



2021 South Dakota Legislature

House Bill 1002

Introduced by: The Committee on Commerce and Energy at the request of the Department of Labor and Regulation

1 **An Act to revise certain provisions regarding fingerprint-based background checks**
 2 **for the Real Estate Commission and the appraiser certification program.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1.** That § 36-21A-151 be AMENDED.

5 **36-21A-151. Applicants and licensees under disciplinary investigation--**
 6 **Criminal background check.**

7 Each applicant for licensure and registration ~~under this chapter~~ as a real estate
 8 broker, property manager, or residential rental agent in this state shall submit to a state
 9 and federal criminal background investigation by means of fingerprint checks by the
 10 Division of Criminal Investigation and the Federal Bureau of Investigation. Upon
 11 application, the commission shall submit completed fingerprint cards to the Division of
 12 Criminal Investigation. Upon completion of the criminal background check, the Division of
 13 Criminal Investigation shall forward to the commission all information obtained as a result
 14 of the criminal background check. This information shall be obtained prior to licensure of
 15 the applicant. The commission may require a state and federal criminal background check
 16 for any licensee who is the subject of a disciplinary investigation by the commission.
 17 Failure to submit or cooperate with the criminal background investigation is grounds for
 18 denial of an application or may result in revocation of a license. The applicant shall pay
 19 for any fees charged for the cost of fingerprinting or the criminal background investigation.

20 **Section 2.** That § 36-21B-2.2 be AMENDED.

21 **36-21B-2.2. Criminal background checks.**

22 Each applicant for initial certification, licensure, or registration ~~under this chapter~~
 23 as a state-registered appraiser, state-licensed appraiser, state-certified residential
 24 appraiser, or state-certified general appraiser in this state shall submit to a state and
 25 federal criminal background investigation by means of fingerprint checks by the Division

1 of Criminal Investigation and the Federal Bureau of Investigation. Upon application, the
2 department shall submit completed fingerprint cards to the Division of Criminal
3 Investigation. Upon completion of the criminal background check, the Division of Criminal
4 Investigation shall forward to the department all information obtained as a result of the
5 criminal background check. This information must be obtained prior to certification of the
6 applicant. The department may require a state and federal criminal background check for
7 any licensee who is the subject of a disciplinary investigation by the department. Failure
8 to submit or cooperate with the criminal background investigation is grounds for denial of
9 an application or may result in revocation of a license. The applicant shall pay for any fees
10 charged for the cost of fingerprinting and the criminal background investigation.

11 **Section 3.** That § 36-21C-14 be AMENDED.

12 **36-21C-14. Applicants and licensees under disciplinary investigation--**
13 **Criminal background check.**

14 Each applicant for licensure and registration ~~under this chapter~~ as a home inspector
15 in this state shall submit to a state and federal criminal background investigation by means
16 of fingerprint checks by the Division of Criminal Investigation and the Federal Bureau of
17 Investigation. Upon application, the commission shall submit completed fingerprint cards
18 to the Division of Criminal Investigation. Upon completion of the criminal background
19 check, the Division of Criminal Investigation shall forward to the commission all
20 information obtained as a result of the criminal background check. This information shall
21 be obtained prior to licensure of the applicant. The commission may require a state and
22 federal criminal background check for any licensee who is the subject of a disciplinary
23 investigation by the commission. Failure to submit or cooperate with the criminal
24 background investigation is grounds for denial of an application or may result in revocation
25 of a license. The applicant shall pay for any fees charged for the cost of fingerprinting or
26 the criminal background investigation.

27 **Section 4.** That § 43-15B-9 be AMENDED.

28 **43-15B-9. Applicants and licensees under disciplinary investigation--**
29 **Criminal background check.**

30 Each applicant for licensure and registration ~~under this chapter~~ as a time share
31 agent in this state shall submit to a state and federal criminal background investigation
32 by means of fingerprint checks by the Division of Criminal Investigation and the Federal
33 Bureau of Investigation. Upon application, the commission shall submit completed

1 fingerprint cards to the Division of Criminal Investigation. Upon completion of the criminal
2 background check, the Division of Criminal Investigation shall forward to the commission
3 all information obtained as a result of the criminal background check. This information
4 shall be obtained prior to licensure of the applicant. The commission may require a state
5 and federal criminal background check for any licensee who is the subject of a disciplinary
6 investigation by the commission. Failure to submit or cooperate with the criminal
7 background investigation is grounds for denial of an application or may result in revocation
8 of a license. The applicant shall pay for any fees charged for the cost of fingerprinting or
9 the criminal background investigation.