

**DEPARTMENT OF REGULATORY AGENCIES  
DIVISION OF REAL ESTATE  
BOARD OF REAL ESTATE APPRAISERS  
4 CCR 725-2**

**NOTICE OF PROPOSED PERMANENT RULEMAKING HEARING  
November 3, 2011**

**CHAPTER 15: WRITTEN NOTICES - BANKING EXEMPTIONS**

Pursuant to and in compliance with Title 12, Article 61 and Title 24, Article 4, C.R.S. as amended, notice of proposed rulemaking is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Colorado Board of Real Estate Appraisers (the "Board") to promulgate rules, or to amend, repeal or repeal and re-enact the present rules of the Board.

**STATEMENT OF BASIS**

The statutory basis for the rules titled Rules of the Board of Real Estate Appraisers is Chapter 7 of Title 12, Article 61, Colorado Revised Statutes, as amended. The General Assembly passed Senate Bill 90-34, effective July 1, 1990, which created the Board and mandated the licensing of real estate appraisers under the statutory terms and conditions. The General Assembly has variously amended the statutes by passing House Bill 92-1177, House Bill 96-1080, Senate Bill 97-90, House Bill 97-1056, House Bill 00-1137 and House Bill 02-1130.

**STATEMENT OF PURPOSE**

The purpose of this rule is to effectuate the legislative directive to promulgate necessary and appropriate rules in conformity with the statute and the provisions of the federal Financial Institutions Reform, Recovery and Enforcement Act of 1989.

**SPECIFIC PURPOSE OF THIS RULEMAKING**

The specific purpose of this rule is to amend or repeal existing rules with respect to banking exemptions.

**Proposed New, Amended and Repealed Rules**

[Deleted material shown ~~struck through~~, new material shown ALL CAPS. Rules, or portions of rules, which are unaffected are reproduced. Readers are advised to obtain a copy of the complete rules of the Board at [www.dora.state.co.us/real-estate/rulemaking/BOREA/index.htm](http://www.dora.state.co.us/real-estate/rulemaking/BOREA/index.htm)]

**~~CHAPTER 15: WRITTEN NOTICES - BANKING EXEMPTIONS~~REPEALED.**

- 15.1 Pursuant to ~~Section 12-61-702 (1), C.R.S., (as amended), any appraisal, analysis, valuation, opinion, conclusion, notation or compilation prepared by an officer, director or regular salaried employee of a financial institution as defined in Section 12-61-702 (6), C.R.S., (as amended), who is not a registered, licensed or certified appraiser under the provisions of Section 12-61-701, et seq., C.R.S., (as amended), shall contain the following written notice:~~

~~"NOTICE: The preparer of this appraisal is not licensed as a real estate appraiser under the laws of the State of Colorado."~~REPEALED.

- 15.2 Pursuant to Section 12-61-718 (1), C.R.S., (as amended), any appraisal prepared for a financial institution as defined in Section 12-61-702 (1), C.R.S. (as amended), where the real estate related transaction or loan made or to be made is excepted from appraisal regulations established by the primary federal regulator of the defined financial institution, by any person who is not a registered, licensed or certified appraiser under the provisions of Section 12-61-701, et seq., C.R.S. (as amended) shall contain the following written notice:

~~"NOTICE: The preparer of this appraisal is not licensed as a real estate appraiser under the laws of the State of Colorado."~~REPEALED.

- 15.3 The notices required under Section 12-61-702 (1) and Section 12-61-718 (1), C.R.S. (as amended), and Board Rules 15.1 and 15.2 shall:
- A. ~~Be placed on the first or cover page of each such appraisal, analysis, valuation, opinion, conclusion, notation or compilation, and on any page containing a value conclusion, signature or certification of the preparer;~~
  - B. ~~Be placed on each copy of each such appraisal, analysis, valuation, opinion, conclusion, notation or compilation;~~
  - C. ~~Be clearly legible in any xerographic or other reproduction of each such appraisal, analysis, valuation, opinion, conclusion, notation or compilation; and~~
  - D. ~~Be in a type size not smaller than the type size used in the body of any such appraisal, analysis, valuation, opinion, conclusion, notation or compilation.~~REPEALED.
- 15.4 The notices required under Section 12-61-702 (1) and Section 12-61-718 (1), C.R.S. (as amended) and Board Rules 15.1 and 15.2 may be provided through use of a rubber stamped impression, provided such impression meets the requirements of Board Rule 15.3.REPEALED.
- 15.5 The notice requirements established under Section 12-61-702 (1) and Section 12-61-718 (1), C.R.S. (as amended) and Board Rules 15.1 and 15.2 shall be complied with in any electronic copy or transmittal of any such appraisal, analysis, valuation, opinion, conclusion, notation or compilation.REPEALED.

**A hearing on the above subject matter will be held on Thursday, November 3, 2011, at the Colorado Division of Real Estate, 1560 Broadway, Suite 1250C, Denver, Colorado 80202 beginning at 9:00 a.m.**

Any interested person may participate in the rule making through submission of written data, views and arguments to the Division of Real Estate. Persons are requested to submit data, views and arguments to the Division of Real Estate in writing no less than ten (10) days prior to the hearing date and time set forth above. However, all data, views and arguments submitted prior to or at the rulemaking hearing or prior to the closure of the rulemaking record (if different from the date and time of hearing), shall be considered.

Please be advised that the rule being considered is subject to further changes and modifications after public comment and formal hearing.