

The following regulations have been adopted and published in the Kansas Register. They will become effective on the final date listed in the history section that follows each regulation. Regulations become effective 15 days after publication in the Kansas Register unless a later effective date is given in the body of the regulation.

**State of Kansas**

**Department of Health and Environment**

**Permanent Administrative Regulation**

**Article 4.—MATERNAL AND CHILD HEALTH**

**28-4-95. Fee for fingerprint-based background checks.** Each applicant, applicant with a temporary permit, and licensee shall submit a nonrefundable fee of \$48 to the department for the cost of each required fingerprint-based background check, as follows:

(a) For each day care home, group day care home, child care center, and preschool, each individual specified in K.A.R. 28-4-125;

(b) for each school-age program, each individual specified in K.A.R. 28-4-584; and

(c) for each drop-in program, each individual specified in K.A.R. 28-4-705. (Authorized by and implementing K.S.A. 65-516; effective Nov. 26, 2018.)

Jeff Andersen  
Secretary

Doc. No. 046711

**State of Kansas**

**Department of Labor  
Division of Workers Compensation**

**Permanent Administrative Regulations**

**Article 1.—FORMS**

**51-1-1.** (Authorized by K.S.A. 44-573; implementing K.S.A. 44-505, 44-508, 44-510b, 44-527, 44-532, 44-534, 44-534a, 44-542a, 44-543, 44-557, 44-567; effective Jan. 1, 1966; amended, E-74-31, July 1, 1974; amended May 1, 1975; amended May 1, 1983; revoked Nov. 26, 2018.)

**51-1-26. Submissions; electronic filing (E-filing) system.** Except as otherwise specified in the Kansas workers compensation act and the implementing regulations, all forms and other submissions required to be filed with the director or the division of workers compensation (division) in the Kansas department of labor shall be filed through the electronic filing (E-filing) system. Forms filed with the division shall be the forms prescribed or approved by the director.

(a) On and after November 30, 2018, in all workers compensation claims before the division, use of the division’s electronic filing system, which is known as the online system for claims administration research and regulation (OSCAR), shall be required for all parties represented by legal counsel. Self-represented parties may file through the E-filing system but shall not be required to do so, as specified in K.A.R. 51-17-2.

(b) Electronic filing shall mean the process by which documents and submissions are created online and by

which paper documents are scanned, uploaded, and filed with the division and served upon parties by electronic transmission using the E-filing system. This shall include any documents that become part of the case record, whether submitted by the division or by the litigants. Document service using the E-filing system upon a party represented by legal counsel or a self-represented party choosing to use the E-filing system shall constitute valid service. Document service by or on parties who are not represented by legal counsel and who have not chosen to use the E-filing system shall be performed as otherwise specified in K.A.R. 51-17-2.

(c) Access to the E-filing system shall be through the division’s web site. In order to register as a user for an account with the E-filing system, the user shall agree to register and to be bound by and adhere to the terms and conditions of use.

(d) Each submission shall be considered filed when received by the E-filing system. (Authorized by K.S.A. 44-573; implementing K.S.A. 2017 Supp. 44-508, K.S.A. 2017 Supp. 44-532, K.S.A. 2017 Supp. 44-534, K.S.A. 2017 Supp. 44-536a; effective Nov. 26, 2018.)

**Article 17.—TIME, COMPUTATION  
AND EXTENSION**

**51-17-2. Methods of filing; service.** On and after November 30, 2018, each party represented by legal counsel shall file workers compensation case documents through the electronic filing (E-filing) system of the division of workers compensation (division) in the Kansas department of labor, as specified in K.A.R. 51-1-26. Any party not represented by legal counsel may file using the division’s electronic filing system. If a party not represented by legal counsel chooses not to use the division’s electronic filing system, the party shall file by facsimile, by mail, or by hand-delivery directly to the division and shall serve a copy of each document on the parties.

(a) Definitions. Each of the following terms as used in this regulation, unless the context requires otherwise, shall have the meaning specified in this subsection:

(1) “Document” shall include not more than one pleading and corresponding exhibits.

(2) “Facsimile filing” and “filing by fax” mean the facsimile transmission of a document to the division for filing with the division.

(3) “Facsimile machine” means a machine that can send a facsimile transmission.

(4) “Facsimile transmission” means the transmission of a copy of a document by a system that encodes a document into electronic signals, transmits the signals over a telephone line or other communications medium, and reconstructs the signals to print a duplicate of the document at the receiving end.

