

REFERENCE TITLE: conforming changes; real estate appraisal

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HB 2560

Introduced by
Representatives Brophy McGee; Weninger

AN ACT

AMENDING SECTIONS 6-101, 32-3601 AND 32-3605, ARIZONA REVISED STATUTES; REPEALING SECTION 32-3606, ARIZONA REVISED STATUTES; AMENDING SECTION 32-3607, ARIZONA REVISED STATUTES; REPEALING SECTION 32-3608, ARIZONA REVISED STATUTES; AMENDING SECTIONS 32-3609, 32-3610, 32-3611, 32-3613, 32-3614, 32-3614.01, 32-3614.02, 32-3615, 32-3617, 32-3618, 32-3619, 32-3620, 32-3621, 32-3622, 32-3625, 32-3626, 32-3627, 32-3628, 32-3631, 32-3632, 32-3635, 32-3637, 32-3638, 32-3639, 32-3651, 32-3652, 32-3653, 32-3654, 32-3655, 32-3662, 32-3664, 32-3666, 32-3667, 32-3668, 32-3669, 32-3671, 32-3672, 32-3677, 32-3678, 32-3679, 32-3680, 32-4301, 41-619.51, 41-1092, 41-1758 AND 41-3024.03, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO REAL ESTATE APPRAISAL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 6-101, Arizona Revised Statutes, is amended to
3 read:

4 6-101. Definitions

5 In this title, unless the context otherwise requires:

6 1. "Automated teller machine" means an automated device that is
7 established by a bank, savings and loan association or credit union and that
8 facilitates customer-bank communications activities, including taking
9 deposits and disbursing cash drawn against a customer's deposit account or a
10 customer's preapproved loan account, at a location separate from the home
11 office or a branch.

12 2. "Bank" means a corporation that holds a banking permit issued
13 pursuant to chapter 2 of this title.

14 3. "Banking office" means any place of business of the bank at which
15 deposits are received, checks are paid or money is loaned but does not
16 include the premises used for computer operations, proofing, record keeping,
17 accounting, storage, maintenance or other administrative or service
18 functions.

19 4. "Branch" means any banking office other than the principal banking
20 office.

21 5. "Department" means the department of financial institutions.

22 6. "Enterprise" means any person under the jurisdiction of the
23 department other than a financial institution.

24 7. "Federal deposit insurance corporation" includes any successor to
25 the corporation or other agency or instrumentality of the United States ~~which~~
26 ~~THAT~~ undertakes to discharge the purposes of the corporation.

27 8. "Financial institution" means banks, trust companies, savings and
28 loan associations, credit unions, consumer lenders, international banking
29 facilities and financial institution holding companies under the jurisdiction
30 of the department.

31 9. "Home state" means the state that has granted the bank its charter,
32 permit or license to operate.

33 10. "Host state" means the state in which a financial institution is
34 doing business and not the state that has granted the bank its charter,
35 permit or license to operate.

36 11. "In-state financial institution" means a state or federal bank,
37 savings bank, savings and loan association or holding company with its home
38 office located in this state.

39 12. "International banking facility" means a facility ~~THAT IS~~
40 represented by a set of asset and liability accounts segregated on the books
41 and records of a commercial bank, the principal office of which is located in
42 this state, and ~~which~~ ~~THAT~~ is incorporated and doing business under the laws
43 of the United States or of this state, a United States branch or agency of a
44 foreign bank, an edge corporation organized under section 25(a) of the
45 federal reserve act (12 United States Code sections 611 through 631) or an

1 agreement corporation having an agreement or undertaking with the board of
2 governors of the federal reserve system under section 25 of the federal
3 reserve act (12 United States Code sections 601 through 604(a)) that includes
4 only international banking facility time deposits and international banking
5 facility extensions of credit as defined in 12 Code of Federal Regulations
6 part 204.

7 13. "National credit union administration" includes any successor to
8 the organization or other agency or instrumentality of the United States
9 ~~which~~ THAT undertakes to discharge the purposes of the organization.

10 14. "Out-of-state bank" means a bank, savings bank or savings and loan
11 association that is approved by the superintendent pursuant to section 6-322
12 and that has a charter, a permit or any other license to operate that is
13 issued by a state other than this state.

14 15. "Out-of-state financial institution" means a state or federal bank,
15 savings bank, savings and loan association or holding company with its home
16 office in a state other than this state.

17 16. "Superintendent" means the superintendent of financial
18 institutions.

19 17. "Title" includes this title, title 32, ~~chapter~~ CHAPTERS 9 AND 36
20 and title 44, chapter 2.1.

21 Sec. 2. Section 32-3601, Arizona Revised Statutes, is amended to read:
22 32-3601. Definitions

23 In this chapter, unless the context otherwise requires:

24 1. "Appraisal" or "real estate appraisal" means a statement that is
25 independently and impartially prepared by an individual setting forth an
26 opinion as to the market value of real property as of a specific date and
27 supported by the presentation and analysis of relevant market information.

28 2. "Appraisal assignment" means an engagement for which a real estate
29 appraiser is employed or retained to act, or would be perceived by third
30 parties or the public in acting, as a disinterested third party in rendering
31 an unbiased analysis, opinion or conclusion relating to the nature, quality,
32 value or utility of specified interests in or aspects of identified real
33 estate.

34 3. "Appraisal foundation" means the appraisal foundation incorporated
35 as an Illinois not-for-profit corporation on November 30, 1987.

36 4. "Appraisal report" means any communication, written or oral, of an
37 appraisal.

38 5. "Appraisal review" means the act of reviewing or the report that
39 follows a review of an appraisal assignment or appraisal report in which a
40 real estate appraiser forms an opinion as to the adequacy and appropriateness
41 of the report being reviewed.

42 6. "Appraisal standards board" means the appraisal standards board
43 appointed by the board of trustees of the appraisal foundation to develop,
44 interpret and amend the uniform standards of professional appraisal practice.

1 7. "Appraisal subcommittee" means the subcommittee of the federal
2 financial institutions examination council created pursuant to 12 United
3 States Code section 3310 and chapter 34A, as amended.

4 8. "Appraiser qualifications board" means the appraiser qualifications
5 board that is appointed by the board of trustees of the appraisal foundation
6 to establish the minimum education, experience and examination requirements
7 for real estate appraisers.

8 9. "Complex one to four residential units" means property that is
9 atypical for the marketplace. Atypical factors may include architectural
10 style, age of improvements, size of improvements, size of lot, neighborhood
11 land use, potential environmental hazard liability, leasehold interests,
12 limited readily available comparable sales data or other unusual factors.

13 10. "Course approval" means the act of the superintendent reviewing
14 course materials to form an opinion as to the adequacy and appropriateness of
15 the course for licensing pursuant to section 32-3613, certification pursuant
16 to section 32-3614 and continuing education as prescribed in section 32-3625
17 in accordance with the appraiser qualifications board and this chapter.

18 11. "DEPARTMENT" MEANS THE DEPARTMENT OF FINANCIAL INSTITUTIONS.

19 ~~11.~~ 12. "Federal financial institutions examination council" means
20 that agency of the federal government created pursuant to 12 United States
21 Code chapters 34 and 34A, as amended.

22 ~~12.~~ 13. "Federally related transaction" means any real estate related
23 financial transaction that a federal financial institution's regulatory
24 agency or the resolution trust corporation engages in, contracts for or
25 regulates and that requires an appraisal.

26 ~~13.~~ 14. "Property tax agent" means an individual who is designated by
27 a person or is an employee of an entity designated as an agent pursuant to
28 section 42-16001, who acts on behalf of a person who owns, controls or
29 possesses property valued by a county assessor and who receives a fee for the
30 analysis of any matter relating to the review of the valuation of the
31 person's property before the assessor. Property tax agent does not include a
32 person who is admitted to practice law in this state, an employee of the
33 person owning, controlling or possessing the property or an employee of an
34 entity designated pursuant to section 42-16001, if the employee is performing
35 a secretarial, clerical or administrative support function.

36 ~~14.~~ 15. "Real estate" means an identified parcel or tract of land,
37 including improvements, if any.

38 ~~15.~~ 16. "Real estate related financial transaction" means any
39 transaction involving the sale of, lease of, purchase of, investment in or
40 exchange of real property, including interests in property or the financing
41 of property, the refinancing of real property or interests in real property
42 and the use of real property or interests in property as security for a loan
43 or investment, including mortgage-backed securities.

1 ~~16-~~ 17. "Real property" means one or more defined interests, benefits
2 and rights inherent in the ownership of real estate.
3 ~~17-~~ 18. "Registered trainee appraiser" means a person who meets both
4 of the following requirements:
5 (a) Is registered with the superintendent and meets the appraiser
6 qualifications board's qualifications for trainee appraisers to perform
7 appraisal services only under the direct supervision of a certified appraiser
8 who has met the minimum criteria to be a supervisory appraiser.
9 (b) Accepts assignments only from the registered trainee appraiser's
10 supervisory appraiser.
11 ~~18-~~ 19. "Review appraiser" means a person who engages in the activity
12 of reviewing and evaluating the appraisal work of others from the perspective
13 of an appraiser, generally for compensation as a separate skill. This
14 includes the function of reviewing an appraisal report or a file memorandum
15 setting forth the results of the review process.
16 ~~19-~~ 20. "Standards of professional appraisal practice" means the
17 uniform standards of professional appraisal practice adopted by the
18 superintendent.
19 ~~20-~~ 21. "State licensed or state certified appraiser" means a person
20 who develops and communicates appraisals and who holds a current, valid
21 license or certificate issued under this chapter.
22 ~~21-~~ 22. "Superintendent" means the superintendent of financial
23 institutions.
24 ~~22-~~ 23. "Supervisory appraiser" means a state certified appraiser who
25 has a supervisory appraiser designation and who:
26 (a) Has been in good standing for the last three years in the
27 jurisdiction in which the registered trainee appraiser practices.
28 (b) Has not been disciplined in a manner that affects the supervisory
29 appraiser's eligibility to engage in appraisal practice in any jurisdiction
30 in the last three years.
31 (c) Directly supervises registered trainee appraisers by doing the
32 following:
33 (i) Accepting responsibility for an appraisal by signing and
34 certifying that the appraisal complies with the uniform standards of
35 professional appraisal practice.
36 (ii) Reviewing and signing all registered trainee appraiser reports.
37 (iii) Personally inspecting each appraised property with the
38 registered trainee appraiser.
39 ~~23-~~ 24. "Value" means the monetary relationship between properties
40 and those who buy, sell or use those properties.
41 Sec. 3. Section 32-3605, Arizona Revised Statutes, is amended to read:
42 ~~32-3605.~~ Superintendent; duties; powers; immunity
43 A. The superintendent shall adopt rules in aid or in furtherance of
44 this chapter.

