

.R162. Commerce, Real Estate.

R162-2g. Real Estate Appraiser Licensing and Certification Administrative Rules.

R162-2g-101. Authority.

- (1) The authority to promulgate rules governing the appraisal industry is granted by Section 61-2g-201(2)(h).
- (2) The authority to establish and collect fees is granted by Section 61-2g-202(1).
- (3) The authority to exempt specific persons from complying with USPAP standards is granted by Section 61-2g-205(5)(c) within certain limitations as imposed by Section 61-2g-403(1)(c).

R162-2g-102. Definitions.

- (1) "Affiliation" means an ongoing business association:
 - (a) between:
 - (i) two individuals registered, licensed, or certified under Section 61-2g; or
 - (ii) an individual registered, licensed, or certified under Section 61-2g and:
 - (A) an appraisal entity; or
 - (B) a government agency;
 - (b) for the purpose of providing an appraisal service; and
 - (c) regardless of whether an employment relationship exists between the parties.
- (2) The acronym "AQB" stands for the Appraiser Qualifications Board of the Appraisal Foundation.
- (3) "Board" means the Utah Real Estate Appraiser Licensing and Certification Board.
- (4) "Business day" means a day other than:
 - (a) a Saturday;
 - (b) a Sunday; or
 - (c) a federal or state holiday.
- (5) The acronym "CAMA" stands for Computer Assisted Mass Appraisal.
- (6) "Classification" means the type of license or certification held by an appraiser.
- (7) "Day" means calendar day unless specified as "business day."
- (8) "Deferral" means the postponement or delay for completion of a continuing education requirement due to active military duty or due to the impacts of a state- or federally-declared disaster as specified in R162-2g-306a.
- (9) "Desk review" means review of an appraisal:
 - (a) including verification of the data; but
 - (b) not including a physical inspection of the property.
- (10) "Distance education" means an education process based on the geographical separation of student and instructor, including:
 - (a) computer conferencing;
 - (b) satellite teleconferencing;
 - (c) interactive audio;
 - (d) interactive computer software;
 - (e) Internet-based instruction; and
 - (f) other interactive online courses.
- (11) "Division" means the Division of Real Estate of the Department of Commerce.
- (12) "Draft report" means an appraisal report that is distributed prior to being completed, as provided in Subsection R162-2g-502b(1).
- (13) "Entity" means:
 - (a) a corporation;
 - (b) a partnership;
 - (c) a sole proprietorship;
 - (d) a limited liability company;
 - (e) another business entity; or
 - (f) a subsidiary or unit of an entity described in this Subsection (13).
- (14) "Field review" means review of an appraisal, including:
 - (a) a physical inspection of the property; and
 - (b) verification of the data.
- (15) "Non-certified education" means a continuing education course offered outside of Utah, but for which a licensee may apply for credit pursuant to R162-2g-307d(4).
- (16) "Person" means an individual or an entity.
- (17) "Reinstatement" means renewing a license or certification for an additional period after its expiration date has passed, but prior to 12 months after the expiration date.
- (18) The acronym "RELMS" stands for Real Estate Licensing and Management System, which is the online database through which individuals registered, licensed, or certified under these rules must submit certain information to the division.
- (19) "Renewal" means reissuing a license or certification upon its expiration for an additional period.
- (20) "School" means:
 - (a) an accredited college, university, junior college, or community college;

- (b) any state or federal agency or commission;
- (c) a nationally recognized real estate appraisal or real estate related organization, society, institute, or association; or
- (d) any school or organization approved by the board.
- (21) "School director" means an authorized individual in charge of the educational program at a school.
- (22) "Supervisory Appraiser" means a state-certified residential appraiser or a state certified general appraiser that directly supervises a trainee.
- (23) "Trainee" means a person who is working under the direct supervision of a state-certified residential appraiser or a state-certified general appraiser to earn experience hours for licensure, and who meets the requirements of Subsection R162-2g-302.
- (24) "Transaction value" means:
 - (a) for loans or other extensions of credit, the amount of the loan or extension of credit;
 - (b) for sales, leases, purchases, and investments in, or exchanges of, real property, the market value of the real property interest involved; and
 - (c) for the pooling of loans or interests in real property for resale or purchase, the amount of the loan or market value of the real property calculated with respect to each such loan or interest in real property.
- (25) The acronym "USPAP" stands for the current edition of the Uniform Standards of Professional Appraisal Practice published by the Appraisal Foundation.

R162-2g-302. Application for Trainee Registration.

- (1) Registration required.
 - (a) An individual who intends to obtain a license to practice as a state-licensed appraiser shall first register with the division as a trainee.
 - (b) The division and the board shall not award or recognize experience hours toward licensure for any appraisal work that is performed by an individual during a period of time when the individual is not registered as a trainee.
- (2) Character. An individual registering with the division as a trainee shall evidence honesty, integrity, and truthfulness.
 - (a) A trainee applicant shall be denied registration for:
 - (i) a felony that resulted in:
 - (A) a conviction occurring within five years of the date of application; or
 - (B) a jail or prison release date falling within five years of the date of application; or
 - (ii) a misdemeanor involving fraud, misrepresentation, theft, or dishonesty that resulted in:
 - (A) a conviction occurring within three years of the date of application; or
 - (B) a jail or prison release date falling within three years of the date of application.
 - (b) A trainee applicant may be denied registration upon consideration of the following:
 - (i) criminal convictions and pleas entered at any time prior to the date of application;
 - (ii) the circumstances that led to any criminal convictions or pleas under consideration;
 - (iii) past acts related to honesty or moral character, with particular consideration given to any such acts involving the appraisal business;
 - (iv) dishonest conduct that would be grounds under Utah law for sanctioning an existing licensee;
 - (v) civil judgments in lawsuits brought on grounds of fraud, misrepresentation, or deceit;
 - (vi) court findings of fraudulent or deceitful activity in civil lawsuits;
 - (vii) evidence of non-compliance with court orders or conditions of sentencing;
 - (viii) evidence of non-compliance with terms of a probation agreement, plea in abeyance, or diversion agreement; and
 - (ix) failure to pay taxes or child support obligations.
- (3) Competency. An individual registering with the division as a trainee shall evidence competency. In evaluating an applicant for competency, the division and board may consider any evidence, including the following:
 - (a) civil judgments, with particular consideration given to any such judgments involving the appraisal business;
 - (b) failure to satisfy a civil judgment that has not been discharged in bankruptcy;
 - (c) the extent and quality of the applicant's training and education in appraisal;
 - (d) the extent of the applicant's knowledge of the Utah Real Estate Appraiser Licensing and Certification Act;
 - (e) evidence of disregard for licensing laws;
 - (f) evidence of drug or alcohol dependency; and
 - (g) the amount of time that has passed since any incident under consideration.
- (4) Pre-licensing education.
 - (a) Within the five-year period preceding the date of application, an applicant shall successfully complete 75 classroom hours:
 - (i) approved by the AQB; and
 - (ii)(A) certified by the division pursuant to Subsection R162-2g-307c(1)-(3); or
 - (B) not required to be certified by the division pursuant to Subsection R162-2g-307c(6).
 - (b) The 75 hours of required education shall include:
 - (i) 30 hours of appraisal principles;
 - (ii) 30 hours of appraisal procedures; and
 - (iii) the 15-hour National USPAP course, or its equivalent.
 - (c) The 15-hour National USPAP Course or its equivalent may not be accepted by the division as qualifying education unless

it is:

- (i) taught by an instructor who:
 - (A) is a state-certified residential or state-certified general appraiser; and
 - (B) has been certified by the AQB; or
- (ii) approved as a distance education course by the AQB and International Distance Education Certification Center.
- (d) A person who applies for trainee registration on or after January 1, 2015 shall successfully complete the division-approved

Supervisory Appraiser and Appraiser Trainee Course:

- (i) as taught by a division-approved instructor; and
- (ii) within the two-year period preceding the date of application.
- (e) Examination. An applicant shall evidence having passed the final examination in all pre-licensing courses.
- (5) Application to the division. An applicant shall submit the following to the division:
 - (a) a completed application as provided by the division;
 - (b) course completion certificates for the 75 hours of pre-licensing education;
 - (c)(i) two fingerprint cards in a form acceptable to the division; or
 - (ii) evidence that the applicant's fingerprints have been successfully scanned at a testing center;
 - (d) all court documents related to any past criminal proceeding;
 - (e) complete documentation of any sanction taken against any license in any jurisdiction;
 - (f) a signed letter of waiver authorizing the division to:
 - (i) obtain the fingerprints of the applicant;
 - (ii) review past and present employment records;
 - (iii) review education records; and
 - (iv) conduct a criminal background check;
 - (g) the fee for the criminal background check;
 - (h) the name of the state-certified appraiser(s) with whom the trainee is affiliated;
 - (i) the name and business address of any appraisal entity or government agency with which the trainee is affiliated; and
 - (j) the nonrefundable application fee.
- (6) Affiliation with certified appraiser(s). Applicants shall affiliate with at least one supervising certified appraiser and evidence that affiliation by:
 - (a) identifying each supervising certified appraiser on a form supplied by the division; and
 - (b) obtaining each supervising certified appraiser's signature on the application.

R162-2g-304a. Application to Sit for the State-Licensed Appraiser Exam.

- (1) An applicant to sit for the state-licensed appraiser exam shall provide the following to the division:
 - (a) completed experience forms, as required by the division:
 - (i) documenting all experience hours completed by the applicant from the date of trainee registration to the date of application for licensure; and
 - (ii) evidencing at least 1,000 hours of appraisal experience:
 - (A) pursuant to Subsection R162-2g-304d;
 - (B) completed during the time when the applicant was registered with the division as a trainee; and
 - (C) accrued in no fewer than:
 - (I) 6 months for applicants submitting experience primarily from Appendices 1 and 2, or
 - (II) 12 months for applicants submitting experience primarily from appendix 3;
 - (b) evidence of having successfully completed a state-licensed appraiser pre-licensing required core curriculum as described in Appendix 4, Table 1 and that has been certified by the division pursuant to Subsection R162-2g-307c; and
 - (c) a nonrefundable application fee.
 - (2) The pre-licensing curriculum required by Subsection (1)(b) shall be conducted by:
 - (a) a college or university;
 - (b) a community or junior college;
 - (c) a real estate appraisal or real estate related organization;
 - (d) a state or federal agency or commission;
 - (e) a proprietary school;
 - (f) a provider approved by a state certification and licensing agency; or
 - (g) the Appraisal Foundation or its boards.
 - (3)(a) Upon determining that the applicant satisfies the education and experience requirements, the division shall issue to the applicant a form permitting the applicant to register for the examination.
 - (b) Upon being approved to register for the examination pursuant to this Subsection (3)(a), an applicant shall:
 - (i) return the examination application form to the testing service designated by the division; and
 - (ii) pay a nonrefundable examination fee to the testing service designated by the division.
 - (c) The permission to register to sit for the examination shall be valid for 24 months after issuance.

R162-2g-304b. Application to Sit for the State-Certified Residential Appraiser Exam.

