

UTAH STATE BULLETIN

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Nancy L. Lancaster, Managing Editor

The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah state government. The Office of Administrative Rules, part of the Department of Government Operations, produces the *Bulletin* under authority of Section 63G-3-402.

The Portable Document Format (PDF) version of the *Bulletin* is the official version. The PDF version of this issue is available at <https://rules.utah.gov/>. Any discrepancy between the PDF version and other versions will be resolved in favor of the PDF version.

Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Office of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-957-7110. Additional rulemaking information and electronic versions of all administrative rule publications are available at <https://rules.utah.gov/>.

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)* of the same volume and issue number. The *Digest* is available by e-mail subscription or online. Visit <https://rules.utah.gov/> for additional information.

(~~a~~) shall include an individual exempt from licensure as defined in Section 58-1-307 who provides health care services within the individual's scope of practice under Title 58, Occupations and Professions; and

(~~b~~) may include multiple providers obtaining informed consent and providing care as a team, consistent with the standards of practice applicable to a broader practice model found in traditional health care settings.

~~(5) "Telehealth services" means the same as defined in Subsection 26-60-102(8).~~

~~(6) "Telemedicine services" means the same as defined in Subsection 26-60-102(9).~~

~~R156-1-603. Telehealth – Scope of Telehealth Practice.~~

~~(1)(a) In accordance with Subsection 26-60-103(1),~~

(2) Under Subsection 26B-4-704(2)(b), a provider offering telehealth services shall, ~~[prior to]before~~ each patient encounter:

(i) verify the patient's identity and originating site;
 (ii) allow the patient an opportunity to select their provider rather than being assigned a provider at random, to the extent possible; and

(iii) ensure that the online site does not restrict the patient's choice to select a specific pharmacy for pharmacy services; and

(b) ~~[prior to]before~~ each initial patient encounter, ~~[and at least annual intervals,]~~ obtain informed consent to the use of telehealth services by clear disclosure of:

(i) additional fees for telehealth services, if any, and how payment is to be made for those additional fees if they are charged separately;

(ii) to whom patient health information may be disclosed and for what purpose, including clear reference to any patient consent governing release of patient-identifiable information to a third-party;

(iii) the rights of the patient with respect to patient health information;

(iv) appropriate uses and limitations of the site, including emergency health situations;

(v) information affirming that the telehealth services meet industry security and privacy standards in Subsection ~~[26-60-102(9)(b)(ii)]26B-4-704(1)(i)(ii)~~, and warning of potential risks to privacy regardless of the security measures;

(vi) a warning that information may be lost due to technical failures, and clearly referencing any patient consent to hold the provider harmless for such loss; and

(vii) information disclosing the website owner-operator, location, and contact information.

~~(2) [In accordance with Subsection 26-60-103(1)(d)]~~ Under Subsection 26B-4-704(2)(d), a provider offering telehealth services shall be available to the patient for subsequent care related to the initial telemedicine services as follows:

(a) providing the patient with a clear mechanism to:
 (i) access, supplement, and amend patient-provided personal health information;

(ii) contact the provider for subsequent care;

(iii) obtain upon request ~~[an electronic or hard copy of]~~ the patient's medical record ~~[documenting the telemedicine services,]~~ or other report containing an explanation of the treatment provided to the patient and the provider's evaluation, analysis, or diagnosis of the patient's condition, including the informed consent provided; and

(iv) request a transfer to another provider of the patient's medical record documenting the telemedicine services; and

(b) if the provider recommends that the patient be seen in person, such as if diagnosis requires a physical examination, lab work, or imaging studies:

(i) arranging to see the patient in person, or ~~[directing]referring~~ the patient to the patient's ~~[regular]designated health care~~ provider, or if none, to an appropriate health care provider; and

(ii) documenting the ~~[recommendation]referral~~ in the patient's medical record; and

(c) ~~[upon patient request, electronically transferring to another provider the patient's medical record documenting the telemedicine services,]~~ if the patient does not have a designated health care provider, consult with the patient and send a medical record or other report to the referred health care provider in the manner provided under Subsection 26B-4-704(2)(g), except the medical record or report shall be provided within a reasonable time frame allowing for timely care of the patient by that provider.

