

House Bill 3329

Sponsored by Representative EVANS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Appraiser Certification and Licensure Board to establish program to award grants to state certified appraisers and state licensed appraisers to whom board issues certificate or license on or after January 1, 2018.

Directs board to issue temporary certificates and licenses to engage in real estate appraisal activity.

Sunsets January 1, 2020.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to real estate appraisers; creating new provisions; amending ORS 182.425, 195.326, 305.230,
3 309.024, 309.100, 477.089, 674.010, 674.100, 674.200, 674.205, 674.310, 674.340 and 819.482; and
4 prescribing an effective date.

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

6 **SECTION 1. Sections 2 and 3 of this 2017 Act are added to and made a part of ORS**
7 **chapter 674.**

8 **SECTION 2. (1) The Appraiser Certification and Licensure Board shall establish a pro-**
9 **gram to provide grants of not more than \$2,000 each to state certified appraisers and state**
10 **licensed appraisers to whom the board issues a certificate or license on or after January 1,**
11 **2018.**

12 **(2) The board may issue a grant under subsection (1) of this section only if sufficient**
13 **moneys are available in the account created by the board under ORS 182.470.**

14 **(3) The board shall adopt rules to carry out this section. The rules shall include, but are**
15 **not limited to:**

16 **(a) An application process for the grant; and**

17 **(b) Any restrictions on the use of the grant by the recipient.**

18 **SECTION 3. (1) The Appraiser Certification and Licensure Board shall issue a temporary**
19 **certificate to engage in real estate appraisal activity to an individual who has completed:**

20 **(a) The education required by the board to become a state certified appraiser; and**

21 **(b) The experience required under subsection (3)(b) of this section.**

22 **(2) The board shall issue a temporary license to engage in real estate appraisal activity**
23 **to an individual who has completed:**

24 **(a) The education required by the board to become a state licensed appraiser; and**

25 **(b) The experience required under subsection (3)(b) of this section.**

26 **(3) The board shall adopt rules to carry out this section. The rules shall include, but are**
27 **not limited to:**

28 **(a) An application process for a temporary certificate or license;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **(b) The number of hours of experience that an individual must complete to be eligible to**
 2 **apply for a temporary certificate or license;**

3 **(c) Fees for temporary certificates and licenses;**

4 **(d) The length of time for which a temporary certificate or license is valid; and**

5 **(e) Any restrictions on activity in which the holder of a temporary certificate or license**
 6 **may engage.**

7 **SECTION 4.** ORS 182.425 is amended to read:

8 182.425. (1) Every state agency that provides housing for its officers or employees shall collect
 9 a rental for such housing based on the fair rental value as determined by a qualified appraiser cer-
 10 tified under ORS 308.010 or licensed or certified under ORS 674.310 **or section 3 of this 2017 Act**,
 11 subject to any reductions therefrom authorized under ORS 182.435. Rentals collected under this
 12 section shall be credited to the agency's account.

13 (2) No state agency shall provide furnishings as part of any housing provided by the agency.

14 (3) Determinations of fair rental value shall be reexamined periodically but not less frequently
 15 than once every five years and the rental shall be adjusted annually by the change in real estate
 16 values, for the affected community as determined by the state agency.

17 (4) Determination of the net rental of any employee-occupied state-owned housing unit under
 18 subsections (1), (2) and (3) of this section shall be considered a personnel action for purposes of ORS
 19 240.086.

20 **SECTION 5.** ORS 182.425, as amended by section 4 of this 2017 Act, is amended to read:

21 182.425. (1) Every state agency that provides housing for its officers or employees shall collect
 22 a rental for such housing based on the fair rental value as determined by a qualified appraiser cer-
 23 tified under ORS 308.010 or licensed or certified under ORS 674.310 [*or section 3 of this 2017 Act*],
 24 subject to any reductions therefrom authorized under ORS 182.435. Rentals collected under this
 25 section shall be credited to the agency's account.

26 (2) No state agency shall provide furnishings as part of any housing provided by the agency.

27 (3) Determinations of fair rental value shall be reexamined periodically but not less frequently
 28 than once every five years and the rental shall be adjusted annually by the change in real estate
 29 values, for the affected community as determined by the state agency.

30 (4) Determination of the net rental of any employee-occupied state-owned housing unit under
 31 subsections (1), (2) and (3) of this section shall be considered a personnel action for purposes of ORS
 32 240.086.

33 **SECTION 6.** ORS 195.326 is amended to read:

34 195.326. An appraiser certified under ORS 674.310 or [*a person*] **section 3 of this 2017 Act or**
 35 registered under ORS [*chapter 308*] **308.010** may carry out the appraisals required by ORS 195.305
 36 to 195.336 and sections 5 to 11, chapter 424, Oregon Laws 2007, sections 2 to 9 and 17, chapter 855,
 37 Oregon Laws 2009, and sections 2 to 7, chapter 8, Oregon Laws 2010. The Department of Land
 38 Conservation and Development is authorized to retain persons to review the appraisals.

39 **SECTION 7.** ORS 195.326, as amended by section 6 of this 2017 Act, is amended to read:

40 195.326. An appraiser certified under ORS 674.310 [*or section 3 of this 2017 Act*] or registered
 41 under ORS 308.010 may carry out the appraisals required by ORS 195.305 to 195.336 and sections 5
 42 to 11, chapter 424, Oregon Laws 2007, sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, and
 43 sections 2 to 7, chapter 8, Oregon Laws 2010. The Department of Land Conservation and Develop-
 44 ment is authorized to retain persons to review the appraisals.

45 **SECTION 8.** ORS 305.230, as amended by section 12, chapter 33, Oregon Laws 2016, is amended

1 to read:

2 305.230. (1) Notwithstanding ORS 9.320:

3 (a) Any person who is qualified to practice law or public accountancy in this state, any person
4 who has been granted active enrollment to practice before the Internal Revenue Service and who
5 is qualified to prepare tax returns in this state or any person who is the authorized employee of a
6 taxpayer and is regularly employed by the taxpayer in tax matters may represent the taxpayer be-
7 fore a tax court magistrate or the Department of Revenue in any conference or proceeding with
8 respect to the administration of any tax.

9 (b) Any person who is licensed by the State Board of Tax Practitioners or who is exempt from
10 such licensing requirement as provided for and limited by ORS 673.610 may represent a taxpayer
11 before a tax court magistrate or the department in any conference or proceeding with respect to the
12 administration of any tax on or measured by net income.

13 (c) Any shareholder of an S corporation, as defined in section 1361 of the Internal Revenue
14 Code, as amended and in effect on December 31, 2015, may represent the corporation in any pro-
15 ceeding before a tax court magistrate or the department in the same manner as if the shareholder
16 were a partner and the S corporation were a partnership. The S corporation must designate in
17 writing a tax matters shareholder authorized to represent the S corporation.

18 (d) An individual who is licensed as a real estate broker or principal real estate broker under
19 ORS 696.022 or is a state certified appraiser or state licensed appraiser under ORS 674.310 **or sec-**
20 **tion 3 of this 2017 Act** or is a registered appraiser under ORS 308.010 may represent a taxpayer
21 before a tax court magistrate or the department in any conference or proceeding with respect to the
22 administration of any ad valorem property tax.

23 (e) A general partner who has been designated by members of a partnership as their tax matters
24 partner under ORS 305.242 may represent those partners in any conference or proceeding with re-
25 spect to the administration of any tax on or measured by net income.

26 (f) Any person authorized under rules adopted by the department may represent a taxpayer be-
27 fore the department in any conference or proceeding with respect to any tax. Rules adopted under
28 this paragraph, to the extent feasible, shall be consistent with federal law that governs represen-
29 tation before the Internal Revenue Service, as federal law is amended and in effect on December 31,
30 2015.

31 (g) Any person authorized under rules adopted by the tax court may represent a taxpayer in a
32 proceeding before a tax court magistrate.

