

**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: Karen M. Peterson

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**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 Title and Escrow Commission; and



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

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

- 38 [9-9-113](#), as enacted by Laws of Utah 2021, Chapter 189
- 39 [19-1-201](#), as last amended by Laws of Utah 2020, Chapter 256
- 40 [19-2-109.1](#), as last amended by Laws of Utah 2020, Chapter 256
- 41 [26-1-2](#), as last amended by Laws of Utah 2022, Chapter 255
- 42 [26-39-102](#), as last amended by Laws of Utah 2022, Chapters 21, 255
- 43 [26-39-200](#), as last amended by Laws of Utah 2022, Chapter 255
- 44 [26-39-203](#), as last amended by Laws of Utah 2016, Chapter 74
- 45 [26B-1-204](#), as renumbered and amended by Laws of Utah 2022, Chapter 255
- 46 [31A-19a-209](#), as last amended by Laws of Utah 2015, Chapters 312, 330
- 47 [31A-23a-105](#), as last amended by Laws of Utah 2014, Chapters 290, 300
- 48 [31A-23a-106](#), as last amended by Laws of Utah 2015, Chapter 330
- 49 [31A-23a-108](#), as last amended by Laws of Utah 2014, Chapters 290, 300
- 50 [31A-23a-204](#), as last amended by Laws of Utah 2015, Chapter 330
- 51 [31A-23a-402](#), as last amended by Laws of Utah 2019, Chapter 193
- 52 [31A-23a-406](#), as last amended by Laws of Utah 2021, Chapter 252
- 53 [31A-23a-415](#), as last amended by Laws of Utah 2020, Chapter 32
- 54 [31A-23a-1001](#), as last amended by Laws of Utah 2020, Chapter 448
- 55 [31A-26-203](#), as last amended by Laws of Utah 2012, Chapter 253
- 56 [31A-26-204](#), as last amended by Laws of Utah 2009, Chapter 349

- 57 [31A-41-102](#), as last amended by Laws of Utah 2013, Chapter 319
- 58 [31A-41-202](#), as last amended by Laws of Utah 2016, Chapter 138
- 59 [58-49-2](#), as last amended by Laws of Utah 1993, Chapter 297
- 60 [58-49-4](#), as last amended by Laws of Utah 2020, Chapter 339
- 61 [58-49-6](#), as enacted by Laws of Utah 1986, Chapter 192
- 62 [58-53-102](#), as renumbered and amended by Laws of Utah 1998, Chapter 191
- 63 [58-53-103](#), as last amended by Laws of Utah 2013, Chapter 400
- 64 [58-53-302](#), as last amended by Laws of Utah 2009, Chapter 183
- 65 [58-53-304](#), as renumbered and amended by Laws of Utah 1998, Chapter 191
- 66 [58-53-601](#), as enacted by Laws of Utah 1998, Chapter 191
- 67 [58-71-102](#), as last amended by Laws of Utah 2022, Chapter 440
- 68 [58-71-203](#), as enacted by Laws of Utah 2022, Chapter 440
- 69 [58-71-302](#), as last amended by Laws of Utah 2020, Chapter 339
- 70 [58-71-304](#), as last amended by Laws of Utah 2001, Chapter 268
- 71 [58-71-304.2](#), as enacted by Laws of Utah 1996, Chapter 282
- 72 [58-71-601](#), as last amended by Laws of Utah 2013, Chapter 364
- 73 [58-71-802](#), as enacted by Laws of Utah 1996, Chapter 282
- 74 [58-71-803](#), as enacted by Laws of Utah 1996, Chapter 282
- 75 [58-75-102](#), as last amended by Laws of Utah 2008, Chapter 382
- 76 [58-75-303](#), as enacted by Laws of Utah 2001, Chapter 100
- 77 [58-76-102](#), as enacted by Laws of Utah 2002, Chapter 218
- 78 [58-76-103](#), as last amended by Laws of Utah 2011, Chapter 303
- 79 [58-76-302](#), as last amended by Laws of Utah 2020, Chapter 339
- 80 [58-76-601](#), as enacted by Laws of Utah 2002, Chapter 218
- 81 [58-76-603](#), as enacted by Laws of Utah 2002, Chapter 218
- 82 [58-77-102](#), as last amended by Laws of Utah 2017, Chapter 114
- 83 [58-77-302](#), as last amended by Laws of Utah 2020, Chapter 339
- 84 [58-83-102](#), as last amended by Laws of Utah 2022, Chapter 415
- 85 [58-83-302](#), as last amended by Laws of Utah 2022, Chapter 415
- 86 [58-83-401](#), as last amended by Laws of Utah 2022, Chapter 415
- 87 [61-2c-301](#), as last amended by Laws of Utah 2020, Chapter 72

88           **61-2f-401**, as last amended by Laws of Utah 2022, Chapter 204  
89           **61-2g-502**, as last amended by Laws of Utah 2020, Chapter 72  
90           **63A-16-107**, as enacted by Laws of Utah 2021, Chapter 84  
91           **63I-1-226**, as last amended by Laws of Utah 2022, Chapters 194, 206, 224, 253, 255,  
92 347, and 451  
93           **63I-1-263**, as last amended by Laws of Utah 2022, Chapters 23, 34, 68, 153, 218, 236,  
94 249, 274, 296, 313, 361, 362, 417, 419, and 472  
95           **63I-2-219**, as last amended by Laws of Utah 2022, Chapter 95  
96           **63I-2-226**, as last amended by Laws of Utah 2022, Chapters 255, 365  
97           **72-9-201**, as last amended by Laws of Utah 2017, Chapter 96  
98 RENUMBERS AND AMENDS:  
99           **31A-23a-119**, (Renumbered from 31A-2-405, as enacted by Laws of Utah 2007,  
100 Chapter 325)  
101 REPEALS:  
102           **19-2-109.2**, as last amended by Laws of Utah 2015, Chapter 154  
103           **26-1-7.5**, as last amended by Laws of Utah 2011, Chapter 297  
104           **26-39-201**, as last amended by Laws of Utah 2022, Chapter 255  
105           **31A-2-401**, as enacted by Laws of Utah 2005, Chapter 185  
106           **31A-2-402**, as last amended by Laws of Utah 2015, Chapter 330  
107           **31A-2-403**, as last amended by Laws of Utah 2022, Chapter 198  
108           **31A-2-404**, as last amended by Laws of Utah 2016, Chapter 193  
109           **41-23-1**, as last amended by Laws of Utah 2011, Chapter 202  
110           **41-23-2**, as last amended by Laws of Utah 2011, Chapter 202  
111           **58-49-1**, as enacted by Laws of Utah 1986, Chapter 192  
112           **58-49-3**, as repealed and reenacted by Laws of Utah 1993, Chapter 297  
113           **58-53-101**, as renumbered and amended by Laws of Utah 1998, Chapter 191  
114           **58-53-201**, as renumbered and amended by Laws of Utah 1998, Chapter 191  
115           **58-71-201**, as last amended by Laws of Utah 1997, Chapter 10  
116           **58-75-101**, as enacted by Laws of Utah 2001, Chapter 100  
117           **58-75-201**, as enacted by Laws of Utah 2001, Chapter 100  
118           **58-76-101**, as enacted by Laws of Utah 2002, Chapter 218

- 119            **58-76-201**, as enacted by Laws of Utah 2002, Chapter 218
- 120            **58-77-201**, as last amended by Laws of Utah 2013, Chapter 167
- 121            **58-83-101**, as enacted by Laws of Utah 2010, Chapter 180
- 122            **58-83-201**, as enacted by Laws of Utah 2010, Chapter 180
- 123            **63A-18-102**, as enacted by Laws of Utah 2021, Chapter 84
- 124            **63A-18-201**, as renumbered and amended by Laws of Utah 2021, Chapter 84
- 125            **63A-18-202**, as enacted by Laws of Utah 2021, Chapter 84

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

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

128            **9-9-113. Geographic place names -- Role of division -- Report.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

166 **19-1-201. Powers and duties of department -- Rulemaking authority --**  
167 **Committee -- Monitoring environmental impacts of inland port.**

168 (1) The department shall:

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

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

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

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

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

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

187 (iv) is reviewed and updated annually;

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

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

191 (A) board meeting attendance; and

192 (B) conflicts of interest procedures; and

193 (ii) procedural rules that govern:

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

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

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

199 (i) under this title;

200 (ii) by the department; or

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

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

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

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

211 (c) A fee established under this section shall cover the reasonable direct and indirect

212 costs required to develop and administer the Title V program [~~and the small business assistance~~  
213 ~~program established under Section 19-2-109.2~~].

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

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

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

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

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

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

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

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

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

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

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

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

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

238 (d) coordinate the implementation of environmental quality programs to maximize  
239 environmental quality resources; and

240 (e) review each department application for any grant from the federal government that  
241 affects a local health department before the department submits the application.

242 (5) The committee shall create bylaws to govern the committee's operations.



- 243 (6) The department may:
- 244 (a) investigate matters affecting the environment;
- 245 (b) investigate and control matters affecting the public health when caused by
- 246 environmental hazards;
- 247 (c) prepare, publish, and disseminate information to inform the public concerning
- 248 issues involving environmental quality;
- 249 (d) establish and operate programs, as authorized by this title, necessary for protection
- 250 of the environment and public health from environmental hazards;
- 251 (e) use local health departments in the delivery of environmental health programs to
- 252 the extent provided by law;
- 253 (f) enter into contracts with local health departments or others to meet responsibilities
- 254 established under this title;
- 255 (g) acquire real and personal property by purchase, gift, devise, and other lawful
- 256 means;
- 257 (h) prepare and submit to the governor a proposed budget to be included in the budget
- 258 submitted by the governor to the Legislature;
- 259 (i) in accordance with Section [63J-1-504](#), establish a schedule of fees that may be
- 260 assessed for actions and services of the department that are reasonable, fair, and reflect the cost
- 261 of services provided;
- 262 (j) for an owner or operator of a source subject to a fee established by Subsection (6)(i)
- 263 who fails to timely pay that fee, assess a penalty of not more than 50% of the fee, in addition to
- 264 the fee, plus interest on the fee computed at 12% annually;
- 265 (k) prescribe by rule reasonable requirements not inconsistent with law relating to
- 266 environmental quality for local health departments;
- 267 (l) perform the administrative functions of the boards established by Section [19-1-106](#),
- 268 including the acceptance and administration of grants from the federal government and from
- 269 other sources, public or private, to carry out the board's functions;
- 270 (m) upon the request of a board or a division director, provide professional, technical,
- 271 and clerical staff and field and laboratory services, the extent of which are limited by the
- 272 money available to the department for the staff and services; and
- 273 (n) establish a supplementary fee, not subject to Section [63J-1-504](#), to provide service

274 that the person paying the fee agrees by contract to be charged for the service to efficiently use  
275 department resources, protect department permitting processes, address extraordinary or  
276 unanticipated stress on permitting processes, or make use of specialized expertise.

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

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

280 (i) "Environmental impacts" means:

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

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

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

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

287 (iv) "Monitoring facilities" means:

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

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

295 (b) The department shall:

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

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

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

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

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

305 (iii) publish the monitoring data on the department's website; and  
306 (iv) provide at least annually before November 30 a written report summarizing the  
307 monitoring data to:

308 (A) the Utah Inland Port Authority board, established under Title 11, Chapter 58, Part  
309 3, Port Authority Board; and  
310 (B) the Legislative Management Committee.

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

312 **19-2-109.1. Operating permit required -- Fees -- Implementation.**

313 (1) As used in this section and [~~Sections 19-2-109.2 and 19-2-109.3~~] Section  
314 19-2-109.3:

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

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

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

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

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

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

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

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

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

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

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

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

342 (b) revoke the operating permit.

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

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

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

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

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

358 (a) the applicant;

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

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

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

362 **26-1-2. Definitions.**

363 As used in this title:

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

365 [~~(2)~~] (1) "Department" means the Department of Health and Human Services created in  
366 Section 26B-1-201.

367           ~~[(3)]~~ (2) "Executive director" means the executive director of the department appointed  
368 under Section [26B-1-203](#).

369           ~~[(4)]~~ (3) "Public health authority" means an agency or authority of the United States, a  
370 state, a territory, a political subdivision of a state or territory, an Indian tribe, or a person acting  
371 under a grant of authority from or contract with such an agency, that is responsible for public  
372 health matters as part of its official mandate.

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

374           **26-39-102. Definitions.**

375           As used in this chapter:

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

378           ~~[(2)]~~ (1) "Capacity limit" means the maximum number of qualifying children that a  
379 regulated provider may care for at any given time, in accordance with rules made by the  
380 department.

381           ~~[(3)]~~ (2) (a) "Center based child care" means child care provided in a facility or  
382 program that is not the home of the provider.

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

384           (i) residential child care; or

385           (ii) care provided in a facility or program exempt under Section [26-39-403](#).

386           ~~[(4)]~~ (3) "Certified provider" means a person who holds a certificate from the  
387 department under Section [26-39-402](#).

388           ~~[(5)]~~ (4) "Child care" means continuous care and supervision of a qualifying child, that  
389 is:

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

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

392           (c) for direct or indirect compensation.

393           ~~[(6)]~~ (5) "Child care program" means a child care facility or program operated by a  
394 regulated provider.

395           ~~[(7)]~~ (6) "Exempt provider" means a person who provides care described in Subsection  
396 [26-39-403\(2\)](#).

397           ~~[(8)]~~ (7) "Licensed provider" means a person who holds a license from the department

398 under Section [26-39-401](#).

399 ~~[(9)]~~ (8) "Licensing committee" means the Child Care ~~[Center]~~ Provider Licensing  
400 Committee created in Section [26B-1-204](#).

401 ~~[(10)]~~ (9) "Public school" means:

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

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

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

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

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

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

412 ~~[(11)]~~ (10) "Qualifying child" means an individual who is:

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

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

415 (b) a child of:

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

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

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

420 ~~[(12)]~~ (11) "Regulated provider" means a licensed provider or certified provider.

421 ~~[(13)]~~ (12) "Residential child care" means child care provided in the home of the  
422 provider.

423 Section 6. Section [26-39-200](#) is amended to read:

424 **26-39-200. Child Care Provider Licensing Committee.**

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

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

428 (i) have at least five years of experience as an owner in or director of a for profit or

429 not-for-profit center based child care; and

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

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

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

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

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

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

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

440 (E) a health care provider; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

475 (b) The director may call additional meetings:

476 (i) at the director's discretion;

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

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

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

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

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

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

485 (c) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and  
486 [63A-3-107](#).

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

488 **26-39-203. Duties of the Child Care Provider Licensing Committee.**

489 (1) The licensing committee shall:

490 (a) in concurrence with the department and in accordance with Title 63G, Chapter 3,



491 Utah Administrative Rulemaking Act, make rules that govern center based child care and  
492 residential child care as necessary to protect qualifying children's common needs for a safe and  
493 healthy environment, to provide for:

494 (i) adequate facilities and equipment; and  
495 (ii) competent caregivers considering the age of the children and the type of program  
496 offered by the licensee;

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

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

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

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

505 (iv) changes of ownership or name, changes in licensure status, and changes in  
506 operational status;

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

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

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

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

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

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

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

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

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

521 **26B-1-204. Creation of boards, divisions, and offices -- Power to organize**

522 department.

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

- 525 (a) the administration and government of the department;
- 526 (b) the conduct of the department's employees; and
- 527 (c) the custody, use, and preservation of the records, papers, books, documents, and  
528 property of the department.

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

- 531 (a) Board of Aging and Adult Services;
- 532 (b) Utah State Developmental Center Board;
- 533 [~~(c) Health Advisory Council;~~]
- 534 [~~(d)~~] (c) Health Facility Committee;
- 535 [~~(e)~~] (d) State Emergency Medical Services Committee;
- 536 [~~(f)~~] (e) Air Ambulance Committee;
- 537 [~~(g)~~] (f) Health Data Committee;
- 538 [~~(h)~~] (g) Utah Health Care Workforce Financial Assistance Program Advisory  
539 Committee;
- 540 [~~(i) Residential Child Care Licensing Advisory Committee;~~]
- 541 [~~(j)~~] (h) Child Care [~~Center~~] Provider Licensing Committee;
- 542 [~~(k)~~] (i) Primary Care Grant Committee;
- 543 [~~(l)~~] (j) Adult Autism Treatment Program Advisory Committee;
- 544 [~~(m)~~] (k) Youth Electronic Cigarette, Marijuana, and Other Drug Prevention  
545 Committee; and

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

- 547 (i) this title;
- 548 (ii) Title 26, Utah Health Code; or
- 549 (iii) Title 62A, Utah Human Services Code.

550 (3) The following divisions are created within the Department of Health and Human  
551 Services:

- 552 (a) relating to operations:

- 553 (i) the Division of Finance and Administration;
- 554 (ii) the Division of Licensing and Background Checks;
- 555 (iii) the Division of Customer Experience;
- 556 (iv) the Division of Data, Systems, and Evaluation; and
- 557 (v) the Division of Continuous Quality Improvement;
- 558 (b) relating to healthcare administration:
- 559 (i) the Division of Integrated Healthcare, which shall include responsibility for:
- 560 (A) the state's medical assistance programs; and
- 561 (B) behavioral health programs described in Title 62A, Chapter 15, Substance Abuse
- 562 and Mental Health Act;
- 563 (ii) the Division of Aging and Adult Services; and
- 564 (iii) the Division of Services for People with Disabilities; and
- 565 (c) relating to community health and well-being:
- 566 (i) the Division of Child and Family Services;
- 567 (ii) the Division of Family Health;
- 568 (iii) the Division of Population Health;
- 569 (iv) the Division of Juvenile Justice and Youth Services; and
- 570 (v) the Office of Recovery Services.
- 571 (4) The executive director may establish offices and bureaus to facilitate management
- 572 of the department as required by, and in accordance with:
- 573 (a) this title;
- 574 (b) Title 26, Utah Health Code; and
- 575 (c) Title 62A, Utah Human Services Code.
- 576 (5) From July 1, 2022, through June 30, 2023, the executive director may adjust the
- 577 organizational structure relating to the department, including the organization of the
- 578 department's divisions and offices, notwithstanding the organizational structure described in:
- 579 (a) this title;
- 580 (b) Title 26, Utah Health Code; or
- 581 (c) Title 62A, Utah Human Services Code.
- 582 Section 9. Section **31A-19a-209** is amended to read:
- 583 **31A-19a-209. Special provisions for title insurance.**

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

587 (ii) The commissioner shall determine compliance with rate standards and rating  
588 methods for title insurers, individual title insurance producers, and agency title insurance  
589 producers.

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

595 (i) the maintenance of title plants; and

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

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

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

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

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

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

613 (3) A title insurer, individual title insurance producer, or agency title insurance  
614 producer may not file or use any rate or other charge relating to the business of title insurance,

615 including rates or charges filed for escrow that would cause the title insurance company,  
616 individual title insurance producer, or agency title insurance producer to:

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

618 (i) the insurance business; or

619 (ii) the escrow business; or

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

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

624 (b) Each change or amendment shall:

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

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

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

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

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

634 (i) the title insurer in this state;

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

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

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

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

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

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

645 **31A-23a-105. General requirements for individual and agency license issuance**

646 **and renewal.**

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

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

649 (i) a producer;

650 (ii) a surplus lines producer;

651 (iii) a limited line producer;

652 (iv) a consultant;

653 (v) a managing general agent; or

654 (vi) a reinsurance intermediary.

655 (b) The commissioner shall issue or renew a license under Subsection (1)(a) to a  
656 person who, as to the license type and line of authority classification applied for under Section  
657 [31A-23a-106](#):

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

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

660 (iii) satisfies applicable continuing education requirements under Section  
661 [31A-23a-202](#);

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

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

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

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

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

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

671 (viii) if a nonresident:

672 (A) complies with Section [31A-23a-109](#); and

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

674 (ix) if an applicant for an individual title insurance producer or agency title insurance  
675 producer license, satisfies the requirements of Section [31A-23a-204](#);

676 (x) if an applicant for a license to act as a life settlement provider or life settlement

- 677 producer, satisfies the requirements of Section 31A-23a-117; and
- 678 (xi) pays the applicable fees under Section 31A-3-103.
- 679 (2) (a) This Subsection (2) applies to the following persons:
- 680 (i) an applicant for a pending:
- 681 (A) individual or agency producer license;
- 682 (B) surplus lines producer license;
- 683 (C) limited line producer license;
- 684 (D) consultant license;
- 685 (E) managing general agent license; or
- 686 (F) reinsurance intermediary license; or
- 687 (ii) a licensed:
- 688 (A) individual or agency producer;
- 689 (B) surplus lines producer;
- 690 (C) limited line producer;
- 691 (D) consultant;
- 692 (E) managing general agent; or
- 693 (F) reinsurance intermediary.
- 694 (b) A person described in Subsection (2)(a) shall report to the commissioner:
- 695 (i) an administrative action taken against the person, including a denial of a new or
- 696 renewal license application:
- 697 (A) in another jurisdiction; or
- 698 (B) by another regulatory agency in this state; and
- 699 (ii) a criminal prosecution taken against the person in any jurisdiction.
- 700 (c) The report required by Subsection (2)(b) shall:
- 701 (i) be filed:
- 702 (A) at the time the person files the application for an individual or agency license; and
- 703 (B) for an action or prosecution that occurs on or after the day on which the person
- 704 files the application:
- 705 (I) for an administrative action, within 30 days of the final disposition of the
- 706 administrative action; or
- 707 (II) for a criminal prosecution, within 30 days of the initial appearance before a court;

708 and

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

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

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

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

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

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

719 (B) the Federal Bureau of Investigation.

