

ASSEMBLY, No. 2387

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED FEBRUARY 6, 2014

Sponsored by:

Assemblyman TROY SINGLETON

District 7 (Burlington)

Assemblyman JAY WEBBER

District 26 (Essex, Morris and Passaic)

Co-Sponsored by:

Assemblywoman Handlin

SYNOPSIS

Abolishes the State Real Estate Appraisers Board and transfers regulation of appraisers to the New Jersey Real Estate Commission.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/11/2014)

1 **AN ACT** abolishing the State Real Estate Appraiser Board and
2 transferring its functions, supplementing chapter 15 of Title 45
3 of the Revised Statutes, and revising various parts of the
4 statutory law.

5
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8
9 1. (New section) As used in sections 1 through 22 of this act:
10 "Another state or other state" means any other state, the District
11 of Columbia, the Commonwealth of Puerto Rico and any other
12 possession or territory of the United States.

13 "Appraisal" or "real estate appraisal" means an unbiased
14 analysis, opinion or conclusion relating to the nature, quality, value
15 or utility of specified interests in, or aspects of, real estate. An
16 appraisal may be classified by subject matter into either a valuation
17 or an analysis. A "valuation" means an estimate of the value of real
18 estate or real property and an "analysis" means a study of real estate
19 or real property other than a valuation.

20 "Appraisal assignment" means an engagement for which an
21 appraiser is employed or retained to act, or would be perceived by
22 third parties or the public as acting, as a disinterested third party in
23 rendering an unbiased appraisal.

24 "Appraisal Foundation" means the Appraisal Foundation
25 incorporated in the State of Illinois as a nonprofit corporation on
26 November 30, 1987, as denominated in Title XI of Pub.L.101-73
27 (12 U.S.C. s.3331 et seq.).

28 "Appraisal report" means any written communication of an
29 appraisal.

30 "Appraisal Subcommittee" means the Appraisal Subcommittee of
31 the Federal Financial Institutions Examination Council, as created
32 by section 1102 of Title XI of Pub.L.101-73 (12 U.S.C. s.3310).

33 "Approved education provider" means a provider of real estate
34 appraisal education courses who is approved by the commission.

35 "Certified appraisal" or "certified appraisal report" means an
36 appraisal or appraisal report given or signed by a State certified
37 general or residential real estate appraiser.

38 "Commission" means the New Jersey Real Estate Commission
39 established pursuant to R.S.45:15-5.

40 "Director" means the Director of the Division of Consumer
41 Affairs in the Department of Law and Public Safety or his designee.

42 "Federally related transaction" shall have the meaning ascribed
43 to that term in section 1121 of Title XI of Pub.L.101-73 (12 U.S.C.
44 s.3350).

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 "Licensed appraisal" or "licensed appraisal report" means an
2 appraisal or appraisal report given or signed by a State licensed real
3 estate appraiser.

4 "Real estate" means an identified parcel or tract of land,
5 including improvements thereon, if any.

6 "Real property" means one or more defined interests, benefits or
7 rights inherent in real estate.

8 "State certified real estate appraiser" or "State certified general
9 or residential real estate appraiser" means an individual who holds a
10 current, valid certificate for real estate appraisal pursuant to the
11 provisions of this act and is recognized as being more
12 knowledgeable of and experienced in real estate appraisals than a
13 State licensed real estate appraiser.

14 "State licensed real estate appraiser" means an individual who
15 holds a current, valid license for real estate appraisal pursuant to the
16 provisions of this act.

17

18 2. (New section) a. The State Real Estate Appraiser Board
19 created by P.L.1991, c.68 (C.45:14F-1 et seq.) within the Division
20 of Consumer Affairs in the Department of Law and Public Safety is
21 abolished as an agency in the Executive Branch of State
22 Government and all of its functions, powers and duties are hereby
23 transferred to the New Jersey Real Estate Commission.

24 b. The offices and terms of the members, executive director,
25 and of the assistants, and deputies, of the State Real Estate
26 Appraiser Board are hereby terminated.

27 c. Regulations of the State Real Estate Appraiser Board
28 concerning its organization, function, practice and procedure are
29 void. Whenever in any law, rule, regulation, order, reorganization
30 plan, contract, document, judicial or administrative proceeding, or
31 otherwise, reference is made to the State Real Estate Appraiser
32 Board, the same shall mean and refer to the New Jersey Real Estate
33 Commission in the Department of Banking and Insurance.

34 d. This act shall not affect the tenure, compensation, and
35 pension rights, if any, of the holder of a position not specifically
36 abolished herein in office upon the effective date of this act, nor
37 alter the term of a member of a board, commission, or public body,
38 not specifically abolished herein, in office on the effective date of
39 this act, or require the reappointment thereof.

