

Services for Department of Defense Civilian Employees

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ann Millner

LONG TITLE**General Description:**

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

Highlighted Provisions:

This bill:

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

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

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

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

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

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

4-1-109, as last amended by Laws of Utah 2024, Chapter 152

4-1-111, as enacted by Laws of Utah 2018, Chapter 462

13-1-15, as enacted by Laws of Utah 2018, Chapter 462

31A-23a-102, as last amended by Laws of Utah 2015, Chapters 244, 330

31A-23a-104, as last amended by Laws of Utah 2018, Chapter 462

31A-26-102, as last amended by Laws of Utah 2021, Chapter 252

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

48 ENACTS:

49 **53E-3-1201**, Utah Code Annotated 1953
 50 **53E-3-1202**, Utah Code Annotated 1953
 51 **53E-3-1203**, Utah Code Annotated 1953
 52 **53E-3-1204**, Utah Code Annotated 1953
 53 **53E-3-1205**, Utah Code Annotated 1953

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

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

57 **4-1-109 . General definitions.**

58 As used in this title:

- 59 (1) "Agricultural product" or "product of agriculture" means any product that is derived
 60 from agriculture, including any product derived from aquaculture as defined in Section
 61 4-37-103.
 62 (2) "Agriculture" means the science and art of the production of plants and animals useful
 63 to man, including the preparation of plants and animals for human use and disposal by
 64 marketing or otherwise.
 65 (3) "Commissioner" means the commissioner of agriculture and food.

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

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

83 **4-1-111 . Exemptions from licensure.**

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

- 87 (1) an individual licensed under the laws of this state, other than under this title, to practice
88 or engage in an occupation or profession, while engaged in the lawful, professional, and
89 competent practice of that occupation or profession;
- 90 (2) an individual serving in the armed forces of the United States, the United States Public
91 Health Service, the United States Department of Veterans Affairs, or any other federal
92 agency while engaged in activities regulated under this title as a part of employment
93 with that federal agency if the individual holds a valid license to practice the regulated
94 occupation or profession issued by any other state or jurisdiction recognized by the
95 department; and
- 96 (3) the spouse of an individual serving in the armed forces of the United States or the
97 spouse of a DOD civilian while the individual or DOD civilian is stationed within this
98 state, if:
99 (a) the spouse holds a valid license to practice the regulated occupation or profession

100 issued by any other state or jurisdiction recognized by the department; and
 101 (b) the license is current and the spouse is in good standing in the state or jurisdiction of
 102 licensure.

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

104 **13-1-15 . Exemptions from licensure.**

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

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

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

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

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

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

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

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

128 **31A-23a-102 . Definitions.**

129 As used in this chapter:

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

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

133 (a) in which an insurance producer, limited lines producer, consultant, managing general

134 agent, or reinsurance intermediary licensee does not maintain the licensee's principal:

135 (i) place of residence; or

136 (ii) place of business;

137 (b) if the resident state, territory, or District of Columbia of the licensee does not license

138 for the line of authority sought, the licensee has qualified for the license as if the

139 person were a resident in the state, territory, or District of Columbia described in

140 Subsection (2)(a), including an applicable:

141 (i) examination requirement;

142 (ii) fingerprint background check requirement; and

143 (iii) continuing education requirement; and

144 (c) if the licensee has designated the state, territory, or District of Columbia as the

145 designated home state.

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

147 [~~(3)~~] (4) "Home state" means:

148 (a) a state or territory of the United States or the District of Columbia in which an

149 insurance producer, limited lines producer, consultant, managing general agent, or

150 reinsurance intermediary licensee:

151 (i) maintains the licensee's principal:

152 (A) place of residence; or

153 (B) place of business; and

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

155 (b) if the resident state, territory, or the District of Columbia described in Subsection [

156 ~~(3)(a)~~] (4)(a) does not license for the line of authority sought, a state, territory, or the

157 District of Columbia:

158 (i) in which the licensee is licensed;

159 (ii) in which the licensee is in good standing; and

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

161 [~~(4)~~] (5) "Insurer" is as defined in Section 31A-1-301, except that the following persons or

162 similar persons are not insurers for purposes of Part 7, Producer Controlled Insurers:

163 (a) a risk retention group as defined in:

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

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

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

167 (b) a residual market pool;

168 (c) a joint underwriting authority or association; and

169 (d) a captive insurer.

170 [~~(5)~~] (6) "License" is defined in Section 31A-1-301.

171 [~~(6)~~] (7)(a) "Managing general agent" means a person that:

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

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

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

179 (A) with or without the authority;

180 (B) separately or together with an affiliate; and

181 (C) directly or indirectly; and

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

184 (B) negotiates reinsurance on behalf of the insurer.

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

187 (i) an employee of the insurer;

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

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

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

191 (B) is under common control with the insurer;

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

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

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

196 [~~(7)~~] (8) "Negotiate" means the act of conferring directly with or offering advice directly to
197 a purchaser or prospective purchaser of a particular contract of insurance concerning a
198 substantive benefit, term, or condition of the contract if the person engaged in that act:

199 (a) sells insurance; or

200 (b) obtains insurance from insurers for purchasers.

201 [~~(8)~~] (9) "Reinsurance intermediary" means:

- 202 (a) a reinsurance intermediary-broker; or
- 203 (b) a reinsurance intermediary-manager.
- 204 ~~[(9)]~~ (10) "Reinsurance intermediary-broker" means a person other than an officer or
- 205 employee of the ceding insurer, firm, association, or corporation who solicits, negotiates,
- 206 or places reinsurance cessions or retrocessions on behalf of a ceding insurer without the
- 207 authority or power to bind reinsurance on behalf of the insurer.
- 208 ~~[(10)]~~ (11)(a) "Reinsurance intermediary-manager" means a person who:
- 209 (i) has authority to bind or who manages all or part of the assumed reinsurance
- 210 business of a reinsurer, including the management of a separate division,
- 211 department, or underwriting office; and
- 212 (ii) acts as an agent for the reinsurer whether the person is known as a reinsurance
- 213 intermediary-manager, manager, or other similar term.
- 214 (b) Notwithstanding Subsection ~~[(10)(a)]~~ (11)(a), the following persons may not be
- 215 considered reinsurance intermediary-managers for the purpose of this chapter with
- 216 respect to the reinsurer:
- 217 (i) an employee of the reinsurer;
- 218 (ii) a United States manager of the United States branch of an alien reinsurer;
- 219 (iii) an underwriting manager that, pursuant to contract:
- 220 (A) manages all the reinsurance operations of the reinsurer;
- 221 (B) is under common control with the reinsurer;
- 222 (C) is subject to Chapter 16, Insurance Holding Companies; and
- 223 (D) is not compensated based on the volume of premiums written; and
- 224 (iv) the manager of a group, association, pool, or organization of insurers that:
- 225 (A) engage in joint underwriting or joint reinsurance; and
- 226 (B) are subject to examination by the insurance commissioner of the state in
- 227 which the manager's principal business office is located.
- 228 ~~[(11)]~~ (12) "Resident" is as defined by rule made by the commissioner in accordance with
- 229 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 230 ~~[(12)]~~ (13) "Sell" means to exchange a contract of insurance:
- 231 (a) by any means;
- 232 (b) for money or its equivalent; and
- 233 (c) on behalf of an insurance company.
- 234 ~~[(13)]~~ (14) "Solicit" means:
- 235 (a) attempting to sell insurance;

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

242 ~~[(14)]~~ (15) "Terminate" means:

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

251 ~~[(15)]~~ (16) "Title examination" means a license subline of authority in conjunction with the
252 title insurance line of authority that allows a person to issue title insurance commitments
253 or policies on behalf of a title insurer.

254 ~~[(16)]~~ (17) "Title marketing representative" means a person who:

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

260 ~~[(17)]~~ (18) "Uniform application" means the version of the National Association of
261 Insurance Commissioners' uniform application for resident and nonresident producer
262 licensing at the time the application is filed.

263 ~~[(18)]~~ (19) "Uniform business entity application" means the version of the National
264 Association of Insurance Commissioners' uniform business entity application for
265 resident and nonresident business entities at the time the application is filed.

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

267 **31A-23a-104 . Application for individual license -- Application for agency license.**

- 268 (1) This section applies to an initial or renewal license as a:
269 (a) producer;

- 270 (b) surplus lines producer;
- 271 (c) limited line producer;
- 272 (d) consultant;
- 273 (e) managing general agent; or
- 274 (f) reinsurance intermediary.
- 275 (2)(a) Subject to Subsection (2)(b), to obtain or renew an individual license, an
- 276 individual shall:
- 277 (i) file an application for an initial or renewal individual license with the
- 278 commissioner on forms and in a manner the commissioner prescribes; and
- 279 (ii) except as provided in Subsection (6), pay a license fee that is not refunded if the
- 280 application:
- 281 (A) is denied; or
- 282 (B) is incomplete when filed and is never completed by the applicant.
- 283 (b) An application described in this Subsection (2) shall provide:
- 284 (i) information about the applicant's identity;
- 285 (ii) the applicant's Social Security number;
- 286 (iii) the applicant's personal history, experience, education, and business record;
- 287 (iv) whether the applicant is 18 years~~[-of age-]~~ old or older;
- 288 (v) whether the applicant has committed an act that is a ground for denial,
- 289 suspension, or revocation as set forth in Section 31A-23a-105 or 31A-23a-111;
- 290 (vi) if the application is for a resident individual producer license, certification that
- 291 the applicant complies with Section 31A-23a-203.5; and
- 292 (vii) any other information the commissioner reasonably requires.
- 293 (3) The commissioner may require a document reasonably necessary to verify the
- 294 information contained in an application filed under this section.
- 295 (4) An applicant's Social Security number contained in an application filed under this
- 296 section is a private record under Section 63G-2-302.
- 297 (5)(a) Subject to Subsection (5)(b), to obtain or renew an agency license, a person shall:
- 298 (i) file an application for an initial or renewal agency license with the commissioner
- 299 on forms and in a manner the commissioner prescribes; and
- 300 (ii) pay a license fee that is not refunded if the application:
- 301 (A) is denied; or
- 302 (B) is incomplete when filed and is never completed by the applicant.
- 303 (b) An application described in Subsection (5)(a) shall provide:

- 304 (i) information about the applicant's identity;
- 305 (ii) the applicant's federal employer identification number;
- 306 (iii) the designated responsible licensed individual;
- 307 (iv) the identity of the owners, partners, officers, and directors;
- 308 (v) whether the applicant has committed an act that is a ground for denial,
- 309 suspension, or revocation as set forth in Section 31A-23a-105 or 31A-23a-111; and
- 310 (vi) any other information the commissioner reasonably requires.
- 311 (6) The following individuals are exempt from paying a license fee:
- 312 (a) an individual serving in the armed forces of the United States while the individual is
- 313 stationed within this state, if:
- 314 (i) the individual holds a valid license to practice the regulated occupation or
- 315 profession issued by any other state or jurisdiction recognized by the department;
- 316 and
- 317 (ii) the license is current and the individual is in good standing in the state or
- 318 jurisdiction of licensure; and
- 319 (b) the spouse of an individual serving in the armed forces of the United States or the
- 320 spouse of a DOD civilian while the individual or DOD civilian is stationed within
- 321 this state, if:
- 322 (i) the spouse holds a valid license to practice the regulated occupation or profession
- 323 issued by any other state or jurisdiction recognized by the department; and
- 324 (ii) the license is current and the spouse is in good standing in the state or jurisdiction
- 325 of licensure.

