

Senator Wayne A. Harper proposes the following substitute bill:

BOARDS AND COMMISSIONS MODIFICATIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

- the Residential Child Care Licensing Advisory Committee;
- the Dietitian Board;
- the Genetic Counselors Licensing Board;
- the Landscape Architects Board;
- the Online Prescribing, Dispensing, and Facilitation Licensing Board;
- the Professional Geologist Licensing Board;
- the Licensed Direct Entry Midwife Board;
- the Naturopathic Physicians Licensing Board;
- the Utah Health Advisory Council;
- the Small Business Compliance Advisory Panel;
- the Transparency Advisory Board;
- the Bail Bond Oversight Board;



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

34 **Money Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 None

38 **Utah Code Sections Affected:**

39 AMENDS:

- 40 **9-9-113**, as enacted by Laws of Utah 2021, Chapter 189
- 41 **19-1-201**, as last amended by Laws of Utah 2020, Chapter 256
- 42 **19-2-109.1**, as last amended by Laws of Utah 2020, Chapter 256
- 43 **26-1-2**, as last amended by Laws of Utah 2022, Chapter 255
- 44 **26-39-102**, as last amended by Laws of Utah 2022, Chapters 21, 255
- 45 **26-39-200**, as last amended by Laws of Utah 2022, Chapter 255
- 46 **26-39-203**, as last amended by Laws of Utah 2016, Chapter 74
- 47 **26B-1-204**, as renumbered and amended by Laws of Utah 2022, Chapter 255
- 48 **31A-19a-209**, as last amended by Laws of Utah 2015, Chapters 312, 330
- 49 **31A-23a-105**, as last amended by Laws of Utah 2014, Chapters 290, 300
- 50 **31A-23a-106**, as last amended by Laws of Utah 2015, Chapter 330
- 51 **31A-23a-108**, as last amended by Laws of Utah 2014, Chapters 290, 300
- 52 **31A-23a-204**, as last amended by Laws of Utah 2015, Chapter 330
- 53 **31A-23a-402**, as last amended by Laws of Utah 2019, Chapter 193
- 54 **31A-23a-406**, as last amended by Laws of Utah 2021, Chapter 252
- 55 **31A-23a-415**, as last amended by Laws of Utah 2020, Chapter 32
- 56 **31A-23a-1001**, as last amended by Laws of Utah 2020, Chapter 448

57 [31A-26-203](#), as last amended by Laws of Utah 2012, Chapter 253
58 [31A-26-204](#), as last amended by Laws of Utah 2009, Chapter 349
59 [31A-35-102](#), as last amended by Laws of Utah 2016, Chapter 234
60 [31A-35-301](#), as last amended by Laws of Utah 2016, Chapter 234
61 [31A-35-405](#), as last amended by Laws of Utah 2019, Chapter 193
62 [31A-35-406](#), as last amended by Laws of Utah 2021, Chapter 252
63 [31A-35-407](#), as last amended by Laws of Utah 2016, Chapter 234
64 [31A-41-102](#), as last amended by Laws of Utah 2013, Chapter 319
65 [31A-41-202](#), as last amended by Laws of Utah 2016, Chapter 138
66 [58-49-2](#), as last amended by Laws of Utah 1993, Chapter 297
67 [58-49-4](#), as last amended by Laws of Utah 2020, Chapter 339
68 [58-49-6](#), as enacted by Laws of Utah 1986, Chapter 192
69 [58-53-102](#), as renumbered and amended by Laws of Utah 1998, Chapter 191
70 [58-53-103](#), as last amended by Laws of Utah 2013, Chapter 400
71 [58-53-302](#), as last amended by Laws of Utah 2009, Chapter 183
72 [58-53-304](#), as renumbered and amended by Laws of Utah 1998, Chapter 191
73 [58-53-601](#), as enacted by Laws of Utah 1998, Chapter 191
74 [58-71-102](#), as last amended by Laws of Utah 2022, Chapter 440
75 [58-71-203](#), as enacted by Laws of Utah 2022, Chapter 440
76 [58-71-302](#), as last amended by Laws of Utah 2020, Chapter 339
77 [58-71-304](#), as last amended by Laws of Utah 2001, Chapter 268
78 [58-71-304.2](#), as enacted by Laws of Utah 1996, Chapter 282
79 [58-71-601](#), as last amended by Laws of Utah 2013, Chapter 364
80 [58-71-802](#), as enacted by Laws of Utah 1996, Chapter 282
81 [58-71-803](#), as enacted by Laws of Utah 1996, Chapter 282
82 [58-75-102](#), as last amended by Laws of Utah 2008, Chapter 382
83 [58-75-303](#), as enacted by Laws of Utah 2001, Chapter 100
84 [58-76-102](#), as enacted by Laws of Utah 2002, Chapter 218
85 [58-76-103](#), as last amended by Laws of Utah 2011, Chapter 303
86 [58-76-302](#), as last amended by Laws of Utah 2020, Chapter 339
87 [58-76-601](#), as enacted by Laws of Utah 2002, Chapter 218

88 **58-76-603**, as enacted by Laws of Utah 2002, Chapter 218
89 **58-77-102**, as last amended by Laws of Utah 2017, Chapter 114
90 **58-77-302**, as last amended by Laws of Utah 2020, Chapter 339
91 **58-83-102**, as last amended by Laws of Utah 2022, Chapter 415
92 **58-83-302**, as last amended by Laws of Utah 2022, Chapter 415
93 **58-83-401**, as last amended by Laws of Utah 2022, Chapter 415
94 **61-2c-301**, as last amended by Laws of Utah 2020, Chapter 72
95 **61-2f-401**, as last amended by Laws of Utah 2022, Chapter 204
96 **61-2g-502**, as last amended by Laws of Utah 2020, Chapter 72
97 **63A-16-107**, as enacted by Laws of Utah 2021, Chapter 84
98 **63I-1-226**, as last amended by Laws of Utah 2022, Chapters 194, 206, 224, 253, 255,
99 347, and 451
100 **63I-1-263**, as last amended by Laws of Utah 2022, Chapters 23, 34, 68, 153, 218, 236,
101 249, 274, 296, 313, 361, 362, 417, 419, and 472
102 **63I-2-219**, as last amended by Laws of Utah 2022, Chapter 95
103 **72-9-201**, as last amended by Laws of Utah 2017, Chapter 96
104 RENUMBERS AND AMENDS:
105 **31A-23a-119**, (Renumbered from 31A-2-405, as enacted by Laws of Utah 2007,
106 Chapter 325)
107 REPEALS:
108 **4-38-101**, as renumbered and amended by Laws of Utah 2017, Chapter 345
109 **4-38-103**, as renumbered and amended by Laws of Utah 2017, Chapter 345
110 **4-38-105**, as renumbered and amended by Laws of Utah 2017, Chapter 345
111 **4-38-106**, as renumbered and amended by Laws of Utah 2017, Chapter 345
112 **4-38-202**, as last amended by Laws of Utah 2019, Chapter 239
113 **19-2-109.2**, as last amended by Laws of Utah 2015, Chapter 154
114 **26-1-7.5**, as last amended by Laws of Utah 2011, Chapter 297
115 **26-39-201**, as last amended by Laws of Utah 2022, Chapter 255
116 **31A-2-401**, as enacted by Laws of Utah 2005, Chapter 185
117 **31A-2-402**, as last amended by Laws of Utah 2015, Chapter 330
118 **31A-2-403**, as last amended by Laws of Utah 2022, Chapter 198

- 119 **31A-2-404**, as last amended by Laws of Utah 2016, Chapter 193
- 120 **31A-35-201**, as last amended by Laws of Utah 2016, Chapter 234
- 121 **31A-35-202**, as last amended by Laws of Utah 2016, Chapter 234
- 122 **41-23-1**, as last amended by Laws of Utah 2011, Chapter 202
- 123 **41-23-2**, as last amended by Laws of Utah 2011, Chapter 202
- 124 **58-49-1**, as enacted by Laws of Utah 1986, Chapter 192
- 125 **58-49-3**, as repealed and reenacted by Laws of Utah 1993, Chapter 297
- 126 **58-53-101**, as renumbered and amended by Laws of Utah 1998, Chapter 191
- 127 **58-53-201**, as renumbered and amended by Laws of Utah 1998, Chapter 191
- 128 **58-71-201**, as last amended by Laws of Utah 1997, Chapter 10
- 129 **58-75-101**, as enacted by Laws of Utah 2001, Chapter 100
- 130 **58-75-201**, as enacted by Laws of Utah 2001, Chapter 100
- 131 **58-76-101**, as enacted by Laws of Utah 2002, Chapter 218
- 132 **58-76-201**, as enacted by Laws of Utah 2002, Chapter 218
- 133 **58-77-201**, as last amended by Laws of Utah 2013, Chapter 167
- 134 **58-83-101**, as enacted by Laws of Utah 2010, Chapter 180
- 135 **58-83-201**, as enacted by Laws of Utah 2010, Chapter 180
- 136 **63A-18-102**, as enacted by Laws of Utah 2021, Chapter 84
- 137 **63A-18-201**, as renumbered and amended by Laws of Utah 2021, Chapter 84
- 138 **63A-18-202**, as enacted by Laws of Utah 2021, Chapter 84

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

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

142 **9-9-113. Geographic place names -- Role of division -- Report.**

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

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

147 [~~(b) "Utah Committee on Geographic Names" means the committee created by~~
 148 ~~executive order of the governor that has a primary function to act as the state's liaison with the~~
 149 ~~United States Board on Geographic Names and to review geographic name changes and~~

150 ~~additions in Utah.]~~

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

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

157 (ii) an Indian tribe that is connected to the geographic location referring to American
158 Indians for which the Indian tribe seeks to change the name;

159 (iii) a local community in and around a place with a location name referring to
160 American Indians; or

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

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

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

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

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

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

178 Section 2. Section 19-1-201 is amended to read:

179 **19-1-201. Powers and duties of department -- Rulemaking authority --**
180 **Committee -- Monitoring environmental impacts of inland port.**

181 (1) The department shall:

182 (a) enter into cooperative agreements with the Department of Health and Human

183 Services to delineate specific responsibilities to assure that assessment and management of risk

184 to human health from the environment are properly administered;

185 (b) consult with the Department of Health and Human Services and enter into

186 cooperative agreements, as needed, to ensure efficient use of resources and effective response

187 to potential health and safety threats from the environment, and to prevent gaps in protection

188 from potential risks from the environment to specific individuals or population groups;

189 (c) coordinate implementation of environmental programs to maximize efficient use of

190 resources by developing, in consultation with local health departments, a Comprehensive

191 Environmental Service Delivery Plan that:

192 (i) recognizes that the department and local health departments are the foundation for

193 providing environmental health programs in the state;

194 (ii) delineates the responsibilities of the department and each local health department

195 for the efficient delivery of environmental programs using federal, state, and local authorities,

196 responsibilities, and resources;

197 (iii) provides for the delegation of authority and pass through of funding to local health

198 departments for environmental programs, to the extent allowed by applicable law, identified in

199 the plan, and requested by the local health department; and

200 (iv) is reviewed and updated annually;

201 (d) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative

202 Rulemaking Act, as follows:

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

204 (A) board meeting attendance; and

205 (B) conflicts of interest procedures; and

206 (ii) procedural rules that govern:

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

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

209 (e) ensure that training or certification required of a public official or public employee,

210 as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State

211 Training and Certification Requirements, if the training or certification is required:

212 (i) under this title;
213 (ii) by the department; or
214 (iii) by an agency or division within the department; and
215 (f) subject to Subsection (2), establish annual fees that conform with Title V of the
216 Clean Air Act for each regulated pollutant as defined in Section 19-2-109.1, applicable to a
217 source subject to the Title V program.

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

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

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

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

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

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

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

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

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

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

- 243 (b) two representatives of the department appointed by the executive director; and
244 (c) three representatives of local health departments appointed by a group of all the
245 local health departments in the state.
- 246 (4) The committee established in Subsection (3) shall:
- 247 (a) review the allocation of environmental quality resources between the department
248 and the local health departments;
- 249 (b) evaluate department policies that affect local health departments;
- 250 (c) consider policy changes proposed by the department or by local health departments;
- 251 (d) coordinate the implementation of environmental quality programs to maximize
252 environmental quality resources; and
- 253 (e) review each department application for any grant from the federal government that
254 affects a local health department before the department submits the application.
- 255 (5) The committee shall create bylaws to govern the committee's operations.
- 256 (6) The department may:
- 257 (a) investigate matters affecting the environment;
- 258 (b) investigate and control matters affecting the public health when caused by
259 environmental hazards;
- 260 (c) prepare, publish, and disseminate information to inform the public concerning
261 issues involving environmental quality;
- 262 (d) establish and operate programs, as authorized by this title, necessary for protection
263 of the environment and public health from environmental hazards;
- 264 (e) use local health departments in the delivery of environmental health programs to
265 the extent provided by law;
- 266 (f) enter into contracts with local health departments or others to meet responsibilities
267 established under this title;
- 268 (g) acquire real and personal property by purchase, gift, devise, and other lawful
269 means;
- 270 (h) prepare and submit to the governor a proposed budget to be included in the budget
271 submitted by the governor to the Legislature;
- 272 (i) in accordance with Section [63J-1-504](#), establish a schedule of fees that may be
273 assessed for actions and services of the department that are reasonable, fair, and reflect the cost

274 of services provided;

275 (j) for an owner or operator of a source subject to a fee established by Subsection (6)(i)
276 who fails to timely pay that fee, assess a penalty of not more than 50% of the fee, in addition to
277 the fee, plus interest on the fee computed at 12% annually;

278 (k) prescribe by rule reasonable requirements not inconsistent with law relating to
279 environmental quality for local health departments;

280 (l) perform the administrative functions of the boards established by Section 19-1-106,
281 including the acceptance and administration of grants from the federal government and from
282 other sources, public or private, to carry out the board's functions;

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

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

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

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

293 (i) "Environmental impacts" means:

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

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

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

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

300 (iv) "Monitoring facilities" means:

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

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

308 (b) The department shall:

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

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

312 (B) characterize the environmental baseline for only air quality for the Salt Lake
313 International Airport; and

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

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

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

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

321 (A) the Utah Inland Port Authority board, established under Title 11, Chapter 58, Part
322 3, Port Authority Board; and

323 (B) the Legislative Management Committee.

324 Section 3. Section **19-2-109.1** is amended to read:

325 **19-2-109.1. Operating permit required -- Fees -- Implementation.**

326 (1) As used in this section and [~~Sections 19-2-109.2 and 19-2-109.3~~] Section
327 19-2-109.3:

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

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

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

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

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

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

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

343 (b) The director may issue, modify, or renew an operating permit only after providing
344 public notice, an opportunity for public comment, and an opportunity for a public hearing.

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

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

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

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

355 (b) revoke the operating permit.

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

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

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

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

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

- 371 (a) the applicant;
- 372 (b) a person who participated in the public comment process; or
- 373 (c) a person who could obtain judicial review of that action under applicable law.

374 Section 4. Section **26-1-2** is amended to read:

375 **26-1-2. Definitions.**

376 As used in this title:

377 [~~(1)~~] "~~Council~~" means the Utah Health Advisory Council.]

378 [~~(2)~~] (1) "Department" means the Department of Health and Human Services created in
379 Section [26B-1-201](#).

380 [~~(3)~~] (2) "Executive director" means the executive director of the department appointed
381 under Section [26B-1-203](#).

382 [~~(4)~~] (3) "Public health authority" means an agency or authority of the United States, a
383 state, a territory, a political subdivision of a state or territory, an Indian tribe, or a person acting
384 under a grant of authority from or contract with such an agency, that is responsible for public
385 health matters as part of its official mandate.

386 Section 5. Section **26-39-102** is amended to read:

387 **26-39-102. Definitions.**

388 As used in this chapter:

389 [~~(1)~~] "~~Advisory committee~~" means the Residential Child Care Licensing Advisory
390 Committee created in Section [26B-1-204](#).]

391 [~~(2)~~] (1) "Capacity limit" means the maximum number of qualifying children that a
392 regulated provider may care for at any given time, in accordance with rules made by the
393 department.

394 [~~(3)~~] (2) (a) "Center based child care" means child care provided in a facility or
395 program that is not the home of the provider.

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

- 397 (i) residential child care; or

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

399 [(4)] (3) "Certified provider" means a person who holds a certificate from the
400 department under Section 26-39-402.

401 [(5)] (4) "Child care" means continuous care and supervision of a qualifying child, that
402 is:

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

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

405 (c) for direct or indirect compensation.

406 [(6)] (5) "Child care program" means a child care facility or program operated by a
407 regulated provider.

408 [(7)] (6) "Exempt provider" means a person who provides care described in Subsection
409 26-39-403(2).

410 [(8)] (7) "Licensed provider" means a person who holds a license from the department
411 under Section 26-39-401.

412 [(9)] (8) "Licensing committee" means the Child Care [Center] Provider Licensing
413 Committee created in Section 26B-1-204.

414 [(10)] (9) "Public school" means:

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

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

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

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

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

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

425 [(11)] (10) "Qualifying child" means an individual who is:

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

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

428 (b) a child of:

429 (i) a person other than the person providing care to the child;
 430 (ii) a regulated provider, if the child is under the age of four; or
 431 (iii) an employee or owner of a licensed child care center, if the child is under the age
 432 of four.

433 ~~[(12)]~~ (11) "Regulated provider" means a licensed provider or certified provider.

434 ~~[(13)]~~ (12) "Residential child care" means child care provided in the home of the
 435 provider.

436 Section 6. Section **26-39-200** is amended to read:

437 **26-39-200. Child Care Provider Licensing Committee.**

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

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

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

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

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

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

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

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

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

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

453 (E) a health care provider; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

488 (b) The director may call additional meetings:

489 (i) at the director's discretion;

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

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

492 (5) [~~Three~~] Six members of the licensing committee constitute a quorum for the
493 transaction of business.

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

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

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

498 (c) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and
499 [63A-3-107](#).

500 Section 7. Section **26-39-203** is amended to read:

501 **26-39-203. Duties of the Child Care Provider Licensing Committee.**

502 (1) The licensing committee shall:

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

507 (i) adequate facilities and equipment; and

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

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

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

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

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

518 (iv) changes of ownership or name, changes in licensure status, and changes in
519 operational status;

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

521 (vi) procedures for inspections, complaint resolution, disciplinary actions, and other

- 522 procedural measures to encourage and assure compliance with statute and rule; and
523 (vii) guidelines necessary to assure consistency and appropriateness in the regulation
524 and discipline of licensees;
525 (c) advise the department on the administration of a matter affecting center based child
526 care and residential child care;
527 (d) advise and assist the department in conducting center based child care provider
528 seminars and residential child care seminars; and
529 (e) perform other duties as provided under Section 26-39-301.

- 530 (2) (a) The licensing committee may not enforce the rules adopted under this section.
531 (b) The department shall enforce the rules adopted under this section in accordance
532 with Section 26-39-301.

533 Section 8. Section 26B-1-204 is amended to read:

534 **26B-1-204. Creation of boards, divisions, and offices -- Power to organize**
535 **department.**

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

- 538 (a) the administration and government of the department;
539 (b) the conduct of the department's employees; and
540 (c) the custody, use, and preservation of the records, papers, books, documents, and
541 property of the department.

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

- 544 (a) Board of Aging and Adult Services;
545 (b) Utah State Developmental Center Board;
546 (c) Health Advisory Council;
547 (d) Health Facility Committee;
548 (e) State Emergency Medical Services Committee;
549 (f) Air Ambulance Committee;
550 (g) Health Data Committee;
551 (h) Utah Health Care Workforce Financial Assistance Program Advisory Committee;
552 [~~(i) Residential Child Care Licensing Advisory Committee;~~]

- 553 ~~[(f)]~~ (i) Child Care ~~[Center]~~ Provider Licensing Committee;
- 554 ~~[(k)]~~ (j) Primary Care Grant Committee;
- 555 ~~[(h)]~~ (k) Adult Autism Treatment Program Advisory Committee;
- 556 ~~[(m)]~~ (l) Youth Electronic Cigarette, Marijuana, and Other Drug Prevention
- 557 Committee; and
- 558 ~~[(n)]~~ (m) any boards, councils, or committees that are created by statute in:
- 559 (i) this title;
- 560 (ii) Title 26, Utah Health Code; or
- 561 (iii) Title 62A, Utah Human Services Code.
- 562 (3) The following divisions are created within the Department of Health and Human
- 563 Services:
- 564 (a) relating to operations:
- 565 (i) the Division of Finance and Administration;
- 566 (ii) the Division of Licensing and Background Checks;
- 567 (iii) the Division of Customer Experience;
- 568 (iv) the Division of Data, Systems, and Evaluation; and
- 569 (v) the Division of Continuous Quality Improvement;
- 570 (b) relating to healthcare administration:
- 571 (i) the Division of Integrated Healthcare, which shall include responsibility for:
- 572 (A) the state's medical assistance programs; and
- 573 (B) behavioral health programs described in Title 62A, Chapter 15, Substance Abuse
- 574 and Mental Health Act;
- 575 (ii) the Division of Aging and Adult Services; and
- 576 (iii) the Division of Services for People with Disabilities; and
- 577 (c) relating to community health and well-being:
- 578 (i) the Division of Child and Family Services;
- 579 (ii) the Division of Family Health;
- 580 (iii) the Division of Population Health;
- 581 (iv) the Division of Juvenile Justice and Youth Services; and
- 582 (v) the Office of Recovery Services.
- 583 (4) The executive director may establish offices and bureaus to facilitate management

584 of the department as required by, and in accordance with:

585 (a) this title;

586 (b) Title 26, Utah Health Code; and

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

588 (5) From July 1, 2022, through June 30, 2023, the executive director may adjust the
589 organizational structure relating to the department, including the organization of the
590 department's divisions and offices, notwithstanding the organizational structure described in:

591 (a) this title;

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

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

594 Section 9. Section **31A-19a-209** is amended to read:

595 **31A-19a-209. Special provisions for title insurance.**

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

599 (ii) The commissioner shall determine compliance with rate standards and rating
600 methods for title insurers, individual title insurance producers, and agency title insurance
601 producers.

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

607 (i) the maintenance of title plants; and

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

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

613 (i) a schedule of the escrow charges that the title insurer, individual title insurance
614 producer, or agency title insurance producer proposes to use in this state for services performed

615 in connection with the issuance of policies of title insurance; and

616 (ii) any changes to the schedule of the escrow charges described in Subsection (2)(a)(i).

