STATE OF UTAH
DEPARTMENT OF COMMERCE
DIVISION OF REAL ESTATE

REAL ESTATE APPRAISER LICENSING AND CERTIFICATION ADMINISTRATIVE RULES

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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) "Classification" means the type of license or certification held by an appraiser.
(6) "Day" means calendar day unless specified as "business day."
(7) "Desk review" means review of an appraisal:
    (a) including verification of the data; but
    (b) not including a physical inspection of the property.
(8) "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.
(9) "Division" means the Division of Real Estate of the Department of Commerce.
(10) "Draft report" means an appraisal report that is distributed prior to being completed, as provided in Subsection R162-2g-502b(1).
(11) "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 (11).

(12) "Field review" means review of an appraisal, including:
(a) a physical inspection of the property; and
(b) verification of the data.

(13) "Person" means an individual or an entity.

(14) "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.

(15) 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.

(16) "Renewal" means reissuing a license or certification upon its expiration for an additional period.

(17) "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.

(18) "School director" means an authorized individual in charge of the educational program at a school.

(19) "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.

(20) "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.

(21) 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) (a) Pre-licensing education. 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-307b(1)-(3); or

(B) not required to be certified by the division pursuant to Subsection R162-2g-307b(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) The15-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) 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.

(7) Re-registration of existing trainees.
(a) A trainee registration that was granted by the division prior to January 1, 2008 expired on January 1, 2011.
(b) A trainee registration that is not expired pursuant to this Subsection (7)(a), but that did not include a background check, shall expire unless the trainee re-registers with the division according to the following schedule:
  (i) a trainee who registered during the 2008 calendar year shall re-register in 2011 by the anniversary of the trainee's registration date; and
  (ii) a trainee who registered on or after January 1, 2009 shall re-register on the two-year anniversary of the registration date.
(c) To re-register, a trainee shall submit the following to the division:
  (i) a completed application as provided by the division;
  (ii) (A) two fingerprint cards in a form acceptable to the division; or

(B) evidence that the applicant's fingerprints have been successfully scanned at a testing center;

(iii) all court documents related to any past criminal proceeding;

(iv) complete documentation of any sanction taken against any license in any jurisdiction;

(v) a signed letter of waiver authorizing the division to:

(A) obtain the fingerprints of the applicant;

(B) review past and present employment records;

(C) review education records; and

(D) conduct a criminal background check;

(vi) the fee for the criminal background check;

(vii) evidence of having completed:

(A) the pre-licensing education required by this Subsection (4); and

(B) 28 hours of continuing education or AQB qualifying education as required for renewal under Subsection R162-2g-306a(2)(b);

(viii) the name of the state-certified appraiser(s) with whom the trainee is affiliated;

(ix) the name and address of any appraisal entity or government agency with which the trainee is affiliated; and

(x) a nonrefundable application fee.

(d) A division hearing officer shall review the application of any trainee re-registering under this Subsection (7) who fails to meet the character and competency requirements of this Subsection (2) and (3). The hearing officer may:

(i) approve the application with the concurrence of the board;

(ii) approve the application subject to probation or restriction; or

(iii) refer the application to the board for decision.

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 2,000 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 12 months; and

(b) a nonrefundable application fee.

(2) (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 (2)(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-licensed residential appraiser exam shall provide the following to the division:

(a) completed experience forms, as required by the division, evidencing at least 2,500 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 24 months; and

(b) a nonrefundable application fee.

(2) (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 (2)(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-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, 1,000 hours 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; and

(iii) are accrued in no fewer than 30 months; and

(b) except as provided in this Subsection (3)(a), a nonrefundable application fee.

(2) (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 (2)(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.

(3) (a) A state-licensed appraiser who, within six months of renewing the license, meets the requirements for certification and files a completed application shall pay a transfer fee rather than an application fee.
(b) A certification that is obtained under this Subsection (3)(a) shall expire on the same date that the license was due to expire prior to transfer.

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 evaluation and 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:
  (i) for appraisal experience earned more than five years prior to the date of application;
  (ii) for 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) for appraisals that fail to comply with USPAP;
  (iv) for appraisals of the value of a business as distinguished from the appraisal of commercial real estate; or
  (v) for personal property appraisals.
(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:

(i) appraisals where only an exterior inspection of the subject property is performed shall be granted 25% of the credit awarded an appraisal that includes an interior inspection of the subject property; and

(ii) 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 250 experience hours may be earned from appraisal of vacant land.

(f) Appraisals on commercial or multi-unit form reports shall be awarded 75% of the credit normally awarded for the appraisal.

