

1 **Certified Public Accountant Licensing Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor:

2
3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions relating to certified public accountants.

6 **Highlighted Provisions:**

7 This bill:

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

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 This bill provides a special effective date.

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **58-26a-102**, as last amended by Laws of Utah 2017, Chapter 229

24 **58-26a-201**, as enacted by Laws of Utah 2000, Chapter 261

25 **58-26a-302**, as last amended by Laws of Utah 2020, Chapter 339

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

27 **58-26a-306**, as last amended by Laws of Utah 2020, Chapter 339

28 **58-26a-501**, as last amended by Laws of Utah 2016, Chapter 238

29
30 *Be it enacted by the Legislature of the state of Utah:*

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

32 **58-26a-102 . Definitions.**

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

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

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

39 (3)(a) "Attest and attestation engagement" means providing any or all of the following [
40 ~~financial statement]services:~~41 (i) an audit or other engagement to be performed in accordance with the Statements
42 on Auditing Standards (SAS);43 (ii) a review of a financial statement to be performed in accordance with the
44 Statements on Standards for Accounting and Review Services (SSARS);45 (iii) an examination of prospective financial information to be performed in
46 accordance with the Statements on Standards for Attestation Engagements
47 (SSAE);48 (iv) an examination, review, or agreed upon procedures engagement to be performed
49 in accordance with the Statements on Standards for Attestation Engagements
50 (SSAE), other than an examination described in Subsection (3)(a)(iii); or

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

52 (b) The division shall adopt the standards specified in this definition:~~[shall be adopted]~~53 (i) that are developed for general application by recognized national accountancy
54 organizations such as the AICPA and the PCAOB; and55 (ii) by reference [by the division] under [its] the division's rulemaking authority in
56 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act[and
57 ~~shall be those developed for general application by recognized national~~
58 ~~accountancy organizations such as the AICPA and the PCAOB].~~

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

60 (5) "Certified Public Accountant" or "CPA" means an individual currently licensed by this
61 state or any other state, district, or territory of the United States of America to practice
62 public accountancy or who has been granted a license as a certified public accountant
63 under prior law or this chapter.64 (6) "Certified Public Accountant firm" or "CPA firm" means a qualified business entity
65 holding a valid registration as a Certified Public Accountant firm under this chapter.

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

- 100 (a) the AICPA Uniform CPA Examination;
- 101 (b) the AICPA Examination of Professional Ethics for CPAs;
- 102 (c) the Utah Laws and Rules Examination; and
- 103 (d) any other examination approved by the board and adopted by the division by rule in
- 104 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 105 (20)(a) "Report," when used with reference to financial statements, means:
- 106 (i) an opinion, report, or other form of language that:
- 107 (A) states or implies assurance as to the reliability of the attested information or
- 108 compiled financial statements; or
- 109 (B) implies that the [~~person~~] individual or firm issuing the report has special
- 110 knowledge or competence in accounting or auditing and specifically includes
- 111 compilations and reviews; such an implication of special knowledge or
- 112 competence may arise from use by the issuer of the report of names or titles
- 113 indicating that the person or firm is a public accountant or auditor, or from the
- 114 language of the report itself; or
- 115 (ii) any disclaimer of opinion:[-]
- 116 (A) [~~when it~~] that is conventionally understood to imply any positive assurance as
- 117 to the reliability of the attested information or compiled financial statements
- 118 referred to or language suggesting special competence on the part of the [~~person~~]
- 119 individual or firm issuing such language; and
- 120 (B) the report includes any other form of language that is conventionally
- 121 understood to imply such assurance or such special knowledge or competence.
- 122 (b) "Report" does not include a financial statement prepared by an unlicensed person if:
- 123 (i) that financial statement has a cover page [~~which~~] that includes essentially the
- 124 following language: "I (we) have prepared the accompanying financial statements
- 125 of (name of entity) as of (time period) for the (period) then ended. This
- 126 presentation is limited to preparing, in the form of financial statements,
- 127 information that is the representation of management (owners). I (we) have not
- 128 audited or reviewed the accompanying financial statements and accordingly do
- 129 not express an opinion or any other form of assurance on them."; and
- 130 (ii) the cover page and any related footnotes do not use the terms "compilation,"
- 131 "review," "audit," "generally accepted auditing standards," "generally accepted
- 132 accounting principles," or other similar terms.
- 133 (21) "Review of financial statements" means providing a service in accordance with the

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

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

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

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

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

151 [~~(23)~~] (22) "Uniform Accountancy Act" means the model public accountancy legislation
 152 developed and promulgated by national accounting and regulatory associations that
 153 contains standardized definitions and regulations for the practice of public accounting as
 154 recognized by the division in collaboration with the board.

155 [~~(24)~~] (23) "Unlawful conduct" [~~is as~~] means the same as that term is defined in Sections
 156 58-1-501 and 58-26a-501.