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

722 (i) criminal background information maintained pursuant to Title 53, Chapter 10, Part  
723 2, Bureau of Criminal Identification, from the Bureau of Criminal Identification; and

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

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

728 (i) determining if a person satisfies the character requirements under Section  
729 [31A-23a-107](#) for issuance or renewal of a license;

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

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

735 (e) If the department requests the criminal background information, the department  
736 shall:

737 (i) pay to the Department of Public Safety the costs incurred by the Department of  
738 Public Safety in providing the department criminal background information under Subsection



739 (3)(c)(i);

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

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

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

748 (a) insurance producer;

749 (b) surplus lines producer;

750 (c) limited line producer;

751 (d) consultant;

752 (e) managing general agent; or

753 (f) reinsurance intermediary.

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

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

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

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

761 (i) producer;

762 (ii) surplus lines producer;

763 (iii) limited line producer;

764 (iv) consultant;

765 (v) managing general agent; or

766 (vi) reinsurance intermediary.

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

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

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

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

773           **31A-23a-106. License types.**

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

776           (b) A license type and a line of authority pertaining to a license type describe the type  
777 of licensee and the lines of business that a licensee may sell, solicit, or negotiate. A license  
778 type is intended to describe the matters to be considered under any education, examination, and  
779 training required of a license applicant under Sections [31A-23a-108](#), [31A-23a-202](#), and  
780 [31A-23a-203](#).

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

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

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

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

788           (iv) property insurance;

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

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

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

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

793           (C) title marketing representative only; and

794           (vii) personal lines insurance.

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

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

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

800           (c) A limited line producer license type includes the following limited lines of

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

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

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

864 **31A-23a-108. Examination requirements.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

893 [~~31A-2-405~~]. **31A-23a-119. Dual licensing of title licensee.**

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

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

897 (b) a license or certificate under:

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

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

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

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

904 ~~[(2)]~~ (3) (a) ~~[Except as provided in Subsection (3), a]~~ A dual licensed title licensee  
905 shall obtain approval from the commissioner by filing under penalty of perjury with the  
906 department:

907 (i) a statement that includes:

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

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

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

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

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

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

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

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

922 (ii) is acting in good faith; and

923 (iii) has not received consideration from a person described in Subsection ~~[(2)(a)(i)(B)]~~

924 (3)(a)(i)(B) within the 18-month period described in Subsection ~~[(2)(a)(i)(B)]~~ (3)(a)(i)(D).

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

928 (i) the day on which the commissioner issues the commissioner's approval in writing;  
929 or

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

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

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

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

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

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

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

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

944 (5) The ~~[commission]~~ commissioner may make rules, subject to Section ~~[31A-2-404]~~  
945 31A-2-201, to implement the filing requirements under Subsection ~~[(2)]~~ (3), including the  
946 definition of terms.

947 Section 14. Section ~~31A-23a-204~~ is amended to read:

948 **31A-23a-204. Special requirements for title insurance producers and agencies.**

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

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

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

- 956 (ii) an escrow line of authority.
- 957 (b) An agency title insurance producer subject to Subsection (1)(a) may comply with  
958 Subsection (1)(a) by having the agency title insurance producer owned or managed by:
- 959 (i) one or more individuals who are licensed with the title examination line of authority  
960 for the time period provided in Subsection (1)(a); and
- 961 (ii) one or more individuals who are licensed with the escrow line of authority for the  
962 time period provided in Subsection (1)(a).
- 963 (c) A person licensed as an agency title insurance producer shall at all times during the  
964 term of licensure be owned or managed by at least one individual who is licensed for at least  
965 three years within the preceding five-year period with both:
- 966 (i) a title examination line of authority; and  
967 (ii) an escrow line of authority.
- 968 (d) The [~~Title and Escrow Commission~~] commissioner may by rule, subject to Section  
969 [~~31A-2-404~~] [31A-2-201](#), exempt an attorney with real estate experience from the experience  
970 requirements in Subsection (1)(a).
- 971 (e) An individual who satisfies the requirements of this Subsection (1) is known as a  
972 "qualifying licensee." At any given time, an individual may be a qualifying licensee for not  
973 more than two agency title insurance producers.
- 974 (2) (a) An individual title insurance producer or agency title insurance producer  
975 appointed by an insurer shall maintain:
- 976 (i) a fidelity bond;  
977 (ii) a professional liability insurance policy; or  
978 (iii) a financial protection:
- 979 (A) equivalent to that described in Subsection (2)(a)(i) or (ii); and  
980 (B) that the commissioner considers adequate.
- 981 (b) The bond, insurance, or financial protection required by this Subsection (2):  
982 (i) shall be supplied under a contract approved by the commissioner to provide  
983 protection against the improper performance of any service in conjunction with the issuance of  
984 a contract or policy of title insurance; and  
985 (ii) be in a face amount no less than \$250,000.
- 986 (c) The [~~Title and Escrow Commission~~] commissioner may by rule, subject to Section



987 ~~[31A-2-404]~~ [31A-2-201](#), exempt individual title insurance producer or agency title insurance  
988 producers from the requirements of this Subsection (2) upon a finding that, and only so long as,  
989 the required policy or bond is generally unavailable at reasonable rates.

990 (3) An individual title insurance producer or agency title insurance producer appointed  
991 by an insurer may maintain a reserve fund to the extent money was deposited before July 1,  
992 2008, and not withdrawn to the income of the individual title insurance producer or agency title  
993 insurance producer.

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

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

999 (6) The ~~[Title and Escrow Commission]~~ commissioner may adopt rules, establishing an  
1000 examination for a license that will satisfy this section, subject to Section ~~[31A-2-404]~~  
1001 [31A-2-201](#), and after consulting with the commissioner's test administrator.

1002 (7) A license may be issued to an individual title insurance producer or agency title  
1003 insurance producer who has qualified:

- 1004 (a) to perform only examinations of title as specified in Subsection (4);  
1005 (b) to handle only escrow arrangements as specified in Subsection (5); or  
1006 (c) to act as a title marketing representative.

1007 (8) (a) A person licensed to practice law in Utah is exempt from the requirements of  
1008 Subsections (2) and (3) if that person issues 12 or less policies in any 12-month period.

1009 (b) In determining the number of policies issued by a person licensed to practice law in  
1010 Utah for purposes of Subsection (8)(a), if the person licensed to practice law in Utah issues a  
1011 policy to more than one party to the same closing, the person is considered to have issued only  
1012 one policy.

1013 (9) A person licensed to practice law in Utah, whether exempt under Subsection (8) or  
1014 not, shall maintain a trust account separate from a law firm trust account for all title and real  
1015 estate escrow transactions.

1016 Section 15. Section ~~31A-23a-402~~ is amended to read:

1017 **31A-23a-402. Unfair marketing practices -- Communication -- Unfair**

1018 **discrimination -- Coercion or intimidation -- Restriction on choice.**

1019 (1) (a) (i) Any of the following may not make or cause to be made any communication  
1020 that contains false or misleading information, relating to an insurance product or contract, any  
1021 insurer, or any licensee under this title, including information that is false or misleading  
1022 because it is incomplete:

1023 (A) a person who is or should be licensed under this title;

1024 (B) an employee or producer of a person described in Subsection (1)(a)(i)(A);

1025 (C) a person whose primary interest is as a competitor of a person licensed under this  
1026 title; and

1027 (D) a person on behalf of any of the persons listed in this Subsection (1)(a)(i).

1028 (ii) As used in this Subsection (1), "false or misleading information" includes:

1029 (A) assuring the nonobligatory payment of future dividends or refunds of unused  
1030 premiums in any specific or approximate amounts, but reporting fully and accurately past  
1031 experience is not false or misleading information; and

1032 (B) with intent to deceive a person examining it:

1033 (I) filing a report;

1034 (II) making a false entry in a record; or

1035 (III) wilfully refraining from making a proper entry in a record.

1036 (iii) A licensee under this title may not:

1037 (A) use any business name, slogan, emblem, or related device that is misleading or  
1038 likely to cause the insurer or other licensee to be mistaken for another insurer or other licensee  
1039 already in business; or

1040 (B) use any name, advertisement, or other insurance promotional material that would  
1041 cause a reasonable person to mistakenly believe that a state or federal government agency and  
1042 the Children's Health Insurance Program created in Title 26, Chapter 40, Utah Children's  
1043 Health Insurance Act:

1044 (I) is responsible for the insurance sales activities of the person;

1045 (II) stands behind the credit of the person;

1046 (III) guarantees any returns on insurance products of or sold by the person; or

1047 (IV) is a source of payment of any insurance obligation of or sold by the person.

1048 (iv) A person who is not an insurer may not assume or use any name that deceptively

1049 implies or suggests that person is an insurer.

1050 (v) A person other than persons licensed as health maintenance organizations under  
1051 Chapter 8, Health Maintenance Organizations and Limited Health Plans, may not use the term  
1052 "Health Maintenance Organization" or "HMO" in referring to itself.

1053 (b) A licensee's violation creates a rebuttable presumption that the violation was also  
1054 committed by the insurer if:

1055 (i) the licensee under this title distributes cards or documents, exhibits a sign, or  
1056 publishes an advertisement that violates Subsection (1)(a), with reference to a particular  
1057 insurer:

1058 (A) that the licensee represents; or

1059 (B) for whom the licensee processes claims; and

1060 (ii) the cards, documents, signs, or advertisements are supplied or approved by that  
1061 insurer.

1062 (2) (a) A title insurer, individual title insurance producer, or agency title insurance  
1063 producer or any officer or employee of the title insurer, individual title insurance producer, or  
1064 agency title insurance producer may not pay, allow, give, or offer to pay, allow, or give,  
1065 directly or indirectly, as an inducement to obtaining any title insurance business:

1066 (i) any rebate, reduction, or abatement of any rate or charge made incident to the  
1067 issuance of the title insurance;

1068 (ii) any special favor or advantage not generally available to others;

1069 (iii) any money or other consideration, except if approved under Section [\[31A-2-405\]](#)  
1070 [31A-23a-119](#); or

1071 (iv) material inducement.

1072 (b) "Charge made incident to the issuance of the title insurance" includes escrow  
1073 charges, and any other services that are prescribed in rule by the [~~Title and Escrow~~  
1074 ~~Commission after consultation with the~~] commissioner and subject to Section [\[31A-2-404\]](#)  
1075 [31A-2-201](#).

1076 (c) An insured or any other person connected, directly or indirectly, with the  
1077 transaction may not knowingly receive or accept, directly or indirectly, any benefit referred to  
1078 in Subsection (2)(a), including:

1079 (i) a person licensed under Title 61, Chapter 2c, Utah Residential Mortgage Practices

1080 and Licensing Act;

1081 (ii) a person licensed under Title 61, Chapter 2f, Real Estate Licensing and Practices  
1082 Act;

1083 (iii) a builder;

1084 (iv) an attorney; or

1085 (v) an officer, employee, or agent of a person listed in this Subsection (2)(c)(iii).

1086 (3) (a) An insurer may not unfairly discriminate among policyholders by charging  
1087 different premiums or by offering different terms of coverage, except on the basis of  
1088 classifications related to the nature and the degree of the risk covered or the expenses involved.

1089 (b) Rates are not unfairly discriminatory if they are averaged broadly among persons  
1090 insured under a group, blanket, or franchise policy, and the terms of those policies are not  
1091 unfairly discriminatory merely because they are more favorable than in similar individual  
1092 policies.

1093 (4) (a) This Subsection (4) applies to:

1094 (i) a person who is or should be licensed under this title;

1095 (ii) an employee of that licensee or person who should be licensed;

1096 (iii) a person whose primary interest is as a competitor of a person licensed under this  
1097 title; and

1098 (iv) one acting on behalf of any person described in Subsections (4)(a)(i) through (iii).

1099 (b) A person described in Subsection (4)(a) may not commit or enter into any  
1100 agreement to participate in any act of boycott, coercion, or intimidation that:

1101 (i) tends to produce:

1102 (A) an unreasonable restraint of the business of insurance; or

1103 (B) a monopoly in that business; or

1104 (ii) results in an applicant purchasing or replacing an insurance contract.

1105 (5) (a) (i) Subject to Subsection (5)(a)(ii), a person may not restrict in the choice of an  
1106 insurer or licensee under this chapter, another person who is required to pay for insurance as a  
1107 condition for the conclusion of a contract or other transaction or for the exercise of any right  
1108 under a contract.

1109 (ii) A person requiring coverage may reserve the right to disapprove the insurer or the  
1110 coverage selected on reasonable grounds.

1111 (b) The form of corporate organization of an insurer authorized to do business in this  
1112 state is not a reasonable ground for disapproval, and the commissioner may by rule specify  
1113 additional grounds that are not reasonable. This Subsection (5) does not bar an insurer from  
1114 declining an application for insurance.

1115 (6) A person may not make any charge other than insurance premiums and premium  
1116 financing charges for the protection of property or of a security interest in property, as a  
1117 condition for obtaining, renewing, or continuing the financing of a purchase of the property or  
1118 the lending of money on the security of an interest in the property.

1119 (7) (a) A licensee under this title may not refuse or fail to return promptly all indicia of  
1120 agency to the principal on demand.

1121 (b) A licensee whose license is suspended, limited, or revoked under Section  
1122 [31A-2-308](#), [31A-23a-111](#), or [31A-23a-112](#) may not refuse or fail to return the license to the  
1123 commissioner on demand.

1124 (8) (a) A person may not engage in an unfair method of competition or any other unfair  
1125 or deceptive act or practice in the business of insurance, as defined by the commissioner by  
1126 rule, after a finding that the method of competition, the act, or the practice:

- 1127 (i) is misleading;
- 1128 (ii) is deceptive;
- 1129 (iii) is unfairly discriminatory;
- 1130 (iv) provides an unfair inducement; or
- 1131 (v) unreasonably restrains competition.

1132 (b) Notwithstanding Subsection (8)(a), for purpose of the title insurance industry, the  
1133 ~~[Title and Escrow Commission]~~ commissioner shall make rules, subject to Section  
1134 ~~[31A-2-404]~~ [31A-2-201](#), that define an unfair method of competition or unfair or deceptive act  
1135 or practice after a finding that the method of competition, the act, or the practice:

- 1136 (i) is misleading;
- 1137 (ii) is deceptive;
- 1138 (iii) is unfairly discriminatory;
- 1139 (iv) provides an unfair inducement; or
- 1140 (v) unreasonably restrains competition.

1141 Section 16. Section ~~31A-23a-406~~ is amended to read:

1142 **31A-23a-406. Title insurance producer's business.**

1143 (1) An individual title insurance producer or agency title insurance producer may do  
1144 escrow involving real property transactions if all of the following exist:

1145 (a) the individual title insurance producer or agency title insurance producer is licensed  
1146 with:

1147 (i) the title line of authority; and

1148 (ii) the escrow subline of authority;

1149 (b) the individual title insurance producer or agency title insurance producer is

1150 appointed by a title insurer authorized to do business in the state;

1151 (c) except as provided in Subsection (3), the individual title insurance producer or  
1152 agency title insurance producer issues one or more of the following as part of the transaction:

1153 (i) an owner's policy offering title insurance;

1154 (ii) a lender's policy offering title insurance; or

1155 (iii) if the transaction does not involve a transfer of ownership, an endorsement to an  
1156 owner's or a lender's policy offering title insurance;

1157 (d) money deposited with the individual title insurance producer or agency title

1158 insurance producer in connection with any escrow is deposited:

1159 (i) in a federally insured depository institution, as defined in Section 7-1-103, that:

1160 (A) has an office in this state, if the individual title insurance producer or agency title  
1161 insurance producer depositing the money is a resident licensee; and

1162 (B) is authorized by the depository institution's primary regulator to engage in trust  
1163 business, as defined in Section 7-5-1, in this state; and

1164 (ii) in a trust account that is separate from all other trust account money that is not  
1165 related to real estate transactions;

1166 (e) money deposited with the individual title insurance producer or agency title  
1167 insurance producer in connection with any escrow is the property of the one or more persons

1168 entitled to the money under the provisions of the escrow; and

1169 (f) money deposited with the individual title insurance producer or agency title  
1170 insurance producer in connection with an escrow is segregated escrow by escrow in the records  
1171 of the individual title insurance producer or agency title insurance producer;

1172 (g) earnings on money held in escrow may be paid out of the escrow account to any

1173 person in accordance with the conditions of the escrow;

1174 (h) the escrow does not require the individual title insurance producer or agency title  
1175 insurance producer to hold:

1176 (i) construction money; or

1177 (ii) money held for exchange under Section 1031, Internal Revenue Code; and

1178 (i) the individual title insurance producer or agency title insurance producer shall  
1179 maintain a physical office in Utah staffed by a person with an escrow subline of authority who  
1180 processes the escrow.

1181 (2) Notwithstanding Subsection (1), an individual title insurance producer or agency  
1182 title insurance producer may engage in the escrow business if:

1183 (a) the escrow involves:

1184 (i) a mobile home;

1185 (ii) a grazing right;

1186 (iii) a water right; or

1187 (iv) other personal property authorized by the commissioner; and

1188 (b) the individual title insurance producer or agency title insurance producer complies  
1189 with this section except for Subsection (1)(c).

1190 (3) (a) Subsection (1)(c) does not apply if the transaction is for the transfer of real  
1191 property from the School and Institutional Trust Lands Administration.

1192 (b) This subsection does not prohibit an individual title insurance producer or agency  
1193 title insurance producer from issuing a policy described in Subsection (1)(c) as part of a  
1194 transaction described in Subsection (3)(a).

1195 (4) Money held in escrow:

1196 (a) is not subject to any debts of the individual title insurance producer or agency title  
1197 insurance producer;

1198 (b) may only be used to fulfill the terms of the individual escrow under which the  
1199 money is accepted; and

1200 (c) may not be used until the conditions of the escrow are met.

1201 (5) Assets or property other than escrow money received by an individual title  
1202 insurance producer or agency title insurance producer in accordance with an escrow shall be  
1203 maintained in a manner that will:

1204 (a) reasonably preserve and protect the asset or property from loss, theft, or damages;  
1205 and

1206 (b) otherwise comply with the general duties and responsibilities of a fiduciary or  
1207 bailee.

1208 (6) (a) A check from the trust account described in Subsection (1)(d) may not be  
1209 drawn, executed, or dated, or money otherwise disbursed unless the segregated escrow account  
1210 from which money is to be disbursed contains a sufficient credit balance consisting of collected  
1211 and cleared money at the time the check is drawn, executed, or dated, or money is otherwise  
1212 disbursed.

1213 (b) As used in this Subsection (6), money is considered to be "collected and cleared,"  
1214 and may be disbursed as follows:

1215 (i) cash may be disbursed on the same day the cash is deposited;

1216 (ii) a wire transfer may be disbursed on the same day the wire transfer is deposited; and

1217 (iii) the proceeds of one or more of the following financial instruments may be  
1218 disbursed on the same day the financial instruments are deposited if received from a single  
1219 party to the real estate transaction and if the aggregate of the financial instruments for the real  
1220 estate transaction is less than \$10,000:

1221 (A) a cashier's check, certified check, or official check that is drawn on an existing  
1222 account at a federally insured financial institution;

1223 (B) a check drawn on the trust account of a principal broker or associate broker  
1224 licensed under Title 61, Chapter 2f, Real Estate Licensing and Practices Act, if the individual  
1225 title insurance producer or agency title insurance producer has reasonable and prudent grounds  
1226 to believe sufficient money will be available from the trust account on which the check is  
1227 drawn at the time of disbursement of proceeds from the individual title insurance producer or  
1228 agency title insurance producer's escrow account;

1229 (C) a personal check not to exceed \$500 per closing; or

1230 (D) a check drawn on the escrow account of another individual title insurance producer  
1231 or agency title insurance producer, if the individual title insurance producer or agency title  
1232 insurance producer in the escrow transaction has reasonable and prudent grounds to believe  
1233 that sufficient money will be available for withdrawal from the account upon which the check  
1234 is drawn at the time of disbursement of money from the escrow account of the individual title



1235 insurance producer or agency title insurance producer in the escrow transaction.