(g) (i) If an applicant's education was approved prior to January 1, 2008 and his or her experience was approved prior to January 1, 2011 (under a system referred to by the division and industry as a segmented application), but the applicant did not pass the applicable examination required for licensure or certification by December 31, 2010, the applicant shall, by December 31, 2011:

(A) complete all additional education, as required under the AQB standards;

(B) pass the required examination applicable to the license or certification being sought by the individual; and

(C) submit a complete application to the division.

(ii) An applicant who fails to comply with the December 31, 2011 deadline established in this Subsection (2)(g)(i) shall:

(A) complete all additional education as required under the AQB standards;

(B) pass the required examination applicable to the license or certification sought by the individual;

(C) submit recent appraisals that meet the requirements of all applicable statutes and rules for review by the experience review committee; and

(D) submit a complete application to the division according to deadlines established in Subsection R162-2g-304f(1).

(3) Specific restrictions applicable to trainees applying for licensure.

(a) 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:

(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.

(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 100 residential appraisals or first 20 non-residential appraisals completed, as applicable to the license or certification being sought, the inspection must include:
    (A) measurement of the exterior of a property that is the subject of an appraisal; 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 100 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 Standard 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;

(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:

(A) conforming to USPAP Standards 1 and 2; and

(B) including the following property types:

(I) vacant property;

(II) two- to four-unit dwelling;

(III) non-complex single-family unit; and

(IV) complex single-family unit; 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.

(e) No more than 60% of the total hours submitted for licensure or certification may be earned from any combination of appraisal assignments related to:

(i) property types identified in Appendix 3(a)(i) and (ii);

(ii) property types identified in Appendix 3 (b)(i) and (ii);

(iii) property types identified in Appendix 3 (c)(i) and (ii);

(iv) property types identified in Appendix 3 (d)(i) and (ii);

(v) property types identified in Appendix 3 (e)(i) and (ii), and

(vi) property types identified in Appendix 3 (f)(i).

(f) No more than 25% of the total hours submitted for licensure or certification may be earned from appraisal assignments related to property types identified in Appendix 3(f)(iii) and (iv) combined.

(g) No more than 20% of the total hours submitted for licensure or certification may have been earned from appraisal assignments related to property types identified in Appendix 3(g).

(h) (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 85% 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 85% shall be awarded no credit.

(i) 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 Rule 3 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) The following activities, if performed in accordance with USPAP Standards Rules 4 and 5, may be used to satisfy up to 50% of the experience required for certification:
(A) appraisal analysis;
(B) real estate counseling or consulting services; and
(C) feasibility analysis/study.
(iv) 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) 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:
(a) a completed renewal application as provided by the division;
(b) proof of completion of the following continuing education taken during the preceding two years:
(i) (A) the 7-hour National USPAP Update Course, taught by an instructor or instructors, at least one of whom is a state-certified residential or state-certified general appraiser and has been 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; or
(II) not required to be certified, pursuant to Subsection R162-2g-307c(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; and
(c) the applicable nonrefundable renewal fee.
(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 while on active military service.

(a) An appraiser or trainee who is unable to renew a registration, license, or certification because active military service has prevented the completion of the appraiser's or trainee's required continuing education may:

(i) submit a timely application for renewal that is complete, except for proof of continuing education; and

(ii) request that the application for renewal be held in suspense pending the completion of the continuing education requirement.

(b) The appraiser or trainee shall have 120 days after completion of active military service to complete the continuing education required for the renewal and submit proof of the continuing education to the division.

(c) An individual may not act as an appraiser or trainee in Utah:

(i) after the expiration of the registration, license, or certification; or

(ii) while the individual's application for renewal is held in suspense by the division pending the completion of military service and the completion of the continuing education required for renewal.

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, and 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. School Certification.

(1) Application. A school requesting certification shall:
- (a) submit an application form as prescribed by the division, including:
  - (i) name, telephone number, 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; and
- (c) provide a statement outlining the:
  - (i) days, times and locations of classes;
  - (ii) number of quizzes and examinations in each course offered;
  - (iii) grading system, including methods of testing and standards of grading;
  - (iv) requirements for attendance; and
  - (v) 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); and
  - (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.
- (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-307b. Pre-licensing Course Certification.

(1) To certify a pre-licensing course, an applicant shall:
(a) submit a completed application form as prescribed by the division;
(b) provide 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;
(c) describe 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;
(d) provide 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;
(e) explain the school procedure for maintaining the security of the final exams and answer keys;
(f) list the titles, authors, and publishers of all required textbooks;
(g) (i) list the instructor(s) who will teach each class; and
(ii) provide 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;
(h) list the days, times, and location of classes; and
(i) pay a nonrefundable applicable fee.

(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 cours(es) 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 cours(es) 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.