33 (2) A person may not be recognized as representing a taxpayer pursuant to this section unless
34 there is first filed with the magistrate or department a written authorization, or unless it appears
35 to the satisfaction of the magistrate or department that the representative does in fact have au-
36 thority to represent the taxpayer. A person recognized as an authorized representative under rules
37 or procedures adopted by the tax court shall be considered an authorized representative by the de-
38 partment.

39 (3) A taxpayer represented by someone other than an attorney is bound by all things done by
40 the authorized representative, and may not thereafter claim any proceeding was legally defective
41 because the taxpayer was not represented by an attorney.

42 (4) Prior to the holding of a conference or proceeding before the tax court magistrate or de-
43 partment, written notice shall be given by the magistrate or department to the taxpayer of the
44 provisions of subsection (3) of this section.

45 **SECTION 9.** ORS 305.230, as amended by section 12, chapter 33, Oregon Laws 2016, and section

1 8 of this 2017 Act, is amended to read:

2 305.230. (1) Notwithstanding ORS 9.320:

3 (a) Any person who is qualified to practice law or public accountancy in this state, any person
4 who has been granted active enrollment to practice before the Internal Revenue Service and who
5 is qualified to prepare tax returns in this state or any person who is the authorized employee of a
6 taxpayer and is regularly employed by the taxpayer in tax matters may represent the taxpayer be-
7 fore a tax court magistrate or the Department of Revenue in any conference or proceeding with
8 respect to the administration of any tax.

9 (b) Any person who is licensed by the State Board of Tax Practitioners or who is exempt from
10 such licensing requirement as provided for and limited by ORS 673.610 may represent a taxpayer
11 before a tax court magistrate or the department in any conference or proceeding with respect to the
12 administration of any tax on or measured by net income.

13 (c) Any shareholder of an S corporation, as defined in section 1361 of the Internal Revenue
14 Code, as amended and in effect on December 31, 2015, may represent the corporation in any pro-
15 ceeding before a tax court magistrate or the department in the same manner as if the shareholder
16 were a partner and the S corporation were a partnership. The S corporation must designate in
17 writing a tax matters shareholder authorized to represent the S corporation.

18 (d) An individual who is licensed as a real estate broker or principal real estate broker under
19 ORS 696.022 or is a state certified appraiser or state licensed appraiser under ORS 674.310 [*or sec-*
20 *tion 3 of this 2017 Act*] or is a registered appraiser under ORS 308.010 may represent a taxpayer
21 before a tax court magistrate or the department in any conference or proceeding with respect to the
22 administration of any ad valorem property tax.

23 (e) A general partner who has been designated by members of a partnership as their tax matters
24 partner under ORS 305.242 may represent those partners in any conference or proceeding with re-
25 spect to the administration of any tax on or measured by net income.

26 (f) Any person authorized under rules adopted by the department may represent a taxpayer be-
27 fore the department in any conference or proceeding with respect to any tax. Rules adopted under
28 this paragraph, to the extent feasible, shall be consistent with federal law that governs represen-
29 tation before the Internal Revenue Service, as federal law is amended and in effect on December 31,
30 2015.

31 (g) Any person authorized under rules adopted by the tax court may represent a taxpayer in a
32 proceeding before a tax court magistrate.

33 (2) A person may not be recognized as representing a taxpayer pursuant to this section unless
34 there is first filed with the magistrate or department a written authorization, or unless it appears
35 to the satisfaction of the magistrate or department that the representative does in fact have au-
36 thority to represent the taxpayer. A person recognized as an authorized representative under rules
37 or procedures adopted by the tax court shall be considered an authorized representative by the de-
38 partment.

39 (3) A taxpayer represented by someone other than an attorney is bound by all things done by
40 the authorized representative, and may not thereafter claim any proceeding was legally defective
41 because the taxpayer was not represented by an attorney.

42 (4) Prior to the holding of a conference or proceeding before the tax court magistrate or de-
43 partment, written notice shall be given by the magistrate or department to the taxpayer of the
44 provisions of subsection (3) of this section.

45 **SECTION 10.** ORS 309.024 is amended to read:

1 309.024. (1) The board of property tax appeals shall keep a written or audio record of all pro-
 2 ceedings. Notwithstanding ORS 192.650, no written minutes need be made.

3 (2) The county clerk, as described in ORS 306.005, shall serve as clerk of the board. The clerk
 4 or deputy clerk shall attend sessions of the board at the discretion of the board as approved by the
 5 clerk.

6 (3) The district attorney or the county counsel, at the discretion of the county clerk, shall be
 7 the legal advisor of the board unless there is a potential conflict of interest in the district attorney
 8 or county counsel serving as the legal advisor. If there is a potential conflict of interest, the county
 9 clerk may appoint independent counsel to serve as the legal advisor of the board. The legal advisor
 10 of the board, or the legal advisor's deputy, may attend all sessions of the board.

11 (4) At the discretion of the county clerk, the board may hire one or more appraisers registered
 12 under ORS 308.010, or licensed or certified under ORS 674.310 **or section 3 of this 2017 Act**, and
 13 not otherwise employed by the county, and other necessary personnel for the purpose of aiding the
 14 board in carrying out its functions and duties under ORS 309.026. The boards of the various counties
 15 may make such reciprocal arrangements for the exchange of appraisers with other counties as will
 16 most effectively carry out the functions and duties of the boards.

17 **SECTION 11.** ORS 309.024, as amended by section 10 of this 2017 Act, is amended to read:

18 309.024. (1) The board of property tax appeals shall keep a written or audio record of all pro-
 19 ceedings. Notwithstanding ORS 192.650, no written minutes need be made.

20 (2) The county clerk, as described in ORS 306.005, shall serve as clerk of the board. The clerk
 21 or deputy clerk shall attend sessions of the board at the discretion of the board as approved by the
 22 clerk.

23 (3) The district attorney or the county counsel, at the discretion of the county clerk, shall be
 24 the legal advisor of the board unless there is a potential conflict of interest in the district attorney
 25 or county counsel serving as the legal advisor. If there is a potential conflict of interest, the county
 26 clerk may appoint independent counsel to serve as the legal advisor of the board. The legal advisor
 27 of the board, or the legal advisor's deputy, may attend all sessions of the board.

28 (4) At the discretion of the county clerk, the board may hire one or more appraisers registered
 29 under ORS 308.010, or licensed or certified under ORS 674.310 [*or section 3 of this 2017 Act*], and
 30 not otherwise employed by the county, and other necessary personnel for the purpose of aiding the
 31 board in carrying out its functions and duties under ORS 309.026. The boards of the various counties
 32 may make such reciprocal arrangements for the exchange of appraisers with other counties as will
 33 most effectively carry out the functions and duties of the boards.

34 **SECTION 12.** ORS 309.100 is amended to read:

35 309.100. (1) Except as provided in ORS 305.403, the owner or an owner of any taxable property
 36 or any person who holds an interest in the property that obligates the person to pay taxes imposed
 37 on the property, may petition the board of property tax appeals for relief as authorized under ORS
 38 309.026. As used in this subsection, an interest that obligates the person to pay taxes includes a
 39 contract, lease or other intervening instrumentality.

40 (2) Petitions filed under this section shall be filed with the clerk of the board during the period
 41 following the date the tax statements are mailed for the current tax year and ending December 31.

42 (3) Each petition shall:

43 (a) Be made in writing.

44 (b) State the facts and the grounds upon which the petition is made.

45 (c) Be signed and verified by the oath of a person described in subsection (1) or (4) of this sec-

1 tion.

2 (d) State the address to which notice of the action of the board shall be sent. The notice may
3 be sent to a person described in subsection (1) or (4) of this section.

4 (e) State if the petitioner or a representative desires to appear at a hearing before the board.

5 (4)(a) The following persons may sign a petition and appear before the board on behalf of a
6 person described in subsection (1) of this section:

7 (A) A relative, as defined by rule adopted by the Department of Revenue, of an owner of the
8 property.

9 (B) A person duly qualified to practice law or public accountancy in this state.

10 (C) A legal guardian or conservator who is acting on behalf of an owner of the property.

11 (D) A real estate broker or principal real estate broker licensed under ORS 696.022.

