

**DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING ACT
AMENDMENTS**

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Paula F. Julander

This act provides that the Division of Occupational and Professional Licensing may not include home telephone numbers or home addresses on the lists of licensees it prepares that are made available to the general public.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

58-1-106, as renumbered and amended by Chapter 297, Laws of Utah 1993

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-1-106** is amended to read:

58-1-106. Division -- Duties, functions, and responsibilities.

(1) The duties, functions, and responsibilities of the division include the following:

~~[(+)]~~ (a) prescribing, adopting, and enforcing rules to administer this title;

~~[(2)]~~ (b) investigating the activities of any person whose occupation or profession is regulated or governed by the laws and rules administered and enforced by the division;

~~[(3)]~~ (c) subpoenaing witnesses, taking evidence, and requiring by subpoena duces tecum the production of any books, papers, documents, records, contracts, recordings, tapes, correspondence, or information relevant to an investigation upon a finding of sufficient need by the director or by his designee;

~~[(4)]~~ (d) taking administrative and judicial action against persons in violation of the laws and rules administered and enforced by the division, including the issuance of cease and desist orders;

~~[(5)]~~ (e) seeking injunctions and temporary restraining orders to restrain unauthorized



28 activity;

29 [~~(6)~~] (f) giving public notice of board meetings;

30 [~~(7)~~] (g) keeping records of board meetings, proceedings, and actions and making those
31 records available for public inspection upon request;

32 [~~(8)~~] (h) issuing, refusing to issue, revoking, suspending, renewing, refusing to renew,
33 or otherwise acting upon any license;

34 [~~(9)~~] (i) preparing and submitting to the governor and the Legislature an annual report
35 of the division's operations, activities, and goals;

36 [~~(10)~~] (j) preparing and submitting to the executive director a budget of the expenses
37 for the division;

38 [~~(11)~~] (k) establishing the time and place for the administration of examinations; and

39 [~~(12)~~] (l) preparing lists of licensees and making these lists available to the public at
40 cost upon request unless otherwise prohibited by state or federal law.

41 (2) The division may not include home telephone numbers or home addresses of
42 licensees on the lists prepared under Subsection (1)(l), except as otherwise provided by rules of
43 the division made in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking
44 Act.

44a **§ (3)(a) THE DIVISION MAY PROVIDE THE HOME ADDRESS OR HOME TELEPHONE NUMBER OF A**
44b **LICENSEE ON A LIST PREPARED UNDER SUBSECTION (1) UPON THE REQUEST OF AN INDIVIDUAL**
44c **WHO PROVIDES PROPER IDENTIFICATION AND THE REASON FOR THE REQUEST, IN WRITING, TO**
44d **THE DIVISION.**

44e **(b) A REQUEST UNDER SUBSECTION (3)(a) IS LIMITED TO PROVIDING INFORMATION ON**
44f **ONLY ONE LICENSEE PER REQUEST.**

44g **(c) THE DIVISION SHALL PROVIDE, BY RULE, WHAT CONSTITUTES PROPER IDENTIFICATION**
44h **UNDER SUBSECTION (3)(a). §**

Legislative Review Note
as of 12-17-02 10:14 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0096

Division of Occupational and Professional Licensing Act Amendments 16-Jan-03
3:04 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst