

ARTICLE 20:14

APPRAISERS

Chapter

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20:14:01:01. Definitions. As used in this article:

(1) "Appraisal," ~~means~~ the act or process of developing an opinion of value of real estate for another and for compensation;

(2) "Appraisal Foundation," ~~means~~ the Appraisal Foundation established on November 30, 1987, as a not-for-profit corporation under the laws of Illinois;

(3) "Appraiser Qualifications Board," ~~means~~ the independent board of the Appraisal Foundation which sets the qualification standards for appraisers;

(4) "Appraisal Standards Board," ~~means~~ the independent board of the Appraisal Foundation which sets the appraisal standards for appraisers;

(5) "Appraisal Subcommittee," ~~means~~ the Appraisal Subcommittee of the Federal Financial Institutions Examination Council;

(6) "Appraiser," ~~means~~ a person who has been issued by the department a state-certified general, state-certified residential, state-licensed, or state-registered appraiser credential to perform appraisals;

(7) "Credential," ~~means~~ the certificate, license, or registration issued to a successful applicant for state-certified general appraiser, state-certified residential appraiser, state-licensed appraiser, or state-registered appraiser, as applicable;

(8) "Class hour," ~~means~~ 50 minutes out of each 60-minute segment;

(9) "Complex nonresidential property," ~~means~~ the nonresidential property to be appraised, the form of ownership, or market conditions are atypical;

(10) "Complex one- to four-family residential property," ~~means~~ the residential property to be appraised, the form of ownership, or market conditions are atypical, as described in § 20:14:04:09;

(11) "Department," ~~means~~ the Department of Labor and Regulation;

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

(13) "Evaluation," ~~means~~ a valuation of real estate prepared for a federally insured depository institution for a transaction that, pursuant to regulations promulgated by one or more federal financial institution regulatory agencies, qualifies for the appraisal threshold exemption, business loan exemption, or subsequent transaction exemption;

(14) "Fed," ~~means~~ the Board of Governors of the Federal Reserve System;

(15) "Federal financial institutions regulatory agencies," ~~means~~ 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, or the National Credit Union Administration;

(16) "FDIC," ~~means~~ the Federal Deposit Insurance Corporation;

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

(18) "FIRREA," ~~means~~ the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended, Pub. L. No. 101-73 (August 9, 1989), 103 Stat. 183, 12 U.S.C. §§ 3311, 3310 through 3351 as amended to July 21, 2010;

(19) "Guidelines," ~~means~~ the Interagency Appraisal and Evaluation Guidelines that were issued by the federal financial institutions regulatory agencies and the Office of Thrift Supervision on December 2, 2010;

(20) "Registered Trainee Appraiser," an individual who has satisfied the requirements for trainee-level registration as a real estate appraiser as prescribed by this article;

~~(20)~~(21) "OCC," ~~means~~ the Office of the Comptroller of the Currency, Treasury Department;

~~(21)~~(22) "Real estate," ~~means~~ as defined in SDCL [36-21A-11](#);

~~(22)~~(23) "Secretary," ~~means~~ the secretary of the department;

~~(23)~~(24) "State-certified general appraiser," ~~means~~ an individual who has satisfied the requirements for the highest level of certification as a real estate appraiser as prescribed in this article;

~~(24)~~(25) "State-certified residential appraiser," ~~means~~ an individual who has satisfied the requirements for the highest level of residential certification as a real estate appraiser as prescribed in this article;

~~(25)~~(26) "State-licensed appraiser," ~~means~~ an individual who has satisfied the requirements for mid-level licensure as a real estate appraiser as prescribed in this article;

~~(26)~~(27) "State-registered appraiser," ~~means~~ an individual who has satisfied the requirements for entry-level registration as a real estate appraiser as prescribed in this article;

~~(27)~~(28) "Tract development," ~~means~~ a project of five units or more that is constructed or is to be constructed as a single development;

~~(28)~~(29) "Uniform standards," ~~means~~ Uniform Standards of Professional Appraisal Practice, as incorporated in § 20:14:06:01; and

~~(29)~~(30) "Written examination," means 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; 44 SDR 27,

effective August 14, 2017; 46 SDR 75, effective December 4, 2019; 47 SDR 71, effective December 14, 2020.

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

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

Reference: Interagency Appraisal and Evaluation Guidelines, adopted December 2, 2010, Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (FRB), the Federal Deposit Insurance Corporation (FDIC), the Office of Thrift Supervision (OTS), and the National Credit Union Administration (NCUA). Copies may be obtained free of charge from <https://www.fdic.gov/news/financial-institution-letters/2010/fil10082a.pdf>.

20:14:02:03. Use of titles in advertising. A 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, or registered trainee appraiser by listing the appropriate classification title as displayed on the 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 credential possessed by the appraiser.

Source: 23 SDR 113, effective January 12, 1997; 30 SDR 115, effective February 2, 2004; 44 SDR 27, effective August 14, 2017.

General Authority: SDCL 36-21B-3(14).

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

CHAPTER 20:14:04

TRANSACTIONS REQUIRING QUALIFIED APPRAISERS

Section

- 20:14:04:01 Federally related transactions.
- 20:14:04:02 Real estate-related transactions.
- 20:14:04:03 Transaction value.
- 20:14:04:04 Appraisal not required.
- 20:14:04:05 Threshold levels.
- 20:14:04:06 Appraisal by state-certified general appraiser.
- 20:14:04:06.01 Appraisal by state-certified residential appraiser.
- 20:14:04:07 Appraisal by state-licensed appraiser.
- 20:14:04:08 Presumption that one- to four-family residential properties are not complex.
- 20:14:04:09 Final determination of complexity.
- 20:14:04:10 Appraisal by either a state-certified general, state-certified residential, or state-licensed appraiser.
- 20:14:04:11 Appraisal by state-registered appraiser.
- 20:14:04:11.01 Appraisal by registered trainee appraiser.
- 20:14:04:12 Assistance by state-registered or registered trainee appraiser in preparation of appraisal reports.
- 20:14:04:12.01 Registration of supervisory appraiser by ~~state-registered~~ trainee appraiser.
- 20:14:04:12.02 Responsibility of a ~~state-registered~~ trainee appraiser.

