

**324.045 Qualifications for license -- Examination -- Fee -- Criminal record check.**

- (1) Licenses shall be granted only to persons who are trustworthy and competent to transact the business of a broker or sales associate in a manner to safeguard the interest of the public, and only after satisfactory proof of qualifications has been presented to the commission.
- (2) In addition to proof of honesty, truthfulness, and good reputation of any applicant for a license, each applicant shall pass a written examination conducted by the commission, or its authorized representative. The examination shall be of the scope and wording sufficient in the judgment of the commission to establish the competency of the applicant to act as a broker or sales associate in a manner to protect the interests of the public. However, an examination shall not be required for the renewal of any present or future license, unless the license has been revoked, suspended, or is allowed to expire without renewal for a period of more than one (1) year.
- (3) The commission shall hold examinations at the times and places it determines, and an examination fee shall be collected from each applicant to defray the expenses of holding the examinations.
- (4) The commission may, by the promulgation of administrative regulations, require all licensure applicants to submit to a criminal record check for which the applicant shall be responsible for the payment of any fees incurred.
- (5) Applicants shall be subject to a national criminal history check through the Federal Bureau of Investigation. The applicant shall request the criminal history check and shall provide the applicant's fingerprints to either the Federal Bureau of Investigation or the Kentucky State Police for submission to the Federal Bureau of Investigation to search for information regarding the applicant in the National Crime Information Center or its successor entity. The results of the criminal history check shall be sent to the commission, and shall be sent to the applicant at the applicant's request. The applicant shall:
  - (a) Authorize release of the results of the criminal history check to the commission;
  - (b) Pay the actual cost of the fingerprinting and criminal history check, if any;
  - (c) Complete the criminal history check within the ninety (90) calendar days prior to the date the license application is received by the commission; and
  - (d) Complete and return to the commission within one hundred twenty (120) days a signed affidavit verifying that there is nothing on record to prohibit the applicant from licensure.

**Effective:** June 25, 2009

**History:** Amended 2009 Ky. Acts ch. 58, sec. 1, effective June 25, 2009. -- Amended 2000 Ky. Acts ch. 488, sec. 6, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 313, sec. 4, effective July 15, 1998. -- Amended 1992 Ky. Acts ch. 448, sec. 6, effective July 14, 1992. -- Amended 1982 Ky. Acts ch. 196, sec. 12, effective July 15, 1982. -- Amended 1976 Ky. Acts ch. 100, sec. 10. -- Amended 1970 Ky. Acts ch. 120, sec. 14. -- Amended 1968 Ky. Acts ch. 187, sec. 1. -- Amended 1960 Ky.

Acts ch. 215, sec. 1. -- Amended 1956 Ky. Acts ch. 18, sec. 2. -- Created 1952 Ky.  
Acts ch. 4, secs. 2 and 3.