

1                   **OCCUPATIONAL AND PROFESSIONAL LICENSING**

2                                   **MODIFICATIONS**

3   2022 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Curtis S. Bramble**

6                                   House Sponsor: Joel Ferry

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7

8 **LONG TITLE**

9 **Committee Note:**

10           The Business and Labor Interim Committee recommended this bill.

11           Legislative Vote: 14 voting for 0 voting against 7 absent

12 **General Description:**

13           This bill modifies provisions related to licensed professions.

14 **Highlighted Provisions:**

15           This bill:

- 16           ▶ amends defined terms;
- 17           ▶ modifies licensing board duties;
- 18           ▶ amends license application requirements;
- 19           ▶ modifies the Division of Occupational and Professional Licensing's (division)

20 authority to grant a license by endorsement;

- 21           ▶ removes good moral character provisions for certain licensed professions;
- 22           ▶ amends the definition of "practice of environmental health science";
- 23           ▶ modifies provisions related to speech-language pathology and audiology;
- 24           ▶ amends provisions related to unprofessional conduct for certain professions;
- 25           ▶ modifies the division's citation authority for certain unprofessional conduct for the

26 construction trades;

- 27           ▶ modifies provisions related to armored car company and contract security company



28 license qualifications;

29       ▶ amends provisions related to chiropractic physician license qualifications; and

30       ▶ makes technical and conforming changes.

31 **Money Appropriated in this Bill:**

32       None

33 **Other Special Clauses:**

34       None

35 **Utah Code Sections Affected:**

36 AMENDS:

37       26-2-2, as last amended by Laws of Utah 2020, Chapter 251

38       58-1-202, as last amended by Laws of Utah 2018, Chapter 129

39       58-1-301, as last amended by Laws of Utah 2019, Chapter 133

40       58-1-302, as last amended by Laws of Utah 2020, Chapter 339

41       58-3a-302, as last amended by Laws of Utah 2020, Chapter 339

42       58-9-302, as last amended by Laws of Utah 2018, Chapter 326

43       58-16a-302, as last amended by Laws of Utah 2020, Chapter 339

44       58-20b-102, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1

45       58-22-102, as last amended by Laws of Utah 2020, Chapter 339

46       58-28-304, as last amended by Laws of Utah 2020, Chapter 339

47       58-31b-303, as last amended by Laws of Utah 2006, Chapter 291

48       58-41-4, as last amended by Laws of Utah 2019, Chapter 349

49       58-44a-302, as last amended by Laws of Utah 2016, Chapter 238

50       58-55-102, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

51       58-55-302, as last amended by Laws of Utah 2020, Chapter 339

52       58-55-502, as last amended by Laws of Utah 2011, Chapters 170 and 413

53       58-55-503, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4

54       58-63-102, as last amended by Laws of Utah 2017, Chapter 197

55       58-63-302, as last amended by Laws of Utah 2020, Chapter 339

56       58-73-302, as last amended by Laws of Utah 2020, Chapter 339

57       58-73-501, as last amended by Laws of Utah 1998, Chapter 26

58       58-83-302, as enacted by Laws of Utah 2010, Chapter 180

59 **62A-3-202**, as last amended by Laws of Utah 2018, Chapter 60

60 RENUMBERS AND AMENDS:

61 **58-15-101**, (Renumbered from 58-15-1, as enacted by Laws of Utah 1985, Chapter 49)

62 **58-15-102**, (Renumbered from 58-15-2, as last amended by Laws of Utah 2016,  
63 Chapter 238)

64 **58-15-201**, (Renumbered from 58-15-3, as last amended by Laws of Utah 2011,  
65 Chapter 366)

66 **58-15-301**, (Renumbered from 58-15-4, as last amended by Laws of Utah 2009,  
67 Chapter 183)

68 **58-15-302**, (Renumbered from 58-15-4.5, as enacted by Laws of Utah 1993, Chapter  
69 297)

70 **58-15-303**, (Renumbered from 58-15-11, as last amended by Laws of Utah 2020,  
71 Chapter 339)

72 **58-15-401**, (Renumbered from 58-15-12, as enacted by Laws of Utah 1993, Chapter  
73 297)

74 **58-15-501**, (Renumbered from 58-15-10, as repealed and reenacted by Laws of Utah  
75 1993, Chapter 297)

76 REPEALS:

77 **58-5a-305**, as last amended by Laws of Utah 1996, Chapter 232



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

80 Section 1. Section **26-2-2** is amended to read:

81 **26-2-2. Definitions.**

82 As used in this chapter:

83 (1) "Adoption document" means an adoption-related document filed with the office, a  
84 petition for adoption, a decree of adoption, an original birth certificate, or evidence submitted  
85 in support of a supplementary birth certificate.

86 (2) "Custodial funeral service director" means a funeral service director who:

87 (a) is employed by a licensed funeral establishment; and

88 (b) has custody of a dead body.

89 (3) "Dead body" or "decedent" means a human body or parts of the human body from

90 the condition of which it reasonably may be concluded that death occurred.

91 (4) "Dead fetus" means a product of human conception, other than those circumstances  
92 described in Subsection 76-7-301(1):

93 (a) of 20 weeks' gestation or more, calculated from the date the last normal menstrual  
94 period began to the date of delivery; and

95 (b) that was not born alive.

96 (5) "Declarant father" means a male who claims to be the genetic father of a child, and,  
97 along with the biological mother, signs a voluntary declaration of paternity to establish the  
98 child's paternity.

99 (6) "Dispositioner" means:

100 (a) a person designated in a written instrument, under Subsection 58-9-602(1), as  
101 having the right and duty to control the disposition of the decedent, if the person voluntarily  
102 acts as the dispositioner; or

103 (b) the next of kin of the decedent, if:

104 (i) (A) a person has not been designated as described in Subsection (6)(a); or

105 (B) the person described in Subsection (6)(a) is unable or unwilling to exercise the  
106 right and duty described in Subsection (6)(a); and

107 (ii) the next of kin voluntarily acts as the dispositioner.

108 (7) "Fetal remains" means:

109 (a) an aborted fetus as that term is defined in Section 26-21-33; or

110 (b) a miscarried fetus as that term is defined in Section 26-21-34.

111 (8) "File" means the submission of a completed certificate or other similar document,  
112 record, or report as provided under this chapter for registration by the state registrar or a local  
113 registrar.

114 (9) "Funeral service director" means the same as that term is defined in Section  
115 58-9-102.

116 (10) "Health care facility" means the same as that term is defined in Section 26-21-2.

117 (11) "Health care professional" means a physician, physician assistant, [or] nurse  
118 practitioner, or certified nurse midwife.

119 (12) "Licensed funeral establishment" means:

120 (a) if located in Utah, a funeral service establishment, as that term is defined in Section

121 58-9-102, that is licensed under Title 58, Chapter 9, Funeral Services Licensing Act; or

122 (b) if located in a state, district, or territory of the United States other than Utah, a  
123 funeral service establishment that complies with the licensing laws of the jurisdiction where the  
124 establishment is located.

125 (13) "Live birth" means the birth of a child who shows evidence of life after the child is  
126 entirely outside of the mother.

127 (14) "Local registrar" means a person appointed under Subsection 26-2-3(3)(b).

128 (15) "Nurse practitioner" means an individual who:

129 (a) is licensed to practice as an advanced practice registered nurse under Title 58,  
130 Chapter 31b, Nurse Practice Act; and

131 (b) has completed an education program regarding the completion of a certificate of  
132 death developed by the department by administrative rule made in accordance with Title 63G,  
133 Chapter 3, Utah Administrative Rulemaking Act.

134 (16) "Office" means the Office of Vital Records and Statistics within the Department  
135 of Health, operating under Title 26, Chapter 2, Utah Vital Statistics Act.

136 (17) "Physician" means a person licensed to practice as a physician or osteopath in this  
137 state under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah  
138 Osteopathic Medical Practice Act.

139 (18) "Physician assistant" means an individual who:

140 (a) is licensed to practice as a physician assistant under Title 58, Chapter 70a, Utah  
141 Physician Assistant Act; and

142 (b) has completed an education program regarding the completion of a certificate of  
143 death developed by the department by administrative rule made in accordance with Title 63G,  
144 Chapter 3, Utah Administrative Rulemaking Act.

145 (19) "Presumed father" means the father of a child conceived or born during a marriage  
146 as defined in Section 30-1-17.2.

147 (20) "Registration" or "register" means acceptance by the local or state registrar of a  
148 certificate and incorporation of the certificate into the permanent records of the state.

149 (21) "State registrar" means the state registrar of vital records appointed under  
150 Subsection 26-2-3(2)(e).

151 (22) "Vital records" means:

152 (a) registered certificates or reports of birth, death, fetal death, marriage, divorce,  
153 dissolution of marriage, or annulment;

154 (b) amendments to any of the registered certificates or reports described in Subsection  
155 (22)(a);

156 (c) an adoption document; and

157 (d) other similar documents.

158 (23) "Vital statistics" means the data derived from registered certificates and reports of  
159 birth, death, fetal death, induced termination of pregnancy, marriage, divorce, dissolution of  
160 marriage, or annulment.

161 Section 2. Section **58-1-202** is amended to read:

162 **58-1-202. Boards -- Duties, functions, and responsibilities.**

163 (1) The duties, functions, and responsibilities of each board established under this title  
164 include the following:

165 (a) recommending to the director appropriate rules and statutory changes, including  
166 changes to remove regulations that are no longer necessary or effective in protecting the public  
167 and enhancing commerce;

168 (b) recommending to the director policy and budgetary matters;

169 (c) approving and establishing a passing score for applicant examinations;

170 (d) screening applicants and recommending licensing, renewal, reinstatement, and  
171 relicensure actions to the director in writing;

172 (e) assisting the director in establishing standards of supervision for students or persons  
173 in training to become qualified to obtain a license in the occupation or profession it represents;  
174 and

175 (f) acting as presiding officer in conducting hearings associated with adjudicative  
176 proceedings and in issuing recommended orders when so designated by the director.

177 (2) Subsection (1) does not apply to boards created in Title 58, Chapter 55, Utah  
178 Construction Trades Licensing Act.

179 (3) (a) Each board or commission established under this title may recommend to the  
180 appropriate legislative committee whether the board or commission supports a change to a  
181 licensing act.

182 (b) This Subsection (3) does not:

- 183 (i) require a board's approval to amend a practice act; and
- 184 (ii) apply to technical or clarifying amendments to a practice act.

185 Section 3. Section **58-1-301** is amended to read:

186 **58-1-301. License application -- Licensing procedure.**

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

189 (b) Each completed application shall:

- 190 (i) contain documentation of the particular qualifications required of the applicant  
191 under this title or rules made by the division;
- 192 (ii) include the applicant's full legal name and social security number;
- 193 (iii) be verified by the applicant; and
- 194 (iv) be accompanied by the appropriate fees.

195 (c) An applicant's social security number is a private record under Subsection  
196 [63G-2-302\(1\)\(i\)](#).

197 (2) (a) The division shall issue a license to an applicant who submits a complete  
198 application if the division determines that the applicant meets the qualifications of licensure.

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

204 (c) The division shall provide a written notice of denial of licensure to an applicant  
205 who submits a complete application if the division determines that the applicant does not meet  
206 the qualifications of licensure.

207 (d) The division shall provide a written notice of incomplete application and  
208 conditional denial of licensure to an applicant who submits an incomplete application, which  
209 notice shall advise the applicant that the application is incomplete and that the application is  
210 denied, unless the applicant corrects the deficiencies within the time period specified in the  
211 notice and otherwise meets all qualifications for licensure.

212 (3) The division may only issue a license to an applicant under this title if the applicant  
213 meets the requirements for that license as established under this title and by division rule made

214 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

215 (4) If an applicant meets all requirements for a specific license, the division shall issue  
216 the license to the applicant.

217 (5) (a) As used in this Subsection (5):

218 (i) (A) "Competency-based licensing requirement" means a practical assessment of  
219 knowledge and skills that clearly demonstrate a person is prepared to engage in an occupation  
220 or profession regulated by this title, and which the director determines is at least as effective as  
221 a time-based licensing requirement at demonstrating proficiency and protecting the health and  
222 safety of the public.

223 (B) "Competency-based licensing requirement" may include any combination of  
224 training, experience, testing, or observation.

225 (ii) (A) "Time-based licensing requirement" means a specific number of hours, weeks,  
226 months, or years of education, training, supervised training, or other experience that an  
227 applicant for licensure under this title is required to complete before receiving a license under  
228 this title.

229 (B) "Time-based licensing requirement" does not include an associate degree, a  
230 bachelor's degree, or a graduate degree from an accredited institution of higher education.

231 (b) Subject to Subsection (5)(c), for an occupation or profession regulated by this title  
232 that has a time-based licensing requirement, the director, after consultation with the appropriate  
233 board, may by division rule made in accordance with Title 63G, Chapter 3, Utah  
234 Administrative Rulemaking Act, allow an applicant to complete a competency-based licensing  
235 requirement as an alternative to completing the time-based licensing requirement.

236 (c) If a time-based licensing requirement involves a program that must be approved or  
237 accredited by a specific entity or board, the director may only allow an applicant to complete a  
238 competency-based licensing requirement as an alternative to completing the time-based  
239 licensing requirement under Subsection (5)(b) if the competency-based requirement is  
240 approved or accredited by the specific entity or board as a replacement or alternative to the  
241 time-based licensing requirement.

242 (d) By October 1 of each year, the director shall provide a written report to the  
243 Occupational and Professional Licensure Review Committee describing any competency-based  
244 licensing requirements implemented under this Subsection (5).



245 Section 4. Section **58-1-302** is amended to read:

246 **58-1-302. License by endorsement.**

247 (1) Subject to Subsections [~~(2), (3), (4), and (5)~~] (3) through (6), the division shall  
248 issue a license [~~without examination~~] to a person who has been licensed in a state, district, or  
249 territory of the United States if:

250 (a) after being licensed outside of this state, the person has at least one year of  
251 experience in the state, district, or territory of the United States where the license was issued;

252 (b) the person's license is in good standing in the state, district, or territory of the  
253 United States where the license was issued; and

254 (c) the division determines that the license issued by the state, district, or territory of  
255 the United States encompasses a similar scope of practice as the license sought in this state.

256 (2) Subject to Subsections (3) through (6), the division may issue a license to a person  
257 who:

258 (a) has been licensed in a state, district, or territory of the United States, or in a  
259 jurisdiction outside of the United States, if:

260 (i) (A) after being licensed, the person has at least one year of experience in the  
261 jurisdiction where the license was issued; and

262 (B) the division determines that the person's education, experience, and skills  
263 demonstrate competency in the occupation or profession for which the person seeks licensure;  
264 or

265 (ii) the division determines that the licensure requirements of the jurisdiction at the  
266 time the license was issued were substantially similar to the current licensure requirements of  
267 this state; or

268 (b) has never been licensed in a state, district, or territory of the United States, or in a  
269 jurisdiction outside of the United States, if:

270 (i) the person was educated in or obtained relevant experience in a state, district, or  
271 territory of the United States, or a jurisdiction outside of the United States; and

272 (ii) the division determines that the education or experience was substantially similar to  
273 the current education or experience requirements for licensure in this state.

274 [~~(2)~~] (3) The division, in consultation with the applicable licensing board, may make  
275 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

276 prescribing the administration and requirements of this section.

277 [~~(3) Notwithstanding the provisions of Subsection (1), the~~]

278 (4) The division may refuse to issue a license to a person under the provisions of this  
279 section if:

280 (a) the division determines that there is reasonable cause to believe that the person is  
281 not qualified to receive a license in this state; or

282 (b) the person has a previous or pending disciplinary action related to the person's  
283 license.

284 [~~(4)~~] (5) Before a person may be issued a license under this section, the person shall:

285 (a) pay a fee determined by the department under Section 63J-1-504; and

286 (b) produce satisfactory evidence of the person's identity, qualifications, and good  
287 standing in the occupation or profession for which licensure is sought.

288 [~~(5)~~] (6) In accordance with Section 58-1-107, licensure endorsement provisions in this  
289 section are subject to and may be supplemented or altered by licensure endorsement provisions  
290 or multistate licensure compacts in specific chapters of this title.

291 [~~(6)~~] (7) On or before October 1, 2022, the division shall provide a written report to the  
292 Business and Labor Interim Committee regarding the effectiveness and sufficiency of the  
293 provisions of this section at ensuring that persons receiving a license without examination  
294 under the provisions of this section are qualified to receive a license in this state.

295 Section 5. Section 58-3a-302 is amended to read:

296 **58-3a-302. Qualifications for licensure.**

297 (1) Except as provided in Subsection (2), each applicant for licensure as an architect  
298 shall:

299 (a) submit an application in a form prescribed by the division;

300 (b) pay a fee determined by the department under Section 63J-1-504;

301 (c) have graduated and received an earned bachelors or masters degree from an  
302 architecture program meeting criteria established by rule by the division in collaboration with  
303 the board;

304 (d) have successfully completed a program of diversified practical experience  
305 established by rule by the division in collaboration with the board;

306 (e) have successfully passed examinations established by rule by the division in

307 collaboration with the board; and

308 (f) meet with the board or representative of the division upon request for the purpose of  
309 evaluating the applicant's qualifications for license.

310 (2) Each applicant for licensure as an architect by endorsement shall:

311 (a) submit an application in a form prescribed by the division;

312 (b) pay a fee determined by the department under Section 63J-1-504;

313 (c) submit satisfactory evidence of:

314 (i) (A) current licensure in good standing in a jurisdiction recognized by rule by the  
315 division in collaboration with the board; and

316 ~~[(ii)]~~ (B) current certification from the National Council of Architectural Registration  
317 Boards; or

318 ~~[(iii)]~~ (ii) (A) current license in good standing in a jurisdiction recognized by rule by  
319 the division in collaboration with the board; and

320 ~~[(iv)]~~ (B) full-time employment as a licensed architect as a principal for at least five of  
321 the last seven years immediately preceding the date of the application;

322 (d) have successfully passed ~~[any]~~ an examination established by rule by the division in  
323 collaboration with the board; and

324 (e) meet with the board or representative of the division upon request for the purpose  
325 of evaluating the applicant's qualifications for license.