(~~3~~)4 Nothing in this section shall prohibit electronic communications consistent with standards of practice applicable in traditional health care settings, including the following:

(a) between a provider and a patient with a preexisting provider-patient relationship;

(b) between a provider and another provider concerning a patient with whom the other provider has a provider-patient relationship;

(c) in on-call or cross coverage situations when the provider has access to patient records;

(d) in broader practice models when multiple providers provide care as a team, including, for example:

(i) within an existing organization; or

(ii) within an emergency department; or

(e) in an emergency, which as used in this section means a situation when there is an occurrence posing an imminent threat of a life-threatening condition or severe bodily harm.

KEY: licensing, supervision, evidentiary restrictions

Date of Last Change: ~~March 25, 2021~~2024

Notice of Continuation: November 2, 2021

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-308; 58-1-501(2)

NOTICE OF PROPOSED RULE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R162-2e	Filing ID: 56336

Agency Information

1. Department:	Commerce
Agency:	Real Estate
Room number:	2nd Floor
Building:	Heber M. Wells Bldg
Street address:	160 E 300 S
City, state and zip:	Salt Lake City, UT 84111
Mailing address:	PO Box 146711
City, state and zip:	Salt Lake City, UT 84114-6711

Contact persons:		
Name:	Phone:	Email:
Justin Barney	801-530-6603	justinbarney@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R162-2e. Appraisal Management Company Administrative Rules

3. Purpose of the new rule or reason for the change:
The purpose of the proposed rule amendment is to clarify and add to the definitions section; clarify and in some instances lower, Appraisal Management Company (AMC) employee requirements; and reorganize sections of the existing rule.

4. Summary of the new rule or change:
The proposed amendment will add definitions for "general criteria" and "third-party property data collector."
The updated edition of the Uniform Standards of Professional Appraisal Practice (USPAP) is incorporated into this rule by reference.
The proposed rule will require an AMC that uses a third-party data collector to disclose relevant information to the appraiser, including the identity of the collector, the date the data is collected, and other relevant information.
In addition, the proposed amendment will clarify the employee relationship of certain AMC appraisers and will lower the amount of time certain AMC staff personnel are required to spend taking a USPAP instructive course.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
--

A) State budget:
The Division of Real Estate (Division) has the staff and budget in place to administer the proposed rule amendment.
None of the proposed changes is expected to impact the state's budget by either increasing costs or generating savings. After conducting a thorough analysis, it was determined that the proposed rule amendment will not result in any cost or savings to the state budget.

B) Local governments:
This rule change is not expected to have a fiscal impact on local governments' revenues or expenditures.

Local governments are not required to comply with the AMC administrative rules.

C) Small businesses ("small business" means a business employing 1-49 persons):
--

The Division does not expect any foreseeable impact on small businesses.

The proposed amendments clarify and update this rule and do not create new obligations for AMCs, nor does it increase the costs associated with any existing obligation.

The Division notes that it is difficult to estimate or measure the impact at this time.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
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This rule change will not have a fiscal impact on non-small businesses, or the impact is inestimable.

Approximately 50% of the 106 AMCs operating in Utah are estimated to be non-small businesses (53 AMCs). All 106 AMCs registered in Utah are subject to the proposed rule amendment.

The fiscal impact to the 53 non-small business AMCs is estimated in Box 5(F) below,

After conducting a thorough analysis, it was determined that the proposed rule amendment will not result in a fiscal impact to non-small businesses or, if there is a fiscal impact, the impact is inestimable.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
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The rule change does not create new obligations for persons other than small businesses, non-small businesses, state, or local government entities nor does it increase the cost associated with any existing obligation.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
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There are 106 AMCs registered in Utah. Of these, six AMCs have a Utah address associated with their registration.

The Division estimates that approximately 50% of the 106 AMCs registered in Utah are small businesses, and 50% are non-small businesses. All 106 AMCs will be affected by the proposed rule change.

