

Part 3 Registration

38-11-301 Registration as a qualified beneficiary -- Initial regular assessment -- Affidavit.

- (1) A person licensed as of July 1, 1995, as a contractor under the provisions of Title 58, Chapter 55, Utah Construction Trades Licensing Act, in license classifications that regularly engage in providing qualified services shall be automatically registered as a qualified beneficiary upon payment of the initial assessment.
- (2) A person applying for licensure as a contractor after July 1, 1995, in license classifications that regularly engage in providing qualified services shall be automatically registered as a qualified beneficiary upon issuance of a license and payment of the initial assessment.
- (3)
 - (a) After July 1, 1995, any person providing qualified services as other than a contractor as provided in Subsection (1) or any person exempt from licensure under the provisions of Title 58, Chapter 55, Utah Construction Trades Licensing Act, may register as a qualified beneficiary by:
 - (i) submitting an application in a form prescribed by the division;
 - (ii) demonstrating registration with the Division of Corporations and Commercial Code as required by state law;
 - (iii) paying a registration fee determined by the division under Section 63J-1-504; and
 - (iv) paying the initial assessment established under Subsection (4), and any special assessment determined by the division under Subsection 38-11-206(1).
 - (b) A person who does not register under Subsection (1), (2), or (3)(a) shall be prohibited from recovering under the fund as a qualified beneficiary for work performed as qualified services while not registered with the fund.
- (4)
 - (a) An applicant shall pay an initial assessment determined by the division under Section 63J-1-504.
 - (b) The initial assessment to qualified registrants under Subsection (1) shall be made not later than July 15, 1995, and shall be paid no later than November 1, 1995.
 - (c) The initial assessment to qualified registrants under Subsections (2) and (3) shall be paid at the time of application for license or registration, however, beginning on May 1, 1996, only one initial assessment or special assessments thereafter shall be required for persons having multiple licenses under this section.
- (5) A person shall be considered to have been registered as a qualified beneficiary on January 1, 1995, for purposes of meeting the requirements of Subsection 38-11-204(1)(c)(ii) if the person:
 - (a)
 - (i) is licensed on or before July 1, 1995, as a contractor under the provisions of Title 58, Chapter 55, Utah Construction Trades Licensing Act, in license classifications that regularly engage in providing qualified services; or
 - (ii) provides qualified services after July 1, 1995, as other than a contractor as provided in Subsection (5)(a)(i) or is exempt from licensure under the provisions of Title 58, Chapter 55, Utah Construction Trades Licensing Act; and
 - (b) registers as a qualified beneficiary under Subsection (1) or (3) on or before November 1, 1995.

Amended by Chapter 183, 2009 General Session

38-11-302 Effective date and term of registration -- Penalty for failure to pay assessments -- Reinstatement.

- (1)
 - (a) A registration as a qualified beneficiary under this chapter is effective on the date the division receives the initial assessment of the qualified beneficiary.
 - (b) A registrant shall be required to renew the registrant's registration upon imposition of a special assessment under Subsection 38-11-206(1).
- (2) A registration automatically expires if a registrant fails to renew the registrant's registration as required under Subsection (1).
- (3) The division shall notify a qualified beneficiary in accordance with procedures established by rule when renewal of registration is required in connection with a special assessment.
- (4) The license renewal notice to a contractor shall notify the licensee that failure to renew the license will result in automatic expiration of the licensee's registration as a qualified beneficiary and of the limitations set forth in Subsection (6) on qualified beneficiaries whose registration has expired to make a claim upon the fund.
- (5) Registration may be reinstated by:
 - (a) submitting an application for reinstatement in a form prescribed by the division;
 - (b) paying a reinstatement fee determined by the division under Section 63J-1-504; and
 - (c) paying all unpaid assessments that were assessed during the period of the person's registration and all assessments made upon qualified beneficiaries during the period the applicant's registration was expired.
- (6)
 - (a) A qualified beneficiary whose registration expires loses all rights to make a claim upon the fund or receive compensation from the fund resulting from providing qualified service during the period of expiration.
 - (b) Except as provided by Section 58-55-401, a qualified beneficiary whose registration expires may make a claim upon the fund or receive compensation from the fund for qualified services provided during the period the qualified beneficiary was part of the fund.

Amended by Chapter 183, 2009 General Session