

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

33 Money Appropriated in this Bill:

34 None

35 Other Special Clauses:

36 None

37 Utah Code Sections Affected:

38 AMENDS:

- 39 **9-9-113**, as enacted by Laws of Utah 2021, Chapter 189
- 40 **19-1-201**, as last amended by Laws of Utah 2020, Chapter 256
- 41 **19-2-109.1**, as last amended by Laws of Utah 2020, Chapter 256
- 42 **26-1-2**, as last amended by Laws of Utah 2022, Chapter 255
- 43 **26-39-102**, as last amended by Laws of Utah 2022, Chapters 21, 255
- 44 **26-39-200**, as last amended by Laws of Utah 2022, Chapter 255
- 45 **26-39-203**, as last amended by Laws of Utah 2016, Chapter 74
- 46 **26B-1-204**, as renumbered and amended by Laws of Utah 2022, Chapter 255
- 47 **31A-19a-209**, as last amended by Laws of Utah 2015, Chapters 312, 330
- 48 **31A-23a-105**, as last amended by Laws of Utah 2014, Chapters 290, 300
- 49 **31A-23a-106**, as last amended by Laws of Utah 2015, Chapter 330
- 50 **31A-23a-108**, as last amended by Laws of Utah 2014, Chapters 290, 300
- 51 **31A-23a-204**, as last amended by Laws of Utah 2015, Chapter 330
- 52 **31A-23a-402**, as last amended by Laws of Utah 2019, Chapter 193
- 53 **31A-23a-406**, as last amended by Laws of Utah 2021, Chapter 252
- 54 **31A-23a-415**, as last amended by Laws of Utah 2020, Chapter 32
- 55 **31A-23a-1001**, as last amended by Laws of Utah 2020, Chapter 448
- 56 **31A-26-203**, as last amended by Laws of Utah 2012, Chapter 253

57 [31A-26-204](#), as last amended by Laws of Utah 2009, Chapter 349
58 [31A-35-102](#), as last amended by Laws of Utah 2016, Chapter 234
59 [31A-35-301](#), as last amended by Laws of Utah 2016, Chapter 234
60 [31A-35-405](#), as last amended by Laws of Utah 2019, Chapter 193
61 [31A-35-406](#), as last amended by Laws of Utah 2021, Chapter 252
62 [31A-35-407](#), as last amended by Laws of Utah 2016, Chapter 234
63 [31A-41-102](#), as last amended by Laws of Utah 2013, Chapter 319
64 [31A-41-202](#), as last amended by Laws of Utah 2016, Chapter 138
65 [58-49-2](#), as last amended by Laws of Utah 1993, Chapter 297
66 [58-49-4](#), as last amended by Laws of Utah 2020, Chapter 339
67 [58-49-6](#), as enacted by Laws of Utah 1986, Chapter 192
68 [58-53-102](#), as renumbered and amended by Laws of Utah 1998, Chapter 191
69 [58-53-103](#), as last amended by Laws of Utah 2013, Chapter 400
70 [58-53-302](#), as last amended by Laws of Utah 2009, Chapter 183
71 [58-53-304](#), as renumbered and amended by Laws of Utah 1998, Chapter 191
72 [58-53-601](#), as enacted by Laws of Utah 1998, Chapter 191
73 [58-71-102](#), as last amended by Laws of Utah 2022, Chapter 440
74 [58-71-203](#), as enacted by Laws of Utah 2022, Chapter 440
75 [58-71-302](#), as last amended by Laws of Utah 2020, Chapter 339
76 [58-71-304](#), as last amended by Laws of Utah 2001, Chapter 268
77 [58-71-304.2](#), as enacted by Laws of Utah 1996, Chapter 282
78 [58-71-601](#), as last amended by Laws of Utah 2013, Chapter 364
79 [58-71-802](#), as enacted by Laws of Utah 1996, Chapter 282
80 [58-71-803](#), as enacted by Laws of Utah 1996, Chapter 282
81 [58-75-102](#), as last amended by Laws of Utah 2008, Chapter 382
82 [58-75-303](#), as enacted by Laws of Utah 2001, Chapter 100
83 [58-76-102](#), as enacted by Laws of Utah 2002, Chapter 218
84 [58-76-103](#), as last amended by Laws of Utah 2011, Chapter 303
85 [58-76-302](#), as last amended by Laws of Utah 2020, Chapter 339
86 [58-76-601](#), as enacted by Laws of Utah 2002, Chapter 218
87 [58-76-603](#), as enacted by Laws of Utah 2002, Chapter 218

88 **58-77-102**, as last amended by Laws of Utah 2017, Chapter 114
89 **58-77-302**, as last amended by Laws of Utah 2020, Chapter 339
90 **58-83-102**, as last amended by Laws of Utah 2022, Chapter 415
91 **58-83-302**, as last amended by Laws of Utah 2022, Chapter 415
92 **58-83-401**, as last amended by Laws of Utah 2022, Chapter 415
93 **61-2c-301**, as last amended by Laws of Utah 2020, Chapter 72
94 **61-2f-401**, as last amended by Laws of Utah 2022, Chapter 204
95 **61-2g-502**, as last amended by Laws of Utah 2020, Chapter 72
96 **63A-16-107**, as enacted by Laws of Utah 2021, Chapter 84
97 **63I-1-226**, as last amended by Laws of Utah 2022, Chapters 194, 206, 224, 253, 255,
98 347, and 451
99 **63I-1-263**, as last amended by Laws of Utah 2022, Chapters 23, 34, 68, 153, 218, 236,
100 249, 274, 296, 313, 361, 362, 417, 419, and 472
101 **63I-2-219**, as last amended by Laws of Utah 2022, Chapter 95
102 **72-9-201**, as last amended by Laws of Utah 2017, Chapter 96
103 RENUMBERS AND AMENDS:
104 **31A-23a-119**, (Renumbered from 31A-2-405, as enacted by Laws of Utah 2007,
105 Chapter 325)
106 REPEALS:
107 **19-2-109.2**, as last amended by Laws of Utah 2015, Chapter 154
108 **26-1-7.5**, as last amended by Laws of Utah 2011, Chapter 297
109 **26-39-201**, as last amended by Laws of Utah 2022, Chapter 255
110 **31A-2-401**, as enacted by Laws of Utah 2005, Chapter 185
111 **31A-2-402**, as last amended by Laws of Utah 2015, Chapter 330
112 **31A-2-403**, as last amended by Laws of Utah 2022, Chapter 198
113 **31A-2-404**, as last amended by Laws of Utah 2016, Chapter 193
114 **31A-35-201**, as last amended by Laws of Utah 2016, Chapter 234
115 **31A-35-202**, as last amended by Laws of Utah 2016, Chapter 234
116 **41-23-1**, as last amended by Laws of Utah 2011, Chapter 202
117 **41-23-2**, as last amended by Laws of Utah 2011, Chapter 202
118 **58-49-1**, as enacted by Laws of Utah 1986, Chapter 192

- 119 **58-49-3**, as repealed and reenacted by Laws of Utah 1993, Chapter 297
- 120 **58-53-101**, as renumbered and amended by Laws of Utah 1998, Chapter 191
- 121 **58-53-201**, as renumbered and amended by Laws of Utah 1998, Chapter 191
- 122 **58-71-201**, as last amended by Laws of Utah 1997, Chapter 10
- 123 **58-75-101**, as enacted by Laws of Utah 2001, Chapter 100
- 124 **58-75-201**, as enacted by Laws of Utah 2001, Chapter 100
- 125 **58-76-101**, as enacted by Laws of Utah 2002, Chapter 218
- 126 **58-76-201**, as enacted by Laws of Utah 2002, Chapter 218
- 127 **58-77-201**, as last amended by Laws of Utah 2013, Chapter 167
- 128 **58-83-101**, as enacted by Laws of Utah 2010, Chapter 180
- 129 **58-83-201**, as enacted by Laws of Utah 2010, Chapter 180
- 130 **63A-18-102**, as enacted by Laws of Utah 2021, Chapter 84
- 131 **63A-18-201**, as renumbered and amended by Laws of Utah 2021, Chapter 84
- 132 **63A-18-202**, as enacted by Laws of Utah 2021, Chapter 84

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

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

136 **9-9-113. Geographic place names -- Role of division -- Report.**

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

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

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

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

- 149 (i) a county in which a place with a location name referring to American Indians is

150 located;

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

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

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

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

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

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

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

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

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

173 **19-1-201. Powers and duties of department -- Rulemaking authority --**

174 **Committee -- Monitoring environmental impacts of inland port.**

175 (1) The department shall:

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

179 (b) consult with the Department of Health and Human Services and enter into
180 cooperative agreements, as needed, to ensure efficient use of resources and effective response

181 to potential health and safety threats from the environment, and to prevent gaps in protection
182 from potential risks from the environment to specific individuals or population groups;

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

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

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

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

194 (iv) is reviewed and updated annually;

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

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

198 (A) board meeting attendance; and

199 (B) conflicts of interest procedures; and

200 (ii) procedural rules that govern:

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

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

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

206 (i) under this title;

207 (ii) by the department; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 243 (b) evaluate department policies that affect local health departments;
- 244 (c) consider policy changes proposed by the department or by local health departments;
- 245 (d) coordinate the implementation of environmental quality programs to maximize
- 246 environmental quality resources; and
- 247 (e) review each department application for any grant from the federal government that
- 248 affects a local health department before the department submits the application.
- 249 (5) The committee shall create bylaws to govern the committee's operations.
- 250 (6) The department may:
- 251 (a) investigate matters affecting the environment;
- 252 (b) investigate and control matters affecting the public health when caused by
- 253 environmental hazards;
- 254 (c) prepare, publish, and disseminate information to inform the public concerning
- 255 issues involving environmental quality;
- 256 (d) establish and operate programs, as authorized by this title, necessary for protection
- 257 of the environment and public health from environmental hazards;
- 258 (e) use local health departments in the delivery of environmental health programs to
- 259 the extent provided by law;
- 260 (f) enter into contracts with local health departments or others to meet responsibilities
- 261 established under this title;
- 262 (g) acquire real and personal property by purchase, gift, devise, and other lawful
- 263 means;
- 264 (h) prepare and submit to the governor a proposed budget to be included in the budget
- 265 submitted by the governor to the Legislature;
- 266 (i) in accordance with Section [63J-1-504](#), establish a schedule of fees that may be
- 267 assessed for actions and services of the department that are reasonable, fair, and reflect the cost
- 268 of services provided;
- 269 (j) for an owner or operator of a source subject to a fee established by Subsection (6)(i)
- 270 who fails to timely pay that fee, assess a penalty of not more than 50% of the fee, in addition to
- 271 the fee, plus interest on the fee computed at 12% annually;
- 272 (k) prescribe by rule reasonable requirements not inconsistent with law relating to
- 273 environmental quality for local health departments;

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

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

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

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

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

287 (i) "Environmental impacts" means:

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

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

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

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

294 (iv) "Monitoring facilities" means:

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

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

302 (b) The department shall:

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

304 (A) characterize the environmental baseline for air quality and water quality in the

305 inland port area;

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

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

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

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

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

315 (A) the Utah Inland Port Authority board, established under Title 11, Chapter 58, Part
316 3, Port Authority Board; and

317 (B) the Legislative Management Committee.

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

319 **19-2-109.1. Operating permit required -- Fees -- Implementation.**

320 (1) As used in this section and [~~Sections 19-2-109.2 and 19-2-109.3~~] Section
321 19-2-109.3:

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

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

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

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

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

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

333 (3) (a) Operating permits issued under this section shall be for a period of five years
334 unless the director makes a written finding, after public comment and hearing, and based on
335 substantial evidence in the record, that an operating permit term of less than five years is

336 necessary to protect the public health and the environment of the state.

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

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

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

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

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

349 (b) revoke the operating permit.

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

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

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

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

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

365 (a) the applicant;

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

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

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

369 **26-1-2. Definitions.**

370 As used in this title:

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

372 [~~(2)~~] (1) "Department" means the Department of Health and Human Services created in
373 Section 26B-1-201.

374 [~~(3)~~] (2) "Executive director" means the executive director of the department appointed
375 under Section 26B-1-203.

376 [~~(4)~~] (3) "Public health authority" means an agency or authority of the United States, a
377 state, a territory, a political subdivision of a state or territory, an Indian tribe, or a person acting
378 under a grant of authority from or contract with such an agency, that is responsible for public
379 health matters as part of its official mandate.

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

381 **26-39-102. Definitions.**

382 As used in this chapter:

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

385 [~~(2)~~] (1) "Capacity limit" means the maximum number of qualifying children that a
386 regulated provider may care for at any given time, in accordance with rules made by the
387 department.

388 [~~(3)~~] (2) (a) "Center based child care" means child care provided in a facility or
389 program that is not the home of the provider.

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

391 (i) residential child care; or

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

393 [~~(4)~~] (3) "Certified provider" means a person who holds a certificate from the
394 department under Section 26-39-402.

395 [~~(5)~~] (4) "Child care" means continuous care and supervision of a qualifying child, that
396 is:

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

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

399 (c) for direct or indirect compensation.

400 ~~[(6)]~~ (5) "Child care program" means a child care facility or program operated by a
401 regulated provider.

402 ~~[(7)]~~ (6) "Exempt provider" means a person who provides care described in Subsection
403 26-39-403(2).

404 ~~[(8)]~~ (7) "Licensed provider" means a person who holds a license from the department
405 under Section 26-39-401.

406 ~~[(9)]~~ (8) "Licensing committee" means the Child Care ~~[Center]~~ Provider Licensing
407 Committee created in Section 26B-1-204.

408 ~~[(10)]~~ (9) "Public school" means:

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

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

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

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

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

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

419 ~~[(11)]~~ (10) "Qualifying child" means an individual who is:

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

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

422 (b) a child of:

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

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

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

427 ~~[(12)]~~ (11) "Regulated provider" means a licensed provider or certified provider.

428 ~~[(13)]~~ (12) "Residential child care" means child care provided in the home of the

429 provider.

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

431 **26-39-200. Child Care Provider Licensing Committee.**

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

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

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

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

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

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

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

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

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

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

447 (E) a health care provider; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

482 (b) The director may call additional meetings:

483 (i) at the director's discretion;

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

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

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

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

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

491 (b) Section 63A-3-107; and
492 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
493 63A-3-107.

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

495 **26-39-203. Duties of the Child Care Provider Licensing Committee.**

496 (1) The licensing committee shall:

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

501 (i) adequate facilities and equipment; and

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

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

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

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

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

512 (iv) changes of ownership or name, changes in licensure status, and changes in
513 operational status;

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

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

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

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

521 (d) advise and assist the department in conducting center based child care provider

522 seminars and residential child care seminars; and

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

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

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

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

528 **26B-1-204. Creation of boards, divisions, and offices -- Power to organize**
529 **department.**

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

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

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

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

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

538 (a) Board of Aging and Adult Services;

539 (b) Utah State Developmental Center Board;

540 (c) Health Advisory Council;

541 (d) Health Facility Committee;

542 (e) State Emergency Medical Services Committee;

543 (f) Air Ambulance Committee;

544 (g) Health Data Committee;

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

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

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

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

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

550 [~~(m)~~] (l) Youth Electronic Cigarette, Marijuana, and Other Drug Prevention

551 Committee; and

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

- 553 (i) this title;
- 554 (ii) Title 26, Utah Health Code; or
- 555 (iii) Title 62A, Utah Human Services Code.
- 556 (3) The following divisions are created within the Department of Health and Human
- 557 Services:
- 558 (a) relating to operations:
- 559 (i) the Division of Finance and Administration;
- 560 (ii) the Division of Licensing and Background Checks;
- 561 (iii) the Division of Customer Experience;
- 562 (iv) the Division of Data, Systems, and Evaluation; and
- 563 (v) the Division of Continuous Quality Improvement;
- 564 (b) relating to healthcare administration:
- 565 (i) the Division of Integrated Healthcare, which shall include responsibility for:
- 566 (A) the state's medical assistance programs; and
- 567 (B) behavioral health programs described in Title 62A, Chapter 15, Substance Abuse
- 568 and Mental Health Act;
- 569 (ii) the Division of Aging and Adult Services; and
- 570 (iii) the Division of Services for People with Disabilities; and
- 571 (c) relating to community health and well-being:
- 572 (i) the Division of Child and Family Services;
- 573 (ii) the Division of Family Health;
- 574 (iii) the Division of Population Health;
- 575 (iv) the Division of Juvenile Justice and Youth Services; and
- 576 (v) the Office of Recovery Services.
- 577 (4) The executive director may establish offices and bureaus to facilitate management
- 578 of the department as required by, and in accordance with:
- 579 (a) this title;
- 580 (b) Title 26, Utah Health Code; and
- 581 (c) Title 62A, Utah Human Services Code.
- 582 (5) From July 1, 2022, through June 30, 2023, the executive director may adjust the
- 583 organizational structure relating to the department, including the organization of the

584 department's divisions and offices, notwithstanding the organizational structure described in:

- 585 (a) this title;
- 586 (b) Title 26, Utah Health Code; or
- 587 (c) Title 62A, Utah Human Services Code.

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

589 **31A-19a-209. Special provisions for title insurance.**

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

593 (ii) The commissioner shall determine compliance with rate standards and rating
594 methods for title insurers, individual title insurance producers, and agency title insurance
595 producers.

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

- 601 (i) the maintenance of title plants; and
- 602 (ii) the examining of public records to determine insurability of title to real
603 redevelopment property.

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

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

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

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

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

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

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

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

624 (i) the insurance business; or

625 (ii) the escrow business; or

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

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

630 (b) Each change or amendment shall:

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

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

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

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

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

640 (i) the title insurer in this state;

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

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

644 (6) Except in accordance with the schedules of rates and charges filed with the
645 commissioner, a title insurer, individual title insurance producer, or agency title insurance

646 producer may not make or impose any premium or other charge:

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

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

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

651 **31A-23a-105. General requirements for individual and agency license issuance**
652 **and renewal.**

653 (1) (a) The commissioner shall issue or renew a license to a person described in

654 Subsection (1)(b) to act as:

655 (i) a producer;

656 (ii) a surplus lines producer;

657 (iii) a limited line producer;

658 (iv) a consultant;

659 (v) a managing general agent; or

660 (vi) a reinsurance intermediary.

661 (b) The commissioner shall issue or renew a license under Subsection (1)(a) to a

662 person who, as to the license type and line of authority classification applied for under Section
663 [31A-23a-106](#):

664 (i) satisfies the application requirements under Section [31A-23a-104](#);

665 (ii) satisfies the character requirements under Section [31A-23a-107](#);

666 (iii) satisfies applicable continuing education requirements under Section
667 [31A-23a-202](#);

668 (iv) satisfies applicable examination requirements under Section [31A-23a-108](#);

669 (v) satisfies applicable training period requirements under Section [31A-23a-203](#);

670 (vi) if an applicant for a resident individual producer license, certifies that, to the extent
671 applicable, the applicant:

672 (A) is in compliance with Section [31A-23a-203.5](#); and

673 (B) will maintain compliance with Section [31A-23a-203.5](#) during the period for which
674 the license is issued or renewed;

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

- 677 (viii) if a nonresident:
- 678 (A) complies with Section 31A-23a-109; and
- 679 (B) holds an active similar license in that person's home state;
- 680 (ix) if an applicant for an individual title insurance producer or agency title insurance
- 681 producer license, satisfies the requirements of Section 31A-23a-204;
- 682 (x) if an applicant for a license to act as a life settlement provider or life settlement
- 683 producer, satisfies the requirements of Section 31A-23a-117; and
- 684 (xi) pays the applicable fees under Section 31A-3-103.
- 685 (2) (a) This Subsection (2) applies to the following persons:
- 686 (i) an applicant for a pending:
- 687 (A) individual or agency producer license;
- 688 (B) surplus lines producer license;
- 689 (C) limited line producer license;
- 690 (D) consultant license;
- 691 (E) managing general agent license; or
- 692 (F) reinsurance intermediary license; or
- 693 (ii) a licensed:
- 694 (A) individual or agency producer;
- 695 (B) surplus lines producer;
- 696 (C) limited line producer;
- 697 (D) consultant;
- 698 (E) managing general agent; or
- 699 (F) reinsurance intermediary.
- 700 (b) A person described in Subsection (2)(a) shall report to the commissioner:
- 701 (i) an administrative action taken against the person, including a denial of a new or
- 702 renewal license application:
- 703 (A) in another jurisdiction; or
- 704 (B) by another regulatory agency in this state; and
- 705 (ii) a criminal prosecution taken against the person in any jurisdiction.
- 706 (c) The report required by Subsection (2)(b) shall:
- 707 (i) be filed:

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

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

710 files the application:

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

712 administrative action; or

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

714 and

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

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

717 (3) (a) The department may require a person applying for a license or for consent to

718 engage in the business of insurance to submit to a criminal background check as a condition of

719 receiving a license or consent.

720 (b) A person, if required to submit to a criminal background check under Subsection

721 (3)(a), shall:

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

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

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

725 (B) the Federal Bureau of Investigation.