No AMC is required to offer third-party data collector appraisal assignments provided for in the proposed rule amendment. Those AMCs that choose to offer such assignments have made a business decision to do so,

presumably because of likely cost savings to the AMC for this type of assignment but also because of other possible benefits perceived by the AMC unrelated to cost savings.

The proposed rule would require an AMC that chooses to offer an appraisal assignment that includes data collected by a third-party, to communicate to the appraiser information about who collected data for use in the appraisal assignment, when the data was collected, and other relevant information. This information would already be known to the AMC. An AMC typically already discloses this information to the appraiser through a simple electronic communication or other method selected by the AMC.

The Division is unable to estimate how many appraisal assignments AMCs will choose to offer an appraiser where a third-party data collector is used. However, whatever the number, the cost of communicating the required information is estimated to be negligible or is unable to be determined.

One AMC indicates that this information is already contained in the assignment report provided to the appraiser. The AMC indicated that the disclosure required by the proposed rule amendment may be made by entering a single computer keystroke, with no way of attributing a dollar amount to the estimated cost to comply.

The proposed rule amendment reduces the education requirement for certain AMC personnel and may result in both a time savings and cost savings for affected AMCs. An AMC that has an unlicensed person who selects an appraiser for an appraisal assignment or for conducting an appraisal review will benefit from the proposed rule amendment through the reduced education requirement.

The Division is unable to estimate the cost savings to affected persons (all AMCs) because the Division cannot know how many AMCs might use, now, or in the future, an unlicensed person to select an appraiser for an assignment or for to conduct an appraisal review.

After conducting a thorough analysis, it was determined that the proposed rule amendment will not result in a fiscal impact to affected persons or, if there is a fiscal impact, the impact is inestimable. Any fiscal impact would likely be negligible and offset by a possible cost savings to the AMC.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0

Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2024	FY2025	FY2026
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Commerce, Margaret Busse, has reviewed and approved this regulatory impact analysis.

The Department of Commerce and the Division propose amendments to update and clarify Rule R162-2e. These proposed amendments clarify and update this rule regarding AMCs who use third party data collectors and their procedures.

In some instances, these changes may lower requirements for certain AMC employees which may result in a savings for them.

Further, the new language should comport with the Rulewriting Manual for Utah.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 61-2e-103	Subsection 61-2e-305(2)	Subsection 61-2e-304(3)
Subsection 61-2e-301(3)		

Incorporations by Reference Information

7. Incorporations by Reference:	
A) This rule adds, updates, or removes the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	Uniform Standards of Professional Appraisal Practice (USPAP)
Publisher	The Appraisal Foundation, Appraisal Standards Board
Issue Date	January 1, 2024
Issue or Version	2024 Edition

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	04/15/2024

9. This rule change MAY become effective on:	04/22/2024
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Justin F. Barney, Interim Division Director	Date:	02/23/2024
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R162. Commerce, Real Estate.

R162-2e. Appraisal Management Company Administrative Rules.

R162-2e-102. Definitions.

- (1) "Affiliation" means a business association:
 - (a) between:
 - (i) two individuals registered, licensed, or certified under Title 61, Chapter 2g, Real Estate Appraiser Licensing and Practices Act~~[Section 61-2g]~~; or
 - (ii) an individual registered, licensed, or certified under Title 61, Chapter 2g, Real Estate Appraiser Licensing and Practices Act~~[Section 61-2g]~~ and:
 - (A) an appraisal entity; or
 - (B) a government agency;
 - (b) for ~~[the purpose of]~~ providing an appraisal service; and
 - (c) regardless of whether an employment relationship exists between the parties.
- (2) The acronym "AMC" stands for appraisal management company.
- (3) "Business day" means a day other than:
 - (a) a Saturday;
 - (b) a Sunday; or
 - (c) a state or federal holiday.
- (4) "Client" is defined in Subsection 61-2e-102(10).

