

Ann Millner proposes the following substitute bill:

1                   **Services for Department of Defense Civilian Employees**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ann Millner**

House Sponsor: Val L. Peterson

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3 **LONG TITLE**

4 **Committee Note:**

5           The Government Operations Interim Committee recommended this bill.

6           Legislative Vote:   9 voting for           0 voting against       7 absent

7 **General Description:**

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

10 **Highlighted Provisions:**

11           This bill:

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

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

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

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

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

22           ▸ contains a coordination clause to coordinate technical changes between this bill and H.B.  
23 142, Service Member and Veteran Amendments; and

24           ▸ makes technical and conforming changes.

25 **Money Appropriated in this Bill:**

26           None

27 **Other Special Clauses:**

28           This bill provides a coordination clause.

29 **Utah Code Sections Affected:**

## 30 AMENDS:

- 31 **4-1-109**, as last amended by Laws of Utah 2024, Chapter 152  
32 **4-1-111**, as enacted by Laws of Utah 2018, Chapter 462  
33 **13-1-15**, as enacted by Laws of Utah 2018, Chapter 462  
34 **31A-23a-102**, as last amended by Laws of Utah 2015, Chapters 244, 330  
35 **31A-23a-104**, as last amended by Laws of Utah 2018, Chapter 462  
36 **31A-26-102**, as last amended by Laws of Utah 2021, Chapter 252  
37 **31A-26-202**, as last amended by Laws of Utah 2018, Chapter 462  
38 **53-9-102**, as last amended by Laws of Utah 2024, Chapter 506  
39 **53-9-122**, as last amended by Laws of Utah 2019, Chapter 136  
40 **53B-8-102**, as last amended by Laws of Utah 2024, Chapters 144, 378 and 481  
41 **53E-6-102**, as last amended by Laws of Utah 2024, Chapter 20  
42 **53E-6-204**, as last amended by Laws of Utah 2019, Chapter 186  
43 **53G-1-103**, as last amended by Laws of Utah 2020, Chapter 161 and last amended by  
44 Coordination Clause, Laws of Utah 2020, Chapter 161  
45 **53G-6-306**, as last amended by Laws of Utah 2023, Chapter 44  
46 **53G-6-402**, as last amended by Laws of Utah 2024, Chapter 67  
47 **53G-6-502**, as last amended by Laws of Utah 2023, Chapter 44  
48 **58-1-102**, as last amended by Laws of Utah 2024, Chapter 486  
49 **58-1-307**, as last amended by Laws of Utah 2023, Chapters 310, 328  
50 **61-1-32**, as enacted by Laws of Utah 2018, Chapter 462  
51 **61-2f-102**, as last amended by Laws of Utah 2024, Chapter 227  
52 **61-2f-202**, as last amended by Laws of Utah 2022, Chapter 204

## 53 ENACTS:

- 54 **53E-3-1201**, Utah Code Annotated 1953  
55 **53E-3-1202**, Utah Code Annotated 1953  
56 **53E-3-1203**, Utah Code Annotated 1953  
57 **53E-3-1204**, Utah Code Annotated 1953  
58 **53E-3-1205**, Utah Code Annotated 1953

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

- 60 **53B-8-102**, as last amended by Laws of Utah 2024, Chapters 144, 378 and 481

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

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

64 **4-1-109 . General definitions.**

65 As used in this title:

- 66 (1) "Agricultural product" or "product of agriculture" means any product that is derived  
67 from agriculture, including any product derived from aquaculture as defined in Section  
68 4-37-103.
- 69 (2) "Agriculture" means the science and art of the production of plants and animals useful  
70 to man, including the preparation of plants and animals for human use and disposal by  
71 marketing or otherwise.
- 72 (3) "Commissioner" means the commissioner of agriculture and food.
- 73 (4) "Department" means the Department of Agriculture and Food created in Chapter 2,  
74 Administration.
- 75 (5) "Dietary supplement" means the same as that term is defined in the Federal Food, Drug,  
76 and Cosmetic Act, 21 U.S.C. Sec. 301 et seq.
- 77 (6) "DOD civilian" means the same as that term is defined in Section 53B-8-102.
- 78 ~~[(6)]~~ (7) "Livestock" means cattle, sheep, goats, swine, horses, mules, poultry, domesticated  
79 elk as defined in Section 4-39-102, or any other domestic animal or domestic furbearer  
80 raised or kept for profit.
- 81 ~~[(7)]~~ (8) "Local food" means an agricultural product or livestock that is:  
82 (a) produced, processed, and distributed for sale or consumption within the state; and  
83 (b) sold to an end consumer within the state.
- 84 ~~[(8)]~~ (9) "Organization" means a corporation, government or governmental subdivision or  
85 agency, business trust, estate, trust, partnership, association, two or more persons having  
86 a joint or common interest, or any other legal entity.
- 87 ~~[(9)]~~ (10) "Person" means a natural person or individual, corporation, organization, or other  
88 legal entity.

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

90 **4-1-111 . Exemptions from licensure.**

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

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

- 97 (2) an individual serving in the armed forces of the United States, the United States Public  
98 Health Service, the United States Department of Veterans Affairs, or any other federal  
99 agency while engaged in activities regulated under this title as a part of employment  
100 with that federal agency if the individual holds a valid license to practice the regulated  
101 occupation or profession issued by any other state or jurisdiction recognized by the  
102 department; and
- 103 (3) the spouse of an individual serving in the armed forces of the United States or the  
104 spouse of a DOD civilian while the individual or DOD civilian is stationed within this  
105 state, if:
- 106 (a) the spouse holds a valid license to practice the regulated occupation or profession  
107 issued by any other state or jurisdiction recognized by the department; and
- 108 (b) the license is current and the spouse is in good standing in the state or jurisdiction of  
109 licensure.

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

111 **13-1-15 . Exemptions from licensure.**

- 112 (1) As used in this section, "DOD civilian" means the same as that term is defined in  
113 Section 53B-8-102.
- 114 (2) Except as otherwise provided by statute or rule, the following individuals may  
115 engage in the practice of an occupation or profession regulated by this title, subject to  
116 the stated circumstances and limitations, without being licensed under this title:
- 117 [(+) (a) an individual licensed under the laws of this state, other than under this title, to  
118 practice or engage in an occupation or profession, while engaged in the lawful,  
119 professional, and competent practice of that occupation or profession;
- 120 [(2) (b) an individual serving in the armed forces of the United States, the United States  
121 Public Health Service, the United States Department of Veterans Affairs, or any other  
122 federal agency while engaged in activities regulated under this title as a part of  
123 employment with that federal agency if the individual holds a valid license to practice  
124 the regulated occupation or profession issued by any other state or jurisdiction  
125 recognized by the department; and
- 126 [(3) (c) the spouse of an individual serving in the armed forces of the United States or  
127 the spouse of a DOD civilian while the individual or DOD civilian is stationed within  
128 this state, if:
- 129 [(a) (i) the spouse holds a valid license to practice the regulated occupation or  
130 profession issued by any other state or jurisdiction recognized by the department;

131 and  
 132 [(b)] (ii) the license is current and the spouse is in good standing in the state or  
 133 jurisdiction of licensure.

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

135 **31A-23a-102 . Definitions.**

136 As used in this chapter:

137 (1) "Bail bond producer" is as defined in Section 31A-35-102.

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

140 (a) in which an insurance producer, limited lines producer, consultant, managing general  
 141 agent, or reinsurance intermediary licensee does not maintain the licensee's principal:

142 (i) place of residence; or

143 (ii) place of business;

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

148 (i) examination requirement;

149 (ii) fingerprint background check requirement; and

150 (iii) continuing education requirement; and

151 (c) if the licensee has designated the state, territory, or District of Columbia as the  
 152 designated home state.

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

154 [(3)] (4) "Home state" means:

155 (a) a state or territory of the United States or the District of Columbia in which an  
 156 insurance producer, limited lines producer, consultant, managing general agent, or  
 157 reinsurance intermediary licensee:

158 (i) maintains the licensee's principal:

159 (A) place of residence; or

160 (B) place of business; and

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

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

- 165 (i) in which the licensee is licensed;
- 166 (ii) in which the licensee is in good standing; and
- 167 (iii) that the licensee has designated as the licensee's designated home state.
- 168 ~~[(4)]~~ (5) "Insurer" is as defined in Section 31A-1-301, except that the following persons or
- 169 similar persons are not insurers for purposes of Part 7, Producer Controlled Insurers:
- 170 (a) a risk retention group as defined in:
- 171 (i) the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499;
- 172 (ii) the Risk Retention Act, 15 U.S.C. Sec. 3901 et seq.; and
- 173 (iii) Chapter 15, Part 2, Risk Retention Groups Act;
- 174 (b) a residual market pool;
- 175 (c) a joint underwriting authority or association; and
- 176 (d) a captive insurer.
- 177 ~~[(5)]~~ (6) "License" is defined in Section 31A-1-301.
- 178 ~~[(6)]~~ (7)(a) "Managing general agent" means a person that:
- 179 (i) manages all or part of the insurance business of an insurer, including the
- 180 management of a separate division, department, or underwriting office;
- 181 (ii) acts as an agent for the insurer whether it is known as a managing general agent,
- 182 manager, or other similar term;
- 183 (iii) produces and underwrites an amount of gross direct written premium equal to, or
- 184 more than, 5% of the policyholder surplus as reported in the last annual statement
- 185 of the insurer in any one quarter or year:
- 186 (A) with or without the authority;
- 187 (B) separately or together with an affiliate; and
- 188 (C) directly or indirectly; and
- 189 (iv)(A) adjusts or pays claims in excess of an amount determined by the
- 190 commissioner; or
- 191 (B) negotiates reinsurance on behalf of the insurer.
- 192 (b) Notwithstanding Subsection ~~[(6)]~~(a) (7)(a), the following persons may not be
- 193 considered as managing general agent for the purposes of this chapter:
- 194 (i) an employee of the insurer;
- 195 (ii) a United States manager of the United States branch of an alien insurer;
- 196 (iii) an underwriting manager that, pursuant to contract:
- 197 (A) manages all the insurance operations of the insurer;
- 198 (B) is under common control with the insurer;

