

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

**Act 53 of the Regular Session**

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

*As Engrossed: S1/23/07*

**A Bill**

SENATE BILL 120

5 By: Senator T. Smith  
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**For An Act To Be Entitled**

9 AN ACT CONCERNING CRIMINAL BACKGROUND CHECKS FOR  
10 REAL ESTATE LICENSE APPLICANTS; AND FOR OTHER  
11 PURPOSES.  
12

**Subtitle**

13 AN ACT CONCERNING CRIMINAL BACKGROUND  
14 CHECKS FOR REAL ESTATE LICENSE  
15 APPLICANTS.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 17-42-306 is amended to read as follows:

22 17-42-306. Application procedure.

23 (a)(1) Applications for licensure must be submitted on forms provided  
24 by the Arkansas Real Estate Commission.

25 (2) The commission may require any information and documentation  
26 needed to determine if the applicant meets the criteria for licensure as  
27 provided in this chapter.

28 (3) Each applicant shall pay such application fee and  
29 examination fee as the commission may require pursuant to § 17-42-304.

30 (4)(A) Applicants that have provided all required information  
31 and documentation to the commission may sit for the examination, provided  
32 that a request has been sent to the Identification Bureau of the Department  
33 of Arkansas State Police for a state and federal criminal background check.

34 (B) Upon the successful completion of the license exam, no  
35 license shall be issued until the commission receives and approves the state



1 and federal criminal background check.

2 (b)(1)(A) An applicant who successfully completes the examination  
3 shall pay, within ninety (90) days from the date of the examination, such  
4 license fee and Real Estate Recovery Fund fee as the commission may require  
5 pursuant to § 17-42-304.

6 (B)(i) If the federal criminal background check has not  
7 been received by the commission within ninety (90) days of the date of the  
8 examination, the date may be extended by the commission until receipt of the  
9 federal criminal background check.

10 (ii) No real estate license shall be issued until  
11 receipt and approval by the commission of the state and federal criminal  
12 background check.

13 (2) The applicant's failure to pay the license fee and Real  
14 Estate Recovery Fund fee within that ninety-day period shall invalidate the  
15 examination results, and the applicant shall be required to make new  
16 application and retake the examination as an original applicant.

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18 SECTION 2. Arkansas Code § 17-42-315(a), concerning criminal  
19 background checks for real estate license applicants, is amended to read as  
20 follows:

21 (a)(1) Beginning January 1, 2006, the Arkansas Real Estate Commission  
22 may require each original applicant for a license issued by the commission to  
23 apply to the Identification Bureau of the Department of Arkansas State Police  
24 for a state and federal criminal background check to be conducted by the  
25 Identification Bureau of the Department of Arkansas State Police and the  
26 Federal Bureau of Investigation.

27 (2)(A) An applicant may sit for the examination required by §  
28 17-42-302(a)(4) while awaiting the results of a background check prescribed  
29 by this section.

30 (B) No license shall be issued to an applicant until the  
31 commission receives and approves the state and federal criminal background  
32 check.

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34 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
35 General Assembly of the State of Arkansas that current Arkansas law prevents  
36 an applicant from sitting for the real estate examination until the receipt

1 of a state and federal background check by the Arkansas Real Estate  
2 Commission; that these background checks take a great deal of time to  
3 complete; and that requiring an applicant to delay taking the examination  
4 until the background checks are received unfairly punishes the applicant and  
5 negatively affects the real estate profession. Therefore, an emergency is  
6 declared to exist and this act being necessary for the preservation of the  
7 public peace, health, and safety shall become effective on:

8 (1) The date of its approval by the Governor;

9 (2) If the bill is neither approved nor vetoed by the Governor,  
10 the expiration of the period of time during which the Governor may veto the  
11 bill; or

12 (3) If the bill is vetoed by the Governor and the veto is  
13 overridden, the date the last house overrides the veto.

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15 /s/ T. Smith

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17 APPROVED: 2/6/2007