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TITLE 876 INDIANA REAL ESTATE COMMISSION

Proposed Rule LSA Document #04-225

DIGEST

Amends 876 IAC 3-6-2 to incorporate by reference the 2005 edition of the Uniform Standards of Professional Appraisal Practice (USPAP). Amends 876 IAC 3-6-3 to update the revisions to USPAP based upon the changes in the 2005 edition. Effective 30 days after filing with the secretary of state.

876 IAC 3-6-2

876 IAC 3-6-3

SECTION 1. 876 IAC 3-6-2 IS AMENDED TO READ AS FOLLOWS:

876 IAC 3-6-2 Uniform Standards of Professional Appraisal Practice

Authority: IC 25-34.1-3-8

Affected: IC 4-22-2; IC 25-34.1

Sec. 2. (a) That certain document being titled Uniform Standards of Professional Appraisal Practice, ~~2004~~ **2005** edition, as published by the Appraisal Standards Board of the Appraisal Foundation, 1029 Vermont Avenue, NW, Suite 900, Washington, D.C. 20005, copyright ~~2004~~, **2005**, is hereby incorporated by reference as if fully set out in this rule except for the revisions stated in section 3 of this rule. The Statements on Appraisal Standards are adopted as part of this rule. The Advisory Opinions are not adopted as part of this rule. The Comments are adopted as part of this rule.

(b) No subsequent editions, amendments, supplements, or releases of the Uniform Standards of Professional Appraisal Practice will be in effect in Indiana or adopted by the commission except by following the rulemaking provisions of IC 4-22-2.

(c) As used in this article, "appraiser" refers to the following:

- (1) Indiana licensed trainee appraiser.
- (2) Indiana licensed residential appraiser.
- (3) Indiana certified residential appraiser.
- (4) Indiana certified general appraiser.

(Indiana Real Estate Commission; 876 IAC 3-6-2; filed Sep 24, 1992, 9:00 a.m.: 16 IR 748; filed Dec 8, 1993, 4:00 p.m.: 17 IR 781; filed Apr 10, 1995, 10:00 a.m.: 18 IR 2124; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1766; filed May 10, 1999, 12:42 p.m.: 22 IR 2879; filed Apr 24, 2000, 12:48 p.m.: 23 IR 2243; filed May 25, 2001, 2:42 p.m.: 24 IR 3068; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed May 13, 2002, 2:05 p.m.: 25 IR 3181; filed May 1, 2003, 12:15 p.m.: 26 IR 3043; filed Apr 8, 2004, 3:25 p.m.: 27 IR 2738)

SECTION 2. 876 IAC 3-6-3 IS AMENDED TO READ AS FOLLOWS:

876 IAC 3-6-3 Deletions from the Uniform Standards of Professional Appraisal Practice

Authority: IC 25-34.1-3-8

Affected: IC 25-1-11-5; IC 25-34.1

Sec. 3. (a) Standards 6 through 10 are deleted.

(b) The references to Standards 6 through 10 of the Uniform Standards of Professional Appraisal Practice are deleted or revised as follows:

- (1) In the Comment under the definition of “REPORT”, delete the following:
- (A) “personal property”.
 - (B) “Appraisal Report: a written report prepared under Standards Rule 10-2(a)”.
 - (C) “or 8-2(a)”.
 - (D) “or 8-2(b)”.
 - (E) The comma after 2-2(c) and “8-2(c) or 10-2(b)”.
- (2) (1) Under the fourth paragraph of the Preamble, in the sixth bullet point, delete “ten” from the first sentence and the last three (3) sentences.
- (3) (2) In the third sentence in the Ethics Rules, delete “Standards 1 through 10” and insert “Standards 1 through 5”.
- (4) (3) In the second Comment under the Ethics Rule, delete the comma after “5-3” and “6-8, 8-3, and 10-3” and before “5-3”, insert “and”.
- (5) (4) In the second Comment under the Management category of the Ethics Rule, delete the comma after “5-3” and “6-8, 8-3, or 10-3” and before “5-3”, insert “or”.
- (6) (5) In the last paragraph of the Comment under the Record Keeping category under the Ethics Rule, delete “STANDARDS 2 and 8” and insert “STANDARD 2”, delete “or an Appraisal Report (for assignments under STANDARD 10),”, and delete the comma after “2-2(c)(ix)” and “8-2(c)(ix), and 10-2(b)(ix)”.
- (7) (6) In the third to last paragraph of the Comment following the Departure Rule, delete “6-7(p), 82(a)(xi), 8-2(b)(xi), 8-2(c)(xi), 10-2(a)(x), and 10-2(b)(x)” and before “2-2(c)(xi)”, insert “and”.
- (8) (7) In the next to last paragraph of the Comment following the Departure Rule, delete the comma after “5-3” and “6-1, 6-3, 6-6, 6-7, 6-8, 7-1, 7-2, 7-5, 7-6, 8-1, 8-2, 8-3, 9-1, 9-2, 9-3, 9-5, 10-1, 10-2, and 10-3” and before “5-3”, insert “and”.
- (9) (8) In the Comment under Standards Rule 1-4(g), delete “(See Standard 7)” and “(See Standard 9)”.
- (10) (9) In the last paragraph of the Comment under Standard 3, delete the comma after “5-3” and “6-8, 8-3, and 10-3” and before “5-3”, insert “and”.
- (11) (10) In two (2) locations that appear in the Comment under Standard 3-1(c), delete “(STANDARD 1, 3, 4, 6, 7, or 9)” and insert “(STANDARD 1, 3, or 4)”.
- (12) (11) Delete the last sentence in the Comment under Standard 3-2(d) and insert the following: “However, data and analyses provided by the reviewer to support a different value conclusion must match, at a minimum, the reporting requirements for a Summary Appraisal Report for real property appraisal (SR 2-2(b)) and an appraisal consulting report for real property appraisal consulting (SR 5-2).”.
- (13) (12) Any references to Standards 6 through 10 in the Statements on Appraisal Standards are deleted and shall not apply.

(c) In the Definitions, delete the title and text of the Comment under Real Property.

(d) Delete the third paragraph of the Preamble.

(e) Add the following sentences to the end of the text of the Supplemental Standards Rule, “Any such supplemental standard shall not be considered part of this title. However, this does not preclude the possibility of disciplinary sanctions under IC 25-1-11-5(a)(3) where appropriate.”. (*Indiana Real Estate Commission; 876 IAC 3-6-3; filed Sep 24, 1992, 9:00 a.m.: 16 IR 748; filed Dec 8, 1993, 4:00 p.m.: 17 IR 781; filed Apr 10, 1995, 10:00 a.m.: 18 IR 2124; errata filed May 8, 1995, 4:30 p.m.: 18 IR 2262; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1767; filed May 10, 1999, 12:42 p.m.: 22 IR 2880; errata, 22 IR 3420; filed Apr 24, 2000, 12:48 p.m.: 23 IR 2244; filed May 25, 2001, 2:42 p.m.: 24 IR 3068; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed May 13, 2002, 2:05 p.m.: 25 IR 3181; filed May 1, 2003, 12:15 p.m.: 26 IR 3044; filed Apr 8, 2004, 3:25 p.m.: 27 IR 2739*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on February 24, 2005 at 10:05 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W064, Indianapolis, Indiana the Indiana Real Estate Commission will hold a public hearing on proposed amendments to rules concerning incorporations by reference of the 2005 edition of the Uniform Standards of Professional Appraisal Practice (USPAP) and updates to the revisions to USPAP based upon the changes in the 2005 edition. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E012 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Wade Lowhorn
Board Director

Professional Licensing Agency