40 e. This act shall be subject to the provisions of the "State
41 Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

42 f. The responsibility of all cases pending on the effective date
43 of this act in which the State Real Estate Appraiser Board is a party
44 handled by offices being abolished shall be assumed by the New
45 Jersey Real Estate Commission, unless the Executive Director of
46 said commission determines that there are not sufficient resources
47 to continue any particular litigation.

1 g. Acts and part of acts inconsistent with any of the provisions
2 of this act are, to the extent of such inconsistency, superseded and
3 repealed.

4
5 3. (New section) No person shall assume or use the title or
6 designation "State certified general real estate appraiser" or the
7 abbreviation "SCGREA" or "State certified residential real estate
8 appraiser" or the abbreviation "SCRREA" or any other title,
9 designation, words, letters, abbreviation, sign, card or device
10 indicating that such person is a State certified real estate appraiser,
11 unless that person holds a current, valid certificate as a State
12 certified general or residential real estate appraiser, as applicable,
13 pursuant to the provisions of this act.

14
15 4. (New section) No person shall assume or use the title or
16 designation "State licensed real estate appraiser" or the abbreviation
17 "SLREA" or any other title, designation, words, letters,
18 abbreviation, sign, card or device indicating that such person is a
19 State licensed real estate appraiser, unless that person holds a
20 current, valid license as a State licensed real estate appraiser
21 pursuant to the provisions of this act.

22
23 5. (New section) The provisions of this act shall not apply to
24 any person who is:

25 a. a real estate appraiser licensed or certified in another state in
26 compliance with federal requirements while on temporary
27 assignment appraising real property located in this State; however,
28 that appraiser shall be subject to registration requirements
29 promulgated by the commission; or

30 b. a tax assessor or an assistant tax assessor holding a valid tax
31 assessor certificate employed by a county or municipal government
32 or any political subdivision thereof whose appraisal activities are
33 limited to appraisals in the course of his employment; or

34 c. a State employee (1) whose appraisal activities are limited to
35 appraisals of parcels of property to be acquired for a public purpose
36 with a fair market value, including damages to the remainder, if
37 any, of each parcel to be acquired of not more than \$25,000,
38 notwithstanding the total value of the property in which the parcel
39 is located that is owned by the prospective condemnee whose
40 property is to be taken; and (2) whose appraisal activities are
41 limited to appraisals in the course of his employment.

42
43 6. (New section) The commission shall, in addition to any
44 other powers and duties as it may possess by law:

45 a. Administer and enforce the provisions of this act;

46 b. Examine and pass on the qualifications of all applicants for
47 licensure or certification under this act;

- 1 c. Issue and renew licenses and certificates of real estate
- 2 appraisers;
- 3 d. Prescribe examinations for certification under this act, which
- 4 examinations shall meet the standards for certification examinations
- 5 for real estate appraisers established by the Appraisal Foundation,
- 6 and prescribe examinations for licensure under this act, which
- 7 examinations shall meet the standards for licensing examinations
- 8 for real estate appraisers acceptable to the Appraisal Subcommittee;
- 9 e. Suspend, revoke or refuse to issue or renew a license or
- 10 certificate and exercise investigative powers pursuant to the
- 11 provisions of P.L.1978, c.73 (C.45:1-14 et seq.);
- 12 f. Establish fees for applications for licensure and certification,
- 13 examinations, initial licensure and certification, renewals, late
- 14 renewals, temporary licenses, temporary certifications and for
- 15 duplication of lost licenses or certificates, pursuant to section 2 of
- 16 P.L.1974, c.46 (C.45:1-3.2);
- 17 g. Establish a code of professional ethics for persons licensed
- 18 or certified under this act which meets the standards established by
- 19 the Uniform Standards of Professional Appraisal Practice
- 20 promulgated by the Appraisal Standards Board of the Appraisal
- 21 Foundation;
- 22 h. Establish standards for the certification of real estate
- 23 appraisers which meet the standards established by the Appraisal
- 24 Foundation, and establish standards for the licensing of real estate
- 25 appraisers which meet standards acceptable to the Appraisal
- 26 Subcommittee;
- 27 i. Conduct hearings pursuant to the "Administrative Procedure
- 28 Act," P.L.1968, c.410 (C.52:14B-1 et seq.). In any hearing or
- 29 investigative inquiry, the commission shall have the right to
- 30 administer oaths to witnesses, and shall have the power to issue
- 31 subpoenas for the compulsory attendance of witnesses and the
- 32 production of pertinent books, papers or records;
- 33 j. Take such action as is necessary before any board, agency or
- 34 court of competent jurisdiction for the enforcement of the
- 35 provisions of this act;
- 36 k. Maintain a registry of the names and business addresses of
- 37 licensees and the names and business addresses of certified
- 38 individuals and shall forward such materials to the Appraisal
- 39 Subcommittee of the Federal Financial Institutions Examination
- 40 Council;
- 41 l. Approve providers of real estate appraiser education courses
- 42 and establish and revise experience and education requirements for
- 43 the licensure and certification of real estate appraisers in this State;
- 44 m. Approve providers of real estate appraiser continuing
- 45 education courses and establish and revise continuing education
- 46 requirements for the renewal of licenses and certificates;

n. Adopt and promulgate rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this act;

o. Perform any other functions and duties which may be necessary to carry out the provisions of this act; and

p. Adopt and promulgate rules and regulations by which market analyses by licensed real estate brokers, broker-salespersons and salespersons may be used as credit for experience toward licensure or certification under this act.

7. (New section) To be eligible for licensure as a real estate appraiser, an applicant shall fulfill the following requirements:

a. Be at least 18 years of age;

b. Be of good moral character;

c. Have a high school diploma or its equivalent;

d. Have real estate appraisal experience which experience shall meet standards for experience acceptable to the Appraisal Subcommittee;

e. Have successfully completed a course of study in real estate appraising prescribed by the commission and conducted by an approved education provider, which course of study shall meet standards acceptable to the Appraisal Subcommittee; and

f. Successfully complete a real estate appraiser licensing examination administered by the commission.

8. (New section) a. An applicant for licensure or certification under this act shall not be eligible for licensure or certification, as the case may be, and any holder of a license or certification under this act shall have his license or certification revoked if the commission determines, consistent with the requirements and standards of section 9 of this act, that criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or in the State Bureau of Identification in the Division of State Police, which would disqualify that individual from being licensed or certified. An applicant or a holder of a license or certification shall be disqualified from licensure or certification if that individual's criminal history record check reveals a record of conviction of any of the following crimes and offenses:

(1) In New Jersey, any crime or disorderly persons offense:

(a) Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:11-1 et seq., N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq., or N.J.S.2C:15-1 et seq.; or

(b) Involving theft as set forth in chapter 20 of Title 2C of the New Jersey Statutes; or

(c) Involving any controlled dangerous substances or controlled substance analog as set forth in chapter 35 of Title 2C of the New

1 Jersey Statutes except as set forth in paragraph (4) of subsection a.
2 of N.J.S.2C:35-10.

3 (2) In any other state or jurisdiction, conduct which, if
4 committed in New Jersey, would constitute any of the crimes or
5 disorderly persons offenses described in paragraph (1) of this
6 subsection.

7 b. Notwithstanding the provisions of subsection a. of this
8 section, no individual shall be disqualified from licensure or
9 certification on the basis of any conviction disclosed by a criminal
10 history record check performed pursuant to this section if the
11 individual has affirmatively demonstrated to the commission clear
12 and convincing evidence of his rehabilitation. In determining
13 whether an individual has affirmatively demonstrated rehabilitation,
14 the following factors shall be considered:

15 (1) The nature and responsibility of the position which the
16 convicted individual would hold;

17 (2) The nature and seriousness of the offense;

18 (3) The circumstances under which the offense occurred;

19 (4) The date of the offense;

20 (5) The age of the individual when the offense was committed;

21 (6) Whether the offense was an isolated or repeated incident;

22 (7) Any social conditions which may have contributed to the
23 offense; and

24 (8) Any evidence of rehabilitation, including good conduct in
25 prison or in the community, counseling or psychiatric treatment
26 received, acquisition of additional academic or vocational
27 schooling, successful participation in correctional work-release
28 programs, or the recommendation of persons who have had the
29 individual under their supervision.

30

31 9. (New section) a. An applicant and holder of a license or
32 certificate shall submit to the commission his name, address and
33 fingerprints taken on standard fingerprint cards by a State or
34 municipal law enforcement agency. The commission is authorized
35 to exchange fingerprint data with and receive criminal history
36 record information from the Federal Bureau of Investigation and the
37 Division of State Police for use in making the determinations
38 required by section 8 of this act.

39 b. Upon receipt of the criminal history record information for a
40 person from the Federal Bureau of Investigation or the Division of
41 State Police, the commission shall notify the applicant, licensee or
42 certified individual, as applicable, in writing, of the person's
43 qualification or disqualification for licensure or certification under
44 section 8 of this act. If the applicant, licensee or certified
45 individual, as applicable, is disqualified, the conviction or
46 convictions which constitute the basis for the disqualification shall
47 be identified in the written notice.

1 c. The applicant, licensee or certified individual, as the case
2 may be, shall have 30 days from the date of written notice of
3 disqualification to petition the commission for a hearing on the
4 accuracy of the criminal history record information or to establish
5 his rehabilitation under subsection b. of section 8 of this act. The
6 commission may refer any case arising hereunder to the Office of
7 Administrative Law for administrative proceedings pursuant to
8 P.L.1968, c.410 (C.52:14B-1 et seq.).

