

**Services for Department of Defense Civilian Employees**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ann Millner**

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**LONG TITLE****Committee Note:**

The Government Operations Interim Committee recommended this bill.

Legislative Vote: 9 voting for 0 voting against 7 absent

**General Description:**

This bill addresses certain benefits for a United States Department of Defense employee and the employee's family.

**Highlighted Provisions:**

This bill:

▸ provides certain exemptions from occupational and professional licensure in a variety of occupations and professions for:

- a United States Department of Defense employee if the employee has a valid license in another jurisdiction; and

- a spouse of a United States Department of Defense employee if the spouse has a valid license in another jurisdiction;

- provides in-state residency for tuition purposes at an institution of higher education for a United States Department of Defense employee and the employee's family;

- addresses k-12 requirements for a child of a United States Department of Defense employee; and

- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**4-1-109**, as last amended by Laws of Utah 2024, Chapter 152

**4-1-111**, as enacted by Laws of Utah 2018, Chapter 462

**13-1-15**, as enacted by Laws of Utah 2018, Chapter 462

32        **31A-23a-102**, as last amended by Laws of Utah 2015, Chapters 244, 330  
 33        **31A-23a-104**, as last amended by Laws of Utah 2018, Chapter 462  
 34        **31A-26-102**, as last amended by Laws of Utah 2021, Chapter 252  
 35        **31A-26-202**, as last amended by Laws of Utah 2018, Chapter 462  
 36        **53-9-102**, as last amended by Laws of Utah 2024, Chapter 506  
 37        **53-9-122**, as last amended by Laws of Utah 2019, Chapter 136  
 38        **53B-8-102**, as last amended by Laws of Utah 2024, Chapters 144, 378 and 481  
 39        **53E-6-102**, as last amended by Laws of Utah 2024, Chapter 20  
 40        **53E-6-204**, as last amended by Laws of Utah 2019, Chapter 186  
 41        **53G-1-103**, as last amended by Laws of Utah 2020, Chapter 161 and last amended by  
 42        Coordination Clause, Laws of Utah 2020, Chapter 161  
 43        **53G-6-306**, as last amended by Laws of Utah 2023, Chapter 44  
 44        **53G-6-402**, as last amended by Laws of Utah 2024, Chapter 67  
 45        **53G-6-502**, as last amended by Laws of Utah 2023, Chapter 44  
 46        **58-1-102**, as last amended by Laws of Utah 2024, Chapter 486  
 47        **58-1-307**, as last amended by Laws of Utah 2023, Chapters 310, 328  
 48        **61-1-32**, as enacted by Laws of Utah 2018, Chapter 462  
 49        **61-2f-102**, as last amended by Laws of Utah 2024, Chapter 227  
 50        **61-2f-202**, as last amended by Laws of Utah 2022, Chapter 204

51 ENACTS:

52        **53E-3-1201**, Utah Code Annotated 1953  
 53        **53E-3-1202**, Utah Code Annotated 1953  
 54        **53E-3-1203**, Utah Code Annotated 1953  
 55        **53E-3-1204**, Utah Code Annotated 1953  
 56        **53E-3-1205**, Utah Code Annotated 1953

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

59        Section 1. Section **4-1-109** is amended to read:

60        **4-1-109 . General definitions.**

61        As used in this title:

- 62        (1) "Agricultural product" or "product of agriculture" means any product that is derived  
 63        from agriculture, including any product derived from aquaculture as defined in Section  
 64        4-37-103.  
 65        (2) "Agriculture" means the science and art of the production of plants and animals useful

66 to man, including the preparation of plants and animals for human use and disposal by  
67 marketing or otherwise.

68 (3) "Commissioner" means the commissioner of agriculture and food.

69 (4) "Department" means the Department of Agriculture and Food created in Chapter 2,  
70 Administration.

71 (5) "Dietary supplement" means the same as that term is defined in the Federal Food, Drug,  
72 and Cosmetic Act, 21 U.S.C. Sec. 301 et seq.

73 (6) "DOD civilian" means the same as that term is defined in Section 53B-8-102.

74 [(6)] (7) "Livestock" means cattle, sheep, goats, swine, horses, mules, poultry, domesticated  
75 elk as defined in Section 4-39-102, or any other domestic animal or domestic furbearer  
76 raised or kept for profit.

77 [(7)] (8) "Local food" means an agricultural product or livestock that is:

- 78 (a) produced, processed, and distributed for sale or consumption within the state; and
- 79 (b) sold to an end consumer within the state.

80 [(8)] (9) "Organization" means a corporation, government or governmental subdivision or  
81 agency, business trust, estate, trust, partnership, association, two or more persons having  
82 a joint or common interest, or any other legal entity.

83 [(9)] (10) "Person" means a natural person or individual, corporation, organization, or other  
84 legal entity.

85 Section 2. Section **4-1-111** is amended to read:

86 **4-1-111 . Exemptions from licensure.**

87 Except as otherwise provided by statute or rule, the following individuals may  
88 engage in the practice of an occupation or profession regulated by this title, subject to the  
89 stated circumstances and limitations, without being licensed under this title:

- 90 (1) an individual licensed under the laws of this state, other than under this title, to practice  
91 or engage in an occupation or profession, while engaged in the lawful, professional, and  
92 competent practice of that occupation or profession;
- 93 (2) an individual serving in the armed forces of the United States, the United States Public  
94 Health Service, the United States Department of Veterans Affairs, or any other federal  
95 agency while engaged in activities regulated under this title as a part of employment  
96 with that federal agency if the individual holds a valid license to practice the regulated  
97 occupation or profession issued by any other state or jurisdiction recognized by the  
98 department; and
- 99 (3) the spouse of an individual serving in the armed forces of the United States or the

100 spouse of a DOD civilian while the individual or DOD civilian is stationed within this  
101 state, if:

- 102 (a) the spouse holds a valid license to practice the regulated occupation or profession  
103 issued by any other state or jurisdiction recognized by the department; and  
104 (b) the license is current and the spouse is in good standing in the state or jurisdiction of  
105 licensure.

106 Section 3. Section **13-1-15** is amended to read:

107 **13-1-15 . Exemptions from licensure.**

108 (1) As used in this section, "DOD civilian" means the same as that term is defined in  
109 Section 53B-8-102.

110 (2) Except as otherwise provided by statute or rule, the following individuals may  
111 engage in the practice of an occupation or profession regulated by this title, subject to  
112 the stated circumstances and limitations, without being licensed under this title:

113 [(1)] (a) an individual licensed under the laws of this state, other than under this title, to  
114 practice or engage in an occupation or profession, while engaged in the lawful,  
115 professional, and competent practice of that occupation or profession;

116 [(2)] (b) an individual serving in the armed forces of the United States, the United States  
117 Public Health Service, the United States Department of Veterans Affairs, or any other  
118 federal agency while engaged in activities regulated under this title as a part of  
119 employment with that federal agency if the individual holds a valid license to practice  
120 the regulated occupation or profession issued by any other state or jurisdiction  
121 recognized by the department; and

122 [(3)] (c) the spouse of an individual serving in the armed forces of the United States or  
123 the spouse of a DOD civilian while the individual or DOD civilian is stationed within  
124 this state, if:

125 [(a)] (i) the spouse holds a valid license to practice the regulated occupation or  
126 profession issued by any other state or jurisdiction recognized by the department;  
127 and

128 [(b)] (ii) the license is current and the spouse is in good standing in the state or  
129 jurisdiction of licensure.

130 Section 4. Section **31A-23a-102** is amended to read:

131 **31A-23a-102 . Definitions.**

132 As used in this chapter:

133 (1) "Bail bond producer" is as defined in Section 31A-35-102.

- 134 (2) "Designated home state" means the state or territory of the United States or the District  
 135 of Columbia:
- 136 (a) in which an insurance producer, limited lines producer, consultant, managing general  
 137 agent, or reinsurance intermediary licensee does not maintain the licensee's principal:  
 138 (i) place of residence; or  
 139 (ii) place of business;
- 140 (b) if the resident state, territory, or District of Columbia of the licensee does not license  
 141 for the line of authority sought, the licensee has qualified for the license as if the  
 142 person were a resident in the state, territory, or District of Columbia described in  
 143 Subsection (2)(a), including an applicable:  
 144 (i) examination requirement;  
 145 (ii) fingerprint background check requirement; and  
 146 (iii) continuing education requirement; and
- 147 (c) if the licensee has designated the state, territory, or District of Columbia as the  
 148 designated home state.
- 149 (3) "DOD civilian" means the same as that term is defined in Section 53B-8-102.
- 150 [(3)] (4) "Home state" means:
- 151 (a) a state or territory of the United States or the District of Columbia in which an  
 152 insurance producer, limited lines producer, consultant, managing general agent, or  
 153 reinsurance intermediary licensee:  
 154 (i) maintains the licensee's principal:  
 155 (A) place of residence; or  
 156 (B) place of business; and  
 157 (ii) is licensed to act as a resident licensee; or
- 158 (b) if the resident state, territory, or the District of Columbia described in Subsection [  
 159 ~~(3)(a)~~] (4)(a) does not license for the line of authority sought, a state, territory, or the  
 160 District of Columbia:  
 161 (i) in which the licensee is licensed;  
 162 (ii) in which the licensee is in good standing; and  
 163 (iii) that the licensee has designated as the licensee's designated home state.
- 164 [(4)] (5) "Insurer" is as defined in Section 31A-1-301, except that the following persons or  
 165 similar persons are not insurers for purposes of Part 7, Producer Controlled Insurers:  
 166 (a) a risk retention group as defined in:  
 167 (i) the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499;

