

Ryan D. Wilcox proposes the following substitute bill:

**Occupational Licensing Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John D. Johnson**

House Sponsor:

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**LONG TITLE**

**General Description:**

This bill repeals the licensing requirement for multiple occupations.

**Highlighted Provisions:**

This bill:

- repeals the licensing requirement for:
  - a commercial interior designer;
  - the practice of deception detection; and
  - the practice of music therapy; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-1-301.5**, as last amended by Laws of Utah 2025, Chapter 236

**63G-6a-103**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9

REPEALS:

**58-64-101**, as enacted by Laws of Utah 1995, Chapter 215

**58-64-102**, as last amended by Laws of Utah 2020, Chapter 154

**58-64-301**, as last amended by Laws of Utah 2016, Chapter 201

**58-64-302**, as last amended by Laws of Utah 2025, Chapter 443

**58-64-303**, as last amended by Laws of Utah 2016, Chapter 201

**58-64-304**, as last amended by Laws of Utah 2016, Chapter 238 and last amended by Coordination Clause, Laws of Utah 2016, Chapter 238

**58-64-305**, as last amended by Laws of Utah 1996, Chapter 79

30 **58-64-401**, as enacted by Laws of Utah 1995, Chapter 215  
 31 **58-64-501**, as enacted by Laws of Utah 1995, Chapter 215  
 32 **58-64-502**, as last amended by Laws of Utah 2020, Chapter 154  
 33 **58-64-601**, as last amended by Laws of Utah 2020, Chapter 154  
 34 **58-64-701**, as last amended by Laws of Utah 2016, Chapter 201  
 35 **58-84-101**, as enacted by Laws of Utah 2014, Chapter 340  
 36 **58-84-102**, as last amended by Laws of Utah 2024, Chapter 420  
 37 **58-84-103**, as enacted by Laws of Utah 2014, Chapter 340  
 38 **58-84-201**, as last amended by Laws of Utah 2024, Chapter 420  
 39 **58-84-202**, as enacted by Laws of Utah 2014, Chapter 340  
 40 **58-84-203**, as enacted by Laws of Utah 2014, Chapter 340  
 41 **58-84-301**, as enacted by Laws of Utah 2014, Chapter 340  
 42 **58-86-101**, as enacted by Laws of Utah 2016, Chapter 294  
 43 **58-86-102**, as enacted by Laws of Utah 2016, Chapter 294  
 44 **58-86-103**, as enacted by Laws of Utah 2016, Chapter 294  
 45 **58-86-201**, as enacted by Laws of Utah 2016, Chapter 294  
 46 **58-86-202**, as last amended by Laws of Utah 2020, Chapter 339  
 47 **58-86-203**, as enacted by Laws of Utah 2016, Chapter 294  
 48 **58-86-204**, as enacted by Laws of Utah 2016, Chapter 294  
 49 **58-86-205**, as enacted by Laws of Utah 2016, Chapter 294  
 50 **58-86-206**, as enacted by Laws of Utah 2016, Chapter 294  
 51 **58-86-301**, as enacted by Laws of Utah 2016, Chapter 294  
 52 **58-86-302**, as last amended by Laws of Utah 2020, Chapter 339  
 53 **58-86-401**, as enacted by Laws of Utah 2016, Chapter 294  
 54 **78A-2-403**, as last amended by Laws of Utah 2019, Chapter 379

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

57 Section 1. Section **58-1-301.5** is amended to read:

58 **58-1-301.5 . Division access to Bureau of Criminal Identification records --**  
 59 **Criminal background check requirement.**

60 (1) As used in this section, "applicant" means an individual applying for licensure or  
 61 certification, or with respect to a license or certification, applying for renewal,  
 62 reinstatement, or relicensure or recertification, as required in:

63 (a) Section 58-5a-302;

- 64 (b) Section 58-16a-302;
- 65 (c) Section 58-17b-303;
- 66 (d) Section 58-17b-304;
- 67 (e) Section 58-17b-305;
- 68 (f) Section 58-17b-306;
- 69 (g) Section 58-24b-302;
- 70 (h) Section 58-31b-302;
- 71 (i) Section 58-42a-302;
- 72 (j) Section 58-44a-302;
- 73 (k) Section 58-47b-302;
- 74 (l) Section 58-55-302;
- 75 (m) Section 58-47b-302.2;
- 76 (n) Section 58-60-205;
- 77 (o) Section 58-60-305;
- 78 (p) Section 58-60-405;
- 79 (q) Section 58-60-506;
- 80 (r) Section 58-61-304;
- 81 (s) Section 58-63-302;
- 82 [~~(t)~~ ~~Section 58-64-302;~~]
- 83 [~~(t)~~] (t) Section 58-67-302;
- 84 [~~(v)~~] (u) Section 58-68-302;
- 85 [~~(w)~~] (v) Section 58-69-302;
- 86 [~~(x)~~] (w) Section 58-70a-302;
- 87 [~~(y)~~] (x) Section 58-70b-302;
- 88 [~~(z)~~] (y) Section 58-71-302; or
- 89 [~~(aa)~~] (z) Section 58-73-302.
- 90 (2) The division shall have direct access to local files maintained by the Bureau of Criminal
- 91 Identification under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification, for
- 92 background screening of an applicant.
- 93 (3) The division's access to criminal background information under this section:
- 94 (a) shall meet the requirements of Section 53-10-108; and
- 95 (b) includes:
- 96 (i) convictions, pleas of nolo contendere, pleas of guilty or nolo contendere held in
- 97 abeyance, dismissed charges, and charges without a known disposition; and

- 98 (ii) criminal background information maintained under Title 53, Chapter 10, Part 2,  
99 Bureau of Criminal Identification.
- 100 (4) The division may not disseminate outside of the division any criminal history record  
101 information that the division obtains from the Bureau of Criminal Identification or the  
102 Federal Bureau of Investigation under the criminal background check requirements of  
103 this section.
- 104 (5) To fulfill an applicable criminal background check requirement, an applicant shall:  
105 (a) submit fingerprints in a form acceptable to the division at the time the applicant files  
106 a license application or a registration; and  
107 (b) consent to a fingerprint background check conducted by the Bureau of Criminal  
108 Identification and the Federal Bureau of Investigation regarding the application.
- 109 (6)(a) Upon receiving fingerprints from an applicant in accordance with Subsection (5),  
110 the division shall:
- 111 (i) collect from each applicant submitting fingerprints in accordance with this section:  
112 (A) the fee that the Bureau of Criminal Identification is authorized to collect for  
113 the services provided under Section 53-10-108; and  
114 (B) the fee charged by the Federal Bureau of Investigation for fingerprint  
115 processing for the purpose of obtaining federal criminal history record  
116 information;
- 117 (ii) submit from each applicant the fingerprints and the fees described in Subsection  
118 (6)(a)(i) to the Bureau of Criminal Identification; and  
119 (iii) obtain and retain in division records a signed waiver approved by the Bureau of  
120 Criminal Identification in accordance with Section 53-10-108 for each applicant.
- 121 (b) The fees described in Subsection (6)(a)(i) are in addition to other fees authorized by  
122 this chapter.
- 123 (7) In accordance with the requirements of Section 53-10-108, the Bureau of Criminal  
124 Identification shall:
- 125 (a) check the fingerprints submitted under Subsection (5)(a) against the applicable state  
126 and regional criminal records databases;
- 127 (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal  
128 history background check; and  
129 (c) provide the results from the state, regional, and nationwide criminal history  
130 background checks to the division.
- 131 (8)(a)(i) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the

132 criminal background check required under this section demonstrates, after the  
 133 applicant is licensed or registered, that the applicant failed to accurately disclose a  
 134 criminal history, the division may provide notice to the applicant that the license  
 135 or registration is immediately and automatically revoked.

136 (ii) If a massage establishment owner has a criminal conviction or pending criminal  
 137 charges for any crime under Title 76, Chapter 5, Part 4, Sexual Offenses, or any  
 138 crime listed by rule made by the division in collaboration with the board in  
 139 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 140 division shall deny ~~[an]~~ the application for registration of a massage establishment.

141 (b)(i) An individual whose license has been revoked in accordance with Subsection  
 142 (8)(a) is entitled to a hearing to challenge the revocation.

143 (ii) A registered massage establishment for which the registration has been revoked  
 144 in accordance with Subsection (8)(a) is entitled to a hearing to challenge the  
 145 revocation.

146 (c) The division shall conduct the hearing described in this Subsection (8) in accordance  
 147 with Title 63G, Chapter 4, Administrative Procedures Act.

148 Section 2. Section **63G-6a-103** is amended to read:

149 **63G-6a-103 . Definitions.**

150 As used in this chapter:

- 151 (1) "Approved vendor" means a person who has been approved for inclusion on an  
 152 approved vendor list through the approved vendor list process.
- 153 (2) "Approved vendor list" means a list of approved vendors established under Section  
 154 63G-6a-507.
- 155 (3) "Approved vendor list process" means the procurement process described in Section  
 156 63G-6a-507.
- 157 (4)(a) "Award" means, in relation to a contract, a procurement unit's ~~[selection of]~~  
 158 selecting of a vendor to supply a procurement item after the procurement unit  
 159 engages in:
- 160 (i) a standard procurement process; or
- 161 (ii) an exception to a standard procurement process under Part 8, Exceptions to  
 162 Procurement Requirements.
- 163 (b) "Award" does not mean, in relation to a contract, a procurement unit's offer or  
 164 acceptance of any terms or conditions related to the procurement unit's acquisition or  
 165 receipt of the procurement item.

- 166 (5) "Bidder" means a person who submits a bid or price quote in response to an invitation  
167 for bids.
- 168 (6) "Bidding process" means the procurement process described in Part 6, Bidding.
- 169 (7) "Board" means the Utah State Procurement Policy Board, created in Section 63G-6a-202.
- 170 (8) "Change directive" means a written order signed by the procurement officer that directs  
171 the contractor to suspend work or make changes, as authorized by contract, without the  
172 consent of the contractor.
- 173 (9) "Change order" means a written alteration in specifications, delivery point, rate of  
174 delivery, period of performance, price, quantity, or other provisions of a contract, upon  
175 mutual agreement of the parties to the contract.
- 176 (10) "Chief procurement officer" means the individual appointed under Section 63A-2-102.
- 177 (11) "Conducting procurement unit" means a procurement unit that conducts all aspects of a  
178 procurement:
- 179 (a) except:
- 180 (i) reviewing a solicitation to verify that [it] the solicitation is in proper form; and  
181 (ii) causing the publication of a notice of a solicitation; and
- 182 (b) including:
- 183 (i) preparing any solicitation document;  
184 (ii) appointing an evaluation committee;  
185 (iii) conducting the evaluation process, except the process relating to scores  
186 calculated for costs of proposals;  
187 (iv) selecting and recommending the person to be awarded a contract;  
188 (v) negotiating the terms and conditions of a contract, subject to the issuing  
189 procurement unit's approval; and  
190 (vi) contract administration.
- 191 (12) "Conservation district" means the same as that term is defined in Section 17D-3-102.
- 192 (13) "Construction project":
- 193 (a) means a project for the construction, renovation, alteration, improvement, or repair of  
194 a public facility on real property, including all services, labor, supplies, and materials  
195 for the project; and
- 196 (b) does not include services and supplies for the routine, day-to-day operation, repair,  
197 or maintenance of an existing public facility.
- 198 (14) "Construction manager/general contractor":
- 199 (a) means a contractor who enters into a contract:

- 200 (i) for the management of a construction project; and
- 201 (ii) that allows the contractor to subcontract for additional labor and materials that are
- 202 not included in the contractor's cost proposal submitted at the time of the
- 203 procurement of the contractor's services; and
- 204 (b) does not include a contractor whose only subcontract work not included in the
- 205 contractor's cost proposal submitted as part of the procurement of the contractor's
- 206 services is to meet subcontracted portions of change orders approved within the
- 207 scope of the project.
- 208 (15)(a) "Construction subcontractor"[:] means a person under contract with a contractor
- 209 or another subcontractor to provide services or labor for the design or construction of
- 210 a construction project.
- 211 [~~(a) means a person under contract with a contractor or another subcontractor to provide~~
- 212 ~~services or labor for the design or construction of a construction project;~~]
- 213 (b) "Construction subcontractor" includes a general contractor or specialty contractor
- 214 licensed or exempt from licensing under Title 58, Chapter 55, Utah Construction
- 215 Trades Licensing Act[; and] .
- 216 (c) "Construction subcontractor" does not include a supplier who provides only
- 217 materials, equipment, or supplies to a contractor or subcontractor for a construction
- 218 project.
- 219 (16) "Contract" means an agreement for a procurement.
- 220 (17) "Contract administration" means all functions, duties, and responsibilities associated
- 221 with managing, overseeing, and carrying out a contract between a procurement unit and
- 222 a contractor, including:
- 223 (a) implementing the contract;
- 224 (b) ensuring compliance with the contract terms and conditions by the conducting
- 225 procurement unit and the contractor;
- 226 (c) executing change orders;
- 227 (d) processing contract amendments;
- 228 (e) resolving, to the extent practicable, contract disputes;
- 229 (f) curing contract errors and deficiencies;
- 230 (g) terminating a contract;
- 231 (h) measuring or evaluating completed work and contractor performance;
- 232 (i) computing payments under the contract; and
- 233 (j) closing out a contract.

- 234 (18) "Contractor" means a person who is awarded a contract with a procurement unit.
- 235 (19) "Cooperative procurement" means procurement conducted by, or on behalf of:
- 236 (a) more than one procurement unit; or
- 237 (b) a procurement unit and a cooperative purchasing organization.
- 238 (20) "Cooperative purchasing organization" means an organization, association, or alliance
- 239 of purchasers established to combine purchasing power in order to obtain the best value
- 240 for the purchasers by engaging in procurements in accordance with Section 63G-6a-2105.
- 241 (21) "Cost-plus-a-percentage-of-cost contract" means a contract under which the contractor
- 242 is paid a percentage of the total actual expenses or costs in addition to the contractor's
- 243 actual expenses or costs.
- 244 (22) "Cost-reimbursement contract" means a contract under which a contractor is
- 245 reimbursed for costs which are allowed and allocated in accordance with the contract
- 246 terms and the provisions of this chapter, and a fee, if any.
- 247 (23) "Days" means calendar days, unless expressly provided otherwise.
- 248 (24) "Definite quantity contract" means a fixed price contract that provides for a specified
- 249 amount of supplies over a specified period, with deliveries scheduled according to a
- 250 specified schedule.
- 251 (25) "Design professional" means:
- 252 (a) an individual licensed as an architect under Title 58, Chapter 3a, Architects
- 253 Licensing Act;
- 254 (b) an individual licensed as a professional engineer or professional land surveyor under
- 255 Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors
- 256 Licensing Act; or
- 257 (c) an individual licensed under Title 58, Chapter 53, Landscape Architects Licensing
- 258 Act, to engage in the practice of landscape architecture, as defined in Section
- 259 58-53-102[; ~~or~~] .
- 260 [~~(d) an individual certified as a commercial interior designer under Title 58, Chapter 86,~~
- 261 ~~State Certification of Commercial Interior Designers Act.]~~
- 262 (26) "Design professional procurement process" means the procurement process described
- 263 in Part 15, Design Professional Services.
- 264 (27) "Design professional services" means:
- 265 (a) professional services within the scope of the practice of architecture as defined in
- 266 Section 58-3a-102;
- 267 (b) professional engineering as defined in Section 58-22-102;