- (1) An applicant to sit for the state-certified residential appraiser exam shall provide the following to the division:

(a) completed experience forms, as required by the division, evidencing at least 1,500 hours of total appraisal experience, at least 500 of which:

- (i) meet the requirements of Subsection R162-2g-304d;
- (ii) are completed during the time when the applicant is licensed as a state-licensed appraiser:
 - (A) with the division; or
 - (B) in another state, if licensure was required in that state at the time the appraisal was performed; and
- (iii) are accrued in no fewer than:
 - (A) for applicants submitting experience primarily from appendices 1 and 2, 6 months from the date the applicant received the state-licensed appraiser credential; or
 - (B) for applicants submitting experience primarily from appendix 3, 12 months from the date the applicant received the state-licensed appraiser credential;

(b) evidence of having completed at least one of the following six education options:

- (i) option 1: received a Bachelor's degree or higher in any field of study from an accredited college or university;
- (ii) option 2: received an Associate's degree from an accredited college or university in a field of study related to:
 - (A) Business Administration;
 - (B) Accounting;
 - (C) Finance;
 - (D) Economics; or
 - (E) Real Estate;
- (iii) option 3: successful completion of 30 semester hours of college-level courses that cover each of the following specific topic areas and hours:

- (A) English composition (3 semester hours);
- (B) micro economics (3 semester hours);
- (C) macro economics (3 semester hours);
- (D) finance (3 semester hours);
- (E) algebra, geometry, or higher mathematics (3 semester hours);
- (F) statistics (3 semester hours);
- (G) computer science (3 semester hours);
- (H) business law or real estate law (3 semester hours); and
- (I) two elective courses in: accounting, geography, agricultural economics, business management, or real estate (3 semester hours each);

(iv) option 4: successful completion of at least 30 hours of College Level Examination Program 7 (CLEP7) examinations from the following subject matter areas:

- (A) College Algebra;
 - (B) College Composition;
 - (C) College Composition Modular;
 - (D) College Mathematics;
 - (E) Principals of Macroeconomics;
 - (F) Principals of Microeconomics;
 - (G) Introductory Business Law; and
 - (H) Principals of Management
- (v) option 5: any combination of option 3 and option 4 that includes all of the topics identified in option 3; or
- (vi) option 6: no college-level education is required for appraisers who have held a state-licensed appraiser credential for a minimum of five years and have no record of any adverse, final, and non-appealable disciplinary action affecting the state-licensed appraiser's legal eligibility to engage in appraisal practice within the five years immediately preceding the date of application for a state-certified residential credential;

(c) evidence of having successfully completed a state-certified residential appraiser pre-licensing required core curriculum as described in Appendix 4, Table 1 and that has been certified by the division pursuant to Subsection R162-2g-307c; and

- (d) except as provided in this Subsection (4)(a), a nonrefundable application fee.
- (2) The pre-licensing curriculum required by Subsection(1)(c) shall be provided by:
 - (a) a college or university;
 - (b) a community or junior college;
 - (c) a real estate appraisal or real estate related organization;
 - (d) a state or federal agency or commission;
 - (e) a proprietary school;
 - (f) a provider approved by a state certification and licensing agency; or
 - (g) the Appraisal Foundation or its boards.

(3)(a) Upon determining that the applicant satisfies the education and experience requirements, the division shall issue to the applicant a form permitting the applicant to register for the examination.

- (b) Upon being approved to register for the examination pursuant to this Subsection (3)(a), an applicant shall:
 - (i) return the examination application form to the testing service designated by the division; and
 - (ii) pay a nonrefundable examination fee to the testing service designated by the division.

(c) The permission to register to sit for the examination shall be valid for 24 months after issuance.

(4)(a) A state-licensed appraiser who, within six months of renewing the license, submits an application and consequently qualifies for certification shall not be required to pay the entire application fee but shall instead pay the difference between the renewal fee and the application fee.

(b) A certification that is obtained under this Subsection (4)(a) shall expire on the same date that the license was due to expire prior to the granting of certification.

R162-2g-304c. Application to Sit for the State-Certified General Appraiser Exam.

(1) An applicant to sit for the state-certified general appraiser exam shall provide the following to the division:

(a) completed experience forms, as required by the division, evidencing at least 3,000 hours of total appraisal experience, at least 1,000 of which:

(i) meet the requirements of Subsection R162-2g-304d;

(ii) are completed during the time when the applicant is licensed as a state-licensed appraiser or state-certified residential appraiser:

(A) with the division; or

(B) in another state, if licensure was required in that state at the time the appraisal was performed;

(iii) are accrued in no fewer than:

(A) 12 months from the date the applicant received a state-licensed appraiser credential for applicants submitting experience primarily from appendices 1 and 2, or

(B) 18 months from the date the applicant received a state-licensed appraiser credential for applicants submitting experience primarily from appendix 3; and

(iv) evidence that at least 1,500 experience hours are derived from non-residential appraisal experience.

(b) evidence of having received a bachelor's degree or higher degree from an accredited college or university;

(c) evidence of having successfully completed a state-certified general appraiser pre-licensing required core curriculum as described in Appendix 4, Table 1 and that has been certified by the division pursuant to Subsection R162-2g-307c; and

(d) except as provided in this Subsection (4)(a), a nonrefundable application fee.

(2) The pre-licensing curriculum required by Subsections (1)(c) shall be provided by:

(a) a college or university;

(b) a community or junior college;

(c) a real estate appraisal or real estate related organization;

(d) a state or federal agency or commission;

(e) a proprietary school;

(f) a provider approved by a state certification and licensing agency; or

(g) the Appraisal Foundation or its boards.

(3)(a) Upon determining that the applicant satisfies the education and experience requirements, the division shall issue to the applicant a form permitting the applicant to register for the examination.

(b) Upon being approved to register for the examination pursuant to this Subsection (3)(a), an applicant shall:

(i) return the examination application form to the testing service designated by the division; and

(ii) pay a nonrefundable examination fee to the testing service designated by the division.

(c) The permission to register to sit for the examination shall be valid for 24 months after issuance.

(4)(a) A state-licensed appraiser or a state-certified residential appraiser who, within six months of renewing the license or certification, submits an application and consequently qualifies for certified general status shall not be required to pay the entire application fee but shall instead pay the difference between the renewal fee and the application fee.

(b) A certification that is obtained under this Subsection (4)(a) shall expire on the same date that the license was due to expire prior to the granting of certified general status.

R162-2g-304d. Experience Hours.

(1)(a) Except as provided in this Subsection (1)(b), appraisal experience shall be measured in hours according to the appraisal experience hours schedules found in Appendices 1 through 3.

(b)(i) An applicant who has experience in categories other than those shown on the appraisal experience hours schedules, or who believes the schedules do not adequately reflect the applicant's experience or the complexity or time spent on an appraisal, may petition the board on an individual basis for approval of the experience as being substantially equivalent to that required for licensure or certification.

(ii) Upon a finding that an applicant's experience is substantially equivalent to that required for licensure or certification, the board may award the applicant an appropriate number of hours for the alternate experience.

(2) General restrictions.

(a) An applicant may not accrue more than 2,000 experience hours in any 12-month period.

(b) The board may not award credit for:

(i) appraisal experience earned more than five years prior to the date of application;

(ii) appraisals that were performed in violation of:

(A) Utah law;

(B) the law of another jurisdiction; or

- (C) the administrative rules adopted by the division and the board;
 - (iii) appraisals that fail to comply with USPAP;
 - (iv) the performance of an evaluation as defined in the Real Estate Appraiser and Certification Act which does not comply with USPAP;
 - (v) appraisals of the value of a business as distinguished from the appraisal of commercial real estate;
 - (vi) personal property appraisals; or
 - (vii) an appraisal that fails to clearly and conspicuously disclose the contribution made by the applicant in completing the assignment.
- (c) At least 50% of the appraisals submitted for experience credit shall be appraisals of properties located in Utah.
 - (d) With regard to experience hours claimed from the schedules found in Appendices 1 and 2, no more than 25% of the total experience required for licensure or certification may be earned from appraisals where the interior of the subject property is not inspected.
 - (e) A maximum of 50% of required experience hours may be earned from appraisal of vacant land.
 - (f) Experience gained for work without a traditional client may qualify for experience hours but cannot exceed 50% of the total experience requirement. Work without a traditional client includes the following:
 - (i) a client hiring an appraiser for a business purpose; or
 - (ii) a practicum course so long as the course is approved by the AQB Course Approval Program and, if the course is taught in Utah either live or by distance education, also approved by the division.
 - (g) An applicant may receive credit only for experience hours actually worked by the applicant and as limited by the maximum experience hours described in these rules.
- (3) Specific restrictions applicable to trainees applying for licensure.
 - (a)(i) A registered trainee may not claim experience hours for any appraisal work performed after January 1, 2015 unless the trainee and the trainee's supervisor(s) have completed the division-approved Supervisory Appraiser and Appraiser Trainee Course prior to performing the work to be claimed.
 - (ii) A trainee and the trainee's supervisor who signs the experience log shall document on the log the specific duties that the trainee performs for each appraisal.
 - (b) For each duty performed, the trainee shall be awarded a percentage of the total experience hours that may be awarded for the property type being appraised:
 - (i) pursuant to the appraisal experience hour schedules found in Appendices 1 through 3; and
 - (ii) with the following limitations for Appendix 2:
 - (A) participation in highest and best use analysis: 10% of total hours;
 - (B) participation in neighborhood description and analysis: 10% of total hours;
 - (C) property inspection: 20% of total hours, pursuant to this Subsection (3)(c);
 - (D) participation in land value estimate: 20% of total hours;
 - (E) participation in sales comparison property selection and analysis: 30% of total hours;
 - (F) participation in cost analysis: 20% of total hours;
 - (G) participation in income analysis: 30% of total hours;
 - (H) participation in the final reconciliation of value: 10% of total hours; and
 - (I) participation in report preparation: 20% of total hours.
 - (J) The applicant may claim up to 100% of the total hours allowed for the tasks listed in this Subsection(A) through (I).
 - (c) In order for a trainee to claim credit for an inspection pursuant to this Subsection (3)(b)(ii)(C):
 - (i) as to the first 35 residential appraisals or first 20 non-residential appraisals completed, as applicable to the license or certification being sought, the inspection must include:
 - (A) exterior measurement of the relatively permanent structures located on the subject property that are designed or intended for support, enclosure, shelter, or protection of persons, animals, or property having a permanent roof supported by columns or walls; and
 - (B) inspection of the exterior of a property that is used as a comparable in an appraisal; and
 - (ii) as to appraisals after the first 35 residential appraisals or first 20 non-residential appraisals completed, as applicable to the license or certification being sought, the inspection must satisfy all scope of work requirements.
 - (d) No more than one-third of the experience hours submitted toward licensure may come from any one of the categories identified in this Subsection (3)(b)(ii).
- (4) Specific restrictions applicable to applicants for certification.
 - (a) An individual who obtained a license from the division through reciprocity shall provide to the division all records necessary for the division to verify that the individual satisfies the experience requirements outlined in these rules.
 - (b) The board may not award credit:
 - (i) for any appraisal where the applicant cannot prove more than 50% participation in the:
 - (A) data collection;
 - (B) verification of data;
 - (C) reconciliation;
 - (D) analysis;
 - (E) identification of property and property interests;
 - (F) compliance with USPAP standards; and
 - (G) preparation and development of the appraisal report; or

- (ii) to more than one licensed appraiser per completed appraisal, except as provided in this Subsection (5).
- (c)(i) An individual applying for certification as a state-certified residential appraiser shall document at least 75% of the hours submitted from:
 - (A) the residential experience hours schedule found in Appendix 1; or
 - (B) the residential portion of the mass appraisal hours schedule found in Appendix 3.
- (ii) No more than 25% of the total hours submitted may be from:
 - (A) the general experience hours schedule found in Appendix 2; or
 - (B) properties other than 1- to 4-unit residential properties identified in the mass appraisal hours schedule found in Appendix 3.
- (d) An individual applying for certification as a state-certified general appraiser shall document at least 1,500 experience hours as having been earned from:
 - (i) the general experience hours schedule found in Appendix 2; or
 - (ii) properties other than 1- to 4-unit residential properties identified in the mass appraisal hours schedule found in Appendix 3.
- (5) Specific restrictions applicable to mass appraisers.
 - (a) Single-property appraisals performed under USPAP Standards 1 and 2 by mass appraisers shall be awarded full credit pursuant to Appendices 1 and 2.
 - (b) Review and supervision of appraisals by mass appraisers shall be awarded credit pursuant to this Subsection (6)(b)-(c).
 - (c)(i) Mass appraisers and mass appraiser trainees who perform 60% or more of the appraisal work shall be awarded full credit pursuant to Appendix 3.
 - (ii) Mass appraisers and mass appraiser trainees who perform between 25% and 59% of the appraisal work shall be awarded 50% credit pursuant to Appendix 3.
 - (iii) Mass appraisers and mass appraisal trainees who perform less than 25% of the appraisal work shall be awarded no credit for the appraisal assignment.
 - (d) In addition to submitting proof of required experience and samples, randomly selected from the experience log, of work conforming to USPAP Standards 5 and 6:
 - (i) a state-licensed appraiser applicant whose experience is earned primarily through mass appraisal shall submit proof of having performed at least five appraisals conforming to USPAP Standards 1 and 2 equaling at least 65 experience hours;
 - (ii) a state-certified residential appraiser applicant whose experience is earned primarily through mass appraisal shall submit proof of having performed at least eight residential appraisals equaling at least 110 experience hours:
 - (A) conforming to USPAP Standards 1 and 2; and
 - (B) including at least two of each of the following property types:
 - (I) vacant residential or agricultural land;
 - (II) two- to four-unit dwelling;
 - (III) single-family unit; and
 - (IV) complex one to four unit residential dwellings; and
 - (iii) a state-certified general appraiser applicant whose experience is earned primarily through mass appraisal shall submit proof of having performed at least eight appraisals from Appendix 2 conforming to USPAP Standards 1 and 2 equaling at least 300 experience hours.
 - (e) No more than 200 hours for qualification for a state-licensed credential, 500 hours for a state-certified residential credential, or 1,800 hours for a certified general credential may be earned from any combination of appraisal assignments related to:
 - (i) property improvement inspection;
 - (ii) land segregation (division);
 - (iii) CAMA data entry; and
 - (iv) sale ratio study.
 - (f)(i) Mass appraisal of property with a personal property component of less than 50% of value shall be awarded full credit pursuant to Appendix 3 for the type of property appraised.
 - (ii) Mass appraisal of property with a personal property component of 50% to 75% of value shall be awarded 50% credit pursuant to Appendix 3 for the type of property appraised.
 - (iii) Mass appraisal of property with a personal property component greater than 75%, but less than 100%, shall be awarded 25% credit pursuant to Appendix 3 for the type of property appraised.
 - (iv) Mass appraisal of property with no real property component shall be awarded no credit.
 - (g) The appraisals submitted for review pursuant to this Subsection (5)(d) shall be selected from the applicant's most recent work.
- (6) Special circumstances - condemnation appraisals, review appraisals, supervision of appraisers, other real estate experience, and government agency experience.
 - (a) Condemnation appraisals. A condemnation appraisal shall be awarded an additional 50% of the hours normally awarded for the appraisal if the condemnation appraisal includes a before-and-after appraisal because of a partial taking of the property.
 - (b) Review appraisals.
 - (i) Review appraisals shall be awarded experience credit when the appraiser performs technical reviews of appraisals prepared by employees, associates, or others, provided the appraiser complies with USPAP Standards 3 and 4 when the appraiser is required to comply with the rule.

- (ii) Except as provided in this Subsection (6)(e)(i), the following credit shall be awarded for review of appraisals:
 - (A) desk review: 30% of the hours that would be awarded if a separate written review appraisal report were prepared, up to a maximum of 500 hours; and
 - (B) field review: 50% of the hours that would be awarded if a separate written review appraisal report were prepared, up to a maximum of 500 hours.
 - (c) Supervision of appraisers. Except as provided in this Subsection (6)(e)(i), supervision of appraisers shall be awarded 20% of the hours that would be awarded to the appraisal, up to a maximum of 500 hours.
 - (d) Other real estate experience acceptable for certification.
 - (i) Provided that an applicant demonstrates to the satisfaction of the board that the applicant has the ability to arrive at a fair market value of property and to properly document value conclusions, the following activities may be used to satisfy up to 50% of the experience required for certification:
 - (A) preliminary valuation estimates;
 - (B) range of value estimates or similar studies;
 - (C) other real estate-related experience gained by:
 - (I) bankers;
 - (II) builders;
 - (III) city planners and managers; or
 - (IV) other individuals.
 - (ii) A comparative market analysis by an individual licensed under Section 61-2f et seq. may be granted up to 100% experience credit toward certification if:
 - (A) the analysis conforms with USPAP Standards Rules 1 and 2; and
 - (B) the individual demonstrates to the board that the individual uses similar techniques as appraisers to value properties and effectively utilize the appraisal process.
 - (iii) Except as provided in this Subsection (6)(e)(i), no more than 50% of the total experience required for certification may be earned through any combination of experience described in this Subsection (6)(b)-(d).
 - (e) Government agency experience.
 - (i) An individual who obtains experience hours in conjunction with investigation by a government agency is not subject to the hour limitations of this Subsection (6).
 - (ii) In addition to submitting proof of required experience, an applicant whose experience is earned primarily in conjunction with investigations by government agencies and through review of appraisals, with no opinion of value developed, shall submit proof of having complied with USPAP Standards 1 and 2 in performing appraisals as follows:
 - (A) if applying for state-licensed appraiser with experience reviewing residential appraisals, five appraisals of one-unit dwellings;
 - (B) if applying for state-certified residential appraiser with experience reviewing residential appraisals, eight appraisals of one-unit dwellings; and
 - (C) if applying for state-certified general appraiser with experience reviewing appraisals of property types listed in Appendix 2, at least eight appraisals of property types identified in Appendix 2.
 - (7) The board, at its discretion, may request the division to verify the claimed experience by any of the following methods:
 - (a) verification with the clients;
 - (b) submission of selected reports to the board; and
 - (c) field inspection of reports identified by the applicant at the applicant's office during normal business hours.

R162-2g-304e. Experience Review Committee.

- (1) The board may appoint a committee to review the experience claimed by applicants for licensure or certification.
- (2) The committee shall:
 - (a) review each application for completion of the experience hours required for licensure or certification;
 - (b) correspond with applicants concerning submissions, if necessary; and
 - (c) make recommendations to the division and the board for licensure or certification approval or disapproval.
- (3) The committee shall be composed of appraisers selected from among the following categories:
 - (a) residential appraisers;
 - (b) commercial appraisers;
 - (c) farm and ranch appraisers;
 - (d) right-of-way appraisers; and
 - (e) mass appraisers.
- (4) The chairperson of the committee shall be appointed by the board.
- (5) Meetings may be called upon:
 - (a) the request of the chairperson; or
 - (b) the written request of a quorum of committee members.
- (6) If the board denies the application on the recommendation of an experience review committee member, the applicant may, within thirty days after the denial, make a written request for board review of the applicant's experience, stating specific grounds upon which relief is requested. The board shall thereafter consider the request and issue a written decision.

R162-2g-304f. Final Application for Licensure or Certification.

(1) Within 90 days after successfully completing the exam for licensure or certification, the applicant shall return to the division:

(a) a report from the testing service indicating successful completion of the exam within 24 months of the date on which the applicant obtains authorization to sit for the exam;

(b) an application form as required by the division and including:

(i) the applicant's business, home, and e-mail addresses;

(ii) the name and business address of any appraisal entity or government agency with which the applicant is affiliated; and

(iii) if the applicant is applying for certification, the fee for the federal registry.

(2)(a) A post office box without a street address is unacceptable as a business or home address.

(b) An applicant may designate any address to be used as a mailing address.

R162-2g-306a. Renewal and Reinstatement of a Registration, License, or Certification.

(1)(a) A registration, license, or certification is valid for two years and expires unless it is renewed according to this Subsection R162-2g-306a before the expiration date printed on the registration, license, or certificate.

(b) It shall be grounds for disciplinary sanction if, after an individual's registration, license, or certification has expired, the individual continues to perform work for which the individual is required to be registered, licensed, or certified.

(2)(a) To timely renew a registration, license, or certification, an applicant shall, prior to the expiration date of the registration, license, or certification, submit to the division:

(i) a completed renewal application as provided by the division;

(ii)(A) evidence that the continuing education requirements listed in this Subsection (2)(b) have been completed; or

(B) evidence sufficient to enable the Division, in its sole discretion, to determine that a deferral of continuing education is appropriate due to the applicant's having been currently or recently:

(I) assigned to active military duty; or

(II) impacted by a state- or federally-declared natural disaster; and

(iii) the applicable non-refundable renewal fee.

(b) The continuing education required under this Subsection (2)(a)(ii)(A) shall be completed during the two-year period preceding the date of application and shall include:

(i)(A) the 7-hour National USPAP Update Course, taught by an instructor or instructors, at least one of whom is a state-certified appraiser in good standing and is USPAP certified by the AQB; or

(B) equivalent education, as determined through the course approval program of the AQB; and

(ii)(A) 21 additional hours of continuing education:

(I) certified by the division for the appraisal industry at the time the courses are taught (see Appendix 4, Table 2 for a list of continuing education topics); or

(II) not required to be certified, pursuant to Subsection R162-2g-307d(3); or

(B) if the renewal applicant is also working toward certification, 21 hours of pre-licensing education credit applicable to the certification being sought.

(iii) An appraiser may earn continuing education credit for attendance at one meeting of the Board in each continuing education two-year cycle provided:

(A) the meeting is open to the public;

(B) the meeting is a minimum of two hours in length;

(C) the total credit for attendance at the meeting is limited to a maximum of seven hours; and

(D) the division verifies attendance to ensure that the appraiser attends the meeting for the required period of time.

(c)(i) A trainee who registered with the division prior to January 1, 2015 shall complete the Supervisory Appraiser and Appraiser Trainee course by or before December 31, 2014.

(ii) A registered trainee may count the Supervisory Appraiser and Appraiser Trainee course toward the continuing education requirement of this Subsection (2)(b)(ii)(A) during any renewal cycle in which the trainee completes the course.

(d)(i) An appraiser who supervises a trainee identified in Subsection (2)(c)(i) shall complete the Supervisory Appraiser and Appraiser Trainee course by or before December 31, 2014.

(ii) A supervising appraiser may count the Supervisory Appraiser and Appraiser Trainee course toward the continuing education requirement of Subsection (2)(b)(ii)(A) during any renewal cycle in which the appraiser completes the course.

(3)(a) In order to renew on time, an applicant shall complete continuing education hours by the 15th day of the month in which the registration, license, or certification expires.

(b) An applicant who complies with this Subsection (3)(a), but whose credits are not banked by the education provider pursuant to Subsection R162-2g-502a(5)(c), may obtain credit for the course(s) taken by:

(i) submitting to the division the original course completion certificates; and

(ii) filing a complaint against the provider.

(4) A license, certification, or registration may be renewed for a period of 30 days after the expiration date upon payment of a late fee in addition to the requirements of this Subsection (2).