- 168 (ii) the Risk Retention Act, 15 U.S.C. Sec. 3901 et seq.; and  
169 (iii) Chapter 15, Part 2, Risk Retention Groups Act;
- 170 (b) a residual market pool;
- 171 (c) a joint underwriting authority or association; and  
172 (d) a captive insurer.
- 173 ~~[(5)]~~ (6) "License" is defined in Section 31A-1-301.
- 174 ~~[(6)]~~ (7)(a) "Managing general agent" means a person that:
- 175 (i) manages all or part of the insurance business of an insurer, including the  
176 management of a separate division, department, or underwriting office;
- 177 (ii) acts as an agent for the insurer whether it is known as a managing general agent,  
178 manager, or other similar term;
- 179 (iii) produces and underwrites an amount of gross direct written premium equal to, or  
180 more than, 5% of the policyholder surplus as reported in the last annual statement  
181 of the insurer in any one quarter or year:
- 182 (A) with or without the authority;
- 183 (B) separately or together with an affiliate; and  
184 (C) directly or indirectly; and
- 185 (iv)(A) adjusts or pays claims in excess of an amount determined by the  
186 commissioner; or  
187 (B) negotiates reinsurance on behalf of the insurer.
- 188 (b) Notwithstanding Subsection ~~[(6)(a)]~~ (7)(a), the following persons may not be  
189 considered as managing general agent for the purposes of this chapter:
- 190 (i) an employee of the insurer;
- 191 (ii) a United States manager of the United States branch of an alien insurer;
- 192 (iii) an underwriting manager that, pursuant to contract:
- 193 (A) manages all the insurance operations of the insurer;
- 194 (B) is under common control with the insurer;
- 195 (C) is subject to Chapter 16, Insurance Holding Companies; and  
196 (D) is not compensated based on the volume of premiums written; and
- 197 (iv) the attorney-in-fact authorized by and acting for the subscribers of a reciprocal  
198 insurer or inter-insurance exchange under powers of attorney.
- 199 ~~[(7)]~~ (8) "Negotiate" means the act of conferring directly with or offering advice directly to  
200 a purchaser or prospective purchaser of a particular contract of insurance concerning a  
201 substantive benefit, term, or condition of the contract if the person engaged in that act:

- 202 (a) sells insurance; or
- 203 (b) obtains insurance from insurers for purchasers.
- 204 ~~[(8)]~~ (9) "Reinsurance intermediary" means:
- 205 (a) a reinsurance intermediary-broker; or
- 206 (b) a reinsurance intermediary-manager.
- 207 ~~[(9)]~~ (10) "Reinsurance intermediary-broker" means a person other than an officer or
- 208 employee of the ceding insurer, firm, association, or corporation who solicits, negotiates,
- 209 or places reinsurance cessions or retrocessions on behalf of a ceding insurer without the
- 210 authority or power to bind reinsurance on behalf of the insurer.
- 211 ~~[(10)]~~ (11)(a) "Reinsurance intermediary-manager" means a person who:
- 212 (i) has authority to bind or who manages all or part of the assumed reinsurance
- 213 business of a reinsurer, including the management of a separate division,
- 214 department, or underwriting office; and
- 215 (ii) acts as an agent for the reinsurer whether the person is known as a reinsurance
- 216 intermediary-manager, manager, or other similar term.
- 217 (b) Notwithstanding Subsection ~~[(10)(a)]~~ (11)(a), the following persons may not be
- 218 considered reinsurance intermediary-managers for the purpose of this chapter with
- 219 respect to the reinsurer:
- 220 (i) an employee of the reinsurer;
- 221 (ii) a United States manager of the United States branch of an alien reinsurer;
- 222 (iii) an underwriting manager that, pursuant to contract:
- 223 (A) manages all the reinsurance operations of the reinsurer;
- 224 (B) is under common control with the reinsurer;
- 225 (C) is subject to Chapter 16, Insurance Holding Companies; and
- 226 (D) is not compensated based on the volume of premiums written; and
- 227 (iv) the manager of a group, association, pool, or organization of insurers that:
- 228 (A) engage in joint underwriting or joint reinsurance; and
- 229 (B) are subject to examination by the insurance commissioner of the state in
- 230 which the manager's principal business office is located.
- 231 ~~[(11)]~~ (12) "Resident" is as defined by rule made by the commissioner in accordance with
- 232 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 233 ~~[(12)]~~ (13) "Sell" means to exchange a contract of insurance:
- 234 (a) by any means;
- 235 (b) for money or its equivalent; and