- 268 (c) master planning and programming services; or  
269 (d) professional services within the scope of the practice of landscape architecture, as  
270 defined in Section 58-53-102~~[, or]~~ .  
271 ~~[(e) services within the scope of the practice of commercial interior design, as defined in~~  
272 ~~Section 58-86-102.]~~
- 273 (28) "Design-build" means the procurement of design professional services and  
274 construction by the use of a single contract.
- 275 (29) "Division" means the Division of Purchasing and General Services, created in Section  
276 63A-2-101.
- 277 (30) "Educational procurement unit" means:  
278 (a) a school district;  
279 (b) a public school, including a local school board or a charter school;  
280 (c) the Utah Schools for the Deaf and the Blind;  
281 (d) the Utah Education and Telehealth Network;  
282 (e) an institution of higher education of the state described in Section 53H-1-102; or  
283 (f) the State Board of Education.
- 284 (31) "Established catalogue price" means the price included in a catalogue, price list,  
285 schedule, or other form that:  
286 (a) is regularly maintained by a manufacturer or contractor;  
287 (b) is published or otherwise available for inspection by customers; and  
288 (c) states prices at which sales are currently or were last made to a significant number of  
289 any category of buyers or buyers constituting the general buying public for the  
290 supplies or services involved.
- 291 (32)(a) "Executive branch procurement unit" means a department, division, office,  
292 bureau, agency, or other organization within the state executive branch.  
293 (b) "Executive branch procurement unit" does not include the Colorado River Authority  
294 of Utah as provided in Section 63M-14-210.
- 295 (33) "Facilities division" means the Division of Facilities Construction and Management,  
296 created in Section 63A-5b-301.
- 297 (34) "Fixed price contract" means a contract that provides a price, for each procurement  
298 item obtained under the contract, that is not subject to adjustment except to the extent  
299 that:  
300 (a) the contract provides, under circumstances specified in the contract, for an  
301 adjustment in price that is not based on cost to the contractor; or

- 302 (b) an adjustment is required by law.
- 303 (35) "Fixed price contract with price adjustment" means a fixed price contract that provides  
 304 for an upward or downward revision of price, precisely described in the contract, that:  
 305 (a) is based on the consumer price index or another commercially acceptable index,  
 306 source, or formula; and  
 307 (b) is not based on a percentage of the cost to the contractor.
- 308 (36) "Grant" means an expenditure of public funds or other assistance, or an agreement to  
 309 expend public funds or other assistance, for a public purpose authorized by law, without  
 310 acquiring a procurement item in exchange.
- 311 (37) "Human services procurement item" means a procurement item used to provide  
 312 services or support to a child, youth, adult, or family.
- 313 (38)(a) "Immaterial error"[÷] means an irregularity or abnormality that is:  
 314 (i) a matter of form that does not affect substance; or  
 315 (ii) an inconsequential variation from a requirement of a solicitation that has no, little,  
 316 or a trivial effect on the procurement process and that is not prejudicial to other  
 317 vendors.  
 318 [~~(a) means an irregularity or abnormality that is:~~  
 319 ~~[(i) a matter of form that does not affect substance; or]~~  
 320 ~~[(ii) an inconsequential variation from a requirement of a solicitation that has no,~~  
 321 ~~little, or a trivial effect on the procurement process and that is not prejudicial to~~  
 322 ~~other vendors; and]~~
- 323 (b) "Immaterial error" includes:  
 324 (i) a missing signature, missing acknowledgment of an addendum, or missing copy of  
 325 a professional license, bond, or insurance certificate;  
 326 (ii) a typographical error;  
 327 (iii) an error resulting from an inaccuracy or omission in the solicitation; and  
 328 (iv) any other error that the procurement official reasonably considers to be  
 329 immaterial.
- 330 (39) "Indefinite quantity contract" means a fixed price contract that:  
 331 (a) is for an indefinite amount of procurement items to be supplied as ordered by a  
 332 procurement unit; and  
 333 (b)(i) does not require a minimum purchase amount; or  
 334 (ii) provides a maximum purchase limit.
- 335 (40) "Independent procurement unit" means:

- 336 (a)(i) a legislative procurement unit;
- 337 (ii) a judicial branch procurement unit;
- 338 (iii) an educational procurement unit;
- 339 (iv) a local governmental procurement unit;
- 340 (v) a conservation district;
- 341 (vi) a local building authority;
- 342 (vii) a special district;
- 343 (viii) a public corporation;
- 344 (ix) a special service district; or
- 345 (x) the Utah Communications Authority, established in Section 63H-7a-201;
- 346 (b) the facilities division, but only to the extent of the procurement authority provided
- 347 under Title 63A, Chapter 5b, Administration of State Facilities;
- 348 (c) the attorney general, but only to the extent of the procurement authority provided
- 349 under Title 67, Chapter 5, Attorney General;
- 350 (d) the Department of Transportation, but only to the extent of the procurement authority
- 351 provided under Title 72, Transportation Code;
- 352 (e) the Department of Health and Human Services, but only for the procurement of a
- 353 human services procurement item; or
- 354 (f) any other executive branch department, division, office, or entity that has statutory
- 355 procurement authority outside this chapter, but only to the extent of that statutory
- 356 procurement authority.
- 357 (41)(a) "Interlocal entity" means a separate political subdivision created under Title 11,
- 358 Chapter 13, Interlocal Cooperation Act.
- 359 (b) "Interlocal entity" does not include a project entity.
- 360 (42)(a) "Invitation for bids" [∴] means a document used to solicit:
- 361 (i) bids to provide a procurement item to a procurement unit; or
- 362 (ii) quotes for a price of a procurement item provided to a procurement unit.
- 363 [~~(a) means a document used to solicit:~~
- 364 [~~(i) bids to provide a procurement item to a procurement unit; or~~
- 365 [~~(ii) quotes for a price of a procurement item to be provided to a procurement unit;~~
- 366 ~~and]~~
- 367 (b) "Invitation for bids" includes all documents attached to or incorporated by reference
- 368 in a document described in Subsection (42)(a).
- 369 (43) "Issuing procurement unit" means a procurement unit that:

- 370 (a) reviews a solicitation to verify that [it] the solicitation is in proper form;
- 371 (b) causes the notice of a solicitation to be published; and
- 372 (c) negotiates and approves the terms and conditions of a contract.
- 373 (44) "Judicial procurement unit" means:
- 374 (a) the Utah Supreme Court;
- 375 (b) the Utah Court of Appeals;
- 376 (c) the Judicial Council;
- 377 (d) a state judicial district; or
- 378 (e) an office, committee, subcommittee, or other organization within the state judicial
- 379 branch.
- 380 (45) "Labor hour contract" is a contract under which:
- 381 (a) the supplies and materials are not provided by, or through, the contractor; and
- 382 (b) the contractor is paid a fixed rate that includes the cost of labor, overhead, and profit
- 383 for a specified number of labor hours or days.
- 384 (46) "Legislative procurement unit" means:
- 385 (a) the Legislature;
- 386 (b) the Senate;
- 387 (c) the House of Representatives;
- 388 (d) a staff office of the Legislature, the Senate, or the House of Representatives; or
- 389 (e) a committee, subcommittee, commission, or other organization:
- 390 (i) within the state legislative branch; or
- 391 (ii)(A) that is created by statute to advise or make recommendations to the
- 392 Legislature;
- 393 (B) the membership of which includes legislators; and
- 394 (C) for which the Office of Legislative Research and General Counsel provides
- 395 staff support.
- 396 (47) "Local building authority" means the same as that term is defined in Section 17D-2-102.
- 397 (48) "Local government procurement unit" means:
- 398 (a) a county, municipality, interlocal entity, or project entity, and each office of the
- 399 county, municipality, interlocal entity, or project entity, unless:
- 400 (i) the county or municipality adopts a procurement code by ordinance;
- 401 (ii) the interlocal entity adopts procurement rules or policies as provided in
- 402 Subsection 11-13-226(2); or
- 403 (iii) the project entity adopts a procurement code through the process described in

- 404 Section 11-13-316;
- 405 (b)(i) a county or municipality that has adopted this entire chapter by ordinance, and  
406 each office or agency of that county or municipality; and
- 407 (ii) a project entity that has adopted this entire chapter through the process described  
408 in Subsection 11-13-316; or
- 409 (c) a county, municipality, or project entity, and each office of the county, municipality,  
410 or project entity that has adopted a portion of this chapter to the extent that:
- 411 (i) a term in the ordinance is used in the adopted chapter; or  
412 (ii) a term in the ordinance is used in the language a project entity adopts in its  
413 procurement code through the process described in Section 11-13-316.
- 414 (49) "Multiple award contracts" means the award of a contract for an indefinite quantity of  
415 a procurement item to more than one person.
- 416 (50) "Multiyear contract" means a contract that extends beyond a one-year period,  
417 including a contract that permits renewal of the contract, without competition, beyond  
418 the first year of the contract.
- 419 (51) "Municipality" means a city or town.
- 420 (52) "Nonadopting local government procurement unit" means:
- 421 (a) a county or municipality that has not adopted Part 16, Protests, Part 17, Procurement  
422 Appeals Board, Part 18, Appeals to Court and Court Proceedings, and Part 19,  
423 General Provisions Related to Protest or Appeal; and
- 424 (b) each office or agency of a county or municipality described in Subsection (52)(a).
- 425 (53) "Offeror" means a person who submits a proposal in response to a request for  
426 proposals.
- 427 (54) "Preferred bidder" means a bidder that is entitled to receive a reciprocal preference  
428 under the requirements of this chapter.
- 429 (55) "Procure" means to acquire a procurement item through a procurement.
- 430 (56) "Procurement" means the acquisition of a procurement item through an expenditure of  
431 public funds, or an agreement to expend public funds, including an acquisition through a  
432 public-private partnership.
- 433 (57) "Procurement item" means an item of personal property, a technology, a service, or a  
434 construction project.
- 435 (58) "Procurement official" means:
- 436 (a) for a procurement unit other than an independent procurement unit, the chief  
437 procurement officer;

- 438 (b) for a legislative procurement unit, the individual, individuals, or body designated in a  
439 policy adopted by the Legislative Management Committee;
- 440 (c) for a judicial procurement unit, the Judicial Council or an individual or body  
441 designated by the Judicial Council by rule;
- 442 (d) for a local government procurement unit:  
443 (i) the legislative body of the local government procurement unit; or  
444 (ii) an individual or body designated by the local government procurement unit;
- 445 (e) for a special district, the board of trustees of the special district or the board of  
446 trustees' designee;
- 447 (f) for a special service district, the governing body of the special service district or the  
448 governing body's designee;
- 449 (g) for a local building authority, the board of directors of the local building authority or  
450 the board of directors' designee;
- 451 (h) for a conservation district, the board of supervisors of the conservation district or the  
452 board of supervisors' designee;
- 453 (i) for a public corporation, the board of directors of the public corporation or the board  
454 of directors' designee;
- 455 (j) for a school district or any school or entity within a school district, the board of the  
456 school district or the board's designee;
- 457 (k) for a charter school, the individual or body with executive authority over the charter  
458 school or the designee of the individual or body;
- 459 (l) for an institution of higher education described in Section 53H-1-102, the president of  
460 the institution of higher education or the president's designee;
- 461 (m) for the State Board of Education, the State Board of Education or the State Board of  
462 Education's designee;
- 463 (n) for the Utah Board of Higher Education, the Commissioner of Higher Education or  
464 the designee of the Commissioner of Higher Education;
- 465 (o) for the Utah Communications Authority, established in Section 63H-7a-201, the  
466 executive director of the Utah Communications Authority or the executive director's  
467 designee; or
- 468 (p)(i) for the facilities division, and only to the extent of procurement activities of the  
469 facilities division as an independent procurement unit under the procurement  
470 authority provided under Title 63A, Chapter 5b, Administration of State Facilities,  
471 the director of the facilities division or the director's designee;