12 (E) A state certified appraiser or a state licensed appraiser under ORS 674.310 **or section 3 of**
13 **this 2017 Act** or a registered appraiser under ORS 308.010.

14 (F) The lessee of the property.

15 (G) An attorney-in-fact under a general power of attorney executed by a principal who is an
16 owner of the property.

17 (b) A petition signed by a person described in this subsection, other than a legal guardian or
18 conservator of a property owner, an attorney-in-fact described in paragraph (a)(G) of this subsection
19 or a person duly qualified to practice law in this state, shall include written authorization for the
20 person to act on behalf of the owner or other person described in subsection (1) of this section. The
21 authorization shall be signed by the owner or other person described in subsection (1) of this sec-
22 tion.

23 (c) In the case of a petition signed by a legal guardian or conservator, the board may request
24 the guardian or conservator to authenticate the guardianship or conservatorship.

25 (d) In the case of a petition signed by an attorney-in-fact described in paragraph (a)(G) of this
26 subsection, the petition shall be accompanied by a copy of the general power of attorney.

27 (5) If the petitioner has requested a hearing before the board, the board shall give such
28 petitioner at least five days' written notice of the time and place to appear. If the board denies any
29 petition upon the grounds that it does not meet the requirements of subsection (3) of this section,
30 it shall issue a written order rejecting the petition and set forth in the order the reasons the board
31 considered the petition to be defective.

32 (6) Notwithstanding ORS 9.160 or 9.320, the owner or other person described in subsection (1)
33 of this section may appear and represent himself or herself at the hearing before the board, or may
34 be represented at the hearing by any authorized person described in subsection (4) of this section.

35 **SECTION 13.** ORS 309.100, as amended by section 12 of this 2017 Act, is amended to read:

36 309.100. (1) Except as provided in ORS 305.403, the owner or an owner of any taxable property
37 or any person who holds an interest in the property that obligates the person to pay taxes imposed
38 on the property, may petition the board of property tax appeals for relief as authorized under ORS
39 309.026. As used in this subsection, an interest that obligates the person to pay taxes includes a
40 contract, lease or other intervening instrumentality.

41 (2) Petitions filed under this section shall be filed with the clerk of the board during the period
42 following the date the tax statements are mailed for the current tax year and ending December 31.

43 (3) Each petition shall:

44 (a) Be made in writing.

45 (b) State the facts and the grounds upon which the petition is made.

1 (c) Be signed and verified by the oath of a person described in subsection (1) or (4) of this sec-
2 tion.

3 (d) State the address to which notice of the action of the board shall be sent. The notice may
4 be sent to a person described in subsection (1) or (4) of this section.

5 (e) State if the petitioner or a representative desires to appear at a hearing before the board.

6 (4)(a) The following persons may sign a petition and appear before the board on behalf of a
7 person described in subsection (1) of this section:

8 (A) A relative, as defined by rule adopted by the Department of Revenue, of an owner of the
9 property.

10 (B) A person duly qualified to practice law or public accountancy in this state.

11 (C) A legal guardian or conservator who is acting on behalf of an owner of the property.

12 (D) A real estate broker or principal real estate broker licensed under ORS 696.022.

13 (E) A state certified appraiser or a state licensed appraiser under ORS 674.310 [*or section 3 of*
14 *this 2017 Act*] or a registered appraiser under ORS 308.010.

15 (F) The lessee of the property.

16 (G) An attorney-in-fact under a general power of attorney executed by a principal who is an
17 owner of the property.

18 (b) A petition signed by a person described in this subsection, other than a legal guardian or
19 conservator of a property owner, an attorney-in-fact described in paragraph (a)(G) of this subsection
20 or a person duly qualified to practice law in this state, shall include written authorization for the
21 person to act on behalf of the owner or other person described in subsection (1) of this section. The
22 authorization shall be signed by the owner or other person described in subsection (1) of this sec-
23 tion.

24 (c) In the case of a petition signed by a legal guardian or conservator, the board may request
25 the guardian or conservator to authenticate the guardianship or conservatorship.

26 (d) In the case of a petition signed by an attorney-in-fact described in paragraph (a)(G) of this
27 subsection, the petition shall be accompanied by a copy of the general power of attorney.

28 (5) If the petitioner has requested a hearing before the board, the board shall give such
29 petitioner at least five days' written notice of the time and place to appear. If the board denies any
30 petition upon the grounds that it does not meet the requirements of subsection (3) of this section,
31 it shall issue a written order rejecting the petition and set forth in the order the reasons the board
32 considered the petition to be defective.

33 (6) Notwithstanding ORS 9.160 or 9.320, the owner or other person described in subsection (1)
34 of this section may appear and represent himself or herself at the hearing before the board, or may
35 be represented at the hearing by any authorized person described in subsection (4) of this section.

36 **SECTION 14.** ORS 477.089 is amended to read:

37 477.089. (1) As used in this section:

38 (a) "Economic and property damage" means the sum of:

39 (A) The lesser of the difference in the fair market value of property immediately before and
40 immediately after a wildfire or the cost of restoring property to the condition the property was in
41 immediately before a wildfire; and

42 (B) Any other objectively verifiable monetary losses.

43 (b) "Fair market value" means the amount, as determined by a state certified appraiser, that a
44 willing buyer would pay to a willing seller for property in an arms-length transaction if both parties
45 were fully informed about all advantages and disadvantages of the property and neither party is

1 acting under a compulsion to buy or sell.

2 (c) “Forest tree species” means a tree species that is capable of producing logs, fiber or other
3 wood materials that are suitable for the production of lumber, sheeting, pulp, firewood or other
4 commercial forest products.

5 (d) “State certified appraiser” means an individual who has been certified as a state certified
6 appraiser under ORS 674.310 or **section 3 of this 2017 Act** and is qualified to appraise the property
7 that is the subject of a fair market value determination.

8 (e) “Wildfire” means a fire that:

9 (A) Results from a violation of this chapter or of rules adopted under ORS 526.016 or 526.041;
10 or

11 (B) Originated on land used or capable of being used for growing forest tree species regardless
12 of the existing use of the land.

13 (2) Except as provided in ORS 477.092 and 477.095, in a civil action for property damage caused
14 by a wildfire, the recoverable damages are:

15 (a) The amount of economic and property damages, if the wildfire did not occur as the result
16 of recklessness, gross negligence, willfulness or malice; or

17 (b) Twice the amount of economic and property damages, if the wildfire occurred as the result
18 of recklessness, gross negligence, willfulness or malice.

19 (3) Except as provided in ORS 477.095 and subject to any other provision of this chapter limiting
20 the recovery of fire fighting costs, a person who causes a wildfire is liable to any person or entity
21 for the full amount of all expenses incurred by the person or entity in fighting the wildfire.

22 (4) The remedies provided under this section are in addition to any available criminal or civil
23 penalties that may be assessed for the violation of a statute or rule but, subject to Article I, section
24 10, of the Oregon Constitution, are the exclusive remedies for damages or injury to property caused
25 by a wildfire. This subsection does not:

26 (a) Prohibit the bringing of any cross claim, counterclaim or joinder of parties;

27 (b) Prohibit the institution of a suit under ORS 496.705 for the recovery of damages for the un-
28 lawful taking of wildlife; or

29 (c) Affect the applicability of ORS 31.600 to an action.

30 (5) This section does not create a new cause of action or alter any existing cause of action.

31 **SECTION 15.** ORS 477.089, as amended by section 14 of this 2017 Act, is amended to read:
32 477.089. (1) As used in this section:

33 (a) “Economic and property damage” means the sum of:

34 (A) The lesser of the difference in the fair market value of property immediately before and
35 immediately after a wildfire or the cost of restoring property to the condition the property was in
36 immediately before a wildfire; and

37 (B) Any other objectively verifiable monetary losses.

38 (b) “Fair market value” means the amount, as determined by a state certified appraiser, that a
39 willing buyer would pay to a willing seller for property in an arms-length transaction if both parties
40 were fully informed about all advantages and disadvantages of the property and neither party is
41 acting under a compulsion to buy or sell.

