

No. 2026.01 Fingerprint Clearance Card Requirement for Licensees

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STATEMENT OF PURPOSE AND SCOPE

This Substantive Policy Statement is to inform the real estate industry of the Real Estate Department's current approach to, and opinion of, the requirements regarding Fingerprint Clearance Cards for real estate licensees.

Pursuant to A.R.S. § 32-2108(C), the Commissioner "may require any reasonably necessary additional information about an applicant for **or holder** of a license or public report or renewal or amendment of a license or public report." (emphasis added). Pursuant to A.R.S. § 32-2108(C)(2), this additional information may include a "valid fingerprint clearance card issued pursuant to section 41-1758.03." **It is the Department's policy that a valid fingerprint clearance card is reasonably necessary additional information required for all holders of a license issued under A.R.S. Title 32, Chapter 20.**

DEFINITIONS

"Fingerprint Clearance Card" means a card issued by the Department of Public Safety pursuant to A.R.S. § 41-1758.03.

"Licensee" means a person to whom a license for the current license period has been granted under any provision of A.R.S. Title 32, Chapter 20, and, for the purposes of disciplinary action under A.R.S. § 32-2153(A), includes original license applicants. (See A.R.S. § 32-2101(32)).

FINGERPRINT CLEARANCE CARD REQUIREMENTS

The Commissioner has determined that actively monitoring criminal history records of real estate licensees through fingerprint clearance cards is reasonably necessary to protect the public and the real estate industry, and to enable the Real Estate Department to administer the provisions of A.R.S. §§ 32-2108.01(C), 32-2123(D), 32-2130(C), 32-2153, 32-2194.03(B)(9), and 32-2198.01(A)(14) and (D), as well as A.A.C. R4-28-301(F), R4-28-303(A)(2) and (D), and R4-28-404(H). As authorized by A.R.S. § 32-2108(C)(2), the Commissioner "may" require such documentation from any applicant **or holder** of a license.

Accordingly, the Department's policy is that a valid fingerprint clearance card is **required for all holders** and original applicants of a license.

The Department issues several categories of licenses to individuals and entities operating within the real estate industry. These include licenses for real estate brokers and salespersons, cemetery brokers and salespersons, and membership camping brokers and salespersons. Additionally, the Department issues licenses to business entities such as corporations, limited liability companies, and partnerships, as well as real estate schools and real estate instructors.

Additionally, as clarified by A.A.C. R4-28-301(A)(3), an applicant for any Department-issued license or license renewal—including, if an entity, any officer, director, member, manager, partner, owner, trust beneficiary holding 10% or more beneficial interest, stockholder owning 10% or more stock, or other person exercising control of the entity—shall submit a valid fingerprint clearance card as prescribed in A.R.S. § 32-2108.01 to the Department.

Application of Provisions: The above provisions apply to every original applicant for real estate licensure, as well as to all current holders of a license.

Authority: A.R.S. §§ 32-2101, 32-2108, 32-2123, 32-2130

Policy Program: Licensing/Regulation

Effective Dates: Established March 5, 2026.