726 (c) For a person who submits a fingerprint card and consents to a fingerprint

727 background check under Subsection (3)(b), the department may request:

728 (i) criminal background information maintained pursuant to Title 53, Chapter 10, Part
729 2, Bureau of Criminal Identification, from the Bureau of Criminal Identification; and

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

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

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

735 [31A-23a-107](#) for issuance or renewal of a license;

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

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

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

741 (e) If the department requests the criminal background information, the department
742 shall:

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

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

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

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

754 (a) insurance producer;

755 (b) surplus lines producer;

756 (c) limited line producer;

757 (d) consultant;

758 (e) managing general agent; or

759 (f) reinsurance intermediary.

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

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

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

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

767 (i) producer;

768 (ii) surplus lines producer;

769 (iii) limited line producer;

770 (iv) consultant;
771 (v) managing general agent; or
772 (vi) reinsurance intermediary.
773 ~~[(6) Notwithstanding the other provisions of this section, the commissioner may:]~~
774 ~~[(a) issue a license to an applicant for a license for a title insurance line of authority~~
775 ~~only with the concurrence of the Title and Escrow Commission; and]~~
776 ~~[(b) renew a license for a title insurance line of authority only with the concurrence of~~
777 ~~the Title and Escrow Commission.]~~

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

779 **31A-23a-106. License types.**

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

782 (b) A license type and a line of authority pertaining to a license type describe the type
783 of licensee and the lines of business that a licensee may sell, solicit, or negotiate. A license
784 type is intended to describe the matters to be considered under any education, examination, and
785 training required of a license applicant under Sections [31A-23a-108](#), [31A-23a-202](#), and
786 [31A-23a-203](#).

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

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

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

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

794 (iv) property insurance;

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

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

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

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

799 (C) title marketing representative only; and

800 (vii) personal lines insurance.

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

802 (i) property insurance, if the person holds an underlying producer license with the
803 property line of insurance; and

804 (ii) casualty insurance, if the person holds an underlying producer license with the
805 casualty line of authority.

806 (c) A limited line producer license type includes the following limited lines of
807 authority:

808 (i) limited line credit insurance;

809 (ii) travel insurance, as set forth in Part 9, Travel Insurance Act;

810 (iii) motor club insurance;

811 (iv) car rental related insurance;

812 (v) legal expense insurance;

813 (vi) crop insurance;

814 (vii) self-service storage insurance;

815 (viii) bail bond producer;

816 (ix) guaranteed asset protection waiver; and

817 (x) portable electronics insurance.

818 (d) A consultant license type includes the following lines of authority:

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

820 (ii) variable contracts, including variable life and annuity, if the consultant has the life
821 insurance line of authority;

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

823 Chapter 7, Nonprofit Health Service Insurance Corporations, or Chapter 8, Health Maintenance
824 Organizations and Limited Health Plans;

825 (iv) property insurance;

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

827 (vi) personal lines insurance.

828 (e) A managing general agent license type includes the following lines of authority:

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

830 (ii) variable contracts, including variable life and annuity, if the managing general
831 agent has the life insurance line of authority;

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

835 (iv) property insurance;

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

837 (vi) personal lines insurance.

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

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

840 (ii) variable contracts, including variable life and annuity, if the reinsurance
841 intermediary has the life insurance line of authority;

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

845 (iv) property insurance;

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

847 (vi) personal lines insurance.

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

849 necessary to act as a holder of a license under Subsection (2)(c), except that the person may not
850 act under Subsection (2)(c)(viii) or (ix).

851 (3) (a) The commissioner may by rule recognize other producer, surplus lines producer,
852 limited line producer, consultant, managing general agent, or reinsurance intermediary lines of
853 authority as to kinds of insurance not listed under Subsections (2)(a) through (f).

854 (b) Notwithstanding Subsection (3)(a), for purposes of title insurance the ~~[Title and~~
855 ~~Escrow Commission may by rule, with the concurrence of the commissioner and subject to~~
856 ~~Section 31A-2-404]~~ commissioner may by rule, subject to Section [31A-2-201](#), recognize other
857 categories for an individual title insurance producer or agency title insurance producer line of
858 authority not listed under Subsection (2)(a)(vi).

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

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

861 (i) registered broker-dealer; or

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

863 (b) for a consultant, registration with the Securities and Exchange Commission or
864 licensure by the Utah Division of Securities as an:

865 (i) investment adviser; or

866 (ii) investment adviser representative, with a current association with an investment
867 adviser.

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

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

870 **31A-23a-108. Examination requirements.**

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

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

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

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

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

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

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

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

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

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

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

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

891 (B) the state's producer database records maintained by the National Association of
892 Insurance Commissioners or the National Association of Insurance Commissioner's affiliates or
893 subsidiaries, indicates that the producer is or was licensed in good standing for the line of

894 authority requested.

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

897 Section 13. Section ~~31A-23a-119~~, which is renumbered from Section 31A-2-405 is
898 renumbered and amended to read:

899 ~~[31A-2-405]~~. **31A-23a-119. Dual licensing of title licensee.**

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

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

903 (b) a license or certificate under:

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

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

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

907 ~~[(1)]~~ (2) A dual licensed title licensee may provide a title insurance product or service
908 under this title only if before providing that title insurance product or service the dual licensed
909 title licensee obtains approval as provided in this section.

910 ~~[(2)]~~ (3) (a) ~~[Except as provided in Subsection (3), a]~~ A dual licensed title licensee
911 shall obtain approval from the commissioner by filing under penalty of perjury with the
912 department:

913 (i) a statement that includes:

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

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

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

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

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

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

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

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

928 (ii) is acting in good faith; and

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

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

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

935 or

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

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

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

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

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

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

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

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

950 (5) The ~~[commission]~~ commissioner may make rules, subject to Section ~~[31A-2-404]~~
 951 ~~31A-2-201~~, to implement the filing requirements under Subsection ~~[(2)]~~ (3), including the
 952 definition of terms.

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

954 **31A-23a-204. Special requirements for title insurance producers and agencies.**

955 An individual title insurance producer or agency title insurance producer shall be

956 licensed in accordance with this chapter, with the additional requirements listed in this section.

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

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

962 (ii) an escrow line of authority.

963 (b) An agency title insurance producer subject to Subsection (1)(a) may comply with

964 Subsection (1)(a) by having the agency title insurance producer owned or managed by:

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

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

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

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

973 (ii) an escrow line of authority.

974 (d) The [~~Title and Escrow Commission~~] commissioner may by rule, subject to Section
975 [~~31A-2-404~~] 31A-2-201, exempt an attorney with real estate experience from the experience
976 requirements in Subsection (1)(a).

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

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

982 (i) a fidelity bond;

983 (ii) a professional liability insurance policy; or

984 (iii) a financial protection:

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

986 (B) that the commissioner considers adequate.

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

988 (i) shall be supplied under a contract approved by the commissioner to provide
989 protection against the improper performance of any service in conjunction with the issuance of
990 a contract or policy of title insurance; and

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

992 (c) The [~~Title and Escrow Commission~~] commissioner may by rule, subject to Section
993 [~~31A-2-404~~] [31A-2-201](#), exempt individual title insurance producer or agency title insurance
994 producers from the requirements of this Subsection (2) upon a finding that, and only so long as,
995 the required policy or bond is generally unavailable at reasonable rates.

996 (3) An individual title insurance producer or agency title insurance producer appointed
997 by an insurer may maintain a reserve fund to the extent money was deposited before July 1,
998 2008, and not withdrawn to the income of the individual title insurance producer or agency title
999 insurance producer.

1000 (4) An examination for licensure shall include questions regarding the examination of
1001 title to real property.

1002 (5) An individual title insurance producer may not perform the functions of escrow
1003 unless the individual title insurance producer has been examined on the fiduciary duties and
1004 procedures involved in those functions.

1005 (6) The [~~Title and Escrow Commission~~] commissioner may adopt rules, establishing an
1006 examination for a license that will satisfy this section, subject to Section [~~31A-2-404~~]
1007 [31A-2-201](#), and after consulting with the commissioner's test administrator.

1008 (7) A license may be issued to an individual title insurance producer or agency title
1009 insurance producer who has qualified:

1010 (a) to perform only examinations of title as specified in Subsection (4);

1011 (b) to handle only escrow arrangements as specified in Subsection (5); or

1012 (c) to act as a title marketing representative.

1013 (8) (a) A person licensed to practice law in Utah is exempt from the requirements of
1014 Subsections (2) and (3) if that person issues 12 or less policies in any 12-month period.

1015 (b) In determining the number of policies issued by a person licensed to practice law in
1016 Utah for purposes of Subsection (8)(a), if the person licensed to practice law in Utah issues a
1017 policy to more than one party to the same closing, the person is considered to have issued only

1018 one policy.

1019 (9) A person licensed to practice law in Utah, whether exempt under Subsection (8) or
1020 not, shall maintain a trust account separate from a law firm trust account for all title and real
1021 estate escrow transactions.

1022 Section 15. Section **31A-23a-402** is amended to read:

1023 **31A-23a-402. Unfair marketing practices -- Communication -- Unfair**
1024 **discrimination -- Coercion or intimidation -- Restriction on choice.**

1025 (1) (a) (i) Any of the following may not make or cause to be made any communication
1026 that contains false or misleading information, relating to an insurance product or contract, any
1027 insurer, or any licensee under this title, including information that is false or misleading
1028 because it is incomplete:

1029 (A) a person who is or should be licensed under this title;

1030 (B) an employee or producer of a person described in Subsection (1)(a)(i)(A);

1031 (C) a person whose primary interest is as a competitor of a person licensed under this
1032 title; and

1033 (D) a person on behalf of any of the persons listed in this Subsection (1)(a)(i).

1034 (ii) As used in this Subsection (1), "false or misleading information" includes:

1035 (A) assuring the nonobligatory payment of future dividends or refunds of unused
1036 premiums in any specific or approximate amounts, but reporting fully and accurately past
1037 experience is not false or misleading information; and

1038 (B) with intent to deceive a person examining it:

1039 (I) filing a report;

1040 (II) making a false entry in a record; or

1041 (III) wilfully refraining from making a proper entry in a record.

1042 (iii) A licensee under this title may not:

1043 (A) use any business name, slogan, emblem, or related device that is misleading or
1044 likely to cause the insurer or other licensee to be mistaken for another insurer or other licensee
1045 already in business; or

1046 (B) use any name, advertisement, or other insurance promotional material that would
1047 cause a reasonable person to mistakenly believe that a state or federal government agency and
1048 the Children's Health Insurance Program created in Title 26, Chapter 40, Utah Children's

1049 Health Insurance Act:

1050 (I) is responsible for the insurance sales activities of the person;

1051 (II) stands behind the credit of the person;

1052 (III) guarantees any returns on insurance products of or sold by the person; or

1053 (IV) is a source of payment of any insurance obligation of or sold by the person.

1054 (iv) A person who is not an insurer may not assume or use any name that deceptively
1055 implies or suggests that person is an insurer.

1056 (v) A person other than persons licensed as health maintenance organizations under
1057 Chapter 8, Health Maintenance Organizations and Limited Health Plans, may not use the term
1058 "Health Maintenance Organization" or "HMO" in referring to itself.

1059 (b) A licensee's violation creates a rebuttable presumption that the violation was also
1060 committed by the insurer if:

1061 (i) the licensee under this title distributes cards or documents, exhibits a sign, or
1062 publishes an advertisement that violates Subsection (1)(a), with reference to a particular
1063 insurer:

1064 (A) that the licensee represents; or

1065 (B) for whom the licensee processes claims; and

1066 (ii) the cards, documents, signs, or advertisements are supplied or approved by that
1067 insurer.

1068 (2) (a) A title insurer, individual title insurance producer, or agency title insurance
1069 producer or any officer or employee of the title insurer, individual title insurance producer, or
1070 agency title insurance producer may not pay, allow, give, or offer to pay, allow, or give,
1071 directly or indirectly, as an inducement to obtaining any title insurance business:

1072 (i) any rebate, reduction, or abatement of any rate or charge made incident to the
1073 issuance of the title insurance;

1074 (ii) any special favor or advantage not generally available to others;

1075 (iii) any money or other consideration, except if approved under Section [\[31A-2-405\]](#)
1076 [31A-23a-119](#); or

1077 (iv) material inducement.

1078 (b) "Charge made incident to the issuance of the title insurance" includes escrow
1079 charges, and any other services that are prescribed in rule by the ~~[Title and Escrow~~

1080 ~~Commission after consultation with the~~ commissioner and subject to Section [~~31A-2-404~~]
1081 [31A-2-201](#).

1082 (c) An insured or any other person connected, directly or indirectly, with the
1083 transaction may not knowingly receive or accept, directly or indirectly, any benefit referred to
1084 in Subsection (2)(a), including:

1085 (i) a person licensed under Title 61, Chapter 2c, Utah Residential Mortgage Practices
1086 and Licensing Act;

1087 (ii) a person licensed under Title 61, Chapter 2f, Real Estate Licensing and Practices
1088 Act;

1089 (iii) a builder;

1090 (iv) an attorney; or

1091 (v) an officer, employee, or agent of a person listed in this Subsection (2)(c)(iii).

1092 (3) (a) An insurer may not unfairly discriminate among policyholders by charging
1093 different premiums or by offering different terms of coverage, except on the basis of
1094 classifications related to the nature and the degree of the risk covered or the expenses involved.

1095 (b) Rates are not unfairly discriminatory if they are averaged broadly among persons
1096 insured under a group, blanket, or franchise policy, and the terms of those policies are not
1097 unfairly discriminatory merely because they are more favorable than in similar individual
1098 policies.

1099 (4) (a) This Subsection (4) applies to:

1100 (i) a person who is or should be licensed under this title;

1101 (ii) an employee of that licensee or person who should be licensed;

1102 (iii) a person whose primary interest is as a competitor of a person licensed under this
1103 title; and

1104 (iv) one acting on behalf of any person described in Subsections (4)(a)(i) through (iii).

1105 (b) A person described in Subsection (4)(a) may not commit or enter into any
1106 agreement to participate in any act of boycott, coercion, or intimidation that:

1107 (i) tends to produce:

1108 (A) an unreasonable restraint of the business of insurance; or

1109 (B) a monopoly in that business; or

1110 (ii) results in an applicant purchasing or replacing an insurance contract.

1111 (5) (a) (i) Subject to Subsection (5)(a)(ii), a person may not restrict in the choice of an
1112 insurer or licensee under this chapter, another person who is required to pay for insurance as a
1113 condition for the conclusion of a contract or other transaction or for the exercise of any right
1114 under a contract.

1115 (ii) A person requiring coverage may reserve the right to disapprove the insurer or the
1116 coverage selected on reasonable grounds.

1117 (b) The form of corporate organization of an insurer authorized to do business in this
1118 state is not a reasonable ground for disapproval, and the commissioner may by rule specify
1119 additional grounds that are not reasonable. This Subsection (5) does not bar an insurer from
1120 declining an application for insurance.

1121 (6) A person may not make any charge other than insurance premiums and premium
1122 financing charges for the protection of property or of a security interest in property, as a
1123 condition for obtaining, renewing, or continuing the financing of a purchase of the property or
1124 the lending of money on the security of an interest in the property.

1125 (7) (a) A licensee under this title may not refuse or fail to return promptly all indicia of
1126 agency to the principal on demand.

1127 (b) A licensee whose license is suspended, limited, or revoked under Section
1128 [31A-2-308](#), [31A-23a-111](#), or [31A-23a-112](#) may not refuse or fail to return the license to the
1129 commissioner on demand.

1130 (8) (a) A person may not engage in an unfair method of competition or any other unfair
1131 or deceptive act or practice in the business of insurance, as defined by the commissioner by
1132 rule, after a finding that the method of competition, the act, or the practice:

1133 (i) is misleading;

1134 (ii) is deceptive;

1135 (iii) is unfairly discriminatory;

1136 (iv) provides an unfair inducement; or

1137 (v) unreasonably restrains competition.

1138 (b) Notwithstanding Subsection (8)(a), for purpose of the title insurance industry, the
1139 [~~Title and Escrow Commission~~] commissioner shall make rules, subject to Section
1140 [~~31A-2-404~~] [31A-2-201](#), that define an unfair method of competition or unfair or deceptive act
1141 or practice after a finding that the method of competition, the act, or the practice:

- 1142 (i) is misleading;
- 1143 (ii) is deceptive;
- 1144 (iii) is unfairly discriminatory;
- 1145 (iv) provides an unfair inducement; or
- 1146 (v) unreasonably restrains competition.

1147 Section 16. Section **31A-23a-406** is amended to read:

1148 **31A-23a-406. Title insurance producer's business.**

1149 (1) An individual title insurance producer or agency title insurance producer may do
1150 escrow involving real property transactions if all of the following exist:

1151 (a) the individual title insurance producer or agency title insurance producer is licensed
1152 with:

1153 (i) the title line of authority; and

1154 (ii) the escrow subline of authority;

1155 (b) the individual title insurance producer or agency title insurance producer is
1156 appointed by a title insurer authorized to do business in the state;

1157 (c) except as provided in Subsection (3), the individual title insurance producer or
1158 agency title insurance producer issues one or more of the following as part of the transaction:

1159 (i) an owner's policy offering title insurance;

1160 (ii) a lender's policy offering title insurance; or

1161 (iii) if the transaction does not involve a transfer of ownership, an endorsement to an
1162 owner's or a lender's policy offering title insurance;

1163 (d) money deposited with the individual title insurance producer or agency title
1164 insurance producer in connection with any escrow is deposited:

1165 (i) in a federally insured depository institution, as defined in Section [7-1-103](#), that:

1166 (A) has an office in this state, if the individual title insurance producer or agency title
1167 insurance producer depositing the money is a resident licensee; and

1168 (B) is authorized by the depository institution's primary regulator to engage in trust
1169 business, as defined in Section [7-5-1](#), in this state; and

1170 (ii) in a trust account that is separate from all other trust account money that is not
1171 related to real estate transactions;

1172 (e) money deposited with the individual title insurance producer or agency title

1173 insurance producer in connection with any escrow is the property of the one or more persons
1174 entitled to the money under the provisions of the escrow; and

1175 (f) money deposited with the individual title insurance producer or agency title
1176 insurance producer in connection with an escrow is segregated escrow by escrow in the records
1177 of the individual title insurance producer or agency title insurance producer;

1178 (g) earnings on money held in escrow may be paid out of the escrow account to any
1179 person in accordance with the conditions of the escrow;

1180 (h) the escrow does not require the individual title insurance producer or agency title
1181 insurance producer to hold:

1182 (i) construction money; or

1183 (ii) money held for exchange under Section 1031, Internal Revenue Code; and

1184 (i) the individual title insurance producer or agency title insurance producer shall
1185 maintain a physical office in Utah staffed by a person with an escrow subline of authority who
1186 processes the escrow.

1187 (2) Notwithstanding Subsection (1), an individual title insurance producer or agency
1188 title insurance producer may engage in the escrow business if:

1189 (a) the escrow involves:

1190 (i) a mobile home;

1191 (ii) a grazing right;

1192 (iii) a water right; or

1193 (iv) other personal property authorized by the commissioner; and

1194 (b) the individual title insurance producer or agency title insurance producer complies
1195 with this section except for Subsection (1)(c).

1196 (3) (a) Subsection (1)(c) does not apply if the transaction is for the transfer of real
1197 property from the School and Institutional Trust Lands Administration.

1198 (b) This subsection does not prohibit an individual title insurance producer or agency
1199 title insurance producer from issuing a policy described in Subsection (1)(c) as part of a
1200 transaction described in Subsection (3)(a).

1201 (4) Money held in escrow:

1202 (a) is not subject to any debts of the individual title insurance producer or agency title
1203 insurance producer;

1204 (b) may only be used to fulfill the terms of the individual escrow under which the
1205 money is accepted; and

1206 (c) may not be used until the conditions of the escrow are met.

1207 (5) Assets or property other than escrow money received by an individual title
1208 insurance producer or agency title insurance producer in accordance with an escrow shall be
1209 maintained in a manner that will:

1210 (a) reasonably preserve and protect the asset or property from loss, theft, or damages;
1211 and

1212 (b) otherwise comply with the general duties and responsibilities of a fiduciary or
1213 bailee.

1214 (6) (a) A check from the trust account described in Subsection (1)(d) may not be
1215 drawn, executed, or dated, or money otherwise disbursed unless the segregated escrow account
1216 from which money is to be disbursed contains a sufficient credit balance consisting of collected
1217 and cleared money at the time the check is drawn, executed, or dated, or money is otherwise
1218 disbursed.