326 Section 6. Section 58-9-302 is amended to read:

327 **58-9-302. Qualifications for licensure.**

328 (1) Each applicant for licensure as a funeral service director shall:

329 (a) submit an application in a form prescribed by the division;

330 (b) pay a fee as determined by the department under Section 63J-1-504;

331 ~~[(c) be of good moral character in that the applicant has not been convicted of:]~~

332 ~~[(i) a first or second degree felony;]~~

333 ~~[(ii) a misdemeanor involving moral turpitude; or]~~

334 ~~[(iii) any other crime that when considered with the duties and responsibilities of a  
335 funeral service director is considered by the division and the board to indicate that the best  
336 interests of the public are not served by granting the applicant a license;]~~

337 ~~[(d)]~~ (c) have obtained a high school diploma or its equivalent or a higher education

338 degree;

339 ~~[(e)]~~ (d) have obtained an associate degree, or its equivalent, in mortuary science from  
340 a school of funeral service accredited by the American Board of Funeral Service Education or  
341 other accrediting body recognized by the U.S. Department of Education;

342 ~~[(f)]~~ (e) have completed not less than 2,000 hours and 50 embalmings, over a period of  
343 not less than one year, of satisfactory performance in training as a licensed funeral service  
344 intern under the supervision of a licensed funeral service director; and

345 ~~[(g)]~~ (f) obtain a passing score on examinations approved by the division in  
346 collaboration with the board.

347 (2) Each applicant for licensure as a funeral service intern shall:

348 (a) submit an application in a form prescribed by the division;

349 (b) pay a fee as determined by the department under Section 63J-1-504;

350 ~~[(c) be of good moral character in that the applicant has not been convicted of:]~~

351 ~~[(i) a first or second degree felony;]~~

352 ~~[(ii) a misdemeanor involving moral turpitude; or]~~

353 ~~[(iii) any other crime that when considered with the duties and responsibilities of a~~  
354 ~~funeral service intern is considered by the division and the board to indicate that the best~~  
355 ~~interests of the public are not served by granting the applicant a license;]~~

356 ~~[(d)]~~ (c) have obtained a high school diploma or its equivalent or a higher education  
357 degree; and

358 ~~[(e)]~~ (d) obtain a passing score on an examination approved by the division in  
359 collaboration with the board.

360 (3) Each applicant for licensure as a funeral service establishment and each funeral  
361 service establishment licensee shall:

362 (a) submit an application in a form prescribed by the division;

363 (b) pay a fee as determined by the department under Section 63J-1-504;

364 (c) have in place:

365 (i) an embalming room for preparing dead human bodies for burial or final disposition,  
366 which may serve one or more facilities operated by the applicant;

367 (ii) a refrigeration room that maintains a temperature of not more than 40 degrees  
368 fahrenheit for preserving dead human bodies prior to burial or final disposition, which may

369 serve one or more facilities operated by the applicant; and

370 (iii) maintain at all times a licensed funeral service director who is responsible for the  
371 day-to-day operation of the funeral service establishment and who is personally available to  
372 perform the services for which the license is required;

373 (d) affiliate with a licensed preneed funeral arrangement sales agent or funeral service  
374 director if the funeral service establishment sells preneed funeral arrangements;

375 (e) file with the completed application a copy of each form of contract or agreement the  
376 applicant will use in the sale of preneed funeral arrangements;

377 (f) provide evidence of appropriate licensure with the Insurance Department if the  
378 applicant intends to engage in the sale of any preneed funeral arrangements funded in whole or  
379 in part by an insurance policy or product to be sold by the provider or the provider's sales  
380 agent; and

381 (g) if the applicant intends to offer alkaline hydrolysis in a funeral service  
382 establishment, provide evidence that in accordance with rules made by the division in  
383 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

384 (i) the funeral service establishment meets the minimum standards for the handling,  
385 holding, and processing of deceased human remains in a safe, clean, private, and respectful  
386 manner; and

387 (ii) all operators of the alkaline hydrolysis equipment have received adequate training.

388 (4) Each applicant for licensure as a preneed funeral arrangement sales agent shall:

389 (a) submit an application in a form prescribed by the division;

390 (b) pay a fee as determined by the department under Section 63J-1-504;

391 ~~[(c) be of good moral character in that the applicant has not been convicted of:]~~

392 ~~[(i) a first or second degree felony;]~~

393 ~~[(ii) a misdemeanor involving moral turpitude; or]~~

394 ~~[(iii) any other crime that when considered with the duties and responsibilities of a  
395 preneed funeral sales agent is considered by the division and the board to indicate that the best  
396 interests of the public are not served by granting the applicant a license;]~~

397 ~~[(d)]~~ (c) have obtained a high school diploma or its equivalent or a higher education  
398 degree;

399 ~~[(e)]~~ (d) have obtained a passing score on an examination approved by the division in

400 collaboration with the board;  
 401        ~~[(f)]~~ (e) affiliate with a licensed funeral service establishment; and  
 402        ~~[(g)]~~ (f) provide evidence of appropriate licensure with the Insurance Department if the  
 403 applicant intends to engage in the sale of any preneed funeral arrangements funded in whole or  
 404 in part by an insurance policy or product.

405        Section 7. Section **58-15-101**, which is renumbered from Section 58-15-1 is  
 406 renumbered and amended to read:

407                    **CHAPTER 15. HEALTH FACILITY ADMINISTRATOR ACT**

408                                **Part 1. General Provisions**

409        ~~[58-15-1].~~     **58-15-101. Title.**

410        This chapter is known as the "Health Facility Administrator Act."

411        Section 8. Section **58-15-102**, which is renumbered from Section 58-15-2 is  
 412 renumbered and amended to read:

413        ~~[58-15-2].~~     **58-15-102. Definitions.**

414        In addition to the definitions in Section ~~58-1-102~~, as used in this chapter:

415        (1) "Administrator" means a person who is charged with the general administration of a  
 416 health facility, regardless of whether ~~that~~:

417                ~~(a) the person has an ownership interest in the facility [and whether his]; or~~

418                ~~(b) the person's functions and duties are shared with one or more persons.~~

419        (2) "Board" means the Health Facility Administrators Licensing Board created in  
 420 Section ~~[58-15-3]~~ 58-15-201.

421        (3) "Health facility" means a skilled nursing facility, an intermediate care facility, or an  
 422 intermediate care facility for individuals with an intellectual disability.

423        (4) "Intermediate care facility" means an institution that provides, on a regular basis,  
 424 health care and services to individuals who do not require the degree of care and treatment a  
 425 hospital or skilled nursing facility provides, but who require health care and services in  
 426 addition to room and board.

427        (5) "Intermediate care facility for people with an intellectual disability" means an  
 428 institution that provides, on a regular basis, health-related care and service to individuals with  
 429 intellectual disabilities as defined in Section ~~68-3-12.5~~ or individuals with related conditions,  
 430 who do not require the degree of care and treatment a hospital or skilled nursing facility

431 provides, but who require health-related care and services above the need for room and board.

432 (6) "Skilled nursing facility" means an institution primarily providing inpatients with  
 433 skilled nursing care and related services on a continuing basis for patients who require mental,  
 434 medical, or nursing care, or service for the rehabilitation of an injured individual, a sick  
 435 individual, or an individual with a disability.

436 (7) "Unprofessional conduct" as defined in Section 58-1-501 and as may be further  
 437 defined by rule includes:

438 (a) intentionally filing a false report or record, intentionally failing to file a report or  
 439 record required by state or federal law, or [~~wilfully~~] willfully impeding or obstructing the filing  
 440 of a required report. These reports or records only include those which are signed in the  
 441 capacity of a licensed health facility administrator; and

442 (b) acting in a manner inconsistent with the health and safety of the patients of the  
 443 health facility in which he is the administrator.

444 Section 9. Section 58-15-201, which is renumbered from Section 58-15-3 is  
 445 renumbered and amended to read:

#### 446 **Part 2. Board**

##### 447 **~~[58-15-3]~~. 58-15-201. Health Facility Administrators Licensing Board.**

448 (1) There is created a Health Facility Administrators Licensing Board consisting of:

449 (a) one administrator from a skilled nursing facility[;];

450 (b) two administrators from intermediate care facilities[;];

451 (c) one administrator from an intermediate care facility for people with an intellectual  
 452 disability[;]; and

453 (d) one member from the general public.

454 (2) The board shall be appointed and serve in accordance with Section 58-1-201.

455 (3) (a) The duties and responsibilities of the board shall be in accordance with Sections  
 456 58-1-202 and 58-1-203.

457 (b) The board, in collaboration with the division, may establish continuing education  
 458 requirements by rule.

459 (c) Board members may not receive compensation for their involvement in continuing  
 460 education programs.

461 Section 10. Section 58-15-301, which is renumbered from Section 58-15-4 is

462 renumbered and amended to read:

463 **Part 3. Licensing**

464 ~~[58-15-4].~~ **58-15-301. Licensure requirements.**

465 (1) An applicant for a license under this chapter shall submit to the division a written  
 466 application ~~[to the division, verified under oath, that the applicant is of good moral character as~~  
 467 ~~it relates to the functions and responsibilities of the practice of administration of a health~~  
 468 ~~facility]~~ in a form prescribed by the division.

469 (2) After July 1, 1985, all new applicants are required to have~~[- in addition to~~  
 470 ~~Subsection (1);]~~ the education or experience requirements as established by rule and as  
 471 approved by the division.

472 (3) The applicant shall pay ~~[a fee to the Department of Commerce determined by it~~  
 473 ~~pursuant to]~~ to the department a fee in an amount determined by the department in accordance  
 474 with Section 63J-1-504 for:

475 (a) admission to the examination~~[- for];~~

476 (b) an initial license~~[- and for];~~ and

477 (c) a renewal license.

478 (4) (a) The applicant shall pass a written examination in subjects determined by the  
 479 board.

480 (b) Upon the applicant passing the examination described in Subsection (4)(a) and  
 481 ~~[payment of]~~ paying the license fee described in Subsection (3), the board shall recommend  
 482 issuance to the applicant of a license to practice as a health facility administrator.

483 (5) (a) A temporary license may be issued without examination to a person who meets  
 484 the requirements established by statute and by rule for an administrator. ~~[The]~~

485 (b) A temporary license may be issued only:

486 (i) to fill a position of administrator that unexpectedly becomes vacant; ~~and [may be~~  
 487 ~~issued for only a single period not to exceed six months.]~~

488 (ii) for a single period of six months or less.

489 ~~[(6) A license may be granted to an applicant who is a licensed nursing home~~  
 490 ~~administrator in another state if the standards for licensure in the other state are equivalent to~~  
 491 ~~those criteria set forth in Subsections (1) and (2), and if the applicant is otherwise qualified.]~~

492 Section 11. Section **58-15-302**, which is renumbered from Section 58-15-4.5 is



493 renumbered and amended to read:

494 ~~[58-15-4.5]~~. **58-15-302. Term of license -- Expiration -- Renewal.**

495 (1) (a) Each license issued under this chapter shall be issued in accordance with a  
496 two-year renewal cycle established by rule.

497 (b) A renewal period described in Subsection (1)(a) may be extended or shortened by  
498 as much as one year to maintain established renewal cycles or to change an established renewal  
499 cycle.

500 (2) Each license automatically expires on the expiration date shown on the license  
501 unless renewed by the licensee in accordance with Section 58-1-308.

502 Section 12. Section **58-15-303**, which is renumbered from Section 58-15-11 is  
503 renumbered and amended to read:

504 ~~[58-15-11]~~. **58-15-303. Exemptions to chapter.**

505 (1) In addition to the exemptions described in Section 58-1-307, this chapter does not  
506 apply to:

507 (a) a facility of a recognized church or denomination that cares for the sick and  
508 suffering by mental or spiritual means if no drug or material remedy is used in the care  
509 provided; or

510 (b) the superintendent of the Utah State Developmental Center described in Section  
511 62A-5-201.

512 (2) Any facility or person exempted under this section shall comply with each statute  
513 and rule on sanitation and life safety.

514 Section 13. Section **58-15-401**, which is renumbered from Section 58-15-12 is  
515 renumbered and amended to read:

516 **Part 4. License Denial and Discipline**

517 ~~[58-15-12]~~. **58-15-401. Grounds for denial of license -- Disciplinary**  
518 **proceedings.**

519 Grounds for refusal to issue a license to an applicant, for refusal to renew the license of  
520 a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a  
521 public or private reprimand to a licensee, and to issue cease and desist orders shall be in  
522 accordance with Section 58-1-401.

523 Section 14. Section **58-15-501**, which is renumbered from Section 58-15-10 is

524 renumbered and amended to read:

525 **Part 5. Unlawful Conduct**

526 ~~[58-15-10].~~ **58-15-501. Penalty for unlawful conduct.**

527 ~~[Any]~~ A person who violates the unlawful conduct provisions defined in Subsection  
528 ~~58-1-501~~(1) is guilty of a class B misdemeanor.

529 Section 15. Section **58-16a-302** is amended to read:

530 **58-16a-302. Qualifications for licensure.**

531 ~~[(+)]~~ An applicant for licensure as an optometrist shall:

532 ~~[(a)]~~ (1) submit an application in a form prescribed by the division;

533 ~~[(b)]~~ (2) pay a fee as determined by the division under Section ~~63J-1-504~~;

534 ~~[(c)-(i)]~~ (3) (a) be a doctoral graduate of a recognized school of optometry accredited  
535 by the American Optometric Association's Accreditation Council on Optometric Education; or  
536 ~~[(ii)]~~ (b) be a graduate of a school of optometry located outside the United States that  
537 meets the criteria that would qualify the school for accreditation under Subsection ~~[(+)(c)(i)]~~  
538 (3)(a), as demonstrated by the applicant for licensure;

539 ~~[(d)]~~ (4) if the applicant graduated from a recognized school of optometry prior to July  
540 1, 1996, have successfully completed a course of study satisfactory to the division, in  
541 consultation with the board, in general and ocular pharmacology and emergency medical care;

542 ~~[(e)]~~ (5) have passed examinations approved by the division in consultation with the  
543 board that include:

544 ~~[(i)]~~ (a) a standardized national optometry examination;

545 ~~[(ii)]~~ (b) a standardized clinical examination; and

546 ~~[(iii)]~~ (c) a standardized national therapeutics examination; and

547 ~~[(f)]~~ (6) meet with the board and representatives of the division, if requested by either  
548 party, for the purpose of evaluating the applicant's qualifications for licensure.

549 ~~[(2) Notwithstanding Subsection (1) and Section 58-1-302, the division shall issue a~~  
550 ~~license under this chapter by endorsement to an individual who:]~~

551 ~~[(a) submits an application for licensure by endorsement on a form approved by the~~  
552 ~~division;]~~

553 ~~[(b) pays a fee established by the division in accordance with Section 63J-1-504;]~~

554 ~~[(c) verifies that the individual is licensed as an optometrist in good standing in each~~

555 ~~state of the United States, or province of Canada, in which the individual is currently licensed~~  
556 ~~as an optometrist; and]~~

557 ~~[(d) has been actively engaged in the legal practice of optometry for at least 3,200~~  
558 ~~hours during the immediately preceding two years in a manner consistent with the legal~~  
559 ~~practice of optometry in this state.]~~

560 Section 16. Section **58-20b-102** is amended to read:

561 **58-20b-102. Definitions.**

562 In addition to the definitions in Section **58-1-102**, as used in this chapter:

563 (1) "Accredited program" means a degree-offering program from:

564 (a) an institution, college, or university that is accredited by the Department of  
565 Education or the Council for Higher Education Accreditation; or

566 (b) a non-accredited institution, college, or university that offers education equivalent  
567 to Department of Education-accredited programs, as determined by a third party selected by the  
568 board.

569 (2) "Board" means the Environmental Health Scientist Board created in Section  
570 **58-20b-201**.

571 (3) "General supervision" means the supervising environmental health scientist is  
572 available for immediate voice communication with the person he or she is supervising.

573 (4) "Practice of environmental health science" means:

574 (a) the enforcement of, the issuance of permits required by, or the inspection for the  
575 purpose of enforcing state and local public health laws in the following areas:

576 (i) air quality;

577 (ii) food [~~quality~~] safety;

578 (iii) solid, hazardous, and toxic substances disposal;

579 (iv) consumer product safety;

580 (v) housing;

581 (vi) noise control;

582 (vii) radiation protection;

583 (viii) water quality;

584 (ix) vector control;

585 (x) drinking water quality;

- 586 (xi) milk sanitation;
- 587 (xii) rabies control;
- 588 (xiii) public health nuisances;
- 589 (xiv) indoor clean air regulations;
- 590 (xv) institutional and residential sanitation; or
- 591 (xvi) recreational facilities sanitation; or
- 592 (b) representing oneself in any manner as, or using the titles "environmental health
- 593 scientist," "environmental health scientist-in-training," or "registered sanitarian."
- 594 (5) "Unlawful conduct" means the same as that term is defined in Section 58-1-501.
- 595 (6) "Unprofessional conduct" means the same as that term is defined in Sections
- 596 58-1-501 and 58-20b-501 and as may be further defined by division rule.
- 597 Section 17. Section 58-22-102 is amended to read:
- 598 **58-22-102. Definitions.**
- 599 In addition to the definitions in Section 58-1-102, as used in this chapter:
- 600 (1) "Board" means the Professional Engineers and Professional Land Surveyors
- 601 Licensing Board created in Section 58-22-201.
- 602 (2) "Building" means a structure which has human occupancy or habitation as its
- 603 principal purpose, and includes the structural, mechanical, and electrical systems, utility
- 604 services, and other facilities required for the building, and is otherwise governed by the State
- 605 Construction Code or an approved code under Title 15A, State Construction and Fire Codes
- 606 Act.
- 607 (3) "Complete construction plans" means a final set of plans, specifications, and reports
- 608 for a building or structure that normally includes:
- 609 (a) floor plans;
- 610 (b) elevations;
- 611 (c) site plans;
- 612 (d) foundation, structural, and framing detail;
- 613 (e) electrical, mechanical, and plumbing design;
- 614 (f) information required by the energy code;
- 615 (g) specifications and related calculations as appropriate; and
- 616 (h) all other documents required to obtain a building permit.