9 d. The commission shall not maintain any individual's criminal
10 history record information or evidence of rehabilitation submitted
11 under this section for more than six months from the date of a final
12 determination by the commission as to the individual's qualification
13 or disqualification to be licensed or certified pursuant to the
14 provisions of this section and section 8 of this act.

15 e. All costs associated with performing the criminal history
16 check required by section 8 of this act shall be borne by the
17 applicant for licensure or certification or the holder of any license
18 or certification.

19
20 10. (New section) To be eligible for certification as a general or
21 residential real estate appraiser, an applicant shall fulfill the
22 following requirements:

23 a. Be at least 18 years of age;

24 b. Be of good moral character;

25 c. Have a high school diploma or its equivalent;

26 d. Have real estate appraisal experience which experience shall
27 meet the standards for experience prescribed by the Appraisal
28 Foundation for the type of certificate sought;

29 e. Have successfully completed a course of study in real estate
30 appraising prescribed by the commission and conducted by an
31 approved education provider, which course of study shall meet the
32 standards for the course of study issued by the Appraisal
33 Foundation for the type of certificate sought; and

34 f. Successfully complete a real estate appraiser certification
35 examination administered by the commission.

36
37 11. (New section) If the Appraisal Subcommittee of the Federal
38 Financial Institution Examination Council grants a waiver pursuant
39 to subsection (b) of section 1119 of Title XI of Pub. L. 101-73 (12
40 U.S.C. s.3348(b)), the commission may waive any requirement for
41 certification or licensure to the extent of the waiver granted by the
42 Appraisal Subcommittee.

43
44 12. (New section) Upon payment to the commission of the
45 prescribed fee and the submission of a written application on forms
46 prescribed by it, the commission may issue a license or certificate to
47 any person who holds a valid license or certificate as a real estate

1 appraiser issued by another state which has educational, experience
2 and examination requirements substantially similar to this State.

3
4 13. (New section) All applicants for licensure or certification as
5 a real estate appraiser shall, at the time of making application, pay a
6 non-refundable application fee the amount of which shall be
7 prescribed by the commission by rule.

8
9 14. (New section) a. Licenses and certificates shall be effective
10 for a period not to exceed two years and may be renewed biennially.

11 b. Licenses and certificates issued by the State Real Estate
12 Appraiser Board pursuant to P.L.1991, c.68 (C.45:14F-1 et seq.)
13 prior to the effective date of this act shall remain in effect until
14 issued or renewed by the commission pursuant to the provisions of
15 this act.

16
17 15. (New section) a. No license shall be renewed unless the
18 renewal applicant submits satisfactory evidence to the commission
19 that the renewal applicant has successfully completed the
20 continuing education requirements prescribed pursuant to this act.
21 The commission shall not require less than the number of hours
22 acceptable to the Appraisal Subcommittee for the continuing
23 education of licensed real estate appraisers.

24 b. No certificate shall be renewed unless the renewal applicant
25 submits satisfactory evidence to the commission that the renewal
26 applicant has successfully completed the continuing education
27 requirements prescribed pursuant to this act for the type of
28 certificate for which renewal is sought. The commission shall not
29 require less than the number of hours of continuing education
30 prescribed by the Appraisal Foundation as a national standard for
31 the continuing education of certified real estate appraisers.

32 c. Continuing education may include classroom instruction in
33 courses, seminars or other activities as approved by the
34 commission.

35
36 16. (New section) The examinations for licensure or certification
37 under the provisions of this act shall demonstrate that the applicant
38 possesses the following:

39 a. An appropriate knowledge of technical terms commonly
40 used in or related to real estate appraisal, appraisal report writing,
41 and economic concepts applicable to real estate law;

42 b. A basic understanding of real estate law;

43 c. An understanding of the principles of land economics, the
44 real estate appraisal process and problems likely to be encountered
45 in the gathering and processing of data in carrying out appraisal
46 disciplines;

1 d. An understanding of the standards for the development and
2 communication of real estate appraisal reports established by the
3 commission pursuant to this act;

4 e. An understanding of the grounds for which the commission
5 may initiate disciplinary proceedings against a State licensed or
6 certified real estate appraiser, as the case may be;

7 f. Knowledge of theories of depreciation, cost estimating,
8 methods of capitalization, and the mathematics of real estate
9 appraisal which relate to the classification for which the applicant is
10 applying; and

11 g. Knowledge of other real estate appraisal principles and
12 procedures which may relate to the classification for which the
13 applicant is applying.

14

15 17. (New section) If a State licensed or certified real estate
16 appraiser fails to renew his license or certificate prior to its
17 expiration, the appraiser may obtain a license or certificate by
18 satisfying all of the renewal requirements and paying the renewal
19 and late renewal fees, provided that application for the issuance of a
20 new license or certificate is made within one year of the expiration
21 date of the last license or certificate held by the appraiser.

