

1 **OCCUPATIONAL AND PROFESSIONAL LICENSING**

2 **MODIFICATIONS**

3 2022 GENERAL SESSION

4 STATE OF UTAH

5

6 **LONG TITLE**

7 **General Description:**

8 This bill modifies provisions related to licensed professions.

9 **Highlighted Provisions:**

10 This bill:

- 11 ▶ amends defined terms;
- 12 ▶ modifies licensing board duties;
- 13 ▶ amends license application requirements;
- 14 ▶ modifies the Division of Occupational and Professional Licensing's (division)
- 15 authority to grant a license by endorsement;
- 16 ▶ removes good moral character provisions for certain licensed professions;
- 17 ▶ amends the definition of "practice of environmental health science";
- 18 ▶ modifies provisions related to speech-language pathology and audiology;
- 19 ▶ amends provisions related to unprofessional conduct for certain professions;
- 20 ▶ modifies the division's citation authority for certain unprofessional conduct for the
- 21 construction trades;
- 22 ▶ modifies provisions related to armored car company and contract security company
- 23 license qualifications;
- 24 ▶ amends provisions related to chiropractic physician license qualifications; and
- 25 ▶ makes technical and conforming changes.

26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

- 32 **26-2-2**, as last amended by Laws of Utah 2020, Chapter 251
- 33 **58-1-202**, as last amended by Laws of Utah 2018, Chapter 129
- 34 **58-1-301**, as last amended by Laws of Utah 2019, Chapter 133
- 35 **58-1-302**, as last amended by Laws of Utah 2020, Chapter 339
- 36 **58-3a-302**, as last amended by Laws of Utah 2020, Chapter 339
- 37 **58-9-302**, as last amended by Laws of Utah 2018, Chapter 326
- 38 **58-16a-302**, as last amended by Laws of Utah 2020, Chapter 339
- 39 **58-20b-102**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1
- 40 **58-22-102**, as last amended by Laws of Utah 2020, Chapter 339
- 41 **58-28-304**, as last amended by Laws of Utah 2020, Chapter 339
- 42 **58-31b-303**, as last amended by Laws of Utah 2006, Chapter 291
- 43 **58-41-4**, as last amended by Laws of Utah 2019, Chapter 349
- 44 **58-44a-302**, as last amended by Laws of Utah 2016, Chapter 238
- 45 **58-55-102**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3
- 46 **58-55-302**, as last amended by Laws of Utah 2020, Chapter 339
- 47 **58-55-502**, as last amended by Laws of Utah 2011, Chapters 170 and 413
- 48 **58-55-503**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
- 49 **58-63-102**, as last amended by Laws of Utah 2017, Chapter 197
- 50 **58-63-302**, as last amended by Laws of Utah 2020, Chapter 339
- 51 **58-73-302**, as last amended by Laws of Utah 2020, Chapter 339
- 52 **58-73-501**, as last amended by Laws of Utah 1998, Chapter 26
- 53 **58-83-302**, as enacted by Laws of Utah 2010, Chapter 180
- 54 **62A-3-202**, as last amended by Laws of Utah 2018, Chapter 60

55 RENUMBERS AND AMENDS:

- 56 **58-15-101**, (Renumbered from 58-15-1, as enacted by Laws of Utah 1985, Chapter 49)
- 57 **58-15-102**, (Renumbered from 58-15-2, as last amended by Laws of Utah 2016,
- 58 Chapter 238)
- 59 **58-15-201**, (Renumbered from 58-15-3, as last amended by Laws of Utah 2011,
- 60 Chapter 366)
- 61 **58-15-301**, (Renumbered from 58-15-4, as last amended by Laws of Utah 2009,
- 62 Chapter 183)

63 **58-15-302**, (Renumbered from 58-15-4.5, as enacted by Laws of Utah 1993, Chapter
64 297)

65 **58-15-303**, (Renumbered from 58-15-11, as last amended by Laws of Utah 2020,
66 Chapter 339)

67 **58-15-401**, (Renumbered from 58-15-12, as enacted by Laws of Utah 1993, Chapter
68 297)

69 **58-15-501**, (Renumbered from 58-15-10, as repealed and reenacted by Laws of Utah
70 1993, Chapter 297)

71 REPEALS:

72 **58-5a-305**, as last amended by Laws of Utah 1996, Chapter 232

73

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

75 Section 1. Section **26-2-2** is amended to read:

76 **26-2-2. Definitions.**

77 As used in this chapter:

78 (1) "Adoption document" means an adoption-related document filed with the office, a
79 petition for adoption, a decree of adoption, an original birth certificate, or evidence submitted
80 in support of a supplementary birth certificate.

81 (2) "Custodial funeral service director" means a funeral service director who:

82 (a) is employed by a licensed funeral establishment; and

83 (b) has custody of a dead body.

84 (3) "Dead body" or "decedent" means a human body or parts of the human body from
85 the condition of which it reasonably may be concluded that death occurred.

86 (4) "Dead fetus" means a product of human conception, other than those circumstances
87 described in Subsection 76-7-301(1):

88 (a) of 20 weeks' gestation or more, calculated from the date the last normal menstrual
89 period began to the date of delivery; and

90 (b) that was not born alive.

91 (5) "Declarant father" means a male who claims to be the genetic father of a child, and,
92 along with the biological mother, signs a voluntary declaration of paternity to establish the

93 child's paternity.

94 (6) "Dispositioner" means:

95 (a) a person designated in a written instrument, under Subsection 58-9-602(1), as
96 having the right and duty to control the disposition of the decedent, if the person voluntarily
97 acts as the dispositioner; or

98 (b) the next of kin of the decedent, if:

99 (i) (A) a person has not been designated as described in Subsection (6)(a); or

100 (B) the person described in Subsection (6)(a) is unable or unwilling to exercise the
101 right and duty described in Subsection (6)(a); and

102 (ii) the next of kin voluntarily acts as the dispositioner.

103 (7) "Fetal remains" means:

104 (a) an aborted fetus as that term is defined in Section 26-21-33; or

105 (b) a miscarried fetus as that term is defined in Section 26-21-34.

106 (8) "File" means the submission of a completed certificate or other similar document,
107 record, or report as provided under this chapter for registration by the state registrar or a local
108 registrar.

109 (9) "Funeral service director" means the same as that term is defined in Section
110 58-9-102.

111 (10) "Health care facility" means the same as that term is defined in Section 26-21-2.

112 (11) "Health care professional" means a physician, physician assistant, [~~or~~] nurse
113 practitioner, or certified nurse midwife.

114 (12) "Licensed funeral establishment" means:

115 (a) if located in Utah, a funeral service establishment, as that term is defined in Section
116 58-9-102, that is licensed under Title 58, Chapter 9, Funeral Services Licensing Act; or

117 (b) if located in a state, district, or territory of the United States other than Utah, a
118 funeral service establishment that complies with the licensing laws of the jurisdiction where the
119 establishment is located.

120 (13) "Live birth" means the birth of a child who shows evidence of life after the child is
121 entirely outside of the mother.

122 (14) "Local registrar" means a person appointed under Subsection 26-2-3(3)(b).

123 (15) "Nurse practitioner" means an individual who:

124 (a) is licensed to practice as an advanced practice registered nurse under Title 58,
125 Chapter 31b, Nurse Practice Act; and

126 (b) has completed an education program regarding the completion of a certificate of
127 death developed by the department by administrative rule made in accordance with Title 63G,
128 Chapter 3, Utah Administrative Rulemaking Act.

129 (16) "Office" means the Office of Vital Records and Statistics within the Department
130 of Health, operating under Title 26, Chapter 2, Utah Vital Statistics Act.

131 (17) "Physician" means a person licensed to practice as a physician or osteopath in this
132 state under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
133 Osteopathic Medical Practice Act.

134 (18) "Physician assistant" means an individual who:

135 (a) is licensed to practice as a physician assistant under Title 58, Chapter 70a, Utah
136 Physician Assistant Act; and

137 (b) has completed an education program regarding the completion of a certificate of
138 death developed by the department by administrative rule made in accordance with Title 63G,
139 Chapter 3, Utah Administrative Rulemaking Act.

140 (19) "Presumed father" means the father of a child conceived or born during a marriage
141 as defined in Section 30-1-17.2.

142 (20) "Registration" or "register" means acceptance by the local or state registrar of a
143 certificate and incorporation of the certificate into the permanent records of the state.

144 (21) "State registrar" means the state registrar of vital records appointed under
145 Subsection 26-2-3(2)(e).

146 (22) "Vital records" means:

147 (a) registered certificates or reports of birth, death, fetal death, marriage, divorce,
148 dissolution of marriage, or annulment;

149 (b) amendments to any of the registered certificates or reports described in Subsection
150 (22)(a);

151 (c) an adoption document; and

152 (d) other similar documents.

153 (23) "Vital statistics" means the data derived from registered certificates and reports of
154 birth, death, fetal death, induced termination of pregnancy, marriage, divorce, dissolution of

155 marriage, or annulment.

156 Section 2. Section **58-1-202** is amended to read:

157 **58-1-202. Boards -- Duties, functions, and responsibilities.**

158 (1) The duties, functions, and responsibilities of each board established under this title
159 include the following:

160 (a) recommending to the director appropriate rules and statutory changes, including
161 changes to remove regulations that are no longer necessary or effective in protecting the public
162 and enhancing commerce;

163 (b) recommending to the director policy and budgetary matters;

164 (c) approving and establishing a passing score for applicant examinations;

165 (d) screening applicants and recommending licensing, renewal, reinstatement, and
166 relicensure actions to the director in writing;

167 (e) assisting the director in establishing standards of supervision for students or persons
168 in training to become qualified to obtain a license in the occupation or profession it represents;
169 and

170 (f) acting as presiding officer in conducting hearings associated with adjudicative
171 proceedings and in issuing recommended orders when so designated by the director.

172 (2) Subsection (1) does not apply to boards created in Title 58, Chapter 55, Utah
173 Construction Trades Licensing Act.

174 (3) (a) Each board or commission established under this title may recommend to the
175 appropriate legislative committee whether the board or commission supports a change to a
176 licensing act.

177 (b) This Subsection (3) does not:

178 (i) require a board's approval to amend a practice act; and

179 (ii) apply to technical or clarifying amendments to a practice act.

180 Section 3. Section **58-1-301** is amended to read:

181 **58-1-301. License application -- Licensing procedure.**

182 (1) (a) Each license applicant shall apply to the division in writing upon forms
183 available from the division.

184 (b) Each completed application shall:

185 (i) contain documentation of the particular qualifications required of the applicant

186 under this title or rules made by the division;

187 (ii) include the applicant's full legal name and social security number;

188 (iii) be verified by the applicant; and

189 (iv) be accompanied by the appropriate fees.

190 (c) An applicant's social security number is a private record under Subsection

191 63G-2-302(1)(i).

192 (2) (a) The division shall issue a license to an applicant who submits a complete
193 application if the division determines that the applicant meets the qualifications of licensure.

194 (b) The division shall provide a written notice of additional proceedings to an applicant
195 who submits a complete application, but who has been, is, or will be placed under investigation
196 by the division for conduct directly bearing upon the applicant's qualifications for licensure, if
197 the outcome of additional proceedings is required to determine the division's response to the
198 application.

199 (c) The division shall provide a written notice of denial of licensure to an applicant
200 who submits a complete application if the division determines that the applicant does not meet
201 the qualifications of licensure.

202 (d) The division shall provide a written notice of incomplete application and
203 conditional denial of licensure to an applicant who submits an incomplete application, which
204 notice shall advise the applicant that the application is incomplete and that the application is
205 denied, unless the applicant corrects the deficiencies within the time period specified in the
206 notice and otherwise meets all qualifications for licensure.

207 (3) The division may only issue a license to an applicant under this title if the applicant
208 meets the requirements for that license as established under this title and by division rule made
209 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

210 (4) If an applicant meets all requirements for a specific license, the division shall issue
211 the license to the applicant.

212 (5) (a) As used in this Subsection (5):

213 (i) (A) "Competency-based licensing requirement" means a practical assessment of
214 knowledge and skills that clearly demonstrate a person is prepared to engage in an occupation
215 or profession regulated by this title, and which the director determines is at least as effective as
216 a time-based licensing requirement at demonstrating proficiency and protecting the health and

217 safety of the public.

218 (B) "Competency-based licensing requirement" may include any combination of
219 training, experience, testing, or observation.

220 (ii) (A) "Time-based licensing requirement" means a specific number of hours, weeks,
221 months, or years of education, training, supervised training, or other experience that an
222 applicant for licensure under this title is required to complete before receiving a license under
223 this title.

224 (B) "Time-based licensing requirement" does not include an associate degree, a
225 bachelor's degree, or a graduate degree from an accredited institution of higher education.

226 (b) Subject to Subsection (5)(c), for an occupation or profession regulated by this title
227 that has a time-based licensing requirement, the director, after consultation with the appropriate
228 board, may by division rule made in accordance with Title 63G, Chapter 3, Utah
229 Administrative Rulemaking Act, allow an applicant to complete a competency-based licensing
230 requirement as an alternative to completing the time-based licensing requirement.

231 (c) If a time-based licensing requirement involves a program that must be approved or
232 accredited by a specific entity or board, the director may only allow an applicant to complete a
233 competency-based licensing requirement as an alternative to completing the time-based
234 licensing requirement under Subsection (5)(b) if the competency-based requirement is
235 approved or accredited by the specific entity or board as a replacement or alternative to the
236 time-based licensing requirement.

237 (d) By October 1 of each year, the director shall provide a written report to the
238 Occupational and Professional Licensure Review Committee describing any competency-based
239 licensing requirements implemented under this Subsection (5).

240 Section 4. Section **58-1-302** is amended to read:

241 **58-1-302. License by endorsement.**

242 (1) Subject to Subsections [~~(2), (3), (4), and (5)~~] (3) through (6), the division shall
243 issue a license [~~without examination~~] to a person who has been licensed in a state, district, or
244 territory of the United States if:

245 (a) after being licensed outside of this state, the person has at least one year of
246 experience in the state, district, or territory of the United States where the license was issued;

247 (b) the person's license is in good standing in the state, district, or territory of the

248 United States where the license was issued; and

249 (c) the division determines that the license issued by the state, district, or territory of
250 the United States encompasses a similar scope of practice as the license sought in this state.

251 (2) Subject to Subsections (3) through (6), the division may issue a license to a person
252 who:

253 (a) has been licensed in a state, district, or territory of the United States, or in a
254 jurisdiction outside of the United States, if:

255 (i) (A) after being licensed, the person has at least one year of experience in the
256 jurisdiction where the license was issued; and

257 (B) the division determines that the person's education, experience, and skills
258 demonstrate competency in the occupation or profession for which the person seeks licensure;

259 or

260 (ii) the division determines that the licensure requirements of the jurisdiction at the
261 time the license was issued were substantially similar to the current licensure requirements of
262 this state; or

263 (b) has never been licensed in a state, district, or territory of the United States, or in a
264 jurisdiction outside of the United States, if:

265 (i) the person was educated in or obtained relevant experience in a state, district, or
266 territory of the United States, or a jurisdiction outside of the United States; and

267 (ii) the division determines that the education or experience was substantially similar to
268 the current education or experience requirements for licensure in this state.

269 ~~[(2)]~~ (3) The division, in consultation with the applicable licensing board, may make
270 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
271 prescribing the administration and requirements of this section.

272 ~~[(3) Notwithstanding the provisions of Subsection (1), the]~~

273 (4) The division may refuse to issue a license to a person under the provisions of this
274 section if:

275 (a) the division determines that there is reasonable cause to believe that the person is
276 not qualified to receive a license in this state; or

277 (b) the person has a previous or pending disciplinary action related to the person's
278 license.

279 ~~[(4)]~~ (5) Before a person may be issued a license under this section, the person shall:

280 (a) pay a fee determined by the department under Section 63J-1-504; and

281 (b) produce satisfactory evidence of the person's identity, qualifications, and good
282 standing in the occupation or profession for which licensure is sought.

283 ~~[(5)]~~ (6) In accordance with Section 58-1-107, licensure endorsement provisions in this
284 section are subject to and may be supplemented or altered by licensure endorsement provisions
285 or multistate licensure compacts in specific chapters of this title.

286 ~~[(6)]~~ (7) On or before October 1, 2022, the division shall provide a written report to the
287 Business and Labor Interim Committee regarding the effectiveness and sufficiency of the
288 provisions of this section at ensuring that persons receiving a license without examination
289 under the provisions of this section are qualified to receive a license in this state.

290 Section 5. Section **58-3a-302** is amended to read:

291 **58-3a-302. Qualifications for licensure.**

292 (1) Except as provided in Subsection (2), each applicant for licensure as an architect
293 shall:

294 (a) submit an application in a form prescribed by the division;

295 (b) pay a fee determined by the department under Section 63J-1-504;

296 (c) have graduated and received an earned bachelors or masters degree from an
297 architecture program meeting criteria established by rule by the division in collaboration with
298 the board;

299 (d) have successfully completed a program of diversified practical experience
300 established by rule by the division in collaboration with the board;

301 (e) have successfully passed examinations established by rule by the division in
302 collaboration with the board; and

303 (f) meet with the board or representative of the division upon request for the purpose of
304 evaluating the applicant's qualifications for license.

305 (2) Each applicant for licensure as an architect by endorsement shall:

306 (a) submit an application in a form prescribed by the division;

307 (b) pay a fee determined by the department under Section 63J-1-504;

308 (c) submit satisfactory evidence of:

309 (i) (A) current licensure in good standing in a jurisdiction recognized by rule by the

310 division in collaboration with the board; and

311 ~~[(iii)]~~ (B) current certification from the National Council of Architectural Registration
312 Boards; or

313 ~~[(iii)]~~ (ii) (A) current license in good standing in a jurisdiction recognized by rule by
314 the division in collaboration with the board; and

315 ~~[(iv)]~~ (B) full-time employment as a licensed architect as a principal for at least five of
316 the last seven years immediately preceding the date of the application;

317 (d) have successfully passed ~~[any]~~ an examination established by rule by the division in
318 collaboration with the board; and

319 (e) meet with the board or representative of the division upon request for the purpose
320 of evaluating the applicant's qualifications for license.

