

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 565
Committee Substitute Favorable 6/12/13
PROPOSED COMMITTEE SUBSTITUTE H565-PCS30583-TDf-34

Short Title: Amend Real Estate Appraisers' Laws/Fees.

(Public)

Sponsors:

Referred to:

April 4, 2013

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAWS REGULATING REAL ESTATE APPRAISERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 93E-1-3(a) reads as rewritten:

"(a) No trainee registration, license, or certificate shall be issued under the provisions of this Chapter to a partnership, association, corporation, firm, or group. However, nothing herein shall preclude a registered trainee or licensed or certified real estate appraiser from rendering appraisals for or on behalf of a partnership, association, corporation, firm, or group, provided the appraisal report is prepared by a licensed or certified real estate appraiser or by a registered trainee under the immediate personal direction ~~of, of~~ of the ~~licensed or certified~~ real estate appraiser and is reviewed and signed by that ~~licensed or certified~~ appraiser."

SECTION 2. G.S. 93E-1-6 reads as rewritten:

"§ 93E-1-6. Qualifications for registration and certification; applications; application fees; examinations.

(a) Any person desiring to be registered as a trainee or to obtain ~~licensure as a licensed real estate appraiser or~~ certification as a certified real estate appraiser shall make written application to the Board on the forms as are prescribed by the Board setting forth the applicant's qualifications for ~~registration, licensure,~~ registration or certification. Each applicant shall satisfy the following qualification requirements:

(1) Each applicant for registration as a trainee shall:

- a. Have obtained a high school diploma or its equivalent; and
- b. Demonstrate to the Board that the applicant possesses the knowledge and competence necessary to perform appraisals of real property, by:
 - (i) having satisfactorily completed within the five-year period immediately preceding the date application is made, a course of instruction, approved by the Board, in real estate appraisal principles and practices consisting of at least 90 hours of classroom instruction in subjects determined by the Board; and
 - (ii) satisfying any additional qualification the Board imposes by rule, not inconsistent with any requirements imposed by the Appraisal Foundation.

(2) Each applicant for certification as a certified residential real estate appraiser shall:

- a. Hold an associate's degree or higher from an accredited college, junior college, community college, or university; or have a high school diploma or its equivalent and have successfully completed at



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- 1 least 21 semester credit hours of college courses from an accredited
2 college, junior college, community college, or university in English
3 composition, principles of economics, finance, higher mathematics,
4 such as geometry or algebra, statistics, introduction to computers,
5 and business or real estate law;
- 6 b. Demonstrate that the applicant possesses the knowledge and
7 competence necessary to perform appraisals of real property as the
8 Board may prescribe by having satisfactorily ~~completed, within the~~
9 ~~five-year period immediately preceding the date the application is~~
10 ~~made,~~completed a course of instruction, approved by the Board, in
11 real estate appraisal principles and practices consisting of at least 200
12 ~~hours;~~hours. All instructional courses shall have been completed on
13 or after January 1, 2008;
- 14 c. Present evidence satisfactory to the Board of at least 2,500 hours or
15 the minimum requirement as imposed by the Appraisal Foundation,
16 whichever is greater, of experience in real estate appraising within
17 the ~~five-year~~eight-year period immediately preceding the date
18 application is made, and over a period of at least two calendar years;
19 and
- 20 d. Satisfy the additional qualifications criteria as may be imposed by the
21 Board by rule, not inconsistent with any requirements imposed by the
22 Appraisal Foundation; or
- 23 e. Possess education and experience which is found by the Board in its
24 discretion to be equivalent to the above requirements.
- 25 (3) Each applicant for certification as a certified general real estate appraiser
26 shall:
- 27 a. Hold a bachelor's degree or higher from an accredited college or
28 university; or have a high school diploma or its equivalent and have
29 successfully completed at least 30 semester credit hours of college
30 courses from an accredited college or university in English
31 composition, macroeconomics and microeconomics, finance, higher
32 mathematics, such as geometry or algebra, statistics, introduction to
33 computers, and business or real estate law and two elective courses in
34 accounting, geography, business management, or real estate;
- 35 b. Demonstrate that the applicant possesses the knowledge and
36 competence necessary to perform appraisals of all types of real
37 property by having satisfactorily ~~completed, within the five-year~~
38 ~~period immediately preceding the date application is made,~~completed
39 a course of instruction, approved by the Board, in general real estate
40 appraisal practices consisting of at least 300 ~~hours;~~hours. All
41 instructional courses shall have been completed on or after January 1,
42 2008;
- 43 c. Present evidence satisfactory to the Board of at least 3,000 hours or
44 the minimum requirement as imposed by the Appraisal Foundation,
45 whichever is greater, of experience in real estate appraising within
46 the ~~five-year~~eight-year period immediately preceding the date
47 application is made, and over a period of at least two and one-half
48 calendar years, fifty percent (50%) of which must be in appraising
49 nonresidential real estate; and

