

Chapter 18.140 RCW
CERTIFIED REAL ESTATE APPRAISER ACT

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RCW 18.140.005 Intent. (1) It is the intent of the legislature that only individuals who meet and maintain minimum standards of competence and conduct established under this chapter for certified, licensed, or registered real estate appraisers may provide real estate appraisal services to the public.

(2) It is the further intent of the legislature to provide for the proper supervision and training of new entrants to the appraiser profession through the implementation of the state-registered

appraiser trainee classification. [2005 c 339 § 1; 1996 c 182 § 1; 1993 c 30 § 1; 1989 c 414 § 1.]

Effective dates—2005 c 339: "(1) Sections 1, 2, 4, 7, 9, 13, 20, and 22 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2005.

(2) Sections 3, 5, 6, 8, 10 through 12, 14 through 18, and 21 of this act take effect April 1, 2006." [2005 c 339 § 26.]

Effective dates—1996 c 182: "This act shall take effect July 1, 1996, except section 3 of this act, which shall take effect July 1, 1997." [1996 c 182 § 16.]

RCW 18.140.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Appraisal" means the act or process of estimating value; an estimate of value; or of or pertaining to appraising and related functions.

(2) "Appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion relating to the value of specified interests in, or aspects of, identified real estate. The term "appraisal assignment" may apply to valuation work and analysis work.

(3) "Appraisal report" means any communication, written or oral, of an appraisal, review, or consulting service in accordance with the standards of professional conduct or practice, adopted by the director, that is transmitted to the client upon completion of an assignment.

(4) "Brokers price opinion" means an oral or written report of property value that is prepared by a real estate broker or salesperson licensed under chapter 18.85 RCW.

(5) "Client" means any party for whom an appraiser performs a service.

(6) "Commission" means the real estate appraiser commission of the state of Washington.

(7) "Comparative market analysis" means a brokers price opinion.

(8) "Department" means the department of licensing.

(9) "Director" means the director of the department of licensing.

(10) "Expert review appraiser" means a state-certified or state-licensed real estate appraiser chosen by the director for the purpose of providing appraisal review assistance to the director.

(11) "Federal department" means an executive department of the United States of America specifically concerned with housing finance issues, such as the department of housing and urban development, the department of veterans affairs, or their legal federal successors.

(12) "Federal financial institutions regulatory agency" means the board of governors of the federal reserve system, the federal deposit insurance corporation, the office of the comptroller of the currency, the national credit union administration, their successors and/or such other agencies as may be named in future amendments to 12 U.S.C. Sec. 3350(6).

(13) "Federal secondary mortgage marketing agency" means the federal national mortgage association, the government national mortgage association, the federal home loan mortgage corporation, their successors and/or such other similarly functioning housing finance agencies as may be federally chartered in the future.

(14) "Federally related transaction" means any real estate-related financial transaction that the federal financial institutions regulatory agency or the resolution trust corporation engages in, contracts for, or regulates; and that requires the services of an appraiser.

(15) "Financial institution" means any person doing business under the laws of this state or the United States relating to banks, bank holding companies, savings banks, trust companies, savings and loan associations, credit unions, consumer loan companies, and the affiliates, subsidiaries, and service corporations thereof.

(16) "Mortgage broker" for the purpose of this chapter means a mortgage broker licensed under chapter 19.146 RCW, any mortgage broker approved and subject to audit by the federal national mortgage association, the government national mortgage association, or the federal home loan mortgage corporation as provided in RCW 19.146.020, any mortgage broker approved by the United States secretary of housing and urban development for participation in any mortgage insurance under the national housing act, 12 U.S.C. Sec. 1201, and the affiliates, subsidiaries, and service corporations thereof.

(17) "Real estate" means an identified parcel or tract of land, including improvements, if any.

(18) "Real estate-related financial transaction" means any transaction involving:

(a) The sale, lease, purchase, investment in, or exchange of real property, including interests in property, or the financing thereof;

(b) The refinancing of real property or interests in real property; and

(c) The use of real property or interests in property as security for a loan or investment, including mortgage-backed securities.

(19) "Real property" means one or more defined interests, benefits, or rights inherent in the ownership of real estate.

(20) "Review" means the act or process of critically studying an appraisal report prepared by another.

(21) "Specialized appraisal services" means all appraisal services that do not fall within the definition of appraisal assignment. The term "specialized appraisal service" may apply to valuation work and to analysis work. Regardless of the intention of the client or employer, if the appraiser would be perceived by third parties or the public as acting as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion, the work is classified as an appraisal assignment and not a specialized appraisal service.

(22) "State-certified general real estate appraiser" means a person certified by the director to develop and communicate real estate appraisals of all types of property. A state-certified general real estate appraiser may designate or identify an appraisal rendered by him or her as a "certified appraisal."

(23) "State-certified residential real estate appraiser" means a person certified by the director to develop and communicate real estate appraisals of all types of residential property of one to four units without regard to transaction value or complexity and nonresidential property having a transaction value as specified in

rules adopted by the director. A state-certified residential real estate appraiser may designate or identify an appraisal rendered by him or her as a "certified appraisal."

(24) "State-licensed real estate appraiser" means a person licensed by the director to develop and communicate real estate appraisals of noncomplex one to four residential units and complex one to four residential units and nonresidential property having transaction values as specified in rules adopted by the director.

(25) "State-registered appraiser trainee," "trainee," or "trainee real estate appraiser" means a person registered by the director under RCW 18.140.280 to develop and communicate real estate appraisals under the immediate and personal direction of a state-certified real estate appraiser. Appraisals are limited to those types of properties that the supervisory appraiser is permitted by their current credential, and that the supervisory appraiser is competent and qualified to appraise. By signing the appraisal report, or being identified in the certification or addenda as having lent significant professional assistance, the state-registered appraiser trainee accepts total and complete individual responsibility for all content, analyses, and conclusions in the report.

(26) "Supervisory appraiser" means a person holding a currently valid certificate issued by the director as a state-certified real estate appraiser providing direct supervision to another state-certified, state-licensed, or state-registered appraiser trainee. The supervisory appraiser must be in good standing in each jurisdiction that he or she is credentialed. The supervisory appraiser must sign all appraisal reports. By signing the appraisal report, the supervisory appraiser accepts full responsibility for all content, analyses, and conclusions in the report. [2016 c 144 § 1; 2005 c 339 § 2; 2000 c 249 § 1; 1997 c 399 § 1; 1996 c 182 § 2; 1993 c 30 § 2; 1989 c 414 § 3.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Effective dates—2005 c 339: See note following RCW 18.140.005.

Effective date—1997 c 399: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." [1997 c 399 § 3.]

Effective dates—1996 c 182: See note following RCW 18.140.005.

RCW 18.140.020 Use of title by unauthorized person. (1) No person other than a state-certified or state-licensed real estate appraiser may receive compensation of any form for a real estate appraisal or an appraisal review, except that a state-registered appraiser trainee may receive compensation from one or more supervisory appraisers or the supervisory appraiser's employer for appraisal assignments.

(2) Compensation may be provided for brokers price opinions prepared by a real estate licensee, licensed under chapter 18.85 RCW.

(3) No person, other than a state-certified, state-licensed real estate appraiser, or a state-registered appraiser trainee may assume or use that title or any title, designation, or abbreviation likely to

create the impression of certification, licensure, or registration as a real estate appraiser by this state.

(4) A person who is not certified, licensed, or registered under this chapter shall not prepare any appraisal of real estate located in this state, except as provided under subsection (2) of this section.

(5) This section does not preclude a staff employee of a governmental entity from performing an appraisal or an appraisal assignment within the scope of his or her employment insofar as the performance of official duties for the governmental entity are concerned. Such an activity for the benefit of the governmental entity is exempt from the requirements of this chapter.

(6) This chapter does not preclude an individual person licensed by the state of Washington as a real estate broker or as a real estate salesperson from issuing a brokers price opinion. However, if the brokers price opinion is written, or given as evidence in any legal proceeding, and is issued to a person who is not a prospective seller, buyer, lessor, or lessee as the only intended user, then the brokers price opinion shall contain a statement, in an obvious location within the written document or specifically and affirmatively in spoken testimony, that substantially states: "This brokers price opinion is not an appraisal as defined in chapter 18.140 RCW and has been prepared by a real estate licensee, licensed under chapter 18.85 RCW, who (is/is not) also state-certified or state-licensed as a real estate appraiser under chapter 18.140 RCW." However, the brokers price opinion issued under this subsection may not be used as an appraisal in conjunction with a federally related transaction.

(7) This section does not apply to an appraisal or an appraisal review performed for a financial institution or mortgage broker by an employee or third party, when such appraisal or appraisal review is not required to be performed by a state-certified or state-licensed real estate appraiser by the appropriate federal financial institutions regulatory agency.

(8) This section does not apply to an attorney licensed to practice law in this state or to a certified public accountant, as defined in RCW 18.04.025, who evaluates real property in the normal scope of his or her professional services. [2005 c 339 § 3; 1998 c 120 § 1; 1997 c 399 § 2; 1996 c 182 § 3; 1993 c 30 § 3; 1989 c 414 § 4.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

Effective date—1997 c 399: See note following RCW 18.140.010.

