

Attach. I

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

Attachment I

1.11.13

DRAFT

LLS NO. 13-0158.01 Chuck Brackney x2295

SUNSET BILL

Sunset Process - Senate Business,  
Labor, and Employment Committee

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**SHORT TITLE:** "Sunset Board Of Real Estate Appraisers"

**DEADLINES:** Finalize by: 23 JAN 2013 File by: 25 JAN 2013

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**A BILL FOR AN ACT**

101 **CONCERNING THE CONTINUATION OF THE BOARD OF REAL ESTATE**  
102 **APPRAISERS, AND, IN CONNECTION THEREWITH, IMPLEMENTING**  
103 **THE RECOMMENDATIONS OF THE 2012 SUNSET REPORT BY THE**  
104 **DEPARTMENT OF REGULATORY AGENCIES.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Sunset Process - Senate Business, Labor, and Employment Committee. Section 1** of the bill continues the board of real estate

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

appraisers until September 1, 2022. **Section 2** establishes that certified ad valorem appraisers certified under Colorado's regulatory statutes are not subject to regulation under the federal "Financial Institutions Reform, Recovery, and Enforcement Act of 1989". **Section 4** requires the board to adopt rules for the regulation of certified ad valorem appraisers.

**Section 5** of the bill eliminates the appraiser category "registered appraiser" and creates the category "certified ad valorem appraiser", and requires the board to transfer registered appraisers from that category to the category of certified ad valorem appraisers. Such persons who are employees of a county assessor's office have until December 31, 2015, to meet any additional requirements imposed by the board.

**Section 7** directs the board to adopt rules specifying the meaning of the term "moral character" for the purpose of appraiser certification and licensing. **Section 8** clarifies that an appraiser may be disciplined for past deferred judgments and for any conduct that could have been used to deny the issuance of a certificate or license.

**Sections 3, 6, 9, 10, 11, 13, and 14** make conforming amendments.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **amend**

3 (44) introductory portion and (53.5) introductory portion; **repeal** (44) (b);

4 and **add** (53.5) (c) as follows:

5           **24-34-104. General assembly review of regulatory agencies**

6 **and functions for termination, continuation, or reestablishment.**

7 (44) The following agencies, functions, or both, ~~shall~~ terminate on July

8 1, 2013:

9           (b) ~~The board of real estate appraisers, created by article 61 of title~~

10 ~~12, C.R.S.;~~

11           (53.5) The following agencies, functions, or both, ~~shall~~ terminate

12 on September 1, 2022:

13           (c) ~~THE BOARD OF REAL ESTATE APPRAISERS, CREATED BY ARTICLE~~

14 ~~61 OF TITLE 12, C.R.S.~~

15           **SECTION 2.** In Colorado Revised Statutes, **amend as it will**

1 **become effective July 1, 2013**, 12-61-701 as follows:

2 **12-61-701. Legislative declaration.** The general assembly finds,  
3 determines, and declares that sections 12-61-702 to 12-61-718 are enacted  
4 pursuant to the requirements of the "Real Estate Appraisal Reform  
5 Amendments", Title XI of the federal "Financial Institutions Reform,  
6 Recovery, and Enforcement Act of 1989", as amended. The general  
7 assembly further finds, determines, and declares that sections 12-61-702  
8 to 12-61-718 are intended to implement the requirements of federal law  
9 in the least burdensome manner to real estate appraisers and appraisal  
10 management companies. CERTIFIED AD VALOREM APPRAISERS CERTIFIED  
11 UNDER THIS ARTICLE ARE NOT REGULATED BY THE FEDERAL "REAL  
12 ESTATE APPRAISAL REFORM AMENDMENTS", TITLE XI OF THE FEDERAL  
13 "FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT  
14 OF 1989", AS AMENDED, 12 U.S.C. 3331 - 3351.