321 Section 6. Section **58-9-302** is amended to read:

322 **58-9-302. Qualifications for licensure.**

323 (1) Each applicant for licensure as a funeral service director shall:

324 (a) submit an application in a form prescribed by the division;

325 (b) pay a fee as determined by the department under Section 63J-1-504;

326 ~~[(c) be of good moral character in that the applicant has not been convicted of:]~~

327 ~~[(i) a first or second degree felony;]~~

328 ~~[(ii) a misdemeanor involving moral turpitude; or]~~

329 ~~[(iii) any other crime that when considered with the duties and responsibilities of a
330 funeral service director is considered by the division and the board to indicate that the best
331 interests of the public are not served by granting the applicant a license;]~~

332 ~~[(d)]~~ (c) have obtained a high school diploma or its equivalent or a higher education
333 degree;

334 ~~[(e)]~~ (d) have obtained an associate degree, or its equivalent, in mortuary science from
335 a school of funeral service accredited by the American Board of Funeral Service Education or
336 other accrediting body recognized by the U.S. Department of Education;

337 ~~[(f)]~~ (e) have completed not less than 2,000 hours and 50 embalmings, over a period of
338 not less than one year, of satisfactory performance in training as a licensed funeral service
339 intern under the supervision of a licensed funeral service director; and

340 ~~[(g)]~~ (f) obtain a passing score on examinations approved by the division in

341 collaboration with the board.

342 (2) Each applicant for licensure as a funeral service intern shall:

343 (a) submit an application in a form prescribed by the division;

344 (b) pay a fee as determined by the department under Section 63J-1-504;

345 [~~(c) be of good moral character in that the applicant has not been convicted of;~~

346 [~~(i) a first or second degree felony;~~]

347 [~~(ii) a misdemeanor involving moral turpitude; or]~~

348 [~~(iii) any other crime that when considered with the duties and responsibilities of a~~

349 funeral service intern is considered by the division and the board to indicate that the best

350 interests of the public are not served by granting the applicant a license;]

351 [~~(d)~~] (c) have obtained a high school diploma or its equivalent or a higher education

352 degree; and

353 [~~(e)~~] (d) obtain a passing score on an examination approved by the division in

354 collaboration with the board.

355 (3) Each applicant for licensure as a funeral service establishment and each funeral

356 service establishment licensee shall:

357 (a) submit an application in a form prescribed by the division;

358 (b) pay a fee as determined by the department under Section 63J-1-504;

359 (c) have in place:

360 (i) an embalming room for preparing dead human bodies for burial or final disposition,

361 which may serve one or more facilities operated by the applicant;

362 (ii) a refrigeration room that maintains a temperature of not more than 40 degrees

363 fahrenheit for preserving dead human bodies prior to burial or final disposition, which may

364 serve one or more facilities operated by the applicant; and

365 (iii) maintain at all times a licensed funeral service director who is responsible for the

366 day-to-day operation of the funeral service establishment and who is personally available to

367 perform the services for which the license is required;

368 (d) affiliate with a licensed preneed funeral arrangement sales agent or funeral service

369 director if the funeral service establishment sells preneed funeral arrangements;

370 (e) file with the completed application a copy of each form of contract or agreement the

371 applicant will use in the sale of preneed funeral arrangements;

372 (f) provide evidence of appropriate licensure with the Insurance Department if the
 373 applicant intends to engage in the sale of any preneed funeral arrangements funded in whole or
 374 in part by an insurance policy or product to be sold by the provider or the provider's sales
 375 agent; and

376 (g) if the applicant intends to offer alkaline hydrolysis in a funeral service
 377 establishment, provide evidence that in accordance with rules made by the division in
 378 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

379 (i) the funeral service establishment meets the minimum standards for the handling,
 380 holding, and processing of deceased human remains in a safe, clean, private, and respectful
 381 manner; and

382 (ii) all operators of the alkaline hydrolysis equipment have received adequate training.

383 (4) Each applicant for licensure as a preneed funeral arrangement sales agent shall:

384 (a) submit an application in a form prescribed by the division;

385 (b) pay a fee as determined by the department under Section 63J-1-504;

386 [~~(c) be of good moral character in that the applicant has not been convicted of:~~]

387 [~~(i) a first or second degree felony;~~]

388 [~~(ii) a misdemeanor involving moral turpitude; or]~~

389 [~~(iii) any other crime that when considered with the duties and responsibilities of a
 390 preneed funeral sales agent is considered by the division and the board to indicate that the best
 391 interests of the public are not served by granting the applicant a license;]~~

392 [~~(d)~~] (c) have obtained a high school diploma or its equivalent or a higher education
 393 degree;

394 [~~(e)~~] (d) have obtained a passing score on an examination approved by the division in
 395 collaboration with the board;

396 [~~(f)~~] (e) affiliate with a licensed funeral service establishment; and

397 [~~(g)~~] (f) provide evidence of appropriate licensure with the Insurance Department if the
 398 applicant intends to engage in the sale of any preneed funeral arrangements funded in whole or
 399 in part by an insurance policy or product.

400 Section 7. Section **58-15-101**, which is renumbered from Section 58-15-1 is

401 renumbered and amended to read:

402 **CHAPTER 15. HEALTH FACILITY ADMINISTRATOR ACT**

403

Part 1. General Provisions

404

~~[58-15-1].~~ 58-15-101. Title.

405

This chapter is known as the "Health Facility Administrator Act."

406

Section 8. Section **58-15-102**, which is renumbered from Section 58-15-2 is

407

renumbered and amended to read:

408

~~[58-15-2].~~ 58-15-102. Definitions.

409

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

410

(1) "Administrator" means a person who is charged with the general administration of a

411

health facility, regardless of whether ~~[that]~~:

412

(a) the person has an ownership interest in the facility ~~[and whether his]; or~~

413

(b) the person's functions and duties are shared with one or more persons.

414

(2) "Board" means the Health Facility Administrators Licensing Board created in

415

Section ~~[58-15-3]~~ 58-15-201.

416

(3) "Health facility" means a skilled nursing facility, an intermediate care facility, or an

417

intermediate care facility for individuals with an intellectual disability.

418

(4) "Intermediate care facility" means an institution that provides, on a regular basis,

419

health care and services to individuals who do not require the degree of care and treatment a

420

hospital or skilled nursing facility provides, but who require health care and services in

421

addition to room and board.

422

(5) "Intermediate care facility for people with an intellectual disability" means an

423

institution that provides, on a regular basis, health-related care and service to individuals with

424

intellectual disabilities as defined in Section 68-3-12.5 or individuals with related conditions,

425

who do not require the degree of care and treatment a hospital or skilled nursing facility

426

provides, but who require health-related care and services above the need for room and board.

427

(6) "Skilled nursing facility" means an institution primarily providing inpatients with

428

skilled nursing care and related services on a continuing basis for patients who require mental,

429

medical, or nursing care, or service for the rehabilitation of an injured individual, a sick

430

individual, or an individual with a disability.

431

(7) "Unprofessional conduct" as defined in Section 58-1-501 and as may be further

432

defined by rule includes:

433

(a) intentionally filing a false report or record, intentionally failing to file a report or

434 record required by state or federal law, or [~~wilfully~~] willfully impeding or obstructing the filing
 435 of a required report. These reports or records only include those which are signed in the
 436 capacity of a licensed health facility administrator; and

437 (b) acting in a manner inconsistent with the health and safety of the patients of the
 438 health facility in which he is the administrator.

439 Section 9. Section **58-15-201**, which is renumbered from Section 58-15-3 is
 440 renumbered and amended to read:

441 **Part 2. Board**

442 ~~[58-15-3].~~ **58-15-201. Health Facility Administrators Licensing Board.**

443 (1) There is created a Health Facility Administrators Licensing Board consisting of:

444 (a) one administrator from a skilled nursing facility[;];

445 (b) two administrators from intermediate care facilities[;];

446 (c) one administrator from an intermediate care facility for people with an intellectual
 447 disability[;]; and

448 (d) one member from the general public.

449 (2) The board shall be appointed and serve in accordance with Section 58-1-201.

450 (3) (a) The duties and responsibilities of the board shall be in accordance with Sections
 451 58-1-202 and 58-1-203.

452 (b) The board, in collaboration with the division, may establish continuing education
 453 requirements by rule.

454 (c) Board members may not receive compensation for their involvement in continuing
 455 education programs.

456 Section 10. Section **58-15-301**, which is renumbered from Section 58-15-4 is
 457 renumbered and amended to read:

458 **Part 3. Licensing**

459 ~~[58-15-4].~~ **58-15-301. Licensure requirements.**

460 (1) An applicant for a license under this chapter shall submit to the division a written
 461 application [~~to the division, verified under oath, that the applicant is of good moral character as~~
 462 ~~it relates to the functions and responsibilities of the practice of administration of a health~~
 463 ~~facility]~~ in a form prescribed by the division.

464 (2) After July 1, 1985, all new applicants are required to have[~~, in addition to~~

465 ~~Subsection (1),~~ the education or experience requirements as established by rule and as
 466 approved by the division.

467 (3) The applicant shall pay ~~[a fee to the Department of Commerce determined by it~~
 468 ~~pursuant to]~~ to the department a fee in an amount determined by the department in accordance
 469 with Section 63J-1-504 for:

470 (a) admission to the examination~~[-for];~~

471 (b) an initial license~~[-and for];~~ and

472 (c) a renewal license.

473 (4) (a) The applicant shall pass a written examination in subjects determined by the
 474 board.

475 (b) Upon the applicant passing the examination described in Subsection (4)(a) and
 476 ~~[payment of]~~ paying the license fee described in Subsection (3), the board shall recommend
 477 issuance to the applicant of a license to practice as a health facility administrator.

478 (5) (a) A temporary license may be issued without examination to a person who meets
 479 the requirements established by statute and by rule for an administrator. ~~[The]~~

480 (b) A temporary license may be issued only:

481 (i) to fill a position of administrator that unexpectedly becomes vacant; and ~~[may be~~
 482 ~~issued for only a single period not to exceed six months.]~~

483 (ii) for a single period of six months or less.

484 ~~[(6) A license may be granted to an applicant who is a licensed nursing home~~
 485 ~~administrator in another state if the standards for licensure in the other state are equivalent to~~
 486 ~~those criteria set forth in Subsections (1) and (2), and if the applicant is otherwise qualified.]~~

487 Section 11. Section **58-15-302**, which is renumbered from Section 58-15-4.5 is
 488 renumbered and amended to read:

489 ~~[58-15-4.5].~~ **58-15-302. Term of license -- Expiration -- Renewal.**

490 (1) (a) Each license issued under this chapter shall be issued in accordance with a
 491 two-year renewal cycle established by rule.

492 (b) A renewal period described in Subsection (1)(a) may be extended or shortened by
 493 as much as one year to maintain established renewal cycles or to change an established renewal
 494 cycle.

495 (2) Each license automatically expires on the expiration date shown on the license

496 unless renewed by the licensee in accordance with Section 58-1-308.

497 Section 12. Section **58-15-303**, which is renumbered from Section 58-15-11 is
498 renumbered and amended to read:

499 ~~[58-15-11]~~. **58-15-303. Exemptions to chapter.**

500 (1) In addition to the exemptions described in Section 58-1-307, this chapter does not
501 apply to:

502 (a) a facility of a recognized church or denomination that cares for the sick and
503 suffering by mental or spiritual means if no drug or material remedy is used in the care
504 provided; or

505 (b) the superintendent of the Utah State Developmental Center described in Section
506 62A-5-201.

507 (2) Any facility or person exempted under this section shall comply with each statute
508 and rule on sanitation and life safety.

509 Section 13. Section **58-15-401**, which is renumbered from Section 58-15-12 is
510 renumbered and amended to read:

511 **Part 4. License Denial and Discipline**

512 ~~[58-15-12]~~. **58-15-401. Grounds for denial of license -- Disciplinary**
513 **proceedings.**

514 Grounds for refusal to issue a license to an applicant, for refusal to renew the license of
515 a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a
516 public or private reprimand to a licensee, and to issue cease and desist orders shall be in
517 accordance with Section 58-1-401.

518 Section 14. Section **58-15-501**, which is renumbered from Section 58-15-10 is
519 renumbered and amended to read:

520 **Part 5. Unlawful Conduct**

521 ~~[58-15-10]~~. **58-15-501. Penalty for unlawful conduct.**

522 ~~[Any]~~ A person who violates the unlawful conduct provisions defined in Subsection
523 58-1-501(1) is guilty of a class B misdemeanor.

524 Section 15. Section **58-16a-302** is amended to read:

525 **58-16a-302. Qualifications for licensure.**

526 [(t)] An applicant for licensure as an optometrist shall:

527 [(a)] (1) submit an application in a form prescribed by the division;

528 [(b)] (2) pay a fee as determined by the division under Section 63J-1-504;

529 [(c)-(i)] (3) (a) be a doctoral graduate of a recognized school of optometry accredited

530 by the American Optometric Association's Accreditation Council on Optometric Education; or

531 [(ii)] (b) be a graduate of a school of optometry located outside the United States that

532 meets the criteria that would qualify the school for accreditation under Subsection [(t)(c)(i)]

533 (3)(a), as demonstrated by the applicant for licensure;

534 [(d)] (4) if the applicant graduated from a recognized school of optometry prior to July

535 1, 1996, have successfully completed a course of study satisfactory to the division, in

536 consultation with the board, in general and ocular pharmacology and emergency medical care;

537 [(e)] (5) have passed examinations approved by the division in consultation with the

538 board that include:

539 [(i)] (a) a standardized national optometry examination;

540 [(ii)] (b) a standardized clinical examination; and

541 [(iii)] (c) a standardized national therapeutics examination; and

542 [(f)] (6) meet with the board and representatives of the division, if requested by either

543 party, for the purpose of evaluating the applicant's qualifications for licensure.

544 [(2) Notwithstanding Subsection (1) and Section 58-1-302, the division shall issue a

545 license under this chapter by endorsement to an individual who:]

546 [(a) submits an application for licensure by endorsement on a form approved by the

547 division;]

548 [(b) pays a fee established by the division in accordance with Section 63J-1-504;]

549 [(c) verifies that the individual is licensed as an optometrist in good standing in each

550 state of the United States, or province of Canada, in which the individual is currently licensed

551 as an optometrist; and]

552 [(d) has been actively engaged in the legal practice of optometry for at least 3,200

553 hours during the immediately preceding two years in a manner consistent with the legal

554 practice of optometry in this state.]

555 Section 16. Section **58-20b-102** is amended to read:

556 **58-20b-102. Definitions.**

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

558 (1) "Accredited program" means a degree-offering program from:

559 (a) an institution, college, or university that is accredited by the Department of
560 Education or the Council for Higher Education Accreditation; or

561 (b) a non-accredited institution, college, or university that offers education equivalent
562 to Department of Education-accredited programs, as determined by a third party selected by the
563 board.

564 (2) "Board" means the Environmental Health Scientist Board created in Section
565 58-20b-201.

566 (3) "General supervision" means the supervising environmental health scientist is
567 available for immediate voice communication with the person he or she is supervising.

568 (4) "Practice of environmental health science" means:

569 (a) the enforcement of, the issuance of permits required by, or the inspection for the
570 purpose of enforcing state and local public health laws in the following areas:

571 (i) air quality;

572 (ii) food [~~quality~~] safety;

573 (iii) solid, hazardous, and toxic substances disposal;

574 (iv) consumer product safety;

575 (v) housing;

576 (vi) noise control;

577 (vii) radiation protection;

578 (viii) water quality;

579 (ix) vector control;

580 (x) drinking water quality;

581 (xi) milk sanitation;

582 (xii) rabies control;

583 (xiii) public health nuisances;

584 (xiv) indoor clean air regulations;

585 (xv) institutional and residential sanitation; or

586 (xvi) recreational facilities sanitation; or

587 (b) representing oneself in any manner as, or using the titles "environmental health

588 scientist," "environmental health scientist-in-training," or "registered sanitarian."

589 (5) "Unlawful conduct" means the same as that term is defined in Section 58-1-501.

590 (6) "Unprofessional conduct" means the same as that term is defined in Sections
591 58-1-501 and 58-20b-501 and as may be further defined by division rule.

592 Section 17. Section **58-22-102** is amended to read:

593 **58-22-102. Definitions.**

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

595 (1) "Board" means the Professional Engineers and Professional Land Surveyors
596 Licensing Board created in Section 58-22-201.

597 (2) "Building" means a structure which has human occupancy or habitation as its
598 principal purpose, and includes the structural, mechanical, and electrical systems, utility
599 services, and other facilities required for the building, and is otherwise governed by the State
600 Construction Code or an approved code under Title 15A, State Construction and Fire Codes
601 Act.

602 (3) "Complete construction plans" means a final set of plans, specifications, and reports
603 for a building or structure that normally includes:

604 (a) floor plans;

605 (b) elevations;

606 (c) site plans;

607 (d) foundation, structural, and framing detail;

608 (e) electrical, mechanical, and plumbing design;

609 (f) information required by the energy code;

610 (g) specifications and related calculations as appropriate; and

611 (h) all other documents required to obtain a building permit.

612 (4) "EAC/ABET" means the Engineering Accreditation Commission/Accreditation
613 Board for Engineering and Technology.