(5) "Competency statement" means a statement provided by the AMC to the appraiser that, at a minimum, requires the appraiser to attest that the appraiser:

- (a) is competent according to USPAP standards;
 - (b) recognizes and agrees to comply with:
 - (i) laws and rules ~~[regulations]~~ that apply to the appraiser and to the assignment;
 - (ii) assignment conditions; and
 - (iii) the scope of work outlined by the client; and
 - (c) has access, either independently or through an affiliation pursuant to Subsection (1), to the records necessary to complete a credible appraisal, including:
 - (i) multiple listing service data; and
 - (ii) county records.
- (6)~~(a)~~ For purposes of this rule, "Employee" means an individual:

~~(a)~~^{(a)(i)} whose manner and means of work performance are subject to the right of control of, or are controlled by, another person; and

~~(b)~~^{(b)(i)} whose compensation for federal income tax purposes is reported, or is required to be reported, on a W-2 form issued by the controlling person.

~~(7)~~^{(7)(b)} For purposes of this rule, "Employee" does not mean ~~[include]~~ an independent contractor who performs duties other than at the discretion of, and subject to the supervision and instruction of, another person.

~~(e)~~ For purposes of applying Subsection R162-2e-401(1)(g), an appraiser who completes an assignment is considered to be an employee of the AMC that offers the assignment if:

- ~~(i)~~ this subsection (a) describes the employment relationship between the appraiser and the AMC; or
- ~~(ii)~~ pursuant to this subsection (a), the appraiser is an employee of a company:

~~(A)~~ that is wholly owned by the AMC; or

~~(B)~~ in which the AMC owns a controlling interest.]

(8) For purposes of Section R162-2e-304 the term "general criteria" means a standard description of the factors the AMC considers when ranking or differentiating appraisers or tiers within a panel of appraisers.

~~(9)~~⁽⁷⁾ "Select" means:

- (a) for purposes of composing the AMC appraiser panel, to review and evaluate the qualifications of an appraiser who applies to be included on the AMC's appraiser panel; and
- (b) for purposes of assigning an appraisal activity to an appraiser:

(i) to choose from the AMC's appraiser panel an individual appraiser or appraisal entity to complete an assignment; or

(ii) to compile, from among the appraisers included in the AMC's appraiser panel, an electronic distribution list of appraisers to whom an assignment will be offered through email~~[e-mail]~~.

~~(10)~~ "Third-Party Property Data Collector" means a person engaged to collect relevant property data characteristics or who conducts a property site visit of the subject property for use in a valuation assignment performed by an appraiser.

~~(11)~~⁽⁸⁾ The acronym "USPAP" stands for Uniform Standards of Professional Appraisal Practice. The 2024 edition of USPAP is incorporated by reference.

R162-2e-304. Required Disclosures and Customary and Reasonable Compensation.

(1) In addition to the disclosures required by Section 61-2e-304, an AMC shall:

(a) notify the appraiser in writing ~~when [at the time]~~ an appraiser is first added to an appraiser panel:

(i) of the general criteria the AMC uses to rank an appraiser on the panel; and~~[-]~~

(ii) if the AMC chooses to separate appraisers into different tiers, of the general criteria the AMC uses to distinguish one tier from another;

(b) notify the affected appraisers in writing of any changes if, after the notice provided for in ~~S[s]~~ subsection (1)(a), the AMC changes any of the general criteria the AMC considers relative to an appraiser's ranking, tier, or classification within the panel structure;

(c) ~~when [at the time]~~ an assignment is offered, disclose to the appraiser:

(i) the total amount that the appraiser may expect to earn from the assignment:

(A) disclosed as a dollar amount; and

(B) delineating any fees or costs that will be charged by the AMC to the appraiser;

(ii)(A) the property address;

(B) the legal description; or

(C) equivalent information that would allow the appraiser to determine whether the appraiser has been involved with any service regarding the subject property within the three years preceding the date on which the assignment is offered;

(iii) the assignment conditions and scope of work requirements in sufficient detail to allow the appraiser to determine whether the appraiser is competent to complete the assignment;~~[-and]~~

(iv) for an appraisal assignment that requires the appraiser to review relevant property data characteristics provided by a third-party data collector, adequate information to enable the appraiser to determine whether credible assignment results can be produced including:

(A) the date of collection;

(B) the identity of collector; and

(C) other relevant information; and

(v) any known deadlines within which the assignment must be completed;

(d) at or before the time the appraiser accepts an assignment, obtain the appraiser's acknowledgment as to the AMC's competency statement;