617 [~~(b) Except for a schedule filed by a title insurer under this Subsection (2), a schedule~~
618 ~~filed under this Subsection (2) is subject to review by the Title and Escrow Commission.~~]

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

621 (ii) Any changes to the schedule of the escrow charges required to be filed by
622 Subsection (2)(a)(ii) take effect on the day specified in the change to the schedule of escrow
623 charges except that the effective date may not be less than 30 calendar days after the day on
624 which the change to the schedule of escrow charges is filed.

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

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

630 (i) the insurance business; or

631 (ii) the escrow business; or

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

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

636 (b) Each change or amendment shall:

637 (i) be filed with the commissioner[~~, subject to review by the Title and Escrow~~
638 ~~Commission~~]; and

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

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

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

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

646 (i) the title insurer in this state;
647 (ii) the title insurer's individual title insurance producers or agency title insurance
648 producers in this state; and

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

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

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

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

656 Section 10. Section 31A-23a-105 is amended to read:

657 **31A-23a-105. General requirements for individual and agency license issuance**
658 **and renewal.**

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

661 (i) a producer;

662 (ii) a surplus lines producer;

663 (iii) a limited line producer;

664 (iv) a consultant;

665 (v) a managing general agent; or

666 (vi) a reinsurance intermediary.

667 (b) The commissioner shall issue or renew a license under Subsection (1)(a) to a
668 person who, as to the license type and line of authority classification applied for under Section
669 31A-23a-106:

670 (i) satisfies the application requirements under Section 31A-23a-104;

671 (ii) satisfies the character requirements under Section 31A-23a-107;

672 (iii) satisfies applicable continuing education requirements under Section
673 31A-23a-202;

674 (iv) satisfies applicable examination requirements under Section 31A-23a-108;

675 (v) satisfies applicable training period requirements under Section 31A-23a-203;

676 (vi) if an applicant for a resident individual producer license, certifies that, to the extent

677 applicable, the applicant:

678 (A) is in compliance with Section 31A-23a-203.5; and

679 (B) will maintain compliance with Section 31A-23a-203.5 during the period for which
680 the license is issued or renewed;

681 (vii) has not committed an act that is a ground for denial, suspension, or revocation as
682 provided in Section 31A-23a-111;

683 (viii) if a nonresident:

684 (A) complies with Section 31A-23a-109; and

685 (B) holds an active similar license in that person's home state;

686 (ix) if an applicant for an individual title insurance producer or agency title insurance
687 producer license, satisfies the requirements of Section 31A-23a-204;

688 (x) if an applicant for a license to act as a life settlement provider or life settlement
689 producer, satisfies the requirements of Section 31A-23a-117; and

690 (xi) pays the applicable fees under Section 31A-3-103.

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

692 (i) an applicant for a pending:

693 (A) individual or agency producer license;

694 (B) surplus lines producer license;

695 (C) limited line producer license;

696 (D) consultant license;

697 (E) managing general agent license; or

698 (F) reinsurance intermediary license; or

699 (ii) a licensed:

700 (A) individual or agency producer;

701 (B) surplus lines producer;

702 (C) limited line producer;

703 (D) consultant;

704 (E) managing general agent; or

705 (F) reinsurance intermediary.

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

707 (i) an administrative action taken against the person, including a denial of a new or

708 renewal license application:

709 (A) in another jurisdiction; or

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

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

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

713 (i) be filed:

714 (A) at the time the person files the application for an individual or agency license; and

715 (B) for an action or prosecution that occurs on or after the day on which the person

716 files the application:

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

718 administrative action; or

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

720 and

721 (ii) include a copy of the complaint or other relevant legal documents related to the

722 action or prosecution described in Subsection (2)(b).

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

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

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

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

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

731 (B) the Federal Bureau of Investigation.

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

734 (i) criminal background information maintained pursuant to Title 53, Chapter 10, Part
735 2, Bureau of Criminal Identification, from the Bureau of Criminal Identification; and

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

738 (d) Information obtained by the department from the review of criminal history records

739 received under this Subsection (3) shall be used by the department for the purposes of:

740 (i) determining if a person satisfies the character requirements under Section

741 [31A-23a-107](#) for issuance or renewal of a license;

742 (ii) determining if a person has failed to maintain the character requirements under

743 Section [31A-23a-107](#); and

744 (iii) preventing a person who violates the federal Violent Crime Control and Law

745 Enforcement Act of 1994, 18 U.S.C. Sec. 1033, from engaging in the business of insurance in

746 the state.

747 (e) If the department requests the criminal background information, the department

748 shall:

749 (i) pay to the Department of Public Safety the costs incurred by the Department of

750 Public Safety in providing the department criminal background information under Subsection

751 (3)(c)(i);

752 (ii) pay to the Federal Bureau of Investigation the costs incurred by the Federal Bureau

753 of Investigation in providing the department criminal background information under

754 Subsection (3)(c)(ii); and

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

757 (4) To become a resident licensee in accordance with Section [31A-23a-104](#) and this

758 section, a person licensed as one of the following in another state who moves to this state shall

759 apply within 90 days of establishing legal residence in this state:

760 (a) insurance producer;

761 (b) surplus lines producer;

762 (c) limited line producer;

763 (d) consultant;

764 (e) managing general agent; or

765 (f) reinsurance intermediary.

766 (5) (a) The commissioner may deny a license application for a license listed in

767 Subsection (5)(b) if the person applying for the license, as to the license type and line of

768 authority classification applied for under Section [31A-23a-106](#):

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

770 (ii) commits an act that is grounds for denial, suspension, or revocation as set forth in
771 Section 31A-23a-111.

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

773 (i) producer;

774 (ii) surplus lines producer;

775 (iii) limited line producer;

776 (iv) consultant;

777 (v) managing general agent; or

778 (vi) reinsurance intermediary.

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

780 ~~[(a) issue a license to an applicant for a license for a title insurance line of authority~~
781 ~~only with the concurrence of the Title and Escrow Commission; and]~~

782 ~~[(b) renew a license for a title insurance line of authority only with the concurrence of~~
783 ~~the Title and Escrow Commission.]~~

784 Section 11. Section 31A-23a-106 is amended to read:

785 **31A-23a-106. License types.**

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

788 (b) A license type and a line of authority pertaining to a license type describe the type
789 of licensee and the lines of business that a licensee may sell, solicit, or negotiate. A license
790 type is intended to describe the matters to be considered under any education, examination, and
791 training required of a license applicant under Sections 31A-23a-108, 31A-23a-202, and
792 31A-23a-203.

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

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

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

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

800 (iv) property insurance;

- 801 (v) casualty insurance, including a surety or other bond;
- 802 (vi) title insurance under one or more of the following categories:
- 803 (A) title examination, including authority to act as a title marketing representative;
- 804 (B) escrow, including authority to act as a title marketing representative; and
- 805 (C) title marketing representative only; and
- 806 (vii) personal lines insurance.
- 807 (b) A surplus lines producer license type includes the following lines of authority:
- 808 (i) property insurance, if the person holds an underlying producer license with the
- 809 property line of insurance; and
- 810 (ii) casualty insurance, if the person holds an underlying producer license with the
- 811 casualty line of authority.
- 812 (c) A limited line producer license type includes the following limited lines of
- 813 authority:
- 814 (i) limited line credit insurance;
- 815 (ii) travel insurance, as set forth in Part 9, Travel Insurance Act;
- 816 (iii) motor club insurance;
- 817 (iv) car rental related insurance;
- 818 (v) legal expense insurance;
- 819 (vi) crop insurance;
- 820 (vii) self-service storage insurance;
- 821 (viii) bail bond producer;
- 822 (ix) guaranteed asset protection waiver; and
- 823 (x) portable electronics insurance.
- 824 (d) A consultant license type includes the following lines of authority:
- 825 (i) life insurance, including a nonvariable contract;
- 826 (ii) variable contracts, including variable life and annuity, if the consultant has the life
- 827 insurance line of authority;
- 828 (iii) accident and health insurance, including a contract issued to a policyholder under
- 829 Chapter 7, Nonprofit Health Service Insurance Corporations, or Chapter 8, Health Maintenance
- 830 Organizations and Limited Health Plans;
- 831 (iv) property insurance;

832 (v) casualty insurance, including a surety or other bond; and
833 (vi) personal lines insurance.
834 (e) A managing general agent license type includes the following lines of authority:
835 (i) life insurance, including a nonvariable contract;
836 (ii) variable contracts, including variable life and annuity, if the managing general
837 agent has the life insurance line of authority;
838 (iii) accident and health insurance, including a contract issued to a policyholder under
839 Chapter 7, Nonprofit Health Service Insurance Corporations, or Chapter 8, Health Maintenance
840 Organizations and Limited Health Plans;
841 (iv) property insurance;
842 (v) casualty insurance, including a surety or other bond; and
843 (vi) personal lines insurance.
844 (f) A reinsurance intermediary license type includes the following lines of authority:
845 (i) life insurance, including a nonvariable contract;
846 (ii) variable contracts, including variable life and annuity, if the reinsurance
847 intermediary has the life insurance line of authority;
848 (iii) accident and health insurance, including a contract issued to a policyholder under
849 Chapter 7, Nonprofit Health Service Insurance Corporations, or Chapter 8, Health Maintenance
850 Organizations and Limited Health Plans;
851 (iv) property insurance;
852 (v) casualty insurance, including a surety or other bond; and
853 (vi) personal lines insurance.
854 (g) A person who holds a license under Subsection (2)(a) has the qualifications
855 necessary to act as a holder of a license under Subsection (2)(c), except that the person may not
856 act under Subsection (2)(c)(viii) or (ix).
857 (3) (a) The commissioner may by rule recognize other producer, surplus lines producer,
858 limited line producer, consultant, managing general agent, or reinsurance intermediary lines of
859 authority as to kinds of insurance not listed under Subsections (2)(a) through (f).
860 (b) Notwithstanding Subsection (3)(a), for purposes of title insurance the [Title and
861 Escrow Commission may by rule, with the concurrence of the commissioner and subject to
862 ~~Section 31A-2-404~~] commissioner may by rule, subject to Section 31A-2-201, recognize other

863 categories for an individual title insurance producer or agency title insurance producer line of
864 authority not listed under Subsection (2)(a)(vi).

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

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

867 (i) registered broker-dealer; or

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

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

870 licensure by the Utah Division of Securities as an:

871 (i) investment adviser; or

872 (ii) investment adviser representative, with a current association with an investment
873 adviser.

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

875 Section 12. Section **31A-23a-108** is amended to read:

876 **31A-23a-108. Examination requirements.**

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

880 (i) a license under Subsection **31A-23a-106(2)(c)**; or

881 (ii) another limited line license line of authority recognized by the commissioner [~~or~~
882 ~~the Title and Escrow Commission~~] by rule as provided in Subsection **31A-23a-106(3)**.

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

884 (i) shall reasonably relate to the line of authority for which it is prescribed; and

885 (ii) may be administered by the commissioner or as otherwise specified by rule.

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

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

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

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

893 (ii) if the application is received within 90 days of the cancellation of the applicant's

894 previous license:

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

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

901 (3) This section's requirement may only be applied to an applicant who is a natural
902 person.

903 Section 13. Section **31A-23a-119**, which is renumbered from Section 31A-2-405 is
904 renumbered and amended to read:

905 ~~[31A-2-405].~~ **31A-23a-119. Dual licensing of title licensee.**

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

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

909 (b) a license or certificate under:

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

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

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

913 ~~[(1)]~~ (2) A dual licensed title licensee may provide a title insurance product or service
914 under this title only if before providing that title insurance product or service the dual licensed
915 title licensee obtains approval as provided in this section.

916 ~~[(2)]~~ (3) (a) ~~[Except as provided in Subsection (3), a]~~ A dual licensed title licensee
917 shall obtain approval from the commissioner by filing under penalty of perjury with the
918 department:

919 (i) a statement that includes:

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

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

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

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

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

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

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

933 (i) completed the filing required by Subsection ~~[(2)(a)]~~ (3)(a);

934 (ii) is acting in good faith; and

935 (iii) has not received consideration from a person described in Subsection ~~[(2)(a)(i)(B)]~~
936 (3)(a)(i)(B) within the 18-month period described in Subsection ~~[(2)(a)(i)(B)]~~ (3)(a)(i)(D).

937 (c) If the commissioner does not deny approval under this section, the commissioner is
938 considered to have approved the provision of the title insurance product or service the earlier
939 of:

940 (i) the day on which the commissioner issues the commissioner's approval in writing;

941 or

942 (ii) 15 days after the day on which the dual licensed title licensee completes the filing
943 under Subsection ~~[(2)(a)]~~ (3)(a).

944 ~~[(3) Notwithstanding Subsection (2), a dual licensed title licensee may obtain approval
945 from the chair of the commission if:]~~

946 ~~[(a) the dual licensed title licensee completes the filing under Subsection (2)(a);]~~

947 ~~[(b) the dual licensed title licensee establishes a need for expedited approval; and]~~

948 ~~[(c) the chair of the commission issues approval in writing after making the findings
949 described in Subsection (2)(b).]~~

950 (4) The commissioner shall revoke the license under this title of a dual licensed title
951 licensee if the dual licensed title licensee:

952 (a) provides a title insurance product or service without the approval required by this
953 section; or

954 (b) knowingly provides false or misleading information in the statement required by
955 Subsection ~~[(2)]~~ (3).

956 (5) The [~~commission~~] commissioner may make rules, subject to Section [~~31A-2-404~~]
957 [31A-2-201](#), to implement the filing requirements under Subsection [~~(2)~~] (3), including the
958 definition of terms.

959 Section 14. Section **31A-23a-204** is amended to read:

960 **31A-23a-204. Special requirements for title insurance producers and agencies.**

961 An individual title insurance producer or agency title insurance producer shall be
962 licensed in accordance with this chapter, with the additional requirements listed in this section.

963 (1) (a) A person that receives a new license under this title as an agency title insurance
964 producer shall at the time of licensure be owned or managed by at least one individual who is
965 licensed for at least three of the five years immediately preceding the date on which the agency
966 title insurance producer applies for a license with both:

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

968 (ii) an escrow line of authority.

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

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

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

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

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

979 (ii) an escrow line of authority.

980 (d) The [~~Title and Escrow Commission~~] commissioner may by rule, subject to Section
981 [~~31A-2-404~~] [31A-2-201](#), exempt an attorney with real estate experience from the experience
982 requirements in Subsection (1)(a).

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

986 (2) (a) An individual title insurance producer or agency title insurance producer

987 appointed by an insurer shall maintain:

988 (i) a fidelity bond;

989 (ii) a professional liability insurance policy; or

990 (iii) a financial protection:

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

992 (B) that the commissioner considers adequate.

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

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

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

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

998 (c) The [~~Title and Escrow Commission~~] commissioner may by rule, subject to Section

999 [~~31A-2-404~~] [31A-2-201](#), exempt individual title insurance producer or agency title insurance

1000 producers from the requirements of this Subsection (2) upon a finding that, and only so long as,

1001 the required policy or bond is generally unavailable at reasonable rates.

1002 (3) An individual title insurance producer or agency title insurance producer appointed

1003 by an insurer may maintain a reserve fund to the extent money was deposited before July 1,

1004 2008, and not withdrawn to the income of the individual title insurance producer or agency title

1005 insurance producer.

1006 (4) An examination for licensure shall include questions regarding the examination of

1007 title to real property.

1008 (5) An individual title insurance producer may not perform the functions of escrow

1009 unless the individual title insurance producer has been examined on the fiduciary duties and

1010 procedures involved in those functions.

1011 (6) The [~~Title and Escrow Commission~~] commissioner may adopt rules, establishing an

1012 examination for a license that will satisfy this section, subject to Section [~~31A-2-404~~]

1013 [31A-2-201](#), and after consulting with the commissioner's test administrator.

1014 (7) A license may be issued to an individual title insurance producer or agency title

1015 insurance producer who has qualified:

1016 (a) to perform only examinations of title as specified in Subsection (4);

1017 (b) to handle only escrow arrangements as specified in Subsection (5); or

1018 (c) to act as a title marketing representative.

1019 (8) (a) A person licensed to practice law in Utah is exempt from the requirements of
1020 Subsections (2) and (3) if that person issues 12 or less policies in any 12-month period.

1021 (b) In determining the number of policies issued by a person licensed to practice law in
1022 Utah for purposes of Subsection (8)(a), if the person licensed to practice law in Utah issues a
1023 policy to more than one party to the same closing, the person is considered to have issued only
1024 one policy.

1025 (9) A person licensed to practice law in Utah, whether exempt under Subsection (8) or
1026 not, shall maintain a trust account separate from a law firm trust account for all title and real
1027 estate escrow transactions.

1028 Section 15. Section 31A-23a-402 is amended to read:

1029 **31A-23a-402. Unfair marketing practices -- Communication -- Unfair**
1030 **discrimination -- Coercion or intimidation -- Restriction on choice.**

1031 (1) (a) (i) Any of the following may not make or cause to be made any communication
1032 that contains false or misleading information, relating to an insurance product or contract, any
1033 insurer, or any licensee under this title, including information that is false or misleading
1034 because it is incomplete:

1035 (A) a person who is or should be licensed under this title;

1036 (B) an employee or producer of a person described in Subsection (1)(a)(i)(A);

1037 (C) a person whose primary interest is as a competitor of a person licensed under this
1038 title; and

1039 (D) a person on behalf of any of the persons listed in this Subsection (1)(a)(i).

1040 (ii) As used in this Subsection (1), "false or misleading information" includes:

1041 (A) assuring the nonobligatory payment of future dividends or refunds of unused
1042 premiums in any specific or approximate amounts, but reporting fully and accurately past
1043 experience is not false or misleading information; and

1044 (B) with intent to deceive a person examining it:

1045 (I) filing a report;

1046 (II) making a false entry in a record; or

1047 (III) wilfully refraining from making a proper entry in a record.

1048 (iii) A licensee under this title may not:

1049 (A) use any business name, slogan, emblem, or related device that is misleading or
1050 likely to cause the insurer or other licensee to be mistaken for another insurer or other licensee
1051 already in business; or

1052 (B) use any name, advertisement, or other insurance promotional material that would
1053 cause a reasonable person to mistakenly believe that a state or federal government agency and
1054 the Children's Health Insurance Program created in Title 26, Chapter 40, Utah Children's
1055 Health Insurance Act:

1056 (I) is responsible for the insurance sales activities of the person;

1057 (II) stands behind the credit of the person;

1058 (III) guarantees any returns on insurance products of or sold by the person; or

1059 (IV) is a source of payment of any insurance obligation of or sold by the person.

1060 (iv) A person who is not an insurer may not assume or use any name that deceptively
1061 implies or suggests that person is an insurer.

1062 (v) A person other than persons licensed as health maintenance organizations under
1063 Chapter 8, Health Maintenance Organizations and Limited Health Plans, may not use the term
1064 "Health Maintenance Organization" or "HMO" in referring to itself.

1065 (b) A licensee's violation creates a rebuttable presumption that the violation was also
1066 committed by the insurer if:

1067 (i) the licensee under this title distributes cards or documents, exhibits a sign, or
1068 publishes an advertisement that violates Subsection (1)(a), with reference to a particular
1069 insurer:

1070 (A) that the licensee represents; or

1071 (B) for whom the licensee processes claims; and

1072 (ii) the cards, documents, signs, or advertisements are supplied or approved by that
1073 insurer.

1074 (2) (a) A title insurer, individual title insurance producer, or agency title insurance
1075 producer or any officer or employee of the title insurer, individual title insurance producer, or
1076 agency title insurance producer may not pay, allow, give, or offer to pay, allow, or give,
1077 directly or indirectly, as an inducement to obtaining any title insurance business:

1078 (i) any rebate, reduction, or abatement of any rate or charge made incident to the
1079 issuance of the title insurance;

- 1080 (ii) any special favor or advantage not generally available to others;
- 1081 (iii) any money or other consideration, except if approved under Section ~~[31A-2-405]~~
- 1082 [31A-23a-119](#); or
- 1083 (iv) material inducement.
- 1084 (b) "Charge made incident to the issuance of the title insurance" includes escrow
- 1085 charges, and any other services that are prescribed in rule by the [~~Title and Escrow~~
- 1086 ~~Commission after consultation with the~~] commissioner and subject to Section ~~[31A-2-404]~~
- 1087 [31A-2-201](#).
- 1088 (c) An insured or any other person connected, directly or indirectly, with the
- 1089 transaction may not knowingly receive or accept, directly or indirectly, any benefit referred to
- 1090 in Subsection (2)(a), including:
- 1091 (i) a person licensed under Title 61, Chapter 2c, Utah Residential Mortgage Practices
- 1092 and Licensing Act;
- 1093 (ii) a person licensed under Title 61, Chapter 2f, Real Estate Licensing and Practices
- 1094 Act;
- 1095 (iii) a builder;
- 1096 (iv) an attorney; or
- 1097 (v) an officer, employee, or agent of a person listed in this Subsection (2)(c)(iii).
- 1098 (3) (a) An insurer may not unfairly discriminate among policyholders by charging
- 1099 different premiums or by offering different terms of coverage, except on the basis of
- 1100 classifications related to the nature and the degree of the risk covered or the expenses involved.
- 1101 (b) Rates are not unfairly discriminatory if they are averaged broadly among persons
- 1102 insured under a group, blanket, or franchise policy, and the terms of those policies are not
- 1103 unfairly discriminatory merely because they are more favorable than in similar individual
- 1104 policies.
- 1105 (4) (a) This Subsection (4) applies to:
- 1106 (i) a person who is or should be licensed under this title;
- 1107 (ii) an employee of that licensee or person who should be licensed;
- 1108 (iii) a person whose primary interest is as a competitor of a person licensed under this
- 1109 title; and
- 1110 (iv) one acting on behalf of any person described in Subsections (4)(a)(i) through (iii).

1111 (b) A person described in Subsection (4)(a) may not commit or enter into any
1112 agreement to participate in any act of boycott, coercion, or intimidation that:

1113 (i) tends to produce:

1114 (A) an unreasonable restraint of the business of insurance; or

1115 (B) a monopoly in that business; or

1116 (ii) results in an applicant purchasing or replacing an insurance contract.

1117 (5) (a) (i) Subject to Subsection (5)(a)(ii), a person may not restrict in the choice of an
1118 insurer or licensee under this chapter, another person who is required to pay for insurance as a
1119 condition for the conclusion of a contract or other transaction or for the exercise of any right
1120 under a contract.