614 (5) "Fund" means the Professional Engineer, Professional Structural Engineer, and
615 Professional Land Surveyor Education and Enforcement Fund created in Section 58-22-103.

616 (6) "NCEES" means the National Council of Examiners for Engineering and
617 Surveying.

618 (7) "Principal" means a licensed professional engineer, professional structural engineer,

619 or professional land surveyor having responsible charge of an organization's professional
620 engineering, professional structural engineering, or professional land surveying practice.

621 (8) "Professional engineer" means a person licensed under this chapter as a
622 professional engineer.

623 (9) (a) "Professional engineering," "the practice of engineering," or "the practice of
624 professional engineering" means a service or creative work, the adequate performance of which
625 requires engineering education, training, and experience in the application of special
626 knowledge of the mathematical, physical, and engineering sciences to the service or creative
627 work as consultation, investigation, evaluation, planning, design, and design coordination of
628 engineering works and systems, planning the use of land and water, facility programming,
629 performing engineering surveys and studies, and the review of construction for the purpose of
630 monitoring compliance with drawings and specifications; any of which embraces these services
631 or work, either public or private, in connection with any utilities, structures, buildings,
632 machines, equipment, processes, work systems, projects, and industrial or consumer products
633 or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, and
634 including other professional services as may be necessary to the planning, progress, and
635 completion of any engineering services.

636 (b) "The practice of professional engineering" does not include the practice of
637 architecture as defined in Section 58-3a-102, but a licensed professional engineer may perform
638 architecture work as is incidental to the practice of engineering.

639 (10) "Professional engineering intern" means a person who:

640 (a) has completed the education requirements to become a professional engineer;

641 (b) has passed the fundamentals of engineering examination; and

642 (c) is engaged in obtaining the four years of qualifying experience for licensure under
643 the [direct] supervision of a licensed professional engineer.

644 (11) "Professional land surveying" or "the practice of land surveying" means a service
645 or work, the adequate performance of which requires the application of special knowledge of
646 the principles of mathematics, the related physical and applied sciences, and the relevant
647 requirements of law for adequate evidence to the act of measuring and locating lines, angles,
648 elevations, natural and man-made features in the air, on the surface of the earth, within
649 underground workings, and on the beds of bodies of water for the purpose of determining areas

650 and volumes, for the monumenting or locating of property boundaries or points controlling
651 boundaries, and for the platting and layout of lands and subdivisions of lands, including the
652 topography, alignment and grades of streets, and for the preparation and perpetuation of maps,
653 record plats, field notes records, and property descriptions that represent these surveys and
654 other duties as sound surveying practices could direct.

655 (12) "Professional land surveyor" means an individual licensed under this chapter as a
656 professional land surveyor.

657 (13) "Professional structural engineer" means a person licensed under this chapter as a
658 professional structural engineer.

659 (14) (a) "Professional structural engineering" or "the practice of structural engineering"
660 means a service or creative work providing structural engineering services for significant
661 structures, including:

662 (i) buildings and other structures representing a substantial hazard to human life, which
663 include:

664 (A) buildings and other structures whose primary occupancy is public assembly with an
665 occupant load greater than 300;

666 (B) buildings and other structures with elementary school, secondary school, or day
667 care facilities with an occupant load greater than 250;

668 (C) buildings and other structures with an occupant load greater than 500 for colleges
669 or adult education facilities;

670 (D) health care facilities with an occupant load of 50 or more resident patients, but not
671 having surgery or emergency treatment facilities;

672 (E) jails and detention facilities with a gross area greater than 3,000 square feet; and

673 (F) buildings and other structures with an occupant load greater than 5,000;

674 (ii) buildings and other structures designated as essential facilities, including:

675 (A) hospitals and other health care facilities having surgery or emergency treatment
676 facilities with a gross area greater than 3,000 square feet;

677 (B) fire, rescue, and police stations and emergency vehicle garages with a mean height
678 greater than 24 feet or a gross area greater than 5,000 square feet;

679 (C) designated earthquake, hurricane, or other emergency shelters with a gross area
680 greater than 3,000 square feet;

681 (D) designated emergency preparedness, communication, and operation centers and
682 other buildings required for emergency response with a mean height more than 24 feet or a
683 gross area greater than 5,000 square feet;

684 (E) power-generating stations and other public utility facilities required as emergency
685 backup facilities with a gross area greater than 3,000 square feet;

686 (F) structures with a mean height more than 24 feet or a gross area greater than 5,000
687 square feet containing highly toxic materials as defined by the division by rule, where the
688 quantity of the material exceeds the maximum allowable quantities set by the division by rule;
689 and

690 (G) aviation control towers, air traffic control centers, and emergency aircraft hangars
691 at commercial service and cargo air services airports as defined by the Federal Aviation
692 Administration with a mean height greater than 35 feet or a gross area greater than 20,000
693 square feet; and

694 (iii) buildings and other structures requiring special consideration, including:

695 (A) structures or buildings that are normally occupied by human beings and are five
696 stories or more in height;

697 (B) structures or buildings that are normally occupied by human beings and have an
698 average roof height more than 60 feet above the average ground level measured at the
699 perimeter of the structure; and

700 (C) buildings that are over 200,000 aggregate gross square feet in area.

701 (b) "Professional structural engineering" or "the practice of structural engineering":

702 (i) includes the definition of professional engineering or the practice of professional
703 engineering as provided in Subsection (9); and

704 (ii) may be further defined by rules made by the division in collaboration with the
705 board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

706 (15) "Structure" means that which is built or constructed, an edifice or building of any
707 kind, or a piece of work artificially built up or composed of parts joined together in a definite
708 manner, and as otherwise governed by the State Construction Code or an approved code under
709 Title 15A, State Construction and Fire Codes Act.

710 (16) "Supervision [~~of an employee, subordinate, associate, or drafter of a licensee~~]"
711 means that a licensed professional engineer, professional structural engineer, or professional

712 land surveyor is responsible for and personally reviews, corrects when necessary, and approves
 713 work performed by an employee, subordinate, associate, or drafter under the direction of the
 714 licensee, and may be further defined by rule by the division in collaboration with the board.

715 (17) "TAC/ABET" means the Technology Accreditation Commission/Accreditation
 716 Board for Engineering and Technology.

717 (18) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501
 718 and 58-22-501.

719 (19) "Unprofessional conduct" means the same as that term is defined in Sections
 720 58-1-501 and 58-22-502.5.

721 Section 18. Section **58-28-304** is amended to read:

722 **58-28-304. Temporary license -- License reciprocity.**

723 (1) The division may issue a temporary license to practice veterinary medicine, surgery,
 724 and dentistry to any person not qualified for licensure under ~~[Subsection (4)]~~ Section 58-1-302
 725 who meets all requirements of Section 58-28-302 with the exception of Subsections
 726 58-28-302(1)(a) and (c), except that the temporary license shall by its terms expire at the date
 727 examination results are available for the examination next following the date of the issuance of
 728 the temporary license.

729 (2) The temporary license shall permit the holder to practice under the indirect
 730 supervision of a veterinarian licensed to practice in this state.

731 (3) The division may extend the expiration date of the temporary license until the
 732 following examination date if:

733 (a) the applicant shows to the board good cause for failing to take or pass the
 734 examination; and

735 (b) the majority of the board members recommend the extension.

736 ~~[(4) Upon the recommendation of the board, the division may issue a license without~~
 737 ~~examination to a person who:]~~

738 ~~[(a) has been licensed or registered to practice veterinary medicine, surgery, and~~
 739 ~~dentistry in any state, district, or territory of the United States or in any foreign country, whose~~
 740 ~~educational, examination, and experience requirements are or were at the time the license was~~
 741 ~~issued equal to those of this state;]~~

742 ~~[(b) has engaged in the practice of veterinary medicine, dentistry, and surgery while~~

743 licensed by another jurisdiction for at least two years;]

744 [~~(c) obtained the license in another jurisdiction after passing an examination~~
745 ~~component acceptable to the division and the board;~~]

746 [~~(d) produces satisfactory evidence of having practiced veterinary medicine~~
747 ~~competently and in accordance with the standards and ethics of the profession while practicing~~
748 ~~in another jurisdiction; and]~~

749 [~~(e) produces satisfactory evidence of identity and good moral character as it relates to~~
750 ~~the applicant's functions and practice as a licensed veterinarian.]~~

751 Section 19. Section **58-31b-303** is amended to read:

752 **58-31b-303. Qualifications for licensure -- Graduates of nonapproved nursing**
753 **programs.**

754 An applicant for licensure as a practical nurse or registered nurse who is a graduate of a
755 nursing education program not approved by the division in collaboration with the board must
756 comply with the requirements of this section.

757 (1) An applicant for licensure as a licensed practical nurse shall:

758 (a) meet all requirements of Subsection 58-31b-302(2), except Subsection
759 58-31b-302(2)(e); and

760 (b) produce evidence acceptable to the division and the board that the nursing
761 education program completed by the applicant is equivalent to the minimum standards
762 established by the division in collaboration with the board for an approved licensed practical
763 nursing education program.

764 (2) An applicant for licensure as a registered nurse shall:

765 (a) meet all requirements of Subsection 58-31b-302(3), except Subsection
766 58-31b-302(3)(e); and

767 (b) (i) pass the Commission on Graduates of Foreign Nursing Schools (CGFNS)
768 Examination; or

769 (ii) produce evidence acceptable to the division and the board that the applicant is
770 currently licensed as a registered nurse in one of the states, territories, or the District of
771 Columbia of the United States or in Canada and has passed the NCLEX-RN examination in
772 English.

773 Section 20. Section **58-41-4** is amended to read:

774 **58-41-4. Exemptions from chapter.**

775 (1) In addition to the exemptions from licensure in Section 58-1-307, the following
776 persons may engage in the practice of speech-language pathology and audiology subject to the
777 stated circumstances and limitations without being licensed under this chapter:

778 (a) a qualified person licensed in this state under any law existing in this state prior to
779 May 13, 1975, engaging in the profession for which ~~[he]~~ the person is licensed;

780 (b) a medical doctor, physician, physician assistant, or surgeon licensed in this state,
781 engaging in his or her specialty in the practice of medicine;

782 (c) a hearing aid dealer or ~~[salesman from]~~ salesperson selling, fitting, adjusting, and
783 repairing hearing aids, and conducting hearing tests solely for that purpose. However, a hearing
784 aid dealer may not conduct audiologic testing on persons ~~[under the age of 18 years]~~ younger
785 than 18 years old except under the direct supervision of an audiologist licensed under this
786 chapter;

787 (d) a person who has obtained a valid and current credential issued by the State Board
788 of Education while specifically performing ~~[specifically]~~ the functions of a speech-language
789 pathologist or audiologist~~[-, in no way in his own interest, solely within the confines of and~~
790 ~~under the direction and jurisdiction of and only in the academic interest of the schools by which~~
791 ~~employed in this state]~~ solely within the confines of, under the direction and jurisdiction of, and
792 in the academic interest of the school employing the person;

793 (e) a person employed as a speech-language pathologist or audiologist by federal
794 government agencies or subdivisions or, prior to July 1, 1989, by state or local government
795 agencies or subdivisions, while specifically performing speech-language pathology or
796 audiology services ~~[in no way in his own interest,]~~ solely within the confines of ~~[and]~~₂ under
797 the direction and jurisdiction of₂ and in the specific interest of ~~[that]~~ the agency or subdivision;

798 (f) a person identified in Subsections (1)(d) and (e) may offer lectures for a fee, or
799 monetary or other compensation, without being licensed~~[-, however, such person may elect to~~
800 ~~be subject to the requirements of this chapter];~~

801 (g) a person employed by an accredited ~~[colleges or universities]~~ college or university
802 as a speech-language pathologist or audiologist ~~[from]~~ performing the services or functions
803 described in this chapter ~~[when they]~~ if the services or functions are:

804 (i) performed solely as an assigned teaching function of the person's employment;

- 805 (ii) solely in academic interest and pursuit as a function of ~~[that]~~ the person's
806 employment;
- 807 (iii) in no way for ~~[their]~~ the person's own interest; and
- 808 (iv) provided for no fee, monetary or otherwise, other than ~~[their]~~ the person's agreed
809 institutional salary;
- 810 (h) a person pursuing a course of study leading to a degree in speech-language
811 pathology or audiology while enrolled in an accredited college or university, provided:
- 812 (i) those activities constitute an assigned, directed, and supervised part of ~~[his]~~ the
813 person's curricular study, and in no other interest~~[, and]~~;
- 814 (ii) that all examinations, tests, histories, charts, progress notes, reports,
815 correspondence, ~~[and all]~~ documents, and records ~~[which he]~~ the person produces be identified
816 clearly as having been conducted and prepared by a student in training ~~[and that such a]~~;
- 817 (iii) that the person is obviously identified and designated by appropriate title clearly
818 indicating the person's training status; and ~~[provided that he]~~
- 819 (iv) that the person does not hold ~~[himself]~~ out directly or indirectly ~~[as being]~~ to the
820 public or otherwise represent that the person is qualified to practice independently;
- 821 (i) a person trained in elementary audiometry and qualified to perform basic
822 audiometric tests while employed by and under the direct supervision of a licensed medical
823 doctor to perform solely for ~~[him while under his direct supervision,]~~ the licensed medical
824 doctor, the elementary conventional audiometric tests of air conduction screening, air
825 conduction threshold testing, and tympanometry;
- 826 (j) a person ~~[while performing as a]~~ performing the functions of a speech-language
827 pathologist or audiologist for the sole purpose of obtaining required professional experience
828 under the provisions of this chapter and only during the period the person is obtaining the
829 required professional experience, if ~~[he]~~ the person:
- 830 (i) meets all training requirements; and
- 831 (ii) is professionally responsible to and under the supervision of a speech-language
832 pathologist or audiologist who holds the CCC or a state license in speech-language pathology
833 or audiology~~[- This provision is applicable only during the time that person is obtaining the~~
834 required professional experience];
- 835 (k) a corporation, partnership, trust, association, group practice, or ~~[like]~~ similar

836 organization engaging in speech-language pathology or audiology services without certification
 837 or license, if ~~[it acts]~~ acting only through employees or ~~[consists]~~ consisting only of persons
 838 who are licensed under this chapter;

839 (l) ~~[performance of]~~ a person who is not a resident of this state performing
 840 speech-language pathology or audiology services in this state ~~[by a speech-language pathologist~~
 841 ~~or audiologist who is not a resident of this state and is not licensed under this chapter if those]~~
 842 if:

843 (i) the services are performed for no more than one month in any calendar year in
 844 association with a speech-language pathologist or audiologist licensed under this chapter~~[, and~~
 845 ~~if that]; and~~

846 (ii) the person meets the qualifications and requirements for application for licensure
 847 described in Section 58-41-5; ~~[and]~~

848 (m) a person certified under Title 53E, Public Education System -- State
 849 Administration, as a teacher of the deaf, from providing the services or performing the
 850 functions ~~[he]~~ the person is certified to perform~~[-]; and~~

851 (n) a person trained in newborn hearing screening who is responsible for a newborn
 852 hearing screening program at a licensed birthing center, as defined in Section 26-21-2.

853 (2) No person is exempt from the requirements of this chapter who performs or
 854 provides any services as a speech-language pathologist or audiologist for which a fee, salary,
 855 bonus, gratuity, or compensation of any kind paid by the recipient of the service; or who
 856 engages any part of his professional work for a fee practicing in conjunction with, by
 857 permission of, or apart from his position of employment as speech-language pathologist or
 858 audiologist in any branch or subdivision of local, state, or federal government or as otherwise
 859 identified in this section.

860 Section 21. Section **58-44a-302** is amended to read:

861 **58-44a-302. Qualifications for licensure.**

862 (1) An applicant for licensure as a nurse midwife shall:

863 (a) submit an application in a form as prescribed by the division;

864 (b) pay a fee as determined by the department under Section 63J-1-504;

865 ~~[(c) be of good moral character;]~~

866 ~~[(d)]~~ (c) at the time of application for licensure hold a license in good standing as a

867 registered nurse in Utah, or be at that time qualified for a license as a registered nurse under
868 Title 58, Chapter 31b, Nurse Practice Act;

869 ~~(f)~~ (d) have completed:

870 (i) a certified nurse midwifery education program accredited by the Accreditation
871 Commission for Midwifery Education and approved by the division; or

872 (ii) a nurse midwifery education program located outside of the United States which is
873 approved by the division and is equivalent to a program accredited by the Accreditation
874 Commission for Midwifery Education, as demonstrated by a graduate's being accepted to sit for
875 the national certifying examination administered by the Accreditation Commission for
876 Midwifery Education or its designee; and

877 ~~(f)~~ (e) have passed examinations established by the division rule in collaboration with
878 the board within two years after completion of the approved education program required under
879 Subsection ~~(f)~~(e) (1)(d).

880 (2) For purposes of Subsection ~~(f)~~(e) (1)(d), as of January 1, 2010, the accredited
881 education program or it's equivalent must grant a graduate degree, including post-master's
882 certificate, in nurse midwifery.

883 Section 22. Section **58-55-102** is amended to read:

884 **58-55-102. Definitions.**

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

886 (1) (a) "Alarm business or company" means a person engaged in the sale, installation,
887 maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system,
888 except as provided in Subsection (1)(b).

889 (b) "Alarm business or company" does not include:

890 (i) a person engaged in the manufacture or sale of alarm systems unless:

891 (A) that person is also engaged in the installation, maintenance, alteration, repair,
892 replacement, servicing, or monitoring of alarm systems;

893 (B) the manufacture or sale occurs at a location other than a place of business
894 established by the person engaged in the manufacture or sale; or

895 (C) the manufacture or sale involves site visits at the place or intended place of
896 installation of an alarm system; or

897 (ii) an owner of an alarm system, or an employee of the owner of an alarm system who

898 is engaged in installation, maintenance, alteration, repair, replacement, servicing, or monitoring
899 of the alarm system owned by that owner.

