

Representative Eric K. Hutchings proposes the following substitute bill:

OCCUPATIONAL LICENSING MODIFICATIONS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Eric K. Hutchings

Senate Sponsor: _____

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



26 [58-1-311](#), Utah Code Annotated 1953

27

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

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

30 **58-1-310. Application for division determination regarding criminal conviction.**

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

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

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

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

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

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

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

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

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

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

57 Section 2. Section **58-1-311** is enacted to read:

58 **58-1-311. Limitation on criminal restrictions for licensure.**

59 (1) As used in this section, "core conduct" means an action that is necessary to engage
60 in an occupation or profession.

61 (2) An applicant for a license for an occupation or profession regulated by this title
62 may not be disqualified due to a previous conviction for, or current allegation regarding, an
63 offense that does not involve core conduct of the occupation or profession.

64 (3) If the division denies an application for licensure due to an applicant's criminal
65 history, the division shall demonstrate that the criminal history involved core conduct for the
66 occupation or profession for which the applicant was seeking a license.

67 (4) The division shall make rules in accordance with Title 63G, Chapter 3, Utah
68 Administrative Rulemaking Act, establishing a list of crimes for which an applicant will be
69 denied licensure for each occupation and profession regulated by this title.