(e) before requiring the appraiser to submit a completed report, disclose to the appraiser:

(i) the total fee that will be collected by the AMC for the assignment; and

(ii) the total amount that the AMC will ~~keep [retain]~~ from the fee charged, disclosed as a dollar amount; and

(f) direct the appraiser who performs the real estate appraisal activity to disclose in the body of the appraisal report:

(i) the total compensation, stated as a dollar amount, paid to the appraiser or, if the appraiser is employed by an appraisal company, to the appraiser's employer; and

(ii) the total compensation ~~kept [retained]~~ by the AMC in connection with the real estate appraisal activity, stated as a dollar amount.

(2) Notice to an appraiser pursuant to Subsection (1) does not require that an AMC disclose any algorithm, formula, or information about the propriety processes of the AMC.

~~(3)[(2)]~~ Within ~~ten [10-]~~ business days of receiving a written request from an appraiser or any inquiry related to the business relationship between the appraiser and the AMC, an AMC shall reply to the appraiser in writing. An inquiry may address subjects including the AMC scorecard, appraiser panel status,

clarification on work assignments, training, or notice of the removal of an appraiser from an AMC panel as required by ~~[Utah Code]~~ Section 61-2e-306. If the AMC has requested appraisers send such inquiries to a specific address or email address, appraisers shall direct such inquiries ~~as follows:[accordingly].~~

(a) ~~if [if]~~ the AMC has determined to decrease the number of assignments to the appraiser the AMC's reply will explain the reason why the AMC has made this decision;

(b) if the AMC has determined to ~~stop [cease-]~~ offering assignments to the appraiser, the ~~[the-]~~ AMC's reply will explain the reason why the AMC has made this decision; and

(c) if the AMC has determined to remove the appraiser from an appraiser panel, the AMC shall provide the appraiser notice as required by ~~[Utah Code]~~ Section 61-2e-306.

~~(4)[(3)]~~ Any written notice or reply required by this section from an AMC to an appraiser may be communicated:

(a) by email;

(b) in a written communication to the mailing address provided by the appraiser; or

(c) by posting to a private vendor website, portal, or other digital venue to which the appraiser has access for at least 30 days following posting of the notice.

~~[----- (4) For purposes of this Section, the term "general criteria" means a standard description of the factors the AMC considers when ranking or differentiating appraisers or tiers within a panel of appraisers. This does not require an AMC to disclose any algorithms, formulas, or information about proprietary processes.]~~

(5) In replying to a request from an appraiser, an AMC is not required to reply to subsequent or multiple requests if a request unreasonably duplicates a prior request from that person.

(6) In addition to the presumptions of compliance referenced in ~~[Utah Code]~~ Subsection 61-2e-304(2)(b), an AMC is presumed to be in compliance with the Utah requirement to pay appraisers a customary and reasonable fee if the AMC compensates an appraiser for a completed appraisal at a rate consistent with the fee schedule for the state ~~[of Utah-]~~ as published by the United States Department of Veterans Affairs Denver Regional Loan Center Appraisal Fee Schedule, as the fee schedule is updated from time-to-time.

R162-2e-305. Employee Requirements.

(1) An AMC seeking registration shall demonstrate to the division that each person who selects an appraiser or conducts an appraisal review [reviews an appraiser's work-] for the AMC:

(a) is a licensed or certified appraiser in good standing; or

(b) has taken and passed a minimum of a four-hour USPAP instructive course [the 15-hour national USPAP course-].

(2) An AMC seeking renewal of the company's registration shall demonstrate to the division that each person who selects an appraiser or conducts an appraisal review [reviews an appraiser's work-] for the AMC:

(a) is a licensed or certified appraiser in good standing; or

(b) has taken and passed a minimum of a four-hour USPAP instructive [completed the seven-hour national USPAP update] course.

R162-2e-401. Unprofessional Conduct.