- 236 (c) on behalf of an insurance company.
- 237 ~~[(13)]~~ (14) "Solicit" means:
- 238 (a) attempting to sell insurance;
- 239 (b) asking or urging a person to apply for:
- 240 (i) a particular kind of insurance; and
- 241 (ii) insurance from a particular insurance company;
- 242 (c) advertising insurance, including advertising for the purpose of obtaining leads for the
- 243 sale of insurance; or
- 244 (d) holding oneself out as being in the insurance business.
- 245 ~~[(14)]~~ (15) "Terminate" means:
- 246 (a) the cancellation of the relationship between:
- 247 (i) an individual licensee or agency licensee and a particular insurer; or
- 248 (ii) an individual licensee and a particular agency licensee; or
- 249 (b) the termination of:
- 250 (i) an individual licensee's or agency licensee's authority to transact insurance on
- 251 behalf of a particular insurance company; or
- 252 (ii) an individual licensee's authority to transact insurance on behalf of a particular
- 253 agency licensee.
- 254 ~~[(15)]~~ (16) "Title examination" means a license subline of authority in conjunction with the
- 255 title insurance line of authority that allows a person to issue title insurance commitments
- 256 or policies on behalf of a title insurer.
- 257 ~~[(16)]~~ (17) "Title marketing representative" means a person who:
- 258 (a) represents a title insurer in soliciting, requesting, or negotiating the placing of:
- 259 (i) title insurance; or
- 260 (ii) escrow services; and
- 261 (b) does not have a title examination or escrow license as provided in Section
- 262 31A-23a-106.
- 263 ~~[(17)]~~ (18) "Uniform application" means the version of the National Association of
- 264 Insurance Commissioners' uniform application for resident and nonresident producer
- 265 licensing at the time the application is filed.
- 266 ~~[(18)]~~ (19) "Uniform business entity application" means the version of the National
- 267 Association of Insurance Commissioners' uniform business entity application for
- 268 resident and nonresident business entities at the time the application is filed.
- 269 Section 5. Section **31A-23a-104** is amended to read:



270 **31A-23a-104 . Application for individual license -- Application for agency license.**

- 271 (1) This section applies to an initial or renewal license as a:
- 272 (a) producer;
- 273 (b) surplus lines producer;
- 274 (c) limited line producer;
- 275 (d) consultant;
- 276 (e) managing general agent; or
- 277 (f) reinsurance intermediary.
- 278 (2)(a) Subject to Subsection (2)(b), to obtain or renew an individual license, an
- 279 individual shall:
- 280 (i) file an application for an initial or renewal individual license with the
- 281 commissioner on forms and in a manner the commissioner prescribes; and
- 282 (ii) except as provided in Subsection (6), pay a license fee that is not refunded if the
- 283 application:
- 284 (A) is denied; or
- 285 (B) is incomplete when filed and is never completed by the applicant.
- 286 (b) An application described in this Subsection (2) shall provide:
- 287 (i) information about the applicant's identity;
- 288 (ii) the applicant's Social Security number;
- 289 (iii) the applicant's personal history, experience, education, and business record;
- 290 (iv) whether the applicant is 18 years [~~of age~~] old or older;
- 291 (v) whether the applicant has committed an act that is a ground for denial,
- 292 suspension, or revocation as set forth in Section 31A-23a-105 or 31A-23a-111;
- 293 (vi) if the application is for a resident individual producer license, certification that
- 294 the applicant complies with Section 31A-23a-203.5; and
- 295 (vii) any other information the commissioner reasonably requires.
- 296 (3) The commissioner may require a document reasonably necessary to verify the
- 297 information contained in an application filed under this section.
- 298 (4) An applicant's Social Security number contained in an application filed under this
- 299 section is a private record under Section 63G-2-302.
- 300 (5)(a) Subject to Subsection (5)(b), to obtain or renew an agency license, a person shall:
- 301 (i) file an application for an initial or renewal agency license with the commissioner
- 302 on forms and in a manner the commissioner prescribes; and
- 303 (ii) pay a license fee that is not refunded if the application:

- 304 (A) is denied; or
- 305 (B) is incomplete when filed and is never completed by the applicant.
- 306 (b) An application described in Subsection (5)(a) shall provide:
- 307 (i) information about the applicant's identity;
- 308 (ii) the applicant's federal employer identification number;
- 309 (iii) the designated responsible licensed individual;
- 310 (iv) the identity of the owners, partners, officers, and directors;
- 311 (v) whether the applicant has committed an act that is a ground for denial,
- 312 suspension, or revocation as set forth in Section 31A-23a-105 or 31A-23a-111; and
- 313 (vi) any other information the commissioner reasonably requires.
- 314 (6) The following individuals are exempt from paying a license fee:
- 315 (a) an individual serving in the armed forces of the United States while the individual is
- 316 stationed within this state, if:
- 317 (i) the individual holds a valid license to practice the regulated occupation or
- 318 profession issued by any other state or jurisdiction recognized by the department;
- 319 and
- 320 (ii) the license is current and the individual is in good standing in the state or
- 321 jurisdiction of licensure; and
- 322 (b) the spouse of an individual serving in the armed forces of the United States or the
- 323 spouse of a DOD civilian while the individual or DOD civilian is stationed within
- 324 this state, if:
- 325 (i) the spouse holds a valid license to practice the regulated occupation or profession
- 326 issued by any other state or jurisdiction recognized by the department; and
- 327 (ii) the license is current and the spouse is in good standing in the state or jurisdiction
- 328 of licensure.

