

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**DIVISION OF CODES AND STANDARDS**

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INFORMATION BULLETIN 2005-14 (OL)

**TO: Manufactured Home Manufacturers and Dealers
 Commercial Modular Manufacturers and Dealers
 Approved Course Providers and Instructors
 Interested Parties
 Division Staff**

SUBJECT: NEW LIVE SCAN FINGERPRINT PROCESS FOR LICENSE APPLICATIONS

The purpose of this bulletin is to announce that the Department of Housing and Community Development (HCD) has adopted new regulations effective November 7, 2005, requiring the use of electronic fingerprint technology called Live Scan. Previously, HCD regulations allowed only the submittal of ink-rolled fingerprint cards with license applications for manufactured home and commercial modular manufacturers, dealers, distributors, salespersons, 90-day certificate holders, and preliminary and continuing education course providers and instructors.

Background for New Regulations

The Department of Justice (DOJ) is responsible for processing fingerprints and submitting criminal history information to HCD. Penal Code (PC) section 11077.1 mandates the use of the DOJ electronic fingerprint process effective July 1, 2005, for all licensing fingerprint submittals, unless there is "regional unavailability," such as the applicant being in another state, or as otherwise exempted by DOJ.

The DOJ now requires the submittal of fingerprints in an electronic format known as Live Scan, replacing the manual method of ink-rolled fingerprints captured on fingerprint cards, except as exempted.

Live Scan Procedure Under the New Regulations

All new license applicants, course providers, and course instructors now are required to submit the HCD or DOJ "Request for Live Scan" service form and use the DOJ process, unless exempted. A completed HCD OL 8016 form (copy attached) or a DOJ BCII 8016 form

must be used to request Live Scan service from any approved Live Scan location. The HCD OL 8016 form will be included in HCD's license application packages provided to all applicants. Applicants must complete the appropriate sections of the HCD OL 8016 or DOJ BCII 8016 form and submit the completed form to the Live Scan operator. The applicant will pay the Live Scan operator directly for scanning their fingerprints. Once scanned, the Live Scan operator will complete the HCD OL 8016 or DOJ BCII 8016 form and transmit the scanned fingerprints to the DOJ and Federal Bureau of Investigation (FBI) for processing. The applicant then will attach the completed Live Scan form to the license application and submit the application in its entirety to HCD for review and approval. To be acceptable as part of the license application, the HCD OL 8016 or DOJ BCII 8016 form and Live Scan operator sections must be properly completed.

Occupational Licensing staff will provide applicants blank HCD OL 8016 forms containing instructions on how to complete them. Please note that prior to review of all license applications, a properly completed Live Scan form must be included with the application. If the applicant is applying for an exemption from using Live Scan, the applicant must provide evidence that an exemption has been granted by DOJ and the evidence must show HCD as the agency to receive any criminal history records from DOJ and the FBI. The HCD OL 8016 form can be obtained online at the following address:

<http://www.hcd.ca.gov/codes/ol/>

Note 1: HCD OL 8016 or DOJ BCII 8016 forms containing incorrect or illegible HCD, applicant, or operator information may be rejected and the applicant will be required to provide another HCD OL 8016 or DOJ BC 8016 form.

Note 2: Persons who believe they qualify for an exemption from the Live Scan process can review DOJ's process requirements online and/or obtain a copy of the DOJ BCII 9004 – "Request for Exemption from Mandatory Electronic Fingerprint Submission Requirement" form online at the following address:

<http://caag.state.ca.us/fingerprints/index.htm>

Note 3: DOJ has agreed to allow HCD applicants to submit a request for exemptions directly through HCD since it is expected that all out-of-state manufacturers will be requesting exemptions.

Live Scan Locations

PC Section 11102.1 requires that fingerprinting must be processed or "rolled" by law enforcement personnel or individuals certified by DOJ. There are more than 400 Live Scan locations throughout the state; most of them are law enforcement agencies. The local police department or sheriff's office also should be able to direct applicants to a Live Scan facility.

Live Scan locations also may be found at DOJ's website, located at the following online address:

<http://ag.ca.gov/fingerprints/publications/contact.htm>

Live Scan Fees

Scanning fees are paid directly to the Live Scan facility by the applicant. The costs are determined by each Live Scan facility, so it is recommended that each applicant contact the Live Scan facility directly.

If the Live Scan fingerprints are rejected, Live Scan facilities may allow free re-scans. Applicants should check with the Live Scan facility they use to determine its re-scan policy.

Exceptions to Live Scan Requirement

As indicated above, PC section 11077.1(b) and DOJ allow an exception to the Live Scan requirement for applicants who demonstrate "regional unavailability" to an approved Live Scan facility, or who are otherwise deemed exempt by DOJ. Typically, this exception is for out-of-state applicants and allows them to use the existing fingerprint card process. Applicants who qualify for this exemption should contact HCD to obtain two 8"x8" fingerprint cards (FD-258). The completed fingerprint cards (two) should be submitted along with the completed license application. If the applicant resides or plans to operate a business in California and believes it qualifies for this exception, the applicant should contact DOJ. The Department will require the applicant to provide evidence from DOJ that it qualifies for this exception. If fingerprint cards are rejected by the DOJ or the FBI, HCD will require the applicant to provide additional fingerprint cards.

Due to the high cost of purchasing and maintaining Live Scan equipment, the Department will not be directly providing Live Scan service at this time. Any questions regarding the subject of this Information Bulletin may be directed to Michael Salanoa, Program Manager, Occupational Licensing Program at (916) 323-9803.

Kim Strange
Deputy Director

Attachment