(1) An entity that is registered or required to be registered with the division as an AMC pursuant to Section 61-2e-201 commits unprofessional conduct if the entity:

KEY: administrative proceedings, appraisal management company (AMC), conduct, AMC registry fee
Date of Last Change: ~~2024~~~~December 12, 2018~~
Notice of Continuation: January 15, 2020
Authorizing, and Implemented or Interpreted Law: 61-2e-102(4); 61-2e-103; 61-2e-307; 61-2e-305; 61-2e-402(1)

(a) requires an appraiser to modify any aspect of the appraisal report, unless the modification complies with Section 61-2e-307;

(b) unless first prohibited by the client or applicable law, prohibits or inhibits an appraiser from contacting:

- (i) the client;
- (ii) a person licensed under Title 61, Chapter 2c, Utah Residential Mortgage Practices and Licensing Act, or Title 61, Chapter 2f, Real Estate Licensing and Practices Act~~[Section 61-2e or Section 61-2f]~~; or

(iii) any other person with whom the appraiser reasonably needs to communicate ~~[in order]~~ to obtain information necessary to complete a credible appraisal report;

(c) requires the appraiser to do anything that does not comply with:

- (i) USPAP; or
- (ii) assignment conditions and certifications required by the client;

(d) makes any portion of the appraiser's fee or the AMC's fee contingent on a favorable outcome, including ~~[but not limited to]~~:

- (i) a loan closing; or
- (ii) a specific dollar amount being achieved by the appraiser in the appraisal report;

(e) requests, for ~~[the purpose of]~~ facilitating a mortgage loan transaction~~;~~^[r]

- (i) a broker price opinion; or
- (ii) any other real property price or value estimation that does not qualify as an appraisal;

(f) charges an appraiser:

- (i) for a service not ~~[actually]~~ performed; or
- (ii) for a fee or cost that:

(A) is not accurately disclosed pursuant to Subsection R162-2e-304(1)(a)(ii); or

(B) exceeds the ~~[actual]~~ cost of a service provided by a third-party~~[third party]~~;

(g) fails to pay the appraiser's fee within 45 days of completion of the appraisal assignment;

(h) uses or retains an employee to complete an appraisal assignment without first disclosing to the client that the appraiser is an employee of the company, such that the company is acting in the capacity of an appraisal firm rather than as an AMC pursuant to ~~[Utah Code]~~ Subsection 61-2e-102(4); or

(i) when acting in the capacity of an AMC pursuant to ~~[Utah Code]~~ Subsection 61-2e-102(4), uses or retains an employee appraiser to complete an appraisal assignment.

(2) An AMC commits unprofessional conduct and creates a violation by the appraiser of Subsection R162-2g-502b(1)(f) if the AMC requires the appraiser to:

- (a) accept full payment; and
- (b) remit a portion of the full payment back to the AMC.

(3) For purposes of applying Subsection (1)(g), an appraiser who completes an assignment is considered to be an employee of the AMC that offers the assignment if:

(a) Subsection R162-2e-102(9)(a)(i) describes the employment relationship between the appraiser and the AMC; or

(b) pursuant to Subsection R162-2e-102(9)(a)(ii), the appraiser is an employee of a company:

- (i) that is wholly owned by the AMC; or
- (ii) in which the AMC owns a controlling interest.

NOTICE OF PROPOSED RULE		
TYPE OF FILING: New		
Rule or Section Number:	R653-13	Filing ID: 56335

Agency Information

1. Department:	Natural Resources	
Agency:	Water Resources	
Room number:	310	
Building:	Natural Resources Building	
Street address:	1594 W North Temple, Suite 310	
City, state and zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146201	
City, state and zip:	Salt Lake City, UT 84114-6201	
Contact persons:		
Name:	Phone:	Email:
Carly Payne	801-538-7235	carlypayne@utah.gov
Marisa Egbert	801-538-7252	marisaegbert@utah.gov
Elizabeth Harris	385-395-0857	eharris@agutah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:
R653-13. Acquisition and Disposal of Real Property Interests
3. Purpose of the new rule or reason for the change:
Section 79-2-403 requires agencies within the Department of Natural Resources that buy, sell, or exchange real property to enact rules to ensure that the value of the real property is congruent with the proposed price and other terms of the purchase, sale, or exchange.
This proposed rule is to comply with the requirements of that statute.