

SENATE BILL NO. 2206

Introduced by

Senator Tomac

1 A BILL for an Act to amend and reenact section 43-23.3-04, subsection 1 of section 43-23.3-09,
2 and section 43-23.3-23 of the North Dakota Century Code, relating to permits to practice as a
3 real estate appraiser; and to provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 43-23.3-04 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **43-23.3-04. Permit required - Exemptions.** Except as provided in this section,
8 ~~beginning July 1, 1994,~~ a person may not directly or indirectly engage in, advertise, conduct the
9 business of, or act in any capacity as a licensed or certified appraiser without first obtaining a
10 permit as provided in this chapter. An appraiser licensed or certified in another state may not
11 engage in, advertise, conduct the business of, or act in any capacity as an appraiser in this
12 state without first obtaining a nonresident permit under section 43-23.3-11. This chapter does
13 not apply to a licensed real estate broker or salesman who, in the ordinary course of business,
14 gives an opinion to a potential seller or third party as to the recommended listing price of real
15 estate or an opinion to a potential purchaser or third party as to the recommended purchase
16 price of real estate. However, the opinion as to the listing price or the purchase price may not
17 be referred to as an appraisal. This chapter does not apply to a person who, in the ordinary
18 course of business, gives an opinion of the value of real estate to that person's employer.

19 **SECTION 2. AMENDMENT.** Subsection 1 of section 43-23.3-09 of the North Dakota
20 Century Code is amended and reenacted as follows:

- 21 1. The board may issue a permit to practice as a licensed appraiser to an individual
22 who possesses the minimum experience requirements established by the
23 appraisal ~~subcommittee~~ foundation and the board.

1 **SECTION 3. AMENDMENT.** Section 43-23.3-23 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **43-23.3-23. Penalties.** A person acting or purporting to act as a licensed or a certified
4 appraiser without holding a permit to practice is guilty of a class A misdemeanor. An appraiser
5 licensed or certified in another state who engages in, advertises, conducts the business of, or
6 acts in any capacity as an appraiser without first obtaining a nonresident permit is guilty of a
7 class A misdemeanor. In addition to any other penalty, a person receiving any money or other
8 compensation in violation of this chapter is subject to a penalty of not less than the amount of
9 the sum of money received and not more than three times the sum in the discretion of the court.