

**543D.22 Criminal background checks.**

1. *a.* Subject to paragraphs “*b*” and “*c*”, the board may require a national criminal history check through the federal bureau of investigation for applicants for certification or registration, or for persons certified or registered under [this chapter](#), if needed for credibility, to comply with federal law or regulation, or the policies of the appraisal qualification board of the appraisal foundation. The board may alternatively require a national criminal history check through the nationwide mortgage licensing system and registry, as defined in [section 535D.3](#), when conducting background investigations under [this section](#), if authorized by applicable federal law or regulation.

*b.* The board shall not require a national criminal history check through the federal bureau of investigation for applicants for upgraded certification or registration if the applicant applies for the upgraded certification or registration within twenty-four months following the date the applicant obtained their original certification or registration under [this chapter](#).

*c.* By signing and submitting to the board a statement declaring that there have been no changes to the applicant’s criminal history since the date of the waiver specified in [subsection 4](#), and that there are no active or pending complaints in any state against the applicant, any of the following individuals may seek a waiver of the board’s requirement to undergo a national criminal history check:

(1) An applicant for upgraded certification or registration who obtained their original certification or registration under [this chapter](#) more than twenty-four months prior to applying for the upgraded certification or registration.

(2) An applicant for upgraded certification applying to the board under a reciprocity agreement.

2. The board may require applicants, certificate holders, or registrants to provide a full set of fingerprints, in a form and manner prescribed by the board. 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.

3. *a.* Subject to paragraphs “*b*” and “*c*”, the board may also request and obtain, notwithstanding [section 692.2, subsection 5](#), criminal history data for applicants, certificate holders, and registrants. 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](#).

*b.* The board shall not request or obtain criminal history data for applicants for upgraded certification or registration if the applicant applies for the upgraded certification or registration within twenty-four months following the date the applicant obtained their original certification or registration under [this chapter](#).

*c.* By signing and submitting to the board a statement declaring that there have been no changes to the applicant’s criminal history data since the date of the waiver specified in [subsection 4](#), and that there are no active or pending complaints in any state against the applicant, any of the following individuals may seek a waiver of the board’s request to obtain criminal history data:

(1) An applicant for upgraded certification or registration who obtained their original certification or registration under [this chapter](#) more than twenty-four months prior to applying for the upgraded certification or registration.

(2) An applicant for upgraded certification applying to the board under a reciprocity agreement.

4. The board shall inform the applicant, certificate holder, or registrant 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.

5. The board may, in addition to any other fees, charge and collect such amounts as may be incurred by the board, the department of public safety, or federal bureau of investigation in obtaining criminal history information. Amounts collected shall be considered repayment receipts as defined in [section 8.2, subsection 8](#).

6. Criminal history data and other criminal history information relating to an applicant,

certificate holder, or registrant obtained by the board pursuant to [this section](#) is confidential. Such information may, however, be used by the board in a certificate or registration denial or disciplinary proceeding.

[2013 Acts, ch 5, §28](#); [2016 Acts, ch 1124, §27, 32](#); [2021 Acts, ch 159, §10, 11](#)

2021 amendment to subsections 1 and 3 applies to applications for original certification or registration and renewal certification or registration that are submitted to the real estate appraiser examining board on or after July 1, 2021; 2021 Acts, ch 159, §11

Subsections 1 and 3 amended