(5)(a) After the 30-day period described in this Subsection (4) and until six months after the expiration date, an individual may reinstate an expired license, certification, or registration by:

(i) complying with this Subsection (2);

- (ii) paying a late fee; and
- (iii) paying a reinstatement fee.
- (b) After the six-month period described in this Subsection (5)(a) and until one year after the expiration date, an individual may reinstate an expired license, certification, or registration by:
 - (i) complying with this Subsection (2);
 - (ii) paying a late fee;
 - (iii) paying a reinstatement fee; and
 - (iv) completing 24 hours of additional continuing education as approved by the division.
- (c)(i) An individual who does not reinstate an expired license, certification, or registration within 12 months of the expiration date shall:
 - (A) reapply with the division as a new applicant;
 - (B) retake and pass the 15-hour USPAP course; and
 - (C) retake and pass any applicable licensing or certification examination.
- (ii) An individual reapplying under this Subsection (4)(c)(i) shall receive credit for previously credited pre-licensing education if:
 - (A) it was completed within the five-year period prior to the date of reapplication; and
 - (B) it was either:
 - (I) completed after January 1, 2008; or
 - (II) certified by the division and the AQB prior to January 1, 2008, as approved, qualified pre-licensing education.
- (6) If the division receives renewal documents in a timely manner, but the information is incomplete, the appraiser or trainee may be extended a 15-day grace period to complete the application.
- (7) Renewal after deferment of continuing education due to active military service or the impacts of a state- or federally-declared disaster.
 - (a) An appraiser or trainee who is unable to complete the continuing education requirements to renew a registration, license, or certification due to active military service or because the individual has been impacted by a state- or federally-declared disaster may:
 - (i) submit a timely application for renewal pursuant to Subsection (2)(a)(ii)(B); and
 - (ii) request that the application for renewal be conditionally approved, with the expiration date of the applicant's registration, license, or certification extended pursuant to this Subsection (7)(b), pending the completion of the continuing education requirement.
 - (b) Upon the division's approving a deferral of continuing education, the expiration date of the applicant's registration, license, or certification shall be extended 90 days, during which time the applicant shall:
 - (i) complete the continuing education required for the renewal; and
 - (ii) submit proof of the continuing education to the division.

R162-2g-306b. Notification of Changes.

- (1) An individual registered, licensed, or certified under these rules shall notify the division of any status change, including the following:
 - (a) creation or termination of an affiliation, except as provided in this Subsection (2);
 - (b) change of name; and
 - (c) change of business, home, mailing, or e-mail address.
- (2) An individual is not required to report the creation or termination of an affiliation that:
 - (a) facilitates a single transaction; and
 - (b) is not part of an ongoing business association.
- (3) Notification procedure.
 - (a) To report a change of name, an individual shall complete a paper change form and attach to it official documentation such as a:
 - (i) marriage certificate;
 - (ii) divorce decree; or
 - (iii) driver license.
 - (b)(i) To report a change in affiliation or address, an individual shall complete and submit an electronic change form through RELMS.
 - (ii) A post office box without a street address is unacceptable as a business or home address. Any address may be designated as a mailing address.
 - (c) All change forms shall be accompanied by a nonrefundable processing fee.
 - (4) Deadlines and effective dates.
 - (a)(i) An individual shall comply with the notification requirements outlined in this Subsection R162-2g-306b within ten business days of making a status change.
 - (ii) If a deadline for notification falls on a day when the division is closed, the deadline shall be extended to the next business day.
 - (b) Status changes are effective on the date the properly executed forms and appropriate fees are received by the division.

R162-2g-307a. General Education Criteria Applicable to All Pre-Licensing Education and Continuing Education.

- (1) A class hour is 60 minutes of which at least 50 minutes are instruction attended by the student.

- (2) The prescribed number of class hours includes time for examinations.
- (3) Experience may not be substituted for education, and education may not be substituted for experience.

R162-2g-307b. School Certification.

- (1) Application. A school requesting certification shall:
 - (a) submit an application form as prescribed by the division, including:
 - (i) name, telephone number, email address, and address of:
 - (A) the school;
 - (B) the school director; and
 - (C) all owners of the school; and
 - (ii) as to each school director or owner, disclosure of criminal history and adverse regulatory actions;
 - (b) provide a description of:
 - (i) the type of school; and
 - (ii) the school's physical facilities;
 - (c) provide a statement outlining the:
 - (i) number of quizzes and examinations in each course offered;
 - (ii) grading system, including methods of testing and standards of grading;
 - (iii) requirements for attendance; and
 - (iv) school's refund policy.
- (2) Standards for operation.
 - (a) All courses shall be taught in an appropriate classroom facility and not in a private residence, except for a course approved for distance education.
 - (b) A school shall teach the approved course of study as outlined in the state-approved outline.
 - (c) At the time of registration, a school shall provide to each student:
 - (i) the statement described in this Subsection (1)(c);
 - (ii) a copy of the qualifying questionnaire that the student will be required by the division to answer as part of the pre-licensing or precertification examination; and
 - (iii) a criminal history disclosure statement.
 - (d) A school shall require each student to attend 100% of the scheduled class time in order to earn credit for the course.
 - (e)
 - (i) A school may not award credit to any student who fails the final examination.
 - (ii) A student who fails a school final examination must wait three days before retesting and may not retake the same final examination.
 - (iii) A student who fails a final examination a second time must wait two weeks before retesting and may not retake either exam that the student previously failed.
 - (iv) A student who fails a final exam a third time shall fail the course.
 - (f) A school may not allow a student to challenge a course or any part of a course by taking an exam in lieu of attendance.
 - (g) Credit hours.
 - (i) For a course that is taught outside of a college or university setting, one credit hour may be awarded for 50 minutes of instruction within a 60-minute period, allowing for a ten-minute break.
 - (ii) For a course that is taught in a college or university setting:
 - (A) one quarter hour is equivalent to 10 credit hours; and
 - (B) one semester hour is equivalent to 15 credit hours.
 - (iii) A school may not award more than eight credit hours per day per student.
 - (3) A school shall report to the division within 10 calendar days of:
 - (a) any change in the information provided pursuant to this Subsection (1)(a)(i); and
 - (b) a school director or owner being convicted, or entering a plea in abeyance or diversion agreement, as to a criminal offense, excluding class C misdemeanors.
 - (4)
 - (a) A school certification is valid for two years from the date of issuance.
 - (b) To renew a school certification, an individual shall, prior to the date of expiration:
 - (i) submit a properly completed application as provided by the division; and
 - (ii) pay a nonrefundable applicable fee.

R162-2g-307c. Pre-licensing Course Certification.

- (1) To certify a pre-licensing course, an applicant shall, at least 30 days prior to the course being taught, submit a completed application as required by the division, including:
 - (a) a course outline, including:
 - (i) a description of the course;
 - (ii) the length of time to be spent on each subject area, broken into segments of no more than 30 minutes each; and
 - (iii) three to five learning objectives for every three hours;
 - (b) a description of any method of instruction that will be used other than lecture method, including:
 - (i) webinar;
 - (ii) satellite broadcast; or

- (iii) other form of distance education;
- (c) copies of at least three final examinations administered in the course and the answer keys that will be used to determine if a student passes the course;
- (d) the school procedure for maintaining the security of the final exams and answer keys;
- (e) the titles, authors, and publishers of all required textbooks;
- (f)(i) the instructor(s) who will teach each class; and
- (ii) evidence that each instructor is:
 - (A) certified by the division;
 - (B) qualified to serve as a guest lecturer; or
 - (C) a college or university faculty member who has academic training or appraisal experience satisfactory to the division and the board;
- (g) a nonrefundable applicable fee; and
- (h) a signed statement agreeing that the course provider will, within 10 business days of completing the class, upload to the division the following information:
 - (i) course name;
 - (ii) course certificate number assigned by the division;
 - (iii) date the course was taught;
 - (iv) number of credit hours; and
 - (v) name and license number of each student receiving education credit.
- (2) Standards for approval of traditional classroom courses. Each course shall:
 - (a) meet the minimum standards set forth in the state-approved course outline governing the course, including minimum hourly requirements;
 - (b) be approved through the AQB course approval program;
 - (c) allow a maximum of 10% of the required class time for testing, including review test and final examination;
 - (d) use texts, workbooks, supplement pamphlets, and other materials that are appropriate and current in their application to the required course outline.
- (3) Standards for approval of distance education
 - (a) A distance education course shall:
 - (i) comply with this Subsection (2);
 - (ii) provide interaction between the student and instructor;
 - (iii) include a written examination personally proctored by an official approved by the presenting entity;
 - (iv) meet the course delivery requirements established by the AQB and the International Distance Education Certification Center; and
 - (v) offer at least 15 credit hours.
 - (b) A distance education course offered by a college or university may be deemed acceptable to meet the credit hour requirement if the course content is approved by:
 - (i) the AQB;
 - (ii) a state licensing jurisdiction; or
 - (iii) a college or university that:
 - (A) offers distance education programs in other disciplines; and
 - (B) is approved or accredited by:
 - (I) the Commission on Colleges;
 - (II) a regional or national accreditation association; or
 - (III) an accrediting agency that is recognized by the United States Secretary of Education.
 - (4) Within 10 business days after the occurrence of any material change in a course that could affect approval, the school shall give the division written notice of the change.
 - (5) A course certification is valid for no more than 24 months.
 - (6) Credit for non-certified pre-licensing education.
 - (a) Division certification is not required for a pre-licensing course that is offered by a school, as defined in Subsection R162-2g-102(17) as long as:
 - (i) the course content:
 - (A) meets the minimum standards set forth in the Utah state-approved course outline; and
 - (B) is approved by the AQB course approval program;
 - (ii) the course provides at least 15 credit hours, including examination(s);
 - (iii) a closed-book, closed-note final examination is administered at the end of each course;
 - (iv) students are not allowed to earn credit from the course provider by challenge examination without first attending the course;
 - (v) credit is not awarded for duplicate or highly comparable classes;
 - (vi) where multiple classes are offered, they represent a progression in a student's knowledge; and
 - (vii) in order to receive credit, a student is required to:
 - (A) attend 100% of the scheduled class hours;
 - (B) complete all required exercises and assignments; and

- (C) pass the course final examination.
- (b) Hourly credit for a course taken from a professional appraisal organization shall be granted according to the division approved list.
- (c) An applicant who wishes to be awarded credit for non-certified pre-licensing education shall:
 - (i) provide to the division a list of the course(s) taken, including:
 - (A) course title(s);
 - (B) name(s) of the sponsoring organization(s);
 - (C) number of classroom hours completed;
 - (D) date(s) of course completion; and
 - (E) evidence that the course(s) meet the requirements of:
 - (I) the AQB; and
 - (II) if distance education, the International Distance Education Certification Center;
 - (ii) request review of the course by the division and board;
 - (iii) establish that the criteria outlined in this Subsection (6)(a) are met;
 - (iv) attest on a notarized affidavit that the courses have been completed as documented; and
 - (v) if requested by the division, provide proof of completion of the courses in the form of certificates, transcripts, report cards, letters of verification, or similar proof.
- (7) Supervisory Appraiser and Appraiser Trainee Course. In order to obtain certification of the supervisory appraiser and appraiser trainee course, a course provider shall:
 - (a) comply with this Subsection (1); and
 - (b) sign a written attestation agreeing to provide a paper copy of the course manual to each attendee.

R162-2g-307d. Continuing Education Course Registration and Certification.

- (1) The division and the board may not award continuing education credit for a course that is taught in Utah to registered, licensed, or certified appraisers unless the course is registered or certified prior to its being taught.
- (2) To certify a continuing education course, an applicant shall, at least 30 days prior to the course being taught, submit a completed application as required by the division, including:
 - (a) name and contact information of the course sponsor and the entity through which the course will be provided;
 - (b) description of the physical facility where the course will be taught;
 - (c) the proposed number of credit hours for the course;
 - (d) identification of whether the method of instruction will be traditional education or distance education;
 - (e) title of the course;
 - (f) statement defining how the course will meet the objectives of continuing education by increasing the licensee's knowledge, professionalism, and ability to protect and serve the public;
 - (g) course outline including:
 - (i) a description of the subject matter covered in each 15-minute segment; and
 - (ii) a minimum of one learning objective for every hour of class time;
 - (h) the name and certification number of each certified instructor who will teach the course;
 - (i) copies of all materials that will be distributed to the participants;
 - (j) the procedure for pre-registration;
 - (k) the tuition or registration fee and a copy of the cancellation and refund policy;
 - (l) except for courses approved for distance education, the procedure for taking and maintaining control of attendance during class time;
 - (m) sample of the completion certificate;
 - (n) signed statement agreeing that the course provider will, within 10 business days of completing the class, upload to the division the following information:
 - (i) course name;
 - (ii) course certificate number assigned by the division;
 - (iii) date the course was taught;
 - (iv) number of credit hours; and
 - (v) names and license numbers of all students receiving continuing education credit;
 - (o) signed statement agreeing not to market personal sales products; and
 - (p) other information the division might require.
- (3) Standards for approval of a certified course.
 - (a)(i) A distance education course shall:
 - (A) provide interaction between the student and instructor; and
 - (B) include a written examination that requires a student to demonstrate mastery and fluency.
 - (ii) The division may approve a distance education course offered by a college or university if the college or university:
 - (A) offers distance education programs in other disciplines; and
 - (B)(I) is accredited by the Commission on Colleges or a regional accreditation association; or
 - (II) is approved by the International Distance Education Certification Center.
 - (b) The course topic must be AQB-approved.

