

# State of South Dakota

EIGHTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2014

400V0232

## SENATE BILL NO. 47

Introduced by: The Committee on Commerce and Energy at the request of the Department  
of Labor and Regulation

1 FOR AN ACT ENTITLED, An Act to establish new criteria for the certification, licensure, and  
2 registration of real estate appraisers.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 36-21B be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Each applicant for initial certification, licensure, or registration under this chapter in this  
7 state shall submit to a state and federal criminal background investigation by means of  
8 fingerprint checks by the Division of Criminal Investigation and the Federal Bureau of  
9 Investigation. Upon application, the department shall submit completed fingerprint cards to the  
10 Division of Criminal Investigation. Upon completion of the criminal background check, the  
11 Division of Criminal Investigation shall forward to the department all information obtained as  
12 a result of the criminal background check. This information must be obtained prior to  
13 certification of the applicant. The department may require a state and federal criminal  
14 background check for any licensee who is the subject of a disciplinary investigation by the  
15 department. Failure to submit or cooperate with the criminal background investigation is



1 grounds for denial of an application or may result in revocation of a license. The applicant shall  
2 pay for any fees charged for the cost of fingerprinting and the criminal background  
3 investigation.

4 Section 2. That chapter 36-21B be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The department shall deny issuance of a certificate to any applicant who:

- 7 (1) Has had the ability to perform appraisals revoked in any governmental jurisdiction  
8 within the five year period immediately preceding the date of application;
- 9 (2) Has been convicted of, or pled guilty or nolo contendere to, a felony in a domestic  
10 or foreign court either during the five-year period immediately preceding the date of  
11 the application for certification, licensure, or registration or at any time preceding the  
12 date of application, if such felony involved an act of fraud, dishonesty, a breach of  
13 trust, or money laundering; or
- 14 (3) Has failed to demonstrate character and general fitness which commands the  
15 confidence of the community and warrants a determination that the applicant will  
16 operate honestly, fairly, and efficiently with the purposes of this chapter.