

**OCCUPATIONAL LICENSING AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Norman K Thurston**

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

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**LONG TITLE**

**General Description:**

This bill modifies the Division of Occupational and Professional Licensing Act.

**Highlighted Provisions:**

This bill:

► requires the Division of Occupational and Professional Licensing (DOPL) and the board of each profession that has a time-based licensing requirement to report to the division director about the feasibility of creating a process to waive the time-based requirement for an applicant that has obtained the skill and knowledge equivalent to having completed the requirement; and

► makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-1-301**, as last amended by Laws of Utah 2013, Chapter 426

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

Section 1. Section **58-1-301** is amended to read:



28 **58-1-301. License application -- Licensing procedure.**

29 (1) (a) Each license applicant shall apply to the division in writing upon forms  
30 available from the division.

31 (b) Each completed application shall:

32 (i) contain documentation of the particular qualifications required of the applicant[;  
33 shall];

34 (ii) include the applicant's social security number[; shall];

35 (iii) be verified by the applicant[;]; and [shall]

36 (iv) be accompanied by the appropriate fees.

37 (b) (c) An applicant's social security number is a private record under Subsection  
38 63G-2-302(1)(i).

39 (2) (a) [~~A license shall be issued~~] The division shall issue a license to an applicant who  
40 submits a complete application if the division determines that the applicant meets the  
41 qualifications of licensure.

42 (b) [~~A written notice of additional proceedings shall be provided~~] The division shall  
43 provide a written notice of additional proceedings to an applicant who submits a complete  
44 application, but who has been, is, or will be placed under investigation by the division for  
45 conduct directly bearing upon the applicant's qualifications for licensure, if the outcome of  
46 additional proceedings is required to determine the division's response to the application.

47 (c) [~~A written notice of denial of licensure shall be provided~~] The division shall  
48 provide a written notice of denial of licensure to an applicant who submits a complete  
49 application if the division determines that the applicant does not meet the qualifications of  
50 licensure.

51 (d) [~~A written notice of incomplete application and conditional denial of licensure shall~~  
52 ~~be provided~~] The division shall provide a written notice of incomplete application and  
53 conditional denial of licensure to an applicant who submits an incomplete application[~~- This~~],  
54 which notice shall advise the applicant that the application is incomplete and that the  
55 application is denied, unless the applicant corrects the deficiencies within the time period  
56 specified in the notice and otherwise meets all qualifications for licensure.

57 (3) Before [~~any person is issued~~] the division issues a license to a person under this  
58 title, [at] the requirements for that license as established under this title and by rule shall be

59 met.

60 (4) If an applicant meets all requirements [~~are met~~] for [~~the~~] a specific license, the  
61 division shall issue the license to the applicant.

62 (5) (a) As used in this Subsection (5), "time-based licensing requirement" means a  
63 specific number of hours, weeks, months, or years of education, training, supervised training,  
64 or other experience that an applicant for licensure is required to complete before receiving a  
65 license under this title.

66 (b) "Time-based licensing requirement" does not include an associate degree, a  
67 bachelor's degree, or a graduate degree from an accredited institution of higher education.

68 (c) For each occupation regulated by this title that has a time-based licensing  
69 requirement, the division shall consult with the appropriate board and the board shall report to  
70 the director:

71 (i) whether there is an existing process to allow an applicant who has obtained the skill  
72 and knowledge equivalent to having met the time-based requirement to obtain a license without  
73 meeting the time-based requirement and if that process could be made more reasonable and fair  
74 to the applicant;

75 (ii) whether it is feasible to establish a process to allow an applicant who has obtained  
76 the skill and knowledge equivalent to having met the time-based requirement to obtain a  
77 license without meeting the time-based requirement and what steps would need to be taken to  
78 provide such a process, if there is not such a process currently available for the applicant; and

79 (iii) if it is not feasible to establish a process to allow an applicant who has obtained  
80 the skill and knowledge equivalent to having met the time-based requirement to obtain a  
81 license without meeting the time-based requirement, the specific reasons that prevent such a  
82 process from being feasible.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**