900 (2) "Alarm company agent":

901 (a) except as provided in Subsection (2)(b), means any individual employed within this
902 state by an alarm business; and

903 (b) does not include an individual who:

904 (i) is not engaged in the sale, installation, maintenance, alteration, repair, replacement,
905 servicing, or monitoring of an alarm system; and

906 (ii) does not, during the normal course of the individual's employment with an alarm
907 business, use or have access to sensitive alarm system information.

908 (3) "Alarm system" means equipment and devices assembled for the purpose of:

909 (a) detecting and signaling unauthorized intrusion or entry into or onto certain
910 premises; or

911 (b) signaling a robbery or attempted robbery on protected premises.

912 (4) "Apprentice electrician" means a person licensed under this chapter as an
913 apprentice electrician who is learning the electrical trade under the immediate supervision of a
914 master electrician, residential master electrician, a journeyman electrician, or a residential
915 journeyman electrician.

916 (5) "Apprentice plumber" means a person licensed under this chapter as an apprentice
917 plumber who is learning the plumbing trade under the immediate supervision of a master
918 plumber, residential master plumber, journeyman plumber, or a residential journeyman
919 plumber.

920 (6) "Approved continuing education" means instruction provided through courses
921 under a program established under Subsection 58-55-302.5(2).

922 (7) (a) "Approved prelicensure course provider" means a provider that is the
923 Associated General Contractors of Utah, the Utah Chapter of the Associated Builders and
924 Contractors, or the Utah Home Builders Association, and that meets the requirements
925 established by rule by the commission with the concurrence of the director, to teach the
926 25-hour course described in Subsection 58-55-302(1)(e)(iii).

927 (b) "Approved prelicensure course provider" may only include a provider that, in
928 addition to any other locations, offers the 25-hour course described in Subsection

929 58-55-302(1)(e)(iii) at least six times each year in one or more counties other than Salt Lake
930 County, Utah County, Davis County, or Weber County.

931 (8) "Board" means the Electrician Licensing Board, Alarm System Security and
932 Licensing Board, or Plumbers Licensing Board created in Section 58-55-201.

933 (9) "Combustion system" means an assembly consisting of:

934 (a) piping and components with a means for conveying, either continuously or
935 intermittently, natural gas from the outlet of the natural gas provider's meter to the burner of the
936 appliance;

937 (b) the electric control and combustion air supply and venting systems, including air
938 ducts; and

939 (c) components intended to achieve control of quantity, flow, and pressure.

940 (10) "Commission" means the Construction Services Commission created under
941 Section 58-55-103.

942 (11) "Construction trade" means any trade or occupation involving:

943 (a) (i) construction, alteration, remodeling, repairing, wrecking or demolition, addition
944 to, or improvement of any building, highway, road, railroad, dam, bridge, structure, excavation
945 or other project, development, or improvement to other than personal property; and

946 (ii) constructing, remodeling, or repairing a manufactured home or mobile home as
947 defined in Section 15A-1-302; or

948 (b) installation or repair of a residential or commercial natural gas appliance or
949 combustion system.

950 (12) "Construction trades instructor" means a person licensed under this chapter to
951 teach one or more construction trades in both a classroom and project environment, where a
952 project is intended for sale to or use by the public and is completed under the direction of the
953 instructor, who has no economic interest in the project.

954 (13) (a) "Contractor" means any person who for compensation other than wages as an
955 employee undertakes any work in the construction, plumbing, or electrical trade for which
956 licensure is required under this chapter and includes:

957 (i) a person who builds any structure on the person's own property for the purpose of
958 sale or who builds any structure intended for public use on the person's own property;

959 (ii) any person who represents that the person is a contractor, or will perform a service

960 described in this Subsection (13), by advertising on a website or social media, or any other
961 means;

962 (iii) any person engaged as a maintenance person, other than an employee, who
963 regularly engages in activities set forth under the definition of "construction trade";

964 (iv) any person engaged in, or offering to engage in, any construction trade for which
965 licensure is required under this chapter; or

966 (v) a construction manager, construction consultant, construction assistant, or any other
967 person who, for a fee:

968 (A) performs or offers to perform construction consulting;

969 (B) performs or offers to perform management of construction subcontractors;

970 (C) provides or offers to provide a list of subcontractors or suppliers; or

971 (D) provides or offers to provide management or counseling services on a construction
972 project.

973 (b) "Contractor" does not include:

974 (i) an alarm company or alarm company agent; or

975 (ii) a material supplier who provides consulting to customers regarding the design and
976 installation of the material supplier's products.

977 (14) (a) "Electrical trade" means the performance of any electrical work involved in the
978 installation, construction, alteration, change, repair, removal, or maintenance of facilities,
979 buildings, or appendages or appurtenances.

980 (b) "Electrical trade" does not include:

981 (i) transporting or handling electrical materials;

982 (ii) preparing clearance for raceways for wiring;

983 (iii) work commonly done by unskilled labor on any installations under the exclusive
984 control of electrical utilities;

985 (iv) work involving cable-type wiring that does not pose a shock or fire-initiation
986 hazard; or

987 (v) work involving class two or class three power-limited circuits as defined in the
988 National Electrical Code.

989 (15) "Elevator" means the same as that term is defined in Section 34A-7-202, except
990 that for purposes of this chapter it does not mean a stair chair, a vertical platform lift, or an

991 incline platform lift.

992 (16) "Elevator contractor" means a sole proprietor, firm, or corporation licensed under
993 this chapter that is engaged in the business of erecting, constructing, installing, altering,
994 servicing, repairing, or maintaining an elevator.

995 (17) "Elevator mechanic" means an individual who is licensed under this chapter as an
996 elevator mechanic and who is engaged in erecting, constructing, installing, altering, servicing,
997 repairing, or maintaining an elevator under the immediate supervision of an elevator contractor.

998 (18) "Employee" means an individual as defined by the division by rule giving
999 consideration to the definition adopted by the Internal Revenue Service and the Department of
1000 Workforce Services.

1001 (19) "Engage in a construction trade" means to:

1002 (a) engage in, represent oneself to be engaged in, or advertise oneself as being engaged
1003 in a construction trade; or

1004 (b) use the name "contractor" or "builder" or in any other way lead a reasonable person
1005 to believe one is or will act as a contractor.

1006 (20) (a) "Financial responsibility" means a demonstration of a current and expected
1007 future condition of financial solvency evidencing a reasonable expectation to the division and
1008 the board that an applicant or licensee can successfully engage in business as a contractor
1009 without jeopardy to the public health, safety, and welfare.

1010 (b) Financial responsibility may be determined by an evaluation of the total history
1011 concerning the licensee or applicant including past, present, and expected condition and record
1012 of financial solvency and business conduct.

1013 (21) "Gas appliance" means any device that uses natural gas to produce light, heat,
1014 power, steam, hot water, refrigeration, or air conditioning.

1015 (22) (a) "General building contractor" means a person licensed under this chapter as a
1016 general building contractor qualified by education, training, experience, and knowledge to
1017 perform or superintend construction of structures for the support, shelter, and enclosure of
1018 persons, animals, chattels, or movable property of any kind or any of the components of that
1019 construction except plumbing, electrical work, mechanical work, work related to the operating
1020 integrity of an elevator, and manufactured housing installation, for which the general building
1021 contractor shall employ the services of a contractor licensed in the particular specialty, except

1022 that a general building contractor engaged in the construction of single-family and multifamily
1023 residences up to four units may perform the mechanical work and hire a licensed plumber or
1024 electrician as an employee.

1025 (b) The division may by rule exclude general building contractors from engaging in the
1026 performance of other construction specialties in which there is represented a substantial risk to
1027 the public health, safety, and welfare, and for which a license is required unless that general
1028 building contractor holds a valid license in that specialty classification.

1029 (23) (a) "General electrical contractor" means a person licensed under this chapter as a
1030 general electrical contractor qualified by education, training, experience, and knowledge to
1031 perform the fabrication, construction, and installation of generators, transformers, conduits,
1032 raceways, panels, switch gear, electrical wires, fixtures, appliances, or apparatus that uses
1033 electrical energy.

1034 (b) The scope of work of a general electrical contractor may be further defined by rules
1035 made by the commission, with the concurrence of the director, in accordance with Title 63G,
1036 Chapter 3, Utah Administrative Rulemaking Act.

1037 (24) (a) "General engineering contractor" means a person licensed under this chapter as
1038 a general engineering contractor qualified by education, training, experience, and knowledge to
1039 perform or superintend construction of fixed works or components of fixed works requiring
1040 specialized engineering knowledge and skill in any of the following: [~~irrigation, drainage,~~
1041 ~~water, power, water supply, flood control, inland waterways, harbors, railroads, highways,~~
1042 ~~tunnels, airports and runways, sewers and bridges, refineries, pipelines, chemical and industrial~~
1043 ~~plants requiring specialized engineering knowledge and skill, piers, and foundations, or any of~~
1044 ~~the components of those works.]~~

1045 (i) irrigation;

1046 (ii) drainage;

1047 (iii) water power;

1048 (iv) water supply;

1049 (v) flood control;

1050 (vi) an inland waterway;

1051 (vii) a harbor;

1052 (viii) a railroad;

- 1053 (ix) a highway;
- 1054 (x) a tunnel;
- 1055 (xi) an airport;
- 1056 (xii) an airport runway;
- 1057 (xiii) a sewer;
- 1058 (xiv) a bridge;
- 1059 (xv) a refinery;
- 1060 (xvi) a pipeline;
- 1061 (xvii) a chemical plant;
- 1062 (xviii) an industrial plant;
- 1063 (xix) a pier;
- 1064 (xx) a foundation;
- 1065 (xxi) a power plant; or
- 1066 (xxii) a utility plant or installation.
- 1067 (b) A general engineering contractor may not perform [~~construction of structures~~] or
- 1068 superintend:
- 1069 (i) construction of a structure built primarily for the support, shelter, and enclosure of
- 1070 persons, animals, and chattels[-]; or
- 1071 (ii) performance of:
- 1072 (A) plumbing work;
- 1073 (B) electrical work; or
- 1074 (C) mechanical work.
- 1075 (25) (a) "General plumbing contractor" means a person licensed under this chapter as a
- 1076 general plumbing contractor qualified by education, training, experience, and knowledge to
- 1077 perform the fabrication or installation of material and fixtures to create and maintain sanitary
- 1078 conditions in a building by providing permanent means for a supply of safe and pure water, a
- 1079 means for the timely and complete removal from the premises of all used or contaminated
- 1080 water, fluid and semi-fluid organic wastes and other impurities incidental to life and the
- 1081 occupation of such premises, and a safe and adequate supply of gases for lighting, heating, and
- 1082 industrial purposes.
- 1083 (b) The scope of work of a general plumbing contractor may be further defined by rules

1084 made by the commission, with the concurrence of the director, in accordance with Title 63G,
1085 Chapter 3, Utah Administrative Rulemaking Act.

1086 (26) "Immediate supervision" means reasonable direction, oversight, inspection, and
1087 evaluation of the work of a person:

1088 (a) as the division specifies in rule;

1089 (b) by, as applicable, a qualified electrician or plumber;

1090 (c) as part of a planned program of training; and

1091 (d) to ensure that the end result complies with applicable standards.

1092 (27) "Individual" means a natural person.

1093 (28) "Journeyman electrician" means a person licensed under this chapter as a
1094 journeyman electrician having the qualifications, training, experience, and knowledge to wire,
1095 install, and repair electrical apparatus and equipment for light, heat, power, and other purposes.

1096 (29) "Journeyman plumber" means a person licensed under this chapter as a
1097 journeyman plumber having the qualifications, training, experience, and technical knowledge
1098 to engage in the plumbing trade.

1099 (30) "Master electrician" means a person licensed under this chapter as a master
1100 electrician having the qualifications, training, experience, and knowledge to properly plan,
1101 layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment
1102 for light, heat, power, and other purposes.

1103 (31) "Master plumber" means a person licensed under this chapter as a master plumber
1104 having the qualifications, training, experience, and knowledge to properly plan and layout
1105 projects and supervise persons in the plumbing trade.

1106 (32) "Person" means a natural person, sole proprietorship, joint venture, corporation,
1107 limited liability company, association, or organization of any type.

1108 (33) (a) "Plumbing trade" means the performance of any mechanical work pertaining to
1109 the installation, alteration, change, repair, removal, maintenance, or use in buildings, or within
1110 three feet beyond the outside walls of buildings, of pipes, fixtures, and fittings for the:

1111 (i) delivery of the water supply;

1112 (ii) discharge of liquid and water carried waste;

1113 (iii) building drainage system within the walls of the building; and

1114 (iv) delivery of gases for lighting, heating, and industrial purposes.

1115 (b) "Plumbing trade" includes work pertaining to the water supply, distribution pipes,
1116 fixtures and fixture traps, soil, waste and vent pipes, the building drain and roof drains, and the
1117 safe and adequate supply of gases, together with their devices, appurtenances, and connections
1118 where installed within the outside walls of the building.

1119 (34) "Ratio of apprentices" means the number of licensed plumber apprentices or
1120 licensed electrician apprentices that are allowed to be under the immediate supervision of a
1121 licensed supervisor as established by the provisions of this chapter and by rules made by the
1122 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,
1123 Utah Administrative Rulemaking Act.

1124 (35) "Residential and small commercial contractor" means a person licensed under this
1125 chapter as a residential and small commercial contractor qualified by education, training,
1126 experience, and knowledge to perform or superintend the construction of single-family
1127 residences, multifamily residences up to four units, and commercial construction of not more
1128 than three stories above ground and not more than 20,000 square feet, or any of the components
1129 of that construction except plumbing, electrical work, mechanical work, and manufactured
1130 housing installation, for which the residential and small commercial contractor shall employ
1131 the services of a contractor licensed in the particular specialty, except that a residential and
1132 small commercial contractor engaged in the construction of single-family and multifamily
1133 residences up to four units may perform the mechanical work and hire a licensed plumber or
1134 electrician as an employee.

1135 (36) "Residential building," as it relates to the license classification of residential
1136 journeyman plumber and residential master plumber, means a single or multiple family
1137 dwelling of up to four units.

1138 (37) (a) "Residential electrical contractor" means a person licensed under this chapter
1139 as a residential electrical contractor qualified by education, training, experience, and
1140 knowledge to perform the fabrication, construction, and installation of services, disconnecting
1141 means, grounding devices, panels, conductors, load centers, lighting and plug circuits,
1142 appliances, and fixtures in a residential unit.

1143 (b) The scope of work of a residential electrical contractor may be further defined by
1144 rules made by the commission, with the concurrence of the director, in accordance with Title
1145 63G, Chapter 3, Utah Administrative Rulemaking Act.

1146 (38) "Residential journeyman electrician" means a person licensed under this chapter
1147 as a residential journeyman electrician having the qualifications, training, experience, and
1148 knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power,
1149 and other purposes on buildings using primarily nonmetallic sheath cable.

1150 (39) "Residential journeyman plumber" means a person licensed under this chapter as a
1151 residential journeyman plumber having the qualifications, training, experience, and knowledge
1152 to engage in the plumbing trade as limited to the plumbing of residential buildings.

1153 (40) "Residential master electrician" means a person licensed under this chapter as a
1154 residential master electrician having the qualifications, training, experience, and knowledge to
1155 properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus
1156 and equipment for light, heat, power, and other purposes on residential projects.

1157 (41) "Residential master plumber" means a person licensed under this chapter as a
1158 residential master plumber having the qualifications, training, experience, and knowledge to
1159 properly plan and layout projects and supervise persons in the plumbing trade as limited to the
1160 plumbing of residential buildings.

1161 (42) (a) "Residential plumbing contractor" means a person licensed under this chapter
1162 as a residential plumbing contractor qualified by education, training, experience, and
1163 knowledge to perform the fabrication or installation of material and fixtures to create and
1164 maintain sanitary conditions in residential buildings by providing permanent means for a
1165 supply of safe and pure water, a means for the timely and complete removal from the premises
1166 of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities
1167 incidental to life and the occupation of such premises, and a safe and adequate supply of gases
1168 for lighting, heating, and [~~industrial~~] residential purposes.

1169 (b) The scope of work of a residential plumbing contractor may be further defined by
1170 rules made by the commission, with the concurrence of the director, in accordance with Title
1171 63G, Chapter 3, Utah Administrative Rulemaking Act.

1172 (43) "Residential project," as it relates to an electrician or electrical contractor, means
1173 buildings primarily wired with nonmetallic sheathed cable, in accordance with standard rules
1174 and regulations governing this work, including the National Electrical Code, and in which the
1175 voltage does not exceed 250 volts line to line and 125 volts to ground.

1176 (44) "Sensitive alarm system information" means:

- 1177 (a) a pass code or other code used in the operation of an alarm system;
1178 (b) information on the location of alarm system components at the premises of a
1179 customer of the alarm business providing the alarm system;
1180 (c) information that would allow the circumvention, bypass, deactivation, or other
1181 compromise of an alarm system of a customer of the alarm business providing the alarm
1182 system; and
1183 (d) any other similar information that the division by rule determines to be information
1184 that an individual employed by an alarm business should use or have access to only if the
1185 individual is licensed as provided in this chapter.

1186 (45) (a) "Specialty contractor" means a person licensed under this chapter under a
1187 specialty contractor classification established by rule, who is qualified by education, training,
1188 experience, and knowledge to perform those construction trades and crafts requiring
1189 specialized skill, the regulation of which are determined by the division to be in the best
1190 interest of the public health, safety, and welfare.

1191 (b) A specialty contractor may perform work in crafts or trades other than those in
1192 which the specialty contractor is licensed if they are incidental to the performance of the
1193 specialty contractor's licensed craft or trade.

