

1 **BOARDS AND COMMISSIONS MODIFICATIONS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Wayne A. Harper**

5 House Sponsor: Karen M. Peterson

7 **LONG TITLE**

8 **General Description:**

9 This bill repeals and amends provisions related to certain boards and commissions.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ repeals the following entities and amends provisions related to the following
13 entities:

- 14 • the Residential Child Care Licensing Advisory Committee;
- 15 • the Dietitian Board;
- 16 • the Genetic Counselors Licensing Board;
- 17 • the Landscape Architects Board;
- 18 • the Online Prescribing, Dispensing, and Facilitation Licensing Board;
- 19 • the Professional Geologist Licensing Board;
- 20 • the Licensed Direct Entry Midwife Board;
- 21 • the Naturopathic Physicians Licensing Board;
- 22 • the Utah Health Advisory Council;
- 23 • the Geographic Names Board;
- 24 • the Small Business Compliance Advisory Panel;
- 25 • the Transparency Advisory Board;
- 26 • the Bail Bond Oversight Board;
- 27 • the Horse Racing Commission;



- 28 • the Horse Racing Commission Board of Stewards;
- 29 • the Title and Escrow Commission; and
- 30 • the Western States Transportation Alliance;
- 31 ▶ modifies provisions related to the Motor Carrier Advisory Board;
- 32 ▶ renames and modifies provisions related to the Child Care Center Licensing
- 33 Committee; and
- 34 ▶ makes technical changes.

35 Money Appropriated in this Bill:

36 None

37 Other Special Clauses:

38 None

39 Utah Code Sections Affected:

40 AMENDS:

- 41 **9-9-113**, as enacted by Laws of Utah 2021, Chapter 189
- 42 **19-1-201**, as last amended by Laws of Utah 2020, Chapter 256
- 43 **19-2-109.1**, as last amended by Laws of Utah 2020, Chapter 256
- 44 **26-1-2**, as last amended by Laws of Utah 2022, Chapter 255
- 45 **26-39-102**, as last amended by Laws of Utah 2022, Chapters 21, 255
- 46 **26-39-200**, as last amended by Laws of Utah 2022, Chapter 255
- 47 **26-39-203**, as last amended by Laws of Utah 2016, Chapter 74
- 48 **26B-1-204**, as renumbered and amended by Laws of Utah 2022, Chapter 255
- 49 **31A-19a-209**, as last amended by Laws of Utah 2015, Chapters 312, 330
- 50 **31A-23a-105**, as last amended by Laws of Utah 2014, Chapters 290, 300
- 51 **31A-23a-106**, as last amended by Laws of Utah 2015, Chapter 330
- 52 **31A-23a-108**, as last amended by Laws of Utah 2014, Chapters 290, 300
- 53 **31A-23a-204**, as last amended by Laws of Utah 2015, Chapter 330
- 54 **31A-23a-402**, as last amended by Laws of Utah 2019, Chapter 193
- 55 **31A-23a-406**, as last amended by Laws of Utah 2021, Chapter 252
- 56 **31A-23a-415**, as last amended by Laws of Utah 2020, Chapter 32
- 57 **31A-23a-1001**, as last amended by Laws of Utah 2020, Chapter 448
- 58 **31A-26-203**, as last amended by Laws of Utah 2012, Chapter 253

- 59 [31A-26-204](#), as last amended by Laws of Utah 2009, Chapter 349
- 60 [31A-35-102](#), as last amended by Laws of Utah 2016, Chapter 234
- 61 [31A-35-301](#), as last amended by Laws of Utah 2016, Chapter 234
- 62 [31A-35-405](#), as last amended by Laws of Utah 2019, Chapter 193
- 63 [31A-35-406](#), as last amended by Laws of Utah 2021, Chapter 252
- 64 [31A-35-407](#), as last amended by Laws of Utah 2016, Chapter 234
- 65 [31A-41-102](#), as last amended by Laws of Utah 2013, Chapter 319
- 66 [31A-41-202](#), as last amended by Laws of Utah 2016, Chapter 138
- 67 [58-49-2](#), as last amended by Laws of Utah 1993, Chapter 297
- 68 [58-49-4](#), as last amended by Laws of Utah 2020, Chapter 339
- 69 [58-49-6](#), as enacted by Laws of Utah 1986, Chapter 192
- 70 [58-53-102](#), as renumbered and amended by Laws of Utah 1998, Chapter 191
- 71 [58-53-103](#), as last amended by Laws of Utah 2013, Chapter 400
- 72 [58-53-302](#), as last amended by Laws of Utah 2009, Chapter 183
- 73 [58-53-304](#), as renumbered and amended by Laws of Utah 1998, Chapter 191
- 74 [58-53-601](#), as enacted by Laws of Utah 1998, Chapter 191
- 75 [58-71-102](#), as last amended by Laws of Utah 2022, Chapter 440
- 76 [58-71-203](#), as enacted by Laws of Utah 2022, Chapter 440
- 77 [58-71-302](#), as last amended by Laws of Utah 2020, Chapter 339
- 78 [58-71-304](#), as last amended by Laws of Utah 2001, Chapter 268
- 79 [58-71-304.2](#), as enacted by Laws of Utah 1996, Chapter 282
- 80 [58-71-601](#), as last amended by Laws of Utah 2013, Chapter 364
- 81 [58-71-802](#), as enacted by Laws of Utah 1996, Chapter 282
- 82 [58-71-803](#), as enacted by Laws of Utah 1996, Chapter 282
- 83 [58-75-102](#), as last amended by Laws of Utah 2008, Chapter 382
- 84 [58-75-303](#), as enacted by Laws of Utah 2001, Chapter 100
- 85 [58-76-102](#), as enacted by Laws of Utah 2002, Chapter 218
- 86 [58-76-103](#), as last amended by Laws of Utah 2011, Chapter 303
- 87 [58-76-302](#), as last amended by Laws of Utah 2020, Chapter 339
- 88 [58-76-601](#), as enacted by Laws of Utah 2002, Chapter 218
- 89 [58-76-603](#), as enacted by Laws of Utah 2002, Chapter 218

90 **58-77-102**, as last amended by Laws of Utah 2017, Chapter 114
91 **58-77-302**, as last amended by Laws of Utah 2020, Chapter 339
92 **58-83-102**, as last amended by Laws of Utah 2022, Chapter 415
93 **58-83-302**, as last amended by Laws of Utah 2022, Chapter 415
94 **58-83-401**, as last amended by Laws of Utah 2022, Chapter 415
95 **61-2c-301**, as last amended by Laws of Utah 2020, Chapter 72
96 **61-2f-401**, as last amended by Laws of Utah 2022, Chapter 204
97 **61-2g-502**, as last amended by Laws of Utah 2020, Chapter 72
98 **63A-16-107**, as enacted by Laws of Utah 2021, Chapter 84
99 **63I-1-226**, as last amended by Laws of Utah 2022, Chapters 194, 206, 224, 253, 255,
100 347, and 451
101 **63I-1-263**, as last amended by Laws of Utah 2022, Chapters 23, 34, 68, 153, 218, 236,
102 249, 274, 296, 313, 361, 362, 417, 419, and 472
103 **63I-2-219**, as last amended by Laws of Utah 2022, Chapter 95
104 **72-9-201**, as last amended by Laws of Utah 2017, Chapter 96
105 ENACTS:
106 **9-23-412**, Utah Code Annotated 1953
107 RENUMBERS AND AMENDS:
108 **9-23-401**, (Renumbered from 4-38-102, as last amended by Laws of Utah 2019,
109 Chapter 239)
110 **9-23-402**, (Renumbered from 4-38-104, as last amended by Laws of Utah 2019,
111 Chapter 239)
112 **9-23-403**, (Renumbered from 4-38-201, as last amended by Laws of Utah 2019,
113 Chapter 239)
114 **9-23-404**, (Renumbered from 4-38-203, as last amended by Laws of Utah 2019,
115 Chapter 239)
116 **9-23-405**, (Renumbered from 4-38-301, as last amended by Laws of Utah 2019,
117 Chapter 239)
118 **9-23-406**, (Renumbered from 4-38-302, as renumbered and amended by Laws of Utah
119 2017, Chapter 345)
120 **9-23-407**, (Renumbered from 4-38-303, as renumbered and amended by Laws of Utah

- 121 2017, Chapter 345)
- 122 **9-23-408**, (Renumbered from 4-38-304, as renumbered and amended by Laws of Utah
- 123 2017, Chapter 345)
- 124 **9-23-409**, (Renumbered from 4-38-401, as last amended by Laws of Utah 2019,
- 125 Chapter 239)
- 126 **9-23-410**, (Renumbered from 4-38-402, as renumbered and amended by Laws of Utah
- 127 2017, Chapter 345)
- 128 **9-23-411**, (Renumbered from 4-38-501, as renumbered and amended by Laws of Utah
- 129 2017, Chapter 345)
- 130 **31A-23a-119**, (Renumbered from 31A-2-405, as enacted by Laws of Utah 2007,
- 131 Chapter 325)
- 132 REPEALS:
- 133 **4-38-101**, as renumbered and amended by Laws of Utah 2017, Chapter 345
- 134 **4-38-103**, as renumbered and amended by Laws of Utah 2017, Chapter 345
- 135 **4-38-105**, as renumbered and amended by Laws of Utah 2017, Chapter 345
- 136 **4-38-106**, as renumbered and amended by Laws of Utah 2017, Chapter 345
- 137 **4-38-202**, as last amended by Laws of Utah 2019, Chapter 239
- 138 **19-2-109.2**, as last amended by Laws of Utah 2015, Chapter 154
- 139 **26-1-7.5**, as last amended by Laws of Utah 2011, Chapter 297
- 140 **26-39-201**, as last amended by Laws of Utah 2022, Chapter 255
- 141 **31A-2-401**, as enacted by Laws of Utah 2005, Chapter 185
- 142 **31A-2-402**, as last amended by Laws of Utah 2015, Chapter 330
- 143 **31A-2-403**, as last amended by Laws of Utah 2022, Chapter 198
- 144 **31A-2-404**, as last amended by Laws of Utah 2016, Chapter 193
- 145 **31A-35-201**, as last amended by Laws of Utah 2016, Chapter 234
- 146 **31A-35-202**, as last amended by Laws of Utah 2016, Chapter 234
- 147 **41-23-1**, as last amended by Laws of Utah 2011, Chapter 202
- 148 **41-23-2**, as last amended by Laws of Utah 2011, Chapter 202
- 149 **58-49-1**, as enacted by Laws of Utah 1986, Chapter 192
- 150 **58-49-3**, as repealed and reenacted by Laws of Utah 1993, Chapter 297
- 151 **58-53-101**, as renumbered and amended by Laws of Utah 1998, Chapter 191

- 152 **58-53-201**, as renumbered and amended by Laws of Utah 1998, Chapter 191
- 153 **58-71-201**, as last amended by Laws of Utah 1997, Chapter 10
- 154 **58-75-101**, as enacted by Laws of Utah 2001, Chapter 100
- 155 **58-75-201**, as enacted by Laws of Utah 2001, Chapter 100
- 156 **58-76-101**, as enacted by Laws of Utah 2002, Chapter 218
- 157 **58-76-201**, as enacted by Laws of Utah 2002, Chapter 218
- 158 **58-77-201**, as last amended by Laws of Utah 2013, Chapter 167
- 159 **58-83-101**, as enacted by Laws of Utah 2010, Chapter 180
- 160 **58-83-201**, as enacted by Laws of Utah 2010, Chapter 180
- 161 **63A-18-102**, as enacted by Laws of Utah 2021, Chapter 84
- 162 **63A-18-201**, as renumbered and amended by Laws of Utah 2021, Chapter 84
- 163 **63A-18-202**, as enacted by Laws of Utah 2021, Chapter 84

164
165 *Be it enacted by the Legislature of the state of Utah:*

166 Section 1. Section **9-9-113** is amended to read:

167 **9-9-113. Geographic place names -- Role of division -- Report.**

168 (1) As used in this section[;], "location name referring to American Indians" means the
169 name of a place in the state that uses American Indian related terms.

170 [~~(a) "Location name referring to American Indians" means the name of a place in the~~
171 ~~state that uses American Indian related terms.;~~]

172 [~~(b) "Utah Committee on Geographic Names" means the committee created by~~
173 ~~executive order of the governor that has a primary function to act as the state's liaison with the~~
174 ~~United States Board on Geographic Names and to review geographic name changes and~~
175 ~~additions in Utah.;~~]

176 (2) (a) To facilitate the United States Board on Geographic Names' application process
177 for changing a location name referring to American Indians, the division may create an
178 application template[; ~~in consultation with the Utah Committee on Geographic Names.;~~] for the
179 following to use:

180 (i) a county in which a place with a location name referring to American Indians is
181 located;

182 (ii) an Indian tribe that is connected to the geographic location referring to American

183 Indians for which the Indian tribe seeks to change the name;

184 (iii) a local community in and around a place with a location name referring to

185 American Indians; or

186 (iv) another person identified by the division [~~in consultation with the Utah Committee~~
187 ~~on Geographic Names~~].

188 (b) The application template described in Subsection (2)(a) shall encourage an
189 applicant to solicit feedback from the one or more tribal governments that are connected to the
190 geographic location for which the applicant is proposing to change the location name referring
191 to American Indians.

192 (c) If the division assists a person applying to change the location name referring to
193 American Indians, the division shall direct the person to consult with any tribal government
194 that is connected to the geographic location for which the location name referring to American
195 Indians is proposed to be changed so that a tribal government has an opportunity to provide an
196 official response.

197 (d) The division may bring proposed name changes to location names referring to
198 American Indians to tribal leaders to solicit input from the Indian tribes.

199 (3) The division shall provide on the division's website resources for applicants and
200 information about proposed changes to location names referring to American Indians.

201 (4) In accordance with Section 9-9-107, the division shall annually report to the Native
202 American Legislative Liaison Committee on the division's activities under this section.

203 Section 2. Section 9-23-401, which is renumbered from Section 4-38-102 is
204 renumbered and amended to read:

205 **Part 4. Utah Horse Regulation Act**

206 ~~[4-38-102].~~ **9-23-401. Definitions.**

207 As used in this [chapter] part:

208 [~~(1) "Commission" means the Utah Horse Racing Commission created by this chapter.~~]

209 [~~(2) "Executive director" means the executive director of the commission.~~]

210 (1) "Licensee" means a person licensed under this part.

211 [~~(3)~~] (2) "Mixed meet" means a race meet that includes races by more than one breed
212 of horse.

213 [~~(4)~~] (3) "Race meet" means the entire period of time for which a licensee has been

214 approved to hold horse races.

215 [(5)] (4) "Racetrack facility" means a racetrack within Utah approved by the
216 commission for the racing of horses, including the track surface, grandstands, clubhouse, all
217 animal housing and handling areas, and other areas in which a person may enter only upon
218 payment of an admission fee or upon presentation of authorized credentials.

219 [(6)] (5) "Recognized race meet" means a race meet recognized by a national horse
220 breed association.

221 [(7)] (6) "Utah bred horse" means a horse that is sired by a stallion standing in Utah at
222 the time the dam was bred.

223 Section 3. Section **9-23-402**, which is renumbered from Section 4-38-104 is
224 renumbered and amended to read:

225 ~~[4-38-104]~~. **9-23-402. Powers and duties of commission.**

226 (1) The commission shall:

227 (a) license, regulate, and supervise the persons involved in the racing of horses as
228 provided in this [chapter] part;

229 (b) license, regulate, and supervise the recognized race meets held in this state under
230 the terms of this [chapter] part;

231 (c) cause the various places where recognized race meets are held to be visited and
232 inspected at least once a year;

233 (d) assist in procuring public liability insurance coverage from a private insurance
234 company for those licensees unable to otherwise obtain the insurance required under this
235 [chapter] part;

236 (e) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
237 Rulemaking Act, to govern race meets, including rules:

238 (i) to resolve scheduling conflicts and settle disputes among licensees;

239 (ii) to supervise, discipline, suspend, fine, and bar from events a person required to be
240 licensed by this [chapter] part;

241 (iii) to exclude a horse from a racetrack facility in this state, or prohibit a horse from
242 participating in a horse race or race meet; and

243 (iv) to hold, conduct, and operate all recognized race meets conducted pursuant to this
244 [chapter] part;

- 245 (f) determine which persons participating, directly or indirectly, in recognized race
246 meets require licenses;
- 247 (g) announce the time, place, and duration of a recognized race meet for which a
248 license is required; and
- 249 (h) establish reasonable fees for all licenses provided for under this [chapter] part.
- 250 (2) The commission may:
- 251 (a) grant, suspend, or revoke licenses issued under this [chapter] part;
- 252 (b) impose fines as provided in this [chapter] part;
- 253 (c) access criminal history record information for the licensees and commission or
254 contracted employees;
- 255 (d) exclude from any racetrack facility in this state a person, including an owner, who:
- 256 (i) the commission considers detrimental to the best interests of racing; or
- 257 (ii) violates this [chapter] part or any rule or order of the commission; and
- 258 (e) exclude from a racetrack facility in this state, or prohibit from participating in a
259 horse race or race meet, a horse that is owned, in full or part by a person:
- 260 (i) who the commission considers detrimental to the best interests of racing; or
- 261 (ii) who violates this [chapter] part or a rule or order of the commission.
- 262 (3) (a) For purposes of Subsection (2)(e), ownership includes a horse for which an
263 individual or entity has a beneficial or other interest, as defined by rule.
- 264 (b) The period of time a horse may be excluded or prohibited from racing under
265 Subsection (2)(e) may not exceed one calendar year from the date of the initial oral or written
266 ruling [~~by the stewards~~].
- 267 (c) A change in ownership or beneficial interest in a horse excluded or prohibited from
268 racing under Subsection (2)(e) does not affect the horse's exclusion from a racetrack or
269 prohibition from racing unless otherwise determined by the commission.
- 270 (4) The commission may contract, in accordance with Title 63G, Chapter 6a, Utah
271 Procurement Code, with a person to issue a license required under Subsection (1)(a) or (b).
- 272 (5) Any member of the commission who has a personal or private interest in any matter
273 proposed or pending before the commission shall publicly disclose this fact to the commission
274 and may not vote on the matter.
- 275 (6) Any member of the commission who owns or who has any interest, or whose

276 spouse or member of his or her immediate family has any interest, in a horse participating in a
277 race shall disclose that interest and may not participate in any commission decision involving
278 that race.

279 Section 4. Section **9-23-403**, which is renumbered from Section 4-38-201 is
280 renumbered and amended to read:

281 ~~[4-38-201]~~. **9-23-403. Licenses -- Fees -- Duties of licensees.**

282 (1) The commission may grant, or contract under Subsection ~~[4-38-104(4)]~~
283 9-23-402(4) for the granting of a license, for participation in racing and other activities
284 associated with a racetrack.

285 (2) The commission shall establish a schedule of fees for the application for and
286 renewal and reinstatement of licenses issued under this ~~[chapter]~~ part.

287 (3) A person holding a license under this ~~[chapter]~~ part shall comply with this ~~[chapter]~~
288 part and with the rules issued and the orders issued by the commission under this ~~[chapter]~~
289 part.

290 (4) A person who holds a recognized race meet or who participates directly or
291 indirectly in a recognized race meet without being first licensed as required under this ~~[chapter]~~
292 part and any person violating this ~~[chapter]~~ part is subject to penalties under Section ~~[4-2-304]~~
293 9-23-412.

294 Section 5. Section **9-23-404**, which is renumbered from Section 4-38-203 is
295 renumbered and amended to read:

296 ~~[4-38-203]~~. **9-23-404. Race meets -- Licenses -- Fairs.**

297 (1) A person making application for a license to hold a race meet under this ~~[chapter]~~
298 part shall file an application that sets forth the time, place, and number of days the race meet
299 will continue, and other information the commission may require.

300 (2) A person who has been convicted of a crime involving moral turpitude may not be
301 issued a license to hold a race meet.

302 (3) (a) The license issued shall specify the kind and character of the race meet to be
303 held, the number of days the race meet shall continue, and the number of races per day.

304 (b) The licensee shall pay in advance of the scheduled race meet to the commission a
305 fee of not less than \$25. If unforeseen obstacles arise that prevent the holding or completion of
306 any race meet, the license fee held may be refunded to the licensee if the commission considers

307 the reason for failure to hold or complete the race meet sufficient.

308 (4) (a) An unexpired license held by any person who violates this [~~chapter~~] part, or
 309 fails to pay to the commission any fees required under this [~~chapter~~] part, is subject to
 310 cancellation and revocation by the commission.

311 (b) This cancellation shall be made only after a summary hearing before the
 312 commission, of which seven days notice in writing shall be given the licensee, specifying the
 313 grounds for the proposed cancellation. At the hearing, the licensee shall be given an
 314 opportunity to be heard in opposition to the proposed cancellation.

315 (5) (a) A fair board or fair district that conducts a race meet in connection with a
 316 regularly scheduled annual fair is exempt from payment of the fees provided in this section,
 317 unless the fair board or fair district sponsors a race in which the speed indexes are officially
 318 recognized under breed requirements.

319 (b) A race meet in connection with a fair is limited to 14 race days, unless otherwise
 320 permitted by a unanimous vote of the commission.

321 (6) The exemption from the payment of fees under Subsection (5)(a) does not apply to
 322 a race meet qualifying for official speed index races.

323 Section 6. Section **9-23-405**, which is renumbered from Section 4-38-301 is
 324 renumbered and amended to read:

325 ~~[4-38-301]~~. **9-23-405. Investigation -- License denial and suspension -- Grounds**
 326 **for revocation -- Fines.**

327 (1) The commission [~~or board of stewards of a recognized race meet~~], upon their own
 328 motion may, and upon verified complaint in writing of any person shall, investigate the
 329 activities of a licensee within the state or a licensed person upon the premises of a racetrack
 330 facility.

331 (2) The commission [~~or board of stewards~~] may fine, suspend a license, or deny an
 332 application for a license.

333 (3) A person with whom the commission contracts under Subsection [~~4-38-104(4)~~]
 334 9-23-402(4) may deny an application for a license.

335 (4) The commission may revoke a license, if the licensee has committed any of the
 336 following violations:

337 (a) substantial or willful misrepresentation;

- 338 (b) disregard for or violation of this [~~chapter~~] part or of a rule issued by the
339 commission;
- 340 (c) conviction of a felony under the laws of this or any other state or of the United
341 States, a true and correct copy of the judgment of the court of conviction of which shall be
342 presumptive evidence of the conviction in any hearing held under this section;
- 343 (d) fraud, willful misrepresentation, or deceit in racing;
- 344 (e) falsification, misrepresentation, or omission of required information in a license
345 application;
- 346 (f) failure to disclose to the commission a complete ownership or beneficial interest in
347 a horse entered to be raced;
- 348 (g) misrepresentation or attempted misrepresentation in connection with the sale of a
349 horse or other matter pertaining to racing or registration of racing animals;
- 350 (h) failure to comply with an order or ruling of the commission, [~~the stewards,~~] or a
351 racing official pertaining to a racing matter;
- 352 (i) ownership of any interest in or participation by any manner in any bookmaking,
353 pool-selling, touting, bet solicitation, or illegal enterprise;
- 354 (j) being unqualified by experience or competence to perform the activity permitted by
355 the license possessed or being applied for;
- 356 (k) employment or harboring of any unlicensed person on the premises of a racetrack
357 facility if a license is required by this [~~chapter~~] part or rule;
- 358 (l) discontinuance of or ineligibility for the activity for which the license was issued;
- 359 (m) being currently under suspension or revocation of a racing license in another racing
360 jurisdiction;
- 361 (n) possession on the premises of a racetrack facility of:
 - 362 (i) firearms; or
 - 363 (ii) a battery, buzzer, electrical device, or other appliance other than a whip which
364 could be used to alter the speed of a horse in a race or while working out or schooling;
- 365 (o) possession, on the premises of a racetrack facility, by a person other than a licensed
366 veterinarian of a hypodermic needle, hypodermic syringe, or other similar device that may be
367 used in administering medicine internally in a horse, or any substance, compound items, or
368 combination of any medicine, narcotic, stimulant, depressant, or anesthetic which could alter

369 the normal performance of a horse unless:

370 (i) specifically authorized by a commission-approved veterinarian; or

371 (ii) as otherwise allowed by the [~~stewards~~] commission for the conditions of that horse
372 race or race meet;

373 (p) cruelty to or neglect of a horse;

374 (q) offering, promising, giving, accepting, or soliciting a bribe in any form, directly or
375 indirectly, to or by a person having any connection with the outcome of a race, or failure to
376 report knowledge of such act immediately to the [~~stewards, the~~] patrol judges, or the
377 commission;

378 (r) causing, attempting to cause, or participation in any way in any attempt to cause the
379 prearrangement of a race result, or failure to report knowledge of such act immediately to the
380 [~~stewards, the~~] patrol judges, or the commission;

381 (s) entering, or aiding and abetting the entry of, a horse ineligible or unqualified for the
382 race entered;

383 (t) willfully or unjustifiably entering or racing any horse in any race under any name or
384 designation other than the name or designation assigned to the animal by and registered with
385 the official recognized registry for that breed of animal, or willfully setting on foot, instigating,
386 engaging in, or in any way furthering any act by which any horse is entered or raced in any race
387 under any name or designation other than the name or designation duly assigned by and
388 registered with the official recognized registry for the breed of animal; or

389 (u) racing at a racetrack facility without having that horse registered to race at that
390 racetrack facility.

391 (5) (a) A person who fails to pay in a timely manner a fine imposed pursuant to this
392 [~~chapter~~] part shall pay, in addition to the fine due, a penalty amount equal to the fine.

393 (b) A person who submits to the commission a check in payment of a fine or license
394 fee requirement imposed pursuant to this [~~chapter~~] part, which is not honored by the financial
395 institution upon which the check is drawn, shall pay, in addition to the fine or fee due, a penalty
396 amount equal to the fine.

397 Section 7. Section **9-23-406**, which is renumbered from Section 4-38-302 is
398 renumbered and amended to read:

399 [~~4-38-302~~]. **9-23-406**. **Stimulation or retardation of animals prohibited -- Tests.**

400 (1) Any person who uses or permits the use of any mechanical or electrical device, or
401 drug of any kind, to stimulate or retard any animal in any race authorized by this [~~chapter~~] part,
402 except as prescribed by the commission, is guilty of a class A misdemeanor.

403 (2) A commission member [~~or race steward~~] may cause tests to be made that the
404 commission considers proper to determine whether any animal has been stimulated or retarded.
405 Tests performed in furtherance of this section shall be conducted by or under the supervision of
406 a licensed Utah veterinarian.

407 Section 8. Section **9-23-407**, which is renumbered from Section 4-38-303 is
408 renumbered and amended to read:

409 ~~[4-38-303]~~. **9-23-407. Bribery and touting prohibited.**

410 Any person who gives or promises or attempts to give, or any person who receives or
411 agrees to receive or attempts to receive, any money, bribe, or thing of value with intent to
412 influence any person to dishonestly umpire, manage, direct, judge, preside, officiate at, or
413 participate in any race conducted under this [~~chapter~~] part with the intent or purpose that the
414 result of the race will be affected or influenced thereby, is guilty of a felony of the third degree
415 and subject to a fine of not more than \$10,000.

416 Section 9. Section **9-23-408**, which is renumbered from Section 4-38-304 is
417 renumbered and amended to read:

418 ~~[4-38-304]~~. **9-23-408. Gambling disclaimer.**

419 Nothing in this [~~chapter~~] part may be construed to legalize or permit any form of
420 gambling.

421 Section 10. Section **9-23-409**, which is renumbered from Section 4-38-401 is
422 renumbered and amended to read:

423 ~~[4-38-401]~~. **9-23-409. Race meet money.**

424 (1) The commission shall make rules, in accordance with Title 63G, Chapter 3, Utah
425 Administrative Rulemaking Act, to determine how all the added money and money from
426 payment races shall be collected and disbursed.

