{deleted text} shows text that was in SB0143 but was deleted in SB0143S01.

inserted text shows text that was not in SB0143 but was inserted into SB0143S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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: { }

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 \{; and
- provides a six month extension for continuing education requirements for a service member returning from deployment.



Money Appropriated in this Bill:

None

Other Special Clauses:

None 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71A-8-103 (Superseded 07/01/24), as last amended by Laws of Utah 2023, Chapter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,

328 and renumbered and amended by Laws of Utah 2023, Chapter 44

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

Section 1. Section **58-1-308** is amended to read:

58-1-308. Term of license -- Expiration of license -- Renewal of license --

Reinstatement of license -- Application procedures.

- (1) (a) Each license issued under this title shall be issued in accordance with a two-year renewal cycle established by rule.
- (b) A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
 - (2) (a) The expiration date of a license shall be shown on the license.
- (b) A license that is not renewed prior to the expiration date shown on the license automatically expires.
- (c) A license automatically expires prior to the expiration date shown on the license upon the death of a licensee who is a natural person, or upon the dissolution of a 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;
 - (ii) continuing competency;
 - (iii) quality assurance;
 - (iv) utilization plan and protocol;
 - (v) financial responsibility;
 - (vi) certification renewal; and
 - (vii) calibration of equipment.
 - (4) (a) (i) An application for renewal that complies with Subsection (3) is complete.
- (ii) A renewed license shall be issued to applicants who submit a complete application, unless it is apparent to the division that the applicant no longer meets the qualifications for continued licensure.
- (b) (i) The division may evaluate or verify documentation showing completion of or compliance with renewal requirements on an entire population or a random sample basis, and may be assisted by advisory peer committees.
- (ii) If necessary, the division may complete its evaluation or verification subsequent to renewal and, if appropriate, pursue action to suspend or revoke the license of a licensee who no longer meets the qualifications for continued licensure.
- (c) The application procedures specified in Subsection 58-1-301(2), apply to renewal applications to the extent they are not in conflict with this section.
 - (5) (a) Any license that is not renewed may be reinstated:
- (i) upon submission of an application for reinstatement, payment of the renewal fee together with a reinstatement fee determined by the department under Section 63J-1-504, and upon submission of documentation showing completion of or compliance with renewal

qualifications; and

- (ii) (A) at any time within two years after nonrenewal; or
- (B) between two years and five years after nonrenewal, if established by rule made by the division in consultation with the applicable licensing board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (b) The application procedures specified in Subsection 58-1-301(2) apply to the reinstatement applications to the extent they are not in conflict with this section.
- (c) Except as otherwise provided by rule, a license that is reinstated no later than 120 days after it expires shall be retroactively reinstated to the date it expired.
- (6) (a) Except as provided in Subsection (5)(a), if not reinstated within two years, the holder may obtain a license only if the holder meets requirements provided by the division by rule or by statute for a new license.
- (b) Each licensee under this title who has been active in the licensed occupation or profession while in the full-time employ of the United States government or under license to practice that occupation or profession in any other state or territory of the United States may reinstate the licensee's license without taking an examination by submitting an application for reinstatement, paying the current annual renewal fee and the reinstatement fee, and submitting documentation showing completion of or compliance with any renewal qualifications at any time within six months after reestablishing domicile within Utah or terminating full-time government service.
- (7) {(a)} A service member may reactivate an expired professional or occupational license {without fee or penalty if:
- (i) the expiration of the professional or occupational license occurs while the service as described in 71A-8-103.

Section 2. Section 71A-8-103 (Superseded 07/01/24) is amended to read:

71A-8-103 (Superseded 07/01/24). Employees in military service -- Extension of licenses for deployed service members and members of National Guard and reservists ordered to active duty.

- (1) As used in this section, "license" means any license issued under:
- (a) Title 58, Occupations and Professions; and
- (b) Section 26B-4-116.

- (2) [Any] A license held by a member of the National Guard or reserve component of the armed forces that expires while the member is on state or federal active duty [shall be] is extended until 90 days after the member is discharged from active duty status.
- (3) A license held by a service member that expires while the member is deployed to and
- (ii) is extended for 90 days after the last date of the deployment listed on the service {member completes the reactivation within 30 days after the day on which }member's deployment order.
- (4) The licensing agency shall renew a license extended under Subsection (2) or (3) until the next date that the license expires or for the period that the license is normally issued, at no cost to the service member, member of the National Guard, or reserve component of the armed forces if all of the following conditions are met:
- (a) the service member, National Guard member, or reservist requests renewal of the license within 90 days [after being discharged;] after the termination date of the activation or deployment orders;
- (b) the service member, National Guard member, or reservist provides the licensing agency with a copy of the [member's or reservist's] individual's official orders calling the member or reservist to active duty or deployment, and official orders discharging the member or reservist from active duty or deployment; and
 - (c) the service member { returns from the deployment.
- (b) After returning from deployment, a service member is entitled to an extension of 180 days to fulfill), the National Guard member, or reservist meets all the requirements necessary for the renewal of the license, except the member or reservist need not meet the requirements, if any, that relate to continuing education {requirements related to a professional or occupational license.

Section 2} or training.

- [(4)] (5) The provisions of this section do not apply to:
- (a) regularly scheduled annual training;
- (b) in-state active National Guard and reserve orders; or
- (c) orders that do not require the service member to relocate outside of this state.
- Section 3. Section **71A-8-103** (Effective **07/01/24**) is amended to read:

<u>71A-8-103 (Effective 07/01/24). Extension of licenses for members of National Guard and reservists ordered to active duty .</u>

- (1) As used in this section, "license" means any license issued under:
- (a) Title 58, Occupations and Professions; and
- (b) Section 53-2d-402.
- (2) [Any] A license held by a member of the National Guard or reserve component of the armed forces that expires while the member is on state or federal active duty [shall be] is extended until 90 days after the member is discharged from active duty status.
- (3) A license held by a service member that expires while the member is deployed is extended for 90 days after the last date of the deployment listed on the service member's deployment order.
- [(3)] (4) The licensing agency shall renew a license extended under Subsection (2) or (3) until the next date that the license expires or for the period that the license is normally issued, at no cost to the service member, member of the National Guard, or reserve component of the armed forces if all of the following conditions are met:
- (a) the service member, National Guard member, or reservist requests renewal of the license within [90 days after being discharged;] after the termination date of the activation or deployment orders;
- (b) the service member, National Guard member, or reservist provides the licensing agency with a copy of the [member's or reservist's] individual's official orders calling the member or reservist to active duty or deployment, and official orders discharging the member or reservist from active duty or deployment; and
- (c) the service member, the National Guard member or reservist meets all the requirements necessary for the renewal of the license, except the member or reservist need not meet the requirements, if any, that relate to continuing education or training.
 - [(4)] (5) The provisions of this section do not apply:
 - (a) to regularly scheduled annual training;
 - (b) in-state active National Guard and reserve orders; or
 - (c) orders that do not require the service member to relocate outside of this state.
 - Section 4. Effective date.
 - {This}(1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

(2) The changes affecting Section 71A-8-103 take effect on July 1, 2024.