

**Effective 5/10/2016**

**61-2c-507 Division subrogated -- Authority to suspend license.**

- (1) If the division pays a person from the fund in accordance with this part:
  - (a) the division is subrogated to the rights of that person for the amounts paid out of the fund; and
  - (b) any amount and interest recovered by the division shall be deposited in the fund.
- (2)
  - (a) Subject to Subsection (2)(b), the license of a licensee for whom payment from the fund is made under this part is automatically suspended as of the earlier of the day on which:
    - (i) the division is ordered by a court to pay from the fund; or
    - (ii) the division pays from the fund.
  - (b)
    - (i) A person whose license is suspended under Subsection (2)(a) may appeal the suspension in a de novo hearing conducted by the commission:
      - (A) after the suspension; and
      - (B) in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
    - (ii) The commission may delegate:
      - (A) to the division or an administrative law judge the authority to conduct a hearing described in Subsection (2)(b)(i); or
      - (B) to the division the authority to make a decision on whether relief from a suspension should be granted.
- (3) Unless the suspension is not upheld after a hearing described in Subsection (2)(b), a licensee whose license is suspended pursuant to Subsection (2) may not apply to renew a license nor apply for a new license until the licensee:
  - (a) pays into the fund:
    - (i) the amount paid out of the fund on behalf of the licensee; and
    - (ii) interest at a rate determined by the division with the concurrence of the commission; and
  - (b) participates in a hearing before the commission and is approved by the commission, with the concurrence of the director, for licensure or activation of the suspended license.

Amended by Chapter 384, 2016 General Session