- 1 d. Satisfy the additional qualifications criteria as may be imposed by the
2 Board by rule, not inconsistent with any requirements imposed by the
3 Appraisal Foundation; or
4 e. Possess education or experience which is found by the Board in its
5 discretion to be equivalent to the above requirements.

6 (4) Repealed by Session Laws 2001-399, s. 1.

7 (b) Each application for registration as a trainee or for certification as a real estate
8 appraiser shall be accompanied by a fee of two hundred dollars (\$200.00), plus any additional
9 fee as may be necessary to defray the cost of any competency examination administered by a
10 private testing service.

11 (c) Any person who files with the Board an application for ~~registration or certification~~
12 as a real estate appraiser shall be required to pass an examination to demonstrate the person's
13 competence.

14 (c1) The Board shall also make an investigation as it deems necessary into the
15 background of the applicant to determine the applicant's qualifications with due regard to the
16 paramount interest of the public as to the applicant's competency, honesty, truthfulness, and
17 integrity. ~~All applicants shall obtain criminal record reports from one or more reporting~~
18 ~~services designated by the Board to provide criminal record reports. Applicants are required to~~
19 ~~pay the designated reporting service for the cost of the reports. All applicants shall consent to a~~
20 ~~criminal history record check. Refusal to consent to a criminal history record check may~~
21 ~~constitute grounds for the Board to deny an application. The Board shall ensure that the State~~
22 ~~and national criminal history of an applicant is checked. The Board shall be responsible for~~
23 ~~providing to the North Carolina Department of Justice the fingerprints of the applicant to be~~
24 ~~checked, a form signed by the applicant consenting to the criminal history record check, and~~
25 ~~the use of fingerprints and other identifying information required by the State or National~~
26 ~~Repositories of Criminal Histories and any additional information required by the Department~~
27 ~~of Justice in accordance with G.S. 114-19.30. The Board shall keep all information obtained~~
28 ~~pursuant to this section confidential. The Board shall collect any fees required by the~~
29 ~~Department of Justice and shall remit the fees to the Department of Justice for expenses~~
30 ~~associated with conducting the criminal history record check.~~

31 (c2) In addition, the Board may investigate and consider whether the applicant has had
32 any disciplinary action taken against any other professional license in North Carolina or any
33 other state, or if the applicant has committed or done any act which, if committed or done by
34 any real estate trainee or appraiser, would be grounds under the provisions hereinafter set forth
35 for disciplinary action including the suspension or revocation of registration, licensure, or
36 certification, or whether the applicant has been convicted of or pleaded guilty to any criminal
37 act. If the results of the investigation shall be satisfactory to the Board, and the applicant is
38 otherwise qualified, then the Board shall issue to the applicant a trainee registration or
39 certificate authorizing the applicant to act as a registered trainee real estate appraiser or
40 certified real estate appraiser in this State.

41 (d) If the applicant has not affirmatively demonstrated that the applicant meets the
42 requirements for registration or certification, action on the application will be deferred pending
43 a hearing before the Board."