Effective dates—1996 c 182: See note following RCW 18.140.005.

RCW 18.140.030 Powers and duties of director. (Contingent expiration date.) The director shall have the following powers and duties:

(1) To adopt rules in accordance with chapter 34.05 RCW necessary to implement this chapter and chapter 18.235 RCW, with the advice and approval of the commission;

(2) To receive and approve or deny applications for certification or licensure as a state-certified or state-licensed real estate appraiser and for registration as a state-registered appraiser trainee under this chapter; to establish appropriate administrative procedures

for the processing of such applications; to issue certificates, licenses, or registrations to qualified applicants pursuant to the provisions of this chapter; and to maintain a roster of the names and addresses of individuals who are currently certified, licensed, or registered under this chapter;

(3) To provide administrative assistance to the members of and to keep records for the real estate appraiser commission;

(4) To solicit bids and enter into contracts with educational testing services or organizations for the preparation of questions and answers for certification or licensure examinations;

(5) To administer or contract for administration of certification or licensure examinations at locations and times as may be required to carry out the responsibilities under this chapter;

(6) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(7) To consider recommendations by the real estate appraiser commission relating to the experience, education, and examination requirements for each classification of state-certified appraiser and for licensure;

(8) To consider recommendations by the real estate appraiser commission relating to the educational requirements for the state-registered appraiser trainee classification;

(9) To consider recommendations by the real estate appraiser commission relating to the maximum number of state-registered appraiser trainees that each supervisory appraiser will be permitted to supervise;

(10) To consider recommendations by the real estate appraiser commission relating to continuing education requirements as a prerequisite to renewal of certification or licensure;

(11) To consider recommendations by the real estate appraiser commission relating to standards of professional appraisal conduct or practice in the enforcement of this chapter;

(12) To employ such professional, clerical, and technical assistance as may be necessary to properly administer the work of the director;

(13) To establish forms necessary to administer this chapter;

(14) To establish an expert review appraiser roster comprised of state-certified or licensed real estate appraisers whose purpose is to assist the director by applying their individual expertise by reviewing real estate appraisals for compliance with this chapter. Qualifications to act as an expert review appraiser shall be established by the director with the advice of the commission. An application to serve as an expert review appraiser shall be submitted to the real estate appraiser program, and the roster of accepted expert review appraisers shall be maintained by the department. An expert review appraiser may be added to or deleted from that roster by the director. The expert review appraiser shall be reimbursed for expenses in the same manner as the department reimburses the commission; and

(15) To do all other things necessary to carry out the provisions of this chapter and minimally meet the requirements of federal guidelines regarding state certification or licensure of appraisers and registration of state-registered appraiser trainees that the director determines are appropriate for state-certified and state-licensed appraisers and state-registered appraiser trainees in this state. [2005 c 339 § 4; 2002 c 86 § 238; 2000 c 249 § 2; 1996 c 182 § 4; 1993 c 30 § 4; 1989 c 414 § 7.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

Effective dates—1996 c 182: See note following RCW 18.140.005.

RCW 18.140.030 Powers and duties of director. (Contingent effective date.) The director shall have the following powers and duties:

(1) To adopt rules in accordance with chapter 34.05 RCW necessary to implement this chapter and chapter 18.235 RCW, with the advice and approval of the commission;

(2) To receive and approve or deny applications for certification or licensure as a state-certified or state-licensed real estate appraiser and for registration as a state-registered appraiser trainee under this chapter; to establish appropriate administrative procedures for the processing of such applications; to issue certificates, licenses, or registrations to qualified applicants pursuant to the provisions of this chapter; and to maintain a roster of the names and addresses of individuals who are currently certified, licensed, or registered under this chapter;

(3) To provide administrative assistance to the members of and to keep records for the real estate appraiser commission;

(4) To solicit bids and enter into contracts with educational testing services or organizations for the preparation of questions and answers for certification or licensure examinations;

(5) To administer or contract for administration of certification or licensure examinations at locations and times as may be required to carry out the responsibilities under this chapter;

(6) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(7) To consider recommendations by the real estate appraiser commission relating to the experience, education, and examination requirements for each classification of state-certified appraiser and for licensure;

(8) To consider recommendations by the real estate appraiser commission relating to the educational requirements for the state-registered appraiser trainee classification;

(9) To consider recommendations by the real estate appraiser commission relating to the maximum number of state-registered appraiser trainees that each supervisory appraiser will be permitted to supervise;

(10) To consider recommendations by the real estate appraiser commission relating to continuing education requirements as a prerequisite to renewal of certification or licensure;

