

# Solicitor License Application

## Draper City Business Licensing



### Overview

A solicitor license is the means whereby Draper City grants an individual permission to engage in soliciting or peddling activities. In this context, soliciting is the act of advertising products or services in person or by leaflet left at homes or businesses, while peddling is the mobile sale of goods (note that this definition does not include food trucks). Along with the license, solicitors and peddlers are given an identification badge which must be worn at all times while soliciting or peddling. Solicitors and peddlers are licensed to protect residents from unreasonable intrusion on residential privacy, prevent deception, and ensure the safety of the community. If a company is seeking to have multiple people soliciting in Draper, each individual solicitor or must obtain their own license.

Note that a solicitor license is NOT required if the solicitation is (1) invited; (2) noncommercial in nature (e.g. religious or political activities); (3) done on behalf of a state-regulated charitable organization; or (4) for a service or good valued at less than \$50.00.

### Application Process

1. Complete a background check with the Bureau of Criminal Identification. This must be completed within the last 180 days of application (see attached).
2. Submit the Solicitor License Application via mail or email to the Business License Official. Once processed, the applicant will receive an email requesting missing documentation (if any). When all documents are received, an invoice to pay for the license is sent to the applicant via email.
3. Once the invoice is paid, the applicant obtains the solicitor license and identification badge in person at Draper City Hall located at 1020 E Pioneer Road (open Mon-Fri 8am to 5pm). The provided badge must be worn at all times while soliciting in Draper City and the certificate (or copy thereof) kept on your person. Please familiarize yourself with the Draper City Code in regards to soliciting (attached).

### Required Documents

Various documents are required in order to obtain a solicitor license.

- **Business Registration:** If applicable, must provide proof that the business for which soliciting or peddling is done is registered with the Utah Division of Corporations and Commercial Code.
- **Criminal Background Check:** Must provide a background check conducted by the Utah Bureau of Criminal Identification conducted within the last 180 days of application.
- **Photo ID:** Must provide unexpired photo identification issued by the United States or any state or territory thereof.
- **Headshot:** Must provide a headshot of the solicitor or peddler to be placed on the identification badge.

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<b>Section 1: Solicitor Information</b>		
First Name:	Last Name:	
Phone:	Email:	
Home Address:		Suite/Unit #:
City:	State:	ZIP:
Local Contact Address:		
City:	State:	ZIP:
Solicitation Start Date:		
List all former names and aliases used within the past 10 years:		
Please describe the products and/or services being sold:		
<b>Section 2: Business Information</b>		
Business Name:		
Business Address:		Suite/Unit #:
City:	State:	ZIP:
Mailing Address:		Suite/Unit #:
City:	State:	ZIP:
<b>Business Director, Officer, or Manager Contact</b>		
First Name:	Last Name:	
Phone:	Email:	
<b>Point of Contact for Solicitor License</b>		
First Name:	Last Name:	
Company Title:		
Phone:	Email:	

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Section 3: Questionnaire (to be completed by the applying solicitor)	Yes	No
1. Are you a person against whom a judgement based upon fraud, deceit, misrepresentation, false statements, or dishonesty has been entered within five (5) years of the date of this application?	<input type="checkbox"/>	<input type="checkbox"/>
2. Within the last five (5) years of the date of the application, have you been enjoined by any court, or been the subject of an administrative order issued in this or another state in which the injunction or order includes a finding or admission of fraud, material misrepresentation, or in which the injunction or order was based on a finding of lack of integrity or truthfulness?	<input type="checkbox"/>	<input type="checkbox"/>
3. Have you been convicted of any felony or a misdemeanor involving fraud, deceit, misrepresentation, false statement or dishonesty, within five (5) years of the date of this application?	<input type="checkbox"/>	<input type="checkbox"/>
4. Have you been criminally convicted of violating any Utah laws or the corresponding laws of another state, or have you been otherwise subject to registration as a sex offender in Utah or elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>
5. Have you been denied a Draper City solicitor license under Title 6 of the Draper City Municipal Code as amended within one (1) year preceding the date of this application?	<input type="checkbox"/>	<input type="checkbox"/>
6. If the answer to #5 is yes, have you corrected the deficiency on which the previous denial was based?	<input type="checkbox"/>	<input type="checkbox"/>
7. Have you had a Draper City solicitor license under Title 6 of the Draper City Municipal Code as amended revoked within one (1) year preceding the date of this application?	<input type="checkbox"/>	<input type="checkbox"/>
8. If the answer to #7 is yes, have you corrected the reason(s) for which the Draper City solicitor license was revoked?	<input type="checkbox"/>	<input type="checkbox"/>
9. Have you been convicted of a violation of Draper City Municipal Code Title 6 Chapter 8 (pertaining to solicitors) within one (1) year preceding the date of this application?	<input type="checkbox"/>	<input type="checkbox"/>