157 [~~(25)~~] (24) "Unprofessional conduct" [~~is as~~] means the same as that term is defined in
 158 Sections 58-1-501 and 58-26a-502 and as may be further defined by rule.

159 [~~(26)~~] (25) "Year of experience" means 2,000 hours of experience:

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

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

163 **58-26a-201 . Board.**

164 (1) There is created the Utah Board of Accountancy consisting of four licensed certified
 165 public accountants and one member of the general public.

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

167 (3)(a) [~~The duties and responsibilities of the board shall be in accordance with~~] The

168 board shall perform the duties and responsibilities described in Sections 58-1-202 and
 169 58-1-203.[-]

170 (b) [~~In addition, the~~] The board shall designate one of [its] the board's members on a
 171 permanent or rotating basis to:

172 [(a)] (i) assist the division in reviewing complaints concerning the unlawful or
 173 unprofessional conduct of a licensee; and

174 [(b)] (ii) advise the division in [its] the division's investigation of these complaints.

175 (4) A board member who has, under Subsection (3), reviewed a complaint or advised in [its]
 176 the investigation of the complaint may be disqualified from participating with the board
 177 when the board serves as a presiding officer of an administrative proceeding concerning
 178 the complaint.

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

180 **58-26a-302 . Qualifications for licensure and registration -- Licensure by**
 181 **endorsement.**

182 (1) Each applicant for licensure under this chapter as a certified public accountant shall:

183 (a) submit an application in a form [~~prescribed by the division~~] the division approves by
 184 rule;

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

186 (c) submit a certified transcript of credits from an accredited institution acceptable to the
 187 board showing:

188 [(i) ~~successful completion of a total of 150 semester hours or 225 quarter hours of~~
 189 ~~collegiate-level education with a concentration in accounting, auditing, and~~
 190 ~~business;~~]

191 [(ii)] (i) successful completion of a [baccalaureate] bachelor's degree or its equivalent
 192 with a concentration of accounting and business at a college or university
 193 approved by the board; and

194 [(iii)] (ii) compliance with any other education requirements established by rule by the
 195 division in collaboration with the board in accordance with Title 63G, Chapter 3,
 196 Utah Administrative Rulemaking Act;

197 (d) submit evidence of [~~one year of~~]accounting experience in a form [~~prescribed by the~~
 198 ~~division~~] the division approves by rule;

199 (e) submit evidence of having successfully completed the qualifying examinations in
 200 accordance with Section 58-26a-306; and

201 (f) submit to an interview by the board, if requested, for the purpose of examining the

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

236 state, and who perform professional services in this state hold a valid license
 237 issued under Subsection 58-26a-301(2) or the corresponding provisions of prior
 238 law; and

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

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

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

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

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

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

251 **58-26a-305 . Exemptions from licensure.**

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

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

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

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

264 [~~(B) the person's license as a certified public accountant is from a state which the
 265 NASBA National Qualification Appraisal Service has not verified to be substantially
 266 equivalent to the CPA licensure requirements of the Uniform Accountancy Act and
 267 the person obtains from the NASBA National Qualification Appraisal Service
 268 verification that the person's CPA qualifications are substantially equivalent to the
 269 CPA licensure requirements of the Uniform Accountancy Act and Subsection~~

- 270 58-26a-302(1)(c)(i); and]
- 271 (a) an individual that:
- 272 (i) holds a valid license or permit in good standing as a certified public accountant or
- 273 equivalent issued by another state, if at the time the individual was licensed, the
- 274 individual showed evidence of having successfully completed the equivalent of
- 275 qualifying examinations required for that state; and
- 276 (ii) ~~[the person]~~consents, as a condition of the grant of ~~[this]~~ the privilege described
- 277 in Subsection (1)(a)(i):
- 278 (A) to personal and subject matter jurisdiction and disciplinary authority of the
- 279 division;
- 280 (B) to comply with this chapter and the rules made under this chapter;
- 281 (C) that in the event the license from the state of the ~~[person's]~~ individual's
- 282 principal place of business becomes invalid, the ~~[person]~~ individual shall cease
- 283 offering or rendering professional services in this state both individually and on
- 284 behalf of the firm; and
- 285 (D) to the appointment of the state board which issued the ~~[person's]~~ individual's
- 286 license as the ~~[person's]~~ individual's agent upon whom process may be served in
- 287 an action or proceeding brought by the division against the ~~[licensee]~~ individual;
- 288 ~~[(b) through December 31, 2012, a person licensed by any other state, district, or~~
- 289 ~~territory of the United States as a certified public accountant or its equivalent under~~
- 290 ~~another title while practicing in this state if:]~~
- 291 ~~[(i) the person does not qualify for a practice privilege under Subsection (1)(a);]~~
- 292 ~~[(ii) the practice is incidental to the person's regular practice outside of this state; and]~~
- 293 ~~[(iii) the person's temporary practice within the state is in conformity with this chapter~~
- 294 ~~and the rules established under this chapter;]~~
- 295 ~~[(e)]~~ (b) an officer, member, partner, or employee of any entity or organization who signs
- 296 any statement or report in reference to the financial affairs of the entity or
- 297 organization with a designation of that ~~[person's]~~ individual's position within the
- 298 entity or organization;
- 299 ~~[(d)]~~ (c) a public official or employee while performing ~~[his]~~ the public official's or
- 300 employee's official duties;
- 301 ~~[(e)]~~ (d) ~~[a person]~~ an individual using accounting or auditing skills, including the
- 302 preparation of tax returns, management advisory services, and the preparation of
- 303 financial statements without the issuance of reports; or

