

Senate Study Bill 1249

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON WARNSTADT)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to acceptance and recognition of the national
2 criminal history record check required of applicants for
3 certain real estate licenses.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2300SC 83
6 jp/nh/5

PAG LIN

1 1 Section 1. Section 543B.15, subsection 10, Code 2009, is
1 2 amended to read as follows:
1 3 10. a. An applicant for an initial real estate broker's
1 4 or salesperson's license shall be subject to a national
1 5 criminal history check through the federal bureau of
1 6 investigation. The commission shall request the criminal
1 7 history check and shall provide the applicant's fingerprints
1 8 to the department of public safety for submission through the
1 9 state criminal history repository to the federal bureau of
1 10 investigation. The applicant shall authorize release of the
1 11 results of the criminal history check to the real estate
1 12 commission. The applicant shall pay the actual cost of the
1 13 fingerprinting and criminal history check, if any.
1 14 b. In lieu of a criminal history check requested by the
1 15 applicant in accordance with paragraph "a", the real estate
1 16 commission shall accept and recognize a national criminal
1 17 history check through the federal bureau of investigation that
1 18 was conducted on the applicant through another government
1 19 agency in this state, another state, or the federal
1 20 government.
1 21 c. Unless the criminal history check under paragraph "a"
1 22 or "b" was completed within the two hundred ten calendar days
1 23 prior to the date the license application is received by the
1 24 real estate commission, the commission shall reject and return
1 25 the application to the applicant. The commission shall
1 26 process the application but hold delivery of the license until
1 27 the background check is complete. The results of a criminal
1 28 history check conducted pursuant to this subsection shall not
1 29 be considered a public record under chapter 22.

EXPLANATION

1 31 This bill relates to acceptance of the national criminal
1 32 history record check required of applicants for an initial
1 33 real estate broker's or salesperson's license under Code
1 34 section 543B.15.
1 35 Current law requires a fingerprint-based check through the
2 1 federal bureau of investigation. The bill provides that if
2 2 such a check has been performed on the applicant through
2 3 another government agency in this state, another state, or the
2 4 federal government, the real estate commission is required to
2 5 accept and recognize the check. The requirement under current
2 6 law for the criminal history check to have been completed
2 7 within the 210 calendar days preceding receipt of the license
2 8 application remains applicable to the criminal history
2 9 conducted through another government agency.
2 10 LSB 2300SC 83
2 11 jp/nh/5