

**LCB File No. R100-03**

**PROPOSED REGULATION OF THE COMMISSION OF  
APPRAISERS OF REAL ESTATE**

**NOTICE OF INTENT TO ACT UPON A REGULATION**

**NOTICE OF HEARING FOR THE ADOPTION, AMENDMENT AND REPEAL OF  
REGULATIONS OF THE NEVADA COMMISSION OF APPRAISERS  
RED # R04-001A**

The Nevada Real Estate Division of the Department of Business & Industry of the State of Nevada (the "Division") will hold a public hearing **TO BE ANNOUNCED AT A LATER DATE** at the GRANT SAWYER STATE BUILDING, 555 E. WASHINGTON AVENUE, ROOM 1100, LAS VEGAS, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to chapter 645C of the Nevada Administrative Code.

**Las Vegas, Nevada**

**DATE TO BE ANNOUNCED**  
GRANT SAWYER STATE BUILDING  
555 E. WASHINGTON AVENUE  
ROOM 1100  
LAS VEGAS, NEVADA 89101

The following information is provided pursuant to the requirements of NRS 233B.060:

**Information Regarding Adoption**

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

1. Purpose and need of the Proposed Regulations. The Division is the agency, which administers the licensing, education and compliance program under NRS 645C. The purpose of the regulations is to define and clarify the rights and responsibilities of persons licensed under this chapter.
2. Terms of the proposed regulations. The regulations to be adopted are stated as follows:
3. Estimated Economic Effect. Applicants applying for licenses under this chapter will have to pay an additional fee to obtain a license will have to pay an additional fee for the cost to investigate his background.

4. Estimated Cost to the Agency. None known at this time.
5. Duplication with other Agencies: None known at this time.
6. Federal Law. None known at this time.
7. Federal Regulation. None known at this time.
8. New Fee Established. New fees are established in these proposed regulations pursuant to Section 23 of Senate Bill 428 allowing the Division to charge a fee for the investigation of the background of an applicant.

### **Comments and Written Submissions**

Persons wishing to comment on the proposed action of the Division may appear at the scheduled public hearings or may address their comments, data, views or arguments, in written form to:

Nevada Real Estate Division  
Bradley Building  
2501 E. Sahara Avenue, Room 100  
Las Vegas, NV 89104-4137  
Attn: Tami DeVries, Legal Administrative Officer

Written submissions must be received by the Division **7 DAYS PRIOR TO THE HEARING DATE**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Division may proceed immediately to act upon any written submissions.

### **Copies of Proposed Regulation**

A copy of this notice and the proposed regulation will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the proposed regulation will be available at the following Division offices:

Nevada Real Estate Division  
788 Fairview Drive, Suite 200  
Carson City, NV 89701

Nevada Real Estate Division  
Bradley Building  
2501 East Sahara, Suite 100  
Las Vegas, NV 89104-4137

and in all counties in which an office of the Division is not maintained, at the main public library, for inspection and copying by members of the public during business hours. The text of each regulation will include the entire text of any section of the Nevada Administrative Code, which is proposed for amendment or repeal. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations which is

prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

### **Posting**

This notice of hearing has been posted at the following locations:

Nevada Real Estate Division  
788 Fairview Drive, Suite 200  
Carson City, NV 89701

Nevada Real Estate Division  
Bradley Building  
2501 East Sahara, Suite 102  
Las Vegas, NV 89104-4137

Elko Conference Center  
700 Moren Way (Silver Room)  
Elko, Nevada

State Library  
100 Stewart Street  
Carson City, Nevada

Churchill County Library  
553 South Maine Street  
Fallon, Nevada 89406

Douglas County Library  
1625 Library Lane  
Minden, Nevada 89423

Elko County Library  
720 Court Street  
Elko, Nevada 89801

Goldfield Public Library  
Fourth & Crook Street  
Goldfield, Nevada 89013

Eureka Branch Library  
10190 Monroe Street  
Eureka, Nevada 89316

Humboldt County Library  
85 East 5<sup>th</sup> Street  
Winnemucca, Nevada 89445

Lincoln County Library  
93 Main Street  
Pioche, Nevada 89043

Storey County Library  
95 South R Street  
Virginia City, Nevada 89440

Lyon County Library  
20 Nevin Way  
Yerington, Nevada 89447

Mineral County Library  
First & A Street  
Hawthorne, Nevada 89415

Tonopah Public Library  
171 Central Street

Pershing County Library  
1125 Central Avenue

Tonopah, Nevada 89049

Washoe County Library  
301 South Center Street  
Reno, Nevada 89505

Battle Mountain Library  
625 Broad Street  
Battle Mountain, Nevada 89820

Lovelock, Nevada 89419

White Pine County Library  
950 Campton Street  
Ely, Nevada 89301

**LCB File No. R100-03**

**PROPOSED REGULATION OF THE COMMISSION OF  
APPRAISERS OF REAL ESTATE**

**Authority: NRS 645C.210; NRS 645C.280; NRS 645C.440; NRS 645C.450 and Senate Bill 428, Section 32**

Note: Matter italicized and bolded is new; matter in brackets [ ] is material to be omitted.

**Section 1.** Chapter 645C of NAC is hereby amended by adding thereto section(s) 1-54 , of these proposed regulations.

**Sec. 2.** NAC 645C is hereby amended by adding thereto the following:

***RULES OF EVIDENCE***

- 1. In conducting any investigation, inquiry or hearing, the Commission, its Officers or the Division employees are not bound by the technical rules of evidence and any informality in a proceeding or in the manner of taking testimony does not invalidate any order, decision, rule or regulation made, approved or confirmed by the Commission.***
- 2. Rules of evidence recognized by the courts of Nevada will be followed generally but may be relaxed by the Commission when deviation from the technical rules of evidence may aid in ascertaining the facts.***
- 3. When an objection is made to the admissibility of evidence, the Commission may:***
  - a) Note the objection and admit the evidence;***
  - b) Sustain the objection and not admit the evidence; or***
  - c) The evidence may be received subject to a later ruling by the Commission.***
- 4. To be admitted at the hearing, evidence must be material and relevant to the issues involved.***
- 5. The Commission may exclude inadmissible, incompetent, cumulative or irrelevant evidence, or order that presentation of that evidence be discontinued.***
- 6. A party objecting to the introduction of evidence shall state briefly the grounds of the objection at the time the evidence is offered. The party offering the evidence will then have an opportunity for rebuttal.***

**Sec. 3.** NAC 645C is hereby amended by adding thereto the following:

***MOTIONS: SUBJECT MATTER; SERVICE; WRITTEN RESPONSE***

- 1. A motion must be made in writing, unless otherwise authorized by the Commission during the hearing.***
- 2. The Commission may require oral argument and/or the submission of additional facts or evidence to decide a motion.***
- 3. A written motion must be served on the opposing party and the Commission at least 10 working days before the time set for the hearing.***

- 4. An opposing party may file a written response to a motion within 7 working days after the receipt of the motion by serving the written response on all parties and the Commission, but in no case may a written response be filed less than 3 working days before the time set for the hearing except for good cause shown and with the permission of the Commission.*

**Sec. 4.** NAC 645C is hereby amended by adding thereto the following:

***DISCOVERY OF EVIDENCE***

- 1. Not less than 5 working days prior to a hearing, a Respondent must provide to the Division, copies of all documents that are reasonably available to the party which the party reasonably anticipates will be used in support of his position.*
- 2. A party who provides documents pursuant to this regulation shall promptly supplement and update his submission to the Division if, after initially providing documents, any additional documents are discovered or if any of the documents previously provided changes.*
- 3. If a party fails to provide documents prior to the hearing, as required in this section, the Commission has the discretion to exclude the undisclosed document.*
- 4. Ten (10) copies of each document sought to be admitted into evidence must be brought to the hearing.*