1121 (ii) A person requiring coverage may reserve the right to disapprove the insurer or the
1122 coverage selected on reasonable grounds.

1123 (b) The form of corporate organization of an insurer authorized to do business in this
1124 state is not a reasonable ground for disapproval, and the commissioner may by rule specify
1125 additional grounds that are not reasonable. This Subsection (5) does not bar an insurer from
1126 declining an application for insurance.

1127 (6) A person may not make any charge other than insurance premiums and premium
1128 financing charges for the protection of property or of a security interest in property, as a
1129 condition for obtaining, renewing, or continuing the financing of a purchase of the property or
1130 the lending of money on the security of an interest in the property.

1131 (7) (a) A licensee under this title may not refuse or fail to return promptly all indicia of
1132 agency to the principal on demand.

1133 (b) A licensee whose license is suspended, limited, or revoked under Section
1134 [31A-2-308](#), [31A-23a-111](#), or [31A-23a-112](#) may not refuse or fail to return the license to the
1135 commissioner on demand.

1136 (8) (a) A person may not engage in an unfair method of competition or any other unfair
1137 or deceptive act or practice in the business of insurance, as defined by the commissioner by
1138 rule, after a finding that the method of competition, the act, or the practice:

1139 (i) is misleading;

1140 (ii) is deceptive;

1141 (iii) is unfairly discriminatory;

1142 (iv) provides an unfair inducement; or
1143 (v) unreasonably restrains competition.
1144 (b) Notwithstanding Subsection (8)(a), for purpose of the title insurance industry, the
1145 ~~[Title and Escrow Commission]~~ commissioner shall make rules, subject to Section
1146 ~~[31A-2-404]~~ 31A-2-201, that define an unfair method of competition or unfair or deceptive act
1147 or practice after a finding that the method of competition, the act, or the practice:
1148 (i) is misleading;
1149 (ii) is deceptive;
1150 (iii) is unfairly discriminatory;
1151 (iv) provides an unfair inducement; or
1152 (v) unreasonably restrains competition.
1153 Section 16. Section **31A-23a-406** is amended to read:
1154 **31A-23a-406. Title insurance producer's business.**
1155 (1) An individual title insurance producer or agency title insurance producer may do
1156 escrow involving real property transactions if all of the following exist:
1157 (a) the individual title insurance producer or agency title insurance producer is licensed
1158 with:
1159 (i) the title line of authority; and
1160 (ii) the escrow subline of authority;
1161 (b) the individual title insurance producer or agency title insurance producer is
1162 appointed by a title insurer authorized to do business in the state;
1163 (c) except as provided in Subsection (3), the individual title insurance producer or
1164 agency title insurance producer issues one or more of the following as part of the transaction:
1165 (i) an owner's policy offering title insurance;
1166 (ii) a lender's policy offering title insurance; or
1167 (iii) if the transaction does not involve a transfer of ownership, an endorsement to an
1168 owner's or a lender's policy offering title insurance;
1169 (d) money deposited with the individual title insurance producer or agency title
1170 insurance producer in connection with any escrow is deposited:
1171 (i) in a federally insured depository institution, as defined in Section 7-1-103, that:
1172 (A) has an office in this state, if the individual title insurance producer or agency title

1173 insurance producer depositing the money is a resident licensee; and

1174 (B) is authorized by the depository institution's primary regulator to engage in trust
1175 business, as defined in Section 7-5-1, in this state; and

1176 (ii) in a trust account that is separate from all other trust account money that is not
1177 related to real estate transactions;

1178 (e) money deposited with the individual title insurance producer or agency title
1179 insurance producer in connection with any escrow is the property of the one or more persons
1180 entitled to the money under the provisions of the escrow; and

1181 (f) money deposited with the individual title insurance producer or agency title
1182 insurance producer in connection with an escrow is segregated escrow by escrow in the records
1183 of the individual title insurance producer or agency title insurance producer;

1184 (g) earnings on money held in escrow may be paid out of the escrow account to any
1185 person in accordance with the conditions of the escrow;

1186 (h) the escrow does not require the individual title insurance producer or agency title
1187 insurance producer to hold:

1188 (i) construction money; or

1189 (ii) money held for exchange under Section 1031, Internal Revenue Code; and

1190 (i) the individual title insurance producer or agency title insurance producer shall
1191 maintain a physical office in Utah staffed by a person with an escrow subline of authority who
1192 processes the escrow.

1193 (2) Notwithstanding Subsection (1), an individual title insurance producer or agency
1194 title insurance producer may engage in the escrow business if:

1195 (a) the escrow involves:

1196 (i) a mobile home;

1197 (ii) a grazing right;

1198 (iii) a water right; or

1199 (iv) other personal property authorized by the commissioner; and

1200 (b) the individual title insurance producer or agency title insurance producer complies
1201 with this section except for Subsection (1)(c).

1202 (3) (a) Subsection (1)(c) does not apply if the transaction is for the transfer of real
1203 property from the School and Institutional Trust Lands Administration.

1204 (b) This subsection does not prohibit an individual title insurance producer or agency
1205 title insurance producer from issuing a policy described in Subsection (1)(c) as part of a
1206 transaction described in Subsection (3)(a).

1207 (4) Money held in escrow:

1208 (a) is not subject to any debts of the individual title insurance producer or agency title
1209 insurance producer;

1210 (b) may only be used to fulfill the terms of the individual escrow under which the
1211 money is accepted; and

1212 (c) may not be used until the conditions of the escrow are met.

1213 (5) Assets or property other than escrow money received by an individual title
1214 insurance producer or agency title insurance producer in accordance with an escrow shall be
1215 maintained in a manner that will:

1216 (a) reasonably preserve and protect the asset or property from loss, theft, or damages;
1217 and

1218 (b) otherwise comply with the general duties and responsibilities of a fiduciary or
1219 bailee.

1220 (6) (a) A check from the trust account described in Subsection (1)(d) may not be
1221 drawn, executed, or dated, or money otherwise disbursed unless the segregated escrow account
1222 from which money is to be disbursed contains a sufficient credit balance consisting of collected
1223 and cleared money at the time the check is drawn, executed, or dated, or money is otherwise
1224 disbursed.

1225 (b) As used in this Subsection (6), money is considered to be "collected and cleared,"
1226 and may be disbursed as follows:

1227 (i) cash may be disbursed on the same day the cash is deposited;

1228 (ii) a wire transfer may be disbursed on the same day the wire transfer is deposited; and

1229 (iii) the proceeds of one or more of the following financial instruments may be
1230 disbursed on the same day the financial instruments are deposited if received from a single
1231 party to the real estate transaction and if the aggregate of the financial instruments for the real
1232 estate transaction is less than \$10,000:

1233 (A) a cashier's check, certified check, or official check that is drawn on an existing
1234 account at a federally insured financial institution;

1235 (B) a check drawn on the trust account of a principal broker or associate broker
1236 licensed under Title 61, Chapter 2f, Real Estate Licensing and Practices Act, if the individual
1237 title insurance producer or agency title insurance producer has reasonable and prudent grounds
1238 to believe sufficient money will be available from the trust account on which the check is
1239 drawn at the time of disbursement of proceeds from the individual title insurance producer or
1240 agency title insurance producer's escrow account;

1241 (C) a personal check not to exceed \$500 per closing; or

1242 (D) a check drawn on the escrow account of another individual title insurance producer
1243 or agency title insurance producer, if the individual title insurance producer or agency title
1244 insurance producer in the escrow transaction has reasonable and prudent grounds to believe
1245 that sufficient money will be available for withdrawal from the account upon which the check
1246 is drawn at the time of disbursement of money from the escrow account of the individual title
1247 insurance producer or agency title insurance producer in the escrow transaction.

1248 (c) A check or deposit not described in Subsection (6)(b) may be disbursed:

1249 (i) within the time limits provided under the Expedited Funds Availability Act, 12
1250 U.S.C. Sec. 4001 et seq., as amended, and related regulations of the Federal Reserve System; or

1251 (ii) upon notification from the financial institution to which the money has been
1252 deposited that final settlement has occurred on the deposited financial instrument.

1253 (7) An individual title insurance producer or agency title insurance producer shall
1254 maintain a record of a receipt or disbursement of escrow money.

1255 (8) An individual title insurance producer or agency title insurance producer shall
1256 comply with:

1257 (a) Section [31A-23a-409](#);

1258 (b) Title 46, Chapter 1, Notaries Public Reform Act; and

1259 (c) any rules adopted by the [~~Title and Escrow Commission~~] commissioner, subject to
1260 Section [~~31A-2-404~~] [31A-2-201](#), that govern escrows.

1261 (9) If an individual title insurance producer or agency title insurance producer conducts
1262 a search for real estate located in the state, the individual title insurance producer or agency
1263 title insurance producer shall conduct a reasonable search of the public records.

1264 Section 17. Section **31A-23a-415** is amended to read:

1265 **31A-23a-415. Assessment on agency title insurance producers or title insurers --**

1266 **Account created.**

1267 (1) For purposes of this section:

1268 (a) "Premium" is as described in Subsection 59-9-101(3).

1269 (b) "Title insurer" means a person:

1270 (i) making any contract or policy of title insurance as:

1271 (A) insurer;

1272 (B) guarantor; or

1273 (C) surety;

1274 (ii) proposing to make any contract or policy of title insurance as:

1275 (A) insurer;

1276 (B) guarantor; or

1277 (C) surety; or

1278 (iii) transacting or proposing to transact any phase of title insurance, including:

1279 (A) soliciting;

1280 (B) negotiating preliminary to execution;

1281 (C) executing of a contract of title insurance;

1282 (D) insuring; and

1283 (E) transacting matters subsequent to the execution of the contract and arising out of
1284 the contract.

1285 (c) "Utah risks" means insuring, guaranteeing, or indemnifying with regard to real or
1286 personal property located in Utah, an owner of real or personal property, the holders of liens or
1287 encumbrances on that property, or others interested in the property against loss or damage
1288 suffered by reason of:

1289 (i) liens or encumbrances upon, defects in, or the unmarketability of the title to the
1290 property; or

1291 (ii) invalidity or unenforceability of any liens or encumbrances on the property.

1292 (2) (a) The commissioner may assess each title insurer, each individual title insurance
1293 producer who is not an employee of a title insurer or who is not designated by an agency title
1294 insurance producer, and each agency title insurance producer an annual assessment[:], in
1295 accordance with this Subsection (2), to be used for the purposes described in Subsection (3).

1296 [~~(i) determined by the Title and Escrow Commission.~~]

1297 ~~[(A) after consultation with the commissioner; and]~~
1298 ~~[(B) in accordance with this Subsection (2); and]~~
1299 ~~[(ii) to be used for the purposes described in Subsection (3).]~~
1300 (b) An agency title insurance producer and individual title insurance producer who is
1301 not an employee of a title insurer or who is not designated by an agency title insurance
1302 producer shall be assessed up to:
1303 (i) \$250 for the first office in each county in which the agency title insurance producer
1304 or individual title insurance producer maintains an office; and
1305 (ii) \$150 for each additional office the agency title insurance producer or individual
1306 title insurance producer maintains in the county described in Subsection (2)(b)(i).
1307 (c) A title insurer shall be assessed up to:
1308 (i) \$250 for the first office in each county in which the title insurer maintains an office;
1309 (ii) \$150 for each additional office the title insurer maintains in the county described in
1310 Subsection (2)(c)(i); and
1311 (iii) an amount calculated by:
1312 (A) aggregating the assessments imposed on:
1313 (I) agency title insurance producers and individual title insurance producers under
1314 Subsection (2)(b); and
1315 (II) title insurers under Subsections (2)(c)(i) and (2)(c)(ii);
1316 (B) subtracting the amount determined under Subsection (2)(c)(iii)(A) from the total
1317 costs and expenses determined under Subsection (2)(d); and
1318 (C) multiplying:
1319 (I) the amount calculated under Subsection (2)(c)(iii)(B); and
1320 (II) the percentage of total premiums for title insurance on Utah risk that are premiums
1321 of the title insurer.
1322 (d) Notwithstanding Section [31A-3-103](#) and subject to Section ~~[[31A-2-404](#)]~~
1323 [31A-2-201](#), the ~~[Title and Escrow Commission]~~ commissioner by rule shall establish the
1324 amount of costs and expenses described under Subsection (3) that will be covered by the
1325 assessment, except the costs or expenses to be covered by the assessment may not exceed the
1326 cost of one full-time equivalent position.
1327 (e) (i) An individual licensed to practice law in Utah is exempt from the requirements

1328 of this Subsection (2) if that person issues 12 or less policies during a 12-month period.

1329 (ii) In determining the number of policies issued by an individual licensed to practice
1330 law in Utah for purposes of Subsection (2)(e)(i), if the individual issues a policy to more than
1331 one party to the same closing, the individual is considered to have issued only one policy.

1332 (3) (a) Money received by the state under this section shall be deposited into the Title
1333 Licensee Enforcement Restricted Account.

1334 (b) There is created in the General Fund a restricted account known as the "Title
1335 Licensee Enforcement Restricted Account."

1336 (c) The Title Licensee Enforcement Restricted Account shall consist of the money
1337 received by the state under this section.

1338 (d) The commissioner shall administer the Title Licensee Enforcement Restricted
1339 Account. Subject to appropriations by the Legislature, the commissioner shall use the money
1340 deposited into the Title Licensee Enforcement Restricted Account only to pay for a cost or
1341 expense incurred by the department in the administration, investigation, and enforcement of
1342 laws governing individual title insurance producers, agency title insurance producers, or title
1343 insurers.

1344 (e) An appropriation from the Title Licensee Enforcement Restricted Account is
1345 nonlapsing.

1346 (4) The assessment imposed by this section shall be in addition to any premium
1347 assessment imposed under Subsection 59-9-101(3).

1348 Section 18. Section 31A-23a-1001 is amended to read:

1349 **31A-23a-1001. Definitions.**

1350 As used in this part:

1351 (1) "Affiliated business" means the gross transaction revenue of a title entity's title
1352 insurance business in the state that is the result of an affiliated business arrangement.

1353 (2) "Affiliated business arrangement" means the same as that term is defined in 12
1354 U.S.C. Sec. 2602, except the services that are the subject of the arrangement do not need to
1355 involve a federally related mortgage loan.

1356 (3) "Applicable percentage" means:

1357 (a) on February 1, 2020, through January 31, 2021, 0.5%;

1358 (b) on February 1, 2021, through January 31, 2022, 1%;

- 1359 (c) on February 1, 2022, through January 31, 2023, 1.5%;
- 1360 (d) on February 1, 2023, through January 31, 2024, 2%;
- 1361 (e) on February 1, 2024, through January 31, 2025, 2.5%;
- 1362 (f) on February 1, 2025, through January 31, 2026, 3%;
- 1363 (g) on February 1, 2026, through January 31, 2027, 3.5%;
- 1364 (h) on February 1, 2027, through January 31, 2028, 4%; and
- 1365 (i) on February 1, 2028, through January 31, 2029, 4.5%.
- 1366 (4) "Associate" means the same as that term is defined in 12 U.S.C. Sec. 2602.
- 1367 (5) "Division" means the Division of Real Estate created in Section [61-2-201](#).
- 1368 (6) "Essential function" means:
- 1369 (a) examining and evaluating, based on relevant law and title insurance underwriting
- 1370 principles and guidelines, title evidence to determine the insurability of a title and which items
- 1371 to include or exclude in a title commitment or title insurance policy to be issued;
- 1372 (b) preparing and issuing a title commitment or other document that:
- 1373 (i) discloses the status of the title as the title is proposed to be insured;
- 1374 (ii) identifies the conditions that must be met before a title insurance policy will be
- 1375 issued; and
- 1376 (iii) obligates the insurer to issue a title insurance policy if the conditions described in
- 1377 Subsection (6)(b)(ii) are met;
- 1378 (c) clearing underwriting objections and taking the necessary steps to satisfy any
- 1379 conditions to the issuance of a title insurance policy;
- 1380 (d) preparing the issuance of a title insurance policy; or
- 1381 (e) handling the closing or settlement of a real estate transaction when:
- 1382 (i) it is customary for a title entity to handle the closing or settlement; and
- 1383 (ii) the title entity's compensation for handling the closing or settlement is customarily
- 1384 part of the payment or retention from the insurer.
- 1385 (7) "New or newly affiliated title entity" means a title entity that:
- 1386 (a) is licensed as a title entity for the first time on or after May 14, 2019; or
- 1387 (b) (i) is licensed as a title entity before May 14, 2019; and
- 1388 (ii) enters into an affiliated business arrangement for the first time on or after May 14,
- 1389 2019.

1390 (8) "Producer" means the same as the term "person who is in a position to refer
1391 settlement service business" is defined in 12 C.F.R. Sec. 1024.15(c).

1392 (9) "RESPA" means the federal Real Estate Settlement Procedures Act, 12 U.S.C. Sec.
1393 2601 et seq. and any rules made thereunder.

1394 (10) "Section 8 of RESPA" means 12 U.S.C. Sec. 2607 and any rules promulgated
1395 thereunder.

1396 (11) "Sufficient capital and net worth" means:

1397 (a) for a new or newly affiliated title entity:

1398 (i) \$100,000 for the first five years after becoming a new or newly affiliated title entity;
1399 or

1400 (ii) after the first five years after becoming a new or newly affiliated title entity, the
1401 greater of:

1402 (A) \$50,000; or

1403 (B) on February 1 of each year, an amount equal to 5% of the title entity's average
1404 annual gross revenue over the preceding two calendar years, up to \$150,000; or

1405 (b) for a title entity licensed before May 14, 2019, who is not a new or newly affiliated
1406 title entity:

1407 (i) for the time period beginning on February 1, 2020, and ending on January 31, 2029,
1408 the lesser of:

1409 (A) an amount equal to the applicable percentage of the title entity's average annual
1410 gross revenue over the two calendar years immediately preceding the February 1 on which the
1411 applicable percentage first applies; or

1412 (B) \$150,000; and

1413 (ii) beginning on February 1, 2029, the greater of:

1414 (A) \$50,000; or

1415 (B) an amount equal to 5% of the title entity's average annual gross revenue over the
1416 preceding two calendar years, up to \$150,000.

1417 (12) "Title entity" means:

1418 (a) a title licensee as defined in [~~Section 31A-2-402~~] this section; or

1419 (b) a title insurer as defined in Section [31A-23a-415](#).

1420 (13) (a) "Title evidence" means a written or electronic document that identifies and

1421 describes or compiles the documents, records, judgments, liens, and other information from the
1422 public records relevant to the history and current condition of a title to be insured.

1423 (b) "Title evidence" does not include a pro forma commitment.

1424 (14) "Title licensee" means:

1425 (a) an agency title insurance producer with a title insurance line of authority;

1426 (b) an individual title insurance producer with:

1427 (i) a general title insurance line of authority; or

1428 (ii) a specific category of authority for title insurance; or

1429 (c) a title insurance adjuster.

1430 Section 19. Section **31A-26-203** is amended to read:

1431 **31A-26-203. Adjuster's license required.**

1432 (1) The commissioner shall issue a license to act as an independent adjuster or public
1433 adjuster to a person who, as to the license classification applied for under Section **31A-26-204**:

1434 (a) satisfies the character requirements under Section **31A-26-205**;

1435 (b) satisfies the applicable continuing education requirements under Section
1436 **31A-26-206**;

1437 (c) satisfies the applicable examination requirements under Section **31A-26-207**;

1438 (d) has not committed an act that is a ground for denial, suspension, or revocation
1439 provided for in Section **31A-26-213**;

1440 (e) if a nonresident, complies with Section **31A-26-208**; and

1441 (f) pays the applicable fees under Section **31A-3-103**.

1442 (2) (a) This Subsection (2) applies to the following persons:

1443 (i) an applicant for:

1444 (A) an independent adjuster's license; or

1445 (B) a public adjuster's license;

1446 (ii) a licensed independent adjuster; or

1447 (iii) a licensed public adjuster.

1448 (b) A person described in Subsection (2)(a) shall report to the commissioner:

1449 (i) an administrative action taken against the person, including a denial of a new or
1450 renewal license application:

1451 (A) in another jurisdiction; or

1452 (B) by another regulatory agency in this state; and
1453 (ii) a criminal prosecution taken against the person in any jurisdiction.
1454 (c) The report required by Subsection (2)(b) shall:
1455 (i) be filed:
1456 (A) at the time the person applies for an adjustor's license; and
1457 (B) if an action or prosecution occurs on or after the day on which the person applies
1458 for an adjustor's license:
1459 (I) for an administrative action, within 30 days of the final disposition of the
1460 administrative action; or
1461 (II) for a criminal prosecution, within 30 days of the initial appearance before a court;
1462 and
1463 (ii) include a copy of the complaint or other relevant legal documents related to the
1464 action or prosecution described in Subsection (2)(b).
1465 (3) (a) The department may require a person applying for a license or for consent to
1466 engage in the business of insurance to submit to a criminal background check as a condition of
1467 receiving a license or consent.
1468 (b) A person, if required to submit to a criminal background check under Subsection
1469 (3)(a), shall:
1470 (i) submit a fingerprint card in a form acceptable to the department; and
1471 (ii) consent to a fingerprint background check by:
1472 (A) the Utah Bureau of Criminal Identification; and
1473 (B) the Federal Bureau of Investigation.
1474 (c) For a person who submits a fingerprint card and consents to a fingerprint
1475 background check under Subsection (3)(b), the department may request concerning a person
1476 applying for an independent or public adjuster's license:
1477 (i) criminal background information maintained pursuant to Title 53, Chapter 10, Part
1478 2, Bureau of Criminal Identification, from the Bureau of Criminal Identification; and
1479 (ii) complete Federal Bureau of Investigation criminal background checks through the
1480 national criminal history system.
1481 (d) Information obtained by the department from the review of criminal history records
1482 received under this Subsection (3) shall be used by the department for the purposes of:

- 1483 (i) determining if a person satisfies the character requirements under Section
1484 31A-26-205 for issuance or renewal of a license;
- 1485 (ii) determining if a person has failed to maintain the character requirements under
1486 Section 31A-26-205; and
- 1487 (iii) preventing a person who violates the federal Violent Crime Control and Law
1488 Enforcement Act of 1994, 18 U.S.C. Sec. 1033, from engaging in the business of insurance in
1489 the state.
- 1490 (e) If the department requests the criminal background information, the department
1491 shall:
- 1492 (i) pay to the Department of Public Safety the costs incurred by the Department of
1493 Public Safety in providing the department criminal background information under Subsection
1494 (3)(c)(i);
- 1495 (ii) pay to the Federal Bureau of Investigation the costs incurred by the Federal Bureau
1496 of Investigation in providing the department criminal background information under
1497 Subsection (3)(c)(ii); and
- 1498 (iii) charge the person applying for a license or for consent to engage in the business of
1499 insurance a fee equal to the aggregate of Subsections (3)(e)(i) and (ii).
- 1500 (4) The commissioner may deny a license application to act as an independent adjuster
1501 or public adjuster to a person who, as to the license classification applied for under Section
1502 31A-26-204:
- 1503 (a) fails to satisfy the requirements in this section; or
- 1504 (b) commits an act that is a ground for denial, suspension, or revocation provided for in
1505 Section 31A-26-213.
- 1506 ~~[(5) Notwithstanding the other provisions of this section, the commissioner may:]~~
1507 ~~[(a) issue a license to an applicant for a license for a title insurance classification only~~
1508 ~~with the concurrence of the Title and Escrow Commission; or]~~
- 1509 ~~[(b) renew a license for a title insurance classification only with the concurrence of the~~
1510 ~~Title and Escrow Commission.]~~
- 1511 Section 20. Section 31A-26-204 is amended to read:
- 1512 **31A-26-204. License classifications.**
- 1513 A resident or nonresident license issued under this chapter shall be issued under the

1514 classifications described under Subsections (1), (2), and (3). A classification describes the
1515 matters to be considered under a prerequisite education or examination required of license
1516 applicants under Sections [31A-26-206](#) and [31A-26-207](#).

1517 (1) Independent adjuster license classifications include:

1518 (a) accident and health insurance, including related service insurance under Chapter 7,
1519 Nonprofit Health Service Insurance Corporations, or Chapter 8, Health Maintenance
1520 Organizations and Limited Health Plans;

1521 (b) property and casualty insurance, including a surety or other bond;

1522 (c) crop insurance; and

1523 (d) workers' compensation insurance.

1524 (2) Public adjuster license classifications include:

1525 (a) accident and health insurance, including related service insurance under Chapter 7,
1526 Nonprofit Health Service Insurance Corporations, or Chapter 8, Health Maintenance
1527 Organizations and Limited Health Plans;

1528 (b) property and casualty insurance, including a surety or other bond;

1529 (c) crop insurance; and

1530 (d) workers' compensation insurance.

1531 (3) ~~(a)~~ The commissioner may by rule:

1532 ~~(i)~~ (a) recognize other independent adjuster or public adjuster license classifications
1533 as to other kinds of insurance not listed under Subsection (1); and

1534 ~~(ii)~~ (b) create license classifications that grant only part of the authority arising under
1535 another license class.

1536 ~~(b) Notwithstanding Subsection (3)(a), for purpose of title insurance, the Title and~~
1537 ~~Escrow Commission may make the rules provided for in Subsection (3)(a), subject to Section~~
1538 ~~[31A-2-404](#).]~~

1539 Section 21. Section **31A-35-102** is amended to read:

1540 **31A-35-102. Definitions.**

1541 As used in this chapter:

1542 (1) "Bail bond" means a bail bond insurance product for a specified monetary amount
1543 that is:

1544 (a) executed by a bail bond producer licensed in accordance with Section [31A-35-401](#);

1545 and

1546 (b) issued to a court, magistrate, or authorized officer to secure:

1547 (i) the release of a person from incarceration; and

1548 (ii) the appearance of the released person at court hearings the person is required to

1549 attend.

1550 (2) "Bail bond agency" means any sole proprietor or entity that:

1551 (a) is licensed under Subsection [31A-35-404\(1\)](#) or (2);

1552 (b) (i) is the agent of a surety insurer that sells a bail bond in connection with judicial

1553 proceedings;

1554 (ii) pledges the assets of a letter of credit from a Utah depository institution for a bail

1555 bond in connection with judicial proceedings; or

1556 (iii) pledges personal or real property, or both, as security for a bail bond in connection

1557 with judicial proceedings; and

1558 (c) receives or is promised money or other things of value for a service described in

1559 Subsection (2)(b).

1560 (3) "Bail bond producer" means an individual who:

1561 (a) is appointed by:

1562 (i) a surety insurer that sells bail bonds; or

1563 (ii) a bail bond agency licensed under this chapter;

1564 (b) is appointed to execute or countersign undertakings of bail in connection with

1565 judicial proceedings; and

1566 (c) receives or is promised money or other things of value for engaging in an act

1567 described in Subsection (3)(b).

1568 (4) "Bail enforcement agent" means the same as that term is defined in Section

1569 [53-11-102](#).

1570 [~~(5) "Board" means the Bail Bond Oversight Board created in Section [31A-35-201](#).~~]

1571 [~~(6)~~ (5) "Certificate" means a certificate of authority issued under this chapter to allow

1572 an insurer to operate as a surety insurer.

1573 [~~(7)~~ (6) "Indemnitor" means an entity or natural person that enters into an agreement

1574 with a bail bond agency to hold the bail bond agency harmless from loss incurred as a result of

1575 executing a bail bond.

1576 [(8)] (7) "Liquid assets" means financial holdings that can be converted into cash in a
1577 timely manner without the loss of principal.

1578 [(9)] (8) "Premium" means the specified monetary amount used to purchase a bail
1579 bond.

1580 [(10)] (9) "Principal" means a person that:

1581 (a) guarantees the performance of a bail bond; or

1582 (b) owns not less than 10% of the bail bond agency.

1583 [(11)] (10) "Surety insurer" means an insurer that:

1584 (a) is licensed under Chapter 4, Insurers in General, Chapter 5, Domestic Stock and
1585 Mutual Insurance Corporations, or Chapter 14, Foreign Insurers;

1586 (b) receives a certificate under this title; and

1587 (c) sells bail bonds in connection with judicial proceedings.

1588 [(12)] (11) "Utah depository institution" means a depository institution, as defined in
1589 Section 7-1-103, that:

1590 (a) has Utah as its home state; or

1591 (b) operates a branch in Utah.

1592 Section 22. Section 31A-35-301 is amended to read:

1593 **31A-35-301. The commissioner's authority.**

1594 (1) The commissioner shall:

1595 (a) make rules as necessary for the administration of this chapter;

1596 (b) [~~with information as provided by the board,~~] issue or deny licensure under this
1597 chapter;

1598 (c) take action regarding a license, including suspension or revocation; and

1599 (d) maintain and publish a current list of licensed bail bond agencies and bail bond
1600 producers.

1601 (2) The commissioner may establish fees for the issuance, renewal, and reinstatement
1602 of a bail bond agency license in accordance with Section 63J-1-504.

1603 Section 23. Section 31A-35-405 is amended to read:

1604 **31A-35-405. Issuance of license -- Denial -- Right of appeal.**

1605 (1) After the commissioner receives a complete application, fee, and any additional

1606 information in accordance with Section 31A-35-401, the [board] commissioner shall determine

1607 whether the applicant meets the requirements for issuance of a license under this chapter.

1608 (2) (a) If the [board] commissioner determines that the applicant meets the
1609 requirements for issuance of a license under this chapter, the commissioner shall issue to that
1610 person a bail bond agency license.

1611 (b) If the [board] commissioner determines that the applicant does not meet the
1612 requirements for issuance of a license under this chapter, the commissioner shall make a final
1613 determination as to whether to issue a license under this chapter.

1614 (3) (a) If the commissioner denies an application for a bail bond agency license under
1615 this chapter, the commissioner shall provide prompt written notification of the denial by
1616 commencing an informal adjudicative proceeding in accordance with Title 63G, Chapter 4,
1617 Administrative Procedures Act.

1618 (b) An applicant may request a hearing on a denial of an application for a bail bond
1619 agency license within 15 days after the day on which the commissioner issues the denial.

1620 (c) The commissioner shall hold a hearing no later than 60 days after the day on which
1621 the commissioner receives a request for a hearing described in Subsection (3)(b).

1622 Section 24. Section **31A-35-406** is amended to read:

1623 **31A-35-406. Initial licensing, license renewal, and license reinstatement.**

1624 (1) An applicant for an initial bail bond agency license shall:

1625 (a) complete and submit to the department an application;

1626 (b) submit to the department, as applicable, a copy of the applicant's:

1627 (i) irrevocable letter of credit, as required under Subsection [31A-35-404\(1\)](#);

1628 (ii) verified financial statement, as required under Subsection [31A-35-404\(2\)](#); or

1629 (iii) qualifying power of attorney, as required under Subsection [31A-35-404\(3\)](#); and

1630 (c) pay the department the applicable renewal fee established in accordance with

1631 Section [31A-3-103](#).

1632 (2) (a) A license under this chapter expires annually effective at midnight on August
1633 14.

1634 (b) To renew a bail bond agency license issued under this chapter, on or before July 15,
1635 the bail bond agency shall:

1636 (i) complete and submit to the department a renewal application that includes

1637 certification that[~~:-~~] as of May 1, the agency complies with aggregate bond limits established by

1638 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

1639 ~~[(A) a principal of the agency attended or participated by telephone in at least one~~
1640 ~~entire board meeting during the 12-month period before July 15; and]~~

1641 ~~[(B) as of May 1, the agency complies with aggregate bond limits established by rule~~
1642 ~~made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;]~~

1643 (ii) submit to the department, as applicable, a copy of the applicant's:

1644 (A) irrevocable letter of credit, as required under Subsection 31A-35-404(1);

1645 (B) verified financial statement, as required under Subsection 31A-35-404(2); or

1646 (C) qualifying power of attorney, as required under Subsection 31A-35-404(3); and

1647 (iii) pay the department the applicable renewal fee established in accordance with

1648 Section 31A-3-103.

1649 (c) A bail bond agency shall renew the bail bond agency's license under this chapter
1650 annually as established by department rule, regardless of when the license is issued.

1651 (3) (a) A bail bond agency may apply for reinstatement of an expired bail bond agency
1652 license within one year after the day on which the license expires by complying with the
1653 renewal requirements described in Subsection (2).

1654 (b) If a bail bond agency license has been expired for more than one year, the person
1655 applying for reinstatement of the bail bond agency license shall comply with the initial
1656 licensing requirements described in Subsection (1).

1657 (4) If a bail bond agency license is suspended, the applicant may not submit an
1658 application for a bail bond agency license until after the day on which the period of suspension
1659 ends.

1660 (5) The department shall deposit a fee collected under this section in the restricted
1661 account created in Section 31A-35-407.

1662 Section 25. Section 31A-35-407 is amended to read:

1663 **31A-35-407. Restricted account.**

1664 (1) There is created within the General Fund a restricted account known as the "Bail
1665 Bond Administration Account."

1666 (2) (a) The account shall be funded from the fees imposed under this chapter.

1667 (b) The department shall deposit all fees collected under this part into the account.

1668 (c) The funds in the account shall be used by the department to administer this chapter.

1669 (d) The account shall earn interest, which shall be deposited into the account.
1670 [~~(3) The department shall, at the end of each quarter, provide to the board an itemized~~
1671 ~~accounting that includes the balances at the beginning and the end of the quarter. The~~
1672 ~~department shall provide the report no later than the 30th day of the month subsequent to the~~
1673 ~~last month of the required quarterly report.]~~

1674 Section 26. Section **31A-41-102** is amended to read:

1675 **31A-41-102. Definitions.**

1676 As used in this chapter:

1677 [~~(1) "Commission" means the Title and Escrow Commission created in Section~~
1678 ~~31A-2-403;]~~

1679 [~~(2)~~ (1) "Fund" means the Title Insurance Recovery, Education, and Research Fund
1680 created in Section [31A-41-201](#).

1681 [~~(3)~~ (2) "Title insurance licensee" means:

1682 (a) an agency title insurance producer; or

1683 (b) an individual title insurance producer.

1684 Section 27. Section **31A-41-202** is amended to read:

1685 **31A-41-202. Assessments.**

1686 (1) An agency title insurance producer licensed under this title shall pay an annual
1687 assessment determined by the [~~commission~~] commissioner by rule made in accordance with
1688 Section [~~31A-2-404~~] [31A-2-201](#), except that the annual assessment:

1689 (a) may not exceed \$1,000; and

1690 (b) shall be determined on the basis of title insurance premium volume.

1691 (2) An individual who applies for a license or renewal of a license as an individual title
1692 insurance producer, shall pay in addition to any other fee required by this title, an assessment
1693 not to exceed \$20, as determined by the [~~commission~~] commissioner by rule made in
1694 accordance with Section [~~31A-2-404~~] [31A-2-201](#), except that if the individual holds more than
1695 one license, the total of all assessments under this Subsection (2) may not exceed \$20 in a
1696 fiscal year.

1697 (3) (a) To be licensed as an agency title insurance producer, a person shall pay to the
1698 department an assessment of \$1,000 before the day on which the person is licensed as a title
1699 insurance agency.

1700 (b) (i) The department shall assess on a licensed agency title insurance producer an
1701 amount equal to the greater of:

1702 (A) \$1,000; or

1703 (B) subject to Subsection (3)(b)(ii), 2% of the balance in the agency title insurance
1704 producer's reserve account described in Subsection 31A-23a-204(3).

1705 (ii) The department may assess on an agency title insurance producer an amount less
1706 than 2% of the balance described in Subsection (3)(b)(i)(B) if:

1707 (A) before issuing the assessments under this Subsection (3)(b) the department
1708 determines that the total of all assessments under Subsection (3)(b)(i) will exceed \$250,000;

1709 (B) the amount assessed on the agency title insurance producer is not less than \$1,000;
1710 and

1711 (C) the department reduces the assessment in a proportionate amount for agency title
1712 insurance producers assessed on the basis of the 2% of the balance described in Subsection
1713 (3)(b)(i)(B).

1714 (iii) An agency title insurance producer assessed under this Subsection (3)(b) shall pay
1715 the assessment by no later than August 1.

1716 (4) The department may not assess a title insurance licensee an assessment for
1717 purposes of the fund if that assessment is not expressly provided for in this section.

1718 Section 28. Section 58-49-2 is amended to read:

1719 **58-49-2. Definitions.**

1720 In addition to the definitions in Section 58-1-102, as used in this chapter:

1721 [~~1~~] "~~Board~~" means the ~~Dietitian Board~~ created in Section ~~58-49-3~~;

1722 [~~2~~] (1) "Certified dietitian" means a person who is certified by the division as meeting
1723 the certification requirements provided in this chapter.

1724 [~~3~~] (2) "Commission on Dietetic Registration" means the credentialing component of
1725 the American Dietetic Association.

1726 [~~4~~] (3) "Dietetics" means the integration and application of principles derived from
1727 the sciences of food for the development, management, and provision of dietary services for
1728 individuals and groups for meeting their health care needs. "Dietetics" includes:

1729 (a) the evaluation of a person's dietary status;

1730 (b) the advising and education of persons on dietary needs; and

1731 (c) the evaluation of needs, implementation of systems to support needs, and
1732 maintenance of appropriate standards of quality in food and dietary service for individuals,
1733 groups, or patients in licensed institutional facilities or in private office settings.

1734 [(5)] (4) "Unprofessional conduct" as defined in Section 58-1-501 and as may be
1735 further defined by rule includes failing to maintain a level of professional practice consistent
1736 with all initial and subsequent requirements by which certification is achieved or maintained
1737 under this chapter.

1738 Section 29. Section 58-49-4 is amended to read:

1739 **58-49-4. Qualifications for certification -- Fee.**

1740 Each applicant for certification under this chapter shall provide proof satisfactory to the
1741 division that the applicant:

1742 (1) holds a baccalaureate or post-baccalaureate degree conferred by a college or
1743 university approved by the division at the time the degree was conferred with a major course of
1744 study in the sciences of food, dietetics, food systems management, or an equivalent major
1745 course of study;

1746 (2) has completed an internship or preplanned professional baccalaureate or
1747 post-baccalaureate experience in a dietetic program under the supervision of a certified
1748 dietitian who is certified under this chapter or certified, registered, or licensed under the laws of
1749 another state or territory of the United States;

1750 (3) has satisfactorily passed a competency examination, approved by or given at the
1751 direction of the [~~board in collaboration with the~~] division; and

1752 (4) has paid the appropriate fees determined by the Department of Commerce. The fee
1753 assessed by the Department of Commerce shall be fair and reasonable and shall reflect the cost
1754 of services provided.

1755 Section 30. Section 58-49-6 is amended to read:

1756 **58-49-6. Certification of persons qualified in other jurisdictions.**

1757 Upon receipt of an application and application fee[~~, and upon the recommendation of~~
1758 ~~the board,~~] the division may waive the examination requirement for an applicant who, at the
1759 time of application:

1760 (1) holds a valid dietitian license or certificate issued by another state or territory of the
1761 United States, provided his qualifications meet the requirements of this chapter; or

1762 (2) is registered by the Commission on Dietetic Registration.

1763 Section 31. Section **58-53-102** is amended to read:

1764 **58-53-102. Definitions.**

1765 In addition to the definitions in Section **58-1-102**, as used in this chapter:

1766 [~~(1)~~] "~~Board~~" means the ~~Landscape Architects Board created in Section **58-53-201**.~~]

1767 [~~(2)~~] (1) "Fund" means the Landscape Architects Education and Enforcement Fund
1768 created in Section **58-53-103**.

1769 [~~(3)~~] (2) "Practice of landscape architecture" means rendering or offering to render any
1770 of the following services:

1771 (a) production of a site plan which may include the design of any of the following:

1772 (i) sprinkler irrigation systems;

1773 (ii) landscape grading and drainage plans; or

1774 (iii) parking lots;

1775 (b) design of any of the following structures incidental to the production of a site plan:

1776 (i) retaining walls; or

1777 (ii) raised platforms, decks, and walkways;

1778 (c) design of any of the following structures incidental to the production of a site plan
1779 when the structure does not exceed 1,000 square feet:

1780 (i) covered pavilions;

1781 (ii) gazebos;

1782 (iii) restrooms;

1783 (iv) storage and maintenance facilities; or

1784 (v) other accessory structures; or

1785 (d) collaboration with architects and professional engineers in the design of roads,
1786 bridges, buildings, and structures with respect to the functional and aesthetic requirements of
1787 the area in which they are to be placed.

1788 [~~(4)~~] (3) "Principal" means a licensed landscape architect having responsible charge of
1789 a landscape architectural practice.

1790 [~~(5)~~] (4) "Supervision" with respect to the supervision of an employee of a landscape
1791 architect, means that a licensed landscape architect is responsible for and personally reviews,
1792 corrects when necessary, and approves work performed by any employee under the direction of

1793 the landscape architect, and may be further defined by rule of the division in collaboration with
1794 the board.

1795 [(6)] (5) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-53-501.

1796 [(7)] (6) "Unprofessional conduct" is as defined in Section 58-1-501 and as may be
1797 further defined by rule of the division in collaboration with the board.

1798 Section 32. Section 58-53-103 is amended to read:

1799 **58-53-103. Education and enforcement fund.**

1800 (1) There is created an expendable special revenue fund known as the "Landscape
1801 Architects Education and Enforcement Fund."

1802 (2) The fund consists of money from:

1803 (a) a surcharge placed on application fees for initial, renewal, and reinstatement
1804 licensure under this chapter, in an amount established by the division [~~with the collaboration of~~
1805 ~~the board~~] in accordance with Section 63J-1-504, not to exceed 50% of the respective fee; and

1806 (b) administrative penalties collected pursuant to this chapter.

1807 (3) The fund shall earn interest, and all interest earned on fund money shall be
1808 deposited into the fund.

1809 (4) The director may[~~, with concurrence of the board,~~] make distributions from the
1810 fund for the following purposes:

1811 (a) education and training of licensees under this chapter;

1812 (b) education and training of the public or other interested persons in matters
1813 concerning landscape architectural laws and practices; and

1814 (c) enforcement of this chapter by:

1815 (i) investigating unprofessional or unlawful conduct; and

1816 (ii) providing legal representation to the division when the division takes legal action
1817 against a person engaging in unprofessional or unlawful conduct.

1818 (5) If the balance in the fund exceeds \$100,000 at the close of any fiscal year, the
1819 excess shall be transferred to the General Fund.

1820 (6) The division shall report annually to the appropriate appropriations subcommittee
1821 of the Legislature concerning the fund.

1822 Section 33. Section 58-53-302 is amended to read:

1823 **58-53-302. Qualifications for licensure.**

- 1824 (1) Each applicant for licensure as a landscape architect shall:
- 1825 (a) submit an application in a form prescribed by the division;
- 1826 (b) pay a fee as determined by the department under Section [63J-1-504](#);
- 1827 (c) provide satisfactory evidence of good moral character;
- 1828 (d) (i) have graduated and received an earned bachelors or masters degree from a
- 1829 landscape architecture program meeting criteria established by rule by the division [~~in~~
- 1830 ~~collaboration with the board~~]; or
- 1831 (ii) have completed not less than eight years of supervised practical experience in
- 1832 landscape architecture which meets the requirements established by rule by the division [~~in~~
- 1833 ~~collaboration with the board~~]; and
- 1834 (e) have successfully passed examinations established by rule by the division [~~in~~
- 1835 ~~collaboration with the board~~].
- 1836 (2) Satisfactory completion of each year of a landscape architectural program described
- 1837 in Subsection (1)(d)(i) is equivalent to one year of experience for purposes of Subsection
- 1838 (1)(d)(ii).
- 1839 Section 34. Section **58-53-304** is amended to read:
- 1840 **58-53-304. Exemptions from licensure.**
- 1841 In addition to the exemptions from licensure in Section [58-1-307](#), the following may
- 1842 engage in the stated limited acts or practices without being licensed under this chapter:
- 1843 (1) a person preparing a site plan as defined in Subsection [~~58-53-102(3)~~]
- 1844 [58-53-102\(2\)](#), for a one-, two-, three-, or four-family residence not exceeding two stories in
- 1845 height, exclusive of the basement;
- 1846 (2) a person designing sprinkler irrigation systems when licensed as a landscape
- 1847 contractor under Title 58, Chapter 55, Utah Construction Trades Licensing Act;
- 1848 (3) a person licensed to practice professional engineering or professional structural
- 1849 engineering under Title 58, Chapter 22, Professional Engineers and Professional Land
- 1850 Surveyors Licensing Act;
- 1851 (4) a person licensed to practice architecture under Title 58, Chapter 3a, Architects
- 1852 Licensing Act;
- 1853 (5) unlicensed employees of a person licensed under this chapter while preparing site
- 1854 plans as defined in Subsection [~~58-53-102(3)~~] [58-53-102\(2\)](#), under the supervision of a

1855 landscape architect; and

1856 (6) an organization engaged in the practice of landscape architecture, provided that:

1857 (a) the organization employs a principal; and

1858 (b) all individuals employed by the organization, who are engaged in the practice of

1859 landscape architecture, are licensed or exempt from licensure under this chapter.