1219 (b) As used in this Subsection (6), money is considered to be "collected and cleared,"
1220 and may be disbursed as follows:

1221 (i) cash may be disbursed on the same day the cash is deposited;

1222 (ii) a wire transfer may be disbursed on the same day the wire transfer is deposited; and

1223 (iii) the proceeds of one or more of the following financial instruments may be
1224 disbursed on the same day the financial instruments are deposited if received from a single
1225 party to the real estate transaction and if the aggregate of the financial instruments for the real
1226 estate transaction is less than \$10,000:

1227 (A) a cashier's check, certified check, or official check that is drawn on an existing
1228 account at a federally insured financial institution;

1229 (B) a check drawn on the trust account of a principal broker or associate broker
1230 licensed under Title 61, Chapter 2f, Real Estate Licensing and Practices Act, if the individual
1231 title insurance producer or agency title insurance producer has reasonable and prudent grounds
1232 to believe sufficient money will be available from the trust account on which the check is
1233 drawn at the time of disbursement of proceeds from the individual title insurance producer or
1234 agency title insurance producer's escrow account;

1235 (C) a personal check not to exceed \$500 per closing; or
1236 (D) a check drawn on the escrow account of another individual title insurance producer
1237 or agency title insurance producer, if the individual title insurance producer or agency title
1238 insurance producer in the escrow transaction has reasonable and prudent grounds to believe
1239 that sufficient money will be available for withdrawal from the account upon which the check
1240 is drawn at the time of disbursement of money from the escrow account of the individual title
1241 insurance producer or agency title insurance producer in the escrow transaction.

1242 (c) A check or deposit not described in Subsection (6)(b) may be disbursed:
1243 (i) within the time limits provided under the Expedited Funds Availability Act, 12
1244 U.S.C. Sec. 4001 et seq., as amended, and related regulations of the Federal Reserve System; or
1245 (ii) upon notification from the financial institution to which the money has been
1246 deposited that final settlement has occurred on the deposited financial instrument.

1247 (7) An individual title insurance producer or agency title insurance producer shall
1248 maintain a record of a receipt or disbursement of escrow money.

1249 (8) An individual title insurance producer or agency title insurance producer shall
1250 comply with:

1251 (a) Section [31A-23a-409](#);
1252 (b) Title 46, Chapter 1, Notaries Public Reform Act; and
1253 (c) any rules adopted by the [~~Title and Escrow Commission~~] commissioner, subject to
1254 Section [~~31A-2-404~~] [31A-2-201](#), that govern escrows.

1255 (9) If an individual title insurance producer or agency title insurance producer conducts
1256 a search for real estate located in the state, the individual title insurance producer or agency
1257 title insurance producer shall conduct a reasonable search of the public records.

1258 Section 17. Section **31A-23a-415** is amended to read:

1259 **31A-23a-415. Assessment on agency title insurance producers or title insurers --**
1260 **Account created.**

1261 (1) For purposes of this section:
1262 (a) "Premium" is as described in Subsection [59-9-101\(3\)](#).
1263 (b) "Title insurer" means a person:
1264 (i) making any contract or policy of title insurance as:
1265 (A) insurer;

- 1266 (B) guarantor; or
- 1267 (C) surety;
- 1268 (ii) proposing to make any contract or policy of title insurance as:
- 1269 (A) insurer;
- 1270 (B) guarantor; or
- 1271 (C) surety; or
- 1272 (iii) transacting or proposing to transact any phase of title insurance, including:
- 1273 (A) soliciting;
- 1274 (B) negotiating preliminary to execution;
- 1275 (C) executing of a contract of title insurance;
- 1276 (D) insuring; and
- 1277 (E) transacting matters subsequent to the execution of the contract and arising out of
- 1278 the contract.

1279 (c) "Utah risks" means insuring, guaranteeing, or indemnifying with regard to real or
1280 personal property located in Utah, an owner of real or personal property, the holders of liens or
1281 encumbrances on that property, or others interested in the property against loss or damage
1282 suffered by reason of:

- 1283 (i) liens or encumbrances upon, defects in, or the unmarketability of the title to the
- 1284 property; or
- 1285 (ii) invalidity or unenforceability of any liens or encumbrances on the property.

1286 (2) (a) The commissioner may assess each title insurer, each individual title insurance
1287 producer who is not an employee of a title insurer or who is not designated by an agency title
1288 insurance producer, and each agency title insurance producer an annual assessment[?], in
1289 accordance with this Subsection (2), to be used for the purposes described in Subsection (3).

- 1290 [~~(i) determined by the Title and Escrow Commission;~~]
- 1291 [~~(A) after consultation with the commissioner; and~~]
- 1292 [~~(B) in accordance with this Subsection (2); and~~]
- 1293 [~~(ii) to be used for the purposes described in Subsection (3).]~~]

1294 (b) An agency title insurance producer and individual title insurance producer who is
1295 not an employee of a title insurer or who is not designated by an agency title insurance
1296 producer shall be assessed up to:

1297 (i) \$250 for the first office in each county in which the agency title insurance producer
1298 or individual title insurance producer maintains an office; and

1299 (ii) \$150 for each additional office the agency title insurance producer or individual
1300 title insurance producer maintains in the county described in Subsection (2)(b)(i).

1301 (c) A title insurer shall be assessed up to:

1302 (i) \$250 for the first office in each county in which the title insurer maintains an office;

1303 (ii) \$150 for each additional office the title insurer maintains in the county described in
1304 Subsection (2)(c)(i); and

1305 (iii) an amount calculated by:

1306 (A) aggregating the assessments imposed on:

1307 (I) agency title insurance producers and individual title insurance producers under
1308 Subsection (2)(b); and

1309 (II) title insurers under Subsections (2)(c)(i) and (2)(c)(ii);

1310 (B) subtracting the amount determined under Subsection (2)(c)(iii)(A) from the total
1311 costs and expenses determined under Subsection (2)(d); and

1312 (C) multiplying:

1313 (I) the amount calculated under Subsection (2)(c)(iii)(B); and

1314 (II) the percentage of total premiums for title insurance on Utah risk that are premiums
1315 of the title insurer.

1316 (d) Notwithstanding Section [31A-3-103](#) and subject to Section [~~31A-2-404~~]

1317 [31A-2-201](#), the [~~Title and Escrow Commission~~] commissioner by rule shall establish the
1318 amount of costs and expenses described under Subsection (3) that will be covered by the
1319 assessment, except the costs or expenses to be covered by the assessment may not exceed the
1320 cost of one full-time equivalent position.

1321 (e) (i) An individual licensed to practice law in Utah is exempt from the requirements
1322 of this Subsection (2) if that person issues 12 or less policies during a 12-month period.

1323 (ii) In determining the number of policies issued by an individual licensed to practice
1324 law in Utah for purposes of Subsection (2)(e)(i), if the individual issues a policy to more than
1325 one party to the same closing, the individual is considered to have issued only one policy.

1326 (3) (a) Money received by the state under this section shall be deposited into the Title
1327 Licensee Enforcement Restricted Account.

1328 (b) There is created in the General Fund a restricted account known as the "Title
1329 Licensee Enforcement Restricted Account."

1330 (c) The Title Licensee Enforcement Restricted Account shall consist of the money
1331 received by the state under this section.

1332 (d) The commissioner shall administer the Title Licensee Enforcement Restricted
1333 Account. Subject to appropriations by the Legislature, the commissioner shall use the money
1334 deposited into the Title Licensee Enforcement Restricted Account only to pay for a cost or
1335 expense incurred by the department in the administration, investigation, and enforcement of
1336 laws governing individual title insurance producers, agency title insurance producers, or title
1337 insurers.

1338 (e) An appropriation from the Title Licensee Enforcement Restricted Account is
1339 nonlapsing.

1340 (4) The assessment imposed by this section shall be in addition to any premium
1341 assessment imposed under Subsection 59-9-101(3).

1342 Section 18. Section **31A-23a-1001** is amended to read:

1343 **31A-23a-1001. Definitions.**

1344 As used in this part:

1345 (1) "Affiliated business" means the gross transaction revenue of a title entity's title
1346 insurance business in the state that is the result of an affiliated business arrangement.

1347 (2) "Affiliated business arrangement" means the same as that term is defined in 12
1348 U.S.C. Sec. 2602, except the services that are the subject of the arrangement do not need to
1349 involve a federally related mortgage loan.

1350 (3) "Applicable percentage" means:

1351 (a) on February 1, 2020, through January 31, 2021, 0.5%;

1352 (b) on February 1, 2021, through January 31, 2022, 1%;

1353 (c) on February 1, 2022, through January 31, 2023, 1.5%;

1354 (d) on February 1, 2023, through January 31, 2024, 2%;

1355 (e) on February 1, 2024, through January 31, 2025, 2.5%;

1356 (f) on February 1, 2025, through January 31, 2026, 3%;

1357 (g) on February 1, 2026, through January 31, 2027, 3.5%;

1358 (h) on February 1, 2027, through January 31, 2028, 4%; and

- 1359 (i) on February 1, 2028, through January 31, 2029, 4.5%.
- 1360 (4) "Associate" means the same as that term is defined in 12 U.S.C. Sec. 2602.
- 1361 (5) "Division" means the Division of Real Estate created in Section 61-2-201.
- 1362 (6) "Essential function" means:
- 1363 (a) examining and evaluating, based on relevant law and title insurance underwriting
- 1364 principles and guidelines, title evidence to determine the insurability of a title and which items
- 1365 to include or exclude in a title commitment or title insurance policy to be issued;
- 1366 (b) preparing and issuing a title commitment or other document that:
- 1367 (i) discloses the status of the title as the title is proposed to be insured;
- 1368 (ii) identifies the conditions that must be met before a title insurance policy will be
- 1369 issued; and
- 1370 (iii) obligates the insurer to issue a title insurance policy if the conditions described in
- 1371 Subsection (6)(b)(ii) are met;
- 1372 (c) clearing underwriting objections and taking the necessary steps to satisfy any
- 1373 conditions to the issuance of a title insurance policy;
- 1374 (d) preparing the issuance of a title insurance policy; or
- 1375 (e) handling the closing or settlement of a real estate transaction when:
- 1376 (i) it is customary for a title entity to handle the closing or settlement; and
- 1377 (ii) the title entity's compensation for handling the closing or settlement is customarily
- 1378 part of the payment or retention from the insurer.
- 1379 (7) "New or newly affiliated title entity" means a title entity that:
- 1380 (a) is licensed as a title entity for the first time on or after May 14, 2019; or
- 1381 (b) (i) is licensed as a title entity before May 14, 2019; and
- 1382 (ii) enters into an affiliated business arrangement for the first time on or after May 14,
- 1383 2019.
- 1384 (8) "Producer" means the same as the term "person who is in a position to refer
- 1385 settlement service business" is defined in 12 C.F.R. Sec. 1024.15(c).
- 1386 (9) "RESPA" means the federal Real Estate Settlement Procedures Act, 12 U.S.C. Sec.
- 1387 2601 et seq. and any rules made thereunder.
- 1388 (10) "Section 8 of RESPA" means 12 U.S.C. Sec. 2607 and any rules promulgated
- 1389 thereunder.

- 1390 (11) "Sufficient capital and net worth" means:
- 1391 (a) for a new or newly affiliated title entity:
- 1392 (i) \$100,000 for the first five years after becoming a new or newly affiliated title entity;
- 1393 or
- 1394 (ii) after the first five years after becoming a new or newly affiliated title entity, the
- 1395 greater of:
- 1396 (A) \$50,000; or
- 1397 (B) on February 1 of each year, an amount equal to 5% of the title entity's average
- 1398 annual gross revenue over the preceding two calendar years, up to \$150,000; or
- 1399 (b) for a title entity licensed before May 14, 2019, who is not a new or newly affiliated
- 1400 title entity:
- 1401 (i) for the time period beginning on February 1, 2020, and ending on January 31, 2029,
- 1402 the lesser of:
- 1403 (A) an amount equal to the applicable percentage of the title entity's average annual
- 1404 gross revenue over the two calendar years immediately preceding the February 1 on which the
- 1405 applicable percentage first applies; or
- 1406 (B) \$150,000; and
- 1407 (ii) beginning on February 1, 2029, the greater of:
- 1408 (A) \$50,000; or
- 1409 (B) an amount equal to 5% of the title entity's average annual gross revenue over the
- 1410 preceding two calendar years, up to \$150,000.
- 1411 (12) "Title entity" means:
- 1412 (a) a title licensee as defined in [~~Section 31A-2-402~~] this section; or
- 1413 (b) a title insurer as defined in Section 31A-23a-415.
- 1414 (13) (a) "Title evidence" means a written or electronic document that identifies and
- 1415 describes or compiles the documents, records, judgments, liens, and other information from the
- 1416 public records relevant to the history and current condition of a title to be insured.
- 1417 (b) "Title evidence" does not include a pro forma commitment.
- 1418 (14) "Title licensee" means:
- 1419 (a) an agency title insurance producer with a title insurance line of authority;
- 1420 (b) an individual title insurance producer with:

- 1421 (i) a general title insurance line of authority; or
- 1422 (ii) a specific category of authority for title insurance; or
- 1423 (c) a title insurance adjuster.
- 1424 Section 19. Section **31A-26-203** is amended to read:
- 1425 **31A-26-203. Adjuster's license required.**
- 1426 (1) The commissioner shall issue a license to act as an independent adjuster or public
- 1427 adjuster to a person who, as to the license classification applied for under Section **31A-26-204**:
- 1428 (a) satisfies the character requirements under Section **31A-26-205**;
- 1429 (b) satisfies the applicable continuing education requirements under Section
- 1430 **31A-26-206**;
- 1431 (c) satisfies the applicable examination requirements under Section **31A-26-207**;
- 1432 (d) has not committed an act that is a ground for denial, suspension, or revocation
- 1433 provided for in Section **31A-26-213**;
- 1434 (e) if a nonresident, complies with Section **31A-26-208**; and
- 1435 (f) pays the applicable fees under Section **31A-3-103**.
- 1436 (2) (a) This Subsection (2) applies to the following persons:
- 1437 (i) an applicant for:
- 1438 (A) an independent adjuster's license; or
- 1439 (B) a public adjuster's license;
- 1440 (ii) a licensed independent adjuster; or
- 1441 (iii) a licensed public adjuster.
- 1442 (b) A person described in Subsection (2)(a) shall report to the commissioner:
- 1443 (i) an administrative action taken against the person, including a denial of a new or
- 1444 renewal license application:
- 1445 (A) in another jurisdiction; or
- 1446 (B) by another regulatory agency in this state; and
- 1447 (ii) a criminal prosecution taken against the person in any jurisdiction.
- 1448 (c) The report required by Subsection (2)(b) shall:
- 1449 (i) be filed:
- 1450 (A) at the time the person applies for an adjustor's license; and
- 1451 (B) if an action or prosecution occurs on or after the day on which the person applies

1452 for an adjustor's license:

1453 (I) for an administrative action, within 30 days of the final disposition of the
1454 administrative action; or

1455 (II) for a criminal prosecution, within 30 days of the initial appearance before a court;
1456 and

1457 (ii) include a copy of the complaint or other relevant legal documents related to the
1458 action or prosecution described in Subsection (2)(b).

1459 (3) (a) The department may require a person applying for a license or for consent to
1460 engage in the business of insurance to submit to a criminal background check as a condition of
1461 receiving a license or consent.

1462 (b) A person, if required to submit to a criminal background check under Subsection
1463 (3)(a), shall:

1464 (i) submit a fingerprint card in a form acceptable to the department; and

1465 (ii) consent to a fingerprint background check by:

1466 (A) the Utah Bureau of Criminal Identification; and

1467 (B) the Federal Bureau of Investigation.

1468 (c) For a person who submits a fingerprint card and consents to a fingerprint
1469 background check under Subsection (3)(b), the department may request concerning a person
1470 applying for an independent or public adjuster's license:

1471 (i) criminal background information maintained pursuant to Title 53, Chapter 10, Part
1472 2, Bureau of Criminal Identification, from the Bureau of Criminal Identification; and

1473 (ii) complete Federal Bureau of Investigation criminal background checks through the
1474 national criminal history system.

1475 (d) Information obtained by the department from the review of criminal history records
1476 received under this Subsection (3) shall be used by the department for the purposes of:

1477 (i) determining if a person satisfies the character requirements under Section
1478 31A-26-205 for issuance or renewal of a license;

1479 (ii) determining if a person has failed to maintain the character requirements under
1480 Section 31A-26-205; and

1481 (iii) preventing a person who violates the federal Violent Crime Control and Law
1482 Enforcement Act of 1994, 18 U.S.C. Sec. 1033, from engaging in the business of insurance in

1483 the state.

1484 (e) If the department requests the criminal background information, the department
1485 shall:

1486 (i) pay to the Department of Public Safety the costs incurred by the Department of
1487 Public Safety in providing the department criminal background information under Subsection
1488 (3)(c)(i);

1489 (ii) pay to the Federal Bureau of Investigation the costs incurred by the Federal Bureau
1490 of Investigation in providing the department criminal background information under
1491 Subsection (3)(c)(ii); and

1492 (iii) charge the person applying for a license or for consent to engage in the business of
1493 insurance a fee equal to the aggregate of Subsections (3)(e)(i) and (ii).

1494 (4) The commissioner may deny a license application to act as an independent adjuster
1495 or public adjuster to a person who, as to the license classification applied for under Section
1496 [31A-26-204](#):

1497 (a) fails to satisfy the requirements in this section; or

1498 (b) commits an act that is a ground for denial, suspension, or revocation provided for in
1499 Section [31A-26-213](#).

1500 [~~(5) Notwithstanding the other provisions of this section, the commissioner may:]~~

1501 [~~(a) issue a license to an applicant for a license for a title insurance classification only
1502 with the concurrence of the Title and Escrow Commission; or]~~

1503 [~~(b) renew a license for a title insurance classification only with the concurrence of the
1504 Title and Escrow Commission.]~~

1505 Section 20. Section [31A-26-204](#) is amended to read:

1506 **[31A-26-204. License classifications.](#)**

1507 A resident or nonresident license issued under this chapter shall be issued under the
1508 classifications described under Subsections (1), (2), and (3). A classification describes the
1509 matters to be considered under a prerequisite education or examination required of license
1510 applicants under Sections [31A-26-206](#) and [31A-26-207](#).

1511 (1) Independent adjuster license classifications include:

1512 (a) accident and health insurance, including related service insurance under Chapter 7,
1513 Nonprofit Health Service Insurance Corporations, or Chapter 8, Health Maintenance

1514 Organizations and Limited Health Plans;

1515 (b) property and casualty insurance, including a surety or other bond;

1516 (c) crop insurance; and

1517 (d) workers' compensation insurance.

1518 (2) Public adjuster license classifications include:

1519 (a) accident and health insurance, including related service insurance under Chapter 7,

1520 Nonprofit Health Service Insurance Corporations, or Chapter 8, Health Maintenance

1521 Organizations and Limited Health Plans;

1522 (b) property and casualty insurance, including a surety or other bond;

1523 (c) crop insurance; and

1524 (d) workers' compensation insurance.

1525 (3) [(a)] The commissioner may by rule:

1526 [(i)] (a) recognize other independent adjuster or public adjuster license classifications

1527 as to other kinds of insurance not listed under Subsection (1); and

1528 [(ii)] (b) create license classifications that grant only part of the authority arising under

1529 another license class.

1530 [~~(b) Notwithstanding Subsection (3)(a), for purpose of title insurance, the Title and~~

1531 Escrow Commission may make the rules provided for in Subsection (3)(a), subject to Section

1532 [31A-2-404](#).]

1533 Section 21. Section **31A-35-102** is amended to read:

1534 **31A-35-102. Definitions.**

1535 As used in this chapter:

1536 (1) "Bail bond" means a bail bond insurance product for a specified monetary amount

1537 that is:

1538 (a) executed by a bail bond producer licensed in accordance with Section [31A-35-401](#);

1539 and

1540 (b) issued to a court, magistrate, or authorized officer to secure:

1541 (i) the release of a person from incarceration; and

1542 (ii) the appearance of the released person at court hearings the person is required to

1543 attend.

1544 (2) "Bail bond agency" means any sole proprietor or entity that:

- 1545 (a) is licensed under Subsection [31A-35-404](#)(1) or (2);
- 1546 (b) (i) is the agent of a surety insurer that sells a bail bond in connection with judicial
1547 proceedings;
- 1548 (ii) pledges the assets of a letter of credit from a Utah depository institution for a bail
1549 bond in connection with judicial proceedings; or
- 1550 (iii) pledges personal or real property, or both, as security for a bail bond in connection
1551 with judicial proceedings; and
- 1552 (c) receives or is promised money or other things of value for a service described in
1553 Subsection (2)(b).
- 1554 (3) "Bail bond producer" means an individual who:
- 1555 (a) is appointed by:
- 1556 (i) a surety insurer that sells bail bonds; or
- 1557 (ii) a bail bond agency licensed under this chapter;
- 1558 (b) is appointed to execute or countersign undertakings of bail in connection with
1559 judicial proceedings; and
- 1560 (c) receives or is promised money or other things of value for engaging in an act
1561 described in Subsection (3)(b).
- 1562 (4) "Bail enforcement agent" means the same as that term is defined in Section
1563 [53-11-102](#).
- 1564 [~~(5)~~] "~~Board~~" means the ~~Bail Bond Oversight Board~~ created in Section [31A-35-201](#)].
- 1565 [~~(6)~~] (5) "Certificate" means a certificate of authority issued under this chapter to allow
1566 an insurer to operate as a surety insurer.
- 1567 [~~(7)~~] (6) "Indemnitor" means an entity or natural person that enters into an agreement
1568 with a bail bond agency to hold the bail bond agency harmless from loss incurred as a result of
1569 executing a bail bond.
- 1570 [~~(8)~~] (7) "Liquid assets" means financial holdings that can be converted into cash in a
1571 timely manner without the loss of principal.
- 1572 [~~(9)~~] (8) "Premium" means the specified monetary amount used to purchase a bail
1573 bond.
- 1574 [~~(10)~~] (9) "Principal" means a person that:
- 1575 (a) guarantees the performance of a bail bond; or

1576 (b) owns not less than 10% of the bail bond agency.

