

Part 3 Licensing

58-26a-301 Licensure or registration required -- License and registration classifications.

- (1)
 - (a) A license is required for an individual to engage in the practice of public accounting, except as specifically provided in Section 58-26a-305 or 58-1-307.
 - (b) Registration with the division is required for a qualified business entity to engage in the practice of public accounting, except as specifically provided in Section 58-26a-305 or 58-1-307.
- (2)
 - (a) The division shall issue to an individual who qualifies under this chapter a license in the classification of Certified Public Accountant.
 - (b) The division shall issue to a qualified business entity which qualifies under this chapter a registration in the classification of Certified Public Accountant Firm.

Enacted by Chapter 261, 2000 General Session

58-26a-302 Qualifications for licensure and registration -- Licensure by endorsement.

- (1) Each applicant for licensure under this chapter as a certified public accountant shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) show evidence of good moral character;
 - (d) submit a certified transcript of credits from an accredited institution acceptable to the board showing:
 - (i) successful completion of a total of 150 semester hours or 225 quarter hours of collegiate level education with a concentration in accounting, auditing, and business;
 - (ii) a baccalaureate degree or its equivalent at a college or university approved by the board; and
 - (iii) compliance with any other education requirements established by rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (e) submit evidence of one year of accounting experience in a form prescribed by the division;
 - (f) submit evidence of having successfully completed the qualifying examinations in accordance with Section 58-26a-306; and
 - (g) submit to an interview by the board, if requested, for the purpose of examining the applicant's competence and qualifications for licensure.
- (2)
 - (a) The division may issue a license under this chapter to a person who holds a license as a certified public accountant issued by any other jurisdiction of the United States of America if the applicant for licensure by endorsement:
 - (i) submits an application in a form prescribed by the division;
 - (ii) pays a fee determined by the department under Section 63J-1-504;
 - (iii) shows evidence of good moral character;
 - (iv) submits to an interview by the board, if requested, for the purpose of examining the applicant's competence and qualifications for licensure; and
 - (v)

- (A)
 - (I) shows evidence of having passed the qualifying examinations; and
 - (II)
 - (Aa) meets the requirements for licensure which were applicable in this state at the time of the issuance of the applicant's license by the jurisdiction from which the original licensure by satisfactorily passing the AICPA Uniform CPA Examination was issued; or
 - (Bb) had four years of professional experience after passing the AICPA Uniform CPA Examination upon which the original license was based, within the 10 years immediately preceding the application for licensure by endorsement; or
 - (B) shows evidence that the applicant's education, examination record, and experience are substantially equivalent to the requirements of Subsection (1), as provided by rule.
 - (b) This Subsection (2) applies only to a person seeking to obtain a license issued by this state and does not apply to a person practicing as a certified public accountant in the state under Subsection 58-26a-305(1).
- (3)
- (a) Each applicant for registration as a Certified Public Accountant firm shall:
 - (i) submit an application in a form prescribed by the division;
 - (ii) pay a fee determined by the department under Section 63J-1-504;
 - (iii) have, notwithstanding any other provision of law, a simple majority of the ownership of the Certified Public Accountant firm, in terms of financial interests and voting rights of all partners, officers, shareholders, members, or managers, held by individuals who are certified public accountants, licensed under this chapter or another jurisdiction of the United States of America, and the partners, officers, shareholders, members, or managers, whose principal place of business is in this state, and who perform professional services in this state hold a valid license issued under Subsection 58-26a-301(2) or the corresponding provisions of prior law; and
 - (iv) meet any other requirements established by rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (b) Each separate location of a qualified business entity within the state seeking registration as a Certified Public Accountant firm shall register separately.
 - (c) A Certified Public Accountant firm may include owners who are not licensed under this chapter as outlined in Subsection (3)(a)(iii), provided that:
 - (i) the firm designates a licensee of this state who is responsible for the proper registration of the Certified Public Accountant firm and identifies that individual to the division; and
 - (ii) all nonlicensed owners are active individual participants in the CPA firm.

Amended by Chapter 183, 2009 General Session

58-26a-303 Term of license and registration -- Expiration -- Renewal.

- (1) The division shall issue each license and registration under this chapter in accordance with a two-year renewal cycle established by rule. The division may by rule extend or shorten a renewal cycle by as much as one year to stagger the renewal cycles it administers.
- (2) At the time of renewal a licensee shall show satisfactory evidence of each of the following renewal requirements:
 - (a) completion of qualified continuing education as required under Section 58-26a-304; and
 - (b) successful completion of a peer review meeting the requirements established by rule by the division in collaboration with the board.

- (3) Each license or registration automatically expires on the date shown on the license or registration unless it is renewed in accordance with Section 58-1-308.

Enacted by Chapter 261, 2000 General Session

58-26a-304 Continuing education.

- (1) As a condition precedent for a license renewal, each licensee shall, during each two-year licensure cycle or other cycle defined by rule, complete 80 hours of qualified continuing professional education in accordance with standards defined by rule.
- (2) If a renewal cycle is extended or shortened under Section 58-26a-303, the continuing education hours required for license renewal under this section shall be increased or decreased proportionally.
- (3)
 - (a) A licensee may request a waiver of the requirements of Subsection (1) for a period not exceeding three years by:
 - (i) submitting an application for waiver in a form approved by the division; and
 - (ii) demonstrating that the licensee will be engaged in activities or be subject to circumstances which prevent the licensee from meeting the requirements of Subsection (1) during the period of the waiver.
 - (b) An application for waiver shall be granted upon a showing of good cause.
 - (c) A licensee who is granted a waiver under this section shall complete 30 hours of continuing professional education within the six months immediately following the expiration of the waiver that includes at least 16 hours of continuing professional education focusing on auditing and accounting.