15 **SECTION 3.** In Colorado Revised Statutes, 12-61-702, **amend**  
16 **as it will become effective July 1, 2013**, (1) as follows:

17 **12-61-702. Definitions.** As used in this part 7, unless the context  
18 otherwise requires:

19 (1) "Appraisal", "appraisal report", or "real estate appraisal"  
20 means a written or oral analysis, opinion, or conclusion relating to the  
21 nature, quality, value, or utility of specified interests in, or aspects of,  
22 identified real estate that is transmitted to the client upon the completion  
23 of an assignment. These terms include a valuation, which is an opinion of  
24 the value of real estate, and an analysis, which is a general study of real  
25 estate not specifically performed only to determine value; except that the  
26 terms include a valuation completed by an appraiser employee of a county  
27 assessor as defined in section 39-1-102 (2), C.R.S. The terms do not

1 include an analysis, valuation, opinion, conclusion, notation, or  
2 compilation of data by an officer, director, or regular salaried employee  
3 of a financial institution or its affiliate, made for internal use only by the  
4 financial institution or affiliate, concerning an interest in real estate that  
5 is owned or held as collateral by the financial institution or affiliate and  
6 that is not represented or deemed to be an appraisal except to the financial  
7 institution, the agencies regulating the financial institution, and any  
8 secondary markets that purchase real estate secured loans. An appraisal  
9 prepared by an officer, director, or regular salaried employee of a  
10 financial institution who is not ~~registered~~, licensed or certified under this  
11 part 7 shall contain a written notice that the preparer is not ~~registered~~;  
12 licensed or certified as an appraiser under this part 7.

13 **SECTION 4.** In Colorado Revised Statutes, 12-61-704, **amend**  
14 (1) (a), (1) (b), and (1) (e) as follows:

15 **12-61-704. Powers and duties of the board - rules.** (1) In  
16 addition to all other powers and duties imposed upon it by law, the board  
17 has the following powers and duties:

18 (a) To promulgate and amend, as necessary, rules ~~and regulations~~  
19 pursuant to article 4 of title 24, C.R.S., for the implementation and  
20 administration of this part 7 and as required to comply with the federal  
21 "Real Estate Appraisal Reform Amendments", Title XI of the federal  
22 "Financial Institutions Reform, Recovery, and Enforcement Act of 1989",  
23 and with any requirements imposed by amendments to such federal law.  
24 The board shall not establish any requirements that are more stringent  
25 than the requirements of any applicable federal law. CERTIFIED AD  
26 VALOREM APPRAISERS ARE NOT REGULATED BY THE FEDERAL "REAL  
27 ESTATE APPRAISAL REFORM AMENDMENTS", TITLE XI OF THE FEDERAL

1 "FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT  
2 OF 1989". THE BOARD SHALL ADOPT RULES REGARDING MINIMUM  
3 QUALIFICATIONS AND STANDARDS OF PRACTICE FOR CERTIFIED AD  
4 VALOREM APPRAISERS.

5 (b) To charge application, examination, and ~~registration~~, license  
6 and certificate renewal fees established pursuant to section 12-61-111.5  
7 from all applicants for ~~registration~~, licensure, certification, examination,  
8 and renewal under this part 7. No fees received from applicants seeking  
9 ~~registration~~, licensure, certification, examination, or renewal shall be  
10 refunded.

11 (e) To issue, deny, or refuse to renew a ~~registration~~, license or  
12 certificate pursuant to this part 7;

13 **SECTION 5.** In Colorado Revised Statutes, 12-61-706, **amend**  
14 (1) (b) introductory portion, (1) (b) (III), (1) (b) (IV), (3), (5), and (9);  
15 **amend as they will become effective July 1, 2013**, (1) (a), (2), and (10);  
16 and **add** (1) (c) and (1) (d) as follows:

17 **12-61-706. Qualifications for licensing and certification of**  
18 **appraisers - continuing education - rules.** (1) (a) The board shall, by  
19 rule, prescribe requirements for the initial ~~registration~~, licensing or  
20 certification of persons under this part 7 to meet the requirements of the  
21 "Real Estate Appraisal Reform Amendments", Title XI of the federal  
22 "Financial Institutions Reform, Recovery, and Enforcement Act of 1989",  
23 as amended, and shall develop, purchase, or contract for examinations to  
24 be passed by applicants. The board shall not establish any requirements  
25 for initial ~~registration~~, licensing or certification that are more stringent  
26 than the requirements of any applicable federal law; except that all  
27 applicants shall pass an examination offered by the board. If there is no

1 applicable federal law, the board shall consider and may use as guidelines  
2 the most recent available criteria published by the appraiser qualifications  
3 board of the appraisal foundation or its successor organization.