1577 [(H)] (10) "Surety insurer" means an insurer that:

1578 (a) is licensed under Chapter 4, Insurers in General, Chapter 5, Domestic Stock and
1579 Mutual Insurance Corporations, or Chapter 14, Foreign Insurers;

1580 (b) receives a certificate under this title; and

1581 (c) sells bail bonds in connection with judicial proceedings.

1582 [(H)] (11) "Utah depository institution" means a depository institution, as defined in
1583 Section 7-1-103, that:

1584 (a) has Utah as its home state; or

1585 (b) operates a branch in Utah.

1586 Section 22. Section 31A-35-301 is amended to read:

1587 **31A-35-301. The commissioner's authority.**

1588 (1) The commissioner shall:

1589 (a) make rules as necessary for the administration of this chapter;

1590 (b) [~~with information as provided by the board,~~] issue or deny licensure under this
1591 chapter;

1592 (c) take action regarding a license, including suspension or revocation; and

1593 (d) maintain and publish a current list of licensed bail bond agencies and bail bond
1594 producers.

1595 (2) The commissioner may establish fees for the issuance, renewal, and reinstatement
1596 of a bail bond agency license in accordance with Section 63J-1-504.

1597 Section 23. Section 31A-35-405 is amended to read:

1598 **31A-35-405. Issuance of license -- Denial -- Right of appeal.**

1599 (1) After the commissioner receives a complete application, fee, and any additional
1600 information in accordance with Section 31A-35-401, the [board] commissioner shall determine
1601 whether the applicant meets the requirements for issuance of a license under this chapter.

1602 (2) (a) If the [board] commissioner determines that the applicant meets the
1603 requirements for issuance of a license under this chapter, the commissioner shall issue to that
1604 person a bail bond agency license.

1605 (b) If the [board] commissioner determines that the applicant does not meet the
1606 requirements for issuance of a license under this chapter, the commissioner shall make a final

1607 determination as to whether to issue a license under this chapter.

1608 (3) (a) If the commissioner denies an application for a bail bond agency license under
 1609 this chapter, the commissioner shall provide prompt written notification of the denial by
 1610 commencing an informal adjudicative proceeding in accordance with Title 63G, Chapter 4,
 1611 Administrative Procedures Act.

1612 (b) An applicant may request a hearing on a denial of an application for a bail bond
 1613 agency license within 15 days after the day on which the commissioner issues the denial.

1614 (c) The commissioner shall hold a hearing no later than 60 days after the day on which
 1615 the commissioner receives a request for a hearing described in Subsection (3)(b).

1616 Section 24. Section **31A-35-406** is amended to read:

1617 **31A-35-406. Initial licensing, license renewal, and license reinstatement.**

1618 (1) An applicant for an initial bail bond agency license shall:

1619 (a) complete and submit to the department an application;

1620 (b) submit to the department, as applicable, a copy of the applicant's:

1621 (i) irrevocable letter of credit, as required under Subsection [31A-35-404\(1\)](#);

1622 (ii) verified financial statement, as required under Subsection [31A-35-404\(2\)](#); or

1623 (iii) qualifying power of attorney, as required under Subsection [31A-35-404\(3\)](#); and

1624 (c) pay the department the applicable renewal fee established in accordance with

1625 Section [31A-3-103](#).

1626 (2) (a) A license under this chapter expires annually effective at midnight on August
 1627 14.

1628 (b) To renew a bail bond agency license issued under this chapter, on or before July 15,
 1629 the bail bond agency shall:

1630 (i) complete and submit to the department a renewal application that includes
 1631 certification that~~[:] as of May 1, the agency complies with aggregate bond limits established by~~
 1632 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

1633 ~~[(A) a principal of the agency attended or participated by telephone in at least one~~
 1634 ~~entire board meeting during the 12-month period before July 15; and]~~

1635 ~~[(B) as of May 1, the agency complies with aggregate bond limits established by rule~~
 1636 ~~made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;]~~

1637 (ii) submit to the department, as applicable, a copy of the applicant's:

1638 (A) irrevocable letter of credit, as required under Subsection 31A-35-404(1);
1639 (B) verified financial statement, as required under Subsection 31A-35-404(2); or
1640 (C) qualifying power of attorney, as required under Subsection 31A-35-404(3); and
1641 (iii) pay the department the applicable renewal fee established in accordance with
1642 Section 31A-3-103.

1643 (c) A bail bond agency shall renew the bail bond agency's license under this chapter
1644 annually as established by department rule, regardless of when the license is issued.

1645 (3) (a) A bail bond agency may apply for reinstatement of an expired bail bond agency
1646 license within one year after the day on which the license expires by complying with the
1647 renewal requirements described in Subsection (2).

1648 (b) If a bail bond agency license has been expired for more than one year, the person
1649 applying for reinstatement of the bail bond agency license shall comply with the initial
1650 licensing requirements described in Subsection (1).

1651 (4) If a bail bond agency license is suspended, the applicant may not submit an
1652 application for a bail bond agency license until after the day on which the period of suspension
1653 ends.

1654 (5) The department shall deposit a fee collected under this section in the restricted
1655 account created in Section 31A-35-407.

1656 Section 25. Section 31A-35-407 is amended to read:

1657 **31A-35-407. Restricted account.**

1658 (1) There is created within the General Fund a restricted account known as the "Bail
1659 Bond Administration Account."

1660 (2) (a) The account shall be funded from the fees imposed under this chapter.

1661 (b) The department shall deposit all fees collected under this part into the account.

1662 (c) The funds in the account shall be used by the department to administer this chapter.

1663 (d) The account shall earn interest, which shall be deposited into the account.

1664 [~~(3) The department shall, at the end of each quarter, provide to the board an itemized
1665 accounting that includes the balances at the beginning and the end of the quarter. The
1666 department shall provide the report no later than the 30th day of the month subsequent to the
1667 last month of the required quarterly report.]~~

1668 Section 26. Section 31A-41-102 is amended to read:

1669 **31A-41-102. Definitions.**

1670 As used in this chapter:

1671 ~~[(1) "Commission" means the Title and Escrow Commission created in Section~~
1672 ~~31A-2-403.]~~

1673 ~~[(2)]~~ (1) "Fund" means the Title Insurance Recovery, Education, and Research Fund
1674 created in Section ~~31A-41-201~~.

1675 ~~[(3)]~~ (2) "Title insurance licensee" means:

1676 (a) an agency title insurance producer; or

1677 (b) an individual title insurance producer.

1678 Section 27. Section **31A-41-202** is amended to read:

1679 **31A-41-202. Assessments.**

1680 (1) An agency title insurance producer licensed under this title shall pay an annual
1681 assessment determined by the ~~[commission]~~ commissioner by rule made in accordance with
1682 Section ~~[31A-2-404]~~ 31A-2-201, except that the annual assessment:

1683 (a) may not exceed \$1,000; and

1684 (b) shall be determined on the basis of title insurance premium volume.

1685 (2) An individual who applies for a license or renewal of a license as an individual title
1686 insurance producer, shall pay in addition to any other fee required by this title, an assessment
1687 not to exceed \$20, as determined by the ~~[commission]~~ commissioner by rule made in
1688 accordance with Section ~~[31A-2-404]~~ 31A-2-201, except that if the individual holds more than
1689 one license, the total of all assessments under this Subsection (2) may not exceed \$20 in a
1690 fiscal year.

1691 (3) (a) To be licensed as an agency title insurance producer, a person shall pay to the
1692 department an assessment of \$1,000 before the day on which the person is licensed as a title
1693 insurance agency.

1694 (b) (i) The department shall assess on a licensed agency title insurance producer an
1695 amount equal to the greater of:

1696 (A) \$1,000; or

1697 (B) subject to Subsection (3)(b)(ii), 2% of the balance in the agency title insurance
1698 producer's reserve account described in Subsection ~~31A-23a-204~~(3).

1699 (ii) The department may assess on an agency title insurance producer an amount less

1700 than 2% of the balance described in Subsection (3)(b)(i)(B) if:

1701 (A) before issuing the assessments under this Subsection (3)(b) the department
1702 determines that the total of all assessments under Subsection (3)(b)(i) will exceed \$250,000;

1703 (B) the amount assessed on the agency title insurance producer is not less than \$1,000;
1704 and

1705 (C) the department reduces the assessment in a proportionate amount for agency title
1706 insurance producers assessed on the basis of the 2% of the balance described in Subsection
1707 (3)(b)(i)(B).

1708 (iii) An agency title insurance producer assessed under this Subsection (3)(b) shall pay
1709 the assessment by no later than August 1.

1710 (4) The department may not assess a title insurance licensee an assessment for
1711 purposes of the fund if that assessment is not expressly provided for in this section.

1712 Section 28. Section ~~58-49-2~~ is amended to read:

1713 **58-49-2. Definitions.**

1714 In addition to the definitions in Section ~~58-1-102~~, as used in this chapter:

1715 [~~1~~] "~~Board~~" means the ~~Dietitian Board~~ created in Section ~~58-49-3~~;

1716 [~~2~~] (1) "Certified dietitian" means a person who is certified by the division as meeting
1717 the certification requirements provided in this chapter.

1718 [~~3~~] (2) "Commission on Dietetic Registration" means the credentialing component of
1719 the American Dietetic Association.

1720 [~~4~~] (3) "Dietetics" means the integration and application of principles derived from
1721 the sciences of food for the development, management, and provision of dietary services for
1722 individuals and groups for meeting their health care needs. "Dietetics" includes:

1723 (a) the evaluation of a person's dietary status;

1724 (b) the advising and education of persons on dietary needs; and

1725 (c) the evaluation of needs, implementation of systems to support needs, and
1726 maintenance of appropriate standards of quality in food and dietary service for individuals,
1727 groups, or patients in licensed institutional facilities or in private office settings.

1728 [~~5~~] (4) "Unprofessional conduct" as defined in Section ~~58-1-501~~ and as may be
1729 further defined by rule includes failing to maintain a level of professional practice consistent
1730 with all initial and subsequent requirements by which certification is achieved or maintained

1731 under this chapter.

1732 Section 29. Section **58-49-4** is amended to read:

1733 **58-49-4. Qualifications for certification -- Fee.**

1734 Each applicant for certification under this chapter shall provide proof satisfactory to the
1735 division that the applicant:

1736 (1) holds a baccalaureate or post-baccalaureate degree conferred by a college or
1737 university approved by the division at the time the degree was conferred with a major course of
1738 study in the sciences of food, dietetics, food systems management, or an equivalent major
1739 course of study;

1740 (2) has completed an internship or preplanned professional baccalaureate or
1741 post-baccalaureate experience in a dietetic program under the supervision of a certified
1742 dietitian who is certified under this chapter or certified, registered, or licensed under the laws of
1743 another state or territory of the United States;

1744 (3) has satisfactorily passed a competency examination, approved by or given at the
1745 direction of the [~~board in collaboration with the~~] division; and

1746 (4) has paid the appropriate fees determined by the Department of Commerce. The fee
1747 assessed by the Department of Commerce shall be fair and reasonable and shall reflect the cost
1748 of services provided.

1749 Section 30. Section **58-49-6** is amended to read:

1750 **58-49-6. Certification of persons qualified in other jurisdictions.**

1751 Upon receipt of an application and application fee[~~, and upon the recommendation of~~
1752 ~~the board,~~] the division may waive the examination requirement for an applicant who, at the
1753 time of application:

1754 (1) holds a valid dietitian license or certificate issued by another state or territory of the
1755 United States, provided his qualifications meet the requirements of this chapter; or

1756 (2) is registered by the Commission on Dietetic Registration.

1757 Section 31. Section **58-53-102** is amended to read:

1758 **58-53-102. Definitions.**

1759 In addition to the definitions in Section **58-1-102**, as used in this chapter:

1760 [~~(1) "Board" means the Landscape Architects Board created in Section **58-53-201**.]~~

1761 [~~(2)~~] (1) "Fund" means the Landscape Architects Education and Enforcement Fund

1762 created in Section 58-53-103.

1763 ~~[(3)]~~ (2) "Practice of landscape architecture" means rendering or offering to render any
1764 of the following services:

1765 (a) production of a site plan which may include the design of any of the following:

1766 (i) sprinkler irrigation systems;

1767 (ii) landscape grading and drainage plans; or

1768 (iii) parking lots;

1769 (b) design of any of the following structures incidental to the production of a site plan:

1770 (i) retaining walls; or

1771 (ii) raised platforms, decks, and walkways;

1772 (c) design of any of the following structures incidental to the production of a site plan
1773 when the structure does not exceed 1,000 square feet:

1774 (i) covered pavilions;

1775 (ii) gazebos;

1776 (iii) restrooms;

1777 (iv) storage and maintenance facilities; or

1778 (v) other accessory structures; or

1779 (d) collaboration with architects and professional engineers in the design of roads,
1780 bridges, buildings, and structures with respect to the functional and aesthetic requirements of
1781 the area in which they are to be placed.

1782 ~~[(4)]~~ (3) "Principal" means a licensed landscape architect having responsible charge of
1783 a landscape architectural practice.

1784 ~~[(5)]~~ (4) "Supervision" with respect to the supervision of an employee of a landscape
1785 architect, means that a licensed landscape architect is responsible for and personally reviews,
1786 corrects when necessary, and approves work performed by any employee under the direction of
1787 the landscape architect, and may be further defined by rule of the division in collaboration with
1788 the board.

1789 ~~[(6)]~~ (5) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-53-501.

1790 ~~[(7)]~~ (6) "Unprofessional conduct" is as defined in Section 58-1-501 and as may be
1791 further defined by rule of the division in collaboration with the board.

1792 Section 32. Section 58-53-103 is amended to read:

1793 **58-53-103. Education and enforcement fund.**

1794 (1) There is created an expendable special revenue fund known as the "Landscape
1795 Architects Education and Enforcement Fund."

1796 (2) The fund consists of money from:

1797 (a) a surcharge placed on application fees for initial, renewal, and reinstatement
1798 licensure under this chapter, in an amount established by the division [~~with the collaboration of~~
1799 ~~the board~~] in accordance with Section 63J-1-504, not to exceed 50% of the respective fee; and

1800 (b) administrative penalties collected pursuant to this chapter.

1801 (3) The fund shall earn interest, and all interest earned on fund money shall be
1802 deposited into the fund.

1803 (4) The director may~~[, with concurrence of the board,]~~ make distributions from the
1804 fund for the following purposes:

1805 (a) education and training of licensees under this chapter;

1806 (b) education and training of the public or other interested persons in matters
1807 concerning landscape architectural laws and practices; and

1808 (c) enforcement of this chapter by:

1809 (i) investigating unprofessional or unlawful conduct; and

1810 (ii) providing legal representation to the division when the division takes legal action
1811 against a person engaging in unprofessional or unlawful conduct.

1812 (5) If the balance in the fund exceeds \$100,000 at the close of any fiscal year, the
1813 excess shall be transferred to the General Fund.

1814 (6) The division shall report annually to the appropriate appropriations subcommittee
1815 of the Legislature concerning the fund.

1816 Section 33. Section **58-53-302** is amended to read:

1817 **58-53-302. Qualifications for licensure.**

1818 (1) Each applicant for licensure as a landscape architect shall:

1819 (a) submit an application in a form prescribed by the division;

1820 (b) pay a fee as determined by the department under Section 63J-1-504;

1821 (c) provide satisfactory evidence of good moral character;

1822 (d) (i) have graduated and received an earned bachelors or masters degree from a
1823 landscape architecture program meeting criteria established by rule by the division [~~in~~

1824 ~~collaboration with the board~~]; or

1825 (ii) have completed not less than eight years of supervised practical experience in
1826 landscape architecture which meets the requirements established by rule by the division [~~in~~
1827 ~~collaboration with the board~~]; and

1828 (e) have successfully passed examinations established by rule by the division [~~in~~
1829 ~~collaboration with the board~~].

1830 (2) Satisfactory completion of each year of a landscape architectural program described
1831 in Subsection (1)(d)(i) is equivalent to one year of experience for purposes of Subsection
1832 (1)(d)(ii).

1833 Section 34. Section **58-53-304** is amended to read:

1834 **58-53-304. Exemptions from licensure.**

1835 In addition to the exemptions from licensure in Section **58-1-307**, the following may
1836 engage in the stated limited acts or practices without being licensed under this chapter:

1837 (1) a person preparing a site plan as defined in Subsection [~~58-53-102(3)~~]
1838 **58-53-102(2)**, for a one-, two-, three-, or four-family residence not exceeding two stories in
1839 height, exclusive of the basement;

1840 (2) a person designing sprinkler irrigation systems when licensed as a landscape
1841 contractor under Title 58, Chapter 55, Utah Construction Trades Licensing Act;

1842 (3) a person licensed to practice professional engineering or professional structural
1843 engineering under Title 58, Chapter 22, Professional Engineers and Professional Land
1844 Surveyors Licensing Act;

1845 (4) a person licensed to practice architecture under Title 58, Chapter 3a, Architects
1846 Licensing Act;

1847 (5) unlicensed employees of a person licensed under this chapter while preparing site
1848 plans as defined in Subsection [~~58-53-102(3)~~] **58-53-102(2)**, under the supervision of a
1849 landscape architect; and

1850 (6) an organization engaged in the practice of landscape architecture, provided that:

1851 (a) the organization employs a principal; and

1852 (b) all individuals employed by the organization, who are engaged in the practice of
1853 landscape architecture, are licensed or exempt from licensure under this chapter.

1854 Section 35. Section **58-53-601** is amended to read:

1855 **58-53-601. Seal -- Design and implementation.**

1856 Every landscape architect shall have a seal, the design and implementation of which
1857 shall be established by rule by the division [~~in collaboration with the board~~].

1858 Section 36. Section **58-71-102** is amended to read:

1859 **58-71-102. Definitions.**

1860 In addition to the definitions in Section **58-1-102**, as used in this chapter:

1861 (1) "Acupuncture" means the same as that term is defined in Section **58-72-102**.

1862 (2) "Administrative penalty" means a monetary fine imposed by the division for acts or
1863 omissions determined to constitute unprofessional or unlawful conduct, as a result of an
1864 adjudicative proceeding conducted in accordance with Title 63G, Chapter 4, Administrative
1865 Procedures Act.

1866 [~~(3) "Board" means the Naturopathic Physicians Licensing Board created in Section~~
1867 ~~**58-71-201**.~~]

1868 [~~(4)~~ (3) "Controlled substance" means the same as that term is defined in Section
1869 **58-37-2**.

1870 [~~(5)~~ (4) "Diagnose" means:

1871 (a) to examine in any manner another individual, parts of an individual's body,
1872 substances, fluids, or materials excreted, taken, or removed from an individual's body, or
1873 produced by an individual's body, to determine the source, nature, kind, or extent of a disease
1874 or other physical or mental condition;

1875 (b) to attempt to conduct an examination or determination described under Subsection
1876 [~~(5)(a)~~ (4)(a);

1877 (c) to hold oneself out as making or to represent that one is making an examination or
1878 determination as described in Subsection [~~(5)(a)~~ (4)(a); or

1879 (d) to make an examination or determination as described in Subsection [~~(5)(a)~~ (4)(a)
1880 upon or from information supplied directly or indirectly by another individual, whether or not
1881 in the presence of the individual the examination or determination concerns.

1882 [~~(6)~~ (5) "Local anesthesia" means an agent, whether a natural medicine or
1883 nonscheduled prescription drug, which:

1884 (a) is applied topically or by injection associated with the performance of minor office
1885 procedures;

1886 (b) has the ability to produce loss of sensation to a targeted area of an individual's
1887 body;

1888 (c) does not cause loss of consciousness or produce general sedation; and

1889 (d) is part of the competent practice of naturopathic medicine during minor office
1890 procedures.

1891 [~~7~~] (6) "Medical naturopathic assistant" means an unlicensed individual working
1892 under the direct and immediate supervision of a licensed naturopathic physician and engaged in
1893 specific tasks assigned by the licensed naturopathic physician in accordance with the standards
1894 and ethics of the profession.

1895 [~~8~~] (7) (a) "Minor office procedures" means:

1896 (i) the use of operative, electrical, or other methods for repair and care of superficial
1897 lacerations, abrasions, and benign lesions;

1898 (ii) removal of foreign bodies located in the superficial tissues, excluding the eye or
1899 ear;

1900 (iii) the use of antiseptics and local anesthetics in connection with minor office surgical
1901 procedures; and

1902 (iv) percutaneous injection into skin, tendons, ligaments, muscles, and joints with:

1903 (A) local anesthesia or a prescription drug described in Subsection [~~9~~](d) (8)(d); or

1904 (B) natural substances.

