

Services for Department of Defense Civilian Employees

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ann Millner

House Sponsor: Val L. Peterson

LONG TITLE

General Description:

This bill addresses certain benefits for a United States Department of Defense employee and the employee's family.

Highlighted Provisions:

This bill:

- provides certain exemptions from occupational and professional licensure in a variety of occupations and professions for:

- a United States Department of Defense employee if the employee has a valid license in another jurisdiction; and

- a spouse of a United States Department of Defense employee if the spouse has a valid license in another jurisdiction;

- provides in-state residency for tuition purposes at an institution of higher education for a United States Department of Defense employee and the employee's family;

- addresses k-12 requirements for a child of a United States Department of Defense employee;

- contains a coordination clause to coordinate technical changes between this bill and H.B. 142, Service Member and Veteran Amendments; and

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

28 **4-1-109**, as last amended by Laws of Utah 2024, Chapter 152
29 **4-1-111**, as enacted by Laws of Utah 2018, Chapter 462
30 **13-1-15**, as enacted by Laws of Utah 2018, Chapter 462
31 **31A-23a-102**, as last amended by Laws of Utah 2015, Chapters 244, 330
32 **31A-23a-104**, as last amended by Laws of Utah 2018, Chapter 462
33 **31A-26-102**, as last amended by Laws of Utah 2021, Chapter 252
34 **31A-26-202**, as last amended by Laws of Utah 2018, Chapter 462
35 **53-9-102**, as last amended by Laws of Utah 2024, Chapter 506
36 **53-9-122**, as last amended by Laws of Utah 2019, Chapter 136
37 **53B-8-102**, as last amended by Laws of Utah 2024, Chapters 144, 378 and 481
38 **53E-6-102**, as last amended by Laws of Utah 2024, Chapter 20
39 **53E-6-204**, as last amended by Laws of Utah 2019, Chapter 186
40 **53G-1-103**, as last amended by Laws of Utah 2020, Chapter 161 and last amended by
41 Coordination Clause, Laws of Utah 2020, Chapter 161
42 **53G-6-306**, as last amended by Laws of Utah 2023, Chapter 44
43 **53G-6-402**, as last amended by Laws of Utah 2024, Chapter 67
44 **53G-6-502**, as last amended by Laws of Utah 2023, Chapter 44
45 **58-1-102**, as last amended by Laws of Utah 2024, Chapter 486
46 **58-1-307**, as last amended by Laws of Utah 2023, Chapters 310, 328
47 **61-1-32**, as enacted by Laws of Utah 2018, Chapter 462
48 **61-2f-102**, as last amended by Laws of Utah 2024, Chapter 227
49 **61-2f-202**, as last amended by Laws of Utah 2022, Chapter 204

50 **ENACTS:**

51 **53E-3-1201**, Utah Code Annotated 1953
52 **53E-3-1202**, Utah Code Annotated 1953
53 **53E-3-1203**, Utah Code Annotated 1953
54 **53E-3-1204**, Utah Code Annotated 1953
55 **53E-3-1205**, Utah Code Annotated 1953

56 **Utah Code Sections affected by Coordination Clause:**

57 **53B-8-102**, as last amended by Laws of Utah 2024, Chapters 144, 378 and 481

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

60 Section 1. Section **4-1-109** is amended to read:

61 **4-1-109 . General definitions.**

As used in this title:

- (1) "Agricultural product" or "product of agriculture" means any product that is derived from agriculture, including any product derived from aquaculture as defined in Section 4-37-103.
- (2) "Agriculture" means the science and art of the production of plants and animals useful to man, including the preparation of plants and animals for human use and disposal by marketing or otherwise.
- (3) "Commissioner" means the commissioner of agriculture and food.
- (4) "Department" means the Department of Agriculture and Food created in Chapter 2, Administration.
- (5) "Dietary supplement" means the same as that term is defined in the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq.
- (6) "DOD civilian" means the same as that term is defined in Section 53B-8-102.
- ~~[(6)]~~ (7) "Livestock" means cattle, sheep, goats, swine, horses, mules, poultry, domesticated elk as defined in Section 4-39-102, or any other domestic animal or domestic furbearer raised or kept for profit.
- ~~[(7)]~~ (8) "Local food" means an agricultural product or livestock that is:
 - (a) produced, processed, and distributed for sale or consumption within the state; and
 - (b) sold to an end consumer within the state.
- ~~[(8)]~~ (9) "Organization" means a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.
- ~~[(9)]~~ (10) "Person" means a natural person or individual, corporation, organization, or other legal entity.

Section 2. Section **4-1-111** is amended to read:

4-1-111 . Exemptions from licensure.

Except as otherwise provided by statute or rule, the following individuals may engage in the practice of an occupation or profession regulated by this title, subject to the stated circumstances and limitations, without being licensed under this title:

- (1) an individual licensed under the laws of this state, other than under this title, to practice or engage in an occupation or profession, while engaged in the lawful, professional, and competent practice of that occupation or profession;
- (2) an individual serving in the armed forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs, or any other federal

agency while engaged in activities regulated under this title as a part of employment with that federal agency if the individual holds a valid license to practice the regulated occupation or profession issued by any other state or jurisdiction recognized by the department; and

(3) the spouse of an individual serving in the armed forces of the United States or the spouse of a DOD civilian while the individual or DOD civilian is stationed within this state, if:

(a) the spouse holds a valid license to practice the regulated occupation or profession issued by any other state or jurisdiction recognized by the department; and

(b) the license is current and the spouse is in good standing in the state or jurisdiction of licensure.

Section 3. Section **13-1-15** is amended to read:

13-1-15 . Exemptions from licensure.

(1) As used in this section, "DOD civilian" means the same as that term is defined in Section 53B-8-102.

(2) Except as otherwise provided by statute or rule, the following individuals may engage in the practice of an occupation or profession regulated by this title, subject to the stated circumstances and limitations, without being licensed under this title:

[(1)] (a) an individual licensed under the laws of this state, other than under this title, to practice or engage in an occupation or profession, while engaged in the lawful, professional, and competent practice of that occupation or profession;

[(2)] (b) an individual serving in the armed forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs, or any other federal agency while engaged in activities regulated under this title as a part of employment with that federal agency if the individual holds a valid license to practice the regulated occupation or profession issued by any other state or jurisdiction recognized by the department; and

[(3)] (c) the spouse of an individual serving in the armed forces of the United States or the spouse of a DOD civilian while the individual or DOD civilian is stationed within this state, if:

[(a)] (i) the spouse holds a valid license to practice the regulated occupation or profession issued by any other state or jurisdiction recognized by the department; and

[(b)] (ii) the license is current and the spouse is in good standing in the state or

jurisdiction of licensure.

Section 4. Section **31A-23a-102** is amended to read:

31A-23a-102 . Definitions.

As used in this chapter:

- (1) "Bail bond producer" is as defined in Section 31A-35-102.
- (2) "Designated home state" means the state or territory of the United States or the District of Columbia:
 - (a) in which an insurance producer, limited lines producer, consultant, managing general agent, or reinsurance intermediary licensee does not maintain the licensee's principal:
 - (i) place of residence; or
 - (ii) place of business;
 - (b) if the resident state, territory, or District of Columbia of the licensee does not license for the line of authority sought, the licensee has qualified for the license as if the person were a resident in the state, territory, or District of Columbia described in Subsection (2)(a), including an applicable:
 - (i) examination requirement;
 - (ii) fingerprint background check requirement; and
 - (iii) continuing education requirement; and
 - (c) if the licensee has designated the state, territory, or District of Columbia as the designated home state.
- (3) "DOD civilian" means the same as that term is defined in Section 53B-8-102.
- ~~[(3)]~~ (4) "Home state" means:
 - (a) a state or territory of the United States or the District of Columbia in which an insurance producer, limited lines producer, consultant, managing general agent, or reinsurance intermediary licensee:
 - (i) maintains the licensee's principal:
 - (A) place of residence; or
 - (B) place of business; and
 - (ii) is licensed to act as a resident licensee; or
 - (b) if the resident state, territory, or the District of Columbia described in Subsection [~~(3)(a)~~] (4)(a) does not license for the line of authority sought, a state, territory, or the District of Columbia:
 - (i) in which the licensee is licensed;
 - (ii) in which the licensee is in good standing; and

(iii) that the licensee has designated as the licensee's designated home state.

~~[(4)]~~ (5) "Insurer" is as defined in Section 31A-1-301, except that the following persons or similar persons are not insurers for purposes of Part 7, Producer Controlled Insurers:

(a) a risk retention group as defined in:

(i) the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499;

(ii) the Risk Retention Act, 15 U.S.C. Sec. 3901 et seq.; and

(iii) Chapter 15, Part 2, Risk Retention Groups Act;

(b) a residual market pool;

(c) a joint underwriting authority or association; and

(d) a captive insurer.

~~[(5)]~~ (6) "License" is defined in Section 31A-1-301.

~~[(6)]~~ (7)(a) "Managing general agent" means a person that:

(i) manages all or part of the insurance business of an insurer, including the management of a separate division, department, or underwriting office;

(ii) acts as an agent for the insurer whether it is known as a managing general agent, manager, or other similar term;

(iii) produces and underwrites an amount of gross direct written premium equal to, or more than, 5% of the policyholder surplus as reported in the last annual statement of the insurer in any one quarter or year:

(A) with or without the authority;

(B) separately or together with an affiliate; and

(C) directly or indirectly; and

(iv)(A) adjusts or pays claims in excess of an amount determined by the commissioner; or

(B) negotiates reinsurance on behalf of the insurer.

(b) Notwithstanding Subsection ~~[(6)(a)]~~ (7)(a), the following persons may not be considered as managing general agent for the purposes of this chapter:

(i) an employee of the insurer;

(ii) a United States manager of the United States branch of an alien insurer;

(iii) an underwriting manager that, pursuant to contract:

(A) manages all the insurance operations of the insurer;

(B) is under common control with the insurer;

(C) is subject to Chapter 16, Insurance Holding Companies; and

(D) is not compensated based on the volume of premiums written; and

(iv) the attorney-in-fact authorized by and acting for the subscribers of a reciprocal insurer or inter-insurance exchange under powers of attorney.

~~[(7)]~~ (8) "Negotiate" means the act of conferring directly with or offering advice directly to a purchaser or prospective purchaser of a particular contract of insurance concerning a substantive benefit, term, or condition of the contract if the person engaged in that act:

- (a) sells insurance; or
- (b) obtains insurance from insurers for purchasers.

~~[(8)]~~ (9) "Reinsurance intermediary" means:

- (a) a reinsurance intermediary-broker; or
- (b) a reinsurance intermediary-manager.

~~[(9)]~~ (10) "Reinsurance intermediary-broker" means a person other than an officer or employee of the ceding insurer, firm, association, or corporation who solicits, negotiates, or places reinsurance cessions or retrocessions on behalf of a ceding insurer without the authority or power to bind reinsurance on behalf of the insurer.

~~[(10)]~~ (11)(a) "Reinsurance intermediary-manager" means a person who:

- (i) has authority to bind or who manages all or part of the assumed reinsurance business of a reinsurer, including the management of a separate division, department, or underwriting office; and
- (ii) acts as an agent for the reinsurer whether the person is known as a reinsurance intermediary-manager, manager, or other similar term.

(b) Notwithstanding Subsection ~~[(10)(a)]~~ (11)(a), the following persons may not be considered reinsurance intermediary-managers for the purpose of this chapter with respect to the reinsurer:

- (i) an employee of the reinsurer;
- (ii) a United States manager of the United States branch of an alien reinsurer;
- (iii) an underwriting manager that, pursuant to contract:
 - (A) manages all the reinsurance operations of the reinsurer;
 - (B) is under common control with the reinsurer;
 - (C) is subject to Chapter 16, Insurance Holding Companies; and
 - (D) is not compensated based on the volume of premiums written; and
- (iv) the manager of a group, association, pool, or organization of insurers that:
 - (A) engage in joint underwriting or joint reinsurance; and
 - (B) are subject to examination by the insurance commissioner of the state in which the manager's principal business office is located.

232 ~~[(11)]~~ (12) "Resident" is as defined by rule made by the commissioner in accordance with
233 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

234 ~~[(12)]~~ (13) "Sell" means to exchange a contract of insurance:

- 235 (a) by any means;
- 236 (b) for money or its equivalent; and
- 237 (c) on behalf of an insurance company.

238 ~~[(13)]~~ (14) "Solicit" means:

- 239 (a) attempting to sell insurance;
- 240 (b) asking or urging a person to apply for:
 - 241 (i) a particular kind of insurance; and
 - 242 (ii) insurance from a particular insurance company;
- 243 (c) advertising insurance, including advertising for the purpose of obtaining leads for the
- 244 sale of insurance; or
- 245 (d) holding oneself out as being in the insurance business.

246 ~~[(14)]~~ (15) "Terminate" means:

- 247 (a) the cancellation of the relationship between:
 - 248 (i) an individual licensee or agency licensee and a particular insurer; or
 - 249 (ii) an individual licensee and a particular agency licensee; or
- 250 (b) the termination of:
 - 251 (i) an individual licensee's or agency licensee's authority to transact insurance on
 - 252 behalf of a particular insurance company; or
 - 253 (ii) an individual licensee's authority to transact insurance on behalf of a particular
 - 254 agency licensee.

255 ~~[(15)]~~ (16) "Title examination" means a license subline of authority in conjunction with the
256 title insurance line of authority that allows a person to issue title insurance commitments
257 or policies on behalf of a title insurer.

258 ~~[(16)]~~ (17) "Title marketing representative" means a person who:

- 259 (a) represents a title insurer in soliciting, requesting, or negotiating the placing of:
 - 260 (i) title insurance; or
 - 261 (ii) escrow services; and
- 262 (b) does not have a title examination or escrow license as provided in Section
- 263 31A-23a-106.

264 ~~[(17)]~~ (18) "Uniform application" means the version of the National Association of
265 Insurance Commissioners' uniform application for resident and nonresident producer

licensing at the time the application is filed.

[(18)] (19) "Uniform business entity application" means the version of the National Association of Insurance Commissioners' uniform business entity application for resident and nonresident business entities at the time the application is filed.

Section 5. Section **31A-23a-104** is amended to read:

31A-23a-104 . Application for individual license -- Application for agency license.

(1) This section applies to an initial or renewal license as a:

- (a) producer;
- (b) surplus lines producer;
- (c) limited line producer;
- (d) consultant;
- (e) managing general agent; or
- (f) reinsurance intermediary.

(2)(a) Subject to Subsection (2)(b), to obtain or renew an individual license, an individual shall:

- (i) file an application for an initial or renewal individual license with the commissioner on forms and in a manner the commissioner prescribes; and
- (ii) except as provided in Subsection (6), pay a license fee that is not refunded if the application:
 - (A) is denied; or
 - (B) is incomplete when filed and is never completed by the applicant.

(b) An application described in this Subsection (2) shall provide:

- (i) information about the applicant's identity;
- (ii) the applicant's Social Security number;
- (iii) the applicant's personal history, experience, education, and business record;
- (iv) whether the applicant is 18 years ~~[of age]~~ old or older;
- (v) whether the applicant has committed an act that is a ground for denial, suspension, or revocation as set forth in Section 31A-23a-105 or 31A-23a-111;
- (vi) if the application is for a resident individual producer license, certification that the applicant complies with Section 31A-23a-203.5; and
- (vii) any other information the commissioner reasonably requires.

(3) The commissioner may require a document reasonably necessary to verify the information contained in an application filed under this section.

(4) An applicant's Social Security number contained in an application filed under this

section is a private record under Section 63G-2-302.

(5)(a) Subject to Subsection (5)(b), to obtain or renew an agency license, a person shall:

(i) file an application for an initial or renewal agency license with the commissioner

on forms and in a manner the commissioner prescribes; and

(ii) pay a license fee that is not refunded if the application:

(A) is denied; or

(B) is incomplete when filed and is never completed by the applicant.

(b) An application described in Subsection (5)(a) shall provide:

(i) information about the applicant's identity;

(ii) the applicant's federal employer identification number;

(iii) the designated responsible licensed individual;

(iv) the identity of the owners, partners, officers, and directors;

(v) whether the applicant has committed an act that is a ground for denial,

suspension, or revocation as set forth in Section 31A-23a-105 or 31A-23a-111; and

(vi) any other information the commissioner reasonably requires.

(6) The following individuals are exempt from paying a license fee:

(a) an individual serving in the armed forces of the United States while the individual is stationed within this state, if:

(i) the individual holds a valid license to practice the regulated occupation or profession issued by any other state or jurisdiction recognized by the department; and

(ii) the license is current and the individual is in good standing in the state or jurisdiction of licensure; and

(b) the spouse of an individual serving in the armed forces of the United States or the spouse of a DOD civilian while the individual or DOD civilian is stationed within this state, if:

(i) the spouse holds a valid license to practice the regulated occupation or profession issued by any other state or jurisdiction recognized by the department; and

(ii) the license is current and the spouse is in good standing in the state or jurisdiction of licensure.

Section 6. Section **31A-26-102** is amended to read:

31A-26-102 . Definitions.

As used in this chapter, unless expressly provided otherwise:

(1) "Company adjuster" means a person employed by an insurer who negotiates or settles

claims on behalf of the insurer or an affiliated insurer.

(2) "Designated home state" means the state or territory of the United States or the District of Columbia:

(a) in which an insurance adjuster does not maintain the adjuster's principal:

(i) place of residence; or

(ii) place of business;

(b) if the resident state, territory, or District of Columbia of the adjuster does not license adjusters for the line of authority sought, the adjuster has qualified for the license as if the person were a resident in the state, territory, or District of Columbia described in Subsection (2)(a), including an applicable:

(i) examination requirement;

(ii) fingerprint background check requirement; and

(iii) continuing education requirement; and

(c) that the adjuster has designated as the insurance adjuster's designated home state.

(3) "DOD civilian" means the same as that term is defined in Section 53B-8-102.

~~[(3)]~~ (4) "Home state" means:

(a) a state or territory of the United States or the District of Columbia in which an insurance adjuster:

(i) maintains the adjuster's principal:

(A) place of residence; or

(B) place of business; and

(ii) is licensed to act as a resident adjuster; or

(b) if the resident state, territory, or the District of Columbia described in Subsection [~~(3)(a)~~] (4)(a) does not license adjusters for the line of authority sought, a state, territory, or the District of Columbia:

(i) in which the adjuster is licensed;

(ii) in which the adjuster is in good standing; and

(iii) that the adjuster has designated as the adjuster's designated home state.

~~[(4)]~~ (5) "Independent adjuster" means an insurance adjuster required to be licensed under Section 31A-26-201, who engages in insurance adjusting as a representative of one or more insurers.

~~[(5)]~~ (6) "Insurance adjusting" or "adjusting" means directing or conducting the investigation, negotiation, or settlement of a claim under an insurance policy, on behalf of an insurer, policyholder, or a claimant under an insurance policy.

368 ~~[(6)]~~ (7)(a) "Organization" means a person other than a natural person.

369 (b) "Organization" includes a sole proprietorship by which a natural person does
370 business under an assumed name.

371 ~~[(7)]~~ (8) "Portable electronics insurance" means the same as that term is defined in Section
372 31A-22-1802.

373 ~~[(8)]~~ (9) "Public adjuster" means a person required to be licensed under Section 31A-26-201,
374 who engages in insurance adjusting as a representative of insureds and claimants under
375 insurance policies.

376 Section 7. Section **31A-26-202** is amended to read:

377 **31A-26-202 . Application for license.**

378 (1)(a) The application for a license as an independent adjuster or public adjuster shall be:

379 (i) made to the commissioner on forms and in a manner the commissioner prescribes;
380 and

381 (ii) except as provided in Subsection (4), accompanied by the applicable fee, which is
382 not refunded if the application is denied.

383 (b) The application shall provide:

384 (i) information about the applicant's identity, including:

385 (A) the applicant's:

386 (I) Social Security number; or

387 (II) federal employer identification number;

388 (B) the applicant's personal history, experience, education, and business record;

389 (C) if the applicant is a natural person, whether the applicant is 18 years ~~[of age]~~
390 old or older; and

391 (D) whether the applicant has committed an act that is a ground for denial,
392 suspension, or revocation as set forth in Section 31A-25-208; and

393 (ii) any other information as the commissioner reasonably requires.

394 (2) The commissioner may require documents reasonably necessary to verify the
395 information contained in the application.

396 (3) An applicant's Social Security number contained in an application filed under this
397 section is a private record under Section 63G-2-302.

398 (4) The following individuals are exempt from paying a license fee:

399 (a) an individual serving in the armed forces of the United States while the individual is
400 stationed within this state, if:

401 (i) the individual holds a valid license to practice the regulated occupation or

profession issued by any other state or jurisdiction recognized by the department;
and

(ii) the license is current and the individual is in good standing in the state or
jurisdiction of licensure; and

(b) the spouse of an individual serving in the armed forces of the United States or the
spouse of a DOD civilian while the individual or DOD civilian is stationed within
this state, if:

(i) the spouse holds a valid license to practice the regulated occupation or profession
issued by any other state or jurisdiction recognized by the department; and

(ii) the license is current and the spouse is in good standing in the state or jurisdiction
of licensure.

Section 8. Section **53-9-102** is amended to read:

53-9-102 . Definitions.

In this chapter, unless otherwise stated:

- (1) "Adequate records" means records containing, at a minimum, sufficient information to identify the client, the dates of service, the fee for service, the payments for service, the type of service given, and copies of any reports that may have been made.
- (2) "Advertising" means the submission of bids, contracting or making known by any public notice, publication, or solicitation of business, directly or indirectly, that services regulated under this chapter are available for consideration.
- (3) "Agency" means a person who holds an agency license pursuant to this chapter, and includes one who employs an individual for wages and salary, and withholds all legally required deductions and contributions, or contracts with a registrant or an apprentice on a part-time or case-by-case basis to conduct an investigation on behalf of the agency.
- (4) "Applicant" means any person who has submitted a completed application and all required fees.
- (5) "Apprentice" means a person who holds an apprentice license pursuant to this chapter, has not met the requirements for registration, and works under the direct supervision and guidance of an agency.
- (6) "Board" means the Bail Bond Recovery and Private Investigator Licensure Board created in Section 53-11-104.
- (7) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201.
- (8) "Commissioner" means the commissioner of the Department of Public Safety.
- (9) "Conviction" means an adjudication of guilt by a federal, state, or local court resulting

436 from trial or plea, including a plea of no contest, regardless of whether the imposition of
437 sentence was suspended.

438 (10) "Department" means the Department of Public Safety.

439 (11) "Direct supervision" means that the agency or employer:

- 440 (a) is responsible for, and authorizes, the type and extent of work assigned;
- 441 (b) reviews and approves all work produced by the apprentice before it goes to the client;
- 442 (c) closely supervises and provides direction and guidance to the apprentice in the
- 443 performance of his assigned work; and
- 444 (d) is immediately available to the apprentice for verbal contact, including by electronic
- 445 means.

446 (12) "DOD civilian" means the same as that term is defined in Section 53B-8-102.

447 ~~[(12)]~~ (13) "Emergency action" means a summary suspension of a license pending
448 revocation, suspension, or probation in order to protect the public health, safety, or
449 welfare.

450 ~~[(13)]~~ (14) "Employee" means an individual who works for an agency or other employer, is
451 listed on the agency's or employer's payroll records, and is under the agency's or
452 employer's direction and control. An employee is not an independent contractor.

453 ~~[(14)]~~ (15) "Identification card" means a card issued by the commissioner to a qualified
454 applicant for an agency, registrant, or apprentice license.

455 ~~[(15)]~~ (16) "Letter of concern" means an advisory letter to notify a licensee that while there
456 is insufficient evidence to support probation, suspension, or revocation of a license, the
457 department informs the licensee of the need to modify or eliminate certain practices and
458 that continuation of the activities that led to the information being submitted to the
459 department may result in further disciplinary action against the licensee.

460 ~~[(16)]~~ (17) "Licensee" means a person to whom an agency, registrant, or apprentice license
461 is issued by the department.

462 ~~[(17)]~~ (18)(a) "Private investigator or private detective" means any person, except
463 collection agencies and credit reporting agencies, who, for consideration, engages in
464 business or accepts employment to conduct any investigation for the purpose of
465 obtaining information with reference to:

- 466 (i) crime, wrongful acts, or threats against the United States or any state or territory
- 467 of the United States;
- 468 (ii) the identity, reputation, character, habits, conduct, business occupation, honesty,
- 469 integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity,

- 470 movements, whereabouts, affiliations, associations, or transactions of any person
471 or group of persons;
- 472 (iii) the credibility of witnesses or other persons;
- 473 (iv) the whereabouts of missing persons or owners of abandoned property;
- 474 (v) the causes and origin of, or responsibility for a fire, libel, slander, a loss, an
475 accident, damage, or an injury to real or personal property;
- 476 (vi) the business of securing evidence to be used before investigating committees or
477 boards of award or arbitration or in the trial of civil or criminal cases and the trial
478 preparation;
- 479 (vii) the prevention, detection, and removal of installed devices for eavesdropping or
480 observation;
- 481 (viii) the business of "skip tracing" persons who have become delinquent in their
482 lawful debts, either when hired by an individual, collection agency, or through the
483 direct purchase of the debt from a financial institution or entity owning the debt or
484 judgment; or
- 485 (ix) serving civil process.
- 486 (b) "Private investigator or private detective" does not include:
- 487 (i) any person or employee conducting an investigation on the person's or employee's
488 own behalf or on behalf of the employer if the employer is not a private
489 investigator under this chapter;
- 490 (ii) an employee of an attorney licensed to practice law in this state; or
- 491 (iii) a currently licensed certified public accountant or CPA as defined in Section
492 58-26a-102.
- 493 ~~[(18)]~~ (19) "Qualifying party" means the individual meeting the qualifications under this
494 chapter for a private investigator license.
- 495 ~~[(19)]~~ (20) "Registrant" means any person who holds a registrant license pursuant to this
496 chapter. The registrant performs private investigative work either as an employee on an
497 employer's payroll or, on a contract with an agency, part-time, or case-by-case basis,
498 with a minimum amount of direction.
- 499 ~~[(20)]~~ (21) "Restructuring" means any change in the legal status of a business.
- 500 ~~[(21)]~~ (22) "Unprofessional conduct" means any of the following:
- 501 (a) engaging or offering to engage by fraud or misrepresentation in any activities
502 regulated by this chapter;
- 503 (b) aiding or abetting a person who is not licensed pursuant to this chapter in

- 504 representing that person as a private investigator or registrant in this state;
- 505 (c) gross negligence in the practice of a private investigator or registrant;
- 506 (d) failing or refusing to maintain adequate records and investigative findings on a
- 507 subject of investigation or a client;
- 508 (e) committing a felony or a misdemeanor involving any crime that is grounds for
- 509 denial, suspension, or revocation of an agency, registrant, or apprentice license. In
- 510 all cases, conviction by a court of competent jurisdiction or a plea of no contest is
- 511 conclusive evidence of the commission of the crime; or
- 512 (f) making a fraudulent or untrue statement to the bureau, board, department, or its
- 513 investigators, staff, or consultants.

514 Section 9. Section **53-9-122** is amended to read:

515 **53-9-122 . Exemptions from licensure.**

516 Except as otherwise provided by statute or rule, the following individuals may engage in

517 the practice of an occupation or profession regulated by this chapter, subject to the stated

518 circumstances and limitations, without being licensed under this title:

- 519 (1) an individual licensed under the laws of this state, other than under this chapter, to
- 520 practice or engage in an occupation or profession, while engaged in the lawful,
- 521 professional, and competent practice of that occupation or profession;
- 522 (2) an individual serving in the armed forces of the United States, the United States Public
- 523 Health Service, the United States Department of Veterans Affairs, or any other federal
- 524 agency while engaged in activities regulated under this title as a part of employment
- 525 with that federal agency if the individual holds a valid license to practice the regulated
- 526 occupation or profession issued by any other state or jurisdiction recognized by the
- 527 department; and
- 528 (3) the spouse of an individual serving in the armed forces of the United States or the
- 529 spouse of a DOD civilian while the individual or DOD civilian is stationed within this
- 530 state, if:
- 531 (a) the spouse holds a valid license to practice the regulated occupation or profession
- 532 issued by any other state or jurisdiction recognized by the department; and
- 533 (b) the license is current and the spouse is in good standing in the state or jurisdiction of
- 534 licensure.

535 *The following section is affected by a coordination clause at the end of this bill.*

536 Section 10. Section **53B-8-102** is amended to read:

537 **53B-8-102 . Definitions -- Resident student status -- Exceptions.**

(1) As used in this section:

(a) "DOD civilian" means an employee of the United States Department of Defense who is assigned to perform the employee's duties at a military organization based in Utah.

~~[(a)]~~ (b) "Eligible person" means an individual who is entitled to post-secondary educational benefits under Title 38 U.S.C., Veterans' Benefits.

~~[(b)]~~ (c) "Immediate family member" means an individual's spouse or dependent child.

~~[(c)]~~ (d) "Inmate" means the same as that term is defined in Section 64-13-1.

~~[(d)]~~ (e) "Military service member" means an individual who:

(i) is serving on active duty in the United States Armed Forces within the state of Utah;

(ii) is a member of a reserve component of the United States Armed Forces assigned in Utah;

(iii) is a member of the Utah National Guard; or

(iv) maintains domicile in Utah, as described in Subsection (9)(a), but is assigned outside of Utah pursuant to federal permanent change of station orders.

~~[(e)]~~ (f) "Military veteran" has the same meaning as veteran in Section 68-3-12.5.

~~[(f)]~~ (g) "Parent" means a student's biological or adoptive parent.

(2) The meaning of "resident student" is determined by reference to the general law on the subject of domicile, except as provided in this section.

(3)(a) Institutions within the state system of higher education may grant resident student status to any student who has come to Utah and established residency for the purpose of attending an institution of higher education, and who, prior to registration as a resident student:

(i) has maintained continuous Utah residency status for one full year;

(ii) has signed a written declaration that the student has relinquished residency in any other state; and

(iii) has submitted objective evidence that the student has taken overt steps to establish permanent residency in Utah and that the student does not maintain a residence elsewhere.

(b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:

(i) a Utah high school transcript issued in the past year confirming attendance at a Utah high school in the past 12 months;

(ii) a Utah voter registration dated a reasonable period prior to application;

(iii) a Utah driver license or identification card with an original date of issue or a

- 572 renewal date several months prior to application;
- 573 (iv) a Utah vehicle registration dated a reasonable period prior to application;
- 574 (v) evidence of employment in Utah for a reasonable period prior to application;
- 575 (vi) proof of payment of Utah resident income taxes for the previous year;
- 576 (vii) a rental agreement showing the student's name and Utah address for at least 12
- 577 months prior to application; and
- 578 (viii) utility bills showing the student's name and Utah address for at least 12 months
- 579 prior to application.
- 580 (c) A student who is claimed as a dependent on the tax returns of a person who is not a
- 581 resident of Utah is not eligible to apply for resident student status.
- 582 (4) Except as provided in Subsection (8), an institution within the state system of higher
- 583 education may establish stricter criteria for determining resident student status.
- 584 (5) If an institution does not have a minimum credit-hour requirement, that institution shall
- 585 honor the decision of another institution within the state system of higher education to
- 586 grant a student resident student status, unless:
- 587 (a) the student obtained resident student status under false pretenses; or
- 588 (b) the facts existing at the time of the granting of resident student status have changed.
- 589 (6) Within the limits established in Chapter 8, Tuition Waiver and Scholarships, each
- 590 institution within the state system of higher education may, regardless of its policy on
- 591 obtaining resident student status, waive nonresident tuition either in whole or in part, but
- 592 not other fees.
- 593 (7) In addition to the waivers of nonresident tuition under Subsection (6), each institution
- 594 may, as athletic scholarships, grant full waiver of fees and nonresident tuition, up to the
- 595 maximum number allowed by the appropriate athletic conference as recommended by
- 596 the president of each institution.
- 597 (8) Notwithstanding Subsection (3), an institution within the state system of higher
- 598 education shall grant resident student status for tuition purposes to:
- 599 (a) a military service member, if the military service member provides:
- 600 (i) the military service member's current United States military identification card;
- 601 and
- 602 (ii)(A) a statement from the military service member's current commander, or
- 603 equivalent, stating that the military service member is assigned in Utah; or
- 604 (B) evidence that the military service member is domiciled in Utah, as described
- 605 in Subsection (9)(a);

- 606 (b) a military service member's immediate family member, if the military service
607 member's immediate family member provides:
- 608 (i)(A) the military service member's current United States military identification
609 card; or
610 (B) the immediate family member's current United States military identification
611 card; and
- 612 (ii)(A) a statement from the military service member's current commander, or
613 equivalent, stating that the military service member is assigned in Utah;
614 (B) evidence that the military service member is domiciled in Utah, as described
615 in Subsection (9)(a); or
616 (C) evidence that the immediate family member completed at least one year of
617 grades 9 through 12 at a local education agency, as defined in Section
618 53E-1-102, within the state while the military service member was assigned in
619 Utah, regardless of the service member's current assignment[.];
- 620 (c) a military veteran, regardless of whether the military veteran served in Utah, if the
621 military veteran provides:
- 622 (i) evidence of an honorable or general discharge;
- 623 (ii) a signed written declaration that the military veteran has relinquished residency in
624 any other state and does not maintain a residence elsewhere;
- 625 (iii) objective evidence that the military veteran has demonstrated an intent to
626 establish residency in Utah, which may include any one of the following:
- 627 (A) a Utah voter registration card;
- 628 (B) a Utah driver license or identification card;
- 629 (C) a Utah vehicle registration;
- 630 (D) evidence of employment in Utah;
- 631 (E) a rental agreement showing the military veteran's name and Utah address; or
632 (F) utility bills showing the military veteran's name and Utah address;
- 633 (d) a military veteran's immediate family member, regardless of whether the military
634 veteran served in Utah, if the military veteran's immediate family member provides:
- 635 (i) evidence of the military veteran's honorable or general discharge;
- 636 (ii) a signed written declaration that the military veteran's immediate family member
637 has relinquished residency in any other state and does not maintain a residence
638 elsewhere; and
639 (iii) objective evidence that the military veteran's immediate family member has

- 640 demonstrated an intent to establish residency in Utah, which may include one of
641 the items described in Subsection (8)(c)(iii);
- 642 (e) a foreign service member as defined in the Foreign Service Family Act of 2021 who
643 is either:
- 644 (i) domiciled in Utah, recognizing the individual may not be physically present in the
645 state due to an assignment; or
- 646 (ii) assigned to a duty station in Utah if the foreign service member provides:
- 647 (A) evidence of the foreign service member's status;
- 648 (B) a statement from the foreign service member's current commander, or
649 equivalent, stating that the foreign service member is assigned in Utah; or
- 650 (C) evidence that the foreign service member is domiciled in Utah;
- 651 (f) a foreign service member's immediate family member if the foreign service member
652 is either:
- 653 (i) domiciled in Utah, recognizing the individual may not be physically present in the
654 state due to an assignment; or
- 655 (ii) assigned to a duty station in Utah if the foreign service member provides:
- 656 (A) evidence of the foreign service member's status;
- 657 (B) a statement from the foreign service member's current commander, or
658 equivalent, stating that the foreign service member is assigned in Utah; or
- 659 (C) evidence that the foreign service member is domiciled in Utah;
- 660 (g) an eligible person who provides:
- 661 (i) evidence of eligibility under Title 38 U.S.C., Veterans' Benefits;
- 662 (ii) a signed written declaration that the eligible person will use the Veteran Benefits
663 under Title 38 U.S.C.; and
- 664 (iii) objective evidence that the eligible person has demonstrated an intent to establish
665 residency in Utah, which may include one of the items described in Subsection
666 (8)(c)(iii);
- 667 (h) an alien who provides:
- 668 (i) evidence that the alien is a special immigrant visa recipient;
- 669 (ii) evidence that the alien has been granted refugee status, humanitarian parole,
670 temporary protected status, or asylum; or
- 671 (iii) evidence that the alien has submitted in good faith an application for refugee
672 status, humanitarian parole, temporary protected status, or asylum under United
673 States immigration law;[~~or~~]

674 (i) an inmate:

675 (i) during the time the inmate is enrolled in the course; and

676 (ii) for one year after the day on which the inmate is released from a correctional
677 facility as defined in Section 64-13-1[-] ;

678 (j) a DOD civilian, if the DOD civilian provides:

679 (i) the DOD civilian's current United States Department of Defense identification
680 card; and

681 (ii)(A) a statement from the DOD civilian's current commander, or equivalent,
682 stating that the DOD civilian is assigned in Utah; or

683 (B) evidence that the DOD civilian is domiciled in Utah, as described in
684 Subsection (9)(a); or

685 (k) a DOD civilian's immediate family member, if the DOD civilian's immediate family
686 member provides:

687 (i) the DOD civilian's current United States Department of Defense identification
688 card; and

689 (ii)(A) a statement from the DOD civilian's current commander, or equivalent,
690 stating that the DOD civilian is assigned in Utah; or

691 (B) evidence that the DOD civilian is domiciled in Utah, as described in
692 Subsection (9)(a).

693 (9)(a) The evidence described in Subsection (8)(a)(ii)(B)[-or] , (8)(b)(ii)(B), (8)(j)(ii)(B),
694 or (8)(k)(ii)(B) includes:

695 (i) a current Utah voter registration card;

696 (ii) a valid Utah driver license or identification card;

697 (iii) a current Utah vehicle registration;

698 (iv) a copy of a Utah income tax return, in the name of the military service [member's
699 or] member, military service member's [spouse's name] spouse, DOD civilian, or
700 DOD civilian's spouse filed as a resident in accordance with Section 59-10-502; or

701 (v) proof that the military service member[-or] , military service member's spouse,
702 DOD civilian, or DOD civilian's spouse owns a home in Utah, including a
703 property tax notice for property owned in Utah.

704 (b) Aliens who are present in the United States on visitor, student, or other visas not
705 listed in Subsection (8)(h) or (9)(c), which authorize only temporary presence in this
706 country, do not have the capacity to intend to reside in Utah for an indefinite period
707 and therefore are classified as nonresidents.

(c) Aliens who have been granted or have applied for permanent resident status in the United States are classified for purposes of resident student status according to the same criteria applicable to citizens.

(10) Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or trust lands lie partly or wholly within Utah or whose border is at any point contiguous with the border of Utah, and any American Indian who is a member of a federally recognized or known Utah tribe and who has graduated from a high school in Utah, is entitled to resident student status.

(11) A Job Corps student is entitled to resident student status if the student:

(a) is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate; and

(b) submits verification that the student is a current Job Corps student.

(12) A person is entitled to resident student status and may immediately apply for resident student status if the person:

(a) marries a Utah resident eligible to be a resident student under this section; and

(b) establishes his or her domicile in Utah as demonstrated by objective evidence as provided in Subsection (3).

(13) Notwithstanding Subsection (3)(c), a dependent student who has at least one parent who has been domiciled in Utah for at least 12 months prior to the student's application is entitled to resident student status.

(14)(a) A person who has established domicile in Utah for full-time permanent employment may rebut the presumption of a nonresident classification by providing substantial evidence that the reason for the individual's move to Utah was, in good faith, based on an employer requested transfer to Utah, recruitment by a Utah employer, or a comparable work-related move for full-time permanent employment in Utah.

(b) All relevant evidence concerning the motivation for the move shall be considered, including:

(i) the person's employment and educational history;

(ii) the dates when Utah employment was first considered, offered, and accepted;

(iii) when the person moved to Utah;

(iv) the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;

(v) whether the person applied for admission to an institution of higher education

- 742 sooner than four months from the date of moving to Utah;
- 743 (vi) evidence that the person is an independent person who is:
- 744 (A) at least 24 years old; or
- 745 (B) not claimed as a dependent on someone else's tax returns; and
- 746 (vii) any other factors related to abandonment of a former domicile and establishment
- 747 of a new domicile in Utah for purposes other than to attend an institution of higher
- 748 education.
- 749 (15)(a) A person who is in residence in Utah to participate in a United States Olympic
- 750 athlete training program, at a facility in Utah, approved by the governing body for the
- 751 athlete's Olympic sport, shall be entitled to resident status for tuition purposes.
- 752 (b) Upon the termination of the athlete's participation in the training program, the athlete
- 753 shall be subject to the same residency standards applicable to other persons under this
- 754 section.
- 755 (c) Time spent domiciled in Utah during the Olympic athlete training program in Utah
- 756 counts for Utah residency for tuition purposes upon termination of the athlete's
- 757 participation in a Utah Olympic athlete training program.
- 758 (16)(a) A person who has established domicile in Utah for reasons related to divorce, the
- 759 death of a spouse, or long-term health care responsibilities for an immediate family
- 760 member, including the person's spouse, parent, sibling, or child, may rebut the
- 761 presumption of a nonresident classification by providing substantial evidence that the
- 762 reason for the individual's move to Utah was, in good faith, based on the long-term
- 763 health care responsibilities.
- 764 (b) All relevant evidence concerning the motivation for the move shall be considered,
- 765 including:
- 766 (i) the person's employment and educational history;
- 767 (ii) the dates when the long-term health care responsibilities in Utah were first
- 768 considered, offered, and accepted;
- 769 (iii) when the person moved to Utah;
- 770 (iv) the dates when the person applied for admission, was admitted, and was enrolled
- 771 as a postsecondary student;
- 772 (v) whether the person applied for admission to an institution of higher education
- 773 sooner than four months from the date of moving to Utah;
- 774 (vi) evidence that the person is an independent person who is:
- 775 (A) at least 24 years old; or

- (B) not claimed as a dependent on someone else's tax returns; and
(vii) any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an institution of higher education.

(17) A foreign service member or the foreign service member's immediate family member deemed eligible for resident student status under Subsection (8)(e) or (f) shall retain the eligibility for resident student status if the foreign service member or immediate family member maintains continuous enrollment even in the case of a change in domicile or duty station.

(18) A DOD civilian or the DOD civilian's immediate family member deemed eligible for resident student status under Subsection (8)(j) or (k) shall retain the eligibility for resident student status if the DOD civilian or the DOD civilian's immediate family member maintains continuous enrollment even in the case of a change in domicile or duty station.

~~[(18)]~~ (19) The board, after consultation with the institutions, shall make rules not inconsistent with this section:

- (a) concerning the definition of resident and nonresident students;
- (b) establishing procedures for classifying and reclassifying students;
- (c) establishing criteria for determining and judging claims of residency or domicile;
- (d) establishing appeals procedures; and
- (e) other matters related to this section.

~~[(19)]~~ (20) A student shall be exempt from paying the nonresident portion of total tuition if the student:

- (a) is a foreign national legally admitted to the United States;
- (b) attended high school in this state for three or more years; and
- (c) graduated from a high school in this state or received the equivalent of a high school diploma in this state.

Section 11. Section **53E-3-1201** is enacted to read:

Part 12. Education Opportunity for Children of United States Department of Defense

Employees

53E-3-1201 . Definitions.

As used in this part:

- 808 (1) "DOD civilian" means the same as that term is defined in Section 53B-8-102.
- 809 (2) "Child of a DOD civilian family" means a school-aged child, enrolled in kindergarten
810 through grade 12, in the household of a currently serving DOD civilian.
- 811 (3) "Deployment" means the period one month prior to the DOD civilian's departure from
812 the DOD civilian's home station on orders through six months after return to the DOD
813 civilian's home station.
- 814 (4)(a) "Educational record" means an official record, file, or data directly related to a
815 student and maintained by a school or an LEA.
- 816 (b) "Educational record" includes records encompassing all the material kept in the
817 student's cumulative folder such as general identifying data, records of attendance,
818 and of academic work completed, records of achievement and results of evaluative
819 tests, health data, disciplinary status, test protocols, and individualized education
820 programs.
- 821 (5)(a) "Extracurricular activity" means a voluntary activity sponsored by a school or an
822 LEA or an organization sanctioned by the LEA.
- 823 (b) "Extracurricular activity" includes preparation for and involvement in public
824 performances, contests, athletic competitions, demonstrations, displays, and club
825 activities.
- 826 (6)(a) "Military installation" means a base, camp, post, station, yard, center, homeport
827 facility for any ship, or other activity under the jurisdiction of the United States
828 Department of Defense.
- 829 (b) "Military installation" includes a leased facility, which is located within any of the
830 several states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S.
831 Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other
832 territory of the United States.
- 833 (c) "Military installation" does not include a facility used primarily for civil works,
834 rivers and harbors projects, or flood control projects.
- 835 (7) "Sending state" means the state from which a child of a DOD civilian family is sent,
836 brought, or caused to be sent or brought.
- 837 (8) "State" means a state of the United States, the District of Columbia, the Commonwealth
838 of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Mariana
839 Islands, and any other territory of the United States.
- 840 (9) "Transferring student" means a child of a DOD civilian family who is seeking to be
841 enrolled in a school in Utah.

Section 12. Section **53E-3-1202** is enacted to read:

53E-3-1202 . Transferring student enrollment, records, and immunization.

(1)(a) Subject to Subsection (2), when a school receives the unofficial education record of a transferring student from a school in a sending state, the school shall enroll and appropriately place the transferring student based on the information provided in the unofficial educational record pending receipt and validation of the transferring student's official educational records.

(b) At the time a transferring student is enrolled and conditionally placed based on the student's unofficial educational records under Subsection (1)(a), the school shall request the student's official educational record from the school in the sending state.

(2)(a) A school enrolling a transferring student under this section shall enroll the transferring student at the same grade level the transferring student has been enrolled at in the school in the sending state regardless of the transferring student's age.

(b) A transferring student that has satisfactorily completed a prerequisite grade level in a school in the sending state shall be eligible for enrollment in the next highest grade level regardless of the transferring student's age.

(3)(a) A school enrolling a transferring student under this section shall give the student 30 days from the day on which the student is enrolled in the school for the student to obtain any immunization that is required by the school.

(b) If the required immunization described in Subsection (3)(a) encompasses a series of immunizations, the initial immunization in the series satisfies the requirement for the student to be immunized within 30 days from the day on which the student is enrolled in the school as required under Subsection (3)(a).

Section 13. Section **53E-3-1203** is enacted to read:

53E-3-1203 . Course placement -- Extracurricular activities.

(1) As used in this section:

(a) "Course placement" means placing a transferring student in an educational course or program provided by a school.

(b) "Educational course or program" means the following courses or programs:

(i) honors, international baccalaureate, advanced placement, vocational, technical, career pathways, and English as a second language courses; and

(ii) gifted and talented programs.

(2)(a) A school that enrolls a transferring student as described in Section 53E-3-1202 shall, when determining course placement for the transferring student, place the

transferring student in educational courses or programs based on the transferring student's course placement in the sending state's school or educational assessments conducted at the school in the sending state.

(b) Subsection (2)(a) does not prohibit the school from performing additional evaluations after the transferring student is enrolled to ensure appropriate placement and continued enrollment of the student in the educational course or program.

(3) When a school makes a course placement determination under this section, the school shall attempt to the best of the school's ability to ensure the continuance of the transferring student's academic program from the transferring student's previous school and place the transferring student in academically and career challenging courses.

(4)(a) In compliance with the requirements of the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., a school that enrolls a transferring student with disabilities shall provide comparable services to the transferring student based on the transferring student's current IEP.

(b) In compliance with the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C. Sec. 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C. Secs. 12131-12165, a school that enrolls a transferring student with disabilities shall make reasonable accommodations and modifications to address the needs of the transferring student, subject to an existing Section 504 accommodation plan, to provide the transferring student with equal access to education.

(c) Subsection (4)(b) does not preclude the school from performing additional evaluations after the transferring student is enrolled to ensure appropriate placement of the transferring student.

(5) An LEA's administrative officials may waive requirements or other prerequisites for any course placement in an educational course or program under this section.

(6) An LEA shall facilitate the opportunity for a transferring student to be included in extracurricular activities, regardless of application deadlines, to the extent the transferring student is otherwise qualified to participate in the extracurricular activities.

Section 14. Section **53E-3-1204** is enacted to read:

53E-3-1204 . Parental consent -- Tuition.

(1) Power of attorney lawfully executed under Title 75, Chapter 9, Uniform Power of Attorney Act, is sufficient for the purposes of enrollment and other actions requiring parental participation or consent.

(2) An LEA may not charge local tuition to a transferring student placed in the care of a

non-custodial parent or other individual standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

- (3) A transferring student, placed in the care of a non-custodial parent or other individual standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which the student was enrolled while residing with the custodial parent.

Section 15. Section **53E-3-1205** is enacted to read:

53E-3-1205 . Graduation -- Waiver -- Exit exams -- Senior year transfers.

- (1) To facilitate the on-time graduation from high school of a transferring student an LEA shall:

(a)(i) wave specific courses required for graduation if similar coursework has been satisfactorily completed by the transferring student in a school in a sending state;

or

(ii) if the LEA does not waive a specific course requirement under Subsection (1)(a), provide an alternative means of acquiring the required coursework so that the transferring student may graduate on time; and

(b) accept:

(i) exit or end-of-course exams required for graduation from the transferring student's school in the sending state;

(ii) national norm-referenced achievement tests; or

(iii) subject to Subsection (2), alternative testing, in lieu of testing requirements for graduation.

- (2) If a transferring student is enrolling in a school in the LEA in the transferring student's senior year of high school and the LEA cannot accommodate the alternative testing described in Subsection (1)(b)(iii), the LEA shall, if the transferring student otherwise meets the graduation requirements of the transferring student's school in the sending state, use the LEA's best efforts to request and receive a receipt of a high school graduation diploma for the transferring student from the transferring student's school in the sending state.

- (3) If an LEA denies a waiver under Subsection (1)(a) the LEA shall provide a reasonable justification for the denial to the transferring student.

Section 16. Section **53E-6-102** is amended to read:

53E-6-102 . Definitions.

As used in this chapter:

(1) "Certificate" means a license issued by a governmental jurisdiction outside the state.

(2) "DOD civilian" means the same as that term is defined in Section 53B-8-102.

~~[(2)]~~ (3) "Educator" means:

(a) a person who holds a license;

(b) a teacher, counselor, administrator, librarian, or other person required, under rules of the state board, to hold a license; or

(c) a person who is the subject of an allegation which has been received by an LEA, the state board, or UPPAC and was, at the time noted in the allegation, a license holder or a person employed in a position requiring licensure.

~~[(3)]~~ (4) "License" means an authorization issued by the state board that permits the holder to serve in a professional capacity in the public schools.

~~[(4)]~~ (5) "National Board certification" means a current certificate issued by the National Board for Professional Teaching Standards.

~~[(5)]~~ (6) "School" means a public or private entity that provides educational services to a minor child.

~~[(6)]~~ (7) "UPPAC" means the Utah Professional Practices Advisory Commission.

Section 17. Section **53E-6-204** is amended to read:

53E-6-204 . Exemptions from licensure.

(1) Except as otherwise provided by statute or rule, a spouse of an individual serving in the armed forces of the United States or the spouse of a DOD civilian while the individual or DOD civilian is stationed within this state may work as an educator without being licensed under this title if:

~~[(1)]~~ (a) the spouse holds a valid educator license issued by any other state or jurisdiction recognized by the state board; and

~~[(2)]~~ (b) the license is current and the spouse is in good standing in the state or jurisdiction of licensure.

(2) For an active military member, eligible military spouse, DOD civilian, or spouse of a DOD civilian who holds a license that is not unencumbered, as that term is defined in Section 53E-6-1101, the receiving state shall grant an equivalent license or licenses that, in the receiving state's sole discretion, is equivalent to the license or licenses held by the teacher in the sending state, except where the receiving state does not have an equivalent license.

Section 18. Section **53G-1-103** is amended to read:

53G-1-103 . Definitions.

As used in this title[;] :

- (1) "DOD civilian" means the same as that term is defined in Section 53B-8-102.
- (2) ~~["electronic"]~~ "Electronic cigarette product" means the same as that term is defined in
Section 76-10-101.
- (3) "Military service member" means the same as that term is defined in Section 53B-8-102.

Section 19. Section **53G-6-306** is amended to read:

53G-6-306 . Permitting attendance by nonresident of the state -- Tuition.

- (1) As used in this section:

- (a) "Armed forces" means the same as that term is defined in Section 68-3-12.5.
- (b) "Eligible student" means a student who is a dependent child of a member of the
uniformed services or a DOD civilian who is:
 - (i)(A) relocating to the state and does not reside in the state during an LEA's
enrollment period; or
 - (B) relocating out of the state during the school year; and
- (ii)(A) on permanent change of station orders; or
- (B) relocating for a civilian assignment or position.
- (c) "Nonresident child" means a child residing outside the state.
- (d) "Provisional enrollment" means enrollment in a public school by an eligible student:
 - (i) before the eligible student relocates to the state; or
 - (ii) after the eligible student's parent relocates out of the state, but before the eligible
student relocates out of the state.
- (e) "Uniformed services" means:
 - (i) the same as that term is defined in Section 68-3-12.5;
 - (ii) the reserve components of the armed forces; and
 - (iii) the national guard of a state.

- (2)(a) An LEA may permit a nonresident child to attend school within the district, giving
priority to a child of a ~~[military service-]member[, as that term is defined in Section~~
~~53B-8-102]~~ of the uniformed services or a DOD civilian.

- (b) With the exception of a child enrolled under Section 53G-6-707, a nonresident child
is not included for the purpose of apportionment of state funds.

- (3)(a) An LEA shall charge a nonresident child who enrolls in a school within the LEA
tuition in an amount at least equal to the per capita cost of the school program in
which the nonresident child enrolls unless the LEA, in open meeting, determines to
waive the charge for that nonresident child in whole or in part.

(b) The official minutes of the meeting described in Subsection (3)(a) shall reflect the LEA's determination to waive the charge described in Subsection (3)(a).

(4)(a) Notwithstanding anything to the contrary in Subsection (3), an LEA shall allow an eligible student to:

(i) provisionally enroll in a public school in the LEA at the same time and in the same manner as individuals who reside in the state; or

(ii) provisionally enroll in virtual education options that the LEA provides in the same manner as an individual residing in the state.

(b) An LEA may not require proof of residency from an eligible student at the time the eligible student applies to enroll in a public school in the LEA.

(c) An LEA shall require proof of residence within 10 days after the eligible student's first day of residence in the state.

Section 20. Section **53G-6-402** is amended to read:

53G-6-402 . Open enrollment options -- Procedures -- Processing fee --

Continuing enrollment.

(1) Each local school board is responsible for providing educational services consistent with Utah state law and rules of the state board for each student who resides in the district and, as provided in this section through Section 53G-6-407 and to the extent reasonably feasible, for any student who resides in another district in the state and desires to attend a school in the district, giving priority to a child of a military service member[, as that term is defined in 53B-8-102] or a child of a DOD civilian.

(2)(a) A school is open for enrollment of nonresident students if the enrollment level is at or below the open enrollment threshold.

(b) If a school's enrollment falls below the open enrollment threshold, the local school board shall allow a nonresident student to enroll in the school.

(3) A local school board may allow enrollment of nonresident students in a school that is operating above the open enrollment threshold.

(4)(a) A local school board shall adopt policies describing procedures for nonresident students to follow in applying for entry into the district's schools.

(b) Those procedures shall provide, as a minimum, for:

(i) distribution to interested parties of information about the school or school district and how to apply for admission;

(ii) use of standard application forms prescribed by the state board;

(iii)(A) submission of applications from November 15 through the first Friday in

February by those seeking admission during the early enrollment period for the following year; or

(B) submission of applications from August 1 through November 1 by those seeking admission during the early enrollment period for the following year in a school district described in Subsection 53G-6-401(1)(b);

(iv) submission of applications by those seeking admission during the late enrollment period;

(v) notwithstanding any other provision of this part or Part 3, School District Residency, submission of applications for at least 30 days after the day on which a school boundary change takes effect for those affected by the school boundary change;

(vi) written notification to the student's parent of acceptance or rejection of an application:

(A) within six weeks after receipt of the application by the district or by March 31, whichever is later, for applications submitted during the early enrollment period;

(B) within two weeks after receipt of the application by the district or by the Friday before the new school year begins, whichever is later, for applications submitted during the late enrollment period for admission in the next school year;

(C) within two weeks after receipt of the application by the district, for applications submitted during the late enrollment period for admission in the current year; and

(D) within two weeks after receipt of the application by the district, for applications submitted by students affected by a school district boundary change;

(vii) written notification to the resident school for intradistrict transfers or the resident district for interdistrict transfers upon acceptance of a nonresident student for enrollment; and

(viii) written notification to the parents of each student that resides within the school district and other interested parties of the revised early enrollment period described in Subsection 53G-6-401(1)(b) if:

(A) the school district is doing a district wide grade reconfiguration of its elementary, middle, junior, and senior high schools; and

- 1080 (B) the grade reconfiguration described in Subsection (4)(b)(viii)(A) will be
1081 implemented in the next school year.
- 1082 (c)(i) Notwithstanding the dates established in Subsection (4)(b) for submitting
1083 applications and notifying parents of acceptance or rejection of an application, a
1084 local school board may delay the dates if a local school board is not able to make
1085 a reasonably accurate projection of the early enrollment school capacity or late
1086 enrollment school capacity of a school due to:
- 1087 (A) school construction or remodeling;
1088 (B) drawing or revision of school boundaries; or
1089 (C) other circumstances beyond the control of the local school board.
- 1090 (ii) The delay may extend no later than four weeks beyond the date the local school
1091 board is able to make a reasonably accurate projection of the early enrollment
1092 school capacity or late enrollment school capacity of a school.
- 1093 (5) A school district may charge a one-time \$5 processing fee, to be paid at the time of
1094 application.
- 1095 (6) An enrolled nonresident student shall be permitted to remain enrolled in a school,
1096 subject to the same rules and standards as resident students, without renewed
1097 applications in subsequent years unless one of the following occurs:
- 1098 (a) the student graduates;
1099 (b) the student is no longer a Utah resident;
1100 (c) the student is suspended or expelled from school;
1101 (d) except for a student described in Subsection (6)(e), the district determines that
1102 enrollment within the school will exceed the school's open enrollment threshold; or
1103 (e) for a child of a military service member~~[, as that term is defined in Section 53B-8-102,]~~
1104 or a child of a DOD civilian who moves from temporary to permanent housing
1105 outside of the relevant school district boundaries following a permanent change of
1106 station:
- 1107 (i) in kindergarten through grade 10, the student completes the current school year; or
1108 (ii) in grades 11 and 12, the student graduates.
- 1109 (7)(a) Determination of which nonresident students will be excluded from continued
1110 enrollment in a school during a subsequent year under Subsection (6)(d) is based
1111 upon time in the school, with those most recently enrolled being excluded first and
1112 the use of a lottery system when multiple nonresident students have the same number
1113 of school days in the school.

(b) Nonresident students who will not be permitted to continue their enrollment shall be notified no later than March 15 of the current school year.

(8) The parent of a student enrolled in a school that is not the student's school of residence may withdraw the student from that school for enrollment in another public school by submitting notice of intent to enroll the student in:

(a) the district of residence; or

(b) another nonresident district.

(9) Unless provisions have previously been made for enrollment in another school, a nonresident district releasing a student from enrollment shall immediately notify the district of residence, which shall enroll the student in the resident district and take such additional steps as may be necessary to ensure compliance with laws governing school attendance.

(10)(a) Except as provided in Subsection (10)(c), a student who transfers between schools, whether effective on the first day of the school year or after the school year has begun, by exercising an open enrollment option under this section may not transfer to a different school during the same school year by exercising an open enrollment option under this section.

(b) The restriction on transfers specified in Subsection (10)(a) does not apply to a student transfer made for health or safety reasons.

(c) A local school board may adopt a policy allowing a student to exercise an open enrollment option more than once in a school year.

(11) Notwithstanding Subsections (2) and (6)(d), a student who is enrolled in a school that is not the student's school of residence, because school bus service is not provided between the student's neighborhood and school of residence for safety reasons:

(a) shall be allowed to continue to attend the school until the student finishes the highest grade level offered; and

(b) shall be allowed to attend the middle school, junior high school, or high school into which the school's students feed until the student graduates from high school.

(12) Notwithstanding any other provision of this part or Part 3, School District Residency, a student shall be allowed to enroll in any charter school or other public school in any district, including a district where the student does not reside, if the enrollment is necessary, as determined by the Division of Child and Family Services, to comply with the provisions of 42 U.S.C. [Section] Sec. 675.

Section 21. Section **53G-6-502** is amended to read:

53G-6-502 . Eligible students.

- (1) As used in this section:
- (a) "At capacity" means operating above the school's open enrollment threshold.
 - (b) "COVID-19 emergency" means the spread of COVID-19 that the World Health Organization declared a pandemic on March 11, 2020.
 - (c) "Open enrollment threshold" means the same as that term is defined in Section 53G-6-401.
 - (d) "Refugee" means a person who is eligible to receive benefits and services from the federal Office of Refugee Resettlement.
 - (e) "School of residence" means the same as that term is defined in Section 53G-6-401.
- (2) All resident students of the state qualify for admission to a charter school, subject to the limitations set forth in this section and Section 53G-6-503.
- (3)(a) A charter school shall enroll:
- (i) a foster child residing in the same residence as an individual who is enrolled in the charter school; and
 - (ii) an eligible student other than a child described in Subsection (3)(a)(i) who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or the charter school.
- (b) If the number of applications described in Subsection (3)(a)(ii) exceeds the capacity of a program, class, grade level, or the charter school, the charter school shall select students on a random basis, except as provided in Subsections (4) through (8).
- (4) A charter school may give an enrollment preference to:
- (a) a child or grandchild of an individual who has actively participated in the development of the charter school;
 - (b) a child or grandchild of a member of the charter school governing board;
 - (c) a sibling of an individual who was previously or is presently enrolled in the charter school;
 - (d) a child of an employee of the charter school;
 - (e) a student articulating between charter schools offering similar programs that are governed by the same charter school governing board;
 - (f) a student articulating from one charter school to another pursuant to an articulation agreement between the charter schools that is approved by the State Charter School Board;
 - (g) an individual seeking enrollment in a charter school if:

- 1182 (i) the individual's sibling is a student enrolled in a charter school; and
1183 (ii) the charter school where the individual is seeking enrollment has an articulation
1184 agreement with the charter school where the sibling is enrolled that the State
1185 Charter School Board approves;
- 1186 (h) a student who resides within up to a two-mile radius of the charter school and whose
1187 school of residence is at capacity;
- 1188 (i) a child of a military service member~~[-as defined in Section 53B-8-102];~~
1189 (j) a child of a DOD civilian; or
1190 ~~[(j)]~~ (k) for the 2022-2023 school year, a student who withdraws from the charter school
1191 to attend an online school or home school for the 2020-2021 or 2021-2022 school
1192 years due to the COVID-19 emergency.
- 1193 (5)(a) Except as provided in Subsection (5)(b), and notwithstanding Subsection (4)(h), a
1194 charter school that is approved by the state board after May 13, 2014, and is located
1195 in a high growth area as defined in Section 53G-6-504 shall give an enrollment
1196 preference to a student who resides within a two-mile radius of the charter school.
- 1197 (b) The requirement to give an enrollment preference under Subsection (5)(a) does not
1198 apply to a charter school that was approved without a high priority status pursuant to
1199 Subsection 53G-6-504(7)(b).
- 1200 (6) If a district school converts to charter status, the charter school shall give an enrollment
1201 preference to students who would have otherwise attended it as a district school.
- 1202 (7)(a) A charter school whose mission is to enhance learning opportunities for refugees
1203 or children of refugee families may give an enrollment preference to refugees or
1204 children of refugee families.
- 1205 (b) A charter school whose mission is to enhance learning opportunities for English
1206 language learners may give an enrollment preference to English language learners.
- 1207 (8) A charter school may weight the charter school's lottery to give a slightly better chance
1208 of admission to educationally disadvantaged students, including:
- 1209 (a) low-income students;
1210 (b) students with disabilities;
1211 (c) English language learners;
1212 (d) migrant students;
1213 (e) neglected or delinquent students; and
1214 (f) homeless students.
- 1215 (9) A charter school may not discriminate in the charter school's admission policies or

practices on the same basis as other public schools may not discriminate in admission policies and practices.

Section 22. Section **58-1-102** is amended to read:

58-1-102 . Definitions.

As used in this title:

- (1) "Ablative procedure" means the same as that term is defined in Section 58-67-102.
- (2) "Cosmetic medical procedure":
 - (a) means the same as that term is defined in Section 58-67-102; and
 - (b) except for Chapter 67, Utah Medical Practice Act, and Chapter 68, Utah Osteopathic Medical Practice Act, does not apply to the scope of practice of an individual licensed under this title if the individual's scope of practice includes the authority to operate or perform surgical procedures.
- (3) "Cryolipolysis" means a nonablative fat reduction procedure that uses cold temperature to reduce fat deposits in certain areas of the body.
- (4) "Department" means the Department of Commerce.
- (5) "Director" means the director of the Division of Professional Licensing.
- (6) "Division" means the Division of Professional Licensing created in Section 58-1-103.
- (7) "DOD civilian" means the same as that term is defined in Section 53B-8-102.
- ~~[(7)]~~ (8) "Executive director" means the executive director of the Department of Commerce.
- ~~[(8)]~~ (9) "Licensee" includes any holder of a license, certificate, registration, permit, student card, or apprentice card authorized under this title.
- ~~[(9)]~~ (10)(a)(i) "Nonablative procedure" means a procedure that is expected or intended to alter living tissue, but not intended or expected to excise, vaporize, disintegrate, or remove living tissue.
 - (ii) Notwithstanding Subsection ~~[(8)(a)(i)]~~ (10)(a)(i), nonablative procedure includes hair removal and cryolipolysis.
- (b) "Nonablative procedure" does not include:
 - (i) a superficial procedure;
 - (ii) the application of permanent make-up; or
 - (iii) the use of photo therapy and lasers for neuromusculoskeletal treatments that are performed by an individual licensed under this title who is acting within their scope of practice.
- ~~[(10)]~~ (11) "Pain clinic" means:
 - (a) a clinic that advertises its primary purpose is the treatment of chronic pain; or

(b) a clinic in which greater than 50% of the clinic's annual patient population receive treatment primarily for non-terminal chronic pain using Schedule II-III controlled substances.

~~[(11)]~~ (12) "Superficial procedure" means a procedure that is expected or intended to temporarily alter living skin tissue and may excise or remove stratum corneum but have no appreciable risk of damage to any tissue below the stratum corneum.

~~[(12)]~~ (13) "Telemedicine service" means the same as that term is defined in Section 26B-4-704.

~~[(13)]~~ (14) "Unlawful conduct" means the same as that term is defined in Subsection 58-1-501(1).

~~[(14)]~~ (15) "Unprofessional conduct" means the same as that term is defined in Subsection 58-1-501(2).

Section 23. Section **58-1-307** is amended to read:

58-1-307 . Exemptions from licensure.

(1) Except as otherwise provided by statute or rule, the following individuals may engage in the practice of their occupation or profession, subject to the stated circumstances and limitations, without being licensed under this title:

(a) an individual serving in the armed forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs, or other federal agencies while engaged in activities regulated under this chapter as a part of employment with that federal agency if the individual holds a valid license to practice a regulated occupation or profession issued by any other state or jurisdiction recognized by the division;

(b) a student engaged in activities constituting the practice of a regulated occupation or profession while in training in a recognized school approved by the division to the extent the activities are supervised by qualified faculty, staff, or designee and the activities are a defined part of the training program;

(c) an individual engaged in an internship, residency, preceptorship, postceptorship, fellowship, apprenticeship, or on-the-job training program approved by the division while under the supervision of qualified individuals;

(d) an individual residing in another state and licensed to practice a regulated occupation or profession in that state, who is called in for a consultation by an individual licensed in this state, and the services provided are limited to that consultation;

(e) an individual who is invited by a recognized school, association, society, or other

- body approved by the division to conduct a lecture, clinic, or demonstration of the practice of a regulated occupation or profession if the individual does not establish a place of business or regularly engage in the practice of the regulated occupation or profession in this state;
- (f) an individual licensed under the laws of this state, other than under this title, to practice or engage in an occupation or profession, while engaged in the lawful, professional, and competent practice of that occupation or profession;
- (g) an individual licensed in a health care profession in another state who performs that profession while attending to the immediate needs of a patient for a reasonable period during which the patient is being transported from outside of this state, into this state, or through this state;
- (h) an individual licensed in another state or country who is in this state temporarily to attend to the needs of an athletic team or group, except that the practitioner may only attend to the needs of the athletic team or group, including all individuals who travel with the team or group in any capacity except as a spectator;
- (i) an individual licensed and in good standing in another state, who is in this state:
- (i) temporarily, under the invitation and control of a sponsoring entity;
- (ii) for a reason associated with a special purpose event, based upon needs that may exceed the ability of this state to address through its licensees, as determined by the division; and
- (iii) for a limited period of time not to exceed the duration of that event, together with any necessary preparatory and conclusionary periods; and
- (j) the spouse of an individual serving in the armed forces of the United States or the spouse of a DOD civilian while the individual or DOD civilian is stationed within this state, provided:
- (i) the spouse holds a valid license to practice a regulated occupation or profession issued by any other state or jurisdiction recognized by the division; and
- (ii) the license is current and the spouse is in good standing in the state of licensure.
- (2)(a) A practitioner temporarily in this state who is exempted from licensure under Subsection (1) shall comply with each requirement of the licensing jurisdiction from which the practitioner derives authority to practice.
- (b) Violation of a limitation imposed by this section constitutes grounds for removal of exempt status, denial of license, or other disciplinary proceedings.
- (3) An individual who is licensed under a specific chapter of this title to practice or engage

1318 in an occupation or profession may engage in the lawful, professional, and competent
1319 practice of that occupation or profession without additional licensure under other
1320 chapters of this title, except as otherwise provided by this title.

