

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 3503

(SENATE AUTHORS: WEBER and Klein)

DATE	D-PG	OFFICIAL STATUS
02/28/2022	5146	Introduction and first reading Referred to Commerce and Consumer Protection Finance and Policy
03/23/2022	5495	Comm report: To pass as amended
	5564	Second reading
	5576	Author added Klein
05/10/2022	8179	Special Order
	8179	Third reading Passed
05/21/2022		Returned from House with amendment Senate concurred and repassed bill Third reading

1.1 A bill for an act

1.2 relating to commerce; real estate appraisers; making changes related to minimum

1.3 damage acquisition reports and continuing education; amending Minnesota Statutes

1.4 2020, sections 82B.03, by adding a subdivision; 82B.19, by adding a subdivision;

1.5 82C.17, subdivision 2; Minnesota Statutes 2021 Supplement, section 82B.25,

1.6 subdivision 2.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2020, section 82B.03, is amended by adding a subdivision

1.9 to read:

1.10 Subd. 4. Minimum damage acquisition report. A real estate appraiser may provide a

1.11 minimum damage acquisition report for purposes of section 117.036. When providing a

1.12 minimum acquisition damage report, a real estate appraiser is not engaged in real estate

1.13 appraisal activity and is not subject to this chapter.

1.14 Sec. 2. Minnesota Statutes 2020, section 82B.19, is amended by adding a subdivision to

1.15 read:

1.16 Subd. 5. Out-of-state continuing education credit. (a) For purposes of this subdivision,

1.17 the following terms having the meanings given:

1.18 (1) "asynchronous educational offering" has the meaning given in the most recent version

1.19 of the real property appraiser qualification criteria, as established by the Appraiser

1.20 Qualifications Board; and

1.21 (2) "synchronous educational offering" has the meaning given in the most recent version

1.22 of the real property appraiser qualification criteria, as established by the Appraiser

2.1 Qualifications Board, and includes an educational process based on live or real-time
 2.2 instruction where there is no geographic separation of instructor and learner.

2.3 (b) Notwithstanding section 45.30, subdivisions 1 and 6, an appraiser licensee may
 2.4 submit, in a form prescribed by the commissioner, an application for continuing education
 2.5 credit for a synchronous educational offering that has not been submitted for prior approval
 2.6 in Minnesota. The commissioner must grant the appraiser licensee continuing education
 2.7 credit if:

2.8 (1) the application is submitted by August 1 of the year in which the appraiser license
 2.9 is due for renewal;

2.10 (2) the synchronous educational offering has been approved for continuing education
 2.11 credit by the regulator of appraisers in at least one other state or United States territory; and

2.12 (3) the application is submitted by the appraiser licensee to the commissioner within 30
 2.13 days of successfully completing the synchronous educational offering.

2.14 (c) The application must include a certificate of successful course completion from the
 2.15 synchronous educational offering provider. The commissioner must grant an appraiser
 2.16 licensee the same number of continuing education credits for successfully completing the
 2.17 synchronous educational offering as that course was approved for by the out-of-state appraiser
 2.18 regulatory authority.

2.19 (d) The commissioner may charge an appraisal licensee an application fee in an amount
 2.20 to be determined by the commissioner.

2.21 (e) This subdivision does not apply to asynchronous educational offerings.

2.22 Sec. 3. Minnesota Statutes 2021 Supplement, section 82B.25, subdivision 2, is amended
 2.23 to read:

2.24 Subd. 2. **Education.** ~~Within two years of receiving a license under this chapter and as~~
 2.25 ~~required by the Appraiser Qualifications Board,~~ A real property appraiser shall provide to
 2.26 the commissioner evidence of satisfactory completion of a continuing education course on
 2.27 the valuation bias of real property. Appraisers licensed after September 1, 2021, must
 2.28 complete the course required by this section prior to their first license renewal.

2.29 Sec. 4. Minnesota Statutes 2020, section 82C.17, subdivision 2, is amended to read:

2.30 Subd. 2. **Evidence.** (a) An appraisal management company can evidence that the fees
 2.31 paid to an appraiser were reasonable and customary through:

3.1 (1) objective third-party information, including, but not limited to, government agency
3.2 fee schedules or academic studies. An academic study used must exclude appraisal
3.3 assignments ordered by an appraisal management company. ~~The commissioner may establish~~
3.4 ~~a fee scheduled for use by an appraisal management company; or~~

3.5 (2) reviewing each of the following factors and making adjustments to recent fees paid
3.6 for appraisal services performed in the market area:

3.7 (i) the type of property appraised;

3.8 (ii) the scope of the appraisal work;

3.9 (iii) the time in which the appraisal service must be performed;

3.10 (iv) appraiser qualifications;

3.11 (v) appraiser experience and professional record; and

3.12 (vi) appraiser work quality.

3.13 (b) The fees paid for a complex appraisal assignment shall reflect the increased time,
3.14 difficulty, and scope of work required.

3.15 (c) An appraisal management company shall maintain written documentation describing
3.16 and substantiating all methods and information used to determine the customary and
3.17 reasonable fees required by this section.

3.18 Sec. 5. **EFFECTIVE DATE.**

3.19 This act is effective September 1, 2022.