329 Section 6. Section **31A-26-102** is amended to read:

330 **31A-26-102 . Definitions.**

331 As used in this chapter, unless expressly provided otherwise:

- 332 (1) "Company adjuster" means a person employed by an insurer who negotiates or settles
- 333 claims on behalf of the insurer or an affiliated insurer.
- 334 (2) "Designated home state" means the state or territory of the United States or the District
- 335 of Columbia:
- 336 (a) in which an insurance adjuster does not maintain the adjuster's principal:
- 337 (i) place of residence; or

- 338 (ii) place of business;
- 339 (b) if the resident state, territory, or District of Columbia of the adjuster does not license  
340 adjusters for the line of authority sought, the adjuster has qualified for the license as  
341 if the person were a resident in the state, territory, or District of Columbia described  
342 in Subsection (2)(a), including an applicable:
- 343 (i) examination requirement;
- 344 (ii) fingerprint background check requirement; and
- 345 (iii) continuing education requirement; and
- 346 (c) that the adjuster has designated as the insurance adjuster's designated home state.
- 347 (3) "DOD civilian" means the same as that term is defined in Section 53B-8-102.
- 348 [~~(3)~~] (4) "Home state" means:
- 349 (a) a state or territory of the United States or the District of Columbia in which an  
350 insurance adjuster:
- 351 (i) maintains the adjuster's principal:
- 352 (A) place of residence; or
- 353 (B) place of business; and
- 354 (ii) is licensed to act as a resident adjuster; or
- 355 (b) if the resident state, territory, or the District of Columbia described in Subsection [  
356 ~~(3)(a)~~] (4)(a) does not license adjusters for the line of authority sought, a state,  
357 territory, or the District of Columbia:
- 358 (i) in which the adjuster is licensed;
- 359 (ii) in which the adjuster is in good standing; and
- 360 (iii) that the adjuster has designated as the adjuster's designated home state.
- 361 [~~(4)~~] (5) "Independent adjuster" means an insurance adjuster required to be licensed under  
362 Section 31A-26-201, who engages in insurance adjusting as a representative of one or  
363 more insurers.
- 364 [~~(5)~~] (6) "Insurance adjusting" or "adjusting" means directing or conducting the  
365 investigation, negotiation, or settlement of a claim under an insurance policy, on behalf  
366 of an insurer, policyholder, or a claimant under an insurance policy.
- 367 [~~(6)~~] (7)(a) "Organization" means a person other than a natural person.
- 368 (b) "Organization" includes a sole proprietorship by which a natural person does  
369 business under an assumed name.
- 370 [~~(7)~~] (8) "Portable electronics insurance" means the same as that term is defined in Section  
371 31A-22-1802.

372 [(8)] (9) "Public adjuster" means a person required to be licensed under Section 31A-26-201,  
 372a  
 373 who engages in insurance adjusting as a representative of insureds and claimants under  
 374 insurance policies.

375 Section 7. Section **31A-26-202** is amended to read:

376 **31A-26-202 . Application for license.**

377 (1)(a) The application for a license as an independent adjuster or public adjuster shall be:

- 378 (i) made to the commissioner on forms and in a manner the commissioner prescribes;  
 379 and  
 380 (ii) except as provided in Subsection (4), accompanied by the applicable fee, which is  
 381 not refunded if the application is denied.

382 (b) The application shall provide:

- 383 (i) information about the applicant's identity, including:  
 384 (A) the applicant's:  
 385 (I) Social Security number; or  
 386 (II) federal employer identification number;  
 387 (B) the applicant's personal history, experience, education, and business record;  
 388 (C) if the applicant is a natural person, whether the applicant is 18 years [of age]  
 389 old or older; and  
 390 (D) whether the applicant has committed an act that is a ground for denial,  
 391 suspension, or revocation as set forth in Section 31A-25-208; and  
 392 (ii) any other information as the commissioner reasonably requires.

393 (2) The commissioner may require documents reasonably necessary to verify the  
 394 information contained in the application.

395 (3) An applicant's Social Security number contained in an application filed under this  
 396 section is a private record under Section 63G-2-302.

397 (4) The following individuals are exempt from paying a license fee:

- 398 (a) an individual serving in the armed forces of the United States while the individual is  
 399 stationed within this state, if:  
 400 (i) the individual holds a valid license to practice the regulated occupation or  
 401 profession issued by any other state or jurisdiction recognized by the department;  
 402 and  
 403 (ii) the license is current and the individual is in good standing in the state or  
 404 jurisdiction of licensure; and

405 (b) the spouse of an individual serving in the armed forces of the United States or the  
406 spouse of a DOD civilian while the individual or DOD civilian is stationed within  
407 this state, if:

408 (i) the spouse holds a valid license to practice the regulated occupation or profession  
409 issued by any other state or jurisdiction recognized by the department; and

410 (ii) the license is current and the spouse is in good standing in the state or jurisdiction  
411 of licensure.

