
TITLE 876 INDIANA REAL ESTATE COMMISSION

Proposed Rule
LSA Document #08-357**DIGEST**

Amends [876 IAC 3-5-1.5](#) to eliminate a requirement for four hours of a real estate appraiser's continuing education to be in certain Indiana statutes and rules regarding the practice of real estate appraising. Makes corresponding amendments to [876 IAC 3-2-4](#), [876 IAC 3-5-2](#), and [876 IAC 3-5-2.5](#). Repeals [876 IAC 3-5-6.1](#) concerning required instructional material in such a course. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[876 IAC 3-2-4](#); [876 IAC 3-5-1.5](#); [876 IAC 3-5-2](#); [876 IAC 3-5-2.5](#); [876 IAC 3-5-6.1](#)

SECTION 1. [876 IAC 3-2-4](#) IS AMENDED TO READ AS FOLLOWS:

[876 IAC 3-2-4](#) Expiration of licenses

Authority: [IC 25-34.1-3-8](#)

Affected: [IC 25-1-6-4](#); [IC 25-34.1](#)

Sec. 4. (a) Licenses issued under this article shall expire on a date established by the Indiana professional licensing agency under [IC 25-1-6-4\(j\)](#).

(b) To renew a license, an individual must do the following:

- (1) Pay the fee required by section 7(b)(2) of this rule.
- (2) Complete an application for renewal on a form provided by the board.
- (3) Satisfactorily complete the continuing education required by [876 IAC 3-5](#).
- (4) Sign a statement under penalty of perjury that:
 - (A) the hours submitted are correct;
 - (B) the licensee attended and completed courses taken; and
 - (C) to the best of the licensee's knowledge, the courses completed meet the requirements of [876 IAC 3-5](#).

(c) When renewing a license, a licensee may apply for and receive an inactive license. Such an individual is exempt from the continuing education requirements stated in subsection (b)(3) and [876 IAC 3-5](#). The holder of an inactive license may not appraise real estate.

(d) To reactivate an inactive license, a licensee must:

- (1) complete an application for reactivation;
- (2) have obtained the number of qualifying continuing education hours that would have been required by the provisions of [876 IAC 3-5-1](#) had the license been active for all years the licensee was in inactive status; and
- (3) within the continuing education required by subdivision (2), have obtained seven (7) hours of Uniform Standards of Professional Appraisal Practice as required by [876 IAC 3-5-1.5\(a\)\(1\)](#) [876 IAC 3-5-1.5](#) that covered the version of the Uniform Standards of Professional Appraiser Practice in effect at the time the application for reactivation is filed.

(Indiana Real Estate Commission; [876 IAC 3-2-4](#); filed Sep 24, 1992, 9:00 a.m.: 16 IR 736; filed Jan 8, 1993, 4:00 p.m.: 17 IR 771; filed Apr 10, 1995, 10:00 a.m.: 18 IR 2113; filed Jun 14, 1995, 11:00 a.m.: 18 IR 2790; errata filed Jul 3, 1995, 12:00 p.m.: 18 IR 2796; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1758; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Dec 3, 2002, 3:00 p.m.: 26 IR 1106; readopted filed Jul 19, 2007, 1:16 p.m.: [20070808-IR-876070068RFA](#); filed May 5, 2008, 11:21 a.m.: [20080604-IR-876070338FRA](#))

SECTION 2. [876 IAC 3-5-1.5](#) IS AMENDED TO READ AS FOLLOWS:

[876 IAC 3-5-1.5](#) Mandatory continuing education courses; approved providers

Authority: [IC 25-34.1-3-8](#)

Affected: [IC 25-1-11](#); [IC 25-34.1-8](#)

Sec. 1.5. ~~(a) Every renewal period, the following continuing education requirements required by section 1 of this rule must be met:~~

~~(1) include seven (7) hours of Uniform Standards of Professional Appraisal Practice.~~

~~(2) Four (4) hours consisting of all of the following:~~

~~(A) Statute concerning disciplining appraisers, [IC 25-1-11](#).~~

~~(B) Statute concerning appraiser licensing laws, [IC 25-34.1-8](#), [IC 25-34.1-3-8](#), and [IC 25-34.1-3-9.5](#).~~

~~(C) Administrative rules governing appraiser licensing laws, this article, excluding [876 IAC 3-6-2](#) and [876 IAC 3-6-3](#).~~

~~(b) Case studies, which may include references to appropriate provisions of the Uniform Standards of Professional Appraisal Practice, may be used in the courses required in subsection (a)(2).~~

(Indiana Real Estate Commission; [876 IAC 3-5-1.5](#); filed Apr 12, 2001, 12:30 p.m.: 24 IR 2707, eff Jan 2, 2002; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Aug 6, 2003, 12:00 p.m.: 27 IR 185, eff Jan 2, 2004; readopted filed Jul 19, 2007, 1:16 p.m.: [20070808-IR- 876070068RFA](#); filed May 5, 2008, 11:21 a.m.: [20080604-IR-876070338FRA](#))

SECTION 3. [876 IAC 3-5-2](#) IS AMENDED TO READ AS FOLLOWS:

