

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1355 Session of  
1991

INTRODUCED BY TILGHMAN, OCTOBER 8, 1991

SENATE AMENDMENTS TO HOUSE AMENDMENTS, MARCH 25, 1992

AN ACT

1 ~~Amending the act of December 17, 1986 (P.L.1675, No.192),~~ <—  
2 ~~entitled "An act providing for the certification and~~  
3 ~~recertification of assessors; establishing eligibility and~~  
4 ~~training requirements; defining the powers and duties of the~~  
5 ~~State Tax Equalization Board relating to training,~~  
6 ~~certification and recertification of assessors; and~~  
7 ~~authorizing the board to establish fees," transferring~~  
8 ~~administrative responsibility and powers and duties from the~~  
9 ~~State Tax Equalization Board to the State Board of Certified~~  
10 ~~Real Estate Appraisers; further providing for administrative~~  
11 ~~powers and duties; further providing for certification;~~  
12 ~~providing for discipline, penalties, remedies, and additional~~  
13 ~~powers for the Commissioner of Professional and Occupational~~  
14 ~~Affairs; further providing for fees and disposition of fees;~~  
15 ~~and repealing the sunset provision of the law.~~

1 PROVIDING FOR THE CERTIFICATION AND RECERTIFICATION OF <—  
2 ASSESSORS; ESTABLISHING ELIGIBILITY AND TRAINING  
3 REQUIREMENTS; DEFINING THE POWERS AND DUTIES OF THE STATE  
4 BOARD OF CERTIFIED REAL ESTATE APPRAISERS RELATING TO  
5 TRAINING, CERTIFICATION AND RECERTIFICATION OF ASSESSORS; AND  
6 AUTHORIZING THE BOARD TO ESTABLISH FEES.

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

16 ~~Section 1. The title of the act of December 17, 1986~~ <—  
17 ~~(P.L.1675, No.192), known as the Assessors Certification Act, is~~  
18 ~~amended to read:~~

19 ~~AN ACT~~

20 ~~Providing for the certification and recertification of~~  
21 ~~assessors; establishing eligibility and training~~  
22 ~~requirements; defining the powers and duties of the [State~~  
23 ~~Tax Equalization Board] State Board of Certified Real Estate~~  
24 ~~Appraisers relating to training, certification and~~  
25 ~~recertification of assessors; and authorizing the board to~~  
26 ~~establish fees.~~

27 ~~Section 2. The definition of "board" in section 2 of the act~~  
28 ~~is amended and the section is amended by adding a definition to~~  
29 ~~read:~~

30 ~~Section 2. Definitions.~~

1     ~~The following words and phrases when used in this act shall~~  
2     ~~have the meanings given to them in this section unless the~~  
3     ~~context clearly indicates otherwise:~~

4     ~~\* \* \*~~

5     ~~"Board." The [State Tax Equalization Board] State Board of~~  
6     ~~Certified Real Estate Appraisers.~~

7     ~~\* \* \*~~

8     ~~"Commissioner." The Commissioner of Professional and~~  
9     ~~Occupational Affairs in the Department of State.~~

10    ~~\* \* \*~~

11    ~~Section 3. Section 3 of the act is amended to read:~~

12    ~~Section 3. [Board certification powers] Regulations.~~

13    ~~[(a) Rules and regulations.] The board may promulgate rules~~  
14    ~~and regulations consistent with the statutes of this~~  
15    ~~Commonwealth to administer and enforce the provisions of this~~  
16    ~~act.~~

17    ~~[(b) Compensation. Members of the board shall not receive~~  
18    ~~compensation but shall be reimbursed for actual expenses~~  
19    ~~incurred in the performance of official duties for the~~  
20    ~~certification of assessors.]~~

21    ~~Section 4. Section 4(a) and (c) of the act are amended and~~  
22    ~~the section is amended by adding a subsection to read:~~

23    ~~Section 4. Duties of the board.~~

24    ~~(a) Certification of assessors. It shall be the duty of the~~  
25    ~~board to certify all assessors in this Commonwealth. Any~~  
26    ~~assessor employed [prior to the passage of this act] on or~~  
27    ~~before March 16, 1992, but not holding the title of Certified~~  
28    ~~Pennsylvania Evaluator shall have three years from the effective~~  
29    ~~date of [this act] employment as an assessor to obtain~~  
30    ~~certification by the board. Any assessor employed after [the~~

1 ~~effective date of this act] March 16, 1992, shall obtain~~  
2 ~~certification within a period of three years from the effective~~  
3 ~~date of employment as an assessor. [However, any person holding~~  
4 ~~the title of Certified Pennsylvania Evaluator who has been~~  
5 ~~assessing property for a minimum of one year immediately prior~~  
6 ~~to the effective date of this act or an assessor who has ten~~  
7 ~~years of experience and service in assessing property with the~~  
8 ~~same county immediately prior to the effective date of this act~~  
9 ~~shall be recognized as certified by the board. During the~~  
10 ~~interim, the noncertified assessors shall be deemed to be~~  
11 ~~provisionally certified by the board.]~~

12       ~~\* \* \*~~

13       ~~[(c) Recertification of assessors. Recertification is a~~  
14 ~~program of continuing professional education of assessors~~  
15 ~~approved by the board. At five year intervals, each certified~~  
16 ~~assessor must accumulate not less than 50 credits, as defined by~~  
17 ~~the board, of continuing education relating to assessment and~~  
18 ~~appraisal practices. Certified assessors having accumulated the~~  
19 ~~required credits shall automatically be recertified. No~~  
20 ~~application procedure or examination shall be required.]~~

21       ~~(c) Biennial renewal of certificates. Renewal of~~  
22 ~~certification shall occur on a biennial basis commencing with~~  
23 ~~the 1993 renewal cycle administered by the board for other~~  
24 ~~professional certification renewals.~~

25       ~~(d) Continuing education. An assessor applying for renewal~~  
26 ~~of certification shall submit proof to the board that, during~~  
27 ~~the two years immediately preceding renewal, the assessor has~~  
28 ~~satisfactorily completed a minimum of 20 hours of continuing~~  
29 ~~education relating to assessment and appraisal practices,~~  
30 ~~provided that, for the 1993 renewal, an assessor shall be~~

~~required to complete only ten hours of continuing education. The board shall approve continuing education courses and providers pursuant to regulations promulgated by the board.~~

~~Section 5. Sections 5(b)(4) and 6(c), (d), (e) of the act are amended to read:~~

~~Section 5. Qualifications.~~

~~\* \* \*~~

~~(b) Requirements. An applicant shall meet the following requirements:~~

~~\* \* \*~~

~~(4) The applicant shall have successfully completed a minimum of 90 hours of the basic courses of study [of the International Association of Assessing Officers or the basic courses of study of the Assessors Association of Pennsylvania] approved by the board covering the appraisal assessing profession or any other professional courses acceptable to the board. At the discretion of the county commissioners, the county may reimburse county assessors for the costs of completing the courses of study required by this subsection.~~

~~Section 6. Certification.~~

~~\* \* \*~~

~~(c) Examination. Applicants shall successfully complete a comprehensive examination[, proctored by a member of the board, or a designee,] covering all phases of the appraisal process and the assessment function established by the assessment statutes of this Commonwealth. Any such examination shall be prepared and administered by a qualified and approved professional testing organization in accordance with section 812.1 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative~~

1 ~~Code of 1929.~~

2 ~~(d) Certification. Upon successful completion of the~~  
3 ~~comprehensive examination, the board shall issue a Certified~~  
4 ~~Pennsylvania Evaluator's Certificate to the applicant. A~~  
5 ~~certificate shall be valid for two years or until the next~~  
6 ~~renewal cycle administered by the board for other professional~~  
7 ~~certification renewals, whichever occurs earlier.~~

8 ~~(e) Licensure. Nothing in this act shall relieve any~~  
9 ~~individual or company from [the present] any otherwise~~  
10 ~~applicable legal obligation to be licensed as a real estate~~  
11 ~~broker pursuant to the act of February 19, 1980 (P.L.15, No.9),~~  
12 ~~known as the Real Estate Licensing and Registration Act, or to~~  
13 ~~be certified as a certified State real estate appraiser under~~  
14 ~~the act of July 10, 1990 (P.L.404, No.98), known as the Real~~  
15 ~~Estate Appraisers Certification Act.~~

16 ~~Section 6. The act is amended by adding sections to read:~~  
17 ~~Section 6.1. Disciplinary and correction measures.~~

18 ~~(a) Authority of board. The board may deny, suspend or~~  
19 ~~revoke certificates, or limit, restrict or reprimand a~~  
20 ~~certificateholder for any of the following causes:~~

21 ~~(1) Procuring or attempting to procure a certificate or~~  
22 ~~renewal of a certificate pursuant to this act by knowingly~~  
23 ~~making a false statement, submitting false information or~~  
24 ~~refusing to provide complete information in response to a~~  
25 ~~question in an application for certification or renewal.~~

26 ~~(2) Failing to meet the minimum qualifications~~  
27 ~~established by this act.~~

28 ~~(3) Paying, or offering to pay, any valuable~~  
29 ~~consideration other than provided for by this act to any~~  
30 ~~member or employee of the board to procure a certificate or~~

