

By: Representatives Barnett, Deweese

To: Business and Commerce

HOUSE BILL NO. 1324

1 AN ACT TO REENACT AND AMEND SECTION 73-60-5, MISSISSIPPI CODE  
 2 OF 1972, WHICH WAS REPEALED BY OPERATION OF LAW IN 2013, TO REVIVE  
 3 THE HOME INSPECTOR REGULATORY BOARD; TO PROVIDE THAT THE POWERS  
 4 AND DUTIES OF THE MISSISSIPPI REAL ESTATE COMMISSION IN REGARDS TO  
 5 HOME INSPECTORS SHALL BE TRANSFERRED TO THE MISSISSIPPI REAL  
 6 ESTATE APPRAISAL BOARD; TO AMEND SECTIONS 73-60-1, 73-60-3,  
 7 73-60-7, 73-60-9, 73-60-11 AND 73-60-13, MISSISSIPPI CODE OF 1972,  
 8 TO CONFORM TO THE PROVISIONS OF THIS ACT; TO BRING FORWARD SECTION  
 9 73-60-17, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE  
 10 AMENDMENT; TO AMEND SECTIONS 73-60-21, 73-60-23, 73-60-27,  
 11 73-60-29, 73-60-31, 73-60-33, 73-60-35, 73-60-37, 73-60-39,  
 12 73-60-41, 73-60-45, 73-60-47 AND 73-34-9, MISSISSIPPI CODE OF  
 13 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED  
 14 PURPOSES.

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

16 **SECTION 1.** Section 73-60-5, Mississippi Code of 1972, which  
 17 was repealed by operation of law in 2013, is reenacted and amended  
 18 as follows:

19 73-60-5. (1) There is hereby created, as an adjunct board  
 20 to the Mississippi Real Estate \* \* \* Appraisal Board, a board to  
 21 be known as the Home Inspector Regulatory Board, which shall  
 22 consist of five (5) members appointed by the Governor, with the  
 23 advice and consent of the Senate, to include one (1)  
 24 representative from each congressional district, one (1) from the



25 state at large and all shall be licensed home inspectors. \* \* \*  
26 Two (2) members shall be appointed to serve for a term of three  
27 (3) years, two (2) members shall be appointed to serve for a term  
28 of two (2) years and one (1) member shall be appointed to serve  
29 for a term of one (1) year. Thereafter, each member shall be  
30 appointed to serve for a term of four (4) years.

31 (2) The Home Inspector Regulatory Board shall advise  
32 the \* \* \* Mississippi Real Estate Appraisal Board or its designee  
33 on all matters relating to this chapter. The Home Inspector  
34 Regulatory Board shall meet no less than four (4) times annually  
35 and shall be reimbursed for expenses on a per diem basis pursuant  
36 to state law.

37 **SECTION 2.** Section 73-60-1, Mississippi Code of 1972, is  
38 amended as follows:

39 73-60-1. The following words shall have the meaning ascribed  
40 in this section unless the context clearly indicates otherwise:

41 (a) "Client" means any person who engages or seeks to  
42 engage the services of a home inspector for the purpose of  
43 obtaining an inspection of and written report on the conditions of  
44 a residential building.

45 (b) "Home inspection" means the process by which a home  
46 inspector examines the observable systems and components of  
47 improvements to residential real property that are readily  
48 accessible.



49 (c) "Home inspection report" means a written evaluation  
50 prepared and issued by a home inspector concerning the condition  
51 of the improvements to residential real property.

52 (d) "Home inspector" means any person, who for  
53 compensation, conducts a home inspection.

54 (e) "Residential real property" means a structure  
55 intended to be, or that is in fact, used as a residence and  
56 consisting of one (1) to four (4) family dwelling units.

57 (f) " \* \* \* Appraisal Board" means the Mississippi Real  
58 Estate \* \* \* Appraisal Board as established under Section \* \* \*  
59 73-34-8, Mississippi Code of 1972.