42 (c) “Forest tree species” means a tree species that is capable of producing logs, fiber or other
43 wood materials that are suitable for the production of lumber, sheeting, pulp, firewood or other
44 commercial forest products.

45 (d) “State certified appraiser” means an individual who has been certified as a state certified

1 appraiser under ORS 674.310 [or section 3 of this 2017 Act] and is qualified to appraise the property
 2 that is the subject of a fair market value determination.

3 (e) “Wildfire” means a fire that:

4 (A) Results from a violation of this chapter or of rules adopted under ORS 526.016 or 526.041;
 5 or

6 (B) Originated on land used or capable of being used for growing forest tree species regardless
 7 of the existing use of the land.

8 (2) Except as provided in ORS 477.092 and 477.095, in a civil action for property damage caused
 9 by a wildfire, the recoverable damages are:

10 (a) The amount of economic and property damages, if the wildfire did not occur as the result
 11 of recklessness, gross negligence, willfulness or malice; or

12 (b) Twice the amount of economic and property damages, if the wildfire occurred as the result
 13 of recklessness, gross negligence, willfulness or malice.

14 (3) Except as provided in ORS 477.095 and subject to any other provision of this chapter limiting
 15 the recovery of fire fighting costs, a person who causes a wildfire is liable to any person or entity
 16 for the full amount of all expenses incurred by the person or entity in fighting the wildfire.

17 (4) The remedies provided under this section are in addition to any available criminal or civil
 18 penalties that may be assessed for the violation of a statute or rule but, subject to Article I, section
 19 10, of the Oregon Constitution, are the exclusive remedies for damages or injury to property caused
 20 by a wildfire. This subsection does not:

21 (a) Prohibit the bringing of any cross claim, counterclaim or joinder of parties;

22 (b) Prohibit the institution of a suit under ORS 496.705 for the recovery of damages for the un-
 23 lawful taking of wildlife; or

24 (c) Affect the applicability of ORS 31.600 to an action.

25 (5) This section does not create a new cause of action or alter any existing cause of action.

26 **SECTION 16.** ORS 674.010 is amended to read:

27 674.010. For purposes of this chapter:

28 (1) “Appraisal Foundation” means the Appraisal Foundation established on November 30, 1987,
 29 as a not-for-profit corporation under the laws of Illinois.

30 (2) “Appraisal Subcommittee” means the Appraisal Subcommittee of the Federal Financial In-
 31 stitutions Examination Council established pursuant to the federal Act.

32 (3) “Board” means the Appraiser Certification and Licensure Board established under ORS
 33 674.305.

34 (4) “Federal Act” means Title XI of the Federal Financial Institutions Reform, Recovery and
 35 Enforcement Act of 1989 (12 U.S.C. 3310 et seq.).

36 (5) “Federal financial institution regulatory agency” means:

37 (a) The Board of Governors of the Federal Reserve System;

38 (b) The Federal Deposit Insurance Corporation;

39 (c) The Office of the Comptroller of the Currency;

40 (d) The Office of Thrift Supervision; or

41 (e) The National Credit Union Administration.

42 (6) “Federally related transaction” means any real estate-related financial transaction that:

43 (a) A federal financial institution regulatory agency or the Resolution Trust Corporation en-
 44 engages in, contracts for or regulates; and

45 (b) Requires the services of an appraiser.

1 (7) "Financial institution" means an insured depository institution as defined in section 3 of the
2 Federal Deposit Insurance Act or an insured credit union as defined in section 101 of the Federal
3 Credit Union Act.

4 (8) "Mortgage banker" has the meaning given that term in ORS 86A.100.

5 (9) "Professional real estate activity" has the meaning given that term in ORS 696.010.

6 (10) "Real estate appraisal activity" means the activity described in ORS 674.100.

7 (11) "Real estate-related financial transaction" means any transaction involving:

8 (a) The sale, lease, purchase, investment in or exchange of real property, including interests in
9 real property, or the financing thereof;

10 (b) The refinancing of real property or interests in real property; and

11 (c) The use of real property or interests in real property as security for a loan or investment,
12 including mortgage-backed securities.

13 (12) "State certified appraiser" means an individual who has been certified as a state certified
14 appraiser under ORS 674.310 **or section 3 of this 2017 Act.**

15 (13) "State licensed appraiser" means an individual who has been licensed as a state licensed
16 appraiser under ORS 674.310 **or section 3 of this 2017 Act.**

17 (14) "State registered appraiser assistant" means an individual who has been registered as a
18 state registered appraiser assistant under ORS 674.310.

19 **SECTION 17.** ORS 674.010, as amended by section 16 of this 2017 Act, is amended to read:
20 674.010. For purposes of this chapter:

21 (1) "Appraisal Foundation" means the Appraisal Foundation established on November 30, 1987,
22 as a not-for-profit corporation under the laws of Illinois.

23 (2) "Appraisal Subcommittee" means the Appraisal Subcommittee of the Federal Financial In-
24 stitutions Examination Council established pursuant to the federal Act.

25 (3) "Board" means the Appraiser Certification and Licensure Board established under ORS
26 674.305.

27 (4) "Federal Act" means Title XI of the Federal Financial Institutions Reform, Recovery and
28 Enforcement Act of 1989 (12 U.S.C. 3310 et seq.).

29 (5) "Federal financial institution regulatory agency" means:

30 (a) The Board of Governors of the Federal Reserve System;

31 (b) The Federal Deposit Insurance Corporation;

32 (c) The Office of the Comptroller of the Currency;

33 (d) The Office of Thrift Supervision; or

34 (e) The National Credit Union Administration.

35 (6) "Federally related transaction" means any real estate-related financial transaction that:

36 (a) A federal financial institution regulatory agency or the Resolution Trust Corporation en-
37 gages in, contracts for or regulates; and

38 (b) Requires the services of an appraiser.

39 (7) "Financial institution" means an insured depository institution as defined in section 3 of the
40 Federal Deposit Insurance Act or an insured credit union as defined in section 101 of the Federal
41 Credit Union Act.

42 (8) "Mortgage banker" has the meaning given that term in ORS 86A.100.

43 (9) "Professional real estate activity" has the meaning given that term in ORS 696.010.

44 (10) "Real estate appraisal activity" means the activity described in ORS 674.100.

45 (11) "Real estate-related financial transaction" means any transaction involving:

1 (a) The sale, lease, purchase, investment in or exchange of real property, including interests in
 2 real property, or the financing thereof;

3 (b) The refinancing of real property or interests in real property; and

4 (c) The use of real property or interests in real property as security for a loan or investment,
 5 including mortgage-backed securities.

6 (12) "State certified appraiser" means an individual who has been certified as a state certified
 7 appraiser under ORS 674.310 *[or section 3 of this 2017 Act]*.

8 (13) "State licensed appraiser" means an individual who has been licensed as a state licensed
 9 appraiser under ORS 674.310 *[or section 3 of this 2017 Act]*.

10 (14) "State registered appraiser assistant" means an individual who has been registered as a
 11 state registered appraiser assistant under ORS 674.310.

12 **SECTION 18.** ORS 674.100 is amended to read:

13 674.100. (1)(a) A person may not engage in, carry on, advertise or purport to engage in or carry
 14 on real estate appraisal activity within this state without first obtaining certification, licensure or
 15 registration as provided for in ORS 674.310 **or section 3 of this 2017 Act**.

16 (b) Real estate appraisal activity is the preparation, completion and issuance of an opinion as
 17 to the value on a given date or at a given time of real property or an interest in real property,
 18 whether the activity is performed in connection with a federally related transaction or is not per-
 19 formed in connection with a federally related transaction. Notwithstanding any other provision of
 20 law, a state certified appraiser or a state licensed appraiser:

21 (A) Is not required to be licensed under ORS 696.022 to perform real estate appraisal activity
 22 or any other activity that constitutes the giving of an opinion as to the value of real property or
 23 an interest in real property; and

24 (B) Is not subject to regulation under ORS 696.010 to 696.495 and 696.600 to 696.995 in con-
 25 nection with the performance of real estate appraisal activity or the performance of any other ac-
 26 tivity that constitutes the giving of an opinion as to the value of real estate or an interest in real
 27 estate.