- 199 (C) is subject to Chapter 16, Insurance Holding Companies; and  
 200 (D) is not compensated based on the volume of premiums written; and  
 201 (iv) the attorney-in-fact authorized by and acting for the subscribers of a reciprocal  
 202 insurer or inter-insurance exchange under powers of attorney.
- 203 ~~[(7)]~~ (8) "Negotiate" means the act of conferring directly with or offering advice directly to  
 204 a purchaser or prospective purchaser of a particular contract of insurance concerning a  
 205 substantive benefit, term, or condition of the contract if the person engaged in that act:  
 206 (a) sells insurance; or  
 207 (b) obtains insurance from insurers for purchasers.
- 208 ~~[(8)]~~ (9) "Reinsurance intermediary" means:  
 209 (a) a reinsurance intermediary-broker; or  
 210 (b) a reinsurance intermediary-manager.
- 211 ~~[(9)]~~ (10) "Reinsurance intermediary-broker" means a person other than an officer or  
 212 employee of the ceding insurer, firm, association, or corporation who solicits, negotiates,  
 213 or places reinsurance cessions or retrocessions on behalf of a ceding insurer without the  
 214 authority or power to bind reinsurance on behalf of the insurer.
- 215 ~~[(10)]~~ (11)(a) "Reinsurance intermediary-manager" means a person who:  
 216 (i) has authority to bind or who manages all or part of the assumed reinsurance  
 217 business of a reinsurer, including the management of a separate division,  
 218 department, or underwriting office; and  
 219 (ii) acts as an agent for the reinsurer whether the person is known as a reinsurance  
 220 intermediary-manager, manager, or other similar term.
- 221 (b) Notwithstanding Subsection ~~[(10)(a)]~~ (11)(a), the following persons may not be  
 222 considered reinsurance intermediary-managers for the purpose of this chapter with  
 223 respect to the reinsurer:  
 224 (i) an employee of the reinsurer;  
 225 (ii) a United States manager of the United States branch of an alien reinsurer;  
 226 (iii) an underwriting manager that, pursuant to contract:  
 227 (A) manages all the reinsurance operations of the reinsurer;  
 228 (B) is under common control with the reinsurer;  
 229 (C) is subject to Chapter 16, Insurance Holding Companies; and  
 230 (D) is not compensated based on the volume of premiums written; and  
 231 (iv) the manager of a group, association, pool, or organization of insurers that:  
 232 (A) engage in joint underwriting or joint reinsurance; and

233 (B) are subject to examination by the insurance commissioner of the state in  
234 which the manager's principal business office is located.

235 ~~[(11)]~~ (12) "Resident" is as defined by rule made by the commissioner in accordance with  
236 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

237 ~~[(12)]~~ (13) "Sell" means to exchange a contract of insurance:

238 (a) by any means;

239 (b) for money or its equivalent; and

240 (c) on behalf of an insurance company.

241 ~~[(13)]~~ (14) "Solicit" means:

242 (a) attempting to sell insurance;

243 (b) asking or urging a person to apply for:

244 (i) a particular kind of insurance; and

245 (ii) insurance from a particular insurance company;

246 (c) advertising insurance, including advertising for the purpose of obtaining leads for the  
247 sale of insurance; or

248 (d) holding oneself out as being in the insurance business.

249 ~~[(14)]~~ (15) "Terminate" means:

250 (a) the cancellation of the relationship between:

251 (i) an individual licensee or agency licensee and a particular insurer; or

252 (ii) an individual licensee and a particular agency licensee; or

253 (b) the termination of:

254 (i) an individual licensee's or agency licensee's authority to transact insurance on  
255 behalf of a particular insurance company; or

256 (ii) an individual licensee's authority to transact insurance on behalf of a particular  
257 agency licensee.

258 ~~[(15)]~~ (16) "Title examination" means a license subline of authority in conjunction with the  
259 title insurance line of authority that allows a person to issue title insurance commitments  
260 or policies on behalf of a title insurer.

261 ~~[(16)]~~ (17) "Title marketing representative" means a person who:

262 (a) represents a title insurer in soliciting, requesting, or negotiating the placing of:

263 (i) title insurance; or

264 (ii) escrow services; and

265 (b) does not have a title examination or escrow license as provided in Section  
266 31A-23a-106.



267 [(17)] (18) "Uniform application" means the version of the National Association of  
 268 Insurance Commissioners' uniform application for resident and nonresident producer  
 269 licensing at the time the application is filed.

270 [(18)] (19) "Uniform business entity application" means the version of the National  
 271 Association of Insurance Commissioners' uniform business entity application for  
 272 resident and nonresident business entities at the time the application is filed.

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

274 **31A-23a-104 . Application for individual license -- Application for agency license.**

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

- 276 (a) producer;
- 277 (b) surplus lines producer;
- 278 (c) limited line producer;
- 279 (d) consultant;
- 280 (e) managing general agent; or
- 281 (f) reinsurance intermediary.

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

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

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

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

300 (3) The commissioner may require a document reasonably necessary to verify the

- 301 information contained in an application filed under this section.
- 302 (4) An applicant's Social Security number contained in an application filed under this  
303 section is a private record under Section 63G-2-302.
- 304 (5)(a) Subject to Subsection (5)(b), to obtain or renew an agency license, a person shall:
- 305 (i) file an application for an initial or renewal agency license with the commissioner  
306 on forms and in a manner the commissioner prescribes; and
- 307 (ii) pay a license fee that is not refunded if the application:
- 308 (A) is denied; or
- 309 (B) is incomplete when filed and is never completed by the applicant.
- 310 (b) An application described in Subsection (5)(a) shall provide:
- 311 (i) information about the applicant's identity;
- 312 (ii) the applicant's federal employer identification number;
- 313 (iii) the designated responsible licensed individual;
- 314 (iv) the identity of the owners, partners, officers, and directors;
- 315 (v) whether the applicant has committed an act that is a ground for denial,  
316 suspension, or revocation as set forth in Section 31A-23a-105 or 31A-23a-111; and
- 317 (vi) any other information the commissioner reasonably requires.
- 318 (6) The following individuals are exempt from paying a license fee:
- 319 (a) an individual serving in the armed forces of the United States while the individual is  
320 stationed within this state, if:
- 321 (i) the individual holds a valid license to practice the regulated occupation or  
322 profession issued by any other state or jurisdiction recognized by the department;  
323 and
- 324 (ii) the license is current and the individual is in good standing in the state or  
325 jurisdiction of licensure; and
- 326 (b) the spouse of an individual serving in the armed forces of the United States or the  
327 spouse of a DOD civilian while the individual or DOD civilian is stationed within  
328 this state, if:
- 329 (i) the spouse holds a valid license to practice the regulated occupation or profession  
330 issued by any other state or jurisdiction recognized by the department; and
- 331 (ii) the license is current and the spouse is in good standing in the state or jurisdiction  
332 of licensure.

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

334 **31A-26-102 . Definitions.**

335 As used in this chapter, unless expressly provided otherwise:

336 (1) "Company adjuster" means a person employed by an insurer who negotiates or settles  
337 claims on behalf of the insurer or an affiliated insurer.

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

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

341 (i) place of residence; or

342 (ii) place of business;

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

347 (i) examination requirement;

348 (ii) fingerprint background check requirement; and

349 (iii) continuing education requirement; and

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

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

352 [~~3~~] (4) "Home state" means:

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

355 (i) maintains the adjuster's principal:

356 (A) place of residence; or

357 (B) place of business; and

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

359 (b) if the resident state, territory, or the District of Columbia described in Subsection [  
360 ~~3~~](a)] (4)(a) does not license adjusters for the line of authority sought, a state,  
361 territory, or the District of Columbia:

362 (i) in which the adjuster is licensed;

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

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

365 [~~4~~] (5) "Independent adjuster" means an insurance adjuster required to be licensed under  
366 Section 31A-26-201, who engages in insurance adjusting as a representative of one or  
367 more insurers.

368 [~~5~~] (6) "Insurance adjusting" or "adjusting" means directing or conducting the

369 investigation, negotiation, or settlement of a claim under an insurance policy, on behalf  
370 of an insurer, policyholder, or a claimant under an insurance policy.

371 [~~(6)~~] (7)(a) "Organization" means a person other than a natural person.

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

374 [~~(7)~~] (8) "Portable electronics insurance" means the same as that term is defined in Section  
375 31A-22-1802.

376 [~~(8)~~] (9) "Public adjuster" means a person required to be licensed under Section 31A-26-201,  
377 who engages in insurance adjusting as a representative of insureds and claimants under  
378 insurance policies.

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

380 **31A-26-202 . Application for license.**

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

382 (i) made to the commissioner on forms and in a manner the commissioner prescribes;  
383 and

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

386 (b) The application shall provide:

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

388 (A) the applicant's:

389 (I) Social Security number; or

390 (II) federal employer identification number;

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

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

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

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

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

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

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

402 (a) an individual serving in the armed forces of the United States while the individual is

- 403           stationed within this state, if:
- 404           (i) the individual holds a valid license to practice the regulated occupation or
- 405                 profession issued by any other state or jurisdiction recognized by the department;
- 406                 and
- 407           (ii) the license is current and the individual is in good standing in the state or
- 408                 jurisdiction of licensure; and
- 409           (b) the spouse of an individual serving in the armed forces of the United States or the
- 410                 spouse of a DOD civilian while the individual or DOD civilian is stationed within
- 411                 this state, if:
- 412                 (i) the spouse holds a valid license to practice the regulated occupation or profession
- 413                         issued by any other state or jurisdiction recognized by the department; and
- 414                 (ii) the license is current and the spouse is in good standing in the state or jurisdiction
- 415                         of licensure.

