

OCCUPATIONAL LICENSING REVISIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Eric K. Hutchings

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill modifies the Division of Occupational and Professional Licensing (DOPL) Act.

Highlighted Provisions:

This bill:

- ▶ provides for an individual with a criminal conviction to apply to the Division of Occupational and Professional Licensing for a determination of whether the individual's criminal history would disqualify the individual from receiving a specific occupational or professional license if all other requirements were met;
- ▶ describes the contents of such an application; and
- ▶ describes DOPL's responsibilities in responding to such an application.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

58-1-310, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:



28 Section 1. Section **58-1-310** is enacted to read:

29 **58-1-310. Application for division determination regarding criminal conviction.**

30 (1) An individual with a criminal record may apply to the division at any time for a
31 determination of whether the individual's criminal record would disqualify the individual from
32 obtaining a license in an occupation or profession regulated by this chapter if the individual has
33 completed or were to complete all other licensing requirements for the occupation or
34 profession.

35 (2) To receive a determination, the individual shall submit the application described in
36 this section in a form prescribed by the division and shall include information regarding:

37 (a) the individual's complete criminal conviction history;

38 (b) what occupational or professional license the individual is interested in seeking;

39 (c) what licensing requirements have been met by the individual;

40 (d) what licensing requirements have not yet been met by the individual; and

41 (e) any other information required by the division as established by division rule made
42 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

43 (3) The division may charge the individual a fee, established in accordance with
44 Section [63J-1-504](#), to submit an application under this section.

45 (4) Within 30 days of the day on which the division receives a completed application
46 from an individual for a determination under this section, based on the statutory authority and
47 administrative rules governing the occupation or profession at the time of the application, the
48 division shall provide a written determination to the individual of whether the individual's
49 criminal record would disqualify the individual from obtaining a license in an occupation or
50 profession regulated by this chapter if the individual were to complete all other licensing
51 requirements.

52 (5) If the individual's criminal record would disqualify the individual from obtaining a
53 license in an occupation or profession regulated by this chapter, the written determination
54 described in Subsection (4) may also include information regarding additional steps the
55 individual could take to qualify for licensure.