28 (2) Real estate appraisal activity excludes activity that is not performed in connection with a
 29 federally related transaction and that:

30 (a) Is performed by a nonlicensed regular full-time employee of a single owner of real estate, if
 31 the activity involves the real estate of the employer and is incidental to the employee's normal,
 32 nonreal estate activities;

33 (b) Is performed by a nonlicensed regular full-time employee whose activity involves the real
 34 estate of the employer, when the activity is the employee's principal activity, but the employer's
 35 principal activity or business is not the appraisal of real estate;

36 (c) Is performed by an attorney at law rendering services in the performance of duties as an
 37 attorney at law;

38 (d) Is performed by a registered geologist, registered professional engineer or architect render-
 39 ing services as a registered geologist, registered professional engineer or architect;

40 (e) Is performed by a certified public accountant rendering services as a certified public ac-
 41 countant;

42 (f) Is performed by a mortgage banker rendering services as a mortgage banker;

43 (g) Constitutes a letter opinion or a competitive market analysis as those terms are defined in
 44 ORS 696.010 that, by administrative or judicial order or subpoena, is compelled from an individual
 45 licensed to engage in professional real estate activity under ORS 696.022;

1 (h) Is performed by a salaried employee of the federal government, the State of Oregon or a
2 political subdivision of the federal government or the State of Oregon while engaged in the per-
3 formance of the duties of the employee;

4 (i) Is limited to analyzing or advising of permissible land use alternatives, environmental impact,
5 building and use permit procedures or demographic market studies, if the performance of the activ-
6 ities does not involve the rendering of an opinion as to the value of the real estate in question;

7 (j) Is performed by a professional forester appraising or valuing timber, timberland or both as
8 part of services performed as a private consultant in forest management, but only if, in the case of
9 timberland, the appraisal or valuation is limited to the use of the land as forestland;

10 (k) Is limited to giving an opinion in an administrative or judicial proceeding regarding the
11 value of real estate for taxation;

12 (L) Is limited to giving an opinion regarding the value of real estate by a person who is not li-
13 censed under ORS chapter 696, if the person's business is not the appraisal, selling or listing of real
14 estate and the activity is performed without compensation. This paragraph does not apply to a
15 person conducting transactional negotiations on behalf of another person for transfer of an interest
16 in real property;

17 (m) Is limited to transferring or acquiring an interest in real estate by a person who is not li-
18 censed under ORS chapter 696; or

19 (n) Is performed by a home inspector acting within the scope of a certificate or license issued
20 under ORS chapter 701.

21 (3)(a) Real estate appraisal activity does not include an analysis, evaluation, opinion, conclusion,
22 notation or compilation of data prepared by a financial institution or affiliate, a consumer finance
23 company licensed under ORS chapter 725 or an insurance company or affiliate, made for internal
24 use only by the financial institution or affiliate, consumer finance company or the insurance com-
25 pany or affiliate, concerning an interest in real estate for ownership or collateral purposes by the
26 financial institution or affiliate, the consumer finance company licensed under ORS chapter 725 or
27 the insurance company or affiliate. Nothing in this subsection shall be construed to excuse a fi-
28 nancial institution or affiliate from complying with the provisions of Title XI of the federal Financial
29 Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. 3310 et seq.).

30 (b) As used in this subsection, "evaluation" means a study of the nature, quality or utility of a
31 parcel of real estate or interests in, or aspects of, real property in which a value estimate is not
32 necessarily required.

33 (4)(a) As used in this section, "purport to engage in or carry on real estate appraisal activity"
34 means the display of a card, sign, advertisement or other printed, engraved or written instrument
35 bearing the person's name in conjunction with the term "appraiser," "licensed appraiser," "certified
36 appraiser," "appraiser assistant," "registered appraiser assistant" or "appraisal" or an oral state-
37 ment or representation of certification, licensure or registration by the Appraiser Certification and
38 Licensure Board made by a person.

39 (b) Each display or statement described in paragraph (a) of this subsection by a person not li-
40 censed, certified or registered by the board is a separate violation under ORS 674.850 or 674.990.

41 (c) In a proceeding under ORS 674.850 or 674.990, a display or statement described in paragraph
42 (a) of this subsection shall be considered prima facie evidence that the person named in the display
43 or making the statement purports to engage in or carry on real estate appraisal activity.

44 **SECTION 19.** ORS 674.100, as amended by section 18 of this 2017 Act, is amended to read:

45 674.100. (1)(a) A person may not engage in, carry on, advertise or purport to engage in or carry

1 on real estate appraisal activity within this state without first obtaining certification, licensure or
2 registration as provided for in ORS 674.310 [*or section 3 of this 2017 Act*].

3 (b) Real estate appraisal activity is the preparation, completion and issuance of an opinion as
4 to the value on a given date or at a given time of real property or an interest in real property,
5 whether the activity is performed in connection with a federally related transaction or is not per-
6 formed in connection with a federally related transaction. Notwithstanding any other provision of
7 law, a state certified appraiser or a state licensed appraiser:

8 (A) Is not required to be licensed under ORS 696.022 to perform real estate appraisal activity
9 or any other activity that constitutes the giving of an opinion as to the value of real property or
10 an interest in real property; and

11 (B) Is not subject to regulation under ORS 696.010 to 696.495 and 696.600 to 696.995 in con-
12 nection with the performance of real estate appraisal activity or the performance of any other ac-
13 tivity that constitutes the giving of an opinion as to the value of real estate or an interest in real
14 estate.

15 (2) Real estate appraisal activity excludes activity that is not performed in connection with a
16 federally related transaction and that:

17 (a) Is performed by a nonlicensed regular full-time employee of a single owner of real estate, if
18 the activity involves the real estate of the employer and is incidental to the employee's normal,
19 nonreal estate activities;

20 (b) Is performed by a nonlicensed regular full-time employee whose activity involves the real
21 estate of the employer, when the activity is the employee's principal activity, but the employer's
22 principal activity or business is not the appraisal of real estate;

23 (c) Is performed by an attorney at law rendering services in the performance of duties as an
24 attorney at law;

25 (d) Is performed by a registered geologist, registered professional engineer or architect render-
26 ing services as a registered geologist, registered professional engineer or architect;

27 (e) Is performed by a certified public accountant rendering services as a certified public ac-
28 countant;

29 (f) Is performed by a mortgage banker rendering services as a mortgage banker;

30 (g) Constitutes a letter opinion or a competitive market analysis as those terms are defined in
31 ORS 696.010 that, by administrative or judicial order or subpoena, is compelled from an individual
32 licensed to engage in professional real estate activity under ORS 696.022;

33 (h) Is performed by a salaried employee of the federal government, the State of Oregon or a
34 political subdivision of the federal government or the State of Oregon while engaged in the per-
35 formance of the duties of the employee;

36 (i) Is limited to analyzing or advising of permissible land use alternatives, environmental impact,
37 building and use permit procedures or demographic market studies, if the performance of the activ-
38 ities does not involve the rendering of an opinion as to the value of the real estate in question;

39 (j) Is performed by a professional forester appraising or valuing timber, timberland or both as
40 part of services performed as a private consultant in forest management, but only if, in the case of
41 timberland, the appraisal or valuation is limited to the use of the land as forestland;

42 (k) Is limited to giving an opinion in an administrative or judicial proceeding regarding the
43 value of real estate for taxation;

44 (L) Is limited to giving an opinion regarding the value of real estate by a person who is not li-
45 censed under ORS chapter 696, if the person's business is not the appraisal, selling or listing of real

1 estate and the activity is performed without compensation. This paragraph does not apply to a
 2 person conducting transactional negotiations on behalf of another person for transfer of an interest
 3 in real property;

4 (m) Is limited to transferring or acquiring an interest in real estate by a person who is not li-
 5 censed under ORS chapter 696; or

6 (n) Is performed by a home inspector acting within the scope of a certificate or license issued
 7 under ORS chapter 701.