(5) “Fax” is an abbreviation for “facsimile” and means, as indicated by the context, the facsimile transmission or document so transmitted.

(6) “Filing” means the act of submitting a document to

the division for the division's consideration and action. A document is filed by delivering it to the division by one of the means specified in this regulation.

(7) "Filing by hand-delivery" means submitting a document to the division by delivery in person to the division. Proof of filing by hand-delivery is established by retention of a copy of the hand-delivered document that has been date-stamped by an employee of the division at the time of the hand-delivery.

(8) "Filing by mail" means submitting a document to the division through the United States postal service, or other service or system by which letters and parcels are collected and delivered for a fee, addressed to an office of the division of workers compensation. Filing by mail is complete upon receipt by the division.

(9) "Serve" means to deliver a document, or copy thereof, by a party in a legal action or proceeding in which the party is involved, to another person, entity or party, electronically, by fax, by mail, or by hand-delivery.

(10) "Service by fax" means the transmission of a document by facsimile machine. Service by fax shall be complete upon generation of a transmission record by the transmitting machine indicating the successful transmission of the entire document. Service that occurs after midnight, central standard time, shall be deemed to have occurred on the next day.

(11) "Service by hand-delivery" means the delivery in person of a document to the party upon whom service is required or, if the party is a nonperson entity, by handing the document to a person in charge or person designated for this purpose at an office of the party.

(12) "Service by mail" means the delivery of a document by United States postal service, or other service or system by which letters and parcels are collected and delivered for a fee, addressed to the party's last known address. Service by mail shall be presumed if a person fills out and signs a written certificate of service.

(13) "Transmission record" means the document printed by the sending facsimile machine stating the telephone number of the receiving machine, the number of pages sent, the transmission time, and an indication of any errors in transmission.

(b) Form of documents.

(1) The document placed in the transmitting fax machine shall comply with all applicable requirements on the form, format, and signature of papers.

(2) The first page of each document filed by fax shall include the words "by fax." Each page shall be numbered and shall include an abbreviated caption of the case and an abbreviated title of the document. The party shall also include the party's name, address, telephone number, and fax number on the document.

(c) Methods of filing by a party not represented by legal counsel.

(1) If a party not represented by legal counsel chooses not to use the division's electronic filing system, the party may file by fax directly to the division of workers compensation, at the facsimile numbers authorized, or by mail or hand-delivery to the division.

(2) The division's facsimile machine shall be available on a 24-hour basis. This provision shall not prevent the division from sending documents by fax or providing

for normal repair and maintenance of the fax machine. Facsimile filings received in the division shall be deemed filed at the time printed by the division facsimile machine on the final page of the facsimile document received.

(3) Each facsimile document filed shall be accompanied by the facsimile transmission cover sheet, which shall contain the date, the docket number, case caption, party name, address, telephone and fax numbers, and the name of the document. The cover sheet shall be the first page transmitted.

(4) Each party filing by fax shall cause the transmitting facsimile machine to print a transmission record of each filing by fax. If the facsimile filing is not filed with the division due to an error in the transmission of the document the occurrence of which was unknown to the sender, any other failure not within the sender's control, or a failure to process the facsimile filing when received by the division, the sender may move the administrative law judge or the workers compensation board for an order to accept the timely filing of the document. The motion shall be accompanied by the transmission record, a copy of the document transmitted, and an affidavit of transmission by fax as set forth in a form specified by the director.

(5) Filing of documents by mail, properly addressed with postage or delivery fees paid, or by hand-delivery to the division's office in Topeka, Kansas shall be complete upon receipt by the division.

(d) Possession of documents. Each party not represented by legal counsel who files by fax shall retain the original document in the party's possession or control during the pendency of the action and shall produce this document upon request by the division, administrative law judge, workers compensation board, or any party to the action. Upon failure to produce the document, the fax may be stricken, and the party may be subject to sanctions under K.S.A. 44-5,120(d)(20), and amendments thereto.

(e) Signatures. Each signature reproduced by facsimile transmission shall be considered an original signature.

(f) Service by the division by electronic transmission and by mail.

The division shall serve documents and notices requiring service electronically upon any party represented by legal counsel and upon any party not represented by legal counsel who has elected to use the division's electronic filing system. Documents and notices requiring service shall be served by mail on a party not represented by legal counsel who has not elected to use the division's electronic filing system.

(g) Certificates of service.

(1) Each electronically filed document shall include a certificate of service if service is required. Each certificate of service by electronic transmission shall include the following:

(A) The date of electronic transmission;

(B) A statement that the service was made by electronic transmission;

(C) the name and electronic-mail address of each party served; and

(D) the signature of the person serving the document by electronic transmission.

(2) Each certificate of service by fax shall include the following:

- (A) The date of transmission;
  - (B) the name and facsimile machine telephone number of each party served;
  - (C) a statement that the document was served by facsimile transmission and that the transmission was reported as complete and without error; and
  - (D) the signature of the person serving the document by facsimile transmission.
- (3) Each certificate of service by mail shall include the following:
- (A) The date of mailing;
  - (B) the name and mailing address of each party served;
  - (C) a statement that the document was served by depositing it in the mail; and
  - (D) the signature of the person serving the document by mail. (Authorized by K.S.A. 44-573; implementing K.S.A. 2017 Supp. 44-534, K.S.A. 2017 Supp. 44-551; effective May 22, 1998; amended Nov. 26, 2018.)

Larry Karns, Director  
Workers Compensation

Doc. No. 046721

**State of Kansas**

**Real Estate Appraisal Board**

**Permanent Administrative Regulations**

**Article 2.—QUALIFICATIONS CRITERIA—  
RESIDENTIAL REAL ESTATE APPRAISER  
CLASSIFICATION**

**117-2-1. Licensed classification; education requirements.** (a) Each applicant shall meet the following requirements:

- (1) Have received credit for 150 classroom hours in the following subjects, as specified:
  - (A) 30 classroom hours in basic appraisal principles;
  - (B) 30 classroom hours in basic appraisal procedures;
  - (C) 15 classroom hours in the national uniform standards of professional appraisal practice (USPAP) course or its equivalent. The applicant shall be required to pass this examination. There shall be no alternative to successful completion of the USPAP course and examination;
  - (D) 15 classroom hours in market analysis and highest and best use;
  - (E) 15 classroom hours in residential appraisal site valuation and cost approach;
  - (F) 30 classroom hours in residential sales comparison and income approaches; and
  - (G) 15 classroom hours in residential report writing and case studies; and
- (2) provide evidence, satisfactory to the board, of one of the following:
  - (A) Successful completion of courses approved by the board as specified in paragraph (a)(1); or
  - (B) successful completion of courses not approved by the board, with evidence that the education covered all of the requirements specified in paragraph (a)(1).
- (b) Credit toward the education requirements specified in paragraph (a)(1) may also be obtained by completing a degree in real estate from an accredited degree-granting college or university approved by the association to ad-

vance collegiate schools of business or a national accreditation agency recognized by the U.S. secretary of education or Kansas board of regents if the college or university has had its curriculum reviewed and approved by the appraiser qualifications board (AQB).

(c) Classroom hours may be obtained only if both of the following conditions are met:

- (1) The minimum length of the educational offering is at least 15 classroom hours.
- (2) The applicant successfully completes an approved closed-book examination pertinent to that educational offering.

(d) A distance education course may be deemed to meet the classroom hour requirement specified in paragraph (a)(1) if all of the following conditions are met:

(1) The course provides an environment in which the student has verbal or written communication with the instructor.

(2) The sponsor obtains course content approval from any of the following:

- (A) The appraiser qualifications board;
- (B) an appraiser licensing or certifying agency in this or any other state; or

(C) an accredited college, community college, or university that offers distance education programs and is approved or accredited by the commission on colleges, a regional or national accreditation association, or an accrediting agency that is recognized by the U.S. secretary of education or the Kansas board of regents. Each non-academic credit college course provided by a college shall be approved by the appraiser qualifications board or the appraiser licensing or certifying agency in this or any other state.

(3) The course design and delivery are approved by one of the following sources:

- (A) An appraiser qualifications board-approved organization;
- (B) a college that qualifies for course content approval as specified in paragraph (d)(2)(C) and awards academic credit for the distance education course; or

(C) a college that qualifies for course content approval as specified in paragraph (d)(2)(C) with a distance education delivery program that approves the course design and includes a delivery system incorporating interactivity.

(e) Each distance education course intended for use as qualifying education shall include a written examination proctored by an official approved by the college or university or by the sponsor.