1905 (b) "Minor office procedures" does not include:

1906 (i) general or spinal anesthesia;

1907 (ii) office procedures more complicated or extensive than those set forth in Subsection

1908 [~~8~~](a) (7)(a);

1909 (iii) procedures involving the eye; and

1910 (iv) any office procedure involving nerves, veins, or arteries.

1911 [~~9~~] (8) "Natural medicine" means any:

1912 (a) food, food extract, dietary supplement as defined by the Federal Food, Drug, and
1913 Cosmetic Act, 21 U.S.C. Sec. 301 et seq., homeopathic remedy, or plant substance that is not
1914 designated a prescription drug or controlled substance;

1915 (b) over-the-counter medication;

1916 (c) other nonprescription substance, the prescription or administration of which is not

- 1917 otherwise prohibited or restricted under federal or state law; or
- 1918 (d) prescription drug:
- 1919 (i) the prescription of which is consistent with the competent practice of naturopathic
- 1920 medicine;
- 1921 (ii) that is not a controlled substance except for testosterone; and
- 1922 (iii) that is not any of the following as determined by the federal Food and Drug
- 1923 Administration's general drug category list:
- 1924 (A) an anticoagulant for the management of a bleeding disorder;
- 1925 (B) an anticonvulsant;
- 1926 (C) an antineoplastic;
- 1927 (D) an antipsychotic;
- 1928 (E) a barbiturate;
- 1929 (F) a cytotoxic;
- 1930 (G) a sedative;
- 1931 (H) a sleeping drug;
- 1932 (I) a tranquilizer; or
- 1933 (J) any drug category added after April 1, 2022, unless the division determines the drug
- 1934 category to be consistent with the practice of naturopathic medicine under Section [58-71-203](#).
- 1935 ~~[(10)]~~ (9) (a) "Naturopathic childbirth" means uncomplicated natural childbirth assisted
- 1936 by a naturopathic physician.
- 1937 (b) "Naturopathic childbirth" includes the use of:
- 1938 (i) natural medicines; and
- 1939 (ii) uncomplicated episiotomy.
- 1940 (c) "Naturopathic childbirth" does not include the use of:
- 1941 (i) forceps delivery;
- 1942 (ii) general or spinal anesthesia;
- 1943 (iii) caesarean section delivery; or
- 1944 (iv) induced labor or abortion.
- 1945 ~~[(11)]~~ (10) (a) "Naturopathic mobilization therapy" means manually administering
- 1946 mechanical treatment of body structures or tissues for the purpose of restoring normal
- 1947 physiological function to the body by normalizing and balancing the musculoskeletal system of

1948 the body;

1949 (b) "Naturopathic mobilization therapy" does not mean manipulation or adjustment of
1950 the joints of the human body beyond the elastic barrier; and

1951 (c) "Naturopathic mobilization therapy" does not include manipulation as used in Title
1952 58, Chapter 73, Chiropractic Physician Practice Act.

1953 ~~[(12)]~~ (11) (a) "Naturopathic physical medicine" means the use of the physical agents
1954 of air, water, heat, cold, sound, light, and electromagnetic nonionizing radiation, and the
1955 physical modalities of electrotherapy, acupuncture, diathermy, ultraviolet light, ultrasound,
1956 hydrotherapy, naturopathic mobilization therapy, and exercise.

1957 (b) "Naturopathic physical medicine" does not include the practice of physical therapy
1958 or physical rehabilitation.

1959 ~~[(13)]~~ (12) "Practice of naturopathic medicine" means:

1960 (a) a system of primary health care for the prevention, diagnosis, and treatment of
1961 human health conditions, injuries, and diseases that uses education, natural medicines, and
1962 natural therapies, to support and stimulate the patient's intrinsic self-healing processes by:

1963 (i) using naturopathic childbirth, but only if:

1964 (A) the licensee meets standards of the American College of Naturopathic
1965 Obstetricians (ACNO) or ACNO's successor as determined by the division in collaboration
1966 with the board; and

1967 (B) the licensee follows a written plan for naturopathic physicians practicing
1968 naturopathic childbirth approved by the division in collaboration with the board, which
1969 includes entering into an agreement with a consulting physician and surgeon or osteopathic
1970 physician, in cases where the scope of practice of naturopathic childbirth may be exceeded and
1971 specialty care and delivery is indicated, detailing the guidelines by which the naturopathic
1972 physician will:

1973 (I) refer patients to the consulting physician; and

1974 (II) consult with the consulting physician;

1975 (ii) using naturopathic mobilization therapy;

1976 (iii) using naturopathic physical medicine;

1977 (iv) using minor office procedures;

1978 (v) prescribing or administering natural medicine;

- 1979 (vi) prescribing medical equipment and devices, diagnosing by the use of medical
 1980 equipment and devices, and administering therapy or treatment by the use of medical devices
 1981 necessary and consistent with the competent practice of naturopathic medicine;
- 1982 (vii) prescribing barrier devices for contraception;
- 1983 (viii) using dietary therapy;
- 1984 (ix) taking and using diagnostic x-rays, electrocardiograms, ultrasound, and
 1985 physiological function tests;
- 1986 (x) taking of body fluids for clinical laboratory tests and using the results of the tests in
 1987 diagnosis;
- 1988 (xi) taking of a history from and conducting of a physical examination upon a human
 1989 patient; and
- 1990 (xii) administering local anesthesia during the performance of a minor office
 1991 procedure;
- 1992 (b) to maintain an office or place of business for the purpose of doing any of the acts
 1993 described in Subsection [~~(13)~~(a)] (12)(a), whether or not for compensation; or
- 1994 (c) to use, in the conduct of any occupation or profession pertaining to the diagnosis or
 1995 treatment of human diseases or conditions, in any printed material, stationery, letterhead,
 1996 envelopes, signs, or advertisements, the designation "naturopathic physician," "naturopathic
 1997 doctor," "naturopath," "doctor of naturopathic medicine," "doctor of naturopathy,"
 1998 "naturopathic medical doctor," "naturopathic medicine," "naturopathic health care,"
 1999 "naturopathy," "N.D.," "N.M.D.," or any combination of these designations in any manner that
 2000 might cause a reasonable person to believe the individual using the designation is a licensed
 2001 naturopathic physician.
- 2002 [~~(14)~~] (13) "Prescribe" means to issue a prescription:
- 2003 (a) orally or in writing; or
- 2004 (b) by telephone, facsimile transmission, computer, or other electronic means of
 2005 communication as defined by division rule.
- 2006 [~~(15)~~] (14) "Prescription device" means an instrument, apparatus, implement, machine,
 2007 contrivance, implant, in vitro reagent, or other similar or related article, and any component
 2008 part or accessory, which is required under federal or state law to be prescribed by a practitioner
 2009 and dispensed by or through a person licensed under this chapter or exempt from licensure

2010 under this chapter.

2011 ~~[(+6)]~~ (15) "Prescription drug" means a drug that is required by federal or state law or
2012 rule to be dispensed only by prescription or is restricted to administration only by practitioners.

2013 ~~[(+7)]~~ (16) "Unlawful conduct" means the same as that term is defined in Sections
2014 [58-1-501](#) and [58-71-501](#).

2015 ~~[(+8)]~~ (17) "Unprofessional conduct" means the same as that term is defined in
2016 Sections [58-1-501](#) and [58-71-502](#), and as may be further defined by division rule.

2017 Section 37. Section **58-71-203** is amended to read:

2018 **58-71-203. Drug category review.**

2019 (1) As used in this section, "FDA" means the federal Food and Drug Administration.

2020 (2) After April 1, 2022, if the FDA adds a new drug category to the FDA's general drug
2021 category list, the division shall determine whether the drug category is consistent with the
2022 practice of naturopathic medicine.

2023 (3) To make the determination described in Subsection (2), the division shall consult
2024 with~~[:]~~ the board described in Section [58-67-201](#).

2025 ~~[(a) the board; and]~~

2026 ~~[(b) the board described in Section [58-67-201](#)].]~~

2027 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2028 division shall make rules to implement this section.

2029 Section 38. Section **58-71-302** is amended to read:

2030 **58-71-302. Qualifications for licensure.**

2031 (1) An applicant for licensure as a naturopathic physician, except as set forth in
2032 Subsection (2), shall:

2033 (a) submit an application in a form prescribed by the division, which may include:

2034 (i) submissions by the applicant of information maintained by practitioner data banks,
2035 as designated by division rule, with respect to the applicant; and

2036 (ii) a record of professional liability claims made against the applicant and settlements
2037 paid by or in behalf of the applicant;

2038 (b) pay a fee determined by the department under Section [63J-1-504](#);

2039 (c) provide satisfactory documentation of having successfully completed a program of
2040 professional education preparing an individual as a naturopathic physician, as evidenced by

2041 having received an earned degree of doctor of naturopathic medicine from:

2042 (i) a naturopathic medical school or college accredited by the Council of Naturopathic
2043 Medical Education or its successor organization approved by the division;

2044 (ii) a naturopathic medical school or college that is a candidate for accreditation by the
2045 Council of Naturopathic Medical Education or its successor organization, and is approved by
2046 the division [~~in collaboration with the board~~], upon a finding there is reasonable expectation
2047 the school or college will be accredited; or

2048 (iii) a naturopathic medical school or college which, at the time of the applicant's
2049 graduation, met current criteria for accreditation by the Council of Naturopathic Medical
2050 Education or its successor organization approved by the division;

2051 (d) provide satisfactory documentation of having successfully completed, after
2052 successful completion of the education requirements set forth in Subsection (1)(c), 12 months
2053 of clinical experience in naturopathic medicine in a residency program recognized by the
2054 division and associated with an accredited school or college of naturopathic medicine, and
2055 under the preceptorship of a licensed naturopathic physician, physician and surgeon, or
2056 osteopathic physician;

2057 (e) pass the licensing examination sequence required by division rule [~~established in~~
2058 ~~collaboration with the board~~];

2059 (f) be able to read, write, speak, understand, and be understood in the English language
2060 and demonstrate proficiency to the satisfaction of the [~~board~~] division if requested by the
2061 [~~board~~] division; and

2062 (g) meet with [~~the board and~~] representatives of the division, if requested, for the
2063 purpose of evaluating the applicant's qualifications for licensure.

2064 (2) (a) In accordance with Subsection (2)(b), an applicant for licensure as a
2065 naturopathic physician under the endorsement provision of Section 58-1-302 shall:

2066 (i) meet the requirements of Section 58-1-302;

2067 (ii) document having met all requirements for licensure under Subsection (1) except
2068 the clinical experience requirement of Subsection (1)(d);

2069 (iii) have passed the examination requirements established under Subsection (1)(e)
2070 that:

2071 (A) the applicant has not passed in connection with licensure in another state or

2072 jurisdiction; and

2073 (B) are available to the applicant to take without requiring additional professional
2074 education;

2075 (iv) have been actively engaged in the practice of a naturopathic physician for not less
2076 than 6,000 hours during the five years immediately preceding the date of application for
2077 licensure in Utah; and

2078 (v) meet with [~~the board and~~] representatives of the division for the purpose of
2079 evaluating the applicant's qualifications for licensure.

2080 (b) The division may rely, either wholly or in part, on one or more credentialing
2081 associations designated by division rule[~~, made in collaboration with the board,~~] to document
2082 and certify in writing to the satisfaction of the division that an applicant has met each of the
2083 requirements of this Subsection (2), including the requirements of Section 58-1-302, and that:

2084 (i) the applicant holds a current license;

2085 (ii) the education, experience, and examination requirements of the foreign country or
2086 the state, district, or territory of the United States that issued the applicant's license are, or were
2087 at the time the license was issued, equal to those of this state for licensure as a naturopathic
2088 physician; and

2089 (iii) the applicant has produced evidence satisfactory to the division of the applicant's
2090 qualifications, identity, and good standing as a naturopathic physician.

2091 Section 39. Section 58-71-304 is amended to read:

2092 **58-71-304. License renewal requirements.**

2093 (1) As a condition precedent for license renewal, each licensee shall, during each
2094 two-year licensure cycle or other cycle defined by division rule, complete qualified continuing
2095 professional education requirements in accordance with the number of hours and standards
2096 defined by division rule [~~made in collaboration with the board~~].

2097 (2) If a renewal period is extended or shortened under Section 58-71-303, the
2098 continuing education hours required for license renewal under this section are increased or
2099 decreased proportionally.

2100 Section 40. Section 58-71-304.2 is amended to read:

2101 **58-71-304.2. Temporary license.**

2102 (1) The division may issue a temporary license to an individual who:

2103 (a) meets all qualifications for licensure except completion of the 12 month clinical
2104 experience required under Section 58-71-302; and

2105 (b) presents a plan acceptable to the division [~~and the board~~] under which the applicant
2106 will practice under the direct supervision of a licensed naturopathic physician, physician and
2107 surgeon, or osteopathic physician, who supervises not more than three naturopathic physicians
2108 in an approved clinical experience program.

2109 (2) A temporary license issued under this section expires on the date the licensee
2110 completes the clinical experience program, but not more than 18 months from the original date
2111 of issue.

2112 (3) A temporary license under this section may be issued only once to an individual.

2113 Section 41. Section 58-71-601 is amended to read:

2114 **58-71-601. Mentally incompetent or incapacitated naturopathic physician.**

2115 (1) As used in this section:

2116 (a) "Incapacitated person" means a person who is incapacitated, as defined in Section
2117 75-1-201.

2118 (b) "Mental illness" is as defined in Section 62A-15-602.

2119 (2) If a court of competent jurisdiction determines a naturopathic physician is an
2120 incapacitated person or that the physician has a mental illness and is unable to safely engage in
2121 the practice of medicine, the director shall immediately suspend the license of the naturopathic
2122 physician upon the entry of the judgment of the court, without further proceedings under Title
2123 63G, Chapter 4, Administrative Procedures Act, regardless of whether an appeal from the
2124 court's ruling is pending. The director shall promptly notify the naturopathic physician, in
2125 writing, of the suspension.

2126 (3) (a) If the division [~~and a majority of the board find~~] finds reasonable cause to
2127 believe a naturopathic physician, who is not determined judicially to be an incapacitated person
2128 or to have a mental illness, is incapable of practicing medicine with reasonable skill regarding
2129 the safety of patients, because of illness, excessive use of drugs or alcohol, or as a result of any
2130 mental or physical condition, [~~the board shall recommend that~~] the director shall file a petition
2131 with the division, and cause the petition to be served upon the naturopathic physician with a
2132 notice of hearing on the sole issue of the capacity of the naturopathic physician to competently
2133 and safely engage in the practice of medicine.

2134 (b) The hearing shall be conducted under Section 58-1-109, and Title 63G, Chapter 4,
2135 Administrative Procedures Act, except as provided in Subsection (4).

2136 (4) (a) Every naturopathic physician who accepts the privilege of being licensed under
2137 this chapter gives consent to:

2138 (i) submitting at the physician's own expense to an immediate mental or physical
2139 examination when directed in writing by the division [~~and a majority of the board~~] to do so;
2140 and

2141 (ii) the admissibility of the reports of the examining physician's testimony or
2142 examination, and waives all objections on the ground the reports constitute a privileged
2143 communication.

2144 (b) The examination may be ordered by the division [~~with the consent of a majority of
2145 the board,~~] only upon a finding of reasonable cause to believe:

2146 (i) the naturopathic physician has a mental illness, is incapacitated, or otherwise unable
2147 to practice medicine with reasonable skill and safety; and

2148 (ii) immediate action by the division [~~and the board~~] is necessary to prevent harm to
2149 the naturopathic physician's patients or the general public.

2150 (c) (i) Failure of a naturopathic physician to submit to the examination ordered under
2151 this section is a ground for the division's immediate suspension of the naturopathic physician's
2152 license by written order of the director.

2153 (ii) The division may enter the order of suspension without further compliance with
2154 Title 63G, Chapter 4, Administrative Procedures Act, unless the division finds the failure to
2155 submit to the examination ordered under this section was due to circumstances beyond the
2156 control of the naturopathic physician and was not related directly to the illness or incapacity of
2157 the naturopathic physician.

2158 (5) (a) A naturopathic physician whose license is suspended under Subsection (2) or
2159 (3) has the right to a hearing to appeal the suspension within 10 days after the license is
2160 suspended.

2161 (b) The hearing held under this subsection shall be conducted in accordance with
2162 Sections 58-1-108 and 58-1-109 for the sole purpose of determining if sufficient basis exists
2163 for the continuance of the order of suspension in order to prevent harm to the naturopathic
2164 physician's patients or the general public.

2165 (6) A naturopathic physician whose license is revoked, suspended, or in any way
2166 restricted under this section may request the division [~~and the board~~] to consider, at reasonable
2167 intervals, evidence presented by the naturopathic physician, under procedures established by
2168 division rule, regarding any change in the naturopathic physician's condition, to determine
2169 whether:

2170 (a) the physician is or is not able to safely and competently engage in the practice of
2171 medicine; and

2172 (b) the physician is qualified to have the physician's license to practice under this
2173 chapter restored completely or in part.

2174 Section 42. Section **58-71-802** is amended to read:

2175 **58-71-802. Form of practice.**

2176 (1) A naturopathic physician licensed under this chapter may engage in practice as a
2177 naturopathic physician, or in the practice of naturopathic medicine only as an individual
2178 licensee; but as an individual licensee, [~~he~~] the naturopathic physician may be:

2179 (a) an individual operating as a business proprietor;

2180 (b) an employee of another person;

2181 (c) a partner in a lawfully organized partnership;

2182 (d) a lawfully formed professional corporation;

2183 (e) a lawfully organized limited liability company;

2184 (f) a lawfully organized business corporation; or

2185 (g) any other form of organization recognized by the state which is not prohibited by
2186 rule adopted by division rules [~~made in collaboration with the board~~].

2187 (2) Regardless of the form in which a licensee engages in the practice of medicine, the
2188 licensee may only permit the practice of medicine in that form of practice to be conducted by
2189 an individual:

2190 (a) licensed in Utah as a naturopathic physician under Section **58-71-301**, a physician
2191 and surgeon, or as an osteopathic physician and surgeon; and

2192 (b) who is able to lawfully and competently engage in the practice of medicine.

2193 Section 43. Section **58-71-803** is amended to read:

2194 **58-71-803. Medical records -- Electronic records.**

2195 (1) Medical records maintained by a licensee shall:

2196 (a) meet the standards and ethics of the profession; and
2197 (b) be maintained in accordance with division rules [~~made in collaboration with the~~
2198 ~~board~~].

2199 (2) Medical records under this section may be maintained by an electronic means if the
2200 records comply with Subsection (1).

2201 Section 44. Section **58-75-102** is amended to read:

2202 **58-75-102. Definitions.**

2203 In addition to the definitions in Section **58-1-102**, as used in this chapter:

2204 [~~(1) "Board" means the Genetic Counselors Licensing Board created in Section~~
2205 ~~58-75-201.~~]

2206 [~~(2)~~] (1) "Genetic counselor" means a person licensed under this chapter to engage in
2207 the practice of genetic counseling.

2208 [~~(3)~~] (2) "Practice of genetic counseling" means the communication process which
2209 deals with the human problems associated with the occurrence, or the risk of occurrence, of a
2210 genetic disorder in a family, including the provision of services to help an individual or family:

2211 (a) comprehend the medical facts, including the diagnosis, probable cause of the
2212 disorder, and the available management;

2213 (b) appreciate the way heredity contributes to the disorder and the risk of occurrence in
2214 specified relatives;

2215 (c) understand the alternatives for dealing with the risk of occurrence;

2216 (d) choose the course of action which seems appropriate to them in view of their risk,
2217 their family goals, and their ethical and religious standards, and to act in accordance with that
2218 decision; and

2219 (e) make the best possible psychosocial adjustment to the disorder in an affected family
2220 member or to the risk of occurrence of that disorder.

2221 [~~(4)~~] (3) "Unlawful conduct" is as defined in Sections **58-1-501** and **58-75-501**.

2222 [~~(5)~~] (4) "Unprofessional conduct" is as defined in Sections **58-1-501** and **58-75-502**

2223 and as may be further defined by rule by the division in accordance with Title 63G, Chapter 3,
2224 Utah Administrative Rulemaking Act.

2225 Section 45. Section **58-75-303** is amended to read:

2226 **58-75-303. Term of license -- Expiration -- Renewal.**

2227 (1) The division shall issue each license under this chapter in accordance with a
2228 two-year renewal cycle established by rule. The division may by rule extend or shorten a
2229 renewal cycle by as much as one year to stagger the renewal cycles it administers.

2230 (2) Each licensee shall, at the time of applying for renewal, demonstrate compliance
2231 with continuing education requirements established by rule by the division [~~in collaboration~~
2232 ~~with the board~~].

2233 (3) Each license automatically expires on the expiration date shown on the license
2234 unless the licensee renews it in accordance with Section 58-1-308.