60 (g) "Home Inspector Board" means the Home Inspector  
61 Regulatory Board that is created pursuant to this chapter.

62 **SECTION 3.** Section 73-60-3, Mississippi Code of 1972, is  
63 amended as follows:

64 73-60-3. This chapter shall be administered and enforced by  
65 the Mississippi Real Estate \* \* \* Appraisal Board, which shall  
66 have the duties and powers to:

67 (a) Receive applications for licensure as a home  
68 inspector under this chapter, establish appropriate administrative  
69 procedures for the processing of applications and issue licenses  
70 to qualified applicants pursuant to the provisions of this  
71 chapter;

72 (b) Implement recommendations made to the \* \* \*  
73 Mississippi Real Estate Appraisal Board by the Home Inspector



74 Regulatory Board with respect to upgrading and improving the  
75 experience, education and examination requirements that are  
76 required for a home inspector license;

77 (c) Adopt and publish a code of ethics and standards of  
78 practice for persons licensed under this chapter;

79 (d) Collect all licensing fees required or permitted by  
80 this chapter;

81 (e) Take appropriate action upon a decision and the  
82 related findings of fact made by the \* \* \* home inspector board,  
83 or a hearing officer employed by the \* \* \* home inspector board,  
84 if, after an administrative hearing, the \* \* \* home inspector  
85 board or hearing officer (i) determines that a licensed home  
86 inspector under this chapter has violated the code of ethics and  
87 standards established under this section, and (ii) recommends that  
88 the license of the home inspector be suspended or revoked, that  
89 renewal be denied, or that some other disciplinary action be  
90 taken;

91 (f) Develop and adopt a licensing examination, which  
92 would meet nationally recognized standards, to determine the  
93 knowledge of an applicant of the home inspector profession;

94 (g) Solicit bids and enter into contracts with  
95 one \* \* \* or more educational testing services or organizations  
96 approved by the home inspector board for the preparation of  
97 questions and answers for licensure examinations under this  
98 chapter;



99 (h) Develop the application and license forms;  
100 (i) Adopt rules and regulations for the administration  
101 of this chapter that are not inconsistent with the provisions of  
102 this chapter or the Constitution and laws of Mississippi or of the  
103 United States;

104 (j) Employ an assistant to the \* \* \* appraisal board  
105 administrator who shall keep a record of all proceedings,  
106 transactions, communications and official acts of the \* \* \*  
107 appraisal board and perform such other duties as the \* \* \*  
108 appraisal board may require; and

109 (k) Employ such other staff and technical assistance as  
110 may be necessary to properly administer the requirements of this  
111 chapter.

112 **SECTION 4.** Section 73-60-7, Mississippi Code of 1972, is  
113 amended as follows:

114 73-60-7. (1) The \* \* \* Home Inspector Regulatory Board  
115 shall have the duties and powers to:

116 (a) Be responsible for matters relating to home  
117 inspectors' code of ethics and standards, home inspector  
118 qualifications, testing standards and disciplinary functions.

119 (b) Hold meetings, public hearings and administrative  
120 hearings and prepare examination specifications for licensed home  
121 inspectors.

122 (c) Conduct investigations, subpoena individuals and  
123 records, administer oaths, take testimony and receive evidence and



124 to do all other things necessary and proper to discipline a person  
125 licensed under this chapter and to enforce this chapter. In case  
126 of contumacy by, or refusal to obey a subpoena issued to, any  
127 person, the Chancery Court of the First Judicial District of Hinds  
128 County, Mississippi, upon application by the \* \* \* appraisal  
129 board, may issue to this person an order requiring him to appear  
130 before the \* \* \* appraisal board, or the officer designated by  
131 him, there to produce documentary evidence if so ordered or to  
132 give evidence touching the matter under investigation or in  
133 question. Failure to obey the order of the court may be punished  
134 by the court as contempt of court.

135 (d) Further define by regulation, the type of  
136 educational experience, home inspector experience and equivalent  
137 experience that will meet the statutory requirements.