427 (2) Payment deposits shall be made in a timely manner determined by the commission,
428 and each licensee shall provide proof of deposits as required by the commission.

429 Section 11. Section **9-23-410**, which is renumbered from Section 4-38-402 is
430 renumbered and amended to read:

431 ~~[4-38-402].~~ 9-23-410. **Horse Racing Account created -- Contents -- Use of**
 432 **account money.**

433 (1) There is created within the General Fund a restricted account known as the Horse
 434 Racing Account.

435 (2) The Horse Racing Account consists of:

436 (a) license fees collected under this chapter;

437 (b) revenue from fines imposed under this chapter; and

438 (c) interest on account money.

439 (3) Upon appropriation by the Legislature, money from the account shall be used for
 440 the administration of this ~~[chapter]~~ part, including paying the costs of:

441 (a) public liability insurance;

442 ~~[(b) stewards;]~~

443 ~~[(c)]~~ (b) veterinarians; and

444 ~~[(d)]~~ (c) drug testing.

445 Section 12. Section **9-23-411**, which is renumbered from Section 4-38-501 is
 446 renumbered and amended to read:

447 ~~[4-38-501].~~ 9-23-411. **Hearings.**

448 (1) Except as otherwise provided in this section, all proceedings before the commission
 449 or the commission's hearing officer with respect to the denial, suspension, or revocation of
 450 licenses or the imposition of fines shall be conducted pursuant to Title 63G, Chapter 4,
 451 Administrative Procedures Act.

452 (2) (a) These proceedings shall be held in the county where the commission has an
 453 office or in any other place the commission designates.

454 (b) The commission shall notify the applicant or licensee by mailing, by first class
 455 mail, a copy of the written notice required to the last address furnished by the application or
 456 licensee to the commission at least seven days in advance of the hearing.

457 (3) The commission may delegate the commission's authority to conduct hearings with
 458 respect to the denial or suspension of licenses or the imposition of a fine to a hearing officer.

459 ~~[(4) Proceedings before the board of stewards need not be governed by the procedural~~
 460 ~~or other requirements of Title 63G, Chapter 4, Administrative Procedures Act, but rather shall~~
 461 ~~be conducted in accordance with rules adopted by the commission.]~~

462 ~~[(5)]~~ (4) The commission ~~[and the board of stewards]~~ may administer oaths and
463 affirmations, sign and issue subpoenas, order the production of documents and other evidence,
464 and regulate the course of the hearing pursuant to rules adopted by the commission.

465 ~~[(6) (a) Any person aggrieved by a final order or ruling issued by a board of stewards~~
466 ~~may appeal the order or ruling to the commission pursuant to procedural rules adopted by the~~
467 ~~commission.]~~

468 ~~[(b) The aggrieved party may petition the commission for a stay of execution pending~~
469 ~~appeal to the commission.]~~

470 Section 13. Section **9-23-412** is enacted to read:

471 **9-23-412. Civil and criminal penalties -- Costs -- Civil liability.**

472 (1) (a) Except as otherwise provided by this part, any person, or the officer or employee
473 of any person, who violates this part or any lawful notice or order issued pursuant to this part
474 shall be assessed a penalty not to exceed \$5,000 per violation in a civil proceeding, and is
475 guilty of a class B misdemeanor in a criminal proceeding.

476 (b) A subsequent criminal violation within two years is a class A misdemeanor.

477 (2) Any person, or the officer or employee of any person, shall be liable for any
478 expenses incurred by the commission in abating any violation of this part.

479 (3) A penalty assessment or criminal conviction under this part does not relieve the
480 person assessed or convicted from civil liability for claims arising out of any act that was also a
481 violation.

482 Section 14. Section **19-1-201** is amended to read:

483 **19-1-201. Powers and duties of department -- Rulemaking authority --**
484 **Committee -- Monitoring environmental impacts of inland port.**

485 (1) The department shall:

486 (a) enter into cooperative agreements with the Department of Health and Human
487 Services to delineate specific responsibilities to assure that assessment and management of risk
488 to human health from the environment are properly administered;

489 (b) consult with the Department of Health and Human Services and enter into
490 cooperative agreements, as needed, to ensure efficient use of resources and effective response
491 to potential health and safety threats from the environment, and to prevent gaps in protection
492 from potential risks from the environment to specific individuals or population groups;

493 (c) coordinate implementation of environmental programs to maximize efficient use of
494 resources by developing, in consultation with local health departments, a Comprehensive
495 Environmental Service Delivery Plan that:

496 (i) recognizes that the department and local health departments are the foundation for
497 providing environmental health programs in the state;

498 (ii) delineates the responsibilities of the department and each local health department
499 for the efficient delivery of environmental programs using federal, state, and local authorities,
500 responsibilities, and resources;

501 (iii) provides for the delegation of authority and pass through of funding to local health
502 departments for environmental programs, to the extent allowed by applicable law, identified in
503 the plan, and requested by the local health department; and

504 (iv) is reviewed and updated annually;

505 (d) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
506 Rulemaking Act, as follows:

507 (i) for a board created in Section 19-1-106, rules regarding:

508 (A) board meeting attendance; and

509 (B) conflicts of interest procedures; and

510 (ii) procedural rules that govern:

511 (A) an adjudicative proceeding, consistent with Section 19-1-301; and

512 (B) a special adjudicative proceeding, consistent with Section 19-1-301.5;

513 (e) ensure that training or certification required of a public official or public employee,
514 as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State
515 Training and Certification Requirements, if the training or certification is required:

516 (i) under this title;

517 (ii) by the department; or

518 (iii) by an agency or division within the department; and

519 (f) subject to Subsection (2), establish annual fees that conform with Title V of the
520 Clean Air Act for each regulated pollutant as defined in Section 19-2-109.1, applicable to a
521 source subject to the Title V program.

522 (2) (a) A fee established under Subsection (1)(f) is in addition to a fee assessed under
523 Subsection (6)(i) for issuance of an approval order.

524 (b) In establishing a fee under Subsection (1)(f), the department shall comply with
525 Section 63J-1-504 that requires a public hearing and requires the established fee to be
526 submitted to the Legislature for the Legislature's approval as part of the department's annual
527 appropriations request.

528 (c) A fee established under this section shall cover the reasonable direct and indirect
529 costs required to develop and administer the Title V program [~~and the small business assistance
530 program established under Section 19-2-109.2~~].

531 (d) A fee established under Subsection (1)(f) shall be established for all sources subject
532 to the Title V program and for all regulated pollutants.

533 (e) An emission fee may not be assessed for a regulated pollutant if the emissions are
534 already accounted for within the emissions of another regulated pollutant.

535 (f) An emission fee may not be assessed for any amount of a regulated pollutant
536 emitted by any source in excess of 4,000 tons per year of that regulated pollutant.

537 (g) An emission fee shall be based on actual emissions for a regulated pollutant unless
538 a source elects, before the issuance or renewal of a permit, to base the fee during the period of
539 the permit on allowable emissions for that regulated pollutant.

540 (h) The fees collected by the department under Subsection (1)(f) and penalties
541 collected under Subsection 19-2-109.1(4) shall be deposited into the General Fund as the Air
542 Pollution Operating Permit Program dedicated credit to be used solely to pay for the reasonable
543 direct and indirect costs incurred by the department in developing and administering the
544 program [~~and the small business assistance program under Section 19-2-109.2~~].

545 (3) The department shall establish a committee that consists of:

546 (a) the executive director or the executive director's designee;

547 (b) two representatives of the department appointed by the executive director; and

548 (c) three representatives of local health departments appointed by a group of all the
549 local health departments in the state.

550 (4) The committee established in Subsection (3) shall:

551 (a) review the allocation of environmental quality resources between the department
552 and the local health departments;

553 (b) evaluate department policies that affect local health departments;

554 (c) consider policy changes proposed by the department or by local health departments;

- 555 (d) coordinate the implementation of environmental quality programs to maximize
556 environmental quality resources; and
- 557 (e) review each department application for any grant from the federal government that
558 affects a local health department before the department submits the application.
- 559 (5) The committee shall create bylaws to govern the committee's operations.
- 560 (6) The department may:
- 561 (a) investigate matters affecting the environment;
- 562 (b) investigate and control matters affecting the public health when caused by
563 environmental hazards;
- 564 (c) prepare, publish, and disseminate information to inform the public concerning
565 issues involving environmental quality;
- 566 (d) establish and operate programs, as authorized by this title, necessary for protection
567 of the environment and public health from environmental hazards;
- 568 (e) use local health departments in the delivery of environmental health programs to
569 the extent provided by law;
- 570 (f) enter into contracts with local health departments or others to meet responsibilities
571 established under this title;
- 572 (g) acquire real and personal property by purchase, gift, devise, and other lawful
573 means;
- 574 (h) prepare and submit to the governor a proposed budget to be included in the budget
575 submitted by the governor to the Legislature;
- 576 (i) in accordance with Section [63J-1-504](#), establish a schedule of fees that may be
577 assessed for actions and services of the department that are reasonable, fair, and reflect the cost
578 of services provided;
- 579 (j) for an owner or operator of a source subject to a fee established by Subsection (6)(i)
580 who fails to timely pay that fee, assess a penalty of not more than 50% of the fee, in addition to
581 the fee, plus interest on the fee computed at 12% annually;
- 582 (k) prescribe by rule reasonable requirements not inconsistent with law relating to
583 environmental quality for local health departments;
- 584 (l) perform the administrative functions of the boards established by Section [19-1-106](#),
585 including the acceptance and administration of grants from the federal government and from

586 other sources, public or private, to carry out the board's functions;

587 (m) upon the request of a board or a division director, provide professional, technical,
588 and clerical staff and field and laboratory services, the extent of which are limited by the
589 money available to the department for the staff and services; and

590 (n) establish a supplementary fee, not subject to Section 63J-1-504, to provide service
591 that the person paying the fee agrees by contract to be charged for the service to efficiently use
592 department resources, protect department permitting processes, address extraordinary or
593 unanticipated stress on permitting processes, or make use of specialized expertise.

594 (7) In providing service under Subsection (6)(n), the department may not provide
595 service in a manner that impairs another person's service from the department.

596 (8) (a) As used in this Subsection (8):

597 (i) "Environmental impacts" means:

598 (A) impacts on air quality, including impacts associated with air emissions; and

599 (B) impacts on water quality, including impacts associated with storm water runoff.

600 (ii) "Inland port" means the same as that term is defined in Section 11-58-102.

601 (iii) "Inland port area" means the area in and around the inland port that bears the
602 environmental impacts of destruction, construction, development, and operational activities
603 within the inland port.

604 (iv) "Monitoring facilities" means:

605 (A) for monitoring air quality, a sensor system consisting of monitors to measure levels
606 of research-grade particulate matter, ozone, and oxides of nitrogen, and data logging equipment
607 with internal data storage that are interconnected at all times to capture air quality readings and
608 store data; and

609 (B) for monitoring water quality, facilities to collect groundwater samples, including in
610 existing conveyances and outfalls, to evaluate sediment, metals, organics, and nutrients due to
611 storm water.

612 (b) The department shall:

613 (i) develop and implement a sampling and analysis plan to:

614 (A) characterize the environmental baseline for air quality and water quality in the
615 inland port area;

616 (B) characterize the environmental baseline for only air quality for the Salt Lake

617 International Airport; and

618 (C) define the frequency, parameters, and locations for monitoring;

619 (ii) establish and maintain monitoring facilities to measure the environmental impacts
620 in the inland port area arising from destruction, construction, development, and operational
621 activities within the inland port;

622 (iii) publish the monitoring data on the department's website; and

623 (iv) provide at least annually before November 30 a written report summarizing the
624 monitoring data to:

625 (A) the Utah Inland Port Authority board, established under Title 11, Chapter 58, Part
626 3, Port Authority Board; and

627 (B) the Legislative Management Committee.

628 Section 15. Section **19-2-109.1** is amended to read:

629 **19-2-109.1. Operating permit required -- Fees -- Implementation.**

630 (1) As used in this section and [~~Sections 19-2-109.2 and 19-2-109.3~~] Section
631 19-2-109.3:

632 (a) "1990 Clean Air Act" means the federal Clean Air Act as amended in 1990.

633 (b) "EPA" means the federal Environmental Protection Agency.

634 (c) "Operating permit" means a permit issued by the director to sources of air pollution
635 that meet the requirements of Titles IV and V of the 1990 Clean Air Act.

636 (d) "Program" means the air pollution operating permit program established under this
637 section to comply with Title V of the 1990 Clean Air Act.

638 (e) "Regulated pollutant" means the same as that term is defined in Title V of the 1990
639 Clean Air Act and implementing federal regulations.

640 (2) A person may not operate a source of air pollution required to have a permit under
641 Title V of the 1990 Clean Air Act without having obtained an operating permit from the
642 director under procedures the board establishes by rule.

643 (3) (a) Operating permits issued under this section shall be for a period of five years
644 unless the director makes a written finding, after public comment and hearing, and based on
645 substantial evidence in the record, that an operating permit term of less than five years is
646 necessary to protect the public health and the environment of the state.

647 (b) The director may issue, modify, or renew an operating permit only after providing

648 public notice, an opportunity for public comment, and an opportunity for a public hearing.

649 (c) The director shall, in conformity with the 1990 Clean Air Act and implementing
650 federal regulations, revise the conditions of issued operating permits to incorporate applicable
651 federal regulations in conformity with Section 502(b)(9) of the 1990 Clean Air Act, if the
652 remaining period of the permit is three or more years.

653 (d) The director may terminate, modify, revoke, or reissue an operating permit for
654 cause.

655 (4) If the owner or operator of a source subject to this section fails to timely pay a fee
656 established under Subsection 19-1-201(1)(f), the director may:

657 (a) impose a penalty of not more than 50% of the fee, in addition to the fee, plus
658 interest on the fee computed at 12% annually; or

659 (b) revoke the operating permit.

660 (5) The owner or operator of a source subject to this section may contest a fee
661 assessment or associated penalty in an adjudicative hearing under the Title 63G, Chapter 4,
662 Administrative Procedures Act, and Section 19-1-301, as provided in this Subsection (5).

663 (a) The owner or operator shall pay the fee under protest before being entitled to a
664 hearing. Payment of a fee or penalty under protest is not a waiver of the right to contest the fee
665 or penalty under this section.

666 (b) A request for a hearing under this Subsection (5) shall be made after payment of the
667 fee and within six months after the fee was due.

668 (6) To reinstate an operating permit revoked under Subsection (4) the owner or
669 operator shall pay the outstanding fees, a penalty of not more than 50% of outstanding fees, and
670 interest on the outstanding fees computed at 12% annually.

671 (7) Failure of the director to act on an operating permit application or renewal is a final
672 administrative action only for the purpose of obtaining judicial review by any of the following
673 persons to require the director to take action on the permit or the permit's renewal without
674 additional delay:

675 (a) the applicant;

676 (b) a person who participated in the public comment process; or

677 (c) a person who could obtain judicial review of that action under applicable law.

678 Section 16. Section 26-1-2 is amended to read:

679 **26-1-2. Definitions.**

680 As used in this title:

681 [~~(1)~~ "Council" means the Utah Health Advisory Council.]682 [~~(2)~~ (1) "Department" means the Department of Health and Human Services created in
683 Section 26B-1-201.684 [~~(3)~~ (2) "Executive director" means the executive director of the department appointed
685 under Section 26B-1-203.686 [~~(4)~~ (3) "Public health authority" means an agency or authority of the United States, a
687 state, a territory, a political subdivision of a state or territory, an Indian tribe, or a person acting
688 under a grant of authority from or contract with such an agency, that is responsible for public
689 health matters as part of its official mandate.

690 Section 17. Section 26-39-102 is amended to read:

691 **26-39-102. Definitions.**

692 As used in this chapter:

693 [~~(1)~~ "Advisory committee" means the Residential Child Care Licensing Advisory
694 Committee created in Section 26B-1-204.]695 [~~(2)~~ (1) "Capacity limit" means the maximum number of qualifying children that a
696 regulated provider may care for at any given time, in accordance with rules made by the
697 department.698 [~~(3)~~ (2) (a) "Center based child care" means child care provided in a facility or
699 program that is not the home of the provider.

700 (b) "Center based child care" does not include:

701 (i) residential child care; or

702 (ii) care provided in a facility or program exempt under Section 26-39-403.

703 [~~(4)~~ (3) "Certified provider" means a person who holds a certificate from the
704 department under Section 26-39-402.705 [~~(5)~~ (4) "Child care" means continuous care and supervision of a qualifying child, that
706 is:

707 (a) in lieu of care ordinarily provided by a parent in the parent's home;

708 (b) for less than 24 hours a day; and

709 (c) for direct or indirect compensation.

710 [~~(6)~~] (5) "Child care program" means a child care facility or program operated by a
711 regulated provider.

712 [~~(7)~~] (6) "Exempt provider" means a person who provides care described in Subsection
713 26-39-403(2).

714 [~~(8)~~] (7) "Licensed provider" means a person who holds a license from the department
715 under Section 26-39-401.

716 [~~(9)~~] (8) "Licensing committee" means the Child Care ~~[Center]~~ Provider Licensing
717 Committee created in Section 26B-1-204.

718 [~~(10)~~] (9) "Public school" means:

719 (a) a school, including a charter school, that:

720 (i) is directly funded at public expense; and

721 (ii) provides education to qualifying children for any grade from first grade through
722 twelfth grade; or

723 (b) a school, including a charter school, that provides:

724 (i) preschool or kindergarten to qualifying children, regardless of whether the preschool
725 or kindergarten is funded at public expense; and

726 (ii) education to qualifying children for any grade from first grade through twelfth
727 grade, if each grade, from first grade to twelfth grade, that is provided at the school, is directly
728 funded at public expense.

729 [~~(11)~~] (10) "Qualifying child" means an individual who is:

730 (a) (i) under the age of 13 years old; or

731 (ii) under the age of 18 years old, if the person has a disability; and

732 (b) a child of:

733 (i) a person other than the person providing care to the child;

734 (ii) a regulated provider, if the child is under the age of four; or

735 (iii) an employee or owner of a licensed child care center, if the child is under the age
736 of four.

737 [~~(12)~~] (11) "Regulated provider" means a licensed provider or certified provider.

738 [~~(13)~~] (12) "Residential child care" means child care provided in the home of the
739 provider.

740 Section 18. Section 26-39-200 is amended to read:

741 **26-39-200. Child Care Provider Licensing Committee.**

742 (1) (a) The licensing committee shall be comprised of [~~seven~~] eleven members
 743 appointed by the governor and approved by the Senate in accordance with this subsection.

744 (b) The governor shall appoint [~~three~~] two members who:

745 (i) have at least five years of experience as an owner in or director of a for profit or
 746 not-for-profit center based child care; and

747 (ii) hold an active license as a child care center from the department to provide center
 748 based child care.

749 (c) The governor shall appoint two members who hold an active license as a residential
 750 child care provider and one member who is a certified residential child care provider.

751 [~~(e)~~] (d) (i) The governor shall appoint one member to represent each of the following:

752 (A) a parent with a child in a licensed center based child care facility;

753 (B) a parent with a child in a residential based child care facility;

754 [~~(B)~~] (C) a child development expert from the state system of higher education;

755 [~~(C)~~] (D) except as provided in Subsection [~~(1)(e)~~] (1)(f), a pediatrician licensed in the
 756 state; [~~and~~]

757 (E) a health care provider; and

758 [~~(D)~~] (F) an architect licensed in the state.

759 (ii) Except as provided in Subsection [~~(1)(e)(i)(B)~~] (1)(d)(i)(C), a member appointed
 760 under Subsection [~~(1)(e)(i)~~] (1)(d)(i) may not be an employee of the state or a political
 761 subdivision of the state.

762 [~~(d)~~] (e) At least one member described in Subsection (1)(b) shall at the time of
 763 appointment reside in a county that is not a county of the first class.

764 [~~(e)~~] (f) For the appointment described in Subsection [~~(1)(e)(i)(C)~~] (1)(d)(i)(D), the
 765 governor may appoint a health care professional who specializes in pediatric health if:

766 (i) the health care professional is licensed under:

767 (A) Title 58, Chapter 31b, Nurse Practice Act, as an advanced practice nurse
 768 practitioner; or

769 (B) Title 58, Chapter 70a, Utah Physician Assistant Act; and

770 (ii) before appointing a health care professional under this Subsection [~~(1)(e)~~] (1)(f),
 771 the governor:

772 (A) sends a notice to a professional physician organization in the state regarding the
773 opening for the appointment described in Subsection ~~[(1)(c)(i)(C)]~~ (1)(d)(i)(D); and

774 (B) receives no applications from a pediatrician who is licensed in the state for the
775 appointment described in Subsection ~~[(1)(c)(i)(C)]~~ (1)(d)(i)(D) within 90 days after the day on
776 which the governor sends the notice described in Subsection ~~[(1)(c)(ii)(A)]~~ (1)(f)(ii)(A).

777 (2) (a) Except as required by Subsection (2)(b), as terms of current members expire, the
778 governor shall appoint each new member or reappointed member to a four-year term ending
779 June 30.

780 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the
781 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
782 members are staggered so that approximately half of the licensing committee is appointed
783 every two years.

784 (c) Upon the expiration of the term of a member of the licensing committee, the
785 member shall continue to hold office until a successor is appointed and qualified.

786 (d) A member may not serve more than two consecutive terms.

787 (e) Members of the licensing committee shall annually select one member to serve as
788 chair who shall establish the agenda for licensing committee meetings.

789 (3) When a vacancy occurs in the membership for any reason, the governor, with the
790 advice and consent of the Senate, shall appoint a replacement for the unexpired term.

791 (4) (a) The licensing committee shall meet at least every two months.

792 (b) The director may call additional meetings:

793 (i) at the director's discretion;

794 (ii) upon the request of the chair; or

795 (iii) upon the written request of three or more members.

796 (5) ~~Three~~ Six members of the licensing committee constitute a quorum for the
797 transaction of business.

798 (6) A member of the licensing committee may not receive compensation or benefits for
799 the member's service, but may receive per diem and travel expenses as allowed in:

800 (a) Section [63A-3-106](#);

801 (b) Section [63A-3-107](#); and

802 (c) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and

803 63A-3-107.

804 Section 19. Section 26-39-203 is amended to read:

805 **26-39-203. Duties of the Child Care Provider Licensing Committee.**

806 (1) The licensing committee shall:

807 (a) in concurrence with the department and in accordance with Title 63G, Chapter 3,
808 Utah Administrative Rulemaking Act, make rules that govern center based child care and
809 residential child care as necessary to protect qualifying children's common needs for a safe and
810 healthy environment, to provide for:

811 (i) adequate facilities and equipment; and

812 (ii) competent caregivers considering the age of the children and the type of program
813 offered by the licensee;

814 (b) in concurrence with the department and in accordance with Title 63G, Chapter 3,
815 Utah Administrative Rulemaking Act, make rules necessary to carry out the purposes of this
816 chapter that govern center based child care and residential child care, in the following areas:

817 (i) requirements for applications, the application process, and compliance with other
818 applicable statutes and rules;

819 (ii) documentation and policies and procedures that providers shall have in place in
820 order to be licensed, in accordance with Subsection (1);

821 (iii) categories, classifications, and duration of initial and ongoing licenses;

822 (iv) changes of ownership or name, changes in licensure status, and changes in
823 operational status;

824 (v) license expiration and renewal, contents, and posting requirements;

825 (vi) procedures for inspections, complaint resolution, disciplinary actions, and other
826 procedural measures to encourage and assure compliance with statute and rule; and

827 (vii) guidelines necessary to assure consistency and appropriateness in the regulation
828 and discipline of licensees;

829 (c) advise the department on the administration of a matter affecting center based child
830 care and residential child care;

831 (d) advise and assist the department in conducting center based child care provider
832 seminars and residential child care seminars; and

833 (e) perform other duties as provided under Section 26-39-301.

834 (2) (a) The licensing committee may not enforce the rules adopted under this section.

835 (b) The department shall enforce the rules adopted under this section in accordance
836 with Section 26-39-301.

837 Section 20. Section 26B-1-204 is amended to read:

838 **26B-1-204. Creation of boards, divisions, and offices -- Power to organize**
839 **department.**

840 (1) The executive director shall make rules in accordance with Title 63G, Chapter 3,
841 Utah Administrative Rulemaking Act, and not inconsistent with law for:

842 (a) the administration and government of the department;

843 (b) the conduct of the department's employees; and

844 (c) the custody, use, and preservation of the records, papers, books, documents, and
845 property of the department.

846 (2) The following policymaking boards, councils, and committees are created within
847 the Department of Health and Human Services:

848 (a) Board of Aging and Adult Services;

849 (b) Utah State Developmental Center Board;

850 (c) Health Advisory Council;

851 (d) Health Facility Committee;

852 (e) State Emergency Medical Services Committee;

853 (f) Air Ambulance Committee;

854 (g) Health Data Committee;

855 (h) Utah Health Care Workforce Financial Assistance Program Advisory Committee;

856 [~~(i) Residential Child Care Licensing Advisory Committee;~~]

857 [~~(j)~~] (i) Child Care [~~Center~~] Provider Licensing Committee;

858 [~~(k)~~] (j) Primary Care Grant Committee;

859 [~~(l)~~] (k) Adult Autism Treatment Program Advisory Committee;

860 [~~(m)~~] (l) Youth Electronic Cigarette, Marijuana, and Other Drug Prevention
861 Committee; and

862 [~~(n)~~] (m) any boards, councils, or committees that are created by statute in:

863 (i) this title;

864 (ii) Title 26, Utah Health Code; or

- 865 (iii) Title 62A, Utah Human Services Code.
- 866 (3) The following divisions are created within the Department of Health and Human
- 867 Services:
- 868 (a) relating to operations:
- 869 (i) the Division of Finance and Administration;
- 870 (ii) the Division of Licensing and Background Checks;
- 871 (iii) the Division of Customer Experience;
- 872 (iv) the Division of Data, Systems, and Evaluation; and
- 873 (v) the Division of Continuous Quality Improvement;
- 874 (b) relating to healthcare administration:
- 875 (i) the Division of Integrated Healthcare, which shall include responsibility for:
- 876 (A) the state's medical assistance programs; and
- 877 (B) behavioral health programs described in Title 62A, Chapter 15, Substance Abuse
- 878 and Mental Health Act;
- 879 (ii) the Division of Aging and Adult Services; and
- 880 (iii) the Division of Services for People with Disabilities; and
- 881 (c) relating to community health and well-being:
- 882 (i) the Division of Child and Family Services;
- 883 (ii) the Division of Family Health;
- 884 (iii) the Division of Population Health;
- 885 (iv) the Division of Juvenile Justice and Youth Services; and
- 886 (v) the Office of Recovery Services.
- 887 (4) The executive director may establish offices and bureaus to facilitate management
- 888 of the department as required by, and in accordance with:
- 889 (a) this title;
- 890 (b) Title 26, Utah Health Code; and
- 891 (c) Title 62A, Utah Human Services Code.
- 892 (5) From July 1, 2022, through June 30, 2023, the executive director may adjust the
- 893 organizational structure relating to the department, including the organization of the
- 894 department's divisions and offices, notwithstanding the organizational structure described in:
- 895 (a) this title;

896 (b) Title 26, Utah Health Code; or

897 (c) Title 62A, Utah Human Services Code.

898 Section 21. Section **31A-19a-209** is amended to read:

899 **31A-19a-209. Special provisions for title insurance.**

900 (1) (a) (i) The [~~Title and Escrow Commission~~] commissioner shall adopt rules subject
901 to Section [~~31A-2-404~~] 31A-2-201, establishing rate standards and rating methods for
902 individual title insurance producers and agency title insurance producers.

