

State of Tennessee

PUBLIC CHAPTER NO. 438

SENATE BILL NO. 93

By Norris, Stevens, Ketron

Substituted for: House Bill No. 82

By McCormick, Kevin Brooks, Matheny, Hardaway

AN ACT to amend Tennessee Code Annotated, Title 45, Chapter 12, relative to the Flexible Credit Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 45-12-109, is amended by adding the following language as a new, appropriately designated subsection:

(d)(1) In connection with an application for license renewal, the commissioner may require a licensee to consent to a criminal history records check and to provide with the application fingerprints in a form acceptable to the commissioner. The commissioner may require such consent and fingerprints from an individual who is a director, officer, or ten percent (10%) or more shareholder of the licensee, or who owns or controls the licensee, as well as from any other individual associated with the licensee as is reasonably necessary to meet the purposes of this chapter. Failure to provide the consent and fingerprints within thirty (30) days of the commissioner's request shall constitute grounds for the commissioner to deny the application for license renewal.

(2) A criminal history records check conducted pursuant to this subsection (d) shall be conducted by the Tennessee bureau of investigation, the federal bureau of investigation, or both, and the results of the criminal history records check shall be forwarded to the commissioner. All costs incurred in conducting the criminal history records check shall be paid by the licensee, in addition to other fees required by this chapter.

SECTION 2. Tennessee Code Annotated, Section 45-12-124, is amended by deleting the section in its entirety.

SECTION 3. Tennessee Code Annotated, Section 45-12-125, is amended by redesignating the existing language as subsection (a) and adding the following language as a new, appropriately designated subsection:

(b) Notwithstanding any other provision in this chapter, the commissioner shall not use a multi-state automated licensing system for sharing any federal bureau of investigation criminal history background information, unless authorized to do so by the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (12 U.S.C. §§ 5101—5116), as amended, or other federal law.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: April 22, 2015

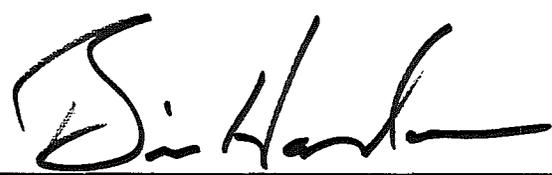


RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 18th day of May 2015



BILL HASLAM, GOVERNOR