~~renewal of a certificate under this act.~~

~~(4) Being convicted of or pleading guilty to a crime which is substantially related to the qualifications, functions and duties of a person developing real property assessments.~~

~~(5) Performing an act or omitting an act when such performance or omission involves dishonesty, fraud or misrepresentation with intent to substantially benefit the certificateholder in his profession or with the intent to substantially injure another person.~~

~~(6) Violating any of the standards of professional conduct for real property assessment as adopted by the board by regulation.~~

~~(7) Failing or refusing, without good cause, to exercise reasonable diligence in developing an assessment or preparing an assessment report.~~

~~(8) Negligently or incompetently developing an assessment or preparing an assessment.~~

~~(9) Willfully disregarding or violating any of the provisions of this act or the regulations of the board for the administration and enforcement of the provisions of this act.~~

~~(10) Violating the confidential nature of records to which the assessor gained access through employment or engagement as an assessor.~~

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

~~(b) Board action. When the board finds that the~~

~~certification or application for certification or renewal of a person should be denied, revoked, restricted or suspended under the terms of subsection (a), the board may:~~

~~(1) Deny the application for certification or renewal.~~

~~(2) Administer a public reprimand.~~

~~(3) Revoke, suspend, limit or otherwise restrict a certificate as determined by the board.~~

~~(4) Suspend enforcement of its findings and place a certificateholder on probation with the right to vacate the probationary order for noncompliance.~~

~~(5) Restore a suspended certification and impose any disciplinary or corrective measure which it might originally have imposed.~~

#### ~~Section 6.2. Unlawful practice.~~

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

~~(b) Penalty. A person who intentionally violates subsection (a) commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of \$2,500 or to imprisonment for not more than one year, or both.~~

~~(c) Injunction. A violation of subsection (a) may be enjoined by the courts upon petition of the commissioner or the board. In any proceeding under this section, it shall not be necessary to show that any person is individually injured by the actions complained of. If the court finds that the respondent has violated subsection (a), it shall enjoin him or her from so practicing or holding himself or herself out until he or she has~~



~~been duly certified. Procedure in such cases shall be the same as in any other injunctive suit.~~

~~(d) Remedy cumulative. The injunctive remedy provided in this section shall be in addition to any other civil or criminal prosecution and punishment.~~

~~(e) Civil penalty. In addition to any other civil remedy or criminal penalty provided in this act, the board, by a vote of the majority of the maximum number of the authorized membership of the board as provided by law, or by a vote of the majority of the duly qualified and confirmed membership or a minimum of three members, whichever is greater, may levy a civil penalty of up to \$1,000 on any current certificateholder who violates any provision of this act or on any person who holds himself or herself out as a Certified Pennsylvania Evaluator or performs valuations of real property for ad valorem tax purposes for which certification as a Certified Pennsylvania Evaluator is required without being so certified pursuant to this act. The board shall levy this penalty only after affording the accused party the opportunity for a hearing, as provided in 2 Pa.C.S. (relating to administrative law and procedure).~~

~~Section 7. Sections 7 and 8 of the act are amended to read:~~  
~~Section 7. Fees.~~

~~The board shall establish by regulation such fees as it deems necessary [to comply with the intent of this act] for applications, examinations, certifications and renewals authorized by this act or by regulations promulgated by the board.~~

~~Section 8. Disposition of fees.~~

~~All fees collected under this act shall be deposited in [a restricted receipt account to be administered by the board for~~

~~the administration of this act] the Professional Licensure  
Augmentation Account.~~

~~Section 8. Section 10 of the act is repealed.~~

~~Section 9. In order to facilitate the speedy implementation  
of this act, the board shall have the power and authority to  
promulgate, adopt and use guidelines, including the authority to  
prescribe the examination and other qualifications required for  
certification and renewal under this section. Such guidelines  
shall be published in the Pennsylvania Bulletin. The guidelines  
shall not be subject to review under section 205 of the act of  
July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth  
Documents Law, sections 204(b) and 301(10) of the act of October  
15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys  
Act, or the act of June 25, 1982 (P.L.633, No.181), known as the  
Regulatory Review Act, and shall be effective for a period not  
to exceed two years from the effective date of this act. After  
the expiration of the two year period, the guidelines shall  
expire and shall be replaced by regulations which shall have  
been promulgated, adopted and published as provided by law.~~

~~Section 10. Any person who, on the effective date of this  
act, holds a valid certificate issued by the State Tax  
Equalization Board under the act of December 17, 1986 (P.L.1675,  
No.192), known as the Assessors Certification Act, prior to the  
effective date of this act shall on and after the effective date  
of this act be deemed to be certified by the State Board of  
Certified Real Estate Appraisers as provided in this act,  
provided that such certification shall expire commencing with  
the 1993 renewal cycle administered by the board for other  
professional certification renewals unless renewed in accordance  
with this act.~~