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

417           **53-9-102 . Definitions.**

418           In this chapter, unless otherwise stated:

- 419           (1) "Adequate records" means records containing, at a minimum, sufficient information to
- 420                 identify the client, the dates of service, the fee for service, the payments for service, the
- 421                 type of service given, and copies of any reports that may have been made.
- 422           (2) "Advertising" means the submission of bids, contracting or making known by any
- 423                 public notice, publication, or solicitation of business, directly or indirectly, that services
- 424                 regulated under this chapter are available for consideration.
- 425           (3) "Agency" means a person who holds an agency license pursuant to this chapter, and
- 426                 includes one who employs an individual for wages and salary, and withholds all legally
- 427                 required deductions and contributions, or contracts with a registrant or an apprentice on
- 428                 a part-time or case-by-case basis to conduct an investigation on behalf of the agency.
- 429           (4) "Applicant" means any person who has submitted a completed application and all
- 430                 required fees.
- 431           (5) "Apprentice" means a person who holds an apprentice license pursuant to this chapter,
- 432                 has not met the requirements for registration, and works under the direct supervision and
- 433                 guidance of an agency.
- 434           (6) "Board" means the Bail Bond Recovery and Private Investigator Licensure Board
- 435                 created in Section 53-11-104.
- 436           (7) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201.

- 437 (8) "Commissioner" means the commissioner of the Department of Public Safety.
- 438 (9) "Conviction" means an adjudication of guilt by a federal, state, or local court resulting  
439 from trial or plea, including a plea of no contest, regardless of whether the imposition of  
440 sentence was suspended.
- 441 (10) "Department" means the Department of Public Safety.
- 442 (11) "Direct supervision" means that the agency or employer:
- 443 (a) is responsible for, and authorizes, the type and extent of work assigned;
- 444 (b) reviews and approves all work produced by the apprentice before it goes to the client;
- 445 (c) closely supervises and provides direction and guidance to the apprentice in the  
446 performance of his assigned work; and
- 447 (d) is immediately available to the apprentice for verbal contact, including by electronic  
448 means.
- 449 (12) "DOD civilian" means the same as that term is defined in Section 53B-8-102.
- 450 ~~[(12)]~~ (13) "Emergency action" means a summary suspension of a license pending  
451 revocation, suspension, or probation in order to protect the public health, safety, or  
452 welfare.
- 453 ~~[(13)]~~ (14) "Employee" means an individual who works for an agency or other employer, is  
454 listed on the agency's or employer's payroll records, and is under the agency's or  
455 employer's direction and control. An employee is not an independent contractor.
- 456 ~~[(14)]~~ (15) "Identification card" means a card issued by the commissioner to a qualified  
457 applicant for an agency, registrant, or apprentice license.
- 458 ~~[(15)]~~ (16) "Letter of concern" means an advisory letter to notify a licensee that while there  
459 is insufficient evidence to support probation, suspension, or revocation of a license, the  
460 department informs the licensee of the need to modify or eliminate certain practices and  
461 that continuation of the activities that led to the information being submitted to the  
462 department may result in further disciplinary action against the licensee.
- 463 ~~[(16)]~~ (17) "Licensee" means a person to whom an agency, registrant, or apprentice license  
464 is issued by the department.
- 465 ~~[(17)]~~ (18)(a) "Private investigator or private detective" means any person, except  
466 collection agencies and credit reporting agencies, who, for consideration, engages in  
467 business or accepts employment to conduct any investigation for the purpose of  
468 obtaining information with reference to:
- 469 (i) crime, wrongful acts, or threats against the United States or any state or territory  
470 of the United States;

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

- 505 regulated by this chapter;
- 506 (b) aiding or abetting a person who is not licensed pursuant to this chapter in  
507 representing that person as a private investigator or registrant in this state;
- 508 (c) gross negligence in the practice of a private investigator or registrant;
- 509 (d) failing or refusing to maintain adequate records and investigative findings on a  
510 subject of investigation or a client;
- 511 (e) committing a felony or a misdemeanor involving any crime that is grounds for  
512 denial, suspension, or revocation of an agency, registrant, or apprentice license. In  
513 all cases, conviction by a court of competent jurisdiction or a plea of no contest is  
514 conclusive evidence of the commission of the crime; or
- 515 (f) making a fraudulent or untrue statement to the bureau, board, department, or its  
516 investigators, staff, or consultants.

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

518 **53-9-122 . Exemptions from licensure.**

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

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

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



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

540 **53B-8-102 . Definitions -- Resident student status -- Exceptions.**

541 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

675 status, humanitarian parole, temporary protected status, or asylum under United  
676 States immigration law;[~~or~~]

677 (i) an inmate:

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

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

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

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

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

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

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

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

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

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

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

698 (i) a current Utah voter registration card;

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

700 (iii) a current Utah vehicle registration;

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

704 (v) proof that the military service member[~~or~~], military service member's spouse,  
705 DOD civilian, or DOD civilian's spouse owns a home in Utah, including a  
706 property tax notice for property owned in Utah.

707 (b) Aliens who are present in the United States on visitor, student, or other visas not  
708 listed in Subsection (8)(h) or (9)(c), which authorize only temporary presence in this

709 country, do not have the capacity to intend to reside in Utah for an indefinite period  
710 and therefore are classified as nonresidents.

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

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

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

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

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

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

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

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

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

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

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

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

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

741 (iii) when the person moved to Utah;

742 (iv) the dates when the person applied for admission, was admitted, and was enrolled

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

777 (vi) evidence that the person is an independent person who is:  
 778 (A) at least 24 years old; or  
 779 (B) not claimed as a dependent on someone else's tax returns; and  
 780 (vii) any other factors related to abandonment of a former domicile and establishment  
 781 of a new domicile in Utah for purposes other than to attend an institution of higher  
 782 education.

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

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

793 [~~18~~] (19) The board, after consultation with the institutions, shall make rules not  
 794 inconsistent with this section:

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

800 [~~19~~] (20) A student shall be exempt from paying the nonresident portion of total tuition if  
 801 the student:

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

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

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

808

### **Employees**



809 **53E-3-1201 . Definitions.**810 As used in this part:

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

843 (9) "Transferring student" means a child of a DOD civilian family who is seeking to be  
 844 enrolled in a school in Utah.

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

846 **53E-3-1202 . Transferring student enrollment, records, and immunization.**

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

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

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

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

861 (3)(a) A school enrolling a transferring student under this section shall give the student  
 862 30 days from the day on which the student is enrolled in the school for the student to  
 863 obtain any immunization that is required by the school.

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

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

869 **53E-3-1203 . Course placement -- Extracurricular activities.**

870 (1) As used in this section:

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

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

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

876 (ii) gifted and talented programs.

- 877 (2)(a) A school that enrolls a transferring student as described in Section 53E-3-1202  
878 shall, when determining course placement for the transferring student, place the  
879 transferring student in educational courses or programs based on the transferring  
880 student's course placement in the sending state's school or educational assessments  
881 conducted at the school in the sending state.
- 882 (b) Subsection (2)(a) does not prohibit the school from performing additional  
883 evaluations after the transferring student is enrolled to ensure appropriate placement  
884 and continued enrollment of the student in the educational course or program.
- 885 (3) When a school makes a course placement determination under this section, the school  
886 shall attempt to the best of the school's ability to ensure the continuance of the  
887 transferring student's academic program from the transferring student's previous school  
888 and place the transferring student in academically and career challenging courses.
- 889 (4)(a) In compliance with the requirements of the Individuals with Disabilities  
890 Education Act, 20 U.S.C. Sec. 1400 et seq., a school that enrolls a transferring  
891 student with disabilities shall provide comparable services to the transferring student  
892 based on the transferring student's current IEP.
- 893 (b) In compliance with the requirements of Section 504 of the Rehabilitation Act, 29  
894 U.S.C. Sec. 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.  
895 Secs. 12131-12165, a school that enrolls a transferring student with disabilities shall  
896 make reasonable accommodations and modifications to address the needs of the  
897 transferring student, subject to an existing Section 504 accommodation plan, to provide  
898 the transferring student with equal access to education.
- 899 (c) Subsection (4)(b) does not preclude the school from performing additional  
900 evaluations after the transferring student is enrolled to ensure appropriate placement  
901 of the transferring student.
- 902 (5) An LEA's administrative officials may waive requirements or other prerequisites for any  
903 course placement in an educational course or program under this section.
- 904 (6) An LEA shall facilitate the opportunity for a transferring student to be included in  
905 extracurricular activities, regardless of application deadlines, to the extent the  
906 transferring student is otherwise qualified to participate in the extracurricular activities.
- 907 Section 14. Section **53E-3-1204** is enacted to read:
- 908 **53E-3-1204 . Parental consent -- Tuition.**
- 909 (1) Power of attorney lawfully executed under Title 75, Chapter 9, Uniform Power of  
910 Attorney Act, is sufficient for the purposes of enrollment and other actions requiring

911 parental participation or consent.

912 (2) An LEA may not charge local tuition to a transferring student placed in the care of a  
 913 non-custodial parent or other individual standing in loco parentis who lives in a  
 914 jurisdiction other than that of the custodial parent.

