

**61-2g-201 Duties and powers of division in general.**

- (1) The division shall administer and enforce this chapter.
- (2) The division has the following powers and duties:
  - (a) The division shall:
    - (i) receive an application for licensing, certification, or registration;
    - (ii) establish appropriate administrative procedures for the processing of an application for licensure, certification, or registration;
    - (iii) issue a license or certification to a qualified applicant pursuant to this chapter; and
    - (iv) register an individual who applies and qualifies for registration as a trainee under this chapter.
  - (b) The division shall hold public hearings under the direction of the board.
  - (c) The division may:
    - (i) solicit bids and enter into contracts with one or more educational testing services or organizations for the preparation of a bank of questions and answers; and
    - (ii) administer or contract for the administration of licensing and certification examinations as may be required to carry out the division's responsibilities under this chapter.
  - (d) The division shall provide administrative assistance to the board by providing to the board the facilities, equipment, supplies, and personnel that are required to enable the board to carry out the board's responsibilities under this chapter.
  - (e) The division shall assist the board in improving the quality of the continuing education available to a person licensed, certified, or registered under this chapter.
  - (f) The division shall assist the board with respect to the proper interpretation or explanation of the Uniform Standards of Professional Appraisal Practice as required by Section 61-2g-403 when an interpretation or explanation becomes necessary in the enforcement of this chapter.
  - (g) The division may:
    - (i) promote research and conduct studies relating to the profession of real estate appraising; and
    - (ii) sponsor real estate appraisal educational activities.
  - (h) The division shall adopt, with the concurrence of the board, rules for the administration of this chapter pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that are not inconsistent with this chapter or the constitution and laws of this state or of the United States.
  - (i) The division shall employ an appropriate staff to investigate allegations that a person required to be licensed, certified, or registered under this chapter fails to comply with this chapter.
  - (j) The division may employ other professional, clerical, and technical staff as may be necessary to properly administer the work of the division under this chapter.
  - (k)
    - (i) Upon request, the division shall make available, either directly or through a third-party, a list of the names and addresses of the persons licensed, registered, or certified by the division under this chapter.
    - (ii) A person who requests a list under this Subsection (2)(k) shall pay the costs incurred by the division to make the list available.
- (3)
  - (a) If the conditions of Subsection (3)(b) are met, the division is immune from any civil action or criminal prosecution for initiating or assisting in a lawful investigation of an act of, or participating in a disciplinary proceeding concerning a person required to be licensed, certified, or registered pursuant to this chapter.
  - (b) This Subsection (3) applies if the division takes the action:
    - (i) without malicious intent; and

(ii) in the reasonable belief that the action is taken pursuant to the powers and duties vested in the division under this chapter.

Amended by Chapter 166, 2012 General Session