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

327 **31A-26-102 . Definitions.**

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

- 329 (1) "Company adjuster" means a person employed by an insurer who negotiates or settles
- 330 claims on behalf of the insurer or an affiliated insurer.
- 331 (2) "Designated home state" means the state or territory of the United States or the District
- 332 of Columbia:
- 333 (a) in which an insurance adjuster does not maintain the adjuster's principal:
- 334 (i) place of residence; or
- 335 (ii) place of business;
- 336 (b) if the resident state, territory, or District of Columbia of the adjuster does not license
- 337 adjusters for the line of authority sought, the adjuster has qualified for the license as

338 if the person were a resident in the state, territory, or District of Columbia described
339 in Subsection (2)(a), including an applicable:

- 340 (i) examination requirement;
- 341 (ii) fingerprint background check requirement; and
- 342 (iii) continuing education requirement; and

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

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

345 [~~(3)~~] (4) "Home state" means:

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

348 (i) maintains the adjuster's principal:

- 349 (A) place of residence; or
- 350 (B) place of business; and

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

352 (b) if the resident state, territory, or the District of Columbia described in Subsection [

353 ~~(3)(a)~~] (4)(a) does not license adjusters for the line of authority sought, a state,
354 territory, or the District of Columbia:

- 355 (i) in which the adjuster is licensed;
- 356 (ii) in which the adjuster is in good standing; and
- 357 (iii) that the adjuster has designated as the adjuster's designated home state.

358 [~~(4)~~] (5) "Independent adjuster" means an insurance adjuster required to be licensed under
359 Section 31A-26-201, who engages in insurance adjusting as a representative of one or
360 more insurers.

361 [~~(5)~~] (6) "Insurance adjusting" or "adjusting" means directing or conducting the
362 investigation, negotiation, or settlement of a claim under an insurance policy, on behalf
363 of an insurer, policyholder, or a claimant under an insurance policy.

364 [~~(6)~~] (7)(a) "Organization" means a person other than a natural person.

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

367 [~~(7)~~] (8) "Portable electronics insurance" means the same as that term is defined in Section
368 31A-22-1802.

369 [~~(8)~~] (9) "Public adjuster" means a person required to be licensed under Section 31A-26-201,
370 who engages in insurance adjusting as a representative of insureds and claimants under
371 insurance policies.

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

373 **31A-26-202 . Application for license.**

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

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

376 and

377 (ii) except as provided in Subsection (4), accompanied by the applicable fee, which is

378 not refunded if the application is denied.

379 (b) The application shall provide:

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

381 (A) the applicant's:

382 (I) Social Security number; or

383 (II) federal employer identification number;

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

385 (C) if the applicant is a natural person, whether the applicant is 18 years [~~of age~~]

386 old or older; and

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

388 suspension, or revocation as set forth in Section 31A-25-208; and

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

390 (2) The commissioner may require documents reasonably necessary to verify the

391 information contained in the application.

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

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

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

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

396 stationed within this state, if:

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

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

399 and

400 (ii) the license is current and the individual is in good standing in the state or

401 jurisdiction of licensure; and

402 (b) the spouse of an individual serving in the armed forces of the United States or the

403 spouse of a DOD civilian while the individual or DOD civilian is stationed within

404 this state, if:

405 (i) the spouse holds a valid license to practice the regulated occupation or profession

406 issued by any other state or jurisdiction recognized by the department; and
407 (ii) the license is current and the spouse is in good standing in the state or jurisdiction
408 of licensure.

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

410 **53-9-102 . Definitions.**

411 In this chapter, unless otherwise stated:

- 412 (1) "Adequate records" means records containing, at a minimum, sufficient information to
413 identify the client, the dates of service, the fee for service, the payments for service, the
414 type of service given, and copies of any reports that may have been made.
- 415 (2) "Advertising" means the submission of bids, contracting or making known by any
416 public notice, publication, or solicitation of business, directly or indirectly, that services
417 regulated under this chapter are available for consideration.
- 418 (3) "Agency" means a person who holds an agency license pursuant to this chapter, and
419 includes one who employs an individual for wages and salary, and withholds all legally
420 required deductions and contributions, or contracts with a registrant or an apprentice on
421 a part-time or case-by-case basis to conduct an investigation on behalf of the agency.
- 422 (4) "Applicant" means any person who has submitted a completed application and all
423 required fees.
- 424 (5) "Apprentice" means a person who holds an apprentice license pursuant to this chapter,
425 has not met the requirements for registration, and works under the direct supervision and
426 guidance of an agency.
- 427 (6) "Board" means the Bail Bond Recovery and Private Investigator Licensure Board
428 created in Section 53-11-104.
- 429 (7) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201.
- 430 (8) "Commissioner" means the commissioner of the Department of Public Safety.
- 431 (9) "Conviction" means an adjudication of guilt by a federal, state, or local court resulting
432 from trial or plea, including a plea of no contest, regardless of whether the imposition of
433 sentence was suspended.
- 434 (10) "Department" means the Department of Public Safety.
- 435 (11) "Direct supervision" means that the agency or employer:
- 436 (a) is responsible for, and authorizes, the type and extent of work assigned;
437 (b) reviews and approves all work produced by the apprentice before it goes to the client;
438 (c) closely supervises and provides direction and guidance to the apprentice in the
439 performance of his assigned work; and

440 (d) is immediately available to the apprentice for verbal contact, including by electronic
441 means.

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

443 ~~[(12)]~~ (13) "Emergency action" means a summary suspension of a license pending
444 revocation, suspension, or probation in order to protect the public health, safety, or
445 welfare.

446 ~~[(13)]~~ (14) "Employee" means an individual who works for an agency or other employer, is
447 listed on the agency's or employer's payroll records, and is under the agency's or
448 employer's direction and control. An employee is not an independent contractor.

449 ~~[(14)]~~ (15) "Identification card" means a card issued by the commissioner to a qualified
450 applicant for an agency, registrant, or apprentice license.

451 ~~[(15)]~~ (16) "Letter of concern" means an advisory letter to notify a licensee that while there
452 is insufficient evidence to support probation, suspension, or revocation of a license, the
453 department informs the licensee of the need to modify or eliminate certain practices and
454 that continuation of the activities that led to the information being submitted to the
455 department may result in further disciplinary action against the licensee.

456 ~~[(16)]~~ (17) "Licensee" means a person to whom an agency, registrant, or apprentice license
457 is issued by the department.

458 ~~[(17)]~~ (18)(a) "Private investigator or private detective" means any person, except
459 collection agencies and credit reporting agencies, who, for consideration, engages in
460 business or accepts employment to conduct any investigation for the purpose of
461 obtaining information with reference to:

- 462 (i) crime, wrongful acts, or threats against the United States or any state or territory
463 of the United States;
- 464 (ii) the identity, reputation, character, habits, conduct, business occupation, honesty,
465 integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity,
466 movements, whereabouts, affiliations, associations, or transactions of any person
467 or group of persons;
- 468 (iii) the credibility of witnesses or other persons;
- 469 (iv) the whereabouts of missing persons or owners of abandoned property;
- 470 (v) the causes and origin of, or responsibility for a fire, libel, slander, a loss, an
471 accident, damage, or an injury to real or personal property;
- 472 (vi) the business of securing evidence to be used before investigating committees or
473 boards of award or arbitration or in the trial of civil or criminal cases and the trial

- 474 preparation;
- 475 (vii) the prevention, detection, and removal of installed devices for eavesdropping or
476 observation;
- 477 (viii) the business of "skip tracing" persons who have become delinquent in their
478 lawful debts, either when hired by an individual, collection agency, or through the
479 direct purchase of the debt from a financial institution or entity owning the debt or
480 judgment; or
- 481 (ix) serving civil process.
- 482 (b) "Private investigator or private detective" does not include:
- 483 (i) any person or employee conducting an investigation on the person's or employee's
484 own behalf or on behalf of the employer if the employer is not a private
485 investigator under this chapter;
- 486 (ii) an employee of an attorney licensed to practice law in this state; or
- 487 (iii) a currently licensed certified public accountant or CPA as defined in Section
488 58-26a-102.
- 489 ~~[(18)]~~ (19) "Qualifying party" means the individual meeting the qualifications under this
490 chapter for a private investigator license.
- 491 ~~[(19)]~~ (20) "Registrant" means any person who holds a registrant license pursuant to this
492 chapter. The registrant performs private investigative work either as an employee on an
493 employer's payroll or, on a contract with an agency, part-time, or case-by-case basis,
494 with a minimum amount of direction.
- 495 ~~[(20)]~~ (21) "Restructuring" means any change in the legal status of a business.
- 496 ~~[(21)]~~ (22) "Unprofessional conduct" means any of the following:
- 497 (a) engaging or offering to engage by fraud or misrepresentation in any activities
498 regulated by this chapter;
- 499 (b) aiding or abetting a person who is not licensed pursuant to this chapter in
500 representing that person as a private investigator or registrant in this state;
- 501 (c) gross negligence in the practice of a private investigator or registrant;
- 502 (d) failing or refusing to maintain adequate records and investigative findings on a
503 subject of investigation or a client;
- 504 (e) committing a felony or a misdemeanor involving any crime that is grounds for
505 denial, suspension, or revocation of an agency, registrant, or apprentice license. In
506 all cases, conviction by a court of competent jurisdiction or a plea of no contest is
507 conclusive evidence of the commission of the crime; or

508 (f) making a fraudulent or untrue statement to the bureau, board, department, or its
509 investigators, staff, or consultants.