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

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

920 **53E-3-1205 . Graduation -- Waiver -- Exit exams -- Senior year transfers.**

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

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

925 or

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

929 (b) accept:

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

932 (ii) national norm-referenced achievement tests; or

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

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

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

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

945           **53E-6-102 . Definitions.**

946           As used in this chapter:

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

948       (2) "DOD civilian" means the same as that term is defined in Section 53B-8-102.949       ~~[(2)]~~ (3) "Educator" means:

950           (a) a person who holds a license;

951           (b) a teacher, counselor, administrator, librarian, or other person required, under rules of  
952           the state board, to hold a license; or953           (c) a person who is the subject of an allegation which has been received by an LEA, the  
954           state board, or UPPAC and was, at the time noted in the allegation, a license holder  
955           or a person employed in a position requiring licensure.956       ~~[(3)]~~ (4) "License" means an authorization issued by the state board that permits the holder  
957           to serve in a professional capacity in the public schools.958       ~~[(4)]~~ (5) "National Board certification" means a current certificate issued by the National  
959           Board for Professional Teaching Standards.960       ~~[(5)]~~ (6) "School" means a public or private entity that provides educational services to a  
961           minor child.962       ~~[(6)]~~ (7) "UPPAC" means the Utah Professional Practices Advisory Commission.963           Section 17. Section **53E-6-204** is amended to read:964           **53E-6-204 . Exemptions from licensure.**965       (1) Except as otherwise provided by statute or rule, a spouse of an individual serving in  
966           the armed forces of the United States or the spouse of a DOD civilian while the  
967           individual or DOD civilian is stationed within this state may work as an educator  
968           without being licensed under this title if:969           ~~[(1)]~~ (a) the spouse holds a valid educator license issued by any other state or jurisdiction  
970           recognized by the state board; and971           ~~[(2)]~~ (b) the license is current and the spouse is in good standing in the state or  
972           jurisdiction of licensure.973       (2) For an active military member, eligible military spouse, DOD civilian, or spouse of a  
974           DOD civilian who holds a license that is not unencumbered, as that term is defined in  
975           Section 53E-6-1101, the receiving state shall grant an equivalent license or licenses that,  
976           in the receiving state's sole discretion, is equivalent to the license or licenses held by the  
977           teacher in the sending state, except where the receiving state does not have an equivalent  
978           license.

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

980 **53G-1-103 . Definitions.**

981 As used in this title<sup>[;]</sup> :

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

983 (2) <sup>[-"electronic"]</sup> "Electronic cigarette product" means the same as that term is defined in  
984 Section 76-10-101.

985 (3) "Military service member" means the same as that term is defined in Section 53B-8-102.

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

987 **53G-6-306 . Permitting attendance by nonresident of the state -- Tuition.**

988 (1) As used in this section:

989 (a) "Armed forces" means the same as that term is defined in Section 68-3-12.5.

990 (b) "Eligible student" means a student who is a dependent child of a member of the  
991 uniformed services or a DOD civilian who is:

992 (i)(A) relocating to the state and does not reside in the state during an LEA's  
993 enrollment period; or

994 (B) relocating out of the state during the school year; and

995 (ii)(A) on permanent change of station orders; or

996 (B) relocating for a civilian assignment or position.

997 (c) "Nonresident child" means a child residing outside the state.

998 (d) "Provisional enrollment" means enrollment in a public school by an eligible student:

999 (i) before the eligible student relocates to the state; or

1000 (ii) after the eligible student's parent relocates out of the state, but before the eligible  
1001 student relocates out of the state.

1002 (e) "Uniformed services" means:

1003 (i) the same as that term is defined in Section 68-3-12.5;

1004 (ii) the reserve components of the armed forces; and

1005 (iii) the national guard of a state.

1006 (2)(a) An LEA may permit a nonresident child to attend school within the district, giving  
1007 priority to a child of a ~~[military servicee-]member~~<sup>[;]</sup> ~~as that term is defined in Section~~  
1008 ~~53B-8-102]~~ of the uniformed services or a DOD civilian.

1009 (b) With the exception of a child enrolled under Section 53G-6-707, a nonresident child  
1010 is not included for the purpose of apportionment of state funds.

1011 (3)(a) An LEA shall charge a nonresident child who enrolls in a school within the LEA  
1012 tuition in an amount at least equal to the per capita cost of the school program in

- 1013 which the nonresident child enrolls unless the LEA, in open meeting, determines to  
 1014 waive the charge for that nonresident child in whole or in part.
- 1015 (b) The official minutes of the meeting described in Subsection (3)(a) shall reflect the  
 1016 LEA's determination to waive the charge described in Subsection (3)(a).
- 1017 (4)(a) Notwithstanding anything to the contrary in Subsection (3), an LEA shall allow an  
 1018 eligible student to:
- 1019 (i) provisionally enroll in a public school in the LEA at the same time and in the same  
 1020 manner as individuals who reside in the state; or
- 1021 (ii) provisionally enroll in virtual education options that the LEA provides in the  
 1022 same manner as an individual residing in the state.
- 1023 (b) An LEA may not require proof of residency from an eligible student at the time the  
 1024 eligible student applies to enroll in a public school in the LEA.
- 1025 (c) An LEA shall require proof of residence within 10 days after the eligible student's  
 1026 first day of residence in the state.

1027 Section 20. Section **53G-6-402** is amended to read:

1028 **53G-6-402 . Open enrollment options -- Procedures -- Processing fee --**

1029 **Continuing enrollment.**

- 1030 (1) Each local school board is responsible for providing educational services consistent  
 1031 with Utah state law and rules of the state board for each student who resides in the  
 1032 district and, as provided in this section through Section 53G-6-407 and to the extent  
 1033 reasonably feasible, for any student who resides in another district in the state and  
 1034 desires to attend a school in the district, giving priority to a child of a military service  
 1035 member[~~, as that term is defined in 53B-8-102~~] or a child of a DOD civilian.
- 1036 (2)(a) A school is open for enrollment of nonresident students if the enrollment level is  
 1037 at or below the open enrollment threshold.
- 1038 (b) If a school's enrollment falls below the open enrollment threshold, the local school  
 1039 board shall allow a nonresident student to enroll in the school.
- 1040 (3) A local school board may allow enrollment of nonresident students in a school that is  
 1041 operating above the open enrollment threshold.
- 1042 (4)(a) A local school board shall adopt policies describing procedures for nonresident  
 1043 students to follow in applying for entry into the district's schools.
- 1044 (b) Those procedures shall provide, as a minimum, for:
- 1045 (i) distribution to interested parties of information about the school or school district  
 1046 and how to apply for admission;

- 1047 (ii) use of standard application forms prescribed by the state board;
- 1048 (iii)(A) submission of applications from November 15 through the first Friday in
- 1049 February by those seeking admission during the early enrollment period for the
- 1050 following year; or
- 1051 (B) submission of applications from August 1 through November 1 by those
- 1052 seeking admission during the early enrollment period for the following year in
- 1053 a school district described in Subsection 53G-6-401(1)(b);
- 1054 (iv) submission of applications by those seeking admission during the late enrollment
- 1055 period;
- 1056 (v) notwithstanding any other provision of this part or Part 3, School District
- 1057 Residency, submission of applications for at least 30 days after the day on which a
- 1058 school boundary change takes effect for those affected by the school boundary
- 1059 change;
- 1060 (vi) written notification to the student's parent of acceptance or rejection of an
- 1061 application:
- 1062 (A) within six weeks after receipt of the application by the district or by March 31,
- 1063 whichever is later, for applications submitted during the early enrollment
- 1064 period;
- 1065 (B) within two weeks after receipt of the application by the district or by the
- 1066 Friday before the new school year begins, whichever is later, for applications
- 1067 submitted during the late enrollment period for admission in the next school
- 1068 year;
- 1069 (C) within two weeks after receipt of the application by the district, for
- 1070 applications submitted during the late enrollment period for admission in the
- 1071 current year; and
- 1072 (D) within two weeks after receipt of the application by the district, for
- 1073 applications submitted by students affected by a school district boundary
- 1074 change;
- 1075 (vii) written notification to the resident school for intradistrict transfers or the
- 1076 resident district for interdistrict transfers upon acceptance of a nonresident student
- 1077 for enrollment; and
- 1078 (viii) written notification to the parents of each student that resides within the school
- 1079 district and other interested parties of the revised early enrollment period
- 1080 described in Subsection 53G-6-401(1)(b) if:



- 1081 (A) the school district is doing a district wide grade reconfiguration of its  
1082 elementary, middle, junior, and senior high schools; and
- 1083 (B) the grade reconfiguration described in Subsection (4)(b)(viii)(A) will be  
1084 implemented in the next school year.
- 1085 (c)(i) Notwithstanding the dates established in Subsection (4)(b) for submitting  
1086 applications and notifying parents of acceptance or rejection of an application, a  
1087 local school board may delay the dates if a local school board is not able to make  
1088 a reasonably accurate projection of the early enrollment school capacity or late  
1089 enrollment school capacity of a school due to:
- 1090 (A) school construction or remodeling;  
1091 (B) drawing or revision of school boundaries; or  
1092 (C) other circumstances beyond the control of the local school board.
- 1093 (ii) The delay may extend no later than four weeks beyond the date the local school  
1094 board is able to make a reasonably accurate projection of the early enrollment  
1095 school capacity or late enrollment school capacity of a school.
- 1096 (5) A school district may charge a one-time \$5 processing fee, to be paid at the time of  
1097 application.
- 1098 (6) An enrolled nonresident student shall be permitted to remain enrolled in a school,  
1099 subject to the same rules and standards as resident students, without renewed  
1100 applications in subsequent years unless one of the following occurs:
- 1101 (a) the student graduates;  
1102 (b) the student is no longer a Utah resident;  
1103 (c) the student is suspended or expelled from school;  
1104 (d) except for a student described in Subsection (6)(e), the district determines that  
1105 enrollment within the school will exceed the school's open enrollment threshold; or  
1106 (e) for a child of a military service member~~[, as that term is defined in Section 53B-8-102,]~~  
1107 or a child of a DOD civilian who moves from temporary to permanent housing  
1108 outside of the relevant school district boundaries following a permanent change of  
1109 station:
- 1110 (i) in kindergarten through grade 10, the student completes the current school year; or  
1111 (ii) in grades 11 and 12, the student graduates.
- 1112 (7)(a) Determination of which nonresident students will be excluded from continued  
1113 enrollment in a school during a subsequent year under Subsection (6)(d) is based  
1114 upon time in the school, with those most recently enrolled being excluded first and