- 1 B. The superintendent shall:
- 2 1. In prescribing standards of professional appraisal practice, adopt
- 3 standards that at a minimum are equal to the standards prescribed by the
- 4 appraisal standards board.
- 5 2. In prescribing criteria for certification, adopt criteria that at a
- 6 minimum are equal to the minimum criteria for certification adopted by the
- 7 appraiser qualifications board.
- 8 3. In prescribing criteria for licensing and registration, adopt
- 9 criteria that at a minimum are equal to the minimum criteria for licensing
- 10 and registration adopted by the appraiser qualifications board.
- 11 4. Further define by rule with respect to state licensed or state
- 12 certified appraisers appropriate and reasonable educational experience,
- 13 appraisal experience and equivalent experience that meets the statutory
- 14 requirement of this chapter.
- 15 5. Adopt the national examination as approved by the appraiser
- 16 qualifications board for state certified appraisers.
- 17 6. Adopt the national examination as approved by the appraiser
- 18 qualifications board for state licensed appraisers.
- 19 7. Establish administrative procedures for:
- 20 (a) PROCESSING APPLICATIONS FOR LICENSES AND CERTIFICATES.
- 21 (b) Approving or disapproving applications for registration, licensure
- 22 and certification. ~~and~~
- 23 (c) Issuing licenses and certificates, including registration
- 24 certificates.
- 25 8. Define by rule, with respect to state licensed and certified
- 26 appraisers, the continuing education requirements for the renewal of licenses
- 27 or certificates that satisfy the statutory requirements provided in this
- 28 chapter.
- 29 9. Periodically review the requirements for the development and
- 30 communication of appraisals provided in this chapter and adopt rules
- 31 explaining and interpreting the requirements.
- 32 10. Define and explain by rule each stage and step associated with the
- 33 administrative procedures for the disciplinary process pursuant to this
- 34 chapter, including:
- 35 (a) Prescribing minimum criteria for accepting a complaint against a
- 36 registered trainee appraiser or a licensed or certified appraiser. The
- 37 superintendent may not consider a complaint for administrative action if the
- 38 complaint either:
- 39 (i) Relates to an appraisal that was completed more than five years
- 40 before the complaint was submitted to the superintendent or more than two
- 41 years after final disposition of any judicial proceeding in which the
- 42 appraisal was an issue, whichever period of time is greater.
- 43 (ii) Is filed against a person who is a staff person of the department
- 44 of financial institutions and the person is a licensed or certified appraiser
- 45 and the complaint is against the person's license or certificate and relates

1 to the person's performance of duties. This item does not apply to a
2 contract investigator who is under contract with the department for the
3 performance of an appraisal review as defined by the uniform standards of
4 professional appraisal practice. This item does not remove the requirement
5 that the staff person ~~is~~ BE subject to the ethics rules section of the
6 uniform standards of professional appraisal practice.

7 (b) Defining the process and procedures used in investigating the
8 allegations of the complaint. The superintendent shall consolidate
9 complaints that are filed within a six-month period of time if the complaints
10 are against the same appraiser, relate to the same appraisal and property and
11 are filed by an entity that is subject to the mandatory reporting provisions
12 of the Dodd-Frank Wall Street reform and consumer protection act
13 (P.L. 111-203; 124 Stat. 1376). Complaints that are consolidated pursuant to
14 this subdivision must be considered and adjudicated as one complaint.

15 (c) Defining the process and procedures used in hearings on the
16 complaint, including a description of the rights of the superintendent and
17 any person who is alleged to have committed the violation.

18 (d) Establishing criteria to be used in determining the appropriate
19 actions for violations.

20 11. Communicate information that is useful to the public and
21 appraisers relating to actions for violations.

22 12. Issue decrees of censure, fix periods and terms of probation and
23 suspend and revoke licenses and certificates pursuant to the disciplinary
24 proceedings provided for in section 32-3631.

25 13. At least monthly transmit to the appraisal subcommittee a roster
26 listing individuals who have received a state certificate or license in
27 accordance with this chapter.

28 14. Report on the disposition of any matter referred by the appraisal
29 subcommittee or any other federal agency or instrumentality or federally
30 recognized entity reporting any action of a state licensed or state certified
31 appraiser that is contrary to this chapter.

32 15. Make a determination and finding if there exists a scarcity of
33 state certified or state licensed appraisers to perform appraisals in
34 connection with federally related transactions in this state and issue
35 resident temporary licenses and certificates pursuant to section 32-3626.

36 16. Transmit the national registry fee collected pursuant to section
37 32-3607 to the appraisal subcommittee.

38 17. Establish the fees in accordance with section 32-3607.

39 18. RECEIVE APPLICATIONS FOR STATE LICENSES AND CERTIFICATES.

40 19. MAINTAIN A REGISTRY OF THE NAMES AND ADDRESSES OF PEOPLE WHO ARE
41 REGISTERED, LICENSED OR CERTIFIED UNDER THIS CHAPTER.

42 20. RETAIN RECORDS AND ALL APPLICATION MATERIALS SUBMITTED TO THE
43 SUPERINTENDENT.

44 21. PUBLISH ON THE DEPARTMENT'S WEBSITE A CURRENT LIST OF SUPERVISORY
45 APPRAISERS AND REGISTERED TRAINEE APPRAISERS.

1 ~~18-~~ 22. Perform such other functions and duties as may be necessary
2 to carry out this chapter.

3 C. The superintendent may accept and spend federal monies and grants,
4 gifts, contributions and devises from any public or private source to assist
5 in carrying out the purposes of this chapter. These monies do not revert to
6 the state general fund at the end of the fiscal year.

7 D. The ~~board~~ SUPERINTENDENT may impose a civil penalty pursuant to
8 section 32-3632.

9 Sec. 4. Repeal

10 Section ~~32-3606~~, Arizona Revised Statutes, is repealed.

11 Sec. 5. Section 32-3607, Arizona Revised Statutes, is amended to read:
12 ~~32-3607~~. Fees; use of credit cards

13 A. The ~~board~~ SUPERINTENDENT shall charge and collect fees that are
14 sufficient to fund the activities necessary to carry out this chapter. These
15 include:

16 1. An application fee for licensure or certification of not more than
17 four hundred dollars.

18 2. An application fee for a resident temporary license or certificate
19 of not more than four hundred dollars.

20 3. An examination fee in an amount to be determined by the ~~board~~
21 SUPERINTENDENT.

22 4. A fee for renewal of a license, certificate or resident temporary
23 license or certificate of not more than four hundred twenty-five dollars.

24 5. A delinquent renewal fee in addition to the renewal fee of not more
25 than twenty-five dollars.

26 6. A two-year national registry fee of not to exceed the actual cost
27 of twice the current annual national registry fee.

28 7. A nonresident temporary licensure or certification fee of not more
29 than one hundred fifty dollars.

30 8. A course approval fee of not more than five hundred dollars.

31 9. An application fee to be a registered trainee appraiser in an
32 amount to be determined by the ~~board~~ SUPERINTENDENT.

33 B. If the appraisal subcommittee raises the national registry fee
34 during the second year of a biennial license or certificate, state licensed
35 and state certified appraisers shall pay the additional national registry fee
36 on demand by the ~~board~~ SUPERINTENDENT. Failure to pay the additional fee
37 within thirty days of notice by the ~~board~~ SUPERINTENDENT subjects the license
38 or certificate holder to a penalty of twice the amount owed but not to exceed
39 twenty dollars. The ~~board~~ SUPERINTENDENT shall not renew a license or
40 certificate until all outstanding obligations of the license or certificate
41 holder are paid.

42 C. Pursuant to section 35-142, subsection ~~I-~~ J, the ~~board~~
43 SUPERINTENDENT may accept a credit card or debit card for the payment of fees
44 established by this section. The ~~board~~ SUPERINTENDENT may impose a

1 convenience fee for payment made pursuant to this subsection in an amount to
2 be determined by the ~~board~~ SUPERINTENDENT.

3 Sec. 6. Repeal; transfer of monies

4 A. Section 32-3608, Arizona Revised Statutes, is repealed.

5 B. All unexpended and unencumbered monies remaining in the board of
6 appraisal fund established by section 32-3608, Arizona Revised Statutes, as
7 repealed by subsection A of this section, are transferred to the state
8 general fund on the effective date of this section.

9 Sec. 7. Section 32-3609, Arizona Revised Statutes, is amended to read:

10 32-3609. Confidential records

11 Except as otherwise provided by law, the following records are
12 confidential:

13 1. Questions contained in any examination administered by or for the
14 ~~board~~ SUPERINTENDENT or in any examination submitted to the ~~board~~
15 SUPERINTENDENT for course approval.

16 2. Questions asked and the answers of individual examinees, except
17 that the ~~board~~ SUPERINTENDENT shall provide the grades of each examinee for
18 public inspection and copying.

19 3. Appraisal reports or appraisal reviews and supporting documentation
20 deemed confidential under the uniform standards of professional appraisal
21 practice edition adopted by the ~~board~~ SUPERINTENDENT.

22 4. All documents associated with a complaint ~~until the complaint is~~
23 ~~resolved~~ AS PRESCRIBED BY SECTION 6-129.

24 Sec. 8. Section 32-3610, Arizona Revised Statutes, is amended to read:

25 32-3610. Uniform standards of professional appraisal practice;
26 state standards; exception

27 The uniform standards of professional appraisal practice as published
28 by the appraisal standards board are the standards for the appraisal practice
29 in this state unless the ~~board~~ SUPERINTENDENT objects.

30 Sec. 9. Section 32-3611, Arizona Revised Statutes, is amended to read:

31 32-3611. Registration, licensure and certification process

32 A. Applications for original registration, licensure or certification,
33 renewals and examinations shall be made in writing to the ~~executive director~~
34 SUPERINTENDENT on forms approved by the ~~board~~ SUPERINTENDENT.