**Sec. 5.** NAC 645C is hereby amended by adding thereto the following:

***COMPLAINT: AMENDMENT; CONTINUANCE; WITHDRAWAL***

- 1. A complaint may be amended at any time.*
- 2. The Commission may grant a continuance if the amendment materially alters the complaint and the respondent demonstrates an inability to prepare for the case in a timely manner due to the amendment.*
- 3. A complaint may be withdrawn at any time before the hearing begins.*

**Sec. 6.** NAC 645C is hereby amended by adding thereto the following:

***FAILURE TO APPEAR***

*If a respondent fails to appear at a hearing scheduled by the Commission and a continuance has not been granted, upon an offer of proof by the division that the absent party was given proper notice and upon a determination by the Commission that proper notice was given, the Commission may proceed to consider the case without the participation of the respondent and may dispose of the matter on the basis of the evidence before it. If the respondent fails to appear at the hearing or fails to reply to the notice, the charges specified in the complaint may be considered as true.*

**Sec. 7.** NAC 645C is hereby amended by adding thereto the following:

***REPORTING OF DISCIPLINARY ACTION OR DENIAL OF APPLICATION FOR LICENSURE.***

- 1. The Commission may report any disciplinary action it takes against a licensee to:  
(a) Any national repository which records disciplinary action taken against licensees;  
(b) Any agency of another jurisdiction that regulates the practice of real estate appraisal; or*

- (c) Any other agency or board of the State of Nevada.*
- 2. The Commission may report its denial of an application for license to:*
  - (a) Any national repository that records disciplinary action taken against licensees;*
  - (b) Any agency of another jurisdiction that regulates the practice of real estate appraisal; or*
  - (c) Any other agency or board of the State of Nevada.*

**Sec. 8.** NAC 645C is hereby amended by adding thereto the following:  
*The fee that each applicant under this chapter must pay for a background check pursuant to Section 19(3) of Senate Bill 428 shall be \$45.00.*

**Sec. 9.** NAC 645C is hereby amended by adding thereto the following:  
*"Availability of records for inspection. Records kept in the office of the division pursuant to 645C are open to the public for inspection. The Division shall keep confidential, unless otherwise ordered by a court, or with the written permission of the licensee:*

- 1) Information obtained by the division while investigating alleged violations of this chapter;*
- 2) Criminal records;*
- 3) Financial Records;*
- 4) Examination results; and*
- 5) Social Security numbers, with the exception of reporting information to the Federal Registry of the Appraisal Foundation.*

**Sec. 10.** NAC 645C is hereby amended by adding the following:  
*"Supervisory appraiser" defined. A certified residential or certified general appraiser responsible for the direct supervision of one or more registered interns.*

**Sec. 11.** NAC 645C is hereby amended by adding the following:

- 1. Supervisory appraisers must:*
  - (a) Have been certified by the division for a period of one (1) year prior to hiring an intern;*
  - (b) Be in good standing with the division.*
  - (c) Be responsible for the training and supervision of the intern.*
- 2. The supervisory appraiser shall:*
  - (a) Accept responsibility for an intern's activities as enumerated in chapter 645C, including signing and certifying that the report is in compliance with the Uniform Standards of Professional Appraisal Practice, incorporated by reference in NAC 645C.400.*
  - (b) Personally inspect each appraised property and the comparable sales with the intern until such time as the intern has demonstrated competency. Such inspections must include, but are not limited to the intern's first 50 assignments.*
  - (c) Allow an intern who has completed the fifty (50) appraisal assignments required by subsection 2 of this section to inspect properties located within fifty (50) miles of the supervisor's office without being accompanied by the supervisor, if the supervisor has determined that the intern is competent to perform an appraisal.*
  - (d) Be limited to a maximum of two (2) registered interns at a time.*

**Sec. 12.** NAC 645C is hereby amended by adding the following:

*For pre-licensing education, distance education is defined as any educational process based on the geographical separation of learner and instructor. For pre-license education, distance education must provide interaction between the learner and the instructor.*

*1. In determining whether to approve a course pursuant to this section, the commission will consider:*

*(a) Whether the course consists of at least 15 hours;*

*(b) Whether the student will be required to complete a written examination proctored by an official approved by the division;*

*(c) The course is presented by an accredited college or university that offers distance education in other disciplines;*

*(d) The course has received the American Council on Education's Program on Non-Collegiate Sponsored Instruction (ACE/ CREDIT) program;*

*(e) The course has been approved by the International Distance Education Certification Center (IDECC) mechanism and approved by the Appraisers Qualifications Board course approval program; or*

*(f) The course has been approved by the International Distance Education Certification Center (IDECC) for the course design and delivery mechanism and approved for course content by the commission or the Appraisal Qualifications Board.*

*2. The 15 hours of the Uniform Standards of Professional Appraisal Practice required pursuant to this chapter may not be taken through distance education.*

**Sec. 13.** NAC 645C.050 is hereby amended as follows:

**NAC 645C.050 Application for license or certificate: Required information; period of validity; filing date. (NRS 645C.210, 645C.450)**

1. The application for a license or certificate as an appraiser provided by the division requires the following information:

(a) The name of the applicant;

(b) The social security number of the applicant;

(c) One recent photograph of the applicant;

(d) The information required of the applicant pursuant to NRS 645C.290; and

(e) Such other pertinent information as the division may require.

The application must be accompanied by a completed fingerprint card.

2. An application form is valid for only 1 year after the date of filing. The division may require that a supplemental form be completed by an applicant to ensure that all required information is current.

~~[3. An original or subsequent application for examination must be filed on or before the date established by the division and must be accompanied by an application fee of \$100.]~~

**Sec. 14.** NAC 645C.065 is hereby amended as follows:

**NAC 645C.065 Requirement of experience; burden of proof. (NRS 645C.210)**

1. For the purpose of subsection 1 of NRS 645C.330, "at least 2 years of experience working full time" means experience gained as an appraiser or while in the employment of ~~[a licensed or]~~ **a** certified appraiser as an intern for at least 2,400 hours during a period not less than 2 years before applying for a license. An applicant shall not apply for a license until at least 2 years after



he commenced working as an appraiser or intern. The applicant need not have worked exclusively as an appraiser or intern during the period of employment and need not have worked a specific minimum number of hours in the workday.

2. For the purpose of subsection 2 of NRS 645C.330, “at least 2 years of experience working full time” means experience gained as an appraiser or while in the employment of a ~~licensed or~~ certified appraiser as an intern for at least 2,500 hours during a period not less than 2 years before applying for a certificate. An applicant shall not apply for a certificate until at least 2 years after he commenced working as an appraiser or intern. The applicant need not have worked exclusively as an appraiser or intern during the period of employment and need not have worked a specific minimum number of hours in the workday. Not less than 500 hours of those 2,500 hours must relate to the appraisal of ~~real estate suitable for or consisting of no more than four residential units in any one transaction, without regard to value or complexity~~ *residential complex property, as defined in NRS 645C.055.*

3. For the purpose of subsection 3 of NRS 645C.330, “at least 3 years of experience working full time” means experience gained as an appraiser or while in the employment of a ~~licensed or~~ certified *general* appraiser as an intern for at least 3,600 hours during a period not less than 3 years ~~before~~ *after* he commenced working as an appraiser or intern. The applicant need not have worked exclusively as an appraiser or intern during the period of employment and need not have worked a specific minimum number of hours in the workday. Not less than 1,000 hours of those 3,600 hours must relate to the appraisal of commercial real estate or real estate suitable for or consisting of more than four residential units in any one transaction.

4. Experience as an appraiser must demonstrate the applicant’s ability to employ correctly the generally accepted techniques that are necessary to produce a credible appraisal.

5. The burden of proof is on the applicant to establish to the satisfaction of the division that he has completed the number of hours of experience required by this section. To meet his burden of proof, an applicant may submit:

(a) For work accomplished in Nevada after January 1, 1990, the form required by NAC 645C.120;

(b) A log similar to the form required by NAC 645C.120; or

(c) A list of appraisals to which he made a significant professional contribution.