1194 (46) "Unincorporated entity" means an entity that is not:

- 1195 (a) an individual;
1196 (b) a corporation; or
1197 (c) publicly traded.

1198 (47) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501
1199 and 58-55-501.

1200 (48) "Unprofessional conduct" means the same as that term is defined in Sections
1201 58-1-501 and 58-55-502 and as may be further defined by rule.

1202 (49) "Wages" means amounts due to an employee for labor or services whether the
1203 amount is fixed or ascertained on a time, task, piece, commission, or other basis for calculating
1204 the amount.

1205 Section 23. Section **58-55-302** is amended to read:

1206 **58-55-302. Qualifications for licensure.**

1207 (1) Each applicant for a license under this chapter shall:

- 1208 (a) submit an application prescribed by the division;
- 1209 (b) pay a fee as determined by the department under Section 63J-1-504;
- 1210 (c) meet the examination requirements established by this section and by rule by the
- 1211 commission with the concurrence of the director, which requirements include:
- 1212 (i) for licensure as an apprentice electrician, apprentice plumber, or specialty
- 1213 contractor, no division-administered examination is required;
- 1214 (ii) for licensure as a general building contractor, general engineering contractor,
- 1215 residential and small commercial contractor, general plumbing contractor, residential plumbing
- 1216 contractor, general electrical contractor, or residential electrical contractor, the only required
- 1217 division-administered examination is a division-administered examination that covers
- 1218 information from the 25-hour course described in Subsection (1)(e)(iii), which course may
- 1219 have been previously completed as part of applying for any other license under this chapter,
- 1220 and, if the 25-hour course was completed on or after July 1, 2019, the five-hour business law
- 1221 course described in Subsection (1)(e)(iv); and
- 1222 (iii) if required in Section 58-55-304, an individual qualifier must pass the required
- 1223 division-administered examination if the applicant is a business entity;
- 1224 (d) if an apprentice, identify the proposed supervisor of the apprenticeship;
- 1225 (e) if an applicant for a contractor's license:
- 1226 (i) produce satisfactory evidence of financial responsibility, except for a construction
- 1227 trades instructor for whom evidence of financial responsibility is not required;
- 1228 (ii) produce satisfactory evidence of:
- 1229 (A) except as provided in Subsection (2)(a), and except that no employment experience
- 1230 is required for licensure as a specialty contractor, two years full-time paid employment
- 1231 experience in the construction industry, which employment experience, unless more
- 1232 specifically described in this section, may be related to any contracting classification and does
- 1233 not have to include supervisory experience; and
- 1234 (B) knowledge of the principles of the conduct of business as a contractor, reasonably
- 1235 necessary for the protection of the public health, safety, and welfare;
- 1236 (iii) except as otherwise provided by rule by the commission with the concurrence of
- 1237 the director, complete a 25-hour course established by rule by the commission with the
- 1238 concurrence of the director, which is taught by an approved prelicensure course provider, and

1239 which course may include:

1240 (A) construction business practices;

1241 (B) bookkeeping fundamentals;

1242 (C) mechanics lien fundamentals;

1243 (D) other aspects of business and construction principles considered important by the

1244 commission with the concurrence of the director; and

1245 (E) for no additional fee, a provider-administered examination at the end of the

1246 25-hour course;

1247 (iv) complete a five-hour business and law course established by rule by the

1248 commission with the concurrence of the director, which is taught by an approved prelicensure

1249 course provider, if an applicant for licensure as a general building contractor, general

1250 engineering contractor, residential and small commercial contractor, general plumbing

1251 contractor, residential plumbing contractor, general electrical contractor, or residential

1252 electrical contractor, except that if the 25-hour course described in Subsection (1)(e)(iii) was

1253 completed before July 1, 2019, the applicant does not need to take the business and law course;

1254 (v) (A) be a licensed master electrician if an applicant for an electrical contractor's

1255 license or a licensed master residential electrician if an applicant for a residential electrical

1256 contractor's license;

1257 (B) be a licensed master plumber if an applicant for a plumbing contractor's license or

1258 a licensed master residential plumber if an applicant for a residential plumbing contractor's

1259 license; or

1260 (C) be a licensed elevator mechanic and produce satisfactory evidence of three years

1261 experience as an elevator mechanic if an applicant for an elevator contractor's license; and

1262 (vi) when the applicant is an unincorporated entity, provide a list of the one or more

1263 individuals who hold an ownership interest in the applicant as of the day on which the

1264 application is filed that includes for each individual:

1265 (A) the individual's name, address, birth date, and social security number; and

1266 (B) whether the individual will engage in a construction trade; and

1267 (f) if an applicant for a construction trades instructor license, satisfy any additional

1268 requirements established by rule.

1269 (2) (a) If the applicant for a contractor's license described in Subsection (1) is a

1270 building inspector, the applicant may satisfy Subsection (1)(e)(ii)(A) by producing satisfactory
1271 evidence of two years full-time paid employment experience as a building inspector, which
1272 shall include at least one year full-time experience as a licensed combination inspector.

1273 (b) The applicant shall file the following with the division before the division issues the
1274 license:

1275 (i) proof of workers' compensation insurance which covers employees of the applicant
1276 in accordance with applicable Utah law;

1277 (ii) proof of public liability insurance in coverage amounts and form established by rule
1278 except for a construction trades instructor for whom public liability insurance is not required;
1279 and

1280 (iii) proof of registration as required by applicable law with the:

1281 (A) Department of Commerce;

1282 (B) Division of Corporations and Commercial Code;

1283 (C) Unemployment Insurance Division in the Department of Workforce Services, for
1284 purposes of Title 35A, Chapter 4, Employment Security Act;

1285 (D) State Tax Commission; and

1286 (E) Internal Revenue Service.

1287 (3) In addition to the general requirements for each applicant in Subsection (1),
1288 applicants shall comply with the following requirements to be licensed in the following
1289 classifications:

1290 (a) (i) A master plumber shall produce satisfactory evidence that the applicant:

1291 (A) has been a licensed journeyman plumber for at least two years and had two years of
1292 supervisory experience as a licensed journeyman plumber in accordance with division rule;

1293 (B) has received at least an associate of applied science degree or similar degree
1294 following the completion of a course of study approved by the division and had one year of
1295 supervisory experience as a licensed journeyman plumber in accordance with division rule; or

1296 (C) meets the qualifications for expedited licensure as established by rules made by the
1297 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,
1298 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge
1299 and skills to be a licensed master plumber.

1300 (ii) An individual holding a valid Utah license as a journeyman plumber, based on at

1301 least four years of practical experience as a licensed apprentice under the supervision of a
1302 licensed journeyman plumber and four years as a licensed journeyman plumber, in effect
1303 immediately prior to May 5, 2008, is on and after May 5, 2008, considered to hold a current
1304 master plumber license under this chapter, and satisfies the requirements of this Subsection
1305 (3)(a) for the purpose of renewal or reinstatement of that license under Section 58-55-303.

1306 (iii) An individual holding a valid plumbing contractor's license or residential
1307 plumbing contractor's license, in effect immediately prior to May 5, 2008, is on or after May 5,
1308 2008:

1309 (A) considered to hold a current master plumber license under this chapter if licensed
1310 as a plumbing contractor and a journeyman plumber, and satisfies the requirements of this
1311 Subsection (3)(a) for purposes of renewal or reinstatement of that license under Section
1312 58-55-303; and

1313 (B) considered to hold a current residential master plumber license under this chapter if
1314 licensed as a residential plumbing contractor and a residential journeyman plumber, and
1315 satisfies the requirements of this Subsection (3)(a) for purposes of renewal or reinstatement of
1316 that license under Section 58-55-303.

1317 (b) A master residential plumber applicant shall produce satisfactory evidence that the
1318 applicant:

1319 (i) has been a licensed residential journeyman plumber for at least two years and had
1320 two years of supervisory experience as a licensed residential journeyman plumber in
1321 accordance with division rule; or

1322 (ii) meets the qualifications for expedited licensure as established by rules made by the
1323 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,
1324 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge
1325 and skills to be a licensed master residential plumber.

1326 (c) A journeyman plumber applicant shall produce satisfactory evidence of:

1327 (i) successful completion of the equivalent of at least four years of full-time training
1328 and instruction as a licensed apprentice plumber under supervision of a licensed master
1329 plumber or journeyman plumber and in accordance with a planned program of training
1330 approved by the division;

1331 (ii) at least eight years of full-time experience approved by the division in collaboration

1332 with the Plumbers Licensing Board; or

1333 (iii) meeting the qualifications for expedited licensure as established by rules made by
1334 the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,
1335 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge
1336 and skills to be a licensed journeyman plumber.

1337 (d) A residential journeyman plumber shall produce satisfactory evidence of:

1338 (i) completion of the equivalent of at least three years of full-time training and
1339 instruction as a licensed apprentice plumber under the supervision of a licensed residential
1340 master plumber, licensed residential journeyman plumber, or licensed journeyman plumber in
1341 accordance with a planned program of training approved by the division;

1342 (ii) completion of at least six years of full-time experience in a maintenance or repair
1343 trade involving substantial plumbing work; or

1344 (iii) meeting the qualifications for expedited licensure as established by rules made by
1345 the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,
1346 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge
1347 and skills to be a licensed residential journeyman plumber.

1348 (e) The conduct of licensed apprentice plumbers and their licensed supervisors shall be
1349 in accordance with the following:

1350 (i) while engaging in the trade of plumbing, a licensed apprentice plumber shall be
1351 under the immediate supervision of a licensed master plumber, licensed residential master
1352 plumber, licensed journeyman plumber, or licensed residential journeyman plumber;

1353 (ii) beginning in a licensed apprentice plumber's fourth year of training, a licensed
1354 apprentice plumber may work without supervision for a period not to exceed eight hours in any
1355 24-hour period; and

1356 (iii) rules made by the commission, with the concurrence of the director, in accordance
1357 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the ratio of
1358 apprentices allowed under the immediate supervision of a licensed supervisor, including the
1359 ratio of apprentices in their fourth year of training or later that are allowed to be under the
1360 immediate supervision of a licensed supervisor.

1361 (f) A master electrician applicant shall produce satisfactory evidence that the applicant:

1362 (i) is a graduate electrical engineer of an accredited college or university approved by

1363 the division and has one year of practical electrical experience as a licensed apprentice
1364 electrician;

1365 (ii) is a graduate of an electrical trade school, having received an associate of applied
1366 sciences degree following successful completion of a course of study approved by the division,
1367 and has two years of practical experience as a licensed journeyman electrician;

1368 (iii) has four years of practical experience as a journeyman electrician; or

1369 (iv) meets the qualifications for expedited licensure as established by rules made by the
1370 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,
1371 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge
1372 and skills to be a licensed master electrician.

1373 (g) A master residential electrician applicant shall produce satisfactory evidence that
1374 the applicant:

1375 (i) has at least two years of practical experience as a residential journeyman electrician;
1376 or

1377 (ii) meets the qualifications for expedited licensure as established by rules made by the
1378 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,
1379 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge
1380 and skills to be a master residential electrician.

1381 (h) A journeyman electrician applicant shall produce satisfactory evidence that the
1382 applicant:

1383 (i) has successfully completed at least four years of full-time training and instruction as
1384 a licensed apprentice electrician under the supervision of a master electrician or journeyman
1385 electrician and in accordance with a planned training program approved by the division;

1386 (ii) has at least eight years of full-time experience approved by the division in
1387 collaboration with the Electricians Licensing Board; or

1388 (iii) meets the qualifications for expedited licensure as established by rules made by the
1389 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,
1390 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge
1391 and skills to be a licensed journeyman electrician.

1392 (i) A residential journeyman electrician applicant shall produce satisfactory evidence
1393 that the applicant:

1394 (i) has successfully completed two years of training in an electrical training program
1395 approved by the division;

1396 (ii) has four years of practical experience in wiring, installing, and repairing electrical
1397 apparatus and equipment for light, heat, and power under the supervision of a licensed master,
1398 journeyman, residential master, or residential journeyman electrician; or

1399 (iii) meets the qualifications for expedited licensure as established by rules made by the
1400 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,
1401 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge
1402 and skills to be a licensed residential journeyman electrician.

1403 (j) The conduct of licensed apprentice electricians and their licensed supervisors shall
1404 be in accordance with the following:

1405 (i) A licensed apprentice electrician shall be under the immediate supervision of a
1406 licensed master, journeyman, residential master, or residential journeyman electrician;

1407 (ii) beginning in a licensed apprentice electrician's fourth year of training, a licensed
1408 apprentice electrician may work without supervision for a period not to exceed eight hours in
1409 any 24-hour period;

1410 (iii) rules made by the commission, with the concurrence of the director, in accordance
1411 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the ratio of
1412 apprentices allowed under the immediate supervision of a licensed supervisor, including the
1413 ratio of apprentices in their fourth year of training or later that are allowed to be under the
1414 immediate supervision of a licensed supervisor; and

1415 (iv) a licensed supervisor may have up to three licensed apprentice electricians on a
1416 residential project, or more if established by rules made by the commission, in concurrence
1417 with the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
1418 Act.

1419 (k) An alarm company applicant shall:

1420 (i) have a qualifying agent who is an officer, director, partner, proprietor, or manager of
1421 the applicant who:

1422 (A) demonstrates 6,000 hours of experience in the alarm company business;

1423 (B) demonstrates 2,000 hours of experience as a manager or administrator in the alarm
1424 company business or in a construction business; and

1425 (C) passes an examination component established by rule by the commission with the
1426 concurrence of the director;

1427 (ii) if a corporation, provide:

1428 (A) the names, addresses, dates of birth, social security numbers, and fingerprint cards
1429 of all corporate officers, directors, and those responsible management personnel employed
1430 within the state or having direct responsibility for managing operations of the applicant within
1431 the state; and

1432 (B) the names, addresses, dates of birth, social security numbers, and fingerprint cards
1433 of all shareholders owning 5% or more of the outstanding shares of the corporation, except this
1434 shall not be required if the stock is publicly listed and traded;

1435 (iii) if a limited liability company, provide:

1436 (A) the names, addresses, dates of birth, social security numbers, and fingerprint cards
1437 of all company officers, and those responsible management personnel employed within the
1438 state or having direct responsibility for managing operations of the applicant within the state;
1439 and

1440 (B) the names, addresses, dates of birth, social security numbers, and fingerprint cards
1441 of all individuals owning 5% or more of the equity of the company;

1442 (iv) if a partnership, provide the names, addresses, dates of birth, social security
1443 numbers, and fingerprint cards of all general partners, and those responsible management
1444 personnel employed within the state or having direct responsibility for managing operations of
1445 the applicant within the state;

1446 (v) if a proprietorship, provide the names, addresses, dates of birth, social security
1447 numbers, and fingerprint cards of the proprietor, and those responsible management personnel
1448 employed within the state or having direct responsibility for managing operations of the
1449 applicant within the state;

1450 (vi) if a trust, provide the names, addresses, dates of birth, social security numbers, and
1451 fingerprint cards of the trustee, and those responsible management personnel employed within
1452 the state or having direct responsibility for managing operations of the applicant within the
1453 state;

1454 ~~[(vii) be of good moral character in that officers, directors, shareholders described in~~
1455 ~~Subsection (3)(k)(ii)(B), partners, proprietors, trustees, and responsible management personnel~~

1456 ~~have not been convicted of a felony, a misdemeanor involving moral turpitude, or any other~~
1457 ~~crime that when considered with the duties and responsibilities of an alarm company is~~
1458 ~~considered by the board to indicate that the best interests of the public are served by granting~~
1459 ~~the applicant a license;]~~

1460 ~~[(viii)]~~ (vii) document that none of the applicant's officers, directors, shareholders
1461 described in Subsection (3)(k)(ii)(B), partners, proprietors, trustees, and responsible
1462 management personnel have been declared by any court of competent jurisdiction incompetent
1463 by reason of mental defect or disease and not been restored;

1464 ~~[(ix)]~~ (viii) document that none of the applicant's officers, directors, shareholders
1465 described in Subsection (3)(k)(ii)(B), partners, proprietors, and responsible management
1466 personnel are currently suffering from habitual drunkenness or from drug addiction or
1467 dependence;

1468 ~~[(x)]~~ (ix) file and maintain with the division evidence of:

1469 (A) comprehensive general liability insurance in form and in amounts to be established
1470 by rule by the commission with the concurrence of the director;

1471 (B) workers' compensation insurance that covers employees of the applicant in
1472 accordance with applicable Utah law; and

1473 (C) registration as is required by applicable law with the:

1474 (I) Division of Corporations and Commercial Code;

1475 (II) Unemployment Insurance Division in the Department of Workforce Services, for
1476 purposes of Title 35A, Chapter 4, Employment Security Act;

1477 (III) State Tax Commission; and

1478 (IV) Internal Revenue Service; and

1479 ~~[(xi)]~~ (x) meet with the division and board.

1480 (l) Each applicant for licensure as an alarm company agent shall:

1481 (i) submit an application in a form prescribed by the division accompanied by
1482 fingerprint cards;

1483 (ii) pay a fee determined by the department under Section 63J-1-504;

1484 ~~[(iii)]~~ be of good moral character in that the applicant has not been convicted of a
1485 ~~felony, a misdemeanor involving moral turpitude, or any other crime that when considered with~~
1486 ~~the duties and responsibilities of an alarm company agent is considered by the board to indicate~~

1487 that the best interests of the public are served by granting the applicant a license;]
1488 ~~[(iv)]~~ (iii) not have been declared by any court of competent jurisdiction incompetent
1489 by reason of mental defect or disease and not been restored;
1490 ~~[(v)]~~ (iv) not be currently suffering from habitual drunkenness or from drug addiction
1491 or dependence; and
1492 ~~[(vi)]~~ (v) meet with the division and board if requested by the division or the board.
1493 (m) (i) Each applicant for licensure as an elevator mechanic shall:
1494 (A) provide documentation of experience and education credits of not less than three
1495 years work experience in the elevator industry, in construction, maintenance, or service and
1496 repair; and
1497 (B) satisfactorily complete a written examination administered by the division
1498 established by rule under Section 58-1-203; or
1499 (C) provide certificates of completion of an apprenticeship program for elevator
1500 mechanics, having standards substantially equal to those of this chapter and registered with the
1501 United States Department of Labor Bureau Apprenticeship and Training or a state
1502 apprenticeship council.
1503 (ii) (A) If an elevator contractor licensed under this chapter cannot find a licensed
1504 elevator mechanic to perform the work of erecting, constructing, installing, altering, servicing,
1505 repairing, or maintaining an elevator, the contractor may:
1506 (I) notify the division of the unavailability of licensed personnel; and
1507 (II) request the division issue a temporary elevator mechanic license to an individual
1508 certified by the contractor as having an acceptable combination of documented experience and
1509 education to perform the work described in this Subsection (3)(m)(ii)(A).
1510 (B) (I) The division may issue a temporary elevator mechanic license to an individual
1511 certified under Subsection (3)(m)(ii)(A)(II) upon application by the individual, accompanied by
1512 the appropriate fee as determined by the department under Section 63J-1-504.
1513 (II) The division shall specify the time period for which the license is valid and may
1514 renew the license for an additional time period upon its determination that a shortage of
1515 licensed elevator mechanics continues to exist.
1516 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1517 division may make rules establishing when Federal Bureau of Investigation records shall be

1518 checked for applicants as an alarm company or alarm company agent.

1519 (5) To determine if an applicant meets the qualifications of Subsections (3)(k)(vii) and
1520 (3)(l)(iii), the division shall provide an appropriate number of copies of fingerprint cards to the
1521 Department of Public Safety with the division's request to:

1522 (a) conduct a search of records of the Department of Public Safety for criminal history
1523 information relating to each applicant for licensure as an alarm company or alarm company
1524 agent and each applicant's officers, directors, shareholders described in Subsection
1525 (3)(k)(ii)(B), partners, proprietors, and responsible management personnel; and

1526 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant
1527 requiring a check of records of the Federal Bureau of Investigation for criminal history
1528 information under this section.

1529 (6) The Department of Public Safety shall send to the division:

1530 (a) a written record of criminal history, or certification of no criminal history record, as
1531 contained in the records of the Department of Public Safety in a timely manner after receipt of
1532 a fingerprint card from the division and a request for review of Department of Public Safety
1533 records; and

1534 (b) the results of the Federal Bureau of Investigation review concerning an applicant in
1535 a timely manner after receipt of information from the Federal Bureau of Investigation.

1536 (7) (a) The division shall charge each applicant for licensure as an alarm company or
1537 alarm company agent a fee, in accordance with Section 63J-1-504, equal to the cost of
1538 performing the records reviews under this section.

1539 (b) The division shall pay the Department of Public Safety the costs of all records
1540 reviews, and the Department of Public Safety shall pay the Federal Bureau of Investigation the
1541 costs of records reviews under this section.

1542 (8) Information obtained by the division from the reviews of criminal history records of
1543 the Department of Public Safety and the Federal Bureau of Investigation shall be used or
1544 disseminated by the division only for the purpose of determining if an applicant for licensure as
1545 an alarm company or alarm company agent is qualified for licensure.

1546 (9) (a) An application for licensure under this chapter shall be denied if:

1547 (i) the applicant has had a previous license, which was issued under this chapter,
1548 suspended or revoked within two years before the date of the applicant's application;

1549 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and
1550 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the
1551 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar
1552 status, performing similar functions, or directly or indirectly controlling the applicant has
1553 served in any similar capacity with any person or entity which has had a previous license,
1554 which was issued under this chapter, suspended or revoked within two years before the date of
1555 the applicant's application;

1556 (iii) (A) the applicant is an individual or sole proprietorship; and
1557 (B) any owner or agent acting as a qualifier has served in any capacity listed in
1558 Subsection (9)(a)(ii)(B) in any entity which has had a previous license, which was issued under
1559 this chapter, suspended or revoked within two years before the date of the applicant's
1560 application; or

1561 (iv) (A) the applicant includes an individual who was an owner, director, or officer of
1562 an unincorporated entity at the time the entity's license under this chapter was revoked; and

1563 (B) the application for licensure is filed within 60 months after the revocation of the
1564 unincorporated entity's license.

1565 (b) An application for licensure under this chapter shall be reviewed by the appropriate
1566 licensing board prior to approval if:

1567 (i) the applicant has had a previous license, which was issued under this chapter,
1568 suspended or revoked more than two years before the date of the applicant's application;

1569 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and

1570 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the
1571 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar
1572 status, performing similar functions, or directly or indirectly controlling the applicant has
1573 served in any similar capacity with any person or entity which has had a previous license,
1574 which was issued under this chapter, suspended or revoked more than two years before the date
1575 of the applicant's application; or

1576 (iii) (A) the applicant is an individual or sole proprietorship; and

1577 (B) any owner or agent acting as a qualifier has served in any capacity listed in
1578 Subsection (9)(b)(ii)(B) in any entity which has had a previous license, which was issued under
1579 this chapter, suspended or revoked more than two years before the date of the applicant's

1580 application.

1581 (10) (a) (i) A licensee that is an unincorporated entity shall file an ownership status
1582 report with the division every 30 days after the day on which the license is issued if the licensee
1583 has more than five owners who are individuals who:

1584 (A) own an interest in the contractor that is an unincorporated entity;

1585 (B) own, directly or indirectly, less than an 8% interest, as defined by rule made by the
1586 division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in the
1587 unincorporated entity; and

1588 (C) engage, or will engage, in a construction trade in the state as owners of the
1589 contractor described in Subsection (10)(a)(i)(A).

1590 (ii) If the licensee has five or fewer owners described in Subsection (10)(a)(i), the
1591 licensee shall provide the ownership status report with an application for renewal of licensure.

1592 (b) An ownership status report required under this Subsection (10) shall:

1593 (i) specify each addition or deletion of an owner:

1594 (A) for the first ownership status report, after the day on which the unincorporated
1595 entity is licensed under this chapter; and

1596 (B) for a subsequent ownership status report, after the day on which the previous
1597 ownership status report is filed;

1598 (ii) be in a format prescribed by the division that includes for each owner, regardless of
1599 the owner's percentage ownership in the unincorporated entity, the information described in
1600 Subsection (1)(e)(vi);

1601 (iii) list the name of:

1602 (A) each officer or manager of the unincorporated entity; and

1603 (B) each other individual involved in the operation, supervision, or management of the
1604 unincorporated entity; and

1605 (iv) be accompanied by a fee set by the division in accordance with Section 63J-1-504
1606 if the ownership status report indicates there is a change described in Subsection (10)(b)(i).

1607 (c) The division may, at any time, audit an ownership status report under this
1608 Subsection (10):

1609 (i) to determine if financial responsibility has been demonstrated or maintained as
1610 required under Section 58-55-306; and

1611 (ii) to determine compliance with Subsection 58-55-501(23), (24), or (26) or
1612 Subsection 58-55-502(8) or (9).

1613 (11) (a) An unincorporated entity that provides labor to an entity licensed under this
1614 chapter by providing an individual who owns an interest in the unincorporated entity to engage
1615 in a construction trade in Utah shall file with the division:

1616 (i) before the individual who owns an interest in the unincorporated entity engages in a
1617 construction trade in Utah, a current list of the one or more individuals who hold an ownership
1618 interest in the unincorporated entity that includes for each individual:

1619 (A) the individual's name, address, birth date, and social security number; and

1620 (B) whether the individual will engage in a construction trade; and

1621 (ii) every 30 days after the day on which the unincorporated entity provides the list
1622 described in Subsection (11)(a)(i), an ownership status report containing the information that
1623 would be required under Subsection (10) if the unincorporated entity were a licensed
1624 contractor.

1625 (b) When filing an ownership list described in Subsection (11)(a)(i) or an ownership
1626 status report described in Subsection (11)(a)(ii), an unincorporated entity shall pay a fee set by
1627 the division in accordance with Section 63J-1-504.

1628 (12) This chapter may not be interpreted to create or support an express or implied
1629 independent contractor relationship between an unincorporated entity described in Subsection
1630 (10) or (11) and the owners of the unincorporated entity for any purpose, including income tax
1631 withholding.

1632 (13) A social security number provided under Subsection (1)(e)(vi) is a private record
1633 under Subsection 63G-2-302(1)(i).

1634 Section 24. Section **58-55-502** is amended to read:

1635 **58-55-502. Unprofessional conduct.**

1636 Unprofessional conduct includes:

1637 (1) failing to establish, maintain, or demonstrate financial responsibility while licensed
1638 as a contractor under this chapter;

1639 (2) disregarding or violating through gross negligence or a pattern of negligence:

1640 (a) the building or construction laws of this state or any political subdivision;

1641 (b) the safety and labor laws applicable to a project;

- 1642 (c) any provision of the health laws applicable to a project;
- 1643 (d) the workers' compensation insurance laws of this state applicable to a project;
- 1644 (e) the laws governing withholdings for employee state and federal income taxes,
1645 unemployment taxes, Social Security payroll taxes, or other required withholdings; or
- 1646 (f) any reporting, notification, and filing laws of this state or the federal government;
- 1647 (3) any willful, fraudulent, or deceitful act by a licensee, caused by a licensee, or at a
1648 licensee's direction which causes material injury to another;
- 1649 (4) contract violations that pose a threat or potential threat to the public health, safety,
1650 and welfare including:
- 1651 (a) willful, deliberate, or grossly negligent departure from or disregard for plans or
1652 specifications, or abandonment or failure to complete a project without the consent of the
1653 owner or the owner's duly authorized representative or the consent of any other person entitled
1654 to have the particular project completed in accordance with the plans, specifications, and
1655 contract terms;
- 1656 (b) failure to deposit funds to the benefit of an employee as required under any written
1657 contractual obligation the licensee has to the employee;
- 1658 (c) failure to maintain in full force and effect any health insurance benefit to an
1659 employee that was extended as a part of any written contractual obligation or representation by
1660 the licensee, unless the employee is given written notice of the licensee's intent to cancel or
1661 reduce the insurance benefit at least 45 days before the effective date of the cancellation or
1662 reduction;
- 1663 (d) failure to reimburse the Residence Lien Recovery Fund as required by Section
1664 38-11-207;
- 1665 (e) failure to provide, when applicable, the information required by Section 38-11-108;
1666 and
- 1667 (f) willfully or deliberately misrepresenting or omitting a material fact in connection
1668 with an application to claim recovery from the Residence Lien Recovery Fund under Section
1669 38-11-204;
- 1670 (5) failing as an alarm company to notify the division of the cessation of performance
1671 of its qualifying agent, or failing to replace its qualifying agent as required under Section
1672 58-55-304;

- 1673 (6) failing as an alarm company agent to carry or display a copy of the licensee's
1674 license as required under Section 58-55-311;
- 1675 (7) failing to comply with operating standards established by rule in accordance with
1676 Section 58-55-308;
- 1677 (8) an unincorporated entity licensed under this chapter having an individual who owns
1678 an interest in the unincorporated entity engage in a construction trade in Utah while not
1679 lawfully present in the United States;
- 1680 (9) an unincorporated entity failing to provide the following for an individual who
1681 engages, or will engage, in a construction trade in Utah for the unincorporated entity:
- 1682 (a) workers' compensation coverage to the extent required by Title 34A, Chapter 2,
1683 Workers' Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease Act; and
1684 (b) unemployment compensation in accordance with Title 35A, Chapter 4,
1685 Employment Security Act, for an individual who owns, directly or indirectly, less than an 8%
1686 interest in the unincorporated entity, as defined by rule made by the division in accordance with
1687 Title 63G, Chapter 3, Utah Administrative Rulemaking Act; [or]
- 1688 (10) the failure of an alarm company or alarm company agent to inform a potential
1689 customer, before the customer's purchase of an alarm system or alarm service from the alarm
1690 company, of the policy of the county, city, or town within which the customer resides relating
1691 to priority levels for responding to an alarm signal transmitted by the alarm system that the
1692 alarm company provides the customer[-]; or
- 1693 (11) failing to continuously maintain insurance and registration as required under
1694 Subsection 58-55-302(2).

1695 Section 25. Section **58-55-503** is amended to read:

1696 **58-55-503. Penalty for unlawful conduct -- Citations.**

- 1697 (1) (a) (i) A person who violates Subsection 58-55-308(2), Subsection 58-55-501(1),
1698 (2), (3), (4), (5), (6), (7), (9), (10), (12), (14), (15), (16)(e), (21), (22), (23), (24), (25), (26),
1699 (27), or (28), or Subsection 58-55-504(2), or who fails to comply with a citation issued under
1700 this section after it is final, is guilty of a class A misdemeanor.
- 1701 (ii) As used in this section in reference to Subsection 58-55-504(2), "person" means an
1702 individual and does not include a sole proprietorship, joint venture, corporation, limited
1703 liability company, association, or organization of any type.

1704 (b) A person who violates the provisions of Subsection 58-55-501(8) may not be
1705 awarded and may not accept a contract for the performance of the work.

1706 (2) A person who violates the provisions of Subsection 58-55-501(13) is guilty of an
1707 infraction unless the violator did so with the intent to deprive the person to whom money is to
1708 be paid of the money received, in which case the violator is guilty of theft, as classified in
1709 Section 76-6-412.

1710 (3) Grounds for immediate suspension of a licensee's license by the division and the
1711 commission include:

1712 (a) the issuance of a citation for violation of Subsection 58-55-308(2), Section
1713 58-55-501, or Subsection 58-55-504(2); and

1714 (b) the failure by a licensee to make application to, report to, or notify the division with
1715 respect to any matter for which application, notification, or reporting is required under this
1716 chapter or rules adopted under this chapter, including:

1717 (i) applying to the division for a new license to engage in a new specialty classification
1718 or to do business under a new form of organization or business structure;

1719 (ii) filing a current financial statement with the division; and

1720 (iii) notifying the division concerning loss of insurance coverage or change in qualifier.

1721 (4) (a) (i) If upon inspection or investigation, the division concludes that a person has
1722 violated the provisions of Subsection 58-55-308(2), Subsection 58-55-501(1), (2), (3), (9),
1723 (10), (12), (14), (16)(e), (18), (20), (21), (22), (23), (24), (25), (26), (27), [or] (28), Subsection
1724 58-55-502(4)(a) or (11), Subsection 58-55-504(2), or any rule or order issued with respect to
1725 these subsections, and that disciplinary action is appropriate, the director or the director's
1726 designee from within the division shall promptly issue a citation to the person according to this
1727 chapter and any pertinent rules, attempt to negotiate a stipulated settlement, or notify the person
1728 to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4,
1729 Administrative Procedures Act.

1730 (ii) A person who is in violation of the provisions of Subsection 58-55-308(2),
1731 Subsection 58-55-501(1), (2), (3), (9), (10), (12), (14), (16)(e), (18), (20), (21), (22), (23), (24),
1732 (25), (26), (27), or (28), or Subsection 58-55-504(2), as evidenced by an uncontested citation, a
1733 stipulated settlement, or by a finding of violation in an adjudicative proceeding, may be
1734 assessed a fine pursuant to this Subsection (4) and may, in addition to or in lieu of, be ordered

1735 to cease and desist from violating Subsection 58-55-308(2), Subsection 58-55-501(1), (2), (3),
1736 (9), (10), (12), (16)(e), (18), (20), (21), (24), (25), (26), (27), or (28), or Subsection
1737 58-55-504(2).

1738 (iii) Except for a cease and desist order, the licensure sanctions cited in Section
1739 58-55-401 may not be assessed through a citation.

1740 (b) (i) A citation shall be in writing and describe with particularity the nature of the
1741 violation, including a reference to the provision of the chapter, rule, or order alleged to have
1742 been violated.

1743 (ii) A citation shall clearly state that the recipient must notify the division in writing
1744 within 20 calendar days of service of the citation if the recipient wishes to contest the citation
1745 at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act.

1746 (iii) A citation shall clearly explain the consequences of failure to timely contest the
1747 citation or to make payment of any fines assessed by the citation within the time specified in
1748 the citation.

1749 (c) A citation issued under this section, or a copy of a citation, may be served upon a
1750 person upon whom a summons may be served:

1751 (i) in accordance with the Utah Rules of Civil Procedure;

1752 (ii) personally or upon the person's agent by a division investigator or by a person
1753 specially designated by the director; or

1754 (iii) by mail.

1755 (d) (i) If within 20 calendar days after the day on which a citation is served, the person
1756 to whom the citation was issued fails to request a hearing to contest the citation, the citation
1757 becomes the final order of the division and is not subject to further agency review.

1758 (ii) The period to contest a citation may be extended by the division for cause.

1759 (e) The division may refuse to issue or renew, suspend, revoke, or place on probation
1760 the license of a licensee who fails to comply with a citation after the citation becomes final.

1761 (f) The failure of an applicant for licensure to comply with a citation after the citation
1762 becomes final is a ground for denial of license.

1763 (g) A citation may not be issued under this section after the expiration of one year
1764 following the date on which the violation that is the subject of the citation is reported to the
1765 division.

1766 (h) (i) Except as provided in Subsections (4)(h)(ii) and (5), the director or the director's
1767 designee shall assess a fine in accordance with the following:

1768 (A) for a first offense handled pursuant to Subsection (4)(a), a fine of up to \$1,000;

1769 (B) for a second offense handled pursuant to Subsection (4)(a), a fine of up to \$2,000;

1770 and

1771 (C) for any subsequent offense handled pursuant to Subsection (4)(a), a fine of up to
1772 \$2,000 for each day of continued offense.

