

# HB0235S01 compared with HB0235

~~{deleted text}~~ shows text that was in HB0235 but was deleted in HB0235S01.

inserted text shows text that was not in HB0235 but was inserted into HB0235S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Norman K Thurston proposes the following substitute bill:

## OCCUPATIONAL LICENSING AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Norman K Thurston**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill modifies the Division of Occupational and Professional Licensing Act.

#### Highlighted Provisions:

This bill:

- ▶ requires the Division of Occupational and Professional Licensing (DOPL) ~~{to make rules allowing an applicant to receive a waiver of a time-based}~~ and the board of each profession that has a time-based licensing requirement to report to the division director about the feasibility of creating a process to waive the time-based requirement for ~~{licensure, if the applicant passes an examination that demonstrates the applicant}~~ an applicant that has obtained the skill and knowledge equivalent to having completed the ~~{time-based}~~ requirement; and
- ▶ makes technical changes.

## HB0235S01 compared with HB0235

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

**58-1-301**, as last amended by Laws of Utah 2013, Chapter 426

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

Section 1. Section **58-1-301** is amended to read:

#### **58-1-301. License application -- Licensing procedure.**

(1) (a) Each license applicant shall apply to the division in writing upon forms available from the division.

(b) Each completed application shall:

(i) contain documentation of the particular qualifications required of the applicant[~~;~~ shall];

(ii) include the applicant's Social Security number[~~;~~ shall];

(iii) be verified by the applicant[~~;~~]; and [shall]

(iv) be accompanied by the appropriate fees.

[~~(b)~~] (c) An applicant's Social Security number is a private record under Subsection 63G-2-302(1)(i).

(2) (a) [~~A license shall be issued~~] The division shall issue a license to an applicant who submits a complete application if the division determines that the applicant meets the qualifications of licensure.

(b) [~~A written notice of additional proceedings shall be provided~~] The division shall provide a written notice of additional proceedings to an applicant who submits a complete application, but who has been, is, or will be placed under investigation by the division for conduct directly bearing upon the applicant's qualifications for licensure, if the outcome of additional proceedings is required to determine the division's response to the application.

(c) [~~A written notice of denial of licensure shall be provided~~] The division shall provide a written notice of denial of licensure to an applicant who submits a complete

## HB0235S01 compared with HB0235

application if the division determines that the applicant does not meet the qualifications of licensure.

(d) ~~[A written notice of incomplete application and conditional denial of licensure shall be provided]~~ The division shall provide a written notice of incomplete application and conditional denial of licensure to an applicant who submits an incomplete application~~[-This]~~, which notice shall advise the applicant that the application is incomplete and that the application is denied, unless the applicant corrects the deficiencies within the time period specified in the notice and otherwise meets all qualifications for licensure.

(3) Before ~~[any person is issued]~~ the division issues a license to a person under this title, ~~[aH]~~ the requirements for that license as established under this title and by rule shall be met.

(4) If an applicant meets all requirements ~~[are met]~~ for ~~[the]~~ a specific license, the division shall issue the license to the applicant.

(5) (a) As used in this Subsection (5), "time-based licensing requirement" means a specific number of hours, weeks, months, or years of education, training, supervised training, or other experience that an applicant for licensure is required to complete before receiving a license under this title.

(b) For each occupation regulated by this title that has a time-based licensing requirement~~{ under this title}~~, the division shall ~~{make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, with the collaboration of}~~ consult with the appropriate board~~{, that}~~ and the board shall report to the director:

(i) whether there is an existing process to allow an applicant who has obtained the skill and knowledge equivalent to having met the time-based requirement to ~~{receive a waiver of that requirement as part of qualifying for licensure, if the applicant passes a comprehensive examination approved by the division in collaboration with the appropriate board.~~

~~———— (c) The examination described in Subsection (5)(b) may be a practical examination, a written examination, or a combination of the two.~~

~~———— (d) The division shall charge an applicant a fee determined by the department under Section 63J-1-504 for taking an examination described in this Subsection (5).~~

## HB0235S01 compared with HB0235

### Legislative Review Note

as of 2-2-15 9:15 AM

Office of Legislative Research and General Counsel; obtain a license without meeting the time-based requirement and if that process could be made more reasonable and fair to the applicant;

(ii) whether it is feasible to establish a process to allow an applicant who has obtained the skill and knowledge equivalent to having met the time-based requirement to obtain a license without meeting the time-based requirement and what steps would need to be taken to provide such a process, if there is not such a process currently available for the applicant; and

(iii) if it is not feasible to establish a process to allow an applicant who has obtained the skill and knowledge equivalent to having met the time-based requirement to obtain a license without meeting the time-based requirement, the specific reasons that prevent such a process from being feasible.