



SENATE BILL No. 155

January 26, 1993, Introduced by Senator DUNASKISS and referred to the Committee on State Affairs and Military/Veteran Affairs.

A bill to amend section 2601 of Act No. 299 of the Public Acts of 1980, entitled as amended

"Occupational code,"

as amended by Act No. 269 of the Public Acts of 1990, being section 339.2601 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2601 of Act No. 299 of the Public Acts
2 of 1980, as amended by Act No. 269 of the Public Acts of 1990,
3 being section 339.2601 of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 2601. As used in this article:

6 (a) "Appraisal" means an opinion, conclusion, or analysis
7 relating to the value of real property but does not include
8 ~~either~~ ANY of the following:

1 (i) A market analysis performed by a person licensed under
2 article 25 solely for the purpose of assisting a customer or
3 potential customer in determining the potential sale, purchase,
4 or listing price of real property or the rental rate of real
5 property as long as a fee or any other valuable consideration is
6 not charged for that analysis.

7 (ii) A MARKET ANALYSIS OF REAL PROPERTY FOR A FEE PERFORMED
8 BY A BROKER OR ASSOCIATE BROKER LICENSED UNDER ARTICLE 25 WHICH
9 DOES NOT INVOLVE A FEDERALLY RELATED TRANSACTION.

10 (iii) ~~-(ii)-~~ An assessment of the value of real property
11 performed on behalf of a local unit of government authorized to
12 impose property taxes when performed by an assessor certified
13 under section 10d of the general property tax act, Act No. 206 of
14 the Public Acts of 1893, being section 211.10d of the Michigan
15 Compiled Laws, or an individual employed in an assessing
16 capacity.

17 (b) "Appraiser" means an individual engaged in or offering
18 to engage in the development and communication of appraisals of
19 real property.

20 (c) "Federal financial institution regulatory agency" means
21 the board of governors of the federal reserve system, the federal
22 deposit insurance corporation, the office of the comptroller of
23 the currency, the office of thrift supervision, or the national
24 credit union administration.

25 (d) "Federally related transaction" means any real property
26 related financial transaction in which a federal financial
27 institution regulatory agency or the resolution trust corporation

1 engages in, contracts for, or regulates, and which requires the
2 services of an appraiser under any of the following:

3 (i) ~~55 F.R. p. 33879 (August 20, 1990)~~ 12 C.F.R. PART
4 323, adopted by the federal deposit insurance corporation.

5 (ii) 12 C.F.R. parts 208 and 225, adopted by the board of
6 governors of the federal reserve system.

7 (iii) 12 C.F.R. parts 701, 722, and 741, ~~and~~
8 ~~55 F.R. p. 30199 (July 25, 1990)~~, adopted by the national credit
9 union administration.

10 (iv) 12 C.F.R. part 34, adopted by the office of the comp-
11 troller of the currency.

12 (v) 12 C.F.R. parts 506, 545, 563, 564, and 571, ~~and~~
13 ~~55 F.R. p. 34532 (August 23, 1990)~~, adopted by the office of
14 thrift supervision.

15 (vi) ~~55 F.R. p. 34210 (August 22, 1990)~~ 12 C.F.R. PART
16 1608, adopted by the resolution trust corporation.

17 (e) "Real estate valuation specialist" means an individual
18 licensed under section 2611 to perform appraisals of real prop-
19 erty not involving federally related transactions.

20 (f) "Real property" means an identified tract or parcel of
21 land, including improvements on that land, as well as any inter-
22 ests, benefits, or rights inherent in the land.

23 (g) "Real property related financial transaction" means any
24 of the following:

25 (i) A sale, lease, purchase, investment in, or exchange of
26 real property or the financing of real property.

1 (ii) A refinancing of real property.

2 (iii) The use of real property as security for a loan or
3 investment, including mortgage-backed securities.

4 (h) "Residential real property" means real property used as
5 a residence containing a dwelling that has not more than 4 living
6 units.

7 (i) "State certified real estate appraiser" means an indi-
8 vidual who is licensed under section 2615 to appraise all types
9 of real property, including nonresidential real property involv-
10 ing federally related transactions.

11 (j) "State licensed real estate appraiser" means an individ-
12 ual who is licensed under section 2613 to appraise real property,
13 including, but not limited to, residential real property involv-
14 ing federally related transactions.

15 (k) "Uniform standards of professional appraisal practice"
16 means those standards relating to real property published by the
17 appraisal foundation and adopted by the appraisal foundation on
18 June 5, 1990.