

1-1 By: Zaffirini S.B. No. 1222
 1-2 (In the Senate - Filed February 27, 2023; March 9, 2023,
 1-3 read first time and referred to Committee on Business & Commerce;
 1-4 April 6, 2023, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 11, Nays 0; April 6, 2023,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 1222 By: Zaffirini

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to regulation of appraisers and the duties of the Texas
 1-24 Appraiser Licensing and Certification Board.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 1103.004, Occupations Code, is amended
 1-27 to read as follows:

1-28 Sec. 1103.004. APPLICABILITY OF CHAPTER. (a) This chapter
 1-29 does not apply to:

1-30 (1) a person who is authorized by law to perform an
 1-31 evaluation of real property for or to provide an evaluation of real
 1-32 property to another person;

1-33 (2) a real estate broker licensed under Chapter 1101
 1-34 or a sales agent acting under the authority of a sponsoring broker
 1-35 who provides to another person a written analysis, opinion, or
 1-36 conclusion relating to the estimated price of real property if the
 1-37 analysis, opinion, or conclusion:

1-38 (A) is not referred to as an appraisal;

1-39 (B) is given in the ordinary course of the
 1-40 broker's business; and

1-41 (C) is related to the actual or potential
 1-42 acquisition, disposition, encumbrance, or management of an
 1-43 interest in real property;

1-44 (3) an appraiser certified by a jurisdiction other
 1-45 than this state who performs an appraisal review of an appraisal
 1-46 performed on real property in this state, if the appraiser does not
 1-47 offer an opinion of value as part of the appraisal review;

1-48 (4) an employee of a federally regulated financial
 1-49 institution or any other person engaged by the institution who
 1-50 performs an evaluation of real property for use by the institution
 1-51 in a transaction for which the institution is not required to use
 1-52 the services of a licensed or certified appraiser under federal
 1-53 regulations adopted under Title XI, Financial Institutions Reform,
 1-54 Recovery, and Enforcement Act of 1989 (12 U.S.C. Section 1833e) or
 1-55 under applicable state law;

1-56 (5) an employee of a non-bank financial institution or
 1-57 any other person engaged by the institution who provides an
 1-58 analysis, assessment, opinion, conclusion, notation, or
 1-59 compilation of data concerning the value of an interest in real
 1-60 property for use by the institution; [~~or~~]

2-1 (6) the procurement or use of an automated valuation
2-2 model; or

2-3 (7) a person who:

2-4 (A) performs appraisals in connection with the
2-5 Practical Applications of Real Estate Appraisal course as approved
2-6 by the Appraiser Qualifications Board; and

2-7 (B) does not use a title or a reference in
2-8 violation of Section 1103.201(b).

2-9 (b) Notwithstanding Subsection (a)(7), the appraisals
2-10 described by that subsection may be credited by the board toward
2-11 satisfying the experience required to obtain a license or
2-12 certificate under this chapter.

2-13 SECTION 2. Section 1103.205(c), Occupations Code, is
2-14 amended to read as follows:

2-15 (c) For the purpose of determining the qualifications of an
2-16 applicant for a certificate or license under this chapter,
2-17 acceptable appraisal experience includes[+]

2-18 [~~(1)~~] any one or any combination of the categories
2-19 recognized by the Appraiser Qualifications Board[+ and

2-20 [~~(2)~~] ~~experience as a real estate mortgage lending~~
2-21 ~~officer of a financial institution or as a real estate broker that~~
2-22 ~~includes the actual performance or technical review of real estate~~
2-23 ~~appraisals].~~

2-24 SECTION 3. Section 1103.554(a), Occupations Code, is
2-25 amended to read as follows:

2-26 (a) A person commits an offense if the person knowingly[+]

2-27 [~~(1)~~] ~~provides false information in connection with an~~
2-28 ~~affidavit filed under Section 1103.205; or~~

2-29 [~~(2)~~] ~~violates Section 1103.401.~~

2-30 SECTION 4. Subchapter E, Chapter 1104, Occupations Code, is
2-31 amended by adding Section 1104.2051 to read as follows:

2-32 Sec. 1104.2051. INVESTIGATIVE COMMITTEE. (a) The
2-33 presiding officer of the board, with the advice and consent of the
2-34 executive committee of the board, may appoint an investigative
2-35 committee.

2-36 (b) An investigative committee consists of at least two
2-37 members. The presiding officer of the investigative committee must
2-38 be a board member.

2-39 (c) An investigative committee shall:

2-40 (1) review and determine the facts of a complaint; and

2-41 (2) submit in a timely manner a written report
2-42 regarding the complaint to the board.

2-43 SECTION 5. The following provisions of the Occupations Code
2-44 are repealed:

2-45 (1) Section 1103.205(b); and

2-46 (2) Section 1103.259.

2-47 SECTION 6. The changes in law made by this Act to Section
2-48 1103.205, Occupations Code, apply only to an application for a
2-49 certificate or license submitted to the Texas Appraiser Licensing
2-50 and Certification Board on or after the effective date of this Act.
2-51 An application submitted before the effective date of this Act is
2-52 governed by the law in effect on the date the application was
2-53 submitted, and the former law is continued in effect for that
2-54 purpose.

2-55 SECTION 7. The change in law made by this Act to Section
2-56 1103.554, Occupations Code, applies only to an offense committed on
2-57 or after the effective date of this Act. An offense committed
2-58 before the effective date of this Act is governed by the law in
2-59 effect on the date the offense was committed, and the former law is
2-60 continued in effect for that purpose. For purposes of this section,
2-61 an offense was committed before the effective date of this Act if
2-62 any element of the offense occurred before that date.

2-63 SECTION 8. The changes in law made by this Act by the
2-64 enactment of Section 1104.2051, Occupations Code, apply only to a
2-65 complaint submitted to the Texas Appraiser Licensing and
2-66 Certification Board on or after the effective date of this Act. A
2-67 complaint submitted before the effective date of this Act is
2-68 governed by the law in effect on the date the complaint was
2-69 submitted, and the former law is continued in effect for that

3-1 purpose.

3-2 SECTION 9. This Act takes effect September 1, 2023.

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