44 **SECTION 3.** G.S. 93E-1-6.1 reads as rewritten:

45 **"§ 93E-1-6.1. Trainee supervision.**

46 All trainees shall perform all real estate appraisal-related activities under the immediate,
47 active, and personal supervision of a ~~licensed or certified~~ real estate appraiser. All appraisal
48 reports must be signed by the appraiser who supervised the trainee. By signing the appraisal
49 report, the appraiser accepts shared responsibility, with the trainee, for the content of and
50 conclusions in the report. All trainees and any appraisers desiring to supervise a trainee shall
51 complete a course in trainee supervision as required in rules adopted by the Board."

1 **SECTION 4.** G.S. 93E-1-8 reads as rewritten:

2 "**§ 93E-1-8. Education program approval and fees.**

3 (a) The Board may by rule prescribe minimum standards for the approval and renewal
4 of approval of schools and other course sponsors and their instructors to conduct appraiser
5 ~~prelicensing and precertification~~qualifying courses required by G.S. 93E-1-6(a). Such standards
6 may address subject matter, program structuring, instructional materials, requirements for
7 satisfactory course completion, instructors' qualifications, and other related matters relevant to
8 the provision of such courses in a manner that best serves the public interest. The standards
9 may require that schools and course sponsors obtain approval for the content of ~~prelicensing~~
10 ~~and precertification~~qualifying courses from the Appraiser Qualifications Board of the Appraisal
11 Foundation as part of the application process with the Appraisal Board and pay any fees
12 directly to the Appraiser Qualifications Board as required by the Appraiser Qualifications
13 Board for the approval.

14 (b) The Board may by rule set nonrefundable fees chargeable to private real estate
15 appraisal schools or course sponsors, including appraisal trade organizations, for the approval
16 and annual renewal of approval of their ~~prelicensing and precertification~~qualifying courses
17 required by G.S. 93E-1-6(a), or equivalent courses. The fees shall be one hundred dollars
18 (\$100.00) per course for approval and fifty dollars (\$50.00) per course for renewal of approval.
19 No fees shall be charged for the approval or renewal of approval to conduct appraiser
20 ~~prelicensing or precertification~~qualifying courses where such courses are offered by a North
21 Carolina college, university, junior college, or community or technical college accredited by
22 the Southern Association of Colleges and Schools, or an agency of the federal, State, or local
23 government.

24 (c) The Board may by rule prescribe minimum standards for the approval and annual
25 renewal of approval of schools and other course sponsors and their instructors to conduct
26 appraiser continuing education courses. Such standards may address subject matter,
27 instructional materials, requirements for satisfactory course completion, minimum course
28 length, instructors' qualifications, and other related matters relevant to the provision of such
29 courses in a manner that best serves the public interest.

30 (d) Nonrefundable fees of one hundred dollars (\$100.00) per course may be charged to
31 schools and course sponsors for the approval to conduct appraiser continuing education courses
32 and fifty dollars (\$50.00) per course for renewal of approval. However, no fees shall be charged
33 for the approval or renewal of approval to conduct appraiser continuing education courses
34 where such courses are offered by a North Carolina college, university, junior college, or
35 community or technical college accredited by the Southern Association of Colleges and
36 Schools, or by an agency of the federal, State, or local government. A nonrefundable fee of
37 fifty dollars (\$50.00) per course may be charged to current or former licensees or certificate
38 holders requesting approval by the Board of a course for continuing education credit when
39 approval of such course has not been previously obtained by the offering school or course
40 sponsor."

41 **SECTION 5.** G.S. 93E-1-9 reads as rewritten:

42 "**§ 93E-1-9. Nonresident ~~registration, licensure, registration~~ and certification.**

43 (a) An applicant from another state which offers real estate trainee registration or the
44 equivalent, or ~~appraiser licensing or~~ certification privileges to residents of North Carolina may
45 become ~~registered, licensed, registered~~ or certified in North Carolina by conforming to all of the
46 provisions of this Chapter and, in the discretion of the Board, such other terms and conditions
47 as are required of North Carolina residents applying for trainee ~~registration,~~
48 ~~licensure, registration~~ and certification in such other state.