**Sec. 15.** NAC 645C.070 is hereby amended as follows:

**NAC 645C.070 Grounds for denial of application; appeal of denial.**

1. The division may deny any application for a license or certificate when one or more of the following conditions exist:

(a) The application is not in the proper form.

(b) The proper fees are not enclosed.

(c) The accompanying forms are incomplete or otherwise unsatisfactory.

(d) The application contains a false statement.

(e) Any other deficiencies appear in the application.

(f) An investigation fails to show affirmatively that the applicant possesses the necessary qualifications.

(g) The applicant has willfully acted or attempted to act in violation of any provision of chapter *116*, 119, 119A, 645, 645A, ~~or~~ *645C or 645D* of NRS or the regulations adopted

pursuant thereto, or has willfully aided and abetted another to act or attempt to act in violation of any provision of those chapters or regulations.

(h) The applicant has had a license or certificate suspended or revoked in another state.

(i) The ~~check~~ **instrument** used in paying a fee for an examination, license or certificate is not honored by the financial institution ~~upon which it was drawn~~.

2. An applicant whose application is denied by the division may appeal the denial to the commission as provided in NRS 645C.370. If the commission reverses the original decision and determines that the petitioner qualifies for a license or certificate, the application may be accepted as of the date of its original submission and no additional fee will be charged.

**Sec. 16.** NAC 645C.085 is hereby amended as follows:

**NAC 645C.085 Examinations: Length; disclosure. (NRS 645C.210)**

1. The examination for a license or certificate as an appraiser will be at least 3 hours ~~[, but not more than 8 hours]~~. The times may be different for the examination for certification of general appraisers, licensure of residential appraisers and certification of residential appraisers. ~~[The division shall establish the time for each examination and notify the applicants before the closing day for applications. Test books and answer sheets will not be returned to the applicants.]~~

2. Examinations must not be made public except as otherwise provided by statute or regulation.

**Sec. 17.** NAC 645C.090 is hereby amended as follows:

**NAC 645C.090 Examinations: Collection of fees; fee for license or certificate; postponement. (NRS 645C.450)**

1. The agency which administers an examination for a license or certificate as an appraiser shall collect the fee for the examination.

2. The fee for an examination for a license or certificate as an appraiser is \$100.

~~[3. If an applicant postpones his examination and notifies the division at least 30 days before the date of the examination, the fee for the examination may be applied to a subsequent examination which the applicant wishes to take.~~

~~4. An examination may be postponed only once.]~~

**Sec. 18.** NAC 645C.095 is hereby amended as follows:

**NAC 645C.095 Examinations: Application for reexamination; withdrawal; period for acceptance of results.**

1. An applicant for a license or certificate as an appraiser who fails an examination may apply for reexamination ~~[on a form furnished by the division]~~.

~~[2. If an applicant, after filing an application for examination, withdraws and requests the division to postpone action on the application for reasons acceptable to the division, the applicant may apply for the next examination.]~~

~~[3]~~2. The division will only accept results of an examination taken during the year immediately preceding the date of the application for a license or certificate.

**Sec. 19.** NAC 645C.103 is hereby amended as follows:

**NAC 645C.103 Issuance of certificate, license or permit without examination.**

1. For the purpose of subsection 1 of NRS 645C.360, the commission will consider the requirements for the certificate, license, *registration* or permit issued in another jurisdiction to be substantially equivalent to the requirements of this state if:

(a) The requirements of the other jurisdiction meet or exceed the requirements adopted by the appraisal subcommittee of the Federal Financial Institutions Examination Council; and

(b) The appraisal subcommittee of the Federal Financial Institutions Examination Council has not disapproved the regulatory program to which the requirements of the other jurisdiction apply.

2. Except as otherwise provided in subsection 3, an applicant for a permit who requests waiver of the examination pursuant to NRS 645C.360 must comply with NRS 645C.330 and:

(a) NAC 645C.235, if the applicant is applying for a permit as a licensed residential appraiser;

(b) NAC 645C.237, if the applicant is applying for a permit as a certified residential appraiser; or

(c) NAC 645C.240, if the applicant is applying for a permit as a certified general appraiser.

3. Such an applicant is not required to comply with:

(a) Paragraph (d) of subsection 1 of NAC 645C.235;

(b) Paragraph (d) of subsection 1 of NAC 645C.237; or

(c) Paragraph (d) of subsection 1 of NAC 645C.240.

4. Before the administrator may issue a permit, the applicant must affirm, on a form provided by the division, that he has read and he understands the provisions of this chapter and chapter 645C of NRS.

**Sec. 20.** NAC 645C.1042 is hereby amended as follows:

**NAC 645C.1042 Permit: Application. An applicant for a permit issued pursuant to NRS 645C.363 must submit to the division:**

1. A written application on a form provided by the division.

2. The applicable fee prescribed by NRS 645C.450. The fee is nonrefundable.

3. A letter or other documentation which identifies the client who is requesting the appraisal, ~~and~~ describes the property to be appraised~~[-]~~, *and the anticipated date the appraisal will be completed.*

4. A photocopy of the current license or certificate held by the applicant, unless the issuing authority prohibits the photocopying of the license or certificate.

5. A letter from the authority that issued the license or certificate, or other proof satisfactory to the division which states:

(a) Whether the applicant is in good standing; and

(b) Whether disciplinary action has been taken against the applicant in relation to his work as an appraiser or intern.

The letter or other proof must be dated not more than 3 months before the date of the application.

6. A current color photograph of the applicant which is at least 1 1/2 inches by 1 1/2 inches in size, unless the applicant has provided a photograph to the division in connection with another permit requested in the year preceding the current application.

7. ~~[-]~~ the applicant ~~[is not a resident of Nevada.]~~ *must complete* a statement of appointment for service of process which complies with subsection 2 of NRS 645C.367.

8. A notarized statement signed by the applicant which states that he:

- (a) Understands and agrees that the permit is limited to the appraisal described in the application and that the application fee is nonrefundable;
- (b) Has read and understands the provisions of chapter 645C of NRS and the related regulations, agrees to abide by them in the conduct of the appraisal and understands that by accepting the permit he has consented to the jurisdiction of the commission to discipline the applicant for violation of the laws of Nevada;
- (c) Certifies, under penalty of perjury, that the information provided as part of the application and in response to subsequent requests by the division is true and correct to the best of his knowledge; and
- (d) Understands that falsification of any information provided as part of the application or in response to subsequent requests by the division is a ground for the denial or revocation of the permit.

9. A statement that any person who will perform the work of an intern as described in NRS 645C.070 on the appraisal is registered in accordance with NRS 645C.270.

**Sec. 21.** NAC 645C.1044 is hereby amended as follows:

**NAC 645C.1044 Permit: Issuance; return of application.**

1. The division shall issue a permit within ~~10~~ 5 business days after receipt of an application if:

- (a) The application and accompanying documents which are submitted pursuant to NAC 645C.1042 are completed to the satisfaction of the division;
- (b) The scope of the appraisal described in the application does not exceed the limits set forth in NAC 645C.1046; and
- (c) The appropriate fees have been paid.

2. If the scope of the appraisal described in the application exceeds the limits set forth in NAC 645C.1046, the division shall return the application to the applicant for correction. If the application is returned for this reason, the applicant may resubmit the application or additional applications accompanied by the applicable fee for consideration by the division.

**Sec. 22.** NAC 645C.1046 is hereby amended as follows:

**NAC 645C.1046 Permit: Limitations; expiration.**

1. A permit is not transferable and is limited to an appraisal by the person named in the permit. The applicant is deemed to have consented to the jurisdiction of the commission if he conducts an appraisal in this state after receipt of the permit.

2. Except as otherwise provided in subsection 3, an appraisal described in a permit must be limited to:

(a) One client who is identified in the application. ~~Unless the appraisal requires additional research or updating, an appraiser may distribute a copy of the completed appraisal to other persons as authorized by the client without obtaining a new permit.~~

(b) One property specifically described in the application or one group of related properties each of which is specifically described in the application.

