

CHAPTER 20:14:01
GENERAL PROVISIONS

20:14:01:01. Definitions. Terms used in this article mean:

- (1) "Appraisal," the act or process of developing an opinion of the value of real estate for another and for compensation;
- (2) "Appraisal Foundation," the Appraisal Foundation established on November 30, 1987, as a not-for-profit corporation under the laws of Illinois;
- (3) "Appraiser Qualifications Board," the independent board of the Appraisal Foundation which sets the qualification standards for appraisers;
- (4) "Appraisal Standards Board," the independent board of the Appraisal Foundation which sets the appraisal standards for appraisers;
- (5) "Appraisal Subcommittee," the Appraisal Subcommittee of the Federal Financial Institutions Examination Council;
- (6) "Appraiser," for the purposes of this article, a person who has been issued by the Department of Labor and Regulation a state-certified general, state-certified residential, state-licensed, or state-registered appraiser ~~license or certificate~~ credential to perform appraisals;
- (7) "~~Certificate~~ Credential," the ~~certificate, or license, or registration~~ issued to a successful applicant for ~~state-registered real estate appraiser, state-licensed real estate appraiser, state-certified residential real estate appraiser, or state-certified general real estate appraiser~~ state-certified general appraiser, state-certified residential appraiser, state-licensed appraiser, or state-registered appraiser, as applicable;
- (8) "Class hour," 50 minutes out of each 60-minute segment;

(9) "Complex one- to four-family residential property appraisal," an appraisal in which the property to be appraised, the form of ownership, or market conditions are atypical;

(10) "Department," the Department of Labor and Regulation;

(11) "Distance education," any education process based on the geographical separation of student and instructor;

(12) "Fed," the Board of Governors of the Federal Reserve System;

(13) "Federal financial institutions regulatory agencies," any of the following as applicable: the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and the National Credit Union Administration;

(14) "FDIC," the Federal Deposit Insurance Corporation;

(15) "Financial institutions," institutions regulated by the FDIC, OCC, Fed, and National Credit Union Administration;

(16) "FIRREA," the Financial Institution Reform Recovery and Enforcement Act of 1989, Pub. L. No. 101-73, 103 Stat. 183 (1989), 12 U.S.C. § 3310, et seq;

(17) "OCC," the Office of the Comptroller of the Currency, Treasury Department;

(18) "Real estate," as defined in SDCL 36-21A-11;

(19) "Secretary," the secretary of the Department of Labor and Regulation;

(20) "State-certified general appraiser," an individual who has satisfied the requirements for the highest level of certification as a real estate appraiser as prescribed in this article;

(21) "State-certified residential appraiser," an individual who has satisfied the requirements for the highest level of residential certification as a real estate appraiser as prescribed in this article;

(22) "State-licensed appraiser," an individual who has satisfied the requirements for mid-level ~~certification~~ licensure as a real estate appraiser as prescribed in this article;

(23) "State-registered appraiser," an individual who has satisfied the requirements for entry-level ~~certification~~ registration as a real estate appraiser as prescribed in this article;

(24) "Tract development," a project of five units or more that is constructed or is to be constructed as a single development;

(25) "Uniform standards," Uniform Standards of Professional Appraisal Practice, as incorporated in § 20:14:06:01;

(26) "Written examination," an exam written on paper, or administered electronically on a computer workstation or other device.

Source: 18 SDR 36, effective August 25, 1991; 19 SDR 12, effective August 3, 1992; 20 SDR 9, effective August 1, 1993; 21 SDR 49, effective September 18, 1994; 22 SDR 91, effective January 1, 1996; 23 SDR 113, effective January 12, 1997; 24 SDR 91, effective January 8, 1998; 25 SDR 123, effective April 8, 1999; 26 SDR 120, effective March 27, 2000; 27 SDR 99, effective April 8, 2001; 30 SDR 58, effective November 5, 2003; 32 SDR 109, effective December 27, 2005; 38 SDR 116, effective January 10, 2012; 38 SDR 214, effective June 21, 2012.

General Authority: SDCL 36-21B-3(2).

Law Implemented: SDCL 1-47-14, 36-21B-1, 36-21B-3(2).

CHAPTER 20:14:02

ADMINISTRATION

20:14:02:01. Roster of appraisers. The secretary shall prepare and issue at least once each calendar year a roster showing the name and place of business of each real estate appraiser currently holding a valid ~~certificate~~ state-certified general appraiser, state-certified residential appraiser or state-licensed appraiser credential issued under the provisions of this article. The secretary shall transmit the roster to the Appraisal Subcommittee of the Federal Financial Institutions Examination Council annually.

Source: 18 SDR 36, effective August 25, 1991; 19 SDR 12, effective August 3, 1992; 22 SDR 91, effective January 1, 1996; 32 SDR 109, effective December 27, 2005; 38 SDR 116, effective January 10, 2012.

General Authority: SDCL 36-21B-3.

Law Implemented: SDCL 36-21B-1, 36-21B-3(15).

Note: A copy of the roster is available to the public at no charge upon written request to the secretary.

20:14:02:03. Use of titles in advertising. A ~~license or certificate~~ credential holder advertising through any media may be identified as a state-certified general appraiser, state-certified residential appraiser, state-licensed appraiser, or state-registered appraiser by listing the appropriate classification title as displayed on the ~~license or certificate~~ credential issued by the department. For purposes of this section, the term, media, includes newspapers, magazines, business cards, Internet, and directories, including any listing in a telephone directory. No advertising may be misleading in characterizing the ~~classification title of licensure or certification~~ credential possessed by the appraiser.

Source: 23 SDR 113, effective January 12, 1997; 30 SDR 115, effective February 2, 2004.

General Authority: SDCL 36-21B-3.

Law Implemented: SDCL 36-21B-1, 36-21B-3(14).

CHAPTER 20:14:03

APPLICATION PROCEDURE

Section

- 20:14:03:01 Application for ~~certificate~~ credential.
- 20:14:03:02 Term of ~~certificate~~ credential.
- 20:14:03:03 ~~Certificate~~ Credential renewal.
- 20:14:03:04 Late renewal.
- 20:14:03:05 Inactive status.
- 20:14:03:06 Reinstatement of ~~certificate~~ credential on inactive status.

20:14:03:01. Application for ~~certificate~~ credential. An individual who desires to engage in real estate appraisals under this article ~~must~~ shall apply in writing for a ~~certificate~~ credential on a form provided by the secretary. An application is only valid for 90 days. The secretary may extend the time for an application upon the written request of the applicant or to allow the applicant to comply with the department's request for information, records, or reports. The application fee prescribed in § 20:14:10:01 ~~must~~ shall accompany the application form. The application form shall contain the following:

- (1) Name;

- (2) Driver's license number;
- (3) Social security number;
- (4) Home and business addresses;
- (5) Home and business telephone numbers;
- (6) Business name where employed;
- (7) Educational experience;
- (8) Appraisal experience;
- (9) An affidavit by the applicant signed before a notary public; and
- (10) Email address, if available.

Source: 18 SDR 36, effective August 25, 1991; 24 SDR 91, effective January 8, 1998; 26 SDR 120, effective March 27, 2000; 40 SDR 121, effective January 7, 2014.

General Authority: SDCL 36-21B-3(4).

Law Implemented: SDCL 36-21B-1, 36-21B-3(1)(4).

