

2013 -- S 0389

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - REAL ESTATE APPRAISER
CERTIFICATION ACT

Introduced By: Senators Jabour, and Metts

Date Introduced: February 26, 2013

Referred To: Senate Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 5-20.7-22 of the General Laws in Chapter 5-20.7 entitled "Real
2 Estate Appraiser Certification Act" is hereby amended to read as follows:

3 **5-20.7-22. Hearing before revocation or suspension; refusal of certification or**
4 **licensing.** -- (a) Before refusing to issue a certificate or license or suspending or revoking a
5 certificate or license on its own motion, the director shall notify the applicant of his or her
6 intended action and the grounds for the action. The applicant may, within twenty (20) days, file
7 with the director, in triplicate, a request for a hearing setting out his or her answer to the grounds
8 specified in the notification. The director shall consider the answer and set a date for the hearing,
9 notifying the applicant of that date at least twenty (20) days prior to the hearing date.

10 (b) Before refusing to issue a certification or suspending or revoking an existing
11 certificate or license upon the verified written complaint of any person setting out a cause of
12 action under section 5-20.7-20, the director shall, in writing, notify the accused applicant or
13 certificate holder of its receipt of the complaint, enclosing a copy of the complaint. The accused
14 applicant, certificate, or license holder shall, within twenty (20) days, file with the department, in
15 triplicate, his or her answer to the complaint or complaints.

16 (c) The board shall transmit a copy of the answer to the complainant or complainants and
17 set a time and place for a hearing, which shall be at least twenty (20) days prior to the hearing
18 date.

1 (d) All notices and answers required or authorized to be made or filed under this section
2 may be served or filed personally, or by certified mail to the last know business address of the
3 addressee. If served personally, the time runs from the date of service; if by registered mail, from
4 the postmarked date of the letter enclosing the document.

5 (e) The director shall render a decision on any application or complaint within sixty (60)
6 days after the final hearing in the matter and shall immediately notify the parties to the
7 proceedings, in writing, of its rulings, orders, or decisions. If the matter contained in the
8 complaint has been filed or made a part of a case pending in any court in this state, the director
9 may then withhold its decision until the court action has been concluded. Hearings shall be held
10 in accordance with rules promulgated by the department in conformity with law. Any party
11 aggrieved by a final administrative decision of the director may appeal the decision in accordance
12 with the provisions of the Administrative Procedures Act, chapter 35 of title 42.

13 (f) No action may be taken under this section against a person licensed under this chapter
14 unless the action is commenced within five (5) years after the occurrence of the alleged violation
15 or within two (2) years after final disposition of any judicial proceeding, including any appeals, in
16 which the appraiser provided testimony related to the assignment, whichever period expires last.
17 A continuing violation is deemed to have occurred on the date when the circumstances last
18 existed that gave rise to the alleged continuing violation.

19 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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1 This act would limit the ability of the department of business regulation to investigate
2 complaints made on appraisals that fall outside (more than five (5) years old) the record retention
3 requirements of the USPAP (Uniform Standards of Professional Appraisal Practice).

4 This act would take effect upon passage.

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