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

511 **53-9-122 . Exemptions from licensure.**

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

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

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

533 **53B-8-102 . Definitions -- Resident student status -- Exceptions.**

534 (1) As used in this section:

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

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

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

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

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

- 542 (i) is serving on active duty in the United States Armed Forces within the state of
543 Utah;
- 544 (ii) is a member of a reserve component of the United States Armed Forces assigned
545 in Utah;
- 546 (iii) is a member of the Utah National Guard; or
- 547 (iv) maintains domicile in Utah, as described in Subsection (9)(a), but is assigned
548 outside of Utah pursuant to federal permanent change of station orders.
- 549 ~~(e)~~ (f) "Military veteran" has the same meaning as veteran in Section 68-3-12.5.
- 550 ~~(f)~~ (g) "Parent" means a student's biological or adoptive parent.
- 551 (2) The meaning of "resident student" is determined by reference to the general law on the
552 subject of domicile, except as provided in this section.
- 553 (3)(a) Institutions within the state system of higher education may grant resident student
554 status to any student who has come to Utah and established residency for the purpose
555 of attending an institution of higher education, and who, prior to registration as a
556 resident student:
- 557 (i) has maintained continuous Utah residency status for one full year;
- 558 (ii) has signed a written declaration that the student has relinquished residency in any
559 other state; and
- 560 (iii) has submitted objective evidence that the student has taken overt steps to
561 establish permanent residency in Utah and that the student does not maintain a
562 residence elsewhere.
- 563 (b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:
- 564 (i) a Utah high school transcript issued in the past year confirming attendance at a
565 Utah high school in the past 12 months;
- 566 (ii) a Utah voter registration dated a reasonable period prior to application;
- 567 (iii) a Utah driver license or identification card with an original date of issue or a
568 renewal date several months prior to application;
- 569 (iv) a Utah vehicle registration dated a reasonable period prior to application;
- 570 (v) evidence of employment in Utah for a reasonable period prior to application;
- 571 (vi) proof of payment of Utah resident income taxes for the previous year;
- 572 (vii) a rental agreement showing the student's name and Utah address for at least 12
573 months prior to application; and
- 574 (viii) utility bills showing the student's name and Utah address for at least 12 months
575 prior to application.

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

- 610 (B) evidence that the military service member is domiciled in Utah, as described
611 in Subsection (9)(a); or
- 612 (C) evidence that the immediate family member completed at least one year of
613 grades 9 through 12 at a local education agency, as defined in Section
614 53E-1-102, within the state while the military service member was assigned in
615 Utah, regardless of the service member's current assignment[-] ;
- 616 (c) a military veteran, regardless of whether the military veteran served in Utah, if the
617 military veteran provides:
- 618 (i) evidence of an honorable or general discharge;
- 619 (ii) a signed written declaration that the military veteran has relinquished residency in
620 any other state and does not maintain a residence elsewhere;
- 621 (iii) objective evidence that the military veteran has demonstrated an intent to
622 establish residency in Utah, which may include any one of the following:
- 623 (A) a Utah voter registration card;
- 624 (B) a Utah driver license or identification card;
- 625 (C) a Utah vehicle registration;
- 626 (D) evidence of employment in Utah;
- 627 (E) a rental agreement showing the military veteran's name and Utah address; or
- 628 (F) utility bills showing the military veteran's name and Utah address;
- 629 (d) a military veteran's immediate family member, regardless of whether the military
630 veteran served in Utah, if the military veteran's immediate family member provides:
- 631 (i) evidence of the military veteran's honorable or general discharge;
- 632 (ii) a signed written declaration that the military veteran's immediate family member
633 has relinquished residency in any other state and does not maintain a residence
634 elsewhere; and
- 635 (iii) objective evidence that the military veteran's immediate family member has
636 demonstrated an intent to establish residency in Utah, which may include one of
637 the items described in Subsection (8)(c)(iii);
- 638 (e) a foreign service member as defined in the Foreign Service Family Act of 2021 who
639 is either:
- 640 (i) domiciled in Utah, recognizing the individual may not be physically present in the
641 state due to an assignment; or
- 642 (ii) assigned to a duty station in Utah if the foreign service member provides:
- 643 (A) evidence of the foreign service member's status;

- 644 (B) a statement from the foreign service member's current commander, or
645 equivalent, stating that the foreign service member is assigned in Utah; or
646 (C) evidence that the foreign service member is domiciled in Utah;
- 647 (f) a foreign service member's immediate family member if the foreign service member
648 is either:
- 649 (i) domiciled in Utah, recognizing the individual may not be physically present in the
650 state due to an assignment; or
651 (ii) assigned to a duty station in Utah if the foreign service member provides:
- 652 (A) evidence of the foreign service member's status;
653 (B) a statement from the foreign service member's current commander, or
654 equivalent, stating that the foreign service member is assigned in Utah; or
655 (C) evidence that the foreign service member is domiciled in Utah;
- 656 (g) an eligible person who provides:
- 657 (i) evidence of eligibility under Title 38 U.S.C., Veterans' Benefits;
658 (ii) a signed written declaration that the eligible person will use the Veteran Benefits
659 under Title 38 U.S.C.; and
660 (iii) objective evidence that the eligible person has demonstrated an intent to establish
661 residency in Utah, which may include one of the items described in Subsection
662 (8)(c)(iii);
- 663 (h) an alien who provides:
- 664 (i) evidence that the alien is a special immigrant visa recipient;
665 (ii) evidence that the alien has been granted refugee status, humanitarian parole,
666 temporary protected status, or asylum; or
667 (iii) evidence that the alien has submitted in good faith an application for refugee
668 status, humanitarian parole, temporary protected status, or asylum under United
669 States immigration law;[~~or~~]
- 670 (i) an inmate:
- 671 (i) during the time the inmate is enrolled in the course; and
672 (ii) for one year after the day on which the inmate is released from a correctional
673 facility as defined in Section 64-13-1[~~]~~ ;
- 674 (j) a DOD civilian, if the DOD civilian provides:
- 675 (i) the DOD civilian's current United States Department of Defense identification
676 card; and
677 (ii)(A) a statement from the DOD civilian's current commander, or equivalent,

- 678 stating that the DOD civilian is assigned in Utah; or
 679 (B) evidence that the DOD civilian is domiciled in Utah, as described in
 680 Subsection (9)(a); or
 681 (k) a DOD civilian's immediate family member, if the DOD civilian's immediate family
 682 member provides:
 683 (i) the DOD civilian's current United States Department of Defense identification
 684 card; and
 685 (ii)(A) a statement from the DOD civilian's current commander, or equivalent,
 686 stating that the DOD civilian is assigned in Utah; or
 687 (B) evidence that the DOD civilian is domiciled in Utah, as described in
 688 Subsection (9)(a).
- 689 (9)(a) The evidence described in Subsection (8)(a)(ii)(B), ~~(8)(b)(ii)(B)~~, (8)(j)(ii)(B),
 690 or (8)(k)(ii)(B) includes:
 691 (i) a current Utah voter registration card;
 692 (ii) a valid Utah driver license or identification card;
 693 (iii) a current Utah vehicle registration;
 694 (iv) a copy of a Utah income tax return, in the name of the military service [member's
 695 or] member, military service member's [spouse's name] spouse, DOD civilian, or
 696 DOD civilian's spouse filed as a resident in accordance with Section 59-10-502; or
 697 (v) proof that the military service member~~[-or]~~, military service member's spouse,
 698 DOD civilian, or DOD civilian's spouse owns a home in Utah, including a
 699 property tax notice for property owned in Utah.
- 700 (b) Aliens who are present in the United States on visitor, student, or other visas not
 701 listed in Subsection (8)(h) or (9)(c), which authorize only temporary presence in this
 702 country, do not have the capacity to intend to reside in Utah for an indefinite period
 703 and therefore are classified as nonresidents.
- 704 (c) Aliens who have been granted or have applied for permanent resident status in the
 705 United States are classified for purposes of resident student status according to the
 706 same criteria applicable to citizens.
- 707 (10) Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or
 708 trust lands lie partly or wholly within Utah or whose border is at any point contiguous
 709 with the border of Utah, and any American Indian who is a member of a federally
 710 recognized or known Utah tribe and who has graduated from a high school in Utah, is
 711 entitled to resident student status.

- 712 (11) A Job Corps student is entitled to resident student status if the student:
- 713 (a) is admitted as a full-time, part-time, or summer school student in a program of study
- 714 leading to a degree or certificate; and
- 715 (b) submits verification that the student is a current Job Corps student.
- 716 (12) A person is entitled to resident student status and may immediately apply for resident
- 717 student status if the person:
- 718 (a) marries a Utah resident eligible to be a resident student under this section; and
- 719 (b) establishes his or her domicile in Utah as demonstrated by objective evidence as
- 720 provided in Subsection (3).
- 721 (13) Notwithstanding Subsection (3)(c), a dependent student who has at least one parent
- 722 who has been domiciled in Utah for at least 12 months prior to the student's application
- 723 is entitled to resident student status.
- 724 (14)(a) A person who has established domicile in Utah for full-time permanent
- 725 employment may rebut the presumption of a nonresident classification by providing
- 726 substantial evidence that the reason for the individual's move to Utah was, in good
- 727 faith, based on an employer requested transfer to Utah, recruitment by a Utah
- 728 employer, or a comparable work-related move for full-time permanent employment
- 729 in Utah.
- 730 (b) All relevant evidence concerning the motivation for the move shall be considered,
- 731 including:
- 732 (i) the person's employment and educational history;
- 733 (ii) the dates when Utah employment was first considered, offered, and accepted;
- 734 (iii) when the person moved to Utah;
- 735 (iv) the dates when the person applied for admission, was admitted, and was enrolled
- 736 as a postsecondary student;
- 737 (v) whether the person applied for admission to an institution of higher education
- 738 sooner than four months from the date of moving to Utah;
- 739 (vi) evidence that the person is an independent person who is:
- 740 (A) at least 24 years old; or
- 741 (B) not claimed as a dependent on someone else's tax returns; and
- 742 (vii) any other factors related to abandonment of a former domicile and establishment
- 743 of a new domicile in Utah for purposes other than to attend an institution of higher
- 744 education.
- 745 (15)(a) A person who is in residence in Utah to participate in a United States Olympic

746 athlete training program, at a facility in Utah, approved by the governing body for the
747 athlete's Olympic sport, shall be entitled to resident status for tuition purposes.

748 (b) Upon the termination of the athlete's participation in the training program, the athlete
749 shall be subject to the same residency standards applicable to other persons under this
750 section.

751 (c) Time spent domiciled in Utah during the Olympic athlete training program in Utah
752 counts for Utah residency for tuition purposes upon termination of the athlete's
753 participation in a Utah Olympic athlete training program.

754 (16)(a) A person who has established domicile in Utah for reasons related to divorce,
755 the death of a spouse, or long-term health care responsibilities for an immediate
756 family member, including the person's spouse, parent, sibling, or child, may rebut the
757 presumption of a nonresident classification by providing substantial evidence that the
758 reason for the individual's move to Utah was, in good faith, based on the long-term
759 health care responsibilities.

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

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

763 (ii) the dates when the long-term health care responsibilities in Utah were first
764 considered, offered, and accepted;

765 (iii) when the person moved to Utah;

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

768 (v) whether the person applied for admission to an institution of higher education
769 sooner than four months from the date of moving to Utah;

770 (vi) evidence that the person is an independent person who is:

771 (A) at least 24 years old; or

772 (B) not claimed as a dependent on someone else's tax returns; and

773 (vii) any other factors related to abandonment of a former domicile and establishment
774 of a new domicile in Utah for purposes other than to attend an institution of higher
775 education.

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

780 duty station.

