LEGISLATIVE GENERAL COUNSEL
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S.B. 143
1st Sub. (Green)

Senator Heidi Balderree proposes the following substitute bill:

MILITARY OCCUPATIONAL LICENSING RENEWAL AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Heidi Balderree

House Sponsor: Jefferson S. Burton

LONG TITLE

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.

Utah Code Sections Affected:

AMENDS:

58-1-308, as last amended by Laws of Utah 2016, Chapter 238

71A-8-103 (Superseded 07/01/24), as last amended by Laws of Utah 2023, Chapter 328 and renumbered and amended by Laws of Utah 2023, Chapter 44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,

26 328 and renumbered and amended by Laws of Utah 2023, Chapter 44
27
28 *Be it enacted by the Legislature of the state of Utah:*
29 Section 1. Section **58-1-308** is amended to read:
30 **58-1-308. Term of license -- Expiration of license -- Renewal of license --**
31 **Reinstatement of license -- Application procedures.**
32 (1) (a) Each license issued under this title shall be issued in accordance with a two-year
33 renewal cycle established by rule.
34 (b) A renewal period may be extended or shortened by as much as one year to maintain
35 established renewal cycles or to change an established renewal cycle.
36 (2) (a) The expiration date of a license shall be shown on the license.
37 (b) A license that is not renewed prior to the expiration date shown on the license
38 automatically expires.
39 (c) A license automatically expires prior to the expiration date shown on the license
40 upon the death of a licensee who is a natural person, or upon the dissolution of a licensee that is
41 a partnership, corporation, or other business entity.
42 (d) If the existence of a dissolved partnership, corporation, or other business entity is
43 reinstated prior to the expiration date shown upon the entity's expired license issued by the
44 division, the division shall, upon written application, reinstate the applicant's license, unless it
45 finds that the applicant no longer meets the qualifications for licensure.
46 (e) Expiration of licensure is not an adjudicative proceeding under Title 63G, Chapter
47 4, Administrative Procedures Act.
48 (3) (a) The division shall notify each licensee in accordance with procedures
49 established by rule that the licensee's license is due for renewal and that unless an application
50 for renewal is received by the division by the expiration date shown on the license, together
51 with the appropriate renewal fee and documentation showing completion of or compliance with
52 renewal qualifications, the license will not be renewed.
53 (b) Examples of renewal qualifications which by statute or rule the division may
54 require the licensee to document completion of or compliance with include:
55 (i) continuing education;
56 (ii) continuing competency;

57 (iii) quality assurance;
58 (iv) utilization plan and protocol;
59 (v) financial responsibility;
60 (vi) certification renewal; and
61 (vii) calibration of equipment.
62 (4) (a) (i) An application for renewal that complies with Subsection (3) is complete.
63 (ii) A renewed license shall be issued to applicants who submit a complete application,
64 unless it is apparent to the division that the applicant no longer meets the qualifications for
65 continued licensure.
66 (b) (i) The division may evaluate or verify documentation showing completion of or
67 compliance with renewal requirements on an entire population or a random sample basis, and
68 may be assisted by advisory peer committees.
69 (ii) If necessary, the division may complete its evaluation or verification subsequent to
70 renewal and, if appropriate, pursue action to suspend or revoke the license of a licensee who no
71 longer meets the qualifications for continued licensure.
72 (c) The application procedures specified in Subsection 58-1-301(2), apply to renewal
73 applications to the extent they are not in conflict with this section.
74 (5) (a) Any license that is not renewed may be reinstated:
75 (i) upon submission of an application for reinstatement, payment of the renewal fee
76 together with a reinstatement fee determined by the department under Section 63J-1-504, and
77 upon submission of documentation showing completion of or compliance with renewal
78 qualifications; and
79 (ii) (A) at any time within two years after nonrenewal; or
80 (B) between two years and five years after nonrenewal, if established by rule made by
81 the division in consultation with the applicable licensing board in accordance with Title 63G,
82 Chapter 3, Utah Administrative Rulemaking Act.
83 (b) The application procedures specified in Subsection 58-1-301(2) apply to the
84 reinstatement applications to the extent they are not in conflict with this section.
85 (c) Except as otherwise provided by rule, a license that is reinstated no later than 120
86 days after it expires shall be retroactively reinstated to the date it expired.
87 (6) (a) Except as provided in Subsection (5)(a), if not reinstated within two years, the

