

**Certified Public Accountant Licensing Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Evan J. Vickers**

House Sponsor: Steve Eliason

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**LONG TITLE****Committee Note:**

The Business and Labor Interim Committee recommended this bill.

Legislative Vote: 11 voting for 0 voting against 11 absent

**General Description:**

This bill amends provisions relating to certified public accountants.

**Highlighted Provisions:**

This bill:

- removes the hours requirement for a certified public accountant (CPA) to become licensed;
- adds a requirement that an applicant for licensure as a CPA have a bachelor's degree with a concentration in accounting and business;
- allows an individual with a valid CPA license from a state other than Utah to practice in this state under certain conditions;
- authorizes the Division of Professional Licensing to make a citation and assess a fine for a person engaging in unlawful conduct relating to CPAs; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**58-26a-102**, as last amended by Laws of Utah 2017, Chapter 229

**58-26a-201**, as enacted by Laws of Utah 2000, Chapter 261

**58-26a-302**, as last amended by Laws of Utah 2020, Chapter 339

**58-26a-305**, as last amended by Laws of Utah 2020, Chapter 339

**58-26a-306**, as last amended by Laws of Utah 2020, Chapter 339

31 **58-26a-501**, as last amended by Laws of Utah 2016, Chapter 238

32

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

34 Section 1. Section **58-26a-102** is amended to read:

35 **58-26a-102 . Definitions.**

36 In addition to the definitions in Section 58-1-102, as used in this chapter:

37 (1) "Accounting experience" means applying accounting and auditing skills and principles  
38 that are taught as a part of the professional education qualifying a person for licensure  
39 under this chapter and generally accepted by the profession, under the supervision of a  
40 licensed certified public accountant.

41 (2) "AICPA" means the American Institute of Certified Public Accountants.

42 (3)(a) "Attest and attestation engagement" means providing any or all of the following [  
43 ~~financial statement~~]services:

44 (i) an audit or other engagement to be performed in accordance with the Statements  
45 on Auditing Standards (SAS);

46 (ii) a review of a financial statement to be performed in accordance with the  
47 Statements on Standards for Accounting and Review Services (SSARS);

48 (iii) an examination of prospective financial information to be performed in  
49 accordance with the Statements on Standards for Attestation Engagements  
50 (SSAE);

51 (iv) an examination, review, or agreed upon procedures engagement to be performed  
52 in accordance with the Statements on Standards for Attestation Engagements  
53 (SSAE), other than an examination described in Subsection (3)(a)(iii); or

54 (v) an engagement to be performed in accordance with the standards of the PCAOB.

55 (b) The division shall adopt the standards specified in this definition~~[- shall be adopted] :~~

56 (i) that are developed for general application by recognized national accountancy  
57 organizations such as the AICPA and the PCAOB; and

58 (ii) by reference ~~[by the division]~~ under [its] the division's rulemaking authority in  
59 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act~~[- and~~  
60 ~~shall be those developed for general application by recognized national~~  
61 ~~accountancy organizations such as the AICPA and the PCAOB].~~

62 (4) "Board" means the Utah Board of Accountancy created in Section 58-26a-201.

63 (5) "Certified Public Accountant" or "CPA" means an individual currently licensed by this  
64 state or any other state, district, or territory of the United States of America to practice

- 65 public accountancy or who has been granted a license as a certified public accountant  
66 under prior law or this chapter.
- 67 (6) "Certified Public Accountant firm" or "CPA firm" means a qualified business entity  
68 holding a valid registration as a Certified Public Accountant firm under this chapter.
- 69 (7)(a) "Client" means the person who retains a licensee for the performance of one or  
70 more of the services included in the definition of the practice of public accountancy.
- 71 (b) "Client" does not include a CPA's employer when the licensee works in a salaried or  
72 hourly rate position.
- 73 (8) "Compilation" means providing a service to be performed in accordance with  
74 Statements on Standards for Accounting and Review Services (SSARS) that is  
75 presenting, in the form of financial statements, information that is the representation of  
76 management or owners, without undertaking to express any assurance on the statements.
- 77 (9) "Experience" means:  
78 (a) accounting experience; or  
79 (b) professional experience.
- 80 (10) "Licensee" means the holder of a current valid license issued under this chapter.
- 81 (11) "NASBA" means the National Association of State Boards of Accountancy.
- 82 (12) "PCAOB" means the Public Company Accounting Oversight Board.
- 83 (13) "Practice of public accounting" means, while holding oneself out as a certified public  
84 accountant, offering to perform or performing one or more kinds of services involving  
85 the use of auditing or accounting skills, including issuing reports or opinions on  
86 financial statements, performing attestation engagements, performing one or more kinds  
87 of advisory or consulting services, preparing tax returns, or furnishing advice on tax  
88 matters for a client.
- 89 (14) "Peer review" means a board approved study, appraisal, or review of one or more  
90 aspects of the attest and compilation services rendered by a licensee in the practice of  
91 public accounting, performed by a licensee holding an active license in this or another  
92 state who is not affiliated with the licensee being reviewed.
- 93 (15) "Principal place of business" means the office location designated by the licensee for  
94 purposes of ~~[substantial equivalency and]~~ licensure by endorsement.
- 95 (16) "Professional experience" means experience lawfully obtained while licensed as a  
96 certified public accountant in another state, recognized by rule, in the practice of public  
97 accountancy performed for a client, which includes expression of assurance or opinion.
- 98 (17) "Qualified business entity" means a sole proprietorship, corporation, limited liability

99 company, or partnership engaged in the practice of public accountancy.

100 (18) "Qualified continuing professional education" means a formal program of education  
101 that contributes directly to the professional competence of a certified public accountant.

102 (19) "Qualifying examinations" means:

103 (a) the AICPA Uniform CPA Examination;

104 (b) the AICPA Examination of Professional Ethics for CPAs;

105 (c) the Utah Laws and Rules Examination; and

106 (d) any other examination approved by the board and adopted by the division by rule in  
107 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

108 (20)(a) "Report," when used with reference to financial statements, means:

109 (i) an opinion, report, or other form of language that:

110 (A) states or implies assurance as to the reliability of the attested information or  
111 compiled financial statements; or

112 (B) implies that the [~~person~~] individual or firm issuing the report has special  
113 knowledge or competence in accounting or auditing and specifically includes  
114 compilations and reviews; such an implication of special knowledge or  
115 competence may arise from use by the issuer of the report of names or titles  
116 indicating that the person or firm is a public accountant or auditor, or from the  
117 language of the report itself; or

118 (ii) any disclaimer of opinion:

119 (A) [~~when it~~] that is conventionally understood to imply any positive assurance as  
120 to the reliability of the attested information or compiled financial statements  
121 referred to or language suggesting special competence on the part of the [~~person~~]  
122 individual or firm issuing such language; and

123 (B) the report includes any other form of language that is conventionally  
124 understood to imply such assurance or such special knowledge or competence.

125 (b) "Report" does not include a financial statement prepared by an unlicensed person if:

126 (i) that financial statement has a cover page [~~which~~] that includes essentially the  
127 following language: "I (we) have prepared the accompanying financial statements  
128 of (name of entity) as of (time period) for the (period) then ended. This  
129 presentation is limited to preparing, in the form of financial statements,  
130 information that is the representation of management (owners). I (we) have not  
131 audited or reviewed the accompanying financial statements and accordingly do  
132 not express an opinion or any other form of assurance on them."; and

133 (ii) the cover page and any related footnotes do not use the terms "compilation,"  
 134 "review," "audit," "generally accepted auditing standards," "generally accepted  
 135 accounting principles," or other similar terms.

136 (21) "Review of financial statements" means providing a service in accordance with the  
 137 Statements on Standards for Accounting and Review Services [~~(SSARS)~~] in which the  
 138 accountant obtains limited assurance as a basis for reporting whether the accountant is  
 139 aware of any material modifications that should be made to the financial statements for [  
 140 ~~them~~] the financial statements to be in accordance with the applicable financial reporting  
 141 framework, primarily through the performance of inquiry and analytical procedures.

142 [~~(22)(a) "Substantial equivalency" means a determination by the division in collaboration  
 143 with the board or the board's designee that:]~~

144 [~~(i) the education, examination, and experience requirements set forth in the statutes and  
 145 administrative rules of another state are comparable to or exceed the education,  
 146 examination, and experience requirements set forth in the Uniform Accountancy Act; or]~~

147 [~~(ii) an individual CPA's education, examination, and experience qualifications are  
 148 comparable to or exceed the education, examination, and experience requirements set  
 149 forth in the Uniform Accountancy Act.]~~

150 [~~(b) In ascertaining whether an individual's qualifications are substantially equivalent as  
 151 used in this chapter, the division in collaboration with the board shall take into account  
 152 the qualifications without regard to the sequence in which the education, examination,  
 153 and experience requirements were attained.]~~

154 [~~(23)~~] (22) "Uniform Accountancy Act" means the model public accountancy legislation  
 155 developed and promulgated by national accounting and regulatory associations that  
 156 contains standardized definitions and regulations for the practice of public accounting as  
 157 recognized by the division in collaboration with the board.