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

786 [~~18~~] (19) The board, after consultation with the institutions, shall make rules not
 787 inconsistent with this section:

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

793 [~~19~~] (20) A student shall be exempt from paying the nonresident portion of total tuition if
 794 the student:

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

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

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

801 **53E-3-1201 . Definitions.**

802 As used in this part:

- 804 (1) "DOD civilian" means the same as that term is defined in Section 53B-8-102.
- 805 (2) "Child of a DOD civilian family" means a school-aged child, enrolled in kindergarten
 806 through grade 12, in the household of a currently serving DOD civilian.
- 807 (3) "Deployment" means the period one month prior to the DOD civilian's departure from
 808 the DOD civilian's home station on orders through six months after return to the DOD
 809 civilian's home station.
- 810 (4)(a) "Educational record" means an official record, file, or data directly related to a
 811 student and maintained by a school or an LEA.
- 812 (b) "Educational record" includes records encompassing all the material kept in the
 813 student's cumulative folder such as general identifying data, records of attendance,

814 and of academic work completed, records of achievement and results of evaluative
815 tests, health data, disciplinary status, test protocols, and individualized education
816 programs.

817 (5)(a) "Extracurricular activity" means a voluntary activity sponsored by a school or an
818 LEA or an organization sanctioned by the LEA.

819 (b) "Extracurricular activity" includes preparation for and involvement in public
820 performances, contests, athletic competitions, demonstrations, displays, and club
821 activities.

822 (6)(a) "Military installation" means a base, camp, post, station, yard, center, homeport
823 facility for any ship, or other activity under the jurisdiction of the United States
824 Department of Defense.

825 (b) "Military installation" includes a leased facility, which is located within any of the
826 several states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S.
827 Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other
828 territory of the United States.

829 (c) "Military installation" does not include a facility used primarily for civil works,
830 rivers and harbors projects, or flood control projects.

831 (7) "Sending state" means the state from which a child of a DOD civilian family is sent,
832 brought, or caused to be sent or brought.

833 (8) "State" means a state of the United States, the District of Columbia, the Commonwealth
834 of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Mariana
835 Islands, and any other territory of the United States.

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

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

839 **53E-3-1202 . Transferring student enrollment, records, and immunization.**

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

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

- 848 (2)(a) A school enrolling a transferring student under this section shall enroll the
849 transferring student at the same grade level the transferring student has been enrolled
850 at in the school in the sending state regardless of the transferring student's age.
- 851 (b) A transferring student that has satisfactorily completed a prerequisite grade level in a
852 school in the sending state shall be eligible for enrollment in the next highest grade
853 level regardless of the transferring student's age.
- 854 (3)(a) A school enrolling a transferring student under this section shall give the student
855 30 days from the day on which the student is enrolled in the school for the student to
856 obtain any immunization that is required by the school.
- 857 (b) If the required immunization described in Subsection (3)(a) encompasses a series of
858 immunizations, the initial immunization in the series satisfies the requirement for the
859 student to be immunized within 30 days from the day on which the student is enrolled
860 in the school as required under Subsection (3)(a).
- 861 Section 13. Section **53E-3-1203** is enacted to read:
- 862 **53E-3-1203 . Course placement -- Extracurricular activities.**
- 863 (1) As used in this section:
- 864 (a) "Course placement" means placing a transferring student in an educational course or
865 program provided by a school.
- 866 (b) "Educational course or program" means the following courses or programs:
- 867 (i) honors, international baccalaureate, advanced placement, vocational, technical,
868 career pathways, and English as a second language courses; and
- 869 (ii) gifted and talented programs.
- 870 (2)(a) A school that enrolls a transferring student as described in Section 53E-3-1202
871 shall, when determining course placement for the transferring student, place the
872 transferring student in educational courses or programs based on the transferring
873 student's course placement in the sending state's school or educational assessments
874 conducted at the school in the sending state.
- 875 (b) Subsection (2)(a) does not prohibit the school from performing additional
876 evaluations after the transferring student is enrolled to ensure appropriate placement
877 and continued enrollment of the student in the educational course or program.
- 878 (3) When a school makes a course placement determination under this section, the school
879 shall attempt to the best of the school's ability to ensure the continuance of the
880 transferring student's academic program from the transferring student's previous school
881 and place the transferring student in academically and career challenging courses.

- 882 (4)(a) In compliance with the requirements of the Individuals with Disabilities
883 Education Act, 20 U.S.C. Sec. 1400 et seq., a school that enrolls a transferring
884 student with disabilities shall provide comparable services to the transferring student
885 based on the transferring student's current IEP.
- 886 (b) In compliance with the requirements of Section 504 of the Rehabilitation Act, 29
887 U.S.C. Sec. 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.
888 Secs. 12131-12165, a school that enrolls a transferring student with disabilities shall
889 make reasonable accommodations and modifications to address the needs of the
890 transferring student, subject to an existing Section 504 accommodation plan, to provide
891 the transferring student with equal access to education.
- 892 (c) Subsection (4)(b) does not preclude the school from performing additional
893 evaluations after the transferring student is enrolled to ensure appropriate placement
894 of the transferring student.
- 895 (5) An LEA's administrative officials may waive requirements or other prerequisites for any
896 course placement in an educational course or program under this section.
- 897 (6) An LEA shall facilitate the opportunity for a transferring student to be included in
898 extracurricular activities, regardless of application deadlines, to the extent the
899 transferring student is otherwise qualified to participate in the extracurricular activities.
- 900 Section 14. Section **53E-3-1204** is enacted to read:
- 901 **53E-3-1204 . Parental consent -- Tuition.**
- 902 (1) Power of attorney lawfully executed under Title 75, Chapter 9, Uniform Power of
903 Attorney Act, is sufficient for the purposes of enrollment and other actions requiring
904 parental participation or consent.
- 905 (2) An LEA may not charge local tuition to a transferring student placed in the care of a
906 non-custodial parent or other individual standing in loco parentis who lives in a
907 jurisdiction other than that of the custodial parent.
- 908 (3) A transferring student, placed in the care of a non-custodial parent or other individual
909 standing in loco parentis who lives in a jurisdiction other than that of the custodial
910 parent, may continue to attend the school in which the student was enrolled while
911 residing with the custodial parent.
- 912 Section 15. Section **53E-3-1205** is enacted to read:
- 913 **53E-3-1205 . Graduation -- Waiver -- Exit exams -- Senior year transfers.**
- 914 (1) To facilitate the on-time graduation from high school of a transferring student an LEA
915 shall:

- 916 (a)(i) waive specific courses required for graduation if similar coursework has been
 917 satisfactorily completed by the transferring student in a school in a sending state;
 918 or
 919 (ii) if the LEA does not waive a specific course requirement under Subsection (1)(a),
 920 provide an alternative means of acquiring the required coursework so that the
 921 transferring student may graduate on time; and
- 922 (b) accept:
- 923 (i) exit or end-of-course exams required for graduation from the transferring student's
 924 school in the sending state;
- 925 (ii) national norm-referenced achievement tests; or
- 926 (iii) subject to Subsection (2), alternative testing, in lieu of testing requirements for
 927 graduation.
- 928 (2) If a transferring student is enrolling in a school in the LEA in the transferring student's
 929 senior year of high school and the LEA cannot accommodate the alternative testing
 930 described in Subsection (1)(b)(iii), the LEA shall, if the transferring student otherwise
 931 meets the graduation requirements of the transferring student's school in the sending
 932 state, use the LEA's best efforts to request and receive a receipt of a high school
 933 graduation diploma for the transferring student from the transferring student's school in
 934 the sending state.
- 935 (3) If an LEA denies a waiver under Subsection (1)(a) the LEA shall provide a reasonable
 936 justification for the denial to the transferring student.

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

938 **53E-6-102 . Definitions.**

939 As used in this chapter:

- 940 (1) "Certificate" means a license issued by a governmental jurisdiction outside the state.
- 941 (2) "DOD civilian" means the same as that term is defined in Section 53B-8-102.
- 942 [~~2~~] (3) "Educator" means:
- 943 (a) a person who holds a license;
- 944 (b) a teacher, counselor, administrator, librarian, or other person required, under rules of
 945 the state board, to hold a license; or
- 946 (c) a person who is the subject of an allegation which has been received by an LEA, the
 947 state board, or UPPAC and was, at the time noted in the allegation, a license holder
 948 or a person employed in a position requiring licensure.
- 949 [~~3~~] (4) "License" means an authorization issued by the state board that permits the holder

950 to serve in a professional capacity in the public schools.

951 [~~(4)~~] (5) "National Board certification" means a current certificate issued by the National
952 Board for Professional Teaching Standards.

953 [~~(5)~~] (6) "School" means a public or private entity that provides educational services to a
954 minor child.

955 [~~(6)~~] (7) "UPPAC" means the Utah Professional Practices Advisory Commission.

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

957 **53E-6-204 . Exemptions from licensure.**

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

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

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

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

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

973 **53G-1-103 . Definitions.**

974 As used in this title[;] :

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

976 (2) [~~"electronic~~] "Electronic cigarette product" means the same as that term is defined in
977 Section 76-10-101.

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

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

980 **53G-6-306 . Permitting attendance by nonresident of the state -- Tuition.**

981 (1) As used in this section:

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

983 (b) "Eligible student" means a student who is a dependent child of a member of the

- 984 uniformed services or a DOD civilian who is:
- 985 (i)(A) relocating to the state and does not reside in the state during an LEA's
- 986 enrollment period; or
- 987 (B) relocating out of the state during the school year; and
- 988 (ii)(A) on permanent change of station orders; or
- 989 (B) relocating for a civilian assignment or position.
- 990 (c) "Nonresident child" means a child residing outside the state.
- 991 (d) "Provisional enrollment" means enrollment in a public school by an eligible student:
- 992 (i) before the eligible student relocates to the state; or
- 993 (ii) after the eligible student's parent relocates out of the state, but before the eligible
- 994 student relocates out of the state.
- 995 (e) "Uniformed services" means:
- 996 (i) the same as that term is defined in Section 68-3-12.5;
- 997 (ii) the reserve components of the armed forces; and
- 998 (iii) the national guard of a state.
- 999 (2)(a) An LEA may permit a nonresident child to attend school within the district,
- 1000 giving priority to a child of a [~~military service~~]member[~~, as that term is defined in~~
- 1001 ~~Section 53B-8-102~~] of the uniformed services or a DOD civilian.
- 1002 (b) With the exception of a child enrolled under Section 53G-6-707, a nonresident child
- 1003 is not included for the purpose of apportionment of state funds.
- 1004 (3)(a) An LEA shall charge a nonresident child who enrolls in a school within the LEA
- 1005 tuition in an amount at least equal to the per capita cost of the school program in
- 1006 which the nonresident child enrolls unless the LEA, in open meeting, determines to
- 1007 waive the charge for that nonresident child in whole or in part.
- 1008 (b) The official minutes of the meeting described in Subsection (3)(a) shall reflect the
- 1009 LEA's determination to waive the charge described in Subsection (3)(a).
- 1010 (4)(a) Notwithstanding anything to the contrary in Subsection (3), an LEA shall allow
- 1011 an eligible student to:
- 1012 (i) provisionally enroll in a public school in the LEA at the same time and in the same
- 1013 manner as individuals who reside in the state; or
- 1014 (ii) provisionally enroll in virtual education options that the LEA provides in the
- 1015 same manner as an individual residing in the state.
- 1016 (b) An LEA may not require proof of residency from an eligible student at the time the
- 1017 eligible student applies to enroll in a public school in the LEA.

