1	House BILL NO.510
2	INTRODUCED BY Jechuerelle Buck
3	Have picture to Vallerburg
4	A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING UNLICENSED PERSONS FROM CONDUCTING
5	REAL ESTATE APPRAISALS FOR THE PURPOSES OF OBTAINING LOANS FROM FEDERALLY INSURED
6	LENDING INSTITUTIONS; AND AMENDING SECTION 37-54-201, MCA."
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8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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10	Section 1. Section 37-54-201, MCA, is amended to read:
11	"37-54-201. Real estate appraiser license <u>exceptions</u> scope and display of license. (1) Upon
12	proof that an applicant meets the qualifications set out in 37-54-202 and upon payment of license fees
13	adopted under 37-54-105, the board shall issue to the applicant a real estate appraiser license.
14	(2) The term "licensed real estate appraiser" may not be used to describe a firm, partnership,
15	corporation, group, or anyone other than an individual licensee. However, a licensed real estate appraiser
16	may engage in real estate appraisal as a professional corporation.
17	(3) Nothing in this chapter precludes a person who is not a licensed or certified real estate appraiser
18	from appraising real property for nonfederally related transactions for compensation, provided the person
19	does not represent himself as a licensed or certified real-estate appraiser. It is unlawful for a person to
20	engage in the appraisal of real estate or real property for compensation or valuable consideration for the
21	purposes of obtaining a loan from a federally insured lending institution without first obtaining a license or
22	certification in accordance with board guidelines. A person who refers to himself or his purports to be
23	company as being licensed under this section or certified under 37-54-302 through 37-54-304 without
24	possessing the applicable license or certificate is guilty of a misdemeanor.
25	(4) This section does not:
26	(a) prohibit a person who is licensed to practice in this state under any law from engaging in the
27	practice for which he <u>the person</u> is licensed;
28	(b) apply to public officials in the conduct of their official duties that are not governed by the rules
29	established by the Federal Financial Institutions Examination Council federal financial institutions
30	examination_council (FFIEC) agencies-;





54th Legislature

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1 (c) apply to a person who, in the ordinary course of business, provides a valuation or analysis of 2 real estate or real property, provided that the valuation or analysis may not be referred to as an appraisal and may not be used in connection with obtaining a loan from a federally insured lending institution to 3 4 finance or refinance the real estate or real property; 5 (d) apply to an officer or employee of the United States or of this state or any political subdivision 6 of this state when the officer or employee is performing official duties, provided that the individual does 7 not furnish advisory service for compensation to the public or act as an independent contracting party in 8 connection with the appraisal of real estate or real property. 9 (5) A licensed real estate appraiser has restrictions on the scope of practice, depending on the 10 value and complexity of the federally related transaction or transactions pursuant to rules established by 11 the federal financial institutions examination council (FFIEC) agencies, and the restrictions must remain 12 current with any changes in those rules. 13 (6) A licensed real estate appraiser shall conspicuously display the license in his the appraiser's 14 principal place of business."

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