412 Section 8. Section **53-9-102** is amended to read:

413 **53-9-102 . Definitions.**

414 In this chapter, unless otherwise stated:

415 (1) "Adequate records" means records containing, at a minimum, sufficient information to  
416 identify the client, the dates of service, the fee for service, the payments for service, the  
417 type of service given, and copies of any reports that may have been made.

418 (2) "Advertising" means the submission of bids, contracting or making known by any  
419 public notice, publication, or solicitation of business, directly or indirectly, that services  
420 regulated under this chapter are available for consideration.

421 (3) "Agency" means a person who holds an agency license pursuant to this chapter, and  
422 includes one who employs an individual for wages and salary, and withholds all legally  
423 required deductions and contributions, or contracts with a registrant or an apprentice on  
424 a part-time or case-by-case basis to conduct an investigation on behalf of the agency.

425 (4) "Applicant" means any person who has submitted a completed application and all  
426 required fees.

427 (5) "Apprentice" means a person who holds an apprentice license pursuant to this chapter,  
428 has not met the requirements for registration, and works under the direct supervision and  
429 guidance of an agency.

430 (6) "Board" means the Bail Bond Recovery and Private Investigator Licensure Board  
431 created in Section 53-11-104.

432 (7) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201.

433 (8) "Commissioner" means the commissioner of the Department of Public Safety.

434 (9) "Conviction" means an adjudication of guilt by a federal, state, or local court resulting  
435 from trial or plea, including a plea of no contest, regardless of whether the imposition of  
436 sentence was suspended.

437 (10) "Department" means the Department of Public Safety.

438 (11) "Direct supervision" means that the agency or employer:

- 439 (a) is responsible for, and authorizes, the type and extent of work assigned;
- 440 (b) reviews and approves all work produced by the apprentice before it goes to the client;
- 441 (c) closely supervises and provides direction and guidance to the apprentice in the
- 442 performance of his assigned work; and
- 443 (d) is immediately available to the apprentice for verbal contact, including by electronic
- 444 means.
- 445 (12) "DOD civilian" means the same as that term is defined in Section 53B-8-102.
- 446 ~~[(12)]~~ (13) "Emergency action" means a summary suspension of a license pending
- 447 revocation, suspension, or probation in order to protect the public health, safety, or
- 448 welfare.
- 449 ~~[(13)]~~ (14) "Employee" means an individual who works for an agency or other employer, is
- 450 listed on the agency's or employer's payroll records, and is under the agency's or
- 451 employer's direction and control. An employee is not an independent contractor.
- 452 ~~[(14)]~~ (15) "Identification card" means a card issued by the commissioner to a qualified
- 453 applicant for an agency, registrant, or apprentice license.
- 454 ~~[(15)]~~ (16) "Letter of concern" means an advisory letter to notify a licensee that while there
- 455 is insufficient evidence to support probation, suspension, or revocation of a license, the
- 456 department informs the licensee of the need to modify or eliminate certain practices and
- 457 that continuation of the activities that led to the information being submitted to the
- 458 department may result in further disciplinary action against the licensee.
- 459 ~~[(16)]~~ (17) "Licensee" means a person to whom an agency, registrant, or apprentice license
- 460 is issued by the department.
- 461 ~~[(17)]~~ (18)(a) "Private investigator or private detective" means any person, except
- 462 collection agencies and credit reporting agencies, who, for consideration, engages in
- 463 business or accepts employment to conduct any investigation for the purpose of
- 464 obtaining information with reference to:
- 465 (i) crime, wrongful acts, or threats against the United States or any state or territory
- 466 of the United States;
- 467 (ii) the identity, reputation, character, habits, conduct, business occupation, honesty,
- 468 integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity,
- 469 movements, whereabouts, affiliations, associations, or transactions of any person
- 470 or group of persons;
- 471 (iii) the credibility of witnesses or other persons;
- 472 (iv) the whereabouts of missing persons or owners of abandoned property;

- 473 (v) the causes and origin of, or responsibility for a fire, libel, slander, a loss, an  
 474 accident, damage, or an injury to real or personal property;
- 475 (vi) the business of securing evidence to be used before investigating committees or  
 476 boards of award or arbitration or in the trial of civil or criminal cases and the trial  
 477 preparation;
- 478 (vii) the prevention, detection, and removal of installed devices for eavesdropping or  
 479 observation;
- 480 (viii) the business of "skip tracing" persons who have become delinquent in their  
 481 lawful debts, either when hired by an individual, collection agency, or through the  
 482 direct purchase of the debt from a financial institution or entity owning the debt or  
 483 judgment; or
- 484 (ix) serving civil process.
- 485 (b) "Private investigator or private detective" does not include:
- 486 (i) any person or employee conducting an investigation on the person's or employee's  
 487 own behalf or on behalf of the employer if the employer is not a private  
 488 investigator under this chapter;
- 489 (ii) an employee of an attorney licensed to practice law in this state; or
- 490 (iii) a currently licensed certified public accountant or CPA as defined in Section  
 491 58-26a-102.
- 492 ~~[(18)]~~ (19) "Qualifying party" means the individual meeting the qualifications under this  
 493 chapter for a private investigator license.
- 494 ~~[(19)]~~ (20) "Registrant" means any person who holds a registrant license pursuant to this  
 495 chapter. The registrant performs private investigative work either as an employee on an  
 496 employer's payroll or, on a contract with an agency, part-time, or case-by-case basis,  
 497 with a minimum amount of direction.
- 498 ~~[(20)]~~ (21) "Restructuring" means any change in the legal status of a business.
- 499 ~~[(21)]~~ (22) "Unprofessional conduct" means any of the following:
- 500 (a) engaging or offering to engage by fraud or misrepresentation in any activities  
 501 regulated by this chapter;
- 502 (b) aiding or abetting a person who is not licensed pursuant to this chapter in  
 503 representing that person as a private investigator or registrant in this state;
- 504 (c) gross negligence in the practice of a private investigator or registrant;
- 505 (d) failing or refusing to maintain adequate records and investigative findings on a  
 506 subject of investigation or a client;

- 507 (e) committing a felony or a misdemeanor involving any crime that is grounds for  
 508 denial, suspension, or revocation of an agency, registrant, or apprentice license. In  
 509 all cases, conviction by a court of competent jurisdiction or a plea of no contest is  
 510 conclusive evidence of the commission of the crime; or
- 511 (f) making a fraudulent or untrue statement to the bureau, board, department, or its  
 512 investigators, staff, or consultants.

513 Section 9. Section **53-9-122** is amended to read:

514 **53-9-122 . Exemptions from licensure.**

515 Except as otherwise provided by statute or rule, the following individuals may  
 516 engage in the practice of an occupation or profession regulated by this chapter, subject to the  
 517 stated circumstances and limitations, without being licensed under this title:

- 518 (1) an individual licensed under the laws of this state, other than under this chapter, to  
 519 practice or engage in an occupation or profession, while engaged in the lawful,  
 520 professional, and competent practice of that occupation or profession;
- 521 (2) an individual serving in the armed forces of the United States, the United States Public  
 522 Health Service, the United States Department of Veterans Affairs, or any other federal  
 523 agency while engaged in activities regulated under this title as a part of employment  
 524 with that federal agency if the individual holds a valid license to practice the regulated  
 525 occupation or profession issued by any other state or jurisdiction recognized by the  
 526 department; and
- 527 (3) the spouse of an individual serving in the armed forces of the United States or the  
 528 spouse of a DOD civilian while the individual or DOD civilian is stationed within this  
 529 state, if:
- 530 (a) the spouse holds a valid license to practice the regulated occupation or profession  
 531 issued by any other state or jurisdiction recognized by the department; and
- 532 (b) the license is current and the spouse is in good standing in the state or jurisdiction of  
 533 licensure.

534 Section 10. Section **53B-8-102** is amended to read:

535 **53B-8-102 . Definitions -- Resident student status -- Exceptions.**

- 536 (1) As used in this section:
- 537 (a) "DOD civilian" means an employee of the United States Department of Defense who  
 538 is assigned to perform the employee's duties at a military organization based in Utah.
- 539 [(a)] (b) "Eligible person" means an individual who is entitled to post-secondary  
 540 educational benefits under Title 38 U.S.C., Veterans' Benefits.



- 541        [~~(b)~~] (c) "Immediate family member" means an individual's spouse or dependent child.
- 542        [~~(e)~~] (d) "Inmate" means the same as that term is defined in Section 64-13-1.
- 543        [~~(d)~~] (e) "Military service member" means an individual who:
- 544            (i) is serving on active duty in the United States Armed Forces within the state of
- 545            Utah;
- 546            (ii) is a member of a reserve component of the United States Armed Forces assigned
- 547            in Utah;
- 548            (iii) is a member of the Utah National Guard; or
- 549            (iv) maintains domicile in Utah, as described in Subsection (9)(a), but is assigned
- 550            outside of Utah pursuant to federal permanent change of station orders.
- 551        [~~(e)~~] (f) "Military veteran" has the same meaning as veteran in Section 68-3-12.5.
- 552        [~~(f)~~] (g) "Parent" means a student's biological or adoptive parent.
- 553        (2) The meaning of "resident student" is determined by reference to the general law on the
- 554        subject of domicile, except as provided in this section.
- 555        (3)(a) Institutions within the state system of higher education may grant resident student
- 556        status to any student who has come to Utah and established residency for the purpose
- 557        of attending an institution of higher education, and who, prior to registration as a
- 558        resident student:
- 559            (i) has maintained continuous Utah residency status for one full year;
- 560            (ii) has signed a written declaration that the student has relinquished residency in any
- 561            other state; and
- 562            (iii) has submitted objective evidence that the student has taken overt steps to
- 563            establish permanent residency in Utah and that the student does not maintain a
- 564            residence elsewhere.
- 565        (b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:
- 566            (i) a Utah high school transcript issued in the past year confirming attendance at a
- 567            Utah high school in the past 12 months;
- 568            (ii) a Utah voter registration dated a reasonable period prior to application;
- 569            (iii) a Utah driver license or identification card with an original date of issue or a
- 570            renewal date several months prior to application;
- 571            (iv) a Utah vehicle registration dated a reasonable period prior to application;
- 572            (v) evidence of employment in Utah for a reasonable period prior to application;
- 573            (vi) proof of payment of Utah resident income taxes for the previous year;
- 574            (vii) a rental agreement showing the student's name and Utah address for at least 12