1018 (c) An LEA shall require proof of residence within 10 days after the eligible student's
1019 first day of residence in the state.

1020 Section 20. Section **53G-6-402** is amended to read:

1021 **53G-6-402 . Open enrollment options -- Procedures -- Processing fee --**

1022 **Continuing enrollment.**

1023 (1) Each local school board is responsible for providing educational services consistent
1024 with Utah state law and rules of the state board for each student who resides in the
1025 district and, as provided in this section through Section 53G-6-407 and to the extent
1026 reasonably feasible, for any student who resides in another district in the state and
1027 desires to attend a school in the district, giving priority to a child of a military service
1028 member[~~, as that term is defined in 53B-8-102]~~ or a child of a DOD civilian.

1029 (2)(a) A school is open for enrollment of nonresident students if the enrollment level is
1030 at or below the open enrollment threshold.

1031 (b) If a school's enrollment falls below the open enrollment threshold, the local school
1032 board shall allow a nonresident student to enroll in the school.

1033 (3) A local school board may allow enrollment of nonresident students in a school that is
1034 operating above the open enrollment threshold.

1035 (4)(a) A local school board shall adopt policies describing procedures for nonresident
1036 students to follow in applying for entry into the district's schools.

1037 (b) Those procedures shall provide, as a minimum, for:

1038 (i) distribution to interested parties of information about the school or school district
1039 and how to apply for admission;

1040 (ii) use of standard application forms prescribed by the state board;

1041 (iii)(A) submission of applications from November 15 through the first Friday in
1042 February by those seeking admission during the early enrollment period for the
1043 following year; or

1044 (B) submission of applications from August 1 through November 1 by those
1045 seeking admission during the early enrollment period for the following year in
1046 a school district described in Subsection 53G-6-401(1)(b);

1047 (iv) submission of applications by those seeking admission during the late enrollment
1048 period;

1049 (v) notwithstanding any other provision of this part or Part 3, School District
1050 Residency, submission of applications for at least 30 days after the day on which a
1051 school boundary change takes effect for those affected by the school boundary

- 1052 change;
- 1053 (vi) written notification to the student's parent of acceptance or rejection of an
1054 application:
- 1055 (A) within six weeks after receipt of the application by the district or by March 31,
1056 whichever is later, for applications submitted during the early enrollment
1057 period;
- 1058 (B) within two weeks after receipt of the application by the district or by the
1059 Friday before the new school year begins, whichever is later, for applications
1060 submitted during the late enrollment period for admission in the next school
1061 year;
- 1062 (C) within two weeks after receipt of the application by the district, for
1063 applications submitted during the late enrollment period for admission in the
1064 current year; and
- 1065 (D) within two weeks after receipt of the application by the district, for
1066 applications submitted by students affected by a school district boundary
1067 change;
- 1068 (vii) written notification to the resident school for intradistrict transfers or the
1069 resident district for interdistrict transfers upon acceptance of a nonresident student
1070 for enrollment; and
- 1071 (viii) written notification to the parents of each student that resides within the school
1072 district and other interested parties of the revised early enrollment period
1073 described in Subsection 53G-6-401(1)(b) if:
- 1074 (A) the school district is doing a district wide grade reconfiguration of its
1075 elementary, middle, junior, and senior high schools; and
- 1076 (B) the grade reconfiguration described in Subsection (4)(b)(viii)(A) will be
1077 implemented in the next school year.
- 1078 (c)(i) Notwithstanding the dates established in Subsection (4)(b) for submitting
1079 applications and notifying parents of acceptance or rejection of an application, a
1080 local school board may delay the dates if a local school board is not able to make
1081 a reasonably accurate projection of the early enrollment school capacity or late
1082 enrollment school capacity of a school due to:
- 1083 (A) school construction or remodeling;
- 1084 (B) drawing or revision of school boundaries; or
- 1085 (C) other circumstances beyond the control of the local school board.

- 1086 (ii) The delay may extend no later than four weeks beyond the date the local school
1087 board is able to make a reasonably accurate projection of the early enrollment
1088 school capacity or late enrollment school capacity of a school.
- 1089 (5) A school district may charge a one-time \$5 processing fee, to be paid at the time of
1090 application.
- 1091 (6) An enrolled nonresident student shall be permitted to remain enrolled in a school,
1092 subject to the same rules and standards as resident students, without renewed
1093 applications in subsequent years unless one of the following occurs:
- 1094 (a) the student graduates;
- 1095 (b) the student is no longer a Utah resident;
- 1096 (c) the student is suspended or expelled from school;
- 1097 (d) except for a student described in Subsection (6)(e), the district determines that
1098 enrollment within the school will exceed the school's open enrollment threshold; or
- 1099 (e) for a child of a military service member~~[, as that term is defined in Section 53B-8-102,]~~
1100 or a child of a DOD civilian who moves from temporary to permanent housing
1101 outside of the relevant school district boundaries following a permanent change of
1102 station:
- 1103 (i) in kindergarten through grade 10, the student completes the current school year; or
- 1104 (ii) in grades 11 and 12, the student graduates.
- 1105 (7)(a) Determination of which nonresident students will be excluded from continued
1106 enrollment in a school during a subsequent year under Subsection (6)(d) is based
1107 upon time in the school, with those most recently enrolled being excluded first and
1108 the use of a lottery system when multiple nonresident students have the same number
1109 of school days in the school.
- 1110 (b) Nonresident students who will not be permitted to continue their enrollment shall be
1111 notified no later than March 15 of the current school year.
- 1112 (8) The parent of a student enrolled in a school that is not the student's school of residence
1113 may withdraw the student from that school for enrollment in another public school by
1114 submitting notice of intent to enroll the student in:
- 1115 (a) the district of residence; or
- 1116 (b) another nonresident district.
- 1117 (9) Unless provisions have previously been made for enrollment in another school, a
1118 nonresident district releasing a student from enrollment shall immediately notify the
1119 district of residence, which shall enroll the student in the resident district and take such

1120 additional steps as may be necessary to ensure compliance with laws governing school
1121 attendance.

1122 (10)(a) Except as provided in Subsection (10)(c), a student who transfers between
1123 schools, whether effective on the first day of the school year or after the school year
1124 has begun, by exercising an open enrollment option under this section may not
1125 transfer to a different school during the same school year by exercising an open
1126 enrollment option under this section.

1127 (b) The restriction on transfers specified in Subsection (10)(a) does not apply to a
1128 student transfer made for health or safety reasons.

1129 (c) A local school board may adopt a policy allowing a student to exercise an open
1130 enrollment option more than once in a school year.

1131 (11) Notwithstanding Subsections (2) and (6)(d), a student who is enrolled in a school that
1132 is not the student's school of residence, because school bus service is not provided
1133 between the student's neighborhood and school of residence for safety reasons:

1134 (a) shall be allowed to continue to attend the school until the student finishes the highest
1135 grade level offered; and

1136 (b) shall be allowed to attend the middle school, junior high school, or high school into
1137 which the school's students feed until the student graduates from high school.

1138 (12) Notwithstanding any other provision of this part or Part 3, School District Residency, a
1139 student shall be allowed to enroll in any charter school or other public school in any
1140 district, including a district where the student does not reside, if the enrollment is
1141 necessary, as determined by the Division of Child and Family Services, to comply with
1142 the provisions of 42 U.S.C. [~~Section~~] Sec. 675.

1143 Section 21. Section **53G-6-502** is amended to read:

1144 **53G-6-502 . Eligible students.**

1145 (1) As used in this section:

1146 (a) "At capacity" means operating above the school's open enrollment threshold.

1147 (b) "COVID-19 emergency" means the spread of COVID-19 that the World Health
1148 Organization declared a pandemic on March 11, 2020.

1149 (c) "Open enrollment threshold" means the same as that term is defined in Section
1150 53G-6-401.

1151 (d) "Refugee" means a person who is eligible to receive benefits and services from the
1152 federal Office of Refugee Resettlement.

1153 (e) "School of residence" means the same as that term is defined in Section 53G-6-401.

- 1154 (2) All resident students of the state qualify for admission to a charter school, subject to the
1155 limitations set forth in this section and Section 53G-6-503.
- 1156 (3)(a) A charter school shall enroll:
- 1157 (i) a foster child residing in the same residence as an individual who is enrolled in the
1158 charter school; and
- 1159 (ii) an eligible student other than a child described in Subsection (3)(a)(i) who
1160 submits a timely application, unless the number of applications exceeds the
1161 capacity of a program, class, grade level, or the charter school.
- 1162 (b) If the number of applications described in Subsection (3)(a)(ii) exceeds the capacity
1163 of a program, class, grade level, or the charter school, the charter school shall select
1164 students on a random basis, except as provided in Subsections (4) through (8).
- 1165 (4) A charter school may give an enrollment preference to:
- 1166 (a) a child or grandchild of an individual who has actively participated in the
1167 development of the charter school;
- 1168 (b) a child or grandchild of a member of the charter school governing board;
- 1169 (c) a sibling of an individual who was previously or is presently enrolled in the charter
1170 school;
- 1171 (d) a child of an employee of the charter school;
- 1172 (e) a student articulating between charter schools offering similar programs that are
1173 governed by the same charter school governing board;
- 1174 (f) a student articulating from one charter school to another pursuant to an articulation
1175 agreement between the charter schools that is approved by the State Charter School
1176 Board;
- 1177 (g) an individual seeking enrollment in a charter school if:
- 1178 (i) the individual's sibling is a student enrolled in a charter school; and
- 1179 (ii) the charter school where the individual is seeking enrollment has an articulation
1180 agreement with the charter school where the sibling is enrolled that the State
1181 Charter School Board approves;
- 1182 (h) a student who resides within up to a two-mile radius of the charter school and whose
1183 school of residence is at capacity;
- 1184 (i) a child of a military service member~~[as defined in Section 53B-8-102]~~;
- 1185 (j) a child of a DOD civilian; or
- 1186 ~~[(j)]~~ (k) for the 2022-2023 school year, a student who withdraws from the charter school
1187 to attend an online school or home school for the 2020-2021 or 2021-2022 school

- 1188 years due to the COVID-19 emergency.
- 1189 (5)(a) Except as provided in Subsection (5)(b), and notwithstanding Subsection (4)(h), a
1190 charter school that is approved by the state board after May 13, 2014, and is located
1191 in a high growth area as defined in Section 53G-6-504 shall give an enrollment
1192 preference to a student who resides within a two-mile radius of the charter school.
- 1193 (b) The requirement to give an enrollment preference under Subsection (5)(a) does not
1194 apply to a charter school that was approved without a high priority status pursuant to
1195 Subsection 53G-6-504(7)(b).
- 1196 (6) If a district school converts to charter status, the charter school shall give an enrollment
1197 preference to students who would have otherwise attended it as a district school.
- 1198 (7)(a) A charter school whose mission is to enhance learning opportunities for refugees
1199 or children of refugee families may give an enrollment preference to refugees or
1200 children of refugee families.
- 1201 (b) A charter school whose mission is to enhance learning opportunities for English
1202 language learners may give an enrollment preference to English language learners.
- 1203 (8) A charter school may weight the charter school's lottery to give a slightly better chance
1204 of admission to educationally disadvantaged students, including:
- 1205 (a) low-income students;
1206 (b) students with disabilities;
1207 (c) English language learners;
1208 (d) migrant students;
1209 (e) neglected or delinquent students; and
1210 (f) homeless students.
- 1211 (9) A charter school may not discriminate in the charter school's admission policies or
1212 practices on the same basis as other public schools may not discriminate in admission
1213 policies and practices.