617 (4) "EAC/ABET" means the Engineering Accreditation Commission/Accreditation  
618 Board for Engineering and Technology.

619 (5) "Fund" means the Professional Engineer, Professional Structural Engineer, and  
620 Professional Land Surveyor Education and Enforcement Fund created in Section 58-22-103.

621 (6) "NCEES" means the National Council of Examiners for Engineering and  
622 Surveying.

623 (7) "Principal" means a licensed professional engineer, professional structural engineer,  
624 or professional land surveyor having responsible charge of an organization's professional  
625 engineering, professional structural engineering, or professional land surveying practice.

626 (8) "Professional engineer" means a person licensed under this chapter as a  
627 professional engineer.

628 (9) (a) "Professional engineering," "the practice of engineering," or "the practice of  
629 professional engineering" means a service or creative work, the adequate performance of which  
630 requires engineering education, training, and experience in the application of special  
631 knowledge of the mathematical, physical, and engineering sciences to the service or creative  
632 work as consultation, investigation, evaluation, planning, design, and design coordination of  
633 engineering works and systems, planning the use of land and water, facility programming,  
634 performing engineering surveys and studies, and the review of construction for the purpose of  
635 monitoring compliance with drawings and specifications; any of which embraces these services  
636 or work, either public or private, in connection with any utilities, structures, buildings,  
637 machines, equipment, processes, work systems, projects, and industrial or consumer products  
638 or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, and  
639 including other professional services as may be necessary to the planning, progress, and  
640 completion of any engineering services.

641 (b) "The practice of professional engineering" does not include the practice of  
642 architecture as defined in Section 58-3a-102, but a licensed professional engineer may perform  
643 architecture work as is incidental to the practice of engineering.

644 (10) "Professional engineering intern" means a person who:

645 (a) has completed the education requirements to become a professional engineer;

646 (b) has passed the fundamentals of engineering examination; and

647 (c) is engaged in obtaining the four years of qualifying experience for licensure under

648 the [direct] supervision of a licensed professional engineer.

649 (11) "Professional land surveying" or "the practice of land surveying" means a service  
650 or work, the adequate performance of which requires the application of special knowledge of  
651 the principles of mathematics, the related physical and applied sciences, and the relevant  
652 requirements of law for adequate evidence to the act of measuring and locating lines, angles,  
653 elevations, natural and man-made features in the air, on the surface of the earth, within  
654 underground workings, and on the beds of bodies of water for the purpose of determining areas  
655 and volumes, for the monumenting or locating of property boundaries or points controlling  
656 boundaries, and for the platting and layout of lands and subdivisions of lands, including the  
657 topography, alignment and grades of streets, and for the preparation and perpetuation of maps,  
658 record plats, field notes records, and property descriptions that represent these surveys and  
659 other duties as sound surveying practices could direct.

660 (12) "Professional land surveyor" means an individual licensed under this chapter as a  
661 professional land surveyor.

662 (13) "Professional structural engineer" means a person licensed under this chapter as a  
663 professional structural engineer.

664 (14) (a) "Professional structural engineering" or "the practice of structural engineering"  
665 means a service or creative work providing structural engineering services for significant  
666 structures, including:

667 (i) buildings and other structures representing a substantial hazard to human life, which  
668 include:

669 (A) buildings and other structures whose primary occupancy is public assembly with an  
670 occupant load greater than 300;

671 (B) buildings and other structures with elementary school, secondary school, or day  
672 care facilities with an occupant load greater than 250;

673 (C) buildings and other structures with an occupant load greater than 500 for colleges  
674 or adult education facilities;

675 (D) health care facilities with an occupant load of 50 or more resident patients, but not  
676 having surgery or emergency treatment facilities;

677 (E) jails and detention facilities with a gross area greater than 3,000 square feet; and

678 (F) buildings and other structures with an occupant load greater than 5,000;

- 679 (ii) buildings and other structures designated as essential facilities, including:
- 680 (A) hospitals and other health care facilities having surgery or emergency treatment  
681 facilities with a gross area greater than 3,000 square feet;
- 682 (B) fire, rescue, and police stations and emergency vehicle garages with a mean height  
683 greater than 24 feet or a gross area greater than 5,000 square feet;
- 684 (C) designated earthquake, hurricane, or other emergency shelters with a gross area  
685 greater than 3,000 square feet;
- 686 (D) designated emergency preparedness, communication, and operation centers and  
687 other buildings required for emergency response with a mean height more than 24 feet or a  
688 gross area greater than 5,000 square feet;
- 689 (E) power-generating stations and other public utility facilities required as emergency  
690 backup facilities with a gross area greater than 3,000 square feet;
- 691 (F) structures with a mean height more than 24 feet or a gross area greater than 5,000  
692 square feet containing highly toxic materials as defined by the division by rule, where the  
693 quantity of the material exceeds the maximum allowable quantities set by the division by rule;  
694 and
- 695 (G) aviation control towers, air traffic control centers, and emergency aircraft hangars  
696 at commercial service and cargo air services airports as defined by the Federal Aviation  
697 Administration with a mean height greater than 35 feet or a gross area greater than 20,000  
698 square feet; and
- 699 (iii) buildings and other structures requiring special consideration, including:
- 700 (A) structures or buildings that are normally occupied by human beings and are five  
701 stories or more in height;
- 702 (B) structures or buildings that are normally occupied by human beings and have an  
703 average roof height more than 60 feet above the average ground level measured at the  
704 perimeter of the structure; and
- 705 (C) buildings that are over 200,000 aggregate gross square feet in area.
- 706 (b) "Professional structural engineering" or "the practice of structural engineering":
- 707 (i) includes the definition of professional engineering or the practice of professional  
708 engineering as provided in Subsection (9); and
- 709 (ii) may be further defined by rules made by the division in collaboration with the

710 board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

711 (15) "Structure" means that which is built or constructed, an edifice or building of any  
712 kind, or a piece of work artificially built up or composed of parts joined together in a definite  
713 manner, and as otherwise governed by the State Construction Code or an approved code under  
714 Title 15A, State Construction and Fire Codes Act.

715 (16) "Supervision [~~of an employee, subordinate, associate, or drafter of a licensee~~]"  
716 means that a licensed professional engineer, professional structural engineer, or professional  
717 land surveyor is responsible for and personally reviews, corrects when necessary, and approves  
718 work performed by an employee, subordinate, associate, or drafter under the direction of the  
719 licensee, and may be further defined by rule by the division in collaboration with the board.

720 (17) "TAC/ABET" means the Technology Accreditation Commission/Accreditation  
721 Board for Engineering and Technology.

722 (18) "Unlawful conduct" means the same as that term is defined in Sections [58-1-501](#)  
723 and [58-22-501](#).

724 (19) "Unprofessional conduct" means the same as that term is defined in Sections  
725 [58-1-501](#) and [58-22-502.5](#).

726 Section 18. Section **58-28-304** is amended to read:

727 **58-28-304. Temporary license -- License reciprocity.**

728 (1) The division may issue a temporary license to practice veterinary medicine, surgery,  
729 and dentistry to any person not qualified for licensure under [~~Subsection (4)~~] [Section 58-1-302](#)  
730 who meets all requirements of Section [58-28-302](#) with the exception of Subsections  
731 [58-28-302](#)(1)(a) and (c), except that the temporary license shall by its terms expire at the date  
732 examination results are available for the examination next following the date of the issuance of  
733 the temporary license.

734 (2) The temporary license shall permit the holder to practice under the indirect  
735 supervision of a veterinarian licensed to practice in this state.

736 (3) The division may extend the expiration date of the temporary license until the  
737 following examination date if:

738 (a) the applicant shows to the board good cause for failing to take or pass the  
739 examination; and

740 (b) the majority of the board members recommend the extension.



741 ~~[(4) Upon the recommendation of the board, the division may issue a license without~~  
742 ~~examination to a person who:]~~

743 ~~[(a) has been licensed or registered to practice veterinary medicine, surgery, and~~  
744 ~~dentistry in any state, district, or territory of the United States or in any foreign country, whose~~  
745 ~~educational, examination, and experience requirements are or were at the time the license was~~  
746 ~~issued equal to those of this state;]~~

747 ~~[(b) has engaged in the practice of veterinary medicine, dentistry, and surgery while~~  
748 ~~licensed by another jurisdiction for at least two years;]~~

749 ~~[(c) obtained the license in another jurisdiction after passing an examination~~  
750 ~~component acceptable to the division and the board;]~~

751 ~~[(d) produces satisfactory evidence of having practiced veterinary medicine~~  
752 ~~competently and in accordance with the standards and ethics of the profession while practicing~~  
753 ~~in another jurisdiction; and]~~

754 ~~[(e) produces satisfactory evidence of identity and good moral character as it relates to~~  
755 ~~the applicant's functions and practice as a licensed veterinarian.]~~

756 Section 19. Section **58-31b-303** is amended to read:

757 **58-31b-303. Qualifications for licensure -- Graduates of nonapproved nursing**  
758 **programs.**

759 An applicant for licensure as a practical nurse or registered nurse who is a graduate of a  
760 nursing education program not approved by the division in collaboration with the board must  
761 comply with the requirements of this section.

762 (1) An applicant for licensure as a licensed practical nurse shall:

763 (a) meet all requirements of Subsection [58-31b-302\(2\)](#), except Subsection  
764 [58-31b-302\(2\)\(e\)](#); and

765 (b) produce evidence acceptable to the division and the board that the nursing  
766 education program completed by the applicant is equivalent to the minimum standards  
767 established by the division in collaboration with the board for an approved licensed practical  
768 nursing education program.

769 (2) An applicant for licensure as a registered nurse shall:

770 (a) meet all requirements of Subsection [58-31b-302\(3\)](#), except Subsection  
771 [58-31b-302\(3\)\(e\)](#); and

772 (b) (i) pass the Commission on Graduates of Foreign Nursing Schools (CGFNS)  
773 Examination; or

774 (ii) produce evidence acceptable to the division and the board that the applicant is  
775 currently licensed as a registered nurse in one of the states, territories, or the District of  
776 Columbia of the United States or in Canada and has passed the NCLEX-RN examination in  
777 English.

778 Section 20. Section **58-41-4** is amended to read:

779 **58-41-4. Exemptions from chapter.**

780 (1) In addition to the exemptions from licensure in Section **58-1-307**, the following  
781 persons may engage in the practice of speech-language pathology and audiology subject to the  
782 stated circumstances and limitations without being licensed under this chapter:

783 (a) a qualified person licensed in this state under any law existing in this state prior to  
784 May 13, 1975, engaging in the profession for which ~~he~~ the person is licensed;

785 (b) a medical doctor, physician, physician assistant, or surgeon licensed in this state,  
786 engaging in his or her specialty in the practice of medicine;

787 (c) a hearing aid dealer or ~~salesman from~~ salesperson selling, fitting, adjusting, and  
788 repairing hearing aids, and conducting hearing tests solely for that purpose. However, a hearing  
789 aid dealer may not conduct audiologic testing on persons ~~under the age of 18 years~~ younger  
790 than 18 years old except under the direct supervision of an audiologist licensed under this  
791 chapter;

792 (d) a person who has obtained a valid and current credential issued by the State Board  
793 of Education while specifically performing ~~specifically~~ the functions of a speech-language  
794 pathologist or audiologist ~~[, in no way in his own interest, solely within the confines of and~~  
795 ~~under the direction and jurisdiction of and only in the academic interest of the schools by which~~  
796 ~~employed in this state]~~ solely within the confines of, under the direction and jurisdiction of, and  
797 in the academic interest of the school employing the person;

798 (e) a person employed as a speech-language pathologist or audiologist by federal  
799 government agencies or subdivisions or, prior to July 1, 1989, by state or local government  
800 agencies or subdivisions, while specifically performing speech-language pathology or  
801 audiology services ~~in no way in his own interest,~~ solely within the confines of ~~and~~,  
802 the direction and jurisdiction of, and in the specific interest of ~~that~~ the agency or subdivision;

803 (f) a person identified in Subsections (1)(d) and (e) may offer lectures for a fee, or  
804 monetary or other compensation, without being licensed[; ~~however, such person may elect to~~  
805 ~~be subject to the requirements of this chapter~~];

806 (g) a person employed by an accredited [~~colleges or universities~~] college or university  
807 as a speech-language pathologist or audiologist [~~from~~] performing the services or functions  
808 described in this chapter [~~when they~~] if the services or functions are:

809 (i) performed solely as an assigned teaching function of the person's employment;

810 (ii) solely in academic interest and pursuit as a function of [~~that~~] the person's

811 employment;

812 (iii) in no way for [~~their~~] the person's own interest; and

813 (iv) provided for no fee, monetary or otherwise, other than [~~their~~] the person's agreed  
814 institutional salary;

815 (h) a person pursuing a course of study leading to a degree in speech-language  
816 pathology or audiology while enrolled in an accredited college or university, provided:

817 (i) those activities constitute an assigned, directed, and supervised part of [~~his~~] the  
818 person's curricular study, and in no other interest[~~, and~~];

819 (ii) that all examinations, tests, histories, charts, progress notes, reports,  
820 correspondence, [~~and all~~] documents, and records [~~which he~~] the person produces be identified  
821 clearly as having been conducted and prepared by a student in training [~~and that such a~~];

822 (iii) that the person is obviously identified and designated by appropriate title clearly  
823 indicating the person's training status; and [~~provided that he~~]

824 (iv) that the person does not hold [~~himself~~] out directly or indirectly [~~as being~~] to the  
825 public or otherwise represent that the person is qualified to practice independently;

826 (i) a person trained in elementary audiometry and qualified to perform basic  
827 audiometric tests while employed by and under the direct supervision of a licensed medical  
828 doctor to perform solely for [~~him while under his direct supervision;~~] the licensed medical  
829 doctor, the elementary conventional audiometric tests of air conduction screening, air  
830 conduction threshold testing, and tympanometry;

831 (j) a person [~~while performing as a~~] performing the functions of a speech-language  
832 pathologist or audiologist for the sole purpose of obtaining required professional experience  
833 under the provisions of this chapter and only during the period the person is obtaining the

834 required professional experience, if [he] the person:

835 (i) meets all training requirements; and

836 (ii) is professionally responsible to and under the supervision of a speech-language  
837 pathologist or audiologist who holds the CCC or a state license in speech-language pathology  
838 or audiology[. ~~This provision is applicable only during the time that person is obtaining the~~  
839 ~~required professional experience~~];

840 (k) a corporation, partnership, trust, association, group practice, or [like] similar  
841 organization engaging in speech-language pathology or audiology services without certification  
842 or license, if [it acts] acting only through employees or [consists] consisting only of persons  
843 who are licensed under this chapter;

844 (l) [~~performance of~~] a person who is not a resident of this state performing  
845 speech-language pathology or audiology services in this state [~~by a speech-language pathologist~~  
846 ~~or audiologist who is not a resident of this state and is not licensed under this chapter if those~~  
847 if;

848 (i) the services are performed for no more than one month in any calendar year in  
849 association with a speech-language pathologist or audiologist licensed under this chapter[~~and~~  
850 ~~if that~~]; and

851 (ii) the person meets the qualifications and requirements for application for licensure  
852 described in Section 58-41-5; [and]

853 (m) a person certified under Title 53E, Public Education System -- State  
854 Administration, as a teacher of the deaf, from providing the services or performing the  
855 functions [he] the person is certified to perform[-]; and

856 (n) a person trained in newborn hearing screening who is responsible for a newborn  
857 hearing screening program at a licensed birthing center, as defined in Section 26-21-2.

858 (2) No person is exempt from the requirements of this chapter who performs or  
859 provides any services as a speech-language pathologist or audiologist for which a fee, salary,  
860 bonus, gratuity, or compensation of any kind paid by the recipient of the service; or who  
861 engages any part of his professional work for a fee practicing in conjunction with, by  
862 permission of, or apart from his position of employment as speech-language pathologist or  
863 audiologist in any branch or subdivision of local, state, or federal government or as otherwise  
864 identified in this section.

865 Section 21. Section **58-44a-302** is amended to read:

866 **58-44a-302. Qualifications for licensure.**

867 (1) An applicant for licensure as a nurse midwife shall:

868 (a) submit an application in a form as prescribed by the division;

869 (b) pay a fee as determined by the department under Section [63J-1-504](#);

870 [~~(c)~~ be of good moral character;]

871 [~~(d)~~ (c) at the time of application for licensure hold a license in good standing as a

872 registered nurse in Utah, or be at that time qualified for a license as a registered nurse under

873 Title 58, Chapter 31b, Nurse Practice Act;

874 [~~(e)~~ (d) have completed:

875 (i) a certified nurse midwifery education program accredited by the Accreditation

876 Commission for Midwifery Education and approved by the division; or

877 (ii) a nurse midwifery education program located outside of the United States which is

878 approved by the division and is equivalent to a program accredited by the Accreditation

879 Commission for Midwifery Education, as demonstrated by a graduate's being accepted to sit for

880 the national certifying examination administered by the Accreditation Commission for

881 Midwifery Education or its designee; and

882 [~~(f)~~ (e) have passed examinations established by the division rule in collaboration with

883 the board within two years after completion of the approved education program required under

884 Subsection [~~(1)~~(~~e~~)] (1)(d).

885 (2) For purposes of Subsection [~~(1)~~(~~e~~)] (1)(d), as of January 1, 2010, the accredited

886 education program or its equivalent must grant a graduate degree, including post-master's

887 certificate, in nurse midwifery.

888 Section 22. Section **58-55-102** is amended to read:

889 **58-55-102. Definitions.**

890 In addition to the definitions in Section [58-1-102](#), as used in this chapter:

891 (1) (a) "Alarm business or company" means a person engaged in the sale, installation,

892 maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system,

893 except as provided in Subsection (1)(b).

894 (b) "Alarm business or company" does not include:

895 (i) a person engaged in the manufacture or sale of alarm systems unless:

896 (A) that person is also engaged in the installation, maintenance, alteration, repair,  
897 replacement, servicing, or monitoring of alarm systems;

898 (B) the manufacture or sale occurs at a location other than a place of business  
899 established by the person engaged in the manufacture or sale; or

900 (C) the manufacture or sale involves site visits at the place or intended place of  
901 installation of an alarm system; or

902 (ii) an owner of an alarm system, or an employee of the owner of an alarm system who  
903 is engaged in installation, maintenance, alteration, repair, replacement, servicing, or monitoring  
904 of the alarm system owned by that owner.