- 1115 the use of a lottery system when multiple nonresident students have the same number  
1116 of school days in the school.
- 1117 (b) Nonresident students who will not be permitted to continue their enrollment shall be  
1118 notified no later than March 15 of the current school year.
- 1119 (8) The parent of a student enrolled in a school that is not the student's school of residence  
1120 may withdraw the student from that school for enrollment in another public school by  
1121 submitting notice of intent to enroll the student in:
- 1122 (a) the district of residence; or  
1123 (b) another nonresident district.
- 1124 (9) Unless provisions have previously been made for enrollment in another school, a  
1125 nonresident district releasing a student from enrollment shall immediately notify the  
1126 district of residence, which shall enroll the student in the resident district and take such  
1127 additional steps as may be necessary to ensure compliance with laws governing school  
1128 attendance.
- 1129 (10)(a) Except as provided in Subsection (10)(c), a student who transfers between  
1130 schools, whether effective on the first day of the school year or after the school year  
1131 has begun, by exercising an open enrollment option under this section may not  
1132 transfer to a different school during the same school year by exercising an open  
1133 enrollment option under this section.
- 1134 (b) The restriction on transfers specified in Subsection (10)(a) does not apply to a  
1135 student transfer made for health or safety reasons.
- 1136 (c) A local school board may adopt a policy allowing a student to exercise an open  
1137 enrollment option more than once in a school year.
- 1138 (11) Notwithstanding Subsections (2) and (6)(d), a student who is enrolled in a school that  
1139 is not the student's school of residence, because school bus service is not provided  
1140 between the student's neighborhood and school of residence for safety reasons:
- 1141 (a) shall be allowed to continue to attend the school until the student finishes the highest  
1142 grade level offered; and  
1143 (b) shall be allowed to attend the middle school, junior high school, or high school into  
1144 which the school's students feed until the student graduates from high school.
- 1145 (12) Notwithstanding any other provision of this part or Part 3, School District Residency, a  
1146 student shall be allowed to enroll in any charter school or other public school in any  
1147 district, including a district where the student does not reside, if the enrollment is  
1148 necessary, as determined by the Division of Child and Family Services, to comply with

1149 the provisions of 42 U.S.C. [~~Section~~] Sec. 675.

1150 Section 21. Section **53G-6-502** is amended to read:

1151 **53G-6-502 . Eligible students.**

1152 (1) As used in this section:

1153 (a) "At capacity" means operating above the school's open enrollment threshold.

1154 (b) "COVID-19 emergency" means the spread of COVID-19 that the World Health  
1155 Organization declared a pandemic on March 11, 2020.

1156 (c) "Open enrollment threshold" means the same as that term is defined in Section  
1157 53G-6-401.

1158 (d) "Refugee" means a person who is eligible to receive benefits and services from the  
1159 federal Office of Refugee Resettlement.

1160 (e) "School of residence" means the same as that term is defined in Section 53G-6-401.

1161 (2) All resident students of the state qualify for admission to a charter school, subject to the  
1162 limitations set forth in this section and Section 53G-6-503.

1163 (3)(a) A charter school shall enroll:

1164 (i) a foster child residing in the same residence as an individual who is enrolled in the  
1165 charter school; and

1166 (ii) an eligible student other than a child described in Subsection (3)(a)(i) who  
1167 submits a timely application, unless the number of applications exceeds the  
1168 capacity of a program, class, grade level, or the charter school.

1169 (b) If the number of applications described in Subsection (3)(a)(ii) exceeds the capacity  
1170 of a program, class, grade level, or the charter school, the charter school shall select  
1171 students on a random basis, except as provided in Subsections (4) through (8).

1172 (4) A charter school may give an enrollment preference to:

1173 (a) a child or grandchild of an individual who has actively participated in the  
1174 development of the charter school;

1175 (b) a child or grandchild of a member of the charter school governing board;

1176 (c) a sibling of an individual who was previously or is presently enrolled in the charter  
1177 school;

1178 (d) a child of an employee of the charter school;

1179 (e) a student articulating between charter schools offering similar programs that are  
1180 governed by the same charter school governing board;

1181 (f) a student articulating from one charter school to another pursuant to an articulation  
1182 agreement between the charter schools that is approved by the State Charter School

- 1183 Board;
- 1184 (g) an individual seeking enrollment in a charter school if:
- 1185 (i) the individual's sibling is a student enrolled in a charter school; and
- 1186 (ii) the charter school where the individual is seeking enrollment has an articulation
- 1187 agreement with the charter school where the sibling is enrolled that the State
- 1188 Charter School Board approves;
- 1189 (h) a student who resides within up to a two-mile radius of the charter school and whose
- 1190 school of residence is at capacity;
- 1191 (i) a child of a military service member~~[as defined in Section 53B-8-102]~~;
- 1192 (j) a child of a DOD civilian; or
- 1193 ~~[(j)]~~ (k) for the 2022-2023 school year, a student who withdraws from the charter school
- 1194 to attend an online school or home school for the 2020-2021 or 2021-2022 school
- 1195 years due to the COVID-19 emergency.
- 1196 (5)(a) Except as provided in Subsection (5)(b), and notwithstanding Subsection (4)(h), a
- 1197 charter school that is approved by the state board after May 13, 2014, and is located
- 1198 in a high growth area as defined in Section 53G-6-504 shall give an enrollment
- 1199 preference to a student who resides within a two-mile radius of the charter school.
- 1200 (b) The requirement to give an enrollment preference under Subsection (5)(a) does not
- 1201 apply to a charter school that was approved without a high priority status pursuant to
- 1202 Subsection 53G-6-504(7)(b).
- 1203 (6) If a district school converts to charter status, the charter school shall give an enrollment
- 1204 preference to students who would have otherwise attended it as a district school.
- 1205 (7)(a) A charter school whose mission is to enhance learning opportunities for refugees
- 1206 or children of refugee families may give an enrollment preference to refugees or
- 1207 children of refugee families.
- 1208 (b) A charter school whose mission is to enhance learning opportunities for English
- 1209 language learners may give an enrollment preference to English language learners.
- 1210 (8) A charter school may weight the charter school's lottery to give a slightly better chance
- 1211 of admission to educationally disadvantaged students, including:
- 1212 (a) low-income students;
- 1213 (b) students with disabilities;
- 1214 (c) English language learners;
- 1215 (d) migrant students;
- 1216 (e) neglected or delinquent students; and

- 1217 (f) homeless students.
- 1218 (9) A charter school may not discriminate in the charter school's admission policies or  
 1219 practices on the same basis as other public schools may not discriminate in admission  
 1220 policies and practices.
- 1221 Section 22. Section **58-1-102** is amended to read:
- 1222 **58-1-102 . Definitions.**
- 1223 As used in this title:
- 1224 (1) "Ablative procedure" means the same as that term is defined in Section 58-67-102.
- 1225 (2) "Cosmetic medical procedure":
- 1226 (a) means the same as that term is defined in Section 58-67-102; and
- 1227 (b) except for Chapter 67, Utah Medical Practice Act, and Chapter 68, Utah Osteopathic  
 1228 Medical Practice Act, does not apply to the scope of practice of an individual  
 1229 licensed under this title if the individual's scope of practice includes the authority to  
 1230 operate or perform surgical procedures.
- 1231 (3) "Cryolipolysis" means a nonablative fat reduction procedure that uses cold temperature  
 1232 to reduce fat deposits in certain areas of the body.
- 1233 (4) "Department" means the Department of Commerce.
- 1234 (5) "Director" means the director of the Division of Professional Licensing.
- 1235 (6) "Division" means the Division of Professional Licensing created in Section 58-1-103.
- 1236 (7) "DOD civilian" means the same as that term is defined in Section 53B-8-102.
- 1237 [~~(7)~~] (8) "Executive director" means the executive director of the Department of Commerce.
- 1238 [~~(8)~~] (9) "Licensee" includes any holder of a license, certificate, registration, permit, student  
 1239 card, or apprentice card authorized under this title.
- 1240 [~~(9)~~] (10)(a)(i) "Nonablative procedure" means a procedure that is expected or  
 1241 intended to alter living tissue, but not intended or expected to excise, vaporize,  
 1242 disintegrate, or remove living tissue.
- 1243 (ii) Notwithstanding Subsection [~~(8)~~](a)(i)] (10)(a)(i), nonablative procedure includes  
 1244 hair removal and cryolipolysis.
- 1245 (b) "Nonablative procedure" does not include:
- 1246 (i) a superficial procedure;
- 1247 (ii) the application of permanent make-up; or
- 1248 (iii) the use of photo therapy and lasers for neuromusculoskeletal treatments that are  
 1249 performed by an individual licensed under this title who is acting within their  
 1250 scope of practice.

