

Effective 5/12/2015

35A-12-202 Application.

- (1)
 - (a) If an individual seeks to become an account owner, the individual shall file an application with the department on a form provided by the department.
 - (b) The form:
 - (i) shall include documentation that the individual who will be designated as the beneficiary of the account is:
 - (A) an eligible individual; and
 - (B) a resident of this state or a contracting state; and
 - (ii) may include other information required by the department.
- (2)
 - (a) If the individual who will be designated as the beneficiary of the account has a medically determinable physical or mental impairment described in Subsection 35A-12-102(7)(a), the individual shall submit documentation required by the department on the individual's diagnosis prepared by a physician.
 - (b) For purposes of Subsection (2)(a), the individual who will be designated as the beneficiary of the account shall pay any costs of obtaining the documentation required by Subsection (2)(a).
- (3) If the individual who will be designated as the beneficiary of the account is eligible for benefits under title II or title XVI of the Social Security Act on the basis of blindness, the individual shall submit documentation that the individual is eligible for the benefits.
- (4)
 - (a) Within a 60-day period after the date an individual who seeks to become an account owner files an application under Subsection (1), the department shall make a determination as to whether the individual who will be designated as the beneficiary of the account is:
 - (i) an eligible individual; and
 - (ii) a resident of this state or a contracting state.
 - (b) If the department determines that the individual who will be designated as the beneficiary of the account meets the requirements of Subsection (4)(a), the department shall issue the individual who seeks to become an account owner a certificate to authorize the individual to enter into an account agreement.
 - (c) If the department determines that the individual who would be designated as the beneficiary of the account does not meet the requirements of Subsection (4)(a), the department shall inform the individual who seeks to become an account owner in writing that:
 - (i) the individual who would be designated as the beneficiary of the account does not meet the requirements of Subsection (4)(a); and
 - (ii) provide the individual who seeks to become an account owner with an opportunity to provide new or additional documentation to the department to establish that the individual who would be designated as the beneficiary of the account meets the requirements of Subsection (4)(a).
- (5)
 - (a) The department may charge a fee of \$35 for processing an application under this section.
 - (b) The department shall retain the fees the department charges in accordance with Subsection (5)(a) as dedicated credits to be expended to cover the costs of processing applications under this section.

Enacted by Chapter 460, 2015 General Session