Note: The secretary shall collect the registry fee pursuant to 12 U.S.C. § 3338(a) with the application for certification or licensure.

20:14:03:02. Term of ~~certificate~~ credential. The secretary shall issue a ~~certificate~~ credential to an applicant who qualifies in accordance with this article. Any ~~certificate~~ credential issued under this article expires on September 30 each year, unless revoked or suspended.

Source: 18 SDR 36, effective August 25, 1991.

General Authority: SDCL 36-21B-3.

Law Implemented: SDCL 36-21B-3.

20:14:03:03. Certificate Credential renewal. To renew any current valid ~~certificate~~ credential the holder of the ~~certificate~~ credential ~~must~~ shall file an application on a form provided by the secretary and pay the renewal fee prescribed in § 20:14:10:02 to the secretary during the period extending from 90 days to 45 days before the expiration date of the ~~certificate~~ credential. ~~Each~~ For each odd-numbered year the renewal application form ~~must~~ shall be accompanied by documentation of completion of the continuing education requirements for renewal specified in § 20:14:13:01.

Source: 18 SDR 36, effective August 25, 1991; 19 SDR 12, effective August 3, 1992; 20 SDR 9, effective August 1, 1993; 25 SDR 123, effective April 8, 1999.

General Authority: SDCL 36-21B-3.

Law Implemented: SDCL 36-21B-3.

20:14:03:04. Late renewal. If renewal of a ~~certificate~~ credential is not accomplished within the period prescribed in § 20:14:03:03, the applicant may renew the ~~certificate~~ credential within six months following its expiration by satisfying all of the requirements for renewal and paying the renewal fee prescribed in § 20:14:10:02 plus the applicable late renewal fee prescribed in § 20:14:10:04. The secretary may refuse to renew a ~~certificate~~ credential if the applicant continues to perform real estate appraisal activities as defined in this article in this state following the expiration of the ~~certificate~~ credential.

Source: 18 SDR 36, effective August 25, 1991; 20 SDR 9, effective August 1, 1993.

General Authority: SDCL 36-21B-3.

Law Implemented: SDCL 36-21B-3.

20:14:03:05. Inactive status. An appraiser who does not wish to be actively engaged in real estate appraisal activity ~~must~~ shall request in writing that the secretary place the appraiser's ~~certificate~~ credential on inactive status. The ~~certificate~~ credential and the identification card ~~must~~ shall accompany the written request. Any appraiser whose ~~certificate~~ credential has been placed on inactive status may not engage in real estate appraisal activity.

The appraiser ~~must~~ shall renew the inactive ~~certificate~~ credential as specified in § 20:14:03:03 and pay the renewal fees as specified in § 20:14:10:02. The continuing education requirement specified in § 20:14:13:01 is not required during the period of inactive status.

Source: 22 SDR 91, effective January 1, 1996; 23 SDR 113, effective January 12, 1997; 34 SDR 67, effective September 11, 2007.

General Authority: SDCL 36-21B-3.

Law Implemented: SDCL 36-21B-1, 36-21B-3(19).

20:14:03:06. Reinstatement of ~~certificate~~ credential on inactive status. An appraiser on inactive status who wishes to return to active status ~~must~~ shall submit a written request along with evidence of successful completion of the continuing education class hours that would have been required by § 20:14:13:01 if the appraiser was on an active status to the secretary for reinstatement of the appraiser's ~~certificate~~ credential to active status before resuming real estate appraisal activity. The continuing education class hours ~~must~~ shall include the most recent update course

that covers the uniform standards as adopted in § 20:14:06:01 or its equivalent. The class hours of instruction ~~must~~ shall be completed subsequent to the appraiser's ~~certificate~~ credential being placed on inactive status.

Source: 22 SDR 91, effective January 1, 1996; 23 SDR 113, effective January 12, 1997; 24 SDR 91, effective January 8, 1998; 30 SDR 115, effective February 2, 2004; 32 SDR 109, effective December 27, 2005; 34 SDR 67, effective September 11, 2007; 38 SDR 116, effective January 10, 2012.

General Authority: SDCL 36-21B-3(19).

Law Implemented: SDCL 36-21B-1, 36-21B-3(19).

CHAPTER 20:14:04

TRANSACTIONS REQUIRING QUALIFIED APPRAISERS

20:14:04:14. Requirements of a supervisory appraiser. A state-certified residential or state-certified general appraiser desiring to supervise a state-registered appraiser ~~must~~ shall meet the following supervisory appraiser requirements:

(1) Be certified by the department, in good standing in this state or any other jurisdiction in which the appraiser is certified. A supervisory appraiser is considered to be in good standing if the appraiser has not been subject to any disciplinary action within any jurisdiction that affects legal eligibility to engage in appraisal practice for three years after the successful completion or termination of any sanctions imposed;

(2) Have the knowledge and experience in the types of appraisal assignments that ~~he or she~~ the supervisory appraiser is supervising pursuant to the competency rule of the uniform standards and § 20:14:09:02;

(3) Have a minimum of three years appraisal experience as a ~~South Dakota~~ state-certified residential or state-certified general appraiser ~~or three years appraisal experience as~~ and hold a South Dakota reciprocal state-certified residential or state-certified general appraiser credential; and

(4) Successfully complete an education program developed by the department regarding the role of the supervisory appraiser and the state-registered appraiser before supervision begins. Successful completion of the education program includes passing the course examination.

A supervisory appraiser ~~that~~ who has not actively supervised a state-registered appraiser within the past three years or has not been an approved supervisory appraiser within ~~the previous~~ three years of successfully completing the education program ~~must~~ shall successfully complete the ~~education~~ program again.

~~No~~ A supervisory appraiser may ~~have more~~ supervise no more than three state-registered appraisers ~~working under his or her supervision~~ at any one time.

Source: 35 SDR 175, effective January 1, 2009; 36 SDR 112, effective January 11, 2010; 38 SDR 214, adopted June 21, 2012, effective July 1, 2013; 40 SDR 121, effective January 7, 2014; 41 SDR 217, effective June 29, 2015.

General Authority: SDCL 36-21B-3.

Law Implemented: SDCL 36-21B-1, 36-21B-3(6)(12)(16).

20:14:04:16. Supervisory appraiser approval renewal. To renew any current supervisory appraiser approval the holder of the approval ~~must~~ shall file an application on a form provided by

the secretary and pay the renewal fee prescribed in § 20:14:10:02. The fee shall be paid to the secretary not more than 90 days and not less than 45 days before the expiration date of the ~~supervising~~ supervisory appraiser approval.

Source: 35 SDR 175, effective January 1, 2009; 36 SDR 112, effective January 11, 2010; 38 SDR 214, effective June 21, 2012.

General Authority: SDCL 36-21B-3.

Law Implemented: SDCL 36-21B-1, 36-21B-3(4)(9), 36-21B-4(2).

20:14:04:16.01. Supervisory appraiser late renewal. If renewal of the supervisory appraiser approval is not accomplished within the period prescribed in § 20:14:04:16, the applicant may renew within six months following its expiration by paying the renewal fee prescribed in § 20:14:10:02 plus the applicable late renewal fee prescribed in § 20:14:10:04. The secretary may refuse to renew the supervisory appraiser approval if the applicant continues supervisory appraiser activities, as defined in this article, in this state following the expiration of the approval.

Source: 38 SDR 214, effective June 21, 2012.

General Authority: SDCL 36-21B-3(9).

Law Implemented: SDCL 36-21B-1, 36-21B-3(4)(9), 36-21B-4(4).

20:14:04:17. Responsibilities of the supervisory appraiser. The supervisory appraiser for a state-registered appraiser is responsible for the following:

- (1) Training, guidance, and direct supervision of the state-registered appraiser;

(2) Mentoring of the state-registered appraiser;

(3) Personally inspecting:

(a) A minimum of 50 residential subject properties with the state-registered appraiser if the state-registered appraiser is seeking the state-licensed or state-certified residential appraiser ~~classification~~ credential. If the state-registered appraiser seeking the state-licensed or state-certified residential appraiser ~~classification~~ credential includes the appraisal of nonresidential properties, the supervisory appraiser ~~must~~ shall personally inspect all nonresidential subject properties up to 25 properties with the state-registered appraiser; or

(b) A minimum of 25 nonresidential subject properties with the state-registered appraiser if the state-registered appraiser is seeking the state-certified general appraiser ~~classification~~ credential. If the state-registered appraiser seeking the state-certified general ~~classification~~ appraiser credential includes the appraisal of residential properties the supervisory appraiser ~~must~~ shall personally inspect all residential subject properties up to 50 properties with the state-registered appraiser.

If the minimum personal inspections by the supervisory appraiser have been met and the state-registered appraiser does not demonstrate competence in the appraisal work as required in § 20:14:09:02, the supervisory appraiser ~~must~~ shall continue the personal inspections until competence is demonstrated.

If a state-registered appraiser has more than one supervisory appraiser, all of the personal inspections of each of the supervisory appraisers may be totaled to meet the minimum personal inspections required by this subsection;

(4) Reviewing the state-registered appraiser's appraisal report to ensure adequately conducted research of general and specific data, proper application of appraisal principles and

methodologies, sound analysis, and adequately developed analysis, opinions, or conclusions so that the appraisal report is not misleading;

(5) Reviewing the state-registered appraiser's work product and discussing any edits, corrections, or modifications that need to be made to that work product for compliance with the uniform standards as incorporated in § 20:14:06:01;

(6) Accepting ~~sole and total~~ full responsibility for the appraisal report by signing the certification certifying that the appraisal report has been prepared in compliance with the uniform standards as incorporated in § 20:14:06:01; and

(7) Signing the state-registered appraiser's appraisal log as applicable in § 20:14:05:05.04.

Source: 35 SDR 175, effective January 1, 2009; 36 SDR 112, effective January 11, 2010; 38 SDR 214, effective June 21, 2012; 41 SDR 217, effective June 29, 2015.

General Authority: SDCL 36-21B-3.

Law Implemented: SDCL 36-21B-1, 36-21B-3(3)(16)(17).

CHAPTER 20:14:05

QUALIFICATIONS FOR CERTIFICATION, LICENSURE, AND REGISTRATION

Section

20:14:05:01 Qualifications.

20:14:05:01.01 Qualifications for certified or licensed appraisers that move to the state.

20:14:05:01.02 Limited exemption for qualifications -- Military.

20:14:05:02 Examination.

20:14:05:02.00 Examination approval -- Time limit.

20:14:05:02.01 Experience requirements for state-registered appraiser.

20:14:05:03 Experience requirements for state-licensed appraiser.

20:14:05:03.01 Experience requirements for state-certified residential appraiser.

20:14:05:04 Experience requirements for state-certified general appraiser.

20:14:05:05 Acceptable experience.

20:14:05:05.01 Experience -- Review of appraisals by secretary.

20:14:05:05.02 Experience -- Documentation requirements.

20:14:05:05.03 Experience -- Time spent on the appraisal process.

20:14:05:05.04 Experience -- Time limit.

20:14:05:05.05 Experience -- Review of appraisals by secretary midway to upgrade.

20:14:05:06 Experience -- Verification.

20:14:05:06.01 Educational requirements for state-registered appraiser.

20:14:05:06.02 Education program for state-registered appraiser.

20:14:05:07 Educational requirements for state-licensed appraiser -- Appraiser education.

20:14:05:07.01 Educational requirements for state-certified residential appraiser -- Appraiser education.

20:14:05:07.02 Educational requirements for state-certified residential appraiser -- General education.

20:14:05:07.03 Educational requirements for state-licensed appraiser -- General education.

20:14:05:08 Educational requirements for state-certified general appraiser -- Appraiser education.

20:14:05:08.01 Educational requirements for state-certified general appraiser -- General education.

20:14:05:08.02 Education -- Real estate degree.

20:14:05:09 Repealed.

20:14:05:10 Transferred.

20:14:05:11 Education -- Time limit.

20:14:05:12 Repealed.

20:14:05:12.01 Substitution of education.

20:14:05:13 Transferred.

20:14:05:14 Transferred.

20:14:05:15 Transferred.

20:14:05:16 Transferred.

20:14:05:17 Transferred.

20:14:05:18 Repealed.

20:14:05:19 Upgrade of ~~certificate~~ credential.

20:14:05:20 Repealed.

20:14:05:01.01. Qualifications for certified or licensed appraisers that move to the state. If a state-certified general, state-certified residential, or state-licensed appraiser moves to the state and holds a valid ~~certificate~~ credential, in good standing issued by the appraiser's home state or any other jurisdiction, the secretary may issue an equivalent ~~certificate or license~~ credential to the appraiser if the appraiser complies with the following requirements:

- (1) Submits an application on a form provided by the secretary;
- (2) Certifies that the applicant is licensed or certified to appraise real estate in the applicant's home state or any other jurisdiction;
- (3) Certifies that disciplinary proceedings are not pending against the applicant in the applicant's home state or any other jurisdiction;

- (4) Provides a signed affidavit before a notary public; and
- (5) Pays the application fee prescribed in § 20:14:10:01.

Source: 34 SDR 67, effective September 11, 2007; 42 SDR 98, effective January 5, 2016.

General Authority: SDCL 36-21B-3(1)(4).

Law Implemented: SDCL 36-21B-1, 36-21B-3(1)(4).

20:14:05:02. Examination. An applicant for a state-licensed, state-certified residential, or state-certified general appraiser ~~certificate~~ credential must have completed the education and experience requirements prescribed in this chapter prior to approval to sit for an Appraiser Qualifications Board Approved Appraiser National Uniform Examination. An applicant for a state-registered appraiser ~~certificate~~ credential ~~must~~ shall have successfully completed the education prescribed in § 20:14:05:06.01 prior to approval to sit for an examination prescribed by the secretary.

An applicant for a state-certified general, state-certified residential, or state-licensed appraiser credential approved to take the National Uniform Appraiser Examination may take the examination no more than four times. If an applicant does not pass the examination on the fourth attempt the application is no longer valid. The applicant may file a new application after a period of six months from the date of the fourth failed exam.

Source: 18 SDR 36, effective August 25, 1991; 23 SDR 113, effective January 12, 1997; 32 SDR 109, effective December 27, 2005; 38 SDR 116, effective January 10, 2012; 38 SDR 214, effective June 21, 2012.

General Authority: SDCL 36-21B-3.

Law Implemented: SDCL 36-21B-3(5), 36-21B-4(3).

Cross-References:

State-certified general appraiser education, §§ 20:14:05:08 and 20:14:05:08.01.

State-certified general appraiser experience, § 20:14:05:04.

State-certified residential appraiser education, §§ 20:14:05:07.02 and 20:14:05:07.03.

