

543E.20 Additional administrator authority.

1. The administrator is vested with broad administrative authority to administer, interpret, and enforce [this chapter](#) and to promulgate rules implementing [this chapter](#).

2. In addition to the duties and powers conferred upon the administrator in [this chapter](#), the administrator shall have the authority to adopt such rules as are reasonably necessary to assure the administrator's registration and supervision of appraisal management companies comply with the minimum requirements of 12 U.S.C. §3352 and related federal laws and regulations, with respect to any of the following:

a. Reviewing and approving or denying an appraisal management company's application for initial or renewal registration.

b. Examining the books and records of an appraisal management company operating in the state and requiring the appraisal management company to submit reports, information, and documents.

c. Verifying that the appraisers on an appraisal management company's appraiser panel who perform appraisal assignments in this state hold valid certificates issued under [chapter 543D](#).

d. Conducting investigations of appraisal management companies to assess potential violations of applicable appraisal-related laws, regulations, rules, or orders.

e. Disciplining, suspending, terminating, or denying renewal of the registration of an appraisal management company that violates applicable appraisal-related laws, regulations, rules, or orders.

f. Notwithstanding [section 272C.6, subsection 4](#), reporting an appraisal management company's violation of applicable appraisal-related laws, regulations, rules, or orders, as well as disciplinary and enforcement investigations and actions and other relevant information about an appraisal management company's operations, to the appraisal subcommittee.

g. Imposing requirements on appraisal management companies that are mandated by federal law and regulations applicable to appraisal management companies that are not exempt under federal law, including any of the following:

(1) Registration and supervision requirements.

(2) Ownership limitations.

(3) Engaging only certified appraisers for federally related transactions in conformity with all applicable federally related transaction regulations.

(4) Establishing systems for engaging appraisers who are competent and independent, and who are suited for the appraisal assignments to which they are assigned based on education, expertise, and experience.

(5) Directing appraisers to perform appraisal assignments in accordance with the uniform standards of professional appraisal practice.

(6) Establishing and complying with processes and controls reasonably designed to ensure appraisal management companies conduct appraisal management services in accordance with the requirements of section 129E(a)–(i) of the federal Truth in Lending Act, 15 U.S.C. §1639e(1)–(i), and regulations thereunder including but not limited to the requirement that appraisers who complete an appraisal in connection with a consumer credit transaction secured by the principal dwelling of the consumer be compensated with a customary and reasonable fee.

h. Assessing, collecting, and forwarding to the appraisal subcommittee appraisal management company national registry fees from appraisal management companies registered under [this chapter](#) and from federally regulated appraisal management companies.

3. The administrator may conduct periodic examinations of applicants or registrants under [this chapter](#) as reasonably necessary to assure compliance with all or specific provisions of [this chapter](#). All papers, documents, examination reports, and other records relating to such examinations shall be confidential as provided in [section 272C.6, subsection 4](#), except as provided in [this section](#).

4. The administrator may adopt rules governing an appraiser's use of associate real estate appraisers while performing appraisal assignments subject to [this chapter](#). Associate real estate appraisers may provide appraisal services under the supervision of a certified appraiser

as provided in [chapter 543D](#) and associated rules, but shall not be on an appraiser panel of an appraisal management company.

5. The administrator may require a national criminal history check through the federal bureau of investigation or, if authorized by federal law or regulation, the nationwide mortgage licensing system and registry, as defined in [section 535D.3](#), when conducting background investigations under [this chapter](#). Except as inconsistent with the registry, the following shall apply:

a. The administrator may require owners and controlling persons who are subject to the background investigation provisions of [sections 543E.6](#) and [543E.7](#) to provide a full set of fingerprints, in a form and manner prescribed by the administrator. Such fingerprints, if required, shall be submitted to the federal bureau of investigation through the state criminal history repository for purposes of the national criminal history check.

b. The administrator may also request and obtain, notwithstanding [section 692.2, subsection 5](#), criminal history data for owners and controlling persons who are subject to the background investigation provisions of [sections 543E.6](#) and [543E.7](#). A request for criminal history data shall be submitted to the department of public safety, division of criminal investigation, pursuant to [section 692.2, subsection 1](#).

c. The administrator shall inform such owners and controlling persons of the requirement of a national criminal history check or request for criminal history data and obtain a signed waiver from the applicant, certificate holder, or registrant prior to requesting the check or data.

d. The administrator may, in addition to any other fees, charge and collect such amounts as may be incurred by the administrator, the department of public safety, or the federal bureau of investigation in obtaining criminal history information. Amounts collected shall be considered repayment receipts as defined in [section 8.2](#).

e. Criminal history data and other criminal history information relating to affected owners or controlling persons, or their appraisal management companies obtained by the administrator pursuant to [this section](#) shall remain confidential. Such information may, however, be used by the administrator in a registration denial, enforcement, or disciplinary proceeding.

[2016 Acts, ch 1124, §20, 32](#)

Section takes effect January 1, 2017; 2016 Acts, ch 1124, §32

NEW section