4 (b) The four levels of appraiser licensure, pursuant to paragraph  
5 (a) of this subsection (1), ~~shall be~~ ARE defined as follows:

6 (III) ~~"Licensed appraiser"~~ "CERTIFIED AD VALOREM APPRAISER"  
7 means an appraiser meeting the requirements set by the board for a  
8 ~~license tax~~ AD VALOREM appraiser certification;

9 (IV) ~~"Registered appraiser"~~ "LICENSED APPRAISER" means an  
10 appraiser meeting the requirements set by the board for ~~registration~~ A  
11 LICENSE.

12 (c) A COUNTY ASSESSOR OR EMPLOYEE OF A COUNTY ASSESSOR'S  
13 OFFICE WHO IS A CERTIFIED AD VALOREM APPRAISER MAY NOT PERFORM  
14 REAL ESTATE APPRAISALS OUTSIDE OF HIS OR HER OFFICIAL DUTIES.

15 (d) THE BOARD SHALL TRANSFER PERSONS EMPLOYED IN A COUNTY  
16 ASSESSOR'S OFFICE WHO ARE REGISTERED APPRAISERS AS OF JULY 1, 2013,  
17 TO THE CATEGORY OF CERTIFIED AD VALOREM APPRAISER. THE BOARD  
18 SHALL ALLOW THESE PERSONS UNTIL DECEMBER 31, 2015, TO MEET ANY  
19 ADDITIONAL REQUIREMENTS IMPOSED BY THE BOARD PURSUANT TO  
20 SECTION 12-61-704 (1) (a), AS AMENDED.

21 (2) (a) The board shall, by rule, prescribe continuing education  
22 requirements for persons ~~registered, licensed or certified under this part~~  
23 ~~7~~ AS CERTIFIED GENERAL APPRAISERS, CERTIFIED RESIDENTIAL  
24 APPRAISERS, OR LICENSED APPRAISERS as needed to meet the requirements  
25 of the "Real Estate Appraisal Reform Amendments", Title XI of the  
26 federal "Financial Institutions Reform, Recovery, and Enforcement Act  
27 of 1989", as amended. The board shall not establish any continuing

1 education requirements that are more stringent than the requirements of  
2 any applicable law; except that all persons ~~registered~~, licensed or certified  
3 under this part 7 are subject to continuing education requirements. If there  
4 is no applicable federal law, the board shall consider and may use as  
5 guidelines the most recent available criteria published by the appraiser  
6 qualifications board of the appraisal foundation or its successor  
7 organization.

8 (b) THE BOARD SHALL, BY RULE, PRESCRIBE CONTINUING  
9 EDUCATION REQUIREMENTS FOR CERTIFIED AD VALOREM APPRAISERS.

10 (3) Any provision of this section to the contrary notwithstanding,  
11 the criteria established by the board for the ~~registration~~, licensing or  
12 certification of appraisers pursuant to this part 7 shall not include  
13 membership or lack of membership in any appraisal organization.

14 (5) (a) Subject to section 12-61-714 (2), all appraiser employees  
15 of county assessors shall be ~~registered~~, licensed or certified as provided  
16 in subsections (1) and (2) of this section. Obtaining and maintaining a  
17 ~~registration~~, license or certificate under any one of said subsections (1)  
18 and (2) shall entitle an appraiser employee of a county assessor to perform  
19 all real estate appraisals required to fulfill such person's official duties.

20 (b) Appraiser employees of county assessors who are employed  
21 to appraise real property shall be subject to all provisions of this part 7;  
22 except that appraiser employees of county assessors who are employed to  
23 appraise real property shall not be subject to disciplinary actions by the  
24 board on the ground that they have performed appraisals beyond their  
25 level of competency when appraising real estate in fulfillment of their  
26 official duties. County assessors, if ~~registered~~, licensed or certified as  
27 provided in subsections (1) and (2) of this section, shall not be subject to

1 disciplinary actions by the board on the ground that they have performed  
2 appraisals beyond their level of competency when appraising real estate  
3 in fulfillment of their official duties.