2235 Section 46. Section 58-76-102 is amended to read:

2236 **58-76-102. Definitions.**

2237 In addition to the definitions in Section 58-1-102, as used in this chapter:

2238 [~~(1)~~] "~~Board~~" means the Professional Geologist Licensing Board created in Section
2239 ~~58-76-201~~.]

2240 [~~(2)~~] (1) "Geology" means the science, which treats the study of the earth in general,
2241 the earth's processes and history, investigation of the earth's crust and the rocks and other
2242 materials of which it is composed, and the applied science of utilizing knowledge of the earth's
2243 history, processes, constituent rocks, minerals, liquids, gases, and other materials for the use of
2244 mankind.

2245 [~~(3)~~] (2) "Practice of geology before the public" means the performance of geology
2246 including but not limited to consultation, investigation, evaluation, planning, geologic
2247 mapping, interpretation of geologic data, preparation of geologic reports, geologic
2248 cross-sections and geologic maps, inspection of geological work, and the responsible
2249 supervision thereof, the performance of which is relevant to public welfare or the safeguarding
2250 of life, health, property, and the environment, except as otherwise specifically provided by this
2251 chapter.

2252 [~~(4)~~] (3) "Professional geologist" means a person licensed under this chapter to engage
2253 in the practice of geology before the public.

2254 [~~(5)~~] (4) "Responsible charge" means the independent control and direction by use of
2255 initiative, skill, and independent judgment of geological work or the supervision of the work.

2256 [~~(6)~~] (5) "Subordinate" means any individual who practices geology or assists a
2257 professional geologist in the practice of geology before the public without assuming the

2258 responsible charge for the work.

2259 ~~[(7)]~~ (6) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-76-501.

2260 ~~[(8)]~~ (7) "Unprofessional conduct" is as defined in Section 58-1-501 and as may be
2261 further defined by rule by the division [~~in collaboration with the board~~].

2262 Section 47. Section 58-76-103 is amended to read:

2263 **58-76-103. Professional Geologist Education and Enforcement Account.**

2264 (1) There is created a restricted account within the General Fund known as the
2265 "Professional Geologist Education and Enforcement Account."

2266 (2) The restricted account shall consist of money from:

2267 (a) a surcharge fee established by the department in accordance with Section
2268 63J-1-504, placed on initial, renewal, and reinstatement licensure fees under this chapter not to
2269 exceed 50% of the respective initial, renewal, or reinstatement licensure fee;

2270 (b) administrative penalties collected pursuant to this chapter; and

2271 (c) interest earned on money in the account.

2272 (3) Money in the account may be appropriated by the Legislature for the following
2273 purposes:

2274 (a) education and training of licensees under this chapter;

2275 (b) education and training of the public or other interested persons in matters
2276 concerning geology laws and practices; and

2277 (c) enforcement of this chapter by:

2278 (i) investigating unprofessional or unlawful conduct;

2279 (ii) providing legal representation to the division when legal action is taken against a
2280 person engaging in unprofessional or unlawful conduct; and

2281 (iii) monitoring compliance of renewal requirements~~[; and]~~.

2282 ~~[(d) education and training of board members.]~~

2283 Section 48. Section 58-76-302 is amended to read:

2284 **58-76-302. Qualifications for licensure.**

2285 Each applicant for licensure as a professional geologist shall:

2286 (1) submit an application in a form as prescribed by the division;

2287 (2) pay a fee as determined by the department under Section 63J-1-504;

2288 (3) provide satisfactory evidence of:

2289 (a) a bachelors or graduate degree in the geosciences granted through an institution of
2290 higher education that is accredited by a regional or national accrediting agency with a minimum
2291 of 30 semester or 45 quarter hours of course work in the geosciences; or

2292 (b) completion of other equivalent educational requirements as determined by the
2293 division [~~in collaboration with the board~~];

2294 (4) provide satisfactory evidence of:

2295 (a) with a bachelors degree, a specific record of five years of active professional
2296 practice in geological work of a character satisfactory to the division, indicating the applicant is
2297 competent to be placed in a responsible charge of the work;

2298 (b) with a masters degree, a specific record of three years of active professional
2299 practice in geological work of a character satisfactory to the division, indicating the applicant is
2300 competent to be placed in a responsible charge of the work; or

2301 (c) with a doctorate degree, a specific record of one year of active professional practice
2302 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; and

2304 (5) after January 1, 2004, meet the examination requirement established by rule by the
2305 division [~~in collaboration with the board~~].

2306 Section 49. Section **58-76-601** is amended to read:

2307 **58-76-601. Seal -- Design and implementation.**

2308 Every professional geologist shall have a seal, the design and implementation of which
2309 shall be established by rule by the division [~~in collaboration with the board~~].

2310 Section 50. Section **58-76-603** is amended to read:

2311 **58-76-603. Seal -- Authorized use.**

2312 A professional geologist may only affix the licensee's seal to a geologic map,
2313 cross-section, sketch, drawing, plan, or report if the geologic map, cross-section, sketch,
2314 drawing, plan, or report:

2315 (1) was personally prepared by the licensee;

2316 (2) was prepared by an employee, subordinate, associate, or drafter under the
2317 supervision of a licensee, provided the licensee or a principal affixing his seal assumes
2318 responsibility;

2319 (3) was prepared by a licensed professional geologist in this state or any other state

2320 provided:

2321 (a) the licensee in this state affixing the seal performs a thorough review of all work for
2322 compliance with all applicable laws and rules and the standards of the profession; and

2323 (b) makes any necessary corrections before submitting the final plan, specification, or
2324 report:

2325 (i) to a public authority; or

2326 (ii) to a client who has contracted with a professional geologist for the geologic map,
2327 cross-section, or report to be complete and final;

2328 (4) was prepared in part by a licensed professional geologist in this state or any other
2329 state provided:

2330 (a) the licensee in this state clearly identifies that portion of the geologic map,
2331 cross-section, or report for which the licensee is responsible;

2332 (b) the licensee in this state affixing the seal performs a thorough review of that portion
2333 of the geologic map, cross-section, or report for which the licensee is responsible for
2334 compliance with the standards of the profession; and

2335 (c) makes any necessary corrections before submitting the final geologic map,
2336 cross-section, or report for which the licensee is responsible:

2337 (i) to a public authority; or

2338 (ii) to a client who has contracted with a professional geologist for the geologic map,
2339 cross-section, or report to be complete and final;

2340 (5) was prepared by a person exempt from licensure as a professional geologist
2341 provided that:

2342 (a) the licensee in this state affixing the seal performs a thorough review for
2343 compliance with all applicable laws and rules and the standards of the profession; and

2344 (b) makes any necessary corrections before submitting the final geologic map,
2345 cross-section, or report:

2346 (i) to a public authority; or

2347 (ii) to a client who has contracted with a professional geologist for the geologic map,
2348 cross-section, or report to be complete and final; or

2349 (6) meets any additional requirements established by rule by the division [~~in~~
2350 ~~collaboration with the board~~].

2351 Section 51. Section **58-77-102** is amended to read:

2352 **58-77-102. Definitions.**

2353 In addition to the definitions in Section **58-1-102**, as used in this chapter:

2354 [~~(1)~~] "~~Board~~" means the ~~Licensed Direct-entry Midwife Board created in Section~~
2355 ~~58-77-201.~~]

2356 [~~(2)~~] (1) "Certified nurse-midwife" means a person licensed under Title 58, Chapter
2357 44a, Nurse Midwife Practice Act.

2358 [~~(3)~~] (2) "Client" means a woman and her fetus or newborn baby under the care of a
2359 direct-entry midwife.

2360 [~~(4)~~] (3) "Direct-entry midwife" means an individual who is engaging in the practice of
2361 direct-entry midwifery.

2362 [~~(5)~~] (4) "Licensed direct-entry midwife" means a person licensed under this chapter.

2363 [~~(6)~~] (5) "Low risk" means a labor and delivery and postpartum, newborn, and
2364 interconceptual care that does not include a condition that requires a mandatory transfer under
2365 administrative rules adopted by the division.

2366 [~~(7)~~] (6) "Physician" means an individual licensed as a physician and surgeon,
2367 osteopathic physician, or naturopathic physician.

2368 [~~(8)~~] (7) "Practice of direct-entry midwifery" means the practice of providing the
2369 necessary supervision, care, and advice to a client during essentially normal pregnancy, labor,
2370 delivery, postpartum, and newborn periods that is consistent with national professional
2371 midwifery standards and that is based upon the acquisition of clinical skills necessary for the
2372 care of a pregnant woman and a newborn baby, including antepartum, intrapartum, postpartum,
2373 newborn, and limited interconceptual care, and includes:

- 2374 (a) obtaining an informed consent to provide services;
- 2375 (b) obtaining a health history, including a physical examination;
- 2376 (c) developing a plan of care for a client;
- 2377 (d) evaluating the results of client care;
- 2378 (e) consulting and collaborating with and referring and transferring care to licensed
2379 health care professionals, as is appropriate, regarding the care of a client;
- 2380 (f) obtaining medications, as specified in this Subsection [~~(8)(f)~~] (7)(f), to administer to
2381 a client, including:

- 2382 (i) prescription vitamins;
- 2383 (ii) Rho D immunoglobulin;
- 2384 (iii) sterile water;
- 2385 (iv) one dose of intramuscular oxytocin after the delivery of a baby to minimize a
- 2386 client's blood loss;
- 2387 (v) an additional single dose of oxytocin if a hemorrhage occurs, in which case the
- 2388 licensed direct-entry midwife must initiate transfer if a client's condition does not immediately
- 2389 improve;
- 2390 (vi) oxygen;
- 2391 (vii) local anesthetics without epinephrine used in accordance with Subsection [~~(8)~~(7)(~~1~~)
- 2392 (7)(1);
- 2393 (viii) vitamin K to prevent hemorrhagic disease of a newborn baby;
- 2394 (ix) as required by law, eye prophylaxis to prevent ophthalmia neonatorum; and
- 2395 (x) any other medication approved by a licensed health care provider with authority to
- 2396 prescribe that medication;
- 2397 (g) obtaining food, food extracts, dietary supplements, as defined by the federal Food,
- 2398 Drug, and Cosmetic Act, homeopathic remedies, plant substances that are not designated as
- 2399 prescription drugs or controlled substances, and over-the-counter medications to administer to
- 2400 clients;
- 2401 (h) obtaining and using appropriate equipment and devices such as a Doppler, a blood
- 2402 pressure cuff, phlebotomy supplies, instruments, and sutures;
- 2403 (i) obtaining appropriate screening and testing, including laboratory tests, urinalysis,
- 2404 and ultrasound scans;
- 2405 (j) managing the antepartum period;
- 2406 (k) managing the intrapartum period, including:
- 2407 (i) monitoring and evaluating the condition of a mother and a fetus;
- 2408 (ii) performing an emergency episiotomy; and
- 2409 (iii) delivering a baby in any out-of-hospital setting;
- 2410 (l) managing the postpartum period, including the suturing of an episiotomy and the
- 2411 suturing of first and second degree natural perineal and labial lacerations, including the
- 2412 administration of a local anesthetic;

- 2413 (m) managing the newborn period, including:
2414 (i) providing care for a newborn baby, including performing a normal newborn baby
2415 examination; and
2416 (ii) resuscitating a newborn baby;
2417 (n) providing limited interconceptual services in order to provide continuity of care,
2418 including:
2419 (i) breastfeeding support and counseling;
2420 (ii) family planning, limited to natural family planning, cervical caps, and diaphragms;
2421 and
2422 (iii) pap smears, where each client with an abnormal result is to be referred to an
2423 appropriate licensed health care provider; and
2424 (o) executing the orders of a licensed health care professional, if the orders are within
2425 the education, knowledge, and skill of the direct-entry midwife.

2426 ~~[(9)]~~ (8) "Unlawful conduct" means the same as that term is defined in Sections
2427 [58-1-501](#) and [58-77-501](#).

2428 ~~[(10)]~~ (9) "Unprofessional conduct" means the same as that term is defined in Sections
2429 [58-1-501](#) and [58-77-502](#) and as may be further defined by rule.

2430 Section 52. Section **58-77-302** is amended to read:

2431 **58-77-302. Qualifications for licensure.**

2432 Each applicant for licensure as a licensed direct-entry midwife shall:

- 2433 (1) submit an application in a form prescribed by the division;
2434 (2) pay a fee as determined by the department under Section [63J-1-504](#);
2435 (3) hold a Certified Professional Midwife certificate in good standing with the North
2436 American Registry of Midwives or equivalent certification approved by the division [~~in~~
2437 ~~collaboration with the board~~];
2438 (4) hold current adult and infant CPR and newborn resuscitation certifications through
2439 an organization approved by the division [~~in collaboration with the board~~]; and
2440 (5) provide documentation of successful completion of an approved pharmacology
2441 course as defined by division rule.

2442 Section 53. Section **58-83-102** is amended to read:

2443 **58-83-102. Definitions.**

2444 In addition to the definitions in Section 58-1-102, as used in this chapter:

2445 [~~(1)~~] "~~Board~~" means the ~~Online Prescribing, Dispensing, and Facilitation Licensing~~
2446 ~~Board created in Section 58-83-201.~~]

2447 [~~(2)~~] (1) "Branching questionnaire" means an adaptive and progressive assessment tool
2448 [approved by the board].

2449 [~~(3)~~] (2) "Delivery of online pharmaceutical services" means the process in which a
2450 prescribing practitioner diagnoses a patient and prescribes one or more of the drugs authorized
2451 by Section 58-83-306, using:

2452 (a) a branching questionnaire or other assessment tool approved by the division for the
2453 purpose of diagnosing and assessing a patient's health status;

2454 (b) an Internet contract pharmacy to:

2455 (i) dispense the prescribed drug; or

2456 (ii) transfer the prescription to another pharmacy; and

2457 (c) an Internet facilitator to facilitate the practices described in Subsections [~~(3)~~](a) and
2458 ~~(b)~~] (2)(a) and (b).

2459 [~~(4)~~] (3) "Division" means the Division of Professional Licensing.

2460 [~~(5)~~] (4) "Internet facilitator" means a licensed provider of a web-based system for
2461 electronic communication between and among an online prescriber, the online prescriber's
2462 patient, and the online contract pharmacy.

2463 [~~(6)~~] (5) "Online contract pharmacy" means a pharmacy licensed and in good standing
2464 under Chapter 17b, Pharmacy Practice Act, as either a Class A Retail Pharmacy or a Class B
2465 Closed Door Pharmacy and licensed under this chapter to fulfill prescriptions issued by an
2466 online prescriber through a specific Internet facilitator.

2467 [~~(7)~~] (6) "Online prescriber" means a person:

2468 (a) licensed under another chapter of this title;

2469 (b) whose license under another chapter of this title includes assessing, diagnosing, and
2470 prescribing authority for humans; and

2471 (c) who has obtained a license under this chapter to engage in online prescribing.

2472 [~~(8)~~] (7) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-83-501.

2473 [~~(9)~~] (8) "Unprofessional conduct" is as defined in Sections 58-1-203 and 58-83-502,
2474 and as further defined by the division in accordance with Title 63G, Chapter 3, Utah

2475 Administrative Rulemaking Act.

2476 Section 54. Section **58-83-302** is amended to read:

2477 **58-83-302. Qualifications for licensure.**

2478 (1) Each applicant for licensure as an online prescriber under this chapter shall:

2479 (a) submit an application in a form prescribed by the division;

2480 (b) pay a fee determined by the department under Section **63J-1-504**;

2481 (c) document that the applicant holds a Utah license that is active and in good standing

2482 and authorizes the licensee to engage in the assessment, diagnosis, and treatment of human

2483 ailments and the prescription of medications;

2484 (d) document that any other professional license the applicant possesses from other

2485 jurisdictions is in good standing;

2486 (e) (i) submit to the division an outline of the applicant's proposed online assessment,

2487 diagnosis, and prescribing tool, such as a branching questionnaire; and

2488 (ii) demonstrate the proposed online assessment, diagnosis, and prescribing tool to the

2489 [board] division and establish to the [board's] division's satisfaction that the utilization of that

2490 assessment tool to facilitate the prescription of the drugs approved for online prescribing under

2491 Section **58-83-305** does not compromise the public's health, safety, or welfare;

2492 (f) submit policies and procedures that address patient confidentiality, including

2493 measures that will be taken to ensure that the age and other identifying information of the

2494 person completing the online branching questionnaire are accurate;

2495 (g) describe the mechanism by which the online prescriber and patient will

2496 communicate with one another, including electronic and telephonic communication;

2497 (h) describe how the online prescriber/patient relationship will be established and

2498 maintained;

2499 (i) submit the name, address, and contact person of the Internet facilitator with whom

2500 the online prescriber has contracted to provide services that the online prescriber will use to

2501 engage in online assessment, diagnosis, and prescribing; and

2502 (j) submit documentation satisfactory to the [board] division regarding public health,

2503 safety, and welfare demonstrating:

2504 (i) how the online prescriber will comply with the requirements of Section **58-83-305**;

2505 (ii) the contractual services arrangement between the online prescriber and:

- 2506 (A) the Internet facilitator; and
2507 (B) the online contract pharmacy; and
2508 (iii) how the online prescriber will allow and facilitate the division's ability to conduct
2509 audits in accordance with Section 58-83-308.
- 2510 (2) An online prescriber may not use the services of an Internet facilitator or online
2511 contract pharmacy whose license is not active and in good standing.
- 2512 (3) Each applicant for licensure as an online contract pharmacy under this chapter
2513 shall:
- 2514 (a) be licensed in good standing in Utah as a Class A Retail Pharmacy or a Class B
2515 Closed Door Pharmacy;
- 2516 (b) submit a written application in the form prescribed by the division;
- 2517 (c) pay a fee as determined by the department under Section 63J-1-504;
- 2518 (d) submit any contract between the applicant and the Internet facilitator with which
2519 the applicant is or will be affiliated;
- 2520 (e) submit proof of liability insurance acceptable to the division that expressly covers
2521 all activities the online contract pharmacy will engage in under this chapter, which coverage
2522 shall be in a minimum amount of \$1,000,000 per occurrence with a policy limit of not less than
2523 \$3,000,000;
- 2524 (f) submit a signed affidavit to the division attesting that the online contract pharmacy
2525 will not dispense a drug that is prescribed by an online prescriber engaged in the delivery of
2526 online pharmaceutical services under the provisions of this chapter unless:
- 2527 (i) the drug is specifically approved by the division under Section 58-83-306; and
2528 (ii) both the prescribing and the dispensing of the drug were facilitated by the Internet
2529 facilitator with whom the Internet contract pharmacy is associated under Subsection (3)(d);
- 2530 (g) document that any other professional license the applicant possesses from other
2531 jurisdictions is active and in good standing; and
- 2532 (h) demonstrate to the division that the applicant has satisfied any background check
2533 required by Section 58-17b-307, and each owner, officer, or manager of the applicant online
2534 contract pharmacy has not engaged in any act, practice, or omission, which when considered
2535 with the duties and responsibilities of a licensee under this chapter indicates there is cause to
2536 believe that issuing a license under this chapter is inconsistent with the public's health, safety,

2537 or welfare.

2538 (4) Each applicant for licensure as an Internet facilitator under this chapter shall:

2539 (a) submit a written application in the form prescribed by the division;

2540 (b) pay a fee as determined by the department under Section [63J-1-504](#);

2541 (c) submit any contract between the applicant and the following with which the
2542 applicant will be affiliated:

2543 (i) each online prescriber; and

2544 (ii) the single online contract pharmacy;

2545 (d) submit written policies and procedures satisfactory to the division that:

2546 (i) address patient privacy, including compliance with 45 C.F.R. Parts 160, 162, and
2547 164, Health Insurance Portability and Accountability Act of 1996;

2548 (ii) ensure compliance with all applicable laws by health care personnel and the online
2549 prescriber who will process patient communications;

2550 (iii) list the hours of operation;

2551 (iv) describe the types of services that will be permitted electronically;

2552 (v) describe the required patient information to be included in the communication, such
2553 as patient name, identification number, and type of transaction;

2554 (vi) establish procedures for archiving and retrieving information; and

2555 (vii) establish quality oversight mechanisms;

2556 (e) submit written documentation of the applicant's security measures to ensure the
2557 confidentiality and integrity of any user-identifiable medical information;

2558 (f) submit a description of the mechanism for:

2559 (i) patients to access, supplement, and amend patient-provided personal health
2560 information;

2561 (ii) back-up regarding the Internet facilitator electronic interface;

2562 (iii) the quality of information and services provided via the interface; and

2563 (iv) patients to register complaints regarding the Internet facilitator, the online
2564 prescriber, or the online contract pharmacy;

2565 (g) submit a copy of the Internet facilitator's website;

2566 (h) sign an affidavit attesting that:

2567 (i) the applicant will not access any medical records or information contained in the

2568 medical record except as necessary to administer the website and the branching questionnaire;
2569 and

2570 (ii) the applicant and its principals, and any entities affiliated with them, will only use
2571 the services of a single online contract pharmacy named on the license approved by the
2572 division; and

2573 (i) submit any other information required by the division.