903 (ii) The commissioner shall determine compliance with rate standards and rating
904 methods for title insurers, individual title insurance producers, and agency title insurance
905 producers.

906 (b) In addition to the considerations in determining compliance with rate standards and
907 rating methods as set forth in Sections 31A-19a-201 and 31A-19a-202, including for title
908 insurers, the commissioner [~~and the Title and Escrow Commission~~] shall consider the costs and
909 expenses incurred by title insurers, individual title insurance producers, and agency title
910 insurance producers peculiar to the business of title insurance including:

911 (i) the maintenance of title plants; and

912 (ii) the examining of public records to determine insurability of title to real
913 redevelopment property.

914 (2) (a) A title insurer, an agency title insurance producer, or an individual title
915 insurance producer who is not an employee of a title insurer or who is not designated by an
916 agency title insurance producer shall file with the commissioner:

917 (i) a schedule of the escrow charges that the title insurer, individual title insurance
918 producer, or agency title insurance producer proposes to use in this state for services performed
919 in connection with the issuance of policies of title insurance; and

920 (ii) any changes to the schedule of the escrow charges described in Subsection (2)(a)(i).
921 [~~(b) Except for a schedule filed by a title insurer under this Subsection (2), a schedule~~
922 ~~filed under this Subsection (2) is subject to review by the Title and Escrow Commission.~~]

923 [(~~c~~)] (b) (i) The schedule of escrow charges required to be filed by Subsection (2)(a)(i)
924 takes effect on the day on which the schedule of escrow charges is filed.

925 (ii) Any changes to the schedule of the escrow charges required to be filed by
926 Subsection (2)(a)(ii) take effect on the day specified in the change to the schedule of escrow

927 charges except that the effective date may not be less than 30 calendar days after the day on
928 which the change to the schedule of escrow charges is filed.

929 (3) A title insurer, individual title insurance producer, or agency title insurance
930 producer may not file or use any rate or other charge relating to the business of title insurance,
931 including rates or charges filed for escrow that would cause the title insurance company,
932 individual title insurance producer, or agency title insurance producer to:

933 (a) operate at less than the cost of doing:

934 (i) the insurance business; or

935 (ii) the escrow business; or

936 (b) fail to adequately underwrite a title insurance policy.

937 (4) (a) All or any of the schedule of rates or schedule of charges, including the schedule
938 of escrow charges, may be changed or amended at any time, subject to the limitations in this
939 Subsection (4).

940 (b) Each change or amendment shall:

941 (i) be filed with the commissioner~~[- subject to review by the Title and Escrow~~
942 ~~Commission]~~; and

943 (ii) state the effective date of the change or amendment, which may not be less than 30
944 calendar days after the day on which the change or amendment is filed.

945 (c) Any change or amendment remains in force for a period of at least 90 calendar days
946 from the change or amendment's effective date.

947 (5) While the schedule of rates and schedule of charges are effective, a copy of each
948 shall be:

949 (a) retained in each of the offices of:

950 (i) the title insurer in this state;

951 (ii) the title insurer's individual title insurance producers or agency title insurance
952 producers in this state; and

953 (b) upon request, furnished to the public.

954 (6) Except in accordance with the schedules of rates and charges filed with the
955 commissioner, a title insurer, individual title insurance producer, or agency title insurance
956 producer may not make or impose any premium or other charge:

957 (a) in connection with the issuance of a policy of title insurance; or

958 (b) for escrow services performed in connection with the issuance of a policy of title
959 insurance.

960 Section 22. Section 31A-23a-105 is amended to read:

961 **31A-23a-105. General requirements for individual and agency license issuance**
962 **and renewal.**

963 (1) (a) The commissioner shall issue or renew a license to a person described in
964 Subsection (1)(b) to act as:

- 965 (i) a producer;
- 966 (ii) a surplus lines producer;
- 967 (iii) a limited line producer;
- 968 (iv) a consultant;
- 969 (v) a managing general agent; or
- 970 (vi) a reinsurance intermediary.

971 (b) The commissioner shall issue or renew a license under Subsection (1)(a) to a
972 person who, as to the license type and line of authority classification applied for under Section
973 31A-23a-106:

- 974 (i) satisfies the application requirements under Section 31A-23a-104;
- 975 (ii) satisfies the character requirements under Section 31A-23a-107;
- 976 (iii) satisfies applicable continuing education requirements under Section
977 31A-23a-202;
- 978 (iv) satisfies applicable examination requirements under Section 31A-23a-108;
- 979 (v) satisfies applicable training period requirements under Section 31A-23a-203;
- 980 (vi) if an applicant for a resident individual producer license, certifies that, to the extent
981 applicable, the applicant:
 - 982 (A) is in compliance with Section 31A-23a-203.5; and
 - 983 (B) will maintain compliance with Section 31A-23a-203.5 during the period for which
984 the license is issued or renewed;
- 985 (vii) has not committed an act that is a ground for denial, suspension, or revocation as
986 provided in Section 31A-23a-111;
- 987 (viii) if a nonresident:
 - 988 (A) complies with Section 31A-23a-109; and

- 989 (B) holds an active similar license in that person's home state;
- 990 (ix) if an applicant for an individual title insurance producer or agency title insurance
- 991 producer license, satisfies the requirements of Section 31A-23a-204;
- 992 (x) if an applicant for a license to act as a life settlement provider or life settlement
- 993 producer, satisfies the requirements of Section 31A-23a-117; and
- 994 (xi) pays the applicable fees under Section 31A-3-103.
- 995 (2) (a) This Subsection (2) applies to the following persons:
- 996 (i) an applicant for a pending:
- 997 (A) individual or agency producer license;
- 998 (B) surplus lines producer license;
- 999 (C) limited line producer license;
- 1000 (D) consultant license;
- 1001 (E) managing general agent license; or
- 1002 (F) reinsurance intermediary license; or
- 1003 (ii) a licensed:
- 1004 (A) individual or agency producer;
- 1005 (B) surplus lines producer;
- 1006 (C) limited line producer;
- 1007 (D) consultant;
- 1008 (E) managing general agent; or
- 1009 (F) reinsurance intermediary.
- 1010 (b) A person described in Subsection (2)(a) shall report to the commissioner:
- 1011 (i) an administrative action taken against the person, including a denial of a new or
- 1012 renewal license application:
- 1013 (A) in another jurisdiction; or
- 1014 (B) by another regulatory agency in this state; and
- 1015 (ii) a criminal prosecution taken against the person in any jurisdiction.
- 1016 (c) The report required by Subsection (2)(b) shall:
- 1017 (i) be filed:
- 1018 (A) at the time the person files the application for an individual or agency license; and
- 1019 (B) for an action or prosecution that occurs on or after the day on which the person

1020 files the application:

1021 (I) for an administrative action, within 30 days of the final disposition of the
1022 administrative action; or

1023 (II) for a criminal prosecution, within 30 days of the initial appearance before a court;
1024 and

1025 (ii) include a copy of the complaint or other relevant legal documents related to the
1026 action or prosecution described in Subsection (2)(b).

1027 (3) (a) The department may require a person applying for a license or for consent to
1028 engage in the business of insurance to submit to a criminal background check as a condition of
1029 receiving a license or consent.

1030 (b) A person, if required to submit to a criminal background check under Subsection
1031 (3)(a), shall:

1032 (i) submit a fingerprint card in a form acceptable to the department; and

1033 (ii) consent to a fingerprint background check by:

1034 (A) the Utah Bureau of Criminal Identification; and

1035 (B) the Federal Bureau of Investigation.

1036 (c) For a person who submits a fingerprint card and consents to a fingerprint
1037 background check under Subsection (3)(b), the department may request:

1038 (i) criminal background information maintained pursuant to Title 53, Chapter 10, Part
1039 2, Bureau of Criminal Identification, from the Bureau of Criminal Identification; and

1040 (ii) complete Federal Bureau of Investigation criminal background checks through the
1041 national criminal history system.

1042 (d) Information obtained by the department from the review of criminal history records
1043 received under this Subsection (3) shall be used by the department for the purposes of:

1044 (i) determining if a person satisfies the character requirements under Section
1045 [31A-23a-107](#) for issuance or renewal of a license;

1046 (ii) determining if a person has failed to maintain the character requirements under
1047 Section [31A-23a-107](#); and

1048 (iii) preventing a person who violates the federal Violent Crime Control and Law
1049 Enforcement Act of 1994, 18 U.S.C. Sec. 1033, from engaging in the business of insurance in
1050 the state.

1051 (e) If the department requests the criminal background information, the department
1052 shall:

1053 (i) pay to the Department of Public Safety the costs incurred by the Department of
1054 Public Safety in providing the department criminal background information under Subsection
1055 (3)(c)(i);

1056 (ii) pay to the Federal Bureau of Investigation the costs incurred by the Federal Bureau
1057 of Investigation in providing the department criminal background information under
1058 Subsection (3)(c)(ii); and

1059 (iii) charge the person applying for a license or for consent to engage in the business of
1060 insurance a fee equal to the aggregate of Subsections (3)(e)(i) and (ii).

1061 (4) To become a resident licensee in accordance with Section [31A-23a-104](#) and this
1062 section, a person licensed as one of the following in another state who moves to this state shall
1063 apply within 90 days of establishing legal residence in this state:

1064 (a) insurance producer;

1065 (b) surplus lines producer;

1066 (c) limited line producer;

1067 (d) consultant;

1068 (e) managing general agent; or

1069 (f) reinsurance intermediary.

1070 (5) (a) The commissioner may deny a license application for a license listed in
1071 Subsection (5)(b) if the person applying for the license, as to the license type and line of
1072 authority classification applied for under Section [31A-23a-106](#):

1073 (i) fails to satisfy the requirements as set forth in this section; or

1074 (ii) commits an act that is grounds for denial, suspension, or revocation as set forth in
1075 Section [31A-23a-111](#).

1076 (b) This Subsection (5) applies to the following licenses:

1077 (i) producer;

1078 (ii) surplus lines producer;

1079 (iii) limited line producer;

1080 (iv) consultant;

1081 (v) managing general agent; or

1082 (vi) reinsurance intermediary.
1083 [~~(6) Notwithstanding the other provisions of this section, the commissioner may:]~~
1084 [~~(a) issue a license to an applicant for a license for a title insurance line of authority~~
1085 ~~only with the concurrence of the Title and Escrow Commission; and]~~
1086 [~~(b) renew a license for a title insurance line of authority only with the concurrence of~~
1087 ~~the Title and Escrow Commission.]~~

1088 Section 23. Section **31A-23a-106** is amended to read:

1089 **31A-23a-106. License types.**

1090 (1) (a) A resident or nonresident license issued under this chapter shall be issued under
1091 the license types described under Subsection (2).

1092 (b) A license type and a line of authority pertaining to a license type describe the type
1093 of licensee and the lines of business that a licensee may sell, solicit, or negotiate. A license
1094 type is intended to describe the matters to be considered under any education, examination, and
1095 training required of a license applicant under Sections [31A-23a-108](#), [31A-23a-202](#), and
1096 [31A-23a-203](#).

1097 (2) (a) A producer license type includes the following lines of authority:

1098 (i) life insurance, including a nonvariable contract;

1099 (ii) variable contracts, including variable life and annuity, if the producer has the life
1100 insurance line of authority;

1101 (iii) accident and health insurance, including a contract issued to a policyholder under
1102 Chapter 7, Nonprofit Health Service Insurance Corporations, or Chapter 8, Health Maintenance
1103 Organizations and Limited Health Plans;

1104 (iv) property insurance;

1105 (v) casualty insurance, including a surety or other bond;

1106 (vi) title insurance under one or more of the following categories:

1107 (A) title examination, including authority to act as a title marketing representative;

1108 (B) escrow, including authority to act as a title marketing representative; and

1109 (C) title marketing representative only; and

1110 (vii) personal lines insurance.

1111 (b) A surplus lines producer license type includes the following lines of authority:

1112 (i) property insurance, if the person holds an underlying producer license with the

- 1113 property line of insurance; and
- 1114 (ii) casualty insurance, if the person holds an underlying producer license with the
- 1115 casualty line of authority.
- 1116 (c) A limited line producer license type includes the following limited lines of
- 1117 authority:
- 1118 (i) limited line credit insurance;
- 1119 (ii) travel insurance, as set forth in Part 9, Travel Insurance Act;
- 1120 (iii) motor club insurance;
- 1121 (iv) car rental related insurance;
- 1122 (v) legal expense insurance;
- 1123 (vi) crop insurance;
- 1124 (vii) self-service storage insurance;
- 1125 (viii) bail bond producer;
- 1126 (ix) guaranteed asset protection waiver; and
- 1127 (x) portable electronics insurance.
- 1128 (d) A consultant license type includes the following lines of authority:
- 1129 (i) life insurance, including a nonvariable contract;
- 1130 (ii) variable contracts, including variable life and annuity, if the consultant has the life
- 1131 insurance line of authority;
- 1132 (iii) accident and health insurance, including a contract issued to a policyholder under
- 1133 Chapter 7, Nonprofit Health Service Insurance Corporations, or Chapter 8, Health Maintenance
- 1134 Organizations and Limited Health Plans;
- 1135 (iv) property insurance;
- 1136 (v) casualty insurance, including a surety or other bond; and
- 1137 (vi) personal lines insurance.
- 1138 (e) A managing general agent license type includes the following lines of authority:
- 1139 (i) life insurance, including a nonvariable contract;
- 1140 (ii) variable contracts, including variable life and annuity, if the managing general
- 1141 agent has the life insurance line of authority;
- 1142 (iii) accident and health insurance, including a contract issued to a policyholder under
- 1143 Chapter 7, Nonprofit Health Service Insurance Corporations, or Chapter 8, Health Maintenance

1144 Organizations and Limited Health Plans;

1145 (iv) property insurance;

1146 (v) casualty insurance, including a surety or other bond; and

1147 (vi) personal lines insurance.

1148 (f) A reinsurance intermediary license type includes the following lines of authority:

1149 (i) life insurance, including a nonvariable contract;

1150 (ii) variable contracts, including variable life and annuity, if the reinsurance

1151 intermediary has the life insurance line of authority;

1152 (iii) accident and health insurance, including a contract issued to a policyholder under

1153 Chapter 7, Nonprofit Health Service Insurance Corporations, or Chapter 8, Health Maintenance

1154 Organizations and Limited Health Plans;

1155 (iv) property insurance;

1156 (v) casualty insurance, including a surety or other bond; and

1157 (vi) personal lines insurance.

1158 (g) A person who holds a license under Subsection (2)(a) has the qualifications

1159 necessary to act as a holder of a license under Subsection (2)(c), except that the person may not

1160 act under Subsection (2)(c)(viii) or (ix).

1161 (3) (a) The commissioner may by rule recognize other producer, surplus lines producer,

1162 limited line producer, consultant, managing general agent, or reinsurance intermediary lines of

1163 authority as to kinds of insurance not listed under Subsections (2)(a) through (f).

1164 (b) Notwithstanding Subsection (3)(a), for purposes of title insurance the ~~[Title and~~

1165 ~~Escrow Commission may by rule, with the concurrence of the commissioner and subject to~~

1166 ~~Section 31A-2-404]~~ commissioner may by rule, subject to Section 31A-2-201, recognize other

1167 categories for an individual title insurance producer or agency title insurance producer line of

1168 authority not listed under Subsection (2)(a)(vi).

1169 (4) The variable contracts line of authority requires:

1170 (a) for a producer, licensure by the Financial Industry Regulatory Authority as a:

1171 (i) registered broker-dealer; or

1172 (ii) broker-dealer agent, with a current registration with a broker-dealer; and

1173 (b) for a consultant, registration with the Securities and Exchange Commission or

1174 licensure by the Utah Division of Securities as an:

1175 (i) investment adviser; or
1176 (ii) investment adviser representative, with a current association with an investment
1177 adviser.

1178 (5) A surplus lines producer is a producer who has a surplus lines license.

1179 Section 24. Section **31A-23a-108** is amended to read:

1180 **31A-23a-108. Examination requirements.**

1181 (1) (a) The commissioner may require an applicant for a particular license type under
1182 Section **31A-23a-106** to pass a line of authority examination as a requirement for a license,
1183 except that an examination may not be required of an applicant for:

1184 (i) a license under Subsection **31A-23a-106(2)(c)**; or
1185 (ii) another limited line license line of authority recognized by the commissioner [~~or~~
1186 ~~the Title and Escrow Commission~~] by rule as provided in Subsection **31A-23a-106(3)**.

1187 (b) The examination described in Subsection (1)(a):

1188 (i) shall reasonably relate to the line of authority for which it is prescribed; and
1189 (ii) may be administered by the commissioner or as otherwise specified by rule.

1190 (2) The commissioner shall waive the requirement of an examination for a nonresident
1191 applicant who:

1192 (a) applies for an insurance producer license in this state within 90 days of establishing
1193 legal residence in this state;

1194 (b) has been licensed for the same line of authority in another state; and

1195 (c) (i) is licensed in the state described in Subsection (2)(b) at the time the applicant
1196 applies for an insurance producer license in this state; or

1197 (ii) if the application is received within 90 days of the cancellation of the applicant's
1198 previous license:

1199 (A) the prior state certifies that at the time of cancellation, the applicant was in good
1200 standing in that state; or

1201 (B) the state's producer database records maintained by the National Association of
1202 Insurance Commissioners or the National Association of Insurance Commissioner's affiliates or
1203 subsidiaries, indicates that the producer is or was licensed in good standing for the line of
1204 authority requested.

1205 (3) This section's requirement may only be applied to an applicant who is a natural

1206 person.

1207 Section 25. Section **31A-23a-119**, which is renumbered from Section 31A-2-405 is
 1208 renumbered and amended to read:

1209 ~~[31A-2-405].~~ **31A-23a-119. Dual licensing of title licensee.**

1210 (1) As used in this section, "dual licensed title licensee" means a title licensee who
 1211 holds:

1212 (a) an individual title insurance producer license as a title licensee; and

1213 (b) a license or certificate under:

1214 (i) Title 61, Chapter 2c, Utah Residential Mortgage Practices and Licensing Act;

1215 (ii) Title 61, Chapter 2f, Real Estate Licensing and Practices Act; or

1216 (iii) Title 61, Chapter 2g, Real Estate Appraiser Licensing and Certification Act.

1217 ~~[(+)]~~ (2) A dual licensed title licensee may provide a title insurance product or service
 1218 under this title only if before providing that title insurance product or service the dual licensed
 1219 title licensee obtains approval as provided in this section.

1220 ~~[(2)]~~ (3) (a) ~~[Except as provided in Subsection (3), a]~~ A dual licensed title licensee
 1221 shall obtain approval from the commissioner by filing under penalty of perjury with the
 1222 department:

1223 (i) a statement that includes:

1224 (A) a description of the title insurance product or service to be provided;

1225 (B) the names of the principals anticipated to be involved in the provision or receipt of
 1226 the title insurance product or service;

1227 (C) a legal description of the property to be involved in the provision or receipt of the
 1228 title insurance product or service;

1229 (D) whether or not the dual licensed title licensee received any consideration from a
 1230 person described in Subsection ~~[(2)(a)(i)(B)]~~ (3)(a)(i)(B) within 18 months prior to the day on
 1231 which the dual licensed title licensee files the statement; and

1232 (E) any other information the ~~[commission]~~ commissioner requires by rule made in
 1233 accordance with this section and Section ~~[31A-2-404]~~ 31A-2-201; and

1234 (ii) the fee applicable under Section 31A-3-103.

1235 (b) The commissioner shall approve the provision of a title insurance product or
 1236 service under this section if the commissioner finds that the dual licensed title licensee:

- 1237 (i) completed the filing required by Subsection ~~[(2)(a)]~~ (3)(a);
- 1238 (ii) is acting in good faith; and
- 1239 (iii) has not received consideration from a person described in Subsection ~~[(2)(a)(i)(B)]~~
- 1240 (3)(a)(i)(B) within the 18-month period described in Subsection ~~[(2)(a)(i)(D)]~~ (3)(a)(i)(D).
- 1241 (c) If the commissioner does not deny approval under this section, the commissioner is
- 1242 considered to have approved the provision of the title insurance product or service the earlier
- 1243 of:
- 1244 (i) the day on which the commissioner issues the commissioner's approval in writing;
- 1245 or
- 1246 (ii) 15 days after the day on which the dual licensed title licensee completes the filing
- 1247 under Subsection ~~[(2)(a)]~~ (3)(a).
- 1248 ~~[(3) Notwithstanding Subsection (2), a dual licensed title licensee may obtain approval~~
- 1249 ~~from the chair of the commission if:]~~
- 1250 ~~[(a) the dual licensed title licensee completes the filing under Subsection (2)(a);]~~
- 1251 ~~[(b) the dual licensed title licensee establishes a need for expedited approval; and]~~
- 1252 ~~[(c) the chair of the commission issues approval in writing after making the findings~~
- 1253 ~~described in Subsection (2)(b).]~~
- 1254 (4) The commissioner shall revoke the license under this title of a dual licensed title
- 1255 licensee if the dual licensed title licensee:
- 1256 (a) provides a title insurance product or service without the approval required by this
- 1257 section; or
- 1258 (b) knowingly provides false or misleading information in the statement required by
- 1259 Subsection ~~[(2)]~~ (3).
- 1260 (5) The ~~[commission]~~ commissioner may make rules, subject to Section ~~[31A-2-404]~~
- 1261 31A-2-201, to implement the filing requirements under Subsection ~~[(2)]~~ (3), including the
- 1262 definition of terms.
- 1263 Section 26. Section **31A-23a-204** is amended to read:
- 1264 **31A-23a-204. Special requirements for title insurance producers and agencies.**
- 1265 An individual title insurance producer or agency title insurance producer shall be
- 1266 licensed in accordance with this chapter, with the additional requirements listed in this section.
- 1267 (1) (a) A person that receives a new license under this title as an agency title insurance

1268 producer shall at the time of licensure be owned or managed by at least one individual who is
1269 licensed for at least three of the five years immediately preceding the date on which the agency
1270 title insurance producer applies for a license with both:

1271 (i) a title examination line of authority; and

1272 (ii) an escrow line of authority.

1273 (b) An agency title insurance producer subject to Subsection (1)(a) may comply with
1274 Subsection (1)(a) by having the agency title insurance producer owned or managed by:

1275 (i) one or more individuals who are licensed with the title examination line of authority
1276 for the time period provided in Subsection (1)(a); and

1277 (ii) one or more individuals who are licensed with the escrow line of authority for the
1278 time period provided in Subsection (1)(a).

1279 (c) A person licensed as an agency title insurance producer shall at all times during the
1280 term of licensure be owned or managed by at least one individual who is licensed for at least
1281 three years within the preceding five-year period with both:

1282 (i) a title examination line of authority; and

1283 (ii) an escrow line of authority.

1284 (d) The [~~Title and Escrow Commission~~] commissioner may by rule, subject to Section
1285 [~~31A-2-404~~] 31A-2-201, exempt an attorney with real estate experience from the experience
1286 requirements in Subsection (1)(a).

1287 (e) An individual who satisfies the requirements of this Subsection (1) is known as a
1288 "qualifying licensee." At any given time, an individual may be a qualifying licensee for not
1289 more than two agency title insurance producers.

1290 (2) (a) An individual title insurance producer or agency title insurance producer
1291 appointed by an insurer shall maintain:

1292 (i) a fidelity bond;

1293 (ii) a professional liability insurance policy; or

1294 (iii) a financial protection:

1295 (A) equivalent to that described in Subsection (2)(a)(i) or (ii); and

1296 (B) that the commissioner considers adequate.

1297 (b) The bond, insurance, or financial protection required by this Subsection (2):

1298 (i) shall be supplied under a contract approved by the commissioner to provide

1299 protection against the improper performance of any service in conjunction with the issuance of
1300 a contract or policy of title insurance; and

1301 (ii) be in a face amount no less than \$250,000.

1302 (c) The [~~Title and Escrow Commission~~] commissioner may by rule, subject to Section
1303 [~~31A-2-404~~] [31A-2-201](#), exempt individual title insurance producer or agency title insurance
1304 producers from the requirements of this Subsection (2) upon a finding that, and only so long as,
1305 the required policy or bond is generally unavailable at reasonable rates.

1306 (3) An individual title insurance producer or agency title insurance producer appointed
1307 by an insurer may maintain a reserve fund to the extent money was deposited before July 1,
1308 2008, and not withdrawn to the income of the individual title insurance producer or agency title
1309 insurance producer.

1310 (4) An examination for licensure shall include questions regarding the examination of
1311 title to real property.

1312 (5) An individual title insurance producer may not perform the functions of escrow
1313 unless the individual title insurance producer has been examined on the fiduciary duties and
1314 procedures involved in those functions.

1315 (6) The [~~Title and Escrow Commission~~] commissioner may adopt rules, establishing an
1316 examination for a license that will satisfy this section, subject to Section [~~31A-2-404~~]
1317 [31A-2-201](#), and after consulting with the commissioner's test administrator.

1318 (7) A license may be issued to an individual title insurance producer or agency title
1319 insurance producer who has qualified:

1320 (a) to perform only examinations of title as specified in Subsection (4);

1321 (b) to handle only escrow arrangements as specified in Subsection (5); or

1322 (c) to act as a title marketing representative.

1323 (8) (a) A person licensed to practice law in Utah is exempt from the requirements of
1324 Subsections (2) and (3) if that person issues 12 or less policies in any 12-month period.

1325 (b) In determining the number of policies issued by a person licensed to practice law in
1326 Utah for purposes of Subsection (8)(a), if the person licensed to practice law in Utah issues a
1327 policy to more than one party to the same closing, the person is considered to have issued only
1328 one policy.

1329 (9) A person licensed to practice law in Utah, whether exempt under Subsection (8) or

1330 not, shall maintain a trust account separate from a law firm trust account for all title and real
1331 estate escrow transactions.

1332 Section 27. Section **31A-23a-402** is amended to read:

1333 **31A-23a-402. Unfair marketing practices -- Communication -- Unfair**
1334 **discrimination -- Coercion or intimidation -- Restriction on choice.**

1335 (1) (a) (i) Any of the following may not make or cause to be made any communication
1336 that contains false or misleading information, relating to an insurance product or contract, any
1337 insurer, or any licensee under this title, including information that is false or misleading
1338 because it is incomplete:

1339 (A) a person who is or should be licensed under this title;

1340 (B) an employee or producer of a person described in Subsection (1)(a)(i)(A);

1341 (C) a person whose primary interest is as a competitor of a person licensed under this
1342 title; and

1343 (D) a person on behalf of any of the persons listed in this Subsection (1)(a)(i).

1344 (ii) As used in this Subsection (1), "false or misleading information" includes:

1345 (A) assuring the nonobligatory payment of future dividends or refunds of unused
1346 premiums in any specific or approximate amounts, but reporting fully and accurately past
1347 experience is not false or misleading information; and

1348 (B) with intent to deceive a person examining it:

1349 (I) filing a report;

1350 (II) making a false entry in a record; or

1351 (III) wilfully refraining from making a proper entry in a record.

1352 (iii) A licensee under this title may not:

1353 (A) use any business name, slogan, emblem, or related device that is misleading or
1354 likely to cause the insurer or other licensee to be mistaken for another insurer or other licensee
1355 already in business; or

1356 (B) use any name, advertisement, or other insurance promotional material that would
1357 cause a reasonable person to mistakenly believe that a state or federal government agency and
1358 the Children's Health Insurance Program created in Title 26, Chapter 40, Utah Children's
1359 Health Insurance Act:

1360 (I) is responsible for the insurance sales activities of the person;

- 1361 (II) stands behind the credit of the person;
- 1362 (III) guarantees any returns on insurance products of or sold by the person; or
- 1363 (IV) is a source of payment of any insurance obligation of or sold by the person.
- 1364 (iv) A person who is not an insurer may not assume or use any name that deceptively
- 1365 implies or suggests that person is an insurer.
- 1366 (v) A person other than persons licensed as health maintenance organizations under
- 1367 Chapter 8, Health Maintenance Organizations and Limited Health Plans, may not use the term
- 1368 "Health Maintenance Organization" or "HMO" in referring to itself.
- 1369 (b) A licensee's violation creates a rebuttable presumption that the violation was also
- 1370 committed by the insurer if:
- 1371 (i) the licensee under this title distributes cards or documents, exhibits a sign, or
- 1372 publishes an advertisement that violates Subsection (1)(a), with reference to a particular
- 1373 insurer:
- 1374 (A) that the licensee represents; or
- 1375 (B) for whom the licensee processes claims; and
- 1376 (ii) the cards, documents, signs, or advertisements are supplied or approved by that
- 1377 insurer.
- 1378 (2) (a) A title insurer, individual title insurance producer, or agency title insurance
- 1379 producer or any officer or employee of the title insurer, individual title insurance producer, or
- 1380 agency title insurance producer may not pay, allow, give, or offer to pay, allow, or give,
- 1381 directly or indirectly, as an inducement to obtaining any title insurance business:
- 1382 (i) any rebate, reduction, or abatement of any rate or charge made incident to the
- 1383 issuance of the title insurance;
- 1384 (ii) any special favor or advantage not generally available to others;
- 1385 (iii) any money or other consideration, except if approved under Section [\[31A-2-405\]](#)
- 1386 [31A-23a-119](#); or
- 1387 (iv) material inducement.
- 1388 (b) "Charge made incident to the issuance of the title insurance" includes escrow
- 1389 charges, and any other services that are prescribed in rule by the [~~Title and Escrow~~
- 1390 ~~Commission after consultation with the~~] commissioner and subject to Section [\[31A-2-404\]](#)
- 1391 [31A-2-201](#).

1392 (c) An insured or any other person connected, directly or indirectly, with the
1393 transaction may not knowingly receive or accept, directly or indirectly, any benefit referred to
1394 in Subsection (2)(a), including:

1395 (i) a person licensed under Title 61, Chapter 2c, Utah Residential Mortgage Practices
1396 and Licensing Act;

1397 (ii) a person licensed under Title 61, Chapter 2f, Real Estate Licensing and Practices
1398 Act;

1399 (iii) a builder;

1400 (iv) an attorney; or

1401 (v) an officer, employee, or agent of a person listed in this Subsection (2)(c)(iii).

1402 (3) (a) An insurer may not unfairly discriminate among policyholders by charging
1403 different premiums or by offering different terms of coverage, except on the basis of
1404 classifications related to the nature and the degree of the risk covered or the expenses involved.

1405 (b) Rates are not unfairly discriminatory if they are averaged broadly among persons
1406 insured under a group, blanket, or franchise policy, and the terms of those policies are not
1407 unfairly discriminatory merely because they are more favorable than in similar individual
1408 policies.

1409 (4) (a) This Subsection (4) applies to:

1410 (i) a person who is or should be licensed under this title;

1411 (ii) an employee of that licensee or person who should be licensed;

1412 (iii) a person whose primary interest is as a competitor of a person licensed under this
1413 title; and

1414 (iv) one acting on behalf of any person described in Subsections (4)(a)(i) through (iii).

1415 (b) A person described in Subsection (4)(a) may not commit or enter into any
1416 agreement to participate in any act of boycott, coercion, or intimidation that:

1417 (i) tends to produce:

1418 (A) an unreasonable restraint of the business of insurance; or

1419 (B) a monopoly in that business; or

1420 (ii) results in an applicant purchasing or replacing an insurance contract.

1421 (5) (a) (i) Subject to Subsection (5)(a)(ii), a person may not restrict in the choice of an
1422 insurer or licensee under this chapter, another person who is required to pay for insurance as a

1423 condition for the conclusion of a contract or other transaction or for the exercise of any right
1424 under a contract.

1425 (ii) A person requiring coverage may reserve the right to disapprove the insurer or the
1426 coverage selected on reasonable grounds.

1427 (b) The form of corporate organization of an insurer authorized to do business in this
1428 state is not a reasonable ground for disapproval, and the commissioner may by rule specify
1429 additional grounds that are not reasonable. This Subsection (5) does not bar an insurer from
1430 declining an application for insurance.

1431 (6) A person may not make any charge other than insurance premiums and premium
1432 financing charges for the protection of property or of a security interest in property, as a
1433 condition for obtaining, renewing, or continuing the financing of a purchase of the property or
1434 the lending of money on the security of an interest in the property.

1435 (7) (a) A licensee under this title may not refuse or fail to return promptly all indicia of
1436 agency to the principal on demand.

1437 (b) A licensee whose license is suspended, limited, or revoked under Section
1438 [31A-2-308](#), [31A-23a-111](#), or [31A-23a-112](#) may not refuse or fail to return the license to the
1439 commissioner on demand.

1440 (8) (a) A person may not engage in an unfair method of competition or any other unfair
1441 or deceptive act or practice in the business of insurance, as defined by the commissioner by
1442 rule, after a finding that the method of competition, the act, or the practice:

1443 (i) is misleading;

1444 (ii) is deceptive;

1445 (iii) is unfairly discriminatory;

1446 (iv) provides an unfair inducement; or

1447 (v) unreasonably restrains competition.

1448 (b) Notwithstanding Subsection (8)(a), for purpose of the title insurance industry, the
1449 ~~[Title and Escrow Commission]~~ commissioner shall make rules, subject to Section
1450 ~~[31A-2-404]~~ [31A-2-201](#), that define an unfair method of competition or unfair or deceptive act
1451 or practice after a finding that the method of competition, the act, or the practice:

1452 (i) is misleading;

1453 (ii) is deceptive;

- 1454 (iii) is unfairly discriminatory;
- 1455 (iv) provides an unfair inducement; or
- 1456 (v) unreasonably restrains competition.

1457 Section 28. Section **31A-23a-406** is amended to read:

1458 **31A-23a-406. Title insurance producer's business.**

1459 (1) An individual title insurance producer or agency title insurance producer may do
1460 escrow involving real property transactions if all of the following exist:

1461 (a) the individual title insurance producer or agency title insurance producer is licensed
1462 with:

1463 (i) the title line of authority; and

1464 (ii) the escrow subline of authority;

1465 (b) the individual title insurance producer or agency title insurance producer is
1466 appointed by a title insurer authorized to do business in the state;

1467 (c) except as provided in Subsection (3), the individual title insurance producer or
1468 agency title insurance producer issues one or more of the following as part of the transaction:

1469 (i) an owner's policy offering title insurance;

1470 (ii) a lender's policy offering title insurance; or

1471 (iii) if the transaction does not involve a transfer of ownership, an endorsement to an
1472 owner's or a lender's policy offering title insurance;

1473 (d) money deposited with the individual title insurance producer or agency title
1474 insurance producer in connection with any escrow is deposited:

1475 (i) in a federally insured depository institution, as defined in Section [7-1-103](#), that:

1476 (A) has an office in this state, if the individual title insurance producer or agency title
1477 insurance producer depositing the money is a resident licensee; and

1478 (B) is authorized by the depository institution's primary regulator to engage in trust
1479 business, as defined in Section [7-5-1](#), in this state; and

1480 (ii) in a trust account that is separate from all other trust account money that is not
1481 related to real estate transactions;

1482 (e) money deposited with the individual title insurance producer or agency title
1483 insurance producer in connection with any escrow is the property of the one or more persons
1484 entitled to the money under the provisions of the escrow; and

1485 (f) money deposited with the individual title insurance producer or agency title
1486 insurance producer in connection with an escrow is segregated escrow by escrow in the records
1487 of the individual title insurance producer or agency title insurance producer;

1488 (g) earnings on money held in escrow may be paid out of the escrow account to any
1489 person in accordance with the conditions of the escrow;

1490 (h) the escrow does not require the individual title insurance producer or agency title
1491 insurance producer to hold:

1492 (i) construction money; or

1493 (ii) money held for exchange under Section 1031, Internal Revenue Code; and

1494 (i) the individual title insurance producer or agency title insurance producer shall
1495 maintain a physical office in Utah staffed by a person with an escrow subline of authority who
1496 processes the escrow.

1497 (2) Notwithstanding Subsection (1), an individual title insurance producer or agency
1498 title insurance producer may engage in the escrow business if:

1499 (a) the escrow involves:

1500 (i) a mobile home;

1501 (ii) a grazing right;

1502 (iii) a water right; or

1503 (iv) other personal property authorized by the commissioner; and

1504 (b) the individual title insurance producer or agency title insurance producer complies
1505 with this section except for Subsection (1)(c).

1506 (3) (a) Subsection (1)(c) does not apply if the transaction is for the transfer of real
1507 property from the School and Institutional Trust Lands Administration.

1508 (b) This subsection does not prohibit an individual title insurance producer or agency
1509 title insurance producer from issuing a policy described in Subsection (1)(c) as part of a
1510 transaction described in Subsection (3)(a).

1511 (4) Money held in escrow:

1512 (a) is not subject to any debts of the individual title insurance producer or agency title
1513 insurance producer;

1514 (b) may only be used to fulfill the terms of the individual escrow under which the
1515 money is accepted; and

1516 (c) may not be used until the conditions of the escrow are met.

1517 (5) Assets or property other than escrow money received by an individual title
1518 insurance producer or agency title insurance producer in accordance with an escrow shall be
1519 maintained in a manner that will:

1520 (a) reasonably preserve and protect the asset or property from loss, theft, or damages;
1521 and

1522 (b) otherwise comply with the general duties and responsibilities of a fiduciary or
1523 bailee.

1524 (6) (a) A check from the trust account described in Subsection (1)(d) may not be
1525 drawn, executed, or dated, or money otherwise disbursed unless the segregated escrow account
1526 from which money is to be disbursed contains a sufficient credit balance consisting of collected
1527 and cleared money at the time the check is drawn, executed, or dated, or money is otherwise
1528 disbursed.

1529 (b) As used in this Subsection (6), money is considered to be "collected and cleared,"
1530 and may be disbursed as follows:

1531 (i) cash may be disbursed on the same day the cash is deposited;

1532 (ii) a wire transfer may be disbursed on the same day the wire transfer is deposited; and

1533 (iii) the proceeds of one or more of the following financial instruments may be
1534 disbursed on the same day the financial instruments are deposited if received from a single
1535 party to the real estate transaction and if the aggregate of the financial instruments for the real
1536 estate transaction is less than \$10,000:

1537 (A) a cashier's check, certified check, or official check that is drawn on an existing
1538 account at a federally insured financial institution;

1539 (B) a check drawn on the trust account of a principal broker or associate broker
1540 licensed under Title 61, Chapter 2f, Real Estate Licensing and Practices Act, if the individual
1541 title insurance producer or agency title insurance producer has reasonable and prudent grounds
1542 to believe sufficient money will be available from the trust account on which the check is
1543 drawn at the time of disbursement of proceeds from the individual title insurance producer or
1544 agency title insurance producer's escrow account;

1545 (C) a personal check not to exceed \$500 per closing; or

1546 (D) a check drawn on the escrow account of another individual title insurance producer

1547 or agency title insurance producer, if the individual title insurance producer or agency title
1548 insurance producer in the escrow transaction has reasonable and prudent grounds to believe
1549 that sufficient money will be available for withdrawal from the account upon which the check
1550 is drawn at the time of disbursement of money from the escrow account of the individual title
1551 insurance producer or agency title insurance producer in the escrow transaction.

1552 (c) A check or deposit not described in Subsection (6)(b) may be disbursed:

1553 (i) within the time limits provided under the Expedited Funds Availability Act, 12
1554 U.S.C. Sec. 4001 et seq., as amended, and related regulations of the Federal Reserve System; or

1555 (ii) upon notification from the financial institution to which the money has been
1556 deposited that final settlement has occurred on the deposited financial instrument.

1557 (7) An individual title insurance producer or agency title insurance producer shall
1558 maintain a record of a receipt or disbursement of escrow money.

1559 (8) An individual title insurance producer or agency title insurance producer shall
1560 comply with:

1561 (a) Section [31A-23a-409](#);

1562 (b) Title 46, Chapter 1, Notaries Public Reform Act; and

1563 (c) any rules adopted by the [~~Title and Escrow Commission~~] commissioner, subject to
1564 Section [~~31A-2-404~~] [31A-2-201](#), that govern escrows.

1565 (9) If an individual title insurance producer or agency title insurance producer conducts
1566 a search for real estate located in the state, the individual title insurance producer or agency
1567 title insurance producer shall conduct a reasonable search of the public records.

1568 Section 29. Section **31A-23a-415** is amended to read:

1569 **31A-23a-415. Assessment on agency title insurance producers or title insurers --**
1570 **Account created.**

1571 (1) For purposes of this section:

1572 (a) "Premium" is as described in Subsection [59-9-101\(3\)](#).

1573 (b) "Title insurer" means a person:

1574 (i) making any contract or policy of title insurance as:

1575 (A) insurer;

1576 (B) guarantor; or

1577 (C) surety;

- 1578 (ii) proposing to make any contract or policy of title insurance as:
- 1579 (A) insurer;
- 1580 (B) guarantor; or
- 1581 (C) surety; or
- 1582 (iii) transacting or proposing to transact any phase of title insurance, including:
- 1583 (A) soliciting;
- 1584 (B) negotiating preliminary to execution;
- 1585 (C) executing of a contract of title insurance;
- 1586 (D) insuring; and
- 1587 (E) transacting matters subsequent to the execution of the contract and arising out of
- 1588 the contract.

1589 (c) "Utah risks" means insuring, guaranteeing, or indemnifying with regard to real or
 1590 personal property located in Utah, an owner of real or personal property, the holders of liens or
 1591 encumbrances on that property, or others interested in the property against loss or damage
 1592 suffered by reason of:

- 1593 (i) liens or encumbrances upon, defects in, or the unmarketability of the title to the
- 1594 property; or
- 1595 (ii) invalidity or unenforceability of any liens or encumbrances on the property.

1596 (2) (a) The commissioner may assess each title insurer, each individual title insurance
 1597 producer who is not an employee of a title insurer or who is not designated by an agency title
 1598 insurance producer, and each agency title insurance producer an annual assessment[?], in
 1599 accordance with this Subsection (2), to be used for the purposes described in Subsection (3).

1600 [~~(i) determined by the Title and Escrow Commission;~~]

1601 [~~(A) after consultation with the commissioner; and~~]

1602 [~~(B) in accordance with this Subsection (2); and~~]

1603 [~~(ii) to be used for the purposes described in Subsection (3).]~~

1604 (b) An agency title insurance producer and individual title insurance producer who is
 1605 not an employee of a title insurer or who is not designated by an agency title insurance
 1606 producer shall be assessed up to:

- 1607 (i) \$250 for the first office in each county in which the agency title insurance producer
- 1608 or individual title insurance producer maintains an office; and

1609 (ii) \$150 for each additional office the agency title insurance producer or individual
1610 title insurance producer maintains in the county described in Subsection (2)(b)(i).

1611 (c) A title insurer shall be assessed up to:

1612 (i) \$250 for the first office in each county in which the title insurer maintains an office;

1613 (ii) \$150 for each additional office the title insurer maintains in the county described in
1614 Subsection (2)(c)(i); and

1615 (iii) an amount calculated by:

1616 (A) aggregating the assessments imposed on:

1617 (I) agency title insurance producers and individual title insurance producers under
1618 Subsection (2)(b); and

1619 (II) title insurers under Subsections (2)(c)(i) and (2)(c)(ii);

1620 (B) subtracting the amount determined under Subsection (2)(c)(iii)(A) from the total
1621 costs and expenses determined under Subsection (2)(d); and

1622 (C) multiplying:

1623 (I) the amount calculated under Subsection (2)(c)(iii)(B); and

1624 (II) the percentage of total premiums for title insurance on Utah risk that are premiums
1625 of the title insurer.

1626 (d) Notwithstanding Section [31A-3-103](#) and subject to Section [~~31A-2-404~~]
1627 [31A-2-201](#), the [~~Title and Escrow Commission~~] commissioner by rule shall establish the
1628 amount of costs and expenses described under Subsection (3) that will be covered by the
1629 assessment, except the costs or expenses to be covered by the assessment may not exceed the
1630 cost of one full-time equivalent position.

1631 (e) (i) An individual licensed to practice law in Utah is exempt from the requirements
1632 of this Subsection (2) if that person issues 12 or less policies during a 12-month period.

1633 (ii) In determining the number of policies issued by an individual licensed to practice
1634 law in Utah for purposes of Subsection (2)(e)(i), if the individual issues a policy to more than
1635 one party to the same closing, the individual is considered to have issued only one policy.

1636 (3) (a) Money received by the state under this section shall be deposited into the Title
1637 Licensee Enforcement Restricted Account.

1638 (b) There is created in the General Fund a restricted account known as the "Title
1639 Licensee Enforcement Restricted Account."

1640 (c) The Title Licensee Enforcement Restricted Account shall consist of the money
1641 received by the state under this section.

1642 (d) The commissioner shall administer the Title Licensee Enforcement Restricted
1643 Account. Subject to appropriations by the Legislature, the commissioner shall use the money
1644 deposited into the Title Licensee Enforcement Restricted Account only to pay for a cost or
1645 expense incurred by the department in the administration, investigation, and enforcement of
1646 laws governing individual title insurance producers, agency title insurance producers, or title
1647 insurers.

1648 (e) An appropriation from the Title Licensee Enforcement Restricted Account is
1649 nonlapsing.

1650 (4) The assessment imposed by this section shall be in addition to any premium
1651 assessment imposed under Subsection 59-9-101(3).

1652 Section 30. Section **31A-23a-1001** is amended to read:

1653 **31A-23a-1001. Definitions.**

1654 As used in this part:

1655 (1) "Affiliated business" means the gross transaction revenue of a title entity's title
1656 insurance business in the state that is the result of an affiliated business arrangement.

1657 (2) "Affiliated business arrangement" means the same as that term is defined in 12
1658 U.S.C. Sec. 2602, except the services that are the subject of the arrangement do not need to
1659 involve a federally related mortgage loan.

1660 (3) "Applicable percentage" means:

1661 (a) on February 1, 2020, through January 31, 2021, 0.5%;

1662 (b) on February 1, 2021, through January 31, 2022, 1%;

1663 (c) on February 1, 2022, through January 31, 2023, 1.5%;

1664 (d) on February 1, 2023, through January 31, 2024, 2%;

1665 (e) on February 1, 2024, through January 31, 2025, 2.5%;

1666 (f) on February 1, 2025, through January 31, 2026, 3%;

1667 (g) on February 1, 2026, through January 31, 2027, 3.5%;

1668 (h) on February 1, 2027, through January 31, 2028, 4%; and

1669 (i) on February 1, 2028, through January 31, 2029, 4.5%.

1670 (4) "Associate" means the same as that term is defined in 12 U.S.C. Sec. 2602.

- 1671 (5) "Division" means the Division of Real Estate created in Section 61-2-201.
- 1672 (6) "Essential function" means:
- 1673 (a) examining and evaluating, based on relevant law and title insurance underwriting
- 1674 principles and guidelines, title evidence to determine the insurability of a title and which items
- 1675 to include or exclude in a title commitment or title insurance policy to be issued;
- 1676 (b) preparing and issuing a title commitment or other document that:
- 1677 (i) discloses the status of the title as the title is proposed to be insured;
- 1678 (ii) identifies the conditions that must be met before a title insurance policy will be
- 1679 issued; and
- 1680 (iii) obligates the insurer to issue a title insurance policy if the conditions described in
- 1681 Subsection (6)(b)(ii) are met;
- 1682 (c) clearing underwriting objections and taking the necessary steps to satisfy any
- 1683 conditions to the issuance of a title insurance policy;
- 1684 (d) preparing the issuance of a title insurance policy; or
- 1685 (e) handling the closing or settlement of a real estate transaction when:
- 1686 (i) it is customary for a title entity to handle the closing or settlement; and
- 1687 (ii) the title entity's compensation for handling the closing or settlement is customarily
- 1688 part of the payment or retention from the insurer.
- 1689 (7) "New or newly affiliated title entity" means a title entity that:
- 1690 (a) is licensed as a title entity for the first time on or after May 14, 2019; or
- 1691 (b) (i) is licensed as a title entity before May 14, 2019; and
- 1692 (ii) enters into an affiliated business arrangement for the first time on or after May 14,
- 1693 2019.
- 1694 (8) "Producer" means the same as the term "person who is in a position to refer
- 1695 settlement service business" is defined in 12 C.F.R. Sec. 1024.15(c).
- 1696 (9) "RESPA" means the federal Real Estate Settlement Procedures Act, 12 U.S.C. Sec.
- 1697 2601 et seq. and any rules made thereunder.
- 1698 (10) "Section 8 of RESPA" means 12 U.S.C. Sec. 2607 and any rules promulgated
- 1699 thereunder.
- 1700 (11) "Sufficient capital and net worth" means:
- 1701 (a) for a new or newly affiliated title entity:

1702 (i) \$100,000 for the first five years after becoming a new or newly affiliated title entity;

1703 or

1704 (ii) after the first five years after becoming a new or newly affiliated title entity, the
1705 greater of:

1706 (A) \$50,000; or

1707 (B) on February 1 of each year, an amount equal to 5% of the title entity's average
1708 annual gross revenue over the preceding two calendar years, up to \$150,000; or

1709 (b) for a title entity licensed before May 14, 2019, who is not a new or newly affiliated
1710 title entity:

1711 (i) for the time period beginning on February 1, 2020, and ending on January 31, 2029,
1712 the lesser of:

1713 (A) an amount equal to the applicable percentage of the title entity's average annual
1714 gross revenue over the two calendar years immediately preceding the February 1 on which the
1715 applicable percentage first applies; or

1716 (B) \$150,000; and

1717 (ii) beginning on February 1, 2029, the greater of:

1718 (A) \$50,000; or

1719 (B) an amount equal to 5% of the title entity's average annual gross revenue over the
1720 preceding two calendar years, up to \$150,000.

1721 (12) "Title entity" means:

1722 (a) a title licensee as defined in ~~Section 31A-2-402~~ this section; or

1723 (b) a title insurer as defined in Section 31A-23a-415.

1724 (13) (a) "Title evidence" means a written or electronic document that identifies and
1725 describes or compiles the documents, records, judgments, liens, and other information from the
1726 public records relevant to the history and current condition of a title to be insured.

1727 (b) "Title evidence" does not include a pro forma commitment.

1728 (14) "Title licensee" means:

1729 (a) an agency title insurance producer with a title insurance line of authority;

1730 (b) an individual title insurance producer with:

1731 (i) a general title insurance line of authority; or

1732 (ii) a specific category of authority for title insurance; or

1733 (c) a title insurance adjuster.

1734 Section 31. Section **31A-26-203** is amended to read:

1735 **31A-26-203. Adjuster's license required.**

1736 (1) The commissioner shall issue a license to act as an independent adjuster or public
1737 adjuster to a person who, as to the license classification applied for under Section **31A-26-204**:

1738 (a) satisfies the character requirements under Section **31A-26-205**;

1739 (b) satisfies the applicable continuing education requirements under Section
1740 **31A-26-206**;

1741 (c) satisfies the applicable examination requirements under Section **31A-26-207**;

1742 (d) has not committed an act that is a ground for denial, suspension, or revocation
1743 provided for in Section **31A-26-213**;

1744 (e) if a nonresident, complies with Section **31A-26-208**; and

1745 (f) pays the applicable fees under Section **31A-3-103**.

1746 (2) (a) This Subsection (2) applies to the following persons:

1747 (i) an applicant for:

1748 (A) an independent adjuster's license; or

1749 (B) a public adjuster's license;

1750 (ii) a licensed independent adjuster; or

1751 (iii) a licensed public adjuster.

1752 (b) A person described in Subsection (2)(a) shall report to the commissioner:

1753 (i) an administrative action taken against the person, including a denial of a new or
1754 renewal license application:

1755 (A) in another jurisdiction; or

1756 (B) by another regulatory agency in this state; and

1757 (ii) a criminal prosecution taken against the person in any jurisdiction.

1758 (c) The report required by Subsection (2)(b) shall:

1759 (i) be filed:

1760 (A) at the time the person applies for an adjustor's license; and

1761 (B) if an action or prosecution occurs on or after the day on which the person applies
1762 for an adjustor's license:

1763 (I) for an administrative action, within 30 days of the final disposition of the

1764 administrative action; or
1765 (II) for a criminal prosecution, within 30 days of the initial appearance before a court;
1766 and
1767 (ii) include a copy of the complaint or other relevant legal documents related to the
1768 action or prosecution described in Subsection (2)(b).
1769 (3) (a) The department may require a person applying for a license or for consent to
1770 engage in the business of insurance to submit to a criminal background check as a condition of
1771 receiving a license or consent.
1772 (b) A person, if required to submit to a criminal background check under Subsection
1773 (3)(a), shall:
1774 (i) submit a fingerprint card in a form acceptable to the department; and
1775 (ii) consent to a fingerprint background check by:
1776 (A) the Utah Bureau of Criminal Identification; and
1777 (B) the Federal Bureau of Investigation.
1778 (c) For a person who submits a fingerprint card and consents to a fingerprint
1779 background check under Subsection (3)(b), the department may request concerning a person
1780 applying for an independent or public adjuster's license:
1781 (i) criminal background information maintained pursuant to Title 53, Chapter 10, Part
1782 2, Bureau of Criminal Identification, from the Bureau of Criminal Identification; and
1783 (ii) complete Federal Bureau of Investigation criminal background checks through the
1784 national criminal history system.
1785 (d) Information obtained by the department from the review of criminal history records
1786 received under this Subsection (3) shall be used by the department for the purposes of:
1787 (i) determining if a person satisfies the character requirements under Section
1788 31A-26-205 for issuance or renewal of a license;
1789 (ii) determining if a person has failed to maintain the character requirements under
1790 Section 31A-26-205; and
1791 (iii) preventing a person who violates the federal Violent Crime Control and Law
1792 Enforcement Act of 1994, 18 U.S.C. Sec. 1033, from engaging in the business of insurance in
1793 the state.
1794 (e) If the department requests the criminal background information, the department

1795 shall:

1796 (i) pay to the Department of Public Safety the costs incurred by the Department of
1797 Public Safety in providing the department criminal background information under Subsection
1798 (3)(c)(i);

1799 (ii) pay to the Federal Bureau of Investigation the costs incurred by the Federal Bureau
1800 of Investigation in providing the department criminal background information under
1801 Subsection (3)(c)(ii); and

1802 (iii) charge the person applying for a license or for consent to engage in the business of
1803 insurance a fee equal to the aggregate of Subsections (3)(e)(i) and (ii).

1804 (4) The commissioner may deny a license application to act as an independent adjuster
1805 or public adjuster to a person who, as to the license classification applied for under Section
1806 [31A-26-204](#):

1807 (a) fails to satisfy the requirements in this section; or

1808 (b) commits an act that is a ground for denial, suspension, or revocation provided for in
1809 Section [31A-26-213](#).

1810 [~~(5) Notwithstanding the other provisions of this section, the commissioner may:]~~

1811 [~~(a) issue a license to an applicant for a license for a title insurance classification only
1812 with the concurrence of the Title and Escrow Commission; or]~~

1813 [~~(b) renew a license for a title insurance classification only with the concurrence of the
1814 Title and Escrow Commission.]~~

1815 Section 32. Section [31A-26-204](#) is amended to read:

1816 **[31A-26-204. License classifications.](#)**

1817 A resident or nonresident license issued under this chapter shall be issued under the
1818 classifications described under Subsections (1), (2), and (3). A classification describes the
1819 matters to be considered under a prerequisite education or examination required of license
1820 applicants under Sections [31A-26-206](#) and [31A-26-207](#).