8 (3)(a) Real estate appraisal activity does not include an analysis, evaluation, opinion, conclusion,
 9 notation or compilation of data prepared by a financial institution or affiliate, a consumer finance
 10 company licensed under ORS chapter 725 or an insurance company or affiliate, made for internal
 11 use only by the financial institution or affiliate, consumer finance company or the insurance com-
 12 pany or affiliate, concerning an interest in real estate for ownership or collateral purposes by the
 13 financial institution or affiliate, the consumer finance company licensed under ORS chapter 725 or
 14 the insurance company or affiliate. Nothing in this subsection shall be construed to excuse a fi-
 15 nancial institution or affiliate from complying with the provisions of Title XI of the federal Financial
 16 Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. 3310 et seq.).

17 (b) As used in this subsection, “evaluation” means a study of the nature, quality or utility of a
 18 parcel of real estate or interests in, or aspects of, real property in which a value estimate is not
 19 necessarily required.

20 (4)(a) As used in this section, “purport to engage in or carry on real estate appraisal activity”
 21 means the display of a card, sign, advertisement or other printed, engraved or written instrument
 22 bearing the person’s name in conjunction with the term “appraiser,” “licensed appraiser,” “certified
 23 appraiser,” “appraiser assistant,” “registered appraiser assistant” or “appraisal” or an oral state-
 24 ment or representation of certification, licensure or registration by the Appraiser Certification and
 25 Licensure Board made by a person.

26 (b) Each display or statement described in paragraph (a) of this subsection by a person not li-
 27 censed, certified or registered by the board is a separate violation under ORS 674.850 or 674.990.

28 (c) In a proceeding under ORS 674.850 or 674.990, a display or statement described in paragraph
 29 (a) of this subsection shall be considered prima facie evidence that the person named in the display
 30 or making the statement purports to engage in or carry on real estate appraisal activity.

31 **SECTION 20.** ORS 674.200 is amended to read:

32 674.200. As used in ORS 674.200 to 674.250:

33 (1) “Appraisal” means the process of developing an opinion of the value of real property in
 34 conformance with commonly accepted standards for appraisers.

35 (2)(a) “Appraisal management company” means an external third party that:

36 (A) Oversees an appraisal panel of more than 15 appraisers in Oregon or at least 25 appraisers
 37 in the United States; and

38 (B) Is authorized by a client to:

39 (i) Recruit, select and retain appraisers;

40 (ii) Contract with appraisers to perform appraisal assignments;

41 (iii) Manage the process of having an appraisal performed, including providing administrative
 42 duties such as receiving appraisal orders and appraisal reports, submitting completed appraisal re-
 43 ports to clients, collecting fees from clients for services provided and reimbursing appraisers for
 44 services performed; or

45 (iv) Review and verify the work of appraisers.

1 (b) "Appraisal management company" does not include an entity that employs real estate ap-
2 praisers exclusively as employees for the performance of real estate appraisal activity.

3 (3) "Appraisal management services" means the process of receiving a request for the perform-
4 ance of real estate appraisal activity from a client and, for a fee paid by the client, entering into
5 an agreement with an independent contractor appraiser to perform the real estate appraisal activity
6 contained in the request.

7 (4)(a) "Appraisal review" means the act or process of developing and communicating an opinion
8 about the quality of the substantive aspects of another appraiser's work that was performed as part
9 of an appraisal assignment.

10 (b) An "appraisal review" is not a quality control examination.

11 (5) "Appraiser" means a state certified appraiser or state licensed appraiser certified or licensed
12 under ORS 674.310 **or section 3 of this 2017 Act.**

13 (6) "Appraiser panel" means a group of appraisers who have been selected by an appraisal
14 management company to perform real estate appraisal activity for clients.

15 (7) "Client" means a person that engages an appraisal management company to perform ap-
16 praisal management services.

17 (8) "Controlling person" means:

18 (a) An owner, officer or director of an appraisal management company;

19 (b) An individual authorized by an appraisal management company to enter into a contractual
20 relationship with:

21 (A) A client for the performance of services requiring registration as an appraisal management
22 company; and

23 (B) An appraiser for the performance of appraisals; or

24 (c) An individual who possesses, directly or indirectly, the power to direct the management or
25 policies of an appraisal management company.

26 (9) "Independent contractor appraiser" means an appraiser who receives a fee for performing
27 an appraisal, but who is not an employee of the person engaging the appraiser.

28 (10)(a) "Quality control examination" means an examination of an appraisal report for compli-
29 ance and completeness in relation to client specifications, including examination for grammatical
30 or typographical errors.

31 (b) A "quality control examination" is not an appraisal review.

32 (11) "Real estate appraisal activity" means the activity described in ORS 674.100.

33 (12) "Uniform Standards of Professional Appraisal Practice" means the current standards of the
34 appraisal profession, developed for appraisers and users of appraisal services by the Appraisal
35 Standards Board of the Appraisal Foundation.

36 **SECTION 21.** ORS 674.200, as amended by section 20 of this 2017 Act, is amended to read:

37 674.200. As used in ORS 674.200 to 674.250:

38 (1) "Appraisal" means the process of developing an opinion of the value of real property in
39 conformance with commonly accepted standards for appraisers.

40 (2)(a) "Appraisal management company" means an external third party that:

41 (A) Oversees an appraisal panel of more than 15 appraisers in Oregon or at least 25 appraisers
42 in the United States; and

43 (B) Is authorized by a client to:

44 (i) Recruit, select and retain appraisers;

45 (ii) Contract with appraisers to perform appraisal assignments;

1 (iii) Manage the process of having an appraisal performed, including providing administrative
 2 duties such as receiving appraisal orders and appraisal reports, submitting completed appraisal re-
 3 ports to clients, collecting fees from clients for services provided and reimbursing appraisers for
 4 services performed; or

5 (iv) Review and verify the work of appraisers.

6 (b) “Appraisal management company” does not include an entity that employs real estate ap-
 7 praisers exclusively as employees for the performance of real estate appraisal activity.

8 (3) “Appraisal management services” means the process of receiving a request for the perform-
 9 ance of real estate appraisal activity from a client and, for a fee paid by the client, entering into
 10 an agreement with an independent contractor appraiser to perform the real estate appraisal activity
 11 contained in the request.

12 (4)(a) “Appraisal review” means the act or process of developing and communicating an opinion
 13 about the quality of the substantive aspects of another appraiser’s work that was performed as part
 14 of an appraisal assignment.

15 (b) An “appraisal review” is not a quality control examination.

16 (5) “Appraiser” means a state certified appraiser or state licensed appraiser certified or licensed
 17 under ORS 674.310 [*or section 3 of this 2017 Act*].

18 (6) “Appraiser panel” means a group of appraisers who have been selected by an appraisal
 19 management company to perform real estate appraisal activity for clients.

20 (7) “Client” means a person that engages an appraisal management company to perform ap-
 21 praisal management services.

22 (8) “Controlling person” means:

23 (a) An owner, officer or director of an appraisal management company;

24 (b) An individual authorized by an appraisal management company to enter into a contractual
 25 relationship with:

26 (A) A client for the performance of services requiring registration as an appraisal management
 27 company; and

28 (B) An appraiser for the performance of appraisals; or

29 (c) An individual who possesses, directly or indirectly, the power to direct the management or
 30 policies of an appraisal management company.

31 (9) “Independent contractor appraiser” means an appraiser who receives a fee for performing
 32 an appraisal, but who is not an employee of the person engaging the appraiser.

33 (10)(a) “Quality control examination” means an examination of an appraisal report for compli-
 34 ance and completeness in relation to client specifications, including examination for grammatical
 35 or typographical errors.

36 (b) A “quality control examination” is not an appraisal review.

37 (11) “Real estate appraisal activity” means the activity described in ORS 674.100.

38 (12) “Uniform Standards of Professional Appraisal Practice” means the current standards of the
 39 appraisal profession, developed for appraisers and users of appraisal services by the Appraisal
 40 Standards Board of the Appraisal Foundation.

