

FILED MAR 9 2005

SENATE FILE 320 COMMERCE  
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SF 194)

Passed Senate, Date 3-15-05 Passed House, Date 4-12-05  
Vote: Ayes 49 Nays 0 Vote: Ayes 99 Nays 0  
Approved April 19, 2005

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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SF 320  
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 commission 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 real estate commission must request the criminal  
27 history check to be performed by the department of public  
28 safety. The applicant must provide the department of public  
29 safety with the applicant's fingerprints for submission to the  
30 federal bureau of investigation. The applicant must authorize  
31 release of the results of the criminal history check to the  
32 real estate commission and pay for the actual costs of  
33 fingerprinting and the criminal history check. Unless the  
34 criminal history check was completed within the 90-calendar-  
35 day period prior to the date a license application is received

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

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subsection shall not be considered a public record under chapter 22.

SENATE FILE 320

AN ACT  
REQUIRING PERFORMANCE OF A CRIMINAL HISTORY CHECK OF APPLICANTS  
FOR REAL ESTATE BROKER AND SALESPERSON LICENSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

NEW SUBSECTION. 10. An applicant for an initial real estate broker's or salesperson's license shall be subject to a national criminal history check through the federal bureau of investigation. The commission shall request the criminal history check and shall provide the applicant's fingerprints to the department of public safety for submission through the state criminal history repository to the federal bureau of investigation. The applicant shall authorize release of the results of the criminal history check to the real estate commission. The applicant shall pay the actual cost of the fingerprinting and criminal history check, if any. Unless the criminal history check was completed within the ninety calendar days prior to the date the license application is received by the real estate commission, the commission shall reject and return the application to the applicant. The results of a criminal history check conducted pursuant to this

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JOHN P. KIBBIE  
President of the Senate

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CHRISTOPHER C. RANTS  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 320, Eighty-first General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved 4/19, 2005

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THOMAS J. VILSACK  
Governor