

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 492 Session of 2019

INTRODUCED BY MARTIN, HUTCHINSON, J. WARD, SCHWANK AND KEARNEY, APRIL 5, 2019

AS AMENDED ON THIRD CONSIDERATION, JANUARY 27, 2020

AN ACT

1 Amending the act of April 16, 1992 (P.L.155, No.28), entitled
2 "An act providing for the certification and recertification
3 of assessors; establishing eligibility and training
4 requirements; defining the powers and duties of the State
5 Board of Certified Real Estate Appraisers relating to
6 training, certification and recertification of assessors; and
7 authorizing the board to establish fees," further providing
8 for definitions and for duties of board; repealing provisions
9 relating to qualifications; further providing for
10 certification; providing for employees of political
11 subdivisions; and further providing for disciplinary and
12 correction measures and for unlawful practice; REPEALING
13 PROVISIONS RELATING TO NONAPPLICABILITY; AND PROVIDING FOR
14 ASSESSORS IN COUNTIES OF THE FIRST CLASS.

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15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. The definitions of "assessor," "Certified
18 Pennsylvania Evaluator" and "reevaluation company" in section 2
19 of the act of April 16, 1992 (P.L.155, No.28), known as the
20 Assessors Certification Act, are amended and the section is
21 amended by adding definitions to read:

22 Section 2. Definitions.

23 The following words and phrases when used in this act shall
24 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 ["Assessor." Any person responsible for the valuation of
3 real property for ad valorem taxation purposes.]

4 * * *

5 "Certified Pennsylvania Evaluator." An individual [who has
6 completed a minimum of 90 hours of basic courses of study
7 covering the appraisal assessing profession and has successfully
8 completed a comprehensive examination covering all phases of the
9 appraisal process and the assessment function established by the
10 assessment statutes of this Commonwealth] holding a valid
11 certificate issued in accordance with section 6.

12 * * *

13 "Property valuation model." A model that expresses the
14 forces of supply and demand at work in the local market and
15 seeks to explain or predict the market value of properties from
16 the available real estate data based on the sales comparison,
17 cost and income approaches to value. The term shall include
18 those models developed for use in mass appraisals that value a
19 universe of properties as of a given date using standard
20 methodology, employ common data and allow for statistical
21 testing.

22 "Revaluation company." A mass appraisal company[.]
23 conducting appraisals of real property within this Commonwealth.

24 "Revaluation company personnel." Persons employed by a
25 revaluation company, or by a contractor of a county or a
26 revaluation company, and directly responsible for the valuation
27 of real property or the development of a property valuation
28 model.

29 Section 2. Section 4(a), (b) and (d) of the act are amended
30 to read:

1 Section 4. Duties of board.

2 (a) Certification [of assessors].--It shall be the duty of
3 the board to certify [all assessors] any person responsible for
4 the valuation of real property for ad valorem taxation purposes
5 and revaluation company personnel in this Commonwealth. [Any
6 assessor employed on or before March 16, 1992, but not holding
7 the title of Certified Pennsylvania Evaluator shall have three
8 years from the effective date of employment as an assessor to
9 obtain certification by the board. Any assessor employed after
10 March 16, 1992, shall obtain certification within a period of
11 three years from the effective date of employment as an
12 assessor.]

13 (b) Qualification of revaluation company personnel.--Any
14 person employed by a revaluation company who is directly
15 responsible for the valuation of real property shall have met
16 the educational requirements of this act or successfully
17 completed educational courses equal to the minimum
18 qualifications established by the board. Failure to meet the
19 requirements contained in this section will prohibit that person
20 from determining the value of real property in this
21 Commonwealth.]

22 * * *

23 (d) Continuing education.--[An assessor] A Certified
24 Pennsylvania Evaluator applying for renewal of certification
25 shall submit proof to the board that, during the two years
26 immediately preceding renewal, the [assessor] individual has
27 satisfactorily completed [a minimum of 20] the required minimum
28 hours of continuing education relating to assessment and
29 appraisal [practices, provided that, for the 1993 renewal, an
30 assessor shall be required to complete only ten hours of

1 continuing education.] practice. The board shall approve
2 continuing education courses and providers and set the required
3 minimum hours pursuant to regulations promulgated by the board.

4 Section 3. Section 5 of the act is repealed:

5 [Section 5. Qualifications.

6 (a) General rule.--All assessors in this Commonwealth shall
7 meet the requirements enumerated in subsection (b).

8 (b) Requirements.--An applicant shall meet the following
9 requirements:

10 (1) The applicant shall have a high school diploma, or
11 its equivalent, or two years of assessing experience.

12 (2) The applicant shall be at least 18 years of age.

13 (3) The applicant shall be a resident of this
14 Commonwealth for at least six months.

15 (4) The applicant shall have successfully completed a
16 minimum of 90 hours of the basic courses of study approved by
17 the board covering the appraisal assessing profession or any
18 other professional courses acceptable to the board. At the
19 discretion of the county commissioners, the county may
20 reimburse county assessors for the costs of completing the
21 courses of study required by this subsection.]

22 Section 4. Section 6 heading, (a) and (b) of the act are
23 amended to read:

24 Section 6. [Certification] Qualifications for certification.

25 (a) Requirement.--[All assessors] All persons responsible
26 for the valuation of real property for ad valorem taxation
27 purposes in this Commonwealth and all revaluation company
28 personnel shall be certified under this act.