(c) The procedure for taking and maintaining control of attendance shall be more extensive than having the students sign a class roll.

(d) The completion certificate shall allow for entry of:

- (i) licensee's name;
- (ii) type of license;
- (iii) license number;
- (iv) date of course;
- (v) name of the course provider;
- (vi) course title;
- (vii) course certification number and expiration date;
- (viii) credit hours awarded; and
- (ix) signatures of the course sponsor and the licensee.

(e) A real estate appraisal-related field trip that is submitted for continuing education credit may not include transit time to or from the field trip location as part of the credit hours awarded.

(4) Non-certified continuing education credit. Except as provided in Subsection R162-2g-307d(1), the board may award continuing education credit on a case-by-case basis for the following:

(a) up to one-half of an individual's continuing education credit requirement for:

- (i) participation, other than as a student, in appraisal educational processes and programs; or
- (ii) teaching, program development, authorship of textbooks, or similar activities that are determined by the board to be equivalent to obtaining continuing education;

(b) service as a member of the experience review committee, or the technical advisory panel, if approved by the board and offered in accordance with AQB standards as a:

- (i) practicum course under this Subsection (3)(a); or
- (ii) course under this Subsection (3)(b); and

(c) completion of any course that:

(i) meets the continuing education objectives of increasing the licensee's knowledge, professionalism, and ability to protect and serve the public; and

(ii) is taught outside the state of Utah.

(5) Standards for approval of a registered course.

(a) A professional appraisal education organization may register a special event for continuing education, subject to the following conditions:

(i) the professional appraisal education organization shall submit a one-time application and registration fee to the division to register the organization as a qualified continuing education course provider and the special event for continuing education;

(ii) the division may grant approval of the special event based on the demonstrated experience of the professional appraisal education organization in providing, monitoring, and supervising quality professional course offerings.

(b) The registered organization is solely responsible for and accountable to the division:

(i) for the selection of appraisal instructors who are subject matter experts and industry qualified in the course(s) or segment of the course(s) they teach;

(ii) to ensure that:

(A) course instructors have subject matter expertise in the content area they are instructing; and

(B) the course content of classes taught by both appraiser and non-appraiser course instructors is directly industry pertinent, relevant, and beneficial to and enhances the professional skills of the attending appraisers, and promotes the protection and wellbeing of the industry and the general public;

(iii) to monitor the attendance of each appraiser during the presentation of the course by taking and maintaining a list of attendees actually present during the presentation to ensure that an appraiser actually attends each CE course segment before providing a CE certificate or CE credit to the appraiser; and

(iv) to ensure that the registered course complies with the general criteria applicable to continuing education set forth in sections R162-2g-307a and R162-2g-307b.

(6)(a) The special event registered course may last for a maximum of seven consecutive days.

(b) The special event registered course is a single, one-time event and may not be repeated unless the professional appraisal education organization submits to the division an application and registration fee and receives division approval for a subsequent, single, one-time event.

(c) A professional appraisal education organization shall submit a separate course application for each course taught at the special event, however, only a single application fee is required to be paid to the division for each special event.

(d) The division maintains a fee schedule based on the total number of CE hours awarded for a CE course. The application and registration fee for a special event course is the fee from the division fee schedule.

R162-2g-307e. Instructor Certification for Pre-licensing Education.

(1) To certify as a pre-licensing education instructor, an individual shall:

(3); (a) evidence that the applicant meets the character and competency requirements outlined in Subsection R162-2g-302(2)-

(b) submit a completed application as provided by the division;

- (c) demonstrate knowledge of the subject matter to be taught as evidenced by:
 - (i) current, active licensure or certification as applicable to the pre-licensing course proposed to be taught;
 - (ii) a minimum of five years active experience in appraising; and
 - (iii)(A) college or other appropriate courses specific to the topic proposed to be taught; or
 - (B) other experience acceptable to the board in the topic proposed to be taught;
 - (d) if the individual proposes to teach a course in USPAP, evidence that the individual is an AQB-certified USPAP instructor;
- and
- (e) pay a nonrefundable application fee.
 - (2) A pre-licensing instructor certification is valid for 24 months from the date of issuance.
 - (3) To renew a pre-licensing instructor certification, an individual shall:
 - (a) submit a completed application, as provided by the division;
 - (b) evidence having taught at least 20 hours of in-class instruction in certified course(s) during the preceding term of certification;
 - (c) evidence having attended a real estate instructor development workshop sponsored or approved by the division during the preceding two years; and
 - (d) pay a nonrefundable application fee.
 - (4)(a) To reinstate an expired pre-licensing instructor certification within 30 days following the expiration date, an individual shall:
 - (i) comply with this Subsection (3); and
 - (ii) pay a nonrefundable late fee.
 - (b) To reinstate an expired pre-licensing instructor certification after 30 days and within six months following the expiration date, an individual shall:
 - (i) comply with this Subsection (3);
 - (ii) pay a nonrefundable reinstatement fee; and
 - (iii) submit proof of having completed six classroom hours of education related to real estate appraisal or teaching techniques.
 - (c) After a pre-licensing instructor certification has been expired for six months, an individual is required to apply as an original applicant and obtain a new certification.
 - (5) A certified instructor shall comply with the reporting requirements of Section 61-2g-306(3).

R162-2g-307f. Instructor Certification for Continuing Education.

- (1) Except for the limited circumstances provided for in Section R162-2g-307d for special continuing education events conducted by a professional appraisal education organization, a continuing education course that is required to be certified shall be taught by a certified instructor.
- (2) To obtain a continuing education instructor certification, an individual shall, at least 30 days prior to the date on which instruction is proposed to begin:
 - (a) evidence that the applicant meets the character and competency requirements outlined in Subsection R162-2g-302(2)-(3);
 - (b) submit a completed application form, as provided by the division;
 - (c) evidence:
 - (i) at least three years of full-time experience in the course subject;
 - (ii) college-level education related to the course subject; or
 - (iii) a combination of experience and education acceptable to the division;
 - (d) evidence:
 - (i) at least 12 months of full-time teaching experience;
 - (ii) part-time teaching experience equivalent to 12 months of full-time teaching experience; or
 - (iii) attendance at the division's Instructor Development Workshop;
 - (e) provide a signed statement agreeing to allow the instructor's courses to be randomly audited on an unannounced basis by the division or its representative;
 - (f) provide a signed statement agreeing not to market personal sales products;
 - (g) provide any other information the division requires; and
 - (h) pay a nonrefundable application fee.
 - (3) A continuing education instructor certification is valid for two years.
 - (4) To renew a continuing education instructor certification, an individual shall, prior to the date of expiration:
 - (a) submit a completed renewal application, as provided by the division;
 - (b)(i) evidence having taught a minimum of 12 continuing education credit hours during the past term of certification; or
 - (ii) provide a written explanation outlining the reason for not meeting the requirement having taught 12 continuing education credit hours and provide evidence satisfactory to the division that the applicant maintains an appropriate level of expertise; and
 - (c) pay a nonrefundable renewal fee.
 - (5)(a) To reinstate an expired continuing instructor certification within 30 days following the expiration date, an individual shall:
 - (i) comply with Subsection (4); and
 - (ii) pay a nonrefundable late fee.

(b) To reinstate an expired continuing instructor certification after 30 days and within six months following the expiration date, an individual shall:

- (i) comply with Subsection (4); and
- (ii) pay a nonrefundable reinstatement fee;
- (c) After a continuing instructor certification has been expired for six months, an individual is required to apply as an original applicant and obtain a new certification.

R162-2g-308. Application for a Six-Month Temporary Permit.

(1) A non-resident of this state who is licensed or certified in another state and who wishes to apply for a six-month temporary permit to perform one or more specific appraisal assignments in Utah shall:

- (a) evidence that each specific appraisal assignment is covered by a contract to provide appraisals;
- (b) submit an application as provided by the division and including the following:
 - (i) name of the client;
 - (ii) specific property address(es) to be appraised;
 - (iii) type(s) of property being appraised; and
 - (iv) estimated time to complete each assignment;
- (c) complete and submit a qualifying questionnaire as provided by the division;
- (d) sign an irrevocable consent to service authorizing the division to receive service of any lawful process on behalf of the applicant in any non-criminal proceeding arising out of the applicant's practice as an appraiser in this state;
- (e) pay a nonrefundable application fee in the amount established by the division; and
- (f) provide the starting date of the appraisal assignment for which the temporary permit is being sought.

(2)(a) A non-resident is limited to two temporary permits per calendar year, each of which may be extended one time for an additional six-month period if the assignment(s) for which the permit is issued have not been completed within the original six-month term of the temporary permit.

- (b) A temporary permit may be extended by submitting the forms required by the division.

R162-2g-310. Application for Licensure or Certification Through Reciprocity.

An individual who is licensed or certified as an appraiser by another state may be licensed or certified in Utah by reciprocity on the following conditions:

- (1) The applicant shall provide evidence that:
 - (a) the state in which the applicant is licensed requires appraisal pre-licensing education that is:
 - (i) approved by that state; and
 - (ii) substantially equivalent in number to the hours required for the license or certification for which the applicant is applying in Utah;

- (b) the applicant's pre-licensing education included either:
 - (i) the 15-hour National USPAP Course; or
 - (ii) equivalent education as determined through the course approval program of the AQB; and
- (c) the applicant has passed an examination that has been approved by the AQB for the license or certification for which the applicant is applying.

(2) The applicant shall:

- (a) obtain and study the Utah Real Estate Appraiser Licensing and Certification Act and the rules promulgated thereunder; and

- (b) sign an attestation that the applicant understands and will abide by both the statute and the rules.

(3) If the applicant resides outside of the state of Utah, the applicant shall sign an irrevocable consent to service authorizing the division to receive service of any lawful process on behalf of the applicant in any noncriminal proceeding arising out of the applicant's practice as an appraiser in this state.

(4) The board may not issue a license or certification to an applicant who has been convicted of a criminal offense involving moral turpitude relating to the applicant's ability to provide services as an appraiser.

R162-2g-311. Scope of Authority.

(1) Trainees.

(a) An individual who has properly qualified as a trainee pursuant to Section R162-2g-302 may perform appraisal-related duties within the competence and scope of authority of the state-certified supervisory appraiser as follows:

- (i) participating in property inspections;
- (ii) measuring or assisting in the measurement of properties;
- (iii) performing appraisal-related calculations;
- (iv) participating in the selection of comparable properties for an appraisal assignment;
- (v) making adjustments to comparable properties; and
- (vi) drafting or assisting in the drafting of an appraisal report.

(b) The trainee may have more than one supervisory appraiser.