1     ~~Section 11. This act shall be retroactive as follows:~~

2         ~~(1) The repeal of section 10 of the act shall be~~  
3     ~~retroactive to December 16, 1991.~~

4         ~~(2) The remainder of this act shall be retroactive to~~  
5     ~~March 17, 1992, if enacted after that date.~~

6     ~~Section 12. This act shall take effect immediately.~~

7     SECTION 1.   SHORT TITLE.

<—

8         THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE ASSESSORS  
9     CERTIFICATION ACT.

10    SECTION 2.   DEFINITIONS.

11        THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL  
12    HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
13    CONTEXT CLEARLY INDICATES OTHERWISE:

14        "ASSESSOR."   ANY PERSON RESPONSIBLE FOR THE VALUATION OF REAL  
15    PROPERTY FOR AD VALOREM TAXATION PURPOSES.

16        "BOARD."    THE STATE BOARD OF CERTIFIED REAL ESTATE  
17    APPRAISERS.

18        "CERTIFIED PENNSYLVANIA EVALUATOR."   AN INDIVIDUAL WHO HAS  
19    COMPLETED A MINIMUM OF 90 HOURS OF BASIC COURSES OF STUDY  
20    COVERING THE APPRAISAL ASSESSING PROFESSION AND HAS SUCCESSFULLY  
21    COMPLETED A COMPREHENSIVE EXAMINATION COVERING ALL PHASES OF THE  
22    APPRAISAL PROCESS AND THE ASSESSMENT FUNCTION ESTABLISHED BY THE  
23    ASSESSMENT STATUTES OF THIS COMMONWEALTH.

24        "COMMISSIONER."   THE COMMISSIONER OF PROFESSIONAL AND  
25    OCCUPATIONAL AFFAIRS IN THE DEPARTMENT OF STATE.

26        "REVALUATION COMPANY."   A MASS APPRAISAL COMPANY.

27    SECTION 3.   REGULATIONS.

28        THE BOARD MAY PROMULGATE RULES AND REGULATIONS CONSISTENT  
29    WITH THE STATUTES OF THIS COMMONWEALTH TO ADMINISTER AND ENFORCE  
30    THE PROVISIONS OF THIS ACT.

1 SECTION 4. DUTIES OF BOARD.

2 (A) CERTIFICATION OF ASSESSORS.--IT SHALL BE THE DUTY OF THE  
3 BOARD TO CERTIFY ALL ASSESSORS IN THIS COMMONWEALTH. ANY  
4 ASSESSOR EMPLOYED ON OR BEFORE MARCH 16, 1992, BUT NOT HOLDING  
5 THE TITLE OF CERTIFIED PENNSYLVANIA EVALUATOR SHALL HAVE THREE  
6 YEARS FROM THE EFFECTIVE DATE OF EMPLOYMENT AS AN ASSESSOR TO  
7 OBTAIN CERTIFICATION BY THE BOARD. ANY ASSESSOR EMPLOYED AFTER  
8 MARCH 16, 1992, SHALL OBTAIN CERTIFICATION WITHIN A PERIOD OF  
9 THREE YEARS FROM THE EFFECTIVE DATE OF EMPLOYMENT AS AN  
10 ASSESSOR.

11 (B) QUALIFICATION OF REVALUATION COMPANY PERSONNEL.--ANY  
12 PERSON EMPLOYED BY A REVALUATION COMPANY WHO IS DIRECTLY  
13 RESPONSIBLE FOR THE VALUATION OF REAL PROPERTY SHALL HAVE MET  
14 THE EDUCATIONAL REQUIREMENTS OF THIS ACT OR SUCCESSFULLY  
15 COMPLETED EDUCATIONAL COURSES EQUAL TO THE MINIMUM  
16 QUALIFICATIONS ESTABLISHED BY THE BOARD. FAILURE TO MEET THE  
17 REQUIREMENTS CONTAINED IN THIS SECTION WILL PROHIBIT THAT PERSON  
18 FROM DETERMINING THE VALUE OF REAL PROPERTY IN THIS  
19 COMMONWEALTH.

20 (C) BIENNIAL RENEWAL OF CERTIFICATES.--RENEWAL OF  
21 CERTIFICATION SHALL OCCUR ON A BIENNIAL BASIS COMMENCING WITH  
22 THE 1993 RENEWAL CYCLE ADMINISTERED BY THE BOARD FOR OTHER  
23 PROFESSIONAL CERTIFICATION RENEWALS.