4 (c) All reasonable costs incurred by an appraiser employee of a  
5 county assessor to obtain and maintain a ~~registration~~, license or certificate  
6 pursuant to this section shall be paid by the county.

7 (9) The board shall not issue an appraiser's license as referenced  
8 in subparagraph ~~(HH)~~ (IV) of paragraph (b) of subsection (1) of this  
9 section unless the applicant has at least twelve months appraisal  
10 experience.

11 (10) (a) The board shall not issue a ~~registration~~, license or  
12 certification until the applicant establishes that he or she is truthful and  
13 honest and has good moral character and submits a set of fingerprints to  
14 the Colorado bureau of investigation for the purpose of conducting a state  
15 and national fingerprint-based criminal history record check utilizing  
16 records of the Colorado bureau of investigation and the federal bureau of  
17 investigation. Each person submitting a set of fingerprints shall pay the  
18 fee established by the Colorado bureau of investigation for conducting the  
19 fingerprint-based criminal history record check to the bureau. Upon  
20 completion of the criminal history record check, the bureau shall forward  
21 the results to the board. The board may require a name-based criminal  
22 history record check for an applicant who has twice submitted to a  
23 fingerprint-based criminal history record check and whose fingerprints  
24 are unclassifiable. The board may deny an application for ~~registration~~,  
25 licensure or certification based on the outcome of the criminal history  
26 record check and may establish criminal history requirements more  
27 stringent than those established by any applicable federal law.

1 (b) AN APPLICANT FOR CERTIFICATION AS A CERTIFIED AD  
2 VALOREM APPRAISER IS NOT SUBJECT TO THE FINGERPRINTING AND  
3 CRIMINAL BACKGROUND CHECK REQUIREMENTS OF PARAGRAPH (a) OF  
4 THIS SUBSECTION (10).

5 **SECTION 5.** In Colorado Revised Statutes, 12-61-707, **amend**  
6 (1) (a), (1) (b) (I), (1) (b) (II), (1) (b) (III), and (2); and **amend as it will**  
7 **become effective July 1, 2013**, (1) (b) introductory portion as follows:

8 **12-61-707. Expiration of licenses - renewal - penalties.**

9 (1) (a) All ~~registrations~~, licenses or certificates shall expire pursuant to  
10 a schedule established by the director and shall be renewed or reinstated  
11 pursuant to this section. Upon compliance with this section and any  
12 applicable rules of the board regarding renewal, including the payment of  
13 a renewal fee plus a reinstatement fee established pursuant to paragraph  
14 (b) of this subsection (1), the expired ~~registration~~, license or certificate  
15 shall be reinstated. No real estate appraiser's ~~registration~~, license or  
16 certificate that has not been renewed for a period greater than two years  
17 shall be reinstated, and such person shall be required to make new  
18 application for ~~registration~~, licensure or certification.

19 (b) A person who fails to renew his or her ~~real estate appraiser's~~  
20 ~~registration~~, license or certificate before the applicable renewal date may  
21 have it reinstated if the person does any one of the following:

22 (I) Makes proper application, within thirty-one days after the date  
23 of expiration, by payment of the regular ~~three-year~~ renewal fee; or

24 (II) If proper application is made more than thirty-one days, but  
25 within one year, after the date of expiration, by payment of the regular  
26 ~~three-year~~ renewal fee and payment of a reinstatement fee equal to  
27 one-third the regular ~~three-year~~ renewal fee; or

1 (III) If proper application is made more than one year, but within  
2 two years, after the date of expiration, by payment of the regular  
3 ~~three-year~~ renewal fee and payment of a reinstatement fee equal to  
4 two-thirds the regular ~~three-year~~ renewal fee.

