

**Effective 5/13/2014**

**13-34-105 Exempted institutions.**

- (1) This chapter does not apply to:
  - (a) a Utah institution directly supported, to a substantial degree, with funds provided by:
    - (i) the state;
    - (ii) a local school district; or
    - (iii) other Utah governmental subdivision;
  - (b) an institution that offers instruction exclusively at or below the 12th grade level;
  - (c) a lawful enterprise that offers only professional review programs, including C.P.A. and bar examination review and preparation courses;
  - (d) a private institution that:
    - (i) provides postsecondary education; and
    - (ii) is owned, controlled, operated, or maintained by a bona fide church or religious denomination, that is exempted from property taxation under the laws of this state;
  - (e) a school or institution that is accredited by a regional or national accrediting agency recognized by the United States Department of Education;
  - (f) subject to Subsection (4), a business organization, trade or professional association, fraternal society, or labor union that:
    - (i) sponsors or conducts courses of instruction or study predominantly for bona fide employees or members; and
    - (ii) does not advertise as a school;
  - (g) an institution that:
    - (i)
      - (A) exclusively offers general education courses or instruction that are remedial, avocational, nonvocational, or recreational in nature; and
      - (B) does not advertise occupation objectives or grant educational credentials; or
    - (ii) exclusively prepares individuals to teach courses or instruction described in Subsection (1)(g)(i)(A);
  - (h) an institution that offers only workshops or seminars:
    - (i) lasting no longer than three calendar days; and
    - (ii) for which academic credit is not awarded;
  - (i) an institution that offers programs:
    - (i) in barbering, cosmetology, real estate, or insurance; and
    - (ii) that are regulated and approved by a state or federal governmental agency;
  - (j) an education provider certified by the Division of Real Estate under Section 61-2c-204.1;
  - (k) an institution that offers aviation training if the institution:
    - (i)
      - (A) is approved under Federal Aviation Regulations, 14 C.F.R. Part 141; or
      - (B) provides aviation training under Federal Aviation Regulations, 14 C.F.R. Part 61; and
    - (ii) exclusively offers aviation training that a student fully receives within 24 hours after the student pays any tuition, fee, or other charge for the aviation training;
  - (l) an institution that provides emergency medical services training if all of the institution's instructors, course coordinators, and courses are approved by the Department of Health; and
  - (m) an institution that exclusively conducts nurse aide training programs that are approved by the State Office of Vocational Education and are subject to the Nurse Aide Registry.
- (2) If available evidence suggests that an exempt institution under this section is not in compliance with the standards of registration under this chapter and applicable division rules, the division

shall contact the institution and, if appropriate, the state or federal government agency to request corrective action.

- (3) An institution, branch, extension, or facility operating within the state that is affiliated with an institution operating in another state shall be separately approved by the affiliate's regional or national accrediting agency to qualify for the exemption described in Subsection (1)(e).
- (4) For purposes of Subsection (1)(f), a business organization, trade or professional association, fraternal society, or labor union is considered to be conducting the course predominantly for bona fide employees or members if it hires a majority of the persons who:
  - (a) successfully complete its course of instruction or study with a reasonable degree of proficiency; and
  - (b) apply for employment with that same entity.

Amended by Chapter 360, 2014 General Session