

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1646

By: Sneed

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to professions and occupations;
9 amending 59 O.S. 2021, Sections 858-712 and 858-723,
10 which relate to real estate appraisers; removing
11 minimum educational classroom hours; requiring
12 educational requirements as specified by the
13 Appraiser Qualifications Board of the Appraisal
14 Foundation; removing requirement that cost of classes
15 be established by the Board; removing requirement
16 that complaints must be signed by the person filing
17 the complaint; providing that complaints may be made
18 on a paper or electronic form; and providing an
19 effective date.

20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. AMENDATORY 59 O.S. 2021, Section 858-712, is
22 amended to read as follows:

23 Section 858-712. A. State Certified General Appraiser - As a
24 prerequisite to taking the examination for certification as a State
25 Certified General Appraiser, an applicant shall present satisfactory
26 evidence to the Real Estate Appraiser Board that such applicant has
27 successfully completed the minimum educational requirement specified
28 by the Appraiser Qualification Criteria promulgated by the Appraiser

1 Qualifications Board of the Appraisal Foundation of courses in
2 subjects related to real estate appraisal from a nationally
3 recognized appraisal organization or college or university or
4 technology center school or private school approved by the Board and
5 such classes shall be made available on a regional basis throughout
6 the State of Oklahoma prior to the required examination date which
7 must include classroom hours related to standards of professional
8 practice.

9 B. State Certified Residential Appraiser - As a prerequisite to
10 taking the examination for certification as a State Certified
11 Residential Appraiser, an applicant shall present satisfactory
12 evidence to the Board that such applicant has successfully completed
13 the minimum educational requirement specified by the Appraiser
14 Qualification Criteria promulgated by the Appraiser Qualifications
15 Board of the Appraisal Foundation of courses in subjects related to
16 real estate appraisal from a nationally recognized appraisal
17 organization or college or university or technology center school or
18 private school approved by the Board and such classes shall be made
19 available on a regional basis throughout this state prior to the
20 required examination date which must include classroom hours related
21 to standards of professional practice.

22 C. State Licensed Appraiser - As a prerequisite to taking the
23 examination for certification as a State Licensed Appraiser, an
24 applicant shall present satisfactory evidence to the Board that such

1 applicant has successfully completed the minimum education
2 requirement specified by the Appraiser Qualification Criteria
3 promulgated by the Appraiser Qualifications Board of the Appraisal
4 Foundation of courses in subjects related to real estate appraisal
5 from a nationally recognized appraisal organization or a college or
6 university or technology center school or private school approved by
7 the Board and such classes shall be made available on a regional
8 basis throughout the State of Oklahoma prior to the required
9 examination date which must include classroom hours related to
10 standards of professional practice. Provided, that any appraiser
11 who becomes state licensed prior to July 1, 2001, shall not be
12 required to complete any additional classroom hours necessary to
13 meet the minimum requirements of the Appraiser Qualifications Board
14 of the Appraisal Foundation in order to maintain certification as a
15 state licensed appraiser.

16 D. Trainee Appraiser - There shall be no examination for
17 certification as a Trainee Appraiser. As a prerequisite to
18 certification as a Trainee Appraiser, an applicant shall present
19 satisfactory evidence to the Board that such applicant has
20 successfully completed ~~not less than seventy-five (75) classroom~~
21 ~~hours~~ the minimum education requirement specified by the Appraiser
22 Qualification Criteria promulgated by the Appraiser Qualifications
23 Board of the Appraisal Foundation of courses in subjects related to
24 real estate appraisal from a nationally recognized appraisal

1 organization or a college or university or area technology center
2 school or private school approved by the Board and such classes
3 shall be made available on a regional basis throughout the State of
4 Oklahoma prior to the required examination date ~~with the cost of the~~
5 ~~classes being established by the Board~~ which must include classroom
6 hours related to standards of professional practice ~~the minimum~~
7 ~~educational requirement specified by the Appraiser Qualification~~
8 ~~Criteria promulgated by the Appraiser Qualifications Board of the~~
9 ~~Appraisal Foundation.~~