905 (2) "Alarm company agent":

906 (a) except as provided in Subsection (2)(b), means any individual employed within this  
907 state by an alarm business; and

908 (b) does not include an individual who:

909 (i) is not engaged in the sale, installation, maintenance, alteration, repair, replacement,  
910 servicing, or monitoring of an alarm system; and

911 (ii) does not, during the normal course of the individual's employment with an alarm  
912 business, use or have access to sensitive alarm system information.

913 (3) "Alarm system" means equipment and devices assembled for the purpose of:

914 (a) detecting and signaling unauthorized intrusion or entry into or onto certain  
915 premises; or

916 (b) signaling a robbery or attempted robbery on protected premises.

917 (4) "Apprentice electrician" means a person licensed under this chapter as an  
918 apprentice electrician who is learning the electrical trade under the immediate supervision of a  
919 master electrician, residential master electrician, a journeyman electrician, or a residential  
920 journeyman electrician.

921 (5) "Apprentice plumber" means a person licensed under this chapter as an apprentice  
922 plumber who is learning the plumbing trade under the immediate supervision of a master  
923 plumber, residential master plumber, journeyman plumber, or a residential journeyman  
924 plumber.

925 (6) "Approved continuing education" means instruction provided through courses  
926 under a program established under Subsection [58-55-302.5\(2\)](#).

927 (7) (a) "Approved prelicensure course provider" means a provider that is the  
928 Associated General Contractors of Utah, the Utah Chapter of the Associated Builders and  
929 Contractors, or the Utah Home Builders Association, and that meets the requirements  
930 established by rule by the commission with the concurrence of the director, to teach the  
931 25-hour course described in Subsection 58-55-302(1)(e)(iii).

932 (b) "Approved prelicensure course provider" may only include a provider that, in  
933 addition to any other locations, offers the 25-hour course described in Subsection  
934 58-55-302(1)(e)(iii) at least six times each year in one or more counties other than Salt Lake  
935 County, Utah County, Davis County, or Weber County.

936 (8) "Board" means the Electrician Licensing Board, Alarm System Security and  
937 Licensing Board, or Plumbers Licensing Board created in Section 58-55-201.

938 (9) "Combustion system" means an assembly consisting of:

939 (a) piping and components with a means for conveying, either continuously or  
940 intermittently, natural gas from the outlet of the natural gas provider's meter to the burner of the  
941 appliance;

942 (b) the electric control and combustion air supply and venting systems, including air  
943 ducts; and

944 (c) components intended to achieve control of quantity, flow, and pressure.

945 (10) "Commission" means the Construction Services Commission created under  
946 Section 58-55-103.

947 (11) "Construction trade" means any trade or occupation involving:

948 (a) (i) construction, alteration, remodeling, repairing, wrecking or demolition, addition  
949 to, or improvement of any building, highway, road, railroad, dam, bridge, structure, excavation  
950 or other project, development, or improvement to other than personal property; and

951 (ii) constructing, remodeling, or repairing a manufactured home or mobile home as  
952 defined in Section 15A-1-302; or

953 (b) installation or repair of a residential or commercial natural gas appliance or  
954 combustion system.

955 (12) "Construction trades instructor" means a person licensed under this chapter to  
956 teach one or more construction trades in both a classroom and project environment, where a  
957 project is intended for sale to or use by the public and is completed under the direction of the

958 instructor, who has no economic interest in the project.

959 (13) (a) "Contractor" means any person who for compensation other than wages as an  
960 employee undertakes any work in the construction, plumbing, or electrical trade for which  
961 licensure is required under this chapter and includes:

962 (i) a person who builds any structure on the person's own property for the purpose of  
963 sale or who builds any structure intended for public use on the person's own property;

964 (ii) any person who represents that the person is a contractor, or will perform a service  
965 described in this Subsection (13), by advertising on a website or social media, or any other  
966 means;

967 (iii) any person engaged as a maintenance person, other than an employee, who  
968 regularly engages in activities set forth under the definition of "construction trade";

969 (iv) any person engaged in, or offering to engage in, any construction trade for which  
970 licensure is required under this chapter; or

971 (v) a construction manager, construction consultant, construction assistant, or any other  
972 person who, for a fee:

973 (A) performs or offers to perform construction consulting;

974 (B) performs or offers to perform management of construction subcontractors;

975 (C) provides or offers to provide a list of subcontractors or suppliers; or

976 (D) provides or offers to provide management or counseling services on a construction  
977 project.

978 (b) "Contractor" does not include:

979 (i) an alarm company or alarm company agent; or

980 (ii) a material supplier who provides consulting to customers regarding the design and  
981 installation of the material supplier's products.

982 (14) (a) "Electrical trade" means the performance of any electrical work involved in the  
983 installation, construction, alteration, change, repair, removal, or maintenance of facilities,  
984 buildings, or appendages or appurtenances.

985 (b) "Electrical trade" does not include:

986 (i) transporting or handling electrical materials;

987 (ii) preparing clearance for raceways for wiring;

988 (iii) work commonly done by unskilled labor on any installations under the exclusive



989 control of electrical utilities;

990 (iv) work involving cable-type wiring that does not pose a shock or fire-initiation  
991 hazard; or

992 (v) work involving class two or class three power-limited circuits as defined in the  
993 National Electrical Code.

994 (15) "Elevator" means the same as that term is defined in Section [34A-7-202](#), except  
995 that for purposes of this chapter it does not mean a stair chair, a vertical platform lift, or an  
996 incline platform lift.

997 (16) "Elevator contractor" means a sole proprietor, firm, or corporation licensed under  
998 this chapter that is engaged in the business of erecting, constructing, installing, altering,  
999 servicing, repairing, or maintaining an elevator.

1000 (17) "Elevator mechanic" means an individual who is licensed under this chapter as an  
1001 elevator mechanic and who is engaged in erecting, constructing, installing, altering, servicing,  
1002 repairing, or maintaining an elevator under the immediate supervision of an elevator contractor.

1003 (18) "Employee" means an individual as defined by the division by rule giving  
1004 consideration to the definition adopted by the Internal Revenue Service and the Department of  
1005 Workforce Services.

1006 (19) "Engage in a construction trade" means to:

1007 (a) engage in, represent oneself to be engaged in, or advertise oneself as being engaged  
1008 in a construction trade; or

1009 (b) use the name "contractor" or "builder" or in any other way lead a reasonable person  
1010 to believe one is or will act as a contractor.

1011 (20) (a) "Financial responsibility" means a demonstration of a current and expected  
1012 future condition of financial solvency evidencing a reasonable expectation to the division and  
1013 the board that an applicant or licensee can successfully engage in business as a contractor  
1014 without jeopardy to the public health, safety, and welfare.

1015 (b) Financial responsibility may be determined by an evaluation of the total history  
1016 concerning the licensee or applicant including past, present, and expected condition and record  
1017 of financial solvency and business conduct.

1018 (21) "Gas appliance" means any device that uses natural gas to produce light, heat,  
1019 power, steam, hot water, refrigeration, or air conditioning.

1020 (22) (a) "General building contractor" means a person licensed under this chapter as a  
1021 general building contractor qualified by education, training, experience, and knowledge to  
1022 perform or superintend construction of structures for the support, shelter, and enclosure of  
1023 persons, animals, chattels, or movable property of any kind or any of the components of that  
1024 construction except plumbing, electrical work, mechanical work, work related to the operating  
1025 integrity of an elevator, and manufactured housing installation, for which the general building  
1026 contractor shall employ the services of a contractor licensed in the particular specialty, except  
1027 that a general building contractor engaged in the construction of single-family and multifamily  
1028 residences up to four units may perform the mechanical work and hire a licensed plumber or  
1029 electrician as an employee.

1030 (b) The division may by rule exclude general building contractors from engaging in the  
1031 performance of other construction specialties in which there is represented a substantial risk to  
1032 the public health, safety, and welfare, and for which a license is required unless that general  
1033 building contractor holds a valid license in that specialty classification.

1034 (23) (a) "General electrical contractor" means a person licensed under this chapter as a  
1035 general electrical contractor qualified by education, training, experience, and knowledge to  
1036 perform the fabrication, construction, and installation of generators, transformers, conduits,  
1037 raceways, panels, switch gear, electrical wires, fixtures, appliances, or apparatus that uses  
1038 electrical energy.

1039 (b) The scope of work of a general electrical contractor may be further defined by rules  
1040 made by the commission, with the concurrence of the director, in accordance with Title 63G,  
1041 Chapter 3, Utah Administrative Rulemaking Act.

1042 (24) (a) "General engineering contractor" means a person licensed under this chapter as  
1043 a general engineering contractor qualified by education, training, experience, and knowledge to  
1044 perform or superintend construction of fixed works or components of fixed works requiring  
1045 specialized engineering knowledge and skill in any of the following: [~~irrigation, drainage,~~  
1046 ~~water, power, water supply, flood control, inland waterways, harbors, railroads, highways,~~  
1047 ~~tunnels, airports and runways, sewers and bridges, refineries, pipelines, chemical and industrial~~  
1048 ~~plants requiring specialized engineering knowledge and skill, piers, and foundations, or any of~~  
1049 ~~the components of those works.~~]

1050 (i) irrigation;

- 1051            (ii) drainage;
- 1052            (iii) water power;
- 1053            (iv) water supply;
- 1054            (v) flood control;
- 1055            (vi) an inland waterway;
- 1056            (vii) a harbor;
- 1057            (viii) a railroad;
- 1058            (ix) a highway;
- 1059            (x) a tunnel;
- 1060            (xi) an airport;
- 1061            (xii) an airport runway;
- 1062            (xiii) a sewer;
- 1063            (xiv) a bridge;
- 1064            (xv) a refinery;
- 1065            (xvi) a pipeline;
- 1066            (xvii) a chemical plant;
- 1067            (xviii) an industrial plant;
- 1068            (xix) a pier;
- 1069            (xx) a foundation;
- 1070            (xxi) a power plant; or
- 1071            (xxii) a utility plant or installation.
- 1072            (b) A general engineering contractor may not perform [~~construction of structures~~] or
- 1073 superintend:
- 1074            (i) construction of a structure built primarily for the support, shelter, and enclosure of
- 1075 persons, animals, and chattels[-]; or
- 1076            (ii) performance of:
- 1077            (A) plumbing work;
- 1078            (B) electrical work; or
- 1079            (C) mechanical work.
- 1080            (25) (a) "General plumbing contractor" means a person licensed under this chapter as a
- 1081 general plumbing contractor qualified by education, training, experience, and knowledge to

1082 perform the fabrication or installation of material and fixtures to create and maintain sanitary  
1083 conditions in a building by providing permanent means for a supply of safe and pure water, a  
1084 means for the timely and complete removal from the premises of all used or contaminated  
1085 water, fluid and semi-fluid organic wastes and other impurities incidental to life and the  
1086 occupation of such premises, and a safe and adequate supply of gases for lighting, heating, and  
1087 industrial purposes.

1088 (b) The scope of work of a general plumbing contractor may be further defined by rules  
1089 made by the commission, with the concurrence of the director, in accordance with Title 63G,  
1090 Chapter 3, Utah Administrative Rulemaking Act.

1091 (26) "Immediate supervision" means reasonable direction, oversight, inspection, and  
1092 evaluation of the work of a person:

1093 (a) as the division specifies in rule;

1094 (b) by, as applicable, a qualified electrician or plumber;

1095 (c) as part of a planned program of training; and

1096 (d) to ensure that the end result complies with applicable standards.

1097 (27) "Individual" means a natural person.

1098 (28) "Journeyman electrician" means a person licensed under this chapter as a  
1099 journeyman electrician having the qualifications, training, experience, and knowledge to wire,  
1100 install, and repair electrical apparatus and equipment for light, heat, power, and other purposes.

1101 (29) "Journeyman plumber" means a person licensed under this chapter as a  
1102 journeyman plumber having the qualifications, training, experience, and technical knowledge  
1103 to engage in the plumbing trade.

1104 (30) "Master electrician" means a person licensed under this chapter as a master  
1105 electrician having the qualifications, training, experience, and knowledge to properly plan,  
1106 layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment  
1107 for light, heat, power, and other purposes.

1108 (31) "Master plumber" means a person licensed under this chapter as a master plumber  
1109 having the qualifications, training, experience, and knowledge to properly plan and layout  
1110 projects and supervise persons in the plumbing trade.

1111 (32) "Person" means a natural person, sole proprietorship, joint venture, corporation,  
1112 limited liability company, association, or organization of any type.

1113 (33) (a) "Plumbing trade" means the performance of any mechanical work pertaining to  
1114 the installation, alteration, change, repair, removal, maintenance, or use in buildings, or within  
1115 three feet beyond the outside walls of buildings, of pipes, fixtures, and fittings for the:

1116 (i) delivery of the water supply;

1117 (ii) discharge of liquid and water carried waste;

1118 (iii) building drainage system within the walls of the building; and

1119 (iv) delivery of gases for lighting, heating, and industrial purposes.

1120 (b) "Plumbing trade" includes work pertaining to the water supply, distribution pipes,  
1121 fixtures and fixture traps, soil, waste and vent pipes, the building drain and roof drains, and the  
1122 safe and adequate supply of gases, together with their devices, appurtenances, and connections  
1123 where installed within the outside walls of the building.

1124 (34) "Ratio of apprentices" means the number of licensed plumber apprentices or  
1125 licensed electrician apprentices that are allowed to be under the immediate supervision of a  
1126 licensed supervisor as established by the provisions of this chapter and by rules made by the  
1127 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,  
1128 Utah Administrative Rulemaking Act.

1129 (35) "Residential and small commercial contractor" means a person licensed under this  
1130 chapter as a residential and small commercial contractor qualified by education, training,  
1131 experience, and knowledge to perform or superintend the construction of single-family  
1132 residences, multifamily residences up to four units, and commercial construction of not more  
1133 than three stories above ground and not more than 20,000 square feet, or any of the components  
1134 of that construction except plumbing, electrical work, mechanical work, and manufactured  
1135 housing installation, for which the residential and small commercial contractor shall employ  
1136 the services of a contractor licensed in the particular specialty, except that a residential and  
1137 small commercial contractor engaged in the construction of single-family and multifamily  
1138 residences up to four units may perform the mechanical work and hire a licensed plumber or  
1139 electrician as an employee.

1140 (36) "Residential building," as it relates to the license classification of residential  
1141 journeyman plumber and residential master plumber, means a single or multiple family  
1142 dwelling of up to four units.

1143 (37) (a) "Residential electrical contractor" means a person licensed under this chapter

1144 as a residential electrical contractor qualified by education, training, experience, and  
1145 knowledge to perform the fabrication, construction, and installation of services, disconnecting  
1146 means, grounding devices, panels, conductors, load centers, lighting and plug circuits,  
1147 appliances, and fixtures in a residential unit.

1148 (b) The scope of work of a residential electrical contractor may be further defined by  
1149 rules made by the commission, with the concurrence of the director, in accordance with Title  
1150 63G, Chapter 3, Utah Administrative Rulemaking Act.

1151 (38) "Residential journeyman electrician" means a person licensed under this chapter  
1152 as a residential journeyman electrician having the qualifications, training, experience, and  
1153 knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power,  
1154 and other purposes on buildings using primarily nonmetallic sheath cable.

1155 (39) "Residential journeyman plumber" means a person licensed under this chapter as a  
1156 residential journeyman plumber having the qualifications, training, experience, and knowledge  
1157 to engage in the plumbing trade as limited to the plumbing of residential buildings.

1158 (40) "Residential master electrician" means a person licensed under this chapter as a  
1159 residential master electrician having the qualifications, training, experience, and knowledge to  
1160 properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus  
1161 and equipment for light, heat, power, and other purposes on residential projects.

1162 (41) "Residential master plumber" means a person licensed under this chapter as a  
1163 residential master plumber having the qualifications, training, experience, and knowledge to  
1164 properly plan and layout projects and supervise persons in the plumbing trade as limited to the  
1165 plumbing of residential buildings.

1166 (42) (a) "Residential plumbing contractor" means a person licensed under this chapter  
1167 as a residential plumbing contractor qualified by education, training, experience, and  
1168 knowledge to perform the fabrication or installation of material and fixtures to create and  
1169 maintain sanitary conditions in residential buildings by providing permanent means for a  
1170 supply of safe and pure water, a means for the timely and complete removal from the premises  
1171 of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities  
1172 incidental to life and the occupation of such premises, and a safe and adequate supply of gases  
1173 for lighting, heating, and [~~industrial~~] residential purposes.

1174 (b) The scope of work of a residential plumbing contractor may be further defined by

1175 rules made by the commission, with the concurrence of the director, in accordance with Title  
1176 63G, Chapter 3, Utah Administrative Rulemaking Act.

1177 (43) "Residential project," as it relates to an electrician or electrical contractor, means  
1178 buildings primarily wired with nonmetallic sheathed cable, in accordance with standard rules  
1179 and regulations governing this work, including the National Electrical Code, and in which the  
1180 voltage does not exceed 250 volts line to line and 125 volts to ground.

1181 (44) "Sensitive alarm system information" means:

1182 (a) a pass code or other code used in the operation of an alarm system;

1183 (b) information on the location of alarm system components at the premises of a  
1184 customer of the alarm business providing the alarm system;

1185 (c) information that would allow the circumvention, bypass, deactivation, or other  
1186 compromise of an alarm system of a customer of the alarm business providing the alarm  
1187 system; and

1188 (d) any other similar information that the division by rule determines to be information  
1189 that an individual employed by an alarm business should use or have access to only if the  
1190 individual is licensed as provided in this chapter.

1191 (45) (a) "Specialty contractor" means a person licensed under this chapter under a  
1192 specialty contractor classification established by rule, who is qualified by education, training,  
1193 experience, and knowledge to perform those construction trades and crafts requiring  
1194 specialized skill, the regulation of which are determined by the division to be in the best  
1195 interest of the public health, safety, and welfare.

1196 (b) A specialty contractor may perform work in crafts or trades other than those in  
1197 which the specialty contractor is licensed if they are incidental to the performance of the  
1198 specialty contractor's licensed craft or trade.

1199 (46) "Unincorporated entity" means an entity that is not:

1200 (a) an individual;

1201 (b) a corporation; or

1202 (c) publicly traded.

1203 (47) "Unlawful conduct" means the same as that term is defined in Sections [58-1-501](#)  
1204 and [58-55-501](#).

1205 (48) "Unprofessional conduct" means the same as that term is defined in Sections

1206 58-1-501 and 58-55-502 and as may be further defined by rule.

1207 (49) "Wages" means amounts due to an employee for labor or services whether the  
1208 amount is fixed or ascertained on a time, task, piece, commission, or other basis for calculating  
1209 the amount.

1210 Section 23. Section 58-55-302 is amended to read:

1211 **58-55-302. Qualifications for licensure.**

1212 (1) Each applicant for a license under this chapter shall:

1213 (a) submit an application prescribed by the division;

1214 (b) pay a fee as determined by the department under Section 63J-1-504;

1215 (c) meet the examination requirements established by this section and by rule by the  
1216 commission with the concurrence of the director, which requirements include:

1217 (i) for licensure as an apprentice electrician, apprentice plumber, or specialty  
1218 contractor, no division-administered examination is required;

1219 (ii) for licensure as a general building contractor, general engineering contractor,  
1220 residential and small commercial contractor, general plumbing contractor, residential plumbing  
1221 contractor, general electrical contractor, or residential electrical contractor, the only required  
1222 division-administered examination is a division-administered examination that covers  
1223 information from the 25-hour course described in Subsection (1)(e)(iii), which course may  
1224 have been previously completed as part of applying for any other license under this chapter,  
1225 and, if the 25-hour course was completed on or after July 1, 2019, the five-hour business law  
1226 course described in Subsection (1)(e)(iv); and

1227 (iii) if required in Section 58-55-304, an individual qualifier must pass the required  
1228 division-administered examination if the applicant is a business entity;

1229 (d) if an apprentice, identify the proposed supervisor of the apprenticeship;

1230 (e) if an applicant for a contractor's license:

1231 (i) produce satisfactory evidence of financial responsibility, except for a construction  
1232 trades instructor for whom evidence of financial responsibility is not required;

1233 (ii) produce satisfactory evidence of:

1234 (A) except as provided in Subsection (2)(a), and except that no employment experience  
1235 is required for licensure as a specialty contractor, two years full-time paid employment  
1236 experience in the construction industry, which employment experience, unless more



1237 specifically described in this section, may be related to any contracting classification and does  
1238 not have to include supervisory experience; and

1239 (B) knowledge of the principles of the conduct of business as a contractor, reasonably  
1240 necessary for the protection of the public health, safety, and welfare;

1241 (iii) except as otherwise provided by rule by the commission with the concurrence of  
1242 the director, complete a 25-hour course established by rule by the commission with the  
1243 concurrence of the director, which is taught by an approved prelicensure course provider, and  
1244 which course may include:

1245 (A) construction business practices;

1246 (B) bookkeeping fundamentals;

1247 (C) mechanics lien fundamentals;

1248 (D) other aspects of business and construction principles considered important by the  
1249 commission with the concurrence of the director; and

1250 (E) for no additional fee, a provider-administered examination at the end of the  
1251 25-hour course;

1252 (iv) complete a five-hour business and law course established by rule by the  
1253 commission with the concurrence of the director, which is taught by an approved prelicensure  
1254 course provider, if an applicant for licensure as a general building contractor, general  
1255 engineering contractor, residential and small commercial contractor, general plumbing  
1256 contractor, residential plumbing contractor, general electrical contractor, or residential  
1257 electrical contractor, except that if the 25-hour course described in Subsection (1)(e)(iii) was  
1258 completed before July 1, 2019, the applicant does not need to take the business and law course;

1259 (v) (A) be a licensed master electrician if an applicant for an electrical contractor's  
1260 license or a licensed master residential electrician if an applicant for a residential electrical  
1261 contractor's license;

1262 (B) be a licensed master plumber if an applicant for a plumbing contractor's license or  
1263 a licensed master residential plumber if an applicant for a residential plumbing contractor's  
1264 license; or

1265 (C) be a licensed elevator mechanic and produce satisfactory evidence of three years  
1266 experience as an elevator mechanic if an applicant for an elevator contractor's license; and

1267 (vi) when the applicant is an unincorporated entity, provide a list of the one or more

1268 individuals who hold an ownership interest in the applicant as of the day on which the  
1269 application is filed that includes for each individual:

- 1270 (A) the individual's name, address, birth date, and social security number; and
- 1271 (B) whether the individual will engage in a construction trade; and
- 1272 (f) if an applicant for a construction trades instructor license, satisfy any additional  
1273 requirements established by rule.

1274 (2) (a) If the applicant for a contractor's license described in Subsection (1) is a  
1275 building inspector, the applicant may satisfy Subsection (1)(e)(ii)(A) by producing satisfactory  
1276 evidence of two years full-time paid employment experience as a building inspector, which  
1277 shall include at least one year full-time experience as a licensed combination inspector.

1278 (b) The applicant shall file the following with the division before the division issues the  
1279 license:

1280 (i) proof of workers' compensation insurance which covers employees of the applicant  
1281 in accordance with applicable Utah law;

1282 (ii) proof of public liability insurance in coverage amounts and form established by rule  
1283 except for a construction trades instructor for whom public liability insurance is not required;  
1284 and

1285 (iii) proof of registration as required by applicable law with the:

1286 (A) Department of Commerce;

1287 (B) Division of Corporations and Commercial Code;

1288 (C) Unemployment Insurance Division in the Department of Workforce Services, for  
1289 purposes of Title 35A, Chapter 4, Employment Security Act;

1290 (D) State Tax Commission; and

1291 (E) Internal Revenue Service.

1292 (3) In addition to the general requirements for each applicant in Subsection (1),  
1293 applicants shall comply with the following requirements to be licensed in the following  
1294 classifications:

1295 (a) (i) A master plumber shall produce satisfactory evidence that the applicant:

1296 (A) has been a licensed journeyman plumber for at least two years and had two years of  
1297 supervisory experience as a licensed journeyman plumber in accordance with division rule;

1298 (B) has received at least an associate of applied science degree or similar degree

1299 following the completion of a course of study approved by the division and had one year of  
1300 supervisory experience as a licensed journeyman plumber in accordance with division rule; or

1301 (C) meets the qualifications for expedited licensure as established by rules made by the  
1302 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,  
1303 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge  
1304 and skills to be a licensed master plumber.

1305 (ii) An individual holding a valid Utah license as a journeyman plumber, based on at  
1306 least four years of practical experience as a licensed apprentice under the supervision of a  
1307 licensed journeyman plumber and four years as a licensed journeyman plumber, in effect  
1308 immediately prior to May 5, 2008, is on and after May 5, 2008, considered to hold a current  
1309 master plumber license under this chapter, and satisfies the requirements of this Subsection  
1310 (3)(a) for the purpose of renewal or reinstatement of that license under Section 58-55-303.

1311 (iii) An individual holding a valid plumbing contractor's license or residential  
1312 plumbing contractor's license, in effect immediately prior to May 5, 2008, is on or after May 5,  
1313 2008:

1314 (A) considered to hold a current master plumber license under this chapter if licensed  
1315 as a plumbing contractor and a journeyman plumber, and satisfies the requirements of this  
1316 Subsection (3)(a) for purposes of renewal or reinstatement of that license under Section  
1317 58-55-303; and

1318 (B) considered to hold a current residential master plumber license under this chapter if  
1319 licensed as a residential plumbing contractor and a residential journeyman plumber, and  
1320 satisfies the requirements of this Subsection (3)(a) for purposes of renewal or reinstatement of  
1321 that license under Section 58-55-303.

1322 (b) A master residential plumber applicant shall produce satisfactory evidence that the  
1323 applicant:

1324 (i) has been a licensed residential journeyman plumber for at least two years and had  
1325 two years of supervisory experience as a licensed residential journeyman plumber in  
1326 accordance with division rule; or

1327 (ii) meets the qualifications for expedited licensure as established by rules made by the  
1328 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,  
1329 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge

1330 and skills to be a licensed master residential plumber.

1331 (c) A journeyman plumber applicant shall produce satisfactory evidence of:

1332 (i) successful completion of the equivalent of at least four years of full-time training  
1333 and instruction as a licensed apprentice plumber under supervision of a licensed master  
1334 plumber or journeyman plumber and in accordance with a planned program of training  
1335 approved by the division;

1336 (ii) at least eight years of full-time experience approved by the division in collaboration  
1337 with the Plumbers Licensing Board; or

1338 (iii) meeting the qualifications for expedited licensure as established by rules made by  
1339 the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,  
1340 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge  
1341 and skills to be a licensed journeyman plumber.

1342 (d) A residential journeyman plumber shall produce satisfactory evidence of:

1343 (i) completion of the equivalent of at least three years of full-time training and  
1344 instruction as a licensed apprentice plumber under the supervision of a licensed residential  
1345 master plumber, licensed residential journeyman plumber, or licensed journeyman plumber in  
1346 accordance with a planned program of training approved by the division;

1347 (ii) completion of at least six years of full-time experience in a maintenance or repair  
1348 trade involving substantial plumbing work; or

1349 (iii) meeting the qualifications for expedited licensure as established by rules made by  
1350 the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,  
1351 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge  
1352 and skills to be a licensed residential journeyman plumber.

1353 (e) The conduct of licensed apprentice plumbers and their licensed supervisors shall be  
1354 in accordance with the following:

1355 (i) while engaging in the trade of plumbing, a licensed apprentice plumber shall be  
1356 under the immediate supervision of a licensed master plumber, licensed residential master  
1357 plumber, licensed journeyman plumber, or licensed residential journeyman plumber;

1358 (ii) beginning in a licensed apprentice plumber's fourth year of training, a licensed  
1359 apprentice plumber may work without supervision for a period not to exceed eight hours in any  
1360 24-hour period; and

1361 (iii) rules made by the commission, with the concurrence of the director, in accordance  
1362 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the ratio of  
1363 apprentices allowed under the immediate supervision of a licensed supervisor, including the  
1364 ratio of apprentices in their fourth year of training or later that are allowed to be under the  
1365 immediate supervision of a licensed supervisor.

1366 (f) A master electrician applicant shall produce satisfactory evidence that the applicant:

1367 (i) is a graduate electrical engineer of an accredited college or university approved by  
1368 the division and has one year of practical electrical experience as a licensed apprentice  
1369 electrician;

1370 (ii) is a graduate of an electrical trade school, having received an associate of applied  
1371 sciences degree following successful completion of a course of study approved by the division,  
1372 and has two years of practical experience as a licensed journeyman electrician;

1373 (iii) has four years of practical experience as a journeyman electrician; or

1374 (iv) meets the qualifications for expedited licensure as established by rules made by the  
1375 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,  
1376 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge  
1377 and skills to be a licensed master electrician.

1378 (g) A master residential electrician applicant shall produce satisfactory evidence that  
1379 the applicant:

1380 (i) has at least two years of practical experience as a residential journeyman electrician;

1381 or

1382 (ii) meets the qualifications for expedited licensure as established by rules made by the  
1383 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,  
1384 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge  
1385 and skills to be a master residential electrician.

1386 (h) A journeyman electrician applicant shall produce satisfactory evidence that the  
1387 applicant:

1388 (i) has successfully completed at least four years of full-time training and instruction as  
1389 a licensed apprentice electrician under the supervision of a master electrician or journeyman  
1390 electrician and in accordance with a planned training program approved by the division;

1391 (ii) has at least eight years of full-time experience approved by the division in

1392 collaboration with the Electricians Licensing Board; or

1393 (iii) meets the qualifications for expedited licensure as established by rules made by the  
1394 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,  
1395 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge  
1396 and skills to be a licensed journeyman electrician.

1397 (i) A residential journeyman electrician applicant shall produce satisfactory evidence  
1398 that the applicant:

1399 (i) has successfully completed two years of training in an electrical training program  
1400 approved by the division;

1401 (ii) has four years of practical experience in wiring, installing, and repairing electrical  
1402 apparatus and equipment for light, heat, and power under the supervision of a licensed master,  
1403 journeyman, residential master, or residential journeyman electrician; or

1404 (iii) meets the qualifications for expedited licensure as established by rules made by the  
1405 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,  
1406 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge  
1407 and skills to be a licensed residential journeyman electrician.

1408 (j) The conduct of licensed apprentice electricians and their licensed supervisors shall  
1409 be in accordance with the following:

1410 (i) A licensed apprentice electrician shall be under the immediate supervision of a  
1411 licensed master, journeyman, residential master, or residential journeyman electrician;

1412 (ii) beginning in a licensed apprentice electrician's fourth year of training, a licensed  
1413 apprentice electrician may work without supervision for a period not to exceed eight hours in  
1414 any 24-hour period;

1415 (iii) rules made by the commission, with the concurrence of the director, in accordance  
1416 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the ratio of  
1417 apprentices allowed under the immediate supervision of a licensed supervisor, including the  
1418 ratio of apprentices in their fourth year of training or later that are allowed to be under the  
1419 immediate supervision of a licensed supervisor; and

1420 (iv) a licensed supervisor may have up to three licensed apprentice electricians on a  
1421 residential project, or more if established by rules made by the commission, in concurrence  
1422 with the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking

1423 Act.

1424 (k) An alarm company applicant shall:

1425 (i) have a qualifying agent who is an officer, director, partner, proprietor, or manager of  
1426 the applicant who:

1427 (A) demonstrates 6,000 hours of experience in the alarm company business;

1428 (B) demonstrates 2,000 hours of experience as a manager or administrator in the alarm  
1429 company business or in a construction business; and

1430 (C) passes an examination component established by rule by the commission with the  
1431 concurrence of the director;

1432 (ii) if a corporation, provide:

1433 (A) the names, addresses, dates of birth, social security numbers, and fingerprint cards  
1434 of all corporate officers, directors, and those responsible management personnel employed  
1435 within the state or having direct responsibility for managing operations of the applicant within  
1436 the state; and

1437 (B) the names, addresses, dates of birth, social security numbers, and fingerprint cards  
1438 of all shareholders owning 5% or more of the outstanding shares of the corporation, except this  
1439 shall not be required if the stock is publicly listed and traded;

1440 (iii) if a limited liability company, provide:

1441 (A) the names, addresses, dates of birth, social security numbers, and fingerprint cards  
1442 of all company officers, and those responsible management personnel employed within the  
1443 state or having direct responsibility for managing operations of the applicant within the state;  
1444 and

1445 (B) the names, addresses, dates of birth, social security numbers, and fingerprint cards  
1446 of all individuals owning 5% or more of the equity of the company;

1447 (iv) if a partnership, provide the names, addresses, dates of birth, social security  
1448 numbers, and fingerprint cards of all general partners, and those responsible management  
1449 personnel employed within the state or having direct responsibility for managing operations of  
1450 the applicant within the state;

1451 (v) if a proprietorship, provide the names, addresses, dates of birth, social security  
1452 numbers, and fingerprint cards of the proprietor, and those responsible management personnel  
1453 employed within the state or having direct responsibility for managing operations of the

1454 applicant within the state;

1455 (vi) if a trust, provide the names, addresses, dates of birth, social security numbers, and  
1456 fingerprint cards of the trustee, and those responsible management personnel employed within  
1457 the state or having direct responsibility for managing operations of the applicant within the  
1458 state;

1459 [~~(vii)~~ be of good moral character in that officers, directors, shareholders described in  
1460 Subsection (3)(k)(ii)(B), partners, proprietors, trustees, and responsible management personnel  
1461 have not been convicted of a felony, a misdemeanor involving moral turpitude, or any other  
1462 crime that when considered with the duties and responsibilities of an alarm company is  
1463 considered by the board to indicate that the best interests of the public are served by granting  
1464 the applicant a license;]

1465 [~~(viii)~~ (vii) document that none of the applicant's officers, directors, shareholders  
1466 described in Subsection (3)(k)(ii)(B), partners, proprietors, trustees, and responsible  
1467 management personnel have been declared by any court of competent jurisdiction incompetent  
1468 by reason of mental defect or disease and not been restored;

1469 [~~(ix)~~ (viii) document that none of the applicant's officers, directors, shareholders  
1470 described in Subsection (3)(k)(ii)(B), partners, proprietors, and responsible management  
1471 personnel are currently suffering from habitual drunkenness or from drug addiction or  
1472 dependence;

1473 [~~(x)~~ (ix) file and maintain with the division evidence of:

1474 (A) comprehensive general liability insurance in form and in amounts to be established  
1475 by rule by the commission with the concurrence of the director;

1476 (B) workers' compensation insurance that covers employees of the applicant in  
1477 accordance with applicable Utah law; and

1478 (C) registration as is required by applicable law with the:

1479 (I) Division of Corporations and Commercial Code;

1480 (II) Unemployment Insurance Division in the Department of Workforce Services, for  
1481 purposes of Title 35A, Chapter 4, Employment Security Act;

1482 (III) State Tax Commission; and

1483 (IV) Internal Revenue Service; and

1484 [~~(xi)~~ (x) meet with the division and board.