138 (e) \* \* \* Recommend suspension or revocation of  
139 licenses pursuant to the disciplinary proceedings provided for in  
140 this chapter.

141 (f) Present an annual budget to the Mississippi  
142 Legislature for approval. A copy of the budget shall be given to  
143 the \* \* \* appraisal board.

144 (2) The members of the \* \* \* appraisal board and the home  
145 inspector board shall be immune from any civil action or criminal  
146 prosecution for initiating or assisting in any lawful  
147 investigation of the actions of, or participating in any  
148 disciplinary proceeding concerning, a home inspector licensed



149 pursuant to this chapter, provided that such action is taken  
150 without malicious intent and in the reasonable belief that the  
151 action was taken pursuant to the powers and duties vested in the  
152 members of the \* \* \* appraisal board and home inspector board  
153 under this chapter.

154 **SECTION 5.** Section 73-60-9, Mississippi Code of 1972, is  
155 amended as follows:

156 73-60-9. (1) No person may engage in or transact any home  
157 inspection business, or hold himself out to the public as a home  
158 inspector, or offer to engage in or transact any home inspection  
159 business in this state unless the person is licensed by the \* \* \*  
160 appraisal board.

161 (2) No license shall be issued under the provisions of this  
162 chapter to a partnership, association, corporation, limited  
163 liability company or partnership, firm or group. However, nothing  
164 in this chapter precludes a licensed home inspector from  
165 performing home inspection for and on behalf of a partnership,  
166 association, corporation, limited liability company or  
167 partnership, firm or group or from entering into contracts or  
168 enforcing contracts as partnership, association, corporation,  
169 limited liability company or partnership, firm or group.

170 **SECTION 6.** Section 73-60-11, Mississippi Code of 1972, is  
171 amended as follows:

172 73-60-11. (1) An application for an original license shall  
173 be made in writing to the \* \* \* appraisal board on forms as



174 the \* \* \* appraisal board may prescribe and shall be accompanied  
175 by the required fee and proof of liability insurance and errors  
176 and omissions insurance.

177 (2) To qualify for a license under this chapter, a person  
178 shall:

179 (a) Have successfully completed high school or its  
180 equivalent;

181 (b) Be at least twenty-one (21) years of age;

182 (c) Have successfully completed an approved course of  
183 study of at least sixty (60) hours that may include field work as  
184 prescribed by the \* \* \* appraisal board;

185 (d) Have passed an examination as prescribed by  
186 the \* \* \* appraisal board;

187 (e) Provide a certificate of insurance for errors and  
188 omissions and general liability insurance (in the required  
189 amounts) pursuant to Section 73-60-15; and

190 (f) Have passed a background investigation pursuant to  
191 Section 73-60-47.

192 (3) The \* \* \* appraisal board must review each application  
193 for a license submitted to it and must notify each applicant that  
194 the application is either accepted or rejected. The \* \* \*  
195 appraisal board must send notification of acceptance or rejections  
196 to the applicant at the address provided by the applicant in the  
197 application within thirty (30) days of receiving the application.





198 If the application is rejected, the notice sent to the applicant  
199 must state the reasons for the rejection.

200 **SECTION 7.** Section 73-60-13, Mississippi Code of 1972, is  
201 amended as follows:

202 73-60-13. (1) All home inspectors are required to carry  
203 general liability insurance and errors and omissions insurance.

204 (2) Such policy and certificates shall provide that  
205 cancellation or nonrenewal of the policy shall not be effective  
206 unless and until at least ten (10) days' notice of cancellation or  
207 nonrenewal has been received in writing by the \* \* \* appraisal  
208 board.

209 (3) Insurance coverage limits shall be no less than Two  
210 Hundred Fifty Thousand Dollars (\$250,000.00) for general liability  
211 and no less than Two Hundred Fifty Thousand Dollars (\$250,000.00)  
212 for errors and omissions, per occurrence.

213 **SECTION 8.** Section 73-60-17, Mississippi Code of 1972, is  
214 brought forward as follows:

215 73-60-17. (1) A licensed home inspector is required to  
216 follow the Standards of Practice and Code of Ethics as adopted and  
217 published by the commission.