Amended by Chapter 265, 2008 General Session

58-26a-305 Exemptions from licensure.

- (1) In addition to the exemptions from licensure in Section 58-1-307, the following may engage in acts included within the definition of the practice of public accountancy, subject to the stated circumstances and limitations, without being licensed under this chapter:
 - (a) a person licensed by any other state, district, or territory of the United States as a certified public accountant or its equivalent under any other title while practicing in this state if:
 - (i) the person's principal place of business is not in this state; and
 - (A) the person's license as a certified public accountant is from any state which the National Association of State Boards of Accountancy (NASBA) National Qualification Appraisal Service has verified to be substantially equivalent to the CPA licensure requirements of the Uniform Accountancy Act; or
 - (B) the person's license as a certified public accountant is from a state which the NASBA National Qualification Appraisal Service has not verified to be substantially equivalent to the CPA licensure requirements of the Uniform Accountancy Act and the person obtains from the NASBA National Qualification Appraisal Service verification that the person's CPA qualifications are substantially equivalent to the CPA licensure requirements of the Uniform Accountancy Act and Subsection 58-26a-302(1)(d)(i); and
 - (ii) the person consents, as a condition of the grant of this privilege:
 - (A) to personal and subject matter jurisdiction and disciplinary authority of the division;
 - (B) to comply with this chapter and the rules made under this chapter;

- (C) that in the event the license from the state of the person's principal place of business becomes invalid, the person shall cease offering or rendering professional services in this state both individually and on behalf of the firm; and
- (D) to the appointment of the state board which issued the person's license as the person's agent upon whom process may be served in an action or proceeding brought by the division against the licensee;
- (b) through December 31, 2012, a person licensed by any other state, district, or territory of the United States as a certified public accountant or its equivalent under another title while practicing in this state if:
 - (i) the person does not qualify for a practice privilege under Subsection (1)(a);
 - (ii) the practice is incidental to the person's regular practice outside of this state; and
 - (iii) the person's temporary practice within the state is in conformity with this chapter and the rules established under this chapter;
- (c) an officer, member, partner, or employee of any entity or organization who signs any statement or report in reference to the financial affairs of the entity or organization with a designation of that person's position within the entity or organization;
- (d) a public official or employee while performing his official duties;
- (e) a person using accounting or auditing skills, including the preparation of tax returns, management advisory services, and the preparation of financial statements without the issuance of reports; or
- (f) an employee of a CPA firm registered under this chapter or an assistant to a person licensed under this chapter, working under the supervision of a licensee, if:
 - (i) neither the employee or assistant nor the licensed employer or registered CPA firm represents that the unlicensed person is a certified public accountant; and
 - (ii) no accounting or financial statements are issued over the unlicensed person's name.
- (2)
 - (a) Notwithstanding any other provision of law, a person who qualifies under Subsection (1)(a) has all the privileges of a licensee of this state and may engage in acts included within the definition of the practice of public accountancy, whether in person or by mail, telephone, or electronic means, based on a practice privilege in this state, and no notice, fee, or other submission shall be provided by that person.
 - (b) The division may revoke, suspend, or restrict an exemption granted under Subsection (1)(a) or (b), or place on probation or issue a public or private reprimand to a person exempted under those subsections for the reasons set forth in Subsection 58-1-401(2).

Amended by Chapter 265, 2008 General Session

58-26a-306 Examination requirements.

- (1) Before taking the qualifying examinations, an applicant shall:
 - (a) submit an application in a form approved by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) demonstrate completion of at least 135 semester hours or 200 quarter hours of the education requirement described in Subsection 58-26a-302(1)(d); and
 - (d) be approved by the board, or an organization designated by the board, to take the qualifying examinations.
- (2) A person must sit for and meet the conditioning requirements of the AICPA Uniform CPA Examination as established by the AICPA.

Amended by Chapter 440, 2013 General Session

58-26a-307 CPA emeritus status -- Renewal of license.

- (1) A person currently licensed as a certified public accountant may, on any renewal date of that license, apply for and obtain a transfer of that license to a status of CPA emeritus registration if:
 - (a)
 - (i) the licensee is at least 60 years of age as of the date of renewal;
 - (ii) the licensee has a disability; or
 - (iii) the board finds other good cause for believing that the licensee will not return to the practice of public accountancy;
 - (b) the licensee makes an application for transfer of status and registration and pays a registration fee determined by the department under Section 63J-1-504;
 - (c) the licensee, on application for transfer, certifies that the licensee will not engage in the practice of public accountancy while in the status of CPA emeritus registration; and
 - (d) the licensee is in good standing as a CPA and not subject to any order of revocation, suspension, or probation.
- (2) Each CPA emeritus registration shall be issued in accordance with a two-year renewal cycle established by rule.
- (3) CPA emeritus registrants may not engage in the practice of public accountancy.
- (4) CPA emeritus registrants are not required to fulfill the continuing professional education or peer review provisions of this chapter.
- (5) Each CPA emeritus registrant is responsible for renewing the registration, according to procedures that the division establishes by rule in collaboration with the board in accordance with Section 58-1-308.
- (6) A CPA emeritus registrant may reinstate the CPA license by:
 - (a) submitting an application in a form prescribed by the division;
 - (b) paying a fee determined by the department under Section 63J-1-504; and
 - (c) showing evidence of having completed the continuing professional education requirement established by rule.

Amended by Chapter 366, 2011 General Session