- 1485 (l) Each applicant for licensure as an alarm company agent shall:
- 1486 (i) submit an application in a form prescribed by the division accompanied by
- 1487 fingerprint cards;
- 1488 (ii) pay a fee determined by the department under Section 63J-1-504;
- 1489 ~~[(iii) be of good moral character in that the applicant has not been convicted of a~~
- 1490 ~~felony, a misdemeanor involving moral turpitude, or any other crime that when considered with~~
- 1491 ~~the duties and responsibilities of an alarm company agent is considered by the board to indicate~~
- 1492 ~~that the best interests of the public are served by granting the applicant a license;]~~
- 1493 ~~[(iv)] (iii)~~ not have been declared by any court of competent jurisdiction incompetent
- 1494 by reason of mental defect or disease and not been restored;
- 1495 ~~[(v)] (iv)~~ not be currently suffering from habitual drunkenness or from drug addiction
- 1496 or dependence; and
- 1497 ~~[(vi)] (v)~~ meet with the division and board if requested by the division or the board.
- 1498 (m) (i) Each applicant for licensure as an elevator mechanic shall:
- 1499 (A) provide documentation of experience and education credits of not less than three
- 1500 years work experience in the elevator industry, in construction, maintenance, or service and
- 1501 repair; and
- 1502 (B) satisfactorily complete a written examination administered by the division
- 1503 established by rule under Section 58-1-203; or
- 1504 (C) provide certificates of completion of an apprenticeship program for elevator
- 1505 mechanics, having standards substantially equal to those of this chapter and registered with the
- 1506 United States Department of Labor Bureau Apprenticeship and Training or a state
- 1507 apprenticeship council.
- 1508 (ii) (A) If an elevator contractor licensed under this chapter cannot find a licensed
- 1509 elevator mechanic to perform the work of erecting, constructing, installing, altering, servicing,
- 1510 repairing, or maintaining an elevator, the contractor may:
- 1511 (I) notify the division of the unavailability of licensed personnel; and
- 1512 (II) request the division issue a temporary elevator mechanic license to an individual
- 1513 certified by the contractor as having an acceptable combination of documented experience and
- 1514 education to perform the work described in this Subsection (3)(m)(ii)(A).
- 1515 (B) (I) The division may issue a temporary elevator mechanic license to an individual

1516 certified under Subsection (3)(m)(ii)(A)(II) upon application by the individual, accompanied by  
1517 the appropriate fee as determined by the department under Section [63J-1-504](#).

1518 (II) The division shall specify the time period for which the license is valid and may  
1519 renew the license for an additional time period upon its determination that a shortage of  
1520 licensed elevator mechanics continues to exist.

1521 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1522 division may make rules establishing when Federal Bureau of Investigation records shall be  
1523 checked for applicants as an alarm company or alarm company agent.

1524 (5) To determine if an applicant meets the qualifications of Subsections (3)(k)(vii) and  
1525 (3)(l)(iii), the division shall provide an appropriate number of copies of fingerprint cards to the  
1526 Department of Public Safety with the division's request to:

1527 (a) conduct a search of records of the Department of Public Safety for criminal history  
1528 information relating to each applicant for licensure as an alarm company or alarm company  
1529 agent and each applicant's officers, directors, shareholders described in Subsection  
1530 (3)(k)(ii)(B), partners, proprietors, and responsible management personnel; and

1531 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant  
1532 requiring a check of records of the Federal Bureau of Investigation for criminal history  
1533 information under this section.

1534 (6) The Department of Public Safety shall send to the division:

1535 (a) a written record of criminal history, or certification of no criminal history record, as  
1536 contained in the records of the Department of Public Safety in a timely manner after receipt of  
1537 a fingerprint card from the division and a request for review of Department of Public Safety  
1538 records; and

1539 (b) the results of the Federal Bureau of Investigation review concerning an applicant in  
1540 a timely manner after receipt of information from the Federal Bureau of Investigation.

1541 (7) (a) The division shall charge each applicant for licensure as an alarm company or  
1542 alarm company agent a fee, in accordance with Section [63J-1-504](#), equal to the cost of  
1543 performing the records reviews under this section.

1544 (b) The division shall pay the Department of Public Safety the costs of all records  
1545 reviews, and the Department of Public Safety shall pay the Federal Bureau of Investigation the  
1546 costs of records reviews under this section.

1547 (8) Information obtained by the division from the reviews of criminal history records of  
1548 the Department of Public Safety and the Federal Bureau of Investigation shall be used or  
1549 disseminated by the division only for the purpose of determining if an applicant for licensure as  
1550 an alarm company or alarm company agent is qualified for licensure.

1551 (9) (a) An application for licensure under this chapter shall be denied if:

1552 (i) the applicant has had a previous license, which was issued under this chapter,  
1553 suspended or revoked within two years before the date of the applicant's application;

1554 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and

1555 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the  
1556 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar  
1557 status, performing similar functions, or directly or indirectly controlling the applicant has  
1558 served in any similar capacity with any person or entity which has had a previous license,  
1559 which was issued under this chapter, suspended or revoked within two years before the date of  
1560 the applicant's application;

1561 (iii) (A) the applicant is an individual or sole proprietorship; and

1562 (B) any owner or agent acting as a qualifier has served in any capacity listed in  
1563 Subsection (9)(a)(ii)(B) in any entity which has had a previous license, which was issued under  
1564 this chapter, suspended or revoked within two years before the date of the applicant's  
1565 application; or

1566 (iv) (A) the applicant includes an individual who was an owner, director, or officer of  
1567 an unincorporated entity at the time the entity's license under this chapter was revoked; and

1568 (B) the application for licensure is filed within 60 months after the revocation of the  
1569 unincorporated entity's license.

1570 (b) An application for licensure under this chapter shall be reviewed by the appropriate  
1571 licensing board prior to approval if:

1572 (i) the applicant has had a previous license, which was issued under this chapter,  
1573 suspended or revoked more than two years before the date of the applicant's application;

1574 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and

1575 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the  
1576 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar  
1577 status, performing similar functions, or directly or indirectly controlling the applicant has

1578 served in any similar capacity with any person or entity which has had a previous license,  
1579 which was issued under this chapter, suspended or revoked more than two years before the date  
1580 of the applicant's application; or

1581 (iii) (A) the applicant is an individual or sole proprietorship; and

1582 (B) any owner or agent acting as a qualifier has served in any capacity listed in  
1583 Subsection (9)(b)(ii)(B) in any entity which has had a previous license, which was issued under  
1584 this chapter, suspended or revoked more than two years before the date of the applicant's  
1585 application.

1586 (10) (a) (i) A licensee that is an unincorporated entity shall file an ownership status  
1587 report with the division every 30 days after the day on which the license is issued if the licensee  
1588 has more than five owners who are individuals who:

1589 (A) own an interest in the contractor that is an unincorporated entity;

1590 (B) own, directly or indirectly, less than an 8% interest, as defined by rule made by the  
1591 division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in the  
1592 unincorporated entity; and

1593 (C) engage, or will engage, in a construction trade in the state as owners of the  
1594 contractor described in Subsection (10)(a)(i)(A).

1595 (ii) If the licensee has five or fewer owners described in Subsection (10)(a)(i), the  
1596 licensee shall provide the ownership status report with an application for renewal of licensure.

1597 (b) An ownership status report required under this Subsection (10) shall:

1598 (i) specify each addition or deletion of an owner:

1599 (A) for the first ownership status report, after the day on which the unincorporated  
1600 entity is licensed under this chapter; and

1601 (B) for a subsequent ownership status report, after the day on which the previous  
1602 ownership status report is filed;

1603 (ii) be in a format prescribed by the division that includes for each owner, regardless of  
1604 the owner's percentage ownership in the unincorporated entity, the information described in  
1605 Subsection (1)(e)(vi);

1606 (iii) list the name of:

1607 (A) each officer or manager of the unincorporated entity; and

1608 (B) each other individual involved in the operation, supervision, or management of the

1609 unincorporated entity; and

1610 (iv) be accompanied by a fee set by the division in accordance with Section 63J-1-504  
1611 if the ownership status report indicates there is a change described in Subsection (10)(b)(i).

1612 (c) The division may, at any time, audit an ownership status report under this  
1613 Subsection (10):

1614 (i) to determine if financial responsibility has been demonstrated or maintained as  
1615 required under Section 58-55-306; and

1616 (ii) to determine compliance with Subsection 58-55-501(23), (24), or (26) or  
1617 Subsection 58-55-502(8) or (9).

1618 (11) (a) An unincorporated entity that provides labor to an entity licensed under this  
1619 chapter by providing an individual who owns an interest in the unincorporated entity to engage  
1620 in a construction trade in Utah shall file with the division:

1621 (i) before the individual who owns an interest in the unincorporated entity engages in a  
1622 construction trade in Utah, a current list of the one or more individuals who hold an ownership  
1623 interest in the unincorporated entity that includes for each individual:

1624 (A) the individual's name, address, birth date, and social security number; and

1625 (B) whether the individual will engage in a construction trade; and

1626 (ii) every 30 days after the day on which the unincorporated entity provides the list  
1627 described in Subsection (11)(a)(i), an ownership status report containing the information that  
1628 would be required under Subsection (10) if the unincorporated entity were a licensed  
1629 contractor.

1630 (b) When filing an ownership list described in Subsection (11)(a)(i) or an ownership  
1631 status report described in Subsection (11)(a)(ii), an unincorporated entity shall pay a fee set by  
1632 the division in accordance with Section 63J-1-504.

1633 (12) This chapter may not be interpreted to create or support an express or implied  
1634 independent contractor relationship between an unincorporated entity described in Subsection  
1635 (10) or (11) and the owners of the unincorporated entity for any purpose, including income tax  
1636 withholding.

1637 (13) A social security number provided under Subsection (1)(e)(vi) is a private record  
1638 under Subsection 63G-2-302(1)(i).

1639 Section 24. Section 58-55-502 is amended to read:

1640 **58-55-502. Unprofessional conduct.**

1641 Unprofessional conduct includes:

1642 (1) failing to establish, maintain, or demonstrate financial responsibility while licensed  
1643 as a contractor under this chapter;

1644 (2) disregarding or violating through gross negligence or a pattern of negligence:

1645 (a) the building or construction laws of this state or any political subdivision;

1646 (b) the safety and labor laws applicable to a project;

1647 (c) any provision of the health laws applicable to a project;

1648 (d) the workers' compensation insurance laws of this state applicable to a project;

1649 (e) the laws governing withholdings for employee state and federal income taxes,  
1650 unemployment taxes, Social Security payroll taxes, or other required withholdings; or

1651 (f) any reporting, notification, and filing laws of this state or the federal government;

1652 (3) any willful, fraudulent, or deceitful act by a licensee, caused by a licensee, or at a  
1653 licensee's direction which causes material injury to another;

1654 (4) contract violations that pose a threat or potential threat to the public health, safety,  
1655 and welfare including:

1656 (a) willful, deliberate, or grossly negligent departure from or disregard for plans or  
1657 specifications, or abandonment or failure to complete a project without the consent of the  
1658 owner or the owner's duly authorized representative or the consent of any other person entitled  
1659 to have the particular project completed in accordance with the plans, specifications, and  
1660 contract terms;

1661 (b) failure to deposit funds to the benefit of an employee as required under any written  
1662 contractual obligation the licensee has to the employee;

1663 (c) failure to maintain in full force and effect any health insurance benefit to an  
1664 employee that was extended as a part of any written contractual obligation or representation by  
1665 the licensee, unless the employee is given written notice of the licensee's intent to cancel or  
1666 reduce the insurance benefit at least 45 days before the effective date of the cancellation or  
1667 reduction;

1668 (d) failure to reimburse the Residence Lien Recovery Fund as required by Section  
1669 [38-11-207](#);

1670 (e) failure to provide, when applicable, the information required by Section [38-11-108](#);

1671 and

1672 (f) willfully or deliberately misrepresenting or omitting a material fact in connection  
1673 with an application to claim recovery from the Residence Lien Recovery Fund under Section  
1674 [38-11-204](#);

1675 (5) failing as an alarm company to notify the division of the cessation of performance  
1676 of its qualifying agent, or failing to replace its qualifying agent as required under Section  
1677 [58-55-304](#);

1678 (6) failing as an alarm company agent to carry or display a copy of the licensee's  
1679 license as required under Section [58-55-311](#);

1680 (7) failing to comply with operating standards established by rule in accordance with  
1681 Section [58-55-308](#);

1682 (8) an unincorporated entity licensed under this chapter having an individual who owns  
1683 an interest in the unincorporated entity engage in a construction trade in Utah while not  
1684 lawfully present in the United States;

1685 (9) an unincorporated entity failing to provide the following for an individual who  
1686 engages, or will engage, in a construction trade in Utah for the unincorporated entity:

1687 (a) workers' compensation coverage to the extent required by Title 34A, Chapter 2,  
1688 Workers' Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease Act; and

1689 (b) unemployment compensation in accordance with Title 35A, Chapter 4,  
1690 Employment Security Act, for an individual who owns, directly or indirectly, less than an 8%  
1691 interest in the unincorporated entity, as defined by rule made by the division in accordance with  
1692 Title 63G, Chapter 3, Utah Administrative Rulemaking Act; ~~or~~

1693 (10) the failure of an alarm company or alarm company agent to inform a potential  
1694 customer, before the customer's purchase of an alarm system or alarm service from the alarm  
1695 company, of the policy of the county, city, or town within which the customer resides relating  
1696 to priority levels for responding to an alarm signal transmitted by the alarm system that the  
1697 alarm company provides the customer~~[-]; or~~

1698 (11) failing to continuously maintain insurance and registration as required under  
1699 Subsection [58-55-302](#)(2).

1700 Section 25. Section **58-55-503** is amended to read:

1701 **58-55-503. Penalty for unlawful conduct -- Citations.**

1702 (1) (a) (i) A person who violates Subsection 58-55-308(2), Subsection 58-55-501(1),  
1703 (2), (3), (4), (5), (6), (7), (9), (10), (12), (14), (15), (16)(e), (21), (22), (23), (24), (25), (26),  
1704 (27), or (28), or Subsection 58-55-504(2), or who fails to comply with a citation issued under  
1705 this section after it is final, is guilty of a class A misdemeanor.

1706 (ii) As used in this section in reference to Subsection 58-55-504(2), "person" means an  
1707 individual and does not include a sole proprietorship, joint venture, corporation, limited  
1708 liability company, association, or organization of any type.

1709 (b) A person who violates the provisions of Subsection 58-55-501(8) may not be  
1710 awarded and may not accept a contract for the performance of the work.

1711 (2) A person who violates the provisions of Subsection 58-55-501(13) is guilty of an  
1712 infraction unless the violator did so with the intent to deprive the person to whom money is to  
1713 be paid of the money received, in which case the violator is guilty of theft, as classified in  
1714 Section 76-6-412.

1715 (3) Grounds for immediate suspension of a licensee's license by the division and the  
1716 commission include:

1717 (a) the issuance of a citation for violation of Subsection 58-55-308(2), Section  
1718 58-55-501, or Subsection 58-55-504(2); and

1719 (b) the failure by a licensee to make application to, report to, or notify the division with  
1720 respect to any matter for which application, notification, or reporting is required under this  
1721 chapter or rules adopted under this chapter, including:

1722 (i) applying to the division for a new license to engage in a new specialty classification  
1723 or to do business under a new form of organization or business structure;

1724 (ii) filing a current financial statement with the division; and

1725 (iii) notifying the division concerning loss of insurance coverage or change in qualifier.

1726 (4) (a) (i) If upon inspection or investigation, the division concludes that a person has  
1727 violated the provisions of Subsection 58-55-308(2), Subsection 58-55-501(1), (2), (3), (9),  
1728 (10), (12), (14), (16)(e), (18), (20), (21), (22), (23), (24), (25), (26), (27), [or] (28), Subsection  
1729 58-55-502(4)(a) or (11), Subsection 58-55-504(2), or any rule or order issued with respect to  
1730 these subsections, and that disciplinary action is appropriate, the director or the director's  
1731 designee from within the division shall promptly issue a citation to the person according to this  
1732 chapter and any pertinent rules, attempt to negotiate a stipulated settlement, or notify the person



1733 to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4,  
1734 Administrative Procedures Act.

1735 (ii) A person who is in violation of the provisions of Subsection 58-55-308(2),  
1736 Subsection 58-55-501(1), (2), (3), (9), (10), (12), (14), (16)(e), (18), (20), (21), (22), (23), (24),  
1737 (25), (26), (27), or (28), or Subsection 58-55-504(2), as evidenced by an uncontested citation, a  
1738 stipulated settlement, or by a finding of violation in an adjudicative proceeding, may be  
1739 assessed a fine pursuant to this Subsection (4) and may, in addition to or in lieu of, be ordered  
1740 to cease and desist from violating Subsection 58-55-308(2), Subsection 58-55-501(1), (2), (3),  
1741 (9), (10), (12), (16)(e), (18), (20), (21), (24), (25), (26), (27), or (28), or Subsection  
1742 58-55-504(2).

1743 (iii) Except for a cease and desist order, the licensure sanctions cited in Section  
1744 58-55-401 may not be assessed through a citation.

1745 (b) (i) A citation shall be in writing and describe with particularity the nature of the  
1746 violation, including a reference to the provision of the chapter, rule, or order alleged to have  
1747 been violated.

1748 (ii) A citation shall clearly state that the recipient must notify the division in writing  
1749 within 20 calendar days of service of the citation if the recipient wishes to contest the citation  
1750 at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act.

1751 (iii) A citation shall clearly explain the consequences of failure to timely contest the  
1752 citation or to make payment of any fines assessed by the citation within the time specified in  
1753 the citation.

1754 (c) A citation issued under this section, or a copy of a citation, may be served upon a  
1755 person upon whom a summons may be served:

1756 (i) in accordance with the Utah Rules of Civil Procedure;

1757 (ii) personally or upon the person's agent by a division investigator or by a person  
1758 specially designated by the director; or

1759 (iii) by mail.

1760 (d) (i) If within 20 calendar days after the day on which a citation is served, the person  
1761 to whom the citation was issued fails to request a hearing to contest the citation, the citation  
1762 becomes the final order of the division and is not subject to further agency review.

1763 (ii) The period to contest a citation may be extended by the division for cause.

1764 (e) The division may refuse to issue or renew, suspend, revoke, or place on probation  
1765 the license of a licensee who fails to comply with a citation after the citation becomes final.

1766 (f) The failure of an applicant for licensure to comply with a citation after the citation  
1767 becomes final is a ground for denial of license.

1768 (g) A citation may not be issued under this section after the expiration of one year  
1769 following the date on which the violation that is the subject of the citation is reported to the  
1770 division.

1771 (h) (i) Except as provided in Subsections (4)(h)(ii) and (5), the director or the director's  
1772 designee shall assess a fine in accordance with the following:

1773 (A) for a first offense handled pursuant to Subsection (4)(a), a fine of up to \$1,000;

1774 (B) for a second offense handled pursuant to Subsection (4)(a), a fine of up to \$2,000;

1775 and

1776 (C) for any subsequent offense handled pursuant to Subsection (4)(a), a fine of up to  
1777 \$2,000 for each day of continued offense.