3. Except as otherwise provided in this subsection, a permit expires automatically when the holder of a permit communicates the appraisal to the client or 1 year from the date of issuance, whichever occurs first. The term of the permit continues if the holder of the permit must:

- (a) Correct or clarify the appraisal; or

(b) Testify in court or otherwise defend or explain the appraisal.

A separate permit is required for *each new appraisal assignment or* each update of an appraisal or review of an appraisal by another appraiser.

4. As used in this section, the term “related properties” means properties which are contemplated to be part of a single transaction at the time an applicant submits an application for a permit to the division, including, but not limited to, properties which are owned by the same client at the time of the application or which are part of the same purchase agreement, loan, nontaxable deferred exchange of real property, lease, condemnation or lawsuit.

**Sec. 23.** NAC 645C.105 is hereby amended as follows:

**NAC 645C.105 Change of employer, name or status.**

1. A licensee or holder of a certificate may request a change of employer, name or status by completing and submitting the appropriate form supplied by the division and paying the required fees.

2. If a licensee or holder of a certificate requests such a change and pays the required fee, the receipt issued by the division constitutes a temporary working permit pending receipt of the requested license or certificate.

~~[3. Licensees or holders of certificates working on behalf of or as a corporation are not considered to have changed employers if the corporation changes its corporate appraiser.]~~

**Sec. 24.** NAC 645C.110 is hereby amended as follows:

**NAC 645C.110 Duties of *supervisory* appraiser when intern resigns, is discharged or fails to renew registration card.**

~~[An]~~ A *supervisory* appraiser ~~[under whom an intern is registered]~~ shall ~~[immediately]~~ *within 5 business days* file with the division a notice of termination, on a form supplied by the division, when an intern resigns, fails to renew his registration card or is discharged. The *supervisory* appraiser shall ~~[immediately]~~ *within 5 business days* surrender the registration card of the intern to the division.

**Sec. 25.** NAC 645C.115 is hereby amended as follows:

**NAC 645C.115 Failure of appraiser to renew license or certificate: Effect on registration cards of interns.**

1. If ~~[an]~~ a *supervisory* appraiser fails to renew his ~~[license or]~~ certificate, the registration cards of all interns ~~[in his association]~~ *under his supervision* will immediately be placed on inactive status until the appraiser reinstates and renews his ~~[license or]~~ certificate or the intern applies for a transfer and pays the required fee.

2. *The intern must also apply for reinstatement and pay the required fees.*

**Sec. 26.** NAC 645C.120 is hereby amended as follows:

**NAC 645C.120 Reporting on experience of interns.**

1. The division will require a verified statement from a ~~[licensed or]~~ certified appraiser indicating the extent of experience of any intern associated with him in order to determine the extent of experience the intern has gained while associated with the appraiser.

2. The information required by subsection 1 must be reported on a form provided by the division. The completed form must include:
  - (a) The period of association with the appraiser.
  - (b) The average number of hours worked per week for the appraiser.
  - (c) Any other information concerning the activities of the intern which should be considered as contributing towards his experience while associated with the appraiser.
3. *Registered interns shall maintain a separate log for each supervising appraiser.*
4. *The intern shall record in the log for each appraisal the following:*
  - (a) *Type of property;*
  - (b) *Client name and address;*
  - (c) *Address of appraised property;*
  - (d) *Description of work performed; and*
  - (e) *Number of hours worked.*
5. *The signature and certification number of the supervising appraiser must appear on each page of the log..*
6. *The intern shall be entitled to obtain copies of any appraisal reports he helped prepare for the purpose of submittal to the division for experience verification.*

**Sec. 27.** NAC 645C.135 is hereby amended as follows:

**NAC 645C.135 Termination of license or certificate.** If the license or certificate of an appraiser is canceled, suspended or revoked, he shall deliver his license or certificate to the division with the registration cards of his interns. The interns may, upon proper application and payment of the required fees, transfer to the association of another *supervisory* appraiser. No refund will be given when a license or certificate is canceled, suspended or revoked.

**Sec. 28.** NAC 645C.150 is hereby amended as follows:

**NAC 645C.150 Disciplinary action for dishonor of check.** A license, certificate or registration card may be canceled, revoked or suspended, or the licensee, holder of the certificate or intern fined, if any ~~[check]~~ *instrument* given to the division is not honored by the financial institution ~~[upon which it is drawn].~~

**Sec. 29** NAC 645C.215 is hereby amended as follows:

**NAC 645C.215 Educational requirements of approved schools. (NRS 645C.210)**

1. A school which the commission has approved to give a course fulfilling the educational requirements for original licensing or certification shall require each student to attend the required number of hours of instruction and pass an examination in the course.
2. The school may certify only the number of hours for which the course has been approved by the commission.
3. The completion of a portion of a course is not acceptable to satisfy licensing or certification requirements.
4. As used in this section, an “hour of instruction” means 50 minutes or more ~~[Fifteen hours of instruction equal one semester credit.]~~ *One semester credit equals fifteen hours of instruction.*

**Sec. 30.** NAC 645C.220 is hereby amended as follows:

**NAC 645C.220 Denial or withdrawal of approval.**

1. If a school's application for approval of a course is denied, the school may file a written request for a hearing before the commission. The request must be filed within 20 calendar days after receiving the order of denial. The commission will hold the hearing ~~[within 90 calendar days]~~ *at the next regularly scheduled meeting* after the request for hearing is filed unless the school makes a written request for a continuance and that request is granted. The commission will decide the matter within 90 calendar days after the hearing.

2. If the administrator determines that an approved school or course no longer complies with the standards prescribed in this chapter, he shall file a complaint seeking a temporary or permanent withdrawal of the approval. The commission will hear the complaint following a procedure similar to that used for the revocation or suspension of an appraiser's license or certificate.

**Sec. 31.** NAC 645C.235 is hereby amended as follows:

**NAC 645C.235 Required instruction: Licensure as residential appraiser. (NRS 645C.210)**

~~[1. On or before December 31, 1990, a course of instruction, in order to comply with the requirements of paragraph (a) of subsection 1 of NRS 645C.330, for an applicant for a license as a residential appraiser, must consist of at least 75 hours of instruction in the classroom, including instruction in the following subjects:~~

- ~~(a) Ethics;~~
- ~~(b) Principles of value;~~
- ~~(c) Methods of appraisal and reconciliation;~~
- ~~(d) The standards of professional practice and the laws of this state governing the licensing and certification of appraisers; and~~
- ~~(e) Other subjects relating to appraisals.]~~

~~[At least 15 hours of instruction must be provided in the subjects described in paragraph (d).]~~

~~[2. On or after January 1, 1991, but before June 9, 1997, a course of instruction, in order to comply with the requirements of paragraph (a) of subsection 1 of NRS 645C.330, for an applicant for a license as a residential appraiser, must consist of at least 75 hours of instruction in the classroom, including instruction in the following subjects:~~

- ~~(a) Factors that influence the value of real estate;~~
- ~~(b) Legal considerations of appraisals;~~
- ~~(c) Types of value;~~
- ~~(d) Economic principles;~~
- ~~(e) The real estate market and its analysis;~~
- ~~(f) The process of valuation;~~
- ~~(g) Description of real estate;~~
- ~~(h) Analysis of the highest and best use of real estate;~~
- ~~(i) Mathematics and statistics related to appraisals;~~
- ~~(j) Analysis of value by sales comparison;~~
- ~~(k) Analysis of value by cost;~~
- ~~(l) Analysis of value by income;~~
- ~~(m) The valuation of a site;~~
- ~~(n) The valuation of partial interests;~~
- ~~(o) Standards and ethics relating to appraisals;~~
- ~~(p) The laws of this state governing appraisals; and~~
- ~~(q) Other subjects relating to appraisals.]~~

~~[3. On or after June 9, 1997, a]~~ **1.** A course of instruction, in order to comply with the requirements of paragraph (a) of subsection 1 of NRS 645C.330, for an applicant for a license as a residential appraiser, must consist of at least 90 hours of instruction ~~[in the classroom],~~ *within the previous five years* including instruction in the following subjects:

- (a) Factors that influence the value of real estate;
- (b) Legal considerations of appraisals;
- (c) Types of value;
- (d) Economic principles;
- (e) The real estate market and its analysis;
- (f) The process of valuation;
- (g) Description of real estate;
- (h) Analysis of the highest and best use of real estate;
- (i) Mathematics and statistics related to appraisals;
- (j) Analysis of value by sales comparison;
- (k) Analysis of value by cost;
- (l) Analysis of value by income;
- (m) The valuation of a site;
- (n) The valuation of partial interests;
- (o) Standards and ethics relating to appraisals;
- (p) The laws of this state governing appraisals; ~~[and]~~
- (q) Other subjects relating to appraisals~~[-];~~ *and*

*(r) The Uniform Standards of Professional Appraisal Practice adopted pursuant to NAC 645C.400.*

*2. College courses may be exempted from the five year limitation at the discretion of the Division.*

**Sec. 32.** NAC 645C.237 is hereby amended as follows:

**NAC 645C.237 Required instruction: Certification as residential appraiser.**

~~[1. On or before December 31, 1990, a course of instruction, in order to comply with the requirements of paragraph (a) of subsection 2 of NRS 645C.330 for an applicant for a certificate as a residential appraiser, must consist of at least 120 hours of instruction in the classroom, including instruction in the following subjects:~~

- ~~(a) Ethics;~~
- ~~(b) Principles of value;~~
- ~~(c) Methods of appraisal and reconciliation;~~
- ~~(d) The standards of professional practice and the laws of this state governing the licensing and certification of appraisers; and~~
- ~~(e) Other subjects relating to appraisals.]~~

~~[At least 15 hours of instruction must be provided in the subjects described in paragraph (d).]~~

~~[2. On or after January 1, 1991, a]~~ course of instruction, in order to comply with the requirements of paragraph (a) of subsection 2 of NRS 645C.330 for an applicant for a certificate as a residential appraiser, must consist of at least 120 hours of instruction ~~[in the classroom],~~ *within the previous five years* including instruction in the following subjects:

- (a) Factors that influence the value of real estate;
- (b) Legal considerations of appraisals;
- (c) Types of value;



- (d) Economic principles;
- (e) The real estate market and its analysis;
- (f) The process of valuation;
- (g) Description of real estate;
- (h) Analysis of the highest and best use of real estate;
- (i) Mathematics and statistics related to appraisals;
- (j) Analysis of value by sales comparison;
- (k) Analysis of value by cost;
- (l) Analysis of value by income;
- (m) The valuation of a site;
- (n) The valuation of partial interests;
- (o) Standards and ethics relating to appraisals;
- (p) The laws of this state governing appraisals; ~~and~~
- (q) Other subjects relating to appraisals~~[-];~~ *and*

*(r) The Uniform Standards of Professional Appraisal Practice, adopted pursuant to NAC 645C.400.*

*2. College courses may be exempted from the five year limitation at the discretion of the Division.*

**Sec. 33.** NAC 645C.240 is hereby amended as follows:

**NAC 645C.240 Required instruction: Licensure as general appraiser. (NRS 645C.210)**

~~[1. On or before December 31, 1990, a course of instruction, in order to comply with the requirements of paragraph (a) of subsection 3 of NRS 645C.330, of an applicant for a license as a general appraiser, must consist of at least 165 hours of instruction in the classroom, including instruction in the following subjects:~~

- ~~(a) Ethics;~~
- ~~(b) Principles of value;~~
- ~~(c) Methods of appraisal and reconciliation;~~
- ~~(d) The standards of professional practice and the laws of this state governing the licensing and certification of appraisers; and~~
- ~~(e) Other subjects relating to appraisals.]~~

~~[At least 15 hours of instruction must be provided in the subjects described in paragraph (d).]~~

~~[2. On or after January 1, 1991, but before June 9, 1997, a course of instruction, in order to comply with the requirements of paragraph (a) of subsection 3 of NRS 645C.330, of an applicant for a license as a general appraiser, must consist of at least 165 hours of instruction in the classroom, including instruction in the following subjects:~~

- ~~(a) Factors that influence the value of real estate;~~
- ~~(b) Legal considerations of appraisals;~~
- ~~(c) Types of value;~~
- ~~(d) Economic principles;~~
- ~~(e) The real estate market and its analysis;~~
- ~~(f) The process of valuation;~~
- ~~(g) Description of real estate;~~
- ~~(h) Analysis of the highest and best use of real estate;~~
- ~~(i) Mathematics and statistics related to appraisals;~~
- ~~(j) Analysis of value by sales comparison;~~

- ~~(k) Analysis of value by cost;~~
- ~~(l) Analysis of value by income;~~
- ~~(m) The valuation of a site;~~
- ~~(n) The valuation of partial interests;~~
- ~~(o) Standards and ethics relating to appraisals;~~
- ~~(p) The laws of this state governing appraisals; and~~
- ~~(q) Other subjects relating to appraisals.]~~

~~[3. On or after June 9, 1997, a]~~ **1.** A course of instruction, in order to comply with the requirements of paragraph (a) of subsection 3 of NRS 645C.330, of an applicant for a license as a general appraiser, must consist of at least 180 hours of instruction ~~[in the classroom],~~ *within the previous five years* including instruction in the following subjects:

- (a) Factors that influence the value of real estate;
- (b) Legal considerations of appraisals;
- (c) Types of value;
- (d) Economic principles;
- (e) The real estate market and its analysis;
- (f) The process of valuation;
- (g) Description of real estate;
- (h) Analysis of the highest and best use of real estate;
- (i) Mathematics and statistics related to appraisals;
- (j) Analysis of value by sales comparison;
- (k) Analysis of value by cost;
- (l) Analysis of value by income;
- (m) The valuation of a site;
- (n) The valuation of partial interests;
- (o) Standards and ethics relating to appraisals;
- (p) The laws of this state governing appraisals; ~~[and]~~
- (q) Other subjects relating to appraisals~~[-];~~ *and*
- (r) The Uniform Standards of Professional Appraisal Practice, adopted pursuant to NAC 645C.400.*

*2. College courses may be exempted from the five year limitation at the discretion of the Division.*

**Sec. 34.** NAC 645C.243 is hereby amended as follows:

**NAC 645C.243 Required instruction: Registration as intern. (NRS 645C.210)** ~~[On or after May 4, 2000, a]~~ **1.** An applicant for registration as an intern pursuant to NRS 645C.270 must include on his application evidence satisfactory to the division that he has successfully completed at least 75 hours of instruction in the classroom in the following subjects:

1. Factors that influence the value of real estate;
2. Legal considerations of appraisals;
3. Types of value;
4. Economic principles;
5. The real estate market and an analysis of that market;
6. The process of valuation;
7. Description of real estate;
8. Analysis of the highest and best use of real estate;

9. Mathematics and statistics related to appraisals;
10. Analysis of value by sales comparison;
11. Analysis of value by cost;
12. Analysis of value by income;
13. The valuation of a site;
14. The valuation of partial interests;
15. Standards and ethics relating to appraisals; ~~and~~
16. Other subjects relating to appraisals~~;~~; *and*

***17. The Uniform Standards of Professional Appraisal Practice.***

***To apply for an intern registration, the applicant is not required to pass the examination for the Uniform Standards of Professional Appraisal Practice course.***

***2. College courses may be exempted from the five year limitation at the discretion of the Division.***

**Sec. 35.** NAC 645C.250 is hereby amended as follows:

**NAC 645C.250 Unacceptable courses.**

1. The commission will not accept an applicant's completion of a course of a kind which is designed to prepare students for examination, commonly known as a "cram course," to fulfill the educational requirements for an original license or certificate.

2. The following kinds of courses will not be accepted to fulfill units of education which are required for original licensing or certification:

(a) Courses designed to develop or improve clerical, office or business skills that are not related to the appraisal process, such as typing, shorthand, the operation of business machines, the use of computers, *the use of computer software*, improvement of memory or writing letters;  
or

(b) Business courses in advertising or psychology.