1860 Section 35. Section **58-53-601** is amended to read:

1861 **58-53-601. Seal -- Design and implementation.**

1862 Every landscape architect shall have a seal, the design and implementation of which

1863 shall be established by rule by the division [~~in collaboration with the board~~].

1864 Section 36. Section **58-71-102** is amended to read:

1865 **58-71-102. Definitions.**

1866 In addition to the definitions in Section **58-1-102**, as used in this chapter:

1867 (1) "Acupuncture" means the same as that term is defined in Section **58-72-102**.

1868 (2) "Administrative penalty" means a monetary fine imposed by the division for acts or

1869 omissions determined to constitute unprofessional or unlawful conduct, as a result of an

1870 adjudicative proceeding conducted in accordance with Title 63G, Chapter 4, Administrative

1871 Procedures Act.

1872 [~~(3) "Board" means the Naturopathic Physicians Licensing Board created in Section~~

1873 **58-71-201**.]

1874 [~~(4)~~ (3) "Controlled substance" means the same as that term is defined in Section

1875 **58-37-2**.

1876 [~~(5)~~ (4) "Diagnose" means:

1877 (a) to examine in any manner another individual, parts of an individual's body,

1878 substances, fluids, or materials excreted, taken, or removed from an individual's body, or

1879 produced by an individual's body, to determine the source, nature, kind, or extent of a disease

1880 or other physical or mental condition;

1881 (b) to attempt to conduct an examination or determination described under Subsection

1882 [~~(5)(a)~~ (4)(a);

1883 (c) to hold oneself out as making or to represent that one is making an examination or

1884 determination as described in Subsection [~~(5)(a)~~ (4)(a); or

1885 (d) to make an examination or determination as described in Subsection [~~(5)(a)~~ (4)(a)

1886 upon or from information supplied directly or indirectly by another individual, whether or not
1887 in the presence of the individual the examination or determination concerns.

1888 ~~[(6)]~~ (5) "Local anesthesia" means an agent, whether a natural medicine or
1889 nonscheduled prescription drug, which:

1890 (a) is applied topically or by injection associated with the performance of minor office
1891 procedures;

1892 (b) has the ability to produce loss of sensation to a targeted area of an individual's
1893 body;

1894 (c) does not cause loss of consciousness or produce general sedation; and

1895 (d) is part of the competent practice of naturopathic medicine during minor office
1896 procedures.

1897 ~~[(7)]~~ (6) "Medical naturopathic assistant" means an unlicensed individual working
1898 under the direct and immediate supervision of a licensed naturopathic physician and engaged in
1899 specific tasks assigned by the licensed naturopathic physician in accordance with the standards
1900 and ethics of the profession.

1901 ~~[(8)]~~ (7) (a) "Minor office procedures" means:

1902 (i) the use of operative, electrical, or other methods for repair and care of superficial
1903 lacerations, abrasions, and benign lesions;

1904 (ii) removal of foreign bodies located in the superficial tissues, excluding the eye or
1905 ear;

1906 (iii) the use of antiseptics and local anesthetics in connection with minor office surgical
1907 procedures; and

1908 (iv) percutaneous injection into skin, tendons, ligaments, muscles, and joints with:

1909 (A) local anesthesia or a prescription drug described in Subsection ~~[(9)(d)]~~ (8)(d); or

1910 (B) natural substances.

1911 (b) "Minor office procedures" does not include:

1912 (i) general or spinal anesthesia;

1913 (ii) office procedures more complicated or extensive than those set forth in Subsection

1914 ~~[(8)(a)]~~ (7)(a);

1915 (iii) procedures involving the eye; and

1916 (iv) any office procedure involving nerves, veins, or arteries.

- 1917 [~~(9)~~] (8) "Natural medicine" means any:
- 1918 (a) food, food extract, dietary supplement as defined by the Federal Food, Drug, and
- 1919 Cosmetic Act, 21 U.S.C. Sec. 301 et seq., homeopathic remedy, or plant substance that is not
- 1920 designated a prescription drug or controlled substance;
- 1921 (b) over-the-counter medication;
- 1922 (c) other nonprescription substance, the prescription or administration of which is not
- 1923 otherwise prohibited or restricted under federal or state law; or
- 1924 (d) prescription drug:
- 1925 (i) the prescription of which is consistent with the competent practice of naturopathic
- 1926 medicine;
- 1927 (ii) that is not a controlled substance except for testosterone; and
- 1928 (iii) that is not any of the following as determined by the federal Food and Drug
- 1929 Administration's general drug category list:
- 1930 (A) an anticoagulant for the management of a bleeding disorder;
- 1931 (B) an anticonvulsant;
- 1932 (C) an antineoplastic;
- 1933 (D) an antipsychotic;
- 1934 (E) a barbiturate;
- 1935 (F) a cytotoxic;
- 1936 (G) a sedative;
- 1937 (H) a sleeping drug;
- 1938 (I) a tranquilizer; or
- 1939 (J) any drug category added after April 1, 2022, unless the division determines the drug
- 1940 category to be consistent with the practice of naturopathic medicine under Section [58-71-203](#).
- 1941 [~~(10)~~] (9) (a) "Naturopathic childbirth" means uncomplicated natural childbirth assisted
- 1942 by a naturopathic physician.
- 1943 (b) "Naturopathic childbirth" includes the use of:
- 1944 (i) natural medicines; and
- 1945 (ii) uncomplicated episiotomy.
- 1946 (c) "Naturopathic childbirth" does not include the use of:
- 1947 (i) forceps delivery;

1948 (ii) general or spinal anesthesia;

1949 (iii) caesarean section delivery; or

1950 (iv) induced labor or abortion.

1951 [~~(11)~~] (10) (a) "Naturopathic mobilization therapy" means manually administering

1952 mechanical treatment of body structures or tissues for the purpose of restoring normal

1953 physiological function to the body by normalizing and balancing the musculoskeletal system of

1954 the body;

1955 (b) "Naturopathic mobilization therapy" does not mean manipulation or adjustment of

1956 the joints of the human body beyond the elastic barrier; and

1957 (c) "Naturopathic mobilization therapy" does not include manipulation as used in Title

1958 58, Chapter 73, Chiropractic Physician Practice Act.

1959 [~~(12)~~] (11) (a) "Naturopathic physical medicine" means the use of the physical agents

1960 of air, water, heat, cold, sound, light, and electromagnetic nonionizing radiation, and the

1961 physical modalities of electrotherapy, acupuncture, diathermy, ultraviolet light, ultrasound,

1962 hydrotherapy, naturopathic mobilization therapy, and exercise.

1963 (b) "Naturopathic physical medicine" does not include the practice of physical therapy

1964 or physical rehabilitation.

1965 [~~(13)~~] (12) "Practice of naturopathic medicine" means:

1966 (a) a system of primary health care for the prevention, diagnosis, and treatment of

1967 human health conditions, injuries, and diseases that uses education, natural medicines, and

1968 natural therapies, to support and stimulate the patient's intrinsic self-healing processes by:

1969 (i) using naturopathic childbirth, but only if:

1970 (A) the licensee meets standards of the American College of Naturopathic

1971 Obstetricians (ACNO) or ACNO's successor as determined by the division in collaboration

1972 with the board; and

1973 (B) the licensee follows a written plan for naturopathic physicians practicing

1974 naturopathic childbirth approved by the division in collaboration with the board, which

1975 includes entering into an agreement with a consulting physician and surgeon or osteopathic

1976 physician, in cases where the scope of practice of naturopathic childbirth may be exceeded and

1977 specialty care and delivery is indicated, detailing the guidelines by which the naturopathic

1978 physician will:

- 1979 (I) refer patients to the consulting physician; and
1980 (II) consult with the consulting physician;
1981 (ii) using naturopathic mobilization therapy;
1982 (iii) using naturopathic physical medicine;
1983 (iv) using minor office procedures;
1984 (v) prescribing or administering natural medicine;
1985 (vi) prescribing medical equipment and devices, diagnosing by the use of medical
1986 equipment and devices, and administering therapy or treatment by the use of medical devices
1987 necessary and consistent with the competent practice of naturopathic medicine;
1988 (vii) prescribing barrier devices for contraception;
1989 (viii) using dietary therapy;
1990 (ix) taking and using diagnostic x-rays, electrocardiograms, ultrasound, and
1991 physiological function tests;
1992 (x) taking of body fluids for clinical laboratory tests and using the results of the tests in
1993 diagnosis;
1994 (xi) taking of a history from and conducting of a physical examination upon a human
1995 patient; and
1996 (xii) administering local anesthesia during the performance of a minor office
1997 procedure;
1998 (b) to maintain an office or place of business for the purpose of doing any of the acts
1999 described in Subsection [~~(13)~~(a)] (12)(a), whether or not for compensation; or
2000 (c) to use, in the conduct of any occupation or profession pertaining to the diagnosis or
2001 treatment of human diseases or conditions, in any printed material, stationery, letterhead,
2002 envelopes, signs, or advertisements, the designation "naturopathic physician," "naturopathic
2003 doctor," "naturopath," "doctor of naturopathic medicine," "doctor of naturopathy,"
2004 "naturopathic medical doctor," "naturopathic medicine," "naturopathic health care,"
2005 "naturopathy," "N.D.," "N.M.D.," or any combination of these designations in any manner that
2006 might cause a reasonable person to believe the individual using the designation is a licensed
2007 naturopathic physician.
2008 [~~(14)~~] (13) "Prescribe" means to issue a prescription:
2009 (a) orally or in writing; or

2010 (b) by telephone, facsimile transmission, computer, or other electronic means of
2011 communication as defined by division rule.

2012 ~~[(15)]~~ (14) "Prescription device" means an instrument, apparatus, implement, machine,
2013 contrivance, implant, in vitro reagent, or other similar or related article, and any component
2014 part or accessory, which is required under federal or state law to be prescribed by a practitioner
2015 and dispensed by or through a person licensed under this chapter or exempt from licensure
2016 under this chapter.

2017 ~~[(16)]~~ (15) "Prescription drug" means a drug that is required by federal or state law or
2018 rule to be dispensed only by prescription or is restricted to administration only by practitioners.

2019 ~~[(17)]~~ (16) "Unlawful conduct" means the same as that term is defined in Sections
2020 [58-1-501](#) and [58-71-501](#).

2021 ~~[(18)]~~ (17) "Unprofessional conduct" means the same as that term is defined in
2022 Sections [58-1-501](#) and [58-71-502](#), and as may be further defined by division rule.

2023 Section 37. Section **58-71-203** is amended to read:

2024 **58-71-203. Drug category review.**

2025 (1) As used in this section, "FDA" means the federal Food and Drug Administration.

2026 (2) After April 1, 2022, if the FDA adds a new drug category to the FDA's general drug
2027 category list, the division shall determine whether the drug category is consistent with the
2028 practice of naturopathic medicine.

2029 (3) To make the determination described in Subsection (2), the division shall consult
2030 with~~[:]~~ the board described in Section [58-67-201](#).

2031 ~~[(a) the board; and]~~

2032 ~~[(b) the board described in Section [58-67-201](#).]~~

2033 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2034 division shall make rules to implement this section.

2035 Section 38. Section **58-71-302** is amended to read:

2036 **58-71-302. Qualifications for licensure.**

2037 (1) An applicant for licensure as a naturopathic physician, except as set forth in
2038 Subsection (2), shall:

2039 (a) submit an application in a form prescribed by the division, which may include:

2040 (i) submissions by the applicant of information maintained by practitioner data banks,

2041 as designated by division rule, with respect to the applicant; and

2042 (ii) a record of professional liability claims made against the applicant and settlements
2043 paid by or in behalf of the applicant;

2044 (b) pay a fee determined by the department under Section 63J-1-504;

2045 (c) provide satisfactory documentation of having successfully completed a program of
2046 professional education preparing an individual as a naturopathic physician, as evidenced by
2047 having received an earned degree of doctor of naturopathic medicine from:

2048 (i) a naturopathic medical school or college accredited by the Council of Naturopathic
2049 Medical Education or its successor organization approved by the division;

2050 (ii) a naturopathic medical school or college that is a candidate for accreditation by the
2051 Council of Naturopathic Medical Education or its successor organization, and is approved by
2052 the division [~~in collaboration with the board~~], upon a finding there is reasonable expectation
2053 the school or college will be accredited; or

2054 (iii) a naturopathic medical school or college which, at the time of the applicant's
2055 graduation, met current criteria for accreditation by the Council of Naturopathic Medical
2056 Education or its successor organization approved by the division;

2057 (d) provide satisfactory documentation of having successfully completed, after
2058 successful completion of the education requirements set forth in Subsection (1)(c), 12 months
2059 of clinical experience in naturopathic medicine in a residency program recognized by the
2060 division and associated with an accredited school or college of naturopathic medicine, and
2061 under the preceptorship of a licensed naturopathic physician, physician and surgeon, or
2062 osteopathic physician;

2063 (e) pass the licensing examination sequence required by division rule [~~established in~~
2064 ~~collaboration with the board~~];

2065 (f) be able to read, write, speak, understand, and be understood in the English language
2066 and demonstrate proficiency to the satisfaction of the [~~board~~] division if requested by the
2067 [~~board~~] division; and

2068 (g) meet with [~~the board and~~] representatives of the division, if requested, for the
2069 purpose of evaluating the applicant's qualifications for licensure.

2070 (2) (a) In accordance with Subsection (2)(b), an applicant for licensure as a
2071 naturopathic physician under the endorsement provision of Section 58-1-302 shall:

2072 (i) meet the requirements of Section 58-1-302;
2073 (ii) document having met all requirements for licensure under Subsection (1) except
2074 the clinical experience requirement of Subsection (1)(d);

2075 (iii) have passed the examination requirements established under Subsection (1)(e)
2076 that:

2077 (A) the applicant has not passed in connection with licensure in another state or
2078 jurisdiction; and

2079 (B) are available to the applicant to take without requiring additional professional
2080 education;

2081 (iv) have been actively engaged in the practice of a naturopathic physician for not less
2082 than 6,000 hours during the five years immediately preceding the date of application for
2083 licensure in Utah; and

2084 (v) meet with ~~[the board and]~~ representatives of the division for the purpose of
2085 evaluating the applicant's qualifications for licensure.

2086 (b) The division may rely, either wholly or in part, on one or more credentialing
2087 associations designated by division rule~~[-made in collaboration with the board,]~~ to document
2088 and certify in writing to the satisfaction of the division that an applicant has met each of the
2089 requirements of this Subsection (2), including the requirements of Section 58-1-302, and that:

2090 (i) the applicant holds a current license;

2091 (ii) the education, experience, and examination requirements of the foreign country or
2092 the state, district, or territory of the United States that issued the applicant's license are, or were
2093 at the time the license was issued, equal to those of this state for licensure as a naturopathic
2094 physician; and

2095 (iii) the applicant has produced evidence satisfactory to the division of the applicant's
2096 qualifications, identity, and good standing as a naturopathic physician.

2097 Section 39. Section 58-71-304 is amended to read:

2098 **58-71-304. License renewal requirements.**

2099 (1) As a condition precedent for license renewal, each licensee shall, during each
2100 two-year licensure cycle or other cycle defined by division rule, complete qualified continuing
2101 professional education requirements in accordance with the number of hours and standards
2102 defined by division rule ~~[made in collaboration with the board]~~.

2103 (2) If a renewal period is extended or shortened under Section 58-71-303, the
2104 continuing education hours required for license renewal under this section are increased or
2105 decreased proportionally.

2106 Section 40. Section 58-71-304.2 is amended to read:

2107 **58-71-304.2. Temporary license.**

2108 (1) The division may issue a temporary license to an individual who:

2109 (a) meets all qualifications for licensure except completion of the 12 month clinical
2110 experience required under Section 58-71-302; and

2111 (b) presents a plan acceptable to the division [~~and the board~~] under which the applicant
2112 will practice under the direct supervision of a licensed naturopathic physician, physician and
2113 surgeon, or osteopathic physician, who supervises not more than three naturopathic physicians
2114 in an approved clinical experience program.

2115 (2) A temporary license issued under this section expires on the date the licensee
2116 completes the clinical experience program, but not more than 18 months from the original date
2117 of issue.

2118 (3) A temporary license under this section may be issued only once to an individual.

2119 Section 41. Section 58-71-601 is amended to read:

2120 **58-71-601. Mentally incompetent or incapacitated naturopathic physician.**

2121 (1) As used in this section:

2122 (a) "Incapacitated person" means a person who is incapacitated, as defined in Section
2123 75-1-201.

2124 (b) "Mental illness" is as defined in Section 62A-15-602.

2125 (2) If a court of competent jurisdiction determines a naturopathic physician is an
2126 incapacitated person or that the physician has a mental illness and is unable to safely engage in
2127 the practice of medicine, the director shall immediately suspend the license of the naturopathic
2128 physician upon the entry of the judgment of the court, without further proceedings under Title
2129 63G, Chapter 4, Administrative Procedures Act, regardless of whether an appeal from the
2130 court's ruling is pending. The director shall promptly notify the naturopathic physician, in
2131 writing, of the suspension.

2132 (3) (a) If the division [~~and a majority of the board find~~] finds reasonable cause to
2133 believe a naturopathic physician, who is not determined judicially to be an incapacitated person

2134 or to have a mental illness, is incapable of practicing medicine with reasonable skill regarding
2135 the safety of patients, because of illness, excessive use of drugs or alcohol, or as a result of any
2136 mental or physical condition, [~~the board shall recommend that~~] the director shall file a petition
2137 with the division, and cause the petition to be served upon the naturopathic physician with a
2138 notice of hearing on the sole issue of the capacity of the naturopathic physician to competently
2139 and safely engage in the practice of medicine.

2140 (b) The hearing shall be conducted under Section 58-1-109, and Title 63G, Chapter 4,
2141 Administrative Procedures Act, except as provided in Subsection (4).

2142 (4) (a) Every naturopathic physician who accepts the privilege of being licensed under
2143 this chapter gives consent to:

2144 (i) submitting at the physician's own expense to an immediate mental or physical
2145 examination when directed in writing by the division [~~and a majority of the board~~] to do so;
2146 and

2147 (ii) the admissibility of the reports of the examining physician's testimony or
2148 examination, and waives all objections on the ground the reports constitute a privileged
2149 communication.

2150 (b) The examination may be ordered by the division [~~with the consent of a majority of~~
2151 ~~the board,~~] only upon a finding of reasonable cause to believe:

2152 (i) the naturopathic physician has a mental illness, is incapacitated, or otherwise unable
2153 to practice medicine with reasonable skill and safety; and

2154 (ii) immediate action by the division [~~and the board~~] is necessary to prevent harm to
2155 the naturopathic physician's patients or the general public.

2156 (c) (i) Failure of a naturopathic physician to submit to the examination ordered under
2157 this section is a ground for the division's immediate suspension of the naturopathic physician's
2158 license by written order of the director.

2159 (ii) The division may enter the order of suspension without further compliance with
2160 Title 63G, Chapter 4, Administrative Procedures Act, unless the division finds the failure to
2161 submit to the examination ordered under this section was due to circumstances beyond the
2162 control of the naturopathic physician and was not related directly to the illness or incapacity of
2163 the naturopathic physician.

2164 (5) (a) A naturopathic physician whose license is suspended under Subsection (2) or

2165 (3) has the right to a hearing to appeal the suspension within 10 days after the license is
2166 suspended.

2167 (b) The hearing held under this subsection shall be conducted in accordance with
2168 Sections 58-1-108 and 58-1-109 for the sole purpose of determining if sufficient basis exists
2169 for the continuance of the order of suspension in order to prevent harm to the naturopathic
2170 physician's patients or the general public.

2171 (6) A naturopathic physician whose license is revoked, suspended, or in any way
2172 restricted under this section may request the division [~~and the board~~] to consider, at reasonable
2173 intervals, evidence presented by the naturopathic physician, under procedures established by
2174 division rule, regarding any change in the naturopathic physician's condition, to determine
2175 whether:

2176 (a) the physician is or is not able to safely and competently engage in the practice of
2177 medicine; and

2178 (b) the physician is qualified to have the physician's license to practice under this
2179 chapter restored completely or in part.

2180 Section 42. Section 58-71-802 is amended to read:

2181 **58-71-802. Form of practice.**

2182 (1) A naturopathic physician licensed under this chapter may engage in practice as a
2183 naturopathic physician, or in the practice of naturopathic medicine only as an individual
2184 licensee; but as an individual licensee, ~~he~~ the naturopathic physician may be:

2185 (a) an individual operating as a business proprietor;

2186 (b) an employee of another person;

2187 (c) a partner in a lawfully organized partnership;

2188 (d) a lawfully formed professional corporation;

2189 (e) a lawfully organized limited liability company;

2190 (f) a lawfully organized business corporation; or

2191 (g) any other form of organization recognized by the state which is not prohibited by
2192 rule adopted by division rules [~~made in collaboration with the board~~].

2193 (2) Regardless of the form in which a licensee engages in the practice of medicine, the
2194 licensee may only permit the practice of medicine in that form of practice to be conducted by
2195 an individual:

2196 (a) licensed in Utah as a naturopathic physician under Section 58-71-301, a physician
2197 and surgeon, or as an osteopathic physician and surgeon; and

2198 (b) who is able to lawfully and competently engage in the practice of medicine.

2199 Section 43. Section 58-71-803 is amended to read:

2200 **58-71-803. Medical records -- Electronic records.**

2201 (1) Medical records maintained by a licensee shall:

2202 (a) meet the standards and ethics of the profession; and

2203 (b) be maintained in accordance with division rules [~~made in collaboration with the~~
2204 ~~board~~].

2205 (2) Medical records under this section may be maintained by an electronic means if the
2206 records comply with Subsection (1).

2207 Section 44. Section 58-75-102 is amended to read:

2208 **58-75-102. Definitions.**

2209 In addition to the definitions in Section 58-1-102, as used in this chapter:

2210 [~~(1) "Board" means the Genetic Counselors Licensing Board created in Section~~
2211 ~~58-75-201.~~]

2212 [~~(2)~~] (1) "Genetic counselor" means a person licensed under this chapter to engage in
2213 the practice of genetic counseling.