- 20:14:04:13 Supervisory appraiser.
- 20:14:04:14 Requirements of a supervisory appraiser.
- 20:14:04:15 Application for supervisory appraiser ~~approval~~ endorsement.
- 20:14:04:16 Supervisory appraiser ~~approval~~ endorsement renewal.
- 20:14:04:16.01 Supervisory appraiser late renewal.
- 20:14:04:17 Responsibilities of supervisory appraiser.

20:14:04:11. Appraisal by state-registered appraiser. A state-registered appraiser may perform ~~noncomplex property appraisals as specified in § 20:14:04:04 and assist in the preparation of appraisals as prescribed in § 20:14:04:12~~any appraisal except when the purpose of the appraisal is for use in federally related transactions or when the client requires a state-licensed or state-certified appraiser, and must include in all appraisal reports a statement that the appraisal may not be eligible for use in federally related transactions. A state-registered appraiser is bound by the competency rule in the uniform standards and § 20:14:09:02.

Source: 20 SDR 9, effective August 1, 1993; 23 SDR 113, effective January 12, 1997; 28 SDR 109, effective February 7, 2002; 32 SDR 109, effective December 27, 2005; 47 SDR 71, effective December 14, 2020.

General Authority: SDCL 36-21B-3(8).

Law Implemented: SDCL 36-21B-1, 36-21B-3(8).

20:14:04:11.01 Appraisal by registered trainee appraiser. A registered trainee appraiser may perform any appraisal the supervisory appraiser is qualified to perform, provided the registered

trainee appraiser is supervised as required by § 20:14:04:17, and may assist in the preparation of appraisals as prescribed in § 20:14:04:12. A registered trainee appraiser is bound by the competency rule in the uniform standards and § 20:14:09:02.

Source: 20 SDR 9, effective August 1, 1993; 23 SDR 113, effective January 12, 1997; 28 SDR 109, effective February 7, 2002; 32 SDR 109, effective December 27, 2005; 47 SDR 71, effective December 14, 2020.

General Authority: SDCL 36-21B-3(8).

Law Implemented: SDCL 36-21B-1, 36-21B-3(8).

20:14:04:12. Assistance by state-registered or registered trainee appraiser in preparation of appraisal reports. A state-registered or trainee appraiser may assist in the preparation of an appraisal report in connection with a federally related transaction which requires the use of a state-certified residential or state-certified general appraiser as prescribed in this chapter if the state-registered or registered trainee appraiser is directly supervised by a state-certified residential or state-certified general appraiser and the final appraisal document is approved and signed by a state-certified residential or state-certified general appraiser.

Source: 20 SDR 9, effective August 1, 1993; 23 SDR 113, effective January 12, 1997; 28 SDR 109, effective February 7, 2002; 32 SDR 109, effective December 27, 2005; 34 SDR 67, effective September 11, 2007; 38 SDR 214, adopted June 21, 2012, effective July 1, 2013.

General Authority: SDCL 36-21B-3(8).

Law Implemented: SDCL 36-21B-1, 36-21B-3(8).

20:14:04:12.01. Registration of supervisory appraiser by ~~state-registered~~ trainee appraiser. A ~~state-registered~~ trainee appraiser shall report the name of each supervisory appraiser to the secretary on registration forms provided by the secretary. A ~~state-registered~~ trainee appraiser may have more than one supervisory appraiser. Registration of a supervisory appraiser is effective the day the registration form is received by the secretary. Appraisal experience credit for an assignment requiring a supervisory appraiser will be granted if the supervisory appraiser is registered with the secretary at the time of the assignment. The ~~state-registered~~ trainee appraiser shall report, in writing, to the secretary any change of supervisory appraiser. The change shall be effective upon receipt by the secretary.

Source: 34 SDR 67, effective September 11, 2007; 36 SDR 112, effective January 11, 2010; 38 SDR 214, effective June 21, 2012.

General Authority: SDCL 36-21B-3(8).

Law Implemented: SDCL 36-21B-1, 36-21B-3(8).

20:14:04:12.02. Responsibility of a ~~state-registered~~ registered trainee appraiser. A ~~state-registered~~ registered trainee appraiser is responsible for:

(1) Jointly maintaining an appraisal log with each supervisory appraiser on a form provided by the secretary that includes each appraisal performed by the ~~state-registered~~ trainee appraiser to ensure it is accurate. Separate appraisal logs must be maintained for each supervisory appraiser; and

(2) Successfully completing an education program developed by the department regarding the role of the supervisory appraiser and the ~~state-registered~~ trainee appraiser. Successful completion of the education program includes passing the course examination.

Source: 35 SDR 175, effective January 1, 2009; 36 SDR 112, effective January 11, 2010; 38 SDR 214, effective June 21, 2012; 40 SDR 121, effective January 7, 2014; 46 SDR 75, effective December 4, 2019.

General Authority: SDCL 36-21B-3.

Law Implemented: SDCL 36-21B-1, 36-21B-3(6)(7)(15).