218 (2) A home inspection report must be issued by a home  
219 inspector to a client as specified in the Standards of Practice.

220 **SECTION 9.** Section 73-60-21, Mississippi Code of 1972, is  
221 amended as follows:



222           73-60-21. Except as provided in Section 33-1-39, a license  
223 under this chapter shall expire two (2) years after its date of  
224 issuance. The \* \* \* appraisal board may issue a renewal license  
225 without examination, on submission of a completed renewal  
226 application, payment of the required license renewal fee, and  
227 successful completion of continuing education requirements.

228           **SECTION 10.** Section 73-60-23, Mississippi Code of 1972, is  
229 amended as follows:

230           73-60-23. (1) Each person who applies for renewal of his  
231 license shall successfully complete home inspector continuing  
232 education courses approved by the \* \* \* appraisal board at the  
233 rate of twenty (20) hours every two (2) years. No license may be  
234 renewed except upon the successful completion of the required  
235 courses or their equivalent or upon a waiver of those requirements  
236 for good cause shown as determined by the \* \* \* appraisal board  
237 pursuant to rule with the recommendation of the home inspector  
238 board.

239           (2) The \* \* \* appraisal board shall establish criteria for  
240 certifying providers of continuing education for home inspectors.  
241 All such continuing education providers must be approved by  
242 the \* \* \* appraisal board.

243           (3) Each renewal applicant shall certify, on his or her  
244 renewal application, full compliance with continuing education  
245 requirements. The provider of approval of continuing education



246 shall retain and submit to the commission, after the completion of  
247 each course, evidence of those successfully completing the course.

248 **SECTION 11.** Section 73-60-27, Mississippi Code of 1972, is  
249 amended as follows:

250 73-60-27. (1) On or after July 1, 2001, any person who acts  
251 as a home inspector, or holds himself out as a home inspector,  
252 without being licensed under this chapter, shall, in addition to  
253 any other penalty provided by law, be liable for an administrative  
254 fine not to exceed One Thousand Dollars (\$1,000.00) for a first  
255 offense and not to exceed Five Thousand Dollars (\$5,000.00) for a  
256 second or subsequent offense as determined by the \* \* \* appraisal  
257 board.

258 (2) The \* \* \* appraisal board has the authority and power to  
259 investigate any and all unlicensed activity.

260 (3) No licensed home inspector may perform repairs on a  
261 residential building as part of or result of the home inspection.

262 (4) After October 1, 2001, no person licensed under this  
263 chapter shall offer to perform or perform inspection services on  
264 new construction for a fee without having first obtained a  
265 residential home builders license from the Mississippi Board of  
266 Contractors and certification by the Southern Building Code  
267 Congress or any other national professional code organization.

268 **SECTION 12.** Section 73-60-29, Mississippi Code of 1972, is  
269 amended as follows:



270 73-60-29. The \* \* \* appraisal board shall charge and collect  
271 appropriate fees for its services under this chapter. The fees  
272 charged shall not exceed the amounts indicated below and shall be  
273 set by the \* \* \* appraisal board.

274 **LICENSURE FEES:**

275 Application and examination.....\$175.00  
276 Initial and renewal license.....\$325.00  
277 Delinquent renewal penalty.....100% of renewal fee

278 **SERVICES:**

279 For each change of address.....\$ 25.00  
280 For each duplicate license.....\$ 25.00  
281 To change status as a licensee from active to inactive.....\$ 25.00  
282 For each bad check received by the commission.....\$ 25.00

283 All fees charged and collected under this chapter shall be  
284 paid by the \* \* \* appraisal board at least once a week,  
285 accompanied by a detailed statement thereof, to the credit of the  
286 fund known as the "Home Inspector License Fund," hereby created in  
287 the State Treasury. All monies which are collected under this  
288 chapter shall be paid into and credited to such fund for the use  
289 of the \* \* \* home inspector board in carrying out the provisions  
290 of the chapter including the payment of salaries and expenses,  
291 printing an annual directory of licensees, and for educational  
292 purposes. All interest earned on the Home Inspector License Fund  
293 shall be retained by the \* \* \* home inspector board for purposes  
294 consistent with this chapter. The appraisal board shall submit a