(f) Any applicant who has completed two or more courses generally comparable in content, meaning topics covered, may receive credit only for the longest of the comparable courses completed. The national uniform standards of professional appraisal practice (USPAP) course taken in different years shall not be considered repetitive. (Authorized by and implementing K.S.A. 58-4109; effective Jan. 21, 1991; amended, T-117-6-10-91, June 10, 1991; amended Aug. 5, 1991; amended May 24, 1993; amended Jan. 9, 1998; amended March 26, 1999; amended May 23, 2003; amended Jan. 1, 2008; amended April 16, 2010; amended Jan. 1, 2015; amended Nov. 30, 2018.)

**117-2-2. Licensed classification; appraisal experience requirement.** (a)(1) Each applicant for the licensed classification shall have 1,000 hours of appraisal experi-

ence obtained in at least six months.

(2) At least six hours of real property appraisal experience shall be on an improved property.

(3) Acceptable appraisal experience shall include at least 750 hours of real property appraisal experience.

(4) Acceptable appraisal experience may include an aggregate maximum of 250 experience hours in the following appraisal categories:

- (A) Mass appraisal;
- (B) real estate consulting;
- (C) review appraisal;
- (D) highest and best use analysis; and
- (E) feasibility analysis study.

(5) Experience hours may be granted for appraisals performed without a traditional client. However, appraisal experience gained from work without a traditional client shall not exceed 50 percent of the total appraisal experience requirement. Practicum courses that are approved by the appraiser qualifications board's course-approval program or by a state appraiser regulatory agency may also be used to meet the requirement for non-traditional client experience. Each practicum course shall include the generally applicable methods of appraisal practice for the licensed classification. The course content shall include the following:

(A) Requiring the student to produce credible appraisals that utilize an actual subject property;

(B) performing market research containing sales analysis; and

(C) applying and reporting the applicable appraisal approaches in conformity with the uniform standards of professional appraisal practice.

Each assignment shall require problem-solving skills for a variety of property types for the licensed classification. Experience credit shall be granted for the actual number of classroom hours of instruction and hours of documented research and analysis as awarded from the practicum course approval process.

(6) For the purposes of this regulation, "traditional client" shall mean a client who hires an appraiser for a business purpose.

(b) All appraisal experience shall be in compliance with the uniform standards of professional appraisal practice (USPAP), as required by K.S.A. 58-4121 and amendments thereto. Each applicant's experience shall be appraisal work conforming to standards 1, 2, 3, 5, and 6, in which the applicant demonstrates proficiency in the appraisal principles, methodology, procedures, and reporting conclusions.

(c) The real property appraisal experience requirement specified in paragraph (a)(3) shall be met by time involved in the appraisal process. The appraisal process shall consist of the following:

- (1) Analyzing factors that affect value;
- (2) defining the problem;
- (3) gathering and analyzing data;
- (4) applying the appropriate analysis and methodology; and
- (5) arriving at an opinion and correctly reporting the opinion in compliance with USPAP.

(d)(1) In order for the board to determine whether or not the experience requirements have been satisfied, each

applicant shall submit appraisal experience log sheets, in a format prescribed by the board, listing the appraisal reports completed by the applicant within the five-year period preceding the date of application. Each appraisal report shall be signed by the applicant or the preparer of the report who supervised the applicant. If the applicant does not sign the appraisal report, the preparer shall indicate whether or not the applicant provided significant professional assistance in the appraisal process.

(2) Each applicant shall maintain a record of the actual number of hours involved in completing an appraisal. Unless the board approves a greater number of experience hours for a particular appraisal based upon the unusually difficult or complex nature of the appraisal, the maximum number of experience hours for each appraisal shall be in accordance with the board's document titled "experience hours table," dated December 1, 2017, which is hereby adopted by reference.

(3) Each applicant shall maintain a separate log of appraisals completed with each supervising appraiser.

Each page of each supervised experience log shall include the certification number and the signature of the applicant's supervising appraiser, which shall serve as verification of the accuracy of the information.

