

FREQUENTLY ASKED QUESTIONS ABOUT RESIDENT PRODUCER FINGERPRINTING REQUIREMENT

Section 38-43-100(F)(5) requires an applicant for a new or renewal resident producer's license to undergo a state criminal records check by the South Carolina Law Enforcement Division (SLED) and a national criminal records check by the Federal Bureau of Investigation (FBI). IdentoGo is the vendor that has been selected by SLED to conduct both the state and national criminal record checks.

Set forth below are some of the questions the South Carolina Department of Insurance (Department) has been asked about the state's new fingerprinting requirement for resident producers. Please read *all* questions and the responses carefully as some questions may overlap.

Who is required to submit fingerprints?

Effective January 1, 2017, Section 38-43-100 requires a state and national criminal records check supported by fingerprints to be submitted with new and renewal applications for all resident producers licenses. This includes resident producers with limited lines authority.

Non-resident applicants for renewal or initial licensure are **not required** to submit to South Carolina's criminal records check. However, nonresidents who move to South Carolina and apply for a South Carolina resident producer license will have to comply with the fingerprint requirements.

Are other licensees required to submit fingerprints? What about adjusters?

Currently, adjusters are not required to submit fingerprints. Section 38-43-100 only applies to new applicants and resident insurance producers seeking to renew their resident producer's license.

Other licensees such as professional or surety bail bondsmen or runners are also subject to criminal records checks and submit fingerprints with their license or renewal applications in accordance with South Carolina insurance laws.

Can I use fingerprints obtained for a securities license (or any other reason) for my South Carolina application for a resident producer's license?

No, you must submit a new set of fingerprints through IdentoGo for your state and national criminal record checks.

What will my fingerprints be used for?

The purpose of the criminal record checks is to assist the Department in evaluating your qualifications and eligibility for a new or renewed producer's license. Your fingerprints will be

used to check the criminal history records of the FBI and SLED to see if you have been convicted of a crime and are eligible to hold a South Carolina resident producer's license.

If you are a new applicant, and you refuse to submit the required fingerprints for a criminal history record check, your license application will not be processed because it is incomplete. The application for licensure will be denied.

If you have submitted a renewal application and do not submit the fingerprints by the established renewal deadline, your license will lapse for failure to comply with license renewal requirements. *See* S.C. Code Ann. §§38-43-100 and 38-43-110 (2015).

Is this a one-time requirement for renewal?

No. South Carolina law requires the submission of fingerprints for the state and national criminal records check for *new* and *renewal* resident producer license applications.

What do I do with my IdentoGo receipt?

You are required to submit the fingerprint receipt you received from IdentoGo to the Department and submit within 90 days of when it was taken. The instructions for submitting the fingerprint receipt are set forth in the response below.

What should I do to meet the requirement to submit fingerprints?

S. C. Department of Insurance Bulletin 2016-10 (<http://www.doi.sc.gov/DocumentCenter/View/9639>) outlines the process for complying with the fingerprinting requirement. Once you have had your fingerprints taken by IdentoGo, you may mail or transmit your IdentoGo fingerprint receipt via a secure transmission method to the South Carolina Department of Insurance. Please include your South Carolina license number or National Producer Registry number on the receipt.

Mail the document to:

Attn: Individual Licensing
South Carolina Department of Insurance
Post Office Box 100105
Columbia, South Carolina 29202-3105

Or you may email the fingerprint receipt to agntmail@doi.sc.gov or fax it to (803) 737-6100.

If I fail to renew or comply with continuing education, will I have to be fingerprinted again?

If your license is canceled, you will have to comply with all requirements for licensure. This generally includes submitting an application for licensure, submitting fingerprints and passing state and national criminal records checks, passing the licensing examination and paying the necessary licensing fees, etc.

What is the cost for the electronic fingerprinting?

The total cost is \$50.50. This includes charges for state and national criminal records checks conducted by the FBI and SLED as well as vendor processing fee.