State-certified residential appraiser experience, § 20:14:05:03.01.

State-licensed appraiser education, §§ 20:14:05:07 and 20:14:05:07.01.

State-licensed appraiser experience, § 20:14:05:03.

State-registered appraiser education, § 20:14:05:06.01.

20:14:05:02.00. Examination approval -- Time limit. An applicant for a state-certified general, state-certified residential, or state-licensed appraiser credential approved to take the National Uniform Appraiser Examination, or an applicant for a state-registered appraiser credential approved to complete the examination prescribed by the secretary, ~~must~~ shall successfully complete the examination within 24 months from the date of approval. If the applicant fails to successfully complete the examination within the time limit the applicant ~~must~~ may apply pursuant to § 20:14:03:01 and pay the application fee prescribed in § 20:14:10:01.

Source: 26 SDR 120, effective March 27, 2000; 32 SDR 109, effective December 27, 2005; 34 SDR 67, effective September 11, 2007.

General Authority: SDCL 36-21B-3(5).

Law Implemented: SDCL 36-21B-3(5).

20:14:05:02.01. Experience requirements for state-registered appraiser. An applicant for state-registered appraiser credential is not required to have any appraisal experience. After being issued a ~~certificate~~ credential by the department a state-registered appraiser may accumulate experience when the appraiser begins work on any appraisal that includes experience hours that will qualify as acceptable appraisal experience in accordance with § 20:14:05:05.

Source: 20 SDR 9, effective August 1, 1993; 22 SDR 91, effective January 1, 1996; 26 SDR 120, effective March 27, 2000; 32 SDR 109, effective December 27, 2005; 33 SDR 2, effective July 19, 2006.

General Authority: SDCL 36-21B-3.

Law Implemented: SDCL 36-21B-1, 36-21B-3(7).

20:14:05:03. Experience requirements for state-licensed appraiser. An applicant for state-licensed appraiser credential ~~must~~ shall have a minimum of 12 months and 2,000 hours of appraisal experience.

Source: 18 SDR 36, effective August 25, 1991; 20 SDR 9, effective August 1, 1993; 22 SDR 91, effective January 1, 1996; 32 SDR 109, effective December 27, 2005; 33 SDR 2, effective July 19, 2006; 38 SDR 116, effective January 10, 2012.

General Authority: SDCL 36-21B-3.

Law Implemented: SDCL 36-21B-1, 36-21B-3(7).

20:14:05:03.01. Experience requirements for state-certified residential appraiser. An applicant for state-certified residential appraiser credential ~~must~~ shall have a minimum of 24

months and 2,500 hours of appraisal experience of which at least 1,250 hours are in residential appraisal work. The applicant ~~must~~ shall submit for review at least two small income-producing property appraisal reports. Each report ~~must~~ shall include all three approaches to value. “Residential” is defined as one- to four-family residential units.

Source: 23 SDR 113, effective January 12, 1997; 24 SDR 91, effective January 8, 1998; 27 SDR 99, effective April 8, 2001; 33 SDR 2, effective July 19, 2006; 34 SDR 67, effective September 11, 2007; 42 SDR 98, effective January 5, 2016.

General Authority: SDCL 36-21B-3(7).

Law Implemented: SDCL 36-21B-1, 36-21B-3(7).

20:14:05:04. Experience requirements for state-certified general appraiser. An applicant for a state-certified general appraiser credential ~~must~~ shall have a minimum of 30 months and 3,000 hours of appraisal experience of which at least 1,500 hours are in nonresidential appraisal work. The applicant ~~must~~ shall submit for review a minimum of two nonresidential appraisal reports. Both of the reports ~~must~~ shall include all three approaches to value. “Residential” is defined as one- to four-family residential units.

Source: 18 SDR 36, effective August 25, 1991; 20 SDR 9, effective August 1, 1993; 22 SDR 91, effective January 1, 1996; 23 SDR 113, effective January 12, 1997; 24 SDR 91, effective January 8, 1998; 33 SDR 2, effective July 19, 2006; 34 SDR 67, effective September 11, 2007; 42 SDR 98, effective January 5, 2016.

General Authority: SDCL 36-21B-3(7)(17).

Law Implemented: SDCL 36-21B-1, 36-21B-3(7).

20:14:05:05. Acceptable experience. Acceptable appraisal experience includes experience in performing the following:

- (1) Appraisal;
- (2) Appraisal review;
- (3) Appraisal consulting;
- (4) Mass appraisal.

~~However, for~~ For a real estate lending officer or a real estate broker acceptable appraisal experience includes the actual performance of a real estate appraisal or a professional review of a real estate appraisal, as determined by the secretary.

Case studies or practicum courses that are approved by the Appraiser Qualifications Board Course Approval Program or state appraiser regulatory agencies, and ~~non-client~~ non-client appraisal experience, may be used to satisfy the appraisal experience requirement. Case studies, practicum courses, and ~~non-client~~ non-client appraisal experience may not exceed 50 percent of the total experience requirement.

Source: 18 SDR 36, effective August 25, 1991; 24 SDR 91, effective January 8, 1998; 32 SDR 109, effective December 27, 2005; 32 SDR 109, adopted December 7, 2005, effective January 1, 2008; 35 SDR 175, effective January 1, 2009; 40 SDR 121, effective January 7, 2014.

General Authority: SDCL 36-21B-3(7).

Law Implemented: SDCL 36-21B-3(7)(17).

20:14:05:05.05. Experience -- Review of appraisals by secretary midway to upgrade.
When a state-registered appraiser has achieved at least fifty percent of the experience hours

required to upgrade to the state-licensed, state-certified residential, or state-certified general appraiser ~~classification~~ credential, the ~~licensee~~ state-registered appraiser may request from the secretary an appraisal review of an appraisal completed by the ~~licensee~~ state-registered appraiser. The ~~licensee~~ state-registered appraiser may ~~have~~ submit a maximum of two appraisals ~~reviewed~~ for review pursuant to this section.

The appraisal review shall be for compliance with:

- (1) the uniform standards, as adopted pursuant to § 20:14:06:01;
- (2) the additional assignment conditions, as required pursuant to § 20:14:06:01.01; and
- (3) the competency requirement pursuant to § 20:14:09:02.

The department shall provide a copy of the appraisal review report to the ~~licensee~~ state-registered appraiser and the ~~licensee's~~ supervisory appraiser.

If the appraisal review reveals that the ~~licensee's~~ appraisal is not in compliance, the secretary may prescribe remedial education ~~to the licensee~~. The secretary may not take disciplinary action against the ~~licensee~~ state-registered appraiser or the ~~licensee's~~ supervisory appraiser for non-compliant appraisal work found pursuant to this section.

If the appraisal review reveals that the ~~licensee's~~ appraisal is in compliance, the ~~licensee~~ state-registered appraiser shall be granted credit for the compliant appraisal report when the ~~licensee~~ state-registered appraiser applies to upgrade to a higher ~~classification~~ appraiser credential.

Source: 43 SDR 36, effective September 20, 2016.

General Authority: SDCL 36-21B-3(3)(7)(17)(18).

Law Implemented: SDCL 36-21B-1, 36-21B-3(1)(3)(7)(17)(18).

Cross References:

State-certified general appraiser experience, § 20:14:05:04,

State-certified residential appraiser experience, § 20:14:05:03.01,

State-licensed appraiser experience, § 20:14:05:03.

20:14:05:06.01. Educational requirements for state-registered appraiser. An applicant for a state-registered appraiser credential ~~must~~ shall have completed 75 creditable class hours of approved qualifying education completed within the five-year period prior to the date of the application, which includes successful completion of each course examination. Acceptable education is the Appraiser Qualifications Board required core curriculum as follows:

- (1) Basic appraisal principles -- 30 hours;
- (2) Basic appraisal procedures -- 30 hours; and
- (3) Fifteen-hour qualifying course that covers the uniform standards as adopted in § 20:14:06:01.

Source: 24 SDR 91, effective January 8, 1998; 32 SDR 109, adopted December 7, 2005, effective January 1, 2008; 38 SDR 116, effective January 10, 2012; 38 SDR 214, adopted June 21, 2012, effective January 1, 2015.

General Authority: SDCL 36-21B-3(3)(6).

Law Implemented: SDCL 36-21B-1, 36-21B-3(3)(6).

20:14:05:06.02. Education program for state-registered appraiser. An applicant for a state-registered appraiser credential ~~must~~ shall complete an education program pursuant to

§ 20:14:04:12.02 prior to issuance of the ~~certificate of licensure~~ credential. The education program classroom hours are not eligible towards the qualifying or continuing education requirements.

Source: 41 SDR 217, effective June 29, 2015.

General Authority: SDCL 36-21B-3(1)(6).

Law Implemented: SDCL 36-21B-1, 36-21B-3(1)(6).

20:14:05:07. Educational requirements for state-licensed appraiser -- Appraiser education. An applicant for examination as a state-licensed appraiser credential must have completed 150 creditable class hours of approved qualifying education which includes successful completion of each course examination. Acceptable education is the Appraiser Qualifications Board required core curriculum as follows:

- (1) Basic appraisal principles -- 30 hours;
- (2) Basic appraisal procedures -- 30 hours;
- (3) Fifteen-hour qualifying course that covers the uniform standards as adopted in

§ 20:14:06:01;

- (4) Residential market analysis and highest and best use -- 15 hours;
- (5) Residential appraiser site valuation and cost approach -- 15 hours;
- (6) Residential sales comparison and income approaches -- 30 hours; and
- (7) Residential report writing and case studies -- 15 hours.

A state-registered appraiser may satisfy the educational requirements for the state-licensed appraiser classification by completing the following additional educational hours;

- (1) Residential market analysis and highest and best use -- 15 hours;

- (2) Residential appraiser site valuation and cost approach -- 15 hours;
- (3) Residential sales comparison and income approaches -- 30 hours; and
- (4) Residential report writing and case studies -- 15 hours.

Source: 18 SDR 36, effective August 25, 1991; 19 SDR 12, effective August 3, 1992; 20 SDR 9, effective August 1, 1993; 21 SDR 49, effective September 18, 1994; 22 SDR 91, effective January 1, 1996; 23 SDR 113, effective January 12, 1997; 24 SDR 91, effective January 8, 1998; 32 SDR 109, adopted December 7, 2005, effective January 1, 2008; 33 SDR 2, adopted June 29, 2006, effective January 1, 2008; 35 SDR 175, effective January 1, 2009; 38 SDR 116, effective January 10, 2012; 38 SDR 214, effective June 21, 2012.

General Authority: SDCL 36-21B-3(3)(6).

Law Implemented: SDCL 36-21B-1, 36-21B-3(3)(6).

Cross-References:

Requirement for qualifying education credit, § 20:14:13:03.01.

Application for course approval, § 20:14:13:07.

20:14:05:07.01. Educational requirements for state-certified residential appraiser -- Appraiser education. An applicant for examination as a state-certified residential appraiser credential ~~must~~ shall have completed 200 creditable class hours of approved qualifying education which includes successful completion of each course examination. Acceptable education is the Appraiser Qualifications Board-required core curriculum as follows:

- (1) Basic appraisal principles -- 30 hours;
- (2) Basic appraisal procedures -- 30 hours;

(3) Fifteen-hour qualifying course that covers the uniform standards as adopted in

§ 20:14:06:01;

- (4) Residential market analysis and highest and best use -- 15 hours;
- (5) Residential appraiser site valuation and cost approach -- 15 hours;
- (6) Residential sales comparison and income approaches -- 30 hours;
- (7) Residential report writing and case studies -- 15 hours;
- (8) Statistics, modeling, and finance -- 15 hours;
- (9) Advanced residential applications and case studies -- 15 hours;
- (10) Appraisal subject matter electives -- 20 hours.

A state-registered appraiser may satisfy the appraiser educational requirements for the state-certified residential appraiser ~~classification~~ credential by completing the following additional educational hours:

- (1) Residential market analysis and highest and best use -- 15 hours;
- (2) Residential appraiser site valuation and cost approach -- 15 hours;
- (3) Residential sales comparison and income approaches -- 30 hours;
- (4) Residential report writing and case studies -- 15 hours;
- (5) Statistics, modeling, and finance -- 15 hours;
- (6) Advanced residential applications and case studies -- 15 hours; and
- (7) Appraisal subject matter electives -- 20 hours.

A state-licensed appraiser may satisfy the appraiser educational requirements for the state-certified residential appraiser ~~classification~~ credential by completing the following additional educational hours:

- (1) Statistics, modeling, and finance -- 15 hours;
- (2) Advanced residential applications and case studies -- 15 hours; and
- (3) Appraisal subject matter electives -- 20 hours.

Source: 23 SDR 113, effective January 12, 1997; 24 SDR 91, effective January 8, 1998; 32 SDR 109, adopted December 7, 2005, effective January 1, 2008; 35 SDR 175, effective January 1, 2009; 38 SDR 116, effective January 10, 2012.

General Authority: SDCL 36-21B-3(3)(6).

Law Implemented: SDCL 36-21B-1, 36-21B-3(3)(6).

Cross-References: Requirement for qualifying education credit, § 20:14:13:03.01; Application for course approval, § 20:14:13:07.

20:14:05:07.02. Educational requirements for state-certified residential appraiser --

General education. An applicant for the state-certified residential ~~classification~~ appraiser credential ~~must~~ shall hold a bachelor's degree, or higher, from an accredited college or university.

The college or university ~~must~~ shall be a degree-granting institution accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education.

Source: 32 SDR 109, adopted December 7, 2005, effective January 1, 2008; 34 SDR 67, adopted August 22, 2007, effective January 1, 2008; 36 SDR 112, effective January 11, 2010; 38 SDR 214, adopted June 21, 2012, effective July 1, 2014.

General Authority: 36-21B-3(3)(6).

Law Implemented: 36-21B-1, 36-21B-3(3)(6).

Cross-References:

Requirement for qualifying education credit, § 20:14:13:03.01.

Application for course approval, § 20:14:13:07.

20:14:05:07.03. Educational requirements for state-licensed appraiser -- General education. An applicant for the state-licensed ~~classification~~ appraiser credential shall have successfully completed 30 semester hours of college-level education; from an accredited college, junior college, community college, or university. The college or university ~~must~~ shall be a degree-granting institution accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U. S. Secretary of Education. If an accredited college or university accepts the College-Level Examination Program[®] (CLEP) and examination(s) and issues a transcript for the exam, showing its approval, it will be considered as credit for the college course.

An applicant holding an Associate degree, or higher, from an accredited college, junior college, community college, or university satisfies the 30-hour college-level education requirement.