(e) Upon request of the board, each applicant shall submit at least three appraisal reports selected by the board from the applicant's log sheet and one appraisal report selected by the applicant from the log sheet. The selected appraisal reports shall be reviewed in accordance with standard rule 3 by the board or the board's designee for competency, within the scope of practice of the appraisal work authorized for the licensed classification, by using the criteria specified in K.S.A. 58-4109(d) and amendments thereto and, in particular, standards 1 and 2 of the edition of USPAP in effect when the appraisal was performed. Approval of an applicant's experience hours shall be subject to board approval of the requisite number of experience hours and board approval of the selected appraisal reports. (Authorized by and implementing K.S.A. 58-4109; effective Jan. 21, 1991; amended, T-117-6-10-91, June 10, 1991; amended Aug. 5, 1991; amended July 25, 1994; amended June 5, 1995; amended March 7, 1997; amended March 26, 1999; amended Oct. 8, 2004; amended Sept. 1, 2006; amended Jan. 1, 2008; amended April 16, 2010; amended Aug. 24, 2012; amended Aug. 22, 2014; amended Jan. 1, 2015; amended June 17, 2016; amended May 26, 2017; amended Nov. 30, 2018.)

### Article 3.—QUALIFICATIONS CRITERIA— GENERAL APPRAISER CLASSIFICATION

**117-3-2. General classification; appraisal experience requirement.** (a)(1) Each applicant for the general classification shall have 3,000 hours of appraisal experience obtained over a period of at least 18 months.

(2) At least six hours of real property appraisal experience shall be on an improved property.

(3) At least 1,500 hours of real property appraisal experience shall have been nonresidential appraisal work. For purposes of this regulation, "residential" shall be defined as residential units for one to four families.

(4) Acceptable appraisal experience shall include at

least 1,500 experience hours of real property appraisal experience.

(5) Acceptable appraisal experience may include either of the following:

- (A) 1,500 experience hours in mass appraisal; or
- (B) an aggregate maximum of 750 experience hours in the following appraisal categories:
  - (i) Real estate consulting;
  - (ii) review appraisal;
  - (iii) highest and best use analysis; and
  - (iv) feasibility analysis study.

(6) Experience hours may be granted for appraisals performed without a traditional client. However, appraisal experience gained from work without a traditional client shall not exceed 50 percent of the total appraisal experience requirement. Practicum courses that are approved by the appraiser qualifications board's course-approval program or by a state appraiser regulatory agency may also be used to meet the requirement for non-traditional client experience. Each practicum course shall include the generally applicable methods of appraisal practice for the general classification. The course content shall include the following:

- (A) Requiring the student to produce credible appraisals that utilize an actual subject property;
- (B) performing market research containing sales analysis; and
- (C) applying and reporting the applicable appraisal approaches in conformity with the uniform standards of professional appraisal practice.

Each practicum course assignment shall require problem-solving skills for a variety of property types for the general classification. Experience credit shall be granted for the actual number of classroom hours of instruction and hours of documented research and analysis as awarded from the practicum course approval process.

(7) For the purposes of this regulation, "traditional client" shall mean a client who hires an appraiser for a business purpose.

(b) All appraisal experience shall be in compliance with the uniform standards of professional appraisal practice (USPAP), as required by K.S.A. 58-4121 and amendments thereto. Each applicant's experience shall be appraisal work conforming to standards 1, 2, 3, 5, and 6, in which the applicant demonstrates proficiency in the appraisal principles, methodology, procedures, and report conclusions.

(c) The real property appraisal experience requirement specified in paragraph (a)(4) shall be met by time involved in the appraisal process. The appraisal process shall consist of the following:

- (1) Analyzing factors that affect value;
- (2) defining the problem;
- (3) gathering and analyzing data;
- (4) applying the appropriate analysis and methodology; and
- (5) arriving at an opinion and correctly reporting the opinion in compliance with USPAP.

(d)(1) In order for the board to determine whether or not the experience requirements have been met, each applicant shall submit appraisal experience log sheets, in a format prescribed by the board, listing the appraisal

reports completed by the applicant within the five-year period preceding the date of application. Each appraisal report shall be signed by the applicant or the preparer of the report who supervised the applicant. If the applicant does not sign the appraisal report, the preparer shall indicate whether or not the applicant provided significant professional assistance in the appraisal process.

(2) Each applicant shall maintain a record of the actual number of hours involved in completing an appraisal. Unless the board approves a greater number of experience hours for a particular appraisal based upon the unusually difficult or complex nature of the appraisal, the maximum number of experience hours for each appraisal shall be in accordance with the board's document titled "experience hours table," which is adopted by reference in K.A.R. 117-2-2.

