



2021 South Dakota Legislature
House Bill 1002
ENROLLED

AN ACT

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

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

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

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

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

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

36-21B-2.2. Criminal background checks.

Each applicant for initial certification, licensure, or registration as a state-registered appraiser, state-licensed appraiser, state-certified residential appraiser, or state-certified general appraiser in this state shall submit to a state and federal criminal background

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

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

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

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

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

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

Each applicant for licensure and registration as a time share agent in this state shall submit to a state and federal criminal background investigation by means of fingerprint checks by the Division of Criminal Investigation and the Federal Bureau of

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

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

I certify that the attached Act originated in the:
House as Bill No. 1002

Received at this Executive Office this ____ day of _____, 2021 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby approved this ____ day of _____, A.D., 2021

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2021
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1002
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State