24 (D) CONTINUING EDUCATION.--AN ASSESSOR APPLYING FOR RENEWAL  
25 OF CERTIFICATION SHALL SUBMIT PROOF TO THE BOARD THAT, DURING  
26 THE TWO YEARS IMMEDIATELY PRECEDING RENEWAL, THE ASSESSOR HAS  
27 SATISFACTORILY COMPLETED A MINIMUM OF 20 HOURS OF CONTINUING  
28 EDUCATION RELATING TO ASSESSMENT AND APPRAISAL PRACTICES,  
29 PROVIDED THAT, FOR THE 1993 RENEWAL, AN ASSESSOR SHALL BE  
30 REQUIRED TO COMPLETE ONLY TEN HOURS OF CONTINUING EDUCATION. THE

1 BOARD SHALL APPROVE CONTINUING EDUCATION COURSES AND PROVIDERS  
2 PURSUANT TO REGULATIONS PROMULGATED BY THE BOARD.

3 SECTION 5. QUALIFICATIONS.

4 (A) GENERAL RULE.--ALL ASSESSORS IN THIS COMMONWEALTH SHALL  
5 MEET THE REQUIREMENTS ENUMERATED IN SUBSECTION (B).

6 (B) REQUIREMENTS.--AN APPLICANT SHALL MEET THE FOLLOWING  
7 REQUIREMENTS:

8 (1) THE APPLICANT SHALL HAVE A HIGH SCHOOL DIPLOMA, OR  
9 ITS EQUIVALENT, OR TWO YEARS OF ASSESSING EXPERIENCE.

10 (2) THE APPLICANT SHALL BE AT LEAST 18 YEARS OF AGE.

11 (3) THE APPLICANT SHALL BE A RESIDENT OF THIS  
12 COMMONWEALTH FOR AT LEAST SIX MONTHS.

13 (4) THE APPLICANT SHALL HAVE SUCCESSFULLY COMPLETED A  
14 MINIMUM OF 90 HOURS OF THE BASIC COURSES OF STUDY APPROVED BY  
15 THE BOARD COVERING THE APPRAISAL ASSESSING PROFESSION OR ANY  
16 OTHER PROFESSIONAL COURSES ACCEPTABLE TO THE BOARD. AT THE  
17 DISCRETION OF THE COUNTY COMMISSIONERS, THE COUNTY MAY  
18 REIMBURSE COUNTY ASSESSORS FOR THE COSTS OF COMPLETING THE  
19 COURSES OF STUDY REQUIRED BY THIS SUBSECTION.

20 SECTION 6. CERTIFICATION.

21 (A) REQUIREMENT.--ALL ASSESSORS IN THIS COMMONWEALTH SHALL  
22 BE CERTIFIED UNDER THIS ACT.

23 (B) APPLICATION.--APPLICATION FOR CERTIFICATION SHALL BE  
24 MADE TO THE BOARD BY COMPLETION OF THE BOARD'S PRESCRIBED  
25 APPLICATION FORM AND SHALL BE ACCOMPANIED BY THE APPROPRIATE FEE  
26 ESTABLISHED BY THE BOARD.

27 (C) EXAMINATION.--APPLICANTS SHALL SUCCESSFULLY COMPLETE A  
28 COMPREHENSIVE EXAMINATION COVERING ALL PHASES OF THE APPRAISAL  
29 PROCESS AND THE ASSESSMENT FUNCTION ESTABLISHED BY THE  
30 ASSESSMENT STATUTES OF THIS COMMONWEALTH. ANY SUCH EXAMINATION

1 SHALL BE PREPARED AND ADMINISTERED BY A QUALIFIED AND APPROVED  
2 PROFESSIONAL TESTING ORGANIZATION IN ACCORDANCE WITH SECTION  
3 812.1 OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS  
4 THE ADMINISTRATIVE CODE OF 1929.

5 (D) CERTIFICATION.--UPON SUCCESSFUL COMPLETION OF THE  
6 COMPREHENSIVE EXAMINATION, THE BOARD SHALL ISSUE A CERTIFIED  
7 PENNSYLVANIA EVALUATOR'S CERTIFICATE TO THE APPLICANT. A  
8 CERTIFICATE SHALL BE VALID FOR TWO YEARS OR UNTIL THE NEXT  
9 RENEWAL CYCLE ADMINISTERED BY THE BOARD FOR OTHER PROFESSIONAL  
10 CERTIFICATION RENEWALS, WHICHEVER OCCURS EARLIER.

