

31A-23b-209 Agency designations.

- (1) An organization shall be licensed as a navigator agency if the organization acts as a navigator.
- (2) A navigator agency that does business in the state shall designate an individual who is licensed under this chapter to act on the agency's behalf.
- (3) A navigator agency shall report to the commissioner, at intervals and in the form the commissioner establishes by rule:
 - (a) a new designation under Subsection (2); and
 - (b) a terminated designation under Subsection (2).
- (4)
 - (a) A navigator agency licensed under this chapter shall report to the commissioner the cause of termination of a designation if:
 - (i) the reason for termination is a reason described in Subsection 31A-23b-401(4)(b); or
 - (ii) the navigator agency has knowledge that the individual licensee engaged in an activity described in Subsection 31A-23b-401(4)(b) by:
 - (A) a court;
 - (B) a government body; or
 - (C) a self-regulatory organization, which the commissioner may define by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (b) The information provided to the commissioner under Subsection (4)(a) is a private record under Title 63G, Chapter 2, Government Records Access and Management Act.
 - (c) A navigator agency is immune from civil action, civil penalty, or damages if the agency complies in good faith with this Subsection (4) by reporting to the commissioner the cause of termination of a designation.
 - (d) A navigator agency is not immune from an action or resulting penalty imposed on the reporting agency as a result of proceedings brought by or on behalf of the department if the action is based on evidence other than the report submitted in compliance with this Subsection (4).
- (5) A navigator agency licensed under this chapter may act in a capacity for which it is licensed only through an individual who is licensed under this chapter to act in the same capacity.
- (6) A navigator agency licensed under this chapter shall designate and report to the commissioner, in accordance with any rule made by the commissioner, the name of the designated responsible licensed individual who has authority to act on behalf of the navigator agency in the matters pertaining to compliance with this title and orders of the commissioner.
- (7) If a navigator agency designates a licensee in reports submitted under Subsection (3) or (6), there is a rebuttable presumption that the designated licensee acts on behalf of the navigator agency.
- (8)
 - (a) When a license is held by a navigator agency, both the navigator agency itself and any individual designated under the navigator agency license are considered the holders of the navigator agency license for purposes of this section.
 - (b) If an individual designated under the navigator agency license commits an act or fails to perform a duty that is a ground for suspending, revoking, or limiting the navigator agency license, the commissioner may suspend, revoke, or limit the license of:
 - (i) the individual;
 - (ii) the navigator agency, if the navigator agency:
 - (A) is reckless or negligent in its supervision of the individual; or
 - (B) knowingly participates in the act or failure to act that is the ground for suspending, revoking, or limiting the license; or

(iii)

(A) the individual; and

(B) the navigator agency, if the agency meets the requirements of Subsection (8)(b)(ii).

Enacted by Chapter 341, 2013 General Session