5 (2) ~~In the event~~ IF the federal registry fee ~~to be~~ collected by the  
6 board and transmitted to the federal financial institutions examination  
7 council is adjusted during the period prior to expiration of a license or  
8 certificate, the board shall collect the amount of the increase in such fee  
9 from the holder of the license or certificate and ~~shall~~ forward ~~such~~ THE  
10 amount to the ~~said~~ council ~~on an annual basis~~ ANNUALLY. THE FEDERAL  
11 REGISTRY FEE DOES NOT APPLY TO CERTIFIED AD VALOREM APPRAISERS  
12 CERTIFIED UNDER THIS ARTICLE.

13 **SECTION 6.** In Colorado Revised Statutes, 12-61-708, **amend**  
14 (1) introductory portion and (1) (a) as follows:

15 **12-61-708. Licensure or certification by endorsement -**  
16 **temporary practice.** (1) The board may issue a license or certification  
17 to an appraiser by endorsement to engage in the occupation of real estate  
18 appraisal to any applicant who has a license ~~registration~~; or certification  
19 in good standing as a real estate appraiser under the laws of another  
20 jurisdiction if:

21 (a) The applicant presents proof satisfactory to the board that, at  
22 the time of application for a Colorado ~~registration~~; license or certificate  
23 by endorsement, the applicant possesses credentials and qualifications  
24 ~~which~~ THAT are substantially equivalent to the requirements of this part  
25 7; or

26 **SECTION 7.** In Colorado Revised Statutes, 12-61-709, **amend**  
27 (2); and **amend as it will become effective July 1, 2013**, (1) as follows:

1           **12-61-709. Denial of license or certificate - renewal.** (1) The  
2 board is empowered to determine whether an applicant for ~~registration~~;  
3 licensure or certification possesses the necessary qualifications for  
4 ~~registration~~, licensure or certification required by this part 7. The board  
5 may consider such qualities as the applicant's truthfulness, honesty, and  
6 moral character, and whether the applicant has been convicted of a crime.  
7 As used in this subsection (1), "applicant" includes any individual who  
8 owns, in whole or in part, directly or indirectly, an appraisal management  
9 company and any appraiser designated as a controlling appraiser by a  
10 partnership, limited liability company, or corporation acting as an  
11 appraisal management company. THE BOARD SHALL ADOPT RULES  
12 DEFINING THE TERM "MORAL CHARACTER" FOR THE PURPOSES OF THIS  
13 SECTION.

14           (2) If the board determines that an applicant does not possess the  
15 applicable qualifications required by this part 7, or such applicant has  
16 violated any provision of this part 7 or the rules ~~and regulations~~  
17 promulgated by the board or any board order, the board may deny the  
18 applicant a ~~registration~~, license or certificate or deny the renewal or  
19 reinstatement of a ~~registration~~, license or certificate pursuant to section  
20 12-61-707; and, in such instance, the board shall provide such applicant  
21 with a statement in writing setting forth the basis of the board's  
22 determination that the applicant does not possess the qualifications or  
23 professional competence required by this part 7. Such applicant may  
24 request a hearing on such determination as provided in section 24-4-104  
25 (9), C.R.S.

26           **SECTION 8.** In Colorado Revised Statutes, 12-61-710, **amend**  
27 (1) (a), (1) (i), (2), (2.5), (3), (5) (a), (10), and (11); **amend as it will**

1     **become effective July 1, 2013, (1) (j); and add (1) (k) as follows:**

2             **12-61-710. Prohibited activities - grounds for disciplinary**  
3     **actions - procedures - repeal.** (1) A real estate appraiser is in violation  
4     of this part 7 if the appraiser:

5             (a) Has been convicted of a felony or has had accepted by a court  
6     a plea of guilty or nolo contendere OR THE IMPOSITION OF A DEFERRED  
7     JUDGMENT to a felony if the felony is related to the ability to act as a real  
8     property appraiser. A certified copy of the judgment of a court of  
9     competent jurisdiction of such conviction or plea shall be conclusive  
10    evidence of such conviction or plea. In considering the disciplinary  
11    action, the board shall be governed by the provisions of section 24-5-101,  
12    C.R.S.

