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DELAWARE STATE SENATE
144th GENERAL ASSEMBLY

SENATE BILL NO. 203

AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO PARTICIPATION IN A MULTI-STATE AUTOMATED LICENSING SYSTEM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

1 Section 1. Amend Chapter 21 of Title 5 of the Delaware Code by adding a new §2117 to read as follows:

2 “§2117. Multi-State Automated Licensing system.

3 (a) The Commissioner is authorized to participate in any automated system involving one or
4 more other states that will facilitate any aspect of the application and licensing processes of this Chapter.

5 (b) Upon joining any such system, the Commissioner may by regulation establish:

6 (1) Any additional requirements for a license under this Chapter that the Commissioner
7 determines are necessary for participation in the system, including, but not limited to, State and national criminal history
8 background checks through the Federal Bureau of Investigation, the Delaware State Police, or other law enforcement
9 agency and fingerprinting of any person with a significant ownership interest or management responsibilities in an
10 applicant or licensee subject to the system;

11 (2) Pre-licensing education and testing, and post-licensing continuing education of
12 individuals employed by the applicants or licensees subject to the system; and

13 (3) Any additional investigation fees, or any fees paid directly to the administrator of
14 the system, in such amount as the Commissioner determines is necessary to participate in the system.

15 (c) The administrator of any such system in which the Commissioner participates is authorized
16 to act on behalf of the Commissioner to collect from the applicants and licensees subject to the system any payments due

17 the Commissioner under this Chapter, to collect information and maintain records in electronic or other format relating to
18 those applicants and licensees, and to submit fingerprints and any other information required for a criminal history
19 background check to the Federal Bureau of Investigation, the Delaware State Police, or other law enforcement agency.

20 (d) Information maintained on any such system in which the Commissioner participates
21 regarding the applicants and licensees subject to the system may be shared with any other state participating in that system
22 for the purpose of licensing, regulating, or supervising that same applicant or licensee under a statute similar to this
23 Chapter, if that state could have obtained that same information directly from the applicant or licensee under its own law.
24 The Commissioner shall ensure that the system maintains appropriate confidentiality, privacy, data security, and security
25 breach notification policies that are in full compliance with Delaware law.”

26 Section 2. Amend Chapter 22 of Title 5 of the Delaware Code by adding a new §2213A to read as follows:

27 “§2213A. Multi-State Automated Licensing System.

28 (a) The Commissioner is authorized to participate in any automated system involving one or
29 more other states that will facilitate any aspect of the application and licensing processes of
30 this Chapter.

31 (b) Upon joining any such system, the Commissioner may by regulation establish:

32 (1) Any additional requirements for a license under this Chapter that the
33 Commissioner determines are necessary for participation in the system,
34 including, but not limited to, state and national criminal history
35 background checks through the Federal Bureau of Investigation, the
36 Delaware State Police, or other law enforcement agency and
37 fingerprinting of any person with a significant ownership interest or
38 management responsibilities in an applicant or licensee subject to the
39 system;

40 (2) Pre-licensing education and testing, and post-licensing continuing
41 education of individuals employed by the applicants or licensees subject
42 to the system; and

43 (3) Any additional investigation fees, or any fees paid directly to the
44 administrator of the system, in such amount as the Commissioner
45 determines is necessary to participate in the system.

- 46 (c) The administrator of any such system in which the Commissioner participates is authorized
47 to act on behalf of the Commissioner to collect from the applicants and licensees subject to
48 the system any payments due the Commissioner under this Chapter, to collect information
49 and maintain records in electronic or other format relating to those applicants and licensees,
50 and to submit fingerprints and any other information required for a criminal history
51 background check to the Federal Bureau of Investigation, the Delaware State Police, or
52 other law enforcement agency.
- 53 (d) Information maintained on any such system in which the Commissioner participates
54 regarding the applicants and licensees subject to the system may be shared with any other
55 state participating in that system for the purpose of licensing, regulating, or supervising that
56 same applicant or licensee under a statute similar to this Chapter, if that state could have
57 obtained that same information directly from the applicant or licensee under its own law.
58 The Commissioner shall ensure that the system maintains appropriate confidentiality,
59 privacy, data security, and security breach notification policies that are in full compliance
60 with Delaware law.”

61 Section 3. This Act shall take effect immediately upon enactment into law.

SYNOPSIS

The Conference of State Bank Supervisors and the American Association of Residential Mortgage regulators have jointly developed an automated system designed for use on a multi-state basis that will facilitate the licensing of certain businesses regulated under Chapters 21 and 22 of Title 5. This Act authorizes the State Bank Commissioner to participate in that system and provides the Commissioner authority to establish additional licensing requirements and fees that are necessary for that participation.

Author: Senator DeLuca