41 **SECTION 22.** ORS 674.205 is amended to read:

42 674.205. (1) A person may not directly or indirectly engage in or attempt to engage in business
 43 as an appraisal management company or advertise or represent that the entity is an appraisal
 44 management company unless the person is:

45 (a) Registered as an appraisal management company with the Appraiser Certification and

1 Licensure Board; or

2 (b) An appraisal management company that is a subsidiary of and owned and controlled by a
 3 financial institution regulated by a federal financial institution regulatory agency, as that term is
 4 defined in ORS 674.010.

5 (2) A business entity may apply for registration as an appraisal management company on forms
 6 prescribed by rule by the board. The application must include:

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

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

9 (c) If the entity is not domiciled in this state, the name and phone contact information for the
 10 entity's agent for service of process in this state;

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

13 (e) A certification that:

14 (A) The entity has a system to verify that each appraiser on the entity's appraiser panel is li-
 15 censed or certified under ORS 674.310 **or section 3 of this 2017 Act**;

16 (B) The entity requires an appraiser completing an appraisal at the entity's request to confirm
 17 that the appraiser is competent to perform the appraisal assignment before accepting the assign-
 18 ment;

19 (C) The entity requires appraisers completing appraisals at the entity's request to comply with
 20 the Uniform Standards of Professional Appraisal Practice;

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

24 (E) The entity maintains and retains for at least five years, or as required under ORS 674.150,
 25 a detailed record of each appraisal management services request the entity receives and the ap-
 26 praiser who performs the real estate appraisal activity contained in the request;

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

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

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

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

33 (a) Each individual who owns 10 percent or more of the entity and the controlling person iden-
 34 tified by the entity in the application have completed a criminal records check; and

35 (b) The board determines that each individual who owns 10 percent or more of the entity and
 36 the controlling person identified by the entity in the application:

37 (A) Are of good moral character; and

38 (B) Have never had a license, certification or registration to act as an appraiser or appraisal
 39 management company refused, denied, canceled or revoked in this state or in any other state.

40 (4)(a) The board shall issue a unique registration number to each appraisal management com-
 41 pany registered under this section.

42 (b) The board shall maintain a published list of appraisal management companies registered un-
 43 der this section.

44 (c) An appraisal management company registered under this section shall disclose the company's
 45 registration number to each appraiser used by the company.

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

6 **SECTION 23.** ORS 674.205, as amended by section 22 of this 2017 Act, is amended to read:

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

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

12 (b) An appraisal management company that is a subsidiary of and owned and controlled by a
13 financial institution regulated by a federal financial institution regulatory agency, as that term is
14 defined in ORS 674.010.

15 (2) A business entity may apply for registration as an appraisal management company on forms
16 prescribed by rule by the board. The application must include:

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

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

19 (c) If the entity is not domiciled in this state, the name and phone contact information for the
20 entity's agent for service of process in this state;

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

23 (e) A certification that:

24 (A) The entity has a system to verify that each appraiser on the entity's appraiser panel is li-
25 censed or certified under ORS 674.310 [*or section 3 of this 2017 Act*];

26 (B) The entity requires an appraiser completing an appraisal at the entity's request to confirm
27 that the appraiser is competent to perform the appraisal assignment before accepting the assign-
28 ment;

29 (C) The entity requires appraisers completing appraisals at the entity's request to comply with
30 the Uniform Standards of Professional Appraisal Practice;

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

34 (E) The entity maintains and retains for at least five years, or as required under ORS 674.150,
35 a detailed record of each appraisal management services request the entity receives and the ap-
36 praiser who performs the real estate appraisal activity contained in the request;

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

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

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

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

43 (a) Each individual who owns 10 percent or more of the entity and the controlling person iden-
44 tified by the entity in the application have completed a criminal records check; and

45 (b) The board determines that each individual who owns 10 percent or more of the entity and

1 the controlling person identified by the entity in the application:

2 (A) Are of good moral character; and

3 (B) Have never had a license, certification or registration to act as an appraiser or appraisal
4 management company refused, denied, canceled or revoked in this state or in any other state.

5 (4)(a) The board shall issue a unique registration number to each appraisal management com-
6 pany registered under this section.

7 (b) The board shall maintain a published list of appraisal management companies registered un-
8 der this section.

9 (c) An appraisal management company registered under this section shall disclose the company's
10 registration number to each appraiser used by the company.

11 (5) An appraisal management company registration expires two years after the date of the is-
12 suance of the registration. The board shall adopt rules establishing the requirements for renewal
13 or reactivation of a registration. The rules must require that an appraisal management company
14 provide all of the information and certifications required for an initial application for registration
15 under subsection (2) of this section in the renewal application.

16 **SECTION 24.** ORS 674.310 is amended to read:

17 674.310. (1) The Appraiser Certification and Licensure Board shall:

18 (a) Have the power to do all things necessary and convenient to carry into effect the provisions
19 of this chapter, ORS 674.200 to 674.250 and the federal Act and to regulate the activities of state
20 licensed appraisers, state certified appraisers, state registered appraiser assistants and appraisal
21 management companies to ensure that real estate appraisals conform to the law in effect on the date
22 of the real estate appraisal activity.

23 (b) Certify or license appraisers and register appraiser assistants as necessary to carry out the
24 federal Act and the purposes set forth in ORS 674.020.

25 (c) Register appraisal management companies under ORS 674.200 to 674.250.

26 (d) Supervise the activities of state certified appraisers, state licensed appraisers, state regis-
27 tered appraiser assistants and appraisal management companies as provided in this chapter and ORS
28 674.200 to 674.250, to ensure that they perform real estate appraisal activity in strict conformance
29 with the provisions of this chapter and of the federal Act, and that they otherwise comply with the
30 provisions of this chapter and ORS 674.200 to 674.250 in the conduct of their professional activities.

31 (e) Establish, keep current and, no less than annually, transmit to the Appraisal Subcommittee
32 a roster listing state certified appraisers and state licensed appraisers.

33 (f) Collect and remit fees as required under ORS 674.250 and 674.330 **and section 3 of this 2017**
34 **Act.**

35 (2) Rules adopted by the Appraiser Certification and Licensure Board to govern real estate ap-
36 praiser certification and licensure shall conform with the requirements of the federal Act. The
37 board shall adopt rules including but not limited to:

38 (a) Establishing programs for the certification, licensure or registration of individuals who en-
39 gage in real estate appraisal activity.

40 (b) Establishing educational requirements for certification or licensure of appraisers and for the
41 registration of appraiser assistants that ensure protection of the public interest and comply with the
42 requirements of the federal Act. Education requirements for state licensed appraisers and state
43 certified appraisers must meet the minimum criteria established by the Appraiser Qualification
44 Board of the Appraisal Foundation.

45 (c) Establishing a professional code of responsibility for state certified appraisers and state li-

1 censed appraisers that is in conformance with the federal Act.

2 (d) Providing for registration of out-of-state appraisers as provided for under ORS 674.120.

3 (3) An individual may not be a state licensed appraiser or a state certified appraiser unless the
4 individual has achieved a passing grade upon a suitable examination equivalent to the Uniform
5 Certification Examination issued or endorsed by the Appraisal Qualification Board of the Appraisal
6 Foundation.

7 (4) The Appraiser Certification and Licensure Board, acting through the administrator, may is-
8 sue subpoenas to compel the attendance of witnesses and the production of papers, books, records,
9 correspondence, agreements, memoranda and other material or relevant documents in investigations
10 or proceedings pertaining to the powers and duties of the board.

11 (5) In the case of a person who refuses to respond to a subpoena issued by the Appraiser Cer-
12 tification and Licensure Board, the judge of the circuit court, on the application of the board ad-
13 ministrator, shall order compliance with the board subpoena in the same manner as a proceeding for
14 contempt for failure to respond to a subpoena of the court.

15 **SECTION 25.** ORS 674.310, as amended by section 24 of this 2017 Act, is amended to read:

16 674.310. (1) The Appraiser Certification and Licensure Board shall:

17 (a) Have the power to do all things necessary and convenient to carry into effect the provisions
18 of this chapter, ORS 674.200 to 674.250 and the federal Act and to regulate the activities of state
19 licensed appraisers, state certified appraisers, state registered appraiser assistants and appraisal
20 management companies to ensure that real estate appraisals conform to the law in effect on the date
21 of the real estate appraisal activity.