295 monthly statement to the home inspector board detailing any  
296 expenses which it bears as a share in the expense of administering  
297 this chapter, for which expenses it shall be reimbursed in the  
298 amount approved by the home inspector board. The \* \* \* appraisal  
299 board shall prepare an annual statement of income and expenses  
300 related to its regulatory-related administrative function.

301 **SECTION 13.** Section 73-60-31, Mississippi Code of 1972, is  
302 amended as follows:

303 73-60-31. The \* \* \* appraisal board may refuse to issue or  
304 to renew or may revoke or suspend a license or may place on  
305 probation, censure, reprimand, or take other disciplinary action  
306 with regard to any license issued under this chapter, including  
307 the issuance of fines for each violation, for any one (1) or  
308 combination of the following causes:

309 (a) Violations of this chapter or the \* \* \* appraisal  
310 board's rules promulgated pursuant hereto;

311 (b) Violation of terms of license probation;

312 (c) Conviction of a felony or making a plea of guilty  
313 or nolo contendere within five (5) years prior to the date of  
314 application;

315 (d) Operating without adequate insurance coverage  
316 required for licensees;

317 (e) Fraud in the procurement or performance of a  
318 contract to conduct a home inspection; and



319 (f) Failure to submit to or pass a background  
320 investigation pursuant to Section 73-60-47.

321 **SECTION 14.** Section 73-60-33, Mississippi Code of 1972, is  
322 amended as follows:

323 73-60-33. (1) The \* \* \* appraisal board may investigate the  
324 actions of an applicant or of a person holding or claiming to hold  
325 a license upon complaint in writing of any person setting forth  
326 facts which, if proved, would constitute a violation of this  
327 chapter or rules promulgated hereunder.

328 (2) Whenever it appears to the \* \* \* appraisal board that  
329 any person has engaged or is about to engage in any act or  
330 practice constituting a violation of any provision of this chapter  
331 or any rule or order hereunder, they may, in their discretion,  
332 seek any or all of the following remedies:

333 (a) When in the public interest to prevent harm to the  
334 welfare and safety of the public, issue a cease and desist order,  
335 with or without a prior hearing against the person or persons  
336 engaged in the prohibited activities, directing them to cease and  
337 desist from further illegal activity; or

338 (b) Bring an action in chancery court to enjoin the  
339 acts or practices to enforce compliance with this chapter or any  
340 rule or order hereunder. Upon a proper showing a permanent or  
341 temporary injunction, restraining order or writ of mandamus shall  
342 be granted and a receiver or conservator may be appointed for the  
343 defendant or the defendant's assets.



344 (3) With the exception of actions authorized by subsection  
345 (2) (a) and (b) above, the \* \* \* appraisal board shall, before  
346 taking any disciplinary action that it may deem proper with regard  
347 to a license, at least twenty (20) days prior to the date set for  
348 a hearing, notify the applicant or licensee in writing of any  
349 charges made and the time and place for a hearing of the charges.  
350 Such written notice may be served by personal delivery or  
351 certified or registered mail at the licensee's last known address  
352 as reflected on their licensing application.

353 (4) The \* \* \* appraisal board shall, after a hearing, issue  
354 an order either issuing, renewing, refusing to issue or renew,  
355 reinstating, or revoking the license.

356 **SECTION 15.** Section 73-60-35, Mississippi Code of 1972, is  
357 amended as follows:

358 73-60-35. (1) Upon the revocation or suspension of a  
359 license, the licensee shall immediately surrender the license to  
360 the \* \* \* appraisal board. If the licensee fails to do so,  
361 the \* \* \* appraisal board shall have the right to seize the  
362 license.