**Sec. 36.** NAC 645C.300 is hereby amended as follows:

**NAC 645C.300 Requirements for renewal or reinstatement of license or certificate; extension of time for compliance; limitation on number of hours of distance education courses. (NRS 645C.210, 645C.440)**

1. To renew an active license or certificate, the licensee or holder of the certificate must provide the division with proof that he has met the requirements for continuing education, including, without limitation, at least 7 hours of instruction in the *Uniform Standards of Professional Appraisal Practice*, adopted by reference pursuant to NAC 645C.400.

2. To reinstate a license or certificate which has been placed on inactive status, a person must provide the division with proof that he has met the requirements for continuing education, including, without limitation, at least 7 hours of instruction in the *Uniform Standards of Professional Appraisal Practice*, adopted by reference pursuant to NAC 645C.400.

3. A licensee or holder of a certificate may petition the administrator for an extension of time in which to comply with the requirements for continuing education. The administrator may grant such an extension if he finds that the licensee or holder of the certificate has a severe hardship resulting from circumstances beyond his control which has prevented him from meeting the requirements.

4. ~~[Not more than 50 percent of the hours of continuing education required pursuant to NRS 645C.430 may be hours from distance education courses.]~~ The 7 hours of instruction in the

*Uniform Standards of Professional Appraisal Practice* required pursuant to this section may not be taken through distance education courses.

**Sec. 37.** NAC 645C.302 is hereby amended as follows:

**NAC 645C.302 Requirements for renewal of registration as intern. (NRS 645C.210)** A registered intern must complete at least 30 hours of courses in continuing education, *including, without limitation, at least 7 hours of instruction in the Uniform Standards of Professional Appraisal Practice, adopted by reference pursuant to NAC 645C.400*, that have been approved by the ~~[division]~~ *commission* every 2 years as a condition of the renewal of his registration as an intern.

**Sec. 38.** NAC 645C.305 is hereby amended as follows:

**NAC 645C.305 Standards for courses. (NRS 645C.210, 645C.440)**

1. Courses for continuing education must contain:

(a) Current information on appraisal practices which will improve the professional knowledge of the licensee or holder of a certificate and enable him to provide better service to the public.

(b) Information that pertains to pertinent state and federal laws and regulations relating to appraisals or appraisal practices.

2. The commission considers courses in the following areas to be acceptable for continuing education:

(a) The *Uniform Standards of Professional Appraisal Practice*, adopted by reference pursuant to NAC 645C.400;

(b) Legislative issues which concern the practice of appraising or licensees or holders of certificates, including, without limitation, pending and recent legislation;

(c) The administration of laws and regulations governing appraisals, including, without limitation, licensing, certification, enforcement ~~[, office management and employees' contracts];~~

(d) The relationship of the appraisal report to real estate financing;

(e) The measurement and evaluation of the market for real estate, including, without limitation, evaluations of sites, market data and studies of feasibility;

(f) The development of real property;

(g) Real estate and appraisal mathematics;

(h) Nature of value;

(i) The purpose and use of appraisals;

(j) Methods of valuation and evaluation;

(k) Income capitalization; and

(l) Construction.

3. If the sponsor agrees to comply with all other requirements of approval, the commission will accept without specific approval any course in appraisal practices or directly related subjects if the course has been previously approved by the commission.

**Sec. 39.** NAC 645C.310 is hereby amended as follows:

**NAC 645C.310 Unacceptable courses and activities.** The following kinds of courses and activities do not meet the standards for continuing education:

1. A course designed to develop or improve clerical, office or business skills not related to the appraisal process, such as typing, shorthand, the operation of business machines, the use of

computers, *the use of computer software*, speed reading, improvement of memory and writing letters.

2. A program of office training or other activity which is held as part of the general business of the licensee or holder of a certificate.

3. A course for the orientation of licensees and holders of certificates.

4. A course for the development of instructors.

**Sec. 40.** NAC 645C.315 is hereby amended as follows:

**NAC 645C.315 Approval of distance education course or course given in Nevada; proof of attendance. (NRS 645C.210)**

1. An application for approval of a distance education course or a course given in Nevada for the continuing education of licensees or holders of certificates must be submitted to the division for review and presentation to the commission. The application must be made on a form provided by the division.

2. The commission will not give retroactive approval for such a course.

3. In determining whether to approve a course pursuant to this section, the commission will consider:

(a) Whether the course consists of at least ~~3~~2 hours of instruction.

(b) Whether the sponsor of the course is willing to certify to the attendance of licensees and holders of certificates at the course.

(c) Whether the sponsor is willing to maintain for 5 years a record of attendance which contains:

(1) The name of each licensee or holder of a certificate in attendance and the number of his license or certificate.

(2) The title and description of the course.

(3) The hours of instruction attended by the licensee or holder of a certificate and the dates of his attendance.

(4) A statement or indication whether the licensee or holder of a certificate passed or failed the course, if applicable.

(d) Whether the sponsor of the course is willing to assure that an approved instructor will preside throughout the course.

(e) In the case of distance education courses:

(1) Whether the licensee or holder of a certificate will be required to complete:

(I) A written examination proctored by an official approved by the commission; or

(II) If the course does not include such an examination, the course mechanisms

required by the commission for accreditation of the course; and

(2) Whether the course is presented by an accredited college or university, has received the approval for college credit from the American Council on Education's College Credit Recommendation Service or has been approved through the program of approval of the Appraisal Qualifications Board *or International Distance Education Certification Center (IDECC)*.

(f) In the case of presentations by videotape, whether the sponsor will provide an approved instructor at the site of the presentation to supplement and control instruction in the course.

(g) Any other criteria that the commission deems appropriate.

4. For all approved courses, the sponsor shall provide a certified copy of the record of completing the course to the licensee or holder of a certificate upon his completion of the course.

The division shall accept the certificate as proof of the licensee's or holder's attendance for the purpose of renewing or reinstating his license or certificate. If the course is taken at a university or community college, the proof of attendance must be a certified transcript. The certificate of a sponsor must contain the:

- (a) Name of the sponsor;
- (b) Name of the licensee or holder of a certificate and his license number or certificate number;
- (c) ~~Number of hours of instruction~~*The number of hours of credit for continuing education for which the course is approved;*
- (d) Dates of instruction;
- (e) Title of the course or seminar;
- (f) Sponsor's number assigned by the division; and
- (g) Signature of the person authorized to sign for the sponsor.

5. The commission may grant approval for courses of continuing education offered by a nationally recognized appraisal organization which is a member of the Appraisal Foundation or an organization approved by the commission, without considering a specific application.

**Sec. 41.** NAC 645C.317 is hereby amended as follows:

**NAC 645C.317 Approval of course provided out of state. (NRS 645C.210)**

1. Except as otherwise provided in NAC 645C.315 regarding distance education courses, an appraiser may apply to the commission for the approval of a course of continuing education which is provided out of state if the appraiser has:

- (a) Attended or will attend the course outside Nevada;
- (b) Taken or will take the course within the period prescribed by NRS 645C.430 for the renewal or reinstatement of his certificate or license; and
- (c) Submitted an application on a form supplied by the division accompanied by the applicable application fee for the annual approval of a course of instruction offered for continuing education.

2. Under appropriate circumstances, the commission may give retroactive approval for a course attended out of state.

3. Except as otherwise provided in subsection 5, approval of a course pursuant to this section applies only to the specific:

- (a) Course described in the application;
- (b) Date on which the course was given; and
- (c) Appraiser who submitted the application.

4. In determining whether to approve a course attended out of state, the commission will consider:

- (a) Whether the course consists of at least ~~3~~2 hours of instruction.
- (b) Whether the course meets the standards set forth in NAC 645C.305 and is acceptable under the provisions of NAC 645C.310.
- (c) Any available information regarding the qualifications of the instructor of the course.
- (d) The sufficiency of the proof of attendance of the course by the applicant. To obtain credit for attendance of the course, the applicant must attend the required number of hours of instruction and take and pass any examination administered in the course.
- (e) Any other criteria that the commission deems appropriate.