11 (E) LICENSURE.--NOTHING IN THIS ACT SHALL RELIEVE ANY  
12 INDIVIDUAL OR COMPANY FROM ANY OTHERWISE APPLICABLE LEGAL  
13 OBLIGATION TO BE LICENSED AS A REAL ESTATE BROKER PURSUANT TO  
14 THE ACT OF FEBRUARY 19, 1980 (P.L.15, NO.9), KNOWN AS THE REAL  
15 ESTATE LICENSING AND REGISTRATION ACT, OR TO BE CERTIFIED AS A  
16 CERTIFIED STATE REAL ESTATE APPRAISER UNDER THE ACT OF JULY 10,  
17 1990 (P.L.404, NO.98), KNOWN AS THE REAL ESTATE APPRAISERS  
18 CERTIFICATION ACT.

19 SECTION 7. DISCIPLINARY AND CORRECTION MEASURES.

20 (A) AUTHORITY OF BOARD.--THE BOARD MAY DENY, SUSPEND OR  
21 REVOKE CERTIFICATES OR LIMIT, RESTRICT OR REPRIMAND A  
22 CERTIFICATEHOLDER FOR ANY OF THE FOLLOWING CAUSES:

23 (1) PROCURING, OR ATTEMPTING TO PROCURE, A CERTIFICATE  
24 OR RENEWAL OF A CERTIFICATE PURSUANT TO THIS ACT BY KNOWINGLY  
25 MAKING A FALSE STATEMENT, SUBMITTING FALSE INFORMATION OR  
26 REFUSING TO PROVIDE COMPLETE INFORMATION IN RESPONSE TO A  
27 QUESTION IN AN APPLICATION FOR CERTIFICATION OR RENEWAL.

28 (2) FAILING TO MEET THE MINIMUM QUALIFICATIONS  
29 ESTABLISHED BY THIS ACT.

30 (3) PAYING, OR OFFERING TO PAY, ANY VALUABLE

1       CONSIDERATION OTHER THAN PROVIDED FOR BY THIS ACT TO ANY  
2       MEMBER OR EMPLOYEE OF THE BOARD TO PROCURE A CERTIFICATE OR  
3       RENEWAL OF A CERTIFICATE UNDER THIS ACT.

4           (4)   BEING CONVICTED OF OR PLEADING GUILTY TO A CRIME  
5       WHICH IS SUBSTANTIALLY RELATED TO THE QUALIFICATIONS,  
6       FUNCTIONS AND DUTIES OF A PERSON DEVELOPING REAL PROPERTY  
7       ASSESSMENTS.

8           (5)   PERFORMING AN ACT OR OMITTING AN ACT WHEN SUCH  
9       PERFORMANCE OR OMISSION INVOLVES DISHONESTY, FRAUD OR  
10      MISREPRESENTATION WITH INTENT TO SUBSTANTIALLY BENEFIT THE  
11      CERTIFICATEHOLDER IN HIS PROFESSION OR WITH THE INTENT TO  
12      SUBSTANTIALLY INJURE ANOTHER PERSON.

13          (6)   VIOLATING ANY OF THE STANDARDS OF PROFESSIONAL  
14      CONDUCT FOR REAL PROPERTY ASSESSMENT AS ADOPTED BY THE BOARD  
15      BY REGULATION.

16          (7)   FAILING OR REFUSING, WITHOUT GOOD CAUSE, TO EXERCISE  
17      REASONABLE DILIGENCE IN DEVELOPING AN ASSESSMENT OR PREPARING  
18      AN ASSESSMENT REPORT.

19          (8)   NEGLIGENTLY OR INCOMPETENTLY DEVELOPING AN  
20      ASSESSMENT OR PREPARING AN ASSESSMENT.

21          (9)   WILLFULLY DISREGARDING OR VIOLATING ANY OF THE  
22      PROVISIONS OF THIS ACT OR THE REGULATIONS OF THE BOARD FOR  
23      THE ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS OF THIS  
24      ACT.

25          (10)  VIOLATING THE CONFIDENTIAL NATURE OF RECORDS TO  
26      WHICH THE ASSESSOR GAINED ACCESS THROUGH EMPLOYMENT OR  
27      ENGAGEMENT AS AN ASSESSOR.

28          (11)  HAVING AN ASSESSOR'S LICENSE OR CERTIFICATE  
29      SUSPENDED, REVOKED OR REFUSED OR RECEIVING OTHER DISCIPLINARY  
30      ACTION BY A LICENSING OR CERTIFICATION AUTHORITY OF ANOTHER

STATE, TERRITORY OR COUNTRY.

