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MILITARY OCCUPATIONAL LICENSING RENEWAL AMENDMENTS

2024 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Heidi Balderree

House Sponsor: Jefferson S. Burton

(General Description:
	This bill addresses professional or occupational license requirements for service members.
]	Highlighted Provisions:
	This bill:
	 provides for the waiver of fees and penalties associated with the reactivation of an
(expired professional or occupational license of a deployed service member.
]	Money Appropriated in this Bill:
	None
(Other Special Clauses:
	This bill provides a special effective date.
Į	Utah Code Sections Affected:
4	AMENDS:
	58-1-308 (Effective 05/01/24), as last amended by Laws of Utah 2016, Chapter 238
	71A-8-103 (Effective 05/01/24) (Superseded 07/01/24), as last amended by Laws of Utah
	2023, Chapter 328 and renumbered and amended by Laws of Utah 2023, Chapter 44
	71A-8-103 (Effective 07/01/24), as last amended by Laws of Utah 2023, Chapters 310, 328
	and renumbered and amended by Laws of Utah 2023, Chapter 44

- 22 Be it enacted by the Legislature of the state of Utah:
- Section 1. Section **58-1-308** is amended to read:
- 58-1-308 (Effective 05/01/24). Term of license -- Expiration of license -- Renewal
- of license -- Reinstatement of license -- Application procedures.
- 26 (1) (a) Each license issued under this title shall be issued in accordance with a two-year
- 27 renewal cycle established by rule.

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28 (b) A renewal period may be extended or shortened by as much as one year to maintain

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29 established renewal cycles or to change an established renewal cycle.

- 30 (2) (a) The expiration date of a license shall be shown on the license.
- 31 (b) A license that is not renewed prior to the expiration date shown on the license automatically expires.
- 33 (c) A license automatically expires prior to the expiration date shown on the license 34 upon the death of a licensee who is a natural person, or upon the dissolution of a 35 licensee that is a partnership, corporation, or other business entity.
 - (d) If the existence of a dissolved partnership, corporation, or other business entity is reinstated prior to the expiration date shown upon the entity's expired license issued by the division, the division shall, upon written application, reinstate the applicant's license, unless it finds that the applicant no longer meets the qualifications for licensure.
 - (e) Expiration of licensure is not an adjudicative proceeding under Title 63G, Chapter 4, Administrative Procedures Act.
 - (3) (a) The division shall notify each licensee in accordance with procedures established by rule that the licensee's license is due for renewal and that unless an application for renewal is received by the division by the expiration date shown on the license, together with the appropriate renewal fee and documentation showing completion of or compliance with renewal qualifications, the license will not be renewed.
 - (b) Examples of renewal qualifications which by statute or rule the division may require the licensee to document completion of or compliance with include:
 - (i) continuing education;
- 51 (ii) continuing competency;
- 52 (iii) quality assurance;

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- (iv) utilization plan and protocol;
- 54 (v) financial responsibility;
- (vi) certification renewal; and
- 56 (vii) calibration of equipment.
- 57 (4) (a) (i) An application for renewal that complies with Subsection (3) is complete.
- 58 (ii) A renewed license shall be issued to applicants who submit a complete 59 application, unless it is apparent to the division that the applicant no longer meets 60 the qualifications for continued licensure.
- 61 (b) (i) The division may evaluate or verify documentation showing completion of or 62 compliance with renewal requirements on an entire population or a random

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63 sample basis, and may be assisted by advisory peer committees. 64 (ii) If necessary, the division may complete its evaluation or verification subsequent 65 to renewal and, if appropriate, pursue action to suspend or revoke the license of a 66 licensee who no longer meets the qualifications for continued licensure. 67 (c) The application procedures specified in Subsection 58-1-301(2), apply to renewal 68 applications to the extent they are not in conflict with this section. 69 (5) (a) Any license that is not renewed may be reinstated: 70 (i) upon submission of an application for reinstatement, payment of the renewal fee 71 together with a reinstatement fee determined by the department under Section 72 63J-1-504, and upon submission of documentation showing completion of or 73 compliance with renewal qualifications; and 74 (ii) (A) at any time within two years after nonrenewal; or 75 (B) between two years and five years after nonrenewal, if established by rule 76 made by the division in consultation with the applicable licensing board in 77 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act. 78 (b) The application procedures specified in Subsection 58-1-301(2) apply to the 79 reinstatement applications to the extent they are not in conflict with this section. 80 (c) Except as otherwise provided by rule, a license that is reinstated no later than 120 81 days after it expires shall be retroactively reinstated to the date it expired. 82 (6) (a) Except as provided in Subsection (5)(a), if not reinstated within two years, the 83 holder may obtain a license only if the holder meets requirements provided by the 84 division by rule or by statute for a new license. 85 (b) Each licensee under this title who has been active in the licensed occupation or 86 profession while in the full-time employ of the United States government or under 87 license to practice that occupation or profession in any other state or territory of the 88 United States may reinstate the licensee's license without taking an examination by 89 submitting an application for reinstatement, paying the current annual renewal fee 90 and the reinstatement fee, and submitting documentation showing completion of or 91 compliance with any renewal qualifications at any time within six months after 92 reestablishing domicile within Utah or terminating full-time government service. 93 (7) A service member may reactivate an expired professional or occupational license as 94 described in 71A-8-103. 95 Section 2. Section **71A-8-103** is amended to read: 96 71A-8-103 (Effective 05/01/24) (Superseded 07/01/24). Employees in military