- 472 (ii) for the attorney general, and only to the extent of procurement activities of the  
473 attorney general as an independent procurement unit under the procurement  
474 authority provided under Title 67, Chapter 5, Attorney General, the attorney  
475 general or the attorney general's designee;
- 476 (iii) for the Department of Transportation created in Section 72-1-201, and only to  
477 the extent of procurement activities of the Department of Transportation as an  
478 independent procurement unit under the procurement authority provided under  
479 Title 72, Transportation Code, the executive director of the Department of  
480 Transportation or the executive director's designee;
- 481 (iv) for the Department of Health and Human Services, and only to the extent of the  
482 procurement activities of the Department of Health and Human Services as an  
483 independent procurement unit, the executive director of the Department of Health  
484 and Human Services or the executive director's designee; or
- 485 (v) for any other executive branch department, division, office, or entity that has  
486 statutory procurement authority outside this chapter, and only to the extent of the  
487 procurement activities of the department, division, office, or entity as an  
488 independent procurement unit under the procurement authority provided outside  
489 this chapter for the department, division, office, or entity, the chief executive  
490 officer of the department, division, office, or entity or the chief executive officer's  
491 designee.

492 (59) "Procurement unit" means:

- 493 (a) a legislative procurement unit;
- 494 (b) an executive branch procurement unit;
- 495 (c) a judicial procurement unit;
- 496 (d) an educational procurement unit;
- 497 (e) the Utah Communications Authority, established in Section 63H-7a-201;
- 498 (f) a local government procurement unit;
- 499 (g) a special district;
- 500 (h) a special service district;
- 501 (i) a local building authority;
- 502 (j) a conservation district; or
- 503 (k) a public corporation.

504 (60) "Professional service" means labor, effort, or work that requires specialized  
505 knowledge, expertise, and discretion, including labor, effort, or work in the field of:

- 506 (a) accounting;
- 507 (b) administrative law judge service;
- 508 (c) architecture;
- 509 (d) construction design and management;
- 510 (e) engineering;
- 511 (f) financial services;
- 512 (g) information technology;
- 513 (h) the law;
- 514 (i) medicine;
- 515 (j) psychiatry; or
- 516 (k) underwriting.
- 517 (61) "Project entity" means the same as that term is defined in Section 11-13-103.
- 518 (62) "Protest officer" means:
- 519 (a) for the division or an independent procurement unit:
- 520 (i) the procurement official;
- 521 (ii) the procurement official's designee who is an employee of the procurement unit;
- 522 or
- 523 (iii) a person designated by rule made by the rulemaking authority; or
- 524 (b) for a procurement unit other than an independent procurement unit, the chief
- 525 procurement officer or the chief procurement officer's designee who is an employee
- 526 of the division[-].
- 527 (63) "Public corporation" means the same as that term is defined in Section 63E-1-102.
- 528 (64) "Public entity" means the state or any other governmental entity within the state that
- 529 expends public funds.
- 530 (65) "Public facility" means a building, structure, infrastructure, improvement, or other
- 531 facility of a public entity.
- 532 (66) "Public funds" means money, regardless of its source, including from the federal
- 533 government, that is owned or held by a procurement unit.
- 534 (67) "Public transit district" means a public transit district organized under Title 17B,
- 535 Chapter 2a, Part 8, Public Transit District Act.
- 536 (68) "Public-private partnership" means an arrangement or agreement, occurring on or after
- 537 January 1, 2017, between a procurement unit and one or more contractors to provide for
- 538 a public need through the development or operation of a project in which the contractor
- 539 or contractors share with the procurement unit the responsibility or risk of developing,

- 540 owning, maintaining, financing, or operating the project.
- 541 (69) "Qualified vendor" means a vendor who:
- 542 (a) is responsible; and
- 543 (b) submits a responsive statement of qualifications under Section 63G-6a-410 that
- 544 meets the minimum mandatory requirements, evaluation criteria, and any applicable
- 545 score thresholds set forth in the request for statement of qualifications.
- 546 (70) "Real property" means land and any building, fixture, improvement, appurtenance,
- 547 structure, or other development that is permanently affixed to land.
- 548 (71) "Request for information" means a nonbinding process through which a procurement
- 549 unit requests information relating to a procurement item.
- 550 (72) "Request for proposals" means a document used to solicit proposals to provide a
- 551 procurement item to a procurement unit, including all other documents that are attached
- 552 to that document or incorporated in that document by reference.
- 553 (73) "Request for proposals process" means the procurement process described in Part 7,
- 554 Request for Proposals.
- 555 (74) "Request for statement of qualifications" means a document used to solicit information
- 556 about the qualifications of a person interested in responding to a potential procurement,
- 557 including all other documents attached to that document or incorporated in that
- 558 document by reference.
- 559 (75) "Requirements contract" means a contract:
- 560 (a) under which a contractor agrees to provide a procurement unit's entire requirements
- 561 for certain procurement items at prices specified in the contract during the contract
- 562 period; and
- 563 (b) that:
- 564 (i) does not require a minimum purchase amount; or
- 565 (ii) provides a maximum purchase limit.
- 566 (76) "Responsible" means being capable, in all respects, of:
- 567 (a) meeting all the requirements of a solicitation; and
- 568 (b) fully performing all the requirements of the contract resulting from the solicitation,
- 569 including being financially solvent with sufficient financial resources to perform the
- 570 contract.
- 571 (77) "Responsive" means conforming in all material respects to the requirements of a
- 572 solicitation.
- 573 (78) "Rule" [~~includes~~] means a policy or regulation adopted by the rulemaking authority, if

