

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 2 OF 1972, WHICH WAS REPEALED BY OPERATION OF LAW IN 2013, TO REVIVE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 17 was repealed by operation of law in 2013, is reenacted and amended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.