2574 Section 55. Section **58-83-401** is amended to read:

2575 **58-83-401. Grounds for denial of license -- Disciplinary proceedings --**

2576 **Termination of authority to prescribe -- Immediate and significant danger.**

2577 (1) Grounds for refusing to issue a license to an applicant, for refusing to renew the
2578 license of a licensee, for revoking, suspending, restricting, or placing on probation the license
2579 of a licensee, for issuing a public reprimand to a licensee, and for issuing a cease and desist
2580 order:

2581 (a) shall be in accordance with Section **58-1-401**; and

2582 (b) includes:

2583 (i) prescribing, dispensing, or facilitating the prescribing or dispensing of a drug not
2584 approved by the ~~[board]~~ division under Section **58-83-306**; or

2585 (ii) any other violation of this chapter.

2586 (2) The termination or expiration of a license under this chapter for any reason does not
2587 limit the division's authority to start or continue any investigation or adjudicative proceeding.

2588 (3) (a) Because of the working business relationship between and among the online
2589 prescriber, the Internet facilitator, and the online contract pharmacy, each entity's ability to
2590 comply with this chapter may depend in some respects on the actions of the others.

2591 (b) It is possible that a particular action or inaction by the online prescriber, the Internet
2592 facilitator, or the online contract pharmacy could have the effect of causing the other licensed
2593 entities to be out of compliance with this chapter, and each entity may, therefore, be held
2594 accountable for any related party's non-compliance, if the party knew or reasonably should
2595 have known of the other person's non-compliance.

2596 (4) (a) An online prescriber may lose the practitioner's professional license to prescribe
2597 any drug under this title if the online prescriber knew or reasonably should have known that the
2598 provisions of this chapter were violated by the online prescriber, the Internet facilitator, or the

2599 online contract pharmacy.

2600 (b) It is not a defense to an alleged violation under this chapter that the alleged
2601 violation was a result of an action or inaction not by the charged party but by the related online
2602 prescriber, the online contract pharmacy, or the Internet facilitator.

2603 (5) The following actions may result in an immediate suspension of the online
2604 prescriber's license, the online contract pharmacy's license, or the Internet facilitator's license,
2605 and each is considered an immediate and significant danger to the public health, safety, or
2606 welfare requiring immediate action by the division pursuant to Section 63G-4-502 to terminate
2607 the delivery of online pharmaceutical services by the licensee:

2608 (a) online prescribing, dispensing, or facilitation with respect to:

2609 (i) a person who is younger than 18 years old;

2610 (ii) a legend drug not authorized by the division in accordance with Section 58-83-306;

2611 and

2612 (iii) any controlled substance;

2613 (b) violating this chapter after having been given reasonable opportunity to cure the
2614 violation;

2615 (c) using the name or official seal of the state, the department, or the division, or their
2616 boards, in an unauthorized manner; or

2617 (d) failing to respond to a request from the division within the time frame requested
2618 for:

2619 (i) an audit of the website; or

2620 (ii) records of the online prescriber, the Internet facilitator, or the online contract
2621 pharmacy.

2622 Section 56. Section 61-2c-301 is amended to read:

2623 **61-2c-301. Prohibited conduct -- Violations of the chapter.**

2624 (1) A person transacting the business of residential mortgage loans in this state may
2625 not:

2626 (a) violate Section 8 of RESPA;

2627 (b) charge a fee in connection with a residential mortgage loan transaction:

2628 (i) that is excessive; or

2629 (ii) without providing to the loan applicant a written statement signed by the loan

2630 applicant:

2631 (A) stating whether or not the fee or deposit is refundable; and

2632 (B) describing the conditions, if any, under which all or a portion of the fee or deposit

2633 will be refunded to the loan applicant;

2634 (c) act incompetently in the transaction of the business of residential mortgage loans

2635 such that the person fails to:

2636 (i) safeguard the interests of the public; or

2637 (ii) conform to acceptable standards of the residential mortgage loan industry;

2638 (d) do any of the following as part of a residential mortgage loan transaction, regardless

2639 of whether the residential mortgage loan closes:

2640 (i) make a false statement or representation;

2641 (ii) cause false documents to be generated; or

2642 (iii) knowingly permit false information to be submitted by any party;

2643 (e) give or receive compensation or anything of value, or withhold or threaten to

2644 withhold payment of an appraiser fee, to influence the independent judgment of an appraiser in

2645 reaching a value conclusion in a residential mortgage loan transaction, except that it is not a

2646 violation of this section for a licensee to withhold payment because of a bona fide dispute

2647 regarding a failure of the appraiser to comply with the licensing law or the Uniform Standards

2648 of Professional Appraisal Practice;

2649 (f) violate or not comply with:

2650 (i) this chapter;

2651 (ii) an order of the commission or division; or

2652 (iii) a rule made by the division;

2653 (g) fail to respond within the required time period to:

2654 (i) a notice or complaint of the division; or

2655 (ii) a request for information from the division;

2656 (h) make false representations to the division, including in a licensure statement;

2657 (i) engage in the business of residential mortgage loans with respect to the transaction

2658 if the person also acts in any of the following capacities with respect to the same residential

2659 mortgage loan transaction:

2660 (i) appraiser;

- 2661 (ii) escrow agent;
- 2662 (iii) real estate agent;
- 2663 (iv) general contractor; or
- 2664 (v) title insurance producer;
- 2665 (j) engage in unprofessional conduct as defined by rule;
- 2666 (k) engage in an act or omission in transacting the business of residential mortgage
- 2667 loans that constitutes dishonesty, fraud, or misrepresentation;
- 2668 (l) engage in false or misleading advertising;
- 2669 (m) (i) fail to account for money received in connection with a residential mortgage
- 2670 loan;
- 2671 (ii) use money for a different purpose from the purpose for which the money is
- 2672 received; or
- 2673 (iii) except as provided in Subsection (4), retain money paid for services if the services
- 2674 are not performed;
- 2675 (n) fail to provide a prospective borrower a copy of each appraisal and any other
- 2676 written valuation developed in connection with an application for credit that is to be secured by
- 2677 a first lien on a dwelling in accordance with Subsection (5);
- 2678 (o) engage in an act that is performed to:
- 2679 (i) evade this chapter; or
- 2680 (ii) assist another person to evade this chapter;
- 2681 (p) recommend or encourage default, delinquency, or continuation of an existing
- 2682 default or delinquency, by a mortgage applicant on an existing indebtedness before the closing
- 2683 of a residential mortgage loan that will refinance all or part of the indebtedness;
- 2684 (q) in the case of the lending manager of an entity or a branch office of an entity, fail to
- 2685 exercise reasonable supervision over the activities of:
- 2686 (i) unlicensed staff; or
- 2687 (ii) a mortgage loan originator who is affiliated with the lending manager;
- 2688 (r) pay or offer to pay an individual who does not hold a license under this chapter for
- 2689 work that requires the individual to hold a license under this chapter;
- 2690 (s) in the case of a dual licensed title licensee as defined in Section [~~31A-2-402~~]
- 2691 [31A-23a-119](#):

2692 (i) provide a title insurance product or service without the approval required by Section
2693 [~~31A-2-405~~] [31A-23a-119](#); or

2694 (ii) knowingly provide false or misleading information in the statement required by
2695 Subsection [~~31A-2-405(2)~~] [31A-23a-119\(3\)](#);

2696 (t) represent to the public that the person can or will perform any act of a mortgage
2697 loan originator if that person is not licensed under this chapter because the person is exempt
2698 under Subsection [61-2c-105\(4\)](#), including through:

2699 (i) advertising;

2700 (ii) a business card;

2701 (iii) stationery;

2702 (iv) a brochure;

2703 (v) a sign;

2704 (vi) a rate list; or

2705 (vii) other promotional item;

2706 (u) (i) engage in an act of loan modification assistance without being licensed under
2707 this chapter;

2708 (ii) engage in an act of foreclosure rescue that requires licensure as a real estate agent
2709 or real estate broker under Chapter 2, Division of Real Estate, without being licensed under
2710 that chapter;

2711 (iii) engage in an act of loan modification assistance without entering into a written
2712 agreement specifying which one or more acts of loan modification assistance will be
2713 completed;

2714 (iv) request or require a person to pay a fee before obtaining:

2715 (A) a written offer for a loan modification from the person's lender or servicer; and

2716 (B) the person's written acceptance of the offer from the lender or servicer;

2717 (v) induce a person seeking a loan modification to hire the licensee to engage in an act
2718 of loan modification assistance by:

2719 (A) suggesting to the person that the licensee has a special relationship with the
2720 person's lender or loan servicer; or

2721 (B) falsely representing or advertising that the licensee is acting on behalf of:

2722 (I) a government agency;

- 2723 (II) the person's lender or loan servicer; or
2724 (III) a nonprofit or charitable institution;
2725 (vi) recommend or participate in a loan modification that requires a person to:
2726 (A) transfer title to real property to the licensee or to a third-party with whom the
2727 licensee has a business relationship or financial interest;
2728 (B) make a mortgage payment to a person other than the person's loan servicer; or
2729 (C) refrain from contacting the person's:
2730 (I) lender;
2731 (II) loan servicer;
2732 (III) attorney;
2733 (IV) credit counselor; or
2734 (V) housing counselor; or
2735 (vii) for an agreement for loan modification assistance entered into on or after May 11,
2736 2010, engage in an act of loan modification assistance without offering in writing to the person
2737 entering into the agreement for loan modification assistance a right to cancel the agreement
2738 within three business days after the day on which the person enters the agreement;
2739 (v) sign or initial a document on behalf of another person, except for in a circumstance
2740 allowed by the division by rule, with the concurrence of the commission, made in accordance
2741 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
2742 (w) violate or fail to comply with a provision of Title 57, Chapter 28, Utah Reverse
2743 Mortgage Act; or
2744 (x) engage in any act or practice that violates appraisal independence as defined in 15
2745 U.S.C. Sec. 1639e or in the policies and procedures of:
2746 (i) the Federal Home Loan Mortgage Corporation; or
2747 (ii) the Federal National Mortgage Association.
2748 (2) Regardless of whether the crime is related to the business of residential mortgage
2749 loans, it is a violation of this chapter for a licensee or a person who is a certified education
2750 provider to:
2751 (a) be convicted of:
2752 (i) a felony; or
2753 (ii) any of the following involving fraud, misrepresentation, theft, or dishonesty:

- 2754 (A) a class A misdemeanor;
- 2755 (B) a class B misdemeanor; or
- 2756 (C) a criminal offense comparable to a class A or class B misdemeanor;
- 2757 (b) plead guilty or nolo contendere to:
- 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; or
- 2763 (c) enter into a plea in abeyance agreement in relation 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.
- 2769 (3) A lending manager does not violate Subsection (1)(q) if:
- 2770 (a) in contravention of the lending manager's written policies and instructions, an
- 2771 affiliated licensee of the lending manager violates:
- 2772 (i) this chapter; or
- 2773 (ii) rules made by the division under this chapter;
- 2774 (b) the lending manager established and followed reasonable procedures to ensure that
- 2775 affiliated licensees receive adequate supervision;
- 2776 (c) upon learning of a violation by an affiliated licensee, the lending manager
- 2777 attempted to prevent or mitigate the damage;
- 2778 (d) the lending manager did not participate in or ratify the violation by an affiliated
- 2779 licensee; and
- 2780 (e) the lending manager did not attempt to avoid learning of the violation.
- 2781 (4) Notwithstanding Subsection (1)(m)(iii), a licensee may, upon compliance with
- 2782 Section [70D-2-305](#), charge a reasonable cancellation fee for work done originating a mortgage
- 2783 if the mortgage is not closed.
- 2784 (5) (a) Except as provided in Subsection (5)(b), a person transacting the business of

2785 residential mortgage loans in this state shall provide a prospective borrower a copy of each
2786 appraisal and any other written valuation developed in connection with an application for credit
2787 that is to be secured by a first lien on a dwelling on or before the earlier of:

2788 (i) as soon as reasonably possible after the appraisal or other valuation is complete; or

2789 (ii) three business days before the day of the settlement.

2790 (b) Subject to Subsection (5)(c), unless otherwise prohibited by law, a prospective
2791 borrower may waive the timing requirement described in Subsection (5)(a) and agree to receive
2792 each appraisal and any other written valuation:

2793 (i) less than three business days before the day of the settlement; or

2794 (ii) at the settlement.

2795 (c) (i) Except as provided in Subsection (5)(c)(ii), a prospective borrower shall submit
2796 a waiver described in Subsection (5)(b) at least three business days before the day of the
2797 settlement.

2798 (ii) Subsection (5)(b) does not apply if the waiver only pertains to a copy of an
2799 appraisal or other written valuation that contains only clerical changes from a previous version
2800 of the appraisal or other written valuation and the prospective borrower received a copy of the
2801 original appraisal or other written valuation at least three business days before the day of the
2802 settlement.

2803 (d) If a prospective borrower submits a waiver described in Subsection (5)(b) and the
2804 transaction never completes, the person transacting the business of residential mortgage loans
2805 shall provide a copy of each appraisal or any other written valuation to the applicant no later
2806 than 30 days after the day on which the person knows the transaction will not complete.

2807 Section 57. Section **61-2f-401** is amended to read:

2808 **61-2f-401. Grounds for disciplinary action.**

2809 The following acts are unlawful and grounds for disciplinary action for a person
2810 licensed or required to be licensed under this chapter:

2811 (1) (a) making a substantial misrepresentation, including in a licensure statement;

2812 (b) making an intentional misrepresentation;

2813 (c) pursuing a continued and flagrant course of misrepresentation;

2814 (d) making a false representation or promise through an agent, sales agent, advertising,
2815 or otherwise; or

- 2816 (e) making a false representation or promise of a character likely to influence,
2817 persuade, or induce;
- 2818 (2) acting for more than one party in a transaction without the informed written consent
2819 of the parties;
- 2820 (3) (a) acting as an associate broker or sales agent while not affiliated with a principal
2821 broker;
- 2822 (b) representing or attempting to represent a principal broker other than the principal
2823 broker with whom the person is affiliated; or
- 2824 (c) representing as sales agent or having a contractual relationship similar to that of
2825 sales agent with a person other than a principal broker;
- 2826 (4) (a) failing, within a reasonable time, to account for or to remit money that belongs
2827 to another and comes into the person's possession;
- 2828 (b) commingling money described in Subsection (4)(a) with the person's own money;
2829 or
- 2830 (c) diverting money described in Subsection (4)(a) from the purpose for which the
2831 money is received;
- 2832 (5) paying or offering to pay valuable consideration to a person not licensed under this
2833 chapter, except that valuable consideration may be shared:
- 2834 (a) with a principal broker of another jurisdiction; or
2835 (b) as provided under:
- 2836 (i) Title 16, Chapter 10a, Utah Revised Business Corporation Act;
2837 (ii) Title 16, Chapter 11, Professional Corporation Act; or
2838 (iii) Title 48, Chapter 3a, Utah Revised Uniform Limited Liability Company Act, as
2839 appropriate pursuant to Section [48-3a-1405](#);
- 2840 (6) for a principal broker, paying or offering to pay a sales agent or associate broker
2841 who is not affiliated with the principal broker at the time the sales agent or associate broker
2842 earned the compensation;
- 2843 (7) being incompetent to act as a principal broker, associate broker, or sales agent in
2844 such manner as to safeguard the interests of the public;
- 2845 (8) failing to voluntarily furnish a copy of a document to the parties before and after the
2846 execution of a document;

- 2847 (9) failing to keep and make available for inspection by the division a record of each
2848 transaction, including:
- 2849 (a) the names of buyers and sellers or lessees and lessors;
 - 2850 (b) the identification of real estate;
 - 2851 (c) the sale or rental price;
 - 2852 (d) money received in trust;
 - 2853 (e) agreements or instructions from buyers and sellers or lessees and lessors; and
 - 2854 (f) any other information required by rule;
- 2855 (10) failing to disclose, in writing, in the purchase, sale, or rental of real estate, whether
2856 the purchase, sale, or rental is made for that person or for an undisclosed principal;
- 2857 (11) regardless of whether the crime is related to the business of real estate:
- 2858 (a) be convicted of:
 - 2859 (i) a felony; or
 - 2860 (ii) any of the following involving fraud, misrepresentation, theft, or dishonesty:
 - 2861 (A) a class A misdemeanor;
 - 2862 (B) a class B misdemeanor; or
 - 2863 (C) a criminal offense comparable to a class A or class B misdemeanor;
 - 2864 (b) plead guilty or nolo contendere to:
 - 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 (c) enter into a plea in abeyance agreement in relation 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 (12) advertising the availability of real estate or the services of a licensee in a false,
2877 misleading, or deceptive manner;

2878 (13) in the case of a principal broker or a branch broker, failing to exercise active and
2879 reasonable supervision, as the commission may define by rule made in accordance with Title
2880 63G, Chapter 3, Utah Administrative Rulemaking Act, over the activities of the principal
2881 broker's or branch broker's licensed or unlicensed staff;

2882 (14) violating or disregarding:

2883 (a) this chapter;

2884 (b) an order of the commission; or

2885 (c) the rules adopted by the commission and the division;

2886 (15) breaching a fiduciary duty owed by a licensee to the licensee's principal in a real
2887 estate transaction;

2888 (16) any other conduct which constitutes dishonest dealing;

2889 (17) having one of the following suspended, revoked, surrendered, or cancelled on the
2890 basis of misconduct in a professional capacity that relates to character, honesty, integrity, or
2891 truthfulness:

2892 (a) a real estate license, registration, or certificate issued by another jurisdiction; or

2893 (b) another license, registration, or certificate to engage in an occupation or profession
2894 issued by this state or another jurisdiction;

2895 (18) failing to respond to a request by the division in an investigation authorized under
2896 this chapter within 10 days after the day on which the request is served, including:

2897 (a) failing to respond to a subpoena;

2898 (b) withholding evidence; or

2899 (c) failing to produce documents or records;

2900 (19) in the case of a dual licensed title licensee as defined in Section [\[31A-2-402\]](#)

2901 [31A-23a-119](#):

2902 (a) providing a title insurance product or service without the approval required by
2903 Section [\[31A-2-405\]](#) [31A-23a-119](#); or

2904 (b) knowingly providing false or misleading information in the statement required by
2905 Subsection [\[31A-2-405\(2\)\]](#) [31A-23a-119\(3\)](#);

2906 (20) violating an independent contractor agreement between a principal broker and a
2907 sales agent or associate broker as evidenced by a final judgment of a court;

2908 (21) (a) engaging in an act of loan modification assistance that requires licensure as a

2909 mortgage officer under Chapter 2c, Utah Residential Mortgage Practices and Licensing Act,
2910 without being licensed under that chapter;

2911 (b) engaging in an act of foreclosure rescue without entering into a written agreement
2912 specifying what one or more acts of foreclosure rescue will be completed;

2913 (c) inducing a person who is at risk of foreclosure to hire the licensee to engage in an
2914 act of foreclosure rescue by:

2915 (i) suggesting to the person that the licensee has a special relationship with the person's
2916 lender or loan servicer; or

2917 (ii) falsely representing or advertising that the licensee is acting on behalf of:

2918 (A) a government agency;

2919 (B) the person's lender or loan servicer; or

2920 (C) a nonprofit or charitable institution; or

2921 (d) recommending or participating in a foreclosure rescue that requires a person to:

2922 (i) transfer title to real estate to the licensee or to a third-party with whom the licensee
2923 has a business relationship or financial interest;

2924 (ii) make a mortgage payment to a person other than the person's loan servicer; or

2925 (iii) refrain from contacting the person's:

2926 (A) lender;

2927 (B) loan servicer;

2928 (C) attorney;

2929 (D) credit counselor; or

2930 (E) housing counselor;

2931 (22) taking or removing from the premises of a main office or a branch office, or
2932 otherwise limiting a real estate brokerage's access to or control over, a record that:

2933 (a) (i) the real estate brokerage's licensed staff, unlicensed staff, or affiliated
2934 independent contractor prepared; and

2935 (ii) is related to the business of:

2936 (A) the real estate brokerage; or

2937 (B) an associate broker, a branch broker, or a sales agent of the real estate brokerage; or

2938 (b) is related to the business administration of the real estate brokerage;

2939 (23) as a principal broker, placing a lien on real property, unless authorized by law;

2940 (24) as a sales agent or associate broker, placing a lien on real property for an unpaid
2941 commission or other compensation related to real estate brokerage services; or

2942 (25) failing to timely disclose to a buyer or seller an affiliated business arrangement, as
2943 defined in Section 31A-23a-1001, in accordance with the federal Real Estate Settlement
2944 Procedures Act, 12 U.S.C. Sec. 2601 et seq. and any rules made thereunder.

2945 Section 58. Section 61-2g-502 is amended to read:

2946 **61-2g-502. Disciplinary action -- Grounds.**

2947 (1) (a) The board may order disciplinary action, with the concurrence of the division,
2948 against a person:

2949 (i) registered, licensed, or certified under this chapter; or

2950 (ii) required to be registered, licensed, or certified under this chapter.