158 [~~(24)~~] (23) "Unlawful conduct" [~~is as~~] means the same as that term is defined in Sections  
 159 58-1-501 and 58-26a-501.

160 [~~(25)~~] (24) "Unprofessional conduct" [~~is as~~] means the same as that term is defined in  
 161 Sections 58-1-501 and 58-26a-502 and as may be further defined by rule.

162 [~~(26)~~] (25) "Year of experience" means 2,000 hours of experience:

- 163 (a) generally accepted by the profession; and
- 164 (b) under the supervision of a licensed certified public accountant.

165 Section 2. Section **58-26a-201** is amended to read:

166 **58-26a-201 . Board.**

- 167 (1) There is created the Utah Board of Accountancy consisting of four licensed certified  
 168 public accountants and one member of the general public.
- 169 (2) The board shall be appointed and shall serve in accordance with Section 58-1-201.
- 170 (3)(a) ~~[The duties and responsibilities of the board shall be in accordance with]~~ The  
 171 board shall perform the duties and responsibilities described in Sections 58-1-202 and  
 172 58-1-203.[-]
- 173 (b) ~~[In addition, the]~~ The board shall designate one of [its] the board's members on a  
 174 permanent or rotating basis to:
- 175 ~~[(a)]~~ (i) assist the division in reviewing complaints concerning the unlawful or  
 176 unprofessional conduct of a licensee; and
- 177 ~~[(b)]~~ (ii) advise the division in [its] the division's investigation of these complaints.
- 178 (4) A board member who has, under Subsection (3), reviewed a complaint or advised in [its]  
 179 the investigation of the complaint may be disqualified from participating with the board  
 180 when the board serves as a presiding officer of an administrative proceeding concerning  
 181 the complaint.

182 Section 3. Section **58-26a-302** is amended to read:

183 **58-26a-302 . Qualifications for licensure and registration -- Licensure by**  
 184 **endorsement.**

- 185 (1) Each applicant for licensure under this chapter as a certified public accountant shall:
- 186 (a) submit an application in a form ~~[prescribed by the division]~~ the division approves by  
 187 rule;
- 188 (b) pay a fee determined by the department under Section 63J-1-504;
- 189 (c) submit a certified transcript of credits from an accredited institution acceptable to the  
 190 board showing:
- 191 ~~[(i) successful completion of a total of 150 semester hours or 225 quarter hours of~~  
 192 ~~collegiate level education with a concentration in accounting, auditing, and~~  
 193 ~~business;]~~
- 194 ~~[(ii)]~~ (i) successful completion of a [baccalaureate] bachelor's degree or its equivalent  
 195 with a concentration of accounting and business at a college or university  
 196 approved by the board; and
- 197 ~~[(iii)]~~ (ii) compliance with any other education requirements established by rule by the  
 198 division in collaboration with the board in accordance with Title 63G, Chapter 3,  
 199 Utah Administrative Rulemaking Act;
- 200 (d) submit evidence of ~~[one year of]~~ accounting experience in a form ~~[prescribed by the~~