What forms of payment for fingerprinting are accepted?

The fee may be paid by money order, cashier's check, VISA, or MasterCard.

Am I required to obtain fingerprints if I am moving to South Carolina and apply to be a licensed resident insurance producer?

Yes. South Carolina law requires all applicants for a resident producer's license to submit fingerprints and to undergo a state and national criminal background check in addition to completing other applicable licensing requirements. Under Section 38-43-101(B), a non-resident producer who moves to South Carolina and applies for licensure as a resident producer within 90 days of establishing legal residence does not have to take a licensing examination for the lines held in the other state in which the producer was licensed. *See* S.C. Code Ann. § 38-43-101(B) (2015).

If I am already licensed as a South Carolina resident producer and want to apply for another type of license, do I have to submit the SLED report?

No. As long as you hold an active resident producer's license, our office will not require you to obtain another SLED report to apply for another resident license (e.g., adjuster, appraiser, public adjuster, surplus lines broker).

Does an applicant for a resident producer's license or a resident producer have to go to IdentoGo to obtain fingerprints?

Yes.

Can a licensee go to the local police department to obtain fingerprints?

No.

Is there a fee or fine if fingerprints are not submitted by the end of my compliance period?

Your application for licensure or renewal will NOT be processed without the fingerprint information. New applications will be denied without this information.

For renewal applications, if fingerprints are not submitted by the last day of the birth month in the renewal year, your license will lapse for failure to comply with licensing requirements. You will have 6 months from the date your license lapses to reinstate it. If fingerprints are not received within that 6 month lapse period, your license will cancel and you will have to start the

licensing process all over again as though you were a new applicant for a resident producer's license.

Do I need to wait to submit my license application until the results of my background check have been received?

No. You can submit your application as soon as you have passed the examination and submitted your fingerprints.

If you are seeking renewal of your license, please do not wait until your birth month to undergo the criminal records check. The Department is encouraging all renewal applicants to initiate the criminal records check as soon as possible. Please schedule your appointment with IdentoGo as soon as you can.

Will the background check process delay the issuance of my license?

No, it should not. The criminal record checks generally take a couple of days. If the results indicate that the applicant has a criminal history and does not qualify for the license, the application for licensure or renewal will be denied. *See* S.C. Code Ann. § 38-43-130 (2015).

Is my fingerprint data kept on file?

The Department does not keep your fingerprints. Under the law, your fingerprints and any criminal history record information obtained as a part of this licensing process must be treated and maintained as confidential, and security measures that are consistent with the standards specified by the FBI's Criminal Justice Information Services Division for the electronic storage of fingerprints and necessary identifying information must be applied. The data obtained from the criminal history record check will be confidential and, therefore, generally accessible to the personnel who determine your eligibility for the license you are applying for or handle appeals of license denials.

What happens if my fingerprints are not sufficiently legible or are rejected for some other reason and need to be retaken?

If SLED or FBI rejects a set of fingerprints, the Department will be notified that the fingerprints are illegible, erroneous, or incomplete. SLED will then notify you that you must be reprinted.

What happens if I am physically unable to have my fingerprints taken electronically (for example, if my hand is in a cast or if I have no limbs)?

Please schedule your appointment with IdentoGo. The vendor has procedures in place to address these types of situations.

I am going to reactivate my license, which lapsed because I did not reinstate it before the reinstatement deadline passed. Do I need to get fingerprinted?

Yes. You will have to get fingerprinted and comply with all other applicable licensing requirements.

My company has in-house fingerprinting services. Will you accept electronic fingerprinting directly from my firm?

No, the fingerprints have to be taken and submitted through IdentoGo. However, your company, agency or association can request a special event through IdentoGo. With these events, IdentoGo conducts the fingerprinting process for an entire organization. The details for requesting a special event are set forth in Bulletin 2016-10 (<http://www.doi.sc.gov/DocumentCenter/View/9639>) under the subheading, Association Events.