363 (2) If circumstances of suspension or revocation so  
364 indicate, the \* \* \* appraisal board may require an examination of  
365 the licensee before restoring his license.

366 **SECTION 16.** Section 73-60-37, Mississippi Code of 1972, is  
367 amended as follows:



368           73-60-37. The \* \* \* appraisal board shall maintain a roster  
369 of names and addresses of all licenses and of all persons whose  
370 licenses have been suspended or revoked. This roster shall be  
371 published on a web site designated by the \* \* \* appraisal board.  
372 All licensees under this chapter shall inform the \* \* \* appraisal  
373 board of any change in their business or home address.

374           **SECTION 17.** Section 73-60-39, Mississippi Code of 1972, is  
375 amended as follows:

376           73-60-39. A person already engaged in the business of  
377 performing home inspections on July 1, 2001, is allowed ninety  
378 (90) days from July 1, 2001, to comply with the provisions of this  
379 chapter for the purpose of qualifying to perform home inspections.  
380 Such person will qualify for a license without being required to  
381 take an examination if he can document to the satisfaction of  
382 the \* \* \* appraisal board that he has conducted not less than  
383 twenty (20) fee-paid home inspections in the previous twelve (12)  
384 months or one hundred (100) fee-paid home inspections over his  
385 career or that he has received certification as a home inspector  
386 from a nationally recognized education center in a curriculum  
387 approved by the United States Department of Housing and Urban  
388 Development and the United States Department of Education.

389           **SECTION 18.** Section 73-60-41, Mississippi Code of 1972, is  
390 amended as follows:

391           73-60-41. The information contained in or filed with any  
392 registration application or renewal application is subject to





393 public disclosure. Information in the possession of, submitted to  
394 or obtained by the \* \* \* appraisal board in connection with any  
395 investigation or examination under this chapter shall be  
396 confidential and exempt from the requirements of the Mississippi  
397 Public Records Act of 1983. No such information may be disclosed  
398 by the \* \* \* appraisal board or its employees unless necessary or  
399 appropriate in connection with a particular investigation or  
400 proceeding under this chapter or for any law enforcement purpose,  
401 in the absence of an order of a court of competent jurisdiction  
402 requiring such disclosure.

403 **SECTION 19.** Section 73-60-45, Mississippi Code of 1972, is  
404 amended as follows:

405 73-60-45. The \* \* \* home inspector board may employ legal  
406 counsel to represent it in any proceedings when legal counsel is  
407 required.

408 **SECTION 20.** Section 73-60-47, Mississippi Code of 1972, is  
409 amended as follows:

410 73-60-47. (1) (a) To qualify for a Mississippi home  
411 inspector license, an applicant must have successfully been  
412 cleared for licensure through an investigation that shall consist  
413 of a determination that the applicant does not possess a  
414 background which calls into question public trust, as set forth  
415 below in subsection (2), and verification that the prospective  
416 licensee is not guilty of or in violation of any statutory ground  
417 for denial of licensure as set forth in Section 73-60-31.



418 (b) To assist the commission in conducting its  
419 licensure investigation, on or after July 1, 2021, all applicants  
420 for a Mississippi home inspector license, and all applicants for  
421 renewal of any home inspector license shall undergo a  
422 fingerprint-based criminal history records check of the  
423 Mississippi central criminal database and the Federal Bureau of  
424 Investigation criminal history database. Each applicant shall  
425 submit a full set of the applicant's fingerprints in a form and  
426 manner prescribed by the \* \* \* appraisal board, which shall be  
427 forwarded to the Mississippi Department of Public Safety  
428 (department) and the Federal Bureau of Investigation  
429 Identification Division for this purpose.