304 ~~[(f)]~~ (e) an employee of a CPA firm registered under this chapter or an assistant to a
 305 person licensed under this chapter, working under the supervision of a licensee, if:
 306 (i) neither the employee or assistant nor the licensed employer or registered CPA firm
 307 represents that the unlicensed ~~[person]~~ individual is a certified public accountant;
 308 and
 309 (ii) no accounting or financial statements are issued ~~[over]~~ in the unlicensed ~~[person's]~~
 310 individual's name.

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

317 (b) The division may revoke, suspend, or restrict an exemption granted under Subsection
 318 (1)(a)~~[-or (b)]~~, or place on probation or issue a public or private reprimand to a person
 319 exempted under those subsections for the reasons set forth in Subsection 58-1-401(2).

320 Section 5. Section **58-26a-306** is amended to read:

321 **58-26a-306 . Examination requirements.**

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

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

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

333 **58-26a-501 . Unlawful conduct.**

334 (1) "Unlawful conduct" includes:

335 ~~[(+)]~~ (a) using "certified public accountant," "public accountant," "CPA," or any other
 336 title, designation, words, letters, abbreviation, sign, card, or device tending to indicate
 337 that the ~~[person]~~ individual is a certified public accountant, unless that ~~[person]~~

- 338 individual:
- 339 [(a)] (i) has a current license as a certified public accountant issued under this chapter;
- 340 or
- 341 [(b)] (ii) [~~qualifies for a practice privilege as provided in~~] is exempt from licensure
- 342 under Subsection 58-26a-305(1)(a);
- 343 [(2)] (b) a firm assuming or using "certified public accountant," "CPA," or any other title,
- 344 designation, words, letters, abbreviation, sign, card, or device tending to indicate that
- 345 the firm is composed of certified public accountants unless each office of the firm in
- 346 this state:
- 347 [(a)] (i) is registered with the division; and
- 348 [(b)] (ii) meets the requirements of Subsections 58-26a-302(3)(a)(iii) and (iv);
- 349 [(3)] (c) signing or affixing to any accounting or financial statement the person's name or
- 350 any trade or assumed name used in that person's profession or business, with any
- 351 wording indicating that the person is an auditor, or with any wording indicating that
- 352 the person has expert knowledge in accounting or auditing, unless that person is
- 353 licensed under this chapter and all of the person's offices in this state for the practice
- 354 of public accountancy are maintained and registered as provided in this chapter; and
- 355 [(4)] (d) except as provided in Section 58-26a-305, engaging in the following conduct if
- 356 not licensed under this chapter to practice public accountancy:
- 357 [(a)] (i) issuing a report on financial statements of any other person, firm,
- 358 organization, or governmental unit; or
- 359 [(b)] (ii) issuing a report using any form of language substantially similar to
- 360 conventional language used by licensees respecting:
- 361 [(i)] (A) a review of financial statements; or
- 362 [(ii)] (B) a compilation of financial statements.
- 363 (2)(a) Except as provided in Subsection (2)(c), if, upon inspection or investigation, the
- 364 division concludes that a person has engaged in unlawful conduct and that
- 365 disciplinary action is appropriate, the division shall promptly issue a citation to the
- 366 person in accordance with this chapter and any pertinent division rules.
- 367 (b) A citation issued under Subsection (2)(a) shall:
- 368 (i) be in writing;
- 369 (ii) describe with particularity the nature of the violation, including a reference to the
- 370 statute or rule alleged to have been violated;
- 371 (iii) state that the recipient must notify the division in writing within 20 calendar days

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

- 406 (ii) bringing an action in a court with jurisdiction.
- 407 (b) A county attorney or the attorney general shall provide legal assistance and advice to
- 408 the director in an action to collect a fine.
- 409 (c) A court shall award reasonable attorney fees and costs to the prevailing party in an
- 410 action brought by the division to collect a fine.

411 Section 7. **Effective Date.**

412 This bill takes effect on January 1, 2026.