- 201 ~~division]~~ the division approves by rule;
- 202 (e) submit evidence of having successfully completed the qualifying examinations in  
203 accordance with Section 58-26a-306; and
- 204 (f) submit to an interview by the board, if requested, for the purpose of examining the  
205 applicant's competence and qualifications for licensure.
- 206 (2)(a) The division may issue a license under this chapter to ~~[a person]~~ an individual  
207 who holds a license as a certified public accountant issued by ~~[any other state of the~~  
208 ~~United States of America]~~ another state if the applicant for licensure by endorsement:
- 209 (i) submits an application in a form ~~[prescribed by the division]~~ the division approves  
210 by rule;
- 211 (ii) pays a fee determined by the department under Section 63J-1-504;
- 212 (iii) submits to an interview by the board, if requested, for the purpose of examining  
213 the applicant's competence and qualifications for licensure; and
- 214 (iv)(A)(I) shows evidence of having passed the qualifying examinations; and  
215 (II)(Aa) meets the requirements for licensure ~~[which]~~ that were applicable  
216 in this state at the time of the issuance of the applicant's license by the  
217 state from which the original licensure by satisfactorily passing the  
218 AICPA Uniform CPA Examination was issued; or
- 219 (Bb) had four years of professional experience after passing the AICPA  
220 Uniform CPA Examination upon which the original license was based,  
221 within the 10 years immediately preceding the application for licensure  
222 by endorsement; or
- 223 (B) shows evidence that the applicant's education, examination record, and  
224 experience are substantially equivalent to the requirements of Subsection (1),  
225 as provided by rule.
- 226 (b) This Subsection (2) applies only to ~~[a person]~~ an individual seeking to obtain a  
227 license issued by this state and does not apply to ~~[a person]~~ an individual practicing as  
228 a certified public accountant in the state under Subsection 58-26a-305(1).
- 229 (3)(a) Each applicant for registration as a Certified Public Accountant firm shall:
- 230 (i) submit an application in a form ~~[prescribed by the division]~~ the division approves  
231 by rule;
- 232 (ii) pay a fee determined by the department under Section 63J-1-504;
- 233 (iii) have, notwithstanding any other provision of law, a simple majority of the  
234 ownership of the Certified Public Accountant firm, in terms of financial interests

235 and voting rights of all partners, officers, shareholders, members, or managers,  
 236 held by individuals who are certified public accountants, licensed under this  
 237 chapter or another state of the United States of America, and the partners, officers,  
 238 shareholders, members, or managers, whose principal place of business is in this  
 239 state, and who perform professional services in this state hold a valid license  
 240 issued under Subsection 58-26a-301(2) or the corresponding provisions of prior  
 241 law; and

242 (iv) meet any other requirements established by rule by the division in collaboration  
 243 with the board in accordance with Title 63G, Chapter 3, Utah Administrative  
 244 Rulemaking Act.

245 (b) Each separate location of a qualified business entity within the state seeking  
 246 registration as a Certified Public Accountant firm shall register separately.

247 (c) A Certified Public Accountant firm may include owners who are not licensed under  
 248 this chapter as outlined in Subsection (3)(a)(iii), provided that:

249 (i) the firm designates a licensee of this state who is responsible for the proper  
 250 registration of the Certified Public Accountant firm and identifies that individual  
 251 to the division; and

252 (ii) all nonlicensed owners are active individual participants in the CPA firm.

253 Section 4. Section **58-26a-305** is amended to read:

254 **58-26a-305 . Exemptions from licensure.**

255 (1) In addition to the exemptions from licensure in Section 58-1-307, the following may  
 256 engage in acts included within the definition of the practice of public accountancy,  
 257 subject to the stated circumstances and limitations, without being licensed under this  
 258 chapter:

259 [~~(a) a person licensed by any other state, district, or territory of the United States as a~~  
 260 ~~certified public accountant or its equivalent under any other title while practicing in~~  
 261 ~~this state if:]~~

262 [~~(i) the person's principal place of business is not in this state; and]~~

263 [~~(A) the person's license as a certified public accountant is from any state which the~~  
 264 ~~National Association of State Boards of Accountancy (NASBA) National~~  
 265 ~~Qualification Appraisal Service has verified to be substantially equivalent to the CPA~~  
 266 ~~licensure requirements of the Uniform Accountancy Act; or]~~

267 [~~(B) the person's license as a certified public accountant is from a state which the~~  
 268 ~~NASBA National Qualification Appraisal Service has not verified to be substantially~~



269 equivalent to the CPA licensure requirements of the Uniform Accountancy Act and  
 270 the person obtains from the NASBA National Qualification Appraisal Service  
 271 verification that the person's CPA qualifications are substantially equivalent to the  
 272 CPA licensure requirements of the Uniform Accountancy Act and Subsection  
 273 58-26a-302(1)(c)(i); and]

274 (a) an individual that:

275 (i) holds a valid license or permit in good standing as a certified public accountant or  
 276 equivalent issued by another state, if at the time the individual was licensed, the  
 277 individual showed evidence of having successfully completed the equivalent of  
 278 qualifying examinations required for that state; and

279 (ii) ~~the person~~ consents, as a condition of the grant of ~~this~~ the privilege described  
 280 in Subsection (1)(a)(i):

281 (A) to personal and subject matter jurisdiction and disciplinary authority of the  
 282 division;

283 (B) to comply with this chapter and the rules made under this chapter;

284 (C) that in the event the license from the state of the ~~person's~~ individual's  
 285 principal place of business becomes invalid, the ~~person~~ individual shall cease  
 286 offering or rendering professional services in this state both individually and on  
 287 behalf of the firm; and