1821 (1) Independent adjuster license classifications include:

1822 (a) accident and health insurance, including related service insurance under Chapter 7,
1823 Nonprofit Health Service Insurance Corporations, or Chapter 8, Health Maintenance
1824 Organizations and Limited Health Plans;

1825 (b) property and casualty insurance, including a surety or other bond;

- 1826 (c) crop insurance; and
- 1827 (d) workers' compensation insurance.
- 1828 (2) Public adjuster license classifications include:
- 1829 (a) accident and health insurance, including related service insurance under Chapter 7,
- 1830 Nonprofit Health Service Insurance Corporations, or Chapter 8, Health Maintenance
- 1831 Organizations and Limited Health Plans;
- 1832 (b) property and casualty insurance, including a surety or other bond;
- 1833 (c) crop insurance; and
- 1834 (d) workers' compensation insurance.
- 1835 (3) ~~[(a)]~~ The commissioner may by rule:
- 1836 ~~[(i)]~~ (a) recognize other independent adjuster or public adjuster license classifications
- 1837 as to other kinds of insurance not listed under Subsection (1); and
- 1838 ~~[(ii)]~~ (b) create license classifications that grant only part of the authority arising under
- 1839 another license class.
- 1840 ~~[(b) Notwithstanding Subsection (3)(a), for purpose of title insurance, the Title and~~
- 1841 ~~Escrow Commission may make the rules provided for in Subsection (3)(a), subject to Section~~
- 1842 ~~31A-2-404.]~~
- 1843 Section 33. Section **31A-35-102** is amended to read:
- 1844 **31A-35-102. Definitions.**
- 1845 As used in this chapter:
- 1846 (1) "Bail bond" means a bail bond insurance product for a specified monetary amount
- 1847 that is:
- 1848 (a) executed by a bail bond producer licensed in accordance with Section **31A-35-401**;
- 1849 and
- 1850 (b) issued to a court, magistrate, or authorized officer to secure:
- 1851 (i) the release of a person from incarceration; and
- 1852 (ii) the appearance of the released person at court hearings the person is required to
- 1853 attend.
- 1854 (2) "Bail bond agency" means any sole proprietor or entity that:
- 1855 (a) is licensed under Subsection **31A-35-404**(1) or (2);
- 1856 (b) (i) is the agent of a surety insurer that sells a bail bond in connection with judicial

1857 proceedings;

1858 (ii) pledges the assets of a letter of credit from a Utah depository institution for a bail
1859 bond in connection with judicial proceedings; or

1860 (iii) pledges personal or real property, or both, as security for a bail bond in connection
1861 with judicial proceedings; and

1862 (c) receives or is promised money or other things of value for a service described in
1863 Subsection (2)(b).

1864 (3) "Bail bond producer" means an individual who:

1865 (a) is appointed by:

1866 (i) a surety insurer that sells bail bonds; or

1867 (ii) a bail bond agency licensed under this chapter;

1868 (b) is appointed to execute or countersign undertakings of bail in connection with
1869 judicial proceedings; and

1870 (c) receives or is promised money or other things of value for engaging in an act
1871 described in Subsection (3)(b).

1872 (4) "Bail enforcement agent" means the same as that term is defined in Section
1873 [53-11-102](#).

1874 [~~(5)~~] "~~Board~~" means the ~~Bail Bond Oversight Board~~ created in Section [31A-35-201](#);

1875 [~~(6)~~] (5) "Certificate" means a certificate of authority issued under this chapter to allow
1876 an insurer to operate as a surety insurer.

1877 [~~(7)~~] (6) "Indemnitor" means an entity or natural person that enters into an agreement
1878 with a bail bond agency to hold the bail bond agency harmless from loss incurred as a result of
1879 executing a bail bond.

1880 [~~(8)~~] (7) "Liquid assets" means financial holdings that can be converted into cash in a
1881 timely manner without the loss of principal.

1882 [~~(9)~~] (8) "Premium" means the specified monetary amount used to purchase a bail
1883 bond.

1884 [~~(10)~~] (9) "Principal" means a person that:

1885 (a) guarantees the performance of a bail bond; or

1886 (b) owns not less than 10% of the bail bond agency.

1887 [~~(11)~~] (10) "Surety insurer" means an insurer that:

1888 (a) is licensed under Chapter 4, Insurers in General, Chapter 5, Domestic Stock and
1889 Mutual Insurance Corporations, or Chapter 14, Foreign Insurers;

1890 (b) receives a certificate under this title; and

1891 (c) sells bail bonds in connection with judicial proceedings.

1892 [(12)] (11) "Utah depository institution" means a depository institution, as defined in
1893 Section 7-1-103, that:

1894 (a) has Utah as its home state; or

1895 (b) operates a branch in Utah.

1896 Section 34. Section 31A-35-301 is amended to read:

1897 **31A-35-301. The commissioner's authority.**

1898 (1) The commissioner shall:

1899 (a) make rules as necessary for the administration of this chapter;

1900 (b) [~~with information as provided by the board,~~] issue or deny licensure under this
1901 chapter;

1902 (c) take action regarding a license, including suspension or revocation; and

1903 (d) maintain and publish a current list of licensed bail bond agencies and bail bond
1904 producers.

1905 (2) The commissioner may establish fees for the issuance, renewal, and reinstatement
1906 of a bail bond agency license in accordance with Section 63J-1-504.

1907 Section 35. Section 31A-35-405 is amended to read:

1908 **31A-35-405. Issuance of license -- Denial -- Right of appeal.**

1909 (1) After the commissioner receives a complete application, fee, and any additional
1910 information in accordance with Section 31A-35-401, the [board] commissioner shall determine
1911 whether the applicant meets the requirements for issuance of a license under this chapter.

1912 (2) (a) If the [board] commissioner determines that the applicant meets the
1913 requirements for issuance of a license under this chapter, the commissioner shall issue to that
1914 person a bail bond agency license.

1915 (b) If the [board] commissioner determines that the applicant does not meet the
1916 requirements for issuance of a license under this chapter, the commissioner shall make a final
1917 determination as to whether to issue a license under this chapter.

1918 (3) (a) If the commissioner denies an application for a bail bond agency license under

1919 this chapter, the commissioner shall provide prompt written notification of the denial by
 1920 commencing an informal adjudicative proceeding in accordance with Title 63G, Chapter 4,
 1921 Administrative Procedures Act.

1922 (b) An applicant may request a hearing on a denial of an application for a bail bond
 1923 agency license within 15 days after the day on which the commissioner issues the denial.

1924 (c) The commissioner shall hold a hearing no later than 60 days after the day on which
 1925 the commissioner receives a request for a hearing described in Subsection (3)(b).

1926 Section 36. Section **31A-35-406** is amended to read:

1927 **31A-35-406. Initial licensing, license renewal, and license reinstatement.**

1928 (1) An applicant for an initial bail bond agency license shall:

1929 (a) complete and submit to the department an application;

1930 (b) submit to the department, as applicable, a copy of the applicant's:

1931 (i) irrevocable letter of credit, as required under Subsection [31A-35-404\(1\)](#);

1932 (ii) verified financial statement, as required under Subsection [31A-35-404\(2\)](#); or

1933 (iii) qualifying power of attorney, as required under Subsection [31A-35-404\(3\)](#); and

1934 (c) pay the department the applicable renewal fee established in accordance with

1935 Section [31A-3-103](#).

1936 (2) (a) A license under this chapter expires annually effective at midnight on August
 1937 14.

1938 (b) To renew a bail bond agency license issued under this chapter, on or before July 15,
 1939 the bail bond agency shall:

1940 (i) complete and submit to the department a renewal application that includes
 1941 certification that~~[:]~~ as of May 1, the agency complies with aggregate bond limits established by
 1942 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

1943 [~~(A) a principal of the agency attended or participated by telephone in at least one~~
 1944 ~~entire board meeting during the 12-month period before July 15; and]~~

1945 [~~(B) as of May 1, the agency complies with aggregate bond limits established by rule~~
 1946 ~~made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;]~~

1947 (ii) submit to the department, as applicable, a copy of the applicant's:

1948 (A) irrevocable letter of credit, as required under Subsection [31A-35-404\(1\)](#);

1949 (B) verified financial statement, as required under Subsection [31A-35-404\(2\)](#); or

1950 (C) qualifying power of attorney, as required under Subsection 31A-35-404(3); and
1951 (iii) pay the department the applicable renewal fee established in accordance with
1952 Section 31A-3-103.

1953 (c) A bail bond agency shall renew the bail bond agency's license under this chapter
1954 annually as established by department rule, regardless of when the license is issued.

1955 (3) (a) A bail bond agency may apply for reinstatement of an expired bail bond agency
1956 license within one year after the day on which the license expires by complying with the
1957 renewal requirements described in Subsection (2).

1958 (b) If a bail bond agency license has been expired for more than one year, the person
1959 applying for reinstatement of the bail bond agency license shall comply with the initial
1960 licensing requirements described in Subsection (1).

1961 (4) If a bail bond agency license is suspended, the applicant may not submit an
1962 application for a bail bond agency license until after the day on which the period of suspension
1963 ends.

1964 (5) The department shall deposit a fee collected under this section in the restricted
1965 account created in Section 31A-35-407.

1966 Section 37. Section 31A-35-407 is amended to read:

1967 **31A-35-407. Restricted account.**

1968 (1) There is created within the General Fund a restricted account known as the "Bail
1969 Bond Administration Account."

1970 (2) (a) The account shall be funded from the fees imposed under this chapter.

1971 (b) The department shall deposit all fees collected under this part into the account.

1972 (c) The funds in the account shall be used by the department to administer this chapter.

1973 (d) The account shall earn interest, which shall be deposited into the account.

1974 [~~(3) The department shall, at the end of each quarter, provide to the board an itemized~~
1975 ~~accounting that includes the balances at the beginning and the end of the quarter. The~~
1976 ~~department shall provide the report no later than the 30th day of the month subsequent to the~~
1977 ~~last month of the required quarterly report.]~~

1978 Section 38. Section 31A-41-102 is amended to read:

1979 **31A-41-102. Definitions.**

1980 As used in this chapter:

1981 [~~(1)~~] "~~Commission~~" means the ~~Title and Escrow Commission~~ created in Section
1982 ~~31A-2-403.~~]

1983 [~~(2)~~] (1) "Fund" means the Title Insurance Recovery, Education, and Research Fund
1984 created in Section ~~31A-41-201~~.

1985 [~~(3)~~] (2) "Title insurance licensee" means:

1986 (a) an agency title insurance producer; or

1987 (b) an individual title insurance producer.

1988 Section 39. Section ~~31A-41-202~~ is amended to read:

1989 **~~31A-41-202~~. Assessments.**

1990 (1) An agency title insurance producer licensed under this title shall pay an annual
1991 assessment determined by the [~~commission~~] commissioner by rule made in accordance with
1992 Section [~~31A-2-404~~] 31A-2-201, except that the annual assessment:

1993 (a) may not exceed \$1,000; and

1994 (b) shall be determined on the basis of title insurance premium volume.

1995 (2) An individual who applies for a license or renewal of a license as an individual title
1996 insurance producer, shall pay in addition to any other fee required by this title, an assessment
1997 not to exceed \$20, as determined by the [~~commission~~] commissioner by rule made in
1998 accordance with Section [~~31A-2-404~~] 31A-2-201, except that if the individual holds more than
1999 one license, the total of all assessments under this Subsection (2) may not exceed \$20 in a
2000 fiscal year.

2001 (3) (a) To be licensed as an agency title insurance producer, a person shall pay to the
2002 department an assessment of \$1,000 before the day on which the person is licensed as a title
2003 insurance agency.

2004 (b) (i) The department shall assess on a licensed agency title insurance producer an
2005 amount equal to the greater of:

2006 (A) \$1,000; or

2007 (B) subject to Subsection (3)(b)(ii), 2% of the balance in the agency title insurance
2008 producer's reserve account described in Subsection ~~31A-23a-204~~(3).

2009 (ii) The department may assess on an agency title insurance producer an amount less
2010 than 2% of the balance described in Subsection (3)(b)(i)(B) if:

2011 (A) before issuing the assessments under this Subsection (3)(b) the department

2012 determines that the total of all assessments under Subsection (3)(b)(i) will exceed \$250,000;

2013 (B) the amount assessed on the agency title insurance producer is not less than \$1,000;

2014 and

2015 (C) the department reduces the assessment in a proportionate amount for agency title
2016 insurance producers assessed on the basis of the 2% of the balance described in Subsection
2017 (3)(b)(i)(B).

2018 (iii) An agency title insurance producer assessed under this Subsection (3)(b) shall pay
2019 the assessment by no later than August 1.

2020 (4) The department may not assess a title insurance licensee an assessment for
2021 purposes of the fund if that assessment is not expressly provided for in this section.

2022 Section 40. Section ~~58-49-2~~ is amended to read:

2023 **58-49-2. Definitions.**

2024 In addition to the definitions in Section ~~58-1-102~~, as used in this chapter:

2025 [~~1~~] "~~Board~~" means the ~~Dietitian Board~~ created in Section ~~58-49-3~~.]

2026 [~~2~~] (1) "Certified dietitian" means a person who is certified by the division as meeting
2027 the certification requirements provided in this chapter.

2028 [~~3~~] (2) "Commission on Dietetic Registration" means the credentialing component of
2029 the American Dietetic Association.

2030 [~~4~~] (3) "Dietetics" means the integration and application of principles derived from
2031 the sciences of food for the development, management, and provision of dietary services for
2032 individuals and groups for meeting their health care needs. "Dietetics" includes:

2033 (a) the evaluation of a person's dietary status;

2034 (b) the advising and education of persons on dietary needs; and

2035 (c) the evaluation of needs, implementation of systems to support needs, and
2036 maintenance of appropriate standards of quality in food and dietary service for individuals,
2037 groups, or patients in licensed institutional facilities or in private office settings.

2038 [~~5~~] (4) "Unprofessional conduct" as defined in Section ~~58-1-501~~ and as may be
2039 further defined by rule includes failing to maintain a level of professional practice consistent
2040 with all initial and subsequent requirements by which certification is achieved or maintained
2041 under this chapter.

2042 Section 41. Section ~~58-49-4~~ is amended to read:

2043 **58-49-4. Qualifications for certification -- Fee.**

2044 Each applicant for certification under this chapter shall provide proof satisfactory to the
2045 division that the applicant:

2046 (1) holds a baccalaureate or post-baccalaureate degree conferred by a college or
2047 university approved by the division at the time the degree was conferred with a major course of
2048 study in the sciences of food, dietetics, food systems management, or an equivalent major
2049 course of study;

2050 (2) has completed an internship or preplanned professional baccalaureate or
2051 post-baccalaureate experience in a dietetic program under the supervision of a certified
2052 dietitian who is certified under this chapter or certified, registered, or licensed under the laws of
2053 another state or territory of the United States;

2054 (3) has satisfactorily passed a competency examination, approved by or given at the
2055 direction of the ~~[board in collaboration with the]~~ division; and

2056 (4) has paid the appropriate fees determined by the Department of Commerce. The fee
2057 assessed by the Department of Commerce shall be fair and reasonable and shall reflect the cost
2058 of services provided.

2059 Section 42. Section **58-49-6** is amended to read:

2060 **58-49-6. Certification of persons qualified in other jurisdictions.**

2061 Upon receipt of an application and application fee~~], and upon the recommendation of~~
2062 ~~the board,]~~ the division may waive the examination requirement for an applicant who, at the
2063 time of application:

2064 (1) holds a valid dietitian license or certificate issued by another state or territory of the
2065 United States, provided his qualifications meet the requirements of this chapter; or

2066 (2) is registered by the Commission on Dietetic Registration.

2067 Section 43. Section **58-53-102** is amended to read:

2068 **58-53-102. Definitions.**

2069 In addition to the definitions in Section **58-1-102**, as used in this chapter:

2070 ~~[(1) "Board" means the Landscape Architects Board created in Section 58-53-201.]~~

2071 ~~[(2)]~~ (1) "Fund" means the Landscape Architects Education and Enforcement Fund
2072 created in Section **58-53-103**.

2073 ~~[(3)]~~ (2) "Practice of landscape architecture" means rendering or offering to render any

2074 of the following services:

2075 (a) production of a site plan which may include the design of any of the following:

2076 (i) sprinkler irrigation systems;

2077 (ii) landscape grading and drainage plans; or

2078 (iii) parking lots;

2079 (b) design of any of the following structures incidental to the production of a site plan:

2080 (i) retaining walls; or

2081 (ii) raised platforms, decks, and walkways;

2082 (c) design of any of the following structures incidental to the production of a site plan

2083 when the structure does not exceed 1,000 square feet:

2084 (i) covered pavilions;

2085 (ii) gazebos;

2086 (iii) restrooms;

2087 (iv) storage and maintenance facilities; or

2088 (v) other accessory structures; or

2089 (d) collaboration with architects and professional engineers in the design of roads,

2090 bridges, buildings, and structures with respect to the functional and aesthetic requirements of

2091 the area in which they are to be placed.

2092 [~~4~~] (3) "Principal" means a licensed landscape architect having responsible charge of
2093 a landscape architectural practice.

2094 [~~5~~] (4) "Supervision" with respect to the supervision of an employee of a landscape
2095 architect, means that a licensed landscape architect is responsible for and personally reviews,
2096 corrects when necessary, and approves work performed by any employee under the direction of
2097 the landscape architect, and may be further defined by rule of the division in collaboration with
2098 the board.

2099 [~~6~~] (5) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-53-501.

2100 [~~7~~] (6) "Unprofessional conduct" is as defined in Section 58-1-501 and as may be
2101 further defined by rule of the division in collaboration with the board.

2102 Section 44. Section 58-53-103 is amended to read:

2103 **58-53-103. Education and enforcement fund.**

2104 (1) There is created an expendable special revenue fund known as the "Landscape

2105 Architects Education and Enforcement Fund."

2106 (2) The fund consists of money from:

2107 (a) a surcharge placed on application fees for initial, renewal, and reinstatement

2108 licensure under this chapter, in an amount established by the division [~~with the collaboration of~~

2109 ~~the board~~] in accordance with Section 63J-1-504, not to exceed 50% of the respective fee; and

2110 (b) administrative penalties collected pursuant to this chapter.

2111 (3) The fund shall earn interest, and all interest earned on fund money shall be

2112 deposited into the fund.

2113 (4) The director may~~[, with concurrence of the board,]~~ make distributions from the

2114 fund for the following purposes:

2115 (a) education and training of licensees under this chapter;

2116 (b) education and training of the public or other interested persons in matters

2117 concerning landscape architectural laws and practices; and

2118 (c) enforcement of this chapter by:

2119 (i) investigating unprofessional or unlawful conduct; and

2120 (ii) providing legal representation to the division when the division takes legal action

2121 against a person engaging in unprofessional or unlawful conduct.

2122 (5) If the balance in the fund exceeds \$100,000 at the close of any fiscal year, the

2123 excess shall be transferred to the General Fund.

2124 (6) The division shall report annually to the appropriate appropriations subcommittee

2125 of the Legislature concerning the fund.

2126 Section 45. Section **58-53-302** is amended to read:

2127 **58-53-302. Qualifications for licensure.**

2128 (1) Each applicant for licensure as a landscape architect shall:

2129 (a) submit an application in a form prescribed by the division;

2130 (b) pay a fee as determined by the department under Section 63J-1-504;

2131 (c) provide satisfactory evidence of good moral character;

2132 (d) (i) have graduated and received an earned bachelors or masters degree from a

2133 landscape architecture program meeting criteria established by rule by the division [~~in~~

2134 ~~collaboration with the board~~]; or

2135 (ii) have completed not less than eight years of supervised practical experience in

2136 landscape architecture which meets the requirements established by rule by the division [in
2137 collaboration with the board]; and

2138 (e) have successfully passed examinations established by rule by the division [in
2139 collaboration with the board].

2140 (2) Satisfactory completion of each year of a landscape architectural program described
2141 in Subsection (1)(d)(i) is equivalent to one year of experience for purposes of Subsection
2142 (1)(d)(ii).

2143 Section 46. Section **58-53-304** is amended to read:

2144 **58-53-304. Exemptions from licensure.**

2145 In addition to the exemptions from licensure in Section **58-1-307**, the following may
2146 engage in the stated limited acts or practices without being licensed under this chapter:

2147 (1) a person preparing a site plan as defined in Subsection [~~58-53-102(3)~~]
2148 58-53-102(2), for a one-, two-, three-, or four-family residence not exceeding two stories in
2149 height, exclusive of the basement;

2150 (2) a person designing sprinkler irrigation systems when licensed as a landscape
2151 contractor under Title 58, Chapter 55, Utah Construction Trades Licensing Act;

2152 (3) a person licensed to practice professional engineering or professional structural
2153 engineering under Title 58, Chapter 22, Professional Engineers and Professional Land
2154 Surveyors Licensing Act;

2155 (4) a person licensed to practice architecture under Title 58, Chapter 3a, Architects
2156 Licensing Act;

2157 (5) unlicensed employees of a person licensed under this chapter while preparing site
2158 plans as defined in Subsection [~~58-53-102(3)~~] 58-53-102(2), under the supervision of a
2159 landscape architect; and

2160 (6) an organization engaged in the practice of landscape architecture, provided that:

2161 (a) the organization employs a principal; and

2162 (b) all individuals employed by the organization, who are engaged in the practice of
2163 landscape architecture, are licensed or exempt from licensure under this chapter.

2164 Section 47. Section **58-53-601** is amended to read:

2165 **58-53-601. Seal -- Design and implementation.**

2166 Every landscape architect shall have a seal, the design and implementation of which

2167 shall be established by rule by the division [~~in collaboration with the board~~].

2168 Section 48. Section **58-71-102** is amended to read:

2169 **58-71-102. Definitions.**

2170 In addition to the definitions in Section **58-1-102**, as used in this chapter:

2171 (1) "Acupuncture" means the same as that term is defined in Section **58-72-102**.

2172 (2) "Administrative penalty" means a monetary fine imposed by the division for acts or
2173 omissions determined to constitute unprofessional or unlawful conduct, as a result of an
2174 adjudicative proceeding conducted in accordance with Title 63G, Chapter 4, Administrative
2175 Procedures Act.

2176 [~~(3) "Board" means the Naturopathic Physicians Licensing Board created in Section~~
2177 **58-71-201**.]

2178 [~~(4)~~ (3) "Controlled substance" means the same as that term is defined in Section
2179 **58-37-2**.

2180 [~~(5)~~ (4) "Diagnose" means:

2181 (a) to examine in any manner another individual, parts of an individual's body,
2182 substances, fluids, or materials excreted, taken, or removed from an individual's body, or
2183 produced by an individual's body, to determine the source, nature, kind, or extent of a disease
2184 or other physical or mental condition;

2185 (b) to attempt to conduct an examination or determination described under Subsection
2186 [~~(5)(a)~~ (4)(a);

2187 (c) to hold oneself out as making or to represent that one is making an examination or
2188 determination as described in Subsection [~~(5)(a)~~ (4)(a); or

2189 (d) to make an examination or determination as described in Subsection [~~(5)(a)~~ (4)(a)
2190 upon or from information supplied directly or indirectly by another individual, whether or not
2191 in the presence of the individual the examination or determination concerns.

2192 [~~(6)~~ (5) "Local anesthesia" means an agent, whether a natural medicine or
2193 nonscheduled prescription drug, which:

2194 (a) is applied topically or by injection associated with the performance of minor office
2195 procedures;

2196 (b) has the ability to produce loss of sensation to a targeted area of an individual's
2197 body;

2198 (c) does not cause loss of consciousness or produce general sedation; and
2199 (d) is part of the competent practice of naturopathic medicine during minor office
2200 procedures.

2201 ~~[(7)]~~ (6) "Medical naturopathic assistant" means an unlicensed individual working
2202 under the direct and immediate supervision of a licensed naturopathic physician and engaged in
2203 specific tasks assigned by the licensed naturopathic physician in accordance with the standards
2204 and ethics of the profession.

2205 ~~[(8)]~~ (7) (a) "Minor office procedures" means:

2206 (i) the use of operative, electrical, or other methods for repair and care of superficial
2207 lacerations, abrasions, and benign lesions;

2208 (ii) removal of foreign bodies located in the superficial tissues, excluding the eye or
2209 ear;

2210 (iii) the use of antiseptics and local anesthetics in connection with minor office surgical
2211 procedures; and

2212 (iv) percutaneous injection into skin, tendons, ligaments, muscles, and joints with:

2213 (A) local anesthesia or a prescription drug described in Subsection ~~[(9)(d)]~~ (8)(d); or

2214 (B) natural substances.

2215 (b) "Minor office procedures" does not include:

2216 (i) general or spinal anesthesia;

2217 (ii) office procedures more complicated or extensive than those set forth in Subsection

2218 ~~[(8)(a)]~~ (7)(a);

2219 (iii) procedures involving the eye; and

2220 (iv) any office procedure involving nerves, veins, or arteries.

2221 ~~[(9)]~~ (8) "Natural medicine" means any:

2222 (a) food, food extract, dietary supplement as defined by the Federal Food, Drug, and
2223 Cosmetic Act, 21 U.S.C. Sec. 301 et seq., homeopathic remedy, or plant substance that is not
2224 designated a prescription drug or controlled substance;

2225 (b) over-the-counter medication;

2226 (c) other nonprescription substance, the prescription or administration of which is not
2227 otherwise prohibited or restricted under federal or state law; or

2228 (d) prescription drug:

2229 (i) the prescription of which is consistent with the competent practice of naturopathic
2230 medicine;

2231 (ii) that is not a controlled substance except for testosterone; and

2232 (iii) that is not any of the following as determined by the federal Food and Drug

2233 Administration's general drug category list:

2234 (A) an anticoagulant for the management of a bleeding disorder;

2235 (B) an anticonvulsant;

2236 (C) an antineoplastic;

2237 (D) an antipsychotic;

2238 (E) a barbiturate;

2239 (F) a cytotoxic;

2240 (G) a sedative;

2241 (H) a sleeping drug;

2242 (I) a tranquilizer; or

2243 (J) any drug category added after April 1, 2022, unless the division determines the drug

2244 category to be consistent with the practice of naturopathic medicine under Section [58-71-203](#).

2245 ~~[(10)]~~ (9) (a) "Naturopathic childbirth" means uncomplicated natural childbirth assisted
2246 by a naturopathic physician.

2247 (b) "Naturopathic childbirth" includes the use of:

2248 (i) natural medicines; and

2249 (ii) uncomplicated episiotomy.

2250 (c) "Naturopathic childbirth" does not include the use of:

2251 (i) forceps delivery;

2252 (ii) general or spinal anesthesia;

2253 (iii) caesarean section delivery; or

2254 (iv) induced labor or abortion.

2255 ~~[(11)]~~ (10) (a) "Naturopathic mobilization therapy" means manually administering

2256 mechanical treatment of body structures or tissues for the purpose of restoring normal

2257 physiological function to the body by normalizing and balancing the musculoskeletal system of

2258 the body;

2259 (b) "Naturopathic mobilization therapy" does not mean manipulation or adjustment of

2260 the joints of the human body beyond the elastic barrier; and

2261 (c) "Naturopathic mobilization therapy" does not include manipulation as used in Title
2262 58, Chapter 73, Chiropractic Physician Practice Act.