35 B. Appropriate fees, as fixed by the ~~board~~ SUPERINTENDENT pursuant to
36 section 32-3607, shall accompany all applications for original registration,
37 licensure or certification, renewal and examination.

38 C. At the time of filing an application for registration, licensure or
39 certification, each applicant shall sign a pledge to comply with the
40 standards set forth in this chapter and shall state that the applicant
41 understands the types of misconduct for which disciplinary proceedings may be
42 initiated against a registered trainee appraiser or a state licensed or state
43 certified appraiser, as set forth in this chapter.

44 D. Except as otherwise provided in this chapter, the ~~executive~~
45 ~~director~~ SUPERINTENDENT shall require such other proof and request such

1 documents, through the application or otherwise, as the ~~board~~ SUPERINTENDENT
2 deems necessary for the interests of the public and to verify the honesty,
3 truthfulness, reputation and competency of the applicant and shall require
4 that the applicant for registration, licensure or certification:

5 1. Be at least eighteen years of age and a citizen of the United
6 States or a qualified alien as defined in 8 United States Code section 1641.

7 2. Not have had a license or certificate denied pursuant to this
8 chapter within one year immediately preceding the application.

9 3. Not have had a license or certificate revoked pursuant to this
10 chapter within five years immediately preceding the application.

11 4. State whether or not the applicant has ever been convicted in a
12 court of competent jurisdiction in this or any other state of a felony or of
13 forgery, theft, extortion or conspiracy to defraud or any other crime
14 involving dishonesty or moral turpitude.

15 E. Applications for registration, licensure or certification by
16 persons who are charged or under indictment for fraud involving appraisal of
17 real property may be denied pending final disposition of the charge or
18 indictment. On final disposition, the ~~board~~ SUPERINTENDENT shall review the
19 proceedings and act on the application.

20 Sec. 10. Section 32-3613, Arizona Revised Statutes, is amended to
21 read:

22 32-3613. Application and qualification requirements for
23 issuance of license

24 A. An application for licensing and examination shall be made on forms
25 as prescribed by the ~~board~~ SUPERINTENDENT and BE accompanied by the required
26 fees.

27 B. ~~Those~~ Persons filing for licensing shall meet the minimum criteria
28 for licensing established by the ~~board~~ SUPERINTENDENT under section 32-3605,
29 subsection B, paragraph 3.

30 C. ~~No~~ A person may NOT be a state licensed appraiser unless the person
31 has achieved a passing grade on the national examination approved by the
32 appraiser qualifications board.

33 Sec. 11. Section 32-3614, Arizona Revised Statutes, is amended to
34 read:

35 32-3614. Application and qualification requirements for
36 certification

37 A. An application for certification and examination shall be made on
38 forms prescribed by the ~~board~~ SUPERINTENDENT and BE accompanied by the
39 required fees.

40 B. ~~Those~~ Persons filing for certification shall meet the minimum
41 criteria for certification established by the ~~board~~ SUPERINTENDENT under
42 section 32-3605, subsection B, paragraph 2 and section 32-3615.

1 C. ~~No~~ A person may NOT be a state certified real estate appraiser
2 unless the person has achieved a passing grade on the national examination
3 approved by the appraiser qualifications board.

4 D. Persons presenting evidence showing successful completion of the
5 requirements of this section shall be recognized as having met the
6 qualifications as a state certified real estate appraiser.

7 Sec. 12. Section 32-3614.01, Arizona Revised Statutes, is amended to
8 read:

9 32-3614.01. Application for registered trainee appraiser
10 certificates

11 An application for a registered trainee appraiser certificate shall be
12 made on a form prescribed by the ~~board~~ SUPERINTENDENT and BE accompanied by
13 the fees prescribed by section 32-3607. An applicant must complete education
14 requirements as outlined by the appraiser qualifications board. The
15 applicant must submit proof that the applicant has successfully passed the
16 required courses that are specifically oriented to the requirements and
17 responsibilities of supervisory appraisers and trainee appraisers and that
18 comply with the specifications established by the appraiser qualifications
19 board.

20 Sec. 13. Section 32-3614.02, Arizona Revised Statutes, is amended to
21 read:

22 32-3614.02. Application for supervisory appraiser designation

23 An application for a supervisory appraiser designation shall be made on
24 a form prescribed by the ~~board~~ SUPERINTENDENT. The applicant must submit
25 proof of successful completion of a course that is specifically oriented to
26 the requirements and responsibilities of supervisory appraisers and trainee
27 appraisers and that complies with the specifications established by the
28 appraiser qualifications board.

29 Sec. 14. Section 32-3615, Arizona Revised Statutes, is amended to
30 read:

31 32-3615. Experience requirement for licensure or certification

32 A. Each applicant for licensure or certification shall have experience
33 that was acquired within ten years immediately preceding the filing of the
34 application for licensure or certification.

35 B. Each applicant for licensure or certification shall furnish under
36 oath a detailed listing of the real estate or other appraisal reports, review
37 reports or filed memoranda for each year for which experience is claimed by
38 the applicant. On request, the applicant shall make available to the ~~board~~
39 SUPERINTENDENT for examination copies of appraisal reports ~~which~~ THAT the
40 applicant has prepared in the course of the applicant's appraisal experience.

41 Sec. 15. Section 32-3617, Arizona Revised Statutes, is amended to
42 read:

43 32-3617. Nonresident temporary licensure or certification

44 A. Every applicant for nonresident temporary licensure or
45 certification under this chapter who is not a resident of this state shall

1 submit, with the application for nonresident temporary licensure or
2 certification, an irrevocable consent that service of process on the
3 applicant may be made by delivery of the process to the secretary of state
4 if, in an action against the applicant in a court of this state arising out
5 of the applicant's activities as a nonresident temporary state licensed or
6 state certified appraiser, the plaintiff cannot effect, in the exercise of
7 due diligence, personal service on the applicant.

8 B. A nonresident of this state who has complied with subsection A of
9 this section may obtain a nonresident temporary license or certificate as a
10 nonresident temporary state licensed or state certified appraiser by
11 conforming to all of the requirements of this chapter relating to state
12 licensed or state certified appraisers.

13 C. A nonresident of this state who is licensed or certified in another
14 state is entitled to nonresident temporary licensure or certification ~~from~~ BY
15 the ~~board~~ SUPERINTENDENT, which ~~shall be~~ IS valid until the completion of
16 each appraisal assignment but not for a period of more than one year from the
17 date of issuance, if:

18 1. The nonresident appraiser's business in this state is of a
19 temporary nature.

20 2. The nonresident appraiser applies with the ~~board~~ SUPERINTENDENT on
21 forms ~~prepared~~ PRESCRIBED by the ~~board~~ SUPERINTENDENT.

22 3. The nonresident appraiser pays the nonresident temporary licensure
23 or certification fee required by the ~~board~~ SUPERINTENDENT.

24 D. The ~~board~~ SUPERINTENDENT shall adopt rules in furtherance of this
25 section to avoid the abuse of the temporary practice rights in this state.

26 Sec. 16. Section 32-3618, Arizona Revised Statutes, is amended to
27 read:

28 32-3618. Reciprocity

29 Reciprocity shall be granted to an appraiser if all of the following
30 conditions apply:

31 1. The appraiser holds a credential from a state that is in compliance
32 with 12 United States Code sections 3310, 3332, 3333, 3335, 3338, 3339, 3341,
33 3342, 3345, 3346, 3347, 3348, 3350, 3351, 3353, 3354 and 3355.

34 2. The credential requirements for the state described in paragraph 1
35 of this section meet or exceed those of this state.

36 3. The appraiser has completed an application for licensure or
37 certification on a form as prescribed by the ~~board~~ SUPERINTENDENT and
38 submitted the fees prescribed pursuant to section 32-3607.

39 Sec. 17. Section 32-3619, Arizona Revised Statutes, is amended to
40 read:

41 32-3619. Renewal of license or certificate; fees

42 A. Except as otherwise provided in this section and in section
43 32-4301, to renew a registration certificate as a registered trainee
44 appraiser or a license or certificate as a state licensed or state certified
45 appraiser, the holder of a current, valid license or certificate shall ~~make~~

1 ~~an application~~ APPLY WITH and pay the prescribed fee to the ~~board~~
2 SUPERINTENDENT not earlier than ninety days nor later than thirty days before
3 ~~the expiration date of~~ the license or certificate ~~then held~~ EXPIRES. With
4 the application for renewal, the registered trainee appraiser or the state
5 licensed or state certified appraiser shall present evidence in the form
6 prescribed by the ~~board~~ SUPERINTENDENT of having completed the continuing
7 education requirements for renewal specified in section 32-3625.

8 B. The ~~board~~ SUPERINTENDENT may accept a renewal application after the
9 expiration date and within ninety days of the date of expiration but shall
10 assess a delinquent renewal fee in addition to the renewal fee.

11 C. An appraiser or registered trainee appraiser who fails to seek
12 renewal within the time period specified in subsection A or B of this section
13 must reapply for licensure or certification and meet all of the requirements
14 of this chapter.

15 D. An appraiser or registered trainee appraiser shall not engage in,
16 advertise or purport to engage in real estate appraisal activity in this
17 state after a license or certificate has expired and before the renewal of
18 the expired license or certificate except as provided in section 41-1092.11.

19 Sec. 18. Section 32-3620, Arizona Revised Statutes, is amended to
20 read:

21 32-3620. Basis for denial of a license or certificate

22 A. The ~~board~~ SUPERINTENDENT may deny the initial issuance or renewal
23 of a license or certificate as a registered trainee appraiser, a supervisory
24 appraiser or a state licensed or state certified appraiser to an applicant
25 who has been convicted of a felony or on any of the grounds prescribed in
26 this chapter.

27 B. To assist in determining whether grounds exist to deny the initial
28 issuance or renewal of a license or certificate to an applicant, the ~~board~~
29 SUPERINTENDENT shall require the applicant to ~~obtain~~ APPLY FOR a valid
30 fingerprint clearance card issued pursuant to section 41-1758.03.