R162-2g-307c. Continuing Education Course 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 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.
(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;
(viii) course certification number and expiration date;
(ix) credit hours awarded; and
(x) 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 R162-2f-307c(1), the board may award continuing education credit on a case-by-case basis for the following:
(a) participation, other than as a student, in an appraisal practicum course;
(b) teaching, program development, authorship of textbooks, or similar activities that are determined by the board to be equivalent to obtaining continuing education, up to one-half of an individual's continuing education credit requirement;
(c) 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

(d) 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.

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

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

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

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

(c) demonstrate knowledge of the subject matter to be taught as evidenced by:

(i) a minimum of five years active experience in appraising;

(ii) college or other appropriate courses specific to the topic proposed to be taught; or

(iii) other experience, education, or credentials acceptable to the board;

(d) evidence having passed an examination designed to test knowledge of the subject matter proposed to be taught;

(e) if the individual proposes to teach a course in USPAP, evidence that the individual is an AQB-certified USPAP instructor; and

(f) 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 three 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 three months, an individual is required to apply as an original applicant and obtain a new certification.

(5) A certified instructor shall inform the division within 10 calendar days of:

(a) being convicted for a criminal offense, with the exception of a class C misdemeanor; or

(b) entering a plea in abeyance, diversion agreement, or other agreement that holds a criminal charge in suspense, except as to a class C misdemeanor.

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

(1) 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, and 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 as pursuant to Subsection R162-2g-302 may perform the following appraisal-related duties:
  - (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 comparables for an appraisal assignment;
  - (v) making adjustments to comparables; and
  - (vi) drafting or assisting in the drafting of an appraisal report.
- (b) 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 the trainee's first 100 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) 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).
- (c) 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) sign an appraisal report or discuss an appraisal assignment with anyone other than:
    - (A) the 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.
- (d) 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; and
  (b) vacant land if the highest and best use of the land is for five or more one- to four-family units.

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 Subsection 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) (i) except as provided in this Subsection (2)(a), 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 agent(s), property owner, or other verifiable source(s);

(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 all 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.

(2) Exceptions.

(a) An individual is exempt from complying with all 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.

(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) A supervising appraiser shall:

(a) delegate to a trainee only such duties as the trainee is authorized to perform under Subsection R162-2g-311(1);

(b) directly train and supervise the trainee in the performance of assigned duties by:

(i) critically observing and directing all aspects of the appraisal process; and
(ii) accepting full responsibility for the appraisal and the contents of the appraisal report;

(c) personally inspect:
(i) each property that is appraised with a trainee until the trainee has performed:
(A) 100 residential inspections as provided in Subsection R162-2g-311(1)(b)(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.

(5) A school 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 all continuing education courses in advertising and marketing;
(c) as to each student who provides the school with an accurate name or license number, bank course completion information:
(i) within 10 days after the end of a course offering; and
(ii) to the database specified by the division; and
(d) upon request of the division, substantiate any claim made in advertising or marketing.

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) supervise more than three trainees at one time; or
(c) 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; or
(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.

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 an expert witness;

(ii) registration as a trainee;

(iii) licensure or certification as an appraiser;

(iv) certification of a course, school, or instructor; and

(v) 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.

(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.

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.

APPENDIX 1

Property Type	Hours that may be earned
(a) one-unit dwelling, above-grade:	
(i) living area less than 4,000 square feet, including a site	5 hours
(ii) living area 4,000 square feet or more, including a site	7.5 hours
(b) multiple one-unit dwellings in the same subdivision or condominium project, which dwellings are substantially similar:	
(i) 1-25 dwellings	5 hours per dwelling, up to a maximum of 30 hours
(ii) over 25 dwellings	50 hours maximum
(c) two to four-unit dwelling	20 hours
(d) employee relocation counsel reports completed on currently accepted Employee Relocation Counsel form	10 hours
(e) residential lot, 1-4 unit	5 hours
(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 up to 5 acres	5 hours
(h) vacant land, 20-500 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) over 10 acres	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.