1236 (c) A check or deposit not described in Subsection (6)(b) may be disbursed:

1237 (i) within the time limits provided under the Expedited Funds Availability Act, 12

1238 U.S.C. Sec. 4001 et seq., as amended, and related regulations of the Federal Reserve System; or

1239 (ii) upon notification from the financial institution to which the money has been

1240 deposited that final settlement has occurred on the deposited financial instrument.

1241 (7) An individual title insurance producer or agency title insurance producer shall

1242 maintain a record of a receipt or disbursement of escrow money.

1243 (8) An individual title insurance producer or agency title insurance producer shall

1244 comply with:

1245 (a) Section [31A-23a-409](#);

1246 (b) Title 46, Chapter 1, Notaries Public Reform Act; and

1247 (c) any rules adopted by the [~~Title and Escrow Commission~~] commissioner, subject to

1248 Section [~~31A-2-404~~] [31A-2-201](#), that govern escrows.

1249 (9) If an individual title insurance producer or agency title insurance producer conducts

1250 a search for real estate located in the state, the individual title insurance producer or agency

1251 title insurance producer shall conduct a reasonable search of the public records.

1252 Section 17. Section **31A-23a-415** is amended to read:

1253 **31A-23a-415. Assessment on agency title insurance producers or title insurers --**

1254 **Account created.**

1255 (1) For purposes of this section:

1256 (a) "Premium" is as described in Subsection [59-9-101\(3\)](#).

1257 (b) "Title insurer" means a person:

1258 (i) making any contract or policy of title insurance as:

1259 (A) insurer;

1260 (B) guarantor; or

1261 (C) surety;

1262 (ii) proposing to make any contract or policy of title insurance as:

1263 (A) insurer;

1264 (B) guarantor; or

1265 (C) surety; or

1266 (iii) transacting or proposing to transact any phase of title insurance, including:  
1267 (A) soliciting;  
1268 (B) negotiating preliminary to execution;  
1269 (C) executing of a contract of title insurance;  
1270 (D) insuring; and  
1271 (E) transacting matters subsequent to the execution of the contract and arising out of  
1272 the contract.

1273 (c) "Utah risks" means insuring, guaranteeing, or indemnifying with regard to real or  
1274 personal property located in Utah, an owner of real or personal property, the holders of liens or  
1275 encumbrances on that property, or others interested in the property against loss or damage  
1276 suffered by reason of:

1277 (i) liens or encumbrances upon, defects in, or the unmarketability of the title to the  
1278 property; or

1279 (ii) invalidity or unenforceability of any liens or encumbrances on the property.

1280 (2) (a) The commissioner may assess each title insurer, each individual title insurance  
1281 producer who is not an employee of a title insurer or who is not designated by an agency title  
1282 insurance producer, and each agency title insurance producer an annual assessment[?], in  
1283 accordance with this Subsection (2), to be used for the purposes described in Subsection (3).

1284 [~~(i) determined by the Title and Escrow Commission;~~]

1285 [~~(A) after consultation with the commissioner; and~~]

1286 [~~(B) in accordance with this Subsection (2); and~~]

1287 [~~(ii) to be used for the purposes described in Subsection (3).]~~]

1288 (b) An agency title insurance producer and individual title insurance producer who is  
1289 not an employee of a title insurer or who is not designated by an agency title insurance  
1290 producer shall be assessed up to:

1291 (i) \$250 for the first office in each county in which the agency title insurance producer  
1292 or individual title insurance producer maintains an office; and

1293 (ii) \$150 for each additional office the agency title insurance producer or individual  
1294 title insurance producer maintains in the county described in Subsection (2)(b)(i).

1295 (c) A title insurer shall be assessed up to:

1296 (i) \$250 for the first office in each county in which the title insurer maintains an office;

- 1297 (ii) \$150 for each additional office the title insurer maintains in the county described in  
1298 Subsection (2)(c)(i); and
- 1299 (iii) an amount calculated by:
- 1300 (A) aggregating the assessments imposed on:
- 1301 (I) agency title insurance producers and individual title insurance producers under  
1302 Subsection (2)(b); and
- 1303 (II) title insurers under Subsections (2)(c)(i) and (2)(c)(ii);
- 1304 (B) subtracting the amount determined under Subsection (2)(c)(iii)(A) from the total  
1305 costs and expenses determined under Subsection (2)(d); and
- 1306 (C) multiplying:
- 1307 (I) the amount calculated under Subsection (2)(c)(iii)(B); and
- 1308 (II) the percentage of total premiums for title insurance on Utah risk that are premiums  
1309 of the title insurer.
- 1310 (d) Notwithstanding Section [31A-3-103](#) and subject to Section [~~31A-2-404, the Title~~  
1311 ~~and Escrow Commission~~] [31A-2-201](#), the commissioner by rule shall establish the amount of  
1312 costs and expenses described under Subsection (3) that will be covered by the assessment,  
1313 except the costs or expenses to be covered by the assessment may not exceed the cost of one  
1314 full-time equivalent position.
- 1315 (e) (i) An individual licensed to practice law in Utah is exempt from the requirements  
1316 of this Subsection (2) if that person issues 12 or less policies during a 12-month period.
- 1317 (ii) In determining the number of policies issued by an individual licensed to practice  
1318 law in Utah for purposes of Subsection (2)(e)(i), if the individual issues a policy to more than  
1319 one party to the same closing, the individual is considered to have issued only one policy.
- 1320 (3) (a) Money received by the state under this section shall be deposited into the Title  
1321 Licensee Enforcement Restricted Account.
- 1322 (b) There is created in the General Fund a restricted account known as the "Title  
1323 Licensee Enforcement Restricted Account."
- 1324 (c) The Title Licensee Enforcement Restricted Account shall consist of the money  
1325 received by the state under this section.
- 1326 (d) The commissioner shall administer the Title Licensee Enforcement Restricted  
1327 Account. Subject to appropriations by the Legislature, the commissioner shall use the money

1328 deposited into the Title Licensee Enforcement Restricted Account only to pay for a cost or  
1329 expense incurred by the department in the administration, investigation, and enforcement of  
1330 laws governing individual title insurance producers, agency title insurance producers, or title  
1331 insurers.

1332 (e) An appropriation from the Title Licensee Enforcement Restricted Account is  
1333 nonlapsing.

1334 (4) The assessment imposed by this section shall be in addition to any premium  
1335 assessment imposed under Subsection 59-9-101(3).

1336 Section 18. Section 31A-23a-1001 is amended to read:

1337 **31A-23a-1001. Definitions.**

1338 As used in this part:

1339 (1) "Affiliated business" means the gross transaction revenue of a title entity's title  
1340 insurance business in the state that is the result of an affiliated business arrangement.

1341 (2) "Affiliated business arrangement" means the same as that term is defined in 12  
1342 U.S.C. Sec. 2602, except the services that are the subject of the arrangement do not need to  
1343 involve a federally related mortgage loan.

1344 (3) "Applicable percentage" means:

1345 (a) on February 1, 2020, through January 31, 2021, 0.5%;

1346 (b) on February 1, 2021, through January 31, 2022, 1%;

1347 (c) on February 1, 2022, through January 31, 2023, 1.5%;

1348 (d) on February 1, 2023, through January 31, 2024, 2%;

1349 (e) on February 1, 2024, through January 31, 2025, 2.5%;

1350 (f) on February 1, 2025, through January 31, 2026, 3%;

1351 (g) on February 1, 2026, through January 31, 2027, 3.5%;

1352 (h) on February 1, 2027, through January 31, 2028, 4%; and

1353 (i) on February 1, 2028, through January 31, 2029, 4.5%.

1354 (4) "Associate" means the same as that term is defined in 12 U.S.C. Sec. 2602.

1355 (5) "Division" means the Division of Real Estate created in Section 61-2-201.

1356 (6) "Essential function" means:

1357 (a) examining and evaluating, based on relevant law and title insurance underwriting  
1358 principles and guidelines, title evidence to determine the insurability of a title and which items

1359 to include or exclude in a title commitment or title insurance policy to be issued;  
1360 (b) preparing and issuing a title commitment or other document that:  
1361 (i) discloses the status of the title as the title is proposed to be insured;  
1362 (ii) identifies the conditions that must be met before a title insurance policy will be  
1363 issued; and  
1364 (iii) obligates the insurer to issue a title insurance policy if the conditions described in  
1365 Subsection (6)(b)(ii) are met;  
1366 (c) clearing underwriting objections and taking the necessary steps to satisfy any  
1367 conditions to the issuance of a title insurance policy;  
1368 (d) preparing the issuance of a title insurance policy; or  
1369 (e) handling the closing or settlement of a real estate transaction when:  
1370 (i) it is customary for a title entity to handle the closing or settlement; and  
1371 (ii) the title entity's compensation for handling the closing or settlement is customarily  
1372 part of the payment or retention from the insurer.  
1373 (7) "New or newly affiliated title entity" means a title entity that:  
1374 (a) is licensed as a title entity for the first time on or after May 14, 2019; or  
1375 (b) (i) is licensed as a title entity before May 14, 2019; and  
1376 (ii) enters into an affiliated business arrangement for the first time on or after May 14,  
1377 2019.  
1378 (8) "Producer" means the same as the term "person who is in a position to refer  
1379 settlement service business" is defined in 12 C.F.R. Sec. 1024.15(c).  
1380 (9) "RESPA" means the federal Real Estate Settlement Procedures Act, 12 U.S.C. Sec.  
1381 2601 et seq. and any rules made thereunder.  
1382 (10) "Section 8 of RESPA" means 12 U.S.C. Sec. 2607 and any rules promulgated  
1383 thereunder.  
1384 (11) "Sufficient capital and net worth" means:  
1385 (a) for a new or newly affiliated title entity:  
1386 (i) \$100,000 for the first five years after becoming a new or newly affiliated title entity;  
1387 or  
1388 (ii) after the first five years after becoming a new or newly affiliated title entity, the  
1389 greater of:

- 1390 (A) \$50,000; or
- 1391 (B) on February 1 of each year, an amount equal to 5% of the title entity's average
- 1392 annual gross revenue over the preceding two calendar years, up to \$150,000; or
- 1393 (b) for a title entity licensed before May 14, 2019, who is not a new or newly affiliated
- 1394 title entity:
- 1395 (i) for the time period beginning on February 1, 2020, and ending on January 31, 2029,
- 1396 the lesser of:
- 1397 (A) an amount equal to the applicable percentage of the title entity's average annual
- 1398 gross revenue over the two calendar years immediately preceding the February 1 on which the
- 1399 applicable percentage first applies; or
- 1400 (B) \$150,000; and
- 1401 (ii) beginning on February 1, 2029, the greater of:
- 1402 (A) \$50,000; or
- 1403 (B) an amount equal to 5% of the title entity's average annual gross revenue over the
- 1404 preceding two calendar years, up to \$150,000.
- 1405 (12) "Title entity" means:
- 1406 (a) a title licensee as defined in ~~[Section 31A-2-402]~~ this section; or
- 1407 (b) a title insurer as defined in Section 31A-23a-415.
- 1408 (13) (a) "Title evidence" means a written or electronic document that identifies and
- 1409 describes or compiles the documents, records, judgments, liens, and other information from the
- 1410 public records relevant to the history and current condition of a title to be insured.
- 1411 (b) "Title evidence" does not include a pro forma commitment.
- 1412 (14) "Title licensee" means:
- 1413 (a) an agency title insurance producer with a title insurance line of authority;
- 1414 (b) an individual title insurance producer with:
- 1415 (i) a general title insurance line of authority; or
- 1416 (ii) a specific category of authority for title insurance; or
- 1417 (c) a title insurance adjuster.
- 1418 Section 19. Section ~~31A-26-203~~ is amended to read:
- 1419 **31A-26-203. Adjuster's license required.**
- 1420 (1) The commissioner shall issue a license to act as an independent adjuster or public

1421 adjuster to a person who, as to the license classification applied for under Section 31A-26-204:

1422 (a) satisfies the character requirements under Section 31A-26-205;

1423 (b) satisfies the applicable continuing education requirements under Section

1424 31A-26-206;

1425 (c) satisfies the applicable examination requirements under Section 31A-26-207;

1426 (d) has not committed an act that is a ground for denial, suspension, or revocation

1427 provided for in Section 31A-26-213;

1428 (e) if a nonresident, complies with Section 31A-26-208; and

1429 (f) pays the applicable fees under Section 31A-3-103.

1430 (2) (a) This Subsection (2) applies to the following persons:

1431 (i) an applicant for:

1432 (A) an independent adjuster's license; or

1433 (B) a public adjuster's license;

1434 (ii) a licensed independent adjuster; or

1435 (iii) a licensed public adjuster.

1436 (b) A person described in Subsection (2)(a) shall report to the commissioner:

1437 (i) an administrative action taken against the person, including a denial of a new or  
1438 renewal license application:

1439 (A) in another jurisdiction; or

1440 (B) by another regulatory agency in this state; and

1441 (ii) a criminal prosecution taken against the person in any jurisdiction.

1442 (c) The report required by Subsection (2)(b) shall:

1443 (i) be filed:

1444 (A) at the time the person applies for an adjustor's license; and

1445 (B) if an action or prosecution occurs on or after the day on which the person applies  
1446 for an adjustor's license:

1447 (I) for an administrative action, within 30 days of the final disposition of the  
1448 administrative action; or

1449 (II) for a criminal prosecution, within 30 days of the initial appearance before a court;

1450 and

1451 (ii) include a copy of the complaint or other relevant legal documents related to the

1452 action or prosecution described in Subsection (2)(b).

1453 (3) (a) The department may require a person applying for a license or for consent to  
1454 engage in the business of insurance to submit to a criminal background check as a condition of  
1455 receiving a license or consent.

1456 (b) A person, if required to submit to a criminal background check under Subsection  
1457 (3)(a), shall:

1458 (i) submit a fingerprint card in a form acceptable to the department; and

1459 (ii) consent to a fingerprint background check by:

1460 (A) the Utah Bureau of Criminal Identification; and

1461 (B) the Federal Bureau of Investigation.

1462 (c) For a person who submits a fingerprint card and consents to a fingerprint  
1463 background check under Subsection (3)(b), the department may request concerning a person  
1464 applying for an independent or public adjuster's license:

1465 (i) criminal background information maintained pursuant to Title 53, Chapter 10, Part  
1466 2, Bureau of Criminal Identification, from the Bureau of Criminal Identification; and

1467 (ii) complete Federal Bureau of Investigation criminal background checks through the  
1468 national criminal history system.

1469 (d) Information obtained by the department from the review of criminal history records  
1470 received under this Subsection (3) shall be used by the department for the purposes of:

1471 (i) determining if a person satisfies the character requirements under Section

1472 [31A-26-205](#) for issuance or renewal of a license;

1473 (ii) determining if a person has failed to maintain the character requirements under  
1474 Section [31A-26-205](#); and

1475 (iii) preventing a person who violates the federal Violent Crime Control and Law  
1476 Enforcement Act of 1994, 18 U.S.C. Sec. 1033, from engaging in the business of insurance in  
1477 the state.

1478 (e) If the department requests the criminal background information, the department  
1479 shall:

1480 (i) pay to the Department of Public Safety the costs incurred by the Department of  
1481 Public Safety in providing the department criminal background information under Subsection  
1482 (3)(c)(i);



1483 (ii) pay to the Federal Bureau of Investigation the costs incurred by the Federal Bureau  
1484 of Investigation in providing the department criminal background information under  
1485 Subsection (3)(c)(ii); and

1486 (iii) charge the person applying for a license or for consent to engage in the business of  
1487 insurance a fee equal to the aggregate of Subsections (3)(e)(i) and (ii).

1488 (4) The commissioner may deny a license application to act as an independent adjuster  
1489 or public adjuster to a person who, as to the license classification applied for under Section  
1490 [31A-26-204](#):

1491 (a) fails to satisfy the requirements in this section; or

1492 (b) commits an act that is a ground for denial, suspension, or revocation provided for in  
1493 Section [31A-26-213](#).

1494 ~~[(5) Notwithstanding the other provisions of this section, the commissioner may:]~~

1495 ~~[(a) issue a license to an applicant for a license for a title insurance classification only  
1496 with the concurrence of the Title and Escrow Commission; or]~~

1497 ~~[(b) renew a license for a title insurance classification only with the concurrence of the  
1498 Title and Escrow Commission.]~~

1499 Section 20. Section [31A-26-204](#) is amended to read:

1500 **[31A-26-204. License classifications.](#)**

1501 A resident or nonresident license issued under this chapter shall be issued under the  
1502 classifications described under Subsections (1), (2), and (3). A classification describes the  
1503 matters to be considered under a prerequisite education or examination required of license  
1504 applicants under Sections [31A-26-206](#) and [31A-26-207](#).

1505 (1) Independent adjuster license classifications include:

1506 (a) accident and health insurance, including related service insurance under Chapter 7,  
1507 Nonprofit Health Service Insurance Corporations, or Chapter 8, Health Maintenance  
1508 Organizations and Limited Health Plans;

1509 (b) property and casualty insurance, including a surety or other bond;

1510 (c) crop insurance; and

1511 (d) workers' compensation insurance.

1512 (2) Public adjuster license classifications include:

1513 (a) accident and health insurance, including related service insurance under Chapter 7,

1514 Nonprofit Health Service Insurance Corporations, or Chapter 8, Health Maintenance  
1515 Organizations and Limited Health Plans;

1516 (b) property and casualty insurance, including a surety or other bond;

1517 (c) crop insurance; and

1518 (d) workers' compensation insurance.

1519 (3) ~~[(a)]~~ The commissioner may by rule:

1520 ~~[(i)]~~ (a) recognize other independent adjuster or public adjuster license classifications  
1521 as to other kinds of insurance not listed under Subsection (1); and

1522 ~~[(ii)]~~ (b) create license classifications that grant only part of the authority arising under  
1523 another license class.

1524 ~~[(b) Notwithstanding Subsection (3)(a), for purpose of title insurance, the Title and~~  
1525 ~~Escrow Commission may make the rules provided for in Subsection (3)(a), subject to Section~~  
1526 ~~31A-2-404.]~~

1527 Section 21. Section **31A-41-102** is amended to read:

1528 **31A-41-102. Definitions.**

1529 As used in this chapter:

1530 ~~[(1) "Commission" means the Title and Escrow Commission created in Section~~  
1531 ~~31A-2-403.]~~

1532 ~~[(2)]~~ (1) "Fund" means the Title Insurance Recovery, Education, and Research Fund  
1533 created in Section [31A-41-201](#).

1534 ~~[(3)]~~ (2) "Title insurance licensee" means:

1535 (a) an agency title insurance producer; or

1536 (b) an individual title insurance producer.

1537 Section 22. Section **31A-41-202** is amended to read:

1538 **31A-41-202. Assessments.**

1539 (1) An agency title insurance producer licensed under this title shall pay an annual  
1540 assessment determined by the ~~[commission]~~ commissioner by rule made in accordance with  
1541 Section ~~[31A-2-404]~~ [31A-2-201](#), except that the annual assessment:

1542 (a) may not exceed \$1,000; and

1543 (b) shall be determined on the basis of title insurance premium volume.

1544 (2) An individual who applies for a license or renewal of a license as an individual title

1545 insurance producer, shall pay in addition to any other fee required by this title, an assessment  
 1546 not to exceed \$20, as determined by the ~~[commission]~~ commissioner by rule made in  
 1547 accordance with Section ~~[31A-2-404]~~ 31A-2-201, except that if the individual holds more than  
 1548 one license, the total of all assessments under this Subsection (2) may not exceed \$20 in a  
 1549 fiscal year.

1550 (3) (a) To be licensed as an agency title insurance producer, a person shall pay to the  
 1551 department an assessment of \$1,000 before the day on which the person is licensed as a title  
 1552 insurance agency.

1553 (b) (i) The department shall assess on a licensed agency title insurance producer an  
 1554 amount equal to the greater of:

1555 (A) \$1,000; or

1556 (B) subject to Subsection (3)(b)(ii), 2% of the balance in the agency title insurance  
 1557 producer's reserve account described in Subsection 31A-23a-204(3).

1558 (ii) The department may assess on an agency title insurance producer an amount less  
 1559 than 2% of the balance described in Subsection (3)(b)(i)(B) if:

1560 (A) before issuing the assessments under this Subsection (3)(b) the department  
 1561 determines that the total of all assessments under Subsection (3)(b)(i) will exceed \$250,000;

1562 (B) the amount assessed on the agency title insurance producer is not less than \$1,000;  
 1563 and

1564 (C) the department reduces the assessment in a proportionate amount for agency title  
 1565 insurance producers assessed on the basis of the 2% of the balance described in Subsection  
 1566 (3)(b)(i)(B).

1567 (iii) An agency title insurance producer assessed under this Subsection (3)(b) shall pay  
 1568 the assessment by no later than August 1.

1569 (4) The department may not assess a title insurance licensee an assessment for  
 1570 purposes of the fund if that assessment is not expressly provided for in this section.

1571 Section 23. Section ~~58-49-2~~ is amended to read:

1572 **58-49-2. Definitions.**

1573 In addition to the definitions in Section 58-1-102, as used in this chapter:

1574 ~~[(1) "Board" means the Dietitian Board created in Section 58-49-3.]~~

1575 ~~[(2)]~~ (1) "Certified dietitian" means a person who is certified by the division as meeting

1576 the certification requirements provided in this chapter.

1577 ~~[(3)]~~ (2) "Commission on Dietetic Registration" means the credentialing component of  
1578 the American Dietetic Association.

1579 ~~[(4)]~~ (3) "Dietetics" means the integration and application of principles derived from  
1580 the sciences of food for the development, management, and provision of dietary services for  
1581 individuals and groups for meeting their health care needs. "Dietetics" includes:

1582 (a) the evaluation of a person's dietary status;

1583 (b) the advising and education of persons on dietary needs; and

1584 (c) the evaluation of needs, implementation of systems to support needs, and  
1585 maintenance of appropriate standards of quality in food and dietary service for individuals,  
1586 groups, or patients in licensed institutional facilities or in private office settings.

1587 ~~[(5)]~~ (4) "Unprofessional conduct" as defined in Section 58-1-501 and as may be  
1588 further defined by rule includes failing to maintain a level of professional practice consistent  
1589 with all initial and subsequent requirements by which certification is achieved or maintained  
1590 under this chapter.

1591 Section 24. Section 58-49-4 is amended to read:

1592 **58-49-4. Qualifications for certification -- Fee.**

1593 Each applicant for certification under this chapter shall provide proof satisfactory to the  
1594 division that the applicant:

1595 (1) holds a baccalaureate or post-baccalaureate degree conferred by a college or  
1596 university approved by the division at the time the degree was conferred with a major course of  
1597 study in the sciences of food, dietetics, food systems management, or an equivalent major  
1598 course of study;

1599 (2) has completed an internship or preplanned professional baccalaureate or  
1600 post-baccalaureate experience in a dietetic program under the supervision of a certified  
1601 dietitian who is certified under this chapter or certified, registered, or licensed under the laws of  
1602 another state or territory of the United States;

1603 (3) has satisfactorily passed a competency examination, approved by or given at the  
1604 direction of the ~~[board in collaboration with the]~~ division; and

1605 (4) has paid the appropriate fees determined by the Department of Commerce. The fee  
1606 assessed by the Department of Commerce shall be fair and reasonable and shall reflect the cost

1607 of services provided.

1608 Section 25. Section **58-49-6** is amended to read:

1609 **58-49-6. Certification of persons qualified in other jurisdictions.**

1610 Upon receipt of an application and application fee~~], and upon the recommendation of~~  
1611 ~~the board;~~] the division may waive the examination requirement for an applicant who, at the  
1612 time of application:

1613 (1) holds a valid dietitian license or certificate issued by another state or territory of the  
1614 United States, provided his qualifications meet the requirements of this chapter; or

1615 (2) is registered by the Commission on Dietetic Registration.

1616 Section 26. Section **58-53-102** is amended to read:

1617 **58-53-102. Definitions.**

1618 In addition to the definitions in Section **58-1-102**, as used in this chapter:

1619 ~~[(1) "Board" means the Landscape Architects Board created in Section **58-53-201**.]~~

1620 ~~[(2)]~~ (1) "Fund" means the Landscape Architects Education and Enforcement Fund  
1621 created in Section **58-53-103**.

1622 ~~[(3)]~~ (2) "Practice of landscape architecture" means rendering or offering to render any  
1623 of the following services:

1624 (a) production of a site plan which may include the design of any of the following:

1625 (i) sprinkler irrigation systems;

1626 (ii) landscape grading and drainage plans; or

1627 (iii) parking lots;

1628 (b) design of any of the following structures incidental to the production of a site plan:

1629 (i) retaining walls; or

1630 (ii) raised platforms, decks, and walkways;

1631 (c) design of any of the following structures incidental to the production of a site plan  
1632 when the structure does not exceed 1,000 square feet:

1633 (i) covered pavilions;

1634 (ii) gazebos;

1635 (iii) restrooms;

1636 (iv) storage and maintenance facilities; or

1637 (v) other accessory structures; or

1638 (d) collaboration with architects and professional engineers in the design of roads,  
1639 bridges, buildings, and structures with respect to the functional and aesthetic requirements of  
1640 the area in which they are to be placed.

1641 [(4)] (3) "Principal" means a licensed landscape architect having responsible charge of  
1642 a landscape architectural practice.

1643 [(5)] (4) "Supervision" with respect to the supervision of an employee of a landscape  
1644 architect, means that a licensed landscape architect is responsible for and personally reviews,  
1645 corrects when necessary, and approves work performed by any employee under the direction of  
1646 the landscape architect, and may be further defined by rule of the division in collaboration with  
1647 the board.

1648 [(6)] (5) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-53-501.

1649 [(7)] (6) "Unprofessional conduct" is as defined in Section 58-1-501 and as may be  
1650 further defined by rule of the division in collaboration with the board.

1651 Section 27. Section 58-53-103 is amended to read:

1652 **58-53-103. Education and enforcement fund.**

1653 (1) There is created an expendable special revenue fund known as the "Landscape  
1654 Architects Education and Enforcement Fund."

1655 (2) The fund consists of money from:

1656 (a) a surcharge placed on application fees for initial, renewal, and reinstatement  
1657 licensure under this chapter, in an amount established by the division [~~with the collaboration of~~  
1658 ~~the board~~] in accordance with Section 63J-1-504, not to exceed 50% of the respective fee; and

1659 (b) administrative penalties collected pursuant to this chapter.

1660 (3) The fund shall earn interest, and all interest earned on fund money shall be  
1661 deposited into the fund.

1662 (4) The director may[~~, with concurrence of the board,~~] make distributions from the  
1663 fund for the following purposes:

1664 (a) education and training of licensees under this chapter;

1665 (b) education and training of the public or other interested persons in matters  
1666 concerning landscape architectural laws and practices; and

1667 (c) enforcement of this chapter by:

1668 (i) investigating unprofessional or unlawful conduct; and

1669 (ii) providing legal representation to the division when the division takes legal action  
1670 against a person engaging in unprofessional or unlawful conduct.

1671 (5) If the balance in the fund exceeds \$100,000 at the close of any fiscal year, the  
1672 excess shall be transferred to the General Fund.

1673 (6) The division shall report annually to the appropriate appropriations subcommittee  
1674 of the Legislature concerning the fund.

1675 Section 28. Section **58-53-302** is amended to read:

1676 **58-53-302. Qualifications for licensure.**

1677 (1) Each applicant for licensure as a landscape architect shall:

1678 (a) submit an application in a form prescribed by the division;

1679 (b) pay a fee as determined by the department under Section [63J-1-504](#);

1680 (c) provide satisfactory evidence of good moral character;

1681 (d) (i) have graduated and received an earned bachelors or masters degree from a  
1682 landscape architecture program meeting criteria established by rule by the division [~~in~~  
1683 ~~collaboration with the board~~]; or

1684 (ii) have completed not less than eight years of supervised practical experience in  
1685 landscape architecture which meets the requirements established by rule by the division [~~in~~  
1686 ~~collaboration with the board~~]; and

1687 (e) have successfully passed examinations established by rule by the division [~~in~~  
1688 ~~collaboration with the board~~].

1689 (2) Satisfactory completion of each year of a landscape architectural program described  
1690 in Subsection (1)(d)(i) is equivalent to one year of experience for purposes of Subsection  
1691 (1)(d)(ii).

1692 Section 29. Section **58-53-304** is amended to read:

1693 **58-53-304. Exemptions from licensure.**

1694 In addition to the exemptions from licensure in Section [58-1-307](#), the following may  
1695 engage in the stated limited acts or practices without being licensed under this chapter:

1696 (1) a person preparing a site plan as defined in Subsection [~~58-53-102(3)~~]

1697 [58-53-102\(2\)](#), for a one-, two-, three-, or four-family residence not exceeding two stories in  
1698 height, exclusive of the basement;

1699 (2) a person designing sprinkler irrigation systems when licensed as a landscape

1700 contractor under Title 58, Chapter 55, Utah Construction Trades Licensing Act;

1701 (3) a person licensed to practice professional engineering or professional structural  
1702 engineering under Title 58, Chapter 22, Professional Engineers and Professional Land  
1703 Surveyors Licensing Act;

1704 (4) a person licensed to practice architecture under Title 58, Chapter 3a, Architects  
1705 Licensing Act;

1706 (5) unlicensed employees of a person licensed under this chapter while preparing site  
1707 plans as defined in Subsection [~~58-53-102(3)~~] 58-53-102(2), under the supervision of a  
1708 landscape architect; and

1709 (6) an organization engaged in the practice of landscape architecture, provided that:

1710 (a) the organization employs a principal; and

1711 (b) all individuals employed by the organization, who are engaged in the practice of  
1712 landscape architecture, are licensed or exempt from licensure under this chapter.

1713 Section 30. Section ~~58-53-601~~ is amended to read:

1714 **58-53-601. Seal -- Design and implementation.**

1715 Every landscape architect shall have a seal, the design and implementation of which  
1716 shall be established by rule by the division [~~in collaboration with the board~~].

1717 Section 31. Section ~~58-71-102~~ is amended to read:

1718 **58-71-102. Definitions.**

1719 In addition to the definitions in Section ~~58-1-102~~, as used in this chapter:

1720 (1) "Acupuncture" means the same as that term is defined in Section ~~58-72-102~~.

1721 (2) "Administrative penalty" means a monetary fine imposed by the division for acts or  
1722 omissions determined to constitute unprofessional or unlawful conduct, as a result of an  
1723 adjudicative proceeding conducted in accordance with Title 63G, Chapter 4, Administrative  
1724 Procedures Act.

1725 [~~(3) "Board" means the Naturopathic Physicians Licensing Board created in Section~~  
1726 ~~58-71-201.~~]

1727 [~~(4)~~] (3) "Controlled substance" means the same as that term is defined in Section  
1728 ~~58-37-2~~.

1729 [~~(5)~~] (4) "Diagnose" means:

1730 (a) to examine in any manner another individual, parts of an individual's body,



1731 substances, fluids, or materials excreted, taken, or removed from an individual's body, or  
1732 produced by an individual's body, to determine the source, nature, kind, or extent of a disease  
1733 or other physical or mental condition;

1734 (b) to attempt to conduct an examination or determination described under Subsection  
1735 ~~[(5)(a)]~~ (4)(a);

1736 (c) to hold oneself out as making or to represent that one is making an examination or  
1737 determination as described in Subsection ~~[(5)(a)]~~ (4)(a); or

1738 (d) to make an examination or determination as described in Subsection ~~[(5)(a)]~~ (4)(a)  
1739 upon or from information supplied directly or indirectly by another individual, whether or not  
1740 in the presence of the individual the examination or determination concerns.

1741 ~~[(6)]~~ (5) "Local anesthesia" means an agent, whether a natural medicine or  
1742 nonscheduled prescription drug, which:

1743 (a) is applied topically or by injection associated with the performance of minor office  
1744 procedures;

1745 (b) has the ability to produce loss of sensation to a targeted area of an individual's  
1746 body;

1747 (c) does not cause loss of consciousness or produce general sedation; and

1748 (d) is part of the competent practice of naturopathic medicine during minor office  
1749 procedures.

1750 ~~[(7)]~~ (6) "Medical naturopathic assistant" means an unlicensed individual working  
1751 under the direct and immediate supervision of a licensed naturopathic physician and engaged in  
1752 specific tasks assigned by the licensed naturopathic physician in accordance with the standards  
1753 and ethics of the profession.

1754 ~~[(8)]~~ (7) (a) "Minor office procedures" means:

1755 (i) the use of operative, electrical, or other methods for repair and care of superficial  
1756 lacerations, abrasions, and benign lesions;

1757 (ii) removal of foreign bodies located in the superficial tissues, excluding the eye or  
1758 ear;

1759 (iii) the use of antiseptics and local anesthetics in connection with minor office surgical  
1760 procedures; and

1761 (iv) percutaneous injection into skin, tendons, ligaments, muscles, and joints with:

- 1762 (A) local anesthesia or a prescription drug described in Subsection [~~(9)(d)~~] (8)(d); or
- 1763 (B) natural substances.
- 1764 (b) "Minor office procedures" does not include:
- 1765 (i) general or spinal anesthesia;
- 1766 (ii) office procedures more complicated or extensive than those set forth in Subsection
- 1767 [~~(8)(a)~~] (7)(a);
- 1768 (iii) procedures involving the eye; and
- 1769 (iv) any office procedure involving nerves, veins, or arteries.
- 1770 [~~(9)~~] (8) "Natural medicine" means any:
- 1771 (a) food, food extract, dietary supplement as defined by the Federal Food, Drug, and
- 1772 Cosmetic Act, 21 U.S.C. Sec. 301 et seq., homeopathic remedy, or plant substance that is not
- 1773 designated a prescription drug or controlled substance;
- 1774 (b) over-the-counter medication;
- 1775 (c) other nonprescription substance, the prescription or administration of which is not
- 1776 otherwise prohibited or restricted under federal or state law; or
- 1777 (d) prescription drug:
- 1778 (i) the prescription of which is consistent with the competent practice of naturopathic
- 1779 medicine;
- 1780 (ii) that is not a controlled substance except for testosterone; and
- 1781 (iii) that is not any of the following as determined by the federal Food and Drug
- 1782 Administration's general drug category list:
- 1783 (A) an anticoagulant for the management of a bleeding disorder;
- 1784 (B) an anticonvulsant;
- 1785 (C) an antineoplastic;
- 1786 (D) an antipsychotic;
- 1787 (E) a barbiturate;
- 1788 (F) a cytotoxic;
- 1789 (G) a sedative;
- 1790 (H) a sleeping drug;
- 1791 (I) a tranquilizer; or
- 1792 (J) any drug category added after April 1, 2022, unless the division determines the drug

1793 category to be consistent with the practice of naturopathic medicine under Section [58-71-203](#).

1794 ~~[(10)]~~ (9) (a) "Naturopathic childbirth" means uncomplicated natural childbirth assisted  
1795 by a naturopathic physician.

1796 (b) "Naturopathic childbirth" includes the use of:

1797 (i) natural medicines; and

1798 (ii) uncomplicated episiotomy.

1799 (c) "Naturopathic childbirth" does not include the use of:

1800 (i) forceps delivery;

1801 (ii) general or spinal anesthesia;

1802 (iii) caesarean section delivery; or

1803 (iv) induced labor or abortion.

1804 ~~[(11)]~~ (10) (a) "Naturopathic mobilization therapy" means manually administering  
1805 mechanical treatment of body structures or tissues for the purpose of restoring normal  
1806 physiological function to the body by normalizing and balancing the musculoskeletal system of  
1807 the body;

1808 (b) "Naturopathic mobilization therapy" does not mean manipulation or adjustment of  
1809 the joints of the human body beyond the elastic barrier; and

1810 (c) "Naturopathic mobilization therapy" does not include manipulation as used in Title  
1811 58, Chapter 73, Chiropractic Physician Practice Act.

1812 ~~[(12)]~~ (11) (a) "Naturopathic physical medicine" means the use of the physical agents  
1813 of air, water, heat, cold, sound, light, and electromagnetic nonionizing radiation, and the  
1814 physical modalities of electrotherapy, acupuncture, diathermy, ultraviolet light, ultrasound,  
1815 hydrotherapy, naturopathic mobilization therapy, and exercise.

1816 (b) "Naturopathic physical medicine" does not include the practice of physical therapy  
1817 or physical rehabilitation.

1818 ~~[(13)]~~ (12) "Practice of naturopathic medicine" means:

1819 (a) a system of primary health care for the prevention, diagnosis, and treatment of  
1820 human health conditions, injuries, and diseases that uses education, natural medicines, and  
1821 natural therapies, to support and stimulate the patient's intrinsic self-healing processes by:

1822 (i) using naturopathic childbirth, but only if:

1823 (A) the licensee meets standards of the American College of Naturopathic

1824 Obstetricians (ACNO) or ACNO's successor as determined by the division in collaboration  
1825 with the board; and

1826 (B) the licensee follows a written plan for naturopathic physicians practicing  
1827 naturopathic childbirth approved by the division in collaboration with the board, which  
1828 includes entering into an agreement with a consulting physician and surgeon or osteopathic  
1829 physician, in cases where the scope of practice of naturopathic childbirth may be exceeded and  
1830 specialty care and delivery is indicated, detailing the guidelines by which the naturopathic  
1831 physician will:

1832 (I) refer patients to the consulting physician; and

1833 (II) consult with the consulting physician;

1834 (ii) using naturopathic mobilization therapy;

1835 (iii) using naturopathic physical medicine;

1836 (iv) using minor office procedures;

1837 (v) prescribing or administering natural medicine;

1838 (vi) prescribing medical equipment and devices, diagnosing by the use of medical  
1839 equipment and devices, and administering therapy or treatment by the use of medical devices  
1840 necessary and consistent with the competent practice of naturopathic medicine;

1841 (vii) prescribing barrier devices for contraception;

1842 (viii) using dietary therapy;

1843 (ix) taking and using diagnostic x-rays, electrocardiograms, ultrasound, and  
1844 physiological function tests;

1845 (x) taking of body fluids for clinical laboratory tests and using the results of the tests in  
1846 diagnosis;

1847 (xi) taking of a history from and conducting of a physical examination upon a human  
1848 patient; and

1849 (xii) administering local anesthesia during the performance of a minor office  
1850 procedure;

1851 (b) to maintain an office or place of business for the purpose of doing any of the acts  
1852 described in Subsection [~~(13)~~(a)] (12)(a), whether or not for compensation; or

1853 (c) to use, in the conduct of any occupation or profession pertaining to the diagnosis or  
1854 treatment of human diseases or conditions, in any printed material, stationery, letterhead,

1855 envelopes, signs, or advertisements, the designation "naturopathic physician," "naturopathic  
1856 doctor," "naturopath," "doctor of naturopathic medicine," "doctor of naturopathy,"  
1857 "naturopathic medical doctor," "naturopathic medicine," "naturopathic health care,"  
1858 "naturopathy," "N.D.," "N.M.D.," or any combination of these designations in any manner that  
1859 might cause a reasonable person to believe the individual using the designation is a licensed  
1860 naturopathic physician.

1861 ~~[(14)]~~ (13) "Prescribe" means to issue a prescription:

1862 (a) orally or in writing; or

1863 (b) by telephone, facsimile transmission, computer, or other electronic means of  
1864 communication as defined by division rule.

1865 ~~[(15)]~~ (14) "Prescription device" means an instrument, apparatus, implement, machine,  
1866 contrivance, implant, in vitro reagent, or other similar or related article, and any component  
1867 part or accessory, which is required under federal or state law to be prescribed by a practitioner  
1868 and dispensed by or through a person licensed under this chapter or exempt from licensure  
1869 under this chapter.

1870 ~~[(16)]~~ (15) "Prescription drug" means a drug that is required by federal or state law or  
1871 rule to be dispensed only by prescription or is restricted to administration only by practitioners.

1872 ~~[(17)]~~ (16) "Unlawful conduct" means the same as that term is defined in Sections  
1873 [58-1-501](#) and [58-71-501](#).

1874 ~~[(18)]~~ (17) "Unprofessional conduct" means the same as that term is defined in  
1875 Sections [58-1-501](#) and [58-71-502](#), and as may be further defined by division rule.