(c) The supervising appraiser shall be responsible to determine the point at which a trainee is competent to participate in each of the activities identified in this Subsection (1)(a), within the following limitations:

- (i) As to a minimum of the trainee's first 35 inspections of residential properties:
 - (A) the trainee shall be accompanied and supervised by a state-certified appraiser;
 - (B) both the interior and the exterior of the properties shall be inspected; and
 - (C) the appraisal report shall comply with the requirements of Subsection R162-2g-502a(1)(g).
- (ii) After the trainee's first 35 inspections, the supervising appraiser shall determine whether the trainee has demonstrated sufficient competency to continue making inspections of residential properties without being accompanied by the supervising appraiser.
- (iii) As to the trainee's first 20 inspections of non-residential properties:
 - (A) the trainee shall be accompanied and supervised by a state-certified general appraiser;
 - (B) both the interior and the exterior of the properties shall be inspected; and
 - (C) the appraisal report shall comply with the requirements of Subsection R162-2g-502a(1)(g).
- (d) A trainee may not:
 - (i) solicit or accept an assignment on behalf of anyone other than:
 - (A) the trainee's supervisor; or
 - (B) the supervisor's appraisal firm;
 - (ii) discuss an appraisal assignment with anyone other than:
 - (A) the supervisory appraiser responsible for the assignment;
 - (B) state enforcement agencies;
 - (C) third parties as may be authorized by due process of law; and
 - (D) a duly authorized professional peer review committee.
- (e) The following are not subject to the scope of authority limitations of this Subsection (1):
 - (i) full-time elected county assessors; and
 - (ii) any person performing an appraisal for the purposes of establishing the fair market value of real estate for the assessment roll.
- (2) State-licensed appraisers. In a federally-related transaction, state-licensed appraisers may appraise:
 - (a) non-complex one- to four-residential units having a transaction value of less than \$1,000,000;
 - (b) complex one- to four- residential units having a transaction value of less than \$250,000; and
 - (c) vacant or unimproved land that is utilized for one- to four-family purposes, or for which the highest and best use is one- to four-family purposes, so long as net income capitalization analysis is not required by the terms of the assignment.
- (3) State-licensed appraisers and state-certified residential appraisers may not perform appraisals of the following:
 - (a) subdivisions for which:
 - (i) a development analysis/appraisal is necessary; or
 - (ii) a discounted cash flow analysis is required by the terms of the assignment;
 - (b) vacant land if the highest and best use of the land is for five or more one- to four-family units;
 - (c) commercial real property; or
 - (d) vacant land if the highest and best use of the vacant land is commercial use.

R162-2g-502a. Standards of Conduct and Practice.

- (1) Affirmative duties in general. A person registered, licensed, or certified by the division shall:
 - (a) if employing an unlicensed assistant who is not registered as a trainee pursuant to Section R162-2g-302:
 - (i) actively supervise the unlicensed assistant; and
 - (ii) ensure that the assistant performs only clerical duties, including:
 - (A) typing research notes or reports completed by a trainee or an appraiser;
 - (B) taking photographs of properties; and
 - (C) obtaining copies of public records;
 - (b) except as provided in Subsection (2):
 - (i) comply with the current edition of USPAP; and
 - (ii) observe the advisory opinions of USPAP;
 - (c) in order to authorize another individual to sign an appraisal report on behalf of the individual who completes the report:
 - (i) grant authority to the signer in writing;
 - (ii) limit the signing authority to a specific property address;
 - (iii) explicitly disclose within the appraisal report that the signer is authorized by the appraiser to sign the report on the appraiser's behalf;
 - (iv) attach a copy of the written permission required pursuant to this Subsection (1)(c)(i) to the report; and
 - (v) ensure that the signer signs the appraiser's name, followed by the word "by," and then followed by the signer's own name;
 - (d) if using a digital signature in place of a handwritten signature, ensure that:
 - (i) the software program that generates the digital signature has a security feature; and
 - (ii) no one other than the appraiser has control of the signature;
 - (e) retain a photocopy or other exact copy of each report as it is provided to the client, including the appraiser's signature;
 - (f) analyze and report the sales and listing history of the subject property for the three years preceding the appraisal if such information is available to the appraiser from a multiple listing service, listing agents, property owner, or other verifiable sources;
 - (g)(i) include in each appraisal report a statement indicating whether or not the subject property was inspected as part of the appraisal process; and

- (ii) if any inspections were done, include the following information concerning each inspection:
 - (A) the names of appraisers and trainees who participated in the inspection;
 - (B) whether the inspection was an exterior inspection only or both an exterior and an interior inspection; and
 - (C) the date that the inspection was performed; and
- (h) unless Subsection (2)(b) applies, respond within ten business days to division notification:
 - (i) of a complaint against the individual; or
 - (ii) that information is needed from the individual; and
- (i) immediately following the signature on the report in an appraisal report prepared and signed by a state-licensed or certified appraiser, state either:
 - (A) the credential type of State-Licensed Appraiser, State-Certified Residential Appraiser, or State-Certified General Appraiser; or
 - (B) the license or certification number assigned to the appraiser by the division.
- (2) Exceptions.
 - (a) An individual is exempt from complying with the provisions of USPAP when acting in an official capacity as:
 - (i) a division staff member or employee;
 - (ii) a member of the experience review committee as appointed and approved by the board;
 - (iii) a member of the technical review panel as appointed and approved by the board;
 - (iv) a hearing officer;
 - (v) a member of a county board of equalization;
 - (vi) an administrative law judge;
 - (vii) a member of the Utah State Tax Commission; or
 - (viii) a member of the board.
 - (b) If a deadline for response under this Subsection (1)(h) falls on a day when the division is closed, the deadline shall be extended to the next business day.
 - (c) When performing an evaluation as defined in the Real Estate Appraiser and Certification Act, an appraiser trainee or a licensed or certified appraiser is exempt from complying with Standards 1 through 4 of USPAP.
- (3) A trainee shall:
 - (a) using forms provided by the division, maintain a separate log of experience hours for each supervising appraiser with whom the trainee works; and
 - (b) include in each log the following information for each appraisal:
 - (i) file number;
 - (ii) report date;
 - (iii) subject address;
 - (iv) client name;
 - (v) type of property;
 - (vi) report form number or type;
 - (vii) number of work hours;
 - (viii) description of work performed by the trainee; and
 - (ix) scope of the review and supervision of the supervising appraiser.
 - (4) Unless there is a client assignment condition prohibiting an appraiser trainee from signing an appraisal report, when an appraiser trainee performs significant appraisal assistance on an appraisal, the trainee may sign the appraisal report if the appraisal report is also signed by the trainee's supervisory appraiser. The appraiser trainee shall state, immediately following the trainee's signature in the report, "Trainee" and include the registration number assigned to the appraiser trainee by the division
- (5)(a) A supervisory appraiser shall delegate to a trainee only such duties as the trainee is authorized to perform under Subsection R162-2g-311(1).
 - (b) A supervisory appraiser shall directly train and supervise the trainee in the performance of assigned duties by:
 - (i) critically observing and directing each aspects of the appraisal process;
 - (ii) accepting full responsibility for the appraisal and the contents of the appraisal report by signing and certifying the appraisal complies with USPAP; and
 - (iii) reviewing and signing the trainee appraisal reports.
 - (c) A supervisory appraiser shall personally inspect:
 - (i) each property that is appraised with a trainee until the supervisory appraiser determines the trainee is competent to inspect the property in accordance with the competency rule of USPAP for the property type, and the trainee has performed at least:
 - (A) 35 residential inspections as provided in Subsection R162-2g-311(1)(c)(i); and
 - (B) 20 non-residential inspections as provided in Subsection R162-2g-311(1)(b)(ii); and
 - (ii) any property for which the appraisal report scope of work or certification requires appraiser inspection.
 - (d) A supervisory appraiser shall be state-certified and in good standing with the division for a period of at least three years prior to being eligible to become a supervisory appraiser.
 - (e) An appraiser may not act as a supervisory appraiser if the appraiser has been subject to a disciplinary action in any jurisdiction:
 - (i) within the three year period preceding the date on which the appraiser proposes to act as a supervisor; and
 - (ii) where the supervisory appraiser's legal eligibility to engage in the appraisal practice was impacted or impaired.

(f) A supervisory appraiser subject to a disciplinary action will be considered to be in good standing three years after the successful completion or termination of the sanction imposed against the appraiser.

(g) A supervisory appraiser shall comply with the competency rule of USPAP for the property type and geographic location for which the trainee appraiser is being supervised.

(h) Although a trainee is permitted to have more than one supervisory appraiser, a supervisory appraiser may not supervise more than three trainees at one time, unless a division program provides for progress monitoring, supervisory certified appraiser qualifications, and supervision and oversight requirements for supervisory appraisers.

(i) An appraisal experience log shall be maintained jointly by the supervisory appraiser and the trainee. It is the responsibility of both the supervisory appraiser and the trainee to ensure the experience log is accurate, current, and complies with division requirements.

(6) A school or continuing education provider shall:

(a) maintain a record of each student's attendance for a minimum of five years after the student enrolls;

(b) display the certification number of each continuing education courses in advertising and marketing;

(c) upload course completion information as to each student who provides the school or continuing education provider the student's name according to division records and the student's license number:

(i) within 10 days after the end of a course offering; and

(ii) to the database specified by the division;

(d) upon request of the division, substantiate any claim made in advertising or marketing;

(e) within 15 calendar days of any material change in the information outlined in R162-2g-307b(1), provide to the division written notice of the change;

(f) with regard to the criminal history disclosure required under R162-2g-307b(2)(c)(iii):

(i) obtain each student's signature before allowing the student to participate in course instruction;

(ii) retain each signed criminal history disclosure for a minimum of two years; and

(iii) make any signed criminal history disclosure available to the division upon request;

(g) maintain a high quality of instruction;

(h) adhere to the state laws and administrative rules regarding school and instructor certification;

(i) provide the instructor(s) for each course with the required course content outline;

(j) require instructors to adhere to the approved course content;

(k) comply with a division request for information within 10 business days of the date of the request; and

(l) verify that the material is current in any course taught on:

(i) Utah statutes;

(ii) Utah administrative rules;

(iii) Federal laws; and

(iv) Federal regulations.

(7) An instructor shall adhere to the approved outline for any course taught.

R162-2g-502b. Prohibited Conduct.

(1) An individual registered, licensed, or certified by the division may not:

(a) release to a client a draft report of a one- to four-unit residential real property;

(b) release to a client a draft report of a property other than a one- to four-unit residential real property unless:

(i) the first page of the report prominently identifies the report as a draft;

(ii) the draft report is signed by the appraiser; and

(iii) the appraiser complies with USPAP in the preparation of the draft report;

(c) affix a signature to an appraisal report by means of a signature stamp; or

(d) sign a blank or partially completed appraisal report that will be completed by anyone other than the appraiser who has signed the report;

(e) sign an appraisal report containing a statement indicating that an appraiser has inspected a property if the appraiser has not inspected the property; or

(f) split appraisal fees with any person who is not a state-licensed or state-certified appraiser, except that a supervising appraiser may pay a trainee reasonable compensation proportionate to the lawful services actually performed by the trainee in connection with appraisals.

(2) A trainee may not:

(a) solicit a client to address an engagement letter directly to the trainee; or

(b) accept payment for appraisal services from anyone other than:

(i) the trainee's supervisor; or

(ii) an appraisal or government entity with which the trainee is affiliated.

(3) A supervising appraiser may not:

(a) sign a report that is completed in response to an engagement letter that is addressed to a trainee;

(b) sign an appraisal report as the supervising appraiser without having given adequate supervision to the trainee, appraiser, or assistant being supervised.

(4) A state-licensed appraiser may not place a seal on an appraisal report or use a seal in any other manner likely to create the impression that the appraiser is a state-certified appraiser.