22 (b) Certify or license appraisers and register appraiser assistants as necessary to carry out the
23 federal Act and the purposes set forth in ORS 674.020.

24 (c) Register appraisal management companies under ORS 674.200 to 674.250.

25 (d) Supervise the activities of state certified appraisers, state licensed appraisers, state regis-
26 tered appraiser assistants and appraisal management companies as provided in this chapter and ORS
27 674.200 to 674.250, to ensure that they perform real estate appraisal activity in strict conformance
28 with the provisions of this chapter and of the federal Act, and that they otherwise comply with the
29 provisions of this chapter and ORS 674.200 to 674.250 in the conduct of their professional activities.

30 (e) Establish, keep current and, no less than annually, transmit to the Appraisal Subcommittee
31 a roster listing state certified appraisers and state licensed appraisers.

32 (f) Collect and remit fees as required under ORS 674.250 and 674.330 [*and section 3 of this 2017*
33 *Act*].

34 (2) Rules adopted by the Appraiser Certification and Licensure Board to govern real estate ap-
35 praiser certification and licensure shall conform with the requirements of the federal Act. The
36 board shall adopt rules including but not limited to:

37 (a) Establishing programs for the certification, licensure or registration of individuals who en-
38 gage in real estate appraisal activity.

39 (b) Establishing educational requirements for certification or licensure of appraisers and for the
40 registration of appraiser assistants that ensure protection of the public interest and comply with the
41 requirements of the federal Act. Education requirements for state licensed appraisers and state
42 certified appraisers must meet the minimum criteria established by the Appraiser Qualification
43 Board of the Appraisal Foundation.

44 (c) Establishing a professional code of responsibility for state certified appraisers and state li-
45 censed appraisers that is in conformance with the federal Act.

1 (d) Providing for registration of out-of-state appraisers as provided for under ORS 674.120.

2 (3) An individual may not be a state licensed appraiser or a state certified appraiser unless the
 3 individual has achieved a passing grade upon a suitable examination equivalent to the Uniform
 4 Certification Examination issued or endorsed by the Appraisal Qualification Board of the Appraisal
 5 Foundation.

6 (4) The Appraiser Certification and Licensure Board, acting through the administrator, may is-
 7 sue subpoenas to compel the attendance of witnesses and the production of papers, books, records,
 8 correspondence, agreements, memoranda and other material or relevant documents in investigations
 9 or proceedings pertaining to the powers and duties of the board.

10 (5) In the case of a person who refuses to respond to a subpoena issued by the Appraiser Cer-
 11 tification and Licensure Board, the judge of the circuit court, on the application of the board ad-
 12 ministrator, shall order compliance with the board subpoena in the same manner as a proceeding for
 13 contempt for failure to respond to a subpoena of the court.

14 **SECTION 26.** ORS 674.340 is amended to read:

15 674.340. (1) All moneys, fees and charges collected or received by the Appraiser Certification
 16 and Licensure Board pursuant to ORS 674.330 **and section 3 of this 2017 Act** shall be paid into the
 17 account created by the board under ORS 182.470. All moneys in the account are appropriated con-
 18 tinuously to the board to carry out the duties that the board is charged with administering.

19 (2) The Federal Registry Fund is established in the account created by the board under ORS
 20 182.470. Proceeds received under ORS 674.330 (1) shall be deposited in the Federal Registry Fund.
 21 The moneys in the Federal Registry Fund shall be used solely as set forth in ORS 674.330 (1).

22 **SECTION 27.** ORS 674.340, as amended by section 26 of this 2017 Act, is amended to read:

23 674.340. (1) All moneys, fees and charges collected or received by the Appraiser Certification
 24 and Licensure Board pursuant to ORS 674.330 [*and section 3 of this 2017 Act*] shall be paid into the
 25 account created by the board under ORS 182.470. All moneys in the account are appropriated con-
 26 tinuously to the board to carry out the duties that the board is charged with administering.

27 (2) The Federal Registry Fund is established in the account created by the board under ORS
 28 182.470. Proceeds received under ORS 674.330 (1) shall be deposited in the Federal Registry Fund.
 29 The moneys in the Federal Registry Fund shall be used solely as set forth in ORS 674.330 (1).

30 **SECTION 28.** ORS 819.482 is amended to read:

31 819.482. (1) A person commits the offense of acting as a vehicle appraiser without a certificate
 32 if the person does not hold a vehicle appraiser certificate issued under ORS 819.480 and the person,
 33 for consideration, issues an opinion as to the value of a vehicle.

34 (2) This section does not apply to:

35 (a) A person who holds a vehicle dealer certificate issued or renewed under ORS 822.020 or
 36 822.040 and who appraises vehicles in the operation of the vehicle dealer's business;

37 (b) A person from another jurisdiction who holds a vehicle appraiser certificate requiring qual-
 38 ifications substantially similar to qualifications required for the certification of a vehicle appraiser
 39 in this state;

40 (c) An insurance adjuster authorized to do business under ORS 744.505 or 744.515; or

41 (d) A person licensed or certified to appraise real estate under ORS 674.310 **or section 3 of this**
 42 **2017 Act** and who appraises the value of manufactured structures.

43 (3) The offense described in this section, acting as a vehicle appraiser without a certificate, is
 44 a Class A violation.

45 **SECTION 29.** ORS 819.482, as amended by section 28 of this 2017 Act, is amended to read:

1 819.482. (1) A person commits the offense of acting as a vehicle appraiser without a certificate
 2 if the person does not hold a vehicle appraiser certificate issued under ORS 819.480 and the person,
 3 for consideration, issues an opinion as to the value of a vehicle.

4 (2) This section does not apply to:

5 (a) A person who holds a vehicle dealer certificate issued or renewed under ORS 822.020 or
 6 822.040 and who appraises vehicles in the operation of the vehicle dealer's business;

7 (b) A person from another jurisdiction who holds a vehicle appraiser certificate requiring qual-
 8 ifications substantially similar to qualifications required for the certification of a vehicle appraiser
 9 in this state;

10 (c) An insurance adjuster authorized to do business under ORS 744.505 or 744.515; or

11 (d) A person licensed or certified to appraise real estate under ORS 674.310 [*or section 3 of this*
 12 *2017 Act*] and who appraises the value of manufactured structures.

13 (3) The offense described in this section, acting as a vehicle appraiser without a certificate, is
 14 a Class A violation.

15 **SECTION 30.** (1) Sections 2 and 3 of this 2017 Act and the amendments to ORS 182.425,
 16 195.326, 305.230, 309.024, 309.100, 477.089, 674.010, 674.100, 674.200, 674.205, 674.310, 674.340 and
 17 819.482 by sections 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26 and 28 of this 2017 Act become op-
 18 erative on January 1, 2018.

19 (2) The amendments to ORS 182.425, 195.326, 305.230, 309.024, 309.100, 477.089, 674.010,
 20 674.100, 674.200, 674.205, 674.310, 674.340 and 819.482 by sections 5, 7, 9, 11, 13, 15, 17, 19, 21,
 21 23, 25, 27 and 29 of this 2017 Act become operative on January 1, 2020.

22 (3) The Appraiser Certification and Licensure Board may take any action before the op-
 23 erative date specified in subsection (1) of this section that is necessary to enable the board
 24 to exercise, on or after the operative date specified in subsection (1) of this section, all of
 25 the duties, functions and powers conferred on the board by sections 2 and 3 of this 2017 Act
 26 and the amendments to ORS 182.425, 195.326, 305.230, 309.024, 309.100, 477.089, 674.010, 674.100,
 27 674.200, 674.205, 674.310, 674.340 and 819.482 by sections 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26
 28 and 28 of this 2017 Act.

29 **SECTION 31.** Sections 2 and 3 of this 2017 Act are repealed on January 1, 2020.

30 **SECTION 32.** This 2017 Act takes effect on the 91st day after the date on which the 2017
 31 regular session of the Seventy-ninth Legislative Assembly adjourns sine die.

32