(B) BOARD ACTION.--WHEN THE BOARD FINDS THAT THE CERTIFICATION OR APPLICATION FOR CERTIFICATION OR RENEWAL OF A PERSON SHOULD BE DENIED, REVOKED, RESTRICTED OR SUSPENDED UNDER THE TERMS OF SUBSECTION (A), THE BOARD MAY:

(1) DENY THE APPLICATION FOR CERTIFICATION OR RENEWAL.

(2) ADMINISTER A PUBLIC REPRIMAND.

(3) REVOKE, SUSPEND, LIMIT OR OTHERWISE RESTRICT A CERTIFICATE AS DETERMINED BY THE BOARD.

(4) SUSPEND ENFORCEMENT OF ITS FINDINGS AND PLACE A CERTIFICATEHOLDER ON PROBATION WITH THE RIGHT TO VACATE THE PROBATIONARY ORDER FOR NONCOMPLIANCE.

(5) RESTORE A SUSPENDED CERTIFICATION AND IMPOSE ANY DISCIPLINARY OR CORRECTIVE MEASURE WHICH IT MIGHT ORIGINALLY HAVE IMPOSED.

#### SECTION 8. UNLAWFUL PRACTICE.

(A) PROHIBITION.--A PERSON MAY NOT PERFORM VALUATIONS OF REAL PROPERTY FOR AD VALOREM TAX PURPOSES, EXCEPT AS PROVIDED BY THE THREE-YEAR GRACE PERIOD UNDER SECTION 4(A), UNLESS THE PERSON IS CURRENTLY CERTIFIED BY THE BOARD AS A CERTIFIED PENNSYLVANIA EVALUATOR.

(B) PENALTY.--A PERSON WHO INTENTIONALLY VIOLATES SUBSECTION (A) COMMITS A MISDEMEANOR OF THE THIRD DEGREE AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$2,500 OR TO IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH.

(C) INJUNCTION.--A VIOLATION OF SUBSECTION (A) MAY BE ENJOINED BY THE COURTS UPON PETITION OF THE COMMISSIONER OR THE BOARD. IN ANY PROCEEDING UNDER THIS SECTION, IT SHALL NOT BE NECESSARY TO SHOW THAT ANY PERSON IS INDIVIDUALLY INJURED BY THE ACTIONS COMPLAINED OF. IF THE COURT FINDS THAT THE RESPONDENT



1 HAS VIOLATED SUBSECTION (A), IT SHALL ENJOIN HIM OR HER FROM SO  
2 PRACTICING OR HOLDING HIMSELF OR HERSELF OUT UNTIL HE OR SHE HAS  
3 BEEN DULY CERTIFIED. PROCEDURE IN SUCH CASES SHALL BE THE SAME  
4 AS IN ANY OTHER INJUNCTIVE SUIT.

5 (D) REMEDY CUMULATIVE.--THE INJUNCTIVE REMEDY PROVIDED IN  
6 THIS SECTION SHALL BE IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL  
7 PROSECUTION AND PUNISHMENT.

8 (E) CIVIL PENALTY.--IN ADDITION TO ANY OTHER CIVIL REMEDY OR  
9 CRIMINAL PENALTY PROVIDED IN THIS ACT, THE BOARD, BY A VOTE OF  
10 THE MAJORITY OF THE MAXIMUM NUMBER OF THE AUTHORIZED MEMBERSHIP  
11 OF THE BOARD AS PROVIDED BY LAW OR BY A VOTE OF THE MAJORITY OF  
12 THE DULY QUALIFIED AND CONFIRMED MEMBERSHIP OR A MINIMUM OF  
13 THREE MEMBERS, WHICHEVER IS GREATER, MAY LEVY A CIVIL PENALTY OF  
14 UP TO \$1,000 ON ANY CURRENT CERTIFICATEHOLDER WHO VIOLATES ANY  
15 PROVISION OF THIS ACT OR ON ANY PERSON WHO HOLDS HIMSELF OR  
16 HERSELF OUT AS A CERTIFIED PENNSYLVANIA EVALUATOR OR PERFORMS  
17 VALUATIONS OF REAL PROPERTY FOR AD VALOREM TAX PURPOSES FOR  
18 WHICH CERTIFICATION AS A CERTIFIED PENNSYLVANIA EVALUATOR IS  
19 REQUIRED WITHOUT BEING SO CERTIFIED PURSUANT TO THIS ACT. THE  
20 BOARD SHALL LEVY THIS PENALTY ONLY AFTER AFFORDING THE ACCUSED  
21 PARTY THE OPPORTUNITY FOR A HEARING, AS PROVIDED IN 2 PA.C.S.  
22 (RELATING TO ADMINISTRATIVE LAW AND PROCEDURE).

