

Effective 5/13/2014

13-34-103 Definitions.

As used in this chapter:

- (1) "Agent" means any person who:
 - (a) owns an interest in or is employed by a proprietary school; and
 - (b)
 - (i) enrolls or attempts to enroll a resident of this state in a proprietary school;
 - (ii) offers to award educational credentials for remuneration on behalf of a proprietary school; or
 - (iii) holds himself out to residents of this state as representing a proprietary school for any purpose.
- (2)
 - (a) "Certificate of registration" means approval from the division to operate a school or institution in compliance with this chapter and rules adopted under this chapter.
 - (b) "Certificate of registration" does not mean an endorsement of the school or institution by either the division or the state.
- (3) "Division" means the Division of Consumer Protection.
- (4) "Educational credentials" means degrees, diplomas, certificates, transcripts, reports, documents, or letters of designation, marks, appellations, series of letters, numbers, or words which signify or appear to signify enrollment, attendance, progress, or satisfactory completion of the requirements or prerequisites for any educational program.
- (5) "Institution" means an individual, corporation, partnership, association, cooperative, or other legal entity.
- (6) "Offer" means to advertise, publicize, solicit, or encourage any person directly or indirectly.
- (7) "Operate" in this state means to:
 - (a) maintain a place of business in the state;
 - (b) solicit business in the state;
 - (c) conduct significant educational activities within the state; or
 - (d) offer or provide postsecondary instruction leading to a postsecondary degree or certificate to any number of Utah residents from a location outside the state by correspondence or any telecommunications or electronic media technology.
- (8) "Ownership" means:
 - (a) the controlling interest in a school, institution, or college; or
 - (b) if an entity holds the controlling interest in the school, institution, or college, the controlling interest in the entity that holds the controlling interest in the school, institution, or college.
- (9) "Postsecondary education" means education or educational services offered primarily to individuals who:
 - (a) have completed or terminated their secondary or high school education; or
 - (b) are beyond the age of compulsory school attendance.
- (10)
 - (a) "Proprietary school" means a private institution, including a business, modeling, paramedical, tax preparation, or trade or technical school, that offers postsecondary education:
 - (i) in consideration of the payment of tuition or fees; and
 - (ii) for the attainment of educational, professional, or vocational objectives.
 - (b) "Proprietary school" does not include an institution that is exempt from this chapter under Section 13-34-105.
- (11) "Utah institution" means a school or institution that:
 - (a) offers postsecondary education; and
 - (b) is headquartered or primarily operates in Utah.

Amended by Chapter 360, 2014 General Session