88 holder may obtain a license only if the holder meets requirements provided by the division by
89 rule or by statute for a new license.
90 (b) Each licensee under this title who has been active in the licensed occupation or
91 profession while in the full-time employ of the United States government or under license to
92 practice that occupation or profession in any other state or territory of the United States may
93 reinstate the licensee's license without taking an examination by submitting an application for
94 reinstatement, paying the current annual renewal fee and the reinstatement fee, and submitting
95 documentation showing completion of or compliance with any renewal qualifications at any
96 time within six months after reestablishing domicile within Utah or terminating full-time
97 government service.
98 (7) A service member may reactivate an expired professional or occupational license as
99 described in 71A-8-103.
100 Section 2. Section **71A-8-103 (Superseded 07/01/24)** is amended to read:
101 **71A-8-103 (Superseded 07/01/24). Employees in military service -- Extension of**
102 **licenses for deployed service members and members of National Guard and reservists**
103 **ordered to active duty.**
104 (1) As used in this section, "license" means any license issued under:
105 (a) Title 58, Occupations and Professions; and
106 (b) Section 26B-4-116.
107 (2) [~~Any~~] A license held by a member of the National Guard or reserve component of
108 the armed forces that expires while the member is on state or federal active duty [~~shall be~~] is
109 extended until 90 days after the member is discharged from active duty status.
110 (3) A license held by a service member that expires while the member is deployed is
111 extended for 90 days after the last date of the deployment listed on the service member's
112 deployment order.
113 (4) The licensing agency shall renew a license extended under Subsection (2) or (3)
114 until the next date that the license expires or for the period that the license is normally issued,
115 at no cost to the service member, member of the National Guard, or reserve component of the
116 armed forces if all of the following conditions are met:
117 (a) the service member, National Guard member, or reservist requests renewal of the
118 license within 90 days [~~after being discharged;~~] after the termination date of the activation or

119 deployment orders;
120 (b) the service member, National Guard member, or reservist provides the licensing
121 agency with a copy of the [~~member's or reservist's~~] individual's official orders calling the
122 member or reservist to active duty or deployment, and official orders discharging the member
123 or reservist from active duty or deployment; and
124 (c) the service member, the National Guard member, or reservist meets all the
125 requirements necessary for the renewal of the license, except the member or reservist need not
126 meet the requirements, if any, that relate to continuing education or training.
127 [~~(4)~~] (5) The provisions of this section do not apply to:
128 (a) regularly scheduled annual training;
129 (b) in-state active National Guard and reserve orders; or
130 (c) orders that do not require the service member to relocate outside of this state.
131 Section 3. Section **71A-8-103 (Effective 07/01/24)** is amended to read:
132 **71A-8-103 (Effective 07/01/24). Extension of licenses for members of National**
133 **Guard and reservists ordered to active duty .**
134 (1) As used in this section, "license" means any license issued under:
135 (a) Title 58, Occupations and Professions; and
136 (b) Section 53-2d-402.
137 (2) [~~Any~~] A license held by a member of the National Guard or reserve component of
138 the armed forces that expires while the member is on state or federal active duty [~~shall be~~] is
139 extended until 90 days after the member is discharged from active duty status.
140 (3) A license held by a service member that expires while the member is deployed is
141 extended for 90 days after the last date of the deployment listed on the service member's
142 deployment order.
143 [~~(3)~~] (4) The licensing agency shall renew a license extended under Subsection (2) or
144 (3) until the next date that the license expires or for the period that the license is normally
145 issued, at no cost to the service member, member of the National Guard, or reserve component
146 of the armed forces if all of the following conditions are met:
147 (a) the service member, National Guard member, or reservist requests renewal of the
148 license within [~~90 days after being discharged,~~] after the termination date of the activation or
149 deployment orders;

150 (b) the service member, National Guard member, or reservist provides the licensing
151 agency with a copy of the [~~member's or reservist's~~] individual's official orders calling the
152 member or reservist to active duty or deployment, and official orders discharging the member
153 or reservist from active duty or deployment; and
154 (c) the service member, the National Guard member or reservist meets all the
155 requirements necessary for the renewal of the license, except the member or reservist need not
156 meet the requirements, if any, that relate to continuing education or training.
157 [~~(4)~~] (5) The provisions of this section do not apply:
158 (a) to regularly scheduled annual training;
159 (b) in-state active National Guard and reserve orders; or
160 (c) orders that do not require the service member to relocate outside of this state.
161 Section 4. **Effective date.**
162 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.
163 (2) The changes affecting Section 71A-8-103 take effect on July 1, 2024.