31 C. A person who is denied the issuance of a license or certificate may
32 request, and if requested shall receive, a hearing in accordance with title
33 41, chapter 6, article 10.

34 Sec. 19. Section 32-3621, Arizona Revised Statutes, is amended to
35 read:

36 32-3621. Addresses; telephone numbers; e-mail addresses;
37 notification of change

38 A. Each registered trainee appraiser or state licensed or state
39 certified appraiser shall advise the ~~board~~ SUPERINTENDENT of the address of
40 the person's principal place of business and all other addresses at which the
41 person is currently engaged in the business of preparing real property
42 appraisal reports.

43 B. Every registered trainee appraiser or state licensed or state
44 certified appraiser shall notify the ~~board~~ SUPERINTENDENT of the person's

1 current residence address. Residence addresses on file with the ~~board~~
2 SUPERINTENDENT are exempt from disclosure as public records.

3 C. Every registered trainee appraiser or state licensed or state
4 certified appraiser shall provide the person's e-mail address if one exists
5 and a daytime telephone number to the ~~board~~ SUPERINTENDENT.

6 D. If a registered trainee appraiser or a state licensed or state
7 certified appraiser changes the person's place of business or residence,
8 e-mail address or daytime telephone number, the person shall give the ~~board~~
9 SUPERINTENDENT written notification of the change within ten days after the
10 change.

11 Sec. 20. Section 32-3622, Arizona Revised Statutes, is amended to
12 read:

13 32-3622. Licenses and certificates

14 A. A license or certificate issued under this chapter shall be signed
15 on behalf of the ~~board~~ SUPERINTENDENT and shall bear the license or
16 certificate number assigned by the ~~board~~ SUPERINTENDENT.

17 B. Each state licensed or state certified appraiser shall place the
18 appraiser's license or certificate number adjacent to or immediately below
19 the title "state licensed appraiser" or "state certified appraiser", and the
20 number shall be included in an appraisal report or in a contract or other
21 instrument used by the license or certificate holder in conducting appraisal
22 activities.

23 Sec. 21. Section 32-3625, Arizona Revised Statutes, is amended to
24 read:

25 32-3625. Continuing education

26 A. As a prerequisite to renewal of a license or certificate, a state
27 registered trainee appraiser or a licensed or state certified appraiser shall
28 present evidence satisfactory to the ~~board~~ SUPERINTENDENT of having met the
29 continuing education requirements of either subsection B or C of this
30 section.

31 B. The basic continuing education requirement for renewal of a license
32 or certificate is the completion by the applicant, during the immediately
33 preceding term of the license or certificate, of courses or seminars that are
34 approved by the ~~board~~ SUPERINTENDENT.

35 C. An applicant for reregistering, relicensing or recertification may
36 satisfy all or part of the continuing education requirements by presenting
37 evidence of the following, which shall be approved by the ~~board~~
38 SUPERINTENDENT:

39 1. Completion of an education program of study determined by the ~~board~~
40 SUPERINTENDENT to be equivalent, for continuing education purposes, to
41 courses approved by the ~~board~~ SUPERINTENDENT pursuant to subsection B of this
42 section.

1 2. Participation other than as a student in educational processes and
 2 programs that are approved by the ~~board~~ SUPERINTENDENT and that relate to
 3 appropriate appraisal theory, practices or techniques, including teaching,
 4 program development and preparation of textbooks, monographs, articles and
 5 other instructional materials, not to exceed fifty ~~per cent~~ PERCENT of an
 6 applicant's continuing education requirements and not for the same course in
 7 consecutive renewal periods.

8 D. The ~~board~~ SUPERINTENDENT shall adopt rules to ~~assure~~ ENSURE that
 9 ~~persons renewing their licenses or certificates~~ A PERSON WHO RENEWS THE
 10 PERSON'S LICENSE OR CERTIFICATE as A state licensed or state certified
 11 ~~appraisers follow~~ APPRAISER FOLLOWS practices and techniques that provide a
 12 high degree of service and protection to ~~those~~ members of the public with
 13 whom ~~they deal~~ THE PERSON DEALS in the professional relationship under the
 14 authority of the license or certificate. The rules shall include the
 15 following:

16 1. Policies and procedures for obtaining ~~board~~ THE SUPERINTENDENT'S
 17 approval of courses and instruction pursuant to subsection B of this section.

18 2. Standards, policies and procedures to be applied by the ~~board~~
 19 SUPERINTENDENT in evaluating an applicant's claims of equivalency in
 20 accordance with subsection C of this section.

21 3. Standards, monitoring methods and systems for recording attendance
 22 to be employed by course sponsors as a prerequisite to ~~board~~ THE
 23 SUPERINTENDENT'S approval of courses for credit.

24 E. In adopting rules pursuant to subsection D, paragraph 1 of this
 25 section, the ~~board~~ SUPERINTENDENT shall give consideration to courses of
 26 instruction, seminars and other appropriate appraisal educational courses or
 27 programs previously or hereafter developed by or under the auspices of
 28 professional appraisal organizations and ~~utilized~~ USED by those associations
 29 for purposes of designation;— or indicating compliance with the continuing
 30 education requirements of such organizations. ~~No~~ A person who offers these
 31 courses may NOT discriminate in the opportunity to participate in these
 32 courses on the basis of membership or nonmembership in an appraisal
 33 organization.

34 F. ~~No~~ AN amendment or repeal of a rule adopted by the ~~board~~
 35 SUPERINTENDENT pursuant to this section may ~~operate to~~ NOT deprive a state
 36 registered trainee appraiser or a state licensed or state certified appraiser
 37 of credit toward renewal of a license or certificate for any course of
 38 instruction ~~either completed by~~ THAT the applicant EITHER COMPLETED or
 39 enrolled in ~~by the applicant~~ before the amendment or repeal of the rule that
 40 would have qualified for continuing education credit ~~under the rule~~ as ~~it~~ THE
 41 RULE existed before the repeal or amendment.

42 G. A license or certificate as a state registered trainee appraiser or
 43 a state licensed or state certified appraiser that has been suspended as a
 44 result of disciplinary action by the ~~board~~ SUPERINTENDENT shall not be

1 reinstated unless the applicant presents evidence of completion of the
2 continuing education required by this chapter.

3 H. A license or certificate that has been revoked by the ~~board~~
4 SUPERINTENDENT shall not be reinstated unless the applicant successfully
5 completes the appropriate requirements of the appraisal qualifications board,
6 including education and passage of the current national examination.

7 Sec. 22. Section 32-3626, Arizona Revised Statutes, is amended to
8 read:

9 32-3626. Scarcity determination; resident temporary licenses
10 and certificates; exemption

11 A. No later than November 1 of each year, the ~~board~~ SUPERINTENDENT
12 shall determine and make a finding whether there is a scarcity of state
13 certified or state licensed appraisers in an area within the state to perform
14 appraisals in federally related transactions.

15 B. In determining whether a scarcity exists, the ~~board~~ SUPERINTENDENT
16 shall follow procedures in accordance with the provisions governing scarcity
17 in 12 United States Code section 3348 and regulations adopted pursuant to
18 that section as of September 30, 1992.

19 C. If the ~~board~~ SUPERINTENDENT makes a finding of scarcity, within
20 fifteen days after the finding, the ~~board~~ SUPERINTENDENT shall apply to the
21 appropriate federal agency for a temporary waiver of the state certification
22 or licensing requirements.

23 D. If a waiver request has been approved by the federal agency
24 authorized to issue waivers, the ~~board~~ SUPERINTENDENT may ~~thereafter~~
25 resident temporary licenses or certificates to applicants consistent with the
26 reduction in application requirements of this chapter for licenses and
27 certificates as authorized by the waiver. A resident temporary license or
28 certificate ~~shall be~~ IS subject to all provisions of this chapter ~~THAT ARE~~
29 not inconsistent with the provisions of the waiver.

30 E. A person obtaining a resident temporary license or certificate
31 under this section ~~is required to~~ SHALL comply with all ~~of the~~ provisions of
32 this chapter except for those ~~provisions of this chapter~~ for which a
33 temporary waiver has been approved and shall indicate on all appraisals
34 performed by the person that the appraisal is not ~~an appraisal~~ done by a
35 state certified or state licensed appraiser and ~~THAT~~ the person performing
36 the appraisal is a resident temporary license or certificate holder. A
37 person holding a resident temporary license or certificate may perform
38 appraisals only in areas within the state where ~~it has been determined by the~~
39 ~~board~~ SUPERINTENDENT HAS DETERMINED that a scarcity exists.

40 F. The ~~board~~ SUPERINTENDENT is exempt from title 41, chapter 6,
41 article 10 in making the determination and finding ~~OF SCARCITY~~ and in issuing
42 resident temporary licenses and certificates in accordance with the waiver ~~in~~
43 UNDER subsection D of this section and section 32-3605, subsection B,
44 paragraph ~~14~~ 15.

1 completion of the continuing education requirements until the application for
2 reactivation is filed pursuant to subsection E of this section.

3 Sec. 24. Section 32-3628, Arizona Revised Statutes, is amended to
4 read:

5 32-3628. Inactive license or certificate status during military
6 duty; reactivation application; renewal application
7 and fee; continuing education

8 A. A license or certificate holder who is ordered to active military
9 duty with the United States armed forces may request that the license or
10 certificate be placed on inactive status by filing with the ~~board~~
11 ~~SUPERINTENDENT~~ an application that includes all of the following:

- 12 1. The license or certificate holder's name.
- 13 2. The license or certificate number.
- 14 3. The date that the active military duty begins.
- 15 4. A request for inactive status.

16 B. The license or certificate is deemed to be on inactive status while
17 the license or certificate holder is on active military duty, but the period
18 of inactive status may not exceed three years.

19 C. A license or certificate holder who is on inactive status pursuant
20 to this section shall not do either of the following:

- 21 1. Represent that the holder is an active appraiser licensed or
22 certified in this state.
- 23 2. Perform real estate appraisals or appraisal reviews on real estate
24 in this state.

25 D. A license or certificate holder ~~WHO IS~~ on inactive status must file
26 with the ~~board~~ ~~SUPERINTENDENT~~ an application for reactivation of the license
27 or certificate within one hundred eighty days after returning home from
28 active military duty.