1876 Section 32. Section **58-71-203** is amended to read:

1877 **58-71-203. Drug category review.**

1878 (1) As used in this section, "FDA" means the federal Food and Drug Administration.

1879 (2) After April 1, 2022, if the FDA adds a new drug category to the FDA's general drug  
1880 category list, the division shall determine whether the drug category is consistent with the  
1881 practice of naturopathic medicine.

1882 (3) To make the determination described in Subsection (2), the division shall consult  
1883 with[:] the board described in Section [58-67-201](#).

1884 ~~[(a) the board; and]~~

1885 ~~[(b) the board described in Section [58-67-201](#).]~~

1886 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1887 division shall make rules to implement this section.

1888 Section 33. Section **58-71-302** is amended to read:

1889 **58-71-302. Qualifications for licensure.**

1890 (1) An applicant for licensure as a naturopathic physician, except as set forth in  
1891 Subsection (2), shall:

1892 (a) submit an application in a form prescribed by the division, which may include:

1893 (i) submissions by the applicant of information maintained by practitioner data banks,  
1894 as designated by division rule, with respect to the applicant; and

1895 (ii) a record of professional liability claims made against the applicant and settlements  
1896 paid by or in behalf of the applicant;

1897 (b) pay a fee determined by the department under Section [63J-1-504](#);

1898 (c) provide satisfactory documentation of having successfully completed a program of  
1899 professional education preparing an individual as a naturopathic physician, as evidenced by  
1900 having received an earned degree of doctor of naturopathic medicine from:

1901 (i) a naturopathic medical school or college accredited by the Council of Naturopathic  
1902 Medical Education or its successor organization approved by the division;

1903 (ii) a naturopathic medical school or college that is a candidate for accreditation by the  
1904 Council of Naturopathic Medical Education or its successor organization, and is approved by  
1905 the division [~~in collaboration with the board~~], upon a finding there is reasonable expectation  
1906 the school or college will be accredited; or

1907 (iii) a naturopathic medical school or college which, at the time of the applicant's  
1908 graduation, met current criteria for accreditation by the Council of Naturopathic Medical  
1909 Education or its successor organization approved by the division;

1910 (d) provide satisfactory documentation of having successfully completed, after  
1911 successful completion of the education requirements set forth in Subsection (1)(c), 12 months  
1912 of clinical experience in naturopathic medicine in a residency program recognized by the  
1913 division and associated with an accredited school or college of naturopathic medicine, and  
1914 under the preceptorship of a licensed naturopathic physician, physician and surgeon, or  
1915 osteopathic physician;

1916 (e) pass the licensing examination sequence required by division rule [~~established in~~

1917 ~~collaboration with the board~~];

1918 (f) be able to read, write, speak, understand, and be understood in the English language  
1919 and demonstrate proficiency to the satisfaction of the ~~[board]~~ division if requested by the  
1920 ~~[board]~~ division; and

1921 (g) meet with ~~[the board and]~~ representatives of the division, if requested, for the  
1922 purpose of evaluating the applicant's qualifications for licensure.

1923 (2) (a) In accordance with Subsection (2)(b), an applicant for licensure as a  
1924 naturopathic physician under the endorsement provision of Section 58-1-302 shall:

1925 (i) meet the requirements of Section 58-1-302;

1926 (ii) document having met all requirements for licensure under Subsection (1) except  
1927 the clinical experience requirement of Subsection (1)(d);

1928 (iii) have passed the examination requirements established under Subsection (1)(e)  
1929 that:

1930 (A) the applicant has not passed in connection with licensure in another state or  
1931 jurisdiction; and

1932 (B) are available to the applicant to take without requiring additional professional  
1933 education;

1934 (iv) have been actively engaged in the practice of a naturopathic physician for not less  
1935 than 6,000 hours during the five years immediately preceding the date of application for  
1936 licensure in Utah; and

1937 (v) meet with ~~[the board and]~~ representatives of the division for the purpose of  
1938 evaluating the applicant's qualifications for licensure.

1939 (b) The division may rely, either wholly or in part, on one or more credentialing  
1940 associations designated by division rule~~[, made in collaboration with the board,]~~ to document  
1941 and certify in writing to the satisfaction of the division that an applicant has met each of the  
1942 requirements of this Subsection (2), including the requirements of Section 58-1-302, and that:

1943 (i) the applicant holds a current license;

1944 (ii) the education, experience, and examination requirements of the foreign country or  
1945 the state, district, or territory of the United States that issued the applicant's license are, or were  
1946 at the time the license was issued, equal to those of this state for licensure as a naturopathic  
1947 physician; and

1948 (iii) the applicant has produced evidence satisfactory to the division of the applicant's  
1949 qualifications, identity, and good standing as a naturopathic physician.

1950 Section 34. Section **58-71-304** is amended to read:

1951 **58-71-304. License renewal requirements.**

1952 (1) As a condition precedent for license renewal, each licensee shall, during each  
1953 two-year licensure cycle or other cycle defined by division rule, complete qualified continuing  
1954 professional education requirements in accordance with the number of hours and standards  
1955 defined by division rule [~~made in collaboration with the board~~].

1956 (2) If a renewal period is extended or shortened under Section **58-71-303**, the  
1957 continuing education hours required for license renewal under this section are increased or  
1958 decreased proportionally.

1959 Section 35. Section **58-71-304.2** is amended to read:

1960 **58-71-304.2. Temporary license.**

1961 (1) The division may issue a temporary license to an individual who:

1962 (a) meets all qualifications for licensure except completion of the 12 month clinical  
1963 experience required under Section **58-71-302**; and

1964 (b) presents a plan acceptable to the division [~~and the board~~] under which the applicant  
1965 will practice under the direct supervision of a licensed naturopathic physician, physician and  
1966 surgeon, or osteopathic physician, who supervises not more than three naturopathic physicians  
1967 in an approved clinical experience program.

1968 (2) A temporary license issued under this section expires on the date the licensee  
1969 completes the clinical experience program, but not more than 18 months from the original date  
1970 of issue.

1971 (3) A temporary license under this section may be issued only once to an individual.

1972 Section 36. Section **58-71-601** is amended to read:

1973 **58-71-601. Mentally incompetent or incapacitated naturopathic physician.**

1974 (1) As used in this section:

1975 (a) "Incapacitated person" means a person who is incapacitated, as defined in Section  
1976 **75-1-201**.

1977 (b) "Mental illness" is as defined in Section **62A-15-602**.

1978 (2) If a court of competent jurisdiction determines a naturopathic physician is an



1979 incapacitated person or that the physician has a mental illness and is unable to safely engage in  
1980 the practice of medicine, the director shall immediately suspend the license of the naturopathic  
1981 physician upon the entry of the judgment of the court, without further proceedings under Title  
1982 63G, Chapter 4, Administrative Procedures Act, regardless of whether an appeal from the  
1983 court's ruling is pending. The director shall promptly notify the naturopathic physician, in  
1984 writing, of the suspension.

1985 (3) (a) If the division [~~and a majority of the board find~~] finds reasonable cause to  
1986 believe a naturopathic physician, who is not determined judicially to be an incapacitated person  
1987 or to have a mental illness, is incapable of practicing medicine with reasonable skill regarding  
1988 the safety of patients, because of illness, excessive use of drugs or alcohol, or as a result of any  
1989 mental or physical condition, [~~the board shall recommend that~~] the director shall file a petition  
1990 with the division, and cause the petition to be served upon the naturopathic physician with a  
1991 notice of hearing on the sole issue of the capacity of the naturopathic physician to competently  
1992 and safely engage in the practice of medicine.

1993 (b) The hearing shall be conducted under Section [58-1-109](#), and Title 63G, Chapter 4,  
1994 Administrative Procedures Act, except as provided in Subsection (4).

1995 (4) (a) Every naturopathic physician who accepts the privilege of being licensed under  
1996 this chapter gives consent to:

1997 (i) submitting at the physician's own expense to an immediate mental or physical  
1998 examination when directed in writing by the division [~~and a majority of the board~~] to do so;  
1999 and

2000 (ii) the admissibility of the reports of the examining physician's testimony or  
2001 examination, and waives all objections on the ground the reports constitute a privileged  
2002 communication.

2003 (b) The examination may be ordered by the division [~~with the consent of a majority of~~  
2004 ~~the board,~~] only upon a finding of reasonable cause to believe:

2005 (i) the naturopathic physician has a mental illness, is incapacitated, or otherwise unable  
2006 to practice medicine with reasonable skill and safety; and

2007 (ii) immediate action by the division [~~and the board~~] is necessary to prevent harm to  
2008 the naturopathic physician's patients or the general public.

2009 (c) (i) Failure of a naturopathic physician to submit to the examination ordered under

2010 this section is a ground for the division's immediate suspension of the naturopathic physician's  
2011 license by written order of the director.

2012 (ii) The division may enter the order of suspension without further compliance with  
2013 Title 63G, Chapter 4, Administrative Procedures Act, unless the division finds the failure to  
2014 submit to the examination ordered under this section was due to circumstances beyond the  
2015 control of the naturopathic physician and was not related directly to the illness or incapacity of  
2016 the naturopathic physician.

2017 (5) (a) A naturopathic physician whose license is suspended under Subsection (2) or  
2018 (3) has the right to a hearing to appeal the suspension within 10 days after the license is  
2019 suspended.

2020 (b) The hearing held under this subsection shall be conducted in accordance with  
2021 Sections 58-1-108 and 58-1-109 for the sole purpose of determining if sufficient basis exists  
2022 for the continuance of the order of suspension in order to prevent harm to the naturopathic  
2023 physician's patients or the general public.

2024 (6) A naturopathic physician whose license is revoked, suspended, or in any way  
2025 restricted under this section may request the division [~~and the board~~] to consider, at reasonable  
2026 intervals, evidence presented by the naturopathic physician, under procedures established by  
2027 division rule, regarding any change in the naturopathic physician's condition, to determine  
2028 whether:

2029 (a) the physician is or is not able to safely and competently engage in the practice of  
2030 medicine; and

2031 (b) the physician is qualified to have the physician's license to practice under this  
2032 chapter restored completely or in part.

2033 Section 37. Section **58-71-802** is amended to read:

2034 **58-71-802. Form of practice.**

2035 (1) A naturopathic physician licensed under this chapter may engage in practice as a  
2036 naturopathic physician, or in the practice of naturopathic medicine only as an individual  
2037 licensee; but as an individual licensee, [~~he~~] the naturopathic physician may be:

2038 (a) an individual operating as a business proprietor;

2039 (b) an employee of another person;

2040 (c) a partner in a lawfully organized partnership;

- 2041 (d) a lawfully formed professional corporation;
- 2042 (e) a lawfully organized limited liability company;
- 2043 (f) a lawfully organized business corporation; or
- 2044 (g) any other form of organization recognized by the state which is not prohibited by
- 2045 rule adopted by division rules [~~made in collaboration with the board~~].

2046 (2) Regardless of the form in which a licensee engages in the practice of medicine, the  
 2047 licensee may only permit the practice of medicine in that form of practice to be conducted by  
 2048 an individual:

2049 (a) licensed in Utah as a naturopathic physician under Section 58-71-301, a physician  
 2050 and surgeon, or as an osteopathic physician and surgeon; and

2051 (b) who is able to lawfully and competently engage in the practice of medicine.

2052 Section 38. Section 58-71-803 is amended to read:

2053 **58-71-803. Medical records -- Electronic records.**

2054 (1) Medical records maintained by a licensee shall:

- 2055 (a) meet the standards and ethics of the profession; and
- 2056 (b) be maintained in accordance with division rules [~~made in collaboration with the~~  
 2057 board].

2058 (2) Medical records under this section may be maintained by an electronic means if the  
 2059 records comply with Subsection (1).

2060 Section 39. Section 58-75-102 is amended to read:

2061 **58-75-102. Definitions.**

2062 In addition to the definitions in Section 58-1-102, as used in this chapter:

2063 [~~(1) "Board" means the Genetic Counselors Licensing Board created in Section~~  
 2064 ~~58-75-201.~~]

2065 [(2)] (1) "Genetic counselor" means a person licensed under this chapter to engage in  
 2066 the practice of genetic counseling.

2067 [(3)] (2) "Practice of genetic counseling" means the communication process which  
 2068 deals with the human problems associated with the occurrence, or the risk of occurrence, of a  
 2069 genetic disorder in a family, including the provision of services to help an individual or family:

- 2070 (a) comprehend the medical facts, including the diagnosis, probable cause of the  
 2071 disorder, and the available management;

2072 (b) appreciate the way heredity contributes to the disorder and the risk of occurrence in  
2073 specified relatives;

2074 (c) understand the alternatives for dealing with the risk of occurrence;

2075 (d) choose the course of action which seems appropriate to them in view of their risk,  
2076 their family goals, and their ethical and religious standards, and to act in accordance with that  
2077 decision; and

2078 (e) make the best possible psychosocial adjustment to the disorder in an affected family  
2079 member or to the risk of occurrence of that disorder.

2080 [~~(4)~~] (3) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-75-501.

2081 [~~(5)~~] (4) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-75-502  
2082 and as may be further defined by rule by the division in accordance with Title 63G, Chapter 3,  
2083 Utah Administrative Rulemaking Act.

2084 Section 40. Section 58-75-303 is amended to read:

2085 **58-75-303. Term of license -- Expiration -- Renewal.**

2086 (1) The division shall issue each license under this chapter in accordance with a  
2087 two-year renewal cycle established by rule. The division may by rule extend or shorten a  
2088 renewal cycle by as much as one year to stagger the renewal cycles it administers.

2089 (2) Each licensee shall, at the time of applying for renewal, demonstrate compliance  
2090 with continuing education requirements established by rule by the division [~~in collaboration~~  
2091 ~~with the board~~].

2092 (3) Each license automatically expires on the expiration date shown on the license  
2093 unless the licensee renews it in accordance with Section 58-1-308.

2094 Section 41. Section 58-76-102 is amended to read:

2095 **58-76-102. Definitions.**

2096 In addition to the definitions in Section 58-1-102, as used in this chapter:

2097 [~~(1)~~] "~~Board~~" means the Professional Geologist Licensing Board created in Section  
2098 ~~58-76-201~~.]

2099 [~~(2)~~] (1) "Geology" means the science, which treats the study of the earth in general,  
2100 the earth's processes and history, investigation of the earth's crust and the rocks and other  
2101 materials of which it is composed, and the applied science of utilizing knowledge of the earth's  
2102 history, processes, constituent rocks, minerals, liquids, gases, and other materials for the use of

2103 mankind.

2104 [(3)] (2) "Practice of geology before the public" means the performance of geology  
 2105 including but not limited to consultation, investigation, evaluation, planning, geologic  
 2106 mapping, interpretation of geologic data, preparation of geologic reports, geologic  
 2107 cross-sections and geologic maps, inspection of geological work, and the responsible  
 2108 supervision thereof, the performance of which is relevant to public welfare or the safeguarding  
 2109 of life, health, property, and the environment, except as otherwise specifically provided by this  
 2110 chapter.

2111 [(4)] (3) "Professional geologist" means a person licensed under this chapter to engage  
 2112 in the practice of geology before the public.

2113 [(5)] (4) "Responsible charge" means the independent control and direction by use of  
 2114 initiative, skill, and independent judgment of geological work or the supervision of the work.

2115 [(6)] (5) "Subordinate" means any individual who practices geology or assists a  
 2116 professional geologist in the practice of geology before the public without assuming the  
 2117 responsible charge for the work.

2118 [(7)] (6) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-76-501.

2119 [(8)] (7) "Unprofessional conduct" is as defined in Section 58-1-501 and as may be  
 2120 further defined by rule by the division [~~in collaboration with the board~~].

2121 Section 42. Section **58-76-103** is amended to read:

2122 **58-76-103. Professional Geologist Education and Enforcement Account.**

2123 (1) There is created a restricted account within the General Fund known as the  
 2124 "Professional Geologist Education and Enforcement Account."

2125 (2) The restricted account shall consist of money from:

2126 (a) a surcharge fee established by the department in accordance with Section  
 2127 63J-1-504, placed on initial, renewal, and reinstatement licensure fees under this chapter not to  
 2128 exceed 50% of the respective initial, renewal, or reinstatement licensure fee;

2129 (b) administrative penalties collected pursuant to this chapter; and

2130 (c) interest earned on money in the account.

2131 (3) Money in the account may be appropriated by the Legislature for the following  
 2132 purposes:

2133 (a) education and training of licensees under this chapter;

- 2134 (b) education and training of the public or other interested persons in matters
- 2135 concerning geology laws and practices; and
- 2136 (c) enforcement of this chapter by:
- 2137 (i) investigating unprofessional or unlawful conduct;
- 2138 (ii) providing legal representation to the division when legal action is taken against a
- 2139 person engaging in unprofessional or unlawful conduct; and
- 2140 (iii) monitoring compliance of renewal requirements~~[; and]~~.
- 2141 ~~[(d) education and training of board members.]~~

2142 Section 43. Section **58-76-302** is amended to read:

2143 **58-76-302. Qualifications for licensure.**

2144 Each applicant for licensure as a professional geologist shall:

- 2145 (1) submit an application in a form as prescribed by the division;
- 2146 (2) pay a fee as determined by the department under Section [63J-1-504](#);
- 2147 (3) provide satisfactory evidence of:
  - 2148 (a) a bachelors or graduate degree in the geosciences granted through an institution of
  - 2149 higher education that is accredited by a regional or national accrediting agency with a minimum
  - 2150 of 30 semester or 45 quarter hours of course work in the geosciences; or
  - 2151 (b) completion of other equivalent educational requirements as determined by the
  - 2152 division ~~[in collaboration with the board]~~;
- 2153 (4) provide satisfactory evidence of:
  - 2154 (a) with a bachelors degree, a specific record of five years of active professional
  - 2155 practice in geological work of a character satisfactory to the division, indicating the applicant is
  - 2156 competent to be placed in a responsible charge of the work;
  - 2157 (b) with a masters degree, a specific record of three years of active professional
  - 2158 practice in geological work of a character satisfactory to the division, indicating the applicant is
  - 2159 competent to be placed in a responsible charge of the work; or
  - 2160 (c) with a doctorate degree, a specific record of one year of active professional practice
  - 2161 in geological work of a character satisfactory to the division, indicating the applicant is
  - 2162 competent to be placed in a responsible charge of the work; and
  - 2163 (5) after January 1, 2004, meet the examination requirement established by rule by the
  - 2164 division ~~[in collaboration with the board]~~.

2165 Section 44. Section **58-76-601** is amended to read:

2166 **58-76-601. Seal -- Design and implementation.**

2167 Every professional geologist shall have a seal, the design and implementation of which  
2168 shall be established by rule by the division [~~in collaboration with the board~~].

2169 Section 45. Section **58-76-603** is amended to read:

2170 **58-76-603. Seal -- Authorized use.**

2171 A professional geologist may only affix the licensee's seal to a geologic map,  
2172 cross-section, sketch, drawing, plan, or report if the geologic map, cross-section, sketch,  
2173 drawing, plan, or report:

2174 (1) was personally prepared by the licensee;

2175 (2) was prepared by an employee, subordinate, associate, or drafter under the  
2176 supervision of a licensee, provided the licensee or a principal affixing his seal assumes  
2177 responsibility;

2178 (3) was prepared by a licensed professional geologist in this state or any other state  
2179 provided:

2180 (a) the licensee in this state affixing the seal performs a thorough review of all work for  
2181 compliance with all applicable laws and rules and the standards of the profession; and

2182 (b) makes any necessary corrections before submitting the final plan, specification, or  
2183 report:

2184 (i) to a public authority; or

2185 (ii) to a client who has contracted with a professional geologist for the geologic map,  
2186 cross-section, or report to be complete and final;

2187 (4) was prepared in part by a licensed professional geologist in this state or any other  
2188 state provided:

2189 (a) the licensee in this state clearly identifies that portion of the geologic map,  
2190 cross-section, or report for which the licensee is responsible;

2191 (b) the licensee in this state affixing the seal performs a thorough review of that portion  
2192 of the geologic map, cross-section, or report for which the licensee is responsible for  
2193 compliance with the standards of the profession; and

2194 (c) makes any necessary corrections before submitting the final geologic map,  
2195 cross-section, or report for which the licensee is responsible:

2196 (i) to a public authority; or  
 2197 (ii) to a client who has contracted with a professional geologist for the geologic map,  
 2198 cross-section, or report to be complete and final;

2199 (5) was prepared by a person exempt from licensure as a professional geologist  
 2200 provided that:

2201 (a) the licensee in this state affixing the seal performs a thorough review for  
 2202 compliance with all applicable laws and rules and the standards of the profession; and

2203 (b) makes any necessary corrections before submitting the final geologic map,  
 2204 cross-section, or report:

2205 (i) to a public authority; or

2206 (ii) to a client who has contracted with a professional geologist for the geologic map,  
 2207 cross-section, or report to be complete and final; or

2208 (6) meets any additional requirements established by rule by the division [~~in~~  
 2209 ~~collaboration with the board~~].

2210 Section 46. Section **58-77-102** is amended to read:

2211 **58-77-102. Definitions.**

2212 In addition to the definitions in Section **58-1-102**, as used in this chapter:

2213 [~~(1) "Board" means the Licensed Direct-entry Midwife Board created in Section~~  
 2214 ~~58-77-201.~~]

2215 [~~(2)~~] (1) "Certified nurse-midwife" means a person licensed under Title 58, Chapter  
 2216 44a, Nurse Midwife Practice Act.

2217 [~~(3)~~] (2) "Client" means a woman and her fetus or newborn baby under the care of a  
 2218 direct-entry midwife.

2219 [~~(4)~~] (3) "Direct-entry midwife" means an individual who is engaging in the practice of  
 2220 direct-entry midwifery.

2221 [~~(5)~~] (4) "Licensed direct-entry midwife" means a person licensed under this chapter.

2222 [~~(6)~~] (5) "Low risk" means a labor and delivery and postpartum, newborn, and  
 2223 interconceptual care that does not include a condition that requires a mandatory transfer under  
 2224 administrative rules adopted by the division.

2225 [~~(7)~~] (6) "Physician" means an individual licensed as a physician and surgeon,  
 2226 osteopathic physician, or naturopathic physician.



2227            [(8)] (7) "Practice of direct-entry midwifery" means the practice of providing the  
2228 necessary supervision, care, and advice to a client during essentially normal pregnancy, labor,  
2229 delivery, postpartum, and newborn periods that is consistent with national professional  
2230 midwifery standards and that is based upon the acquisition of clinical skills necessary for the  
2231 care of a pregnant woman and a newborn baby, including antepartum, intrapartum, postpartum,  
2232 newborn, and limited interconceptual care, and includes:

- 2233            (a) obtaining an informed consent to provide services;
- 2234            (b) obtaining a health history, including a physical examination;
- 2235            (c) developing a plan of care for a client;
- 2236            (d) evaluating the results of client care;
- 2237            (e) consulting and collaborating with and referring and transferring care to licensed  
2238 health care professionals, as is appropriate, regarding the care of a client;
- 2239            (f) obtaining medications, as specified in this Subsection [(8)(f)] (7)(f), to administer to  
2240 a client, including:
  - 2241            (i) prescription vitamins;
  - 2242            (ii) Rho D immunoglobulin;
  - 2243            (iii) sterile water;
  - 2244            (iv) one dose of intramuscular oxytocin after the delivery of a baby to minimize a  
2245 client's blood loss;
  - 2246            (v) an additional single dose of oxytocin if a hemorrhage occurs, in which case the  
2247 licensed direct-entry midwife must initiate transfer if a client's condition does not immediately  
2248 improve;
  - 2249            (vi) oxygen;
  - 2250            (vii) local anesthetics without epinephrine used in accordance with Subsection [(8)(f)]  
2251 (7)(l);
  - 2252            (viii) vitamin K to prevent hemorrhagic disease of a newborn baby;
  - 2253            (ix) as required by law, eye prophylaxis to prevent ophthalmia neonatorum; and
  - 2254            (x) any other medication approved by a licensed health care provider with authority to  
2255 prescribe that medication;
- 2256            (g) obtaining food, food extracts, dietary supplements, as defined by the federal Food,  
2257 Drug, and Cosmetic Act, homeopathic remedies, plant substances that are not designated as

2258 prescription drugs or controlled substances, and over-the-counter medications to administer to  
2259 clients;

2260 (h) obtaining and using appropriate equipment and devices such as a Doppler, a blood  
2261 pressure cuff, phlebotomy supplies, instruments, and sutures;

2262 (i) obtaining appropriate screening and testing, including laboratory tests, urinalysis,  
2263 and ultrasound scans;

2264 (j) managing the antepartum period;

2265 (k) managing the intrapartum period, including:

2266 (i) monitoring and evaluating the condition of a mother and a fetus;

2267 (ii) performing an emergency episiotomy; and

2268 (iii) delivering a baby in any out-of-hospital setting;

2269 (l) managing the postpartum period, including the suturing of an episiotomy and the  
2270 suturing of first and second degree natural perineal and labial lacerations, including the  
2271 administration of a local anesthetic;

2272 (m) managing the newborn period, including:

2273 (i) providing care for a newborn baby, including performing a normal newborn baby  
2274 examination; and

2275 (ii) resuscitating a newborn baby;

2276 (n) providing limited interconceptual services in order to provide continuity of care,  
2277 including:

2278 (i) breastfeeding support and counseling;

2279 (ii) family planning, limited to natural family planning, cervical caps, and diaphragms;  
2280 and

2281 (iii) pap smears, where each client with an abnormal result is to be referred to an  
2282 appropriate licensed health care provider; and

2283 (o) executing the orders of a licensed health care professional, if the orders are within  
2284 the education, knowledge, and skill of the direct-entry midwife.

2285 [~~(9)~~] (8) "Unlawful conduct" means the same as that term is defined in Sections  
2286 58-1-501 and 58-77-501.

2287 [~~(10)~~] (9) "Unprofessional conduct" means the same as that term is defined in Sections  
2288 58-1-501 and 58-77-502 and as may be further defined by rule.

2289 Section 47. Section **58-77-302** is amended to read:

2290 **58-77-302. Qualifications for licensure.**

2291 Each applicant for licensure as a licensed direct-entry midwife shall:

2292 (1) submit an application in a form prescribed by the division;

2293 (2) pay a fee as determined by the department under Section [63J-1-504](#);

2294 (3) hold a Certified Professional Midwife certificate in good standing with the North  
2295 American Registry of Midwives or equivalent certification approved by the division [~~in~~  
2296 ~~collaboration with the board~~];

2297 (4) hold current adult and infant CPR and newborn resuscitation certifications through  
2298 an organization approved by the division [~~in collaboration with the board~~]; and

2299 (5) provide documentation of successful completion of an approved pharmacology  
2300 course as defined by division rule.

2301 Section 48. Section **58-83-102** is amended to read:

2302 **58-83-102. Definitions.**

2303 In addition to the definitions in Section [58-1-102](#), as used in this chapter:

2304 [~~(1)~~] "Board" means the Online Prescribing, Dispensing, and Facilitation Licensing  
2305 Board created in Section [58-83-201](#).]

2306 [~~(2)~~] (1) "Branching questionnaire" means an adaptive and progressive assessment tool  
2307 [approved by the board].

2308 [~~(3)~~] (2) "Delivery of online pharmaceutical services" means the process in which a  
2309 prescribing practitioner diagnoses a patient and prescribes one or more of the drugs authorized  
2310 by Section [58-83-306](#), using:

2311 (a) a branching questionnaire or other assessment tool approved by the division for the  
2312 purpose of diagnosing and assessing a patient's health status;

2313 (b) an Internet contract pharmacy to:

2314 (i) dispense the prescribed drug; or

2315 (ii) transfer the prescription to another pharmacy; and

2316 (c) an Internet facilitator to facilitate the practices described in Subsections [~~(3)~~]~~(a)~~ and  
2317 ~~(b)~~] (2)(a) and (b).

2318 [~~(4)~~] (3) "Division" means the Division of Professional Licensing.

2319 [~~(5)~~] (4) "Internet facilitator" means a licensed provider of a web-based system for

2320 electronic communication between and among an online prescriber, the online prescriber's  
2321 patient, and the online contract pharmacy.

2322 ~~[(6)]~~ (5) "Online contract pharmacy" means a pharmacy licensed and in good standing  
2323 under Chapter 17b, Pharmacy Practice Act, as either a Class A Retail Pharmacy or a Class B  
2324 Closed Door Pharmacy and licensed under this chapter to fulfill prescriptions issued by an  
2325 online prescriber through a specific Internet facilitator.

2326 ~~[(7)]~~ (6) "Online prescriber" means a person:

2327 (a) licensed under another chapter of this title;

2328 (b) whose license under another chapter of this title includes assessing, diagnosing, and  
2329 prescribing authority for humans; and

2330 (c) who has obtained a license under this chapter to engage in online prescribing.

2331 ~~[(8)]~~ (7) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-83-501.

2332 ~~[(9)]~~ (8) "Unprofessional conduct" is as defined in Sections 58-1-203 and 58-83-502,  
2333 and as further defined by the division in accordance with Title 63G, Chapter 3, Utah  
2334 Administrative Rulemaking Act.

2335 Section 49. Section 58-83-302 is amended to read:

2336 **58-83-302. Qualifications for licensure.**

2337 (1) Each applicant for licensure as an online prescriber under this chapter shall:

2338 (a) submit an application in a form prescribed by the division;

2339 (b) pay a fee determined by the department under Section 63J-1-504;

2340 (c) document that the applicant holds a Utah license that is active and in good standing  
2341 and authorizes the licensee to engage in the assessment, diagnosis, and treatment of human  
2342 ailments and the prescription of medications;

2343 (d) document that any other professional license the applicant possesses from other  
2344 jurisdictions is in good standing;

2345 (e) (i) submit to the division an outline of the applicant's proposed online assessment,  
2346 diagnosis, and prescribing tool, such as a branching questionnaire; and

2347 (ii) demonstrate the proposed online assessment, diagnosis, and prescribing tool to the  
2348 ~~[board]~~ division and establish to the ~~[board's]~~ division's satisfaction that the utilization of that  
2349 assessment tool to facilitate the prescription of the drugs approved for online prescribing under  
2350 Section 58-83-305 does not compromise the public's health, safety, or welfare;

- 2351 (f) submit policies and procedures that address patient confidentiality, including  
2352 measures that will be taken to ensure that the age and other identifying information of the  
2353 person completing the online branching questionnaire are accurate;
- 2354 (g) describe the mechanism by which the online prescriber and patient will  
2355 communicate with one another, including electronic and telephonic communication;
- 2356 (h) describe how the online prescriber/patient relationship will be established and  
2357 maintained;
- 2358 (i) submit the name, address, and contact person of the Internet facilitator with whom  
2359 the online prescriber has contracted to provide services that the online prescriber will use to  
2360 engage in online assessment, diagnosis, and prescribing; and
- 2361 (j) submit documentation satisfactory to the ~~[board]~~ division regarding public health,  
2362 safety, and welfare demonstrating:
- 2363 (i) how the online prescriber will comply with the requirements of Section [58-83-305](#);
- 2364 (ii) the contractual services arrangement between the online prescriber and:
- 2365 (A) the Internet facilitator; and
- 2366 (B) the online contract pharmacy; and
- 2367 (iii) how the online prescriber will allow and facilitate the division's ability to conduct  
2368 audits in accordance with Section [58-83-308](#).
- 2369 (2) An online prescriber may not use the services of an Internet facilitator or online  
2370 contract pharmacy whose license is not active and in good standing.
- 2371 (3) Each applicant for licensure as an online contract pharmacy under this chapter  
2372 shall:
- 2373 (a) be licensed in good standing in Utah as a Class A Retail Pharmacy or a Class B  
2374 Closed Door Pharmacy;
- 2375 (b) submit a written application in the form prescribed by the division;
- 2376 (c) pay a fee as determined by the department under Section [63J-1-504](#);
- 2377 (d) submit any contract between the applicant and the Internet facilitator with which  
2378 the applicant is or will be affiliated;
- 2379 (e) submit proof of liability insurance acceptable to the division that expressly covers  
2380 all activities the online contract pharmacy will engage in under this chapter, which coverage  
2381 shall be in a minimum amount of \$1,000,000 per occurrence with a policy limit of not less than

2382 \$3,000,000;

2383 (f) submit a signed affidavit to the division attesting that the online contract pharmacy  
2384 will not dispense a drug that is prescribed by an online prescriber engaged in the delivery of  
2385 online pharmaceutical services under the provisions of this chapter unless:

2386 (i) the drug is specifically approved by the division under Section 58-83-306; and

2387 (ii) both the prescribing and the dispensing of the drug were facilitated by the Internet  
2388 facilitator with whom the Internet contract pharmacy is associated under Subsection (3)(d);

2389 (g) document that any other professional license the applicant possesses from other  
2390 jurisdictions is active and in good standing; and

2391 (h) demonstrate to the division that the applicant has satisfied any background check  
2392 required by Section 58-17b-307, and each owner, officer, or manager of the applicant online  
2393 contract pharmacy has not engaged in any act, practice, or omission, which when considered  
2394 with the duties and responsibilities of a licensee under this chapter indicates there is cause to  
2395 believe that issuing a license under this chapter is inconsistent with the public's health, safety,  
2396 or welfare.

2397 (4) Each applicant for licensure as an Internet facilitator under this chapter shall:

2398 (a) submit a written application in the form prescribed by the division;

2399 (b) pay a fee as determined by the department under Section 63J-1-504;

2400 (c) submit any contract between the applicant and the following with which the  
2401 applicant will be affiliated:

2402 (i) each online prescriber; and

2403 (ii) the single online contract pharmacy;

2404 (d) submit written policies and procedures satisfactory to the division that:

2405 (i) address patient privacy, including compliance with 45 C.F.R. Parts 160, 162, and  
2406 164, Health Insurance Portability and Accountability Act of 1996;

2407 (ii) ensure compliance with all applicable laws by health care personnel and the online  
2408 prescriber who will process patient communications;

2409 (iii) list the hours of operation;

2410 (iv) describe the types of services that will be permitted electronically;

2411 (v) describe the required patient information to be included in the communication, such  
2412 as patient name, identification number, and type of transaction;

- 2413 (vi) establish procedures for archiving and retrieving information; and
- 2414 (vii) establish quality oversight mechanisms;
- 2415 (e) submit written documentation of the applicant's security measures to ensure the
- 2416 confidentiality and integrity of any user-identifiable medical information;
- 2417 (f) submit a description of the mechanism for:
- 2418 (i) patients to access, supplement, and amend patient-provided personal health
- 2419 information;
- 2420 (ii) back-up regarding the Internet facilitator electronic interface;
- 2421 (iii) the quality of information and services provided via the interface; and
- 2422 (iv) patients to register complaints regarding the Internet facilitator, the online
- 2423 prescriber, or the online contract pharmacy;
- 2424 (g) submit a copy of the Internet facilitator's website;
- 2425 (h) sign an affidavit attesting that:
- 2426 (i) the applicant will not access any medical records or information contained in the
- 2427 medical record except as necessary to administer the website and the branching questionnaire;
- 2428 and
- 2429 (ii) the applicant and its principals, and any entities affiliated with them, will only use
- 2430 the services of a single online contract pharmacy named on the license approved by the
- 2431 division; and
- 2432 (i) submit any other information required by the division.

2433 Section 50. Section **58-83-401** is amended to read:

2434 **58-83-401. Grounds for denial of license -- Disciplinary proceedings --**

2435 **Termination of authority to prescribe -- Immediate and significant danger.**

2436 (1) Grounds for refusing to issue a license to an applicant, for refusing to renew the

2437 license of a licensee, for revoking, suspending, restricting, or placing on probation the license

2438 of a licensee, for issuing a public reprimand to a licensee, and for issuing a cease and desist

2439 order:

2440 (a) shall be in accordance with Section **58-1-401**; and

2441 (b) includes:

2442 (i) prescribing, dispensing, or facilitating the prescribing or dispensing of a drug not

2443 approved by the [board] division under Section **58-83-306**; or

2444 (ii) any other violation of this chapter.

2445 (2) The termination or expiration of a license under this chapter for any reason does not  
2446 limit the division's authority to start or continue any investigation or adjudicative proceeding.

2447 (3) (a) Because of the working business relationship between and among the online  
2448 prescriber, the Internet facilitator, and the online contract pharmacy, each entity's ability to  
2449 comply with this chapter may depend in some respects on the actions of the others.

2450 (b) It is possible that a particular action or inaction by the online prescriber, the Internet  
2451 facilitator, or the online contract pharmacy could have the effect of causing the other licensed  
2452 entities to be out of compliance with this chapter, and each entity may, therefore, be held  
2453 accountable for any related party's non-compliance, if the party knew or reasonably should  
2454 have known of the other person's non-compliance.

2455 (4) (a) An online prescriber may lose the practitioner's professional license to prescribe  
2456 any drug under this title if the online prescriber knew or reasonably should have known that the  
2457 provisions of this chapter were violated by the online prescriber, the Internet facilitator, or the  
2458 online contract pharmacy.

2459 (b) It is not a defense to an alleged violation under this chapter that the alleged  
2460 violation was a result of an action or inaction not by the charged party but by the related online  
2461 prescriber, the online contract pharmacy, or the Internet facilitator.

2462 (5) The following actions may result in an immediate suspension of the online  
2463 prescriber's license, the online contract pharmacy's license, or the Internet facilitator's license,  
2464 and each is considered an immediate and significant danger to the public health, safety, or  
2465 welfare requiring immediate action by the division pursuant to Section 63G-4-502 to terminate  
2466 the delivery of online pharmaceutical services by the licensee:

2467 (a) online prescribing, dispensing, or facilitation with respect to:

2468 (i) a person who is younger than 18 years old;

2469 (ii) a legend drug not authorized by the division in accordance with Section 58-83-306;

2470 and

2471 (iii) any controlled substance;

2472 (b) violating this chapter after having been given reasonable opportunity to cure the  
2473 violation;

2474 (c) using the name or official seal of the state, the department, or the division, or their



2475 boards, in an unauthorized manner; or  
2476 (d) failing to respond to a request from the division within the time frame requested

2477 for:

- 2478 (i) an audit of the website; or
  - 2479 (ii) records of the online prescriber, the Internet facilitator, or the online contract
- 2480 pharmacy.