(11) To consider recommendations by the real estate appraiser commission relating to standards of professional appraisal conduct or practice in the enforcement of this chapter;

(12) To employ such professional, clerical, and technical assistance as may be necessary to properly administer the work of the director;

(13) To establish forms necessary to administer this chapter;

(14) To establish an expert review appraiser roster comprised of state-certified or licensed real estate appraisers whose purpose is to assist the director by applying their individual expertise by reviewing real estate appraisals for compliance with this chapter. Qualifications to act as an expert review appraiser shall be established by the director with the advice of the commission. An application to serve as an expert review appraiser shall be submitted to the real estate appraiser program, and the roster of accepted expert review appraisers shall be maintained by the department. An expert review appraiser may be added to or deleted from that roster by the director. The expert review appraiser shall be reimbursed for expenses in the same manner as the department reimburses the commission; and

(15) To do all other things necessary to carry out the provisions of this chapter and minimally meet the requirements of federal guidelines regarding state certification or licensure of appraisers and registration of state-registered appraiser trainees that the director determines are appropriate for state-certified and state-licensed appraisers and state-registered appraiser trainees in this state, except as provided for in RCW 18.140.300. [2023 c 464 § 2; 2005 c 339 § 4; 2002 c 86 § 238; 2000 c 249 § 2; 1996 c 182 § 4; 1993 c 30 § 4; 1989 c 414 § 7.]

Contingent effective date—2023 c 464: See note following RCW 18.140.310.

Effective dates—2005 c 339: See note following RCW 18.140.005.

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

Effective dates—1996 c 182: See note following RCW 18.140.005.

RCW 18.140.040 Immunity. The director or individuals acting on behalf of the director are immune from suit in any action, civil or criminal, based on any acts performed in the course of their duties except for their intentional or willful misconduct. [1993 c 30 § 5; 1989 c 414 § 8.]

RCW 18.140.050 Fees and collection procedures. The director shall establish fees by rule, under RCW 43.24.086 and chapter 34.05 RCW and establish collection procedures for the fees. [1989 c 414 § 9.]

RCW 18.140.060 Applications—Original and renewal certification, licensure, or registration—Reinstatement. (1) Applications for examinations, original certification, licensure, or registration, renewal certification, licensure, or registration, and the reinstatement of a certificate, license, or registration must be made in writing to the department on forms approved by the director. Applications for original and renewal certification, licensure, or

registration or the reinstatement of a certificate or license must include a statement confirming that the applicant is in compliance with applicable rules and regulations and that the applicant understands the penalties for misconduct.

(2) The appropriate fees must accompany all applications for examination, reexamination, original certification, licensure, or registration, renewal certification, licensure, or registration, and the reinstatement of a certificate or license. [2019 c 51 § 2; 2005 c 339 § 5; 1993 c 30 § 6; 1989 c 414 § 10.]

Effective date—2019 c 51: See note following RCW 18.140.130.

Effective dates—2005 c 339: See note following RCW 18.140.005.

RCW 18.140.070 Categories of appraisers. There shall be two categories of state-certified real estate appraisers, one category of state-licensed real estate appraisers, and one category of state-registered appraiser trainee as follows:

- (1) The state-certified general real estate appraiser;
- (2) The state-certified residential real estate appraiser;
- (3) The state-licensed real estate appraiser; and
- (4) The state-registered appraiser trainee. [2005 c 339 § 6; 1993 c 30 § 7; 1989 c 414 § 11.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

RCW 18.140.080 Education requirements. As a prerequisite to taking an examination for certification or licensure, an applicant shall present evidence satisfactory to the director that he or she has successfully completed the education requirements adopted by the director. [1993 c 30 § 8; 1989 c 414 § 12.]

RCW 18.140.090 Experience requirements. (1) As a prerequisite to taking an examination for certification or licensure, an applicant must meet the experience requirements adopted by the director.

(2) The preexamination experience claimed by an applicant, and accepted by the department for the purpose of taking the examination, shall remain subject to postlicensure auditing by the department. [1996 c 182 § 5; 1993 c 30 § 9; 1989 c 414 § 13.]

Effective dates—1996 c 182: See note following RCW 18.140.005.