1214 Section 22. Section **58-1-102** is amended to read:

1215 **58-1-102 . Definitions.**

1216 As used in this title:

- 1217 (1) "Ablative procedure" means the same as that term is defined in Section 58-67-102.
1218 (2) "Cosmetic medical procedure":
1219 (a) means the same as that term is defined in Section 58-67-102; and
1220 (b) except for Chapter 67, Utah Medical Practice Act, and Chapter 68, Utah Osteopathic
1221 Medical Practice Act, does not apply to the scope of practice of an individual

- 1222 licensed under this title if the individual's scope of practice includes the authority to
1223 operate or perform surgical procedures.
- 1224 (3) "Cryolipolysis" means a nonablative fat reduction procedure that uses cold temperature
1225 to reduce fat deposits in certain areas of the body.
- 1226 (4) "Department" means the Department of Commerce.
- 1227 (5) "Director" means the director of the Division of Professional Licensing.
- 1228 (6) "Division" means the Division of Professional Licensing created in Section 58-1-103.
- 1229 (7) "DOD civilian" means the same as that term is defined in Section 53B-8-102.
- 1230 ~~[(7)]~~ (8) "Executive director" means the executive director of the Department of Commerce.
- 1231 ~~[(8)]~~ (9) "Licensee" includes any holder of a license, certificate, registration, permit, student
1232 card, or apprentice card authorized under this title.
- 1233 ~~[(9)]~~ (10)(a)(i) "Nonablative procedure" means a procedure that is expected or
1234 intended to alter living tissue, but not intended or expected to excise, vaporize,
1235 disintegrate, or remove living tissue.
- 1236 (ii) Notwithstanding Subsection ~~[(8)(a)(i)]~~ (10)(a)(i), nonablative procedure includes
1237 hair removal and cryolipolysis.
- 1238 (b) "Nonablative procedure" does not include:
- 1239 (i) a superficial procedure;
- 1240 (ii) the application of permanent make-up; or
- 1241 (iii) the use of photo therapy and lasers for neuromusculoskeletal treatments that are
1242 performed by an individual licensed under this title who is acting within their
1243 scope of practice.
- 1244 ~~[(10)]~~ (11) "Pain clinic" means:
- 1245 (a) a clinic that advertises its primary purpose is the treatment of chronic pain; or
- 1246 (b) a clinic in which greater than 50% of the clinic's annual patient population receive
1247 treatment primarily for non-terminal chronic pain using Schedule II-III controlled
1248 substances.
- 1249 ~~[(11)]~~ (12) "Superficial procedure" means a procedure that is expected or intended to
1250 temporarily alter living skin tissue and may excise or remove stratum corneum but have
1251 no appreciable risk of damage to any tissue below the stratum corneum.
- 1252 ~~[(12)]~~ (13) "Telemedicine service" means the same as that term is defined in Section
1253 26B-4-704.
- 1254 ~~[(13)]~~ (14) "Unlawful conduct" means the same as that term is defined in Subsection
1255 58-1-501(1).

1256 [(14)] (15) "Unprofessional conduct" means the same as that term is defined in Subsection
1257 58-1-501(2).

1258 Section 23. Section **58-1-307** is amended to read:

1259 **58-1-307 . Exemptions from licensure.**

1260 (1) Except as otherwise provided by statute or rule, the following individuals may engage in
1261 the practice of their occupation or profession, subject to the stated circumstances and
1262 limitations, without being licensed under this title:

1263 (a) an individual serving in the armed forces of the United States, the United States
1264 Public Health Service, the United States Department of Veterans Affairs, or other
1265 federal agencies while engaged in activities regulated under this chapter as a part of
1266 employment with that federal agency if the individual holds a valid license to practice
1267 a regulated occupation or profession issued by any other state or jurisdiction
1268 recognized by the division;

1269 (b) a student engaged in activities constituting the practice of a regulated occupation or
1270 profession while in training in a recognized school approved by the division to the
1271 extent the activities are supervised by qualified faculty, staff, or designee and the
1272 activities are a defined part of the training program;

1273 (c) an individual engaged in an internship, residency, preceptorship, postceptorship,
1274 fellowship, apprenticeship, or on-the-job training program approved by the division
1275 while under the supervision of qualified individuals;

1276 (d) an individual residing in another state and licensed to practice a regulated occupation
1277 or profession in that state, who is called in for a consultation by an individual
1278 licensed in this state, and the services provided are limited to that consultation;

1279 (e) an individual who is invited by a recognized school, association, society, or other
1280 body approved by the division to conduct a lecture, clinic, or demonstration of the
1281 practice of a regulated occupation or profession if the individual does not establish a
1282 place of business or regularly engage in the practice of the regulated occupation or
1283 profession in this state;

1284 (f) an individual licensed under the laws of this state, other than under this title, to
1285 practice or engage in an occupation or profession, while engaged in the lawful,
1286 professional, and competent practice of that occupation or profession;

1287 (g) an individual licensed in a health care profession in another state who performs that
1288 profession while attending to the immediate needs of a patient for a reasonable period
1289 during which the patient is being transported from outside of this state, into this state,

- 1290 or through this state;
- 1291 (h) an individual licensed in another state or country who is in this state temporarily to
1292 attend to the needs of an athletic team or group, except that the practitioner may only
1293 attend to the needs of the athletic team or group, including all individuals who travel
1294 with the team or group in any capacity except as a spectator;
- 1295 (i) an individual licensed and in good standing in another state, who is in this state:
- 1296 (i) temporarily, under the invitation and control of a sponsoring entity;
- 1297 (ii) for a reason associated with a special purpose event, based upon needs that may
1298 exceed the ability of this state to address through its licensees, as determined by
1299 the division; and
- 1300 (iii) for a limited period of time not to exceed the duration of that event, together with
1301 any necessary preparatory and conclusionary periods; and
- 1302 (j) the spouse of an individual serving in the armed forces of the United States or the
1303 spouse of a DOD civilian while the individual or DOD civilian is stationed within
1304 this state, provided:
- 1305 (i) the spouse holds a valid license to practice a regulated occupation or profession
1306 issued by any other state or jurisdiction recognized by the division; and
- 1307 (ii) the license is current and the spouse is in good standing in the state of licensure.
- 1308 (2)(a) A practitioner temporarily in this state who is exempted from licensure under
1309 Subsection (1) shall comply with each requirement of the licensing jurisdiction from
1310 which the practitioner derives authority to practice.
- 1311 (b) Violation of a limitation imposed by this section constitutes grounds for removal of
1312 exempt status, denial of license, or other disciplinary proceedings.
- 1313 (3) An individual who is licensed under a specific chapter of this title to practice or engage
1314 in an occupation or profession may engage in the lawful, professional, and competent
1315 practice of that occupation or profession without additional licensure under other
1316 chapters of this title, except as otherwise provided by this title.
- 1317 (4) Upon the declaration of a national, state, or local emergency, a public health emergency
1318 as defined in Section 26B-7-301, or a declaration by the president of the United States or
1319 other federal official requesting public health-related activities, the division in
1320 collaboration with the relevant board may:
- 1321 (a) suspend the requirements for permanent or temporary licensure of individuals who
1322 are licensed in another state for the duration of the emergency while engaged in the
1323 scope of practice for which they are licensed in the other state;

- 1324 (b) modify, under the circumstances described in this Subsection (4) and Subsection (5),
1325 the scope of practice restrictions under this title for individuals who are licensed
1326 under this title as:
- 1327 (i) a physician under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah
1328 Osteopathic Medical Practice Act;
 - 1329 (ii) a nurse under Chapter 31b, Nurse Practice Act, or Chapter 31e, Nurse Licensure
1330 Compact - Revised;
 - 1331 (iii) a certified nurse midwife under Chapter 44a, Nurse Midwife Practice Act;
 - 1332 (iv) a pharmacist, pharmacy technician, or pharmacy intern under Chapter 17b,
1333 Pharmacy Practice Act;
 - 1334 (v) a respiratory therapist under Chapter 57, Respiratory Care Practices Act;
 - 1335 (vi) a dentist and dental hygienist under Chapter 69, Dentist and Dental Hygienist
1336 Practice Act; and
 - 1337 (vii) a physician assistant under Chapter 70a, Utah Physician Assistant Act;
- 1338 (c) suspend the requirements for licensure under this title and modify the scope of
1339 practice in the circumstances described in this Subsection (4) and Subsection (5) for
1340 medical services personnel or paramedics required to be licensed under Section
1341 53-2d-402;
- 1342 (d) suspend requirements in Subsections 58-17b-620(3) through (6) which require
1343 certain prescriptive procedures;
- 1344 (e) exempt or modify the requirement for licensure of an individual who is activated as a
1345 member of a medical reserve corps during a time of emergency as provided in
1346 Section 26A-1-126;
- 1347 (f) exempt or modify the requirement for licensure of an individual who is registered as
1348 a volunteer health practitioner as provided in Title 26B, Chapter 4, Part 8, Uniform
1349 Emergency Volunteer Health Practitioners Act; and
- 1350 (g) in accordance with rules made by the division in accordance with Title 63G, Chapter
1351 3, Utah Administrative Rulemaking Act, exempt or modify the requirements for
1352 licensure of an individual engaged in one or more of the construction trades described
1353 in Chapter 55, Utah Construction Trades Licensing Act.
- 1354 (5) Individuals exempt under Subsection (4)(c) and individuals operating under modified
1355 scope of practice provisions under Subsection (4)(b):
- 1356 (a) are exempt from licensure or subject to modified scope of practice for the duration of
1357 the emergency;