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97	service Extension of licenses for deployed service members and members of
98	National Guard and reservists ordered to active duty.
99	(1) As used in this section, "license" means any license issued under:
100	(a) Title 58, Occupations and Professions; and
101	(b) Section 26B-4-116.
102	(2) [Any] A license held by a member of the National Guard or reserve component of the
103	armed forces that expires while the member is on state or federal active duty [shall be] is
104	extended until 90 days after the member is discharged from active duty status.
105	(3) A license held by a service member that expires while the member is deployed is
106	extended for 90 days after the last date of the deployment listed on the service member's
107	deployment order.
108	(4) The licensing agency shall renew a license extended under Subsection (2) or (3) until
109	the next date that the license expires or for the period that the license is normally issued,
110	at no cost to the service member, member of the National Guard, or reserve component
111	of the armed forces if all of the following conditions are met:
112	(a) the service member, National Guard member, or reservist requests renewal of the
113	license within 90 days [after being discharged;] after the termination date of the
114	activation or deployment orders;
115	(b) the service member, National Guard member, or reservist provides the licensing
116	agency with a copy of the [member's or reservist's] individual's official orders calling
117	the member or reservist to active duty or deployment, and official orders discharging
118	the member or reservist from active duty or deployment; and
119	(c) the service member, the National Guard member, or reservist meets all the
120	requirements necessary for the renewal of the license, except the member or reservist
121	need not meet the requirements, if any, that relate to continuing education or training.
122	[(4)] (5) The provisions of this section do not apply to:
123	(a) regularly scheduled annual training;
124	(b) in-state active National Guard and reserve orders; or
125	(c) orders that do not require the service member to relocate outside of this state.
126	Section 3. Section 71A-8-103 is amended to read:
127	71A-8-103 (Effective 07/01/24). Extension of licenses for members of National

- 129 (1) As used in this section, "license" means any license issued under:
- 130 (a) Title 58, Occupations and Professions; and

Guard and reservists ordered to active duty .

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131	(b) Section 53-2d-402.
132	(2) $[Any]$ \underline{A} license held by a member of the National Guard or reserve component of the
133	armed forces that expires while the member is on state or federal active duty [shall be] is
134	extended until 90 days after the member is discharged from active duty status.
135	(3) A license held by a service member that expires while the member is deployed is
136	extended for 90 days after the last date of the deployment listed on the service member's
137	deployment order.
138	[(3)] (4) The licensing agency shall renew a license extended under Subsection (2) or (3)
139	until the next date that the license expires or for the period that the license is normally
140	issued, at no cost to the service member, member of the National Guard, or reserve
141	component of the armed forces if all of the following conditions are met:
142	(a) the service member, National Guard member, or reservist requests renewal of the
143	license within 90 days [after being discharged;] after the termination date of the
144	activation or deployment orders;
145	(b) the service member, National Guard member, or reservist provides the licensing
146	agency with a copy of the [member's or reservist's] individual's official orders calling
147	the member or reservist to active duty or deployment, and official orders discharging
148	the member or reservist from active duty or deployment; and
149	(c) the service member, the National Guard member, or reservist meets all the
150	requirements necessary for the renewal of the license, except the member or reservist
151	need not meet the requirements, if any, that relate to continuing education or training
152	[(4)] (5) The provisions of this section do not apply:
153	(a) to regularly scheduled annual training;
154	(b) in-state active National Guard and reserve orders; or
155	(c) orders that do not require the service member to relocate outside of this state.
156	Section 4. Effective date.
157	(1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.
158	(2) The changes affecting Section 71A-8-103 take effect on July 1, 2024.