(3) If an applicant has both supervised experience and unsupervised experience, the applicant shall maintain a separate log of appraisals for each type of experience.

When logging supervised experience, the applicant shall maintain a separate log of appraisals completed with each supervising appraiser. Each page of each supervised experience log shall include the certification number and the signature of that applicant's supervising appraiser, which shall serve as verification of the accuracy of the information.

(e) Upon request of the board, each applicant shall submit at least three appraisal reports selected by the board from the applicant's log sheet and one appraisal report selected by the applicant from the log sheet. The selected appraisal reports shall be reviewed by the board or the board's designee, in accordance with standard rule 3, for competency within the scope of practice of the appraisal work authorized for the general classification, by using the criteria specified in K.S.A. 58-4109(d) and amendments thereto and, in particular, standard rules 1 and 2 of the edition of USPAP in effect when the appraisal was performed. Approval of an applicant's experience hours shall be subject to board approval of the requisite number of experience hours and board approval of the selected appraisal reports. (Authorized by and implementing K.S.A. 58-4109; effective Jan. 21, 1991; amended, T-117-6-10-91, June 10, 1991; amended Aug. 5, 1991; amended July 25, 1994; amended June 5, 1995; amended March 7, 1997; amended Jan. 9, 1998; amended March 26, 1999; amended Oct. 8, 2004; amended Sept. 1, 2006; amended Jan. 1, 2008; amended April 16, 2010; amended Aug. 24, 2012; amended Aug. 22, 2014; amended Jan. 1, 2015; amended June 17, 2016; amended May 26, 2017; amended Nov. 30, 2018.)

**Article 4.—QUALIFICATIONS CRITERIA —  
CERTIFIED RESIDENTIAL APPRAISER  
CLASSIFICATION**

**117-4-1. Residential classification; education requirements.** (a) Each applicant shall meet one of the following requirements:

- (1) Have a bachelor's degree or higher from an accredited four-year college or university;
- (2) have an associate's degree in a field of study related to one of the following:

- (A) Business administration;
- (B) accounting;
- (C) finance;
- (D) economics; or
- (E) real estate;
- (3) successfully complete 30 semester hours of college-level courses in the following subjects, with at least three semester hours in each subject:
  - (A) English composition;
  - (B) microeconomics;
  - (C) macroeconomics;
  - (D) finance;
  - (E) algebra, geometry, or higher mathematics;
  - (F) statistics;
  - (G) principles of management;
  - (H) business or real estate law; and
  - (I) two elective courses in any of the following subjects:
    - (i) Accounting;
    - (ii) geography;
    - (iii) agricultural economics;
    - (iv) business management; or
    - (v) real estate;
  - (4) successfully complete at least 30 hours of college-level examination program (CLEP) examinations in the following subjects:
    - (A) English composition;
    - (B) microeconomics;
    - (C) macroeconomics;
    - (D) finance;
    - (E) algebra, geometry, or higher mathematics;
    - (F) statistics;
    - (G) computer science;
    - (H) principles of management; and
    - (I) any two of the following:
      - (i) Accounting;
      - (ii) geography;
      - (iii) agricultural economics;
      - (iv) business management; or
      - (v) real estate; or
  - (5) successfully complete any combination of paragraphs (a)(3) and (4) that includes all of the subjects listed in those paragraphs.
- (b) Each applicant shall meet the following requirements:
  - (1) Have received credit for 200 classroom hours in the following subjects, as specified:
    - (A) 30 classroom hours in basic appraisal principles;
    - (B) 30 classroom hours in basic appraisal procedures;
    - (C) 15 classroom hours in the national uniform standards of professional appraisal practice course or its equivalent;
    - (D) 15 classroom hours in residential market analysis and highest and best use;
    - (E) 15 classroom hours in the residential appraiser site valuation and cost approach;
    - (F) 30 classroom hours in residential sales comparison and income approaches;
    - (G) 15 classroom hours in residential report writing and case studies;
    - (H) 15 classroom hours in statistics, modeling, and finance;
    - (I) 15 classroom hours in advanced residential applica-

tions and case studies; and

(J) 20 classroom hours in appraisal subject matter electives, which may include hours over the minimum specified in paragraph (b)(1); and

(2) provide evidence, satisfactory to the board, of one of the following:

(A) Successful completion of courses approved by the board as specified in paragraph (b)(1); or

(B) successful completion of courses not approved by the board, with evidence that the education covered all of the requirements specified in paragraph (b)(1).