1773 (ii) Except as provided in Subsection (5), if a person violates Subsection

1774 58-55-501(16)(e) or (28), the director or the director's designee shall assess a fine in

1775 accordance with the following:

1776 (A) for a first offense handled pursuant to Subsection (4)(a), a fine of up to \$2,000;

1777 (B) for a second offense handled pursuant to Subsection (4)(a), a fine of up to \$4,000;

1778 and

1779 (C) for any subsequent offense handled pursuant to Subsection (4)(a), a fine of up to
1780 \$4,000 for each day of continued offense.

1781 (i) (i) For purposes of issuing a final order under this section and assessing a fine under
1782 Subsection (4)(h), an offense constitutes a second or subsequent offense if:

1783 (A) the division previously issued a final order determining that a person committed a
1784 first or second offense in violation of Subsection 58-55-308(2), Subsection 58-55-501(1), (2),
1785 (3), (9), (10), (12), (14), (16)(e), (18), (23), (24), (25), (26), (27), or (28), or Subsection
1786 58-55-504(2); or

1787 (B) (I) the division initiated an action for a first or second offense;

1788 (II) a final order has not been issued by the division in the action initiated under
1789 Subsection (4)(i)(i)(B)(I);

1790 (III) the division determines during an investigation that occurred after the initiation of
1791 the action under Subsection (4)(i)(i)(B)(I) that the person committed a second or subsequent
1792 violation of the provisions of Subsection 58-55-308(2), Subsection 58-55-501(1), (2), (3), (9),
1793 (10), (12), (14), (16)(e), (18), (19), (23), (24), (25), (26), (27), (28), or Subsection
1794 58-55-504(2); and

1795 (IV) after determining that the person committed a second or subsequent offense under
1796 Subsection (4)(i)(i)(B)(III), the division issues a final order on the action initiated under

1797 Subsection (4)(i)(i)(B)(I).

1798 (ii) In issuing a final order for a second or subsequent offense under Subsection
1799 (4)(i)(i), the division shall comply with the requirements of this section.

1800 (j) In addition to any other licensure sanction or fine imposed under this section, the
1801 division shall revoke the license of a licensee that violates Subsection 58-55-501(23) or (24)
1802 two or more times within a 12-month period, unless, with respect to a violation of Subsection
1803 58-55-501(23), the licensee can demonstrate that the licensee successfully verified the federal
1804 legal working status of the individual who was the subject of the violation using a status
1805 verification system, as defined in Section 13-47-102.

1806 (k) For purposes of this Subsection (4), a violation of Subsection 58-55-501(23) or (24)
1807 for each individual is considered a separate violation.

1808 (5) If a person violates Section 58-55-501, the division may not treat the violation as a
1809 subsequent violation of a previous violation if the violation occurs five years or more after the
1810 day on which the person committed the previous violation.

1811 (6) If, after an investigation, the division determines that a person has committed
1812 multiple of the same type of violation of Section 58-55-501, the division may treat each
1813 violation as a separate violation of Section 58-55-501 and apply a penalty under this section to
1814 each violation.

1815 (7) (a) A penalty imposed by the director under Subsection (4)(h) shall be deposited
1816 into the Commerce Service Account created by Section 13-1-2.

1817 (b) A penalty that is not paid may be collected by the director by either referring the
1818 matter to a collection agency or bringing an action in the district court of the county in which
1819 the person against whom the penalty is imposed resides or in the county where the office of the
1820 director is located.

1821 (c) A county attorney or the attorney general of the state shall provide legal assistance
1822 and advice to the director in an action to collect a penalty.

1823 (d) In an action brought to collect a penalty, the court shall award reasonable attorney
1824 fees and costs to the prevailing party.

1825 Section 26. Section **58-63-102** is amended to read:

1826 **58-63-102. Definitions.**

1827 In addition to the definitions in Section 58-1-102, as used in this chapter:

1828 (1) "Agreement for services" means a written and signed agreement between a security
1829 service provider and a client that:

1830 (a) contains clear language that addresses and assigns financial responsibility;

1831 (b) describes the length, duties, and scope of the security services that will be provided;

1832 and

1833 (c) describes the compensation that will be paid by the client for the security services,
1834 including the compensation for each security officer.

1835 (2) "Armed courier service" means a person engaged in business as a contract security
1836 company who transports or offers to transport tangible personal property from one place or
1837 point to another under the control of an armed security officer employed by that service.

1838 (3) "Armed private security officer" means an individual:

1839 (a) employed by a contract security company;

1840 (b) whose primary duty is:

1841 (i) guarding personal or real property; or

1842 (ii) providing protection or security to the life and well being of humans or animals;

1843 and

1844 (c) who wears, carries, possesses, or has immediate access to a firearm in the
1845 performance of the individual's duties.

1846 (4) "Armored car company" means a person engaged in business under contract to
1847 others who transports or offers to transport tangible personal property, currency, valuables,
1848 jewelry, SNAP benefits as defined in Section 35A-1-102, or any other high value items, that
1849 require secured delivery from one place to another under the control of an armored car security
1850 officer employed by the company using a specially equipped motor vehicle offering a high
1851 degree of security.

1852 (5) "Armored car security officer" means an individual:

1853 (a) employed by an armored car company;

1854 (b) whose primary duty is to guard the tangible property, currency, valuables, jewelry,
1855 SNAP benefits as defined in Section 35A-1-102, or other high value items that require secured
1856 delivery from one place to another; and

1857 (c) who wears, carries, possesses, or has immediate access to a firearm in the
1858 performance of the individual's duties.

1859 (6) "Board" means the Security Services Licensing Board created in Section
1860 58-63-201.

1861 (7) "Client" means a person, company, or entity that contracts for and receives security
1862 services from a contract security company or an armored car company.

1863 (8) "Contract security company" means a company that is registered with the Division
1864 of Corporations and Commercial Code and is engaged in business to provide security services
1865 to another person, business, or entity on a contractual basis by assignment of an armed or
1866 unarmed private security officer.

1867 (9) "Corporate officer" means an individual who is on file with the Division of
1868 Corporations and Commercial Code as:

1869 (a) a corporate officer of a contract security company or an armored car company that
1870 is a corporation; or

1871 (b) a sole proprietor of a contract security company or an armored car company that is
1872 not a corporation.

1873 (10) "Financial responsibility," when referring to a contract security company, means
1874 that a contract security company may only provide security services to a client if the contract
1875 security company:

1876 (a) enters into an agreement for services with the client;

1877 (b) maintains a current general liability insurance policy with:

1878 (i) at least an annual \$1,000,000 per occurrence limit;

1879 (ii) at least an annual \$2,000,000 aggregate limit; and

1880 (iii) the following riders:

1881 (A) general liability;

1882 (B) assault and battery;

1883 (C) personal injury;

1884 (D) false arrest;

1885 (E) libel and slander;

1886 (F) invasion of privacy;

1887 (G) broad form property damage;

1888 (H) damage to property in the care, custody, or control of the security service provider;

1889 and

1890 (I) errors and omissions;

1891 (c) maintains a workers' compensation insurance policy with at least a \$1,000,000 per
1892 occurrence limit and that covers each security officer employed by the contract security
1893 company; and

1894 (d) maintains a federal employer identification number and an unemployment
1895 insurance employer account as required under state and federal law.

1896 (11) "Identification card" means a personal pocket or wallet size card issued by the
1897 division to each armored car and armed or unarmed private security officer licensed under this
1898 chapter.

1899 (12) "Law enforcement agency" means the same as that term is defined in Section
1900 53-1-102.

1901 (13) "Owner" means an individual who is listed with the Division of Corporations and
1902 Commercial Code as a majority stockholder of a company, a general partner of a partnership,
1903 or the proprietor of a sole proprietorship.

1904 (14) "Peace officer" means a person who:

1905 (a) is a certified peace officer as defined in Title 53, Chapter 13, Peace Officer
1906 Classifications; and

1907 (b) derives total or special law enforcement powers from, and is an employee of, the
1908 federal government, the state, or a political subdivision, agency, department, branch, or service
1909 of either, of a municipality, or a unit of local government.

1910 (15) "Regular basis" means at least 20 hours per month.

1911 (16) "Responsible management personnel" means an individual who is responsible for
1912 managing an applicant's operations.

1913 [~~(16)~~] (17) (a) "Security officer" means an individual who is licensed as an armed or
1914 unarmed private security officer under this chapter and who:

1915 (i) is employed by a contract security company securing, guarding, or otherwise
1916 protecting tangible personal property, real property, or the life and well being of human or
1917 animal life against:

1918 (A) trespass or other unlawful intrusion or entry;

1919 (B) larceny;

1920 (C) vandalism or other abuse;

1921 (D) arson or other criminal activity; or
1922 (E) personal injury caused by another person or as a result of an act or omission by
1923 another person;
1924 (ii) is controlling, regulating, or directing the flow of movements of an individual or
1925 vehicle; or
1926 (iii) providing street patrol service.
1927 (b) "Security officer" does not include an individual whose duties include taking
1928 admission tickets, checking credentials, ushering, or checking bags, purses, backpacks, or other
1929 materials of individuals who are entering a sports venue, concert venue, theatrical venue,
1930 convention center, fairgrounds, public assembly facility, or mass gathering location if:
1931 (i) the individual carries out these duties without the use of specialized equipment;
1932 (ii) the authority of the individual is limited to denying entry or passage of another
1933 individual into or within the facility; and
1934 (iii) the individual is not authorized to use physical force in the performance of the
1935 individual's duties under this Subsection [~~(16)~~] (17)(b).
1936 [~~(17)~~] (18) "Security service provider" means a contract security company or an
1937 armored car company licensed under this chapter.
1938 [~~(18)~~] (19) "Security system" means equipment, a device, or an instrument installed
1939 for:
1940 (a) detecting and signaling entry or intrusion by an individual into or onto, or exit from
1941 the premises protected by the system; or
1942 (b) signaling the commission of criminal activity at the election of an individual having
1943 control of the features of the security system.
1944 [~~(19)~~] (20) "Specialized resource, motor vehicle, or equipment" means an item of
1945 tangible personal property specifically designed for use in law enforcement or in providing
1946 security or guard services, or that is specially equipped with a device or feature designed for
1947 use in providing law enforcement, security, or guard services, but does not include:
1948 (a) standardized clothing, whether or not bearing a company name or logo, if the
1949 clothing does not bear the words "security" or "guard"; or
1950 (b) an item of tangible personal property, other than a firearm or nonlethal weapon, that
1951 may be used without modification in providing security or guard services.

1952 [(20)] (21) "Street patrol service" means a contract security company that provides
 1953 patrols by means of foot, vehicle, or other method of transportation using public streets,
 1954 thoroughfares, or property in the performance of the company's duties and responsibilities.

1955 [(21)] (22) "Unarmed private security officer" means an individual:

1956 (a) employed by a contract security company;

1957 (b) whose primary duty is guarding personal or real property or providing protection or
 1958 security to the life and well being of humans or animals;

1959 (c) who does not wear, carry, possess, or have immediate access to a firearm in the
 1960 performance of the individual's duties; and

1961 (d) who wears clothing of distinctive design or fashion bearing a symbol, badge,
 1962 emblem, insignia, or other device that identifies the individual as a security officer.

1963 [(22)] (23) "Unlawful conduct" means the same as that term is defined in Sections
 1964 58-1-501 and 58-63-501.

1965 [(23)] (24) "Unprofessional conduct" means the same as that term is defined in
 1966 Sections 58-1-501 and 58-63-502 and as may be further defined by rule.

1967 Section 27. Section **58-63-302** is amended to read:

1968 **58-63-302. Qualifications for licensure.**

1969 (1) Each applicant for licensure as an armored car company or a contract security
 1970 company shall:

1971 (a) submit an application in a form prescribed by the division;

1972 (b) pay a fee determined by the department under Section 63J-1-504;

1973 (c) have a qualifying agent who:

1974 (i) shall meet with the division and the board and demonstrate that the applicant and
 1975 the qualifying agent meet the requirements of this section;

1976 (ii) is a resident of the state and is [~~a corporate officer~~] responsible management
 1977 personnel or an owner of the applicant;

1978 (iii) exercises material day-to-day authority in the conduct of the applicant's business
 1979 by making substantive technical and administrative decisions and whose primary employment
 1980 is with the applicant;

1981 (iv) is not concurrently acting as a qualifying agent or employee of another armored car
 1982 company or contract security company and is not engaged in any other employment on a

1983 regular basis;

1984 (v) is not involved in any activity that would conflict with the qualifying agent's duties
1985 and responsibilities under this chapter to ensure that the qualifying agent's and the applicant's
1986 performance under this chapter does not jeopardize the health or safety of the general public;

1987 (vi) is not an employee of a government agency;

1988 (vii) passes an examination component established by rule by the division in
1989 collaboration with the board; and

1990 (viii) (A) demonstrates 6,000 hours of compensated experience as a manager,
1991 supervisor, or administrator of an armored car company or a contract security company; or

1992 (B) demonstrates 6,000 hours of supervisory experience acceptable to the division in
1993 collaboration with the board with a federal, United States military, state, county, or municipal
1994 law enforcement agency;

1995 (d) if a corporation, provide:

1996 (i) the names, addresses, dates of birth, and social security numbers of all corporate
1997 officers, directors, and ~~[those]~~ responsible management personnel ~~[employed within the state or~~
1998 ~~having direct responsibility for managing operations of the applicant within the state]~~; and

1999 (ii) the names, addresses, dates of birth, and social security numbers, of all
2000 shareholders owning 5% or more of the outstanding shares of the corporation, unless waived by
2001 the division if the stock is publicly listed and traded;

2002 (e) if a limited liability company, provide:

2003 (i) the names, addresses, dates of birth, and social security numbers of all company
2004 officers, and ~~[those]~~ responsible management personnel ~~[employed within the state or having~~
2005 ~~direct responsibility for managing operations of the applicant within the state]~~; and

2006 (ii) the names, addresses, dates of birth, and social security numbers of all individuals
2007 owning 5% or more of the equity of the company;

2008 (f) if a partnership, provide the names, addresses, dates of birth, and social security
2009 numbers of all general partners, and ~~[those]~~ responsible management personnel ~~[employed~~
2010 ~~within the state or having direct responsibility for managing operations of the applicant within~~
2011 ~~the state]~~;

2012 (g) if a proprietorship, provide the names, addresses, dates of birth, and social security
2013 numbers of the proprietor, and ~~[those]~~ responsible management personnel ~~[employed within~~

2014 ~~the state or having direct responsibility for managing operations of the applicant within the~~
2015 ~~state];~~

2016 (h) have good moral character in that officers, directors, shareholders described in
2017 Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel have not
2018 been convicted of:

2019 (i) a felony;

2020 (ii) a misdemeanor involving moral turpitude; or

2021 (iii) a crime that when considered with the duties and responsibilities of a contract
2022 security company or an armored car company by the division and the board indicates that the
2023 best interests of the public are not served by granting the applicant a license;

2024 (i) document that none of the applicant's officers, directors, shareholders described in
2025 Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel:

2026 (i) have been declared by a court of competent jurisdiction incompetent by reason of
2027 mental defect or disease and not been restored; and

2028 (ii) currently suffer from habitual drunkenness or from drug addiction or dependence;

2029 (j) file and maintain with the division evidence of:

2030 (i) comprehensive general liability insurance in a form and in amounts established by
2031 rule by the division in collaboration with the board;

2032 (ii) workers' compensation insurance that covers employees of the applicant in
2033 accordance with applicable Utah law;

2034 (iii) registration with the Division of Corporations and Commercial Code; and

2035 (iv) registration as required by applicable law with the:

2036 (A) Unemployment Insurance Division in the Department of Workforce Services, for
2037 purposes of Title 35A, Chapter 4, Employment Security Act;

2038 (B) State Tax Commission; and

2039 (C) Internal Revenue Service; and

2040 (k) meet with the division and board if requested by the division or board.