20:14:04:14. Requirements of a supervisory appraiser. A state-certified residential or state-certified general appraiser desiring to supervise a ~~state-registered~~ trainee appraiser 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 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 state-certified residential or state-certified general appraiser and hold a South Dakota 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~~ trainee appraiser before supervision begins. Successful completion of the education program includes passing the course examination.

A supervisory appraiser may supervise no more than three ~~state-registered~~ trainee appraisers at any one time except when the supervisory appraiser, having met all of the supervisory certified appraiser qualifications, provides experience training for ~~state-registered~~ trainee appraisers in accordance with a progress monitored appraiser experience training program developed and administered by the department.

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; 44 SDR 27, effective August 14, 2017; 47 SDR 71, effective December 14, 2020.

General Authority: SDCL 36-21B-3(1)(6)(12)(16).

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

20:14:04:15. Application for supervisory appraiser ~~approval~~ endorsement. Any person who desires to supervise a ~~state-registered~~ trainee appraiser under this article must apply in writing for approval as a supervisory appraiser on a form provided by the secretary. The nonrefundable application fee prescribed in § 20:14:10:01 must accompany the application form. The application, at a minimum, 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) Area of geographic competency;
- (8) Certification of competency in one or more of the following specific appraisal

assignments:

- (a) Residential:
 - (i) One-to four family;
- (b) Nonresidential:
 - (i) Commercial;
 - (ii) Industrial;
 - (iii) Agricultural; and
 - (iv) Multifamily;
- (9) Email address.

Source: 35 SDR 175, effective January 1, 2009; 36 SDR 112, effective January 11, 2010; 38 SDR 116, effective January 10, 2012; 38 SDR 214, effective June 21, 2012; 42 SDR 98, effective January 5, 2016; 46 SDR 29, effective September 9, 2019.

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

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

20:14:04:16. Supervisory appraiser ~~approval~~ endorsement renewal. To renew any current supervisory appraiser ~~approval~~ endorsement the holder of the ~~approval~~ endorsement 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 supervisory appraiser ~~approval~~ endorsem.

Source: 35 SDR 175, effective January 1, 2009; 36 SDR 112, effective January 11, 2010; 38 SDR 214, effective June 21, 2012; 44 SDR 27, effective August 14, 2017.

General Authority: SDCL 36-21B-3.

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

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

- (1) Training, guidance, and direct supervision of the ~~state-registered~~ trainee appraiser;
- (2) Mentoring of the ~~state-registered~~ trainee appraiser;
- (3) Personally inspecting:

(a) A minimum of 25 residential subject properties with the ~~state-registered~~ trainee appraiser if the ~~state-registered~~ trainee appraiser is seeking the state-licensed or state-certified

residential appraiser credential. If the ~~state-registered~~ trainee appraiser seeking the state-licensed or state-certified residential appraiser credential includes the appraisal of nonresidential properties, the supervisory appraiser shall personally inspect all nonresidential subject properties up to 15 properties with the ~~state-registered~~ trainee appraiser; or

(b) A minimum of 15 nonresidential subject properties with the ~~state-registered~~ trainee appraiser if the ~~state-registered~~ trainee appraiser is seeking the state-certified general appraiser credential. If the ~~state-registered~~ trainee appraiser seeking the state-certified general appraiser credential includes the appraisal of residential properties the supervisory appraiser shall personally inspect all residential subject properties up to 25 properties with the state-registered appraiser.

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

If a ~~state-registered~~ trainee 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 subdivision;

(4) Reviewing the ~~state-registered~~ trainee 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~~ trainee 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 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;

(7) Signing the ~~state-registered~~ trainee appraiser 's appraisal log ~~as applicable~~ referenced in § 20:14:05:05; and

(8) Jointly maintaining an appraisal log with each ~~state-registered~~ trainee appraiser on a form provided by the secretary that includes each appraisal performed by the ~~state-registered~~ trainee appraiser to ensure it is accurate. Separate appraisal logs must be maintained for each ~~state-registered~~ trainee appraiser.

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; 44 SDR 27, effective August 14, 2017; 46 SDR 75, effective December 4, 2019.

General Authority: SDCL ~~36-21B-3~~ 36-21B-3(3)(16)(17).

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, Repealed.

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 and registered trainee 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 and registered trainee appraiser.

20:14:05:06.02 Education program for state-registered appraiser and registered trainee 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 Repealed.
- 20:14:05:07.04 Alternative to general education requirements of the state-certified residential appraiser credential for state-licensed appraiser.
- 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 credential.

20:14:05:20 Repealed.

20:14:05:21 Acceptable alternative appraisal experience.

20:14:05:01. Qualifications. To qualify as a registered trainee, state-registered, state-licensed, state-certified residential, or state-certified general appraiser, an applicant must meet the applicable examination, education, and experience requirements prescribed in this article. After being certified, licensed, or registered, an individual must meet the continuing education requirement in §20:14:13:01.

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.

General Authority: SDCL 36-21B-3(5)(6)(7).

Law Implemented: SDCL 36-21B-1, 36-21B-3(5)(6)(7).

20:14:05:01.02. Limited exemption for qualifications -- Military. ~~An applicant for state-licensed, state-certified residential, or state-certified general appraiser in the Reserve components of the U.S. Armed Forces, who was pursuing appraiser licensure or certification prior to December 1, 2011, and who was called to active duty between December 1, 2011, and December 31, 2014, may satisfy the qualifications required prior to July 1, 2014, for an additional time period after January 1, 2015. The extension of time is equal to the applicant's time of active duty, plus an additional 12 months~~ Repealed.

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).~~

20:14:05:02. Examination. An applicant for a state-licensed, state-certified residential, or state-certified general appraiser 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 credential 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; 44 SDR 27, effective August 14, 2017.

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

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

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, §§ 20:14:05:07.01 and 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.

20:14:05:02.01. Experience requirements for state-registered appraiser and registered trainee appraiser. An applicant for state-registered or registered trainee appraiser credential is not required to have any appraisal experience. After being issued a credential by the department a state-registered or registered trainee 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; 44 SDR 27, effective August 14, 2017.

General Authority: SDCL 36-21B-3.

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 are acceptable as appraisal experience:

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

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

~~Case studies or practicum courses that are approved by the Appraiser Qualifications Board Course Approval Program or state appraiser regulatory agencies, and non-client appraisal experience, may be used to satisfy the appraisal experience requirement. Case studies, practicum courses, and non-client appraisal experience may not exceed 50 percent of the total experience requirement. An appraisal does not require a client to be accepted as an appraisal experience. A person gaining experience may perform an appraisal on property where the resulting appraisal report does not have a client who will use the report for any type of business purpose.~~

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; 44 SDR 27, effective August 14, 2017.

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

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

Note: An appraisal without a client is comparable to a demonstration report where the goal is to demonstrate competency.

Cross-References:

Registration of supervisory appraiser by registered trainee appraiser, § 20:14:04:12.01.

Responsibilities of supervisory appraiser, § 20:14:04:17.

20:14:05:05.05. Experience -- Review of appraisals by secretary midway to upgrade. When a state-registered or registered trainee 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 credential, the state-registered or registered trainee appraiser may request from the secretary an appraisal review of an appraisal completed by the state-registered or registered trainee appraiser. The state-registered or registered trainee appraiser may submit a maximum of two appraisals 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 state-registered or registered appraiser and the supervisory appraiser.

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

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

Source: 43 SDR 36, effective September 20, 2016; 44 SDR 27, effective August 14, 2017.

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 and registered trainee appraiser. An applicant for a state-registered or registered trainee

appraiser credential 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; 44 SDR 27, effective August 14, 2017.

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 and registered trainee appraiser. An applicant for a state-registered or registered trainee appraiser credential shall complete an education program pursuant to § 20:14:04:12.02 prior to issuance of the credential. The education program classroom hours are not eligible towards the qualifying or continuing education requirements.

Source: 41 SDR 217, effective June 29, 2015; 44 SDR 27, effective August 14, 2017.

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. The following educational requirements apply to state-licensed appraisers:

(1) An applicant for examination as a state-licensed appraiser credential shall complete the 150 creditable class hours of approved qualifying education specified in paragraphs (1)(a) through (1)(g), which includes successful completion of each course examination. Acceptable education is the Appraiser Qualifications Board's required core curriculum as follows:

- (a) Basic appraisal principles -- 30 hours;
- (b) Basic appraisal procedures -- 30 hours;
- (c) 15-hour qualifying course that covers the uniform standards as adopted in § 20:14:06:01;
- (d) Residential market analysis and highest and best use -- 15 hours;
- (e) Residential appraiser site valuation and cost approach -- 15 hours;
- (f) Residential sales comparison and income approaches -- 30 hours; and
- (g) Residential report writing and case studies -- 15 hours.

(2) A state-registered or registered trainee appraiser shall satisfy the educational requirements for the state-licensed appraiser classification by completing the following additional educational hours specified in paragraphs (2)(a) through (2)(d):

- (a) Residential market analysis and highest and best use -- 15 hours;
- (b) Residential appraiser site valuation and cost approach -- 15 hours;
- (c) Residential sales comparison and income approaches -- 30 hours; and
- (d) Residential report writing and case studies -- 15 hours.

(3) A state-registered or registered trainee appraiser may satisfy the educational requirements for the state-licensed appraiser classification by completing the following additional educational hours specified in paragraphs (3)(a) through (3)(e) if the state-registered or registered trainee appraiser is seeking the state-certified general appraiser credential and the experience includes nonresidential appraisal work:

- (a) General market analysis and highest and best use -- 30 hours;
- (b) General sales comparison approach -- 30 hours;
- (c) General income approach -- 60 hours;
- (d) General site valuation and cost approach -- 30 hours; and
- (e) General report writing and case studies -- 30 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; 44 SDR 27, effective August 14, 2017; 47 SDR 71, effective December 14, 2020.

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 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 or registered trainee appraiser may satisfy the appraiser educational requirements for the state-certified residential appraiser 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 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; 44 SDR 27, effective August 14, 2017.

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 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 or registered trainee appraiser may satisfy the appraiser educational requirements for the state-certified general appraiser 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 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 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; 44 SDR 27, effective August 14, 2017.

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.

20:14:05:19. Upgrade of credential. To qualify to upgrade a credential, a registered trainee, 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; 44 SDR 27, effective August 14, 2017.

General Authority: SDCL 36-21B-3.

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

20:14:05:21. Acceptable alternative appraisal experience. Appraisal experience obtained without a traditional supervisor may be obtained through an alternative method, as described in this section, to satisfy the experience requirement for registered trainee, state-registered, state-licensed, state-certified residential, and state-certified general appraiser credentials. Alternative methods of earning appraisal experience are:

(1) Practicum courses approved by the Appraiser Qualifications Board Course Approval Program or state appraiser regulatory agencies;

(2) Practical Applications of Real Estate Appraisal (PAREA) programs approved by the Appraiser Qualifications Board Course Approval Program as included in The Real Property Appraiser Qualification Criteria and Interpretations of the Criteria, which is incorporated by this reference, or state appraiser regulatory agencies. Partial credit must not be granted for completing only a portion of a PAREA program. Experience credit must be granted upon verification of successful completion of an entire PAREA program for the state-licensed or state-certified residential appraiser credential, as applicable; or

(3) An experience training program administered in accordance with chapter 20:14:15.