10 SECTION 2. AMENDATORY 59 O.S. 2021, Section 858-723, is
11 amended to read as follows:

12 Section 858-723. A. The Real Estate Appraiser Board, after
13 notice and opportunity for a hearing, pursuant to Article II of the
14 Administrative Procedures Act, may issue an order imposing one or
15 more of the following penalties whenever the Board finds, by clear
16 and convincing evidence, that a certificate holder has violated any
17 provision of the Oklahoma Certified Real Estate Appraisers Act, or
18 rules promulgated pursuant thereto:

19 1. Revocation of the certificate with or without the right to
20 reapply;

21 2. Suspension of the certificate for a period not to exceed
22 five (5) years;

23 3. Probation, for a period of time and under such terms and
24 conditions as deemed appropriate by the Board;

1 4. Stipulations, limitations, restrictions, and conditions
2 relating to practice;

3 5. Censure, including specific redress, if appropriate;

4 6. Reprimand, either public or private;

5 7. Satisfactory completion of an educational program or
6 programs;

7 8. Administrative fines as authorized by the Oklahoma Certified
8 Real Estate Appraisers Act; and

9 9. Payment of costs expended by the Board for any legal fees
10 and costs and probation and monitoring fees including, but not
11 limited to, administrative costs, witness fees and attorney fees.

12 B. 1. Any administrative fine imposed as a result of a
13 violation of the Oklahoma Certified Real Estate Appraisers Act or
14 the rules of the Board promulgated pursuant thereto shall not:

15 a. be less than Fifty Dollars (\$50.00) and shall not
16 exceed Two Thousand Dollars (\$2,000.00) for each
17 violation of this act or the rules of the Board, or

18 b. exceed Five Thousand Dollars (\$5,000.00) for all
19 violations resulting from a single incident or
20 transaction.

21 2. All administrative fines shall be paid within thirty (30)
22 days of notification of the certificate holder by the Board of the
23 order of the Board imposing the administrative fine, unless the
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1 certificate holder has entered into an agreement with the Board
2 extending the period for payment.

3 3. The certificate may be suspended until any fine imposed upon
4 the licensee by the Board is paid.

5 4. Unless the certificate holder has entered into an agreement
6 with the Board extending the period for payment, if fines are not
7 paid in full by the licensee within thirty (30) days of the
8 notification by the Board of the order, the fines shall double and
9 the certificate holder shall have an additional thirty-day period.
10 If the double fine is not paid within the additional thirty-day
11 period, the certificate shall automatically be revoked.

12 5. All monies received by the Board as a result of the
13 imposition of the administrative fine provided for in this section
14 shall be deposited in the Oklahoma Certified Real Estate Appraisers
15 Revolving Fund created pursuant to Section 858-730 of this title.

16 C. The rights of any holder under a certificate as a trainee,
17 state licensed, state certified residential or state certified
18 general real estate appraiser may be revoked or suspended, or the
19 holder of the certificate may be otherwise disciplined pursuant to
20 the provisions of the Oklahoma Certified Real Estate Appraisers Act,
21 upon any of the grounds set forth in this section. The Board may
22 investigate the actions of a trainee, state licensed, state
23 certified residential or state certified general real estate
24 appraiser, and may revoke or suspend the rights of a certificate

1 holder or otherwise discipline a trainee, state licensed, state
2 certified residential or state certified general real estate
3 appraiser for any of the following acts or omissions:

4 1. Procuring or attempting to procure a certificate pursuant to
5 the provisions of the Oklahoma Certified Real Estate Appraisers Act
6 by knowingly making a false statement, knowingly submitting false
7 information, refusing to provide complete information in response to
8 a question in an application for certification or through any form
9 of fraud or misrepresentation;

10 2. Failing to meet the minimum qualifications established
11 pursuant to the provisions of the Oklahoma Certified Real Estate
12 Appraisers Act;

13 3. Paying money other than provided for by the Oklahoma
14 Certified Real Estate Appraisers Act to any member or employee of
15 the Board to procure a certificate pursuant to the Oklahoma
16 Certified Real Estate Appraisers Act;