2214 [~~(3)~~] (2) "Practice of genetic counseling" means the communication process which
2215 deals with the human problems associated with the occurrence, or the risk of occurrence, of a
2216 genetic disorder in a family, including the provision of services to help an individual or family:

2217 (a) comprehend the medical facts, including the diagnosis, probable cause of the
2218 disorder, and the available management;

2219 (b) appreciate the way heredity contributes to the disorder and the risk of occurrence in
2220 specified relatives;

2221 (c) understand the alternatives for dealing with the risk of occurrence;

2222 (d) choose the course of action which seems appropriate to them in view of their risk,
2223 their family goals, and their ethical and religious standards, and to act in accordance with that
2224 decision; and

2225 (e) make the best possible psychosocial adjustment to the disorder in an affected family
2226 member or to the risk of occurrence of that disorder.

2227 ~~[(4)]~~ (3) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-75-501.

2228 ~~[(5)]~~ (4) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-75-502

2229 and as may be further defined by rule by the division in accordance with Title 63G, Chapter 3,
2230 Utah Administrative Rulemaking Act.

2231 Section 45. Section 58-75-303 is amended to read:

2232 **58-75-303. Term of license -- Expiration -- Renewal.**

2233 (1) The division shall issue each license under this chapter in accordance with a
2234 two-year renewal cycle established by rule. The division may by rule extend or shorten a
2235 renewal cycle by as much as one year to stagger the renewal cycles it administers.

2236 (2) Each licensee shall, at the time of applying for renewal, demonstrate compliance
2237 with continuing education requirements established by rule by the division [~~in collaboration~~
2238 ~~with the board~~].

2239 (3) Each license automatically expires on the expiration date shown on the license
2240 unless the licensee renews it in accordance with Section 58-1-308.

2241 Section 46. Section 58-76-102 is amended to read:

2242 **58-76-102. Definitions.**

2243 In addition to the definitions in Section 58-1-102, as used in this chapter:

2244 ~~[(1) "Board" means the Professional Geologist Licensing Board created in Section~~
2245 ~~58-76-201.]~~

2246 ~~[(2)]~~ (1) "Geology" means the science, which treats the study of the earth in general,
2247 the earth's processes and history, investigation of the earth's crust and the rocks and other
2248 materials of which it is composed, and the applied science of utilizing knowledge of the earth's
2249 history, processes, constituent rocks, minerals, liquids, gases, and other materials for the use of
2250 mankind.

2251 ~~[(3)]~~ (2) "Practice of geology before the public" means the performance of geology
2252 including but not limited to consultation, investigation, evaluation, planning, geologic
2253 mapping, interpretation of geologic data, preparation of geologic reports, geologic
2254 cross-sections and geologic maps, inspection of geological work, and the responsible
2255 supervision thereof, the performance of which is relevant to public welfare or the safeguarding
2256 of life, health, property, and the environment, except as otherwise specifically provided by this
2257 chapter.

2258 [(4)] (3) "Professional geologist" means a person licensed under this chapter to engage
2259 in the practice of geology before the public.

2260 [(5)] (4) "Responsible charge" means the independent control and direction by use of
2261 initiative, skill, and independent judgment of geological work or the supervision of the work.

2262 [(6)] (5) "Subordinate" means any individual who practices geology or assists a
2263 professional geologist in the practice of geology before the public without assuming the
2264 responsible charge for the work.

2265 [(7)] (6) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-76-501.

2266 [(8)] (7) "Unprofessional conduct" is as defined in Section 58-1-501 and as may be
2267 further defined by rule by the division [~~in collaboration with the board~~].

2268 Section 47. Section 58-76-103 is amended to read:

2269 **58-76-103. Professional Geologist Education and Enforcement Account.**

2270 (1) There is created a restricted account within the General Fund known as the
2271 "Professional Geologist Education and Enforcement Account."

2272 (2) The restricted account shall consist of money from:

2273 (a) a surcharge fee established by the department in accordance with Section
2274 63J-1-504, placed on initial, renewal, and reinstatement licensure fees under this chapter not to
2275 exceed 50% of the respective initial, renewal, or reinstatement licensure fee;

2276 (b) administrative penalties collected pursuant to this chapter; and

2277 (c) interest earned on money in the account.

2278 (3) Money in the account may be appropriated by the Legislature for the following
2279 purposes:

2280 (a) education and training of licensees under this chapter;

2281 (b) education and training of the public or other interested persons in matters
2282 concerning geology laws and practices; and

2283 (c) enforcement of this chapter by:

2284 (i) investigating unprofessional or unlawful conduct;

2285 (ii) providing legal representation to the division when legal action is taken against a
2286 person engaging in unprofessional or unlawful conduct; and

2287 (iii) monitoring compliance of renewal requirements[~~;~~ and].

2288 [~~(d) education and training of board members.~~]

2289 Section 48. Section **58-76-302** is amended to read:

2290 **58-76-302. Qualifications for licensure.**

2291 Each applicant for licensure as a professional geologist shall:

2292 (1) submit an application in a form as prescribed by the division;

2293 (2) pay a fee as determined by the department under Section [63J-1-504](#);

2294 (3) provide satisfactory evidence of:

2295 (a) a bachelors or graduate degree in the geosciences granted through an institution of

2296 higher education that is accredited by a regional or national accrediting agency with a minimum

2297 of 30 semester or 45 quarter hours of course work in the geosciences; or

2298 (b) completion of other equivalent educational requirements as determined by the

2299 division [~~in collaboration with the board~~];

2300 (4) provide satisfactory evidence of:

2301 (a) with a bachelors degree, a specific record of five years of active professional

2302 practice in geological work of a character satisfactory to the division, indicating the applicant is

2303 competent to be placed in a responsible charge of the work;

2304 (b) with a masters degree, a specific record of three years of active professional

2305 practice in geological work of a character satisfactory to the division, indicating the applicant is

2306 competent to be placed in a responsible charge of the work; or

2307 (c) with a doctorate degree, a specific record of one year of active professional practice

2308 in geological work of a character satisfactory to the division, indicating the applicant is

2309 competent to be placed in a responsible charge of the work; and

2310 (5) after January 1, 2004, meet the examination requirement established by rule by the

2311 division [~~in collaboration with the board~~].

2312 Section 49. Section **58-76-601** is amended to read:

2313 **58-76-601. Seal -- Design and implementation.**

2314 Every professional geologist shall have a seal, the design and implementation of which

2315 shall be established by rule by the division [~~in collaboration with the board~~].

2316 Section 50. Section **58-76-603** is amended to read:

2317 **58-76-603. Seal -- Authorized use.**

2318 A professional geologist may only affix the licensee's seal to a geologic map,

2319 cross-section, sketch, drawing, plan, or report if the geologic map, cross-section, sketch,

2320 drawing, plan, or report:

2321 (1) was personally prepared by the licensee;

2322 (2) was prepared by an employee, subordinate, associate, or drafter under the
2323 supervision of a licensee, provided the licensee or a principal affixing his seal assumes
2324 responsibility;

2325 (3) was prepared by a licensed professional geologist in this state or any other state
2326 provided:

2327 (a) the licensee in this state affixing the seal performs a thorough review of all work for
2328 compliance with all applicable laws and rules and the standards of the profession; and

2329 (b) makes any necessary corrections before submitting the final plan, specification, or
2330 report:

2331 (i) to a public authority; or

2332 (ii) to a client who has contracted with a professional geologist for the geologic map,
2333 cross-section, or report to be complete and final;

2334 (4) was prepared in part by a licensed professional geologist in this state or any other
2335 state provided:

2336 (a) the licensee in this state clearly identifies that portion of the geologic map,
2337 cross-section, or report for which the licensee is responsible;

2338 (b) the licensee in this state affixing the seal performs a thorough review of that portion
2339 of the geologic map, cross-section, or report for which the licensee is responsible for
2340 compliance with the standards of the profession; and

2341 (c) makes any necessary corrections before submitting the final geologic map,
2342 cross-section, or report for which the licensee is responsible:

2343 (i) to a public authority; or

2344 (ii) to a client who has contracted with a professional geologist for the geologic map,
2345 cross-section, or report to be complete and final;

2346 (5) was prepared by a person exempt from licensure as a professional geologist
2347 provided that:

2348 (a) the licensee in this state affixing the seal performs a thorough review for
2349 compliance with all applicable laws and rules and the standards of the profession; and

2350 (b) makes any necessary corrections before submitting the final geologic map,

2351 cross-section, or report:

2352 (i) to a public authority; or

2353 (ii) to a client who has contracted with a professional geologist for the geologic map,
2354 cross-section, or report to be complete and final; or

2355 (6) meets any additional requirements established by rule by the division [in
2356 collaboration with the board].

2357 Section 51. Section **58-77-102** is amended to read:

2358 **58-77-102. Definitions.**

2359 In addition to the definitions in Section **58-1-102**, as used in this chapter:

2360 [~~(1)~~] "Board" means the Licensed Direct-entry Midwife Board created in Section
2361 **58-77-201**.]

2362 [~~(2)~~] (1) "Certified nurse-midwife" means a person licensed under Title 58, Chapter
2363 44a, Nurse Midwife Practice Act.

2364 [~~(3)~~] (2) "Client" means a woman and her fetus or newborn baby under the care of a
2365 direct-entry midwife.

2366 [~~(4)~~] (3) "Direct-entry midwife" means an individual who is engaging in the practice of
2367 direct-entry midwifery.

2368 [~~(5)~~] (4) "Licensed direct-entry midwife" means a person licensed under this chapter.

2369 [~~(6)~~] (5) "Low risk" means a labor and delivery and postpartum, newborn, and
2370 interconceptual care that does not include a condition that requires a mandatory transfer under
2371 administrative rules adopted by the division.

2372 [~~(7)~~] (6) "Physician" means an individual licensed as a physician and surgeon,
2373 osteopathic physician, or naturopathic physician.

2374 [~~(8)~~] (7) "Practice of direct-entry midwifery" means the practice of providing the
2375 necessary supervision, care, and advice to a client during essentially normal pregnancy, labor,
2376 delivery, postpartum, and newborn periods that is consistent with national professional
2377 midwifery standards and that is based upon the acquisition of clinical skills necessary for the
2378 care of a pregnant woman and a newborn baby, including antepartum, intrapartum, postpartum,
2379 newborn, and limited interconceptual care, and includes:

2380 (a) obtaining an informed consent to provide services;

2381 (b) obtaining a health history, including a physical examination;

- 2382 (c) developing a plan of care for a client;
- 2383 (d) evaluating the results of client care;
- 2384 (e) consulting and collaborating with and referring and transferring care to licensed
- 2385 health care professionals, as is appropriate, regarding the care of a client;
- 2386 (f) obtaining medications, as specified in this Subsection [~~(8)(f)~~] (7)(f), to administer to
- 2387 a client, including:
 - 2388 (i) prescription vitamins;
 - 2389 (ii) Rho D immunoglobulin;
 - 2390 (iii) sterile water;
 - 2391 (iv) one dose of intramuscular oxytocin after the delivery of a baby to minimize a
 - 2392 client's blood loss;
 - 2393 (v) an additional single dose of oxytocin if a hemorrhage occurs, in which case the
 - 2394 licensed direct-entry midwife must initiate transfer if a client's condition does not immediately
 - 2395 improve;
 - 2396 (vi) oxygen;
 - 2397 (vii) local anesthetics without epinephrine used in accordance with Subsection [~~(8)(f)~~]
 - 2398 (7)(l);
 - 2399 (viii) vitamin K to prevent hemorrhagic disease of a newborn baby;
 - 2400 (ix) as required by law, eye prophylaxis to prevent ophthalmia neonatorum; and
 - 2401 (x) any other medication approved by a licensed health care provider with authority to
 - 2402 prescribe that medication;
 - 2403 (g) obtaining food, food extracts, dietary supplements, as defined by the federal Food,
 - 2404 Drug, and Cosmetic Act, homeopathic remedies, plant substances that are not designated as
 - 2405 prescription drugs or controlled substances, and over-the-counter medications to administer to
 - 2406 clients;
 - 2407 (h) obtaining and using appropriate equipment and devices such as a Doppler, a blood
 - 2408 pressure cuff, phlebotomy supplies, instruments, and sutures;
 - 2409 (i) obtaining appropriate screening and testing, including laboratory tests, urinalysis,
 - 2410 and ultrasound scans;
 - 2411 (j) managing the antepartum period;
 - 2412 (k) managing the intrapartum period, including:

- 2413 (i) monitoring and evaluating the condition of a mother and a fetus;
- 2414 (ii) performing an emergency episiotomy; and
- 2415 (iii) delivering a baby in any out-of-hospital setting;
- 2416 (l) managing the postpartum period, including the suturing of an episiotomy and the
- 2417 suturing of first and second degree natural perineal and labial lacerations, including the
- 2418 administration of a local anesthetic;
- 2419 (m) managing the newborn period, including:
- 2420 (i) providing care for a newborn baby, including performing a normal newborn baby
- 2421 examination; and
- 2422 (ii) resuscitating a newborn baby;
- 2423 (n) providing limited interconceptual services in order to provide continuity of care,
- 2424 including:
- 2425 (i) breastfeeding support and counseling;
- 2426 (ii) family planning, limited to natural family planning, cervical caps, and diaphragms;
- 2427 and
- 2428 (iii) pap smears, where each client with an abnormal result is to be referred to an
- 2429 appropriate licensed health care provider; and
- 2430 (o) executing the orders of a licensed health care professional, if the orders are within
- 2431 the education, knowledge, and skill of the direct-entry midwife.
- 2432 ~~[(9)]~~ (8) "Unlawful conduct" means the same as that term is defined in Sections
- 2433 ~~58-1-501~~ and ~~58-77-501~~.
- 2434 ~~[(10)]~~ (9) "Unprofessional conduct" means the same as that term is defined in Sections
- 2435 ~~58-1-501~~ and ~~58-77-502~~ and as may be further defined by rule.
- 2436 Section 52. Section ~~58-77-302~~ is amended to read:
- 2437 **58-77-302. Qualifications for licensure.**
- 2438 Each applicant for licensure as a licensed direct-entry midwife shall:
- 2439 (1) submit an application in a form prescribed by the division;
- 2440 (2) pay a fee as determined by the department under Section ~~63J-1-504~~;
- 2441 (3) hold a Certified Professional Midwife certificate in good standing with the North
- 2442 American Registry of Midwives or equivalent certification approved by the division ~~[in~~
- 2443 ~~collaboration with the board];~~

2444 (4) hold current adult and infant CPR and newborn resuscitation certifications through
2445 an organization approved by the division [~~in collaboration with the board~~]; and

2446 (5) provide documentation of successful completion of an approved pharmacology
2447 course as defined by division rule.

2448 Section 53. Section **58-83-102** is amended to read:

2449 **58-83-102. Definitions.**

2450 In addition to the definitions in Section **58-1-102**, as used in this chapter:

2451 [~~(1) "Board" means the Online Prescribing, Dispensing, and Facilitation Licensing~~
2452 ~~Board created in Section 58-83-201.~~]

2453 [~~(2)~~] (1) "Branching questionnaire" means an adaptive and progressive assessment tool
2454 [~~approved by the board~~].

2455 [~~(3)~~] (2) "Delivery of online pharmaceutical services" means the process in which a
2456 prescribing practitioner diagnoses a patient and prescribes one or more of the drugs authorized
2457 by Section **58-83-306**, using:

2458 (a) a branching questionnaire or other assessment tool approved by the division for the
2459 purpose of diagnosing and assessing a patient's health status;

2460 (b) an Internet contract pharmacy to:

2461 (i) dispense the prescribed drug; or

2462 (ii) transfer the prescription to another pharmacy; and

2463 (c) an Internet facilitator to facilitate the practices described in Subsections [~~(3)(a) and~~
2464 ~~(b)~~] (2)(a) and (b).

2465 [~~(4)~~] (3) "Division" means the Division of Professional Licensing.

2466 [~~(5)~~] (4) "Internet facilitator" means a licensed provider of a web-based system for
2467 electronic communication between and among an online prescriber, the online prescriber's
2468 patient, and the online contract pharmacy.

2469 [~~(6)~~] (5) "Online contract pharmacy" means a pharmacy licensed and in good standing
2470 under Chapter 17b, Pharmacy Practice Act, as either a Class A Retail Pharmacy or a Class B
2471 Closed Door Pharmacy and licensed under this chapter to fulfill prescriptions issued by an
2472 online prescriber through a specific Internet facilitator.

2473 [~~(7)~~] (6) "Online prescriber" means a person:

2474 (a) licensed under another chapter of this title;

2475 (b) whose license under another chapter of this title includes assessing, diagnosing, and
2476 prescribing authority for humans; and

2477 (c) who has obtained a license under this chapter to engage in online prescribing.

2478 [~~(8)~~] (7) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-83-501.

2479 [~~(9)~~] (8) "Unprofessional conduct" is as defined in Sections 58-1-203 and 58-83-502,

2480 and as further defined by the division in accordance with Title 63G, Chapter 3, Utah

2481 Administrative Rulemaking Act.

2482 Section 54. Section 58-83-302 is amended to read:

2483 **58-83-302. Qualifications for licensure.**

2484 (1) Each applicant for licensure as an online prescriber under this chapter shall:

2485 (a) submit an application in a form prescribed by the division;

2486 (b) pay a fee determined by the department under Section 63J-1-504;

2487 (c) document that the applicant holds a Utah license that is active and in good standing

2488 and authorizes the licensee to engage in the assessment, diagnosis, and treatment of human

2489 ailments and the prescription of medications;

2490 (d) document that any other professional license the applicant possesses from other

2491 jurisdictions is in good standing;

2492 (e) (i) submit to the division an outline of the applicant's proposed online assessment,

2493 diagnosis, and prescribing tool, such as a branching questionnaire; and

2494 (ii) demonstrate the proposed online assessment, diagnosis, and prescribing tool to the

2495 [~~board~~] division and establish to the [~~board's~~] division's satisfaction that the utilization of that

2496 assessment tool to facilitate the prescription of the drugs approved for online prescribing under

2497 Section 58-83-305 does not compromise the public's health, safety, or welfare;

2498 (f) submit policies and procedures that address patient confidentiality, including

2499 measures that will be taken to ensure that the age and other identifying information of the

2500 person completing the online branching questionnaire are accurate;

2501 (g) describe the mechanism by which the online prescriber and patient will

2502 communicate with one another, including electronic and telephonic communication;

2503 (h) describe how the online prescriber/patient relationship will be established and

2504 maintained;

2505 (i) submit the name, address, and contact person of the Internet facilitator with whom

2506 the online prescriber has contracted to provide services that the online prescriber will use to
2507 engage in online assessment, diagnosis, and prescribing; and

2508 (j) submit documentation satisfactory to the [board] division regarding public health,
2509 safety, and welfare demonstrating:

2510 (i) how the online prescriber will comply with the requirements of Section 58-83-305;

2511 (ii) the contractual services arrangement between the online prescriber and:

2512 (A) the Internet facilitator; and

2513 (B) the online contract pharmacy; and

2514 (iii) how the online prescriber will allow and facilitate the division's ability to conduct
2515 audits in accordance with Section 58-83-308.

2516 (2) An online prescriber may not use the services of an Internet facilitator or online
2517 contract pharmacy whose license is not active and in good standing.

2518 (3) Each applicant for licensure as an online contract pharmacy under this chapter
2519 shall:

2520 (a) be licensed in good standing in Utah as a Class A Retail Pharmacy or a Class B
2521 Closed Door Pharmacy;

2522 (b) submit a written application in the form prescribed by the division;

2523 (c) pay a fee as determined by the department under Section 63J-1-504;

2524 (d) submit any contract between the applicant and the Internet facilitator with which
2525 the applicant is or will be affiliated;

2526 (e) submit proof of liability insurance acceptable to the division that expressly covers
2527 all activities the online contract pharmacy will engage in under this chapter, which coverage
2528 shall be in a minimum amount of \$1,000,000 per occurrence with a policy limit of not less than
2529 \$3,000,000;

2530 (f) submit a signed affidavit to the division attesting that the online contract pharmacy
2531 will not dispense a drug that is prescribed by an online prescriber engaged in the delivery of
2532 online pharmaceutical services under the provisions of this chapter unless:

2533 (i) the drug is specifically approved by the division under Section 58-83-306; and

2534 (ii) both the prescribing and the dispensing of the drug were facilitated by the Internet
2535 facilitator with whom the Internet contract pharmacy is associated under Subsection (3)(d);

2536 (g) document that any other professional license the applicant possesses from other

2537 jurisdictions is active and in good standing; and

2538 (h) demonstrate to the division that the applicant has satisfied any background check
2539 required by Section 58-17b-307, and each owner, officer, or manager of the applicant online
2540 contract pharmacy has not engaged in any act, practice, or omission, which when considered
2541 with the duties and responsibilities of a licensee under this chapter indicates there is cause to
2542 believe that issuing a license under this chapter is inconsistent with the public's health, safety,
2543 or welfare.

2544 (4) Each applicant for licensure as an Internet facilitator under this chapter shall:

2545 (a) submit a written application in the form prescribed by the division;

2546 (b) pay a fee as determined by the department under Section 63J-1-504;

2547 (c) submit any contract between the applicant and the following with which the
2548 applicant will be affiliated:

2549 (i) each online prescriber; and

2550 (ii) the single online contract pharmacy;

2551 (d) submit written policies and procedures satisfactory to the division that:

2552 (i) address patient privacy, including compliance with 45 C.F.R. Parts 160, 162, and
2553 164, Health Insurance Portability and Accountability Act of 1996;

2554 (ii) ensure compliance with all applicable laws by health care personnel and the online
2555 prescriber who will process patient communications;

2556 (iii) list the hours of operation;

2557 (iv) describe the types of services that will be permitted electronically;

2558 (v) describe the required patient information to be included in the communication, such
2559 as patient name, identification number, and type of transaction;

2560 (vi) establish procedures for archiving and retrieving information; and

2561 (vii) establish quality oversight mechanisms;

2562 (e) submit written documentation of the applicant's security measures to ensure the
2563 confidentiality and integrity of any user-identifiable medical information;

2564 (f) submit a description of the mechanism for:

2565 (i) patients to access, supplement, and amend patient-provided personal health
2566 information;

2567 (ii) back-up regarding the Internet facilitator electronic interface;

- 2568 (iii) the quality of information and services provided via the interface; and
- 2569 (iv) patients to register complaints regarding the Internet facilitator, the online
- 2570 prescriber, or the online contract pharmacy;
- 2571 (g) submit a copy of the Internet facilitator's website;
- 2572 (h) sign an affidavit attesting that:
- 2573 (i) the applicant will not access any medical records or information contained in the
- 2574 medical record except as necessary to administer the website and the branching questionnaire;
- 2575 and
- 2576 (ii) the applicant and its principals, and any entities affiliated with them, will only use
- 2577 the services of a single online contract pharmacy named on the license approved by the
- 2578 division; and
- 2579 (i) submit any other information required by the division.