Source:

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

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

Note: It is not required that a registered trainee appraiser have a traditional client for an appraisal to qualify as acceptable appraisal experience, such as the appraiser being hired by a client for a business purpose.

Cross-references:

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

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

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

Reference: The Real Property Appraiser Qualification Criteria and Interpretations of the Criteria, effective January 1, 2022, The Appraisal Foundation, Appraiser Qualifications Board. Copies may be obtained from The Appraisal Foundation, free of charge at https://appraisalfoundation.org/imis/TAF/Standards/Qualification_Criteria/Qualification_Criteria_RP_TAF/AQB_RPAQC.aspx?hkey=5ec61b8d-751b-4a97-90b1-9b3dae51beea

20:14:09:01. Professional association membership as basis for exclusion prohibited. A state-certified general, state-certified residential, state-licensed, ~~or~~ state-registered or registered trainee appraiser may not be excluded from consideration for an assignment solely by virtue of membership or lack of membership in any particular appraisal organization. Consideration may include education achieved, experience, sample appraisals, and references from prior clients.

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; 38 SDR 116, effective January 10, 2012.

General Authority: SDCL 36-21B-3.

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

20:14:09:02. Competence. All staff and fee appraisers performing real estate appraisals must be state-certified general, state-certified residential, state-licensed, ~~or~~ state-registered or registered trainee as applicable. However, a state-certified general, state-certified residential, state-licensed, ~~or~~ state-registered or registered trainee appraiser may not be considered competent solely by virtue of being certified, licensed, or registered. Any determination of competence must be based on the individual's experience and educational background as they relate to the particular appraisal assignment for which the appraiser is being considered.

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; 28 SDR 109, effective February 7, 2002.

General Authority: SDCL 36-21B-3(16).

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

20:14:10:01. Application fees. Application fees are as follows:

(1) State-certified general appraiser: \$400;

(2) State-certified residential appraiser: \$375;

(3) State-licensed appraiser: \$350;

(4) State-registered appraiser: \$210;

(5) Registered trainee appraiser: \$210;

~~(5)~~(6) State-certified general appraiser reciprocity: \$400;

~~(6)~~(7) State-certified residential appraiser reciprocity: \$375;

~~(7)~~(8) State-licensed appraiser reciprocity: \$350;

~~(8)~~(9) Temporary practice: \$200;

~~(9)~~(10) Supervisory appraiser: \$150-;

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; 27 SDR 146, effective July 11, 2001; 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(4), 36-21B-4(1)(6)(9).

20:14:10:02. Renewal fees. 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 and registered trainee 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; 44 SDR 27, effective August 14, 2017.

General Authority: SDCL 36-21B-4.

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

20:14:10:05.01. Upgrade fee -- midway upgrade. A state-registered or registered trainee appraiser shall pay the following applicable midway upgrade fee for each appraisal submitted pursuant to § 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; 44 SDR 27, effective August 14, 2017.

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 20:14:13

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.
- 20:14:13:05.05 Hybrid Courses.
- 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 supervisory appraisers and state-registered appraisers.
- 20:14:13:14 Course evaluation.

20:14:13:02. Acceptable continuing education course topics. ~~Credit may be granted~~

The department shall grant credit to an applicant for renewal for courses that cover real estate topics related to appraisal and that maintain or increase ~~the~~ an appraiser's skill, knowledge, and competency in real property appraising; ~~such as~~ Acceptable real estate topics are those listed in this section or the equivalent as determined by the secretary:

- (1) Ad valorem taxation;
- (2) Arbitration, dispute resolution;
- (3) Courses related to practice of real estate appraisal or consulting;
- (4) Development cost estimating;
- (5) Ethics, standards of professional practice, and uniform standards;
- (6) Land use planning and zoning;
- (7) Real estate litigation, damages, and condemnation;
- (8) Management, leasing, and timesharing;
- (9) Property development and partial interest;
- (10) Real estate law, easements, and legal interest;
- (11) Real estate financing and investment;
- (12) Real estate appraisal-related computer applications;
- (13) Real estate securities and syndication;
- (14) Developing opinions of real property value in appraisals that also include personal property and/or business value;
- (15) Seller concessions and impact on value; ~~and~~
- (16) Energy efficient items and green building appraisals; and

(17) Valuation bias, fair housing, or equal opportunity housing.

Source: 18 SDR 36, effective August 25, 1991; transferred from § 20:14:05:14, 20 SDR 6, effective August 1, 1993; 23 SDR 113, effective January 12, 1997; 24 SDR 91, effective January 8, 1998; 32 SDR 109, effective December 27, 2005; 38 SDR 214, effective June 21, 2012.

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

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

20:14:13:05.01. Acceptable courses without state review. Education courses that have received approval by the Appraiser Qualifications Board of the Appraisal Foundation through the Appraiser Qualifications Course Approval Program or by ~~the~~ another state appraiser regulatory agency may be accepted by the secretary without additional state review.

Source: 25 SDR 123, effective April 8, 1999; 26 SDR 120, effective March 27, 2000; 32 SDR 109, effective December 27, 2005; 34 SDR 67, effective September 11, 2007; 35 SDR 175, effective January 1, 2009.