- (5) A school may not:
 - (a) in advertising and marketing:
 - (i) make a misrepresentation about any course of instruction;
 - (ii) make statements or implications that disparage the dignity and integrity of the appraisal profession;
 - (iii) disparage a competitor's services or methods of operation;
 - (iv) as to a continuing education course, use language that indicates division approval is pending or otherwise forthcoming;
 - (b) attempt by any means to obtain or use the questions on the state licensure or certification exam unless those questions have been dropped from the current exam bank;
 - (c) accept payment from a student without first providing to that student the information outlined in R162-2g-307b(2)(c);
 - (d) continue to operate after the expiration date of the school certification without renewing;
 - (e) continue to offer a course after its expiration date without renewing;
 - (f) allow an instructor whose instructor certification has expired to continue teaching;
 - (g) allow an individual student to earn more than eight credit hours of education in a single day;
 - (h) award credit to a student who has not complied with the minimum attendance requirements;
 - (i) allow a student to obtain credit for all or part of a course by taking an examination in lieu of attending the course;
 - (j) give valuable consideration to a person licensed with or certified by the division under Section 61-2g for referring students to the school;
 - (k) accept valuable consideration from a person licensed with or certified by the division under Section 61-2g for referring students to a licensed or certified appraiser; or
 - (l) require a student to attend any program organized for the purpose of solicitation.
- (6) A continuing education provider may not:
 - (a) in advertising and marketing:
 - (i) make a misrepresentation about any course of instruction;
 - (ii) make statements or implications that disparage the dignity and integrity of the appraisal profession; or
 - (iii) as to a continuing education course, use language that indicates division approval is pending or otherwise forthcoming;
 - (b) continue to offer a course after its expiration date without renewing;
 - (c) allow an instructor whose instructor certification has expired to continue teaching;
 - (d) allow an individual student to earn more than eight credit hours of education in a single day;
 - (e) award credit to a student who has not complied with the minimum attendance requirements; or
 - (f) allow a student to obtain credit for all or part of a course by taking an examination in lieu of attending the course.
- (7) An instructor may not:
 - (a) continue to teach any course after the course has expired and without renewing the course certification; or
 - (b) continue to teach any course after the individual's certification has expired and without renewing the instructor certification.

R162-2g-504. Administrative Proceedings.

- (1) Formal adjudicative proceedings. An adjudicative proceeding conducted subsequent to the issuance of a cease and desist order or other emergency order shall be conducted as a formal adjudicative proceeding.
- (2) Informal adjudicative proceedings.
 - (a) An adjudicative proceeding as to any matter not specifically designated as requiring a formal adjudicative proceeding shall be conducted as an informal adjudicative proceeding.
 - (b) A hearing shall be held in an informal adjudicative proceeding only if required or permitted by the Utah Real Estate Appraiser Licensing and Certification Act or by these rules.
- (3)(a) A hearing before the board will be held in:
 - (i) a proceeding conducted subsequent to the issuance of a cease and desist order or other emergency order;
 - (ii) a case where the division seeks to deny an application for original or renewed registration, licensure, or certification for failure of the applicant to meet the criteria of good moral character, honesty, integrity or truthfulness;
 - (iii) a case where the division seeks disciplinary action pursuant to Sections 61-2g-501 and 502 against a trainee or an appraiser; and
 - (iv) an appeal from an automatic revocation under Section 61-2g-302(2)(d), if the appellant requests a hearing.
- (b) If properly requested by the applicant, a hearing will be held before the board to consider an application:
 - (i) that is denied by the division on the grounds that the instructor's attestation to upstanding moral character is false;
 - (ii) for an initial appraiser license or certification that is denied by the board on the recommendation of the experience review committee; and
 - (iii) for a temporary permit that is denied by the division for any reason.
- (c) A hearing is not required and will not be held in the following informal adjudicative proceedings:
 - (i) the issuance, renewal, or reinstatement of a trainee registration or an appraiser license or certification by the division;
 - (ii) the issuance or renewal of an appraisal course, school, or instructor certification;
 - (iii) the issuance of any interpretation of statute, rule or order, or the issuance of any written opinion or declaratory order determining the applicability of a statute, rule or order, when enforcement or implementation of the statute, rule or order lies within the jurisdiction of the division; and

(iv) the denial of renewal or reinstatement of a trainee registration or an appraiser license or certification for failure to complete any continuing education required by statute or rule; and
(v) the denial of an application for an original or renewed school, instructor, or course certification on the ground that it does not comply with the requirements stated in these rules.

(4)(a) Request for agency action. The following applications shall be deemed a request for agency action:

- (i) registration as a trainee;
 - (ii) licensure or certification as an appraiser;
 - (iii) certification of a course, school, or instructor; and
 - (iv) issuance of a temporary permit.
- (b) Any other request for agency action shall be in writing, signed by the requestor, and shall contain the following:
- (i) the names and addresses of all persons to whom a copy of the request for agency action is being sent;
 - (ii) the agency's file number or other reference number, if known;
 - (iii) the date of mailing of the request for agency action;
 - (iv) a statement of the legal authority and jurisdiction under which the agency action is requested, if known;
 - (v) a statement of the relief or action sought from the division; and
 - (vi) a statement of the facts and reasons forming the basis for relief or agency action.

(c) A complaint against a trainee, an appraiser, or the holder of a temporary permit requesting that the division commence an investigation or a disciplinary action is not a request for agency action.

(5) Procedures for hearings in informal adjudicative proceedings.

(a) All informal adjudicative proceedings shall adhere to procedures as outlined in:

- (i) Utah Administrative Procedures Act Title 63G, Chapter 4;
- (ii) Utah Administrative Code Rule R151-4 et seq.; and
- (iii) the rules promulgated by the division.

(b) Except as provided in this Subsection (6)(b), a party is not required to file a written answer to a notice of agency action from the division in an informal adjudicative proceeding.

(c) In any proceeding under this Subsection R162-2g-504, the board and division may at their discretion delegate a hearing to an administrative law judge or request that an administrative law judge assist the board and the division in conducting the hearing. Any delegation of a hearing to an administrative law judge shall be in writing.

(d)(i) Upon the scheduling of a hearing by the division and at least 30 days prior to the hearing, the division shall, by first class postage-prepaid delivery, mail written notice of the date, time, and place scheduled for the hearing, to the respondent at the address last provided to the division pursuant to Subsection R162-2g-306b.

(ii) The notice shall set forth the matters to be addressed in the hearing.

(e) Formal discovery is prohibited.

(f) The division may issue subpoenas or other orders to compel production of necessary evidence:

- (i) on its own behalf; or
- (ii) on behalf of a party where the party:
 - (A) makes a written request;
 - (B) assumes responsibility for effecting service of the subpoena; and
 - (C) bears the costs of the service, any witness fee, and any mileage to be paid to a witness.

(g) Upon ordering a licensee to appear for a hearing, the division shall provide to the licensee the information that the division will introduce at the hearing.

(h) Intervention is prohibited.

(i) Hearings shall be open to all parties unless the presiding officer closes the hearing pursuant to:

- (i) Title 63G, Chapter 4, the Utah Administrative Procedures Act; or
- (ii) Title 52, Chapter 4, the Open and Public Meetings Act.

(j) Upon filing a proper entry of appearance with the division pursuant to Utah Administrative Code Section R151-4-110(1)(a), an attorney may represent a party.

(6) Additional procedures for disciplinary proceedings.

(a) The division shall commence a disciplinary proceeding by filing and serving on the respondent:

- (i) a notice of agency action;
- (ii) a petition setting forth the allegations made by the division;
- (iii) a witness list, if applicable; and
- (iv) an exhibit list, if applicable.

(b) Answer.

(i) At the time the petition is filed, the presiding officer, upon a determination of good cause, may require the respondent to file an answer to the petition by so ordering in the notice of agency action.

(ii) The respondent may file an answer, even if not ordered to do so in the notice of agency action.

(iii) Any answer shall be filed with the division no later than 30 days following the mailing date of the notice of agency action pursuant to this Subsection (6)(a).

(c) Witness and exhibit lists.

(i) Where applicable, the division shall provide its witness and exhibit lists to the respondent at the time it mails its notice of agency action.

- (ii) Any witness list shall contain:
 - (A) the name, address, and telephone number of each witness; and
 - (B) a summary of the testimony expected from the witness.
- (iii) Any exhibit list:
 - (A) shall contain an identification of each document or other exhibit that the party intends to use at the hearing; and
 - (B) shall be accompanied by copies of the exhibits.
- (iv)(A) The presiding officer, upon a determination of good cause, may require a respondent to file a witness and exhibit list.
- (B) Failure to comply with a requirement to file a witness and exhibit list may result in the exclusion of any witness or exhibit not disclosed.
- (d) Pre-hearing motions.
 - (i) Any pre-hearing motion permitted under the Administrative Procedures Act or the rules promulgated by the Department of Commerce shall be made in accordance with those rules.
 - (ii) The division director shall receive and rule upon any pre-hearing motions.

R162-2g-601. Appendices.

Appendix 1. Residential Experience Hours Schedule. The hours shown in the following schedule shall be awarded to form appraisals. Fifteen hours may be added to the hours shown if the appraisal is a narrative appraisal instead of a form appraisal.

Property Type	Hours that may be earned
TABLE	
(a) one-unit dwelling, above-grade:	
(i) living area less than 4,000 square feet, including a site	Up to 10 hours (Expected avg hrs 7.5)
Part 1	
Task	Hours
Highest and Best Use Analysis	0.25
Neighborhood Description	0.5
Exterior Inspection	0.5
Interior Inspection	0.5
Market Conditions	0.75
Land Value Estimate	0.5
Improvement Cost Estimate	0.5
Income Value Estimate	2.5
Sales Comparison Value Estimate	2.5
Final Reconciliation	0.25
Appraisal Report Preparation	1.75
Restricted Appraisal Report Preparation	0.5
(ii) living area 4,000 square feet or more, including a site	Up to 10 hours
Part 2	
Task	Hours
Highest and Best Use Analysis	0.25
Neighborhood Description	0.5
Exterior Inspection	0.75
Interior Inspection	0.75
Market Conditions	0.75
Land Value Estimate	0.75
Improvement Cost Estimate	0.75
Income Value Estimate	3.0
Sales Comparison Value Estimate	3.0
Final Reconciliation	0.25
Appraisal Report Preparation	2.0
Restricted Appraisal Report Preparation	0.5
(b) multiple one-unit dwellings in the same subdivision or condominium project, which dwellings are substantially similar:	
(i) 1-25 dwellings	7 hours per dwelling, up to a maximum of 42 hours
(ii) over 25 dwellings	70 hours maximum
(c) two to four-unit dwelling	

Part 3

Task	Hours
Highest and Best Use Analysis	0.25
Neighborhood Description	0.5
Exterior Inspection	0.5
Interior Inspection	0.5
Market Conditions	0.75
Land Value Estimate	0.5
Improvement Cost Estimate	0.5
Income Value Estimate	3.0
Sales Comparison Value Estimate	3.0
Final Reconciliation	0.25
Appraisal Report Preparation	2.0
Restricted Appraisal Report Preparation	0.5

- (d) employee relocation counsel reports completed on currently accepted Employee Relocation Counsel form Up to 10 hours
- (e) residential lot, 1-4 unit Up to 7 hours

Part 4

Task	Hours
Highest and Best Use Analysis	0.25
Neighborhood Description	0.5
Site Inspection	0.25
Market Conditions	0.75
Sales Comparison Value Estimate	1-3
Final Reconciliation	0.25
Appraisal Report Preparation	2.0
Restricted Appraisal Report Preparation	0.5

- (f) multiple lots in the same subdivision, which lots are substantially similar
 - (i) 1-25 lots 5 hours per lot, up to a maximum of 30 hours
 - (ii) Over 25 lots 50 hours maximum
- (g) small parcel of less than 20 acres up to 6.5 hours

Part 5

Task	Hours
Highest and Best Use Analysis	0.25
Neighborhood Description	0.5
Site Inspection	0.25
Market Conditions	0.75
Sales Comparison Value Estimate	1-3
Final Reconciliation	0.25
Appraisal Report Preparation	2.0
Restricted Appraisal Report Preparation	0.5

- (h) vacant land, 20-640 acres 20-40 hours, per board decision
- (i) recreational, farm, or timber acreage suitable for a house site:
 - (i) up to 10 acres 10 hours
 - (ii) 10 acres or more 15 hours
- (j) all other unusual structures or acreage which are much larger or more complex than typical properties 5-35 hours, per board decision
- (k) review of residential appraisals with no opinion of value developed as part of the review performed in conjunction with investigations by government agencies 10-50 hours

Appendix 2. General Experience Hours Schedule. All appraisal reports claimed for property types identified in sections (a) through (k) of the following schedule shall be narrative appraisal reports. Experience hours listed in this schedule may be increased by 50% for unique and complex properties if the applicant notes the number of extra hours claimed on the appraiser experience log submitted by the applicant, and if the applicant maintains in the workfile for the appraisal an explanation as to why the extra hours are claimed.