13            (i) Has been subject to an adverse or disciplinary action in another  
14    state, territory, or country relating to a license, certificate, ~~registration~~, or  
15    other authorization to practice as an appraiser. A disciplinary action  
16    relating to a ~~registration~~, license or certificate as an appraiser ~~registered~~,  
17    licensed or certified under this part 7 or any related occupation in any  
18    other state, territory, or country for disciplinary reasons shall be deemed  
19    to be prima facie evidence of grounds for disciplinary action or denial of  
20    licensure or certification by the board. This paragraph (i) shall apply only  
21    to violations based upon acts or omissions in such other state, territory,  
22    or country that are also violations of this part 7.

23            (j) Has failed to disclose in the appraisal report the fee paid to the  
24    appraiser for a residential real property appraisal if the appraiser was  
25    engaged by an appraisal management company to complete the  
26    assignment; OR

27            (k) HAS ENGAGED IN CONDUCT THAT WOULD BE GROUNDS FOR THE

1 DENIAL OF A LICENSE OR CERTIFICATION PURSUANT TO SECTION  
2 12-61-709.

3 (2) If an applicant, ~~a registrant~~, a licensee, or a certified person  
4 has violated any of the provisions of this section, the board may deny or  
5 refuse to renew any ~~registration~~, license or certificate, or, as specified in  
6 subsections (2.5) and (5) of this section, revoke or suspend any  
7 ~~registration~~, license or certificate, issue a letter of admonition to a  
8 licensee or certified person, place a ~~registrant~~, licensee or certified person  
9 on probation, or impose public censure.

10 (2.5) When a complaint or an investigation discloses an instance  
11 of misconduct by a ~~registered~~, licensed or certified appraiser that in the  
12 opinion of the board does not warrant formal action by the board but  
13 should not be dismissed as being without merit, the board may send a  
14 letter of admonition by certified mail to the appraiser against whom a  
15 complaint was made. The letter shall advise the appraiser of the right to  
16 make a written request, within twenty days after receipt of the letter of  
17 admonition, to the board to begin formal disciplinary proceedings as  
18 provided in this section to adjudicate the conduct or acts on which the  
19 letter was based.

20 (3) A proceeding for discipline of a ~~registrant~~, licensee or certified  
21 person may be commenced when the board has reasonable grounds to  
22 believe that a ~~registrant~~, licensee or certified person has committed any  
23 act or failed to act pursuant to the grounds established in subsection (1)  
24 of this section or when a request for a hearing is timely made under  
25 subsection (2.5) of this section.

26 (5) As authorized in subsection (2) of this section, disciplinary  
27 actions by the board may consist of the following:

1 (a) **Revocation of a license or certificate.** (I) Revocation of a  
2 ~~registration~~, license or certificate by the board shall mean that the  
3 ~~registered~~, licensed or certified person shall surrender his or her  
4 ~~registration~~, license or certificate immediately to the board.

5 (II) Any person whose ~~registration~~, license or certificate to  
6 practice is revoked is rendered ineligible to apply for any ~~registration~~,  
7 license or certificate issued under this part 7 until more than two years  
8 have elapsed from the date of surrender of the ~~registration~~, license or  
9 certificate. Any reapplication after such two-year period shall be treated  
10 as a new application.

11 (10) Any ~~registrant~~, licensee or certified person having direct  
12 knowledge that any person has violated any of the provisions of this part  
13 7 shall report such knowledge to the board.

14 (11) The board, on its own motion or upon application, at any time  
15 after the imposition of any discipline as provided in this section may  
16 reconsider its prior action and reinstate or restore such ~~registration~~,  
17 license or certificate or terminate probation or reduce the severity of its  
18 prior disciplinary action. The taking of any such further action or the  
19 holding of a hearing with respect thereto shall rest in the sole discretion  
20 of the board.