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

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

20:14:13:05.02. Acceptable distance education courses. A An asynchronous distance education course is acceptable for qualifying or continuing education if:

(1) The course provides interaction. Interaction is a reciprocal environment where the student has verbal or written communication with the instructor;

(2) Content approval is obtained from the Appraiser Qualifications Board, a state licensing jurisdiction, or an accredited college, community college, or university that offers distance education programs and is approved or 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. Nonacademic credit college courses provided by a college must be approved by the Appraiser Qualifications Board or the state licensing jurisdiction; and

(3) Course delivery mechanism approval is obtained from one of the following sources:

(a) The Appraiser Qualifications Board;

(b) Appraiser Qualifications Board-approved Board-approved organizations providing approval of course design and delivery, such as The Appraisal Foundation or other independent approved entity; or

~~(b)~~(c) A college that qualifies for content approval in subdivision (2) that awards academic credit for the distance education course; or

~~(c)~~(d) A qualifying college for content approval with a distance education delivery program that approves the course design and delivery that incorporate interactivity.

Source: 32 SDR 109, effective December 27, 2005.

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

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

Cross-references: Definition of class hour, § 20:14:01:01(8)

20:14:13:05.03. Distance Asynchronous education -- Continuing education. Distance Asynchronous distance education courses intended for use as continuing education must include at least one of the following:

(1) A written examination proctored by an official approved by the college or university, or by the sponsoring organization. Remote proctoring, including bio-metric proctoring procedures, is acceptable; or

(2) Successful completion of prescribed course mechanisms required to demonstrate knowledge of the subject matter.

For purposes of this section, the term, bio-metric proctoring means continually verifying the identity of a student through facial recognition, keystroke cadence consistency, or the observation of activity in a testing location.

Source: 32 SDR 109, effective December 27, 2005.

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

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

20:14:13:05.04. Distance education -- Qualifying education. Distance education courses intended for use as qualifying education must include a written, closed-book final examination. The examination must be proctored in-person or remotely by an official approved by the college or university, or by the sponsoring organization. Bio-metric proctoring, as defined in § 20:14:13:05.03, is an acceptable form of proctoring for purposes of this section.

Source: 34 SDR 67, effective September 11, 2007.

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

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

20:14:13:05.05. Hybrid Courses. Hybrid courses are courses in which some students are virtual and some are live in the classroom. A hybrid course meets class hour requirements if each of its sessions meet the requirement for the delivery method employed:

_____ (1) The in-person course session meets the class hour time requirement and § 20:14:13:05;

_____ (2) The synchronous course session meets the class hour time requirement and § 20:14:13:05; or

_____ (3) The asynchronous course sessions meet the class hour time requirement and § 20:14:13:05 and this section.

Source:

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

_____ **Law Implemented:** SDCL 36-21B-1.

CHAPTER 20:14:15

APPRAISER EXPERIENCE TRAINING PROGRAM

Section

20:14:15:01 **Eligibility requirements.**

20:14:15:02 **Experience training program application.**

- 20:14:15:03 Ranking system for candidate selection.
- 20:14:15:04 Requirements to complete the experience portion of the program.
- 20:14:15:05 Partial experience credit not allowed.
- 20:14:15:06 Requirements to complete the education portion of the program.
- 20:14:15:07 Grounds for dismissal from experience training program.
- 20:14:15:08 Certificate of completion.
- 20:14:15:09 Lead and associate trainer requirements.
- 20:14:15:10 Agreement with department for other institutions to administer an experience training program.

20:14:15:01. Eligibility requirements. To be eligible to enroll in the appraiser experience training program, a candidate must have:

- (1) A state-registered or registered trainee appraiser credential;
- (2) Completed the educational requirements specified in § 20:14:05:06.01.

Source:

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

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

20:14:15:02. Experience training program application. A candidate for the experience training program shall apply in writing on a form provided by the department or institution administering the program. The application must require the following candidate information:

____ (1) Name;

____ (2) Current business or home address, or both;

____ (3) Email address and telephone number;

____ (4) Driver's license number and state of issuance;

____ (5) Appraiser education completed;

____ (6) Type of appraiser credential pursued;

____ (7) Area of the state in which candidate intends to practice real estate appraisal;

____ (8) College-level education completed, if any; and

____ (9) A sworn declaration signed by the candidate.

____ **Source:**

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

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

20:14:15:03. Ranking system for candidate selection. The program administrator shall review candidates for the experience training program according to the following point system:

____ (1) Resides in and intends to establish and maintain a real estate appraisal practice in a South Dakota county with a population of 10,000 or less, 35 points;

(2) Currently holds a state-registered or registered trainee appraiser credential, 20 points;

(3) Has completed the applicable education prescribed in § 20:14:15:01, 15 points;

(4) Understands the requirements, including tuition and travel, and commits in writing to completing the program, 10 points;

(5) Holds a Bachelor's degree required for the state-certified general appraiser credential or has the college-level education required for the state-certified residential appraiser credential, as applicable for the desired appraiser credential, [Note: If the candidate desires a state-licensed appraiser credential, college level education is not required. The candidate will receive the allocated points in this category.] 10 points; and

(6) Possesses the required technology and equipment, 10 points.

The program administrator shall select candidates with the highest point score for the program.

Source:

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

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

20:14:15:04. Requirements to complete the experience portion of the program. A candidate for the experience training program must complete the experience required for each credential level as agreed to in a memorandum of understanding.

Source:

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

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

20:14:15:05. Partial experience credit not allowed. The program administrator may not grant a candidate partial experience for completing only a portion of an experience training program.

Source:

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

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

20:14:15:06. Requirements to complete the education portion of the program. A candidate for the experience training program must complete the Appraiser Qualification Board's required qualifying education for the desired credential as set forth in The Real Property Appraiser Qualifications Criteria and Interpretations of the Criteria, which is incorporated by reference. A candidate may obtain the required education while enrolled in the experience training program.