2481 Section 51. Section **61-2c-301** is amended to read:

2482 **61-2c-301. Prohibited conduct -- Violations of the chapter.**

2483 (1) A person transacting the business of residential mortgage loans in this state may  
2484 not:

- 2485 (a) violate Section 8 of RESPA;
- 2486 (b) charge a fee in connection with a residential mortgage loan transaction:
  - 2487 (i) that is excessive; or
  - 2488 (ii) without providing to the loan applicant a written statement signed by the loan

2489 applicant:

- 2490 (A) stating whether or not the fee or deposit is refundable; and
  - 2491 (B) describing the conditions, if any, under which all or a portion of the fee or deposit
- 2492 will be refunded to the loan applicant;

2493 (c) act incompetently in the transaction of the business of residential mortgage loans  
2494 such that the person fails to:

- 2495 (i) safeguard the interests of the public; or
  - 2496 (ii) conform to acceptable standards of the residential mortgage loan industry;
  - 2497 (d) do any of the following as part of a residential mortgage loan transaction, regardless
- 2498 of whether the residential mortgage loan closes:

- 2499 (i) make a false statement or representation;
  - 2500 (ii) cause false documents to be generated; or
  - 2501 (iii) knowingly permit false information to be submitted by any party;
  - 2502 (e) give or receive compensation or anything of value, or withhold or threaten to
- 2503 withhold payment of an appraiser fee, to influence the independent judgment of an appraiser in
- 2504 reaching a value conclusion in a residential mortgage loan transaction, except that it is not a
- 2505 violation of this section for a licensee to withhold payment because of a bona fide dispute

2506 regarding a failure of the appraiser to comply with the licensing law or the Uniform Standards  
2507 of Professional Appraisal Practice;

2508 (f) violate or not comply with:

2509 (i) this chapter;

2510 (ii) an order of the commission or division; or

2511 (iii) a rule made by the division;

2512 (g) fail to respond within the required time period to:

2513 (i) a notice or complaint of the division; or

2514 (ii) a request for information from the division;

2515 (h) make false representations to the division, including in a licensure statement;

2516 (i) engage in the business of residential mortgage loans with respect to the transaction

2517 if the person also acts in any of the following capacities with respect to the same residential  
2518 mortgage loan transaction:

2519 (i) appraiser;

2520 (ii) escrow agent;

2521 (iii) real estate agent;

2522 (iv) general contractor; or

2523 (v) title insurance producer;

2524 (j) engage in unprofessional conduct as defined by rule;

2525 (k) engage in an act or omission in transacting the business of residential mortgage

2526 loans that constitutes dishonesty, fraud, or misrepresentation;

2527 (l) engage in false or misleading advertising;

2528 (m) (i) fail to account for money received in connection with a residential mortgage

2529 loan;

2530 (ii) use money for a different purpose from the purpose for which the money is

2531 received; or

2532 (iii) except as provided in Subsection (4), retain money paid for services if the services

2533 are not performed;

2534 (n) fail to provide a prospective borrower a copy of each appraisal and any other

2535 written valuation developed in connection with an application for credit that is to be secured by

2536 a first lien on a dwelling in accordance with Subsection (5);

- 2537 (o) engage in an act that is performed to:
- 2538 (i) evade this chapter; or
- 2539 (ii) assist another person to evade this chapter;
- 2540 (p) recommend or encourage default, delinquency, or continuation of an existing
- 2541 default or delinquency, by a mortgage applicant on an existing indebtedness before the closing
- 2542 of a residential mortgage loan that will refinance all or part of the indebtedness;
- 2543 (q) in the case of the lending manager of an entity or a branch office of an entity, fail to
- 2544 exercise reasonable supervision over the activities of:
- 2545 (i) unlicensed staff; or
- 2546 (ii) a mortgage loan originator who is affiliated with the lending manager;
- 2547 (r) pay or offer to pay an individual who does not hold a license under this chapter for
- 2548 work that requires the individual to hold a license under this chapter;
- 2549 (s) in the case of a dual licensed title licensee as defined in Section ~~[31A-2-402]~~
- 2550 [31A-23a-119](#):
- 2551 (i) provide a title insurance product or service without the approval required by Section
- 2552 ~~[31A-2-405]~~ [31A-23a-119](#); or
- 2553 (ii) knowingly provide false or misleading information in the statement required by
- 2554 Subsection ~~[31A-2-405(2)]~~ [31A-23a-119\(3\)](#);
- 2555 (t) represent to the public that the person can or will perform any act of a mortgage
- 2556 loan originator if that person is not licensed under this chapter because the person is exempt
- 2557 under Subsection [61-2c-105\(4\)](#), including through:
- 2558 (i) advertising;
- 2559 (ii) a business card;
- 2560 (iii) stationery;
- 2561 (iv) a brochure;
- 2562 (v) a sign;
- 2563 (vi) a rate list; or
- 2564 (vii) other promotional item;
- 2565 (u) (i) engage in an act of loan modification assistance without being licensed under
- 2566 this chapter;
- 2567 (ii) engage in an act of foreclosure rescue that requires licensure as a real estate agent

2568 or real estate broker under Chapter 2, Division of Real Estate, without being licensed under  
2569 that chapter;

2570 (iii) engage in an act of loan modification assistance without entering into a written  
2571 agreement specifying which one or more acts of loan modification assistance will be  
2572 completed;

2573 (iv) request or require a person to pay a fee before obtaining:

2574 (A) a written offer for a loan modification from the person's lender or servicer; and  
2575 (B) the person's written acceptance of the offer from the lender or servicer;

2576 (v) induce a person seeking a loan modification to hire the licensee to engage in an act  
2577 of loan modification assistance by:

2578 (A) suggesting to the person that the licensee has a special relationship with the  
2579 person's lender or loan servicer; or

2580 (B) falsely representing or advertising that the licensee is acting on behalf of:

2581 (I) a government agency;  
2582 (II) the person's lender or loan servicer; or  
2583 (III) a nonprofit or charitable institution;

2584 (vi) recommend or participate in a loan modification that requires a person to:

2585 (A) transfer title to real property to the licensee or to a third-party with whom the  
2586 licensee has a business relationship or financial interest;

2587 (B) make a mortgage payment to a person other than the person's loan servicer; or  
2588 (C) refrain from contacting the person's:

2589 (I) lender;  
2590 (II) loan servicer;  
2591 (III) attorney;  
2592 (IV) credit counselor; or  
2593 (V) housing counselor; or

2594 (vii) for an agreement for loan modification assistance entered into on or after May 11,  
2595 2010, engage in an act of loan modification assistance without offering in writing to the person  
2596 entering into the agreement for loan modification assistance a right to cancel the agreement  
2597 within three business days after the day on which the person enters the agreement;

2598 (v) sign or initial a document on behalf of another person, except for in a circumstance

2599 allowed by the division by rule, with the concurrence of the commission, made in accordance  
2600 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

2601 (w) violate or fail to comply with a provision of Title 57, Chapter 28, Utah Reverse  
2602 Mortgage Act; or

2603 (x) engage in any act or practice that violates appraisal independence as defined in 15  
2604 U.S.C. Sec. 1639e or in the policies and procedures of:

2605 (i) the Federal Home Loan Mortgage Corporation; or

2606 (ii) the Federal National Mortgage Association.

2607 (2) Regardless of whether the crime is related to the business of residential mortgage  
2608 loans, it is a violation of this chapter for a licensee or a person who is a certified education  
2609 provider to:

2610 (a) be convicted of:

2611 (i) a felony; or

2612 (ii) any of the following involving fraud, misrepresentation, theft, or dishonesty:

2613 (A) a class A misdemeanor;

2614 (B) a class B misdemeanor; or

2615 (C) a criminal offense comparable to a class A or class B misdemeanor;

2616 (b) plead guilty or nolo contendere to:

2617 (i) a felony; or

2618 (ii) any of the following involving fraud, misrepresentation, theft, or dishonesty:

2619 (A) a class A misdemeanor;

2620 (B) a class B misdemeanor; or

2621 (C) a criminal offense comparable to a class A or class B misdemeanor; or

2622 (c) enter into a plea in abeyance agreement in relation to:

2623 (i) a felony; or

2624 (ii) any of the following involving fraud, misrepresentation, theft, or dishonesty:

2625 (A) a class A misdemeanor;

2626 (B) a class B misdemeanor; or

2627 (C) a criminal offense comparable to a class A or class B misdemeanor.

2628 (3) A lending manager does not violate Subsection (1)(q) if:

2629 (a) in contravention of the lending manager's written policies and instructions, an

2630 affiliated licensee of the lending manager violates:

2631 (i) this chapter; or

2632 (ii) rules made by the division under this chapter;

2633 (b) the lending manager established and followed reasonable procedures to ensure that

2634 affiliated licensees receive adequate supervision;

2635 (c) upon learning of a violation by an affiliated licensee, the lending manager

2636 attempted to prevent or mitigate the damage;

2637 (d) the lending manager did not participate in or ratify the violation by an affiliated

2638 licensee; and

2639 (e) the lending manager did not attempt to avoid learning of the violation.

2640 (4) Notwithstanding Subsection (1)(m)(iii), a licensee may, upon compliance with

2641 Section [70D-2-305](#), charge a reasonable cancellation fee for work done originating a mortgage

2642 if the mortgage is not closed.

2643 (5) (a) Except as provided in Subsection (5)(b), a person transacting the business of

2644 residential mortgage loans in this state shall provide a prospective borrower a copy of each

2645 appraisal and any other written valuation developed in connection with an application for credit

2646 that is to be secured by a first lien on a dwelling on or before the earlier of:

2647 (i) as soon as reasonably possible after the appraisal or other valuation is complete; or

2648 (ii) three business days before the day of the settlement.

2649 (b) Subject to Subsection (5)(c), unless otherwise prohibited by law, a prospective

2650 borrower may waive the timing requirement described in Subsection (5)(a) and agree to receive

2651 each appraisal and any other written valuation:

2652 (i) less than three business days before the day of the settlement; or

2653 (ii) at the settlement.

2654 (c) (i) Except as provided in Subsection (5)(c)(ii), a prospective borrower shall submit

2655 a waiver described in Subsection (5)(b) at least three business days before the day of the

2656 settlement.

2657 (ii) Subsection (5)(b) does not apply if the waiver only pertains to a copy of an

2658 appraisal or other written valuation that contains only clerical changes from a previous version

2659 of the appraisal or other written valuation and the prospective borrower received a copy of the

2660 original appraisal or other written valuation at least three business days before the day of the

2661 settlement.

2662 (d) If a prospective borrower submits a waiver described in Subsection (5)(b) and the  
2663 transaction never completes, the person transacting the business of residential mortgage loans  
2664 shall provide a copy of each appraisal or any other written valuation to the applicant no later  
2665 than 30 days after the day on which the person knows the transaction will not complete.

2666 Section 52. Section **61-2f-401** is amended to read:

2667 **61-2f-401. Grounds for disciplinary action.**

2668 The following acts are unlawful and grounds for disciplinary action for a person  
2669 licensed or required to be licensed under this chapter:

2670 (1) (a) making a substantial misrepresentation, including in a licensure statement;

2671 (b) making an intentional misrepresentation;

2672 (c) pursuing a continued and flagrant course of misrepresentation;

2673 (d) making a false representation or promise through an agent, sales agent, advertising,  
2674 or otherwise; or

2675 (e) making a false representation or promise of a character likely to influence,  
2676 persuade, or induce;

2677 (2) acting for more than one party in a transaction without the informed written consent  
2678 of the parties;

2679 (3) (a) acting as an associate broker or sales agent while not affiliated with a principal  
2680 broker;

2681 (b) representing or attempting to represent a principal broker other than the principal  
2682 broker with whom the person is affiliated; or

2683 (c) representing as sales agent or having a contractual relationship similar to that of  
2684 sales agent with a person other than a principal broker;

2685 (4) (a) failing, within a reasonable time, to account for or to remit money that belongs  
2686 to another and comes into the person's possession;

2687 (b) commingling money described in Subsection (4)(a) with the person's own money;  
2688 or

2689 (c) diverting money described in Subsection (4)(a) from the purpose for which the  
2690 money is received;

2691 (5) paying or offering to pay valuable consideration to a person not licensed under this

2692 chapter, except that valuable consideration may be shared:  
2693 (a) with a principal broker of another jurisdiction; or  
2694 (b) as provided under:  
2695 (i) Title 16, Chapter 10a, Utah Revised Business Corporation Act;  
2696 (ii) Title 16, Chapter 11, Professional Corporation Act; or  
2697 (iii) Title 48, Chapter 3a, Utah Revised Uniform Limited Liability Company Act, as  
2698 appropriate pursuant to Section [48-3a-1405](#);  
2699 (6) for a principal broker, paying or offering to pay a sales agent or associate broker  
2700 who is not affiliated with the principal broker at the time the sales agent or associate broker  
2701 earned the compensation;  
2702 (7) being incompetent to act as a principal broker, associate broker, or sales agent in  
2703 such manner as to safeguard the interests of the public;  
2704 (8) failing to voluntarily furnish a copy of a document to the parties before and after the  
2705 execution of a document;  
2706 (9) failing to keep and make available for inspection by the division a record of each  
2707 transaction, including:  
2708 (a) the names of buyers and sellers or lessees and lessors;  
2709 (b) the identification of real estate;  
2710 (c) the sale or rental price;  
2711 (d) money received in trust;  
2712 (e) agreements or instructions from buyers and sellers or lessees and lessors; and  
2713 (f) any other information required by rule;  
2714 (10) failing to disclose, in writing, in the purchase, sale, or rental of real estate, whether  
2715 the purchase, sale, or rental is made for that person or for an undisclosed principal;  
2716 (11) regardless of whether the crime is related to the business of real estate:  
2717 (a) be convicted of:  
2718 (i) a felony; or  
2719 (ii) any of the following involving fraud, misrepresentation, theft, or dishonesty:  
2720 (A) a class A misdemeanor;  
2721 (B) a class B misdemeanor; or  
2722 (C) a criminal offense comparable to a class A or class B misdemeanor;



- 2723 (b) plead guilty or nolo contendere to:
- 2724 (i) a felony; or
- 2725 (ii) any of the following involving fraud, misrepresentation, theft, or dishonesty:
- 2726 (A) a class A misdemeanor;
- 2727 (B) a class B misdemeanor; or
- 2728 (C) a criminal offense comparable to a class A or class B misdemeanor;
- 2729 (c) enter into a plea in abeyance agreement in relation to:
- 2730 (i) a felony; or
- 2731 (ii) any of the following involving fraud, misrepresentation, theft, or dishonesty:
- 2732 (A) a class A misdemeanor;
- 2733 (B) a class B misdemeanor; or
- 2734 (C) a criminal offense comparable to a class A or class B misdemeanor;
- 2735 (12) advertising the availability of real estate or the services of a licensee in a false,
- 2736 misleading, or deceptive manner;
- 2737 (13) in the case of a principal broker or a branch broker, failing to exercise active and
- 2738 reasonable supervision, as the commission may define by rule made in accordance with Title
- 2739 63G, Chapter 3, Utah Administrative Rulemaking Act, over the activities of the principal
- 2740 broker's or branch broker's licensed or unlicensed staff;
- 2741 (14) violating or disregarding:
- 2742 (a) this chapter;
- 2743 (b) an order of the commission; or
- 2744 (c) the rules adopted by the commission and the division;
- 2745 (15) breaching a fiduciary duty owed by a licensee to the licensee's principal in a real
- 2746 estate transaction;
- 2747 (16) any other conduct which constitutes dishonest dealing;
- 2748 (17) having one of the following suspended, revoked, surrendered, or cancelled on the
- 2749 basis of misconduct in a professional capacity that relates to character, honesty, integrity, or
- 2750 truthfulness:
- 2751 (a) a real estate license, registration, or certificate issued by another jurisdiction; or
- 2752 (b) another license, registration, or certificate to engage in an occupation or profession
- 2753 issued by this state or another jurisdiction;

2754 (18) failing to respond to a request by the division in an investigation authorized under  
2755 this chapter within 10 days after the day on which the request is served, including:

- 2756 (a) failing to respond to a subpoena;
- 2757 (b) withholding evidence; or
- 2758 (c) failing to produce documents or records;

2759 (19) in the case of a dual licensed title licensee as defined in Section [~~31A-2-402~~]  
2760 [31A-23a-119](#):

2761 (a) providing a title insurance product or service without the approval required by  
2762 Section [~~31A-2-405~~] [31A-23a-119](#); or

2763 (b) knowingly providing false or misleading information in the statement required by  
2764 Subsection [~~31A-2-405(2)~~] [31A-23a-119\(3\)](#);

2765 (20) violating an independent contractor agreement between a principal broker and a  
2766 sales agent or associate broker as evidenced by a final judgment of a court;

2767 (21) (a) engaging in an act of loan modification assistance that requires licensure as a  
2768 mortgage officer under Chapter 2c, Utah Residential Mortgage Practices and Licensing Act,  
2769 without being licensed under that chapter;

2770 (b) engaging in an act of foreclosure rescue without entering into a written agreement  
2771 specifying what one or more acts of foreclosure rescue will be completed;

2772 (c) inducing a person who is at risk of foreclosure to hire the licensee to engage in an  
2773 act of foreclosure rescue by:

2774 (i) suggesting to the person that the licensee has a special relationship with the person's  
2775 lender or loan servicer; or

2776 (ii) falsely representing or advertising that the licensee is acting on behalf of:

- 2777 (A) a government agency;
- 2778 (B) the person's lender or loan servicer; or
- 2779 (C) a nonprofit or charitable institution; or

2780 (d) recommending or participating in a foreclosure rescue that requires a person to:

2781 (i) transfer title to real estate to the licensee or to a third-party with whom the licensee  
2782 has a business relationship or financial interest;

2783 (ii) make a mortgage payment to a person other than the person's loan servicer; or

2784 (iii) refrain from contacting the person's:

- 2785 (A) lender;
- 2786 (B) loan servicer;
- 2787 (C) attorney;
- 2788 (D) credit counselor; or
- 2789 (E) housing counselor;
- 2790 (22) taking or removing from the premises of a main office or a branch office, or
- 2791 otherwise limiting a real estate brokerage's access to or control over, a record that:
- 2792 (a) (i) the real estate brokerage's licensed staff, unlicensed staff, or affiliated
- 2793 independent contractor prepared; and
- 2794 (ii) is related to the business of:
- 2795 (A) the real estate brokerage; or
- 2796 (B) an associate broker, a branch broker, or a sales agent of the real estate brokerage; or
- 2797 (b) is related to the business administration of the real estate brokerage;
- 2798 (23) as a principal broker, placing a lien on real property, unless authorized by law;
- 2799 (24) as a sales agent or associate broker, placing a lien on real property for an unpaid
- 2800 commission or other compensation related to real estate brokerage services; or
- 2801 (25) failing to timely disclose to a buyer or seller an affiliated business arrangement, as
- 2802 defined in Section [31A-23a-1001](#), in accordance with the federal Real Estate Settlement
- 2803 Procedures Act, 12 U.S.C. Sec. 2601 et seq. and any rules made thereunder.
- 2804 Section 53. Section **61-2g-502** is amended to read:
- 2805 **61-2g-502. Disciplinary action -- Grounds.**
- 2806 (1) (a) The board may order disciplinary action, with the concurrence of the division,
- 2807 against a person:
- 2808 (i) registered, licensed, or certified under this chapter; or
- 2809 (ii) required to be registered, licensed, or certified under this chapter.
- 2810 (b) On the basis of a ground listed in Subsection (2) for disciplinary action, board
- 2811 action may include:
- 2812 (i) revoking, suspending, or placing a person's registration, license, or certification on
- 2813 probation;
- 2814 (ii) denying a person's original registration, license, or certification;
- 2815 (iii) denying a person's renewal license, certification, or registration;

2816 (iv) in the case of denial or revocation of a registration, license, or certification, setting  
2817 a waiting period for an applicant to apply for a registration, license, or certification under this  
2818 chapter;

2819 (v) ordering remedial education;

2820 (vi) imposing a civil penalty upon a person not to exceed the greater of:

2821 (A) \$5,000 for each violation; or

2822 (B) the amount of any gain or economic benefit from a violation;

2823 (vii) issuing a cease and desist order;

2824 (viii) modifying an action described in Subsections (1)(b)(i) through (vii) if the board,  
2825 with the concurrence of the division, finds that the person complies with court ordered  
2826 restitution; or

2827 (ix) doing any combination of Subsections (1)(b)(i) through (viii).

2828 (c) (i) If the board or division issues an order that orders a fine or educational  
2829 requirements as part of the disciplinary action against a person, including a stipulation and  
2830 order, the board or division shall state in the order the deadline by which the person shall  
2831 comply with the fine or educational requirements.

2832 (ii) If a person fails to comply with a stated deadline:

2833 (A) the person's license, certificate, or registration is automatically suspended:

2834 (I) beginning on the day specified in the order as the deadline for compliance; and

2835 (II) ending the day on which the person complies in full with the order; and

2836 (B) if the person fails to pay a fine required by an order, the division may begin a  
2837 collection process:

2838 (I) established by the division by rule made in accordance with Title 63G, Chapter 3,  
2839 Utah Administrative Rulemaking Act; and

2840 (II) subject to Title 63A, Chapter 3, Part 5, Office of State Debt Collection.

