 ~~(31) Individual Tax Preparers, State Board of (§ 21-201 of the Business~~
25 ~~Occupations and Professions Article: July 1, 2015);~~
- 26 ~~(32) Insurance Administration (§§ 2-101 and 2-103 of the Insurance~~
27 ~~Article: July 1, 2012);~~
- 28 ~~(33) Interior Designers, State Board of Certified (§ 8-201 of the~~
29 ~~Business Occupations and Professions Article: July 1, 2013);~~
- 30 ~~(34) Labor and Industry, Division of (Title 2 of the Labor and~~
31 ~~Employment Article: July 1, 2013);~~

- 1 ~~(35) Land Surveyors, State Board for Professional (§ 15-201 of the~~
2 ~~Business Occupations and Professions Article: July 1, 2023);~~
- 3 ~~(36) Landscape Architects, State Board of Examiners of (§ 9-201 of the~~
4 ~~Business Occupations and Professions Article: July 1, 2023);~~
- 5 ~~(37) Law Examiners, State Board of (§ 10-201 of the Business~~
6 ~~Occupations and Professions Article: July 1, 2019);~~
- 7 ~~(38) Maryland Bred Race Fund Advisory Committee (§ 11-531 of the~~
8 ~~Business Regulation Article: July 1, 2013);~~
- 9 ~~(39) mold remediation services, licensing and regulation of (§ 8-701 of~~
10 ~~the Business Regulation Article: July 1, 2015);~~
- 11 ~~(40) Morticians and Funeral Directors, State Board of (§ 7-201 of the~~
12 ~~Health Occupations Article: July 1, 2017);~~
- 13 ~~(41) Nursing, State Board of (§ 8-201 of the Health Occupations Article:~~
14 ~~July 1, 2012);~~
- 15 ~~(42) Nursing Home Administrators, State Board of Examiners of (§~~
16 ~~9-201 of the Health Occupations Article: July 1, 2012);~~
- 17 ~~(43) Occupational Safety and Health Advisory Board (§ 5-302 of the~~
18 ~~Labor and Employment Article: July 1, 2013);~~
- 19 ~~(44) Occupational Therapy Practice, State Board of (§ 10-201 of the~~
20 ~~Health Occupations Article: July 1, 2014);~~
- 21 ~~(45) Optometry, State Board of Examiners in (§ 11-201 of the Health~~
22 ~~Occupations Article: July 1, 2022);~~
- 23 ~~(46) Pharmacy, State Board of (§ 12-201 of the Health Occupations~~
24 ~~Article: July 1, 2012);~~
- 25 ~~(47) Physical Therapy Examiners, State Board of (§ 13-201 of the~~
26 ~~Health Occupations Article: July 1, 2021);~~
- 27 ~~(48) Physician Assistant Advisory Committee (§ 15-201 of the Health~~
28 ~~Occupations Article: July 1, 2012);~~
- 29 ~~(49) Physicians, State Board of (§ 14-201 of the Health Occupations~~
30 ~~Article: July 1, 2012);~~
- 31 ~~(50) Pilots, State Board of (§ 11-201 of the Business Occupations and~~
32 ~~Professions Article: July 1, 2021);~~

1 ~~(51) Plumbing, State Board of (§ 12-201 of the Business Occupations~~
2 ~~and Professions Article: July 1, 2022);~~

3 ~~(52) Podiatric Medical Examiners, State Board of (§ 16-201 of the~~
4 ~~Health Occupations Article: July 1, 2011);~~

5 ~~(53) Polysomnography Professional Standards Committee (§ 14-5C-05~~
6 ~~of the Health Occupations Article: July 1, 2012);~~

7 ~~(54) Prevailing Wage Rates, Advisory Council on (§ 17-203 of the State~~
8 ~~Finance and Procurement Article: July 1, 2013);~~

9 ~~(55) Psychologists, State Board of Examiners of (§ 18-201 of the Health~~
10 ~~Occupations Article: July 1, 2012);~~

11 ~~(56) Public Accountancy, State Board of (§ 2-201 of the Business~~
12 ~~Occupations and Professions Article: July 1, 2014);~~

13 ~~(57) Racing Commission, State (§ 11-201 of the Business Regulation~~
14 ~~Article: July 1, 2013);~~

15 ~~(58) Radiation Oncology/Therapy Technologists, Medical Radiation~~
16 ~~Technologists, and Nuclear Medicine Technologists Advisory Committee (§ 14-5B-05~~
17 ~~of the Health Occupations Article: July 1, 2012);~~

18 ~~**(59) REAL ESTATE APPRAISAL MANAGEMENT COMPANIES,**~~
19 ~~**REGISTRATION AND REGULATION OF (§ 16-5B-103 OF THE BUSINESS**~~
20 ~~**OCCUPATIONS AND PROFESSIONS ARTICLE: JULY 1, 2021);**~~

21 ~~[(59)] **(60)** Real Estate Appraisers and Home Inspectors, State~~
22 ~~Commission of (§ 16-201 of the Business Occupations and Professions Article: July 1,~~
23 ~~2012);~~

24 ~~[(60)] **(61)** Real Estate Commission, State (§ 17-201 of the Business~~
25 ~~Occupations and Professions Article: July 1, 2011);~~

26 ~~[(61)] **(62)** Residential Child Care Program Professionals, State Board~~
27 ~~for Certification of (§ 20-202 of the Health Occupations Article: July 1, 2013);~~

28 ~~[(62)] **(63)** Respiratory Care Professional Standards Committee, State~~
29 ~~(§ 14-5A-05 of the Health Occupations Article: July 1, 2012);~~

30 ~~[(63)] **(64)** security systems technicians, licensing and regulation of (§~~
31 ~~18-201 of the Business Occupations and Professions Article: July 1, 2015);~~

1 ~~[(64)] (65) Social Work Examiners, State Board of (§ 19-201 of the~~
 2 ~~Health Occupations Article: July 1, 2013);~~

3 ~~[(65)] (66) Standardbred Race Fund Advisory Committee, Maryland (§~~
 4 ~~11-625 of the Business Regulation Article: July 1, 2013);~~

5 ~~[(66)] (67) Veterinary Medical Examiners, State Board of (§ 2-302 of~~
 6 ~~the Agriculture Article: July 1, 2020);~~

7 ~~[(67)] (68) Waterworks and Waste Systems Operators, State Board of~~
 8 ~~(§ 12-201 of the Environment Article: July 1, 2020); and~~

9 ~~[(68)] (69) Well Drillers, State Board of (§ 13-201 of the Environment~~
 10 ~~Article: July 1, 2020).~~

11 SECTION 2. AND BE IT FURTHER ENACTED, That the fees set forth in Title
 12 16, Subtitles 3, 3A, 5, and 5A of the Business Occupations and Professions Article in
 13 effect on June 30, 2011, shall remain in full force and effect until the fees authorized to
 14 be set by the State Commission of Real Estate Appraisers and Home Inspectors under
 15 this Act are adopted and become effective.

16 SECTION 3. AND BE IT FURTHER ENACTED, That, beginning July 1, 2011,
 17 the fees established for each profession regulated under Title 16 of the Business
 18 Occupations and Professions Article shall approximate the cost of regulating each
 19 profession.

20 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
 21 July 1, 2011.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.