(c) Credit toward the education requirements specified in paragraph (b)(1) may also be obtained by completing a degree in real estate from an accredited degree-granting college or university approved by the association to advance collegiate schools of business or a regional or national accreditation agency recognized by the U.S. secretary of education if the college or university has had its curriculum reviewed and approved by the appraiser qualifications board (AQB).

(d) Classroom hours may be obtained only if both of the following conditions are met:

(1) The length of the educational offering is at least 15 classroom hours.

(2) The applicant successfully completes an approved closed-book examination pertinent to that educational offering.

(e) Any appraiser holding a valid state license as a real property appraiser may meet the educational requirements for the certified residential classification by performing the following:

(1)(A) Satisfying the college-level educational requirements as specified in subsection (a); or

(B) having a state license for at least five years immediately preceding the date of application if there has been no final adjudicated disciplinary action affecting the state licensed appraiser's legal eligibility to engage in appraisal practice; and

(2) completing an additional 50 hours of classroom or distance education, or both in the following subjects:

(A) 15 hours of statistics, modeling, and finance;

(B) 15 hours of advanced residential applications and case studies; and

(C) 20 hours of appraisal subject matter electives.

(f) The 200 classroom hours specified in paragraph (b)(1) may include a portion of the 150 classroom hours required for the licensed classification.

(g) A distance education course may be deemed to meet the classroom hour requirement specified in paragraph (b)(1) if all of the following conditions are met:

(1) The course provides an environment in which the student has verbal or written communication with the instructor.

(2) The sponsor obtains course content approval from any of the following:

(A) The appraiser qualifications board;

(B) an appraiser licensing or certifying agency in this or any other state; or

(C) an accredited college, community college, or university that offers distance education programs and is approved or accredited by the commission on colleges, a regional or national accreditation association, or an ac-

crediting agency that is recognized by the U.S. secretary of education. Each non-academic credit college course provided by a college shall be approved by the appraiser qualifications board or the appraiser licensing or certifying agency in this or any other state.

(3) The course design and delivery are approved by one of the following sources:

(A) An appraiser qualifications board-approved organization;

(B) a college that qualifies for course content approval as specified in paragraph (g)(2)(C) and awards academic credit for the distance education course; or

(C) a college that qualifies for course content approval as specified in paragraph (g)(2)(C) with a distance education delivery program that approves the course design and includes a delivery system incorporating interactivity.

(h) Each distance education course intended for use as qualifying education shall include a written examination proctored by an official approved by the college or university or by the sponsor.

(i) Any applicant who has completed two or more courses generally comparable in content, meaning topics covered, may receive credit only for the longest of the comparable courses completed. The national uniform standards of professional appraisal practice (USPAP) course taken in different years shall not be considered repetitive. (Authorized by and implementing K.S.A. 58-4109; effective Jan. 21, 1991; amended, T-117-6-10-91, June 10, 1991; amended Aug. 5, 1991; amended May 24, 1993; amended Jan. 1, 1994; amended Jan. 9, 1998; amended March 26, 1999; amended May 23, 2003; amended Jan. 1, 2008; amended July 10, 2009; amended April 16, 2010; amended Jan. 1, 2015; amended June 17, 2016; amended Nov. 30, 2018.)

**117-4-2. Residential classification; appraisal experience requirement.** (a)(1) Each applicant for the residential classification shall have 1,500 hours of appraisal experience obtained over a period of at least 12 months.

(2) At least six hours of real property appraisal experience shall be on an improved property.

(3) Acceptable appraisal experience shall include at least 1,125 experience hours of real property appraisal experience.

(4) Acceptable appraisal experience may include an aggregate maximum of 375 experience hours in the following appraisal categories:

- (A) Mass appraisal;
- (B) real estate consulting;
- (C) review appraisal;
- (D) highest and best use analysis; and
- (E) feasibility analysis study.

(5) Experience hours may be granted for appraisals performed without a traditional client. However, appraisal experience gained from work without a traditional client shall not exceed 50 percent of the total appraisal experience requirement. Practicum courses that are approved by the appraiser qualifications board's course-approval program or by a state appraiser regulatory agency may also be used to meet the requirement for non-traditional client experience. Each practicum course shall include the generally applicable methods

of appraisal practice for the residential classification. The course content shall include the following:

(A) Requiring the student to produce credible appraisals that utilize an actual subject property;

(B) performing market research containing sales analysis; and

(C) applying and reporting the applicable appraisal approaches in conformity with the uniform standards of professional appraisal practice.