29 E. If the holder of an inactive license or certificate timely files an
30 application for reactivation of the license or certificate, the license or
31 certificate is returned to active status on the ~~board's~~ ~~SUPERINTENDENT'S~~
32 approval of the application for reactivation. The ~~time period for completion~~
33 ~~of LICENSE OR CERTIFICATE HOLDER SHALL COMPLETE~~ the continuing education
34 requirements that ~~the license or certificate holder~~ would otherwise have been
35 required ~~to meet during the period~~ when the license or certificate was on
36 inactive status ~~is extended for a period not to exceed~~ ~~WITHIN~~ ninety days
37 after ~~THE PERSON'S~~ return from active military duty. The license or
38 certificate holder must submit proof of completion of any continuing
39 education requirements to the ~~board~~ ~~SUPERINTENDENT~~ no later than one hundred
40 twenty days after completion.

41 F. If the holder of an inactive license or certificate under this
42 section does not ~~make a~~ timely ~~application~~ ~~APPLY~~ for reactivation as required
43 by subsection D of this section, the holder must reapply for licensure or
44 certification meeting all of the requirements of this chapter.

1 G. A license or certificate holder who is on inactive status pursuant
2 to this section remains on inactive status until the ~~board~~ SUPERINTENDENT
3 approves the application for reactivation of the license or certificate.

4 H. The holder of an inactive license or certificate applying for
5 reactivation of the license or certificate under this section shall include
6 with the application for reactivation a copy of the documentation from the
7 armed forces showing the period of time that the holder of the inactive
8 license or certificate was on active military duty.

9 I. Any license or certificate holder who places the holder's license
10 or certificate on inactive status under this section must pay the renewal fee
11 prescribed in section 32-3607 and complete an application for renewal
12 pursuant to section 32-3619. A license or certificate holder on inactive
13 status pursuant to this section who files an application for reactivation ~~is~~
14 ~~required to~~ SHALL provide evidence of completion of the continuing education
15 requirements pursuant to subsection E of this section.

16 J. For the purposes of this section, active military duty does not
17 include service persons performing weekend drill and annual training.

18 Sec. 25. Section 32-3631, Arizona Revised Statutes, is amended to
19 read:

20 32-3631. Disciplinary proceedings

21 A. The rights of an applicant or holder under a license or certificate
22 as a registered trainee appraiser or a state licensed or state certified
23 appraiser may be revoked or suspended, or the holder of the license or
24 certificate may otherwise be disciplined, including being placed on probation
25 as prescribed by rule, in accordance with this chapter on any of the grounds
26 set forth in this section. The ~~board~~ SUPERINTENDENT may investigate the
27 actions of a registered trainee appraiser or a state licensed or state
28 certified appraiser in this state or in any other state and may revoke or
29 suspend the rights of a license or certificate holder or otherwise discipline
30 a registered trainee appraiser or a state licensed or state certified
31 appraiser for any of the following acts or omissions:

32 1. Procuring or attempting to procure a license or certificate
33 pursuant to this chapter by knowingly making a false statement, submitting
34 false information, refusing to provide complete information in response to a
35 question in an application for a license or certificate or committing any
36 form of fraud or misrepresentation.

37 2. Failing to meet the minimum qualifications established by this
38 chapter.

39 3. Paying or offering to pay money or other considerations other than
40 as provided by this chapter to any member or employee of the ~~board~~ DEPARTMENT
41 to procure a license or certificate under this chapter.

42 4. ~~A conviction~~ BEING CONVICTED, including ~~a conviction~~ based on a
43 plea of guilty, of a crime that is substantially related to the
44 qualifications, functions and duties of a person developing appraisals and

1 communicating appraisals to others, or ~~a conviction for~~ BEING CONVICTED OF
2 any felony or any crime involving moral turpitude.

3 5. COMMITTING an act or omission involving dishonesty, fraud or
4 misrepresentation with the intent to substantially benefit the license or
5 certificate holder or another person or with the intent to substantially
6 injure another person.

7 6. ~~Violation of~~ VIOLATING any of the standards of the development or
8 communication of appraisals as provided in this chapter.

9 7. ~~Negligence or incompetence by the~~ BEING NEGLIGENT OR INCOMPETENT AS
10 A state licensed or state certified appraiser in developing an appraisal, in
11 preparing an appraisal report or in communicating an appraisal.

12 8. Wilfully disregarding or violating any ~~of the~~ provisions of this
13 chapter or ~~a board~~ AN order or ~~the rules of the board~~ RULE OF THE
14 SUPERINTENDENT for the administration and enforcement of this chapter.

15 9. Accepting an appraisal assignment if the employment itself is
16 contingent on the appraiser reporting a predetermined estimate, analysis or
17 opinion or if the fee to be paid is contingent on the opinion, conclusion or
18 value reached or on the consequences resulting from the appraisal assignment.

19 10. Violating the confidential nature of any records to which the
20 registered trainee appraiser or the state licensed or state certified
21 appraiser gains access through employment or engagement as a registered
22 trainee appraiser or an appraiser.

23 11. ~~Entry of~~ HAVING a final civil judgment ENTERED against the person
24 on grounds of fraud, misrepresentation or deceit in the making of any
25 appraisal.

26 B. In a disciplinary proceeding based on a civil judgment, a
27 registered trainee appraiser or state licensed or state certified appraiser
28 ~~shall be afforded an opportunity to~~ MAY present matters in mitigation and
29 extenuation.

30 C. The ~~board~~ SUPERINTENDENT may issue subpoenas for the attendance of
31 witnesses and the production of books, records, documents and other evidence
32 necessary and relevant to an investigation or hearing.

33 D. The lapsing or suspension of a license or certificate by operation
34 of law or by AN order or decision of the ~~board~~ SUPERINTENDENT or a court of
35 law, or the voluntary surrender of a license or certificate by a license or
36 certificate holder, shall not deprive the ~~board~~ SUPERINTENDENT of
37 jurisdiction to do ~~any~~ EITHER of the following within twenty-four months
38 after the expiration of the license or certificate pursuant to section
39 32-3616:

40 1. Proceed with any investigation of or action or disciplinary
41 proceeding against the license or certificate holder.

42 2. Render a decision suspending or revoking the license or certificate
43 or denying the renewal or right of renewal of the license or certificate.

1 B. An appraisal or appraisal report shall not be issued by a real
2 estate appraiser unless it meets the appraisal standards established by this
3 chapter and rules adopted pursuant to this chapter.

4 C. An appraisal review report shall clearly indicate the nature of the
5 review process undertaken and shall separate the review function from any
6 other functions.

7 D. All federally related appraisals shall be in writing.

8 E. Failure to pay ~~board-imposed~~ THE fees and expenses authorized by
9 section 32-3632, subsection C is unprofessional conduct as defined by uniform
10 standards of professional appraisal practice.

11 Sec. 28. Section 32-3637, Arizona Revised Statutes, is amended to
12 read:

13 32-3637. Retention of records; definition

14 A. A state licensed or state certified appraiser shall retain a work
15 file for at least five years after preparation of the work file or at least
16 two years after final disposition of any judicial proceeding in which the
17 appraiser provided testimony related to the work file, whichever period of
18 time is greater.

19 B. A state licensed or state certified appraiser shall do either of
20 the following:

21 1. Have custody of the appraiser's work file.

22 2. Make appropriate work file retention, access and retrieval
23 arrangements with the party having custody of the work file.

24 C. The ~~board~~ SUPERINTENDENT may inspect all records required to be
25 maintained under this chapter by the state licensed or state certified
26 appraiser on reasonable notice to the appraiser.

27 D. For the purposes of this section, "work file" includes
28 documentation that is necessary to support an appraiser's analyses, opinions
29 and conclusions and that demonstrates compliance with the uniform standards
30 of professional appraisal practice.

31 Sec. 29. Section 32-3638, Arizona Revised Statutes, is amended to
32 read:

33 32-3638. Violation; classification

34 Any person who performs a real estate appraisal or appraisal review,
35 who is not licensed or certified under this chapter and who knowingly assumes
36 or uses any title, designation or abbreviation likely to create the
37 impression of licensure or certification by this state or any person who
38 knowingly provides false or fraudulent information to the ~~board~~
39 SUPERINTENDENT is guilty of a class 1 misdemeanor.

40 Sec. 30. Section 32-3639, Arizona Revised Statutes, is amended to
41 read:

42 32-3639. Damages; injunctive relief

43 If the ~~board~~ SUPERINTENDENT has a reasonable basis to believe, after
44 investigation, that any person is violating any provision of this chapter,
45 the ~~board~~ SUPERINTENDENT may bring an action in superior court for

1 appropriate injunctive or other equitable relief, damages sustained and
2 taxable costs and reasonable attorney fees.

3 Sec. 31. Section 32-3651, Arizona Revised Statutes, is amended to
4 read:

5 32-3651. Definitions

6 In this article, unless the context otherwise requires:

7 1. "Analysis" means the review of a property valuation or legal
8 classification established by a county assessor in the representation of a
9 person in appealing the property valuation OR LEGAL CLASSIFICATION to the
10 county assessor.

11 2. "Appraisal" means the development of real or personal property
12 value VALUATION or legal classification opinions or conclusions.

13 ~~3. "Board" means the state board of appraisal.~~

14 ~~4.~~ 3. "Property tax agent" means an individual who is designated by a
15 person or is an employee of an entity designated as an agent pursuant to
16 section 42-16001, who acts on behalf of a person who owns, controls or
17 possesses property valued by a county assessor or the department of revenue
18 and who receives a fee for the analysis of any matter relating to the review
19 of the valuation or legal classification of the person's property before the
20 assessor, the county or state board of equalization or the department of
21 revenue. Property tax agent does not include a person who is admitted to
22 practice law in this state, an employee of the person owning, controlling or
23 possessing the property or an employee of an entity designated pursuant to
24 section 42-16001, if such employee is performing a secretarial, clerical or
25 administrative support function.

26 Sec. 32. Section 32-3652, Arizona Revised Statutes, is amended to
27 read:

28 32-3652. Registration; renewal; fees

29 A. An individual who wishes to act as a property tax agent shall apply
30 for registration by submitting to the ~~board~~ SUPERINTENDENT a completed
31 application form prescribed by the ~~board~~ SUPERINTENDENT with the initial
32 registration fee. The applicant shall also file with the ~~board~~
33 SUPERINTENDENT an affidavit stating whether the applicant has been convicted
34 of a felony or any misdemeanor involving dishonesty or moral turpitude in
35 this or any other state within the last ten years. The ~~board~~ SUPERINTENDENT
36 may review the affidavit and issue or deny the registration based on its
37 findings.