17 4. A conviction, including a conviction based upon a plea of
18 guilty or nolo contendere, of a felony crime that substantially
19 relates to the practice of real estate appraisals or poses a
20 reasonable threat to public safety;

21 5. An act or omission involving dishonesty, fraud, or
22 misrepresentation with the intent to substantially benefit the
23 certificate holder or another person or with the intent to
24 substantially injure another person;

1 6. Violation of any of the standards for the development or
2 communication of real estate appraisals as provided in the Oklahoma
3 Certified Real Estate Appraisers Act;

4 7. Failure or refusal without good cause to exercise reasonable
5 diligence in developing an appraisal, preparing an appraisal report
6 or communicating an appraisal;

7 8. Negligence or incompetence in developing an appraisal, in
8 preparing an appraisal report, or in communicating an appraisal;

9 9. Willfully disregarding or violating any of the provisions of
10 the Oklahoma Certified Real Estate Appraisers Act or the regulations
11 of the Board for the administration and enforcement of the
12 provisions of the Oklahoma Certified Real Estate Appraisers Act;

13 10. Accepting an appraisal assignment when the employment
14 itself is contingent upon the appraiser reporting a predetermined
15 estimate, analysis or opinion, or where the fee to be paid is
16 contingent upon the opinion, conclusion, or valuation reached, or
17 upon the consequences resulting from the appraisal assignment;

18 11. Violating the confidential nature of governmental records
19 to which the appraiser gained access through employment or
20 engagement as an appraiser by a governmental agency;

21 12. Entry of a final civil judgment against the person on
22 grounds of deceit, fraud, or willful or knowing misrepresentation in
23 the making of any appraisal of real property;

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1 13. Violating any of the provisions in the code of ethics set
2 forth in this ~~act~~ title; or

3 14. Failing to at any time properly identify themselves
4 according to the specific type of certification held.

5 D. In a disciplinary proceeding based upon a civil judgment,
6 the trainee, state licensed, state certified residential or state
7 certified general real estate appraiser shall be afforded an
8 opportunity to present matters in mitigation and extenuation, but
9 may not collaterally attack the civil judgment.

10 E. 1. A complaint may be filed with the Board against a
11 trainee or state licensed or state certified appraiser for any
12 violations relating to a specific transaction of the Oklahoma
13 Certified Real Estate Appraisers Act by any person who is the
14 recipient of, relies upon or uses an appraisal prepared for a
15 federally related transaction or real-estate-related financial
16 transaction as described in Section 858-701 of this title.

17 2. Any person with knowledge of any circumstances surrounding
18 an act or omission by a trainee or state licensed or state certified
19 appraiser involving fraud, dishonesty or misrepresentation in any
20 real property valuation-related activity, not limited to federally
21 related transactions, may file a complaint with the Board setting
22 forth all facts surrounding the act or omission.

23 3. A complaint may be filed against a trainee or state licensed
24 or state certified appraiser directly by the Board, if reasonable

1 cause exists for violations of the code of ethics set forth in this
2 act.

3 4. Any complaint filed pursuant to this subsection shall be in
4 writing ~~and signed by the person filing same~~ and shall be on a form
5 approved by the Board, either in paper form or filed electronically.
6 The trainee or state licensed or state certified appraiser shall be
7 entitled to any hearings or subject to any disciplinary proceedings
8 provided for in the Oklahoma Certified Real Estate Appraisers Act
9 based upon any complaint filed pursuant to this subsection.

10 F. As used in this section:

11 1. "Substantially relates" means the nature of criminal conduct
12 for which the person was convicted has a direct bearing on the
13 fitness or ability to perform one or more of the duties or
14 responsibilities necessarily related to the occupation; and

15 2. "Poses a reasonable threat" means the nature of criminal
16 conduct for which the person was convicted involved an act or threat
17 of harm against another and has a bearing on the fitness or ability
18 to serve the public or work with others in the occupation.

19 SECTION 3. This act shall become effective November 1, 2025.

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