22

23 18. (New section) a. A person who is not certified pursuant to
24 the provisions of this act shall not describe or refer to any appraisal
25 or other evaluation which he performs on real estate located in this
26 State as "a certified appraisal."

27 b. A person who is not licensed pursuant to the provisions of
28 this act shall not describe or refer to any appraisal or other
29 evaluation which he performs on real estate located in this State as
30 "a licensed appraisal."

31 c. Except as otherwise provided in subsection e. of this section,
32 no person other than a State licensed real estate appraiser, a State
33 certified real estate appraiser or a person who assists in the
34 preparation of an appraisal under the direct supervision of a State
35 licensed or certified appraiser shall perform or offer to perform an
36 appraisal assignment in regard to real estate located in this State
37 including, but not limited to, any transaction involving a third party,
38 person, government or quasi-governmental body, court, quasi-
39 judicial body or financial institution.

40 Nothing in this act shall be construed to preclude a person not
41 licensed or certified pursuant to this act from giving or offering to
42 give, for a fee or otherwise, counsel and advice on pricing, listing,
43 selling and use of real property, directly to a property owner or
44 prospective purchaser if the intended use of the counsel or advice is
45 solely for the individual knowledge of or use by the property owner
46 or prospective purchaser.

47 d. Nothing in this act shall be construed to preclude a person
48 not certified or licensed pursuant to this act from assisting in the

1 preparation of an appraisal to the extent permitted under subsection
2 (d) of section 1122 of Title XI of Pub. L.101-73 (12 U.S.C.
3 s.3351(d)).

4 e. A State or federally chartered bank, savings bank or savings
5 and loan association may obtain and use appraisals made by a
6 person who is not certified or licensed pursuant to the provisions of
7 this act in any circumstance where the underlying transaction is a
8 federally related transaction for which federal law and regulation do
9 not require that a certified or licensed appraiser be used. For the
10 purposes of this subsection, "federal law" means Title XI of Pub.
11 L.101-73 (12 U.S.C. s.3331 et seq.); and "federally related
12 transaction" has the meaning as set forth in section 1121 of Title XI
13 of Pub. L.101-73 (12 U.S.C. s.3350).

14
15 19. (New section) a. Each State licensed or certified real estate
16 appraiser shall provide a designated business address to the
17 commission and shall notify the commission in writing of any
18 change in that address.

19 b. A State licensed or certified real estate appraiser shall
20 conspicuously display his license or certificate at his place of
21 business.

22
23 20. (New section) a. Any license or certificate issued by the
24 commission shall remain the property of the State and shall be
25 immediately returned to the commission upon its suspension or
26 revocation pursuant to this act.

27 b. The issuance of a license or certificate to an applicant who is
28 a nonresident of this State shall be deemed to be his irrevocable
29 consent that service of process in any action or proceeding may be
30 made upon him by service upon the commission.

31
32 21. (New section) The commission may, by regulation,
33 establish criteria for the approval of real estate appraisal education
34 courses, schools and instructors and may collect reasonable fees as
35 prescribed by the commission from applicants for approval.

36
37 22. (New section) In the event that the government of the
38 United States enacts legislation or rules requiring states to collect
39 fees from appraisers licensed or certified by those states and to
40 remit the monies to a federal agency, the commission is authorized
41 to impose and collect these fees and may adopt rules requiring the
42 payment of the fees by all appraisers licensed or certified pursuant
43 to the provisions of this act.

44
45 23. R.S.45:15-5 is amended to read as follows:

46 45:15-5. The New Jersey Real Estate Commission, hereinafter in
47 this article designated as the "commission," created and established
48 by an act entitled "An act to define, regulate and license real estate

1 brokers and salesmen, to create a State real estate commission and
2 to provide penalties for the violation of the provisions hereof,"
3 approved April 5, 1921 (P.L.1921, c.141, s.370), as amended by an
4 act approved April 23, 1929 (P.L.1929, c.168, s.310), is continued.
5 The commission shall constitute the division of the New Jersey
6 Real Estate Commission in the Department of Banking and
7 Insurance. The commission shall consist of **【eight】** nine members,
8 appointed by the Governor pursuant to the provisions of P.L.1971,
9 c.60 (C.45:1-2.1 et seq.), each of whom shall have been a resident
10 of this State for a period of at least 10 years. Five members shall
11 have been real estate brokers for a period of at least 10 years; one
12 member shall have been a real estate appraiser for a period of at
13 least 10 years; two members shall be public members; and one
14 member shall be a representative of an appropriate department. The
15 department representative shall serve at the pleasure of the
16 Governor. Upon the expiration of the term of office of any other
17 member, his successor shall be appointed by the Governor for a
18 term of three years. A majority of the voting members of the
19 commission shall constitute a quorum thereof. Each member shall
20 hold his office until his successor has qualified. Members to fill
21 vacancies shall be appointed by the Governor for the unexpired
22 term. The Governor may remove any commissioner for cause, upon
23 notice and opportunity to be heard.

24 (cf: P.L.1993,c.51,s.5)

25
26 24. R.S.45:15-11 is amended to read as follows:

27 45:15-11. Any citizen of New Jersey who has served in the
28 armed forces of the United States or who served as a member of the
29 American Merchant Marine during World War II and is declared by
30 the United States Department of Defense to be eligible for federal
31 veterans' benefits, who has been honorably discharged, and who,
32 having been wounded or disabled in the line of duty, has completed
33 a program of courses in real estate or appraisal approved by the
34 New Jersey Real Estate Commission, and who has successfully
35 passed an examination conducted by said commission qualifying
36 him to operate as a real estate broker, broker-salesperson,
37 salesperson, **【or】** referral agent, or appraiser, may, upon
38 presentation of a certificate certifying that he has completed such
39 program of courses as aforesaid, obtain without cost from the
40 commission and without qualification through experience as a
41 salesperson, a license to operate as a real estate broker, broker-
42 salesperson, real estate salesperson, **【or】** referral agent or appraiser,
43 as the case may be, which licenses shall be the same as other
44 licenses issued under R.S.45:15-1 et seq. Renewal of licenses may
45 be granted under this section for each ensuing license term, upon
46 request, without fees therefor.

47 (cf: P.L. 2009, c.238, s.7)

1 25. Section 30 of P.L.2006, c.63 (C.45:15-16.79) is amended to
2 read as follows:

3 30. a. Any broker, broker-salesperson, **or** salesperson or
4 appraiser who violates the provisions of this act shall, in addition to
5 the penalties set forth herein, be subject to the penalties as set forth
6 in R.S.45:15-17.

7 b. Any person who violates any provision of this act or any
8 person who, in an application for registration filed with the
9 commission, makes any untrue statement of a material fact or omits
10 to state a material fact shall be fined not less than \$250, nor more
11 than \$50,000, per violation.

12 c. The commission may levy and collect the penalties set forth
13 in subsection b. of this section after affording the person alleged to
14 be in violation of this act an opportunity for a hearing in accordance
15 with the "Administrative Procedure Act," P.L.1968, c.410
16 (C.52:14B-1 et seq.) on the alleged violations and a finding by the
17 commission that the person is guilty of the violation. When a
18 penalty levied by the commission has not been satisfied within 30
19 days of the levy, the penalty may be sued for and recovered by, and
20 in the name of, the commission in a summary proceeding pursuant
21 to the "Penalty Enforcement Law of 1999," P.L.1999, c.274
22 (C.2A:58-10 et seq.).

23 d. The commission may, in the interest of justice, compromise
24 any civil penalty, if in its determination the gravity of the offense
25 does not warrant the assessment of the full fine.

26 (cf: P.L.2006, c.63, s.30)

27

28 26. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read
29 as follows:

30 1. The provisions of this act shall apply to the following boards
31 and commissions: the New Jersey State Board of Accountancy, the
32 New Jersey State Board of Architects, the New Jersey State Board
33 of Cosmetology and Hairstyling, the Board of Examiners of
34 Electrical Contractors, the New Jersey State Board of Dentistry, the
35 State Board of Mortuary Science of New Jersey, the State Board of
36 Professional Engineers and Land Surveyors, the State Board of
37 Marriage and Family Therapy Examiners, the State Board of
38 Medical Examiners, the New Jersey Board of Nursing, the New
39 Jersey State Board of Optometrists, the State Board of Examiners of
40 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of
41 Pharmacy, the State Board of Professional Planners, the State Board
42 of Psychological Examiners, the State Board of Examiners of
43 Master Plumbers, the New Jersey Real Estate Commission, the
44 State Board of Court Reporting, the State Board of Veterinary
45 Medical Examiners, the Radiologic Technology Board of
46 Examiners, the Acupuncture Examining Board, the State Board of
47 Chiropractic Examiners, the State Board of Respiratory Care, **the**
48 State Real Estate Appraiser Board, **the** the State Board of Social Work

1 Examiners, the State Board of Examiners of Heating, Ventilation,
2 Air Conditioning and Refrigeration Contractors, the Elevator,
3 Escalator, and Moving Walkway Mechanics Licensing Board, the
4 State Board of Physical Therapy Examiners, the Orthotics and
5 Prosthetics Board of Examiners, the New Jersey Cemetery Board,
6 the State Board of Polysomnography, the New Jersey Board of
7 Massage and Bodywork Therapy, the Genetic Counseling Advisory
8 Committee and any other entity hereafter created under Title 45 to
9 license or otherwise regulate a profession or occupation.
10 (cf: P.L. 2012, c.71, s.13)
11

12 27. Section 2 of P.L.1971, c.60 (C.45:1-2.2) is amended to read
13 as follows:

14 2. a. All members of the several professional boards and
15 commissions shall be appointed by the Governor in the manner
16 prescribed by law; except in appointing members other than those
17 appointed pursuant to subsection b. or subsection c., the Governor
18 shall give due consideration to, but shall not be bound by,
19 recommendations submitted by the appropriate professional
20 organizations of this State.