288 (D) to the appointment of the state board which issued the ~~person's~~ individual's  
 289 license as the ~~person's~~ individual's agent upon whom process may be served  
 290 in an action or proceeding brought by the division against the ~~licensee~~ individual;

291 ~~(b) through December 31, 2012, a person licensed by any other state, district, or~~  
 292 ~~territory of the United States as a certified public accountant or its equivalent under~~  
 293 ~~another title while practicing in this state if:~~

294 ~~[(i) the person does not qualify for a practice privilege under Subsection (1)(a);]~~

295 ~~[(ii) the practice is incidental to the person's regular practice outside of this state; and]~~

296 ~~[(iii) the person's temporary practice within the state is in conformity with this chapter~~  
 297 ~~and the rules established under this chapter;]~~

298 ~~(e)~~ (b) an officer, member, partner, or employee of any entity or organization who signs  
 299 any statement or report in reference to the financial affairs of the entity or  
 300 organization with a designation of that ~~person's~~ individual's position within the  
 301 entity or organization;

302 ~~(d)~~ (c) a public official or employee while performing ~~his~~ the public official's or

303 employee's official duties;  
 304 ~~[(e)]~~ (d) ~~[a person]~~ an individual using accounting or auditing skills, including the  
 305 preparation of tax returns, management advisory services, and the preparation of  
 306 financial statements without the issuance of reports; or  
 307 ~~[(f)]~~ (e) an employee of a CPA firm registered under this chapter or an assistant to a  
 308 person licensed under this chapter, working under the supervision of a licensee, if:  
 309 (i) neither the employee or assistant nor the licensed employer or registered CPA firm  
 310 represents that the unlicensed ~~[person]~~ individual is a certified public accountant;  
 311 and  
 312 (ii) no accounting or financial statements are issued ~~[over]~~ in the unlicensed ~~[person's]~~  
 313 individual's name.

314 (2)(a) Notwithstanding any other provision of law, ~~[a person]~~ an individual who  
 315 qualifies under Subsection (1)(a) has all the privileges of a licensee of this state and  
 316 may engage in acts included within the definition of the practice of public  
 317 accountancy, whether in person or by mail, telephone, or electronic means, based on  
 318 a practice privilege in this state, and no notice, fee, or other submission shall be  
 319 provided by that person.

320 (b) The division may revoke, suspend, or restrict an exemption granted under Subsection  
 321 (1)(a)~~[-or (b)]~~, or place on probation or issue a public or private reprimand to a person  
 322 exempted under those subsections for the reasons set forth in Subsection 58-1-401(2).  
 323 Section 5. Section **58-26a-306** is amended to read:

324 **58-26a-306 . Examination requirements.**

325 (1) Before taking the qualifying examinations, an applicant shall:  
 326 (a) submit an application in a form approved by the division;  
 327 (b) pay a fee determined by the department under Section 63J-1-504;  
 328 (c) ~~[demonstrate completion of at least 120 semester hours or 180 quarter hours of the~~  
 329 education requirement] demonstrate completion of at least a bachelor's degree as  
 330 described in Subsection 58-26a-302(1)(c); and  
 331 (d) be approved by the board, or an organization designated by the board, to take the  
 332 qualifying examinations.

333 (2) ~~[A person must]~~ An individual shall sit for and meet the conditioning requirements of  
 334 the AICPA Uniform CPA Examination as established by the AICPA.

335 Section 6. Section **58-26a-501** is amended to read:

336 **58-26a-501 . Unlawful conduct.**

- 337 (1) "Unlawful conduct" includes:
- 338 ~~[(+)]~~ (a) using "certified public accountant," "public accountant," "CPA," or any other  
 339 title, designation, words, letters, abbreviation, sign, card, or device tending to indicate  
 340 that the ~~[person]~~ individual is a certified public accountant, unless that ~~[person]~~  
 341 individual:
- 342 ~~[(a)]~~ (i) has a current license as a certified public accountant issued under this chapter;  
 343 or
- 344 ~~[(b)]~~ (ii) ~~[qualifies for a practice privilege as provided in]~~ is exempt from licensure  
 345 under Subsection 58-26a-305(1)(a);
- 346 ~~[(2)]~~ (b) a firm assuming or using "certified public accountant," "CPA," or any other title,  
 347 designation, words, letters, abbreviation, sign, card, or device tending to indicate that  
 348 the firm is composed of certified public accountants unless each office of the firm in  
 349 this state:
- 350 ~~[(a)]~~ (i) is registered with the division; and
- 351 ~~[(b)]~~ (ii) meets the requirements of Subsections 58-26a-302(3)(a)(iii) and (iv);
- 352 ~~[(3)]~~ (c) signing or affixing to any accounting or financial statement the person's name or  
 353 any trade or assumed name used in that person's profession or business, with any  
 354 wording indicating that the person is an auditor, or with any wording indicating that  
 355 the person has expert knowledge in accounting or auditing, unless that person is  
 356 licensed under this chapter and all of the person's offices in this state for the practice  
 357 of public accountancy are maintained and registered as provided in this chapter; and
- 358 ~~[(4)]~~ (d) except as provided in Section 58-26a-305, engaging in the following conduct if  
 359 not licensed under this chapter to practice public accountancy:
- 360 ~~[(a)]~~ (i) issuing a report on financial statements of any other person, firm,  
 361 organization, or governmental unit; or
- 362 ~~[(b)]~~ (ii) issuing a report using any form of language substantially similar to  
 363 conventional language used by licensees respecting:
- 364 ~~[(+)]~~ (A) a review of financial statements; or
- 365 ~~[(+)]~~ (B) a compilation of financial statements.
- 366 (2)(a) Except as provided in Subsection (2)(c), if, upon inspection or investigation, the  
 367 division concludes that a person has engaged in unlawful conduct and that  
 368 disciplinary action is appropriate, the division shall promptly issue a citation to the  
 369 person in accordance with this chapter and any pertinent division rules.
- 370 (b) A citation issued under Subsection (2)(a) shall:

- 371           (i) be in writing;
- 372           (ii) describe with particularity the nature of the violation, including a reference to the
- 373                 statute or rule alleged to have been violated;
- 374           (iii) state that the recipient must notify the division in writing within 20 calendar days
- 375                 from the day on which the recipient receives the citation if the recipient intends to
- 376                 contest the citation at a hearing conducted under Title 63G, Chapter 4,
- 377                 Administrative Procedures Act; and
- 378           (iv) explain the consequences of failure to timely contest the citation or make
- 379                 payment of any fine assessed by citation within the time specified by the citation.
- 380       (c) The division may issue a notice instead of a citation.
- 381       (d) A citation issued as described in Subsection (2)(a) may be served:
- 382           (i)(A) upon a person upon whom a summons may be served in accordance with
- 383                 the Utah Rules of Civil Procedure; and
- 384           (B) may be made personally or upon the person's agent by a division investigator
- 385                 or by any person designated by the director; or
- 386           (ii) by mail.
- 387       (e) If, within 20 calendar days from the date of the service of the citation described in
- 388           Subsection (2)(a), the recipient of the citation fails to request a hearing to contest the
- 389           citation, the citation becomes the final order of the division and is not subject to
- 390           further agency review.
- 391       (f) The division may extend the time period described in Subsection (2)(e) for cause.
- 392       (g) The division may refuse to issue or renew, suspend, revoke, or place on probation the
- 393           license of a licensee who fails to comply with a citation after the citation becomes
- 394           final.
- 395       (h) The failure of an applicant for licensure to comply with a citation after the citation
- 396           becomes final is grounds for denial of a license.
- 397       (i) The division may not issue a citation more than one year after the day on which the
- 398           violation that is the subject of the citation is reported to the division.
- 399       (3)(a) The division shall assess a fine under Subsection (2) according to the following:
- 400           (i) for a first offense, a fine of up to \$1,000;
- 401           (ii) for a second offense, a fine of up to \$2,000; and
- 402           (iii) for any subsequent offense, a fine of up to \$2,000 for each day of continued
- 403                 offense.
- 404       (b) An action the division initiates for a first or second offense that has not resulted in a

405 final order of the division may not preclude the initiation of any subsequent action for  
406 a second or subsequent offense during the pendency of the preceding action.

407 (4)(a) The division may collect a fine that is not paid by:

408 (i) referring the matter to a collection agency; or

409 (ii) bringing an action in a court with jurisdiction.

410 (b) A county attorney or the attorney general shall provide legal assistance and advice to  
411 the director in an action to collect a fine.

412 (c) A court shall award reasonable attorney fees and costs to the prevailing party in an  
413 action brought by the division to collect a fine.

414 Section 7. **Effective Date.**

415 This bill takes effect on January 1, 2026.