RCW 18.140.100 Examination requirements. An original certificate or license shall be issued to persons who have satisfactorily passed the written examination as endorsed by the Appraiser Qualifications Board of the Appraisal Foundation and as adopted by the director. [2005 c 339 § 7; 1993 c 30 § 10; 1989 c 414 § 14.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

RCW 18.140.110 Nonresident applicants—Consent for service of process. Every applicant for certification, licensing, or registration who is not a resident of this state shall submit, with the application for certification, licensing, or registration an irrevocable consent that service of process upon him or her may be made by service on the director if, in an action against the applicant in a court of this state arising out of the applicant's activities as a state-certified or state-licensed real estate appraiser or state-registered appraiser trainee, the plaintiff cannot, in the exercise of due diligence, obtain personal service upon the applicant. [2005 c 339 § 8; 1993 c 30 § 11; 1989 c 414 § 15.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

RCW 18.140.120 Reciprocity. An applicant for certification or licensure who is currently certified or licensed and in good standing under the laws of another state may obtain a certificate or license as a Washington state-certified or state-licensed real estate appraiser without being required to satisfy the examination requirements of this chapter if the director determines that: The appraiser licensing and certification program of the other state is in compliance with 12 U.S.C. Secs. 3331-3355, as existed on June 9, 2016, or such subsequent date as the director may provide by rule, consistent with the purposes of this section; and the other state's requirements for certification or licensing meet or exceed the licensure standards established in this chapter. [2016 c 144 § 2; 2005 c 339 § 9; 1993 c 30 § 12; 1989 c 414 § 16.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

RCW 18.140.130 Expiration of certificate, license, or registration—Renewal—Inactive status. (1) Each original and renewal certificate, license, or registration issued under this chapter shall expire on the applicant's second birthday following issuance of the certificate, license, or registration.

(2) To be renewed as a state-certified or state-licensed real estate appraiser or state-registered appraiser trainee, the holder of a valid certificate, license, or registration shall apply and pay the prescribed fee to the director no earlier than one hundred twenty days prior to the expiration date of the certificate, license, or registration and shall demonstrate satisfaction of any continuing education requirements.

(3) If a person fails to renew a certificate, license, or registration prior to its expiration and no more than one year has passed since the person last held a valid certificate, license, or registration, the person may obtain a renewal certificate, license, or registration by satisfying all of the requirements for renewal and paying late renewal fees.

(4) (a) If a person's certificate, or license is not renewed within one year after the expiration date of the certificate or license, the director must place the certificate or license in inactive status.

(b) A state-licensed real estate appraiser, state-certified residential real estate appraiser, or state-certified general real

estate appraiser whose certificate or license is placed in inactive status may, within eight years of placement in inactive status, apply for reinstatement of the certificate or license if he or she has:

- (i) Maintained continuing education requirements while inactive;
- (ii) Successfully completed the uniform standards of professional appraisal practice fifteen-hour class within one hundred eighty days before reinstatement; and
- (iii) Paid a fee established by the director.

(c) A state-registered trainee real estate appraiser registration that has expired may not be reinstated. The trainee must reapply with the director for a new registration and pay a fee established by the director. Any required class hours, as provided in rule, taken to acquire the registration remains acceptable for a period of five years from the date class hours were taken and will not be required to be retaken, except that if the uniform standards class hours are more than two years from the date of the application for reinstatement, those class hours must be retaken.

(d) The director must cancel a license or certificate that is not renewed or reinstated within eight years of that license or certificate's expiration. [2019 c 51 § 1; 2005 c 339 § 10; 1996 c 182 § 6; 1993 c 30 § 13; 1989 c 414 § 17.]

Effective date—2019 c 51: "This act takes effect September 1, 2020." [2019 c 51 § 5.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

Effective dates—1996 c 182: See note following RCW 18.140.005.

RCW 18.140.140 Certificate, license, or registration—Required use of number. (1) A certificate, license, or registration issued under this chapter shall bear the signature or facsimile signature of the director and a certificate, license, or registration number assigned by the director.

(2) Each state-certified or state-licensed real estate appraiser or state-registered appraiser trainee shall place his or her certificate, license, or registration number adjacent to or immediately below the title "state-certified general real estate appraiser," "state-certified residential real estate appraiser," "state-licensed real estate appraiser," or "state-registered appraiser trainee" when used in an appraisal report or in a contract or other instrument used by the certificate holder, licensee, or registered appraiser trainee in conducting real property appraisal activities, except that the certificate, license, or registration number shall not be required to appear when the title is not accompanied by a signature as is typical on such promotional and stationery items as brochures, business cards, forms, or letterhead.

(3) Each state-registered appraiser trainee shall place his or her registration number adjacent to or immediately below the title "state-registered appraiser trainee" when used in an appraisal report and the supervisory appraiser shall place his or her certificate number adjacent to or immediately below the title "state-certified general real estate appraiser" or "state-certified residential real estate appraiser." [2005 c 339 § 11; 1996 c 182 § 7; 1993 c 30 § 14; 1989 c 414 § 18.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

Effective dates—1996 c 182: See note following RCW 18.140.005.

