

## CHAPTER 291

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**PROFESSIONS AND OCCUPATIONS**

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SENATE BILL 05-013

BY SENATOR(S) Veiga;  
also REPRESENTATIVE(S) Marshall, Coleman, Frangas, Madden, and Todd.

**AN ACT**

**CONCERNING THE REQUIREMENT OF A CRIMINAL HISTORY RECORD CHECK UPON RENEWAL OF CERTAIN LICENSES ISSUED BY THE REAL ESTATE COMMISSION, AND MAKING AN APPROPRIATION THEREFOR.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** The introductory portion to 12-61-110 (4) (a), Colorado Revised Statutes, is amended to read:

**12-61-110. License fees - partnership, limited liability company, and corporation licenses - rules.** (4) (a) The commission shall require that any person licensed under this part 1, whether on an active or inactive basis, renew said license on an anniversary date every three years. ~~a condition of which~~ Renewal shall be **CONDITIONED UPON fulfillment of the continuing education requirements set forth in section 12-61-110.5 AND SUBMISSION OF FINGERPRINTS AS REQUIRED IN SECTION 12-61-110.8; EXCEPT THAT ANY PERSON LICENSED UNDER THIS PART 1 WHO MAINTAINS AN INACTIVE LICENSE AND WANTS TO RENEW TO AN ACTIVE STATUS SHALL ONLY SUBMIT FINGERPRINTS AS REQUIRED IN SECTION 12-61-110.8 UPON APPLICATION TO AN ACTIVE STATUS.** For persons renewing or reinstating an active license, written certification verifying completion for the previous three-year licensing period of the continuing education requirements set forth in said section shall accompany and be submitted to the commission with the application for renewal or reinstatement. For persons who did not submit certification verifying compliance with section 12-61-110.5 at the time a license was renewed or reinstated on an inactive status, written certification verifying completion for the previous three-year licensing period of the continuing education requirements set forth in said section shall accompany and be submitted with any future application to reactivate the license. The commission may by rule establish procedures to facilitate such a renewal. Until such procedures are established, every license issued under the provisions of this part 1 shall expire

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

at 12 midnight on December 31 of the year in which issued; except that each renewal of such license shall be for three years and shall expire at 12 midnight on December 31 of the third year. In the absence of any reason or condition ~~which~~ THAT might warrant the refusal of the granting of a license or the revocation thereof, the commission shall issue a new license upon receipt by the commission of the written request of the applicant and the fees therefor, as required by this section. Applications for renewal will be accepted thirty days prior to January 1. A person who fails to renew ~~his~~ A license before January 1 of the year succeeding the year of the expiration of ~~his~~ SUCH license may reinstate ~~his~~ THE license as follows:

**SECTION 2.** Part 1 of article 61 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**12-61-110.8. Renewal of license - fingerprint-based criminal history record check - repeal.** (1) PRIOR TO SUBMITTING A RENEWAL APPLICATION, A SALESPERSON OR BROKER APPLYING FOR RENEWAL OF A LICENSE PURSUANT TO SECTION 12-61-110 (4) SHALL SUBMIT A SET OF FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION. NOTHING IN THIS SECTION SHALL PRECLUDE THE COMMISSION FROM MAKING FURTHER INQUIRIES INTO THE BACKGROUND OF THE APPLICANT. THE APPLICANT SHALL PAY THE FEE ESTABLISHED BY THE COLORADO BUREAU OF INVESTIGATION FOR CONDUCTING THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. UPON COMPLETION OF THE CRIMINAL HISTORY RECORD CHECK, THE BUREAU SHALL FORWARD THE RESULTS TO THE COMMISSION.

(2) THIS SECTION APPLIES ONLY TO PERSONS LICENSED PRIOR TO JULY 1, 2004.

(3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2008.

**SECTION 3. Appropriation.** In addition to any other appropriation, there is hereby appropriated, to the department of public safety, Colorado bureau of investigation, for the Colorado crime information center, for the fiscal year beginning July 1, 2005, the sum of four hundred seventy-three thousand nine hundred ninety-nine dollars (\$473,999) and 2.3 FTE, or so much thereof as may be necessary, for fingerprint processing services related to the implementation of this act. Of said sum, one hundred ninety-two thousand twenty-five dollars (\$192,025) shall be cash funds from fingerprint and name check processing fees collected by the department, and two hundred eighty-one thousand nine hundred seventy-four dollars (\$281,974) shall be cash funds exempt from fingerprint and name check processing fees collected by the department for transmittal to the federal bureau of investigation.

**SECTION 4. Effective date.** (1) This act shall only take effect July 1, 2005, if:

(a) House Bill 05-1131 is enacted at the first regular session of the sixty-fifth general assembly and becomes law; and

(b) The final fiscal estimate for House Bill 05-1131, as determined from the appropriations enacted in said bill, shows a net reduction in the amount of general fund revenues appropriated for the state fiscal year 2005-06, that is equal to or

greater than the estimated increase in state cash fund revenues resulting from this act, if it takes effect, for the state fiscal year 2005-06, as reflected in the final fiscal impact statement prepared on this act by the legislative council staff; and

(c) The staff director of the joint budget committee files written notice with the revisor of statutes no later than July 15, 2005, that the requirement set forth in paragraph (b) of this subsection (1) has been met.

**SECTION 5. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 3, 2005