

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Appraisal Board

RULE CITATION: 21 NCAC 57A .0206

DEADLINE FOR RECEIPT: Thursday, August 14, 2014

***NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:


*Please correct Box 6 of the Submission for Permanent Rule form.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amber Cronk May  
Commission Counsel  
July 31, 2014

## SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Appraisal Board	
2. Rule citation & name (name not required for repeal): 21 NCAC 57A .0206 EXPIRED REGISTRATION, LICENSE OR CERTIFICATE	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL	4. Exemption. Rule exempt from RRC review according to (cite session law or general statute):
5. Agency obtained G.S. 150B-19.1 certification: <input type="checkbox"/> OSBM certified on: <input type="checkbox"/> RRC certified on: <input checked="" type="checkbox"/> Not Required	
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: March 3, 2014 Link to Agency notice: www.ncappraisalboard.org Hearing on: May 6, 2014 Adoption by agency on: May 6, 2014 <input type="checkbox"/> Notice not required under G.S.: Adoption by agency on:	
7. Fee. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority:  <input checked="" type="checkbox"/> No	8. Fiscal impact (check all that apply): <input type="checkbox"/> State funds affected <input type="checkbox"/> Environmental permitting of DOT affected and analysis submitted to Board of Transportation <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact ( $\geq$ \$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted in last General Assembly session Cite Session Law: SL 2013-403 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: SL 2013-403 reinstated the credential of licensed residential real estate appraiser thus changes are made to this rule to add that language. Since the category is now active again, a license holder will be treated in the same manner as a trainee or certificate holder for who applies for reinstatement.	
10. Rule-making Coordinator: Roberta Ouellette Address: 5830 Six Forks Road Raleigh, NC 27609 Phone: 919-870-4854 E-Mail: Roberta@ncab.org  Agency Contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:   *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.  Typed Name: Roberta Ouellette Title: Rule-making Coordinator
RRC AND OAH USE ONLY	
Action taken:  <input type="checkbox"/> RRC Extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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 ADMIN HEARINGS  
 FILED

1 21 NCAC 57A .0206 is amended without notice pursuant to G.S. 150-21.5 as follows:

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3 **21 NCAC 57A .0206 EXPIRED REGISTRATION, LICENSE OR CERTIFICATE**

4 (a) Expired registrations, licenses, and certificates may be reinstated within 12 months after expiration upon  
5 application, payment to the Board of the renewal and late filing fees as set out in G.S. 93E-1-7, and provision of  
6 proof of having obtained the continuing education that would have been required had the registration, license, or  
7 certificate been continuously renewed.

8 (b) If a registration, license, or certificate has been expired for more than 12 months, but less than 24 months, an  
9 applicant may apply for reinstatement. In order to be considered for reinstatement, the applicant must pay the filing  
10 fee as set out in G.S. 93E-1-7 and include in the application proof that the applicant has obtained the continuing  
11 education that would have been required had the registration, license, or certificate been continuously renewed. In  
12 addition, the Board may shall consider whether the applicant for reinstatement has any prior or current disciplinary  
13 actions, and may shall examine the applicant's fitness for registration, licensure, or certification before granting the  
14 request for reinstatement. A completed application for reinstatement must be received by June 1 of the second 12  
15 months or it shall not be accepted.

16 (c) An application for reinstatement shall not be granted if the registration, license, or certificate has been expired  
17 for more than 24 months.

18 (d) Reinstatement is effective the date it is issued by the Board. It is not retroactive.

19 (e) A trainee or appraiser whose registration, license, or certification has expired and who is returning from active  
20 military duty may renew his or her registration, license, or certificate when the trainee or appraiser returns from  
21 active duty without payment of a late filing fee as long as the trainee or appraiser renews the registration, license, or  
22 certificate within 180 days of when the trainee or appraiser returns from active duty. This Rule applies to an  
23 individual who is serving in the armed forces of the United States and to whom G.S. 105 249.2 grants an extension  
24 of time to file a tax return.

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26 *History Note Authority G.S. 93E-1-6(b); 93E-1-7; 93E-1-10; 93B-15*  
27 *Eff. July 1, 1994;*  
28 *Amended Eff. September 2, 2014; July 1, 2014; July 1, 2011; September 1, 2008; March 1, 2007;*  
29 *July 1, 2005; August 1, 2002; April 1, 1999.*