

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2380 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Regina Goodwin _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2380

By: Goodwin

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to civil procedure; amending 12 O.S.
9 2011, Section 759, which relates to appraisement of
10 property; prohibiting persons within certain degree
11 of relation to the sheriff and sheriff's office
12 employees from appraising certain property; requiring
13 certain appraisals be performed by certified
14 appraisers in certain counties; defining term;
15 amending 59 O.S. 2011, Sections 858-701 and 858-702,
16 which relate to the Oklahoma Real Estate Appraisers
17 Act; deleting legislative intent statement; providing
18 applicability to certain transactions requiring
19 appraisals; and providing an effective date.

20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. AMENDATORY 12 O.S. 2011, Section 759, is
22 amended to read as follows:

23 Section 759. A. When a general execution is issued and placed
24 in the custody of a sheriff for levy, a certified copy of the
execution shall be filed in the office of the county clerk of the
county whose sheriff holds the execution and shall be indexed in the
same manner as judgments. At the time the execution is filed, the
court clerk shall collect from the party seeking a general execution

1 all fees necessary for the payment of the disinterested persons or
2 certified appraisers for their services in appraising of the subject
3 property pursuant to the requirements of subsection B of this
4 section.

5 B. If a general or special execution is levied upon lands and
6 tenements, the sheriff shall endorse on the face of the writ the
7 legal description and shall have three disinterested persons or
8 certified appraisers who have taken an oath to impartially appraise
9 the property levied on, upon actual view; and the disinterested
10 persons or certified appraisers shall return to the officer their
11 signed estimate of the real value of the property. The
12 disinterested persons or certified appraisers shall be paid for
13 their services by the court clerk of the county where the property
14 is located within thirty (30) days of the date that they return
15 their estimate of the real value of the property. No disinterested
16 person or certified appraiser shall be eligible to appraise the
17 property if the disinterested person or certified appraiser is
18 related within the third degree by affinity or consanguinity to the
19 sheriff or any employee of the appointing sheriff's office.

20 C. To extend a judgment lien beyond the initial or any
21 subsequent statutory period, prior to the expiration of such period,
22 a certified copy of one of the following must be filed and indexed
23 in the same manner as judgments in the office of the county clerk in
24

1 the county in which the statement of judgment was filed and the lien
2 thereof is sought to be retained:

- 3 1. A general execution upon the judgment;
- 4 2. A notice of renewal of judgment;
- 5 3. A garnishment summons issued against the judgment debtor; or
- 6 4. A notice of income assignment sent to a payor of the
7 judgment debtor.

8 D. In counties having a population of five hundred thousand
9 (500,000) or more according to the latest Federal Decennial Census,
10 only certified appraisers shall conduct appraisals pursuant to this
11 section.

12 E. For purposes of this section, "certified appraiser" shall
13 mean a state-licensed, state-certified residential or state general
14 real estate appraiser under the Oklahoma Certified Real Estate
15 Appraisers Act.

16 SECTION 2. AMENDATORY 59 O.S. 2011, Section 858-701, is
17 amended to read as follows:

18 Section 858-701. It is the intent of the Legislature to develop
19 a real estate appraiser certification process which meets the
20 federal guidelines set forth in the Financial Institutions Reform,
21 Recovery, and Enforcement Act of 1989. The purpose of the Oklahoma
22 Certified Real Estate Appraisers Act is to provide appraisers within
23 the state a process for certification which will allow them to
24 participate in a federally related transaction and real_estate-

1 related financial transactions of the agencies, instrumentalities
2 and federally recognized entities as defined and recognized in Title
3 XI of the Financial Institutions Reform, Recovery, and Enforcement
4 Act of 1989. ~~It is not the intent of this legislation to prevent~~
5 ~~any person who is currently conducting business as an appraiser from~~
6 ~~continuing such action unless such action involves a federally~~
7 ~~related transaction or a real estate related financial transaction~~
8 ~~as defined in Title XI of the Financial Institutions Reform,~~
9 ~~Recovery, and Enforcement Act of 1989.~~

10 SECTION 3. AMENDATORY 59 O.S. 2011, Section 858-702, is
11 amended to read as follows:

12 Section 858-702. A. This act shall only apply to:

13 1. Any appraisal or appraiser involving the following:

14 a. a federally related transaction,

15 b. real_estate-related financial transactions of the
16 agencies, instrumentalities, and federally recognized
17 entities covered by the Financial Institutions Reform,
18 Recovery, and Enforcement Act of 1989, ~~and~~

19 c. any real_estate-related transactions where an
20 appraisal report was made under a written agreement
21 that the appraisal report would follow the Uniform
22 Standards of Professional Appraisal Practice
23 guidelines or where a written appraisal states that it
24

1 is in compliance with the Uniform Standards of
2 Professional Appraisal Practice, and

3 d. any transaction requiring an appraisal by a certified
4 appraiser under Section 759 of Title 12 of the
5 Oklahoma Statutes; and

6 2. Appraisers certified or licensed pursuant to the Oklahoma
7 Certified Real Estate Appraisers Act or representing themselves as
8 such, whether such license or certification is active, inactive,
9 expired, suspended, or revoked as set forth in this act and the
10 rules and regulations promulgated pursuant thereto, to the extent
11 that the appraisers and any real property valuation and any real
12 property valuation activity performed by them shall conform to the
13 code of ethics as set forth in this act.

14 B. Certified public accountants, licensed in the states or
15 other U.S. jurisdictions, who perform appraisals of real estate
16 incidental to the performance of professional services they provide
17 to clients are excluded from the licensing and certification
18 provisions of the Oklahoma Certified Real Estate Appraisers Act
19 unless the appraisal is a federally related transaction or a real-
20 estate-related financial transaction of the agencies,
21 instrumentalities and federally recognized entities covered by the
22 Financial Institutions, Reform, Recovery and Enforcement Act of
23 1989.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

SECTION 4. This act shall become effective November 1, 2016.

55-2-9235 AMM 02/21/16