2263 [~~(12)~~] (11) (a) "Naturopathic physical medicine" means the use of the physical agents
2264 of air, water, heat, cold, sound, light, and electromagnetic nonionizing radiation, and the
2265 physical modalities of electrotherapy, acupuncture, diathermy, ultraviolet light, ultrasound,
2266 hydrotherapy, naturopathic mobilization therapy, and exercise.

2267 (b) "Naturopathic physical medicine" does not include the practice of physical therapy
2268 or physical rehabilitation.

2269 [~~(13)~~] (12) "Practice of naturopathic medicine" means:

2270 (a) a system of primary health care for the prevention, diagnosis, and treatment of
2271 human health conditions, injuries, and diseases that uses education, natural medicines, and
2272 natural therapies, to support and stimulate the patient's intrinsic self-healing processes by:

2273 (i) using naturopathic childbirth, but only if:

2274 (A) the licensee meets standards of the American College of Naturopathic
2275 Obstetricians (ACNO) or ACNO's successor as determined by the division in collaboration
2276 with the board; and

2277 (B) the licensee follows a written plan for naturopathic physicians practicing
2278 naturopathic childbirth approved by the division in collaboration with the board, which
2279 includes entering into an agreement with a consulting physician and surgeon or osteopathic
2280 physician, in cases where the scope of practice of naturopathic childbirth may be exceeded and
2281 specialty care and delivery is indicated, detailing the guidelines by which the naturopathic
2282 physician will:

2283 (I) refer patients to the consulting physician; and

2284 (II) consult with the consulting physician;

2285 (ii) using naturopathic mobilization therapy;

2286 (iii) using naturopathic physical medicine;

2287 (iv) using minor office procedures;

2288 (v) prescribing or administering natural medicine;

2289 (vi) prescribing medical equipment and devices, diagnosing by the use of medical

2290 equipment and devices, and administering therapy or treatment by the use of medical devices

- 2291 necessary and consistent with the competent practice of naturopathic medicine;
- 2292 (vii) prescribing barrier devices for contraception;
- 2293 (viii) using dietary therapy;
- 2294 (ix) taking and using diagnostic x-rays, electrocardiograms, ultrasound, and
- 2295 physiological function tests;
- 2296 (x) taking of body fluids for clinical laboratory tests and using the results of the tests in
- 2297 diagnosis;
- 2298 (xi) taking of a history from and conducting of a physical examination upon a human
- 2299 patient; and
- 2300 (xii) administering local anesthesia during the performance of a minor office
- 2301 procedure;
- 2302 (b) to maintain an office or place of business for the purpose of doing any of the acts
- 2303 described in Subsection [~~(13)~~(a)] (12)(a), whether or not for compensation; or
- 2304 (c) to use, in the conduct of any occupation or profession pertaining to the diagnosis or
- 2305 treatment of human diseases or conditions, in any printed material, stationery, letterhead,
- 2306 envelopes, signs, or advertisements, the designation "naturopathic physician," "naturopathic
- 2307 doctor," "naturopath," "doctor of naturopathic medicine," "doctor of naturopathy,"
- 2308 "naturopathic medical doctor," "naturopathic medicine," "naturopathic health care,"
- 2309 "naturopathy," "N.D.," "N.M.D.," or any combination of these designations in any manner that
- 2310 might cause a reasonable person to believe the individual using the designation is a licensed
- 2311 naturopathic physician.
- 2312 [~~(14)~~] (13) "Prescribe" means to issue a prescription:
- 2313 (a) orally or in writing; or
- 2314 (b) by telephone, facsimile transmission, computer, or other electronic means of
- 2315 communication as defined by division rule.
- 2316 [~~(15)~~] (14) "Prescription device" means an instrument, apparatus, implement, machine,
- 2317 contrivance, implant, in vitro reagent, or other similar or related article, and any component
- 2318 part or accessory, which is required under federal or state law to be prescribed by a practitioner
- 2319 and dispensed by or through a person licensed under this chapter or exempt from licensure
- 2320 under this chapter.
- 2321 [~~(16)~~] (15) "Prescription drug" means a drug that is required by federal or state law or

2322 rule to be dispensed only by prescription or is restricted to administration only by practitioners.

2323 ~~[(+7)]~~ (16) "Unlawful conduct" means the same as that term is defined in Sections
2324 58-1-501 and 58-71-501.

2325 ~~[(+8)]~~ (17) "Unprofessional conduct" means the same as that term is defined in
2326 Sections 58-1-501 and 58-71-502, and as may be further defined by division rule.

2327 Section 49. Section 58-71-203 is amended to read:

2328 **58-71-203. Drug category review.**

2329 (1) As used in this section, "FDA" means the federal Food and Drug Administration.

2330 (2) After April 1, 2022, if the FDA adds a new drug category to the FDA's general drug
2331 category list, the division shall determine whether the drug category is consistent with the
2332 practice of naturopathic medicine.

2333 (3) To make the determination described in Subsection (2), the division shall consult
2334 with~~[:]~~ ~~the board described in Section 58-67-201.~~

2335 ~~[(a) the board; and]~~

2336 ~~[(b) the board described in Section 58-67-201.]~~

2337 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2338 division shall make rules to implement this section.

2339 Section 50. Section 58-71-302 is amended to read:

2340 **58-71-302. Qualifications for licensure.**

2341 (1) An applicant for licensure as a naturopathic physician, except as set forth in
2342 Subsection (2), shall:

2343 (a) submit an application in a form prescribed by the division, which may include:

2344 (i) submissions by the applicant of information maintained by practitioner data banks,
2345 as designated by division rule, with respect to the applicant; and

2346 (ii) a record of professional liability claims made against the applicant and settlements
2347 paid by or in behalf of the applicant;

2348 (b) pay a fee determined by the department under Section 63J-1-504;

2349 (c) provide satisfactory documentation of having successfully completed a program of
2350 professional education preparing an individual as a naturopathic physician, as evidenced by
2351 having received an earned degree of doctor of naturopathic medicine from:

2352 (i) a naturopathic medical school or college accredited by the Council of Naturopathic

2353 Medical Education or its successor organization approved by the division;

2354 (ii) a naturopathic medical school or college that is a candidate for accreditation by the
2355 Council of Naturopathic Medical Education or its successor organization, and is approved by
2356 the division [~~in collaboration with the board~~], upon a finding there is reasonable expectation
2357 the school or college will be accredited; or

2358 (iii) a naturopathic medical school or college which, at the time of the applicant's
2359 graduation, met current criteria for accreditation by the Council of Naturopathic Medical
2360 Education or its successor organization approved by the division;

2361 (d) provide satisfactory documentation of having successfully completed, after
2362 successful completion of the education requirements set forth in Subsection (1)(c), 12 months
2363 of clinical experience in naturopathic medicine in a residency program recognized by the
2364 division and associated with an accredited school or college of naturopathic medicine, and
2365 under the preceptorship of a licensed naturopathic physician, physician and surgeon, or
2366 osteopathic physician;

2367 (e) pass the licensing examination sequence required by division rule [~~established in~~
2368 ~~collaboration with the board~~];

2369 (f) be able to read, write, speak, understand, and be understood in the English language
2370 and demonstrate proficiency to the satisfaction of the [~~board~~] division if requested by the
2371 [~~board~~] division; and

2372 (g) meet with [~~the board and~~] representatives of the division, if requested, for the
2373 purpose of evaluating the applicant's qualifications for licensure.

2374 (2) (a) In accordance with Subsection (2)(b), an applicant for licensure as a
2375 naturopathic physician under the endorsement provision of Section 58-1-302 shall:

2376 (i) meet the requirements of Section 58-1-302;

2377 (ii) document having met all requirements for licensure under Subsection (1) except
2378 the clinical experience requirement of Subsection (1)(d);

2379 (iii) have passed the examination requirements established under Subsection (1)(e)
2380 that:

2381 (A) the applicant has not passed in connection with licensure in another state or
2382 jurisdiction; and

2383 (B) are available to the applicant to take without requiring additional professional

2384 education;

2385 (iv) have been actively engaged in the practice of a naturopathic physician for not less
2386 than 6,000 hours during the five years immediately preceding the date of application for
2387 licensure in Utah; and

2388 (v) meet with ~~[the board and]~~ representatives of the division for the purpose of
2389 evaluating the applicant's qualifications for licensure.

2390 (b) The division may rely, either wholly or in part, on one or more credentialing
2391 associations designated by division rule ~~[, made in collaboration with the board,]~~ to document
2392 and certify in writing to the satisfaction of the division that an applicant has met each of the
2393 requirements of this Subsection (2), including the requirements of Section 58-1-302, and that:

2394 (i) the applicant holds a current license;

2395 (ii) the education, experience, and examination requirements of the foreign country or
2396 the state, district, or territory of the United States that issued the applicant's license are, or were
2397 at the time the license was issued, equal to those of this state for licensure as a naturopathic
2398 physician; and

2399 (iii) the applicant has produced evidence satisfactory to the division of the applicant's
2400 qualifications, identity, and good standing as a naturopathic physician.

2401 Section 51. Section 58-71-304 is amended to read:

2402 **58-71-304. License renewal requirements.**

2403 (1) As a condition precedent for license renewal, each licensee shall, during each
2404 two-year licensure cycle or other cycle defined by division rule, complete qualified continuing
2405 professional education requirements in accordance with the number of hours and standards
2406 defined by division rule ~~[made in collaboration with the board]~~.

2407 (2) If a renewal period is extended or shortened under Section 58-71-303, the
2408 continuing education hours required for license renewal under this section are increased or
2409 decreased proportionally.

2410 Section 52. Section 58-71-304.2 is amended to read:

2411 **58-71-304.2. Temporary license.**

2412 (1) The division may issue a temporary license to an individual who:

2413 (a) meets all qualifications for licensure except completion of the 12 month clinical
2414 experience required under Section 58-71-302; and

2415 (b) presents a plan acceptable to the division [~~and the board~~] under which the applicant
2416 will practice under the direct supervision of a licensed naturopathic physician, physician and
2417 surgeon, or osteopathic physician, who supervises not more than three naturopathic physicians
2418 in an approved clinical experience program.

2419 (2) A temporary license issued under this section expires on the date the licensee
2420 completes the clinical experience program, but not more than 18 months from the original date
2421 of issue.

2422 (3) A temporary license under this section may be issued only once to an individual.

2423 Section 53. Section **58-71-601** is amended to read:

2424 **58-71-601. Mentally incompetent or incapacitated naturopathic physician.**

2425 (1) As used in this section:

2426 (a) "Incapacitated person" means a person who is incapacitated, as defined in Section
2427 [75-1-201](#).

2428 (b) "Mental illness" is as defined in Section [62A-15-602](#).

2429 (2) If a court of competent jurisdiction determines a naturopathic physician is an
2430 incapacitated person or that the physician has a mental illness and is unable to safely engage in
2431 the practice of medicine, the director shall immediately suspend the license of the naturopathic
2432 physician upon the entry of the judgment of the court, without further proceedings under Title
2433 63G, Chapter 4, Administrative Procedures Act, regardless of whether an appeal from the
2434 court's ruling is pending. The director shall promptly notify the naturopathic physician, in
2435 writing, of the suspension.

2436 (3) (a) If the division [~~and a majority of the board find~~] finds reasonable cause to
2437 believe a naturopathic physician, who is not determined judicially to be an incapacitated person
2438 or to have a mental illness, is incapable of practicing medicine with reasonable skill regarding
2439 the safety of patients, because of illness, excessive use of drugs or alcohol, or as a result of any
2440 mental or physical condition, [~~the board shall recommend that~~] the director shall file a petition
2441 with the division, and cause the petition to be served upon the naturopathic physician with a
2442 notice of hearing on the sole issue of the capacity of the naturopathic physician to competently
2443 and safely engage in the practice of medicine.

2444 (b) The hearing shall be conducted under Section [58-1-109](#), and Title 63G, Chapter 4,
2445 Administrative Procedures Act, except as provided in Subsection (4).

2446 (4) (a) Every naturopathic physician who accepts the privilege of being licensed under
2447 this chapter gives consent to:

2448 (i) submitting at the physician's own expense to an immediate mental or physical
2449 examination when directed in writing by the division [~~and a majority of the board~~] to do so;
2450 and

2451 (ii) the admissibility of the reports of the examining physician's testimony or
2452 examination, and waives all objections on the ground the reports constitute a privileged
2453 communication.

2454 (b) The examination may be ordered by the division [~~with the consent of a majority of~~
2455 ~~the board,~~] only upon a finding of reasonable cause to believe:

2456 (i) the naturopathic physician has a mental illness, is incapacitated, or otherwise unable
2457 to practice medicine with reasonable skill and safety; and

2458 (ii) immediate action by the division [~~and the board~~] is necessary to prevent harm to
2459 the naturopathic physician's patients or the general public.

2460 (c) (i) Failure of a naturopathic physician to submit to the examination ordered under
2461 this section is a ground for the division's immediate suspension of the naturopathic physician's
2462 license by written order of the director.

2463 (ii) The division may enter the order of suspension without further compliance with
2464 Title 63G, Chapter 4, Administrative Procedures Act, unless the division finds the failure to
2465 submit to the examination ordered under this section was due to circumstances beyond the
2466 control of the naturopathic physician and was not related directly to the illness or incapacity of
2467 the naturopathic physician.

2468 (5) (a) A naturopathic physician whose license is suspended under Subsection (2) or
2469 (3) has the right to a hearing to appeal the suspension within 10 days after the license is
2470 suspended.

2471 (b) The hearing held under this subsection shall be conducted in accordance with
2472 Sections 58-1-108 and 58-1-109 for the sole purpose of determining if sufficient basis exists
2473 for the continuance of the order of suspension in order to prevent harm to the naturopathic
2474 physician's patients or the general public.

2475 (6) A naturopathic physician whose license is revoked, suspended, or in any way
2476 restricted under this section may request the division [~~and the board~~] to consider, at reasonable

2477 intervals, evidence presented by the naturopathic physician, under procedures established by
2478 division rule, regarding any change in the naturopathic physician's condition, to determine
2479 whether:

2480 (a) the physician is or is not able to safely and competently engage in the practice of
2481 medicine; and

2482 (b) the physician is qualified to have the physician's license to practice under this
2483 chapter restored completely or in part.

2484 Section 54. Section **58-71-802** is amended to read:

2485 **58-71-802. Form of practice.**

2486 (1) A naturopathic physician licensed under this chapter may engage in practice as a
2487 naturopathic physician, or in the practice of naturopathic medicine only as an individual
2488 licensee; but as an individual licensee, ~~the~~ the naturopathic physician may be:

2489 (a) an individual operating as a business proprietor;

2490 (b) an employee of another person;

2491 (c) a partner in a lawfully organized partnership;

2492 (d) a lawfully formed professional corporation;

2493 (e) a lawfully organized limited liability company;

2494 (f) a lawfully organized business corporation; or

2495 (g) any other form of organization recognized by the state which is not prohibited by
2496 rule adopted by division rules ~~[made in collaboration with the board]~~.

2497 (2) Regardless of the form in which a licensee engages in the practice of medicine, the
2498 licensee may only permit the practice of medicine in that form of practice to be conducted by
2499 an individual:

2500 (a) licensed in Utah as a naturopathic physician under Section **58-71-301**, a physician
2501 and surgeon, or as an osteopathic physician and surgeon; and

2502 (b) who is able to lawfully and competently engage in the practice of medicine.

2503 Section 55. Section **58-71-803** is amended to read:

2504 **58-71-803. Medical records -- Electronic records.**

2505 (1) Medical records maintained by a licensee shall:

2506 (a) meet the standards and ethics of the profession; and

2507 (b) be maintained in accordance with division rules ~~[made in collaboration with the~~

2508 board].

2509 (2) Medical records under this section may be maintained by an electronic means if the
2510 records comply with Subsection (1).

2511 Section 56. Section **58-75-102** is amended to read:

2512 **58-75-102. Definitions.**

2513 In addition to the definitions in Section **58-1-102**, as used in this chapter:

2514 ~~[(1) "Board" means the Genetic Counselors Licensing Board created in Section~~
2515 ~~58-75-201.]~~

2516 ~~[(2)]~~ (1) "Genetic counselor" means a person licensed under this chapter to engage in
2517 the practice of genetic counseling.

2518 ~~[(3)]~~ (2) "Practice of genetic counseling" means the communication process which
2519 deals with the human problems associated with the occurrence, or the risk of occurrence, of a
2520 genetic disorder in a family, including the provision of services to help an individual or family:

2521 (a) comprehend the medical facts, including the diagnosis, probable cause of the
2522 disorder, and the available management;

2523 (b) appreciate the way heredity contributes to the disorder and the risk of occurrence in
2524 specified relatives;

2525 (c) understand the alternatives for dealing with the risk of occurrence;

2526 (d) choose the course of action which seems appropriate to them in view of their risk,
2527 their family goals, and their ethical and religious standards, and to act in accordance with that
2528 decision; and

2529 (e) make the best possible psychosocial adjustment to the disorder in an affected family
2530 member or to the risk of occurrence of that disorder.

2531 ~~[(4)]~~ (3) "Unlawful conduct" is as defined in Sections **58-1-501** and **58-75-501**.

2532 ~~[(5)]~~ (4) "Unprofessional conduct" is as defined in Sections **58-1-501** and **58-75-502**

2533 and as may be further defined by rule by the division in accordance with Title 63G, Chapter 3,
2534 Utah Administrative Rulemaking Act.

2535 Section 57. Section **58-75-303** is amended to read:

2536 **58-75-303. Term of license -- Expiration -- Renewal.**

2537 (1) The division shall issue each license under this chapter in accordance with a
2538 two-year renewal cycle established by rule. The division may by rule extend or shorten a

2539 renewal cycle by as much as one year to stagger the renewal cycles it administers.

2540 (2) Each licensee shall, at the time of applying for renewal, demonstrate compliance
2541 with continuing education requirements established by rule by the division [~~in collaboration~~
2542 ~~with the board~~].

2543 (3) Each license automatically expires on the expiration date shown on the license
2544 unless the licensee renews it in accordance with Section 58-1-308.

2545 Section 58. Section 58-76-102 is amended to read:

2546 **58-76-102. Definitions.**

2547 In addition to the definitions in Section 58-1-102, as used in this chapter:

2548 [~~(1)~~] "Board" means the Professional Geologist Licensing Board created in Section
2549 58-76-201.]

2550 [~~(2)~~] (1) "Geology" means the science, which treats the study of the earth in general,
2551 the earth's processes and history, investigation of the earth's crust and the rocks and other
2552 materials of which it is composed, and the applied science of utilizing knowledge of the earth's
2553 history, processes, constituent rocks, minerals, liquids, gases, and other materials for the use of
2554 mankind.

2555 [~~(3)~~] (2) "Practice of geology before the public" means the performance of geology
2556 including but not limited to consultation, investigation, evaluation, planning, geologic
2557 mapping, interpretation of geologic data, preparation of geologic reports, geologic
2558 cross-sections and geologic maps, inspection of geological work, and the responsible
2559 supervision thereof, the performance of which is relevant to public welfare or the safeguarding
2560 of life, health, property, and the environment, except as otherwise specifically provided by this
2561 chapter.

2562 [~~(4)~~] (3) "Professional geologist" means a person licensed under this chapter to engage
2563 in the practice of geology before the public.

2564 [~~(5)~~] (4) "Responsible charge" means the independent control and direction by use of
2565 initiative, skill, and independent judgment of geological work or the supervision of the work.

2566 [~~(6)~~] (5) "Subordinate" means any individual who practices geology or assists a
2567 professional geologist in the practice of geology before the public without assuming the
2568 responsible charge for the work.

2569 [~~(7)~~] (6) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-76-501.

2570 [(8)] (7) "Unprofessional conduct" is as defined in Section 58-1-501 and as may be
 2571 further defined by rule by the division [~~in collaboration with the board~~].

2572 Section 59. Section 58-76-103 is amended to read:

2573 **58-76-103. Professional Geologist Education and Enforcement Account.**

2574 (1) There is created a restricted account within the General Fund known as the
 2575 "Professional Geologist Education and Enforcement Account."

2576 (2) The restricted account shall consist of money from:

2577 (a) a surcharge fee established by the department in accordance with Section
 2578 63J-1-504, placed on initial, renewal, and reinstatement licensure fees under this chapter not to
 2579 exceed 50% of the respective initial, renewal, or reinstatement licensure fee;

2580 (b) administrative penalties collected pursuant to this chapter; and

2581 (c) interest earned on money in the account.

2582 (3) Money in the account may be appropriated by the Legislature for the following
 2583 purposes:

2584 (a) education and training of licensees under this chapter;

2585 (b) education and training of the public or other interested persons in matters
 2586 concerning geology laws and practices; and

2587 (c) enforcement of this chapter by:

2588 (i) investigating unprofessional or unlawful conduct;

2589 (ii) providing legal representation to the division when legal action is taken against a
 2590 person engaging in unprofessional or unlawful conduct; and

2591 (iii) monitoring compliance of renewal requirements[~~and~~].

2592 [~~(d) education and training of board members.~~]

2593 Section 60. Section 58-76-302 is amended to read:

2594 **58-76-302. Qualifications for licensure.**

2595 Each applicant for licensure as a professional geologist shall:

2596 (1) submit an application in a form as prescribed by the division;

2597 (2) pay a fee as determined by the department under Section 63J-1-504;

2598 (3) provide satisfactory evidence of:

2599 (a) a bachelors or graduate degree in the geosciences granted through an institution of
 2600 higher education that is accredited by a regional or national accrediting agency with a minimum

2601 of 30 semester or 45 quarter hours of course work in the geosciences; or

2602 (b) completion of other equivalent educational requirements as determined by the
2603 division [~~in collaboration with the board~~];

2604 (4) provide satisfactory evidence of:

2605 (a) with a bachelors degree, a specific record of five years of active professional
2606 practice in geological work of a character satisfactory to the division, indicating the applicant is
2607 competent to be placed in a responsible charge of the work;

2608 (b) with a masters degree, a specific record of three years of active professional
2609 practice in geological work of a character satisfactory to the division, indicating the applicant is
2610 competent to be placed in a responsible charge of the work; or

2611 (c) with a doctorate degree, a specific record of one year of active professional practice
2612 in geological work of a character satisfactory to the division, indicating the applicant is
2613 competent to be placed in a responsible charge of the work; and

2614 (5) after January 1, 2004, meet the examination requirement established by rule by the
2615 division [~~in collaboration with the board~~].

2616 Section 61. Section **58-76-601** is amended to read:

2617 **58-76-601. Seal -- Design and implementation.**

2618 Every professional geologist shall have a seal, the design and implementation of which
2619 shall be established by rule by the division [~~in collaboration with the board~~].

2620 Section 62. Section **58-76-603** is amended to read:

2621 **58-76-603. Seal -- Authorized use.**

2622 A professional geologist may only affix the licensee's seal to a geologic map,
2623 cross-section, sketch, drawing, plan, or report if the geologic map, cross-section, sketch,
2624 drawing, plan, or report:

2625 (1) was personally prepared by the licensee;

2626 (2) was prepared by an employee, subordinate, associate, or drafter under the
2627 supervision of a licensee, provided the licensee or a principal affixing his seal assumes
2628 responsibility;

2629 (3) was prepared by a licensed professional geologist in this state or any other state
2630 provided:

2631 (a) the licensee in this state affixing the seal performs a thorough review of all work for

2632 compliance with all applicable laws and rules and the standards of the profession; and
2633 (b) makes any necessary corrections before submitting the final plan, specification, or
2634 report:

2635 (i) to a public authority; or

2636 (ii) to a client who has contracted with a professional geologist for the geologic map,
2637 cross-section, or report to be complete and final;

2638 (4) was prepared in part by a licensed professional geologist in this state or any other
2639 state provided:

2640 (a) the licensee in this state clearly identifies that portion of the geologic map,
2641 cross-section, or report for which the licensee is responsible;

2642 (b) the licensee in this state affixing the seal performs a thorough review of that portion
2643 of the geologic map, cross-section, or report for which the licensee is responsible for
2644 compliance with the standards of the profession; and

2645 (c) makes any necessary corrections before submitting the final geologic map,
2646 cross-section, or report for which the licensee is responsible:

2647 (i) to a public authority; or

2648 (ii) to a client who has contracted with a professional geologist for the geologic map,
2649 cross-section, or report to be complete and final;

2650 (5) was prepared by a person exempt from licensure as a professional geologist
2651 provided that:

2652 (a) the licensee in this state affixing the seal performs a thorough review for
2653 compliance with all applicable laws and rules and the standards of the profession; and

2654 (b) makes any necessary corrections before submitting the final geologic map,
2655 cross-section, or report:

2656 (i) to a public authority; or

2657 (ii) to a client who has contracted with a professional geologist for the geologic map,
2658 cross-section, or report to be complete and final; or

2659 (6) meets any additional requirements established by rule by the division [~~in~~
2660 ~~collaboration with the board~~].

2661 Section 63. Section **58-77-102** is amended to read:

2662 **58-77-102. Definitions.**

2663 In addition to the definitions in Section 58-1-102, as used in this chapter:

2664 [~~(1)~~] "~~Board~~" means the ~~Licensed Direct-entry Midwife Board~~ created in Section
2665 ~~58-77-201.~~]

2666 [~~(2)~~] (1) "Certified nurse-midwife" means a person licensed under Title 58, Chapter
2667 44a, Nurse Midwife Practice Act.

2668 [~~(3)~~] (2) "Client" means a woman and her fetus or newborn baby under the care of a
2669 direct-entry midwife.

2670 [~~(4)~~] (3) "Direct-entry midwife" means an individual who is engaging in the practice of
2671 direct-entry midwifery.

2672 [~~(5)~~] (4) "Licensed direct-entry midwife" means a person licensed under this chapter.

2673 [~~(6)~~] (5) "Low risk" means a labor and delivery and postpartum, newborn, and
2674 interconceptual care that does not include a condition that requires a mandatory transfer under
2675 administrative rules adopted by the division.

2676 [~~(7)~~] (6) "Physician" means an individual licensed as a physician and surgeon,
2677 osteopathic physician, or naturopathic physician.