Source:

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

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

Reference: The Real Property Appraiser Qualification Criteria and Interpretations of the Criteria, effective January 1, 2022, The Appraisal Foundation, Appraiser Qualifications Board. Copies may be obtained from The Appraisal Foundation, free of charge at

https://appraisalfoundation.org/imis/TAF/Standards/Qualification_Criteria/Qualification_Criteria_RP_/TAF/AQB_RPAQC.aspx?hkey=5ec61b8d-751b-4a97-90b1-9b3dae51beea

20:14:15:07. Grounds for dismissal from experience training program. The department or institution administering experience training program may dismiss a candidate from the program for failure to:

- (1) Attend all in-person and virtual classroom hours of instruction;
- (2) Participate in all field work as prescribed by the lead trainer;
- (3) Complete all assignments for a required course as prescribed in the course syllabus; ~~and~~

or

(4) Complete the Appraiser Qualification Board-required qualifying education for the desired credential in the timeframe set forth by the institution administering the program.

—It is not a failure to attend an in-person or virtual classroom hour of instruction under subdivision 1 if the absence is excused and the candidate ~~must review~~ reviews the applicable recorded classroom or virtual presentation for the missed hours.

It is not a failure to participate in scheduled field work under subdivision 2 if the absence is excused and the candidate completes the missed field work independently.

If a candidate is in noncompliance with the course requirements under this section, the lead trainer shall notify the student in writing detailing the candidate's noncompliance. The lead trainer shall grant the student 30 days to correct the candidate's noncompliance to avoid dismissal from the experience training program.

Source:

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

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

20:14:15:08. Certificate of completion. The program administrator shall issue a certificate of completion to a candidate when the candidate successfully completes the requirements of the experience training program for the desired credential. The certificate must designate the specific appraiser credential that the candidate has achieved by completing the experience training program. The candidate may apply to the department for the specific appraiser credential designated in the certificate, which shall be issued if the candidate has satisfied all requirements, including passage of any Appraiser Qualifications Board Approved Appraiser National Uniform Examination required for the credential being sought.

Source:

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

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

20:14:15:09. Lead and associate trainer requirements. To qualify as a lead or associate trainer under the experience training program, an individual must:

(1) Have the knowledge and experience in the types of appraisal assignments being supervised pursuant to the competency rule of the uniform standards and § 20:14:09:02;

(2) Have a minimum of five years of appraisal experience as a state-certified residential or state-certified general appraiser;

(3) Have been in good standing, for a period of at least five years, in every jurisdiction in which the appraiser is certified;

(4) Have successfully completed, with the requirement of passing the course examination, an education program provided by the department as specified in subdivision 20:14:04:14(4); and

(5) Submit to a state and federal criminal background investigation.

Source:

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

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

Cross-reference:

Uniform Standards of Professional Appraisal Practice, § 20:14:06:01.

Supervisory appraiser credential, §§ 20:14:04:13 and 20:14:04:14.

20:14:15:10. Agreement with department for institutions to administer an experience training program. Any institution seeking to administer an experience training program must enter into a memorandum of understanding with the department that ensures the institution is administering the experience training program in compliance with this chapter.

Source:

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

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

20:77:01:05. Definitions. Terms used in this article mean:

(1) "AMC National Registry," the registry of state-registered appraisal management companies and federally regulated appraisal management companies maintained by the Appraisal Subcommittee;

(2) "Appraisal Subcommittee," the Appraisal Subcommittee of the Federal Financial Institutions Examination Council;

(3) "Appraiser," a person who has been issued by the ~~Department of Labor and Regulation~~ department a state-certified general, state-certified residential, state-licensed, ~~or~~ state-registered or registered trainee appraiser credential to perform appraisals;

(4) "Appraiser panel," a network, list, or roster of licensed or certified appraisers approved by an appraisal management company to perform appraisals as independent contractors for the appraisal management company. Appraisers on an appraisal management company's appraiser panel under this article include the following:

(a) Appraisers accepted by the appraisal management company for consideration for future appraisal assignments in covered transactions and for secondary mortgage market participants in connection with covered transactions; and

(b) Appraisers engaged by the appraisal management company to perform one or more appraisals in covered transactions or for secondary mortgage market participants in connection with covered transactions.

An appraiser is an independent contractor for purposes of this article if considered an independent contractor by the appraisal management company for federal income tax purposes

(5) "Certificate of Registration," the certificate verifying the registration of any person or entity approved as an appraisal management company by the State of South Dakota;

(6) "Covered transaction," any consumer credit transaction secured by the consumer's principal dwelling;

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

(8) "Federally regulated appraisal management company," an appraisal management company that is owned and controlled by an insured depository institution, as defined in 12 U.S.C. § 1813 as amended to July 21, 2010 and regulated by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System or the Federal Deposit Insurance Corporation;

(9) "Federally related transaction regulations," regulations established by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, or the National Credit Union Administration, pursuant to sections 1112, 1113, and 1114 of FIREA Title XI, 12 U.S.C. §§ 3341-3343 as amended to July 21, 2010;

(10) "Financial institutions," institutions regulated by the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Office of Thrift Supervision, and National Credit Union Administration;

(11) "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 as amended to July 21, 2010;

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

(13) "Secondary mortgage market participant," a guarantor or insurer of mortgage-backed securities, or an underwriter or issuer of mortgage-backed securities. Secondary mortgage market participant only includes an individual investor in a mortgage-backed security if that investor also serves in the capacity of a guarantor, insurer, underwriter, or issuer for the mortgage-backed security;

(14) "Secretary," the secretary of the ~~Department of Labor and Regulation~~ department;

(15) "Substantive cause," a reason for imposing discipline against an appraiser that is described in § 20:77:07:03 or substantially similar provision in the jurisdiction that imposed the discipline;

(16) "TILA," ~~means~~ Truth in Lending Act of 1968 (15 U.S.C. § 1631 et seq) as amended to May 24, 2018 and any amendments thereto;

~~(16)~~(17) "Uniform Standards," Uniform Standards of Professional Appraisal Practice as incorporated in § 20:14:06:01.