Source: 38 SDR 214, adopted June 21, 2012, effective July 1, 2014; 42 SDR 98, effective January 5, 2016.

General Authority: SDCL 36-21B-3(3)(6).

Law Implemented: SDCL 36-21B-1, 36-21B-3(3)(6).

Cross-References:

Requirement for qualifying education credit, § 20:14:13:03.01.

Application for course approval, § 20:14:13:07.

20:14:05:08. Educational requirements for state-certified general appraiser -- Appraiser education. An applicant for examination as state-certified general appraiser credential must have completed 300 creditable class hours of approved qualifying education, which includes successful completion of each course examination. Acceptable education is the Appraiser Qualifications Board- required core curriculum as follows:

- (1) Basic appraisal principles -- 30 hours;
- (2) Basic appraisal procedures -- 30 hours;
- (3) Fifteen-hour qualifying course that covers the uniform standards as adopted in § 20:14:06:01;
- (4) General appraiser market analysis and highest and best use -- 30 hours;
- (5) Statistics, modeling, and finance -- 15 hours;
- (6) General appraiser sales comparison approach -- 30 hours;
- (7) General appraiser site valuation and cost approach -- 30 hours;
- (8) General appraiser income approach -- 60 hours;
- (9) General appraiser report writing and case studies -- 30 hours;

(10) Appraisal subject matter electives -- 30 hours.

An applicant ~~must~~ shall demonstrate that the applicant's education includes the core courses listed in these criteria, with particular emphasis on nonresidential properties, which are properties other than one- to four-family residential properties.

A state-registered appraiser may satisfy the appraiser educational requirements for the state-certified general appraiser ~~classification~~ credential by completing the following additional educational hours:

- (1) General appraiser market analysis and highest and best use -- 30 hours;
- (2) Statistics, modeling, and finance -- 15 hours;
- (3) General appraiser sales comparison approach -- 30 hours;
- (4) General appraiser site valuation and cost approach -- 30 hours;
- (5) General appraiser income approach -- 60 hours;
- (6) General appraiser report writing and case studies -- 30 hours; and
- (7) Appraisal subject matter electives -- 30 hours.

A state-licensed appraiser may satisfy the appraiser educational requirements for the state-certified general appraiser ~~classification~~ credential by completing the following additional educational hours;

- (1) General appraiser market analysis and highest and best use -- 15 hours;
- (2) Statistics, modeling, and finance -- 15 hours;
- (3) General appraiser sales comparison approach -- 15 hours;
- (4) General appraiser site valuation and cost approach -- 15 hours;

- (5) General appraiser income approach -- 45 hours;
- (6) General appraiser report writing and case studies -- 15 hours; and
- (7) Appraisal subject matter electives -- 30 hours.

A state-certified residential appraiser may satisfy the appraiser education requirements for the state-certified general appraiser ~~classification~~ credential by completing the following additional educational hours:

- (1) General appraiser market analysis and highest and best use -- 15 hours;
- (2) General appraiser sales comparison approach -- 15 hours;
- (3) General appraiser site valuation and cost approach -- 15 hours;
- (4) General appraiser income approach -- 45 hours; and
- (5) General appraiser report writing and case studies -- 10 hours.

Source: 18 SDR 36, effective August 25, 1991; 19 SDR 12, effective August 3, 1992; 21 SDR 49, effective September 18, 1994; 22 SDR 91, effective January 1, 1996; 23 SDR 113, effective January 12, 1997; 24 SDR 91, effective January 8, 1998; 32 SDR 109, adopted December 7, 2005, effective January 1, 2008; 33 SDR 2, adopted June 29, 2006, effective January 1, 2008; 35 SDR 175, effective January 1, 2009; 38 SDR 116, effective January 10, 2012.

General Authority: SDCL 36-21B-3(3)(6).

Law Implemented: SDCL 36-21B-1, 36-21B-3(3)(6).

Cross-References:

Requirement for qualifying education credit, § 20:14:13:03.01.

Application for course approval, § 20:14:13:07.

20:14:05:08.01. Educational requirements for state-certified general appraiser --

General education. Applicants for the state-certified general appraiser ~~classification~~ credential ~~must~~ shall hold a bachelor's degree or higher from an accredited college or university.

The college or university must be a degree-granting institution accredited by the Commission on Colleges, a regional or national accreditation association, or by an accredited agency that is recognized by the U.S. Secretary of Education.

Source: 32 SDR 109, adopted December 7, 2005, effective January 1, 2008; 34 SDR 67, adopted August 22, 2007, effective January 1, 2008; 36 SDR 112, effective January 11, 2010; 38 SDR 214, adopted June 21, 2012, effective July 1, 2014.

General Authority: SDCL 36-21B-3(3)(6).

Law Implemented: SDCL 36-21B-1, 36-21B-3(3)(6).

Cross-References:

Requirement for qualifying education credit, § 20:14:13:03.01.

Application for course approval, § 20:14:13:07.

20:14:05:08.02. Education -- Real estate degree. Credit toward qualifying education requirements may also be obtained ~~via~~ through the completion of a degree in real estate from an accredited degree-granting college or university approved by the Association to Advance Collegiate Schools of Business, or a regional or national accreditation agency recognized by the

U.S. Secretary of Education, provided that the college or university has had its curriculum reviewed and approved by the Appraiser Qualifications Board.

The Appraiser Qualifications Board may maintain a list of approved college or university degree programs, including the required core curriculum and appraisal subject matter elective hours satisfied by the award of the degree. Candidates for an appraiser ~~license or certificate~~ credential who are awarded degrees from institutions are required to complete all additional education required for the ~~certificate of license~~ credential, in which the approved degree is judged to be deficient by the Appraiser Qualifications Board.

Source: 38 SDR 214, effective June 21, 2012.

General Authority: SDCL 36-21B-3(6)(7).

Law Implemented: SDCL 36-21B-3(6)(7).

20:14:05:11. Education -- Time limit. There is no time limit for obtaining qualifying education credit for state-certified general, state-certified residential, and state-licensed appraiser ~~classifications~~ credentials.

Source: 18 SDR 36, effective August 25, 1991; 26 SDR 120, effective March 27, 2000; 35 SDR 175, effective January 1, 2009; 38 SDR 214, effective June 21, 2012.

General Authority: SDCL 36-21B-3(6)

Law Implemented: SDCL 36-21B-1, 36-21B-3(6).

20:14:05:19. Upgrade of ~~certificate~~ credential. To qualify to upgrade a ~~certificate~~ credential, a state-registered, state-certified residential, or state-licensed appraiser must do the following:

- (1) Submit an application as prescribed in § 20:14:03:01;
- (2) Submit an appraisal log for review as prescribed in § 20:14:05:05.01;
- (3) Meet the minimum qualifications for certification or licensure in this chapter; and
- (4) Pay the fees in §§ 20:14:10:01 and 20:14:10:05.

Source: 20 SDR 9, effective August 1, 1993; 21 SDR 49, effective September 18, 1994; 22 SDR 91, effective January 1, 1996; 23 SDR 113, effective January 12, 1997.

General Authority: SDCL 36-21B-3.

Law Implemented: SDCL 36-21B-1, 36-21B-3(4)(7), 36-21B-4.