- 1358 (b) must be engaged in the distribution of medicines or medical devices in response to
1359 the emergency or declaration; and
- 1360 (c) must be employed by or volunteering for:
- 1361 (i) a local or state department of health; or
- 1362 (ii) a host entity as defined in Section 26B-4-801.
- 1363 (6) In accordance with the protocols established under Subsection (8), upon the declaration
1364 of a national, state, or local emergency, the Department of Health and Human Services
1365 or a local health department shall coordinate with public safety authorities as defined in
1366 Subsection 26B-7-323(1) and may:
- 1367 (a) use a vaccine, antiviral, antibiotic, or other prescription medication that is not a
1368 controlled substance to prevent or treat a disease or condition that gave rise to, or was
1369 a consequence of, the emergency; or
- 1370 (b) distribute a vaccine, antiviral, antibiotic, or other prescription medication that is not a
1371 controlled substance:
- 1372 (i) if necessary, to replenish a commercial pharmacy in the event that the commercial
1373 pharmacy's normal source of the vaccine, antiviral, antibiotic, or other prescription
1374 medication is exhausted; or
- 1375 (ii) for dispensing or direct administration to treat the disease or condition that gave
1376 rise to, or was a consequence of, the emergency by:
- 1377 (A) a pharmacy;
- 1378 (B) a prescribing practitioner;
- 1379 (C) a licensed health care facility;
- 1380 (D) a federally qualified community health clinic; or
- 1381 (E) a governmental entity for use by a community more than 50 miles from a
1382 person described in Subsections (6)(b)(ii)(A) through (D).
- 1383 (7) In accordance with protocols established under Subsection (8), upon the declaration of a
1384 national, state, or local emergency, the Department of Health and Human Services shall
1385 coordinate the distribution of medications:
- 1386 (a) received from the strategic national stockpile to local health departments; and
- 1387 (b) from local health departments to emergency personnel within the local health
1388 departments' geographic region.
- 1389 (8) The Department of Health and Human Services shall establish by rule, made in
1390 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, protocols
1391 for administering, dispensing, and distributing a vaccine, an antiviral, an antibiotic, or

- 1392 other prescription medication that is not a controlled substance in the event of a
1393 declaration of a national, state, or local emergency. The protocol shall establish
1394 procedures for the Department of Health and Human Services or a local health
1395 department to:
- 1396 (a) coordinate the distribution of:
- 1397 (i) a vaccine, an antiviral, an antibiotic, or other prescription medication that is not a
1398 controlled substance received by the Department of Health and Human Services
1399 from the strategic national stockpile to local health departments; and
- 1400 (ii) a vaccine, an antiviral, an antibiotic, or other non-controlled prescription
1401 medication received by a local health department to emergency personnel within
1402 the local health department's geographic region;
- 1403 (b) authorize the dispensing, administration, or distribution of a vaccine, an antiviral, an
1404 antibiotic, or other prescription medication that is not a controlled substance to the
1405 contact of a patient without a patient-practitioner relationship, if the contact's
1406 condition is the same as that of the physician's or physician assistant's patient; and
- 1407 (c) authorize the administration, distribution, or dispensing of a vaccine, an antiviral, an
1408 antibiotic, or other non-controlled prescription medication to an individual who:
- 1409 (i) is working in a triage situation;
- 1410 (ii) is receiving preventative or medical treatment in a triage situation;
- 1411 (iii) does not have coverage for the prescription in the individual's health insurance
1412 plan;
- 1413 (iv) is involved in the delivery of medical or other emergency services in response to
1414 the declared national, state, or local emergency; or
- 1415 (v) otherwise has a direct impact on public health.
- 1416 (9) The Department of Health and Human Services shall give notice to the division upon
1417 implementation of the protocol established under Subsection (8).
- 1418 Section 24. Section **61-1-32** is amended to read:
- 1419 **61-1-32 . Exemptions from licensure.**
- 1420 (1) As used in this section, "DOD civilian" means the same as that term is defined in
1421 Section 53B-8-102.
- 1422 (2) Except as otherwise provided by statute or rule, the following individuals may
1423 engage in the practice of an occupation or profession regulated by this chapter, subject
1424 to the stated circumstances and limitations, without being licensed under this chapter:
- 1425 [(+) (a) an individual licensed under the laws of this state, other than under this chapter,

1426 to practice or engage in an occupation or profession, while engaged in the lawful,
 1427 professional, and competent practice of that occupation or profession;
 1428 ~~[(2)]~~ (b) an individual serving in the armed forces of the United States, the United States
 1429 Public Health Service, the United States Department of Veterans Affairs, or any other
 1430 federal agency while engaged in activities regulated under this title as a part of
 1431 employment with that federal agency if the individual holds a valid license to practice
 1432 the regulated occupation or profession issued by any other state or jurisdiction
 1433 recognized by the department; and
 1434 ~~[(3)]~~ (c) the spouse of an individual serving in the armed forces of the United States or
 1435 the spouse of a DOD civilian while the individual or DOD civilian is stationed within
 1436 this state, if:
 1437 ~~[(a)]~~ (i) the spouse holds a valid license to practice the regulated occupation or
 1438 profession issued by any other state or jurisdiction recognized by the department;
 1439 and
 1440 ~~[(b)]~~ (ii) the license is current and the spouse is in good standing in the state or
 1441 jurisdiction of licensure.

1442 Section 25. Section **61-2f-102** is amended to read:

1443 **61-2f-102 . Definitions.**

1444 As used in this chapter:

- 1445 (1) "Associate broker" means an individual who is:
 1446 (a) employed or engaged as an independent contractor by or on behalf of a principal
 1447 broker to perform an act described in Subsection ~~[(20)]~~ (21) for valuable
 1448 consideration; and
 1449 (b) licensed under this chapter as an associate broker.
 1450 (2) "Branch broker" means an associate broker who manages a principal broker's branch
 1451 office under the supervision of the principal broker.
 1452 (3) "Branch office" means a principal broker's real estate brokerage office that is not the
 1453 principal broker's main office.
 1454 (4) "Business day" means a day other than:
 1455 (a) a Saturday;
 1456 (b) a Sunday; or
 1457 (c) a federal or state holiday.
 1458 (5) "Business opportunity" means the sale, lease, or exchange of any business that includes
 1459 an interest in real estate.

- 1460 (6) "Commission" means the Real Estate Commission established under this chapter.
- 1461 (7) "Concurrence" means the entities given a concurring role must jointly agree for action
1462 to be taken.
- 1463 (8) "Condominium homeowners' association" means the condominium unit owners acting
1464 as a group in accordance with declarations and bylaws.
- 1465 (9)(a) "Condominium hotel" means one or more condominium units that are operated as
1466 a hotel.
- 1467 (b) "Condominium hotel" does not mean a hotel consisting of condominium units, all of
1468 which are owned by a single entity.
- 1469 (10) "Condominium unit" means the same as that term is defined in Section 57-8-3.
- 1470 (11) "Director" means the director of the Division of Real Estate.
- 1471 (12) "Division" means the Division of Real Estate.
- 1472 (13) "DOD civilian" means the same as that term is defined in Section 53B-8-102.
- 1473 [~~(13)~~] (14) "Dual broker" means a principal broker of a real estate sales brokerage who
1474 obtains from the division a dual broker license in order to function as the principal
1475 broker of a property management company that is a separate entity from the real estate
1476 sales brokerage.
- 1477 [~~(14)~~] (15) "Entity" means:
- 1478 (a) a corporation;
- 1479 (b) a partnership;
- 1480 (c) a limited liability company;
- 1481 (d) a company;
- 1482 (e) an association;
- 1483 (f) a joint venture;
- 1484 (g) a business trust;
- 1485 (h) a trust; or
- 1486 (i) any organization similar to an entity described in Subsections (14)(a) through (h).
- 1487 [~~(15)~~] (16) "Executive director" means the director of the Department of Commerce.
- 1488 [~~(16)~~] (17) "Foreclosure rescue" means, for compensation or with the expectation of
1489 receiving valuable consideration, to:
- 1490 (a) engage, or offer to engage, in an act that:
- 1491 (i) the person represents will assist a borrower in preventing a foreclosure; and
- 1492 (ii) relates to a transaction involving the transfer of title to residential real property; or
- 1493 (b) as an employee or agent of another person:

- 1494 (i) solicit, or offer that the other person will engage in an act described in Subsection
1495 (16)(a); or
- 1496 (ii) negotiate terms in relationship to an act described in Subsection (16)(a).
- 1497 ~~[(17)]~~ (18) "Loan modification assistance" means, for compensation or with the expectation
1498 of receiving valuable consideration, to:
- 1499 (a) act, or offer to act, on behalf of a person to:
- 1500 (i) obtain a loan term of a residential mortgage loan that is different from an existing
1501 loan term including:
- 1502 (A) an increase or decrease in an interest rate;
- 1503 (B) a change to the type of interest rate;
- 1504 (C) an increase or decrease in the principal amount of the residential mortgage
1505 loan;
- 1506 (D) a change in the number of required period payments;
- 1507 (E) an addition of collateral;
- 1508 (F) a change to, or addition of, a prepayment penalty;
- 1509 (G) an addition of a cosigner; or
- 1510 (H) a change in persons obligated under the existing residential mortgage loan; or
- 1511 (ii) substitute a new residential mortgage loan for an existing residential mortgage
1512 loan; or
- 1513 (b) as an employee or agent of another person:
- 1514 (i) solicit, or offer that the other person will engage in an act described in Subsection [
1515 ~~(17)(a)]~~ (18)(a); or
- 1516 (ii) negotiate terms in relationship to an act described in Subsection ~~[(17)(a)]~~ (18)(a).
- 1517 ~~[(18)]~~ (19) "Main office" means the address which a principal broker designates with the
1518 division as the principal broker's primary brokerage office.
- 1519 ~~[(19)]~~ (20) "Person" means an individual or entity.
- 1520 ~~[(20)]~~ (21) "Principal broker" means an individual who is licensed or required to be licensed
1521 as a principal broker under this chapter who:
- 1522 (a) sells or lists for sale real estate, including real estate being sold as part of a
1523 foreclosure rescue, or a business opportunity with the expectation of receiving
1524 valuable consideration;
- 1525 (b) buys, exchanges, or auctions real estate, an option on real estate, a business
1526 opportunity, or an improvement on real estate with the expectation of receiving
1527 valuable consideration;

