

FILED FEB 22 2005

SENATE FILE 194  
BY GRONSTAL

COMMERCE

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act requiring performance of a criminal history check of  
2 applicants for real estate broker and salesperson licenses.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SC 194 COMMERCE

1 Section 1. Section 543B.15, Code 2005, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. 10. An applicant for an initial real  
4 estate broker's or salesperson's license shall be subject to a  
5 national criminal history check through the federal bureau of  
6 investigation. The applicant shall request the criminal  
7 history check and shall provide the applicant's fingerprints  
8 to the department of public safety for submission through the  
9 state criminal history repository to the federal bureau of  
10 investigation. The applicant shall authorize release of the  
11 results of the criminal history check to the real estate  
12 commission. The applicant shall pay the actual cost of the  
13 fingerprinting and criminal history check, if any. Unless the  
14 criminal history check was completed within the ninety  
15 calendar days prior to the date the license application is  
16 received by the real estate commission, the commission shall  
17 reject and return the application to the applicant. The  
18 results of a criminal history check conducted pursuant to this  
19 subsection shall not be considered a public record under  
20 chapter 22.

21

EXPLANATION

22 This bill amends Code section 543B.15, relating to real  
23 estate licensee qualifications, to require performance of a  
24 national criminal history check of applicants for an initial  
25 real estate broker's or salesperson's license.

26 The applicant must request the criminal history check to be  
27 performed by the department of public safety and provide the  
28 department with the applicant's fingerprints for submission to  
29 the federal bureau of investigation. The applicant must  
30 authorize release of the results of the criminal history check  
31 to the real estate commission and pay for the actual costs of  
32 fingerprinting and the criminal history check. Unless the  
33 criminal history check was completed within the 90-calendar-  
34 day period prior to the date a license application is received  
35 by the commission, the commission must reject and return the

1 application to the applicant. The bill provides that the  
2 criminal history check results are not a public record under  
3 Code chapter 22, Iowa's public record law.

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