CHAPTER 20:14:10

FEE SCHEDULE

20:14:10:02. Renewal fees. ~~Certificate~~ Credential renewal fees are as follows:

- (1) State-certified general appraiser: \$350;
- (2) State-certified residential appraiser: \$335;
- (3) State-licensed appraiser: \$325;
- (4) State-registered appraiser: \$175;
- (5) Supervisory appraiser: \$100.

Source: 18 SDR 36, effective August 25, 1991; 20 SDR 9, effective August 1, 1993; 21 SDR 49, effective September 18, 1994; 22 SDR 91, effective January 1, 1996; 23 SDR 113, effective January 12, 1997; 27 SDR 146, effective July 11, 2001; 28 SDR 109, effective February 7, 2002; 35 SDR 175, effective January 1, 2009; 36 SDR 112, effective January 11, 2010; 38 SDR 214, effective June 21, 2012; 41 SDR 217, effective June 29, 2015.

General Authority: SDCL 36-21B-4.

Law Implemented: SDCL 36-21B-1, 36-21B-3(9), 36-21B-4(2).

20:14:10:05. Upgrade fee. The fee to upgrade any ~~certificate~~ credential is \$200.

Source: 20 SDR 9, effective August 1, 1993; 23 SDR 113, effective January 12, 1997; 41 SDR 217, effective June 29, 2015.

General Authority: SDCL 36-21B-4.

Law Implemented: SDCL 36-21B-3(7), 36-21B-4(5).

20:14:10:05.01. Upgrade fee -- midway upgrade. A licensee state-registered appraiser shall pay the following applicable midway upgrade fee for each appraisal submitted pursuant to § ~~20:14:05:05.05~~ 20:14:05:05.05:

- (1) \$200 -- Residential (Single Family Unit);
- (2) \$250 -- Residential -- Small Income Producing (2-4 units);
- (3) \$350 -- Non-Residential (Agricultural); or
- (4) \$400 -- Non-Residential (Commercial/Industrial/Multi-Family [more than 4 units]).

Source: 43 SDR 36, effective September 20, 2016.

General Authority: SDCL 36-21B-4(5).

Law Implemented: SDCL 36-21B-1, 36-21B-3(1)(7)(17)(18), 36-21B-4(5).

CHAPTER 20:14:11

COMPLAINTS, INVESTIGATIONS, AND DISCIPLINE

20:14:11:01. Complaints and investigations. Upon receipt of an allegation of non-compliance against any ~~certificate~~ credential holder or applicant for ~~certification~~ a credential, as defined by § 20:14:11:01.01, or upon the secretary's own motion, the secretary shall initiate an investigation of the allegation. If the investigation provides evidence of non-compliance, the secretary may enter a formal complaint stating the charge against any ~~certificate~~ credential holder or applicant for ~~certification~~ a credential.

Source: 18 SDR 36, effective August 25, 1991; 43 SDR 36, effective September 20, 2016.

General Authority: SDCL 36-21B-3(12)(13)(17).

Law Implemented: SDCL 36-21B-1, 36-21B-3(12)(13)(17).

20:14:11:02. Disciplinary actions. The secretary may: deny, suspend, or revoke a ~~certificate~~ credential; censure or reprimand a ~~licensee~~ credential holder; place a ~~licensee~~ credential holder on probation; or limit a ~~licensee's~~ credential holder's scope of practice in accordance with SDCL chapter 1-26.

Source: 18 SDR 36, effective August 25, 1991; 22 SDR 91, effective January 1, 1996; 41 SDR 217, effective June 29, 2015.

General Authority: SDCL 36-21B-3.

Law Implemented: SDCL 36-21B-1, 36-21B-3(12).

20:14:11:03. Grounds for disciplinary action. The following acts and omissions are grounds for disciplinary action:

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

(2) Procuring or attempting to procure certification, licensure, or registration under this article by knowingly making a false statement, submitting false information, or making a material misrepresentation in an application filed with the department or procuring or attempting to procure a ~~certificate~~ credential through fraud or misrepresentation;

(3) Paying money or other valuable consideration other than the fees provided for by this article to any employee of the department to procure a ~~certificate~~ credential;

(4) ~~Any~~ Committing an act ~~which~~ that constitutes dishonesty, fraud, or misrepresentation;

(5) Entry of a final civil or criminal judgment against a ~~certificate~~ credential holder on grounds of fraud, misrepresentation, or deceit in the making of an appraisal;

(6) Being convicted or pleading guilty or nolo contendere to a misdemeanor involving moral turpitude or to a felony before a court of competent jurisdiction in this or any other state;

(7) Engaging in the business of real estate appraising under an assumed or fictitious name;

(8) Paying a finder's fee or a referral fee to any person in connection with the appraisal of real estate, but an intracompany payment for business development is ethical;

(9) Making a false or misleading statement in that portion of a written appraisal report that deals with professional qualifications or in any testimony concerning professional qualifications;

(10) Violating any provision of this article;

(11) ~~Violation of~~ Violating the confidential nature of any information to which a ~~licensee or the certificate~~ credential holder gained access through employment for evaluation assignments or valuation assignments;

(12) ~~Acceptance of~~ Accepting a fee for performing a real estate appraisal valuation assignment or evaluation assignment ~~when~~ if the fee is or was contingent upon the real estate appraiser reporting a predetermined analysis, opinion, or conclusion on the value of the property being appraised;

(13) Negligence, refusal, or incompetence in developing an appraisal, preparing an appraisal report, or communicating an appraisal, including failure to follow the standards and ethical rules adopted by the department;

(14) Being disciplined with suspension, denial, censure, reprimand, or revocation of a ~~certificate or license~~ credential by another state or jurisdiction;

(15) Submitting fraudulent materials to another state or jurisdiction to become registered, licensed, or certified;

(16) Being disciplined with suspension, denial, censure, reprimand, or revocation of a ~~certificate or license~~ credential by another regulated occupation, trade, or profession;

(17) Having an investigation or disciplinary action of a ~~certificate or license~~ credential by the department, another state or jurisdiction, or another regulated occupation, trade, or profession pending in this state or another state or jurisdiction;

(18) Performing an appraisal or an appraisal review requiring the services of a certified, licensed, or registered appraiser while not certified, licensed, or registered by the department;

(19) Filing a complaint against another appraiser falsely alleging a violation of any provision of this article as a means of retribution;

(20) Failing to comply with a final order of the secretary;

(21) Failing to meet the responsibilities as a supervisory appraiser;

(22) Voluntary surrender of a ~~certificate or license~~ credential in lieu of disciplinary action by another state or jurisdiction.

Source: 18 SDR 36, effective August 25, 1991; 20 SDR 9, effective August 1, 1993; 20 SDR 18, effective August 12, 1993; 21 SDR 49, effective September 18, 1994; 22 SDR 91, effective January 1, 1996; 23 SDR 113, effective January 12, 1997; 24 SDR 91, effective January 8, 1998; 26 SDR 120, effective March 27, 2000; 29 SDR 99, effective January 15, 2003; 34 SDR 200, effective January 28, 2008; 35 SDR 175, effective January 1, 2009; 36 SDR 112, effective January 11, 2010; 38 SDR 214, effective June 21, 2012; 41 SDR 217, effective June 29, 2015; 42 SDR 98, effective January 5, 2016.

General Authority: SDCL 36-21B-3(12).

Law Implemented: SDCL 36-21B-1, 36-21B-3(12).