2841 (2) The following are grounds for disciplinary action under this section:

2842 (a) procuring or attempting to procure a registration, license, or certification under this  
2843 chapter:

2844 (i) by fraud; or

2845 (ii) by making a false statement, submitting false information, or making a material  
2846 misrepresentation in an application filed with the division;

- 2847 (b) paying money or attempting to pay money other than a fee provided for by this  
2848 chapter to a member or employee of the division to procure a registration, license, or  
2849 certification under this chapter;
- 2850 (c) an act or omission in the practice of real estate appraising that constitutes  
2851 dishonesty, fraud, or misrepresentation;
- 2852 (d) entry of a judgment against a registrant, licensee, or certificate holder on grounds of  
2853 fraud, misrepresentation, or deceit in the making of an appraisal of real estate;
- 2854 (e) regardless of whether the crime is related to the appraisal business, to:
- 2855 (i) be convicted of a felony;
- 2856 (ii) be convicted of any of the following involving fraud, misrepresentation, theft, or  
2857 dishonesty:
- 2858 (A) a class A misdemeanor;
- 2859 (B) a class B misdemeanor; or
- 2860 (C) a criminal offense comparable to a class A or class B misdemeanor;
- 2861 (iii) plead guilty or nolo contendere to a felony;
- 2862 (iv) plead guilty or nolo contendere to any of the following involving fraud,  
2863 misrepresentation, theft, or dishonesty:
- 2864 (A) a class A misdemeanor;
- 2865 (B) a class B misdemeanor; or
- 2866 (C) a criminal offense comparable to a class A or class B misdemeanor;
- 2867 (v) enter into a plea in abeyance agreement involving a felony; or
- 2868 (vi) enter into a plea in abeyance agreement involving any of the following involving  
2869 fraud, misrepresentation, theft, or dishonesty:
- 2870 (A) a class A misdemeanor;
- 2871 (B) a class B misdemeanor; or
- 2872 (C) a criminal offense comparable to a class A or class B misdemeanor;
- 2873 (f) engaging in the business of real estate appraising under an assumed or fictitious  
2874 name not properly registered in this state;
- 2875 (g) paying a finder's fee or a referral fee to a person not licensed or certified under this  
2876 chapter in connection with an appraisal of real estate or real property in this state;
- 2877 (h) making a false or misleading statement in:

- 2878 (i) that portion of a written appraisal report that deals with professional qualifications;  
2879 or
- 2880 (ii) testimony concerning professional qualifications;
- 2881 (i) violating or disregarding:
- 2882 (i) this chapter;
- 2883 (ii) an order of:
- 2884 (A) the board; or
- 2885 (B) the division, in a case when the board delegates to the division the authority to  
2886 make a decision on behalf of the board; or
- 2887 (iii) a rule issued under this chapter;
- 2888 (j) violating the confidential nature of governmental records to which a person  
2889 registered, licensed, or certified under this chapter gained access through employment or  
2890 engagement as an appraiser by a governmental agency;
- 2891 (k) accepting a contingent fee for performing an appraisal if in fact the fee is or was  
2892 contingent upon:
- 2893 (i) the appraiser reporting a predetermined analysis, opinion, or conclusion;
- 2894 (ii) the analysis, opinion, conclusion, or valuation reached; or
- 2895 (iii) the consequences resulting from the appraisal assignment;
- 2896 (l) unprofessional conduct as defined by statute or rule;
- 2897 (m) in the case of a dual licensed title licensee as defined in Section [~~31A-2-402~~]  
2898 [31A-23a-119](#):
- 2899 (i) providing a title insurance product or service without the approval required by  
2900 Section [~~31A-2-405~~] [31A-23a-119](#); or
- 2901 (ii) knowingly providing false or misleading information in the statement required by  
2902 Subsection [~~31A-2-405(2)~~] [31A-23a-119\(3\)](#); or
- 2903 (n) other conduct that constitutes dishonest dealing.
- 2904 (3) A person previously licensed, certified, or registered under this chapter remains  
2905 responsible for, and is subject to disciplinary action for, an act that the person committed, while  
2906 the person was licensed, certified, or registered, in violation of this chapter or an administrative  
2907 rule in effect at the time that the person committed the act, regardless of whether the person is  
2908 currently licensed, certified, or registered.

2909 Section 54. Section **63A-16-107** is amended to read:

2910 **63A-16-107. Utah Open Data Portal Website.**

2911 (1) As used in this section:

2912 (a) "Governmental entity" means the same as that term is defined in Section

2913 [63G-2-103](#).

2914 (b) "Public information" means:

2915 (i) a record of a state governmental entity, a local governmental entity, or an  
2916 independent entity that is classified as public under Title 63G, Chapter 2, Government Records  
2917 Access and Management Act; or

2918 (ii) subject to any specific limitations and requirements regarding the provision of  
2919 financial information from the entity under Section [67-3-12](#), for an entity that is exempt from  
2920 Title 63G, Chapter 2, Government Records Access and Management Act, records that would  
2921 normally be classified as public if the entity were not exempt from Title 63G, Chapter 2,  
2922 Government Records Access and Management Act.

2923 (c) "Private, controlled, or protected information" means information classified as  
2924 private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and  
2925 Management Act.

2926 (d) "Website" means the Utah Open Data Portal Website created in this section.

2927 (2) There is created the Utah Open Data Portal Website to be administered by the  
2928 division.

2929 (3) The website shall serve as a point of access for public information.

2930 (4) The division shall:

2931 (a) establish and maintain the website~~[, guided by the principles described in~~  
2932 ~~Subsection [63A-18-202\(2\)](#)];~~

2933 (b) provide equipment, resources, and personnel as needed to establish and maintain  
2934 the website;

2935 (c) provide a mechanism for a governmental entity to gain access to the website for the  
2936 purpose of posting and modifying public information; and

2937 (d) maintain an archive of all public information posted to the website.

2938 (5) The timing for posting and the content of the public information posted to the  
2939 website is the responsibility of the governmental entity posting the public information.

2940 (6) A governmental entity may not post private, controlled, or protected information to  
2941 the website.

2942 (7) A person who negligently discloses private, controlled, or protected information is  
2943 not criminally or civilly liable for improper disclosure of the information if the information is  
2944 disclosed solely as a result of the preparation or publication of the website.

2945 Section 55. Section **63I-1-226** is amended to read:

2946 **63I-1-226. Repeal dates: Titles 26 through 26B.**

2947 [~~(1)~~ Section ~~26-1-7.5~~, which creates the Utah Health Advisory Council, is repealed  
2948 July 1, 2025.]

2949 [~~(2)~~ (1) Section ~~26-1-40~~ is repealed July 1, 2022.

2950 [~~(3)~~ (2) Section ~~26-1-41~~ is repealed July 1, 2026.

2951 [~~(4)~~ (3) Section ~~26-1-43~~ is repealed December 31, 2025.

2952 [~~(5)~~ (4) Section ~~26-7-10~~ is repealed July 1, 2025.

2953 [~~(6)~~ (5) Subsection ~~26-7-11(5)~~, regarding reports to the Legislature, is repealed July 1,  
2954 2028.

2955 [~~(7)~~ (6) Section ~~26-7-14~~ is repealed December 31, 2027.

2956 [~~(8)~~ (7) Section ~~26-8a-603~~ is repealed July 1, 2027.

2957 [~~(9)~~ (8) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed  
2958 July 1, 2025.

2959 [~~(10)~~ (9) Subsection ~~26-10-6(5)~~, which creates the Newborn Hearing Screening  
2960 Committee, is repealed July 1, 2026.

2961 [~~(11)~~ (10) Section ~~26-10b-106~~, which creates the Primary Care Grant Committee, is  
2962 repealed July 1, 2025.

2963 [~~(12)~~ (11) Subsection ~~26-15c-104(3)~~, relating to a limitation on the number of  
2964 microenterprise home kitchen permits that may be issued, is repealed July 1, 2022.

2965 [~~(13)~~ (12) Subsection ~~26-18-2.6(9)~~, which addresses reimbursement for dental  
2966 hygienists, is repealed July 1, 2028.

2967 [~~(14)~~ (13) Section ~~26-18-27~~ is repealed July 1, 2025.

2968 [~~(15)~~ (14) Section ~~26-18-28~~ is repealed June 30, 2027.

2969 [~~(16)~~ (15) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed  
2970 July 1, 2027.



2971            [(17)] (16) Subsection 26-18-418(2), the language that states "and the Behavioral  
 2972 Health Crisis Response Commission created in Section 63C-18-202" is repealed July 1, 2023.  
 2973            [(18)] (17) Section 26-33a-117 is repealed December 31, 2023.  
 2974            [(19)] (18) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1,  
 2975 2024.  
 2976            [(20)] (19) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July  
 2977 1, 2024.  
 2978            [(21)] (20) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is  
 2979 repealed July 1, 2024.  
 2980            [(22)] (21) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July  
 2981 1, 2024.  
 2982            [~~(23)~~] Section ~~26-39-201~~, which creates the Residential Child Care Licensing Advisory  
 2983 Committee, is repealed July 1, 2024.  
 2984            [(24)] (22) Section 26-39-405, Drinking water quality in child care centers, is repealed  
 2985 July 1, 2027.  
 2986            [(25)] (23) Section 26-40-104, which creates the Utah Children's Health Insurance  
 2987 Program Advisory Council, is repealed July 1, 2025.  
 2988            [(26)] (24) Section 26-50-202, which creates the Traumatic Brain Injury Advisory  
 2989 Committee, is repealed July 1, 2025.  
 2990            [(27)] (25) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and  
 2991 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.  
 2992            [(28)] (26) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed  
 2993 July 1, 2026.  
 2994            [(29)] (27) Title 26, Chapter 68, COVID-19 Vaccine Restrictions Act, is repealed July  
 2995 1, 2024.  
 2996            [(30)] (28) Section 26-69-406 is repealed July 1, 2025.  
 2997            [~~(31)~~] Subsection ~~26B-1-204(2)(i)~~, related to the Residential Child Care Licensing  
 2998 Advisory Committee, is repealed July 1, 2024.  
 2999            [(32)] (29) Subsection [~~26B-1-204(2)(k)~~] 26B-1-204(2)(i), related to the Primary Care  
 3000 Grant Committee, is repealed July 1, 2025.  
 3001            Section 56. Section 63I-1-263 is amended to read:

3002           **63I-1-263. Repeal dates: Titles 63A to 63N.**  
3003           (1) Subsection [63A-5b-405](#)(5), relating to prioritizing and allocating capital  
3004 improvement funding, is repealed July 1, 2024.  
3005           (2) Section [63A-5b-1003](#), State Facility Energy Efficiency Fund, is repealed July 1,  
3006 2023.  
3007           (3) Sections [63A-9-301](#) and [63A-9-302](#), related to the Motor Vehicle Review  
3008 Committee, are repealed July 1, 2023.  
3009           ~~[(4) In relation to the Utah Transparency Advisory Board, on January 1, 2025:]~~  
3010           ~~[(a) Section [63A-18-102](#) is repealed;]~~  
3011           ~~[(b) Section [63A-18-201](#) is repealed; and]~~  
3012           ~~[(c) Section [63A-18-202](#) is repealed.]~~  
3013           ~~[(5)]~~ (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed  
3014 July 1, 2028.  
3015           ~~[(6)]~~ (5) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,  
3016 2025.  
3017           ~~[(7)]~~ (6) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed  
3018 July 1, 2024.  
3019           ~~[(8)]~~ (7) Title 63C, Chapter 17, Point of the Mountain Development Commission Act,  
3020 is repealed July 1, 2023.  
3021           ~~[(9)]~~ (8) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is  
3022 repealed July 1, 2023.  
3023           ~~[(10)]~~ (9) Title 63C, Chapter 23, Education and Mental Health Coordinating Council,  
3024 is repealed July 1, 2026.  
3025           ~~[(11)]~~ (10) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.  
3026           ~~[(12)]~~ (11) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1,  
3027 2026.  
3028           ~~[(13)]~~ (12) Section [63G-6a-805](#), which creates the Purchasing from Persons with  
3029 Disabilities Advisory Board, is repealed July 1, 2026.  
3030           ~~[(14)]~~ (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed  
3031 July 1, 2028.  
3032           ~~[(15)]~~ (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed

3033 July 1, 2024.

3034 [~~(16)~~] (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1,  
3035 2026.

3036 [~~(17)~~] (16) Subsection 63J-1-602.1(17), relating to the Nurse Home Visiting Restricted  
3037 Account, is repealed July 1, 2026.

3038 [~~(18)~~] (17) Subsection 63J-1-602.2(6), referring to dedicated credits to the Utah  
3039 Marriage Commission, is repealed July 1, 2023.

3040 [~~(19)~~] (18) Subsection 63J-1-602.2(7), referring to the Trip Reduction Program, is  
3041 repealed July 1, 2022.

3042 [~~(20)~~] (19) Subsection 63J-1-602.2(26), related to the Utah Seismic Safety  
3043 Commission, is repealed January 1, 2025.

3044 [~~(21)~~] (20) Title 63L, Chapter 11, Part 4, Resource Development Coordinating  
3045 Committee, is repealed July 1, 2027.

3046 [~~(22)~~] (21) In relation to the Utah Substance Use and Mental Health Advisory Council,  
3047 on January 1, 2033:

3048 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are  
3049 repealed;

3050 (b) Section 63M-7-305, the language that states "council" is replaced with  
3051 "commission";

3052 (c) Subsection 63M-7-305(1)(a) is repealed and replaced with:  
3053 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

3054 (d) Subsection 63M-7-305(2) is repealed and replaced with:  
3055 "(2) The commission shall:

3056 (a) provide ongoing oversight of the implementation, functions, and evaluation of the  
3057 Drug-Related Offenses Reform Act; and

3058 (b) coordinate the implementation of Section 77-18-104 and related provisions in  
3059 Subsections 77-18-103(2)(c) and (d).".

3060 [~~(23)~~] (22) The Crime Victim Reparations and Assistance Board, created in Section  
3061 63M-7-504, is repealed July 1, 2027.

3062 [~~(24)~~] (23) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,  
3063 2026.

3064           ~~[(25)]~~ (24) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is  
3065 repealed January 1, 2025.

3066           ~~[(26)]~~ (25) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

3067           ~~[(27)]~~ (26) Section 63N-2-512, related to the Hotel Impact Mitigation Fund, is repealed  
3068 July 1, 2028.

3069           ~~[(28)]~~ (27) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is  
3070 repealed July 1, 2027.

3071           ~~[(29)]~~ (28) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant  
3072 Program, is repealed July 1, 2025.

3073           ~~[(30)]~~ (29) In relation to the Rural Employment Expansion Program, on July 1, 2023:  
3074 (a) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed;  
3075 and

3076           (b) Subsection 63N-4-805(5)(b), referring to the Rural Employment Expansion  
3077 Program, is repealed.

3078           ~~[(31)]~~ (30) In relation to the Board of Tourism Development, on July 1, 2025:  
3079 (a) Subsection 63N-2-511(1)(b), which defines "tourism board," is repealed;  
3080 (b) Subsections 63N-2-511(3)(a) and (5), the language that states "tourism board" is  
3081 repealed and replaced with "Utah Office of Tourism";

3082           (c) Subsection 63N-7-101(1), which defines "board," is repealed;

3083           (d) Subsection 63N-7-102(3)(c), which requires the Utah Office of Tourism to receive  
3084 approval from the Board of Tourism Development, is repealed; and

3085           (e) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed.

3086           ~~[(32)]~~ (31) Subsection 63N-8-103(3)(c), which allows the Governor's Office of  
3087 Economic Opportunity to issue an amount of tax credit certificates only for rural productions,  
3088 is repealed on July 1, 2024.

3089           Section 57. Section 63I-2-219 is amended to read:  
3090           **63I-2-219. Repeal dates: Title 19.**

3091           ~~[(1) Subsections 19-2-109.2(2) through (10), related to the Compliance Advisory~~  
3092 ~~Panel, are repealed July 1, 2023. (2)]~~ Section 19-2a-102.5, addressing a study and  
3093 recommendations for a diesel emission reduction program, is repealed July 1, 2024.

3094           Section 58. Section 63I-2-226 is amended to read:

3095 **63I-2-226. Repeal dates: Titles 26 through 26B.**

3096 [~~1~~] Subsection ~~26-2-12.6~~(3), relating to the report for birth certificate fees, is repealed  
3097 December 31, 2022.]

3098 [~~2~~] (1) Subsection ~~26-7-8~~(3) is repealed January 1, 2027.

3099 [~~3~~] (2) Section ~~26-8a-107~~ is repealed July 1, 2024.

3100 [~~4~~] Subsection ~~26-8a-203~~(3)(a)(i) is repealed January 1, 2023.]

3101 [~~5~~] (3) Section ~~26-8a-211~~ is repealed July 1, 2023.

3102 [~~6~~] (4) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection

3103 ~~26-8a-602~~(1)(a) is amended to read:

3104 "(a) provide the patient or the patient's representative with the following information  
3105 before contacting an air medical transport provider:

3106 (i) which health insurers in the state the air medical transport provider contracts with;

3107 (ii) if sufficient data is available, the average charge for air medical transport services  
3108 for a patient who is uninsured or out of network; and

3109 (iii) whether the air medical transport provider balance bills a patient for any charge not  
3110 paid by the patient's health insurer; and".

3111 [~~7~~] Subsection ~~26-18-2.4~~(3)(e) is repealed January 1, 2023.]

3112 [~~8~~] Subsection ~~26-18-411~~(8), related to reporting on the health coverage improvement  
3113 program, is repealed January 1, 2023.]

3114 [~~9~~] (5) Subsection ~~26-18-420~~(5), related to reporting on coverage for in vitro  
3115 fertilization and genetic testing, is repealed July 1, 2030.

3116 [~~10~~] (6) In relation to the Air Ambulance Committee, July 1, 2024, Subsection

3117 ~~26-21-32~~(1)(a) is amended to read:

3118 "(a) provide the patient or the patient's representative with the following information  
3119 before contacting an air medical transport provider:

3120 (i) which health insurers in the state the air medical transport provider contracts with;

3121 (ii) if sufficient data is available, the average charge for air medical transport services  
3122 for a patient who is uninsured or out of network; and

3123 (iii) whether the air medical transport provider balance bills a patient for any charge not  
3124 paid by the patient's health insurer; and".

3125 [~~11~~] Subsection ~~26-33a-106.1~~(2)(a) is repealed January 1, 2023.]

3126           ~~[(12)]~~ (7) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance  
3127 Program, is repealed July 1, 2027.

3128           ~~[(13) Subsection 26-61-202(4)(b) is repealed January 1, 2022.]~~

3129           ~~[(14) Subsection 26-61-202(5) is repealed January 1, 2022.]~~

3130           ~~[(15)]~~ (8) Subsection ~~[26B-1-204(2)(f)]~~ 26B-1-204(2)(e), relating to the Air  
3131 Ambulance Committee, is repealed July 1, 2024.

3132           Section 59. Section **72-9-201** is amended to read:

3133           **72-9-201. Motor Carrier Advisory Board created -- Appointment -- Terms --**

3134 **Meetings -- Per diem and expenses -- Duties.**

3135           (1) There is created within the department the Motor Carrier Advisory Board  
3136 consisting of five members appointed by the ~~[governor]~~ department.

3137           (2) Each member of the board shall:

3138           (a) represent experience and expertise in the areas of motor carrier transportation,  
3139 commerce, agriculture, economics, shipping, or highway safety;

3140           (b) be selected at large on a nonpartisan basis; and

3141           (c) have been a legal resident of the state for at least one year immediately preceding  
3142 the date of appointment.

3143           (3) (a) Except as required by Subsection (3)(b), as terms of current board members  
3144 expire, the ~~[governor]~~ department shall appoint each new member or reappointed member to a  
3145 four-year term.

3146           (b) The ~~[governor]~~ department shall, at the time of appointment or reappointment,  
3147 adjust the length of terms to ensure that the terms of board members are staggered so that  
3148 approximately half of the board is appointed every two years.

3149           (c) A member shall serve from the date of appointment until a replacement is  
3150 appointed.

3151           (4) When a vacancy occurs in the membership for any reason, the ~~[governor]~~  
3152 department shall appoint the replacement to serve for the remainder of the unexpired term  
3153 beginning the day following the day on which the vacancy occurs.

3154           (5) The board shall elect its own chair and vice chair at the first regular meeting of each  
3155 calendar year.

3156           (6) The board shall meet at least twice per year or as needed when called by the chair.

3157 (7) Any three voting members constitute a quorum for the transaction of business that  
3158 comes before the board.

3159 (8) A member may not receive compensation or benefits for the member's service, but  
3160 may receive per diem and travel expenses in accordance with:

3161 (a) Section 63A-3-106;

3162 (b) Section 63A-3-107; and

3163 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
3164 63A-3-107.

3165 (9) The board shall advise the department and the commission on interpretation,  
3166 adoption, and implementation of this chapter and other motor carrier related issues.

3167 (10) The department shall provide staff support to the board.

3168 Section 60. **Repealer.**

3169 This bill repeals:

3170 Section 19-2-109.2, **Small business assistance program.**

3171 Section 26-1-7.5, **Health advisory council.**

3172 Section 26-39-201, **Residential Child Care Licensing Advisory Committee.**

3173 Section 31A-2-401, **Title.**

3174 Section 31A-2-402, **Definitions.**

3175 Section 31A-2-403, **Title and Escrow Commission created.**

3176 Section 31A-2-404, **Duties of the commissioner and Title and Escrow Commission.**

3177 Section 41-23-1, **Enactment.**

3178 Section 41-23-2, **Text.**

3179 Section 58-49-1, **Short title.**

3180 Section 58-49-3, **Board created -- Duties.**

3181 Section 58-53-101, **Title.**

3182 Section 58-53-201, **Creation of board -- Duties.**

3183 Section 58-71-201, **Board.**

3184 Section 58-75-101, **Title.**

3185 Section 58-75-201, **Board.**

3186 Section 58-76-101, **Title.**

3187 Section 58-76-201, **Board.**

- 3188 Section **58-77-201**, **Board.**
- 3189 Section **58-83-101**, **Title.**
- 3190 Section **58-83-201**, **Board.**
- 3191 Section **63A-18-102**, **Definitions.**
- 3192 Section **63A-18-201**, **Utah Transparency Advisory Board -- Creation --**
- 3193 **Membership -- Duties.**
- 3194 Section **63A-18-202**, **Utah Transparency Advisory Board -- Duties.**