Each assignment shall require problem-solving skills for a variety of property types for the residential classification. Experience credit shall be granted for the actual classroom hours of instruction and hours of documented research and analysis as awarded from the practicum course approval process.

(6) For the purposes of this regulation, "traditional client" shall mean a client who hires an appraiser for a business purpose.

(b) All appraisal experience shall be in compliance with the uniform standards of professional appraisal practice (USPAP), as required by K.S.A. 58-4121 and amendments thereto. Each applicant's experience shall be appraisal work conforming to standards 1, 2, 3, 5, and 6, in which the applicant demonstrates proficiency in the appraisal principles, methodology, procedures, and report conclusions.

(c) The real property appraisal experience requirement specified in paragraph (a)(3) shall be met by time involved in the appraisal process. The appraisal process shall consist of the following:

- (1) Analyzing factors that affect value;
- (2) defining the problem;
- (3) gathering and analyzing data;
- (4) applying the appropriate analysis and methodology; and
- (5) arriving at an opinion and correctly reporting the opinion in compliance with USPAP.

(d)(1) In order for the board to determine whether or not the experience requirements have been met, each applicant shall submit appraisal experience log sheets, in a format prescribed by the board, listing the appraisal reports completed by the applicant within the five-year period preceding the date of application. Each appraisal report shall be signed by the applicant or the preparer of the report who supervised the applicant. If the applicant does not sign the appraisal report, the preparer shall indicate whether or not the applicant provided significant professional assistance in the appraisal process.

(2) Each applicant shall maintain a record of the actual number of hours involved in completing an appraisal. Unless the board approves a greater number of experience hours for a particular appraisal based upon the unusually difficult or complex nature of the appraisal, the maximum number of experience hours for each appraisal shall be in accordance with the board's document titled "experience hours table," which is adopted by reference in K.A.R. 117-2-2.

(3) Each applicant shall maintain a separate log of appraisals for supervised experience and for unsupervised experience.

When logging supervised experience, the applicant shall maintain a separate log of appraisals completed

with each supervising appraiser. Each page of each supervised experience log shall include the certification number and the signature of that applicant's supervising appraiser, which shall serve as verification of the accuracy of the information.

(e) Upon request of the board, each applicant shall submit at least three appraisal reports selected by the board from the applicant's log sheet and one appraisal report selected by the applicant from the log sheet. The selected appraisal reports shall be reviewed by the board or the board's designee, in accordance with standard rule 3 for competency within the scope of practice of the appraisal work authorized for the residential classification, by using the criteria specified in K.S.A. 58-4109(d) and amendments thereto and, in particular, standard rules 1 and 2 of the edition of USPAP in effect when the appraisal was performed. Approval of an applicant's experience hours shall be subject to board approval of the requisite number of experience hours and board approval of the selected appraisal reports. (Authorized by and implementing K.S.A. 58-4109; effective, T-117-6-10-91, June 10, 1991; effective Aug. 5, 1991; amended July 25, 1994; amended June 5, 1995; amended March 7, 1997; amended Jan. 9,

1998; amended March 26, 1999; amended Oct. 8, 2004; amended Sept. 1, 2006; amended Jan. 1, 2008; amended April 16, 2010; amended Aug. 24, 2012; amended Aug. 22, 2014; amended Jan. 1, 2015; amended June 17, 2016; amended May 26, 2017; amended Nov. 30, 2018.)

#### **Article 5.—QUALIFICATIONS CRITERIA— PROVISIONAL CLASSIFICATION**

**117-5-1. Provisional classification; education requirements.** In order to be eligible for the provisional classification, each applicant shall meet the education requirements specified in the following:

(a) K.A.R. 117-3-1(a)(1) or K.A.R. 117-4-1(a)(1) through (5); and

(b) within the five years preceding the date of application, K.A.R. 117-2-1(a)(1), K.A.R. 117-3-1(a)(2), or K.A.R. 117-4-1(b)(1). (Authorized by and implementing K.S.A. 58-4109; effective Aug. 15, 1994; amended April 24, 1998; amended Sept. 1, 2006; amended Jan. 1, 2015; amended Nov. 30, 2018.)

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Executive Director

Doc. No. 046743