21 **SECTION 9.** In Colorado Revised Statutes, 12-61-712, **amend**

22 (1) (a) as follows:

23 **12-61-712. Unlawful acts.** (1) It is unlawful for any person to:

24 (a) Violate any provision of section 12-61-710 (1) (c), (1) (e), or  
25 (1) (f), or to perform a real estate appraisal in conjunction with a debt  
26 instrument that is federally guaranteed or in the federal secondary market  
27 or regulated pursuant to title 12, U.S.C., without first having obtained a

1 ~~registration~~, license or certificate from the board pursuant to this part 7;

2           **SECTION 10.** In Colorado Revised Statutes, **amend** 12-61-714  
3 as follows:

4           **12-61-714. Special provision for appraiser employees of**  
5 **county assessors.** (1) Except as provided in subsection (2) of this  
6 section, unless a federal waiver is applied for and granted pursuant to  
7 section 12-61-704 (1) (j), on and after July 1, 1997, any person acting as  
8 a real estate appraiser in this state in conjunction with a debt instrument  
9 that is federally guaranteed or in the federal secondary market or  
10 regulated pursuant to title 12, U.S.C., shall be ~~registered~~, licensed or  
11 certified as provided in this part 7, and, on and after said date, no person  
12 shall practice in conjunction with a debt instrument that is federally  
13 guaranteed or in the federal secondary market or regulated pursuant to  
14 title 12, U.S.C., without such a ~~registration~~, license or certificate or hold  
15 himself or herself out to the public as a ~~registered~~, licensed or certified  
16 real estate appraiser unless ~~registered~~, licensed or certified pursuant to  
17 this part 7.

18           (2) Any appraiser employee of any county assessor who is  
19 employed to appraise real property shall be ~~registered~~, licensed or  
20 certified as provided in this part 7 and shall have two years from the date  
21 of taking office or the beginning of employment to comply with the  
22 provisions of this part 7.

23           **SECTION 11.** In Colorado Revised Statutes, 12-61-715, **add** (2)  
24 as follows:

25           **12-61-715. Duties of board under federal law.** (2) THE BOARD  
26 SHALL NOT COLLECT OR TRANSMIT THE INFORMATION REQUIRED BY THIS  
27 SECTION FOR CERTIFIED AD VALOREM APPRAISERS.

1           **SECTION 12.** In Colorado Revised Statutes, 12-61-716, **amend**  
2 (1) as follows:

3           **12-61-716. Business entities.** (1) A corporation, partnership,  
4 bank, savings and loan association, savings bank, credit union, or other  
5 business entity may provide appraisal services if such appraisal is  
6 prepared by ~~individuals registered, certified, or licensed in accordance~~  
7 ~~with this part 7~~ A CERTIFIED GENERAL APPRAISER, A CERTIFIED  
8 RESIDENTIAL APPRAISER, OR A LICENSED APPRAISER. An individual who  
9 is not a ~~registered, certified, or licensed appraiser~~ CERTIFIED GENERAL  
10 APPRAISER, A CERTIFIED RESIDENTIAL APPRAISER, OR A LICENSED  
11 APPRAISER may assist in the preparation of an appraisal if:

- 12           (a) The assistant is under the direct supervision of a ~~registered,~~  
13 certified or licensed appraiser; and
- 14           (b) The final appraisal document is approved and signed by an  
15 individual who is a ~~registered,~~ certified or licensed appraiser.

16           **SECTION 13.** In Colorado Revised Statutes, 12-61-718, **amend**  
17 (1) (b) as follows:

18           **12-61-718. Scope of article - regulated financial institutions -**  
19 **de minimis exemption.** (1) (b) Such appraisal shall not be represented  
20 or deemed to be an appraisal except to the said financial institution, the  
21 agencies regulating the said financial institution, and any secondary  
22 markets that purchase real estate secured loans. Such appraisal shall  
23 contain a written notice that the preparer is not ~~registered,~~ licensed or  
24 certified as an appraiser under this part 7. Nothing in this subsection (1)  
25 shall be construed to exempt a person ~~registered,~~ licensed or certified as  
26 an appraiser under this part 7 from regulation as provided in this part 7.

27           **SECTION 14. Effective date.** This act takes effect July 1, 2013.

1           **SECTION 15. Safety clause.** The general assembly hereby finds,  
2 determines, and declares that this act is necessary for the immediate  
3 preservation of the public peace, health, and safety.