

Effective 7/1/2016

Superseded 5/10/2016

26-8a-106 Waiver of rules.

- (1) Upon application, the committee or department may waive the requirements of a rule it has adopted if:
 - (a) the person applying for the waiver satisfactorily demonstrates that:
 - (i) the waiver is necessary for a pilot project to be undertaken by the applicant;
 - (ii) in the particular situation, the requirement serves no beneficial public purpose; or
 - (iii) circumstances warrant that waiver of the requirement outweighs the public benefit to be gained by adherence to the rule; and
 - (b) for a waiver granted under Subsection (1)(a)(ii) or (iii), the committee or department:
 - (i) extends the waiver to similarly situated persons upon application; or
 - (ii) amends the rule to be consistent with the waiver.
- (2) A waiver of education, licensing, or certification requirements may be granted to a veteran, as defined in Section 68-3-12.5, if the veteran:
 - (a) provides to the committee or department documentation showing military education and training in the field in which certification or licensure is sought; and
 - (b) successfully passes any examination required.
- (3) No waiver may be granted under this section that is inconsistent with the provisions of this chapter.