21 b. In addition to the membership otherwise prescribed by law,
22 the Governor shall appoint in the same manner as presently
23 prescribed by law for the appointment of members, two additional
24 members to represent the interests of the public, to be known as
25 public members, to each of the following boards and commissions:
26 the New Jersey State Board of Accountancy, the New Jersey State
27 Board of Architects, the New Jersey State Board of Cosmetology
28 and Hairstyling, the New Jersey State Board of Dentistry, the State
29 Board of Mortuary Science of New Jersey, the State Board of
30 Professional Engineers and Land Surveyors, the State Board of
31 Medical Examiners, the New Jersey Board of Nursing, the New
32 Jersey State Board of Optometrists, the State Board of Examiners of
33 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of
34 Pharmacy, the State Board of Professional Planners, the State Board
35 of Psychological Examiners, the New Jersey Real Estate
36 Commission, the State Board of Court Reporting, the State Board of
37 Social Work Examiners, the Elevator, Escalator, and Moving
38 Walkway Mechanics Licensing Board, and the State Board of
39 Veterinary Medical Examiners, and one additional public member
40 to each of the following boards: the Board of Examiners of
41 Electrical Contractors, the State Board of Marriage and Family
42 Therapy Examiners, and the State Board of Examiners of Master
43 Plumbers~~], and the State Real Estate Appraiser Board]~~. Each
44 public member shall be appointed for the term prescribed for the
45 other members of the board or commission and until the
46 appointment of his successor. Vacancies shall be filled for the
47 unexpired term only. The Governor may remove any such public

1 member after hearing, for misconduct, incompetency, neglect of
2 duty or for any other sufficient cause.

3 No public member appointed pursuant to this section shall have
4 any association or relationship with the profession or a member
5 thereof regulated by the board of which he is a member, where such
6 association or relationship would prevent such public member from
7 representing the interest of the public. Such a relationship includes
8 a relationship with members of one's immediate family; and such
9 association includes membership in the profession regulated by the
10 board. To receive services rendered in a customary client
11 relationship will not preclude a prospective public member from
12 appointment. This paragraph shall not apply to individuals who are
13 public members of boards on the effective date of this act.

14 It shall be the responsibility of the Attorney General to insure
15 that no person with the aforementioned association or relationship
16 or any other questionable or potential conflict of interest shall be
17 appointed to serve as a public member of any board regulated by
18 this section.

19 Where a board is required to examine the academic and
20 professional credentials of an applicant for licensure or to test such
21 applicant orally, no public member appointed pursuant to this
22 section shall participate in such examination process; provided,
23 however, that public members shall be given notice of and may be
24 present at all such examination processes and deliberations
25 concerning the results thereof, and, provided further, that public
26 members may participate in the development and establishment of
27 the procedures and criteria for such examination processes.

28 c. The Governor shall designate a department in the Executive
29 Branch of the State Government which is closely related to the
30 profession or occupation regulated by each of the boards or
31 commissions designated in section 1 of P.L.1971, c.60 (C.45:1-2.1)
32 and shall appoint the head of such department, or the holder of a
33 designated office or position in such department, to serve without
34 compensation at the pleasure of the Governor as a member of such
35 board or commission.

36 d. A majority of the voting members of such boards or
37 commissions shall constitute a quorum thereof and no action of any
38 such board or commission shall be taken except upon the
39 affirmative vote of a majority of the members of the entire board or
40 commission.

41 (cf: P.L. 2012, c.71, s.14)

42

43 28. Section 1 of P.L.1974, c.46 (C.45:1-3.1) is amended to read
44 as follows:

45 1. The provisions of this act shall apply to the following boards
46 and commissions: the New Jersey State Board of Accountancy, the
47 New Jersey State Board of Architects, the New Jersey State Board
48 of Cosmetology and Hairstyling, the Board of Examiners of

1 Electrical Contractors, the New Jersey State Board of Dentistry, the
2 State Board of Mortuary Science of New Jersey, the State Board of
3 Professional Engineers and Land Surveyors, the State Board of
4 Marriage and Family Therapy Examiners, the State Board of
5 Medical Examiners, the New Jersey Board of Nursing, the New
6 Jersey State Board of Optometrists, the State Board of Examiners of
7 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of
8 Pharmacy, the State Board of Professional Planners, the State Board
9 of Psychological Examiners, the State Board of Examiners of
10 Master Plumbers, the State Board of Court Reporting, the State
11 Board of Veterinary Medical Examiners, the Radiologic
12 Technology Board of Examiners, the Acupuncture Examining
13 Board, the State Board of Chiropractic Examiners, the State Board
14 of Respiratory Care, **【the State Real Estate Appraiser Board,】** the
15 New Jersey Cemetery Board, the State Board of Social Work
16 Examiners, the State Board of Examiners of Heating, Ventilating,
17 Air Conditioning and Refrigeration Contractors, the Elevator,
18 Escalator, and Moving Walkway Mechanics Licensing Board, the
19 State Board of Physical Therapy Examiners, the State Board of
20 Polysomnography, the Orthotics and Prosthetics Board of
21 Examiners, the New Jersey Board of Massage and Bodywork
22 Therapy, the Genetic Counseling Advisory Committee and any
23 other entity hereafter created under Title 45 to license or otherwise
24 regulate a profession or occupation.
25 (cf: P.L. 2012, c.71, s.15)

26
27 29. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read
28 as follows:

29 2. The provisions of this act shall apply to the following boards
30 and all professions or occupations regulated by, through or with the
31 advice of those boards: the New Jersey State Board of
32 Accountancy, the New Jersey State Board of Architects, the New
33 Jersey State Board of Cosmetology and Hairstyling, the Board of
34 Examiners of Electrical Contractors, the New Jersey State Board of
35 Dentistry, the State Board of Mortuary Science of New Jersey, the
36 State Board of Professional Engineers and Land Surveyors, the
37 State Board of Marriage and Family Therapy Examiners, the State
38 Board of Medical Examiners, the New Jersey Board of Nursing, the
39 New Jersey State Board of Optometrists, the State Board of
40 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,
41 the Board of Pharmacy, the State Board of Professional Planners,
42 the State Board of Psychological Examiners, the State Board of
43 Examiners of Master Plumbers, the State Board of Court Reporting,
44 the State Board of Veterinary Medical Examiners, the State Board
45 of Chiropractic Examiners, the State Board of Respiratory Care,
46 **【the State Real Estate Appraiser Board,】** the State Board of Social
47 Work Examiners, the State Board of Examiners of Heating,
48 Ventilating, Air Conditioning and Refrigeration Contractors, the

1 Elevator, Escalator, and Moving Walkway Mechanics Licensing
2 Board, the State Board of Physical Therapy Examiners, the State
3 Board of Polysomnography, the Professional Counselor Examiners
4 Committee, the New Jersey Cemetery Board, the Orthotics and
5 Prosthetics Board of Examiners, the Occupational Therapy
6 Advisory Council, the Electrologists Advisory Committee, the
7 Acupuncture Advisory Committee, the Alcohol and Drug Counselor
8 Committee, the Athletic Training Advisory Committee, the
9 Certified Psychoanalysts Advisory Committee, the Fire Alarm,
10 Burglar Alarm, and Locksmith Advisory Committee, the Home
11 Inspection Advisory Committee, the Interior Design Examination
12 and Evaluation Committee, the Hearing Aid Dispensers Examining
13 Committee, the Landscape Architect Examination and Evaluation
14 Committee, the Perfusionists Advisory Committee, the Physician
15 Assistant Advisory Committee, the Audiology and Speech-
16 Language Pathology Advisory Committee, the New Jersey Board of
17 Massage and Bodywork Therapy, the Genetic Counseling Advisory
18 Committee and any other entity hereafter created under Title 45 to
19 license or otherwise regulate a profession or occupation.

20 (cf: P.L. 2012, c.71, s.17)

21
22 30. The following are repealed:

23 Sections 1 through 26 of P.L.1991, c.68 (C.45:14F-1 through
24 C.45:14F-26)

25 Sections 3 and 4 of P.L.1997, c.401 (C.45:14F-10.1 and
26 C.45:14F-10.2)

27
28 31. This act shall take effect on July 1, 2014, but the New Jersey
29 Real Estate Commission may take such anticipatory administrative
30 action in advance thereof as shall be necessary for the
31 implementation of this act.

32 33 34 STATEMENT

35
36 This bill abolishes the State Real Estate Appraisers Board,
37 currently in the Division of Consumer Affairs in the Department of
38 Law and Public Safety, and transfers all of the functions of the
39 board to the New Jersey Real Estate Commission (the
40 “commission”) in the Department of Banking and Insurance. The
41 provisions of the “Real Estate Appraisers Act,” concerning the
42 licensure and regulation of real estate appraisers remain consistent
43 with prior law, but those provisions would be overseen and
44 regulated by the commission.

45 The bill also adds an additional member to the commission who
46 is required to have been a real estate appraiser for a period of at
47 least 10 years. Additionally, the bill allows certain members of the
48 military to obtain licensure as a real estate appraiser without cost,

- 1 consistent with current law as it applies to real estate brokers,
- 2 broker-salespersons, salespersons, and referral agents.
- 3 The bill repeals the “Real Estate Appraisers Act” in its entirety.