49 (b) The Board, in its discretion, may undertake to ~~register, license, register~~ or certify on
50 a reciprocal basis, persons ~~registered, licensed, registered~~ or certified in other states who are

1 deemed by the Board to possess qualifications equivalent to resident North Carolina trainees ~~or~~
2 ~~State-licensed~~ or State-certified real estate appraisers.

3 (c) The Board may by rule establish a procedure for granting temporary trainee
4 registration, appraiser licensure or certification and may charge an application fee of one
5 hundred fifty dollars (\$150.00) for temporary trainee registration, appraiser licensure, or
6 certification.

7 (d) Every applicant for trainee ~~registration, State licensure, registration~~ or certification
8 under this Chapter who is not a resident of this State shall submit with his application an
9 irrevocable consent that service of process in any action against the applicant arising out of the
10 applicant's activities as a registered trainee ~~or State-licensed~~ or State-certified real estate
11 appraiser may be made by delivery of the process on the Executive Director of the Board."

12 **SECTION 6.** G.S. 93E-1-11(a) reads as rewritten:

13 "(a) The Executive Director of the Board shall keep a register of all applicants for State
14 trainee registration or for ~~State licensure~~ or certification as real estate appraisers, showing for
15 each the date of application, name, business or residence address, and whether the ~~registration,~~
16 ~~licensure~~ registration or certificate was granted or refused. The register shall be prima facie
17 evidence of all matters received therein."

18 **SECTION 7.** G.S. 93E-2-4 reads as rewritten:

19 **"§ 93E-2-4. Qualifications for registration; duties of registrants.**

20 (a) Any person or entity desiring to be registered as an appraisal management company
21 in this State shall make written application to the Board on forms prescribed by the Board
22 setting forth the applicant's qualifications for registration. The application shall be accompanied
23 by the applicable fee under G.S. 93E-2-6 and any other information the Board deems necessary
24 pursuant to rules adopted by the Board. Upon receipt of a properly completed application and
25 fee and upon a determination by the Board that the applicant is of good moral character, the
26 Board shall issue to the applicant a certificate of registration authorizing the applicant to act as
27 a real estate appraisal management company in this State.

28 (b) The registration required by subsection (a) of this section shall include the following
29 information:

- 30 (1) Legal name of the entity seeking registration.
- 31 (2) Business address of the entity seeking registration.
- 32 (3) Phone contact information of the entity seeking registration.
- 33 (4) If the entity is not a corporation that is domiciled in this State, the name and
34 contact information for the company's agent for service of process in this
35 State.
- 36 (5) The name, address, and contact information for any individual or any
37 corporation, partnership, or other business entity that owns ten percent
38 (10%) or more of the appraisal management company.
- 39 (6) The name, address, and contact information for the compliance manager.
- 40 (7) A certification that the entity has a system and process in place to verify that
41 a person being added to the appraiser panel of the appraisal management
42 company holds a license in good standing in this State pursuant to the North
43 Carolina Appraisers Act if a license or certification is required to perform
44 appraisals.
- 45 (8) A certification that the entity has a system in place to require that appraisers
46 inform the appraisal management company of their areas of geographic
47 competency, the types of properties the appraiser is competent to appraise,
48 and the methodologies the appraiser is competent to perform.
- 49 (9) A certification that the entity has a system in place to review the work of all
50 independent appraisers that are performing real estate appraisal services for
51 the appraisal management company on a periodic basis to validate that the

1 real estate appraisal services are being conducted in accordance with the
2 Uniform Standards of Professional Appraisal Practice.

3 (10) A certification that the entity maintains a detailed record of each service
4 request that it receives and the independent appraiser that performs the
5 residential real estate appraisal services for the appraisal management
6 company.

7 (10a) A certification that the entity has obtained a surety bond as required by this
8 Article.

9 (11) An irrevocable Uniform Consent to Service of Process.

10 (12) Any other information required by the Board pursuant to G.S. 93E-2-3.

11 (c) Any registrant having a good faith belief that a real estate appraiser licensed or
12 certified in this State has violated applicable law or the Uniform Standards of Professional
13 Appraisal Practice or engaged in unethical conduct shall promptly file a complaint with the
14 Board.

