

**REVISED PROPOSED REGULATION OF THE
REAL ESTATE COMMISSION**

LCB File No. R019-06

May 25, 2006

(Certain sections have been split out from this regulation for separate consideration;
these sections are now located in LCB File No. R123-06.)

EXPLANATION – Matter in *italics* is new; matter in brackets omitted material is material to be omitted.

AUTHORITY: §§1-3, NRS 645.190

A REGULATION relating to real estate; requiring a person applying for the renewal or reinstatement of a license as a real estate salesman, real estate broker-salesman or real estate broker to pay the costs of a background investigation and to submit fingerprints to the Real Estate Division of the Department of Business and Industry; and providing other matters properly relating thereto.

Section 1. Chapter 645 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Each applicant for the renewal of a license as a real estate broker, real estate broker-salesman or real estate salesman must pay a fee determined by the Division for the costs of an investigation of the applicant's background.

2. Each applicant for the renewal of a license as a real estate broker, real estate broker-salesman or real estate salesman must, as part of his application and at his own expense:

(a) Arrange to have a complete set of his fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Division; and

(b) Submit to the Division:

(1) A completed fingerprint card and written permission authorizing the Division to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal

History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary; or

(2) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by other means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary.

Sec. 2. NAC 645.100 is hereby amended to read as follows:

645.100 An applicant for a license as a real estate salesman must:

1. Be at least 18 years of age; and
2. Include with an application submitted to the Division pursuant to NRS 645.350:
 - (a) ~~His~~ *Either:*

(1) A completed fingerprint card and written permission authorizing the Division to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary, as required pursuant to subparagraph (1) of paragraph (b) of subsection 2 of NRS 645.355; or

(2) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the

fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary, as required pursuant to subparagraph (2) of paragraph (b) of subsection 2 of NRS 645.355;

- (b) Proof that he has satisfied the educational requirements for a license as a real estate salesman as set forth in NRS 645.343;
- (c) In accordance with NRS 645.358, the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520;
- (d) Proof that he has received a passing grade as described in NAC 645.220 on the examination for the license;
- (e) The verified statement required by NRS 645.350;
- (f) Any information required pursuant to NAC 645.150, including, without limitation, proof of honesty, truthfulness and good reputation; and
- (g) The required fees.

Sec. 3. NAC 645.315 is hereby amended to read as follows:

645.315 If a licensee fails to file an application for the renewal of his license before it expires, he shall not engage in the business of real estate until his license is reinstated. To have his license reinstated, he must:

1. Apply on the appropriate form;
2. Pay the required fees;
3. If required, pass the examination; ~~and~~

4. ~~[Submit any other information required by the Administrator, including, without limitation, current fingerprint cards.]~~ *Pay a fee determined by the Division for the costs of an investigation of the applicant's background; and*

5. *Arrange to have a complete set of his fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Division and submit to the Division:*

(a) A completed fingerprint card and written permission authorizing the Division to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary; or

(b) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by other means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary.