

1 OCCUPATIONAL AND PROFESSIONAL LICENSING

2 AMENDMENTS

3 2021 GENERAL SESSION

4 STATE OF UTAH

5 Chief Sponsor: Kera Birkeland

6 Senate Sponsor: \_\_\_\_\_

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8 LONG TITLE

9 General Description:

10 This bill modifies provisions related to qualifying for licensure by endorsement from  
11 the Division of Occupational and Professional Licensing (DOPL).

12 Highlighted Provisions:

13 This bill:

14 ▶ allows a person who has practiced an occupation or profession outside of Utah in a  
15 state, district, or territory of the United States that does not require a license, but  
16 where Utah does require a license, to receive a license from DOPL if certain  
17 conditions are met; and

18 ▶ makes technical changes.

19 Money Appropriated in this Bill:

20 None

21 Other Special Clauses:

22 None

23 Utah Code Sections Affected:

24 AMENDS:

25 58-1-302, as last amended by Laws of Utah 2020, Chapter 339

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



28 Section 1. Section **58-1-302** is amended to read:

29 **58-1-302. License by endorsement.**

30 (1) Subject to Subsections [~~(2), (3), (4), and (5)~~] (3), (4), (5), and (6), the division shall  
31 issue a license without examination to a person who has been licensed in a state, district, or  
32 territory of the United States if:

33 (a) after being licensed outside of this state, the person has at least one year of  
34 experience in the state, district, or territory of the United States where the license was issued;

35 (b) the person's license is in good standing in the state, district, or territory of the  
36 United States where the license was issued; and

37 (c) the division determines that the license issued by the state, district, or territory of  
38 the United States encompasses a similar scope of practice as the license sought in this state.

39 (2) Subject to Subsections (3), (4), (5,) and (6), the division shall issue a license  
40 without examination to a person if:

41 (a) the person has at least three years of experience in an occupation or profession  
42 outside of this state in a state, district, or territory of the United States that does not require a  
43 professional license to practice the occupation or profession, but where this state does require a  
44 license to practice the occupation or profession;

45 (b) the person has no previous or pending criminal indictments or civil actions against  
46 the person related to the person's practice of the occupation or profession for which licensure is  
47 sought; and

48 (c) the division determines that:

49 (i) the person's education and training are similar in scope to the requirements to  
50 qualify to receive a license in this state; and

51 (ii) the person's scope of practice while completing the experience required by  
52 Subsection (2)(a) encompasses a similar scope of practice as the license sought in this state.

53 [~~(2)~~] (3) The division, in consultation with the applicable licensing board, may make  
54 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
55 prescribing the administration and requirements of this section.

56 [~~(3)~~] (4) Notwithstanding the provisions of [~~Subsection~~] Subsections (1) and (2), the  
57 division may refuse to issue a license to a person under the provisions of this section if:

58 (a) the division determines that there is reasonable cause to believe that the person is

59 not qualified to receive a license in this state; or

60 (b) the person has a previous or pending disciplinary action related to the person's  
61 license.

62 [~~(4)~~] (5) Before a person may be issued a license under this section, the person shall:

63 (a) pay a fee determined by the department under Section 63J-1-504; [~~and~~]

64 (b) produce satisfactory evidence of the person's identity, qualifications, and good  
65 standing in the occupation or profession for which licensure is sought[-]; and

66 (c) provide any additional information required by the division.

67 [~~(5)~~] (6) In accordance with Section 58-1-107, licensure endorsement provisions in this  
68 section are subject to and may be supplemented or altered by licensure endorsement provisions  
69 or multistate licensure compacts in specific chapters of this title.

70 [~~(6)~~] (7) On or before October 1, 2022, the division shall provide a written report to the  
71 Business and Labor Interim Committee regarding the effectiveness and sufficiency of the  
72 provisions of this section at ensuring that persons receiving a license without examination  
73 under the provisions of this section are qualified to receive a license in this state.