

SB 37-2
(LC 472)
5/13/21 (HE/ps)

Requested by HOUSE COMMITTEE ON BUSINESS AND LABOR (at the request of Appraiser Certification and Licensure Board)

**PROPOSED AMENDMENTS TO
SENATE BILL 37**

1 On page 1 of the printed bill, line 3, delete “prescribing an effective
2 date” and insert “declaring an emergency”.

3 On page 2, delete lines 26 through 45 and delete page 3.

4 On page 4, delete lines 1 through 3 and insert:

5 **“SECTION 2.** ORS 674.205 is amended to read:

6 “674.205. (1) A person may not directly or indirectly engage in or attempt
7 to engage in business as an appraisal management company or advertise or
8 represent that the entity is an appraisal management company unless the
9 person is:

10 “(a) Registered as an appraisal management company with the Appraiser
11 Certification and Licensure Board; or

12 “(b) An appraisal management company [*that is a subsidiary of and owned*
13 *and controlled by a financial institution regulated by a federal financial in-*
14 *stitution regulatory agency, as that term is defined in ORS 674.010] **owned**
15 **and controlled by an insured depository institution as defined in 12**
16 **U.S.C. 1813 that is regulated by the Comptroller of the Currency, the**
17 **Board of Governors of the Federal Reserve System or the Federal De-**
18 **posit Insurance Corporation.***

19 “(2) A business entity may apply for registration as an appraisal man-
20 agement company on forms prescribed by rule by the board. The application
21 must include:

1 “(a) The name, address and phone contact information of the entity;

2 “(b) The name, address and phone contact information of a controlling
3 person of the entity;

4 “(c) If the entity is not domiciled in this state, the name and phone con-
5 tact information for the entity’s agent for service of process in this state;

6 “(d) The name, address and phone contact information of any person that
7 owns 10 percent or more of the entity;

8 “(e) A certification that:

9 **“(A) Each owner, in whole or in part, directly or indirectly, of the**
10 **entity and the controlling person identified in the application have not**
11 **had an appraiser license or certificate refused, denied, canceled, sur-**
12 **rendered in lieu of revocation or revoked in any state, territory or**
13 **possession of the United States, for a substantive cause, as determined**
14 **by the Appraisal Subcommittee;**

15 “[(A)] (B) The entity has a system to verify that each appraiser on the
16 entity’s appraiser panel is licensed or certified under ORS 674.310;

17 “[(B)] (C) The entity requires an appraiser completing an appraisal at the
18 entity’s request to confirm that the appraiser is competent to perform the
19 appraisal assignment before accepting the assignment;

20 “[(C)] (D) The entity requires appraisers completing appraisals at the
21 entity’s request to comply with the Uniform Standards of Professional Ap-
22 praisal Practice;

23 “[(D)] (E) The entity has a system in place to require that appraisals are
24 conducted independently and without inappropriate influence or coercion as
25 required by the appraisal independence standards established under section
26 129E of the Truth in Lending Act; and

27 “[(E)] (F) The entity maintains and retains for at least five years, or as
28 required under ORS 674.150, a detailed record of each appraisal management
29 services request the entity receives and the appraiser who performs the real
30 estate appraisal activity contained in the request;

1 “(f) The surety bond, letter of credit or deposit required by ORS 674.210;

2 “(g) Fees in an amount prescribed by rule by the board, which must be
3 sufficient to cover the costs of administering ORS 674.200 to 674.250 and
4 674.995; and

5 “(h) Any other information required by the board by rule.

6 “(3) The board may not issue a registration to a business entity as an
7 appraisal management company unless:

8 “(a) Each individual who owns 10 percent or more of the entity and the
9 controlling person identified by the entity in the application have completed
10 a criminal records check; *[and]*

11 “**(b) The board finds that no owner, in whole or in part, directly or**
12 **indirectly, of the entity or the controlling person identified in the ap-**
13 **plication has had an appraiser license or certificate refused, denied,**
14 **canceled, surrendered in lieu of revocation or revoked in any state or**
15 **territory or possession of the United States, for a substantive cause,**
16 **as determined by the Appraisal Subcommittee; and**

17 “[*(b)*] **(c) The board determines that each individual who owns more than**
18 **10 percent [or more] of the entity and the controlling person identified by the**
19 **entity in the application are of good moral character.[:]**

20 “[*(A)*] *Are of good moral character; and]*

21 “[*(B)*] *Have never had a license, certification or registration to act as an*
22 *appraiser or appraisal management company refused, denied, canceled or re-*
23 *voked in this state or in any other state.]*

24 “(4)(a) The board shall issue a unique registration number to each ap-
25 praisal management company registered under this section.

26 “(b) The board shall maintain a published list of appraisal management
27 companies registered under this section.

28 “(c) An appraisal management company registered under this section shall
29 disclose the company’s registration number to each appraiser used by the
30 company.

1 “(5) An appraisal management company registration expires two years
2 after the date of the issuance of the registration. The board shall adopt rules
3 establishing the requirements for renewal or reactivation of a registration.
4 The rules must require that an appraisal management company provide all
5 of the information and certifications required for an initial application for
6 registration under subsection (2) of this section in the renewal
7 application.”.

8 On page 7, delete lines 12 and 13 and insert:

9 **“SECTION 8. This 2021 Act being necessary for the immediate
10 preservation of the public peace, health and safety, an emergency is
11 declared to exist, and this 2021 Act takes effect on its passage.”.**

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