- 574 adopting a policy or regulation is the method the rulemaking authority uses to adopt  
575 provisions that govern the applicable procurement unit.
- 576 (79) "Rulemaking authority" means:
- 577 (a) for a legislative procurement unit, the Legislative Management Committee;
- 578 (b) for a judicial procurement unit, the Judicial Council;
- 579 (c)(i) only to the extent of the procurement authority expressly granted to the  
580 procurement unit by statute:
- 581 (A) for the facilities division, the facilities division;
- 582 (B) for the Office of the Attorney General, the attorney general;
- 583 (C) for the Department of Transportation created in Section 72-1-201, the  
584 executive director of the Department of Transportation;
- 585 (D) for the Department of Health and Human Services, the executive director of  
586 the Department of Health and Human Services; and
- 587 (E) for any other executive branch department, division, office, or entity that has  
588 statutory procurement authority outside this chapter, the governing authority of  
589 the department, division, office, or entity; and
- 590 (ii) for each other executive branch procurement unit, the board;
- 591 (d) for a local government procurement unit:
- 592 (i) the governing body of the local government unit; or
- 593 (ii) an individual or body designated by the local government procurement unit;
- 594 (e) for a school district or a public school, the board, except to the extent of a school  
595 district's own nonadministrative rules that do not conflict with the provisions of this  
596 chapter;
- 597 (f) for an institution of higher education, the Utah Board of Higher Education;
- 598 (g) for the State Board of Education or the Utah Schools for the Deaf and the Blind, the  
599 State Board of Education;
- 600 (h) for a public transit district, the chief executive of the public transit district;
- 601 (i) for a special district other than a public transit district or for a special service district,  
602 the board, except to the extent that the board of trustees of the special district or the  
603 governing body of the special service district makes [its] the special service district's  
604 own rules:
- 605 (i) with respect to a subject addressed by board rules; or
- 606 (ii) that are in addition to board rules;
- 607 (j) for the Utah Educational Savings Plan, created in Section 53H-10-202, the Utah

- 608 Board of Higher Education;
- 609 (k) for the School and Institutional Trust Lands Administration, created in Section
- 610 53C-1-201, the School and Institutional Trust Lands Board of Trustees;
- 611 (l) for the School and Institutional Trust Fund Office, created in Section 53D-1-201, the
- 612 School and Institutional Trust Fund Board of Trustees;
- 613 (m) for the Utah Communications Authority, established in Section 63H-7a-201, the
- 614 Utah Communications Authority board, created in Section 63H-7a-203; or
- 615 (n) for any other procurement unit, the board.
- 616 (80)(a) "Service"[~~:]~~ means labor, effort, or work to produce a result that is beneficial to a
- 617 procurement unit.
- 618 [~~(a) means labor, effort, or work to produce a result that is beneficial to a procurement~~
- 619 ~~unit;~~]
- 620 (b) "Service" includes a professional service[~~;~~ ~~and~~] .
- 621 (c) "Service" does not include labor, effort, or work provided under an employment
- 622 agreement or a collective bargaining agreement.
- 623 (81) "Small purchase process" means the procurement process described in Section
- 624 63G-6a-506.
- 625 (82) "Sole source contract" means a contract resulting from a sole source procurement.
- 626 (83) "Sole source procurement" means a procurement without competition [~~pursuant to~~] in
- 627 accordance with a determination under Subsection 63G-6a-802(1)(a) that there is only
- 628 one source for the procurement item.
- 629 (84) "Solicitation" means an invitation for bids, request for proposals, or request for
- 630 statement of qualifications.
- 631 (85) "Solicitation response" means:
- 632 (a) a bid submitted in response to an invitation for bids;
- 633 (b) a proposal submitted in response to a request for proposals; or
- 634 (c) a statement of qualifications submitted in response to a request for statement of
- 635 qualifications.
- 636 (86) "Special district" means the same as that term is defined in Section 17B-1-102.
- 637 (87) "Special service district" means the same as that term is defined in Section 17D-1-102.
- 638 (88) "Specification" means any description of the physical or functional characteristics or of
- 639 the nature of a procurement item included in an invitation for bids or a request for
- 640 proposals, or otherwise specified or agreed to by a procurement unit, including a
- 641 description of:

- 642 (a) a requirement for inspecting or testing a procurement item; or  
643 (b) preparing a procurement item for delivery.
- 644 (89) "Standard procurement process" means:
- 645 (a) the bidding process;  
646 (b) the request for proposals process;  
647 (c) the approved vendor list process;  
648 (d) the small purchase process; or  
649 (e) the design professional procurement process.
- 650 (90) "State cooperative contract" means a contract awarded by the division for and in behalf  
651 of all public entities.
- 652 (91) "Statement of qualifications" means a written statement submitted to a procurement  
653 unit in response to a request for statement of qualifications.
- 654 (92)(a) "Subcontractor" [∴] means a person under contract to perform part of a contractual  
655 obligation under the control of the contractor, whether the person's contract is with  
656 the contractor directly or with another person who is under contract to perform part  
657 of a contractual obligation under the control of the contractor.
- 658 [~~(a) means a person under contract to perform part of a contractual obligation under the~~  
659 ~~control of the contractor, whether the person's contract is with the contractor directly~~  
660 ~~or with another person who is under contract to perform part of a contractual~~  
661 ~~obligation under the control of the contractor; and]~~
- 662 (b) "Subcontractor" includes a supplier, distributor, or other vendor that furnishes  
663 supplies or services to a contractor.
- 664 (93) "Technology" means the same as "information technology," as defined in Section  
665 63A-16-102.
- 666 (94) "Tie bid" means that the lowest responsive bids of responsible bidders are identical in  
667 price.
- 668 (95) "Time and materials contract" means a contract under which the contractor is paid:
- 669 (a) the actual cost of direct labor at specified hourly rates;  
670 (b) the actual cost of materials and equipment usage; and  
671 (c) an additional amount, expressly described in the contract, to cover overhead and  
672 profit, that is not based on a percentage of the cost to the contractor.
- 673 (96)(a) "Transitional costs" means the costs of changing:
- 674 (i) from an existing provider of a procurement item to another provider of that  
675 procurement item; or

- 676 (ii) from an existing type of procurement item to another type.  
 677 [~~(a) means the costs of changing:~~]  
 678 ~~[(i) from an existing provider of a procurement item to another provider of that~~  
 679 ~~procurement item; or]~~  
 680 ~~[(ii) from an existing type of procurement item to another type;]~~  
 681 (b) "Transitional costs" includes:  
 682 (i) training costs;  
 683 (ii) conversion costs;  
 684 (iii) compatibility costs;  
 685 (iv) costs associated with system downtime;  
 686 (v) disruption of service costs;  
 687 (vi) staff time necessary to implement the change;  
 688 (vii) installation costs; and  
 689 (viii) ancillary software, hardware, equipment, or construction costs~~[-; and] .~~  
 690 (c) "Transitional costs" do not include:  
 691 (i) the costs of preparing for or engaging in a procurement process; or  
 692 (ii) contract negotiation or drafting costs.  
 693 [~~(e) does not include:~~]  
 694 ~~[(i) the costs of preparing for or engaging in a procurement process; or]~~  
 695 ~~[(ii) contract negotiation or drafting costs.]~~  
 696 (97)(a) "Vendor"~~[-]~~ means a person who is seeking to enter into a contract with a  
 697 procurement unit to provide a procurement item.  
 698 [~~(a) means a person who is seeking to enter into a contract with a procurement unit to~~  
 699 ~~provide a procurement item; and]~~  
 700 (b) "Vendor" includes:  
 701 (i) a bidder;  
 702 (ii) an offeror;  
 703 (iii) an approved vendor;  
 704 (iv) a design professional; and  
 705 (v) a person who submits an unsolicited proposal under Section 63G-6a-712.  
 706 **Section 3. Repealer.**  
 707 This bill repeals:  
 708 Section **58-64-101, Title.**  
 709 Section **58-64-102, Definitions.**

- 710 Section **58-64-301, Licensure required -- License classifications.**
- 711 Section **58-64-302, Qualifications for licensure.**
- 712 Section **58-64-303, Term of license -- Expiration -- Renewal.**
- 713 Section **58-64-304, Exemptions from licensure.**
- 714 Section **58-64-305, Status of licenses held on the effective date of this chapter.**
- 715 Section **58-64-401, Grounds for denial of license -- Disciplinary proceedings.**
- 716 Section **58-64-501, Unlawful conduct.**
- 717 Section **58-64-502, Unprofessional conduct.**
- 718 Section **58-64-601, Deception detection instruments.**
- 719 Section **58-64-701, State preemption of local regulation.**
- 720 Section **58-84-101, Title.**
- 721 Section **58-84-102, Definitions.**
- 722 Section **58-84-103, Rulemaking.**
- 723 Section **58-84-201, Qualifications for state certification.**
- 724 Section **58-84-202, Term of state certification.**
- 725 Section **58-84-203, Limitation of state certification.**
- 726 Section **58-84-301, Unlawful conduct.**
- 727 Section **58-86-101, Title and scope.**
- 728 Section **58-86-102, Definitions.**
- 729 Section **58-86-103, Rulemaking.**
- 730 Section **58-86-201, State certification required.**
- 731 Section **58-86-202, Qualifications for state certification.**
- 732 Section **58-86-203, Term of state certification -- Expiration -- Renewal.**
- 733 Section **58-86-204, Continuing education.**
- 734 Section **58-86-205, Grounds for denial of state certification -- Disciplinary proceedings.**
- 735 Section **58-86-206, Exemptions from state certification.**
- 736 Section **58-86-301, Unlawful conduct.**
- 737 Section **58-86-302, Penalty for unlawful conduct.**
- 738 Section **58-86-401, State certification number and signature.**
- 739 Section **78A-2-403, Appointment of court reporters -- Eligibility.**
- 740 Section 4. **Effective Date.**
- 741 This bill takes effect on May 6, 2026.