RCW 18.140.150 Use of term restricted—Group certificates, licenses, or registrations prohibited. (1) The term "state-certified real estate appraiser," "state-licensed real estate appraiser," or "state-registered appraiser trainee" may only be used to refer to individuals who hold the certificate, license, or registration and may not be used following or immediately in connection with the name or signature of a firm, partnership, corporation, group, or limited liability company, or in such manner that it might be interpreted as referring to a firm, partnership, corporation, group, limited liability company, or anyone other than an individual holder of the certificate, license, or registration.

(2) No certificate, license, or registration may be issued under this chapter to a corporation, partnership, firm, limited liability company, or group. This shall not be construed to prevent a state-certified or state-licensed appraiser from signing an appraisal report on behalf of a corporation, partnership, firm, group practice, or limited liability company, nor may it be construed to prevent a state-registered appraiser trainee from signing an appraisal report under the supervision of a state-certified real estate appraiser on behalf of a corporation, partnership, firm, group practice, or limited liability company. [2005 c 339 § 12; 1996 c 182 § 8; 1993 c 30 § 15; 1989 c 414 § 19.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

Effective dates—1996 c 182: See note following RCW 18.140.005.

RCW 18.140.155 Temporary certification or licensing—Extension.

(1) A real estate appraiser from another state who is certified or licensed by another state may apply for registration to receive temporary certification or licensing in Washington by paying a fee and filing a notarized application with the department on a form provided by the department.

(2) The director is authorized to adopt by rule the term or duration of the certification and licensing privileges granted under the provisions of this section. Certification or licensing shall not be renewed. However, an applicant may receive an extension of a temporary practice permit to complete an assignment, provided that a written request is received by the department prior to the expiration date, stating the reason for the extension.

(3) A temporary practice permit issued under this section allows an appraiser to perform independent appraisal services required by a contract for appraisal services.

(4) Persons granted temporary certification or licensing privileges under this section shall not advertise or otherwise hold themselves out as being certified or licensed by the state of Washington.

(5) Persons granted temporary certification or licensure are subject to all provisions under this chapter. [2005 c 339 § 13; 2001 c 78 § 1; 1993 c 30 § 16.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

RCW 18.140.160 Disciplinary actions—Grounds. In addition to the unprofessional conduct described in RCW 18.235.130, the director may take disciplinary action for the following conduct, acts, or conditions:

(1) Failing to meet the minimum qualifications for state certification, licensure, or registration established by or pursuant to this chapter;

(2) Paying money other than the fees provided for by this chapter to any employee of the director or the commission to procure state certification, licensure, or registration under this chapter;

(3) Continuing to act as a state-certified real estate appraiser, state-licensed real estate appraiser, or state-registered appraiser trainee when his or her certificate, license, or registration is on an expired or inactive status;

(4) Violating any provision of this chapter or any lawful rule made by the director pursuant thereto;

(5) Issuing an appraisal report on any real property in which the appraiser has an interest unless his or her interest is clearly stated in the appraisal report;

(6) Being affiliated as an employer, independent contractor, or supervisory appraiser of a state-certified real estate appraiser, state-licensed real estate appraiser, or state-registered appraiser trainee whose certification, license, or registration is currently in a suspended or revoked status;

(7) Failure or refusal without good cause to exercise reasonable diligence in performing an appraisal practice under this chapter, including preparing an oral or written report to communicate information concerning an appraisal practice; and

(8) Negligence or incompetence in performing an appraisal practice under this chapter, including preparing an oral or written report to communicate information concerning an appraisal practice. [2019 c 51 § 3; 2007 c 256 § 1; 2005 c 339 § 14; 2002 c 86 § 239; 2000 c 35 § 1; 1996 c 182 § 9; 1993 c 30 § 17; 1989 c 414 § 20.]

Effective date—2019 c 51: See note following RCW 18.140.130.

Effective dates—2005 c 339: See note following RCW 18.140.005.

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

Effective dates—1996 c 182: See note following RCW 18.140.005.

RCW 18.140.170 Violations—Investigations. The director may investigate the actions of a state-certified or state-licensed real estate appraiser or a state-registered appraiser trainee or an applicant for certification, licensure, or registration or recertification, relicensure, or reregistration. Upon receipt of information indicating that a state-certified or state-licensed real estate appraiser or state-registered appraiser trainee under this

chapter may have violated this chapter, the director may cause one or more of the staff investigators to make an investigation of the facts to determine whether or not there is admissible evidence of any such violation. If technical assistance is required, a staff investigator may consult with one or more of the members of the commission. [2005 c 339 § 15; 2002 c 86 § 240; 1996 c 182 § 10; 1993 c 30 § 18; 1989 c 414 § 21.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

Effective dates—1996 c 182: See note following RCW 18.140.005.