15 (d) Registered appraisal management companies shall pay fees to an appraiser within
16 30 days of the date the appraisal is transmitted by the real estate appraiser to the registrant,
17 except in cases of noncompliance with the conditions of the engagement. In such cases, the
18 registrant shall notify the real estate appraiser in writing that the fees will not be paid.

19 (e) To qualify to be registered as an appraisal management company, each individual
20 who owns, directly or indirectly, more than ten percent (10%) of the appraisal management
21 company shall be of good moral character, as determined by the Board, and shall submit all
22 information the Board deems necessary pursuant to the rules adopted by the Board.
23 Additionally, each owner shall certify that he or she has never had a license to act as an
24 appraiser refused, denied, cancelled, or revoked by the State of North Carolina or any other
25 state.

26 (f) A registered appraisal management company shall not enter into any contracts or
27 agreements with an independent appraiser for the performance of residential real estate
28 appraisal services for properties located in this State unless the independent appraiser is
29 licensed or certified in good standing pursuant to the North Carolina Appraisers Act.

30 (g) Each applicant for registration or for a renewal of a registration shall post with the
31 Board and maintain a surety bond in the amount of twenty-five thousand dollars (\$25,000).

32 (1) The bond shall be in a form satisfactory to the Board.

33 (2) The bond will accrue to the Board for the benefit of a claimant against the
34 registrant to secure the faithful performance of the registrant's obligations
35 under this Article and to a real estate appraiser who has performed an
36 appraisal for the registrant for which the appraiser has not been paid.

37 (3) The aggregate liability of the surety shall not exceed the principal sum of the
38 bond.

39 (4) A party having a claim against the registrant may bring suit directly on the
40 surety bond, or the Board may bring suit on behalf of the party having a
41 claim against the registrant, either in one action or in successive actions.

42 (5) A claim reducing the face amount of the bond shall be annually restored
43 upon renewal of the registrant's registration.

44 (6) The bond shall remain in effect until cancellation, which may occur only
45 after 90 days written notice to the Board. Cancellation shall not affect any
46 liability incurred or accrued during that period.

47 (7) The surety bond shall remain in place for no less than two years after the
48 registrant ceases operations in this State. However, notwithstanding this
49 provision, the Board may permit the surety bond to be reduced or eliminated
50 prior to that time to the extent that the amount of the registrant's outstanding
51 obligations to appraisers is reduced."

1 **SECTION 8.** G.S. 93E-2-6 reads as rewritten:

2 "**§ 93E-2-6. Fees and renewals.**

3 (a) Each application for registration as an appraisal management company under this
4 Article shall be accompanied by a registration fee in an amount set by the Board not to exceed
5 three thousand five hundred dollars (\$3,500). Registration issued under this Article shall expire
6 on June 30, 2012, and on June 30 of each year thereafter. The registration shall become invalid
7 after that date unless renewed before the expiration date by filing an application with and
8 paying to the Board a fee in an amount set by the Board not to exceed two thousand dollars
9 (\$2,000).

10 (b) All registrations reinstated after the expiration date are subject to a late filing fee of
11 twenty dollars (\$20.00) for each month or part thereof that the registration is lapsed, not to
12 exceed one hundred twenty dollars (\$120.00). The late filing fee shall be in addition to the
13 required renewal fee. In the event a registrant fails to reinstate the registration within six
14 months after the expiration date, the registration shall expire and the registrant shall be required
15 to file a new application for registration. Reinstatement of a registration shall not be retroactive.

16 (c) The Board may issue a replacement registration to the registrant upon payment of
17 fifty dollars (\$50.00) to the Board. The Board may certify the registration history of an
18 appraisal management company registered under this Article upon payment of a fee of one
19 hundred dollars (\$100.00) to the Board.

20 (d) Each applicant for registration or for renewal of registration as an appraisal
21 management company shall pay a fee of five hundred dollars (\$500.00) to be deposited in the
22 Appraisal Management Company Recovery Fund.