1778 (ii) Except as provided in Subsection (5), if a person violates Subsection  
1779 58-55-501(16)(e) or (28), the director or the director's designee shall assess a fine in  
1780 accordance with the following:

1781 (A) for a first offense handled pursuant to Subsection (4)(a), a fine of up to \$2,000;

1782 (B) for a second offense handled pursuant to Subsection (4)(a), a fine of up to \$4,000;

1783 and

1784 (C) for any subsequent offense handled pursuant to Subsection (4)(a), a fine of up to  
1785 \$4,000 for each day of continued offense.

1786 (i) (i) For purposes of issuing a final order under this section and assessing a fine under  
1787 Subsection (4)(h), an offense constitutes a second or subsequent offense if:

1788 (A) the division previously issued a final order determining that a person committed a  
1789 first or second offense in violation of Subsection 58-55-308(2), Subsection 58-55-501(1), (2),  
1790 (3), (9), (10), (12), (14), (16)(e), (18), (23), (24), (25), (26), (27), or (28), or Subsection  
1791 58-55-504(2); or

1792 (B) (I) the division initiated an action for a first or second offense;

1793 (II) a final order has not been issued by the division in the action initiated under  
1794 Subsection (4)(i)(i)(B)(I);

1795 (III) the division determines during an investigation that occurred after the initiation of  
1796 the action under Subsection (4)(i)(i)(B)(I) that the person committed a second or subsequent  
1797 violation of the provisions of Subsection 58-55-308(2), Subsection 58-55-501(1), (2), (3), (9),  
1798 (10), (12), (14), (16)(e), (18), (19), (23), (24), (25), (26), (27), (28), or Subsection  
1799 58-55-504(2); and

1800 (IV) after determining that the person committed a second or subsequent offense under  
1801 Subsection (4)(i)(i)(B)(III), the division issues a final order on the action initiated under  
1802 Subsection (4)(i)(i)(B)(I).

1803 (ii) In issuing a final order for a second or subsequent offense under Subsection  
1804 (4)(i)(i), the division shall comply with the requirements of this section.

1805 (j) In addition to any other licensure sanction or fine imposed under this section, the  
1806 division shall revoke the license of a licensee that violates Subsection 58-55-501(23) or (24)  
1807 two or more times within a 12-month period, unless, with respect to a violation of Subsection  
1808 58-55-501(23), the licensee can demonstrate that the licensee successfully verified the federal  
1809 legal working status of the individual who was the subject of the violation using a status  
1810 verification system, as defined in Section 13-47-102.

1811 (k) For purposes of this Subsection (4), a violation of Subsection 58-55-501(23) or (24)  
1812 for each individual is considered a separate violation.

1813 (5) If a person violates Section 58-55-501, the division may not treat the violation as a  
1814 subsequent violation of a previous violation if the violation occurs five years or more after the  
1815 day on which the person committed the previous violation.

1816 (6) If, after an investigation, the division determines that a person has committed  
1817 multiple of the same type of violation of Section 58-55-501, the division may treat each  
1818 violation as a separate violation of Section 58-55-501 and apply a penalty under this section to  
1819 each violation.

1820 (7) (a) A penalty imposed by the director under Subsection (4)(h) shall be deposited  
1821 into the Commerce Service Account created by Section 13-1-2.

1822 (b) A penalty that is not paid may be collected by the director by either referring the  
1823 matter to a collection agency or bringing an action in the district court of the county in which  
1824 the person against whom the penalty is imposed resides or in the county where the office of the  
1825 director is located.

1826 (c) A county attorney or the attorney general of the state shall provide legal assistance  
1827 and advice to the director in an action to collect a penalty.

1828 (d) In an action brought to collect a penalty, the court shall award reasonable attorney  
1829 fees and costs to the prevailing party.

1830 Section 26. Section **58-63-102** is amended to read:

1831 **58-63-102. Definitions.**

1832 In addition to the definitions in Section [58-1-102](#), as used in this chapter:

1833 (1) "Agreement for services" means a written and signed agreement between a security  
1834 service provider and a client that:

- 1835 (a) contains clear language that addresses and assigns financial responsibility;
- 1836 (b) describes the length, duties, and scope of the security services that will be provided;
- 1837 and

1838 (c) describes the compensation that will be paid by the client for the security services,  
1839 including the compensation for each security officer.

1840 (2) "Armed courier service" means a person engaged in business as a contract security  
1841 company who transports or offers to transport tangible personal property from one place or  
1842 point to another under the control of an armed security officer employed by that service.

1843 (3) "Armed private security officer" means an individual:

- 1844 (a) employed by a contract security company;
- 1845 (b) whose primary duty is:
  - 1846 (i) guarding personal or real property; or
  - 1847 (ii) providing protection or security to the life and well being of humans or animals;

1848 and

1849 (c) who wears, carries, possesses, or has immediate access to a firearm in the  
1850 performance of the individual's duties.

1851 (4) "Armored car company" means a person engaged in business under contract to  
1852 others who transports or offers to transport tangible personal property, currency, valuables,  
1853 jewelry, SNAP benefits as defined in Section [35A-1-102](#), or any other high value items, that  
1854 require secured delivery from one place to another under the control of an armored car security  
1855 officer employed by the company using a specially equipped motor vehicle offering a high  
1856 degree of security.

- 1857 (5) "Armored car security officer" means an individual:
- 1858 (a) employed by an armored car company;
- 1859 (b) whose primary duty is to guard the tangible property, currency, valuables, jewelry,
- 1860 SNAP benefits as defined in Section 35A-1-102, or other high value items that require secured
- 1861 delivery from one place to another; and
- 1862 (c) who wears, carries, possesses, or has immediate access to a firearm in the
- 1863 performance of the individual's duties.
- 1864 (6) "Board" means the Security Services Licensing Board created in Section
- 1865 58-63-201.
- 1866 (7) "Client" means a person, company, or entity that contracts for and receives security
- 1867 services from a contract security company or an armored car company.
- 1868 (8) "Contract security company" means a company that is registered with the Division
- 1869 of Corporations and Commercial Code and is engaged in business to provide security services
- 1870 to another person, business, or entity on a contractual basis by assignment of an armed or
- 1871 unarmed private security officer.
- 1872 (9) "Corporate officer" means an individual who is on file with the Division of
- 1873 Corporations and Commercial Code as:
- 1874 (a) a corporate officer of a contract security company or an armored car company that
- 1875 is a corporation; or
- 1876 (b) a sole proprietor of a contract security company or an armored car company that is
- 1877 not a corporation.
- 1878 (10) "Financial responsibility," when referring to a contract security company, means
- 1879 that a contract security company may only provide security services to a client if the contract
- 1880 security company:
- 1881 (a) enters into an agreement for services with the client;
- 1882 (b) maintains a current general liability insurance policy with:
- 1883 (i) at least an annual \$1,000,000 per occurrence limit;
- 1884 (ii) at least an annual \$2,000,000 aggregate limit; and
- 1885 (iii) the following riders:
- 1886 (A) general liability;
- 1887 (B) assault and battery;

- 1888 (C) personal injury;
- 1889 (D) false arrest;
- 1890 (E) libel and slander;
- 1891 (F) invasion of privacy;
- 1892 (G) broad form property damage;
- 1893 (H) damage to property in the care, custody, or control of the security service provider;
- 1894 and
- 1895 (I) errors and omissions;
- 1896 (c) maintains a workers' compensation insurance policy with at least a \$1,000,000 per
- 1897 occurrence limit and that covers each security officer employed by the contract security
- 1898 company; and
- 1899 (d) maintains a federal employer identification number and an unemployment
- 1900 insurance employer account as required under state and federal law.
- 1901 (11) "Identification card" means a personal pocket or wallet size card issued by the
- 1902 division to each armored car and armed or unarmed private security officer licensed under this
- 1903 chapter.
- 1904 (12) "Law enforcement agency" means the same as that term is defined in Section
- 1905 [53-1-102](#).
- 1906 (13) "Owner" means an individual who is listed with the Division of Corporations and
- 1907 Commercial Code as a majority stockholder of a company, a general partner of a partnership,
- 1908 or the proprietor of a sole proprietorship.
- 1909 (14) "Peace officer" means a person who:
- 1910 (a) is a certified peace officer as defined in Title 53, Chapter 13, Peace Officer
- 1911 Classifications; and
- 1912 (b) derives total or special law enforcement powers from, and is an employee of, the
- 1913 federal government, the state, or a political subdivision, agency, department, branch, or service
- 1914 of either, of a municipality, or a unit of local government.
- 1915 (15) "Regular basis" means at least 20 hours per month.
- 1916 (16) "Responsible management personnel" means an individual who is responsible for
- 1917 managing an applicant's operations.
- 1918 [~~16~~] (17) (a) "Security officer" means an individual who is licensed as an armed or

1919 unarmed private security officer under this chapter and who:

1920 (i) is employed by a contract security company securing, guarding, or otherwise  
1921 protecting tangible personal property, real property, or the life and well being of human or  
1922 animal life against:

1923 (A) trespass or other unlawful intrusion or entry;

1924 (B) larceny;

1925 (C) vandalism or other abuse;

1926 (D) arson or other criminal activity; or

1927 (E) personal injury caused by another person or as a result of an act or omission by  
1928 another person;

1929 (ii) is controlling, regulating, or directing the flow of movements of an individual or  
1930 vehicle; or

1931 (iii) providing street patrol service.

1932 (b) "Security officer" does not include an individual whose duties include taking  
1933 admission tickets, checking credentials, ushering, or checking bags, purses, backpacks, or other  
1934 materials of individuals who are entering a sports venue, concert venue, theatrical venue,  
1935 convention center, fairgrounds, public assembly facility, or mass gathering location if:

1936 (i) the individual carries out these duties without the use of specialized equipment;

1937 (ii) the authority of the individual is limited to denying entry or passage of another  
1938 individual into or within the facility; and

1939 (iii) the individual is not authorized to use physical force in the performance of the  
1940 individual's duties under this Subsection [~~(16)~~] (17)(b).

1941 [~~(17)~~] (18) "Security service provider" means a contract security company or an  
1942 armored car company licensed under this chapter.

1943 [~~(18)~~] (19) "Security system" means equipment, a device, or an instrument installed  
1944 for:

1945 (a) detecting and signaling entry or intrusion by an individual into or onto, or exit from  
1946 the premises protected by the system; or

1947 (b) signaling the commission of criminal activity at the election of an individual having  
1948 control of the features of the security system.

1949 [~~(19)~~] (20) "Specialized resource, motor vehicle, or equipment" means an item of

1950 tangible personal property specifically designed for use in law enforcement or in providing  
1951 security or guard services, or that is specially equipped with a device or feature designed for  
1952 use in providing law enforcement, security, or guard services, but does not include:

1953 (a) standardized clothing, whether or not bearing a company name or logo, if the  
1954 clothing does not bear the words "security" or "guard"; or

1955 (b) an item of tangible personal property, other than a firearm or nonlethal weapon, that  
1956 may be used without modification in providing security or guard services.

1957 ~~[(20)]~~ (21) "Street patrol service" means a contract security company that provides  
1958 patrols by means of foot, vehicle, or other method of transportation using public streets,  
1959 thoroughfares, or property in the performance of the company's duties and responsibilities.

1960 ~~[(21)]~~ (22) "Unarmed private security officer" means an individual:

1961 (a) employed by a contract security company;

1962 (b) whose primary duty is guarding personal or real property or providing protection or  
1963 security to the life and well being of humans or animals;

1964 (c) who does not wear, carry, possess, or have immediate access to a firearm in the  
1965 performance of the individual's duties; and

1966 (d) who wears clothing of distinctive design or fashion bearing a symbol, badge,  
1967 emblem, insignia, or other device that identifies the individual as a security officer.

1968 ~~[(22)]~~ (23) "Unlawful conduct" means the same as that term is defined in Sections  
1969 [58-1-501](#) and [58-63-501](#).

1970 ~~[(23)]~~ (24) "Unprofessional conduct" means the same as that term is defined in  
1971 Sections [58-1-501](#) and [58-63-502](#) and as may be further defined by rule.

1972 Section 27. Section **58-63-302** is amended to read:

1973 **58-63-302. Qualifications for licensure.**

1974 (1) Each applicant for licensure as an armored car company or a contract security  
1975 company shall:

1976 (a) submit an application in a form prescribed by the division;

1977 (b) pay a fee determined by the department under Section [63J-1-504](#);

1978 (c) have a qualifying agent who:

1979 (i) shall meet with the division and the board and demonstrate that the applicant and  
1980 the qualifying agent meet the requirements of this section;



- 1981 (ii) is a resident of the state and is ~~[a corporate officer]~~ responsible management  
1982 personnel or an owner of the applicant;
- 1983 (iii) exercises material day-to-day authority in the conduct of the applicant's business  
1984 by making substantive technical and administrative decisions and whose primary employment  
1985 is with the applicant;
- 1986 (iv) is not concurrently acting as a qualifying agent or employee of another armored car  
1987 company or contract security company and is not engaged in any other employment on a  
1988 regular basis;
- 1989 (v) is not involved in any activity that would conflict with the qualifying agent's duties  
1990 and responsibilities under this chapter to ensure that the qualifying agent's and the applicant's  
1991 performance under this chapter does not jeopardize the health or safety of the general public;
- 1992 (vi) is not an employee of a government agency;
- 1993 (vii) passes an examination component established by rule by the division in  
1994 collaboration with the board; and
- 1995 (viii) (A) demonstrates 6,000 hours of compensated experience as a manager,  
1996 supervisor, or administrator of an armored car company or a contract security company; or  
1997 (B) demonstrates 6,000 hours of supervisory experience acceptable to the division in  
1998 collaboration with the board with a federal, United States military, state, county, or municipal  
1999 law enforcement agency;
- 2000 (d) if a corporation, provide:
- 2001 (i) the names, addresses, dates of birth, and social security numbers of all corporate  
2002 officers, directors, and ~~[those]~~ responsible management personnel ~~[employed within the state or~~  
2003 ~~having direct responsibility for managing operations of the applicant within the state]~~; and
- 2004 (ii) the names, addresses, dates of birth, and social security numbers, of all  
2005 shareholders owning 5% or more of the outstanding shares of the corporation, unless waived by  
2006 the division if the stock is publicly listed and traded;
- 2007 (e) if a limited liability company, provide:
- 2008 (i) the names, addresses, dates of birth, and social security numbers of all company  
2009 officers, and ~~[those]~~ responsible management personnel ~~[employed within the state or having~~  
2010 ~~direct responsibility for managing operations of the applicant within the state]~~; and
- 2011 (ii) the names, addresses, dates of birth, and social security numbers of all individuals

2012 owning 5% or more of the equity of the company;

2013 (f) if a partnership, provide the names, addresses, dates of birth, and social security  
2014 numbers of all general partners, and ~~[those]~~ responsible management personnel ~~[employed~~  
2015 ~~within the state or having direct responsibility for managing operations of the applicant within~~  
2016 ~~the state];~~

2017 (g) if a proprietorship, provide the names, addresses, dates of birth, and social security  
2018 numbers of the proprietor, and ~~[those]~~ responsible management personnel ~~[employed within~~  
2019 ~~the state or having direct responsibility for managing operations of the applicant within the~~  
2020 ~~state];~~

2021 (h) have good moral character in that officers, directors, shareholders described in  
2022 Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel have not  
2023 been convicted of:

2024 (i) a felony;

2025 (ii) a misdemeanor involving moral turpitude; or

2026 (iii) a crime that when considered with the duties and responsibilities of a contract  
2027 security company or an armored car company by the division and the board indicates that the  
2028 best interests of the public are not served by granting the applicant a license;

2029 (i) document that none of the applicant's officers, directors, shareholders described in  
2030 Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel:

2031 (i) have been declared by a court of competent jurisdiction incompetent by reason of  
2032 mental defect or disease and not been restored; and

2033 (ii) currently suffer from habitual drunkenness or from drug addiction or dependence;

2034 (j) file and maintain with the division evidence of:

2035 (i) comprehensive general liability insurance in a form and in amounts established by  
2036 rule by the division in collaboration with the board;

2037 (ii) workers' compensation insurance that covers employees of the applicant in  
2038 accordance with applicable Utah law;

2039 (iii) registration with the Division of Corporations and Commercial Code; and

2040 (iv) registration as required by applicable law with the:

2041 (A) Unemployment Insurance Division in the Department of Workforce Services, for  
2042 purposes of Title 35A, Chapter 4, Employment Security Act;

- 2043 (B) State Tax Commission; and  
2044 (C) Internal Revenue Service; and  
2045 (k) meet with the division and board if requested by the division or board.  
2046 (2) Each applicant for licensure as an armed private security officer shall:  
2047 (a) submit an application in a form prescribed by the division;  
2048 (b) pay a fee determined by the department under Section 63J-1-504;  
2049 (c) have good moral character in that the applicant has not been convicted of:  
2050 (i) a felony;  
2051 (ii) a misdemeanor involving moral turpitude; or  
2052 (iii) a crime that when considered with the duties and responsibilities of an armed  
2053 private security officer by the division and the board indicates that the best interests of the  
2054 public are not served by granting the applicant a license;  
2055 (d) not be prohibited from possession of a firearm or ammunition under 18 U.S.C. Sec.  
2056 922(g);  
2057 (e) not have been declared incompetent by a court of competent jurisdiction by reason  
2058 of mental defect or disease and not been restored;  
2059 (f) not be currently suffering from habitual drunkenness or from drug addiction or  
2060 dependence;  
2061 (g) successfully complete basic education and training requirements established by rule  
2062 by the division in collaboration with the board, which shall include a minimum of eight hours  
2063 of classroom or online curriculum;  
2064 (h) successfully complete firearms training requirements established by rule by the  
2065 division in collaboration with the board, which shall include a minimum of 12 hours of  
2066 training;  
2067 (i) pass the examination requirement established by rule by the division in  
2068 collaboration with the board; and  
2069 (j) meet with the division and board if requested by the division or the board.  
2070 (3) Each applicant for licensure as an unarmed private security officer shall:  
2071 (a) submit an application in a form prescribed by the division;  
2072 (b) pay a fee determined by the department under Section 63J-1-504;  
2073 (c) have good moral character in that the applicant has not been convicted of:

- 2074 (i) a felony;
- 2075 (ii) a misdemeanor involving moral turpitude; or
- 2076 (iii) a crime that when considered with the duties and responsibilities of an unarmed
- 2077 private security officer by the division and the board indicates that the best interests of the
- 2078 public are not served by granting the applicant a license;
- 2079 (d) not have been declared incompetent by a court of competent jurisdiction by reason
- 2080 of mental defect or disease and not been restored;
- 2081 (e) not be currently suffering from habitual drunkenness or from drug addiction or
- 2082 dependence;
- 2083 (f) successfully complete basic education and training requirements established by rule
- 2084 by the division in collaboration with the board, which shall include a minimum of eight hours
- 2085 of classroom or online curriculum;
- 2086 (g) pass the examination requirement established by rule by the division in
- 2087 collaboration with the board; and
- 2088 (h) meet with the division and board if requested by the division or board.
- 2089 (4) Each applicant for licensure as an armored car security officer shall:
- 2090 (a) submit an application in a form prescribed by the division;
- 2091 (b) pay a fee determined by the department under Section [63J-1-504](#);
- 2092 (c) have good moral character in that the applicant has not been convicted of:
- 2093 (i) a felony;
- 2094 (ii) a misdemeanor involving moral turpitude; or
- 2095 (iii) a crime that when considered with the duties and responsibilities of an armored car
- 2096 security officer by the division and the board indicates that the best interests of the public are
- 2097 not served by granting the applicant a license;
- 2098 (d) not be prohibited from possession of a firearm or ammunition under 18 U.S.C. Sec.
- 2099 922(g);
- 2100 (e) not have been declared incompetent by a court of competent jurisdiction by reason
- 2101 of mental defect or disease and not been restored;
- 2102 (f) not be currently suffering from habitual drunkenness or from drug addiction or
- 2103 dependence;
- 2104 (g) successfully complete basic education and training requirements established by rule

2105 by the division in collaboration with the board;

2106 (h) successfully complete firearms training requirements established by rule by the  
2107 division in collaboration with the board;

2108 (i) pass the examination requirements established by rule by the division in  
2109 collaboration with the board; and

2110 (j) meet with the division and board if requested by the division or the board.