2580 Section 55. Section **58-83-401** is amended to read:

2581 **58-83-401. Grounds for denial of license -- Disciplinary proceedings --**

2582 **Termination of authority to prescribe -- Immediate and significant danger.**

2583 (1) Grounds for refusing to issue a license to an applicant, for refusing to renew the

2584 license of a licensee, for revoking, suspending, restricting, or placing on probation the license

2585 of a licensee, for issuing a public reprimand to a licensee, and for issuing a cease and desist

2586 order:

2587 (a) shall be in accordance with Section [58-1-401](#); and

2588 (b) includes:

2589 (i) prescribing, dispensing, or facilitating the prescribing or dispensing of a drug not

2590 approved by the ~~board~~ division under Section [58-83-306](#); or

2591 (ii) any other violation of this chapter.

2592 (2) The termination or expiration of a license under this chapter for any reason does not

2593 limit the division's authority to start or continue any investigation or adjudicative proceeding.

2594 (3) (a) Because of the working business relationship between and among the online

2595 prescriber, the Internet facilitator, and the online contract pharmacy, each entity's ability to

2596 comply with this chapter may depend in some respects on the actions of the others.

2597 (b) It is possible that a particular action or inaction by the online prescriber, the Internet

2598 facilitator, or the online contract pharmacy could have the effect of causing the other licensed

2599 entities to be out of compliance with this chapter, and each entity may, therefore, be held
2600 accountable for any related party's non-compliance, if the party knew or reasonably should
2601 have known of the other person's non-compliance.

2602 (4) (a) An online prescriber may lose the practitioner's professional license to prescribe
2603 any drug under this title if the online prescriber knew or reasonably should have known that the
2604 provisions of this chapter were violated by the online prescriber, the Internet facilitator, or the
2605 online contract pharmacy.

2606 (b) It is not a defense to an alleged violation under this chapter that the alleged
2607 violation was a result of an action or inaction not by the charged party but by the related online
2608 prescriber, the online contract pharmacy, or the Internet facilitator.

2609 (5) The following actions may result in an immediate suspension of the online
2610 prescriber's license, the online contract pharmacy's license, or the Internet facilitator's license,
2611 and each is considered an immediate and significant danger to the public health, safety, or
2612 welfare requiring immediate action by the division pursuant to Section 63G-4-502 to terminate
2613 the delivery of online pharmaceutical services by the licensee:

2614 (a) online prescribing, dispensing, or facilitation with respect to:

2615 (i) a person who is younger than 18 years old;

2616 (ii) a legend drug not authorized by the division in accordance with Section 58-83-306;

2617 and

2618 (iii) any controlled substance;

2619 (b) violating this chapter after having been given reasonable opportunity to cure the
2620 violation;

2621 (c) using the name or official seal of the state, the department, or the division, or their
2622 boards, in an unauthorized manner; or

2623 (d) failing to respond to a request from the division within the time frame requested
2624 for:

2625 (i) an audit of the website; or

2626 (ii) records of the online prescriber, the Internet facilitator, or the online contract
2627 pharmacy.

2628 Section 56. Section 61-2c-301 is amended to read:

2629 **61-2c-301. Prohibited conduct -- Violations of the chapter.**

2630 (1) A person transacting the business of residential mortgage loans in this state may
2631 not:

2632 (a) violate Section 8 of RESPA;

2633 (b) charge a fee in connection with a residential mortgage loan transaction:

2634 (i) that is excessive; or

2635 (ii) without providing to the loan applicant a written statement signed by the loan
2636 applicant:

2637 (A) stating whether or not the fee or deposit is refundable; and

2638 (B) describing the conditions, if any, under which all or a portion of the fee or deposit
2639 will be refunded to the loan applicant;

2640 (c) act incompetently in the transaction of the business of residential mortgage loans
2641 such that the person fails to:

2642 (i) safeguard the interests of the public; or

2643 (ii) conform to acceptable standards of the residential mortgage loan industry;

2644 (d) do any of the following as part of a residential mortgage loan transaction, regardless
2645 of whether the residential mortgage loan closes:

2646 (i) make a false statement or representation;

2647 (ii) cause false documents to be generated; or

2648 (iii) knowingly permit false information to be submitted by any party;

2649 (e) give or receive compensation or anything of value, or withhold or threaten to
2650 withhold payment of an appraiser fee, to influence the independent judgment of an appraiser in
2651 reaching a value conclusion in a residential mortgage loan transaction, except that it is not a
2652 violation of this section for a licensee to withhold payment because of a bona fide dispute
2653 regarding a failure of the appraiser to comply with the licensing law or the Uniform Standards
2654 of Professional Appraisal Practice;

2655 (f) violate or not comply with:

2656 (i) this chapter;

2657 (ii) an order of the commission or division; or

2658 (iii) a rule made by the division;

2659 (g) fail to respond within the required time period to:

2660 (i) a notice or complaint of the division; or

- 2661 (ii) a request for information from the division;
- 2662 (h) make false representations to the division, including in a licensure statement;
- 2663 (i) engage in the business of residential mortgage loans with respect to the transaction
- 2664 if the person also acts in any of the following capacities with respect to the same residential
- 2665 mortgage loan transaction:
 - 2666 (i) appraiser;
 - 2667 (ii) escrow agent;
 - 2668 (iii) real estate agent;
 - 2669 (iv) general contractor; or
 - 2670 (v) title insurance producer;
 - 2671 (j) engage in unprofessional conduct as defined by rule;
 - 2672 (k) engage in an act or omission in transacting the business of residential mortgage
 - 2673 loans that constitutes dishonesty, fraud, or misrepresentation;
 - 2674 (l) engage in false or misleading advertising;
 - 2675 (m) (i) fail to account for money received in connection with a residential mortgage
 - 2676 loan;
 - 2677 (ii) use money for a different purpose from the purpose for which the money is
 - 2678 received; or
 - 2679 (iii) except as provided in Subsection (4), retain money paid for services if the services
 - 2680 are not performed;
 - 2681 (n) fail to provide a prospective borrower a copy of each appraisal and any other
 - 2682 written valuation developed in connection with an application for credit that is to be secured by
 - 2683 a first lien on a dwelling in accordance with Subsection (5);
 - 2684 (o) engage in an act that is performed to:
 - 2685 (i) evade this chapter; or
 - 2686 (ii) assist another person to evade this chapter;
 - 2687 (p) recommend or encourage default, delinquency, or continuation of an existing
 - 2688 default or delinquency, by a mortgage applicant on an existing indebtedness before the closing
 - 2689 of a residential mortgage loan that will refinance all or part of the indebtedness;
 - 2690 (q) in the case of the lending manager of an entity or a branch office of an entity, fail to
 - 2691 exercise reasonable supervision over the activities of:

- 2692 (i) unlicensed staff; or
- 2693 (ii) a mortgage loan originator who is affiliated with the lending manager;
- 2694 (r) pay or offer to pay an individual who does not hold a license under this chapter for
- 2695 work that requires the individual to hold a license under this chapter;
- 2696 (s) in the case of a dual licensed title licensee as defined in Section [~~31A-2-402~~
- 2697 [31A-23a-119](#):
- 2698 (i) provide a title insurance product or service without the approval required by Section
- 2699 [~~31A-2-405~~] [31A-23a-119](#); or
- 2700 (ii) knowingly provide false or misleading information in the statement required by
- 2701 Subsection [~~31A-2-405(2)~~] [31A-23a-119\(3\)](#);
- 2702 (t) represent to the public that the person can or will perform any act of a mortgage
- 2703 loan originator if that person is not licensed under this chapter because the person is exempt
- 2704 under Subsection [61-2c-105\(4\)](#), including through:
- 2705 (i) advertising;
- 2706 (ii) a business card;
- 2707 (iii) stationery;
- 2708 (iv) a brochure;
- 2709 (v) a sign;
- 2710 (vi) a rate list; or
- 2711 (vii) other promotional item;
- 2712 (u) (i) engage in an act of loan modification assistance without being licensed under
- 2713 this chapter;
- 2714 (ii) engage in an act of foreclosure rescue that requires licensure as a real estate agent
- 2715 or real estate broker under Chapter 2, Division of Real Estate, without being licensed under
- 2716 that chapter;
- 2717 (iii) engage in an act of loan modification assistance without entering into a written
- 2718 agreement specifying which one or more acts of loan modification assistance will be
- 2719 completed;
- 2720 (iv) request or require a person to pay a fee before obtaining:
- 2721 (A) a written offer for a loan modification from the person's lender or servicer; and
- 2722 (B) the person's written acceptance of the offer from the lender or servicer;

- 2723 (v) induce a person seeking a loan modification to hire the licensee to engage in an act
2724 of loan modification assistance by:
- 2725 (A) suggesting to the person that the licensee has a special relationship with the
2726 person's lender or loan servicer; or
- 2727 (B) falsely representing or advertising that the licensee is acting on behalf of:
2728 (I) a government agency;
2729 (II) the person's lender or loan servicer; or
2730 (III) a nonprofit or charitable institution;
- 2731 (vi) recommend or participate in a loan modification that requires a person to:
2732 (A) transfer title to real property to the licensee or to a third-party with whom the
2733 licensee has a business relationship or financial interest;
2734 (B) make a mortgage payment to a person other than the person's loan servicer; or
2735 (C) refrain from contacting the person's:
2736 (I) lender;
2737 (II) loan servicer;
2738 (III) attorney;
2739 (IV) credit counselor; or
2740 (V) housing counselor; or
- 2741 (vii) for an agreement for loan modification assistance entered into on or after May 11,
2742 2010, engage in an act of loan modification assistance without offering in writing to the person
2743 entering into the agreement for loan modification assistance a right to cancel the agreement
2744 within three business days after the day on which the person enters the agreement;
- 2745 (v) sign or initial a document on behalf of another person, except for in a circumstance
2746 allowed by the division by rule, with the concurrence of the commission, made in accordance
2747 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 2748 (w) violate or fail to comply with a provision of Title 57, Chapter 28, Utah Reverse
2749 Mortgage Act; or
- 2750 (x) engage in any act or practice that violates appraisal independence as defined in 15
2751 U.S.C. Sec. 1639e or in the policies and procedures of:
2752 (i) the Federal Home Loan Mortgage Corporation; or
2753 (ii) the Federal National Mortgage Association.

2754 (2) Regardless of whether the crime is related to the business of residential mortgage
2755 loans, it is a violation of this chapter for a licensee or a person who is a certified education
2756 provider to:

2757 (a) be convicted of:

2758 (i) a felony; or

2759 (ii) any of the following involving fraud, misrepresentation, theft, or dishonesty:

2760 (A) a class A misdemeanor;

2761 (B) a class B misdemeanor; or

2762 (C) a criminal offense comparable to a class A or class B misdemeanor;

2763 (b) plead guilty or nolo contendere to:

2764 (i) a felony; or

2765 (ii) any of the following involving fraud, misrepresentation, theft, or dishonesty:

2766 (A) a class A misdemeanor;

2767 (B) a class B misdemeanor; or

2768 (C) a criminal offense comparable to a class A or class B misdemeanor; or

2769 (c) enter into a plea in abeyance agreement in relation to:

2770 (i) a felony; or

2771 (ii) any of the following involving fraud, misrepresentation, theft, or dishonesty:

2772 (A) a class A misdemeanor;

2773 (B) a class B misdemeanor; or

2774 (C) a criminal offense comparable to a class A or class B misdemeanor.

2775 (3) A lending manager does not violate Subsection (1)(q) if:

2776 (a) in contravention of the lending manager's written policies and instructions, an
2777 affiliated licensee of the lending manager violates:

2778 (i) this chapter; or

2779 (ii) rules made by the division under this chapter;

2780 (b) the lending manager established and followed reasonable procedures to ensure that
2781 affiliated licensees receive adequate supervision;

2782 (c) upon learning of a violation by an affiliated licensee, the lending manager
2783 attempted to prevent or mitigate the damage;

2784 (d) the lending manager did not participate in or ratify the violation by an affiliated

2785 licensee; and

2786 (e) the lending manager did not attempt to avoid learning of the violation.

2787 (4) Notwithstanding Subsection (1)(m)(iii), a licensee may, upon compliance with
2788 Section [70D-2-305](#), charge a reasonable cancellation fee for work done originating a mortgage
2789 if the mortgage is not closed.

2790 (5) (a) Except as provided in Subsection (5)(b), a person transacting the business of
2791 residential mortgage loans in this state shall provide a prospective borrower a copy of each
2792 appraisal and any other written valuation developed in connection with an application for credit
2793 that is to be secured by a first lien on a dwelling on or before the earlier of:

2794 (i) as soon as reasonably possible after the appraisal or other valuation is complete; or

2795 (ii) three business days before the day of the settlement.

2796 (b) Subject to Subsection (5)(c), unless otherwise prohibited by law, a prospective
2797 borrower may waive the timing requirement described in Subsection (5)(a) and agree to receive
2798 each appraisal and any other written valuation:

2799 (i) less than three business days before the day of the settlement; or

2800 (ii) at the settlement.

2801 (c) (i) Except as provided in Subsection (5)(c)(ii), a prospective borrower shall submit
2802 a waiver described in Subsection (5)(b) at least three business days before the day of the
2803 settlement.

2804 (ii) Subsection (5)(b) does not apply if the waiver only pertains to a copy of an
2805 appraisal or other written valuation that contains only clerical changes from a previous version
2806 of the appraisal or other written valuation and the prospective borrower received a copy of the
2807 original appraisal or other written valuation at least three business days before the day of the
2808 settlement.

2809 (d) If a prospective borrower submits a waiver described in Subsection (5)(b) and the
2810 transaction never completes, the person transacting the business of residential mortgage loans
2811 shall provide a copy of each appraisal or any other written valuation to the applicant no later
2812 than 30 days after the day on which the person knows the transaction will not complete.

2813 Section 57. Section **61-2f-401** is amended to read:

2814 **61-2f-401. Grounds for disciplinary action.**

2815 The following acts are unlawful and grounds for disciplinary action for a person

- 2816 licensed or required to be licensed under this chapter:
- 2817 (1) (a) making a substantial misrepresentation, including in a licensure statement;
 - 2818 (b) making an intentional misrepresentation;
 - 2819 (c) pursuing a continued and flagrant course of misrepresentation;
 - 2820 (d) making a false representation or promise through an agent, sales agent, advertising,
 - 2821 or otherwise; or
 - 2822 (e) making a false representation or promise of a character likely to influence,
 - 2823 persuade, or induce;
 - 2824 (2) acting for more than one party in a transaction without the informed written consent
 - 2825 of the parties;
 - 2826 (3) (a) acting as an associate broker or sales agent while not affiliated with a principal
 - 2827 broker;
 - 2828 (b) representing or attempting to represent a principal broker other than the principal
 - 2829 broker with whom the person is affiliated; or
 - 2830 (c) representing as sales agent or having a contractual relationship similar to that of
 - 2831 sales agent with a person other than a principal broker;
 - 2832 (4) (a) failing, within a reasonable time, to account for or to remit money that belongs
 - 2833 to another and comes into the person's possession;
 - 2834 (b) commingling money described in Subsection (4)(a) with the person's own money;
 - 2835 or
 - 2836 (c) diverting money described in Subsection (4)(a) from the purpose for which the
 - 2837 money is received;
 - 2838 (5) paying or offering to pay valuable consideration to a person not licensed under this
 - 2839 chapter, except that valuable consideration may be shared:
 - 2840 (a) with a principal broker of another jurisdiction; or
 - 2841 (b) as provided under:
 - 2842 (i) Title 16, Chapter 10a, Utah Revised Business Corporation Act;
 - 2843 (ii) Title 16, Chapter 11, Professional Corporation Act; or
 - 2844 (iii) Title 48, Chapter 3a, Utah Revised Uniform Limited Liability Company Act, as
 - 2845 appropriate pursuant to Section [48-3a-1405](#);
 - 2846 (6) for a principal broker, paying or offering to pay a sales agent or associate broker

- 2847 who is not affiliated with the principal broker at the time the sales agent or associate broker
2848 earned the compensation;
- 2849 (7) being incompetent to act as a principal broker, associate broker, or sales agent in
2850 such manner as to safeguard the interests of the public;
- 2851 (8) failing to voluntarily furnish a copy of a document to the parties before and after the
2852 execution of a document;
- 2853 (9) failing to keep and make available for inspection by the division a record of each
2854 transaction, including:
- 2855 (a) the names of buyers and sellers or lessees and lessors;
2856 (b) the identification of real estate;
2857 (c) the sale or rental price;
2858 (d) money received in trust;
2859 (e) agreements or instructions from buyers and sellers or lessees and lessors; and
2860 (f) any other information required by rule;
- 2861 (10) failing to disclose, in writing, in the purchase, sale, or rental of real estate, whether
2862 the purchase, sale, or rental is made for that person or for an undisclosed principal;
- 2863 (11) regardless of whether the crime is related to the business of real estate:
- 2864 (a) be convicted of:
- 2865 (i) a felony; or
2866 (ii) any of the following involving fraud, misrepresentation, theft, or dishonesty:
2867 (A) a class A misdemeanor;
2868 (B) a class B misdemeanor; or
2869 (C) a criminal offense comparable to a class A or class B misdemeanor;
- 2870 (b) plead guilty or nolo contendere to:
- 2871 (i) a felony; or
2872 (ii) any of the following involving fraud, misrepresentation, theft, or dishonesty:
2873 (A) a class A misdemeanor;
2874 (B) a class B misdemeanor; or
2875 (C) a criminal offense comparable to a class A or class B misdemeanor;
- 2876 (c) enter into a plea in abeyance agreement in relation to:
2877 (i) a felony; or

- 2878 (ii) any of the following involving fraud, misrepresentation, theft, or dishonesty:
- 2879 (A) a class A misdemeanor;
- 2880 (B) a class B misdemeanor; or
- 2881 (C) a criminal offense comparable to a class A or class B misdemeanor;
- 2882 (12) advertising the availability of real estate or the services of a licensee in a false,
- 2883 misleading, or deceptive manner;
- 2884 (13) in the case of a principal broker or a branch broker, failing to exercise active and
- 2885 reasonable supervision, as the commission may define by rule made in accordance with Title
- 2886 63G, Chapter 3, Utah Administrative Rulemaking Act, over the activities of the principal
- 2887 broker's or branch broker's licensed or unlicensed staff;
- 2888 (14) violating or disregarding:
- 2889 (a) this chapter;
- 2890 (b) an order of the commission; or
- 2891 (c) the rules adopted by the commission and the division;
- 2892 (15) breaching a fiduciary duty owed by a licensee to the licensee's principal in a real
- 2893 estate transaction;
- 2894 (16) any other conduct which constitutes dishonest dealing;
- 2895 (17) having one of the following suspended, revoked, surrendered, or cancelled on the
- 2896 basis of misconduct in a professional capacity that relates to character, honesty, integrity, or
- 2897 truthfulness:
- 2898 (a) a real estate license, registration, or certificate issued by another jurisdiction; or
- 2899 (b) another license, registration, or certificate to engage in an occupation or profession
- 2900 issued by this state or another jurisdiction;
- 2901 (18) failing to respond to a request by the division in an investigation authorized under
- 2902 this chapter within 10 days after the day on which the request is served, including:
- 2903 (a) failing to respond to a subpoena;
- 2904 (b) withholding evidence; or
- 2905 (c) failing to produce documents or records;
- 2906 (19) in the case of a dual licensed title licensee as defined in Section [~~31A-2-402~~]
- 2907 [31A-23a-119](#):
- 2908 (a) providing a title insurance product or service without the approval required by

- 2909 Section [~~31A-2-405~~] 31A-23a-119; or
- 2910 (b) knowingly providing false or misleading information in the statement required by
- 2911 Subsection [~~31A-2-405(2)~~] 31A-23a-119(3);
- 2912 (20) violating an independent contractor agreement between a principal broker and a
- 2913 sales agent or associate broker as evidenced by a final judgment of a court;
- 2914 (21) (a) engaging in an act of loan modification assistance that requires licensure as a
- 2915 mortgage officer under Chapter 2c, Utah Residential Mortgage Practices and Licensing Act,
- 2916 without being licensed under that chapter;
- 2917 (b) engaging in an act of foreclosure rescue without entering into a written agreement
- 2918 specifying what one or more acts of foreclosure rescue will be completed;
- 2919 (c) inducing a person who is at risk of foreclosure to hire the licensee to engage in an
- 2920 act of foreclosure rescue by:
- 2921 (i) suggesting to the person that the licensee has a special relationship with the person's
- 2922 lender or loan servicer; or
- 2923 (ii) falsely representing or advertising that the licensee is acting on behalf of:
- 2924 (A) a government agency;
- 2925 (B) the person's lender or loan servicer; or
- 2926 (C) a nonprofit or charitable institution; or
- 2927 (d) recommending or participating in a foreclosure rescue that requires a person to:
- 2928 (i) transfer title to real estate to the licensee or to a third-party with whom the licensee
- 2929 has a business relationship or financial interest;
- 2930 (ii) make a mortgage payment to a person other than the person's loan servicer; or
- 2931 (iii) refrain from contacting the person's:
- 2932 (A) lender;
- 2933 (B) loan servicer;
- 2934 (C) attorney;
- 2935 (D) credit counselor; or
- 2936 (E) housing counselor;
- 2937 (22) taking or removing from the premises of a main office or a branch office, or
- 2938 otherwise limiting a real estate brokerage's access to or control over, a record that:
- 2939 (a) (i) the real estate brokerage's licensed staff, unlicensed staff, or affiliated

2940 independent contractor prepared; and
2941 (ii) is related to the business of:
2942 (A) the real estate brokerage; or
2943 (B) an associate broker, a branch broker, or a sales agent of the real estate brokerage; or
2944 (b) is related to the business administration of the real estate brokerage;
2945 (23) as a principal broker, placing a lien on real property, unless authorized by law;
2946 (24) as a sales agent or associate broker, placing a lien on real property for an unpaid
2947 commission or other compensation related to real estate brokerage services; or
2948 (25) failing to timely disclose to a buyer or seller an affiliated business arrangement, as
2949 defined in Section 31A-23a-1001, in accordance with the federal Real Estate Settlement
2950 Procedures Act, 12 U.S.C. Sec. 2601 et seq. and any rules made thereunder.