RCW 18.140.190 Duties of attorney general. The attorney general shall render to the director opinions upon all questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof that may be submitted by the director, and shall act as attorney for the director in all actions and proceedings brought by or against the director under or pursuant to any provisions of this chapter. [1993 c 30 § 21; 1989 c 414 § 23.]

RCW 18.140.202 Certificate, license, or registration suspension—Noncompliance with support order—Reissuance. The director shall immediately suspend any certificate, license, or registration issued under this chapter if the holder has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the certificate, license, or registration shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. [2005 c 339 § 17; 1997 c 58 § 832.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates—Intent—1997 c 58: See notes following RCW 74.20A.320.

RCW 18.140.210 Violation of chapter—Procedure. The director may refer a complaint for violation of any section of this chapter before any court of competent jurisdiction.

Any violation of the provisions of this chapter shall be prosecuted by the prosecuting attorney of each county in which the violation occurs, and if the prosecuting attorney fails to act, the

director may request the attorney general to take action in lieu of the prosecuting attorney.

Whenever evidence satisfactory to the director suggests that any person has violated any of the provisions of this chapter, or any part or provision thereof, the director may bring an action, in the superior court in the county where the person resides, against the person to enjoin any person from continuing a violation or engaging or doing any act or acts in furtherance thereof. In this action an order or judgment may be entered awarding a preliminary or final injunction as may be proper.

The director may petition the superior court in any county in this state for the appointment of a receiver to take over, operate, or close any real estate appraisal activity or practice in this state which is found upon inspection of its books and records to be operating in violation of the provisions of this chapter, pending a hearing. [1996 c 182 § 11.]

Effective dates—1996 c 182: See note following RCW 18.140.005.

RCW 18.140.220 Acting without certificate, license, or registration—Penalty. Any person acting as a state-certified or state-licensed real estate appraiser or state-registered appraiser trainee without a certificate, license, or registration that is currently valid is guilty of a misdemeanor. [2005 c 339 § 18; 1996 c 182 § 12.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

Effective dates—1996 c 182: See note following RCW 18.140.005.

RCW 18.140.230 Real estate appraiser commission—Establishment—Composition. There is established the real estate appraiser commission of the state of Washington, consisting of seven members who shall act to give advice to the director.

(1) The seven commission members shall be appointed by the director in the following manner: For a term of six years each, with the exception of the first appointees who shall be the incumbent members of the predecessor real estate appraiser advisory committee to serve for the duration of their current terms, with all other subsequent appointees to be appointed for a six-year term.

(2) At least two of the commission members shall be selected from the area of the state east of the Cascade mountain range and at least two of the commission members shall be selected from the area of the state west of the Cascade mountain range. At least two members of the commission shall be certified general real estate appraisers, at least two members of the commission shall be certified residential real estate appraisers, and at least one member of the commission may be a licensed real estate appraiser, all pursuant to this chapter. No certified or licensed appraiser commission member shall be appointed who has not been certified and/or licensed pursuant to this chapter for less than ten years, except that this experience duration shall be not less than five years only for any commission member taking office before January 1, 2003. One member shall be an employee of a financial institution as defined in this chapter whose duties are concerned with

real estate appraisal management and policy. One member shall be an individual engaged in mass appraisal whose duties are concerned with ad valorem appraisal management and policy and who is licensed or certified under this chapter. One member may be a member of the general public.

(3) The members of the commission annually shall elect their chairperson and vice chairperson to serve for a term of one calendar year. A majority of the members of said commission shall at all times constitute a quorum.

(4) Any vacancy on the commission shall be filled by appointment by the director for the unexpired term. [2011 1st sp.s. c 21 § 44; 2005 c 339 § 19; 2000 c 249 § 3.]

Effective date—2011 1st sp.s. c 21: See note following RCW 72.23.025.

RCW 18.140.240 Commission/members—Duties and responsibilities.

The members of the real estate appraiser commission and its individual members shall have the following duties and responsibilities:

(1) To meet at the call of the director or upon its own initiative at the call of its chair or a majority of its members;

(2) To adopt a mission statement, and to serve as a liaison between appraisal practitioners, the public, and the department; and

(3) To study and recommend changes to this chapter to the director or to the legislature. [2000 c 249 § 4.]

RCW 18.140.250 Commission member's compensation. The commission members shall be compensated in accordance with RCW 43.03.240, plus travel expenses in accordance with RCW 43.03.050 and 43.03.060 when they are in session by their call or by the director, or when otherwise engaged in the business of the commission. [2000 c 249 § 5.]