38 B. Except as provided in section 32-4301, registration is valid for
39 two years. An individual may renew a registration by submitting to the ~~board~~
40 SUPERINTENDENT a renewal form prescribed by the ~~board~~ SUPERINTENDENT with the
41 renewal fee on or before the date the registration expires.

42 C. An appraiser WHO IS licensed or certified pursuant to this chapter
43 may register and renew registration as a property tax agent without paying
44 the fee prescribed by this section.

1 D. The ~~board~~ SUPERINTENDENT shall issue a certificate of registration
2 to an individual, ~~if the individual complies with this section and the~~
3 ~~individual~~ is not prohibited from registering pursuant to section 32-3654.

4 E. A person shall not act as a property tax agent if the person is not
5 registered pursuant to this section.

6 F. The ~~board~~ SUPERINTENDENT shall collect from each individual a fee
7 of:

8 1. Two hundred dollars for an initial registration.

9 2. One hundred dollars for a renewal.

10 3. Five dollars for a duplicate registration certificate.

11 ~~G. The board shall deposit, pursuant to sections 35-146 and 35-147,~~
12 ~~monies collected pursuant to subsection F of this section in the board of~~
13 ~~appraisal fund.~~

14 Sec. 33. Section 32-3653, Arizona Revised Statutes, is amended to
15 read:

16 32-3653. Property tax agent conduct

17 A property tax agent:

18 1. Shall not knowingly misrepresent any information or act in a
19 fraudulent manner.

20 2. Shall not prepare documents or provide evidence in a property
21 valuation or legal classification appeal unless the agent is authorized by
22 the property owner to do so and any required agency authorization form has
23 been filed.

24 3. Shall not knowingly submit false or erroneous information in a
25 property valuation or legal classification appeal.

26 4. Shall use appraisal standards and methods that are adopted by the
27 ~~board~~ SUPERINTENDENT when the agent submits appraisal information in a
28 property valuation or legal classification appeal.

29 Sec. 34. Section 32-3654, Arizona Revised Statutes, is amended to
30 read:

31 32-3654. Disciplinary actions

32 A. On the complaint of any person or on ~~its~~ THE SUPERINTENDENT'S own
33 motion, the ~~board~~ SUPERINTENDENT shall investigate any suspected violation of
34 this article by a property tax agent. If the ~~board~~ SUPERINTENDENT finds a
35 violation, ~~it~~ THE SUPERINTENDENT may issue a letter of concern.

36 B. If the ~~board~~ SUPERINTENDENT finds that the property tax agent
37 committed any of the following violations, ~~it~~ THE SUPERINTENDENT shall revoke
38 or suspend the agent's registration:

39 1. Secured registration by fraud or deceit.

40 2. Committed an act or is responsible for an omission involving fraud
41 or knowing misrepresentation with the intent to obtain a benefit.

42 3. Knowingly violated section 32-3653.

43 C. The ~~board~~ SUPERINTENDENT shall:

44 1. Suspend the agent's registration for not less than six months on
45 the first finding of a violation pursuant to subsection B of this section.

1 2. Suspend the agent's registration for not less than twelve months on
2 the second finding of a violation pursuant to subsection B of this section.

3 3. Revoke the agent's registration on a third or subsequent finding of
4 a violation pursuant to subsection B of this section.

5 D. The ~~board~~ SUPERINTENDENT shall not impose discipline until the
6 agent has been provided an opportunity for a hearing before the ~~board~~
7 SUPERINTENDENT pursuant to title 41, chapter 6, article 10. The ~~board~~
8 SUPERINTENDENT shall notify the agent of the charges and the date and time of
9 the hearing. The notice may be personally served or sent by certified mail to
10 the agent's last known address. Except as provided in section 41-1092.08,
11 subsection H, the final decision of the ~~board~~ SUPERINTENDENT is subject to
12 judicial review pursuant to title 12, chapter 7, article 6.

13 E. The ~~board~~ SUPERINTENDENT shall not renew an agent's registration
14 during the time the registration is suspended or revoked.

15 Sec. 35. Section 32-3655, Arizona Revised Statutes, is amended to
16 read:

17 32-3655. Rules

18 The ~~board~~ SUPERINTENDENT may adopt rules for the purpose of
19 administering this article.

20 Sec. 36. Section 32-3662, Arizona Revised Statutes, is amended to
21 read:

22 32-3662. Registration

23 A. A person shall not directly or indirectly engage or attempt to
24 engage in business as an appraisal management company, directly or indirectly
25 perform or attempt to perform appraisal management services or advertise or
26 hold itself out as engaging in or conducting business as an appraisal
27 management company without first obtaining a registration issued by the ~~board~~
28 SUPERINTENDENT pursuant to this article, regardless of the entity's use of
29 appraisal management company, mortgage technology company or any other name.

30 B. A person who wishes to be registered as an appraisal management
31 company in this state must file a written application with the ~~board~~
32 SUPERINTENDENT on a form prepared and furnished by the ~~board~~ SUPERINTENDENT
33 and pay a fee in an amount to be determined by the ~~board~~ SUPERINTENDENT. The
34 registration required by subsection A OF THIS SECTION shall include:

35 1. The name, residence address, business address and telephone number
36 of the applicant and the location of each principal office and branch office
37 at which the appraisal management company will conduct business in this
38 state.

39 2. The name under which the applicant will conduct business as an
40 appraisal management company.

41 3. The name, residence address, business address and telephone number
42 of each person who will have an interest in the appraisal management company
43 as a principal, partner, officer, director or trustee, specifying the
44 capacity and title of each person.

1 4. If the person seeking registration is a corporation that is not
2 domiciled in this state, the name and contact information for the company's
3 agent for service of process in this state.

4 5. A certification that the person seeking registration has a system
5 and process in place to verify that a person being added to the appraiser
6 panel for the appraisal management company's appraisal management services in
7 this state holds a license or certification in good standing in this state.

8 6. A certification that the person seeking registration has a system
9 in place to review the work of all independent appraisers that are performing
10 real property appraisal services for the appraisal management company on a
11 periodic basis to confirm that the real property appraisal services are being
12 conducted in accordance with uniform standards of professional appraisal
13 practice.

14 7. A certification that the person maintains a detailed record of each
15 service request that it receives and the independent appraiser that performs
16 the real property appraisal services for the appraisal management company.

17 8. A certification that the person seeking registration has a system
18 in place to train those who select individual appraisers for real property
19 APPRAISAL services in this state, ~~to~~ ensure that the selectors have
20 appropriate training in placing appraisal assignments.

21 9. An irrevocable consent to service of process.

22 10. Any other information required by the ~~board~~ SUPERINTENDENT deemed
23 reasonable in scope and content and necessary for the implementation and
24 administration of this chapter.

25 Sec. 37. Section 32-3664, Arizona Revised Statutes, is amended to
26 read:

27 32-3664. Registration forms

28 An applicant for initial and renewal registration as an appraisal
29 management company shall submit to the ~~board~~ SUPERINTENDENT an application on
30 a form prescribed by the ~~board~~ SUPERINTENDENT.

31 Sec. 38. Section 32-3666, Arizona Revised Statutes, is amended to
32 read:

33 32-3666. Consent to service of process

34 Each entity applying for registration as an appraisal management
35 company shall complete and execute an irrevocable consent to service of
36 process form as prescribed by the ~~board~~ SUPERINTENDENT.

37 Sec. 39. Section 32-3667, Arizona Revised Statutes, is amended to
38 read:

39 32-3667. Fee; bond

40 A. The ~~board~~ SUPERINTENDENT shall establish the fee for appraisal
41 management company registration by rule.

42 B. The appraisal management company ~~is required to~~ SHALL show proof of
43 a surety bond of at least twenty thousand dollars but not more than fifty
44 thousand dollars.

1 Sec. 40. Section 32-3668, Arizona Revised Statutes, is amended to
2 read:

3 32-3668. Owner requirements

4 A. An appraisal management company applying for registration may not
5 be owned by a person or have any principal of the company who has had any
6 financial, real estate or mortgage lending industry license or certificate
7 refused, denied, canceled, revoked or voluntarily surrendered in this state
8 or in any other state. This requirement may be waived by appeal and at the
9 discretion of the ~~board~~ SUPERINTENDENT.

10 B. Each person that owns, is an officer of or has a financial interest
11 in an appraisal management company in this state shall:

12 1. Be of good moral character.

13 2. Obtain a valid fingerprint clearance card issued pursuant to
14 section 41-1758.03.

15 3. Certify to the ~~board~~ SUPERINTENDENT that the person has never had
16 any financial, real estate or mortgage lending industry license or
17 certificate refused, denied, canceled, revoked or voluntarily surrendered in
18 this state or in any other state. This requirement may be waived by appeal
19 and at the discretion of the ~~board~~ SUPERINTENDENT.

20 Sec. 41. Section 32-3669, Arizona Revised Statutes, is amended to
21 read:

22 32-3669. Controlling person

23 A. Each appraisal management company applying to the ~~board~~
24 SUPERINTENDENT for registration in this state shall designate one controlling
25 person ~~that~~ WHO will be the main contact for all communication between the
26 ~~board~~ SUPERINTENDENT and the appraisal management company.

27 B. To serve as a controlling person of an appraisal management
28 company, a person shall:

29 1. Certify to the ~~board~~ SUPERINTENDENT that the person has never had
30 any financial, real estate or mortgage lending industry license or
31 certificate issued by this state, or any other state, refused, denied,
32 canceled, revoked or voluntarily surrendered. This requirement may be waived
33 by appeal and at the discretion of the ~~board~~ SUPERINTENDENT.

34 2. Be of good moral character.

35 3. Obtain a valid fingerprint clearance card issued pursuant to
36 section 41-1758.03.

