

Enrolled
House Bill 3218

Sponsored by Representative HOLVEY (at the request of Greater Oregon Chapter of the Appraisal Institute)

CHAPTER

AN ACT

Relating to real estate appraisal; creating new provisions; and amending ORS 12.132 and 674.145.

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

SECTION 1. ORS 674.145 is amended to read:

674.145. (1) As used in this section, “objective basis” means a substantial objective basis for believing that, more likely than not, a violation of ORS 674.140 has occurred and a person subject to discipline under ORS 674.140 has committed the violation.

(2) Before disciplining a person under ORS 674.140, the Appraiser Certification and Licensure Board shall establish a subcommittee for the purpose of making a recommendation as to whether an objective basis exists to believe that the alleged violation occurred.

(3) To establish a subcommittee under this section, the board shall appoint to the subcommittee three members from among members of the board.

(4) A subcommittee shall review the facts of an alleged violation and, within 30 days of being established, make a recommendation described in subsection (2) of this section. If the subcommittee recommends that an objective basis exists, the subcommittee shall submit a report to the board describing the specific violation that occurred and the facts supporting the subcommittee’s recommendation.

(5) Except as provided in subsection (6) of this section, the board may commence disciplinary proceedings only after receiving a report under subsection (4) of this section.

(6) Upon a finding of serious danger to the public health or safety, the board may impose a form of discipline as allowed under ORS 183.430 (2) before receiving a report under subsection (4) of this section.

(7) The board may not commence disciplinary proceedings under ORS 674.140 after the later of:

(a) Five years after the date the real estate appraisal activity or other act giving rise to the disciplinary proceedings was completed or should have been completed; or

(b) The expiration of the time period specified in ORS 674.150 for the retention of the records for the appraisal or real estate appraisal activity giving rise to the disciplinary proceedings.

[(7)] (8) The board shall adopt rules to implement this section.

SECTION 2. ORS 12.132 is amended to read:

12.132. (1) Except as provided in subsection (2) of this section, an action arising out of real estate appraisal activity, as defined in ORS 674.010, **or appraisal review, as defined in ORS 674.200,** must be commenced before the earlier of:

*[(a) The applicable period of limitation otherwise established by law; or]
[(b) Six years after the date of the act or omission giving rise to the action.]*

(a) Two years after the date on which the person commencing the action knew or should have known the facts on which the action is based; or

(b) Five years after the date on which the real estate appraisal activity or appraisal review on which the action is based was completed or should have been completed.

(2) Subsection (1)(b) of this section does not apply to an action arising out of real estate appraisal activity or appraisal review based on fraud or misrepresentation.

SECTION 3. The amendments to ORS 12.132 by section 2 of this 2019 Act apply to real estate appraisal activity, as defined in ORS 674.010, and appraisal review, as defined in ORS 674.200, occurring on or after the effective date of this 2019 Act.

Passed by House April 2, 2019

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate April 30, 2019

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2019

Approved:

.....M.,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2019

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Bev Clarno, Secretary of State