- 1251 [~~(10)~~] (11) "Pain clinic" means:
- 1252 (a) a clinic that advertises its primary purpose is the treatment of chronic pain; or
- 1253 (b) a clinic in which greater than 50% of the clinic's annual patient population receive
- 1254 treatment primarily for non-terminal chronic pain using Schedule II-III controlled
- 1255 substances.
- 1256 [~~(11)~~] (12) "Superficial procedure" means a procedure that is expected or intended to
- 1257 temporarily alter living skin tissue and may excise or remove stratum corneum but have
- 1258 no appreciable risk of damage to any tissue below the stratum corneum.
- 1259 [~~(12)~~] (13) "Telemedicine service" means the same as that term is defined in Section
- 1260 26B-4-704.
- 1261 [~~(13)~~] (14) "Unlawful conduct" means the same as that term is defined in Subsection
- 1262 58-1-501(1).
- 1263 [~~(14)~~] (15) "Unprofessional conduct" means the same as that term is defined in Subsection
- 1264 58-1-501(2).
- 1265 Section 23. Section **58-1-307** is amended to read:
- 1266 **58-1-307 . Exemptions from licensure.**
- 1267 (1) Except as otherwise provided by statute or rule, the following individuals may engage in
- 1268 the practice of their occupation or profession, subject to the stated circumstances and
- 1269 limitations, without being licensed under this title:
- 1270 (a) an individual serving in the armed forces of the United States, the United States
- 1271 Public Health Service, the United States Department of Veterans Affairs, or other
- 1272 federal agencies while engaged in activities regulated under this chapter as a part of
- 1273 employment with that federal agency if the individual holds a valid license to practice
- 1274 a regulated occupation or profession issued by any other state or jurisdiction
- 1275 recognized by the division;
- 1276 (b) a student engaged in activities constituting the practice of a regulated occupation or
- 1277 profession while in training in a recognized school approved by the division to the
- 1278 extent the activities are supervised by qualified faculty, staff, or designee and the
- 1279 activities are a defined part of the training program;
- 1280 (c) an individual engaged in an internship, residency, preceptorship, postceptorship,
- 1281 fellowship, apprenticeship, or on-the-job training program approved by the division
- 1282 while under the supervision of qualified individuals;
- 1283 (d) an individual residing in another state and licensed to practice a regulated occupation
- 1284 or profession in that state, who is called in for a consultation by an individual

- 1285 licensed in this state, and the services provided are limited to that consultation;
- 1286 (e) an individual who is invited by a recognized school, association, society, or other  
1287 body approved by the division to conduct a lecture, clinic, or demonstration of the  
1288 practice of a regulated occupation or profession if the individual does not establish a  
1289 place of business or regularly engage in the practice of the regulated occupation or  
1290 profession in this state;
- 1291 (f) an individual licensed under the laws of this state, other than under this title, to  
1292 practice or engage in an occupation or profession, while engaged in the lawful,  
1293 professional, and competent practice of that occupation or profession;
- 1294 (g) an individual licensed in a health care profession in another state who performs that  
1295 profession while attending to the immediate needs of a patient for a reasonable period  
1296 during which the patient is being transported from outside of this state, into this state,  
1297 or through this state;
- 1298 (h) an individual licensed in another state or country who is in this state temporarily to  
1299 attend to the needs of an athletic team or group, except that the practitioner may only  
1300 attend to the needs of the athletic team or group, including all individuals who travel  
1301 with the team or group in any capacity except as a spectator;
- 1302 (i) an individual licensed and in good standing in another state, who is in this state:
- 1303 (i) temporarily, under the invitation and control of a sponsoring entity;
- 1304 (ii) for a reason associated with a special purpose event, based upon needs that may  
1305 exceed the ability of this state to address through its licensees, as determined by  
1306 the division; and
- 1307 (iii) for a limited period of time not to exceed the duration of that event, together with  
1308 any necessary preparatory and conclusionary periods; and
- 1309 (j) the spouse of an individual serving in the armed forces of the United States or the  
1310 spouse of a DOD civilian while the individual or DOD civilian is stationed within  
1311 this state, provided:
- 1312 (i) the spouse holds a valid license to practice a regulated occupation or profession  
1313 issued by any other state or jurisdiction recognized by the division; and
- 1314 (ii) the license is current and the spouse is in good standing in the state of licensure.
- 1315 (2)(a) A practitioner temporarily in this state who is exempted from licensure under  
1316 Subsection (1) shall comply with each requirement of the licensing jurisdiction from  
1317 which the practitioner derives authority to practice.
- 1318 (b) Violation of a limitation imposed by this section constitutes grounds for removal of

- 1319 exempt status, denial of license, or other disciplinary proceedings.
- 1320 (3) An individual who is licensed under a specific chapter of this title to practice or engage  
1321 in an occupation or profession may engage in the lawful, professional, and competent  
1322 practice of that occupation or profession without additional licensure under other  
1323 chapters of this title, except as otherwise provided by this title.
- 1324 (4) Upon the declaration of a national, state, or local emergency, a public health emergency  
1325 as defined in Section 26B-7-301, or a declaration by the president of the United States or  
1326 other federal official requesting public health-related activities, the division in  
1327 collaboration with the relevant board may:
- 1328 (a) suspend the requirements for permanent or temporary licensure of individuals who  
1329 are licensed in another state for the duration of the emergency while engaged in the  
1330 scope of practice for which they are licensed in the other state;
- 1331 (b) modify, under the circumstances described in this Subsection (4) and Subsection (5),  
1332 the scope of practice restrictions under this title for individuals who are licensed  
1333 under this title as:
- 1334 (i) a physician under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah  
1335 Osteopathic Medical Practice Act;
- 1336 (ii) a nurse under Chapter 31b, Nurse Practice Act, or Chapter 31e, Nurse Licensure  
1337 Compact - Revised;
- 1338 (iii) a certified nurse midwife under Chapter 44a, Nurse Midwife Practice Act;
- 1339 (iv) a pharmacist, pharmacy technician, or pharmacy intern under Chapter 17b,  
1340 Pharmacy Practice Act;
- 1341 (v) a respiratory therapist under Chapter 57, Respiratory Care Practices Act;
- 1342 (vi) a dentist and dental hygienist under Chapter 69, Dentist and Dental Hygienist  
1343 Practice Act; and
- 1344 (vii) a physician assistant under Chapter 70a, Utah Physician Assistant Act;
- 1345 (c) suspend the requirements for licensure under this title and modify the scope of  
1346 practice in the circumstances described in this Subsection (4) and Subsection (5) for  
1347 medical services personnel or paramedics required to be licensed under Section  
1348 53-2d-402;
- 1349 (d) suspend requirements in Subsections 58-17b-620(3) through (6) which require  
1350 certain prescriptive procedures;
- 1351 (e) exempt or modify the requirement for licensure of an individual who is activated as a  
1352 member of a medical reserve corps during a time of emergency as provided in



- 1353 Section 26A-1-126;
- 1354 (f) exempt or modify the requirement for licensure of an individual who is registered as  
1355 a volunteer health practitioner as provided in Title 26B, Chapter 4, Part 8, Uniform  
1356 Emergency Volunteer Health Practitioners Act; and
- 1357 (g) in accordance with rules made by the division in accordance with Title 63G, Chapter  
1358 3, Utah Administrative Rulemaking Act, exempt or modify the requirements for  
1359 licensure of an individual engaged in one or more of the construction trades described  
1360 in Chapter 55, Utah Construction Trades Licensing Act.
- 1361 (5) Individuals exempt under Subsection (4)(c) and individuals operating under modified  
1362 scope of practice provisions under Subsection (4)(b):
- 1363 (a) are exempt from licensure or subject to modified scope of practice for the duration of  
1364 the emergency;
- 1365 (b) must be engaged in the distribution of medicines or medical devices in response to  
1366 the emergency or declaration; and
- 1367 (c) must be employed by or volunteering for:
- 1368 (i) a local or state department of health; or  
1369 (ii) a host entity as defined in Section 26B-4-801.
- 1370 (6) In accordance with the protocols established under Subsection (8), upon the declaration  
1371 of a national, state, or local emergency, the Department of Health and Human Services  
1372 or a local health department shall coordinate with public safety authorities as defined in  
1373 Subsection 26B-7-323(1) and may:
- 1374 (a) use a vaccine, antiviral, antibiotic, or other prescription medication that is not a  
1375 controlled substance to prevent or treat a disease or condition that gave rise to, or was  
1376 a consequence of, the emergency; or
- 1377 (b) distribute a vaccine, antiviral, antibiotic, or other prescription medication that is not a  
1378 controlled substance:
- 1379 (i) if necessary, to replenish a commercial pharmacy in the event that the commercial  
1380 pharmacy's normal source of the vaccine, antiviral, antibiotic, or other prescription  
1381 medication is exhausted; or
- 1382 (ii) for dispensing or direct administration to treat the disease or condition that gave  
1383 rise to, or was a consequence of, the emergency by:
- 1384 (A) a pharmacy;  
1385 (B) a prescribing practitioner;  
1386 (C) a licensed health care facility;

- 1387 (D) a federally qualified community health clinic; or  
1388 (E) a governmental entity for use by a community more than 50 miles from a  
1389 person described in Subsections (6)(b)(ii)(A) through (D).
- 1390 (7) In accordance with protocols established under Subsection (8), upon the declaration of a  
1391 national, state, or local emergency, the Department of Health and Human Services shall  
1392 coordinate the distribution of medications:
- 1393 (a) received from the strategic national stockpile to local health departments; and  
1394 (b) from local health departments to emergency personnel within the local health  
1395 departments' geographic region.
- 1396 (8) The Department of Health and Human Services shall establish by rule, made in  
1397 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, protocols  
1398 for administering, dispensing, and distributing a vaccine, an antiviral, an antibiotic, or  
1399 other prescription medication that is not a controlled substance in the event of a  
1400 declaration of a national, state, or local emergency. The protocol shall establish  
1401 procedures for the Department of Health and Human Services or a local health  
1402 department to:
- 1403 (a) coordinate the distribution of:
- 1404 (i) a vaccine, an antiviral, an antibiotic, or other prescription medication that is not a  
1405 controlled substance received by the Department of Health and Human Services  
1406 from the strategic national stockpile to local health departments; and
- 1407 (ii) a vaccine, an antiviral, an antibiotic, or other non-controlled prescription  
1408 medication received by a local health department to emergency personnel within  
1409 the local health department's geographic region;
- 1410 (b) authorize the dispensing, administration, or distribution of a vaccine, an antiviral, an  
1411 antibiotic, or other prescription medication that is not a controlled substance to the  
1412 contact of a patient without a patient-practitioner relationship, if the contact's  
1413 condition is the same as that of the physician's or physician assistant's patient; and
- 1414 (c) authorize the administration, distribution, or dispensing of a vaccine, an antiviral, an  
1415 antibiotic, or other non-controlled prescription medication to an individual who:
- 1416 (i) is working in a triage situation;  
1417 (ii) is receiving preventative or medical treatment in a triage situation;  
1418 (iii) does not have coverage for the prescription in the individual's health insurance  
1419 plan;  
1420 (iv) is involved in the delivery of medical or other emergency services in response to

1421 the declared national, state, or local emergency; or

1422 (v) otherwise has a direct impact on public health.