[876 IAC 3-5-2](#) Application for board approval of real estate appraiser continuing education courses

Authority: [IC 25-34.1-3-8](#)

Affected: [IC 25-1-4-0.5](#); [IC 25-34.1](#)

Sec. 2. (a) This section and sections 2.5 through 8 of this rule apply to continuing education courses subject to board approval and not to courses approved by the Appraiser Qualifications Board as provided for in [IC 25-1-4-0.5](#)(1)(B). All courses more than seven (7) hours in length shall not qualify for board approval and therefore must be approved by the Appraiser Qualifications Board to qualify for continuing education credit. Courses of seven (7) hours of length or shorter shall qualify if approved by the Appraiser Qualifications Board or by the board under this rule. The seven (7) hour Uniform Standards of Professional Appraisal Practice course required under ~~section 1.5(a)(1) of this rule~~ only qualifies if approved by the Appraiser Qualifications Board.

(b) Any request for approval of a real estate appraiser continuing education course by the board shall be made by written application for approval filed with the board.

(Indiana Real Estate Commission; [876 IAC 3-5-2](#); filed Sep 24, 1992, 9:00 a.m.: 16 IR 747; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: [20070808-IR-876070068RFA](#); filed May 5, 2008, 11:21 a.m.: [20080604-IR-876070338FRA](#))

SECTION 4. [876 IAC 3-5-2.5](#) IS AMENDED TO READ AS FOLLOWS:

[876 IAC 3-5-2.5](#) Criteria for approval of continuing education course

Authority: [IC 25-34.1-3-8](#)

Affected: [IC 25-1-4-0.5](#); [IC 25-1-11](#); [IC 25-34.1](#)

Sec. 2.5. (a) Courses not approved by the Appraiser Qualifications Board, as provided for in [IC 25-1-4-0.5](#)(1)(B) and section 2 of this rule, must be approved by the board under this section. The content of the course must comply with subsection (b)(3). ~~or section 1.5(a)(2) of this rule.~~

(b) In order to be an approved continuing education course, a course must satisfy the following criteria:

(1) The course must:

(A) involve a minimum of two (2) classroom hours of instruction on real estate appraisal or related topics; and

- (B) be an education offering that is consistent with the purpose of continuing education and cover real property related appraisal topics, including, but not limited to:
 - (i) ad valorem taxation;
 - (ii) arbitration, dispute resolution;
 - (iii) courses related to real estate appraisal or consulting;
 - (iv) development cost estimating;
 - (v) ethics and standards of professional practice, USPAP;
 - (vi) land use planning, zoning;
 - (vii) management, leasing, timesharing;
 - (viii) property development, partial interests;
 - (ix) real estate law, easements, and legal interests;
 - (x) real estate litigation, damages, condemnation;
 - (xi) real estate financing and investment;
 - (xii) real estate appraisal-related computer applications; and
 - (xiii) real estate securities and syndication.
- (2) The course materials or syllabus must include the following:
 - (A) A course description that clearly describes the content of the course.
 - (B) Specific learning objectives that:
 - (i) are appropriate for a continuing education course;
 - (ii) clearly state the specific knowledge and skills students are expected to acquire by completing the course;
 - (iii) are consistent with the:
 - (AA) course description; and
 - (BB) instructional materials; and
 - (iv) are reasonably achievable within the number of classroom hours allotted for the course.
- (3) Instructional materials for students must be provided unless the applicant demonstrates that the materials are not needed to accomplish the stated course objectives. Any such instructional materials must:
 - (A) be appropriate in view of the stated course learning objectives;
 - (B) reflect current knowledge and practice;
 - (C) contain no significant errors;
 - (D) reflect correct grammatical usage and spelling;
 - (E) effectively communicate and explain the information presented;
 - (F) be suitable in layout and format;
 - (G) be suitably bound or packaged; and
 - (H) be produced in a quality manner.
- (4) For courses containing examinations, course examinations may consist of either a series of examinations or a comprehensive final examination, or both. The course examination must comply with the following criteria:
 - (A) The examination must contain a sufficient number of questions to adequately test the subject matter covered in the course.
 - (B) The amount of time devoted to examinations must be appropriate for the course.
 - (C) Examination questions must, individually and collectively, test at a difficulty level appropriate to measure attendee achievement of the stated course learning objectives.
 - (D) The subject matter tested by examination questions must be adequately addressed in the course instructional materials.
 - (E) Examination questions must be:
 - (i) written in a clear and unambiguous manner; and
 - (ii) accurate and the intended correct answer must clearly be the best answer choice.
- (5) The provider of an approved continuing education course provider must have a written attendance policy that requires the student attendance to be verified.

(Indiana Real Estate Commission; [876 IAC 3-5-2.5](#); filed Apr 26, 2004, 2:15 p.m.: 27 IR 2740; readopted filed Jul 19, 2007, 1:16 p.m.: [20070808-IR-876070068RFA](#); filed May 5, 2008, 11:21 a.m.: [20080604-IR-876070338FRA](#))

SECTION 5. [876 IAC 3-5-6.1](#) IS REPEALED.

[Notice of Public Hearing](#)

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