

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

814Q0245

HOUSE BILL NO. 1094

Introduced by: Representatives Hunt, Burg, Dennert, Dreyer, Faehn, Hoffman, Kirkeby, Krebs, Lucas, Moser, Nygaard, Pitts, Rausch, Rave, Street, Tidemann, and Verchio and Senators Hansen (Tom), Dempster, Gant, Garnos, Gray, Hanson (Gary), Howie, Knudson, Maher, Merchant, Nesselhuf, Olson (Russell), Peterson, Rhoden, and Vehle

1 FOR AN ACT ENTITLED, An Act to require applicants for licensure as real estate brokers,
2 broker associates, salespersons, property managers, residential rental agents, auctioneers,
3 home inspectors, and timeshare agents and such licensees who are the subject of a
4 disciplinary investigation to submit to a state and federal criminal background check.

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

6 Section 1. That chapter 36-21A be amended by adding thereto a NEW SECTION to read
7 as follows:

8 Each applicant for licensure and registration under this chapter in this state shall submit to
9 a state and federal criminal background investigation by means of fingerprint checks by the
10 Division of Criminal Investigation and the Federal Bureau of Investigation. Upon application,
11 the commission shall submit completed fingerprint cards to the Division of Criminal
12 Investigation. Upon completion of the criminal background check, the Division of Criminal
13 Investigation shall forward to the commission all information obtained as a result of the criminal



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

7 Section 2. That chapter 36-21C be amended by adding thereto a NEW SECTION to read as
8 follows:

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

21 Section 3. That chapter 43-15B be amended by adding thereto a NEW SECTION to read as
22 follows:

23 Each applicant for licensure and registration under this chapter in this state shall submit to
24 a state and federal criminal background investigation by means of fingerprint checks by the

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