

BY: Economic and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 115

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "15-318," insert "16-701,".

AMENDMENT NO. 2

On page 2, strike lines 29 and 30 in their entirety; and in lines 31 and 32, strike "(5)" and "(6)", respectively, and substitute "(4)" and "(5)", respectively.

On page 5, strike lines 3 and 4 in their entirety; and in lines 5 and 6, strike "(5)" and "(6)", respectively, and substitute "(4)" and "(5)", respectively.

On page 6, strike lines 16 and 17 in their entirety; and in lines 18 and 19, strike "(5)" and "(6)", respectively, and substitute "(4)" and "(5)", respectively.

On page 7, strike lines 24 and 25 in their entirety; and in lines 26 and 27, strike "(5)" and "(6)", respectively, and substitute "(4)" and "(5)", respectively.

On page 8, strike lines 30 and 31 in their entirety; and in lines 32 and 33, strike "(5)" and "(6)", respectively, and substitute "(4)" and "(5)", respectively.

On page 10, strike lines 16 and 17 in their entirety; and in lines 18 and 19, strike "(5)" and "(6)", respectively, and substitute "(4)" and "(5)", respectively.

On page 12, strike lines 1 and 2 in their entirety; and in lines 3 and 4, strike "(5)" and "(6)", respectively, and substitute "(4)" and "(5)", respectively.

On page 13, strike lines 8 and 9 in their entirety; and in lines 10 and 11, strike "(5)" and "(6)", respectively, and substitute "(4)" and "(5)", respectively.

(Over)

On page 14, strike lines 28 and 29 in their entirety; and in lines 30 and 31, strike “(5)” and “(6)”, respectively, and substitute “(4)” and “(5)”, respectively.

On page 16, strike lines 14 and 15 in their entirety; and in lines 16 and 17, strike “(5)” and “(6)”, respectively, and substitute “(4)” and “(5)”, respectively.

On page 20, strike lines 31 and 32 in their entirety; and in line 33, strike “(5)” and substitute “(4)”.

On page 21, in line 1, strike “(6)” and substitute “(5)”.

On page 23, strike in their entirety lines 3 through 5, inclusive; and in lines 6 and 7, strike “(5)” and “(6)”, respectively, and substitute “(4)” and “(5)”, respectively.

On page 24, strike lines 23 and 24 in their entirety; and in lines 25 and 26, strike “(5)” and “(6)”, respectively, and substitute “(4)” and “(5)”, respectively.

On page 26, strike lines 1 and 2 in their entirety; and in lines 3 and 4, strike “(5)” and “(6)”, respectively, and substitute “(4)” and “(5)”, respectively.

On page 27, strike lines 25 and 26 in their entirety; and in lines 27 and 28, strike “(5)” and “(6)”, respectively, and substitute “(4)” and “(5)”, respectively.

AMENDMENT NO. 3

On page 7, in line 23, strike “ARCHITECTURE” and substitute “FORESTRY”.

On page 16, after line 18, insert:

“16-701.

(A) Subject to the hearing provisions of § 16-602 of this title, the Commission may deny a license to any applicant, deny a certificate to any applicant, reprimand any licensee, reprimand any certificate holder, suspend or revoke a license or certificate, or impose a fine of not more than \$5,000, if the applicant, license holder, or certificate holder:

(1) fraudulently or deceptively obtains or attempts to obtain a license or certificate for the applicant, licensee, certificate holder, or for another;

(2) fraudulently or deceptively uses a license or certificate;

(3) commits an act or makes an omission in the provision of real estate appraisal services or certified real estate appraisal services that is an act of dishonesty, fraud, or misrepresentation if the applicant, licensee, or certificate holder intends:

(i) to benefit substantially the applicant, licensee, certificate holder, or another person; or

(ii) to injure substantially another person;

(4) is held civilly or criminally liable for deceit, fraud, or misrepresentation in the provision of real estate appraisal services or certified real estate appraisal services;

(5) is convicted of a crime that is related substantially to the qualifications, functions, or duties of a person who develops real estate appraisals or communicates real estate appraisals to others;

(6) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE, PLEADS GUILTY OR NOLO CONTENDRE WITH RESPECT TO, RECEIVES PROBATION BEFORE JUDGMENT WITH RESPECT TO, OR IS CONVICTED OF:

(I) A FELONY; OR

(II) A CRIME OF MORAL TURPITUDE;

(7) pays a finder's fee or a referral fee to a person who lacks a license;

[(7)] (8) makes a false or misleading statement in:

(i) the part of a written appraisal report about professional qualifications; or

(ii) testimony about professional qualifications;

[(8)] (9) violates the confidential nature of governmental records to which a licensee or certificate holder gained access in the provision of real estate appraisal services or certified real estate services;

[(9)] (10) accepts a fee for providing an independent appraisal service in violation of this title;

[(10)] (11) fails to exercise reasonable diligence to develop, prepare, or communicate an appraisal;

[(11)] (12) commits negligence or incompetence in developing, preparing, or communicating an appraisal;

[(12)] (13) violates any other provision of this title; or

[(13)] (14) violates any regulation adopted under this title.

(B) THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT, DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR CERTIFICATE WHEN AN APPLICANT, LICENSEE, OR CERTIFICATE HOLDER IS CONVICTED OF A FELONY, A CRIME INVOLVING DECEIT, FRAUD, OR MISREPRESENTATION IN THE PROVISION OF REAL ESTATE APPRAISAL SERVICES OR CERTIFIED REAL ESTATE APPRAISAL SERVICES, OR A CRIME OF MORAL TURPITUDE:

(1) THE NATURE OF THE CRIME;

(2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED BY THE LICENSE OR CERTIFICATE;

(3) THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND QUALIFICATION OF THE APPLICANT, LICENSEE, OR CERTIFICATE HOLDER TO PROVIDE REAL ESTATE APPRAISAL SERVICES;

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

(5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT, LICENSEE, OR
CERTIFICATE HOLDER BEFORE, AND SUBSEQUENT TO, THE CONVICTION.”.