

## STATEMENT OF PURPOSE

RS27238 / S1299

Consistent with the Governor's Licensing Freedom Act, this bill seeks to eliminate certain license types and remove barriers to licensing. Title 44, chapter 21, Idaho Code, requires a person who sells used, third-party-owned, or broker-owned manufactured homes to obtain a Resale Broker license. Title 44, chapter 21, Idaho Code, requires a person who sells new (and used or brokered) homes to obtain a Retailer license. This legislation eliminates the Resale Broker license and requires a person who sells only used homes to obtain the Retailer license. The prices of the Retailer and Resale Broker licenses are the same amount and the requirements of the licenses are substantially similar.

Title 44, chapter 21, Idaho Code, requires a person who is employed by a Retailer or Resale Broker and sells, lists, purchases, or exchanges new or used homes for a salary, commission, or other compensation to obtain a Salesman license. Title 44, chapter 21, Idaho Code, requires a person who supervises the employees of a Retailer, Resale Broker, or Installer to obtain a Responsible Managing Employee (RME) license. This legislation eliminates the Salesman and RME licenses. The Salesman and RME licenses were intended to require the employees of Retailers, Resale Brokers, and Installers to meet the same standards as their employers. The Factory Built Structures Advisory Board and Division of Building Safety (Division) intend to meet that objective by holding Retailers, and Installers responsible for the conduct of their employees.

Idaho Code section 44-2101(1) requires applicants for original Retailer or Resale Broker licenses to submit a criminal history background check. This legislation eliminates the background check. The Division has not found the background check to be effective in deterring unscrupulous individuals from engaging in the profession. Because the background check is required only upon initial (not renewal) application, it does not protect against future criminal violations of licensees. Additionally, the Division does not have record of any application denial based on the findings of such a background check. Further, the background check inhibits the rehabilitation of persons with criminal backgrounds seeking Retailer or Resale Broker licenses.

### FISCAL NOTE

This legislation will not have a fiscal impact on any general or federal funds. This legislation will have a negative fiscal impact of approximately three thousand five hundred dollars (\$3,500) over the course of a fiscal year on the factory built structures dedicated fund due to the elimination of revenue generated by fees for the eliminated licenses.

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**DISCLAIMER:** This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).