

SUBSTITUTE FOR
HOUSE BILL NO. 4054

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending section 2635 (MCL 339.2635), as amended by 2006 PA 414.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2635. (1) ~~A~~**EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION**
2 **(2), A** licensee who does 1 or more of the following shall be
3 subject to the penalties set forth in article 6:

4 (a) Violates any of the standards for the development and
5 communication of real property appraisals as provided in this
6 article or a rule promulgated pursuant to this article.

7 (b) Fails or refuses without good cause to exercise reasonable
8 diligence in developing or communicating an appraisal.

9 (c) Demonstrates incompetence in developing or communicating
10 an appraisal.

11 (d) Fails to make available to the department upon request or

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1 fails to maintain books and records required under this article.

2 (e) Performs, attempts to perform, or offers to perform
3 appraisal services for which the individual is not licensed under
4 this article.

5 (f) Aids or abets another to commit a violation of this act or
6 the rules promulgated under this act.

7 (g) Uses the license of another individual or knowingly allows
8 another individual to use his or her license.

9 (h) If a limited real estate appraiser fails to disclose to
10 the client, before making an appraisal, that the licensee's
11 appraisal cannot be used in a federally related transaction.

12 (I) DEVELOPS AND COMMUNICATES, IN VIOLATION OF THE STANDARDS
13 ADOPTED UNDER THIS ARTICLE, AN APPRAISAL USED AS AN INVESTMENT OR
14 AS COLLATERAL FOR A LOAN IN A REAL-ESTATE-RELATED FINANCIAL
15 TRANSACTION BY DEVELOPING AND COMMUNICATING THAT APPRAISAL AS A
16 RESULT OF THE CLIENT'S OR INTENDED USER'S DOING EITHER OR BOTH OF
17 THE FOLLOWING:

18 (i) SETTING PRECONDITIONS ON THE OUTCOME OF THE APPRAISAL AS A
19 PREREQUISITE FOR BEING SELECTED TO DEVELOP AND COMMUNICATE AN
20 APPRAISAL OR FOR OBTAINING FUTURE APPRAISAL WORK. <<AS USED IN THIS
SUBPARAGRAPH, "SETTING PRECONDITIONS ON THE OUTCOME OF AN APPRAISAL" DOES
NOT INCLUDE THE COMMUNICATION OF INFORMATION, INCLUDING DOCUMENTS RELATED
TO THE PROPERTY BEING APPRAISED, NECESSARY TO IDENTIFY THE VALUATION
PROBLEM TO BE SOLVED AND THE SCOPE OF WORK NECESSARY TO DETERMINE
CREDIBLE ASSIGNMENT RESULTS.>>

21 (ii) REPRESENTING OR IMPLYING THAT PAYMENT FOR THE DEVELOPMENT
22 AND COMMUNICATION OF THE APPRAISAL IS PREDICATED UPON ATTAINING A
23 DESIRED MINIMUM APPRAISED VALUE.

24 (2) A PERSON LICENSED UNDER THIS ARTICLE WHO VIOLATES
25 SUBSECTION (1) (I) IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE
26 OF NOT MORE THAN \$15,000.00 OR IMPRISONMENT FOR NOT MORE THAN 1
27 YEAR, OR BOTH.

1 Enacting section 1. This amendatory act does not take effect
2 unless all of the following bills of the 94th Legislature are
3 enacted into law:

4 (a) Senate Bill No. 343.

5 (b) Senate Bill No. 356.