2678 [~~(8)~~] (7) "Practice of direct-entry midwifery" means the practice of providing the
2679 necessary supervision, care, and advice to a client during essentially normal pregnancy, labor,
2680 delivery, postpartum, and newborn periods that is consistent with national professional
2681 midwifery standards and that is based upon the acquisition of clinical skills necessary for the
2682 care of a pregnant woman and a newborn baby, including antepartum, intrapartum, postpartum,
2683 newborn, and limited interconceptual care, and includes:

2684 (a) obtaining an informed consent to provide services;

2685 (b) obtaining a health history, including a physical examination;

2686 (c) developing a plan of care for a client;

2687 (d) evaluating the results of client care;

2688 (e) consulting and collaborating with and referring and transferring care to licensed
2689 health care professionals, as is appropriate, regarding the care of a client;

2690 (f) obtaining medications, as specified in this Subsection [~~(8)~~](7)(f), to administer to
2691 a client, including:

2692 (i) prescription vitamins;

2693 (ii) Rho D immunoglobulin;

- 2694 (iii) sterile water;
- 2695 (iv) one dose of intramuscular oxytocin after the delivery of a baby to minimize a
2696 client's blood loss;
- 2697 (v) an additional single dose of oxytocin if a hemorrhage occurs, in which case the
2698 licensed direct-entry midwife must initiate transfer if a client's condition does not immediately
2699 improve;
- 2700 (vi) oxygen;
- 2701 (vii) local anesthetics without epinephrine used in accordance with Subsection [~~(8)~~(1)]
2702 (7)(l);
- 2703 (viii) vitamin K to prevent hemorrhagic disease of a newborn baby;
- 2704 (ix) as required by law, eye prophylaxis to prevent ophthalmia neonatorum; and
- 2705 (x) any other medication approved by a licensed health care provider with authority to
2706 prescribe that medication;
- 2707 (g) obtaining food, food extracts, dietary supplements, as defined by the federal Food,
2708 Drug, and Cosmetic Act, homeopathic remedies, plant substances that are not designated as
2709 prescription drugs or controlled substances, and over-the-counter medications to administer to
2710 clients;
- 2711 (h) obtaining and using appropriate equipment and devices such as a Doppler, a blood
2712 pressure cuff, phlebotomy supplies, instruments, and sutures;
- 2713 (i) obtaining appropriate screening and testing, including laboratory tests, urinalysis,
2714 and ultrasound scans;
- 2715 (j) managing the antepartum period;
- 2716 (k) managing the intrapartum period, including:
 - 2717 (i) monitoring and evaluating the condition of a mother and a fetus;
 - 2718 (ii) performing an emergency episiotomy; and
 - 2719 (iii) delivering a baby in any out-of-hospital setting;
- 2720 (l) managing the postpartum period, including the suturing of an episiotomy and the
2721 suturing of first and second degree natural perineal and labial lacerations, including the
2722 administration of a local anesthetic;
- 2723 (m) managing the newborn period, including:
 - 2724 (i) providing care for a newborn baby, including performing a normal newborn baby

2725 examination; and

2726 (ii) resuscitating a newborn baby;

2727 (n) providing limited interconceptual services in order to provide continuity of care,

2728 including:

2729 (i) breastfeeding support and counseling;

2730 (ii) family planning, limited to natural family planning, cervical caps, and diaphragms;

2731 and

2732 (iii) pap smears, where each client with an abnormal result is to be referred to an

2733 appropriate licensed health care provider; and

2734 (o) executing the orders of a licensed health care professional, if the orders are within

2735 the education, knowledge, and skill of the direct-entry midwife.

2736 ~~[(9)]~~ (8) "Unlawful conduct" means the same as that term is defined in Sections

2737 58-1-501 and 58-77-501.

2738 ~~[(10)]~~ (9) "Unprofessional conduct" means the same as that term is defined in Sections

2739 58-1-501 and 58-77-502 and as may be further defined by rule.

2740 Section 64. Section 58-77-302 is amended to read:

2741 **58-77-302. Qualifications for licensure.**

2742 Each applicant for licensure as a licensed direct-entry midwife shall:

2743 (1) submit an application in a form prescribed by the division;

2744 (2) pay a fee as determined by the department under Section 63J-1-504;

2745 (3) hold a Certified Professional Midwife certificate in good standing with the North

2746 American Registry of Midwives or equivalent certification approved by the division [~~in~~

2747 ~~collaboration with the board~~];

2748 (4) hold current adult and infant CPR and newborn resuscitation certifications through

2749 an organization approved by the division [~~in collaboration with the board~~]; and

2750 (5) provide documentation of successful completion of an approved pharmacology

2751 course as defined by division rule.

2752 Section 65. Section 58-83-102 is amended to read:

2753 **58-83-102. Definitions.**

2754 In addition to the definitions in Section 58-1-102, as used in this chapter:

2755 ~~[(1)]~~ "Board" means the Online Prescribing, Dispensing, and Facilitation Licensing

2756 Board created in Section ~~58-83-201~~.]

2757 [~~(2)~~] (1) "Branching questionnaire" means an adaptive and progressive assessment tool
2758 [approved by the board].

2759 [~~(3)~~] (2) "Delivery of online pharmaceutical services" means the process in which a
2760 prescribing practitioner diagnoses a patient and prescribes one or more of the drugs authorized
2761 by Section ~~58-83-306~~, using:

2762 (a) a branching questionnaire or other assessment tool approved by the division for the
2763 purpose of diagnosing and assessing a patient's health status;

2764 (b) an Internet contract pharmacy to:

2765 (i) dispense the prescribed drug; or

2766 (ii) transfer the prescription to another pharmacy; and

2767 (c) an Internet facilitator to facilitate the practices described in Subsections [~~(3)~~](a) and
2768 (b)] (2)(a) and (b).

2769 [~~(4)~~] (3) "Division" means the Division of Professional Licensing.

2770 [~~(5)~~] (4) "Internet facilitator" means a licensed provider of a web-based system for
2771 electronic communication between and among an online prescriber, the online prescriber's
2772 patient, and the online contract pharmacy.

2773 [~~(6)~~] (5) "Online contract pharmacy" means a pharmacy licensed and in good standing
2774 under Chapter 17b, Pharmacy Practice Act, as either a Class A Retail Pharmacy or a Class B
2775 Closed Door Pharmacy and licensed under this chapter to fulfill prescriptions issued by an
2776 online prescriber through a specific Internet facilitator.

2777 [~~(7)~~] (6) "Online prescriber" means a person:

2778 (a) licensed under another chapter of this title;

2779 (b) whose license under another chapter of this title includes assessing, diagnosing, and
2780 prescribing authority for humans; and

2781 (c) who has obtained a license under this chapter to engage in online prescribing.

2782 [~~(8)~~] (7) "Unlawful conduct" is as defined in Sections ~~58-1-501~~ and ~~58-83-501~~.

2783 [~~(9)~~] (8) "Unprofessional conduct" is as defined in Sections ~~58-1-203~~ and ~~58-83-502~~,

2784 and as further defined by the division in accordance with Title 63G, Chapter 3, Utah
2785 Administrative Rulemaking Act.

2786 Section 66. Section ~~58-83-302~~ is amended to read:

- 2787 **58-83-302. Qualifications for licensure.**
- 2788 (1) Each applicant for licensure as an online prescriber under this chapter shall:
- 2789 (a) submit an application in a form prescribed by the division;
- 2790 (b) pay a fee determined by the department under Section [63J-1-504](#);
- 2791 (c) document that the applicant holds a Utah license that is active and in good standing
- 2792 and authorizes the licensee to engage in the assessment, diagnosis, and treatment of human
- 2793 ailments and the prescription of medications;
- 2794 (d) document that any other professional license the applicant possesses from other
- 2795 jurisdictions is in good standing;
- 2796 (e) (i) submit to the division an outline of the applicant's proposed online assessment,
- 2797 diagnosis, and prescribing tool, such as a branching questionnaire; and
- 2798 (ii) demonstrate the proposed online assessment, diagnosis, and prescribing tool to the
- 2799 ~~[board]~~ division and establish to the ~~[board's]~~ division's satisfaction that the utilization of that
- 2800 assessment tool to facilitate the prescription of the drugs approved for online prescribing under
- 2801 Section [58-83-305](#) does not compromise the public's health, safety, or welfare;
- 2802 (f) submit policies and procedures that address patient confidentiality, including
- 2803 measures that will be taken to ensure that the age and other identifying information of the
- 2804 person completing the online branching questionnaire are accurate;
- 2805 (g) describe the mechanism by which the online prescriber and patient will
- 2806 communicate with one another, including electronic and telephonic communication;
- 2807 (h) describe how the online prescriber/patient relationship will be established and
- 2808 maintained;
- 2809 (i) submit the name, address, and contact person of the Internet facilitator with whom
- 2810 the online prescriber has contracted to provide services that the online prescriber will use to
- 2811 engage in online assessment, diagnosis, and prescribing; and
- 2812 (j) submit documentation satisfactory to the ~~[board]~~ division regarding public health,
- 2813 safety, and welfare demonstrating:
- 2814 (i) how the online prescriber will comply with the requirements of Section [58-83-305](#);
- 2815 (ii) the contractual services arrangement between the online prescriber and:
- 2816 (A) the Internet facilitator; and
- 2817 (B) the online contract pharmacy; and

2818 (iii) how the online prescriber will allow and facilitate the division's ability to conduct
2819 audits in accordance with Section 58-83-308.

2820 (2) An online prescriber may not use the services of an Internet facilitator or online
2821 contract pharmacy whose license is not active and in good standing.

2822 (3) Each applicant for licensure as an online contract pharmacy under this chapter
2823 shall:

2824 (a) be licensed in good standing in Utah as a Class A Retail Pharmacy or a Class B
2825 Closed Door Pharmacy;

2826 (b) submit a written application in the form prescribed by the division;

2827 (c) pay a fee as determined by the department under Section 63J-1-504;

2828 (d) submit any contract between the applicant and the Internet facilitator with which
2829 the applicant is or will be affiliated;

2830 (e) submit proof of liability insurance acceptable to the division that expressly covers
2831 all activities the online contract pharmacy will engage in under this chapter, which coverage
2832 shall be in a minimum amount of \$1,000,000 per occurrence with a policy limit of not less than
2833 \$3,000,000;

2834 (f) submit a signed affidavit to the division attesting that the online contract pharmacy
2835 will not dispense a drug that is prescribed by an online prescriber engaged in the delivery of
2836 online pharmaceutical services under the provisions of this chapter unless:

2837 (i) the drug is specifically approved by the division under Section 58-83-306; and

2838 (ii) both the prescribing and the dispensing of the drug were facilitated by the Internet
2839 facilitator with whom the Internet contract pharmacy is associated under Subsection (3)(d);

2840 (g) document that any other professional license the applicant possesses from other
2841 jurisdictions is active and in good standing; and

2842 (h) demonstrate to the division that the applicant has satisfied any background check
2843 required by Section 58-17b-307, and each owner, officer, or manager of the applicant online
2844 contract pharmacy has not engaged in any act, practice, or omission, which when considered
2845 with the duties and responsibilities of a licensee under this chapter indicates there is cause to
2846 believe that issuing a license under this chapter is inconsistent with the public's health, safety,
2847 or welfare.

2848 (4) Each applicant for licensure as an Internet facilitator under this chapter shall:

- 2849 (a) submit a written application in the form prescribed by the division;
- 2850 (b) pay a fee as determined by the department under Section 63J-1-504;
- 2851 (c) submit any contract between the applicant and the following with which the
- 2852 applicant will be affiliated:
 - 2853 (i) each online prescriber; and
 - 2854 (ii) the single online contract pharmacy;
- 2855 (d) submit written policies and procedures satisfactory to the division that:
 - 2856 (i) address patient privacy, including compliance with 45 C.F.R. Parts 160, 162, and
 - 2857 164, Health Insurance Portability and Accountability Act of 1996;
 - 2858 (ii) ensure compliance with all applicable laws by health care personnel and the online
 - 2859 prescriber who will process patient communications;
 - 2860 (iii) list the hours of operation;
 - 2861 (iv) describe the types of services that will be permitted electronically;
 - 2862 (v) describe the required patient information to be included in the communication, such
 - 2863 as patient name, identification number, and type of transaction;
 - 2864 (vi) establish procedures for archiving and retrieving information; and
 - 2865 (vii) establish quality oversight mechanisms;
- 2866 (e) submit written documentation of the applicant's security measures to ensure the
- 2867 confidentiality and integrity of any user-identifiable medical information;
- 2868 (f) submit a description of the mechanism for:
 - 2869 (i) patients to access, supplement, and amend patient-provided personal health
 - 2870 information;
 - 2871 (ii) back-up regarding the Internet facilitator electronic interface;
 - 2872 (iii) the quality of information and services provided via the interface; and
 - 2873 (iv) patients to register complaints regarding the Internet facilitator, the online
 - 2874 prescriber, or the online contract pharmacy;
- 2875 (g) submit a copy of the Internet facilitator's website;
- 2876 (h) sign an affidavit attesting that:
 - 2877 (i) the applicant will not access any medical records or information contained in the
 - 2878 medical record except as necessary to administer the website and the branching questionnaire;
 - 2879 and

2880 (ii) the applicant and its principals, and any entities affiliated with them, will only use
2881 the services of a single online contract pharmacy named on the license approved by the
2882 division; and

2883 (i) submit any other information required by the division.

2884 Section 67. Section **58-83-401** is amended to read:

2885 **58-83-401. Grounds for denial of license -- Disciplinary proceedings --**
2886 **Termination of authority to prescribe -- Immediate and significant danger.**

2887 (1) Grounds for refusing to issue a license to an applicant, for refusing to renew the
2888 license of a licensee, for revoking, suspending, restricting, or placing on probation the license
2889 of a licensee, for issuing a public reprimand to a licensee, and for issuing a cease and desist
2890 order:

2891 (a) shall be in accordance with Section **58-1-401**; and

2892 (b) includes:

2893 (i) prescribing, dispensing, or facilitating the prescribing or dispensing of a drug not
2894 approved by the [board] division under Section **58-83-306**; or

2895 (ii) any other violation of this chapter.

2896 (2) The termination or expiration of a license under this chapter for any reason does not
2897 limit the division's authority to start or continue any investigation or adjudicative proceeding.

2898 (3) (a) Because of the working business relationship between and among the online
2899 prescriber, the Internet facilitator, and the online contract pharmacy, each entity's ability to
2900 comply with this chapter may depend in some respects on the actions of the others.

2901 (b) It is possible that a particular action or inaction by the online prescriber, the Internet
2902 facilitator, or the online contract pharmacy could have the effect of causing the other licensed
2903 entities to be out of compliance with this chapter, and each entity may, therefore, be held
2904 accountable for any related party's non-compliance, if the party knew or reasonably should
2905 have known of the other person's non-compliance.

2906 (4) (a) An online prescriber may lose the practitioner's professional license to prescribe
2907 any drug under this title if the online prescriber knew or reasonably should have known that the
2908 provisions of this chapter were violated by the online prescriber, the Internet facilitator, or the
2909 online contract pharmacy.

2910 (b) It is not a defense to an alleged violation under this chapter that the alleged

2911 violation was a result of an action or inaction not by the charged party but by the related online
2912 prescriber, the online contract pharmacy, or the Internet facilitator.

2913 (5) The following actions may result in an immediate suspension of the online
2914 prescriber's license, the online contract pharmacy's license, or the Internet facilitator's license,
2915 and each is considered an immediate and significant danger to the public health, safety, or
2916 welfare requiring immediate action by the division pursuant to Section 63G-4-502 to terminate
2917 the delivery of online pharmaceutical services by the licensee:

2918 (a) online prescribing, dispensing, or facilitation with respect to:

2919 (i) a person who is younger than 18 years old;

2920 (ii) a legend drug not authorized by the division in accordance with Section 58-83-306;

2921 and

2922 (iii) any controlled substance;

2923 (b) violating this chapter after having been given reasonable opportunity to cure the
2924 violation;

2925 (c) using the name or official seal of the state, the department, or the division, or their
2926 boards, in an unauthorized manner; or

2927 (d) failing to respond to a request from the division within the time frame requested
2928 for:

2929 (i) an audit of the website; or

2930 (ii) records of the online prescriber, the Internet facilitator, or the online contract
2931 pharmacy.

2932 Section 68. Section 61-2c-301 is amended to read:

2933 **61-2c-301. Prohibited conduct -- Violations of the chapter.**

2934 (1) A person transacting the business of residential mortgage loans in this state may
2935 not:

2936 (a) violate Section 8 of RESPA;

2937 (b) charge a fee in connection with a residential mortgage loan transaction:

2938 (i) that is excessive; or

2939 (ii) without providing to the loan applicant a written statement signed by the loan
2940 applicant:

2941 (A) stating whether or not the fee or deposit is refundable; and

2942 (B) describing the conditions, if any, under which all or a portion of the fee or deposit
2943 will be refunded to the loan applicant;

2944 (c) act incompetently in the transaction of the business of residential mortgage loans
2945 such that the person fails to:

2946 (i) safeguard the interests of the public; or

2947 (ii) conform to acceptable standards of the residential mortgage loan industry;

2948 (d) do any of the following as part of a residential mortgage loan transaction, regardless
2949 of whether the residential mortgage loan closes:

2950 (i) make a false statement or representation;

2951 (ii) cause false documents to be generated; or

2952 (iii) knowingly permit false information to be submitted by any party;

2953 (e) give or receive compensation or anything of value, or withhold or threaten to
2954 withhold payment of an appraiser fee, to influence the independent judgment of an appraiser in
2955 reaching a value conclusion in a residential mortgage loan transaction, except that it is not a
2956 violation of this section for a licensee to withhold payment because of a bona fide dispute
2957 regarding a failure of the appraiser to comply with the licensing law or the Uniform Standards
2958 of Professional Appraisal Practice;

2959 (f) violate or not comply with:

2960 (i) this chapter;

2961 (ii) an order of the commission or division; or

2962 (iii) a rule made by the division;

2963 (g) fail to respond within the required time period to:

2964 (i) a notice or complaint of the division; or

2965 (ii) a request for information from the division;

2966 (h) make false representations to the division, including in a licensure statement;

2967 (i) engage in the business of residential mortgage loans with respect to the transaction
2968 if the person also acts in any of the following capacities with respect to the same residential
2969 mortgage loan transaction:

2970 (i) appraiser;

2971 (ii) escrow agent;

2972 (iii) real estate agent;

- 2973 (iv) general contractor; or
2974 (v) title insurance producer;
2975 (j) engage in unprofessional conduct as defined by rule;
2976 (k) engage in an act or omission in transacting the business of residential mortgage
2977 loans that constitutes dishonesty, fraud, or misrepresentation;
2978 (l) engage in false or misleading advertising;
2979 (m) (i) fail to account for money received in connection with a residential mortgage
2980 loan;
2981 (ii) use money for a different purpose from the purpose for which the money is
2982 received; or
2983 (iii) except as provided in Subsection (4), retain money paid for services if the services
2984 are not performed;
2985 (n) fail to provide a prospective borrower a copy of each appraisal and any other
2986 written valuation developed in connection with an application for credit that is to be secured by
2987 a first lien on a dwelling in accordance with Subsection (5);
2988 (o) engage in an act that is performed to:
2989 (i) evade this chapter; or
2990 (ii) assist another person to evade this chapter;
2991 (p) recommend or encourage default, delinquency, or continuation of an existing
2992 default or delinquency, by a mortgage applicant on an existing indebtedness before the closing
2993 of a residential mortgage loan that will refinance all or part of the indebtedness;
2994 (q) in the case of the lending manager of an entity or a branch office of an entity, fail to
2995 exercise reasonable supervision over the activities of:
2996 (i) unlicensed staff; or
2997 (ii) a mortgage loan originator who is affiliated with the lending manager;
2998 (r) pay or offer to pay an individual who does not hold a license under this chapter for
2999 work that requires the individual to hold a license under this chapter;
3000 (s) in the case of a dual licensed title licensee as defined in Section [\[31A-2-402\]](#)
3001 [31A-23a-119](#);
3002 (i) provide a title insurance product or service without the approval required by Section
3003 [\[31A-2-405\]](#) [31A-23a-119](#); or

3004 (ii) knowingly provide false or misleading information in the statement required by
3005 Subsection [~~31A-2-405(2)~~] 31A-23a-119(3);

3006 (t) represent to the public that the person can or will perform any act of a mortgage
3007 loan originator if that person is not licensed under this chapter because the person is exempt
3008 under Subsection 61-2c-105(4), including through:

3009 (i) advertising;

3010 (ii) a business card;

3011 (iii) stationery;

3012 (iv) a brochure;

3013 (v) a sign;

3014 (vi) a rate list; or

3015 (vii) other promotional item;

3016 (u) (i) engage in an act of loan modification assistance without being licensed under
3017 this chapter;

3018 (ii) engage in an act of foreclosure rescue that requires licensure as a real estate agent
3019 or real estate broker under Chapter 2, Division of Real Estate, without being licensed under
3020 that chapter;

3021 (iii) engage in an act of loan modification assistance without entering into a written
3022 agreement specifying which one or more acts of loan modification assistance will be
3023 completed;

3024 (iv) request or require a person to pay a fee before obtaining:

3025 (A) a written offer for a loan modification from the person's lender or servicer; and

3026 (B) the person's written acceptance of the offer from the lender or servicer;

3027 (v) induce a person seeking a loan modification to hire the licensee to engage in an act
3028 of loan modification assistance by:

3029 (A) suggesting to the person that the licensee has a special relationship with the
3030 person's lender or loan servicer; or

3031 (B) falsely representing or advertising that the licensee is acting on behalf of:

3032 (I) a government agency;

3033 (II) the person's lender or loan servicer; or

3034 (III) a nonprofit or charitable institution;

- 3035 (vi) recommend or participate in a loan modification that requires a person to:
- 3036 (A) transfer title to real property to the licensee or to a third-party with whom the
- 3037 licensee has a business relationship or financial interest;
- 3038 (B) make a mortgage payment to a person other than the person's loan servicer; or
- 3039 (C) refrain from contacting the person's:
- 3040 (I) lender;
- 3041 (II) loan servicer;
- 3042 (III) attorney;
- 3043 (IV) credit counselor; or
- 3044 (V) housing counselor; or
- 3045 (vii) for an agreement for loan modification assistance entered into on or after May 11,
- 3046 2010, engage in an act of loan modification assistance without offering in writing to the person
- 3047 entering into the agreement for loan modification assistance a right to cancel the agreement
- 3048 within three business days after the day on which the person enters the agreement;
- 3049 (v) sign or initial a document on behalf of another person, except for in a circumstance
- 3050 allowed by the division by rule, with the concurrence of the commission, made in accordance
- 3051 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 3052 (w) violate or fail to comply with a provision of Title 57, Chapter 28, Utah Reverse
- 3053 Mortgage Act; or
- 3054 (x) engage in any act or practice that violates appraisal independence as defined in 15
- 3055 U.S.C. Sec. 1639e or in the policies and procedures of:
- 3056 (i) the Federal Home Loan Mortgage Corporation; or
- 3057 (ii) the Federal National Mortgage Association.
- 3058 (2) Regardless of whether the crime is related to the business of residential mortgage
- 3059 loans, it is a violation of this chapter for a licensee or a person who is a certified education
- 3060 provider to:
- 3061 (a) be convicted of:
- 3062 (i) a felony; or
- 3063 (ii) any of the following involving fraud, misrepresentation, theft, or dishonesty:
- 3064 (A) a class A misdemeanor;
- 3065 (B) a class B misdemeanor; or

- 3066 (C) a criminal offense comparable to a class A or class B misdemeanor;
- 3067 (b) plead guilty or nolo contendere to:
- 3068 (i) a felony; or
- 3069 (ii) any of the following involving fraud, misrepresentation, theft, or dishonesty:
- 3070 (A) a class A misdemeanor;
- 3071 (B) a class B misdemeanor; or
- 3072 (C) a criminal offense comparable to a class A or class B misdemeanor; or
- 3073 (c) enter into a plea in abeyance agreement in relation to:
- 3074 (i) a felony; or
- 3075 (ii) any of the following involving fraud, misrepresentation, theft, or dishonesty:
- 3076 (A) a class A misdemeanor;
- 3077 (B) a class B misdemeanor; or
- 3078 (C) a criminal offense comparable to a class A or class B misdemeanor.
- 3079 (3) A lending manager does not violate Subsection (1)(q) if:
- 3080 (a) in contravention of the lending manager's written policies and instructions, an
- 3081 affiliated licensee of the lending manager violates:
- 3082 (i) this chapter; or
- 3083 (ii) rules made by the division under this chapter;
- 3084 (b) the lending manager established and followed reasonable procedures to ensure that
- 3085 affiliated licensees receive adequate supervision;
- 3086 (c) upon learning of a violation by an affiliated licensee, the lending manager
- 3087 attempted to prevent or mitigate the damage;
- 3088 (d) the lending manager did not participate in or ratify the violation by an affiliated
- 3089 licensee; and
- 3090 (e) the lending manager did not attempt to avoid learning of the violation.
- 3091 (4) Notwithstanding Subsection (1)(m)(iii), a licensee may, upon compliance with
- 3092 Section [70D-2-305](#), charge a reasonable cancellation fee for work done originating a mortgage
- 3093 if the mortgage is not closed.
- 3094 (5) (a) Except as provided in Subsection (5)(b), a person transacting the business of
- 3095 residential mortgage loans in this state shall provide a prospective borrower a copy of each
- 3096 appraisal and any other written valuation developed in connection with an application for credit

3097 that is to be secured by a first lien on a dwelling on or before the earlier of:

3098 (i) as soon as reasonably possible after the appraisal or other valuation is complete; or

3099 (ii) three business days before the day of the settlement.

3100 (b) Subject to Subsection (5)(c), unless otherwise prohibited by law, a prospective
3101 borrower may waive the timing requirement described in Subsection (5)(a) and agree to receive
3102 each appraisal and any other written valuation:

3103 (i) less than three business days before the day of the settlement; or

3104 (ii) at the settlement.

3105 (c) (i) Except as provided in Subsection (5)(c)(ii), a prospective borrower shall submit
3106 a waiver described in Subsection (5)(b) at least three business days before the day of the
3107 settlement.

3108 (ii) Subsection (5)(b) does not apply if the waiver only pertains to a copy of an
3109 appraisal or other written valuation that contains only clerical changes from a previous version
3110 of the appraisal or other written valuation and the prospective borrower received a copy of the
3111 original appraisal or other written valuation at least three business days before the day of the
3112 settlement.

3113 (d) If a prospective borrower submits a waiver described in Subsection (5)(b) and the
3114 transaction never completes, the person transacting the business of residential mortgage loans
3115 shall provide a copy of each appraisal or any other written valuation to the applicant no later
3116 than 30 days after the day on which the person knows the transaction will not complete.