I, the solicitor, hereby certify and warrant that the above answers are true and correct and affirm that I will not begin solicitation until I obtain a Draper City solicitor license.

\_\_\_\_\_  
 Signature (Solicitor)

\_\_\_\_\_  
 Date

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All information must be accurately completed or the issuance of a license will be delayed. It is a Class "B" Misdemeanor to own or operate a business in Draper City without a current Business License. I/we hereby agree to conduct said business strictly in accordance with the laws and ordinances covering such business, and swear under penalty of law that the information contained herein is true. Draper City shall not be responsible for delays in processing an incomplete application. The application you are submitting is subject to the provisions of the Utah Government Records Access and Management Act (GRAMA). If you are an "at-risk government employee" as defined in Utah Code Ann. § 63G-2-303, please inform the city employee accepting this application.

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Signature (Applicant)

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Date



## Instructions for Application for Criminal History Record

Enclosed is an application for Criminal History Record from the State of Utah, Department of Public Safety, Bureau of Criminal Identification. Please complete all of the steps described below. Failure to properly complete one of the steps may cause a delay in processing your application.

1. Fill out the top portion of the application. List all of your previous names including married and maiden names. Be sure to read and sign the application.
2. Take the application to a law enforcement agency such as your city police department or county sheriff's office. Request that they print the four fingers of your right hand on the space provided. Make sure the law enforcement official who takes your fingerprints fills out the portion of the application labeled "OFFICIAL TAKING PRINTS." Valid government-issued photo ID must be provided to the official taking your prints (for example, passport, state ID card, consulate ID card, and driver license.) **"Utah Driving Privilege Cards" WILL NOT be accepted by BCI as valid ID. Driving Privilege Cards state on them that they are not to be used as ID. NOTE:** The fingerprints may be taken at our office, (fingerprint appointment not necessary for criminal history report) Bureau of Criminal Identification, 3888 West 5400 South, Taylorsville, Utah. **You must include a photo copy of your ID with your application.**
3. The application fee is \$15.00. Select a method of payment by making a check mark in the appropriate box. Checks and money orders must be US Currency and be made payable to "Utah Bureau of Criminal Identification." To pay by credit card (Visa, MasterCard, Discover Card or AMEX), please fill out the requested information on the application. Credit card numbers must include: the signature of the cardholder, the three-digit control number located on the back of the card, and the expiration date. Cash is accepted only when applying in person. **DO NOT SEND CASH IN THE MAIL.**
4. Your report will be mailed to the mailing address indicated on the application form. If the information needs to be sent to a third party, the third party release form must be filled out and submitted along with your application.
5. Mail the application, fee and release form (if applicable) to:

UTAH BUREAU OF CRIMINAL IDENTIFICATION  
3888 West 5400 South  
Taylorsville, Utah 84129

The report cannot be faxed or sent by e-mail.

If you have questions you may call (801) 965-4445 from 8:00 AM - 5:00 PM Monday-Friday.

Our office is closed weekends and holidays.

You may also visit our website at <http://publicsafety.utah.gov/bci/>

**The Bureau of Criminal Identification does not maintain juvenile offender records.  
Requests for such records must be made directly to the Juvenile Court.**





Draper City Municipal Code Title 8 Chapter 8: Solicitors

**6-8-060: DECEPTIVE SOLICITING PRACTICES PROHIBITED:**

A. False, Misleading Statements: No solicitor shall make any materially false or fraudulent statement in the course of soliciting. No solicitor shall fail to state a material fact necessary to make statements made, in the context of the circumstances under which they are made, not misleading.