CHAPTER 20:14:12

NONRESIDENT CERTIFICATION, LICENSURE, AND TEMPORARY PRACTICE

Section

20:14:12:01 Nonresident consent to service of process.

20:14:12:02 Reciprocity.

- 20:14:12:03 Reciprocity -- Term of ~~certificate~~ credential.
- 20:14:12:04 Temporary practice.
- 20:14:12:05 Temporary permit limited -- Expiration.

20:14:12:02. Reciprocity. If, in the determination of the secretary, another state, territory, or the District of Columbia has substantially equivalent certification and licensure requirements, an applicant who is certified or licensed there may be issued a ~~certificate~~ state-certified general, state-certified residential, or state-licensed appraiser credential under this article. To qualify, the applicant ~~must do the following~~ shall:

- (1) Submit an application on a form provided by the secretary;
- (2) Certify that the applicant is licensed or certified to appraise real estate in the applicant's home state or any other jurisdiction;
- (3) Certify that disciplinary proceedings are not pending against the applicant in the applicant's home state or any other jurisdiction;
- (4) Provide a signed affidavit before a notary public; and
- (5) Pay the application fee prescribed in § 20:14:10:01.

Source: 19 SDR 12, effective August 3, 1992; 22 SDR 91, effective January 1, 1996; 41 SDR 217, effective June 29, 2015.

General Authority: SDCL 36-21B-3.

Law Implemented: SDCL 36-21B-1, 36-21B-3(10).

Note: The secretary shall collect the registry fee pursuant to 12 U.S.C. § 3338(a) with the application for certification or licensure.

20:14:12:03. Reciprocity -- Term of ~~certificate~~ credential. The secretary shall issue a certificate or license to an applicant who qualifies in accordance with this article. Any certificate or license issued under this article expires on September 30 each year, unless revoked or suspended.

Source: 19 SDR 12, effective August 3, 1992.

General Authority: SDCL 36-21B-3.

Law Implemented: SDCL 36-21B-3.

CHAPTER 20:14:13

QUALIFYING AND CONTINUING EDUCATION

Section

20:14:13:01 Continuing education requirements.

20:14:13:01.01 Continuing education not required.

20:14:13:01.02 Continuing education -- Partial requirement.

20:14:13:02 Acceptable continuing education course topics.

20:14:13:02.01 Acceptable continuing education credit for field trips.

20:14:13:03 Minimum length of continuing education course.

20:14:13:03.01 Requirement for qualifying education credit.

20:14:13:03.02 Maximum length of classroom hours of instruction.

20:14:13:04 Additional activities eligible for continuing education credit.

- 20:14:13:05 Sources of qualifying education credit.
- 20:14:13:05.01 Acceptable courses without state review.
- 20:14:13:05.02 Acceptable distance education courses.
- 20:14:13:05.03 Distance education -- Continuing education.
- 20:14:13:05.04 Distance education -- Qualifying education.
- 20:14:13:06 Term of approval.
- 20:14:13:07 Application for course approval.
- 20:14:13:08 Approval of course changes.
- 20:14:13:09 Repealed.
- 20:14:13:10 Uniform standards training for instructors.
- 20:14:13:10.01 Courses on the appraisal standards and ethics.
- 20:14:13:11 Certificate of attendance issued by course provider.
- 20:14:13:12 Disapproval or denial of a course.
- 20:14:13:13 Training course for ~~supervising~~ supervisory appraisers and state-registered appraisers.
- 20:14:13:14 Course evaluation.

20:14:13:01. Continuing education requirements. In each odd-numbered year an applicant for renewal of a ~~certificate~~ credential ~~must~~ shall document completion of the equivalent of 28 class hours of instruction in approved courses or seminars during the preceding reporting period unless the continuing education is not required pursuant to § 20:14:13:01.01 or 20:14:03:05. Seven of the 28 class hours of instruction must be completed in the seven-hour update course that covers the uniform standards as adopted in § 20:14:06:01 or its equivalent as determined by the secretary or an alternative method as specified for continuing education in § 20:14:13:10.01. The

applicant ~~must~~ shall successfully complete the most current edition seven-hour uniform standards course prior to June 30 of each even-numbered year. An applicant may not receive credit for completion of the same continuing education offering within an appraiser's continuing education reporting period.

Source: 18 SDR 36, effective August 25, 1991; transferred from § 20:14:05:13, 20 SDR 9, effective August 1, 1993; 21 SDR 49, effective September 18, 1994; 22 SDR 91, effective January 1, 1996; 24 SDR 91, effective January 8, 1998; 25 SDR 123, effective April 8, 1999; 29 SDR 99, effective January 15, 2003; 32 SDR 109, effective December 27, 2005; 34 SDR 67, effective September 11, 2007; 36 SDR 112, effective January 11, 2010; 38 SDR 116, effective January 10, 2012; 38 SDR 214, effective June 21, 2012.

General Authority: SDCL 36-21B-3(6).

Law Implemented: SDCL 36-21B-1, 36-21B-3(3)(6).

20:14:13:01.01. Continuing education not required. The continuing education requirement as specified in § 20:14:13:01 is not required if ~~any of the following conditions are met:~~

(1) A ~~state-certified general, state-certified residential, state-licensed, or state-registered appraiser's certificate~~ credential was issued in the previous 185 days before September 30 of the current odd-numbered year. ~~However, this~~ This subdivision applies to first-time applicants only and not to applicants ~~that~~ who have been issued an upgrade of a ~~license or certificate~~ credential; or

(2) An appraiser is certified or licensed by reciprocity. ~~However, the~~ The appraiser ~~must~~ shall demonstrate possession of a current appraiser ~~certificate~~ credential and be in good standing in

the appraiser's home state or any other jurisdiction. Continuing education is required pursuant to § 20:14:13:01 if the appraiser who is certified or licensed by reciprocity moves to South Dakota.

Source: 21 SDR 49, effective September 18, 1994; 23 SDR 113, effective January 12, 1997; 25 SDR 123, effective April 8, 1999; 30 SDR 115, effective February 2, 2004; 32 SDR 109, effective December 27, 2005; 34 SDR 67, effective September 11, 2007; 40 SDR 121, effective January 7, 2014; 41 SDR 217, effective June 29, 2015.

General Authority: SDCL 36-21B-3(6)(9).

Law Implemented: SDCL 36-21B-3(6).

20:14:13:01.02. Continuing education -- Partial requirement. An appraiser is only required to complete fourteen hours of instruction in approved courses or seminars if the appraiser's ~~certificate~~ credential is issued on or after October 1 of the previous even-numbered year and prior to 185 days before September 30 of the current odd-numbered year. ~~However, this~~ This subdivision applies to first-time applicants only and not to applicants who have been issued an upgrade of a ~~license or certificate~~ credential.

Source: 40 SDR 121, effective January 7, 2014.

General Authority: SDCL 36-21B-3(6).

Law Implemented: SDCL 36-21B-3(6).

20:14:13:13. Training course for ~~supervising~~ supervisory appraisers and state-registered appraisers. The department shall develop the training course and provide it to providers of appraisal education as listed in § 20:14:13:05 desiring to offer the course to

~~appraisers.~~ The provider must ensure that the instructor has successfully completed the course which includes passing the course examination prior to instructing the course ~~to appraisers.~~

Source: 35 SDR 175, effective January 1, 2009.

General Authority: SDCL 36-21B-3.

Law Implemented: SDCL 36-21B-1, 36-21B-3(6).