

By: Senator(s) Hewes (By Request)

To: Business and Financial
Institutions

SENATE BILL NO. 2761

1 AN ACT TO AMEND SECTION 73-35-9, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE FINGERPRINTING AND CRIMINAL BACKGROUND CHECKS OF
3 APPLICANTS FOR A REAL ESTATE BROKER OR SALESPERSON LICENSE; AND
4 FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 73-35-9, Mississippi Code of 1972, is
7 amended as follows:

8 73-35-9. (1) Every applicant for a real estate broker's
9 license shall apply therefor in writing upon blanks prepared by
10 the commission and shall provide such data and information as the
11 commission may require.

12 (2) Such application shall be accompanied by the
13 recommendation of at least three (3) citizens who have been
14 property owners for at least three (3) years, who have known the
15 applicant for three (3) years, and who are not related to the
16 applicant, certifying that the applicant bears a good reputation
17 for honesty and trustworthiness and recommending that a license be
18 granted to the applicant.

19 (3) Every applicant for a salesperson's license shall apply
20 therefor in writing upon blanks prepared by the commission and
21 shall provide such data and information as the commission may
22 require. The application shall be accompanied by a sworn
23 statement by the sponsoring broker certifying that, in his
24 opinion, the applicant is honest and trustworthy, and recommending
25 that the license be granted to the applicant.

26 (4) Each application for license shall also be accompanied
27 by two (2) photographs of the applicant in such form as the
28 commission may prescribe.

29 (5) Each application or filing made under this section shall
30 include the social security number(s) of the applicant in
31 accordance with Section 93-11-64, Mississippi Code of 1972.

32 (6) An applicant for an original broker's or salesperson's
33 license shall be subject to fingerprinting and a check of his
34 criminal history record information maintained by the Federal
35 Bureau of Investigation through the Mississippi Department of
36 Public Safety. Each applicant shall furnish to the Department of
37 Public Safety a full set of fingerprints to enable a criminal
38 background investigation to be conducted. The applicant shall
39 request that the Department of Public Safety submit the
40 fingerprints to the Federal Bureau of Investigation for a national
41 criminal history record check. The applicant shall pay the actual
42 cost, if any, of the fingerprinting and check of his criminal
43 history record information. The applicant shall authorize release
44 of the national criminal history record check to the commission.
45 The criminal history record information check shall be completed
46 within ninety (90) days preceding the date the original
47 application for a license is received in the commission's office,
48 and if not, the application shall be returned to the applicant.

49 **SECTION 2.** This act shall take effect and be in force from
50 and after July 1, 2004.