

Miss. Code Ann. §73-60-47 (Effective July 1, 2021)

§ 73-60-47. Background investigation required of applicants for home inspector license

(1)(a) To qualify for a Mississippi home inspector license, an applicant must have successfully been cleared for licensure through an investigation that shall consist of a determination that the applicant does not possess a background which calls into question public trust, as set forth below in subsection (2), and verification that the prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure as set forth in Section 73-60-31.

(b) To assist the commission in conducting its licensure investigation, on or after July 1, 2021, all applicants for a Mississippi home inspector license, and all applicants for renewal of any home inspector license shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall submit a full set of the applicant's fingerprints in a form and manner prescribed by the commission, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose.

(c) Any and all state or national criminal history records information obtained by the commission that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the commission, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing before the commission to determine licensure, no such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the commission to any other person or agency.

(d) The commission shall provide to the department the fingerprints of the applicant, any additional information that may be required by the department, and a form signed by the applicant consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the state

or national repositories.

(e) The commission shall charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the commission in requesting and obtaining state and national criminal history records information on the applicant.

(2)(a) The commission must ensure that applicants for home inspector licenses do not possess a background that could call into question public trust. An applicant found by the commission to possess a background which calls into question the applicant's ability to maintain public trust shall not be issued a home inspector license.

(b) The commission shall not issue a home inspector license if:

(i) The applicant has had a home inspector license revoked in any governmental jurisdiction within the five-year period immediately preceding the date of the application;

(ii) The applicant has been convicted of, or pled guilty or nolo contendere to, a felony in a domestic or foreign court involving an act of fraud, dishonesty or a breach of trust, or money laundering at any time preceding the date of the application if, in the discretion of the commission following notice to the applicant and a hearing, good cause exists to deny or not renew licensure.

(c) Applicants for a home inspector license or renewal of a home inspector license who hold any other license falling under the jurisdiction of the commission requiring a background check shall not be required to pay for more than one (1) background check during a calendar year.

(d) The commission shall adopt rules and regulations necessary to implement, administer and enforce the provisions of this section.