37 Sec. 42. Section 32-3671, Arizona Revised Statutes, is amended to
38 read:

39 32-3671. Agreements with independent appraisers; limitations

40 An appraisal management company registered in this state pursuant to
41 this article may not enter into contracts or agreements with an independent
42 appraiser for the performance of real property appraisal services in this
43 state unless that person is licensed or certified in good standing with the
44 ~~board~~ SUPERINTENDENT.

1 Sec. 43. Section 32-3672, Arizona Revised Statutes, is amended to
2 read:

3 32-3672. Certification on registration renewal

4 ~~A.~~ Each appraisal management company seeking ~~to be registered~~
5 REGISTRATION RENEWAL in this state shall certify to the ~~board on renewal~~
6 SUPERINTENDENT on a form prescribed by the ~~board~~ SUPERINTENDENT ALL OF THE
7 FOLLOWING:

8 1. That the appraisal management company has a system and process in
9 place to verify that a person being added to the appraiser panel of the
10 appraisal management company holds a license or certificate in good standing
11 in this state pursuant to the ~~board~~ SUPERINTENDENT.

12 ~~B. 2. Each appraisal management company seeking to be registered in~~
13 ~~this state shall certify to the board on renewal~~ That ~~it~~ THE APPRAISAL
14 MANAGEMENT COMPANY has a system in place to review the quality of appraisals
15 of all independent appraisers that are performing real property appraisal
16 services for the appraisal management company on a periodic basis to confirm
17 that the real property appraisal services are being conducted in accordance
18 with uniform standards of professional appraisal practice.

19 ~~C. 3. Each appraisal management company seeking to be registered~~
20 ~~shall certify to the board on renewal~~ That ~~it~~ THE APPRAISAL MANAGEMENT
21 COMPANY maintains a detailed record of each service request that it receives
22 and the name of the independent appraiser that performs the real property
23 appraisal services for the appraisal management company. ~~An~~ THE appraisal
24 management company shall maintain a detailed record for the same time period
25 that an appraiser is required to maintain an appraisal record for the same
26 real property appraisal activity.

27 ~~D. 4. Each appraisal management company seeking to be registered~~
28 ~~shall certify to the board on renewal~~ That ~~it~~ THE APPRAISAL MANAGEMENT
29 COMPANY has a system in place to train those who select individual appraisers
30 for real property appraisal services in this state, ~~to ensure that the~~
31 selectors have appropriate training in placing appraisal assignments.

32 Sec. 44. Section 32-3677, Arizona Revised Statutes, is amended to
33 read:

34 32-3677. Adjudication of disputes

35 A. Except within the first sixty days after an independent appraiser
36 is first added to the appraiser panel of an appraisal management company, an
37 appraisal management company shall not remove an appraiser from its appraiser
38 panel, or otherwise refuse to assign requests for real property appraisal
39 services to an independent appraiser, without notifying the appraiser in
40 writing of the reasons for the appraiser being removed from the appraiser
41 panel of the appraisal management company.

42 B. An independent appraiser that is removed from the appraiser panel
43 of an appraisal management company for alleged illegal conduct, A violation
44 of the uniform standards of professional appraisal practice or A violation of
45 state licensing standards may file a complaint with the ~~board~~ SUPERINTENDENT

1 for a review of the decision of the appraisal management company, except that
2 ~~in no case shall~~ the ~~board~~ SUPERINTENDENT MAY NOT make any determination
3 regarding the nature of the business relationship between the appraiser and
4 the appraisal management company that is unrelated to the actions specified
5 in subsection A OF THIS SECTION.

6 C. If an independent appraiser files a complaint against an appraisal
7 management company pursuant to subsection B OF THIS SECTION, the ~~board~~
8 SUPERINTENDENT shall adjudicate the complaint within a reasonable time.

9 D. If, after AN opportunity for a hearing and review, the ~~board~~
10 SUPERINTENDENT determines that an independent appraiser did not commit a
11 violation of law, a violation of the uniform standards of professional
12 appraisal practice or a violation of state licensing standards, the ~~board~~
13 SUPERINTENDENT shall order that the appraiser be added to the appraiser panel
14 of the appraisal management company that was the subject of the complaint
15 without prejudice. The ~~board~~ SUPERINTENDENT shall furnish the appraisal
16 management company with all written documentation and investigation records
17 that support the ~~board's~~ SUPERINTENDENT'S findings.

18 Sec. 45. Section 32-3678, Arizona Revised Statutes, is amended to
19 read:

20 32-3678. Censure, suspension or revocation; civil penalty

21 The ~~board~~ SUPERINTENDENT may censure an appraisal management company,
22 conditionally or unconditionally suspend or revoke any registration issued
23 under this article or impose civil penalties not to exceed fifteen thousand
24 dollars per violation if, in the opinion of the ~~board~~ SUPERINTENDENT, an
25 appraisal management company is attempting to perform, has performed or has
26 attempted to perform any of the following acts:

- 27 1. Committing any act in violation of this article.
- 28 2. Violating any rule adopted by the ~~board~~ SUPERINTENDENT in the
29 interest of the public and consistent with this article.
- 30 3. Knowingly making or causing to be made to the ~~board~~ SUPERINTENDENT
31 any false representation of material fact.
- 32 4. Suppressing or withholding from the ~~board~~ SUPERINTENDENT any
33 information that the ~~applicant~~ APPRAISAL MANAGEMENT COMPANY possesses and
34 that, if submitted by the ~~applicant~~ APPRAISAL MANAGEMENT COMPANY, would have
35 rendered the ~~applicant~~ APPRAISAL MANAGEMENT COMPANY ineligible to be
36 registered pursuant to rules adopted by the ~~board~~ SUPERINTENDENT.
- 37 5. Violating the federal financial institutions reform, recovery and
38 enforcement act of 1989 (P.L. 101-73; 103 Stat. 183).

39 Sec. 46. Section 32-3679, Arizona Revised Statutes, is amended to
40 read:

41 32-3679. Disciplinary hearings

- 42 A. The ~~board~~ SUPERINTENDENT may conduct disciplinary proceedings in
43 accordance with title 41, chapter 6, article 10.
- 44 B. Before censuring any registrant, or suspending or revoking any
45 registration, the ~~board~~ SUPERINTENDENT shall notify the registrant in writing

1 of any charges made at least forty-five days before the date set for the
2 hearing and shall afford the registrant an opportunity to be heard in person
3 or by counsel.

4 C. The written notice shall be satisfied by personal service on the
5 controlling person of the registrant or the registrant's agent for service of
6 process in this state or by sending the notice by certified mail to the
7 controlling person of the registrant to the registrant's address on file with
8 the ~~board~~ SUPERINTENDENT.

9 D. The hearing shall be at a time and place prescribed by the ~~board~~
10 SUPERINTENDENT. Any reasonable request for a delay of a hearing shall not
11 exceed ninety days.

12 E. The ~~board~~ SUPERINTENDENT may make findings of fact and shall
13 deliver or mail the findings to the registrant charged with a violation of
14 this article.

15 Sec. 47. Section 32-3680, Arizona Revised Statutes, is amended to
16 read:

17 32-3680. Rulemaking authority

18 The ~~board~~ SUPERINTENDENT shall adopt rules that are reasonably
19 necessary to implement, administer and enforce this article, including rules
20 for obtaining copies of appraisals and other documents necessary to audit
21 compliance with this article and rules requiring a surety bond to be posted
22 with each application.

23 Sec. 48. Section 32-4301, Arizona Revised Statutes, is amended to
24 read:

25 32-4301. License, certificate or registration expiration;
26 military active duty; one hundred eighty day
27 extension

28 A. Except as otherwise provided in this section, a license,
29 certificate or registration THAT IS issued pursuant to this title to any
30 member of the Arizona national guard or the United States armed forces
31 reserves shall not expire while the member is serving on federal active duty
32 and shall be extended one hundred eighty days after the member returns from
33 federal active duty, provided that the member, or the legal representative of
34 the member, notifies the license, certificate or registration issuing
35 authority of the federal active duty status of the member. A license,
36 certificate or registration issued pursuant to this title to any member
37 serving in the regular component of the United States armed forces shall be
38 extended one hundred eighty days from the date of expiration, provided that
39 the member, or the legal representative of the member, notifies the license,
40 certificate or registration issuing authority of the federal active duty
41 status of the member.

42 B. A license, certificate or registration issued pursuant to this
43 title to any member of the Arizona national guard, the United States armed
44 forces reserves or the regular component of the United States armed forces
45 shall not expire and shall be extended one hundred eighty days from the date

1 the military member is able to perform activities necessary under the
2 license, certificate or registration if the member both:

- 3 1. Is released from active duty service.
4 2. Suffers an injury as a result of active duty service that
5 temporarily prevents the member from being able to perform activities
6 necessary under the license, certificate or registration.

7 C. If the license, certificate or registration is renewed during the
8 applicable extended time period after the member returns from federal active
9 duty, the member is responsible only for normal fees and activities relating
10 to renewal of the license, certificate or registration and shall not be
11 charged any additional costs such as late fees or delinquency fees.

12 D. The member, or the legal representative of the member, shall
13 present to the authority issuing the license, certificate or registration a
14 copy of the member's official military orders, a redacted military
15 identification card or a written verification from the member's commanding
16 officer before the end of the applicable extended time period in order to
17 qualify for the extension.

18 E. This section does not apply to licenses issued pursuant to chapter
19 10 of this title if a person other than the person who is a member of the
20 Arizona national guard, the United States armed forces reserves or the
21 regular component of the United States armed forces as described in
22 subsection A **OF THIS SECTION** is authorized to renew the license.

23 F. A license or certificate issued pursuant to chapter 36 of this
24 title to any member of the Arizona national guard, the United States armed
25 forces reserves or the regular component of the United States armed forces
26 shall be placed in active status for ninety days after the member returns
27 from federal active duty, provided that the member, or the legal
28 representative of the member, notifies the ~~state board of appraisal~~
29 **DEPARTMENT OF FINANCIAL INSTITUTIONS** of the federal active duty status of the
30 member.