1423 (9) The Department of Health and Human Services shall give notice to the division upon  
1424 implementation of the protocol established under Subsection (8).

1425 Section 24. Section **61-1-32** is amended to read:

1426 **61-1-32 . Exemptions from licensure.**

1427 (1) As used in this section, "DOD civilian" means the same as that term is defined in  
1428 Section 53B-8-102.

1429 (2) Except as otherwise provided by statute or rule, the following individuals may  
1430 engage in the practice of an occupation or profession regulated by this chapter, subject  
1431 to the stated circumstances and limitations, without being licensed under this chapter:

1432 [~~(1)~~] (a) an individual licensed under the laws of this state, other than under this chapter,  
1433 to practice or engage in an occupation or profession, while engaged in the lawful,  
1434 professional, and competent practice of that occupation or profession;

1435 [~~(2)~~] (b) an individual serving in the armed forces of the United States, the United States  
1436 Public Health Service, the United States Department of Veterans Affairs, or any other  
1437 federal agency while engaged in activities regulated under this title as a part of  
1438 employment with that federal agency if the individual holds a valid license to practice  
1439 the regulated occupation or profession issued by any other state or jurisdiction  
1440 recognized by the department; and

1441 [~~(3)~~] (c) the spouse of an individual serving in the armed forces of the United States or  
1442 the spouse of a DOD civilian while the individual or DOD civilian is stationed within  
1443 this state, if:

1444 [~~(a)~~] (i) the spouse holds a valid license to practice the regulated occupation or  
1445 profession issued by any other state or jurisdiction recognized by the department;  
1446 and

1447 [~~(b)~~] (ii) the license is current and the spouse is in good standing in the state or  
1448 jurisdiction of licensure.

1449 Section 25. Section **61-2f-102** is amended to read:

1450 **61-2f-102 . Definitions.**

1451 As used in this chapter:

1452 (1) "Associate broker" means an individual who is:

1453 (a) employed or engaged as an independent contractor by or on behalf of a principal  
1454 broker to perform an act described in Subsection [~~(20)~~] (21) for valuable

- 1455 consideration; and
- 1456 (b) licensed under this chapter as an associate broker.
- 1457 (2) "Branch broker" means an associate broker who manages a principal broker's branch
- 1458 office under the supervision of the principal broker.
- 1459 (3) "Branch office" means a principal broker's real estate brokerage office that is not the
- 1460 principal broker's main office.
- 1461 (4) "Business day" means a day other than:
- 1462 (a) a Saturday;
- 1463 (b) a Sunday; or
- 1464 (c) a federal or state holiday.
- 1465 (5) "Business opportunity" means the sale, lease, or exchange of any business that includes
- 1466 an interest in real estate.
- 1467 (6) "Commission" means the Real Estate Commission established under this chapter.
- 1468 (7) "Concurrence" means the entities given a concurring role must jointly agree for action
- 1469 to be taken.
- 1470 (8) "Condominium homeowners' association" means the condominium unit owners acting
- 1471 as a group in accordance with declarations and bylaws.
- 1472 (9)(a) "Condominium hotel" means one or more condominium units that are operated as
- 1473 a hotel.
- 1474 (b) "Condominium hotel" does not mean a hotel consisting of condominium units, all of
- 1475 which are owned by a single entity.
- 1476 (10) "Condominium unit" means the same as that term is defined in Section 57-8-3.
- 1477 (11) "Director" means the director of the Division of Real Estate.
- 1478 (12) "Division" means the Division of Real Estate.
- 1479 (13) "DOD civilian" means the same as that term is defined in Section 53B-8-102.
- 1480 [~~(13)~~] (14) "Dual broker" means a principal broker of a real estate sales brokerage who
- 1481 obtains from the division a dual broker license in order to function as the principal
- 1482 broker of a property management company that is a separate entity from the real estate
- 1483 sales brokerage.
- 1484 [~~(14)~~] (15) "Entity" means:
- 1485 (a) a corporation;
- 1486 (b) a partnership;
- 1487 (c) a limited liability company;
- 1488 (d) a company;

- 1489 (e) an association;
- 1490 (f) a joint venture;
- 1491 (g) a business trust;
- 1492 (h) a trust; or
- 1493 (i) any organization similar to an entity described in Subsections (14)(a) through (h).
- 1494 ~~[(15)]~~ (16) "Executive director" means the director of the Department of Commerce.
- 1495 ~~[(16)]~~ (17) "Foreclosure rescue" means, for compensation or with the expectation of
- 1496 receiving valuable consideration, to:
- 1497 (a) engage, or offer to engage, in an act that:
- 1498 (i) the person represents will assist a borrower in preventing a foreclosure; and
- 1499 (ii) relates to a transaction involving the transfer of title to residential real property; or
- 1500 (b) as an employee or agent of another person:
- 1501 (i) solicit, or offer that the other person will engage in an act described in Subsection
- 1502 (16)(a); or
- 1503 (ii) negotiate terms in relationship to an act described in Subsection (16)(a).
- 1504 ~~[(17)]~~ (18) "Loan modification assistance" means, for compensation or with the expectation
- 1505 of receiving valuable consideration, to:
- 1506 (a) act, or offer to act, on behalf of a person to:
- 1507 (i) obtain a loan term of a residential mortgage loan that is different from an existing
- 1508 loan term including:
- 1509 (A) an increase or decrease in an interest rate;
- 1510 (B) a change to the type of interest rate;
- 1511 (C) an increase or decrease in the principal amount of the residential mortgage
- 1512 loan;
- 1513 (D) a change in the number of required period payments;
- 1514 (E) an addition of collateral;
- 1515 (F) a change to, or addition of, a prepayment penalty;
- 1516 (G) an addition of a cosigner; or
- 1517 (H) a change in persons obligated under the existing residential mortgage loan; or
- 1518 (ii) substitute a new residential mortgage loan for an existing residential mortgage
- 1519 loan; or
- 1520 (b) as an employee or agent of another person:
- 1521 (i) solicit, or offer that the other person will engage in an act described in Subsection [~~(17)~~
- 1522 (18)(a); or

1523 (ii) negotiate terms in relationship to an act described in Subsection [~~(17)~~(a)] (18)(a).

1524 [~~(18)~~] (19) "Main office" means the address which a principal broker designates with the  
1525 division as the principal broker's primary brokerage office.

1526 [~~(19)~~] (20) "Person" means an individual or entity.

1527 [~~(20)~~] (21) "Principal broker" means an individual who is licensed or required to be licensed  
1528 as a principal broker under this chapter who:

1529 (a) sells or lists for sale real estate, including real estate being sold as part of a  
1530 foreclosure rescue, or a business opportunity with the expectation of receiving  
1531 valuable consideration;

1532 (b) buys, exchanges, or auctions real estate, an option on real estate, a business  
1533 opportunity, or an improvement on real estate with the expectation of receiving  
1534 valuable consideration;

1535 (c) advertises, offers, attempts, or otherwise holds the individual out to be engaged in the  
1536 business described in Subsection [~~(20)~~(a)] (21)(a) or (b);

1537 (d) is employed by or on behalf of the owner of real estate or by a prospective purchaser  
1538 of real estate and performs an act described in Subsection [~~(20)~~(a)] (21)(a), whether  
1539 the individual's compensation is at a stated salary, a commission basis, upon a salary  
1540 and commission basis, or otherwise;

1541 (e) with the expectation of receiving valuable consideration, manages property owned by  
1542 another person;

1543 (f) advertises or otherwise holds the individual out to be engaged in property  
1544 management;

1545 (g) with the expectation of receiving valuable consideration, assists or directs in the  
1546 procurement of prospects for or the negotiation of a transaction listed in Subsections [  
1547 ~~(20)~~(a)] (21)(a) and (e);

1548 (h) except for a mortgage lender, title insurance producer, or an employee of a mortgage  
1549 lender or title insurance producer, assists or directs in the closing of a real estate  
1550 transaction with the expectation of receiving valuable consideration;

1551 (i) engages in foreclosure rescue; or

1552 (j) advertises, offers, attempts, or otherwise holds the person out as being engaged in  
1553 foreclosure rescue.

1554 [~~(21)~~] (22)(a) "Property management" means engaging in, with the expectation of  
1555 receiving valuable consideration, the management of real estate owned by another  
1556 person or advertising or otherwise claiming to be engaged in property management

- 1557 by:
- 1558 (i) advertising for, arranging, negotiating, offering, or otherwise attempting or
- 1559 participating in a transaction calculated to secure the rental or leasing of real estate;
- 1560 (ii) collecting, agreeing, offering, or otherwise attempting to collect rent for the real
- 1561 estate and accounting for and disbursing the money collected; or
- 1562 (iii) authorizing expenditures for repairs to the real estate.
- 1563 (b) "Property management" does not include:
- 1564 (i) hotel or motel management;
- 1565 (ii) rental of tourist accommodations, including hotels, motels, tourist homes,
- 1566 condominiums, condominium hotels, mobile home park accommodations,
- 1567 campgrounds, or similar public accommodations for a period of less than 30
- 1568 consecutive days, and the management activities associated with these rentals; or
- 1569 (iii) the leasing or management of surface or subsurface minerals or oil and gas
- 1570 interests, if the leasing or management is separate from a sale or lease of the
- 1571 surface estate.
- 1572 [~~(22)~~] (23) "Property management sales agent" means a sales agent who:
- 1573 (a) is affiliated with a dual broker through the dual broker's property management
- 1574 company; and
- 1575 (b) is designated by the dual broker as a property management sales agent.
- 1576 [~~(23)~~] (24) "Real estate" includes leaseholds and business opportunities involving real
- 1577 property.
- 1578 [~~(24)~~] (25)(a) "Regular salaried employee" means an individual who performs a service
- 1579 for wages or other remuneration, whose employer withholds federal employment
- 1580 taxes under a contract of hire, written or oral, express or implied.
- 1581 (b) "Regular salaried employee" does not include an individual who performs services
- 1582 on a project-by-project basis or on a commission basis.
- 1583 [~~(25)~~] (26) "Reinstatement" means restoring a license that has expired or has been
- 1584 suspended.
- 1585 [~~(26)~~] (27) "Reissuance" means the process by which a licensee may obtain a license
- 1586 following revocation of the license.
- 1587 [~~(27)~~] (28) "Renewal" means extending a license for an additional licensing period on or
- 1588 before the date the license expires.
- 1589 [~~(28)~~] (29) "Sales agent" means an individual who is:
- 1590 (a) affiliated with a principal broker, either as an independent contractor or an employee

1591 as provided in Section 61-2f-303, to perform for valuable consideration an act  
 1592 described in Subsection [~~(20)~~] (21); and

1593 (b) licensed under this chapter as a sales agent.