23 (e) The Board may allow any of its fees to be paid through electronic means. The Board
24 may charge a processing fee for electronic payments that does not exceed the actual cost to the
25 Board for processing electronic payments."

26 **SECTION 9.** G.S. 93E-2-8(a) reads as rewritten:

27 "**§ 93E-2-8. Disciplinary authority.**

28 (a) The Board may, by order, deny, suspend, revoke, or refuse to issue or renew a
29 registration of an appraisal management company under this Article or may restrict or limit
30 activities of a person who owns an interest in or participates in the business of an appraisal
31 management company if the Board determines that an applicant, registrant, or any partner,
32 member, manager, officer, director, compliance manager, or person occupying a similar status,
33 performing similar functions, or directly or indirectly controlling the applicant or registrant has
34 done any of the following:

- 35 (1) Filed an application for registration that, as of its effective date or as of any
36 date after filing, contained any statement that, in light of the circumstances
37 under which it was made, is false or misleading with respect to any material
38 fact.
- 39 (2) Violated or failed to comply with any provision of this Article or any rules
40 adopted by the Board.
- 41 (3) Been convicted of any felony or, within the past 10 years, been convicted of
42 any misdemeanor involving mortgage lending or real estate appraisal or any
43 offense involving breach of trust, moral turpitude, or fraudulent or dishonest
44 dealing.
- 45 (4) Been permanently or temporarily enjoined by any court of competent
46 jurisdiction from engaging in or continuing any conduct or practice
47 involving any aspect of the real estate appraisal management business.
- 48 (5) Been the subject of an order of the Board or any other state appraiser
49 regulatory agency denying, suspending, or revoking the person's license as a
50 real estate appraiser.

- 1 (6) Acted as an appraisal management company while not properly licensed by
2 the Board.
3 (7) Failed to pay the proper filing or renewal fee under this Article.
4 (8) Failed to maintain the bond required by G.S. 93E-2-4."

5 **SECTION 10.** G.S. 93E-2-8(g) reads as rewritten:

6 "(g) If the Board has reasonable grounds to believe that an appraisal management
7 company has violated the provisions of this Article or that facts exist that would be the basis for
8 an order against an appraisal management company, the Board may at any time, either
9 personally or by a person duly designated by the Board, investigate or examine the books,
10 accounts, records, and files of any registrant or other person relating to the complaint or matter
11 under investigation.

12 (g1) The Board may require any registrant or other person to submit a criminal history
13 record check and a set of that person's fingerprints in connection with any examination or
14 investigation. Refusal to submit the requested criminal history record check or a set of
15 fingerprints shall be grounds for disciplinary action. The reasonable cost of the investigation or
16 examination shall be charged against the registrant."

17 **SECTION 11.** Article 2 of Chapter 93E of the General Statutes is amended by
18 adding a new section to read:

19 "**§ 93E-2-12. Appraisal Management Company Recovery Fund.**

20 (a) The Appraisal Management Company Recovery Fund is established as a special
21 account of the Board. The Fund shall consist of fees collected from appraisal management
22 company applications for registration and renewals pursuant to G.S. 93E-2-6(d).

23 (b) The Board shall administer the Fund. The sole purpose of the Fund is to provide
24 restitution to a North Carolina trainee, licensed appraiser, or certified appraiser who has
25 suffered a monetary loss as the result of the failure of an appraisal management company to pay
26 appraisal fees owed. The Board shall adopt rules governing procedures for:

- 27 (1) Applying to the Board for restitution for unpaid appraisal fees.
28 (2) Processing applications.
29 (3) Granting requests for recovery of unpaid appraisal fees.
30 (4) Subrogation or assignment of the rights of any applicant who receives a
31 distribution from the Fund.

32 (c) The Board may use money in the Fund only to:

- 33 (1) Provide restitution to a North Carolina trainee or licensed or certified
34 appraiser who has suffered a monetary loss as the result of the failure of an
35 appraisal management company to pay an appraisal fee.
36 (2) Purchase insurance to cover the payment of restitution for unpaid appraisal
37 fees when the Board deems it appropriate to do so.
38 (3) Invest amounts in the Fund that are not currently needed to pay claims and
39 maintain adequate reserves in the manner in which the State law allows
40 fiduciaries to invest funds.
41 (4) Pay the expenses of the Board in administering the Fund.