- 1528 (c) advertises, offers, attempts, or otherwise holds the individual out to be engaged in the
1529 business described in Subsection [~~(20)(a)~~] (21)(a) or (b);
- 1530 (d) is employed by or on behalf of the owner of real estate or by a prospective purchaser
1531 of real estate and performs an act described in Subsection [~~(20)(a)~~] (21)(a), whether
1532 the individual's compensation is at a stated salary, a commission basis, upon a salary
1533 and commission basis, or otherwise;
- 1534 (e) with the expectation of receiving valuable consideration, manages property owned by
1535 another person;
- 1536 (f) advertises or otherwise holds the individual out to be engaged in property
1537 management;
- 1538 (g) with the expectation of receiving valuable consideration, assists or directs in the
1539 procurement of prospects for or the negotiation of a transaction listed in Subsections [
1540 ~~(20)(a)~~] (21)(a) and (e);
- 1541 (h) except for a mortgage lender, title insurance producer, or an employee of a mortgage
1542 lender or title insurance producer, assists or directs in the closing of a real estate
1543 transaction with the expectation of receiving valuable consideration;
- 1544 (i) engages in foreclosure rescue; or
- 1545 (j) advertises, offers, attempts, or otherwise holds the person out as being engaged in
1546 foreclosure rescue.
- 1547 [~~(21)~~] (22)(a) "Property management" means engaging in, with the expectation of
1548 receiving valuable consideration, the management of real estate owned by another
1549 person or advertising or otherwise claiming to be engaged in property management
1550 by:
- 1551 (i) advertising for, arranging, negotiating, offering, or otherwise attempting or
1552 participating in a transaction calculated to secure the rental or leasing of real estate;
- 1553 (ii) collecting, agreeing, offering, or otherwise attempting to collect rent for the real
1554 estate and accounting for and disbursing the money collected; or
- 1555 (iii) authorizing expenditures for repairs to the real estate.
- 1556 (b) "Property management" does not include:
- 1557 (i) hotel or motel management;
- 1558 (ii) rental of tourist accommodations, including hotels, motels, tourist homes,
1559 condominiums, condominium hotels, mobile home park accommodations,
1560 campgrounds, or similar public accommodations for a period of less than 30
1561 consecutive days, and the management activities associated with these rentals; or

1562 (iii) the leasing or management of surface or subsurface minerals or oil and gas
1563 interests, if the leasing or management is separate from a sale or lease of the
1564 surface estate.

1565 ~~[(22)]~~ (23) "Property management sales agent" means a sales agent who:

1566 (a) is affiliated with a dual broker through the dual broker's property management
1567 company; and

1568 (b) is designated by the dual broker as a property management sales agent.

1569 ~~[(23)]~~ (24) "Real estate" includes leaseholds and business opportunities involving real
1570 property.

1571 ~~[(24)]~~ (25)(a) "Regular salaried employee" means an individual who performs a service
1572 for wages or other remuneration, whose employer withholds federal employment
1573 taxes under a contract of hire, written or oral, express or implied.

1574 (b) "Regular salaried employee" does not include an individual who performs services
1575 on a project-by-project basis or on a commission basis.

1576 ~~[(25)]~~ (26) "Reinstatement" means restoring a license that has expired or has been
1577 suspended.

1578 ~~[(26)]~~ (27) "Reissuance" means the process by which a licensee may obtain a license
1579 following revocation of the license.

1580 ~~[(27)]~~ (28) "Renewal" means extending a license for an additional licensing period on or
1581 before the date the license expires.

1582 ~~[(28)]~~ (29) "Sales agent" means an individual who is:

1583 (a) affiliated with a principal broker, either as an independent contractor or an employee
1584 as provided in Section 61-2f-303, to perform for valuable consideration an act
1585 described in Subsection ~~[(20)]~~ (21); and

1586 (b) licensed under this chapter as a sales agent.

1587 ~~[(29)]~~ (30) "Vulnerable adult" means the same as that term is defined in Section 26B-6-201.

1588 Section 26. Section **61-2f-202** is amended to read:

1589 **61-2f-202 . Exempt persons and transactions.**

1590 (1)(a) Except as provided in Subsection (1)(b), a license under this chapter is not
1591 required for:

1592 (i) a person who as owner or lessor performs an act described in Subsection [
1593 ~~61-2f-102(20)]~~ 61-2f-102(21) with reference to real estate owned or leased by that
1594 person;

1595 (ii) a regular salaried employee of the owner or lessor of real estate who, with

- 1596 reference to nonresidential real estate owned or leased by the employer, performs
1597 an act described in Subsection [~~61-2f-102(20)(b)~~] 61-2f-102(21)(b) or (c);
- 1598 (iii) a regular salaried employee of the owner of real estate who performs property
1599 management services with reference to real estate owned by the employer, except
1600 that the employee may only manage real estate for one employer;
- 1601 (iv) an individual who performs property management services for the apartments at
1602 which that individual resides in exchange for free or reduced rent on that
1603 individual's apartment;
- 1604 (v) a regular salaried employee of a condominium homeowners' association who
1605 manages real estate subject to the declaration of condominium that established the
1606 condominium homeowners' association, except that the employee may only
1607 manage real estate for one condominium homeowners' association;
- 1608 (vi) a regular salaried employee of a licensed property management company or real
1609 estate brokerage who performs support services, as prescribed by rule, for the
1610 property management company or real estate brokerage; or
- 1611 (vii) in the event a principal broker dies, is incapacitated, or is unable to perform the
1612 duties of a principal broker, an individual qualified and designated as the
1613 commission determines by rule made in accordance with Title 63G, Chapter 3,
1614 Utah Administrative Rulemaking Act, with the concurrence of the division, as an
1615 acting principal broker:
- 1616 (A) in relation to each transaction pending on the day on which the principal
1617 broker dies, becomes incapacitated, or becomes unable to perform the duties of
1618 a principal broker, including the distribution of compensation for each
1619 transaction; and
- 1620 (B) until the day on which each transaction described in Subsection (1)(a)(vii)(A)
1621 is completed.
- 1622 (b) Subsection (1)(a) does not exempt from licensing:
- 1623 (i) an employee engaged in the sale of real estate regulated under:
- 1624 (A) Title 57, Chapter 11, Utah Uniform Land Sales Practices Act; or
1625 (B) Title 57, Chapter 19, Timeshare and Camp Resort Act;
- 1626 (ii) an employee engaged in the sale of cooperative interests regulated under Title 57,
1627 Chapter 23, Real Estate Cooperative Marketing Act; or
- 1628 (iii) an individual whose interest as an owner or lessor is obtained by that individual
1629 or transferred to that individual for the purpose of evading the application of this

- 1630 chapter, and not for another legitimate business reason.
- 1631 (2) A license under this chapter is not required for:
- 1632 (a) an isolated transaction or service by an individual holding an unsolicited, duly
1633 executed power of attorney from a property owner;
- 1634 (b) subject to Subsection 61-2f-401(5), services rendered by an attorney admitted to
1635 practice law in this state in performing the attorney's duties as an attorney;
- 1636 (c) a receiver, trustee in bankruptcy, administrator, executor, or an individual acting
1637 under order of a court;
- 1638 (d) a trustee or employee of a trustee under a deed of trust or a will;
- 1639 (e) a public utility, officer of a public utility, or regular salaried employee of a public
1640 utility, unless performance of an act described in Subsection [61-2f-102(20)]
1641 61-2f-102(21) is in connection with the sale, purchase, lease, or other disposition of
1642 real estate or investment in real estate unrelated to the principal business activity of
1643 that public utility;
- 1644 (f) a regular salaried employee or authorized agent working under the oversight of the
1645 Department of Transportation when performing an act on behalf of the Department of
1646 Transportation in connection with one or more of the following:
- 1647 (i) the acquisition of real estate pursuant to Section 72-5-103;
- 1648 (ii) the disposal of real estate pursuant to Section 72-5-111;
- 1649 (iii) services that constitute property management; or
- 1650 (iv) the leasing of real estate; and
- 1651 (g) a regular salaried employee of a county, city, or town when performing an act on
1652 behalf of the county, city, or town:
- 1653 (i) in accordance with:
- 1654 (A) if a regular salaried employee of a city or town:
- 1655 (I) Title 10, Utah Municipal Code; or
- 1656 (II) Title 11, Cities, Counties, and Local Taxing Units; and
- 1657 (B) if a regular salaried employee of a county:
- 1658 (I) Title 11, Cities, Counties, and Local Taxing Units; and
- 1659 (II) Title 17, Counties; and
- 1660 (ii) in connection with one or more of the following:
- 1661 (A) the acquisition of real estate, including by eminent domain;
- 1662 (B) the disposal of real estate;
- 1663 (C) services that constitute property management; or

- 1664 (D) the leasing of real estate.
- 1665 (3) A license under this chapter is not required for an individual registered to act as a
1666 broker-dealer, agent, or investment adviser under the Utah and federal securities laws in
1667 the sale or the offer for sale of real estate if:
- 1668 (a)(i) the real estate is a necessary element of a "security" as that term is defined by
1669 the Securities Act of 1933 and the Securities Exchange Act of 1934; and
1670 (ii) the security is registered for sale in accordance with:
- 1671 (A) the Securities Act of 1933; or
1672 (B) Title 61, Chapter 1, Utah Uniform Securities Act; or
- 1673 (b)(i) it is a transaction in a security for which a Form D, described in 17 C.F.R. Sec.
1674 239.500, has been filed with the Securities and Exchange Commission pursuant to
1675 Regulation D, Rule 506, 17 C.F.R. Sec. 230.506; and
1676 (ii) the selling agent and the purchaser are not residents of this state.
- 1677 (4) Except as otherwise provided by statute or rule, the following individuals may engage in
1678 the practice of an occupation or profession regulated by this chapter, subject to the stated
1679 circumstances and limitations, without being licensed under this chapter:
- 1680 (a) an individual licensed under the laws of this state, other than under this chapter, to
1681 practice or engage in an occupation or profession, while engaged in the lawful,
1682 professional, and competent practice of that occupation or profession;
- 1683 (b) an individual serving in the armed forces of the United States, the United States
1684 Public Health Service, the United States Department of Veterans Affairs, or any other
1685 federal agency while engaged in activities regulated under this title as a part of
1686 employment with that federal agency if the individual holds a valid license to practice
1687 the regulated occupation or profession issued by any other state or jurisdiction
1688 recognized by the department; and
- 1689 (c) the spouse of an individual serving in the armed forces of the United States or the
1690 spouse of a DOD civilian while the individual or DOD civilian is stationed within
1691 this state, if:
- 1692 (i) the spouse holds a valid license to practice the regulated occupation or profession
1693 issued by any other state or jurisdiction recognized by the department; and
1694 (ii) the license is current and the spouse is in good standing in the state or jurisdiction
1695 of licensure.
- 1696 (5) As used in this section, "owner" does not include:
- 1697 (a) a person who holds an option to purchase real property;

- 1698 (b) a mortgagee;
- 1699 (c) a beneficiary under a deed of trust;
- 1700 (d) a trustee under a deed of trust; or
- 1701 (e) a person who owns or holds a claim that encumbers any real property or an
- 1702 improvement to the real property.
- 1703 (6) The commission, with the concurrence of the division, may provide, by rule made in
- 1704 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1705 circumstances under which a person or transaction qualifies for an exemption that is
- 1706 described in this section.
- 1707 Section 27. **Effective date.**
- 1708 This bill takes effect on May 7, 2025.