1321 (4) Upon the declaration of a national, state, or local emergency, a public health emergency
1322 as defined in Section 26B-7-301, or a declaration by the president of the United States or
1323 other federal official requesting public health-related activities, the division in
1324 collaboration with the relevant board may:

- 1325 (a) suspend the requirements for permanent or temporary licensure of individuals who
1326 are licensed in another state for the duration of the emergency while engaged in the
1327 scope of practice for which they are licensed in the other state;
- 1328 (b) modify, under the circumstances described in this Subsection (4) and Subsection (5),
1329 the scope of practice restrictions under this title for individuals who are licensed
1330 under this title as:
- 1331 (i) a physician under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah
1332 Osteopathic Medical Practice Act;
- 1333 (ii) a nurse under Chapter 31b, Nurse Practice Act, or Chapter 31e, Nurse Licensure
1334 Compact - Revised;
- 1335 (iii) a certified nurse midwife under Chapter 44a, Nurse Midwife Practice Act;
- 1336 (iv) a pharmacist, pharmacy technician, or pharmacy intern under Chapter 17b,
1337 Pharmacy Practice Act;
- 1338 (v) a respiratory therapist under Chapter 57, Respiratory Care Practices Act;
- 1339 (vi) a dentist and dental hygienist under Chapter 69, Dentist and Dental Hygienist
1340 Practice Act; and
- 1341 (vii) a physician assistant under Chapter 70a, Utah Physician Assistant Act;
- 1342 (c) suspend the requirements for licensure under this title and modify the scope of
1343 practice in the circumstances described in this Subsection (4) and Subsection (5) for
1344 medical services personnel or paramedics required to be licensed under Section
1345 53-2d-402;
- 1346 (d) suspend requirements in Subsections 58-17b-620(3) through (6) which require
1347 certain prescriptive procedures;
- 1348 (e) exempt or modify the requirement for licensure of an individual who is activated as a
1349 member of a medical reserve corps during a time of emergency as provided in
1350 Section 26A-1-126;
- 1351 (f) exempt or modify the requirement for licensure of an individual who is registered as

- 1352 a volunteer health practitioner as provided in Title 26B, Chapter 4, Part 8, Uniform
1353 Emergency Volunteer Health Practitioners Act; and
- 1354 (g) in accordance with rules made by the division in accordance with Title 63G, Chapter
1355 3, Utah Administrative Rulemaking Act, exempt or modify the requirements for
1356 licensure of an individual engaged in one or more of the construction trades described
1357 in Chapter 55, Utah Construction Trades Licensing Act.
- 1358 (5) Individuals exempt under Subsection (4)(c) and individuals operating under modified
1359 scope of practice provisions under Subsection (4)(b):
- 1360 (a) are exempt from licensure or subject to modified scope of practice for the duration of
1361 the emergency;
- 1362 (b) must be engaged in the distribution of medicines or medical devices in response to
1363 the emergency or declaration; and
- 1364 (c) must be employed by or volunteering for:
- 1365 (i) a local or state department of health; or
1366 (ii) a host entity as defined in Section 26B-4-801.
- 1367 (6) In accordance with the protocols established under Subsection (8), upon the declaration
1368 of a national, state, or local emergency, the Department of Health and Human Services
1369 or a local health department shall coordinate with public safety authorities as defined in
1370 Subsection 26B-7-323(1) and may:
- 1371 (a) use a vaccine, antiviral, antibiotic, or other prescription medication that is not a
1372 controlled substance to prevent or treat a disease or condition that gave rise to, or was
1373 a consequence of, the emergency; or
- 1374 (b) distribute a vaccine, antiviral, antibiotic, or other prescription medication that is not a
1375 controlled substance:
- 1376 (i) if necessary, to replenish a commercial pharmacy in the event that the commercial
1377 pharmacy's normal source of the vaccine, antiviral, antibiotic, or other prescription
1378 medication is exhausted; or
- 1379 (ii) for dispensing or direct administration to treat the disease or condition that gave
1380 rise to, or was a consequence of, the emergency by:
- 1381 (A) a pharmacy;
- 1382 (B) a prescribing practitioner;
- 1383 (C) a licensed health care facility;
- 1384 (D) a federally qualified community health clinic; or
- 1385 (E) a governmental entity for use by a community more than 50 miles from a

1386 person described in Subsections (6)(b)(ii)(A) through (D).

1387 (7) In accordance with protocols established under Subsection (8), upon the declaration of a
1388 national, state, or local emergency, the Department of Health and Human Services shall
1389 coordinate the distribution of medications:

1390 (a) received from the strategic national stockpile to local health departments; and

1391 (b) from local health departments to emergency personnel within the local health
1392 departments' geographic region.

1393 (8) The Department of Health and Human Services shall establish by rule, made in
1394 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, protocols
1395 for administering, dispensing, and distributing a vaccine, an antiviral, an antibiotic, or
1396 other prescription medication that is not a controlled substance in the event of a
1397 declaration of a national, state, or local emergency. The protocol shall establish
1398 procedures for the Department of Health and Human Services or a local health
1399 department to:

1400 (a) coordinate the distribution of:

1401 (i) a vaccine, an antiviral, an antibiotic, or other prescription medication that is not a
1402 controlled substance received by the Department of Health and Human Services
1403 from the strategic national stockpile to local health departments; and

1404 (ii) a vaccine, an antiviral, an antibiotic, or other non-controlled prescription
1405 medication received by a local health department to emergency personnel within
1406 the local health department's geographic region;

1407 (b) authorize the dispensing, administration, or distribution of a vaccine, an antiviral, an
1408 antibiotic, or other prescription medication that is not a controlled substance to the
1409 contact of a patient without a patient-practitioner relationship, if the contact's
1410 condition is the same as that of the physician's or physician assistant's patient; and

1411 (c) authorize the administration, distribution, or dispensing of a vaccine, an antiviral, an
1412 antibiotic, or other non-controlled prescription medication to an individual who:

1413 (i) is working in a triage situation;

1414 (ii) is receiving preventative or medical treatment in a triage situation;

1415 (iii) does not have coverage for the prescription in the individual's health insurance
1416 plan;

1417 (iv) is involved in the delivery of medical or other emergency services in response to
1418 the declared national, state, or local emergency; or

1419 (v) otherwise has a direct impact on public health.

- (9) The Department of Health and Human Services shall give notice to the division upon implementation of the protocol established under Subsection (8).

Section 24. Section **61-1-32** is amended to read:

61-1-32 . Exemptions from licensure.

- (1) As used in this section, "DOD civilian" means the same as that term is defined in Section 53B-8-102.
- (2) Except as otherwise provided by statute or rule, the following individuals may engage in the practice of an occupation or profession regulated by this chapter, subject to the stated circumstances and limitations, without being licensed under this chapter:
- [~~(1)~~] (a) an individual licensed under the laws of this state, other than under this chapter, to practice or engage in an occupation or profession, while engaged in the lawful, professional, and competent practice of that occupation or profession;
- [~~(2)~~] (b) an individual serving in the armed forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs, or any other federal agency while engaged in activities regulated under this title as a part of employment with that federal agency if the individual holds a valid license to practice the regulated occupation or profession issued by any other state or jurisdiction recognized by the department; and
- [~~(3)~~] (c) the spouse of an individual serving in the armed forces of the United States or the spouse of a DOD civilian while the individual or DOD civilian is stationed within this state, if:
- [~~(a)~~] (i) the spouse holds a valid license to practice the regulated occupation or profession issued by any other state or jurisdiction recognized by the department; and
- [~~(b)~~] (ii) the license is current and the spouse is in good standing in the state or jurisdiction of licensure.

Section 25. Section **61-2f-102** is amended to read:

61-2f-102 . Definitions.

As used in this chapter:

- (1) "Associate broker" means an individual who is:
- (a) employed or engaged as an independent contractor by or on behalf of a principal broker to perform an act described in Subsection [~~(20)~~] (21) for valuable consideration; and
- (b) licensed under this chapter as an associate broker.

- (2) "Branch broker" means an associate broker who manages a principal broker's branch office under the supervision of the principal broker.
- (3) "Branch office" means a principal broker's real estate brokerage office that is not the principal broker's main office.
- (4) "Business day" means a day other than:
- (a) a Saturday;
 - (b) a Sunday; or
 - (c) a federal or state holiday.
- (5) "Business opportunity" means the sale, lease, or exchange of any business that includes an interest in real estate.
- (6) "Commission" means the Real Estate Commission established under this chapter.
- (7) "Concurrence" means the entities given a concurring role must jointly agree for action to be taken.
- (8) "Condominium homeowners' association" means the condominium unit owners acting as a group in accordance with declarations and bylaws.
- (9)(a) "Condominium hotel" means one or more condominium units that are operated as a hotel.
- (b) "Condominium hotel" does not mean a hotel consisting of condominium units, all of which are owned by a single entity.
- (10) "Condominium unit" means the same as that term is defined in Section 57-8-3.
- (11) "Director" means the director of the Division of Real Estate.
- (12) "Division" means the Division of Real Estate.
- (13) "DOD civilian" means the same as that term is defined in Section 53B-8-102.
- ~~[(13)]~~ (14) "Dual broker" means a principal broker of a real estate sales brokerage who obtains from the division a dual broker license in order to function as the principal broker of a property management company that is a separate entity from the real estate sales brokerage.
- ~~[(14)]~~ (15) "Entity" means:
- (a) a corporation;
 - (b) a partnership;
 - (c) a limited liability company;
 - (d) a company;
 - (e) an association;
 - (f) a joint venture;

- 1488 (g) a business trust;
- 1489 (h) a trust; or
- 1490 (i) any organization similar to an entity described in Subsections (14)(a) through (h).
- 1491 ~~[(15)]~~ (16) "Executive director" means the director of the Department of Commerce.
- 1492 ~~[(16)]~~ (17) "Foreclosure rescue" means, for compensation or with the expectation of
- 1493 receiving valuable consideration, to:
- 1494 (a) engage, or offer to engage, in an act that:
- 1495 (i) the person represents will assist a borrower in preventing a foreclosure; and
- 1496 (ii) relates to a transaction involving the transfer of title to residential real property; or
- 1497 (b) as an employee or agent of another person:
- 1498 (i) solicit, or offer that the other person will engage in an act described in Subsection
- 1499 (16)(a); or
- 1500 (ii) negotiate terms in relationship to an act described in Subsection (16)(a).
- 1501 ~~[(17)]~~ (18) "Loan modification assistance" means, for compensation or with the expectation
- 1502 of receiving valuable consideration, to:
- 1503 (a) act, or offer to act, on behalf of a person to:
- 1504 (i) obtain a loan term of a residential mortgage loan that is different from an existing
- 1505 loan term including:
- 1506 (A) an increase or decrease in an interest rate;
- 1507 (B) a change to the type of interest rate;
- 1508 (C) an increase or decrease in the principal amount of the residential mortgage
- 1509 loan;
- 1510 (D) a change in the number of required period payments;
- 1511 (E) an addition of collateral;
- 1512 (F) a change to, or addition of, a prepayment penalty;
- 1513 (G) an addition of a cosigner; or
- 1514 (H) a change in persons obligated under the existing residential mortgage loan; or
- 1515 (ii) substitute a new residential mortgage loan for an existing residential mortgage
- 1516 loan; or
- 1517 (b) as an employee or agent of another person:
- 1518 (i) solicit, or offer that the other person will engage in an act described in Subsection [
- 1519 ~~(17)(a)]~~ (18)(a); or
- 1520 (ii) negotiate terms in relationship to an act described in Subsection ~~[(17)(a)]~~ (18)(a).
- 1521 ~~[(18)]~~ (19) "Main office" means the address which a principal broker designates with the

division as the principal broker's primary brokerage office.

~~[(19)]~~ (20) "Person" means an individual or entity.

~~[(20)]~~ (21) "Principal broker" means an individual who is licensed or required to be licensed as a principal broker under this chapter who:

- (a) sells or lists for sale real estate, including real estate being sold as part of a foreclosure rescue, or a business opportunity with the expectation of receiving valuable consideration;
- (b) buys, exchanges, or auctions real estate, an option on real estate, a business opportunity, or an improvement on real estate with the expectation of receiving valuable consideration;
- (c) advertises, offers, attempts, or otherwise holds the individual out to be engaged in the business described in Subsection ~~[(20)(a)]~~ (21)(a) or (b);
- (d) is employed by or on behalf of the owner of real estate or by a prospective purchaser of real estate and performs an act described in Subsection ~~[(20)(a)]~~ (21)(a), whether the individual's compensation is at a stated salary, a commission basis, upon a salary and commission basis, or otherwise;
- (e) with the expectation of receiving valuable consideration, manages property owned by another person;
- (f) advertises or otherwise holds the individual out to be engaged in property management;
- (g) with the expectation of receiving valuable consideration, assists or directs in the procurement of prospects for or the negotiation of a transaction listed in Subsections ~~[(20)(a)]~~ (21)(a) and (e);
- (h) except for a mortgage lender, title insurance producer, or an employee of a mortgage lender or title insurance producer, assists or directs in the closing of a real estate transaction with the expectation of receiving valuable consideration;
- (i) engages in foreclosure rescue; or
- (j) advertises, offers, attempts, or otherwise holds the person out as being engaged in foreclosure rescue.

~~[(21)]~~ (22)(a) "Property management" means engaging in, with the expectation of receiving valuable consideration, the management of real estate owned by another person or advertising or otherwise claiming to be engaged in property management by:

- (i) advertising for, arranging, negotiating, offering, or otherwise attempting or

1556 participating in a transaction calculated to secure the rental or leasing of real estate;
1557 (ii) collecting, agreeing, offering, or otherwise attempting to collect rent for the real
1558 estate and accounting for and disbursing the money collected; or
1559 (iii) authorizing expenditures for repairs to the real estate.

1560 (b) "Property management" does not include:

1561 (i) hotel or motel management;
1562 (ii) rental of tourist accommodations, including hotels, motels, tourist homes,
1563 condominiums, condominium hotels, mobile home park accommodations,
1564 campgrounds, or similar public accommodations for a period of less than 30
1565 consecutive days, and the management activities associated with these rentals; or
1566 (iii) the leasing or management of surface or subsurface minerals or oil and gas
1567 interests, if the leasing or management is separate from a sale or lease of the
1568 surface estate.

1569 ~~[(22)]~~ (23) "Property management sales agent" means a sales agent who:

1570 (a) is affiliated with a dual broker through the dual broker's property management
1571 company; and

1572 (b) is designated by the dual broker as a property management sales agent.

1573 ~~[(23)]~~ (24) "Real estate" includes leaseholds and business opportunities involving real
1574 property.

1575 ~~[(24)]~~ (25)(a) "Regular salaried employee" means an individual who performs a service
1576 for wages or other remuneration, whose employer withholds federal employment
1577 taxes under a contract of hire, written or oral, express or implied.

1578 (b) "Regular salaried employee" does not include an individual who performs services
1579 on a project-by-project basis or on a commission basis.

1580 ~~[(25)]~~ (26) "Reinstatement" means restoring a license that has expired or has been
1581 suspended.

1582 ~~[(26)]~~ (27) "Reissuance" means the process by which a licensee may obtain a license
1583 following revocation of the license.

1584 ~~[(27)]~~ (28) "Renewal" means extending a license for an additional licensing period on or
1585 before the date the license expires.

1586 ~~[(28)]~~ (29) "Sales agent" means an individual who is:

1587 (a) affiliated with a principal broker, either as an independent contractor or an employee
1588 as provided in Section 61-2f-303, to perform for valuable consideration an act
1589 described in Subsection ~~[(20)]~~ (21); and

(b) licensed under this chapter as a sales agent.

[(29)] (30) "Vulnerable adult" means the same as that term is defined in Section 26B-6-201.

Section 26. Section **61-2f-202** is amended to read:

61-2f-202 . Exempt persons and transactions.

(1)(a) Except as provided in Subsection (1)(b), a license under this chapter is not required for:

- (i) a person who as owner or lessor performs an act described in Subsection [~~61-2f-102(20)~~] 61-2f-102(21) with reference to real estate owned or leased by that person;
- (ii) a regular salaried employee of the owner or lessor of real estate who, with reference to nonresidential real estate owned or leased by the employer, performs an act described in Subsection [~~61-2f-102(20)(b)~~] 61-2f-102(21)(b) or (c);
- (iii) a regular salaried employee of the owner of real estate who performs property management services with reference to real estate owned by the employer, except that the employee may only manage real estate for one employer;
- (iv) an individual who performs property management services for the apartments at which that individual resides in exchange for free or reduced rent on that individual's apartment;
- (v) a regular salaried employee of a condominium homeowners' association who manages real estate subject to the declaration of condominium that established the condominium homeowners' association, except that the employee may only manage real estate for one condominium homeowners' association;
- (vi) a regular salaried employee of a licensed property management company or real estate brokerage who performs support services, as prescribed by rule, for the property management company or real estate brokerage; or
- (vii) in the event a principal broker dies, is incapacitated, or is unable to perform the duties of a principal broker, an individual qualified and designated as the commission determines by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, with the concurrence of the division, as an acting principal broker:
 - (A) in relation to each transaction pending on the day on which the principal broker dies, becomes incapacitated, or becomes unable to perform the duties of a principal broker, including the distribution of compensation for each transaction; and

(B) until the day on which each transaction described in Subsection (1)(a)(vii)(A) is completed.

(b) Subsection (1)(a) does not exempt from licensing:

(i) an employee engaged in the sale of real estate regulated under:

(A) Title 57, Chapter 11, Utah Uniform Land Sales Practices Act; or

(B) Title 57, Chapter 19, Timeshare and Camp Resort Act;

(ii) an employee engaged in the sale of cooperative interests regulated under Title 57, Chapter 23, Real Estate Cooperative Marketing Act; or

(iii) an individual whose interest as an owner or lessor is obtained by that individual or transferred to that individual for the purpose of evading the application of this chapter, and not for another legitimate business reason.

(2) A license under this chapter is not required for:

(a) an isolated transaction or service by an individual holding an unsolicited, duly executed power of attorney from a property owner;

(b) subject to Subsection 61-2f-401(5), services rendered by an attorney admitted to practice law in this state in performing the attorney's duties as an attorney;

(c) a receiver, trustee in bankruptcy, administrator, executor, or an individual acting under order of a court;

(d) a trustee or employee of a trustee under a deed of trust or a will;

(e) a public utility, officer of a public utility, or regular salaried employee of a public utility, unless performance of an act described in Subsection [61-2f-102(20)]

61-2f-102(21) is in connection with the sale, purchase, lease, or other disposition of real estate or investment in real estate unrelated to the principal business activity of that public utility;

(f) a regular salaried employee or authorized agent working under the oversight of the Department of Transportation when performing an act on behalf of the Department of Transportation in connection with one or more of the following:

(i) the acquisition of real estate pursuant to Section 72-5-103;

(ii) the disposal of real estate pursuant to Section 72-5-111;

(iii) services that constitute property management; or

(iv) the leasing of real estate; and

(g) a regular salaried employee of a county, city, or town when performing an act on behalf of the county, city, or town:

(i) in accordance with:

- 1658 (A) if a regular salaried employee of a city or town:
- 1659 (I) Title 10, Utah Municipal Code; or
- 1660 (II) Title 11, Cities, Counties, and Local Taxing Units; and
- 1661 (B) if a regular salaried employee of a county:
- 1662 (I) Title 11, Cities, Counties, and Local Taxing Units; and
- 1663 (II) Title 17, Counties; and
- 1664 (ii) in connection with one or more of the following:
- 1665 (A) the acquisition of real estate, including by eminent domain;
- 1666 (B) the disposal of real estate;
- 1667 (C) services that constitute property management; or
- 1668 (D) the leasing of real estate.
- 1669 (3) A license under this chapter is not required for an individual registered to act as a
- 1670 broker-dealer, agent, or investment adviser under the Utah and federal securities laws in
- 1671 the sale or the offer for sale of real estate if:
- 1672 (a)(i) the real estate is a necessary element of a "security" as that term is defined by
- 1673 the Securities Act of 1933 and the Securities Exchange Act of 1934; and
- 1674 (ii) the security is registered for sale in accordance with:
- 1675 (A) the Securities Act of 1933; or
- 1676 (B) Title 61, Chapter 1, Utah Uniform Securities Act; or
- 1677 (b)(i) it is a transaction in a security for which a Form D, described in 17 C.F.R. Sec.
- 1678 239.500, has been filed with the Securities and Exchange Commission pursuant to
- 1679 Regulation D, Rule 506, 17 C.F.R. Sec. 230.506; and
- 1680 (ii) the selling agent and the purchaser are not residents of this state.
- 1681 (4) Except as otherwise provided by statute or rule, the following individuals may engage in
- 1682 the practice of an occupation or profession regulated by this chapter, subject to the stated
- 1683 circumstances and limitations, without being licensed under this chapter:
- 1684 (a) an individual licensed under the laws of this state, other than under this chapter, to
- 1685 practice or engage in an occupation or profession, while engaged in the lawful,
- 1686 professional, and competent practice of that occupation or profession;
- 1687 (b) an individual serving in the armed forces of the United States, the United States
- 1688 Public Health Service, the United States Department of Veterans Affairs, or any other
- 1689 federal agency while engaged in activities regulated under this title as a part of
- 1690 employment with that federal agency if the individual holds a valid license to practice
- 1691 the regulated occupation or profession issued by any other state or jurisdiction

recognized by the department; and

(c) the spouse of an individual serving in the armed forces of the United States or the spouse of a DOD civilian while the individual or DOD civilian is stationed within this state, if:

(i) the spouse holds a valid license to practice the regulated occupation or profession issued by any other state or jurisdiction recognized by the department; and

(ii) the license is current and the spouse is in good standing in the state or jurisdiction of licensure.

(5) As used in this section, "owner" does not include:

(a) a person who holds an option to purchase real property;

(b) a mortgagee;

(c) a beneficiary under a deed of trust;

(d) a trustee under a deed of trust; or

(e) a person who owns or holds a claim that encumbers any real property or an improvement to the real property.

(6) The commission, with the concurrence of the division, may provide, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the circumstances under which a person or transaction qualifies for an exemption that is described in this section.

Section 27. **Effective date.**

This bill takes effect on May 7, 2025.

Section 28. **Coordinating S.B. 17 with H.B. 142.**

If S.B. 17, Services for Department of Defense Civilian Employees, and H.B. 142, Service Member and Veteran Amendments, both pass and become law, the Legislature intends that, on May 7, 2025, Subsection 53B-8-102(9)(a) in S.B. 17 and H.B. 142 be amended to read:

"(9)(a) The evidence described in Subsection [~~(8)(a)(ii)(B)~~ or ~~(8)(b)(ii)(B)~~] (8)(j)(ii)(B) or (8)(k)(ii)(B) includes:

(i) a current Utah voter registration card;

(ii) a valid Utah driver license or identification card;

(iii) a current Utah vehicle registration;

(iv) a copy of a Utah income tax return, in the [~~military service member's or military service member's spouse's name~~] name of the DOD civilian or DOD civilian's spouse, filed as a resident in accordance with Section 59-10-502; or

(v) proof that the [~~military service member or military service member's spouse~~]

_1726 DOD civilian or DOD civilian's spouse owns a home in Utah, including a property tax notice
1727 for property owned in Utah.".