42 (d) If the Board determines no viable alternative for restitution is available, a North
43 Carolina trainee, licensed appraiser, or certified appraiser shall be entitled to restitution from
44 the Fund if one or more of the following apply:

- 45 (1) The appraisal management company that owes the appraisal fees has filed
46 for bankruptcy protection, either voluntarily or involuntarily.
47 (2) The North Carolina trainee or licensed or certified appraiser has obtained a
48 judgment against the appraisal management company for the appraisal fee
49 owed and the judgment remains unsatisfied.
50 (3) The amount of the appraisal fee due is less than two thousand dollars
51 (\$2,000).

1 (e) The amount to be paid from the Fund to the North Carolina trainee, licensed
2 appraiser, or certified appraiser shall not exceed the actual amount of appraisal fees that are
3 proven to be owed to the applicant by the appraisal management company and, as determined
4 by the Board, reasonable and appropriate court costs associated with obtaining a final judgment
5 against the appraisal management company in favor of the applicant. If the amount of
6 restitution to be paid to any one or more applicants at any time exceeds the balance in the fund,
7 the Board shall distribute as much of the restitution amount as possible, which shall be deemed
8 to satisfy in full any claim the applicant has on payments from the Fund. In the case of
9 distributions to more than one applicant, the Board shall provide for a pro rata distribution of
10 the available Fund balance, which shall be deemed to satisfy in full any claim the applicants
11 have on payments from the Fund.

12 (f) The Board may suspend collection of the fees imposed by G.S. 93E-2-6(d) for any
13 year if the balance of the Fund exceeds four hundred thousand dollars (\$400,000) and the
14 Board determines that the amount in the Fund is sufficient to meet likely disbursements from
15 the Fund for that year. The Board shall resume collection of fees if the balance falls below four
16 hundred thousand dollars (\$400,000). The Board shall submit annually a report to the State
17 Treasurer accounting for all monies credited to and expended from the Fund.

18 (g) The Board is subrogated to an applicant who receives restitution from the Fund in
19 the amount disbursed and may bring an action against the appraisal management company that
20 failed to pay the appraisal fees owed. If an applicant receives payment from the Fund for an
21 appraisal fee and subsequently receives payment for that same appraisal, the applicant shall
22 reimburse the Fund the amount the applicant has received from the fund."

23 **SECTION 12.** G.S. 114-19.30 reads as rewritten:

24 "**§ 114-19.30. Criminal history record checks of applicants for trainee registration,**
25 **appraiser certification, or registrants for registration as real estate appraisal**
26 **management companies.**

27 The Department of Justice may provide to the North Carolina Appraisal Board from the
28 State and National Repositories of Criminal Histories the criminal history of any applicant or
29 registrant for registration under Article 1 and Article 2 of Chapter 93E of the General Statutes.
30 Along with the request, the Board shall provide to the Department of Justice the fingerprints of
31 the applicant or registrant, a form signed by the applicant or registrant consenting to the
32 criminal history record check and use of fingerprints and other identifying information required
33 by the State and National Repositories, and any additional information required by the
34 Department of Justice. The applicant's or registrant's fingerprints shall be forwarded to the State
35 Bureau of Investigation for a search of the State's criminal history record file, and the State
36 Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of
37 Investigation for a national criminal history record check. The Board shall keep all information
38 obtained pursuant to this section confidential. The Department of Justice may charge a fee to
39 offset the cost incurred by the Department to conduct a criminal history record check under this
40 section. The fee shall not exceed the actual cost of locating, editing, researching, and retrieving
41 the information."

42 **SECTION 13.** Any person who has been licensed or certified by the Board as a
43 residential or general real estate appraiser on or before the effective date of this act shall be
44 deemed to have complied with the requirements of G.S. 93E-1-6, as enacted in Section 2 of this
45 act.

46 **SECTION 14.** This act becomes effective January 1, 2014.