31 Sec. 49. Section 41-619.51, Arizona Revised Statutes, is amended to
32 read:

33 **41-619.51. Definitions**

34 In this article, unless the context otherwise requires:

- 35 1. "Agency" means the supreme court, the department of economic
36 security, the department of child safety, the department of education, the
37 department of health services, the department of juvenile corrections, the
38 department of emergency and military affairs, the department of
39 transportation, the state real estate department, the ~~state board of~~
40 ~~appraisal~~ **DEPARTMENT OF FINANCIAL INSTITUTIONS**, the Arizona game and fish
41 department, ~~or~~ the board of examiners of nursing care institution
42 administrators and assisted living facility managers **OR THE STATE BOARD OF**
43 **DENTAL EXAMINERS.**

- 1 2. "Board" means the board of fingerprinting.
- 2 3. "Central registry exception" means notification to the department
3 of economic security, the department of child safety or the department of
4 health services, as appropriate, pursuant to section 41-619.57 that the
5 person is not disqualified because of a central registry check conducted
6 pursuant to section 8-804.
- 7 4. "Expedited review" means an examination, in accordance with board
8 rule, of the documents an applicant submits by the board or its hearing
9 officer without the applicant being present.
- 10 5. "Good cause exception" means the issuance of a fingerprint
11 clearance card to an employee pursuant to section 41-619.55.
- 12 6. "Person" means a person who is required to be fingerprinted
13 pursuant to this article or who is subject to a central registry check and
14 any of the following:
- 15 (a) Section 8-105.
- 16 (b) Section 8-322.
- 17 (c) Section 8-463.
- 18 (d) Section 8-509.
- 19 (e) Section 8-802.
- 20 (f) Section 8-804.
- 21 (g) Section 15-183.
- 22 (h) Section 15-503.
- 23 (i) Section 15-512.
- 24 (j) Section 15-534.
- 25 (k) Section 15-763.01.
- 26 (l) Section 15-782.02.
- 27 (m) Section 15-1330.
- 28 (n) Section 15-1881.
- 29 (o) Section 17-215.
- 30 (p) Section 28-3413.
- 31 (q) Section 32-1232.
- 32 (r) SECTION 32-1284.
- 33 (s) SECTION 32-1297.01.
- 34 ~~(r)~~ (t) Section 32-2108.01.
- 35 ~~(s)~~ (u) Section 32-2123.
- 36 ~~(t)~~ (v) Section 32-2371.
- 37 ~~(u)~~ (w) Section 32-2372.
- 38 ~~(v)~~ (x) Section 32-3620.
- 39 ~~(w)~~ (y) Section 32-3668.
- 40 ~~(x)~~ (z) Section 32-3669.
- 41 ~~(y)~~ (aa) Section 36-207.
- 42 ~~(z)~~ (bb) Section 36-411.
- 43 ~~(aa)~~ (cc) Section 36-425.03.
- 44 ~~(bb)~~ (dd) Section 36-446.04.
- 45 ~~(cc)~~ (ee) Section 36-594.01.

1 ~~(dd)~~ (ff) Section 36-594.02.
2 ~~(ee)~~ (gg) Section 36-882.
3 ~~(ff)~~ (hh) Section 36-883.02.
4 ~~(gg)~~ (ii) Section 36-897.01.
5 ~~(hh)~~ (jj) Section 36-897.03.
6 ~~(ii)~~ (kk) Section 36-3008.
7 ~~(jj)~~ (ll) Section 41-619.53.
8 ~~(kk)~~ (mm) Section 41-1964.
9 ~~(ll)~~ (nn) Section 41-1967.01.
10 ~~(mm)~~ (oo) Section 41-1968.
11 ~~(nn)~~ (pp) Section 41-1969.
12 ~~(oo)~~ (qq) Section 41-2814.
13 ~~(pp)~~ (rr) Section 46-141, subsection A.
14 ~~(qq)~~ (ss) Section 46-321.
15 Sec. 50. Section 41-1092, Arizona Revised Statutes, is amended to
16 read:
17 41-1092. Definitions
18 In this article, unless the context otherwise requires:
19 1. "Administrative law judge" means an individual or an agency head,
20 board or commission that sits as an administrative law judge, that conducts
21 administrative hearings in a contested case or an appealable agency action
22 and that makes decisions regarding the contested case or appealable agency
23 action.
24 2. "Administrative law judge decision" means the findings of fact,
25 conclusions of law and recommendations or decisions issued by an
26 administrative law judge.
27 3. "Appealable agency action" means an action that determines the
28 legal rights, duties or privileges of a party and that is not a contested
29 case. Appealable agency actions do not include interim orders by
30 self-supporting regulatory boards, rules, orders, standards or statements of
31 policy of general application issued by an administrative agency to
32 implement, interpret or make specific the legislation enforced or
33 administered by it or clarifications of interpretation, nor does it mean or
34 include rules concerning the internal management of the agency that do not
35 affect private rights or interests. For the purposes of this paragraph,
36 administrative hearing does not include a public hearing held for the purpose
37 of receiving public comment on a proposed agency action.
38 4. "Director" means the director of the office of administrative
39 hearings.
40 5. "Final administrative decision" means a decision by an agency that
41 is subject to judicial review pursuant to title 12, chapter 7, article 6.
42 6. "Office" means the office of administrative hearings.
43 7. "Self-supporting regulatory board" means any one of the following:
44 (a) The Arizona state board of accountancy.
45 ~~(b) The state board of appraisal.~~

- 1 ~~(e)~~ (b) The board of barbers.
- 2 ~~(d)~~ (c) The board of behavioral health examiners.
- 3 ~~(e)~~ (d) The Arizona state boxing and mixed martial arts commission.
- 4 ~~(f)~~ (e) The state board of chiropractic examiners.
- 5 ~~(g)~~ (f) The board of cosmetology.
- 6 ~~(h)~~ (g) The state board of dental examiners.
- 7 ~~(i)~~ (h) The state board of funeral directors and embalmers.
- 8 ~~(j)~~ (i) The Arizona game and fish commission.
- 9 ~~(k)~~ (j) The board of homeopathic and integrated medicine examiners.
- 10 ~~(l)~~ (k) The Arizona medical board.
- 11 ~~(m)~~ (l) The naturopathic physicians medical board.
- 12 ~~(n)~~ (m) The state board of nursing.
- 13 ~~(o)~~ (n) The board of examiners of nursing care institution
- 14 administrators and adult care home managers.
- 15 ~~(p)~~ (o) The board of occupational therapy examiners.
- 16 ~~(q)~~ (p) The state board of dispensing opticians.
- 17 ~~(r)~~ (q) The state board of optometry.
- 18 ~~(s)~~ (r) The Arizona board of osteopathic examiners in medicine and
- 19 surgery.
- 20 ~~(t)~~ (s) The Arizona peace officer standards and training board.
- 21 ~~(u)~~ (t) The Arizona state board of pharmacy.
- 22 ~~(v)~~ (u) The board of physical therapy.
- 23 ~~(w)~~ (v) The state board of podiatry examiners.
- 24 ~~(x)~~ (w) The state board for private postsecondary education.
- 25 ~~(y)~~ (x) The state board of psychologist examiners.
- 26 ~~(z)~~ (y) The board of respiratory care examiners.
- 27 ~~(aa)~~ (z) The office of pest management.
- 28 ~~(bb)~~ (aa) The state board of technical registration.
- 29 ~~(cc)~~ (bb) The Arizona state veterinary medical examining board.
- 30 ~~(dd)~~ (cc) The acupuncture board of examiners.
- 31 ~~(ee)~~ (dd) The Arizona regulatory board of physician assistants.
- 32 ~~(ff)~~ (ee) The board of athletic training.
- 33 ~~(gg)~~ (ff) The board of massage therapy.

34 Sec. 51. Section 41-1758, Arizona Revised Statutes, is amended to
35 read:

36 41-1758. Definitions

37 In this article, unless the context otherwise requires:

- 38 1. "Agency" means the supreme court, the department of economic
39 security, the department of child safety, the department of education, the
40 department of health services, the department of juvenile corrections, the
41 department of emergency and military affairs, the department of
42 transportation, the state real estate department, the ~~state board of~~
43 ~~appraisal~~ DEPARTMENT OF FINANCIAL INSTITUTIONS, the board of fingerprinting,
44 the Arizona game and fish department, ~~or~~ the board of examiners of nursing

1 care institution administrators and assisted living facility managers [OR THE](#)
2 [STATE BOARD OF DENTAL EXAMINERS](#).

3 2. "Division" means the fingerprinting division in the department of
4 public safety.

5 3. "Electronic or internet-based fingerprinting services" means a
6 secure system for digitizing applicant fingerprints and transmitting the
7 applicant data and fingerprints of a person or entity submitting fingerprints
8 to the department of public safety for any authorized purpose under this
9 title. For the purposes of this paragraph, "secure system" means a system
10 that complies with the information technology security policy approved by the
11 department of public safety.

12 4. "Good cause exception" means the issuance of a fingerprint
13 clearance card to an applicant pursuant to section 41-619.55.

14 5. "Person" means a person who is required to be fingerprinted
15 pursuant to any of the following:

- 16 (a) Section 8-105.
- 17 (b) Section 8-322.
- 18 (c) Section 8-463.
- 19 (d) Section 8-509.
- 20 (e) Section 8-802.
- 21 (f) Section 15-183.
- 22 (g) Section 15-503.
- 23 (h) Section 15-512.
- 24 (i) Section 15-534.
- 25 (j) Section 15-763.01.
- 26 (k) Section 15-782.02.
- 27 (l) Section 15-1330.
- 28 (m) Section 15-1881.
- 29 (n) Section 17-215.
- 30 (o) Section 28-3413.
- 31 (p) Section 32-1232.
- 32 (q) [SECTION 32-1284](#).
- 33 (r) [SECTION 32-1297.01](#).
- 34 ~~(q)~~ (s) Section 32-2108.01.
- 35 ~~(r)~~ (t) Section 32-2123.
- 36 ~~(s)~~ (u) Section 32-2371.
- 37 ~~(t)~~ (v) Section 32-2372.
- 38 ~~(u)~~ (w) Section 32-3620.
- 39 ~~(v)~~ (x) Section 32-3668.
- 40 ~~(w)~~ (y) Section 32-3669.
- 41 ~~(x)~~ (z) Section 36-207.
- 42 ~~(y)~~ (aa) Section 36-411.
- 43 ~~(z)~~ (bb) Section 36-425.03.
- 44 ~~(aa)~~ (cc) Section 36-446.04.
- 45 ~~(bb)~~ (dd) Section 36-594.01.