3117 Section 69. Section **61-2f-401** is amended to read:

3118 **61-2f-401. Grounds for disciplinary action.**

3119 The following acts are unlawful and grounds for disciplinary action for a person
3120 licensed or required to be licensed under this chapter:

3121 (1) (a) making a substantial misrepresentation, including in a licensure statement;

3122 (b) making an intentional misrepresentation;

3123 (c) pursuing a continued and flagrant course of misrepresentation;

3124 (d) making a false representation or promise through an agent, sales agent, advertising,
3125 or otherwise; or

3126 (e) making a false representation or promise of a character likely to influence,
3127 persuade, or induce;

3128 (2) acting for more than one party in a transaction without the informed written consent
3129 of the parties;

3130 (3) (a) acting as an associate broker or sales agent while not affiliated with a principal
3131 broker;

3132 (b) representing or attempting to represent a principal broker other than the principal
3133 broker with whom the person is affiliated; or

3134 (c) representing as sales agent or having a contractual relationship similar to that of
3135 sales agent with a person other than a principal broker;

3136 (4) (a) failing, within a reasonable time, to account for or to remit money that belongs
3137 to another and comes into the person's possession;

3138 (b) commingling money described in Subsection (4)(a) with the person's own money;
3139 or

3140 (c) diverting money described in Subsection (4)(a) from the purpose for which the
3141 money is received;

3142 (5) paying or offering to pay valuable consideration to a person not licensed under this
3143 chapter, except that valuable consideration may be shared:

3144 (a) with a principal broker of another jurisdiction; or

3145 (b) as provided under:

3146 (i) Title 16, Chapter 10a, Utah Revised Business Corporation Act;

3147 (ii) Title 16, Chapter 11, Professional Corporation Act; or

3148 (iii) Title 48, Chapter 3a, Utah Revised Uniform Limited Liability Company Act, as
3149 appropriate pursuant to Section [48-3a-1405](#);

3150 (6) for a principal broker, paying or offering to pay a sales agent or associate broker
3151 who is not affiliated with the principal broker at the time the sales agent or associate broker
3152 earned the compensation;

3153 (7) being incompetent to act as a principal broker, associate broker, or sales agent in
3154 such manner as to safeguard the interests of the public;

3155 (8) failing to voluntarily furnish a copy of a document to the parties before and after the
3156 execution of a document;

3157 (9) failing to keep and make available for inspection by the division a record of each
3158 transaction, including:

- 3159 (a) the names of buyers and sellers or lessees and lessors;
- 3160 (b) the identification of real estate;
- 3161 (c) the sale or rental price;
- 3162 (d) money received in trust;
- 3163 (e) agreements or instructions from buyers and sellers or lessees and lessors; and
- 3164 (f) any other information required by rule;
- 3165 (10) failing to disclose, in writing, in the purchase, sale, or rental of real estate, whether
- 3166 the purchase, sale, or rental is made for that person or for an undisclosed principal;
- 3167 (11) regardless of whether the crime is related to the business of real estate:
- 3168 (a) be convicted of:
- 3169 (i) a felony; or
- 3170 (ii) any of the following involving fraud, misrepresentation, theft, or dishonesty:
- 3171 (A) a class A misdemeanor;
- 3172 (B) a class B misdemeanor; or
- 3173 (C) a criminal offense comparable to a class A or class B misdemeanor;
- 3174 (b) plead guilty or nolo contendere to:
- 3175 (i) a felony; or
- 3176 (ii) any of the following involving fraud, misrepresentation, theft, or dishonesty:
- 3177 (A) a class A misdemeanor;
- 3178 (B) a class B misdemeanor; or
- 3179 (C) a criminal offense comparable to a class A or class B misdemeanor;
- 3180 (c) enter into a plea in abeyance agreement in relation to:
- 3181 (i) a felony; or
- 3182 (ii) any of the following involving fraud, misrepresentation, theft, or dishonesty:
- 3183 (A) a class A misdemeanor;
- 3184 (B) a class B misdemeanor; or
- 3185 (C) a criminal offense comparable to a class A or class B misdemeanor;
- 3186 (12) advertising the availability of real estate or the services of a licensee in a false,
- 3187 misleading, or deceptive manner;
- 3188 (13) in the case of a principal broker or a branch broker, failing to exercise active and
- 3189 reasonable supervision, as the commission may define by rule made in accordance with Title

3190 63G, Chapter 3, Utah Administrative Rulemaking Act, over the activities of the principal
3191 broker's or branch broker's licensed or unlicensed staff;

3192 (14) violating or disregarding:

3193 (a) this chapter;

3194 (b) an order of the commission; or

3195 (c) the rules adopted by the commission and the division;

3196 (15) breaching a fiduciary duty owed by a licensee to the licensee's principal in a real
3197 estate transaction;

3198 (16) any other conduct which constitutes dishonest dealing;

3199 (17) having one of the following suspended, revoked, surrendered, or cancelled on the
3200 basis of misconduct in a professional capacity that relates to character, honesty, integrity, or
3201 truthfulness:

3202 (a) a real estate license, registration, or certificate issued by another jurisdiction; or

3203 (b) another license, registration, or certificate to engage in an occupation or profession
3204 issued by this state or another jurisdiction;

3205 (18) failing to respond to a request by the division in an investigation authorized under
3206 this chapter within 10 days after the day on which the request is served, including:

3207 (a) failing to respond to a subpoena;

3208 (b) withholding evidence; or

3209 (c) failing to produce documents or records;

3210 (19) in the case of a dual licensed title licensee as defined in Section [\[31A-2-402\]](#)
3211 [31A-23a-119](#):

3212 (a) providing a title insurance product or service without the approval required by
3213 Section [\[31A-2-405\]](#) [31A-23a-119](#); or

3214 (b) knowingly providing false or misleading information in the statement required by
3215 Subsection [\[31A-2-405\(2\)\]](#) [31A-23a-119\(3\)](#);

3216 (20) violating an independent contractor agreement between a principal broker and a
3217 sales agent or associate broker as evidenced by a final judgment of a court;

3218 (21) (a) engaging in an act of loan modification assistance that requires licensure as a
3219 mortgage officer under Chapter 2c, Utah Residential Mortgage Practices and Licensing Act,
3220 without being licensed under that chapter;

- 3221 (b) engaging in an act of foreclosure rescue without entering into a written agreement
3222 specifying what one or more acts of foreclosure rescue will be completed;
- 3223 (c) inducing a person who is at risk of foreclosure to hire the licensee to engage in an
3224 act of foreclosure rescue by:
- 3225 (i) suggesting to the person that the licensee has a special relationship with the person's
3226 lender or loan servicer; or
- 3227 (ii) falsely representing or advertising that the licensee is acting on behalf of:
- 3228 (A) a government agency;
- 3229 (B) the person's lender or loan servicer; or
- 3230 (C) a nonprofit or charitable institution; or
- 3231 (d) recommending or participating in a foreclosure rescue that requires a person to:
- 3232 (i) transfer title to real estate to the licensee or to a third-party with whom the licensee
3233 has a business relationship or financial interest;
- 3234 (ii) make a mortgage payment to a person other than the person's loan servicer; or
- 3235 (iii) refrain from contacting the person's:
- 3236 (A) lender;
- 3237 (B) loan servicer;
- 3238 (C) attorney;
- 3239 (D) credit counselor; or
- 3240 (E) housing counselor;
- 3241 (22) taking or removing from the premises of a main office or a branch office, or
3242 otherwise limiting a real estate brokerage's access to or control over, a record that:
- 3243 (a) (i) the real estate brokerage's licensed staff, unlicensed staff, or affiliated
3244 independent contractor prepared; and
- 3245 (ii) is related to the business of:
- 3246 (A) the real estate brokerage; or
- 3247 (B) an associate broker, a branch broker, or a sales agent of the real estate brokerage; or
- 3248 (b) is related to the business administration of the real estate brokerage;
- 3249 (23) as a principal broker, placing a lien on real property, unless authorized by law;
- 3250 (24) as a sales agent or associate broker, placing a lien on real property for an unpaid
3251 commission or other compensation related to real estate brokerage services; or

3252 (25) failing to timely disclose to a buyer or seller an affiliated business arrangement, as
3253 defined in Section [31A-23a-1001](#), in accordance with the federal Real Estate Settlement
3254 Procedures Act, 12 U.S.C. Sec. 2601 et seq. and any rules made thereunder.

3255 Section 70. Section **61-2g-502** is amended to read:

3256 **61-2g-502. Disciplinary action -- Grounds.**

3257 (1) (a) The board may order disciplinary action, with the concurrence of the division,
3258 against a person:

3259 (i) registered, licensed, or certified under this chapter; or

3260 (ii) required to be registered, licensed, or certified under this chapter.

3261 (b) On the basis of a ground listed in Subsection (2) for disciplinary action, board
3262 action may include:

3263 (i) revoking, suspending, or placing a person's registration, license, or certification on
3264 probation;

3265 (ii) denying a person's original registration, license, or certification;

3266 (iii) denying a person's renewal license, certification, or registration;

3267 (iv) in the case of denial or revocation of a registration, license, or certification, setting
3268 a waiting period for an applicant to apply for a registration, license, or certification under this
3269 chapter;

3270 (v) ordering remedial education;

3271 (vi) imposing a civil penalty upon a person not to exceed the greater of:

3272 (A) \$5,000 for each violation; or

3273 (B) the amount of any gain or economic benefit from a violation;

3274 (vii) issuing a cease and desist order;

3275 (viii) modifying an action described in Subsections (1)(b)(i) through (vii) if the board,
3276 with the concurrence of the division, finds that the person complies with court ordered
3277 restitution; or

3278 (ix) doing any combination of Subsections (1)(b)(i) through (viii).

3279 (c) (i) If the board or division issues an order that orders a fine or educational
3280 requirements as part of the disciplinary action against a person, including a stipulation and
3281 order, the board or division shall state in the order the deadline by which the person shall
3282 comply with the fine or educational requirements.

- 3283 (ii) If a person fails to comply with a stated deadline:
- 3284 (A) the person's license, certificate, or registration is automatically suspended:
- 3285 (I) beginning on the day specified in the order as the deadline for compliance; and
- 3286 (II) ending the day on which the person complies in full with the order; and
- 3287 (B) if the person fails to pay a fine required by an order, the division may begin a
- 3288 collection process:
- 3289 (I) established by the division by rule made in accordance with Title 63G, Chapter 3,
- 3290 Utah Administrative Rulemaking Act; and
- 3291 (II) subject to Title 63A, Chapter 3, Part 5, Office of State Debt Collection.
- 3292 (2) The following are grounds for disciplinary action under this section:
- 3293 (a) procuring or attempting to procure a registration, license, or certification under this
- 3294 chapter:
- 3295 (i) by fraud; or
- 3296 (ii) by making a false statement, submitting false information, or making a material
- 3297 misrepresentation in an application filed with the division;
- 3298 (b) paying money or attempting to pay money other than a fee provided for by this
- 3299 chapter to a member or employee of the division to procure a registration, license, or
- 3300 certification under this chapter;
- 3301 (c) an act or omission in the practice of real estate appraising that constitutes
- 3302 dishonesty, fraud, or misrepresentation;
- 3303 (d) entry of a judgment against a registrant, licensee, or certificate holder on grounds of
- 3304 fraud, misrepresentation, or deceit in the making of an appraisal of real estate;
- 3305 (e) regardless of whether the crime is related to the appraisal business, to:
- 3306 (i) be convicted of a felony;
- 3307 (ii) be convicted of any of the following involving fraud, misrepresentation, theft, or
- 3308 dishonesty:
- 3309 (A) a class A misdemeanor;
- 3310 (B) a class B misdemeanor; or
- 3311 (C) a criminal offense comparable to a class A or class B misdemeanor;
- 3312 (iii) plead guilty or nolo contendere to a felony;
- 3313 (iv) plead guilty or nolo contendere to any of the following involving fraud,

- 3314 misrepresentation, theft, or dishonesty:
- 3315 (A) a class A misdemeanor;
- 3316 (B) a class B misdemeanor; or
- 3317 (C) a criminal offense comparable to a class A or class B misdemeanor;
- 3318 (v) enter into a plea in abeyance agreement involving a felony; or
- 3319 (vi) enter into a plea in abeyance agreement involving any of the following involving
- 3320 fraud, misrepresentation, theft, or dishonesty:
- 3321 (A) a class A misdemeanor;
- 3322 (B) a class B misdemeanor; or
- 3323 (C) a criminal offense comparable to a class A or class B misdemeanor;
- 3324 (f) engaging in the business of real estate appraising under an assumed or fictitious
- 3325 name not properly registered in this state;
- 3326 (g) paying a finder's fee or a referral fee to a person not licensed or certified under this
- 3327 chapter in connection with an appraisal of real estate or real property in this state;
- 3328 (h) making a false or misleading statement in:
- 3329 (i) that portion of a written appraisal report that deals with professional qualifications;
- 3330 or
- 3331 (ii) testimony concerning professional qualifications;
- 3332 (i) violating or disregarding:
- 3333 (i) this chapter;
- 3334 (ii) an order of:
- 3335 (A) the board; or
- 3336 (B) the division, in a case when the board delegates to the division the authority to
- 3337 make a decision on behalf of the board; or
- 3338 (iii) a rule issued under this chapter;
- 3339 (j) violating the confidential nature of governmental records to which a person
- 3340 registered, licensed, or certified under this chapter gained access through employment or
- 3341 engagement as an appraiser by a governmental agency;
- 3342 (k) accepting a contingent fee for performing an appraisal if in fact the fee is or was
- 3343 contingent upon:
- 3344 (i) the appraiser reporting a predetermined analysis, opinion, or conclusion;

- 3345 (ii) the analysis, opinion, conclusion, or valuation reached; or
3346 (iii) the consequences resulting from the appraisal assignment;
3347 (l) unprofessional conduct as defined by statute or rule;
3348 (m) in the case of a dual licensed title licensee as defined in Section [~~31A-2-402~~]
3349 [31A-23a-119](#):
- 3350 (i) providing a title insurance product or service without the approval required by
3351 Section [~~31A-2-405~~] [31A-23a-119](#); or
3352 (ii) knowingly providing false or misleading information in the statement required by
3353 Subsection [~~31A-2-405(2)~~] [31A-23a-119\(3\)](#); or
3354 (n) other conduct that constitutes dishonest dealing.
- 3355 (3) A person previously licensed, certified, or registered under this chapter remains
3356 responsible for, and is subject to disciplinary action for, an act that the person committed, while
3357 the person was licensed, certified, or registered, in violation of this chapter or an administrative
3358 rule in effect at the time that the person committed the act, regardless of whether the person is
3359 currently licensed, certified, or registered.
- 3360 Section 71. Section **63A-16-107** is amended to read:
3361 **63A-16-107. Utah Open Data Portal Website.**
- 3362 (1) As used in this section:
3363 (a) "Governmental entity" means the same as that term is defined in Section
3364 [63G-2-103](#).
- 3365 (b) "Public information" means:
3366 (i) a record of a state governmental entity, a local governmental entity, or an
3367 independent entity that is classified as public under Title 63G, Chapter 2, Government Records
3368 Access and Management Act; or
3369 (ii) subject to any specific limitations and requirements regarding the provision of
3370 financial information from the entity under Section [67-3-12](#), for an entity that is exempt from
3371 Title 63G, Chapter 2, Government Records Access and Management Act, records that would
3372 normally be classified as public if the entity were not exempt from Title 63G, Chapter 2,
3373 Government Records Access and Management Act.
- 3374 (c) "Private, controlled, or protected information" means information classified as
3375 private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and

3376 Management Act.

3377 (d) "Website" means the Utah Open Data Portal Website created in this section.

3378 (2) There is created the Utah Open Data Portal Website to be administered by the
3379 division.

3380 (3) The website shall serve as a point of access for public information.

3381 (4) The division shall:

3382 (a) establish and maintain the website~~[, guided by the principles described in~~
3383 ~~Subsection 63A-18-202(2)]~~;

3384 (b) provide equipment, resources, and personnel as needed to establish and maintain
3385 the website;

3386 (c) provide a mechanism for a governmental entity to gain access to the website for the
3387 purpose of posting and modifying public information; and

3388 (d) maintain an archive of all public information posted to the website.

3389 (5) The timing for posting and the content of the public information posted to the
3390 website is the responsibility of the governmental entity posting the public information.

3391 (6) A governmental entity may not post private, controlled, or protected information to
3392 the website.

3393 (7) A person who negligently discloses private, controlled, or protected information is
3394 not criminally or civilly liable for improper disclosure of the information if the information is
3395 disclosed solely as a result of the preparation or publication of the website.

3396 Section 72. Section **63I-1-226** is amended to read:

3397 **63I-1-226. Repeal dates: Titles 26 through 26B.**

3398 [~~(1) Section 26-1-7.5, which creates the Utah Health Advisory Council, is repealed~~
3399 ~~July 1, 2025.~~]

3400 [~~(2)~~] (1) Section 26-1-40 is repealed July 1, 2022.

3401 [~~(3)~~] (2) Section 26-1-41 is repealed July 1, 2026.

3402 [~~(4)~~] (3) Section 26-1-43 is repealed December 31, 2025.

3403 [~~(5)~~] (4) Section 26-7-10 is repealed July 1, 2025.

3404 [~~(6)~~] (5) Subsection 26-7-11(5), regarding reports to the Legislature, is repealed July 1,
3405 2028.

3406 [~~(7)~~] (6) Section 26-7-14 is repealed December 31, 2027.

- 3407 [(8)] (7) Section 26-8a-603 is repealed July 1, 2027.
- 3408 [(9)] (8) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed
3409 July 1, 2025.
- 3410 [(10)] (9) Subsection 26-10-6(5), which creates the Newborn Hearing Screening
3411 Committee, is repealed July 1, 2026.
- 3412 [(11)] (10) Section 26-10b-106, which creates the Primary Care Grant Committee, is
3413 repealed July 1, 2025.
- 3414 [(12)] (11) Subsection 26-15c-104(3), relating to a limitation on the number of
3415 microenterprise home kitchen permits that may be issued, is repealed July 1, 2022.
- 3416 [(13)] (12) Subsection 26-18-2.6(9), which addresses reimbursement for dental
3417 hygienists, is repealed July 1, 2028.
- 3418 [(14)] (13) Section 26-18-27 is repealed July 1, 2025.
- 3419 [(15)] (14) Section 26-18-28 is repealed June 30, 2027.
- 3420 [(16)] (15) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed
3421 July 1, 2027.
- 3422 [(17)] (16) Subsection 26-18-418(2), the language that states "and the Behavioral
3423 Health Crisis Response Commission created in Section 63C-18-202" is repealed July 1, 2023.
- 3424 [(18)] (17) Section 26-33a-117 is repealed December 31, 2023.
- 3425 [(19)] (18) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1,
3426 2024.
- 3427 [(20)] (19) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July
3428 1, 2024.
- 3429 [(21)] (20) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is
3430 repealed July 1, 2024.
- 3431 [(22)] (21) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July
3432 1, 2024.
- 3433 ~~[(23)] Section 26-39-201, which creates the Residential Child Care Licensing Advisory
3434 Committee, is repealed July 1, 2024.]~~
- 3435 [(24)] (22) Section 26-39-405, Drinking water quality in child care centers, is repealed
3436 July 1, 2027.
- 3437 [(25)] (23) Section 26-40-104, which creates the Utah Children's Health Insurance

- 3438 Program Advisory Council, is repealed July 1, 2025.
- 3439 ~~[(26)]~~ (24) Section [26-50-202](#), which creates the Traumatic Brain Injury Advisory
- 3440 Committee, is repealed July 1, 2025.
- 3441 ~~[(27)]~~ (25) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and
- 3442 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.
- 3443 ~~[(28)]~~ (26) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed
- 3444 July 1, 2026.
- 3445 ~~[(29)]~~ (27) Title 26, Chapter 68, COVID-19 Vaccine Restrictions Act, is repealed July
- 3446 1, 2024.
- 3447 ~~[(30)]~~ (28) Section [26-69-406](#) is repealed July 1, 2025.
- 3448 ~~[(31) Subsection [26B-1-204\(2\)\(i\)](#), related to the Residential Child Care Licensing~~
- 3449 ~~Advisory Committee, is repealed July 1, 2024.]~~
- 3450 ~~[(32)]~~ (29) Subsection [26B-1-204\(2\)\(k\)](#), related to the Primary Care Grant Committee,
- 3451 is repealed July 1, 2025.
- 3452 Section 73. Section **63I-1-263** is amended to read:
- 3453 **63I-1-263. Repeal dates: Titles 63A to 63N.**
- 3454 (1) Subsection [63A-5b-405\(5\)](#), relating to prioritizing and allocating capital
- 3455 improvement funding, is repealed July 1, 2024.
- 3456 (2) Section [63A-5b-1003](#), State Facility Energy Efficiency Fund, is repealed July 1,
- 3457 2023.
- 3458 (3) Sections [63A-9-301](#) and [63A-9-302](#), related to the Motor Vehicle Review
- 3459 Committee, are repealed July 1, 2023.
- 3460 ~~[(4) In relation to the Utah Transparency Advisory Board, on January 1, 2025:]~~
- 3461 ~~[(a) Section [63A-18-102](#) is repealed;]~~
- 3462 ~~[(b) Section [63A-18-201](#) is repealed; and]~~
- 3463 ~~[(c) Section [63A-18-202](#) is repealed.]~~
- 3464 ~~[(5)]~~ (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed
- 3465 July 1, 2028.
- 3466 ~~[(6)]~~ (5) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
- 3467 2025.
- 3468 ~~[(7)]~~ (6) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed

3469 July 1, 2024.

3470 ~~[(8)]~~ (7) Title 63C, Chapter 17, Point of the Mountain Development Commission Act,
3471 is repealed July 1, 2023.

3472 ~~[(9)]~~ (8) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is
3473 repealed July 1, 2023.

3474 ~~[(10)]~~ (9) Title 63C, Chapter 23, Education and Mental Health Coordinating Council,
3475 is repealed July 1, 2026.

3476 ~~[(11)]~~ (10) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.

3477 ~~[(12)]~~ (11) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1,
3478 2026.

3479 ~~[(13)]~~ (12) Section [63G-6a-805](#), which creates the Purchasing from Persons with
3480 Disabilities Advisory Board, is repealed July 1, 2026.

3481 ~~[(14)]~~ (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed
3482 July 1, 2028.

3483 ~~[(15)]~~ (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed
3484 July 1, 2024.

3485 ~~[(16)]~~ (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1,
3486 2026.

3487 ~~[(17)]~~ (16) Subsection [63J-1-602.1](#)(17), relating to the Nurse Home Visiting Restricted
3488 Account, is repealed July 1, 2026.

3489 ~~[(18)]~~ (17) Subsection [63J-1-602.2](#)(6), referring to dedicated credits to the Utah
3490 Marriage Commission, is repealed July 1, 2023.

3491 ~~[(19)]~~ (18) Subsection [63J-1-602.2](#)(7), referring to the Trip Reduction Program, is
3492 repealed July 1, 2022.

3493 ~~[(20)]~~ (19) Subsection [63J-1-602.2](#)(26), related to the Utah Seismic Safety
3494 Commission, is repealed January 1, 2025.

3495 ~~[(21)]~~ (20) Title 63L, Chapter 11, Part 4, Resource Development Coordinating
3496 Committee, is repealed July 1, 2027.

3497 ~~[(22)]~~ (21) In relation to the Utah Substance Use and Mental Health Advisory Council,
3498 on January 1, 2033:

3499 (a) Sections [63M-7-301](#), [63M-7-302](#), [63M-7-303](#), [63M-7-304](#), and [63M-7-306](#) are

3500 repealed;

3501 (b) Section 63M-7-305, the language that states "council" is replaced with
3502 "commission";

3503 (c) Subsection 63M-7-305(1)(a) is repealed and replaced with:

3504 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

3505 (d) Subsection 63M-7-305(2) is repealed and replaced with:

3506 "(2) The commission shall:

3507 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
3508 Drug-Related Offenses Reform Act; and

3509 (b) coordinate the implementation of Section 77-18-104 and related provisions in
3510 Subsections 77-18-103(2)(c) and (d)."

3511 [~~23~~] (22) The Crime Victim Reparations and Assistance Board, created in Section
3512 63M-7-504, is repealed July 1, 2027.

3513 [~~24~~] (23) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
3514 2026.

3515 [~~25~~] (24) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is
3516 repealed January 1, 2025.

3517 [~~26~~] (25) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

3518 [~~27~~] (26) Section 63N-2-512, related to the Hotel Impact Mitigation Fund, is repealed
3519 July 1, 2028.

3520 [~~28~~] (27) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is
3521 repealed July 1, 2027.

3522 [~~29~~] (28) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant
3523 Program, is repealed July 1, 2025.

3524 [~~30~~] (29) In relation to the Rural Employment Expansion Program, on July 1, 2023:

3525 (a) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed;
3526 and

3527 (b) Subsection 63N-4-805(5)(b), referring to the Rural Employment Expansion
3528 Program, is repealed.

3529 [~~31~~] (30) In relation to the Board of Tourism Development, on July 1, 2025:

3530 (a) Subsection 63N-2-511(1)(b), which defines "tourism board," is repealed;

3531 (b) Subsections [63N-2-511](#)(3)(a) and (5), the language that states "tourism board" is
 3532 repealed and replaced with "Utah Office of Tourism";

3533 (c) Subsection [63N-7-101](#)(1), which defines "board," is repealed;

3534 (d) Subsection [63N-7-102](#)(3)(c), which requires the Utah Office of Tourism to receive
 3535 approval from the Board of Tourism Development, is repealed; and

3536 (e) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed.

3537 ~~[(32)]~~ (31) Subsection [63N-8-103](#)(3)(c), which allows the Governor's Office of
 3538 Economic Opportunity to issue an amount of tax credit certificates only for rural productions,
 3539 is repealed on July 1, 2024.

3540 Section 74. Section [63I-2-219](#) is amended to read:

3541 **[63I-2-219](#). Repeal dates: Title 19.**

3542 ~~[(1) Subsections [19-2-109.2](#)(2) through (10), related to the Compliance Advisory
 3543 Panel, are repealed July 1, 2023. (2)]~~ Section [19-2a-102.5](#), addressing a study and
 3544 recommendations for a diesel emission reduction program, is repealed July 1, 2024.

3545 Section 75. Section [72-9-201](#) is amended to read:

3546 **[72-9-201](#). Motor Carrier Advisory Board created -- Appointment -- Terms --
 3547 Meetings -- Per diem and expenses -- Duties.**

3548 (1) There is created within the department the Motor Carrier Advisory Board
 3549 consisting of five members appointed by the ~~[governor]~~ department.

3550 (2) Each member of the board shall:

3551 (a) represent experience and expertise in the areas of motor carrier transportation,
 3552 commerce, agriculture, economics, shipping, or highway safety;

3553 (b) be selected at large on a nonpartisan basis; and

3554 (c) have been a legal resident of the state for at least one year immediately preceding
 3555 the date of appointment.

3556 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
 3557 expire, the ~~[governor]~~ department shall appoint each new member or reappointed member to a
 3558 four-year term.

3559 (b) The ~~[governor]~~ department shall, at the time of appointment or reappointment,
 3560 adjust the length of terms to ensure that the terms of board members are staggered so that
 3561 approximately half of the board is appointed every two years.

3562 (c) A member shall serve from the date of appointment until a replacement is
3563 appointed.

3564 (4) When a vacancy occurs in the membership for any reason, the [~~governor~~]
3565 department shall appoint the replacement to serve for the remainder of the unexpired term
3566 beginning the day following the day on which the vacancy occurs.

3567 (5) The board shall elect its own chair and vice chair at the first regular meeting of each
3568 calendar year.

3569 (6) The board shall meet at least twice per year or as needed when called by the chair.

3570 (7) Any three voting members constitute a quorum for the transaction of business that
3571 comes before the board.

3572 (8) A member may not receive compensation or benefits for the member's service, but
3573 may receive per diem and travel expenses in accordance with:

3574 (a) Section [63A-3-106](#);

3575 (b) Section [63A-3-107](#); and

3576 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
3577 [63A-3-107](#).

3578 (9) The board shall advise the department and the commission on interpretation,
3579 adoption, and implementation of this chapter and other motor carrier related issues.

3580 (10) The department shall provide staff support to the board.

3581 Section 76. **Repealer.**

3582 This bill repeals:

3583 Section [4-38-101](#), **Title.**

3584 Section [4-38-103](#), **Utah Horse Racing Commission.**

3585 Section [4-38-105](#), **Executive director.**

3586 Section [4-38-106](#), **Public records.**

3587 Section [4-38-202](#), **Stewards.**

3588 Section [19-2-109.2](#), **Small business assistance program.**

3589 Section [26-1-7.5](#), **Health advisory council.**

3590 Section [26-39-201](#), **Residential Child Care Licensing Advisory Committee.**

3591 Section [31A-2-401](#), **Title.**

3592 Section [31A-2-402](#), **Definitions.**

- 3593 Section **31A-2-403**, Title and Escrow Commission created.
- 3594 Section **31A-2-404**, Duties of the commissioner and Title and Escrow Commission.
- 3595 Section **31A-35-201**, Bail Bond Oversight Board.
- 3596 Section **31A-35-202**, Board responsibilities.
- 3597 Section **41-23-1**, Enactment.
- 3598 Section **41-23-2**, Text.
- 3599 Section **58-49-1**, Short title.
- 3600 Section **58-49-3**, Board created -- Duties.
- 3601 Section **58-53-101**, Title.
- 3602 Section **58-53-201**, Creation of board -- Duties.
- 3603 Section **58-71-201**, Board.
- 3604 Section **58-75-101**, Title.
- 3605 Section **58-75-201**, Board.
- 3606 Section **58-76-101**, Title.
- 3607 Section **58-76-201**, Board.
- 3608 Section **58-77-201**, Board.
- 3609 Section **58-83-101**, Title.
- 3610 Section **58-83-201**, Board.
- 3611 Section **63A-18-102**, Definitions.
- 3612 Section **63A-18-201**, Utah Transparency Advisory Board -- Creation --
- 3613 **Membership -- Duties.**
- 3614 Section **63A-18-202**, Utah Transparency Advisory Board -- Duties.