

31A-40-302 Licensing process.

- (1) To apply for an initial or renewal license under this chapter, a person shall:
 - (a)
 - (i) submit an application with the commissioner on a form and in a manner the commissioner shall determine by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (ii) pay a license fee determined in accordance with Section 31A-3-103 that is not refunded if the application:
 - (A) is denied;
 - (B) does not comply with Section 31A-40-303; or
 - (C) if incomplete, is never completed by the person filing the application; or
 - (b) comply with Section 31A-40-303.
- (2) In the application described in Subsection (1)(a), the person shall provide:
 - (a) any name under which the professional employer organization will engage in a professional employer service;
 - (b) the address of the principal place of business of the professional employer organization;
 - (c) the address of each location the professional employer organization maintains in this state;
 - (d) the professional employer organization's federal taxpayer or employer identification number;
 - (e) the following information by jurisdiction of each name under which the professional employer organization operated in the five years preceding the day on which the person submits the application:
 - (i) the name;
 - (ii) an alternative name, if any;
 - (iii) a name of a predecessor; and
 - (iv) if known, a successor business entity;
 - (f) a statement of ownership that includes the name and evidence of the business experience of a person that, individually or acting in concert with one or more other persons, owns or controls, directly or indirectly, 10% or more of the equity interests of the professional employer organization;
 - (g) a statement of management that includes the name and evidence of the business experience of an individual who:
 - (i) serves as president of the professional employer organization;
 - (ii) serves as chief executive officer of the professional employer organization; or
 - (iii) may act as a senior executive officer of the professional employer organization; and
 - (h) a financial statement that:
 - (i) sets forth the financial condition of:
 - (A) the professional employer organization; or
 - (B) a professional employer organization group in which the professional employer organization is a member;
 - (ii) states whether or not the professional employer organization complies with Section 31A-40-205; and
 - (iii) complies with Section 31A-40-305.
- (3) A professional employer organization shall renew its license by no later than October 1 of each year.

Amended by Chapter 10, 2010 General Session