B. Disclosure Required: A solicitor shall immediately disclose to the resident at the beginning of any face to face solicitation, either verbally or by means of a writing to be handed to the resident: 1) the name of the solicitor; 2) the name and address of the entity with whom the solicitor is associated or for which the solicitor is soliciting; and 3) the purpose of the solicitor's contact with the resident.

C. Use Of Legal Name Required: No solicitor shall use a fictitious name, an alias, or any name other than his or her legal name.

D. Represent Endorsement By City Prohibited: No solicitor shall represent directly or by implication that the city endorses the solicitation, or that the granting of a certificate of registration implies endorsement by the city of the solicitor or his or her product or service. (Ord. 748, 3-13-2007)

**6-8-070: "NO SOLICITING" NOTICES:**

A. Permitted: Any resident may give notice of his or her unwillingness to listen to solicitations or receive solicitors by displaying at his or her residence a placard or sign no smaller than sixteen (16) square inches stating "No Soliciting", "No Solicitors", "No Trespassing" or words of similar import. Such placard or sign shall be posted on or near the main entrance door or on or near the property line adjacent to the sidewalk leading to the residence.

B. Applicability: The display of a "No Soliciting" or similar sign or placard shall constitute notice to any solicitor that the resident is unwilling to listen to solicitations. (Ord. 748, 3-13-2007)

**6-8-080: CERTAIN SOLICITATIONS PROHIBITED:**

A. Obligation To Check For Posting: It shall be a violation of this chapter for any solicitor to attempt to solicit at a residence at or on which has been posted a "No Soliciting" sign or placard in accordance with section [6-8-070](#) of this chapter. All solicitors are under the legal obligation to affirmatively check each residence for any such sign or placard. If such sign or placard is posted, a solicitor shall desist from any efforts to solicit at the residence and shall immediately depart therefrom.

B. Violation When Posted: It is a violation of this chapter for any solicitor to knock on the door, ring the door bell, or in any other manner attempt to attract the attention of an occupant of a residence that bears a "No Soliciting" or similar sign or placard. It is a violation of this chapter for any solicitor through ruse, deception, or concealment of a purpose to solicit, to take action calculated to secure an audience with the occupant of a residence that has posted a "No Soliciting" or similar sign or placard.



C. Failure To Depart: It is a violation of this chapter for any solicitor who is at any time asked by the resident to leave, to fail to immediately and peacefully depart. (Ord. 748, 3-13-2007)

**6-8-090: TIME OF DAY:**

It shall be unlawful for any person, whether a registered solicitor or not, to solicit any person at a residence before eight o'clock (8:00) A.M. or after nine o'clock (9:00) P.M. Mountain Time on business days, or before nine o'clock (9:00) A.M. or after nine o'clock (9:00) P.M. Mountain Time, on Saturdays, Sundays, or legal holidays as set forth in Utah Code Annotated section 63-13-2, unless the solicitor has express prior permission from the resident to do so. (Ord. 748, 3-13-2007)

**6-8-100: RIGHT TO RESIDENTIAL SOLICITATION SALE:**

In any residential solicitation sale, unless the buyer requests the seller to provide goods or services without delay in an emergency, the solicitor shall present to the resident and obtain resident's signature to a written statement which informs the resident of his or her unconditional right to cancel the sale on or before the third business day after the date of sale. Any documents memorializing the sale shall accurately set forth the date of the sale. Such notice of "buyer's right to cancel" shall be in the form required by Utah Code Annotated section 70C-5-103, or a current or amended version thereof or any state or federal law modifying or amending such provision. (Ord. 748, 3-13-2007)

**6-8-110: PENALTIES:**

Any person who engages in soliciting without complying with the requirements of this chapter or violates any other terms or provisions of this chapter shall be guilty of a class B misdemeanor and shall be punished by a fine of not to exceed one thousand dollars (\$1,000.00) and/or a jail sentence of not to exceed six (6) months. A second offense within five (5) years of a prior conviction under this chapter may be prosecuted and punished as a class A misdemeanor. (Ord. 748, 3-13-2007)

**6-8-120: PRIVATE RIGHT OF ACTION:**

A resident who has suffered injury or damage as the result of violation of this chapter shall have the right to bring a civil action for damages against the violator in the appropriate court within the state of Utah. (Ord. 748, 3-13-2007)