1594 [~~(29)~~] (30) "Vulnerable adult" means the same as that term is defined in Section 26B-6-201.

1595 Section 26. Section **61-2f-202** is amended to read:

1596 **61-2f-202 . Exempt persons and transactions.**

1597 (1) f

1598 (a) Except as provided in Subsection (1)(b), a license under this chapter is not required  
 1599 for:

1600 (i) a person who as owner or lessor performs an act described in Subsection [  
 1601 ~~61-2f-102(20)~~] 61-2f-102(21) with reference to real estate owned or leased by that  
 1602 person;

1603 (ii) a regular salaried employee of the owner or lessor of real estate who, with  
 1604 reference to nonresidential real estate owned or leased by the employer, performs  
 1605 an act described in Subsection [~~61-2f-102(20)(b)~~] 61-2f-102(21)(b) or (c);

1606 (iii) a regular salaried employee of the owner of real estate who performs property  
 1607 management services with reference to real estate owned by the employer, except  
 1608 that the employee may only manage real estate for one employer;

1609 (iv) an individual who performs property management services for the apartments at  
 1610 which that individual resides in exchange for free or reduced rent on that  
 1611 individual's apartment;

1612 (v) a regular salaried employee of a condominium homeowners' association who  
 1613 manages real estate subject to the declaration of condominium that established the  
 1614 condominium homeowners' association, except that the employee may only  
 1615 manage real estate for one condominium homeowners' association;

1616 (vi) a regular salaried employee of a licensed property management company or real  
 1617 estate brokerage who performs support services, as prescribed by rule, for the  
 1618 property management company or real estate brokerage; or

1619 (vii) in the event a principal broker dies, is incapacitated, or is unable to perform the  
 1620 duties of a principal broker, an individual qualified and designated as the  
 1621 commission determines by rule made in accordance with Title 63G, Chapter 3,  
 1622 Utah Administrative Rulemaking Act, with the concurrence of the division, as an  
 1623 acting principal broker:

1624 (A) in relation to each transaction pending on the day on which the principal



- 1625 broker dies, becomes incapacitated, or becomes unable to perform the duties of  
1626 a principal broker, including the distribution of compensation for each  
1627 transaction; and
- 1628 (B) until the day on which each transaction described in Subsection (1)(a)(vii)(A)  
1629 is completed.
- 1630 (b) Subsection (1)(a) does not exempt from licensing:
- 1631 (i) an employee engaged in the sale of real estate regulated under:
- 1632 (A) Title 57, Chapter 11, Utah Uniform Land Sales Practices Act; or  
1633 (B) Title 57, Chapter 19, Timeshare and Camp Resort Act;
- 1634 (ii) an employee engaged in the sale of cooperative interests regulated under Title 57,  
1635 Chapter 23, Real Estate Cooperative Marketing Act; or
- 1636 (iii) an individual whose interest as an owner or lessor is obtained by that individual  
1637 or transferred to that individual for the purpose of evading the application of this  
1638 chapter, and not for another legitimate business reason.
- 1639 (2) A license under this chapter is not required for:
- 1640 (a) an isolated transaction or service by an individual holding an unsolicited, duly  
1641 executed power of attorney from a property owner;
- 1642 (b) subject to Subsection 61-2f-401(5), services rendered by an attorney admitted to  
1643 practice law in this state in performing the attorney's duties as an attorney;
- 1644 (c) a receiver, trustee in bankruptcy, administrator, executor, or an individual acting  
1645 under order of a court;
- 1646 (d) a trustee or employee of a trustee under a deed of trust or a will;
- 1647 (e) a public utility, officer of a public utility, or regular salaried employee of a public  
1648 utility, unless performance of an act described in Subsection [61-2f-102(20)]  
1649 61-2f-102(21) is in connection with the sale, purchase, lease, or other disposition of  
1650 real estate or investment in real estate unrelated to the principal business activity of  
1651 that public utility;
- 1652 (f) a regular salaried employee or authorized agent working under the oversight of the  
1653 Department of Transportation when performing an act on behalf of the Department of  
1654 Transportation in connection with one or more of the following:
- 1655 (i) the acquisition of real estate pursuant to Section 72-5-103;  
1656 (ii) the disposal of real estate pursuant to Section 72-5-111;  
1657 (iii) services that constitute property management; or  
1658 (iv) the leasing of real estate; and

- 1659 (g) a regular salaried employee of a county, city, or town when performing an act on  
 1660 behalf of the county, city, or town:
- 1661 (i) in accordance with:
- 1662 (A) if a regular salaried employee of a city or town:
- 1663 (I) Title 10, Utah Municipal Code; or
- 1664 (II) Title 11, Cities, Counties, and Local Taxing Units; and
- 1665 (B) if a regular salaried employee of a county:
- 1666 (I) Title 11, Cities, Counties, and Local Taxing Units; and
- 1667 (II) Title 17, Counties; and
- 1668 (ii) in connection with one or more of the following:
- 1669 (A) the acquisition of real estate, including by eminent domain;
- 1670 (B) the disposal of real estate;
- 1671 (C) services that constitute property management; or
- 1672 (D) the leasing of real estate.
- 1673 (3) A license under this chapter is not required for an individual registered to act as a  
 1674 broker-dealer, agent, or investment adviser under the Utah and federal securities laws in  
 1675 the sale or the offer for sale of real estate if:
- 1676 (a)(i) the real estate is a necessary element of a "security" as that term is defined by  
 1677 the Securities Act of 1933 and the Securities Exchange Act of 1934; and
- 1678 (ii) the security is registered for sale in accordance with:
- 1679 (A) the Securities Act of 1933; or
- 1680 (B) Title 61, Chapter 1, Utah Uniform Securities Act; or
- 1681 (b)(i) it is a transaction in a security for which a Form D, described in 17 C.F.R. Sec.  
 1682 239.500, has been filed with the Securities and Exchange Commission pursuant to  
 1683 Regulation D, Rule 506, 17 C.F.R. Sec. 230.506; and
- 1684 (ii) the selling agent and the purchaser are not residents of this state.
- 1685 (4) Except as otherwise provided by statute or rule, the following individuals may engage in  
 1686 the practice of an occupation or profession regulated by this chapter, subject to the stated  
 1687 circumstances and limitations, without being licensed under this chapter:
- 1688 (a) an individual licensed under the laws of this state, other than under this chapter, to  
 1689 practice or engage in an occupation or profession, while engaged in the lawful,  
 1690 professional, and competent practice of that occupation or profession;
- 1691 (b) an individual serving in the armed forces of the United States, the United States  
 1692 Public Health Service, the United States Department of Veterans Affairs, or any other

1693 federal agency while engaged in activities regulated under this title as a part of  
 1694 employment with that federal agency if the individual holds a valid license to practice  
 1695 the regulated occupation or profession issued by any other state or jurisdiction  
 1696 recognized by the department; and

1697 (c) the spouse of an individual serving in the armed forces of the United States or the  
 1698 spouse of a DOD civilian while the individual or DOD civilian is stationed within  
 1699 this state, if:

1700 (i) the spouse holds a valid license to practice the regulated occupation or profession  
 1701 issued by any other state or jurisdiction recognized by the department; and

1702 (ii) the license is current and the spouse is in good standing in the state or jurisdiction  
 1703 of licensure.

1704 (5) As used in this section, "owner" does not include:

1705 (a) a person who holds an option to purchase real property;

1706 (b) a mortgagee;

1707 (c) a beneficiary under a deed of trust;

1708 (d) a trustee under a deed of trust; or

1709 (e) a person who owns or holds a claim that encumbers any real property or an  
 1710 improvement to the real property.

1711 (6) The commission, with the concurrence of the division, may provide, by rule made in  
 1712 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 1713 circumstances under which a person or transaction qualifies for an exemption that is  
 1714 described in this section.

1715 Section 27. **Effective date.**

1716 This bill takes effect on May 7, 2025.

1717 Section 28. **Coordinating S.B. 17 with H.B. 142.**

1718 If S.B. 17, Services for Department of Defense Civilian Employees, and H.B. 142,

1719 Service Member and Veteran Amendments, both pass and become law, the Legislature intends  
 1720 that, on May 7, 2025, Subsection 53B-8-102(9)(a) in S.B. 17 and H.B. 142 be amended to read:

1721 "(9)(a) The evidence described in Subsection [~~(8)(a)(ii)(B) or (8)(b)(ii)(B)~~] (8)(j)(ii)(B)  
 1722 or (8)(k)(ii)(B) includes:

1723 (i) a current Utah voter registration card;

1724 (ii) a valid Utah driver license or identification card;

1725 (iii) a current Utah vehicle registration;

1726 (iv) a copy of a Utah income tax return, in the [~~military service member's or~~

1727 ~~military service member's spouse's name]~~ name of the DOD civilian or DOD civilian's spouse,  
1728 filed as a resident in accordance with Section 59-10-502; or  
1729 (v) proof that the [~~military service member or military service member's spouse]~~  
1730 DOD civilian or DOD civilian's spouse owns a home in Utah, including a property tax notice  
1731 for property owned in Utah.".