

**LICENSING ELIGIBILITY**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen E. Sandstrom**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions of the Division of Occupational and Professional Licensing Act related to licensing procedures.

**Highlighted Provisions:**

This bill:

- ▶ provides that the Division of Occupational and Professional Licensing may not issue a license to an applicant who is unlawfully present or unlawfully residing in the United States;
- ▶ requires the division to verify that an applicant for a professional license is lawfully present in the United States before issuing the license; and
- ▶ makes certain technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-1-301**, as last amended by Laws of Utah 2004, Chapter 90

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



28 Section 1. Section **58-1-301** is amended to read:

29 **58-1-301. License application -- Licensing procedure -- Verification of lawful**  
30 **presence.**

31 (1) (a) (i) Each license applicant shall apply to the division in writing upon forms  
32 available from the division.

33 (ii) Each completed application shall:

34 (A) contain documentation of the particular qualifications required of the applicant[;  
35 shall];

36 (B) include the applicant's Social Security number[; shall];

37 (C) be verified by the applicant[;]; and [shall]

38 (D) be accompanied by the appropriate fees.

39 (b) An applicant's Social Security number is a private record under Subsection  
40 63-2-302(1)(h).

41 (2) (a) [A] The division shall issue a license [~~shall be issued~~] to an applicant who  
42 submits a complete application if the division determines that the applicant meets the  
43 qualifications of licensure.

44 (b) [A] The division shall provide a written notice of additional proceedings [~~shall be~~  
45 ~~provided~~] to an applicant who submits a complete application, but who has been, is, or will be  
46 placed under investigation by the division for conduct directly bearing upon [his] the  
47 applicant's qualifications for licensure, if the outcome of additional proceedings is required to  
48 determine the division's response to the application.

49 (c) [A] The division shall provide a written notice of denial of licensure [~~shall be~~  
50 ~~provided~~] to an applicant who submits a complete application if the division determines that  
51 the applicant does not meet the qualifications of licensure.

52 (d) [A] (i) The division shall provide a written notice of incomplete application and  
53 conditional denial of licensure [~~shall be provided~~] to an applicant who submits an incomplete  
54 application.

55 (ii) This notice shall advise the applicant that the application is incomplete and that the  
56 application is denied, unless the applicant corrects the deficiencies within the time period  
57 specified in the notice and otherwise meets all qualifications for licensure.

58 (3) Before [~~any~~] a person is issued a license under this title, all requirements for that

59 license as established under this title and by rule shall be met.

60 (4) If all requirements are met for the specific license, the division shall issue the  
61 license.

62 (5) (a) The division may not issue a license to an applicant who is unlawfully present  
63 or unlawfully residing in the United States.

64 (b) Before issuing a license to an applicant under this title, the division shall verify that  
65 the applicant is lawfully present in the United States.

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**Legislative Review Note**  
as of 1-10-08 9:13 AM

**Office of Legislative Research and General Counsel**