Property Type	Hours that may be earned	
(a) Apartment buildings:		
(i) 5-100 units	40 hours	
(ii) over 100 units	50 hours	
(b) hotel or motels:		
(i) 50 units or fewer	30 hours	
(ii) 51-150 units	40 hours	
(iii) over 150 units	50 hours	
(c) nursing home, rest home, care facilities:		
(i) fewer than 80 beds	40 hours	
(ii) 80 beds or more	50 hours	
(d) industrial or warehouse building:		
(i) smaller than 20,000 square feet	30 hours	
(ii) 20,000 square feet or more, single tenant	40 hours	
(iii) 20,000 square feet or more, multiple tenants	50 hours	
(e) office buildings:		
(i) smaller than 10,000 square feet	30 hours	
(ii) 10,000 square feet or more, single tenant	40 hours	
(iii) 10,000 square feet or more, multiple tenants	50 hours	
(f) entire condominium projects, using income approach to value:		
(i) 5- to 30-unit project	30 hours	
(ii) 31- or more-unit project	50 hours	
(g) retail buildings:		
(i) smaller than 10,000 square feet	30 hours	
(ii) 10,000 square feet or more, single tenant	40 hours	
(iii) 10,000 square feet or more, multiple tenants	50 hours	
(h) commercial, multi-unit, industrial, or other nonresidential use acreage:		
(i) 1 to less than 100 acres	20-40 hours	
(ii) 100 acres or more, income approach to value	50-60 hours	
(i) all other unusual structures or assignments that are much larger or more complex than the properties described in (a) to (h) herein.	5 to 100 hours per board decision	
(j) entire subdivisions or planned unit developments (PUDs):		
(i) 1- to 25-unit subdivision or PUD	30 hours	
(ii) over 25-unit subdivision or PUD	50 hours	
(k) feasibility or market analysis	5 to 100 hours, each per board decision, up to a maximum of 500 hours	
(l) farm and ranch appraisals:	Form	Narrative
(i) irrigated cropland, pasture other than rangeland:		
(A) 1 to less than 11 acres	10 hrs	15 hrs
(B) 11-less than 40 acres	12.5 hrs	20 hrs
(C) 40-less than 160 acres	15 hrs	25 hrs
(D) 160-less than 1280 acres	25 hrs	40 hrs
(E) 1280 acres or more	40 hrs	50 hrs
(ii) dry farm:		
(A) 1 to less than 1280 acres	15 hrs	25 hrs
(B) 1280 acres or more	20 hrs	40 hrs
(m) Improvements on properties other than a rural residence, maximum 10 hours:		
(i) dwelling	5 hrs	5 hrs
(ii) shed	2.5 hrs	2.5 hrs
(n) cattle ranches		
(i) 0-200 head	15 hrs	20 hrs
(ii) 201-500 head	25 hrs	30 hrs
(iii) 501-1000 head	30 hrs	40 hrs
(iv) more than 1000 head	40 hrs	50 hrs
(o) sheep ranches		

Task	Hours
Highest and Best Use Analysis	0.25
Neighborhood Description	0.5
Exterior Inspection	0.5
Interior Inspection	0.5
CAMA Data Input and Review	0.5
Market Conditions	0.75
Land Value Estimate	0.5
Improvement Cost Estimate	0.5
Income Value Estimate	3.0
Sales Comparison Value Estimate	3.0
Final Reconciliation	0.25
Appraisal Report Preparation	2.0
Restricted Appraisal Report Preparation	0.5

(d) commercial and industrial buildings,
depending on complexity:

Part 4

Task	Hours
Highest and Best Use Analysis	0.25
Neighborhood Description	0.5
Exterior Inspection	0.5-4.5
Interior Inspection	0.5-9.5
CAMA Data Input and Review	0.5
Market Conditions	1.5
Land Value Estimate	2.0
Improvement Cost Estimate	2.0
Income Value Estimate	2-15
Sales Comparison Value Estimate	2-15
Final Reconciliation	0.5
Appraisal Report Preparation	1-10
Restricted Appraisal Report Preparation	0.5

(e) agricultural and other improvements,
depending on complexity:

Part 5

Task	Hours
Highest and Best Use Analysis	0.25-0.5
Neighborhood Description	0.5
Exterior Inspection	0.25-0.5
Interior Inspection	0.5-1
CAMA Data Input and Review	0.5
Market Conditions	0.75
Land Value Estimate	0.5-1
Improvement Cost Estimate	0.5-1
Income Value Estimate	1-3
Sales Comparison Value Estimate	1-3
Final Reconciliation	0.25
Appraisal Report Preparation	2.0
Restricted Appraisal Report Preparation	0.5

(f) vacant land, depending on complexity:

Part 6

Task	Hours
Highest and Best Use Analysis	0.25-0.5
Neighborhood Description	0.5
Site Inspection	0.25
Land Segregation	0.25
CAMA Data Input and Review	0.5
Inspection	0.25-2.25
Market Conditions	0.75
Income Value Estimate	1-3
Sales Comparison Value Estimate	1-3
Final Reconciliation	0.25
Appraisal Report Preparation	2.0
Restricted Appraisal Report Preparation	0.5

(g) land valuation guideline (development):

(i) 25 or fewer parcels	10 hours
(ii) 26 to 500 parcels	30 hours
(iii) over 500 parcels	25 additional hours for each 500 parcels, up to a maximum of 125 hours for each guideline
(h) land valuation guideline (update):	
(i) 25 or fewer parcels	1 hour
(ii) 26 to 500 parcels	3 hours
(iii) over 500 parcels	2.5 additional hours for each 500 parcels, up to a maximum of 12.5 hours for each guideline
(i) assessment/sales ratio study, data collection, verification, sample inspection, analysis, conclusion, and implementation:	
(i) base study of 100 reviewed sales	125 hours
(ii) additional increments of 100 sales	25 additional hours for each 100 additional sales, up to a maximum of 375 hours for each study
(j) multiple regression model, development and implementation:	
(i) fewer than 5,000 parcels	100 hours
(ii) additional increments of 500 parcels	5 additional hours for each additional 500 parcels, up to a maximum of 375 hours for each regression model
(k) industry depreciation study and analysis	5 to 40 hours
(l) reviews of "land value in use" in accordance with U.C.A. Section 59-2-505:	
(i) office review only	0.25 hours
(ii) field review	0.5 hours
(m) natural resource properties, depending on complexity:	
(i) sand and gravel	1-20 hours per site
(ii) mine	1-110 hours
(iii) oil and gas	1-50 hours per site
(n) pipelines and gas distribution properties, depending on complexity	10-40 hours
(o) telephone and electric properties, depending on complexity	5-80 hours
(p) airline and railroad properties, depending on complexity	10-80 hours
(q) appraisal review/audit, depending on complexity	2.5-125 hours
(r) capitalization rate study	10 to 100 hours
(s) mineral pricing study	10 to 100 hours
(t) effective tax rate study	10 to 100 hours
(u) Ad valorem centrally assessed property tax appeal preparation	5 to 125 hours

Appendix 4. Appraiser Education.

TABLE 1
Required Core Curriculum

Trainee Appraiser	
Basic Appraisal Principles	30 Hours
Basic Appraisal Procedures	30 Hours
15-Hour national USPAP Course or its Equivalent	15 Hours
Trainee Appraiser Education Requirements	75 Total Hours

Licensed Appraiser	
Basic Appraisal Principles	30 Hours
Basic Appraisal Procedures	30 Hours
15-Hour national USPAP Course or its Equivalent	15 Hours
Residential Market Analysis and Highest and Best Use	15 Hours
Residential Appraiser Site Valuation and Cost Approach	15 Hours
Residential Sales Comparison and Income Approaches	30 Hours
Residential Report Writing and Case Studies	15 Hours
Licensed Residential Education Requirements	150 Total Hours

Certified Residential	
Basic Appraisal Principles	30 Hours
Basic Appraisal Procedures	30 Hours
15-Hour national USPAP Course or its Equivalent	15 Hours
Residential Market Analysis and Highest and Best Use	15 Hours
Residential Appraiser Site Valuation and Cost Approach	15 Hours
Residential Sales Comparison and Income Approaches	30 Hours
Residential Report Writing and Case Studies	15 Hours
Statistics, Modeling and Finance	15 Hours
Advanced Residential Applications and Case Studies	15 Hours
Appraisal Subject Matter Electives (May include hours over minimum shown above in other modules)	20 Hours
Certified Residential Education Requirements	200 Total Hours

Certified General*	
Basic Appraisal Principles	30 Hours
Basic Appraisal Procedures	30 Hours
15-Hour national USPAP Course or its Equivalent	15 Hours
*General Appraiser Market Analysis and Highest and Best Use	30 Hours
Statistics, Modeling and Finance	15 Hours
*General Sales Comparison and Income Approaches	30 Hours
*General Appraiser Site Valuation and Cost Approach	30 Hours
General Appraiser Income Approach	60 Hours
*General Appraiser Report Writing and Case Studies	30 Hours
Appraisal Subject Matter Electives (May include hours over minimum shown above in other modules)	30 Hours
Certified General Education Requirements	300 Total Hours

*The four Certified General courses identified with an asterisk * may substitute for the equivalent four Licensed Appraiser or Certified Residential courses when a candidate provides proof of completion of these courses when applying for a Licensed or Certified Residential appraisal credential.

TABLE 2

Continuing Education Topics (Division Certification Required)

- (1) Ad valorem taxation
- (2) Arbitration, dispute resolution
- (3) Courses related to the practice of real estate appraisal or consulting
- (4) Development cost estimating
- (5) Ethics and standards of professional practice, USPAP
- (6) Land use planning, zoning

- (7) Management, leasing, timesharing
- (8) Property development, partial interests
- (9) Real estate law, easements, and legal interests
- (10) Real estate litigation, damages, condemnation
- (11) Real estate financing and investment
- (12) Real estate appraisal related computer applications
- (13) Real estate securities and syndication
- (14) Developing opinions of real property value in appraisals
that also include personal property and/or business value
- (15) Seller concessions and impact on value
- (16) Energy efficient items and "green building" appraisals

KEY: real estate appraisals, school certification, instructor certification, education options

Date of Enactment or Last Substantive Amendment: April 28, 2021

Notice of Continuation: April 28, 2021

Authorizing, and Implemented or Interpreted Law: 61-2g-201(2)(h); 61-2g-202(1); 61-2g-205(5)(c); 61-2g-307(3); 61-2g-401(5)