430 (c) Any and all state or national criminal history  
431 records information obtained by the \* \* \* appraisal board that is  
432 not already a matter of public record shall be deemed nonpublic  
433 and confidential information restricted to the exclusive use of  
434 the \* \* \* appraisal board, its members, officers, investigators,  
435 agents and attorneys in evaluating the applicant's eligibility or  
436 disqualification for licensure, and shall be exempt from the  
437 Mississippi Public Records Act of 1983. Except when introduced  
438 into evidence in a hearing before the \* \* \* appraisal board to  
439 determine licensure, no such information or records related  
440 thereto shall, except with the written consent of the applicant or  
441 by order of a court of competent jurisdiction, be released or



442 otherwise disclosed by the commission to any other person or  
443 agency.

444 (d) The \* \* \* appraisal board shall provide to the  
445 department the fingerprints of the applicant, any additional  
446 information that may be required by the department, and a form  
447 signed by the applicant consenting to the check of the criminal  
448 records and to the use of the fingerprints and other identifying  
449 information required by the state or national repositories.

450 (e) The \* \* \* appraisal board shall charge and collect  
451 from the applicant, in addition to all other applicable fees and  
452 costs, such amount as may be incurred by the \* \* \* appraisal board  
453 in requesting and obtaining state and national criminal history  
454 records information on the applicant.

455 (2) (a) The \* \* \* appraisal board must ensure that  
456 applicants for home inspector licenses do not possess a background  
457 that could call into question public trust. An applicant found by  
458 the \* \* \* appraisal board to possess a background which calls into  
459 question the applicant's ability to maintain public trust shall  
460 not be issued a home inspector license.

461 (b) The \* \* \* appraisal board shall not issue a home  
462 inspector license if:

463 (i) The applicant has had a home inspector license  
464 revoked in any governmental jurisdiction within the five-year  
465 period immediately preceding the date of the application;



466 (ii) The applicant has been convicted of, or pled  
467 guilty or nolo contendere to, a felony in a domestic or foreign  
468 court involving an act of fraud, dishonesty or a breach of trust,  
469 or money laundering at any time preceding the date of the  
470 application if, in the discretion of the \* \* \* appraisal board  
471 following notice to the applicant and a hearing, good cause exists  
472 to deny or not renew licensure.

473 (c) Applicants for a home inspector license or renewal  
474 of a home inspector license who hold any other license falling  
475 under the jurisdiction of the \* \* \* appraisal board requiring a  
476 background check shall not be required to pay for more than one  
477 (1) background check during a calendar year.

478 (d) The \* \* \* appraisal board shall adopt rules and  
479 regulations necessary to implement, administer and enforce the  
480 provisions of this section.

481 **SECTION 21.** Section 73-34-9, Mississippi Code of 1972, is  
482 amended as follows:

483 73-34-9. (1) The board shall have the following powers and  
484 duties:

485 (a) To receive applications for licensure as a real  
486 estate appraiser and applications for registration as an appraisal  
487 management company under this chapter; to establish appropriate  
488 administrative procedures for the processing of those  
489 applications; to approve or disapprove applications for licensing  
490 or registration under this chapter; to issue licenses to qualified



491 applicants under the provisions of this chapter; and to maintain a  
492 registry of the names and addresses of individuals who are  
493 currently licensed under this chapter.

494 (b) To administer licensing examinations in the places  
495 and at the times as may be required to carry out its  
496 responsibilities under this chapter.

497 (c) To collect all licensing fees required or permitted  
498 by this chapter.

499 (d) To take appropriate action upon a decision and the  
500 related findings of fact made by the board if, after an  
501 administrative hearing, the board (i) determines that a licensed  
502 appraiser or a licensed state certified real estate appraiser  
503 under this chapter has violated the standards of appraisal  
504 practice or ethical rules established under Section 73-34-37, or  
505 has committed one or more of the acts that are prohibited by  
506 Section 73-34-35, and (ii) recommends that the license of the  
507 appraiser be suspended or revoked, that renewal be denied, or that  
508 some other disciplinary action be taken.

509 (e) To solicit bids and enter into contracts.

510 (f) To promote research and conduct studies relating to  
511 the profession of real estate appraising and sponsor real estate  
512 appraisal educational activities.

513 (g) To adopt rules and regulations for the  
514 administration of this chapter that are not inconsistent with the



515 provisions of this chapter or the Constitution and laws of  
516 Mississippi or of the United States.