2041 (2) Each applicant for licensure as an armed private security officer shall:

2042 (a) submit an application in a form prescribed by the division;

2043 (b) pay a fee determined by the department under Section 63J-1-504;

2044 (c) have good moral character in that the applicant has not been convicted of:

- 2045 (i) a felony;
- 2046 (ii) a misdemeanor involving moral turpitude; or
- 2047 (iii) a crime that when considered with the duties and responsibilities of an armed
- 2048 private security officer by the division and the board indicates that the best interests of the
- 2049 public are not served by granting the applicant a license;
- 2050 (d) not be prohibited from possession of a firearm or ammunition under 18 U.S.C. Sec.
- 2051 922(g);
- 2052 (e) not have been declared incompetent by a court of competent jurisdiction by reason
- 2053 of mental defect or disease and not been restored;
- 2054 (f) not be currently suffering from habitual drunkenness or from drug addiction or
- 2055 dependence;
- 2056 (g) successfully complete basic education and training requirements established by rule
- 2057 by the division in collaboration with the board, which shall include a minimum of eight hours
- 2058 of classroom or online curriculum;
- 2059 (h) successfully complete firearms training requirements established by rule by the
- 2060 division in collaboration with the board, which shall include a minimum of 12 hours of
- 2061 training;
- 2062 (i) pass the examination requirement established by rule by the division in
- 2063 collaboration with the board; and
- 2064 (j) meet with the division and board if requested by the division or the board.
- 2065 (3) Each applicant for licensure as an unarmed private security officer shall:
- 2066 (a) submit an application in a form prescribed by the division;
- 2067 (b) pay a fee determined by the department under Section 63J-1-504;
- 2068 (c) have good moral character in that the applicant has not been convicted of:
- 2069 (i) a felony;
- 2070 (ii) a misdemeanor involving moral turpitude; or
- 2071 (iii) a crime that when considered with the duties and responsibilities of an unarmed
- 2072 private security officer by the division and the board indicates that the best interests of the
- 2073 public are not served by granting the applicant a license;
- 2074 (d) not have been declared incompetent by a court of competent jurisdiction by reason
- 2075 of mental defect or disease and not been restored;

- 2076 (e) not be currently suffering from habitual drunkenness or from drug addiction or
2077 dependence;
- 2078 (f) successfully complete basic education and training requirements established by rule
2079 by the division in collaboration with the board, which shall include a minimum of eight hours
2080 of classroom or online curriculum;
- 2081 (g) pass the examination requirement established by rule by the division in
2082 collaboration with the board; and
- 2083 (h) meet with the division and board if requested by the division or board.
- 2084 (4) Each applicant for licensure as an armored car security officer shall:
- 2085 (a) submit an application in a form prescribed by the division;
- 2086 (b) pay a fee determined by the department under Section 63J-1-504;
- 2087 (c) have good moral character in that the applicant has not been convicted of:
- 2088 (i) a felony;
- 2089 (ii) a misdemeanor involving moral turpitude; or
- 2090 (iii) a crime that when considered with the duties and responsibilities of an armored car
2091 security officer by the division and the board indicates that the best interests of the public are
2092 not served by granting the applicant a license;
- 2093 (d) not be prohibited from possession of a firearm or ammunition under 18 U.S.C. Sec.
2094 922(g);
- 2095 (e) not have been declared incompetent by a court of competent jurisdiction by reason
2096 of mental defect or disease and not been restored;
- 2097 (f) not be currently suffering from habitual drunkenness or from drug addiction or
2098 dependence;
- 2099 (g) successfully complete basic education and training requirements established by rule
2100 by the division in collaboration with the board;
- 2101 (h) successfully complete firearms training requirements established by rule by the
2102 division in collaboration with the board;
- 2103 (i) pass the examination requirements established by rule by the division in
2104 collaboration with the board; and
- 2105 (j) meet with the division and board if requested by the division or the board.
- 2106 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

2107 division may make a rule establishing when the division shall request a Federal Bureau of
2108 Investigation records' review for an applicant who is applying for licensure or licensure renewal
2109 under this chapter.

2110 (6) To determine if an applicant meets the qualifications of Subsections (1)(h), (2)(c),
2111 (3)(c), and (4)(c), the division shall provide an appropriate number of copies of fingerprint
2112 cards to the Department of Public Safety with the division's request to:

2113 (a) conduct a search of records of the Department of Public Safety for criminal history
2114 information relating to each applicant for licensure under this chapter and each applicant's
2115 officers, directors, shareholders described in Subsection (1)(d)(ii), partners, proprietors, and
2116 responsible management personnel; and

2117 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant
2118 requiring a check of records of the FBI for criminal history information under this section.

2119 (7) The Department of Public Safety shall send the division:

2120 (a) a written record of criminal history, or certification of no criminal history record, as
2121 contained in the records of the Department of Public Safety in a timely manner after receipt of
2122 a fingerprint card from the division and a request for review of Department of Public Safety
2123 records; and

2124 (b) the results of the FBI review concerning an applicant in a timely manner after
2125 receipt of information from the FBI.

2126 (8) (a) The division shall charge each applicant a fee, in accordance with Section
2127 63J-1-504, equal to the cost of performing the records reviews under this section.

2128 (b) The division shall pay the Department of Public Safety the costs of all records
2129 reviews, and the Department of Public Safety shall pay the FBI the costs of records reviews
2130 under this chapter.

2131 (9) The division shall use or disseminate the information it obtains from the reviews of
2132 criminal history records of the Department of Public Safety and the FBI only to determine if an
2133 applicant for licensure or licensure renewal under this chapter is qualified for licensure.

2134 Section 28. Section **58-73-302** is amended to read:

2135 **58-73-302. Qualifications for licensure.**

2136 (1) Each applicant for licensure as a chiropractic physician, other than those applying
2137 for a license based on licensure as a chiropractor or chiropractic physician in another

2138 jurisdiction, shall:

2139 (a) submit an application in a form prescribed by the division;

2140 (b) pay a fee determined by the department under Section 63J-1-504;

2141 (c) demonstrate satisfactory completion of at least two years of general study in a

2142 college or university;

2143 (d) demonstrate having earned a degree of doctor of chiropractic from a chiropractic

2144 college or university that at the time the degree was conferred was accredited by the Council on

2145 Chiropractic Education, Inc., or an equivalent chiropractic accrediting body recognized by the

2146 United States Department of Education and by the division rule made in collaboration with the

2147 board;

2148 (e) demonstrate successful completion of:

2149 (i) the National Chiropractic Boards:

2150 (A) Parts I and II;

2151 (B) Written Clinical Competency Examination; and

2152 (C) [~~Physical Therapy~~] Physiotherapy;

2153 (ii) the Utah Chiropractic Law and Rules Examination; and

2154 (iii) a practical examination approved by the division in collaboration with the board;

2155 and

2156 (f) meet with the board, if requested, for the purpose of reviewing the applicant's

2157 qualifications for licensure.

2158 (2) Each applicant for licensure as a chiropractic physician based on licensure as a

2159 chiropractor or chiropractic physician in another jurisdiction shall:

2160 (a) submit an application in the form prescribed by the division;

2161 (b) pay a fee determined by the department under Section 63J-1-504;

2162 (c) demonstrate having obtained licensure as a chiropractor or chiropractic physician in

2163 another state under education requirements which were equivalent to the education

2164 requirements in this state to obtain a chiropractor or chiropractic physician license at the time

2165 the applicant obtained the license in the other state;

2166 (d) demonstrate successful completion of:

2167 (i) the Utah Chiropractic Law and Rules Examination; and

2168 (ii) the Special Purposes Examination for Chiropractic (SPEC) of the National Board

2169 of Chiropractic Examiners;

2170 (e) have been actively engaged in the practice of chiropractic for not less than two
2171 years immediately preceding application for licensure in this state; and

2172 (f) meet with the board, if requested, for the purpose of reviewing the applicant's
2173 qualifications for licensure.

2174 Section 29. Section **58-73-501** is amended to read:

2175 **58-73-501. Unprofessional conduct.**

2176 Unprofessional conduct is as defined in Section 58-1-501, as defined by division rule,
2177 and also includes:

2178 (1) engaging in practice as a chiropractic physician after electing to place his license on
2179 inactive status, without having established with the board that he has initiated or completed
2180 continuing education necessary to reinstate active status of his license;

2181 (2) failing to complete required continuing professional education;

2182 (3) violating any of the scope of practice standards set forth in Section 58-73-601;

2183 (4) failing to maintain patient records in sufficient detail to clearly substantiate a
2184 diagnosis, all treatment rendered to the patient in accordance with the recognized standard of
2185 chiropractic care, and fees charged for professional services;

2186 (5) refusing to divulge to the division on demand the means, methods, device, or
2187 instrumentality used in the treatment of a disease, injury, ailment, or infirmity, unless that
2188 information is protected by the physician-patient privilege of Utah and the patient has not
2189 waived that privilege;

2190 (6) refusing the division or its employees access to his office, instruments, laboratory
2191 equipment, appliances, or supplies at reasonable times for purposes of inspection;

2192 (7) fraudulently representing that curable disease, sickness, or injury can be cured in a
2193 stated time, or knowingly making any false statement in connection with the practice of
2194 chiropractic;

2195 (8) offering, undertaking, or agreeing to cure or treat a disease, injury, ailment, or
2196 infirmity by a secret means, method, device, or instrumentality;

2197 (9) willfully and intentionally making any false statement or entry in any chiropractic
2198 office records or other chiropractic records or reports;

2199 (10) knowingly engaging in billing practices which are abusive and represent charges

2200 which are fraudulent or grossly excessive for services rendered;

2201 (11) performing, procuring, or agreeing to procure or perform, or advising, aiding in or
 2202 abetting, or offering or attempting to procure or aid or abet in the procuring of a criminal
 2203 abortion;

2204 (12) willfully betraying or disclosing a professional confidence or violation of a
 2205 privileged communication, except:

2206 (a) as required by law; or

2207 (b) to assist the division by fully and freely exchanging information concerning
 2208 applicants or licensees with the licensing or disciplinary boards of other states or foreign
 2209 countries, the Utah chiropractic associations, their component societies, or chiropractic
 2210 societies of other states, countries, districts, territories, or foreign countries;

2211 (13) directly or indirectly giving or receiving any fee, commission, rebate, or other
 2212 compensation for professional services not actually rendered or supervised, but this subsection
 2213 does not preclude the legal relationships within lawful professional partnerships, corporations,
 2214 or associations; [~~and~~]

2215 (14) knowingly failing to transfer a copy of pertinent and necessary medical records or
 2216 a summary of them to another physician when requested to do so by the subject patient or his
 2217 designated representative[-]; and

2218 (15) making a false entry in, or altering, a medical record with the intent to conceal:

2219 (a) a wrongful or negligent act or omission of an individual licensed under this chapter
 2220 or an individual under the direction or control of an individual licensed under this chapter; or

2221 (b) conduct described in Subsections (1) through (14) or Subsection 58-1-501(1).

2222 Section 30. Section **58-83-302** is amended to read:

2223 **58-83-302. Qualifications for licensure.**

2224 (1) Each applicant for licensure as an online prescriber under this chapter shall:

2225 (a) submit an application in a form prescribed by the division;

2226 (b) pay a fee determined by the department under Section 63J-1-504;

2227 [~~(c) be of good moral character;~~]

2228 [~~(d)~~] (c) document that the applicant holds a Utah license that is active and in good

2229 standing and authorizes the licensee to engage in the assessment, diagnosis, and treatment of

2230 human ailments and the prescription of medications;

2231 ~~(e)~~ (d) document that any other professional license the applicant possesses from
2232 other jurisdictions is in good standing;

2233 ~~(f)~~ (e) (i) submit to the division an outline of the applicant's proposed online
2234 assessment, diagnosis, and prescribing tool, such as a branching questionnaire; and
2235 (ii) demonstrate the proposed online assessment, diagnosis, and prescribing tool to the
2236 board and establish to the board's satisfaction that the utilization of that assessment tool to
2237 facilitate the prescription of the drugs approved for online prescribing under Section 58-83-305
2238 does not compromise the public's health, safety, or welfare;

2239 ~~(g)~~ (f) submit policies and procedures that address patient confidentiality, including
2240 measures that will be taken to ensure that the age and other identifying information of the
2241 person completing the online branching questionnaire are accurate;

2242 ~~(h)~~ (g) describe the mechanism by which the online prescriber and patient will
2243 communicate with one another, including electronic and telephonic communication;

2244 ~~(i)~~ (h) describe how the online prescriber/patient relationship will be established and
2245 maintained;

2246 ~~(j)~~ (i) submit the name, address, and contact person of the Internet facilitator with
2247 whom the online prescriber has contracted to provide services that the online prescriber will
2248 use to engage in online assessment, diagnosis, and prescribing; and

2249 ~~(k)~~ (j) submit documentation satisfactory to the board regarding public health, safety,
2250 and welfare demonstrating:

2251 (i) how the online prescriber will comply with the requirements of Section 58-83-305;
2252 (ii) the contractual services arrangement between the online prescriber and:
2253 (A) the Internet facilitator; and
2254 (B) the online contract pharmacy; and
2255 (iii) how the online prescriber will allow and facilitate the division's ability to conduct
2256 audits in accordance with Section 58-83-308.

2257 (2) An online prescriber may not use the services of an Internet facilitator or online
2258 contract pharmacy whose license is not active and in good standing.

2259 (3) Each applicant for licensure as an online contract pharmacy under this chapter
2260 shall:

2261 (a) be licensed in good standing in Utah as a Class A Retail Pharmacy or a Class B

- 2262 Closed Door Pharmacy;
- 2263 (b) submit a written application in the form prescribed by the division;
- 2264 (c) pay a fee as determined by the department under Section 63J-1-504;
- 2265 (d) submit any contract between the applicant and the Internet facilitator with which
- 2266 the applicant is or will be affiliated;
- 2267 (e) submit proof of liability insurance acceptable to the division that expressly covers
- 2268 all activities the online contract pharmacy will engage in under this chapter, which coverage
- 2269 shall be in a minimum amount of \$1,000,000 per occurrence with a policy limit of not less than
- 2270 \$3,000,000;
- 2271 (f) submit a signed affidavit to the division attesting that the online contract pharmacy
- 2272 will not dispense a drug that is prescribed by an online prescriber engaged in the delivery of
- 2273 online pharmaceutical services under the provisions of this chapter unless:
- 2274 (i) the drug is specifically approved by the division under Section 58-83-306; and
- 2275 (ii) both the prescribing and the dispensing of the drug were facilitated by the Internet
- 2276 facilitator with whom the Internet contract pharmacy is associated under Subsection
- 2277 58-83-302(3)(d);
- 2278 (g) document that any other professional license the applicant possesses from other
- 2279 jurisdictions is active and in good standing; and
- 2280 (h) demonstrate to the division that the applicant has satisfied any background check
- 2281 required by Section 58-17b-307, and each owner, officer, or manager of the applicant online
- 2282 contract pharmacy has not engaged in any act, practice, or omission, which when considered
- 2283 with the duties and responsibilities of a licensee under this chapter indicates there is cause to
- 2284 believe that issuing a license under this chapter is inconsistent with the public's health, safety,
- 2285 or welfare.
- 2286 (4) Each applicant for licensure as an Internet facilitator under this chapter shall:
- 2287 (a) submit a written application in the form prescribed by the division;
- 2288 (b) pay a fee as determined by the department under Section 63J-1-504;
- 2289 (c) submit any contract between the applicant and the following with which the
- 2290 applicant will be affiliated:
- 2291 (i) each online prescriber; and
- 2292 (ii) the single online contract pharmacy;

- 2293 (d) submit written policies and procedures satisfactory to the division that:
- 2294 (i) address patient privacy, including compliance with 45 C.F.R. Parts 160, 162, and
- 2295 164, Health Insurance Portability and Accountability Act of 1996;
- 2296 (ii) ensure compliance with all applicable laws by health care personnel and the online
- 2297 prescriber who will process patient communications;
- 2298 (iii) list the hours of operation;
- 2299 (iv) describe the types of services that will be permitted electronically;
- 2300 (v) describe the required patient information to be included in the communication, such
- 2301 as patient name, identification number, and type of transaction;
- 2302 (vi) establish procedures for archiving and retrieving information; and
- 2303 (vii) establish quality oversight mechanisms;
- 2304 (e) submit written documentation of the applicant's security measures to ensure the
- 2305 confidentiality and integrity of any user-identifiable medical information;
- 2306 (f) submit a description of the mechanism for:
- 2307 (i) patients to access, supplement, and amend patient-provided personal health
- 2308 information;
- 2309 (ii) back-up regarding the Internet facilitator electronic interface;
- 2310 (iii) the quality of information and services provided via the interface; and
- 2311 (iv) patients to register complaints regarding the Internet facilitator, the online
- 2312 prescriber, or the online contract pharmacy;
- 2313 (g) submit a copy of the Internet facilitator's website;
- 2314 (h) sign an affidavit attesting that:
- 2315 (i) the applicant will not access any medical records or information contained in the
- 2316 medical record except as necessary to administer the website and the branching questionnaire;
- 2317 and
- 2318 (ii) the applicant and its principals, and any entities affiliated with them, will only use
- 2319 the services of a single online contract pharmacy named on the license approved by the
- 2320 division; and
- 2321 (i) submit any other information required by the division.

2322 Section 31. Section **62A-3-202** is amended to read:

2323 **62A-3-202. Definitions.**

2324 As used in this part:

2325 (1) "Assisted living facility" means the same as that term is defined in Section 26-21-2.

2326 (2) "Auxiliary aids and services" means items, equipment, or services that assist in
2327 effective communication between an individual who has a mental, hearing, vision, or speech
2328 disability and another individual.

2329 (3) "Government agency" means any department, division, office, bureau, board,
2330 commission, authority, or any other agency or instrumentality created by the state, or to which
2331 the state is a party, or created by any county or municipality, which is responsible for the
2332 regulation, visitation, inspection, or supervision of facilities, or which provides services to
2333 patients, residents, or clients of facilities.

2334 (4) "Intermediate care facility" means the same as that term is defined in Section
2335 ~~[58-15-2]~~ 58-15-102.

2336 (5) (a) "Long-term care facility" means:

2337 (i) a skilled nursing facility;

2338 (ii) except as provided in Subsection (5)(b), an intermediate care facility;

2339 (iii) a nursing home;

2340 (iv) a small health care facility;

2341 (v) a small health care facility type N; or

2342 (vi) an assisted living facility.

2343 (b) "Long-term care facility" does not mean an intermediate care facility for people
2344 with an intellectual disability, as defined in Section ~~[58-15-2]~~ 58-15-102.

2345 (6) "Ombudsman" means the administrator of the long-term care ombudsman program,
2346 created pursuant to Section 62A-3-203.

2347 (7) "Ombudsman program" means the Long-Term Care Ombudsman Program.

2348 (8) "Resident" means an individual who resides in a long-term care facility.

2349 (9) "Skilled nursing facility" means the same as that term is defined in Section
2350 ~~[58-15-2]~~ 58-15-102.

2351 (10) "Small health care facility" means the same as that term is defined in Section
2352 26-21-2.

2353 (11) "Small health care facility type N" means a residence in which a licensed nurse
2354 resides and provides protected living arrangements, nursing care, and other services on a daily

2355 basis for two to three individuals who are also residing in the residence and are unrelated to the
2356 licensee.

2357 Section 32. **Repealer.**

2358 This bill repeals:

2359 Section **58-5a-305, License by endorsement.**