2951 (b) On the basis of a ground listed in Subsection (2) for disciplinary action, board
2952 action may include:

2953 (i) revoking, suspending, or placing a person's registration, license, or certification on
2954 probation;

2955 (ii) denying a person's original registration, license, or certification;

2956 (iii) denying a person's renewal license, certification, or registration;

2957 (iv) in the case of denial or revocation of a registration, license, or certification, setting
2958 a waiting period for an applicant to apply for a registration, license, or certification under this
2959 chapter;

2960 (v) ordering remedial education;

2961 (vi) imposing a civil penalty upon a person not to exceed the greater of:

2962 (A) \$5,000 for each violation; or

2963 (B) the amount of any gain or economic benefit from a violation;

2964 (vii) issuing a cease and desist order;

2965 (viii) modifying an action described in Subsections (1)(b)(i) through (vii) if the board,
2966 with the concurrence of the division, finds that the person complies with court ordered
2967 restitution; or

2968 (ix) doing any combination of Subsections (1)(b)(i) through (viii).

2969 (c) (i) If the board or division issues an order that orders a fine or educational
2970 requirements as part of the disciplinary action against a person, including a stipulation and

2971 order, the board or division shall state in the order the deadline by which the person shall
2972 comply with the fine or educational requirements.

2973 (ii) If a person fails to comply with a stated deadline:

2974 (A) the person's license, certificate, or registration is automatically suspended:

2975 (I) beginning on the day specified in the order as the deadline for compliance; and

2976 (II) ending the day on which the person complies in full with the order; and

2977 (B) if the person fails to pay a fine required by an order, the division may begin a
2978 collection process:

2979 (I) established by the division by rule made in accordance with Title 63G, Chapter 3,
2980 Utah Administrative Rulemaking Act; and

2981 (II) subject to Title 63A, Chapter 3, Part 5, Office of State Debt Collection.

2982 (2) The following are grounds for disciplinary action under this section:

2983 (a) procuring or attempting to procure a registration, license, or certification under this
2984 chapter:

2985 (i) by fraud; or

2986 (ii) by making a false statement, submitting false information, or making a material
2987 misrepresentation in an application filed with the division;

2988 (b) paying money or attempting to pay money other than a fee provided for by this
2989 chapter to a member or employee of the division to procure a registration, license, or
2990 certification under this chapter;

2991 (c) an act or omission in the practice of real estate appraising that constitutes
2992 dishonesty, fraud, or misrepresentation;

2993 (d) entry of a judgment against a registrant, licensee, or certificate holder on grounds of
2994 fraud, misrepresentation, or deceit in the making of an appraisal of real estate;

2995 (e) regardless of whether the crime is related to the appraisal business, to:

2996 (i) be convicted of a felony;

2997 (ii) be convicted of any of the following involving fraud, misrepresentation, theft, or
2998 dishonesty:

2999 (A) a class A misdemeanor;

3000 (B) a class B misdemeanor; or

3001 (C) a criminal offense comparable to a class A or class B misdemeanor;

- 3002 (iii) plead guilty or nolo contendere to a felony;
- 3003 (iv) plead guilty or nolo contendere to any of the following involving fraud,
- 3004 misrepresentation, theft, or 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 (v) enter into a plea in abeyance agreement involving a felony; or
- 3009 (vi) enter into a plea in abeyance agreement involving any of the following involving
- 3010 fraud, 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 (f) engaging in the business of real estate appraising under an assumed or fictitious
- 3015 name not properly registered in this state;
- 3016 (g) paying a finder's fee or a referral fee to a person not licensed or certified under this
- 3017 chapter in connection with an appraisal of real estate or real property in this state;
- 3018 (h) making a false or misleading statement in:
- 3019 (i) that portion of a written appraisal report that deals with professional qualifications;
- 3020 or
- 3021 (ii) testimony concerning professional qualifications;
- 3022 (i) violating or disregarding:
- 3023 (i) this chapter;
- 3024 (ii) an order of:
- 3025 (A) the board; or
- 3026 (B) the division, in a case when the board delegates to the division the authority to
- 3027 make a decision on behalf of the board; or
- 3028 (iii) a rule issued under this chapter;
- 3029 (j) violating the confidential nature of governmental records to which a person
- 3030 registered, licensed, or certified under this chapter gained access through employment or
- 3031 engagement as an appraiser by a governmental agency;
- 3032 (k) accepting a contingent fee for performing an appraisal if in fact the fee is or was

3033 contingent upon:

3034 (i) the appraiser reporting a predetermined analysis, opinion, or conclusion;

3035 (ii) the analysis, opinion, conclusion, or valuation reached; or

3036 (iii) the consequences resulting from the appraisal assignment;

3037 (l) unprofessional conduct as defined by statute or rule;

3038 (m) in the case of a dual licensed title licensee as defined in Section [~~31A-2-402~~]

3039 [31A-23a-119](#):

3040 (i) providing a title insurance product or service without the approval required by

3041 Section [~~31A-2-405~~] [31A-23a-119](#); or

3042 (ii) knowingly providing false or misleading information in the statement required by

3043 Subsection [~~31A-2-405(2)~~] [31A-23a-119\(3\)](#); or

3044 (n) other conduct that constitutes dishonest dealing.

3045 (3) A person previously licensed, certified, or registered under this chapter remains
3046 responsible for, and is subject to disciplinary action for, an act that the person committed, while
3047 the person was licensed, certified, or registered, in violation of this chapter or an administrative
3048 rule in effect at the time that the person committed the act, regardless of whether the person is
3049 currently licensed, certified, or registered.

3050 Section 59. Section **63A-16-107** is amended to read:

3051 **63A-16-107. Utah Open Data Portal Website.**

3052 (1) As used in this section:

3053 (a) "Governmental entity" means the same as that term is defined in Section

3054 [63G-2-103](#).

3055 (b) "Public information" means:

3056 (i) a record of a state governmental entity, a local governmental entity, or an

3057 independent entity that is classified as public under Title 63G, Chapter 2, Government Records
3058 Access and Management Act; or

3059 (ii) subject to any specific limitations and requirements regarding the provision of
3060 financial information from the entity under Section [67-3-12](#), for an entity that is exempt from
3061 Title 63G, Chapter 2, Government Records Access and Management Act, records that would
3062 normally be classified as public if the entity were not exempt from Title 63G, Chapter 2,
3063 Government Records Access and Management Act.

3064 (c) "Private, controlled, or protected information" means information classified as
3065 private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and
3066 Management Act.

3067 (d) "Website" means the Utah Open Data Portal Website created in this section.

3068 (2) There is created the Utah Open Data Portal Website to be administered by the
3069 division.

3070 (3) The website shall serve as a point of access for public information.

3071 (4) The division shall:

3072 (a) establish and maintain the website~~[- guided by the principles described in~~
3073 ~~Subsection 63A-18-202(2)];~~

3074 (b) provide equipment, resources, and personnel as needed to establish and maintain
3075 the website;

3076 (c) provide a mechanism for a governmental entity to gain access to the website for the
3077 purpose of posting and modifying public information; and

3078 (d) maintain an archive of all public information posted to the website.

3079 (5) The timing for posting and the content of the public information posted to the
3080 website is the responsibility of the governmental entity posting the public information.

3081 (6) A governmental entity may not post private, controlled, or protected information to
3082 the website.

3083 (7) A person who negligently discloses private, controlled, or protected information is
3084 not criminally or civilly liable for improper disclosure of the information if the information is
3085 disclosed solely as a result of the preparation or publication of the website.

3086 Section 60. Section **63I-1-226** is amended to read:

3087 **63I-1-226. Repeal dates: Titles 26 through 26B.**

3088 [~~1~~] Section ~~26-1-7.5~~, which creates the Utah Health Advisory Council, is repealed
3089 July 1, 2025.];

3090 [~~2~~] (1) Section 26-1-40 is repealed July 1, 2022.

3091 [~~3~~] (2) Section 26-1-41 is repealed July 1, 2026.

3092 [~~4~~] (3) Section 26-1-43 is repealed December 31, 2025.

3093 [~~5~~] (4) Section 26-7-10 is repealed July 1, 2025.

3094 [~~6~~] (5) Subsection 26-7-11(5), regarding reports to the Legislature, is repealed July 1,

- 3095 2028.
- 3096 [(7)] (6) Section 26-7-14 is repealed December 31, 2027.
- 3097 [(8)] (7) Section 26-8a-603 is repealed July 1, 2027.
- 3098 [(9)] (8) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed
3099 July 1, 2025.
- 3100 [(10)] (9) Subsection 26-10-6(5), which creates the Newborn Hearing Screening
3101 Committee, is repealed July 1, 2026.
- 3102 [(11)] (10) Section 26-10b-106, which creates the Primary Care Grant Committee, is
3103 repealed July 1, 2025.
- 3104 [(12)] (11) Subsection 26-15c-104(3), relating to a limitation on the number of
3105 microenterprise home kitchen permits that may be issued, is repealed July 1, 2022.
- 3106 [(13)] (12) Subsection 26-18-2.6(9), which addresses reimbursement for dental
3107 hygienists, is repealed July 1, 2028.
- 3108 [(14)] (13) Section 26-18-27 is repealed July 1, 2025.
- 3109 [(15)] (14) Section 26-18-28 is repealed June 30, 2027.
- 3110 [(16)] (15) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed
3111 July 1, 2027.
- 3112 [(17)] (16) Subsection 26-18-418(2), the language that states "and the Behavioral
3113 Health Crisis Response Commission created in Section 63C-18-202" is repealed July 1, 2023.
- 3114 [(18)] (17) Section 26-33a-117 is repealed December 31, 2023.
- 3115 [(19)] (18) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1,
3116 2024.
- 3117 [(20)] (19) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July
3118 1, 2024.
- 3119 [(21)] (20) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is
3120 repealed July 1, 2024.
- 3121 [(22)] (21) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July
3122 1, 2024.
- 3123 [~~(23) Section 26-39-201, which creates the Residential Child Care Licensing Advisory
3124 Committee, is repealed July 1, 2024.~~]
- 3125 [(24)] (22) Section 26-39-405, Drinking water quality in child care centers, is repealed

- 3126 July 1, 2027.
- 3127 ~~[(25)]~~ (23) Section 26-40-104, which creates the Utah Children's Health Insurance
- 3128 Program Advisory Council, is repealed July 1, 2025.
- 3129 ~~[(26)]~~ (24) Section 26-50-202, which creates the Traumatic Brain Injury Advisory
- 3130 Committee, is repealed July 1, 2025.
- 3131 ~~[(27)]~~ (25) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and
- 3132 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.
- 3133 ~~[(28)]~~ (26) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed
- 3134 July 1, 2026.
- 3135 ~~[(29)]~~ (27) Title 26, Chapter 68, COVID-19 Vaccine Restrictions Act, is repealed July
- 3136 1, 2024.
- 3137 ~~[(30)]~~ (28) Section 26-69-406 is repealed July 1, 2025.
- 3138 ~~[(31) Subsection 26B-1-204(2)(i), related to the Residential Child Care Licensing~~
- 3139 ~~Advisory Committee, is repealed July 1, 2024.]~~
- 3140 ~~[(32)]~~ (29) Subsection 26B-1-204(2)(k), related to the Primary Care Grant Committee,
- 3141 is repealed July 1, 2025.
- 3142 Section 61. Section 63I-1-263 is amended to read:
- 3143 **63I-1-263. Repeal dates: Titles 63A to 63N.**
- 3144 (1) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital
- 3145 improvement funding, is repealed July 1, 2024.
- 3146 (2) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1,
- 3147 2023.
- 3148 (3) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review
- 3149 Committee, are repealed July 1, 2023.
- 3150 ~~[(4) In relation to the Utah Transparency Advisory Board, on January 1, 2025:]~~
- 3151 ~~[(a) Section 63A-18-102 is repealed;]~~
- 3152 ~~[(b) Section 63A-18-201 is repealed; and]~~
- 3153 ~~[(c) Section 63A-18-202 is repealed.]~~
- 3154 ~~[(5)]~~ (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed
- 3155 July 1, 2028.
- 3156 ~~[(6)]~~ (5) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,

- 3157 2025.
- 3158 ~~[(7)]~~ (6) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed
3159 July 1, 2024.
- 3160 ~~[(8)]~~ (7) Title 63C, Chapter 17, Point of the Mountain Development Commission Act,
3161 is repealed July 1, 2023.
- 3162 ~~[(9)]~~ (8) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is
3163 repealed July 1, 2023.
- 3164 ~~[(10)]~~ (9) Title 63C, Chapter 23, Education and Mental Health Coordinating Council,
3165 is repealed July 1, 2026.
- 3166 ~~[(11)]~~ (10) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.
3167 ~~[(12)]~~ (11) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1,
3168 2026.
- 3169 ~~[(13)]~~ (12) Section [63G-6a-805](#), which creates the Purchasing from Persons with
3170 Disabilities Advisory Board, is repealed July 1, 2026.
- 3171 ~~[(14)]~~ (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed
3172 July 1, 2028.
- 3173 ~~[(15)]~~ (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed
3174 July 1, 2024.
- 3175 ~~[(16)]~~ (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1,
3176 2026.
- 3177 ~~[(17)]~~ (16) Subsection [63J-1-602.1](#)(17), relating to the Nurse Home Visiting Restricted
3178 Account, is repealed July 1, 2026.
- 3179 ~~[(18)]~~ (17) Subsection [63J-1-602.2](#)(6), referring to dedicated credits to the Utah
3180 Marriage Commission, is repealed July 1, 2023.
- 3181 ~~[(19)]~~ (18) Subsection [63J-1-602.2](#)(7), referring to the Trip Reduction Program, is
3182 repealed July 1, 2022.
- 3183 ~~[(20)]~~ (19) Subsection [63J-1-602.2](#)(26), related to the Utah Seismic Safety
3184 Commission, is repealed January 1, 2025.
- 3185 ~~[(21)]~~ (20) Title 63L, Chapter 11, Part 4, Resource Development Coordinating
3186 Committee, is repealed July 1, 2027.
- 3187 ~~[(22)]~~ (21) In relation to the Utah Substance Use and Mental Health Advisory Council,

3188 on January 1, 2033:

3189 (a) Sections [63M-7-301](#), [63M-7-302](#), [63M-7-303](#), [63M-7-304](#), and [63M-7-306](#) are
3190 repealed;

3191 (b) Section [63M-7-305](#), the language that states "council" is replaced with
3192 "commission";

3193 (c) Subsection [63M-7-305](#)(1)(a) is repealed and replaced with:

3194 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

3195 (d) Subsection [63M-7-305](#)(2) is repealed and replaced with:

3196 "(2) The commission shall:

3197 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
3198 Drug-Related Offenses Reform Act; and

3199 (b) coordinate the implementation of Section [77-18-104](#) and related provisions in
3200 Subsections [77-18-103](#)(2)(c) and (d)."

3201 [~~(23)~~] [\(22\)](#) The Crime Victim Reparations and Assistance Board, created in Section
3202 [63M-7-504](#), is repealed July 1, 2027.

3203 [~~(24)~~] [\(23\)](#) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
3204 2026.

3205 [~~(25)~~] [\(24\)](#) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is
3206 repealed January 1, 2025.

3207 [~~(26)~~] [\(25\)](#) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

3208 [~~(27)~~] [\(26\)](#) Section [63N-2-512](#), related to the Hotel Impact Mitigation Fund, is repealed
3209 July 1, 2028.

3210 [~~(28)~~] [\(27\)](#) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is
3211 repealed July 1, 2027.

3212 [~~(29)~~] [\(28\)](#) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant
3213 Program, is repealed July 1, 2025.

3214 [~~(30)~~] [\(29\)](#) In relation to the Rural Employment Expansion Program, on July 1, 2023:

3215 (a) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed;
3216 and

3217 (b) Subsection [63N-4-805](#)(5)(b), referring to the Rural Employment Expansion
3218 Program, is repealed.

- 3219 ~~[(31)]~~ (30) In relation to the Board of Tourism Development, on July 1, 2025:
- 3220 (a) Subsection 63N-2-511(1)(b), which defines "tourism board," is repealed;
- 3221 (b) Subsections 63N-2-511(3)(a) and (5), the language that states "tourism board" is
- 3222 repealed and replaced with "Utah Office of Tourism";
- 3223 (c) Subsection 63N-7-101(1), which defines "board," is repealed;
- 3224 (d) Subsection 63N-7-102(3)(c), which requires the Utah Office of Tourism to receive
- 3225 approval from the Board of Tourism Development, is repealed; and
- 3226 (e) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed.
- 3227 ~~[(32)]~~ (31) Subsection 63N-8-103(3)(c), which allows the Governor's Office of
- 3228 Economic Opportunity to issue an amount of tax credit certificates only for rural productions,
- 3229 is repealed on July 1, 2024.
- 3230 Section 62. Section 63I-2-219 is amended to read:
- 3231 **63I-2-219. Repeal dates: Title 19.**
- 3232 ~~[(1) Subsections 19-2-109.2(2) through (10), related to the Compliance Advisory~~
- 3233 ~~Panel, are repealed July 1, 2023. (2)]~~ Section 19-2a-102.5, addressing a study and
- 3234 recommendations for a diesel emission reduction program, is repealed July 1, 2024.
- 3235 Section 63. Section 72-9-201 is amended to read:
- 3236 **72-9-201. Motor Carrier Advisory Board created -- Appointment -- Terms --**
- 3237 **Meetings -- Per diem and expenses -- Duties.**
- 3238 (1) There is created within the department the Motor Carrier Advisory Board
- 3239 consisting of five members appointed by the ~~[governor]~~ department.
- 3240 (2) Each member of the board shall:
- 3241 (a) represent experience and expertise in the areas of motor carrier transportation,
- 3242 commerce, agriculture, economics, shipping, or highway safety;
- 3243 (b) be selected at large on a nonpartisan basis; and
- 3244 (c) have been a legal resident of the state for at least one year immediately preceding
- 3245 the date of appointment.
- 3246 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
- 3247 expire, the ~~[governor]~~ department shall appoint each new member or reappointed member to a
- 3248 four-year term.
- 3249 (b) The ~~[governor]~~ department shall, at the time of appointment or reappointment,

3250 adjust the length of terms to ensure that the terms of board members are staggered so that
3251 approximately half of the board is appointed every two years.

3252 (c) A member shall serve from the date of appointment until a replacement is
3253 appointed.

3254 (4) When a vacancy occurs in the membership for any reason, the [~~governor~~]
3255 department shall appoint the replacement to serve for the remainder of the unexpired term
3256 beginning the day following the day on which the vacancy occurs.

3257 (5) The board shall elect its own chair and vice chair at the first regular meeting of each
3258 calendar year.

3259 (6) The board shall meet at least twice per year or as needed when called by the chair.

3260 (7) Any three voting members constitute a quorum for the transaction of business that
3261 comes before the board.

3262 (8) A member may not receive compensation or benefits for the member's service, but
3263 may receive per diem and travel expenses in accordance with:

3264 (a) Section [63A-3-106](#);

3265 (b) Section [63A-3-107](#); and

3266 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
3267 [63A-3-107](#).

3268 (9) The board shall advise the department and the commission on interpretation,
3269 adoption, and implementation of this chapter and other motor carrier related issues.

3270 (10) The department shall provide staff support to the board.

3271 Section 64. **Repealer.**

3272 This bill repeals:

3273 Section [19-2-109.2](#), **Small business assistance program.**

3274 Section [26-1-7.5](#), **Health advisory council.**

3275 Section [26-39-201](#), **Residential Child Care Licensing Advisory Committee.**

3276 Section [31A-2-401](#), **Title.**

3277 Section [31A-2-402](#), **Definitions.**

3278 Section [31A-2-403](#), **Title and Escrow Commission created.**

3279 Section [31A-2-404](#), **Duties of the commissioner and Title and Escrow Commission.**

3280 Section [31A-35-201](#), **Bail Bond Oversight Board.**

- 3281 Section [31A-35-202](#), Board responsibilities.
- 3282 Section [41-23-1](#), Enactment.
- 3283 Section [41-23-2](#), Text.
- 3284 Section [58-49-1](#), Short title.
- 3285 Section [58-49-3](#), Board created -- Duties.
- 3286 Section [58-53-101](#), Title.
- 3287 Section [58-53-201](#), Creation of board -- Duties.
- 3288 Section [58-71-201](#), Board.
- 3289 Section [58-75-101](#), Title.
- 3290 Section [58-75-201](#), Board.
- 3291 Section [58-76-101](#), Title.
- 3292 Section [58-76-201](#), Board.
- 3293 Section [58-77-201](#), Board.
- 3294 Section [58-83-101](#), Title.
- 3295 Section [58-83-201](#), Board.
- 3296 Section [63A-18-102](#), Definitions.
- 3297 Section [63A-18-201](#), Utah Transparency Advisory Board -- Creation --
- 3298 **Membership -- Duties.**
- 3299 Section [63A-18-202](#), Utah Transparency Advisory Board -- Duties.