

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H3/14/11

A Bill

HOUSE BILL 1868

5 By: Representatives Wright, Steel, Patterson
6 By: Senators Files, R. Thompson
7

For An Act To Be Entitled

9 AN ACT TO CLARIFY THE EFFECT OF EXPUNGED OR SEALED
10 CONVICTIONS OR GUILTY PLEAS UPON REAL ESTATE BROKER
11 AND SALESPERSON LICENSING; AND FOR OTHER PURPOSES.
12
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Subtitle

15 TO CLARIFY THE EFFECT OF EXPUNGED OR
16 SEALED CONVICTIONS OR GUILTY PLEAS UPON
17 REAL ESTATE BROKER AND SALESPERSON
18 LICENSING.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 17-42-302 is amended to read as follows:
24 17-42-302. Issuance or denial of license.

25 (a) The Arkansas Real Estate Commission shall issue a license to any
26 applicant who meets the following requirements:

- 27 (1) Attainment of the age of majority;
- 28 (2) Successful completion of educational requirements prescribed
29 by this chapter;
- 30 (3) Successful completion of experience requirements prescribed
31 by this chapter;
- 32 (4) Successful completion of an examination administered or
33 approved by the commission;
- 34 (5) Demonstrates no record of unprofessional conduct;
- 35 (6) Evidence of good reputation for honesty, trustworthiness,
36 and integrity sufficient to safeguard the interests of the public; and



1 (7)(A) ~~Completion~~ Successful completion of a criminal history
2 background check through the Department of Arkansas State Police and the
3 Federal Bureau of Investigation ~~as set out in~~ under § 17-42-315.

4 (B) Regardless of whether the imposition of sentence has
5 been suspended or the conviction or plea has been sealed or expunged, the
6 applicant for licensure shall disclose:

7 (i) Each instance in which the applicant has been
8 convicted of or pled guilty or nolo contendere to a felony or crime involving
9 moral turpitude, fraud, dishonesty, untruthfulness, or untrustworthiness; and

10 (ii) Any information concerning the conviction or
11 plea requested by the commission.

12 (b) The commission shall determine what constitutes adequate proof of
13 meeting the requirements of subsection (a) of this section and shall deny a
14 license to any applicant who fails to meet the requirements or who fails to
15 pay the appropriate fees.

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17 SECTION 2. Arkansas Code § 17-42-311(a)(3), concerning conduct subject
18 to disciplinary action by the Arkansas Real Estate Commission, is amended to
19 read as follows:

20 (3) Being convicted of or pleading guilty or nolo contendere to
21 a felony or crime involving moral turpitude, fraud, dishonesty,
22 untruthfulness, or untrustworthiness regardless of whether the:

23 (A) ~~imposition~~ Imposition of sentence has been deferred or
24 suspended; or

25 (B) Conviction or plea has been sealed or expunged;

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27 SECTION 3. Arkansas Code § 17-42-315(f), concerning disqualifications
28 from receiving or holding a license issued by the Arkansas Real Estate
29 Commission, is amended to read as follows:

30 (f) Except as provided in subsection (g) of this section, a person
31 shall not receive or hold a license issued by the commission if the person
32 has been convicted of or pleaded guilty or nolo contendere to a felony or a
33 crime involving moral turpitude, fraud, dishonesty, untruthfulness, or
34 untrustworthiness regardless of whether the:

35 (1) Imposition of sentence has been suspended; or

36 (2) Conviction or plea has been sealed or expunged.

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/s/Wright