APENDIX 2

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) over 80 beds	50 hours
(d) industrial or warehouse building:	
(i) smaller than 20,000 square feet	30 hours
(ii) larger than 20,000 square feet, single tenant	40 hours
(iii) larger than 20,000 square feet, multiple tenants	50 hours
(e) office buildings:	
(i) smaller than 10,000 square feet	30 hours
(ii) larger than 10,000 square feet, single tenant	40 hours
(iii) larger than 10,000 square feet, 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) larger than 10,000 square feet, single	

tenant	40 hours	
(iii) larger than 10,000 square feet, multiple tenants	50 hours	
(h) commercial, multi-unit, industrial, or other nonresidential use acreage:		
(i) 1 to 99 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) separate grazing privileges or permits	20 hours	25 hours
(ii) irrigated cropland, pasture other than rangeland:		
(A) 1 to 10 acres	10 hours	15 hours
(B) 11-50 acres	12.5 hours	20 hours
(C) 51-200 acres	15 hours	25 hours
(D) 201-1000 acres	25 hours	40 hours
(E) more than 1000 acres	40 hours	50 hours
(iii) dry farm:		
(A) 1 to 1000 acres	15 hours	25 hours
(B) more than 1000 acres	20 hours	40 hours
(m) Improvements on properties other than a rural residence, maximum 10 hours:		
(i) dwelling	5 hours	5 hours
(ii) shed	2.5 hours	2.5 hours
(n) cattle ranches		
(i) 0-200 head	15 hours	20 hours
(ii) 201-500 head	25 hours	30 hours
(iii) 501-1000 head	30 hours	40 hours
(iv) more than 1000 head	40 hours	50 hours
(o) sheep ranches		
(i) 0-2000 head	25 hours	30 hours
(ii) more than 2000 head	35 hours	45 hours
(p) dairy, including all improvements except a dwelling		

(i) 1-100 head	20 hours	25 hours
(ii) 101-300 head	25 hours	30 hours
(iii) more than 300 head	30 hours	35 hours
(q) orchards		
(i) 5-50 acres	30 hours	40 hours
(ii) more than 50 acres	40 hours	50 hours
(r) rangeland/timber		
(i) 0-640 acres	20 hours	25 hours
(ii) more than 640 acres	30 hours	35 hours
(s) poultry		
(i) 0-100,000 birds	30 hours	40 hours
(ii) more than 100,000 birds	40 hours	50 hours
(t) mink		
(i) 0-5000 cages	30 hours	35 hours
(ii) more than 5000 cages	40 hours	50 hours
(u) fish farm	40 hours	50 hours
(v) hog farm	40 hours	50 hours
(w) review of appendix 2 appraisals with no opinion of value developed as part of the review, performed in conjunction with investigations by government agencies	20-100 hours	

Appendix 3. Mass Appraisal Experience Hours Schedule.

APENDIX 3

Property Type	Hours that may be earned
(a) one-unit dwelling, above-grade living area less than 4,000 square feet:	
(i) exterior inspection, highest and best use analysis, data collection only	0.5 hours
(ii) interior and exterior inspection, highest and best use analysis, data collection only	1 hour
(iii) inspection, highest and best use analysis, data collection, valuation analysis, conclusion, report	3.75 hours
(b) one-unit dwelling, above-grade living area area 4,000 square feet or more:	
(i) exterior inspection, highest and best use analysis, data collection only	0.75 hours
(ii) interior and exterior inspection, highest and best use analysis, data collection only	1.5 hours
(iii) inspection, highest and best use analysis, data collection, valuation analysis, conclusion, report	5 hours

(c) two to four unit dwelling:	
(i) exterior inspection, highest and best use analysis, data collection only	1.5 hours
(ii) interior and exterior inspection, highest and best use analysis, data collection only	3 hours
(iii) inspection, highest and best use analysis, data collection, valuation analysis, conclusion, report	15 hours
(d) commercial and industrial buildings, depending on complexity:	
(i) exterior inspection, highest and best use analysis, data collection only	1-5 hours
(ii) interior and exterior inspection, highest and best use analysis, data collection only	2-10 hours
(iii) inspection, highest and best use analysis, data collection, valuation analysis, conclusion, report	3-37.5 hours
(e) agricultural and other improvements, depending on complexity:	
(i) exterior inspection, highest and best use analysis, data collection only	0.5-2.5 hours
(ii) interior and exterior inspection, highest and best use analysis, data collection only	1-5 hours
(iii) inspection, highest and best use analysis, data collection, valuation analysis, conclusion, report	3.75-20 hours
(f) vacant land, depending on complexity:	
(i) inspection, highest and best use analysis, data collection only	0.5-2.5 hours
(ii) inspection, highest and best use analysis, data collection, valuation analysis, conclusion, report	2.5-25 hours
(iii) land segregation (division) analysis and processing, no field inspection	0.25 hours
(iv)land segregation (division) analysis and processing, field inspection	0.5 hours
(g) data input and review for experience hours claimed under property types(a) through (f)	0.25 hours
(h) land valuation guideline:	
(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
(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
(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
(k) depreciation study and analysis	100 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	7.5-20 hours per site
(ii) mine	7.5-110 hours
(iii) oil and gas	1.65-50 hours per site
(n) pipelines and gas distribution properties, depending on complexity	10-40 hours
(o) telephone and electrics 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	80 hours