

Effective 5/12/2015

32B-1-305 Requirement for a background check.

- (1) The department shall require an individual listed in Subsection (2), in accordance with this part, to:
 - (a) provide a signed waiver from the individual whose fingerprints may be registered in the Federal Bureau of Investigation Rap Back system that notifies the signer:
 - (i) that a criminal history background check will be conducted;
 - (ii) who will see the information; and
 - (iii) how the information will be used;
 - (b) submit to a background check in a form acceptable to the department; and
 - (c) consent to a background check by:
 - (i) the Utah Bureau of Criminal Identification; and
 - (ii) the Federal Bureau of Investigation.
- (2) The following shall comply with Subsection (1):
 - (a) an individual applying for employment with the department if:
 - (i) the department makes the decision to offer the individual employment with the department; and
 - (ii) once employed, the individual will receive benefits;
 - (b) an individual applying to the commission to operate a package agency;
 - (c) an individual applying to the commission for a license;
 - (d) an individual who with regard to an entity that is applying to the commission to operate a package agency or for a license is:
 - (i) a partner;
 - (ii) a managing agent;
 - (iii) a manager;
 - (iv) an officer;
 - (v) a director;
 - (vi) a stockholder who holds at least 20% of the total issued and outstanding stock of a corporation;
 - (vii) a member who owns at least 20% of a limited liability company; or
 - (viii) an individual employed to act in a supervisory or managerial capacity; or
 - (e) an individual who becomes involved with an entity that operates a package agency or holds a license, if the individual is in a capacity listed in Subsection (2)(d) on or after the day on which the entity:
 - (i) is approved to operate a package agency; or
 - (ii) is licensed by the commission.
- (3) The department shall require compliance with Subsection (2)(e) as a condition of an entity's:
 - (a) continued operation of a package agency; or
 - (b) renewal of a license.
- (4) The department may require as a condition of continued employment that a department employee:
 - (a) submit to a background check in a form acceptable to the department; and
 - (b) consent to a fingerprint criminal background check by:
 - (i) the Utah Bureau of Criminal Identification; and
 - (ii) the Federal Bureau of Investigation.

Amended by Chapter 351, 2015 General Session