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HOUSE BILL NO. 1748

Offered January 13, 2021

Prefiled December 8, 2020

A *BILL to amend the Code of Virginia by adding in Chapter 20.1 of Title 54.1 a section numbered 54.1-2019.1 and by adding in Chapter 20.2 of Title 54.1 a section numbered 54.1-2024, relating to actions against real estate appraisers or appraisal management companies; statute of limitations.*

Patron—Ware

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 20.1 of Title 54.1 a section numbered 54.1-2019.1 and by adding in Chapter 20.2 of Title 54.1 a section numbered 54.1-2024 as follows:

§ 54.1-2019.1. Statute of limitations on actions for damages or other relief.

A. *Notwithstanding any other provision of law to the contrary, no action for damages or other relief alleging that a certified general real estate appraiser, a certified residential real estate appraiser, or a licensed residential real estate appraiser committed malpractice or negligence or an error, mistake, omission, or breach in an appraisal or appraisal report, whether based on contract or tort, shall be brought unless it is filed in a court of competent jurisdiction and proper venue within one year from the date that the alleged malpractice, negligence, error, mistake, omission, or breach is discovered or should have been discovered, and in no case more than five years from the date of the malpractice, negligence, error, mistake, omission, or breach.*

B. *The provisions of this section shall not apply to (i) any action in which it is alleged that a certified general real estate appraiser, a certified residential real estate appraiser, or a licensed residential real estate appraiser committed fraud with respect to an appraisal or appraisal report or (ii) any proceedings initiated by the Board.*

§ 54.1-2024. Statute of limitations on actions for damages or other relief.

Notwithstanding any other provision of law to the contrary, no action for damages or other relief alleging that an appraisal management company committed malpractice or negligence or an error, mistake, omission, or breach in an appraisal or appraisal report, whether based on contract or tort, shall be brought unless it is filed in a court of competent jurisdiction and proper venue within one year from the date that the alleged malpractice, negligence, error, mistake, omission, or breach is discovered or should have been discovered, and in no case more than five years from the date of the malpractice, negligence, error, mistake, omission, or breach.

C. *The provisions of this section shall not apply to (i) any action in which it is alleged that an appraisal management company committed fraud with respect to an appraisal or appraisal report or (ii) any proceedings initiated by the Board.*

2. That any action for damages or other relief alleging that a certified general real estate appraiser, a certified residential real estate appraiser, a licensed residential real estate appraiser, or an appraisal management company committed malpractice or negligence or an error, mistake, omission, or breach in an appraisal or appraisal report on or before July 1, 2021, shall be filed in a court of competent jurisdiction and proper venue on or before July 1, 2022, regardless of the date of discovery of the alleged malpractice, negligence, error, mistake, omission, or breach.

INTRODUCED

HB1748