5. If the ~~[division]~~ *commission* approves a specific course based on an initial application by an appraiser pursuant to subsections 1 to 4, inclusive, ~~[it]~~ *the division* shall approve an application submitted subsequently by another appraiser who attended the same course if that appraiser submits:

- (a) Proof of his attendance of the course; and
- (b) The applicable application fee for the annual approval of a course of instruction offered for continuing education.

6. If the ~~[division]~~ *commission* approves a course pursuant to this section, the sponsor of the course:

- (a) Is not required to comply with NAC 645C.325 and ~~[645C.335]~~.
- (b) Shall not advertise that the course has been approved by the commission.

**Sec. 42.** NAC 645C.320 is hereby amended as follows:

**NAC 645C.320 Audit of course; period of approval; reapproval; withdrawal of approval.**

1. The approval or reapproval of any course of continuing education by the commission is subject to a condition that the division may audit the course ~~[the first time the course is offered]~~.

2. ~~[If the division does not audit a course during the first offering of the course in Nevada, the commission will deem the course approved.]~~ The commission's approval of a course for continuing education is effective for 1 year after the original approval or a reapproval.

3. A sponsor must apply for reapproval on a form provided by the division and describe on that form any changes in the course. An application for reapproval must be filed at least 2 weeks before the previous approval expires and, if the sponsor does not do so, the sponsor must apply for an original approval.

*4. The commission authorizes the division to re-approve a course that has had no change in course content.*

~~[4]5.~~ Each of the following acts and conditions is a ground for the commission to withdraw its approval of a course:

- (a) Poor quality of the curriculum or instruction, as shown by evaluations.
- (b) Violation of any of the provisions of this chapter governing continuing education.

~~[5]6.~~ In determining whether to withdraw its approval of a course deemed to be approved pursuant to subsection 2, the commission will follow a procedure similar to that used for the suspension or revocation of a license or certificate.

**Sec. 43.** NAC 645C.322 is hereby amended as follows:

**NAC 645C.322 Procedure for ~~[revocation]~~ *withdraw* of ~~[conditional]~~ approval of course after audit.**

1. If the division audits ~~[the first offering of]~~ a course provided in Nevada and determines that the course does not meet the standards for courses of continuing education set forth in this chapter, the division shall ~~[revoke]~~ *withdraw* the ~~[conditional]~~ approval of a course. Within 30 days after the conduct of the audit, the administrator shall give the school written notice that approval of the course has been ~~[revoked]~~ *withdrawn* and shall provide specific reasons for the ~~[revocation]~~ *withdraw*. The ~~[revocation]~~ *withdraw* of a course is effective upon receipt of the written notice by the school.

2. The division shall give credit for continuing education to a student who attended the course before the school received written notice of the ~~[revocation]~~ *withdraw* of the course.

3. The school may appeal the decision of the division to ~~revoke~~ *withdraw* approval of a course pursuant to this section by making a written demand *within 20 calendar days* to the commission for a hearing ~~within 20 calendar days~~ after the school receives the written notice pursuant to subsection 1.

4. ~~Within 90 days after receipt of a written demand for a hearing, the commission will hold a hearing.~~ *The matter will be placed on the agenda for the next regularly scheduled meeting of the Commission.*

5. *The commission at the hearing, may suspend or revoke the approval of the course.*

**Sec. 44.** NAC 645C.325 is hereby amended as follows:

**NAC 645C.325 Duties of sponsors.**

1. The sponsor of an approved course for the continuing education of licensees or holders of certificates shall:

(a) Not allow a licensee or holder of a certificate to pass the course by taking the examination without having the required attendance;

(b) Admit authorized personnel of the division to audit and evaluate the presentation of the course; and

(c) Notify the division within 15 calendar days after making any material change in the course.

2. Each sponsor shall provide evaluations for a course for continuing education and shall maintain ~~a tabulation of the results of~~ *all* the evaluations for 2 years. The division may request a review of those evaluations.

~~3. The sponsor shall determine whether a final examination is required for the completion of the course.~~

~~4~~3. If a course offered by a professional organization has been approved for continuing education, the organization shall not restrict attendance at the course to members of that organization.

**Sec. 45.** NAC 645C. is hereby amended as follows:

**NAC 645C.332 ~~Revocation~~ *Withdraw* of approval of instructor; notice; appeal; hearing.**

1. The division may ~~revoke~~ *withdraw* the approval of an instructor of a course of continuing education:

(a) If any licensing authority has taken disciplinary action against the instructor; or

(b) If, after an audit of the course and review of the evaluations of the course, the division concludes that the instructor is not qualified to instruct the course.

2. The division shall give the instructor and sponsor written notice that it has ~~revoked~~ *withdrawn* the approval of the instructor. The written notice must specify the reason for the revocation.

3. An instructor may appeal the decision of the division to ~~revoke~~ *withdraw* his approval by making a written demand *within 20 calendar days* to the commission for a hearing ~~within 20 calendar days~~ after the instructor receives the written notice pursuant to subsection 2.

4. ~~Within 90 days after receipt of a written demand for such a hearing, the commission will hold a hearing.~~ *The matter will be placed on the agenda for the next regularly scheduled meeting of the Commission.*

5. *The commission at the hearing, may suspend or revoke the approval of the course.*



**Sec. 46.** NAC 645C.340 is hereby amended as follows:

**NAC 645C.340 Advertising of course.**

1. Any advertising, promotional brochure or form for registration for a course for continuing education must contain, in writing, the policy of the sponsor concerning cancellation and refunds.

2. All advertising must specify that such courses have been approved by the commission.

*3. The number of hours of credit for continuing education for which the course is approved; and*

*4. The sponsor's number assigned by the division.*

**Sec. 47.** NAC 645C.345 is hereby amended as follows:

**NAC 645C.345 Requirements for receipt of credit.**

1. A licensee or holder of a certificate may receive credit for continuing education if he teaches an approved course. Credit will be given only once for teaching the course. The licensee or holder of a certificate must submit proof that he taught the course during the applicable period of licensing or certification. The instructor may receive 2 hours of credit per each hour of instruction.

2. A course may not be taken for credit more than once in a licensing or certification period *with the exception of the Uniform Standards of Professional Appraisal Practice.*

3. Courses taken to satisfy requirements for the renewal or reinstatement of a license or certificate must be completed within the 2 years immediately before the latest date for renewing or reinstating the license or certificate.

4. A licensee or holder of a certificate may receive credit for continuing education only upon certification by the sponsor that the licensee or holder of a certificate has attended and completed at least 90 percent of the course.

**Sec. 48.** NAC 645C.350 is hereby amended as follows:

**NAC 645C.350 Allowable hours of credit.** The commission will allow not more than ~~7~~8 hours of credit per day of instruction for courses of continuing education ~~[given without a final examination, and not more than 8 hours of credit per day of instruction for courses of continuing education requiring a final examination].~~

**Sec. 49.** NAC 645C.355 is hereby amended as follows:

**NAC 645C.355 Credit for attending meeting of commission.** The commission will grant credit for continuing education, not to exceed 6 hours, to a licensee or holder of a certificate once during each period of licensing or certification if the following conditions are met:

1. The licensee or holder of a certificate was not participating in or otherwise affiliated with *one of* the commission's ~~meeting~~ *disciplinary hearings*;

2. The commission's meeting lasted at least ~~3~~2 hours; and

3. The commission certifies to the attendance of the licensee or holder of a certificate.

**Sec. 50.** NAC 645C.355 is hereby amended as follows:

**NAC 645C.400 Adoption of professional standards by reference.** (NRS 645C.210) The commission hereby adopts by reference the *current edition of Uniform Standards of Professional Appraisal Practice*, adopted by the Appraisal Standards Board of the Appraisal

Foundation. The *Uniform Standards of Professional Appraisal Practice* may be obtained from the Appraisal Foundation, Publications Department, P.O. Box 96734, Washington, D.C. 20090-6734, for the price of \$25.

