

HOUSE BILL 1416

By McCormick

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 39, relative to fingerprinting real estate appraisers.

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

SECTION 1. Tennessee Code Annotated, Section 62-39-102, is amended by adding the following as a new, appropriately designated subdivision:

() “Applicant for initial registration, licensure, or certification”:

(A) Means any person applying for a registration, license, or certification issued under this chapter who does not currently hold a valid registration, license, or certification issued by the commission;

(B) Includes any person who previously held a registration, license or certification issued under this chapter who failed to timely renew such registration, license, or certification and is required to reapply for a new registration, license or certification.

(C) Does not include:

(i) Any person renewing an existing registration, license, or certification issued under this chapter;

(ii) A current registrant applying for a license or certification; or

(iii) A current registrant or licensee applying for certification;

SECTION 2. Tennessee Code Annotated, Section 62-39-301, is amended by deleting the section in its entirety and substituting instead the following:

(a) Applications for an initial trainee registration, license or certification, a renewal license or certification and examinations shall be made in writing to the commission on forms approved by the commission.

(b) Appropriate fees, as fixed by the commission pursuant to § 62-39-206, must accompany all applications for an:

- (1) Initial or renewal trainee registration, license, or certification; and
- (2) Examination.

(c) At the time of filing an application for trainee registration, license or certification, an applicant shall sign a pledge to comply with the standards set forth in this chapter. The pledge shall also state that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated against a registered trainee, state licensed or certified real estate appraiser, as set forth in this chapter.

(d)

(1) The commission shall require each applicant applying on or after January 1, 2015 for initial registration, licensure, or certification under this chapter to submit a full set of the applicant's fingerprints in order for the commission to obtain and receive National Criminal History Records from the FBI Criminal Justice Information Services Division. Unless the commission contracts, or makes use of an existing contract pursuant to subdivision (d)(2), the commission shall submit the applicant's fingerprints and the fee required to perform the criminal history record checks to the Tennessee bureau of investigation and the federal bureau of investigation for state and national criminal history record checks. The commission may require any fingerprints submitted pursuant to this subsection (d) be provided in an electronic format.

(2) The commission may contract, or make use of any existing contract with this state, for the collection and transmission of fingerprints authorized under this section. If the commission contracts, or makes use of an existing contract,

the commission may order the applicant to pay the fee for collecting and transmitting fingerprints to the contractor. The commission may agree to a reasonable fingerprinting fee to be charged by the contractor to the applicant.

(3) The commission shall treat and maintain an applicant's fingerprints and any criminal history record information obtained under this section as confidential and limit the use of records solely to the purposes authorized in this section. The fingerprints and any criminal history record information shall not be subject to subpoena, other than one issued in a criminal action or investigation, and shall be confidential by law and privileged, and shall not be subject to discovery or admissible in evidence in any private civil action.

(4) The commission shall refuse to issue an initial registration, license, or certification to an applicant who does not provide fingerprints in compliance with this subsection (d).

SECTION 3. The Tennessee Real Estate Appraiser Commission is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 4. For purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2015, the public welfare requiring it.