23 SECTION 9. FEES.

24 THE BOARD SHALL ESTABLISH BY REGULATION SUCH FEES AS IT DEEMS  
25 NECESSARY FOR APPLICATIONS, EXAMINATIONS, CERTIFICATIONS AND  
26 RENEWALS AUTHORIZED BY THIS ACT OR BY REGULATIONS PROMULGATED BY  
27 THE BOARD.

28 SECTION 10. DISPOSITION OF FEES.

29 ALL FEES COLLECTED UNDER THIS ACT SHALL BE DEPOSITED IN THE  
30 PROFESSIONAL LICENSURE AUGMENTATION ACCOUNT.

1 SECTION 11. NONAPPLICABILITY.

2 THIS ACT SHALL NOT APPLY TO COUNTIES OF THE FIRST AND SECOND  
3 CLASS.

4 SECTION 12. IMPLEMENTATION.

5 IN ORDER TO FACILITATE THE SPEEDY IMPLEMENTATION OF THIS ACT,  
6 THE BOARD SHALL HAVE THE POWER AND AUTHORITY TO PROMULGATE,  
7 ADOPT AND USE GUIDELINES, INCLUDING THE AUTHORITY TO PRESCRIBE  
8 THE EXAMINATION AND OTHER QUALIFICATIONS REQUIRED FOR  
9 CERTIFICATION AND RENEWAL UNDER THIS SECTION. SUCH GUIDELINES  
10 SHALL BE PUBLISHED IN THE PENNSYLVANIA BULLETIN. THE GUIDELINES  
11 SHALL NOT BE SUBJECT TO REVIEW UNDER SECTION 205 OF THE ACT OF  
12 JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE COMMONWEALTH  
13 DOCUMENTS LAW, SECTIONS 204(B) AND 301(10) OF THE ACT OF OCTOBER  
14 15, 1980 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS  
15 ACT, OR THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE  
16 REGULATORY REVIEW ACT, AND SHALL BE EFFECTIVE FOR A PERIOD NOT  
17 TO EXCEED TWO YEARS FROM THE EFFECTIVE DATE OF THIS ACT. AFTER  
18 THE EXPIRATION OF THE TWO-YEAR PERIOD, THE GUIDELINES SHALL  
19 EXPIRE AND SHALL BE REPLACED BY REGULATIONS WHICH SHALL HAVE  
20 BEEN PROMULGATED, ADOPTED AND PUBLISHED AS PROVIDED BY LAW.

21 SECTION 13. HOLDERS OF VALID CERTIFICATION.

22 ANY PERSON WHO, ON THE EFFECTIVE DATE OF THIS ACT, HOLDS A  
23 VALID CERTIFICATE ISSUED BY THE STATE TAX EQUALIZATION BOARD  
24 UNDER THE ACT OF DECEMBER 17, 1986 (P.L.1675, NO.192), KNOWN AS  
25 THE ASSESSORS CERTIFICATION ACT, PRIOR TO THE EFFECTIVE DATE OF  
26 THIS ACT SHALL ON AND AFTER THE EFFECTIVE DATE OF THIS ACT BE  
27 DEEMED TO BE CERTIFIED BY THE STATE BOARD OF CERTIFIED REAL  
28 ESTATE APPRAISERS AS PROVIDED IN THIS ACT, PROVIDED THAT SUCH  
29 CERTIFICATION SHALL EXPIRE COMMENCING WITH THE 1993 RENEWAL  
30 CYCLE ADMINISTERED BY THE BOARD FOR OTHER PROFESSIONAL

1 CERTIFICATION RENEWALS UNLESS RENEWED IN ACCORDANCE WITH THIS  
2 ACT.

3 SECTION 14. RATIFICATION OF ACTION.

4 ALL ACTIONS TAKEN BY THE STATE TAX EQUALIZATION BOARD  
5 RELATIVE TO THE ADMINISTRATION OF THE PROVISIONS OF THE EXPIRED  
6 ACT OF DECEMBER 17, 1986 (P.L.1675, NO.192), KNOWN AS THE  
7 ASSESSORS CERTIFICATION ACT, BETWEEN MARCH 17, 1992, AND THE  
8 EFFECTIVE DATE OF THIS ACT ARE HEREBY RATIFIED AND VALIDATED.

9 SECTION 15. CONSTRUCTION OF ACT.

10 THIS ACT SHALL BE CONSTRUED AS A CONTINUATION OF THE ACT OF  
11 DECEMBER 17, 1986 (P.L.1675, NO.192), KNOWN AS THE ASSESSORS  
12 CERTIFICATION ACT.

13 SECTION 16. RETROACTIVITY.

14 THIS ACT SHALL BE RETROACTIVE TO MARCH 17, 1992.

15 SECTION 17. EFFECTIVE DATE.

16 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.