Source: 38 SDR 40, effective September 20, 2011; 45 SDR 45, effective October 8, 2018.

General Authority: SDCL 36-21D-4(2).

Law Implemented: SDCL 36-21D-1, 36-21D-4(2).

20:77:03:01. Application for registration. An appraisal management company desiring to provide appraisal management services in South Dakota shall apply in writing for a certificate of registration on a form approved by the secretary. An application is 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 reasonable time to comply with the department's request for information or records. The registration fee prescribed in § 20:77:04:01 ~~shall~~ must accompany the application form. The application form ~~shall~~ must contain the following:

(1) Legal name and any trade or business name of the appraisal management company;

(2) Business contact information;

(3) Name and contact information of the designated officer and all other controlling persons;

(4) Name and contact information for any owner who has had an appraiser license or certificate refused, denied, cancelled, surrendered in lieu of revocation, revoked in any state for substantive cause;

(5) Name and contact information for any person who owns more than ten percent of the appraisal management company;

(6) A signed irrevocable Uniform Consent to Service of Process;

~~(5)~~(7) Name and contact information of each individual authorized by the appraisal management company to contract with clients or independent appraisers for performance of appraisals; and

~~(6)~~(8) A sworn declaration signed by the applicant.

Contact information includes, but is not limited to: ~~Mailing~~mailing and physical address, telephone and facsimile number, email, and website address.

Source: 38 SDR 40, effective September 20, 2011; 45 SDR 45, effective October 8, 2018; 46 SDR 29, effective September 9, 2019.

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

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

CHAPTER 20:77:07

COMPLAINTS, INVESTIGATIONS, AND DISCIPLINE

Section

20:77:07:01	Complaints and investigations.
20:77:07:02	Disciplinary actions.
20:77:07:03	Grounds for disciplinary action.
<u>20:77:07:04</u>	<u>Reporting of discipline.</u>

20:77:07:03. Grounds for disciplinary action. The following acts and omissions are grounds for disciplinary action:

(1) Prohibiting an appraiser from reporting the fee paid to the appraiser in the body of the appraisal report;

(2) Using an appraisal report submitted by an independent appraiser, or any data or information contained therein, for any purpose other than its intended use without the appraiser's or the intended end user's written consent, except as necessary to comply with regulatory mandates or legal requirements;

- (3) Failing to meet the requirements for registration established pursuant to this article;
- (4) Procuring or attempting to procure 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 registration through fraud or misrepresentation;
- (5) Paying money or other valuable consideration other than the fees provided for by this article to any employee of the department to procure a registration;
- (6) Any act which constitutes dishonesty, fraud, or misrepresentation;
- (7) ~~An~~ Any owner who ~~is, in whole or in part, directly or indirectly owns more than ten percent of the appraisal management company,~~ a designated officer, or a controlling person having: pled guilty or nolo contendere to or being found guilty of a felony; pled guilty or nolo contendere to or being convicted of a misdemeanor involving mortgage lending or real estate appraising; or having committed an offense involving breach of trust, moral turpitude, fraudulent or dishonest dealings;
- (8) An owner who is, in whole or in part, directly or indirectly, a designated officer or a controlling person, and who is credentialed as an appraiser in this state or another state or jurisdiction, who has had an appraiser license or certificate refused, denied, cancelled, surrendered in lieu of revocation, revoked in any state for substantive cause;
- (9) Having disciplinary action of the designated officer or a controlling person by any agency of the State of South Dakota or another state or jurisdiction;
- (10) Being permanently or temporarily prohibited by a court of competent jurisdiction from engaging in or continuing to conduct any practice involving appraisal management services or operating an appraisal management company;

- (11) Violating any provision of this article or SDCL chapter 36-21D;
- (12) Being disciplined with suspension, denial, censure, reprimand, or revocation of a registration by another state or jurisdiction;
- (13) Submitting fraudulent documents to another state or jurisdiction to become registered;
- (14) Being disciplined by any agency of the federal government, State of South Dakota, or another state or jurisdiction;
- (15) Failing to comply with a final order of the secretary;
- (16) Voluntary surrender of a registration in lieu of other disciplinary action by another state or jurisdiction;
- (17) Altering, modifying, or otherwise changing a completed requested appraisal report without written consent from the utilized appraiser who prepared the appraisal report;
- (18) Failing to establish and comply with processes and controls reasonably designed to ensure that the appraisal management company conducts its appraisal management services in accordance with the requirements of subsections 129E(a) through (i) of the Truth in Lending Act (TILA), 15 U.S.C. §§ 1639e(a) through (i) as amended to May 24, 2018, ~~and regulations thereunder~~ and 12 C.F.R. Part 226 (October 28, 2010);
- (19) Having an investigation or disciplinary action of an appraisal management company, the designated officer, or a controlling person by the department or another state pending in this state or another state;
- (20) Failing to comply with a final order of the secretary;
- (21) Having any owner, designated officer or controlling person fail to demonstrate good moral character; or

(22) Failing to register as an appraisal management company as required to perform appraisal management services.

Source: 38 SDR 40, effective September 20, 2011; 45 SDR 45, effective October 8, 2018.

General Authority: SDCL 36-21D-4(7)

Law Implemented: SDCL 36-21D-1, 36-21D-4(7), 36-21D-10.

20:77:07:04. Reporting of discipline. Disciplinary action taken under this chapter must be reported by the secretary to the Appraisal Subcommittee's AMC National Registry within five days after final disposition.

Source:

General Authority: SDCL 36-21D-4(7)

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