2951 Section 58. Section 61-2g-502 is amended to read:

2952 **61-2g-502. Disciplinary action -- Grounds.**

2953 (1) (a) The board may order disciplinary action, with the concurrence of the division,
2954 against a person:

2955 (i) registered, licensed, or certified under this chapter; or

2956 (ii) required to be registered, licensed, or certified under this chapter.

2957 (b) On the basis of a ground listed in Subsection (2) for disciplinary action, board
2958 action may include:

2959 (i) revoking, suspending, or placing a person's registration, license, or certification on
2960 probation;

2961 (ii) denying a person's original registration, license, or certification;

2962 (iii) denying a person's renewal license, certification, or registration;

2963 (iv) in the case of denial or revocation of a registration, license, or certification, setting
2964 a waiting period for an applicant to apply for a registration, license, or certification under this
2965 chapter;

2966 (v) ordering remedial education;

2967 (vi) imposing a civil penalty upon a person not to exceed the greater of:

2968 (A) \$5,000 for each violation; or

2969 (B) the amount of any gain or economic benefit from a violation;

2970 (vii) issuing a cease and desist order;

2971 (viii) modifying an action described in Subsections (1)(b)(i) through (vii) if the board,
2972 with the concurrence of the division, finds that the person complies with court ordered
2973 restitution; or

2974 (ix) doing any combination of Subsections (1)(b)(i) through (viii).

2975 (c) (i) If the board or division issues an order that orders a fine or educational
2976 requirements as part of the disciplinary action against a person, including a stipulation and
2977 order, the board or division shall state in the order the deadline by which the person shall
2978 comply with the fine or educational requirements.

2979 (ii) If a person fails to comply with a stated deadline:

2980 (A) the person's license, certificate, or registration is automatically suspended:

2981 (I) beginning on the day specified in the order as the deadline for compliance; and

2982 (II) ending the day on which the person complies in full with the order; and

2983 (B) if the person fails to pay a fine required by an order, the division may begin a
2984 collection process:

2985 (I) established by the division by rule made in accordance with Title 63G, Chapter 3,
2986 Utah Administrative Rulemaking Act; and

2987 (II) subject to Title 63A, Chapter 3, Part 5, Office of State Debt Collection.

2988 (2) The following are grounds for disciplinary action under this section:

2989 (a) procuring or attempting to procure a registration, license, or certification under this
2990 chapter:

2991 (i) by fraud; or

2992 (ii) by making a false statement, submitting false information, or making a material
2993 misrepresentation in an application filed with the division;

2994 (b) paying money or attempting to pay money other than a fee provided for by this
2995 chapter to a member or employee of the division to procure a registration, license, or
2996 certification under this chapter;

2997 (c) an act or omission in the practice of real estate appraising that constitutes
2998 dishonesty, fraud, or misrepresentation;

2999 (d) entry of a judgment against a registrant, licensee, or certificate holder on grounds of
3000 fraud, misrepresentation, or deceit in the making of an appraisal of real estate;

3001 (e) regardless of whether the crime is related to the appraisal business, to:

- 3002 (i) be convicted of a felony;
- 3003 (ii) be convicted of any of the following involving fraud, misrepresentation, theft, or
- 3004 dishonesty:
 - 3005 (A) a class A misdemeanor;
 - 3006 (B) a class B misdemeanor; or
 - 3007 (C) a criminal offense comparable to a class A or class B misdemeanor;
- 3008 (iii) plead guilty or nolo contendere to a felony;
- 3009 (iv) plead guilty or nolo contendere to any of the following involving fraud,
- 3010 misrepresentation, theft, or dishonesty:
 - 3011 (A) a class A misdemeanor;
 - 3012 (B) a class B misdemeanor; or
 - 3013 (C) a criminal offense comparable to a class A or class B misdemeanor;
- 3014 (v) enter into a plea in abeyance agreement involving a felony; or
- 3015 (vi) enter into a plea in abeyance agreement involving any of the following involving
- 3016 fraud, misrepresentation, theft, or dishonesty:
 - 3017 (A) a class A misdemeanor;
 - 3018 (B) a class B misdemeanor; or
 - 3019 (C) a criminal offense comparable to a class A or class B misdemeanor;
- 3020 (f) engaging in the business of real estate appraising under an assumed or fictitious
- 3021 name not properly registered in this state;
- 3022 (g) paying a finder's fee or a referral fee to a person not licensed or certified under this
- 3023 chapter in connection with an appraisal of real estate or real property in this state;
- 3024 (h) making a false or misleading statement in:
 - 3025 (i) that portion of a written appraisal report that deals with professional qualifications;
 - 3026 or
 - 3027 (ii) testimony concerning professional qualifications;
- 3028 (i) violating or disregarding:
 - 3029 (i) this chapter;
 - 3030 (ii) an order of:
 - 3031 (A) the board; or
 - 3032 (B) the division, in a case when the board delegates to the division the authority to

3033 make a decision on behalf of the board; or
3034 (iii) a rule issued under this chapter;
3035 (j) violating the confidential nature of governmental records to which a person
3036 registered, licensed, or certified under this chapter gained access through employment or
3037 engagement as an appraiser by a governmental agency;
3038 (k) accepting a contingent fee for performing an appraisal if in fact the fee is or was
3039 contingent upon:
3040 (i) the appraiser reporting a predetermined analysis, opinion, or conclusion;
3041 (ii) the analysis, opinion, conclusion, or valuation reached; or
3042 (iii) the consequences resulting from the appraisal assignment;
3043 (l) unprofessional conduct as defined by statute or rule;
3044 (m) in the case of a dual licensed title licensee as defined in Section [~~31A-2-402~~]
3045 [31A-23a-119](#):
3046 (i) providing a title insurance product or service without the approval required by
3047 Section [~~31A-2-405~~] [31A-23a-119](#); or
3048 (ii) knowingly providing false or misleading information in the statement required by
3049 Subsection [~~31A-2-405(2)~~] [31A-23a-119\(3\)](#); or
3050 (n) other conduct that constitutes dishonest dealing.
3051 (3) A person previously licensed, certified, or registered under this chapter remains
3052 responsible for, and is subject to disciplinary action for, an act that the person committed, while
3053 the person was licensed, certified, or registered, in violation of this chapter or an administrative
3054 rule in effect at the time that the person committed the act, regardless of whether the person is
3055 currently licensed, certified, or registered.
3056 Section 59. Section **63A-16-107** is amended to read:
3057 **63A-16-107. Utah Open Data Portal Website.**
3058 (1) As used in this section:
3059 (a) "Governmental entity" means the same as that term is defined in Section
3060 [63G-2-103](#).
3061 (b) "Public information" means:
3062 (i) a record of a state governmental entity, a local governmental entity, or an
3063 independent entity that is classified as public under Title 63G, Chapter 2, Government Records

3064 Access and Management Act; or

3065 (ii) subject to any specific limitations and requirements regarding the provision of
3066 financial information from the entity under Section 67-3-12, for an entity that is exempt from
3067 Title 63G, Chapter 2, Government Records Access and Management Act, records that would
3068 normally be classified as public if the entity were not exempt from Title 63G, Chapter 2,
3069 Government Records Access and Management Act.

3070 (c) "Private, controlled, or protected information" means information classified as
3071 private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and
3072 Management Act.

3073 (d) "Website" means the Utah Open Data Portal Website created in this section.

3074 (2) There is created the Utah Open Data Portal Website to be administered by the
3075 division.

3076 (3) The website shall serve as a point of access for public information.

3077 (4) The division shall:

3078 (a) establish and maintain the website~~[-guided by the principles described in~~
3079 ~~Subsection 63A-18-202(2)]~~;

3080 (b) provide equipment, resources, and personnel as needed to establish and maintain
3081 the website;

3082 (c) provide a mechanism for a governmental entity to gain access to the website for the
3083 purpose of posting and modifying public information; and

3084 (d) maintain an archive of all public information posted to the website.

3085 (5) The timing for posting and the content of the public information posted to the
3086 website is the responsibility of the governmental entity posting the public information.

3087 (6) A governmental entity may not post private, controlled, or protected information to
3088 the website.

3089 (7) A person who negligently discloses private, controlled, or protected information is
3090 not criminally or civilly liable for improper disclosure of the information if the information is
3091 disclosed solely as a result of the preparation or publication of the website.

3092 Section 60. Section 63I-1-226 is amended to read:

3093 **63I-1-226. Repeal dates: Titles 26 through 26B.**

3094 [~~1~~] Section 26-1-7.5, which creates the Utah Health Advisory Council, is repealed

- 3095 ~~July 1, 2025.~~
- 3096 [~~2~~] (1) Section 26-1-40 is repealed July 1, 2022.
- 3097 [~~3~~] (2) Section 26-1-41 is repealed July 1, 2026.
- 3098 [~~4~~] (3) Section 26-1-43 is repealed December 31, 2025.
- 3099 [~~5~~] (4) Section 26-7-10 is repealed July 1, 2025.
- 3100 [~~6~~] (5) Subsection 26-7-11(5), regarding reports to the Legislature, is repealed July 1,
- 3101 2028.
- 3102 [~~7~~] (6) Section 26-7-14 is repealed December 31, 2027.
- 3103 [~~8~~] (7) Section 26-8a-603 is repealed July 1, 2027.
- 3104 [~~9~~] (8) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed
- 3105 July 1, 2025.
- 3106 [~~10~~] (9) Subsection 26-10-6(5), which creates the Newborn Hearing Screening
- 3107 Committee, is repealed July 1, 2026.
- 3108 [~~11~~] (10) Section 26-10b-106, which creates the Primary Care Grant Committee, is
- 3109 repealed July 1, 2025.
- 3110 [~~12~~] (11) Subsection 26-15c-104(3), relating to a limitation on the number of
- 3111 microenterprise home kitchen permits that may be issued, is repealed July 1, 2022.
- 3112 [~~13~~] (12) Subsection 26-18-2.6(9), which addresses reimbursement for dental
- 3113 hygienists, is repealed July 1, 2028.
- 3114 [~~14~~] (13) Section 26-18-27 is repealed July 1, 2025.
- 3115 [~~15~~] (14) Section 26-18-28 is repealed June 30, 2027.
- 3116 [~~16~~] (15) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed
- 3117 July 1, 2027.
- 3118 [~~17~~] (16) Subsection 26-18-418(2), the language that states "and the Behavioral
- 3119 Health Crisis Response Commission created in Section 63C-18-202" is repealed July 1, 2023.
- 3120 [~~18~~] (17) Section 26-33a-117 is repealed December 31, 2023.
- 3121 [~~19~~] (18) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1,
- 3122 2024.
- 3123 [~~20~~] (19) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July
- 3124 1, 2024.
- 3125 [~~21~~] (20) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is

3126 repealed July 1, 2024.

3127 ~~[(22)]~~ (21) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July
3128 1, 2024.

3129 ~~[(23)]~~ Section ~~26-39-201~~, which creates the Residential Child Care Licensing Advisory
3130 Committee, is repealed July 1, 2024.]

3131 ~~[(24)]~~ (22) Section ~~26-39-405~~, Drinking water quality in child care centers, is repealed
3132 July 1, 2027.

3133 ~~[(25)]~~ (23) Section ~~26-40-104~~, which creates the Utah Children's Health Insurance
3134 Program Advisory Council, is repealed July 1, 2025.

3135 ~~[(26)]~~ (24) Section ~~26-50-202~~, which creates the Traumatic Brain Injury Advisory
3136 Committee, is repealed July 1, 2025.

3137 ~~[(27)]~~ (25) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and
3138 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.

3139 ~~[(28)]~~ (26) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed
3140 July 1, 2026.

3141 ~~[(29)]~~ (27) Title 26, Chapter 68, COVID-19 Vaccine Restrictions Act, is repealed July
3142 1, 2024.

3143 ~~[(30)]~~ (28) Section ~~26-69-406~~ is repealed July 1, 2025.

3144 ~~[(31)]~~ Subsection ~~26B-1-204(2)(i)~~, related to the Residential Child Care Licensing
3145 Advisory Committee, is repealed July 1, 2024.]

3146 ~~[(32)]~~ (29) Subsection ~~26B-1-204(2)(k)~~, related to the Primary Care Grant Committee,
3147 is repealed July 1, 2025.

3148 Section 61. Section ~~63I-1-263~~ is amended to read:

3149 **~~63I-1-263. Repeal dates: Titles 63A to 63N.~~**

3150 (1) Subsection ~~63A-5b-405(5)~~, relating to prioritizing and allocating capital
3151 improvement funding, is repealed July 1, 2024.

3152 (2) Section ~~63A-5b-1003~~, State Facility Energy Efficiency Fund, is repealed July 1,
3153 2023.

3154 (3) Sections ~~63A-9-301~~ and ~~63A-9-302~~, related to the Motor Vehicle Review
3155 Committee, are repealed July 1, 2023.

3156 ~~[(4)]~~ In relation to the Utah Transparency Advisory Board, on January 1, 2025:]

- 3157 [~~(a)~~] Section ~~63A-18-102~~ is repealed;]
- 3158 [~~(b)~~] Section ~~63A-18-201~~ is repealed; and]
- 3159 [~~(c)~~] Section ~~63A-18-202~~ is repealed.]
- 3160 [~~(5)~~] (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed
- 3161 July 1, 2028.
- 3162 [~~(6)~~] (5) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
- 3163 2025.
- 3164 [~~(7)~~] (6) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed
- 3165 July 1, 2024.
- 3166 [~~(8)~~] (7) Title 63C, Chapter 17, Point of the Mountain Development Commission Act,
- 3167 is repealed July 1, 2023.
- 3168 [~~(9)~~] (8) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is
- 3169 repealed July 1, 2023.
- 3170 [~~(10)~~] (9) Title 63C, Chapter 23, Education and Mental Health Coordinating Council,
- 3171 is repealed July 1, 2026.
- 3172 [~~(11)~~] (10) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.
- 3173 [~~(12)~~] (11) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1,
- 3174 2026.
- 3175 [~~(13)~~] (12) Section ~~63G-6a-805~~, which creates the Purchasing from Persons with
- 3176 Disabilities Advisory Board, is repealed July 1, 2026.
- 3177 [~~(14)~~] (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed
- 3178 July 1, 2028.
- 3179 [~~(15)~~] (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed
- 3180 July 1, 2024.
- 3181 [~~(16)~~] (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1,
- 3182 2026.
- 3183 [~~(17)~~] (16) Subsection ~~63J-1-602.1~~(17), relating to the Nurse Home Visiting Restricted
- 3184 Account, is repealed July 1, 2026.
- 3185 [~~(18)~~] (17) Subsection ~~63J-1-602.2~~(6), referring to dedicated credits to the Utah
- 3186 Marriage Commission, is repealed July 1, 2023.
- 3187 [~~(19)~~] (18) Subsection ~~63J-1-602.2~~(7), referring to the Trip Reduction Program, is

3188 repealed July 1, 2022.

3189 ~~[(20)]~~ (19) Subsection [63J-1-602.2](#)(26), related to the Utah Seismic Safety
3190 Commission, is repealed January 1, 2025.

3191 ~~[(21)]~~ (20) Title 63L, Chapter 11, Part 4, Resource Development Coordinating
3192 Committee, is repealed July 1, 2027.

3193 ~~[(22)]~~ (21) In relation to the Utah Substance Use and Mental Health Advisory Council,
3194 on January 1, 2033:

3195 (a) Sections [63M-7-301](#), [63M-7-302](#), [63M-7-303](#), [63M-7-304](#), and [63M-7-306](#) are
3196 repealed;

3197 (b) Section [63M-7-305](#), the language that states "council" is replaced with
3198 "commission";

3199 (c) Subsection [63M-7-305](#)(1)(a) is repealed and replaced with:

3200 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

3201 (d) Subsection [63M-7-305](#)(2) is repealed and replaced with:

3202 "(2) The commission shall:

3203 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
3204 Drug-Related Offenses Reform Act; and

3205 (b) coordinate the implementation of Section [77-18-104](#) and related provisions in
3206 Subsections [77-18-103](#)(2)(c) and (d).".

3207 ~~[(23)]~~ (22) The Crime Victim Reparations and Assistance Board, created in Section
3208 [63M-7-504](#), is repealed July 1, 2027.

3209 ~~[(24)]~~ (23) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
3210 2026.

3211 ~~[(25)]~~ (24) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is
3212 repealed January 1, 2025.

3213 ~~[(26)]~~ (25) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

3214 ~~[(27)]~~ (26) Section [63N-2-512](#), related to the Hotel Impact Mitigation Fund, is repealed
3215 July 1, 2028.

3216 ~~[(28)]~~ (27) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is
3217 repealed July 1, 2027.

3218 ~~[(29)]~~ (28) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant

3219 Program, is repealed July 1, 2025.

3220 ~~[(30)]~~ (29) In relation to the Rural Employment Expansion Program, on July 1, 2023:

3221 (a) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed;

3222 and

3223 (b) Subsection 63N-4-805(5)(b), referring to the Rural Employment Expansion

3224 Program, is repealed.

3225 ~~[(31)]~~ (30) In relation to the Board of Tourism Development, on July 1, 2025:

3226 (a) Subsection 63N-2-511(1)(b), which defines "tourism board," is repealed;

3227 (b) Subsections 63N-2-511(3)(a) and (5), the language that states "tourism board" is
3228 repealed and replaced with "Utah Office of Tourism";

3229 (c) Subsection 63N-7-101(1), which defines "board," is repealed;

3230 (d) Subsection 63N-7-102(3)(c), which requires the Utah Office of Tourism to receive
3231 approval from the Board of Tourism Development, is repealed; and

3232 (e) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed.

3233 ~~[(32)]~~ (31) Subsection 63N-8-103(3)(c), which allows the Governor's Office of
3234 Economic Opportunity to issue an amount of tax credit certificates only for rural productions,
3235 is repealed on July 1, 2024.

3236 Section 62. Section 63I-2-219 is amended to read:

3237 **63I-2-219. Repeal dates: Title 19.**

3238 ~~[(1) Subsections 19-2-109.2(2) through (10), related to the Compliance Advisory
3239 Panel, are repealed July 1, 2023. (2)]~~ Section 19-2a-102.5, addressing a study and
3240 recommendations for a diesel emission reduction program, is repealed July 1, 2024.

3241 Section 63. Section 72-9-201 is amended to read:

3242 **72-9-201. Motor Carrier Advisory Board created -- Appointment -- Terms --
3243 Meetings -- Per diem and expenses -- Duties.**

3244 (1) There is created within the department the Motor Carrier Advisory Board
3245 consisting of five members appointed by the ~~[governor]~~ department.

3246 (2) Each member of the board shall:

3247 (a) represent experience and expertise in the areas of motor carrier transportation,
3248 commerce, agriculture, economics, shipping, or highway safety;

3249 (b) be selected at large on a nonpartisan basis; and

3250 (c) have been a legal resident of the state for at least one year immediately preceding
3251 the date of appointment.

3252 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
3253 expire, the [governor] department shall appoint each new member or reappointed member to a
3254 four-year term.

3255 (b) The [governor] department shall, at the time of appointment or reappointment,
3256 adjust the length of terms to ensure that the terms of board members are staggered so that
3257 approximately half of the board is appointed every two years.

3258 (c) A member shall serve from the date of appointment until a replacement is
3259 appointed.

3260 (4) When a vacancy occurs in the membership for any reason, the [governor]
3261 department shall appoint the replacement to serve for the remainder of the unexpired term
3262 beginning the day following the day on which the vacancy occurs.

3263 (5) The board shall elect its own chair and vice chair at the first regular meeting of each
3264 calendar year.

3265 (6) The board shall meet at least twice per year or as needed when called by the chair.

3266 (7) Any three voting members constitute a quorum for the transaction of business that
3267 comes before the board.

3268 (8) A member may not receive compensation or benefits for the member's service, but
3269 may receive per diem and travel expenses in accordance with:

3270 (a) Section 63A-3-106;

3271 (b) Section 63A-3-107; and

3272 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3273 63A-3-107.

3274 (9) The board shall advise the department and the commission on interpretation,
3275 adoption, and implementation of this chapter and other motor carrier related issues.

3276 (10) The department shall provide staff support to the board.

3277 Section 64. **Repealer.**

3278 This bill repeals:

3279 Section 4-38-101, Title.

3280 Section 4-38-103, Utah Horse Racing Commission.

- 3281 Section **4-38-105**, Executive director.
- 3282 Section **4-38-106**, Public records.
- 3283 Section **4-38-202**, Stewards.
- 3284 Section **19-2-109.2**, Small business assistance program.
- 3285 Section **26-1-7.5**, Health advisory council.
- 3286 Section **26-39-201**, Residential Child Care Licensing Advisory Committee.
- 3287 Section **31A-2-401**, Title.
- 3288 Section **31A-2-402**, Definitions.
- 3289 Section **31A-2-403**, Title and Escrow Commission created.
- 3290 Section **31A-2-404**, Duties of the commissioner and Title and Escrow Commission.
- 3291 Section **31A-35-201**, Bail Bond Oversight Board.
- 3292 Section **31A-35-202**, Board responsibilities.
- 3293 Section **41-23-1**, Enactment.
- 3294 Section **41-23-2**, Text.
- 3295 Section **58-49-1**, Short title.
- 3296 Section **58-49-3**, Board created -- Duties.
- 3297 Section **58-53-101**, Title.
- 3298 Section **58-53-201**, Creation of board -- Duties.
- 3299 Section **58-71-201**, Board.
- 3300 Section **58-75-101**, Title.
- 3301 Section **58-75-201**, Board.
- 3302 Section **58-76-101**, Title.
- 3303 Section **58-76-201**, Board.
- 3304 Section **58-77-201**, Board.
- 3305 Section **58-83-101**, Title.
- 3306 Section **58-83-201**, Board.
- 3307 Section **63A-18-102**, Definitions.
- 3308 Section **63A-18-201**, Utah Transparency Advisory Board -- Creation --
- 3309 **Membership -- Duties.**
- 3310 Section **63A-18-202**, Utah Transparency Advisory Board -- Duties.