517 (h) To employ an administrator or director who shall  
518 keep a record of all proceedings, transactions, communications and  
519 official acts of the board and perform any other duties as the  
520 board may require.

521 (i) To employ an appropriate staff to investigate  
522 allegations that licensed appraisers or licensed state certified  
523 real estate appraisers under this chapter failed to comply with  
524 the terms or provisions of this chapter.

525 (j) To employ any other professional, clerical and  
526 technical assistance as may be necessary to properly administer  
527 the work of this chapter.

528 (k) To be responsible for matters relating to real  
529 estate appraisal standards, real estate appraiser qualifications,  
530 testing standards and appraisal management companies and enforce  
531 the same through its disciplinary functions.

532 (l) To hold meetings; to hold public hearings and  
533 administrative hearings; and to prepare examination specifications  
534 for licensed appraisers and licensed state certified appraisers.

535 (m) To enable the board to carry out its  
536 responsibilities under this chapter with respect to licensing and  
537 registering, the board shall have:

538 (i) The power to compel the attendance of  
539 witnesses;



540                   (ii) The power to require a licensed appraiser or  
541 an applicant for licensure to produce books, appraisal documents,  
542 records and other papers;

543                   (iii) The power to administer oaths; and

544                   (iv) The power to take testimony and receive  
545 evidence concerning all matters within its jurisdiction.

546           These powers may be exercised directly by the board in such  
547 manner as the board shall determine.

548                   (n) To establish appropriate administrative procedures  
549 for disciplinary proceedings conducted under the provisions of  
550 this chapter.

551                   (o) To keep a record of its proceedings and issue an  
552 annual report of its activities.

553                   (p) To further define by rule or regulation, and with  
554 respect to each of the categories of licensed appraiser, the type  
555 of educational experience, appraisal experience and equivalent  
556 experience that will meet the statutory requirements of this  
557 chapter and of the Appraiser Qualifications Board.

558                   (q) To approve or disapprove applications for licensing  
559 or registration under this chapter.

560                   (r) To suspend or revoke licenses or registrations  
561 under the disciplinary proceedings provided for in this chapter.

562                   (s) To present an annual budget to the Mississippi  
563 Legislature for approval.



564 (t) To implement all requirements directed by the  
565 Appraiser Qualifications Board, Appraisal Subcommittee of the  
566 Federal Financial Institutions Examination Council or their  
567 designated agent.

568 (u) To make rules and regulations providing for an  
569 inactive license or registration status and for the reactivation  
570 thereof.

571 (v) To make rules and regulations necessary to  
572 implement its powers and duties under this chapter.

573 (w) To do all other things necessary to carry out the  
574 provisions of this chapter.

575 (x) To adopt rules consistent with the provisions of  
576 this chapter which may be reasonably necessary to implement,  
577 administer, and enforce the provisions of this chapter.

578 (y) To provide for at least one (1) member of the board  
579 to represent the appraisal management company industry.

580 (z) To establish the standard for measuring residential  
581 properties up to four (4) family buildings as promulgated by the  
582 American National Standards Institute or as provided in the  
583 American Measurement Standard Manual. The board shall require  
584 appraisals required to use those standards to indicate on the  
585 appraisal or separately appended document which standard was used.

586 (aa) To conduct surveys as necessary.

587 (bb) To administer and enforce the provisions of  
588 Sections 73-60-1 through 73-60-47 regarding home inspectors.





589           (2) The members of the board shall be immune from any civil  
590 action or criminal prosecution for initiating or assisting in any  
591 lawful investigation of the actions of, or participating in any  
592 disciplinary proceeding concerning, an appraiser licensed under  
593 this chapter, provided that the action is taken without malicious  
594 intent and in the reasonable belief that the action was taken in  
595 accordance with the powers and duties vested in the members of the  
596 board under this chapter.

597           **SECTION 22.** This act shall take effect and be in force from  
598 and after July 1, 2024.

