

**31A-40-304 Small operation license.**

- (1) A professional employer organization may obtain a small operation license under this chapter if the professional employer organization:
  - (a) files an application for a small operation license with the commissioner:
    - (i) 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) that includes the information and documentation the commissioner determines is necessary to show that the professional employer organization qualifies for a small operation license;
  - (b) pays a small operation license fee determined in accordance with Section 31A-3-103, that is not refunded if the application:
    - (i) is denied; or
    - (ii) if incomplete, is never completed by the person filing the application;
  - (c) is domiciled outside of this state;
  - (d) is licensed or registered as a professional employer organization in another state;
  - (e) does not maintain an office in this state or directly solicit a client that:
    - (i) is domiciled in this state; or
    - (ii) maintains a location within this state;
  - (f) does not have at any time more than 50 covered employees employed or domiciled in this state; and
  - (g) is not owned or directed by another professional employer organization operating in the state.
- (2)
  - (a) A small operation license is valid for one year.
  - (b) A professional employer organization may annually renew a small operation license.
- (3) A professional employer organization with a small operation license under this chapter is not subject to Section 31A-40-205.

Enacted by Chapter 318, 2008 General Session