2111 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2112 division may make a rule establishing when the division shall request a Federal Bureau of  
2113 Investigation records' review for an applicant who is applying for licensure or licensure renewal  
2114 under this chapter.

2115 (6) To determine if an applicant meets the qualifications of Subsections (1)(h), (2)(c),  
2116 (3)(c), and (4)(c), the division shall provide an appropriate number of copies of fingerprint  
2117 cards to the Department of Public Safety with the division's request to:

2118 (a) conduct a search of records of the Department of Public Safety for criminal history  
2119 information relating to each applicant for licensure under this chapter and each applicant's  
2120 officers, directors, shareholders described in Subsection (1)(d)(ii), partners, proprietors, and  
2121 responsible management personnel; and

2122 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant  
2123 requiring a check of records of the FBI for criminal history information under this section.

2124 (7) The Department of Public Safety shall send the division:

2125 (a) a written record of criminal history, or certification of no criminal history record, as  
2126 contained in the records of the Department of Public Safety in a timely manner after receipt of  
2127 a fingerprint card from the division and a request for review of Department of Public Safety  
2128 records; and

2129 (b) the results of the FBI review concerning an applicant in a timely manner after  
2130 receipt of information from the FBI.

2131 (8) (a) The division shall charge each applicant a fee, in accordance with Section  
2132 [63J-1-504](#), equal to the cost of performing the records reviews under this section.

2133 (b) The division shall pay the Department of Public Safety the costs of all records  
2134 reviews, and the Department of Public Safety shall pay the FBI the costs of records reviews  
2135 under this chapter.

2136 (9) The division shall use or disseminate the information it obtains from the reviews of  
2137 criminal history records of the Department of Public Safety and the FBI only to determine if an  
2138 applicant for licensure or licensure renewal under this chapter is qualified for licensure.

2139 Section 28. Section **58-73-302** is amended to read:

2140 **58-73-302. Qualifications for licensure.**

2141 (1) Each applicant for licensure as a chiropractic physician, other than those applying  
2142 for a license based on licensure as a chiropractor or chiropractic physician in another  
2143 jurisdiction, shall:

2144 (a) submit an application in a form prescribed by the division;

2145 (b) pay a fee determined by the department under Section [63J-1-504](#);

2146 (c) demonstrate satisfactory completion of at least two years of general study in a  
2147 college or university;

2148 (d) demonstrate having earned a degree of doctor of chiropractic from a chiropractic  
2149 college or university that at the time the degree was conferred was accredited by the Council on  
2150 Chiropractic Education, Inc., or an equivalent chiropractic accrediting body recognized by the  
2151 United States Department of Education and by the division rule made in collaboration with the  
2152 board;

2153 (e) demonstrate successful completion of:

2154 (i) the National Chiropractic Boards:

2155 (A) Parts I and II;

2156 (B) Written Clinical Competency Examination; and

2157 (C) ~~[Physical Therapy]~~ Physiotherapy;

2158 (ii) the Utah Chiropractic Law and Rules Examination; and

2159 (iii) a practical examination approved by the division in collaboration with the board;

2160 and

2161 (f) meet with the board, if requested, for the purpose of reviewing the applicant's  
2162 qualifications for licensure.

2163 (2) Each applicant for licensure as a chiropractic physician based on licensure as a  
2164 chiropractor or chiropractic physician in another jurisdiction shall:

2165 (a) submit an application in the form prescribed by the division;

2166 (b) pay a fee determined by the department under Section [63J-1-504](#);

2167 (c) demonstrate having obtained licensure as a chiropractor or chiropractic physician in  
2168 another state under education requirements which were equivalent to the education  
2169 requirements in this state to obtain a chiropractor or chiropractic physician license at the time  
2170 the applicant obtained the license in the other state;

2171 (d) demonstrate successful completion of:

2172 (i) the Utah Chiropractic Law and Rules Examination; and

2173 (ii) the Special Purposes Examination for Chiropractic (SPEC) of the National Board  
2174 of Chiropractic Examiners;

2175 (e) have been actively engaged in the practice of chiropractic for not less than two  
2176 years immediately preceding application for licensure in this state; and

2177 (f) meet with the board, if requested, for the purpose of reviewing the applicant's  
2178 qualifications for licensure.

2179 Section 29. Section **58-73-501** is amended to read:

2180 **58-73-501. Unprofessional conduct.**

2181 Unprofessional conduct is as defined in Section **58-1-501**, as defined by division rule,  
2182 and also includes:

2183 (1) engaging in practice as a chiropractic physician after electing to place his license on  
2184 inactive status, without having established with the board that he has initiated or completed  
2185 continuing education necessary to reinstate active status of his license;

2186 (2) failing to complete required continuing professional education;

2187 (3) violating any of the scope of practice standards set forth in Section **58-73-601**;

2188 (4) failing to maintain patient records in sufficient detail to clearly substantiate a  
2189 diagnosis, all treatment rendered to the patient in accordance with the recognized standard of  
2190 chiropractic care, and fees charged for professional services;

2191 (5) refusing to divulge to the division on demand the means, methods, device, or  
2192 instrumentality used in the treatment of a disease, injury, ailment, or infirmity, unless that  
2193 information is protected by the physician-patient privilege of Utah and the patient has not  
2194 waived that privilege;

2195 (6) refusing the division or its employees access to his office, instruments, laboratory  
2196 equipment, appliances, or supplies at reasonable times for purposes of inspection;

2197 (7) fraudulently representing that curable disease, sickness, or injury can be cured in a

2198 stated time, or knowingly making any false statement in connection with the practice of  
2199 chiropractic;

2200 (8) offering, undertaking, or agreeing to cure or treat a disease, injury, ailment, or  
2201 infirmity by a secret means, method, device, or instrumentality;

2202 (9) willfully and intentionally making any false statement or entry in any chiropractic  
2203 office records or other chiropractic records or reports;

2204 (10) knowingly engaging in billing practices which are abusive and represent charges  
2205 which are fraudulent or grossly excessive for services rendered;

2206 (11) performing, procuring, or agreeing to procure or perform, or advising, aiding in or  
2207 abetting, or offering or attempting to procure or aid or abet in the procuring of a criminal  
2208 abortion;

2209 (12) willfully betraying or disclosing a professional confidence or violation of a  
2210 privileged communication, except:

2211 (a) as required by law; or

2212 (b) to assist the division by fully and freely exchanging information concerning  
2213 applicants or licensees with the licensing or disciplinary boards of other states or foreign  
2214 countries, the Utah chiropractic associations, their component societies, or chiropractic  
2215 societies of other states, countries, districts, territories, or foreign countries;

2216 (13) directly or indirectly giving or receiving any fee, commission, rebate, or other  
2217 compensation for professional services not actually rendered or supervised, but this subsection  
2218 does not preclude the legal relationships within lawful professional partnerships, corporations,  
2219 or associations; [~~and~~]

2220 (14) knowingly failing to transfer a copy of pertinent and necessary medical records or  
2221 a summary of them to another physician when requested to do so by the subject patient or his  
2222 designated representative[-]; and

2223 (15) making a false entry in, or altering, a medical record with the intent to conceal:

2224 (a) a wrongful or negligent act or omission of an individual licensed under this chapter  
2225 or an individual under the direction or control of an individual licensed under this chapter; or

2226 (b) conduct described in Subsections (1) through (14) or Subsection 58-1-501(1).

2227 Section 30. Section **58-83-302** is amended to read:

2228 **58-83-302. Qualifications for licensure.**



- 2229 (1) Each applicant for licensure as an online prescriber under this chapter shall:
- 2230 (a) submit an application in a form prescribed by the division;
- 2231 (b) pay a fee determined by the department under Section [63J-1-504](#);
- 2232 [~~(c)~~] ~~be of good moral character;~~
- 2233 [~~(d)~~] (c) document that the applicant holds a Utah license that is active and in good
- 2234 standing and authorizes the licensee to engage in the assessment, diagnosis, and treatment of
- 2235 human ailments and the prescription of medications;
- 2236 [~~(e)~~] (d) document that any other professional license the applicant possesses from
- 2237 other jurisdictions is in good standing;
- 2238 [~~(f)~~] (e) (i) submit to the division an outline of the applicant's proposed online
- 2239 assessment, diagnosis, and prescribing tool, such as a branching questionnaire; and
- 2240 (ii) demonstrate the proposed online assessment, diagnosis, and prescribing tool to the
- 2241 board and establish to the board's satisfaction that the utilization of that assessment tool to
- 2242 facilitate the prescription of the drugs approved for online prescribing under Section [58-83-305](#)
- 2243 does not compromise the public's health, safety, or welfare;
- 2244 [~~(g)~~] (f) submit policies and procedures that address patient confidentiality, including
- 2245 measures that will be taken to ensure that the age and other identifying information of the
- 2246 person completing the online branching questionnaire are accurate;
- 2247 [~~(h)~~] (g) describe the mechanism by which the online prescriber and patient will
- 2248 communicate with one another, including electronic and telephonic communication;
- 2249 [~~(i)~~] (h) describe how the online prescriber/patient relationship will be established and
- 2250 maintained;
- 2251 [~~(j)~~] (i) submit the name, address, and contact person of the Internet facilitator with
- 2252 whom the online prescriber has contracted to provide services that the online prescriber will
- 2253 use to engage in online assessment, diagnosis, and prescribing; and
- 2254 [~~(k)~~] (j) submit documentation satisfactory to the board regarding public health, safety,
- 2255 and welfare demonstrating:
- 2256 (i) how the online prescriber will comply with the requirements of Section [58-83-305](#);
- 2257 (ii) the contractual services arrangement between the online prescriber and:
- 2258 (A) the Internet facilitator; and
- 2259 (B) the online contract pharmacy; and

2260 (iii) how the online prescriber will allow and facilitate the division's ability to conduct  
2261 audits in accordance with Section 58-83-308.

2262 (2) An online prescriber may not use the services of an Internet facilitator or online  
2263 contract pharmacy whose license is not active and in good standing.

2264 (3) Each applicant for licensure as an online contract pharmacy under this chapter  
2265 shall:

2266 (a) be licensed in good standing in Utah as a Class A Retail Pharmacy or a Class B  
2267 Closed Door Pharmacy;

2268 (b) submit a written application in the form prescribed by the division;

2269 (c) pay a fee as determined by the department under Section 63J-1-504;

2270 (d) submit any contract between the applicant and the Internet facilitator with which  
2271 the applicant is or will be affiliated;

2272 (e) submit proof of liability insurance acceptable to the division that expressly covers  
2273 all activities the online contract pharmacy will engage in under this chapter, which coverage  
2274 shall be in a minimum amount of \$1,000,000 per occurrence with a policy limit of not less than  
2275 \$3,000,000;

2276 (f) submit a signed affidavit to the division attesting that the online contract pharmacy  
2277 will not dispense a drug that is prescribed by an online prescriber engaged in the delivery of  
2278 online pharmaceutical services under the provisions of this chapter unless:

2279 (i) the drug is specifically approved by the division under Section 58-83-306; and

2280 (ii) both the prescribing and the dispensing of the drug were facilitated by the Internet  
2281 facilitator with whom the Internet contract pharmacy is associated under Subsection  
2282 58-83-302(3)(d);

2283 (g) document that any other professional license the applicant possesses from other  
2284 jurisdictions is active and in good standing; and

2285 (h) demonstrate to the division that the applicant has satisfied any background check  
2286 required by Section 58-17b-307, and each owner, officer, or manager of the applicant online  
2287 contract pharmacy has not engaged in any act, practice, or omission, which when considered  
2288 with the duties and responsibilities of a licensee under this chapter indicates there is cause to  
2289 believe that issuing a license under this chapter is inconsistent with the public's health, safety,  
2290 or welfare.

- 2291 (4) Each applicant for licensure as an Internet facilitator under this chapter shall:
- 2292 (a) submit a written application in the form prescribed by the division;
- 2293 (b) pay a fee as determined by the department under Section [63J-1-504](#);
- 2294 (c) submit any contract between the applicant and the following with which the
- 2295 applicant will be affiliated:
- 2296 (i) each online prescriber; and
- 2297 (ii) the single online contract pharmacy;
- 2298 (d) submit written policies and procedures satisfactory to the division that:
- 2299 (i) address patient privacy, including compliance with 45 C.F.R. Parts 160, 162, and
- 2300 164, Health Insurance Portability and Accountability Act of 1996;
- 2301 (ii) ensure compliance with all applicable laws by health care personnel and the online
- 2302 prescriber who will process patient communications;
- 2303 (iii) list the hours of operation;
- 2304 (iv) describe the types of services that will be permitted electronically;
- 2305 (v) describe the required patient information to be included in the communication, such
- 2306 as patient name, identification number, and type of transaction;
- 2307 (vi) establish procedures for archiving and retrieving information; and
- 2308 (vii) establish quality oversight mechanisms;
- 2309 (e) submit written documentation of the applicant's security measures to ensure the
- 2310 confidentiality and integrity of any user-identifiable medical information;
- 2311 (f) submit a description of the mechanism for:
- 2312 (i) patients to access, supplement, and amend patient-provided personal health
- 2313 information;
- 2314 (ii) back-up regarding the Internet facilitator electronic interface;
- 2315 (iii) the quality of information and services provided via the interface; and
- 2316 (iv) patients to register complaints regarding the Internet facilitator, the online
- 2317 prescriber, or the online contract pharmacy;
- 2318 (g) submit a copy of the Internet facilitator's website;
- 2319 (h) sign an affidavit attesting that:
- 2320 (i) the applicant will not access any medical records or information contained in the
- 2321 medical record except as necessary to administer the website and the branching questionnaire;

2322 and

2323 (ii) the applicant and its principals, and any entities affiliated with them, will only use  
2324 the services of a single online contract pharmacy named on the license approved by the  
2325 division; and

2326 (i) submit any other information required by the division.

2327 Section 31. Section **62A-3-202** is amended to read:

2328 **62A-3-202. Definitions.**

2329 As used in this part:

2330 (1) "Assisted living facility" means the same as that term is defined in Section [26-21-2](#).

2331 (2) "Auxiliary aids and services" means items, equipment, or services that assist in  
2332 effective communication between an individual who has a mental, hearing, vision, or speech  
2333 disability and another individual.

2334 (3) "Government agency" means any department, division, office, bureau, board,  
2335 commission, authority, or any other agency or instrumentality created by the state, or to which  
2336 the state is a party, or created by any county or municipality, which is responsible for the  
2337 regulation, visitation, inspection, or supervision of facilities, or which provides services to  
2338 patients, residents, or clients of facilities.

2339 (4) "Intermediate care facility" means the same as that term is defined in Section  
2340 ~~[58-15-2]~~ [58-15-102](#).

2341 (5) (a) "Long-term care facility" means:

2342 (i) a skilled nursing facility;

2343 (ii) except as provided in Subsection (5)(b), an intermediate care facility;

2344 (iii) a nursing home;

2345 (iv) a small health care facility;

2346 (v) a small health care facility type N; or

2347 (vi) an assisted living facility.

2348 (b) "Long-term care facility" does not mean an intermediate care facility for people  
2349 with an intellectual disability, as defined in Section ~~[58-15-2]~~ [58-15-102](#).

2350 (6) "Ombudsman" means the administrator of the long-term care ombudsman program,  
2351 created pursuant to Section [62A-3-203](#).

2352 (7) "Ombudsman program" means the Long-Term Care Ombudsman Program.

2353 (8) "Resident" means an individual who resides in a long-term care facility.

2354 (9) "Skilled nursing facility" means the same as that term is defined in Section

2355 [~~58-15-2~~] [58-15-102](#).

2356 (10) "Small health care facility" means the same as that term is defined in Section

2357 [26-21-2](#).

2358 (11) "Small health care facility type N" means a residence in which a licensed nurse

2359 resides and provides protected living arrangements, nursing care, and other services on a daily

2360 basis for two to three individuals who are also residing in the residence and are unrelated to the

2361 licensee.

2362 Section 32. **Repealer.**

2363 This bill repeals:

2364 Section [58-5a-305](#), **License by endorsement.**