RCW 18.140.260 Real estate appraiser commission account. The real estate appraiser commission account is created in the state treasury. All fees received by the department for certificates, licenses, registrations, renewals, examinations, and audits must be forwarded to the state treasurer who must credit the money to the account. All fines and civil penalties ordered pursuant to RCW 18.140.020, 18.140.160, or 18.235.110 against holders of certificates, licenses, or registrations issued under the provisions of this chapter must be paid to the account. All expenses incurred in carrying out the certification, licensing, and registration activities of the department under this chapter must be paid from the account as authorized by legislative appropriation. Any residue in the account shall be accumulated and shall not revert to the general fund at the end of the biennium. Any fund balance remaining in the general fund attributable to the real estate appraiser commission account as of July 1, 2003, must be transferred to the real estate appraiser commission account. [2005 c 339 § 20; 2002 c 86 § 241.]

Effective dates—2005 c 339: See note following RCW 18.140.005.

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

RCW 18.140.270 Uniform regulation of business and professions act. The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter. [2002 c 86 § 242.]

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

RCW 18.140.280 Trainee real estate appraiser—Registration. (1) The director may issue an original registration as a state-registered trainee real estate appraiser, to be valid for a term not exceeding two years together with a maximum of two renewals, which must be completed within seven years from the original date of registration, unless either period is interrupted by service in the armed forces of the United States of America. Only one of the renewals under this subsection may be issued if the trainee has failed to meet qualification standards necessary to take the written examination under RCW 18.140.100.

(2) A trainee real estate appraiser may not provide appraisal services other than through and under the direct supervision of a state-certified general real estate appraiser or a state-certified residential real estate appraiser. [2019 c 51 § 4; 2005 c 339 § 21.]

Effective date—2019 c 51: See note following RCW 18.140.130.

Effective dates—2005 c 339: See note following RCW 18.140.005.

RCW 18.140.290 Military training or experience. An applicant with military training or experience satisfies the training or experience requirements of this chapter unless the director determines that the military training or experience is not substantially equivalent to the standards of this state. [2011 c 351 § 8.]

RCW 18.140.300 Evaluations for financial institutions—Disclaimer. (Contingent effective date.) (1) A state-licensed appraiser or state-certified appraiser may perform evaluations for financial institutions. An appraiser performing evaluations is not engaged in real estate appraisal activity, requiring compliance with the uniform standards of professional appraisal practice, when the appraiser includes a disclaimer as described in subsection (3) of this section.

(2) A state-licensed appraiser or state-certified appraiser engaged to perform an evaluation is still engaged in real estate

appraisal activity and remains under the regulatory authority of the state of Washington.

(3) When completing an evaluation, the appraiser must include a disclaimer that: (a) Is located immediately above the appraiser's signature; and (b) includes the following language in at least 10-point boldface type: "I am a state-licensed appraiser or a state-certified appraiser. This evaluation was not prepared in my capacity as a real estate appraiser and might not comply with the uniform standards of professional appraisal practice."

(4) As used in this section, "evaluation" means an estimate of the market value of real property or real estate provided to a financial institution in conformance with the interagency appraisal and evaluation guidelines adopted jointly by the federal financial institution's regulatory agencies for use in real estate-related financial transactions that do not require an appraisal. Nothing in this subsection may be construed to excuse a financial institution or affiliate from complying with the provisions of Title XI of the federal financial institutions reform, recovery, and enforcement act of 1989 (12 U.S.C. Sec. 3310 et seq.). [2023 c 464 § 1.]

Contingent effective date—2023 c 464: See note following RCW 18.140.310.

RCW 18.140.310 Nondiscrimination and fair housing provisions and education criteria—Administrative rule amendments. (Contingent effective date.) The department shall adopt administrative rule amendments to chapter 308-125 WAC that require:

(1) Appraisers and appraiser trainees to adhere to the nondiscrimination and fair housing provisions as provided in the ethics rule in accordance with the appraisal standards board and the uniform standards of professional appraisal practice;

(2) Appraiser and appraiser trainees to adhere to all education criteria in accordance with the appraiser qualifications board as provided in the real property appraiser qualifications criteria. [2023 c 464 § 3.]

Contingent effective date—2023 c 464: "(1) This act takes effect upon the adoption of the administrative rules required in section 3 of this act.

(2) The department [of licensing] must provide notice of the effective date of this section to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department." [2023 c 464 § 4.]

RCW 18.140.900 Short title. This chapter may be known and cited as the real estate appraiser act. [1993 c 30 § 22; 1989 c 414 § 2.]