**Sec. 51.** NAC 645C.405 is hereby amended as follows:

**NAC 645C.405 Determination of unprofessional conduct or professional incompetence.**

**(NRS 645C.210)** In determining whether a licensed or certified appraiser or registered intern is guilty of unprofessional conduct or professional incompetence, the commission will consider, among other things, whether the appraiser or intern:

1. Has failed to prepare an appraisal in compliance with the *applicable Uniform Standards of Professional Appraisal Practice*, adopted by reference pursuant to NAC 645C.400;
2. Has done his utmost to protect the public against fraud, misrepresentation or unethical practices related to real estate or appraisals;
3. Has ascertained all pertinent facts *that are attainable in the normal course of business* concerning any property for which he prepares an appraisal;
4. Has attempted to make an appraisal of any property outside of his field of experience or competence without the assistance of a qualified authority, unless the facts of his lack of experience or competence are fully disclosed in writing to his client;
5. Has adequately documented any required disclosures of his interest in any property with which he is dealing;
6. Has kept informed of current statutes and regulations governing appraisals, real estate, time shares and related fields in which he provides appraisal services;
7. Properly applies federal and state laws governing the protection of customers; and
8. Has acquired knowledge of all material facts that are reasonably ascertainable and are of customary or express concern and has conveyed that knowledge to his client.

**Sec. 52.** NAC 645C.415 is hereby amended as follows

**NAC 645C.415 Advertising. (NRS 645C.210)**

1. In any advertisement through which a licensee or holder of a certificate offers to perform services for which a license or certificate is required by chapter 645C of NRS, he shall disclose:
  - (a) The name under which he is licensed or certified;
  - (b) The name under which he does business; and
  - (c) The type of license or certificate he holds.
2. An intern may not advertise solely under his own name when acting in the capacity of an intern. All such advertising must be under the direct supervision of and in the name of the *supervisory* appraiser with whom he is associated.
3. Any form of advertisement used by an appraiser may not contain any misrepresentations or misleading information.

**Sec. 53.** NAC 645C.445 is hereby amended as follows

**NAC 645C.445 Complaints. (NRS 645C.210)**

1. The division shall prepare ~~and require~~ a standard form or affidavit for use in making a citizen's complaint. This form may require any information the division considers pertinent.
2. If a citizen's complaint is made or the division requests an investigation of an appraiser, the administrator shall appoint a member of the staff of the division to investigate any action of an appraiser which appears to violate a provision of chapter *116*, 119, 119A, 645, 645C or 645D

of NRS or the regulations adopted pursuant thereto. An investigation that is initiated by a complaint need not be limited to the matter in the complaint.

3. The division may accept written anonymous complaints. If an anonymous complaint includes sufficient information indicating that a violation of any provision of chapter **116**, 119, 119A, 645, 645C or 645D of NRS, or of any regulation adopted pursuant thereto, has likely occurred, the administrator shall appoint a member of the staff of the division to investigate the complaint. Such an investigation is not limited to the matter in the complaint.

4. An appraiser or intern shall disclose all facts and documents pertinent to an investigation to members of the division's staff conducting the investigation.

5. A person appointed to investigate a matter pursuant to this section shall submit a written report to the administrator which describes the results of the investigation.

6. The administrator shall review a report submitted pursuant to subsection 5 and based upon the review shall:

(a) Create an advisory committee to review the matter that is the subject of the investigation pursuant to NAC 645C.600, if the appraiser who is the subject of the investigation agrees to participate in an informal conference with an advisory committee;

(b) Schedule a hearing that must be conducted pursuant to NAC 645C.500; or

(c) Negotiate a resolution of the matter with the appraiser who is the subject of the investigation, which may include, without limitation, the disciplinary actions described in subsection 2 of NRS 645C.460 ***and an agreement for voluntary surrender of a license or certificate in lieu of disciplinary action***. A resolution negotiated pursuant to this paragraph is subject to the approval of the commission.

**Sec. 54.** NAC 645C.445 is hereby amended as follows

**NAC 645C.500 Procedure for hearing; decision; default.**

1. The presiding officer of a hearing shall:

(a) Ascertain whether all persons commanded to appear under subpoena are present, and whether all documents, books, records and other evidence under subpoena are present in the hearing room.

(b) Administer the oath to the reporter as follows:

Do you solemnly swear or affirm that you will report this hearing to the best of your stenographic ability?

(c) Administer the oath to all persons whose testimony will be taken as follows:

Do you and each of you solemnly swear or affirm to tell the truth and nothing but the truth in these proceedings?

(d) Ascertain whether either party desires to have a witness excluded from the hearing room until he is called. A witness may be excluded upon the motion of the commission or upon the motion of either party.

(e) Ascertain whether a copy of the formal complaint or decision to deny has been filed and whether an answer has been filed as part of the record in the proceedings.

(f) Request the division to proceed with the presentation of its case.

2. The division may not submit any evidence to the commission before the hearing except for the formal complaint and answer.

3. The respondent may cross-examine witnesses in the order that the division presents them.

4. Witnesses or counsel may be questioned by the members of the commission at any time during the proceeding.

5. Evidence which is to be introduced must first be marked for identification by the secretary for the commission.

6. When the division has completed its presentation, the presiding officer shall request the respondent to proceed with the introduction of evidence and calling of witnesses on his behalf.

7. The division may cross-examine witnesses in the order that the respondent presents them.

8. When the respondent has completed his presentation, the division may call any rebuttal witnesses.

9. When all testimony for the division and respondent has been given and all evidence submitted, the presiding officer may request the division and the respondent to summarize their presentations.

10. The presiding officer shall indicate for the record that the hearing is terminated, and that the commission will issue a decision after considering all the evidence. After presentation of the case by the division and the respondent and closing arguments by either party, if any, a recess may be ordered.

11. The date of decision is the date the written decision is signed by a commissioner or filed with the commission, whichever occurs later in time.

12. In the absence of the president of the commission, any matter which must be acted upon may be submitted to the vice president or to the secretary.

13. Upon the presentation of evidence that the respondent received notice of the hearing and has not filed an answer within the time prescribed pursuant to NRS 645C.510, his default may be entered and a decision may be issued based upon the allegations of the complaint.

*14. The complaint and notice of hearing will be placed in evidence.*

*15. A certified copy of the appraisal report may be attached to the complaint and notice of hearing.*

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### Text of Repealed Sections

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#### **NAC 645C.075 Authorization to take examination.**

1. An applicant for a license or certificate as an appraiser may not take the written examination for licensing or certification until the division authorizes him in writing to appear for the examination.

2. The applicant must take the examination prescribed by the division at the time and place set forth in the written authorization sent to him.

**NAC 645C.247 Approval of credit for course not attended by applicant.** The commission will approve credit for a course of instruction that an applicant did not attend if:

1. Credit for the course was granted on or before July 1, 1990;

2. The commission is satisfied with the quality of the examination administered by the provider of the course; and

3. The applicant successfully completed the examination.

**NAC 645C.335 Information required on materials used in course.** If a course has been approved and is being offered for continuing education, the sponsor must state on all the materials used in the course:

1. That the course is approved for continuing education in Nevada by the commission;
  2. The number of hours of credit for continuing education for which the course is approved;
- and
3. The sponsor's number assigned by the division.

**NAC 645C.410 Duties of appraisers regarding interns.**

An appraiser shall:

1. Teach interns associated with him the fundamentals of appraisals and the ethics and standards of the profession; and
2. Supervise the appraisal activities of those interns.

**NAC 645C.420 Location of office.** An appraiser shall establish an office in a location which is easily accessible to members of the general public. If he chooses to establish an office in a private home or in conjunction with another business, he shall comply with all local zoning requirements.

**NAC 645C.455 Written appraisal required for federally related transaction.** An appraisal for a federally related transaction, as that term is defined in 12 U.S.C. § 3350(4), must be in writing.