29 (b) Application.--Application for certification shall be
30 made to the board by completion of the board's prescribed

1 application form and shall be accompanied by the appropriate fee
2 established by the board. An applicant shall:

3 (1) Be of good moral character.

4 (2) Have a high school diploma, or its equivalent, or
5 two years of assessing experience.

6 (3) Be at least 18 years of age.

7 (4) Be a resident of this Commonwealth for at least six
8 months. This paragraph does not apply to revaluation company
9 personnel.

10 (5) Have successfully completed a minimum of 90 hours of
11 the basic courses of study approved by the board covering the
12 appraisal assessing profession or any other professional
13 courses acceptable to the board. The basic course of study
14 shall include instruction on judicial interpretation of the
15 uniformity clause of the Constitution of Pennsylvania. At the
16 discretion of the county commissioners of a county, the
17 county may reimburse county assessors for the costs of
18 completing the courses of study required by this subsection.

19 * * *

20 Section 5. The act is amended by adding a section to read:

21 Section 6.1. Employees of political subdivisions.

22 (a) Local regulation.--Except as provided in subsection (b),
23 nothing in this act shall prohibit a political subdivision or an
24 official authorized by law to value real property for ad valorem
25 taxation purposes from the hiring, training and supervision of
26 employees.

27 (b) Employee duties.--An employee may assist in data
28 collection and fulfill all other duties assigned by the
29 political subdivision or official, except that the employee may
30 not value real property unless certified in accordance with

1 section 6.

2 Section 6. Section 7(a)(10) and (11) of the act are amended
3 to read:

4 Section 7. Disciplinary and correction measures.

5 (a) Authority of board.--The board may deny, suspend or
6 revoke certificates or limit, restrict or reprimand a
7 certificate holder for any of the following causes:

8 * * *

9 (10) Violating the confidential nature of records to
10 which the [assessor] certificate holder gained access through
11 employment or engagement as an assessor.

12 (11) Having an assessor's or evaluator's license or
13 certificate suspended, revoked or refused or receiving other
14 disciplinary action by a licensing or certification authority
15 of another state, territory or country.

16 * * *

17 Section 7. Section 8(a) and (e) of the act are amended and
18 the section is amended by adding a subsection to read:

19 Section 8. Unlawful practice.

20 (a) Prohibition on ad valorem tax valuations.--A person may
21 not perform valuations of real property for ad valorem tax
22 purposes[, except as provided by the three-year grace period
23 under section 4(a),] unless the person is currently certified by
24 the board as a Certified Pennsylvania Evaluator.

25 (a.1) Revaluation company personnel.--No revaluation company
26 personnel shall determine the value of real property in this
27 Commonwealth or develop property valuation models for use in
28 this Commonwealth unless currently certified by the board as a
29 Certified Pennsylvania Evaluator.

30 * * *

1 (e) Civil penalty.--In addition to any other civil remedy or
2 criminal penalty provided in this act, the board, by a vote of
3 the majority of the maximum number of the authorized membership
4 of the board as provided by law or by a vote of the majority of
5 the duly qualified and confirmed membership or a minimum of
6 three members, whichever is greater, may, after affording an
7 accused party the opportunity for a hearing as provided in 2
8 Pa.C.S. (relating to administrative law and procedure), levy a
9 civil penalty of up to \$1,000 on [any current certificate holder
10 who violates any provision of this act or on any person who
11 holds himself or herself out as a Certified Pennsylvania
12 Evaluator or performs valuations of real property for ad valorem
13 tax purposes for which certification as a Certified Pennsylvania
14 Evaluator is required without being so certified pursuant to
15 this act. The board shall levy this penalty only after affording
16 the accused party the opportunity for a hearing, as provided in
17 2 Pa.C.S. (relating to administrative law and procedure).] any
18 of the following:

19 (1) A current certificate holder who violates a
20 provision of this act.

21 (2) A person who holds himself out as a Certified
22 Pennsylvania Evaluator without being so certified under this
23 act.

24 (3) A person who violates the prohibitions in
25 subsections (a) and (a.1).

26 SECTION 8. SECTION 11 OF THE ACT IS REPEALED: <--

27 [SECTION 11. NONAPPLICABILITY.

28 THIS ACT SHALL NOT APPLY TO COUNTIES OF THE FIRST CLASS.]

29 SECTION 9. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

30 SECTION 11.1. ASSESSORS IN COUNTIES OF THE FIRST CLASS.

1 AN ASSESSOR WHO IS EMPLOYED BY A COUNTY OF THE FIRST CLASS ON
2 THE EFFECTIVE DATE OF THIS SECTION SHALL HAVE THREE YEARS FROM
3 THE EFFECTIVE DATE OF THIS SECTION TO BECOME CERTIFIED UNDER
4 THIS ACT.

5 Section 8 10. This act shall take effect ~~in 180 days.~~ AS <--
6 FOLLOWS:

7 (1) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

8 (2) THE REPEAL OF SECTION 11 OF THE ACT AND THE ADDITION
9 OF SECTION 11.1 OF THE ACT SHALL TAKE EFFECT IN 60 DAYS.

10 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 180
11 DAYS.