- 575 months prior to application; and
- 576 (viii) utility bills showing the student's name and Utah address for at least 12 months
- 577 prior to application.
- 578 (c) A student who is claimed as a dependent on the tax returns of a person who is not a
- 579 resident of Utah is not eligible to apply for resident student status.
- 580 (4) Except as provided in Subsection (8), an institution within the state system of higher
- 581 education may establish stricter criteria for determining resident student status.
- 582 (5) If an institution does not have a minimum credit-hour requirement, that institution shall
- 583 honor the decision of another institution within the state system of higher education to
- 584 grant a student resident student status, unless:
- 585 (a) the student obtained resident student status under false pretenses; or
- 586 (b) the facts existing at the time of the granting of resident student status have changed.
- 587 (6) Within the limits established in Chapter 8, Tuition Waiver and Scholarships, each
- 588 institution within the state system of higher education may, regardless of its policy on
- 589 obtaining resident student status, waive nonresident tuition either in whole or in part, but
- 590 not other fees.
- 591 (7) In addition to the waivers of nonresident tuition under Subsection (6), each institution
- 592 may, as athletic scholarships, grant full waiver of fees and nonresident tuition, up to the
- 593 maximum number allowed by the appropriate athletic conference as recommended by
- 594 the president of each institution.
- 595 (8) Notwithstanding Subsection (3), an institution within the state system of higher
- 596 education shall grant resident student status for tuition purposes to:
- 597 (a) a military service member, if the military service member provides:
- 598 (i) the military service member's current United States military identification card;
- 599 and
- 600 (ii)(A) a statement from the military service member's current commander, or
- 601 equivalent, stating that the military service member is assigned in Utah; or
- 602 (B) evidence that the military service member is domiciled in Utah, as described
- 603 in Subsection (9)(a);
- 604 (b) a military service member's immediate family member, if the military service
- 605 member's immediate family member provides:
- 606 (i)(A) the military service member's current United States military identification
- 607 card; or
- 608 (B) the immediate family member's current United States military identification

- 609 card; and
- 610 (ii)(A) a statement from the military service member's current commander, or  
611 equivalent, stating that the military service member is assigned in Utah;
- 612 (B) evidence that the military service member is domiciled in Utah, as described  
613 in Subsection (9)(a); or
- 614 (C) evidence that the immediate family member completed at least one year of  
615 grades 9 through 12 at a local education agency, as defined in Section  
616 53E-1-102, within the state while the military service member was assigned in  
617 Utah, regardless of the service member's current assignment[-] ;
- 618 (c) a military veteran, regardless of whether the military veteran served in Utah, if the  
619 military veteran provides:
- 620 (i) evidence of an honorable or general discharge;
- 621 (ii) a signed written declaration that the military veteran has relinquished residency in  
622 any other state and does not maintain a residence elsewhere;
- 623 (iii) objective evidence that the military veteran has demonstrated an intent to  
624 establish residency in Utah, which may include any one of the following:
- 625 (A) a Utah voter registration card;
- 626 (B) a Utah driver license or identification card;
- 627 (C) a Utah vehicle registration;
- 628 (D) evidence of employment in Utah;
- 629 (E) a rental agreement showing the military veteran's name and Utah address; or
- 630 (F) utility bills showing the military veteran's name and Utah address;
- 631 (d) a military veteran's immediate family member, regardless of whether the military  
632 veteran served in Utah, if the military veteran's immediate family member provides:
- 633 (i) evidence of the military veteran's honorable or general discharge;
- 634 (ii) a signed written declaration that the military veteran's immediate family member  
635 has relinquished residency in any other state and does not maintain a residence  
636 elsewhere; and
- 637 (iii) objective evidence that the military veteran's immediate family member has  
638 demonstrated an intent to establish residency in Utah, which may include one of  
639 the items described in Subsection (8)(c)(iii);
- 640 (e) a foreign service member as defined in the Foreign Service Family Act of 2021 who  
641 is either:
- 642 (i) domiciled in Utah, recognizing the individual may not be physically present in the

- 643 state due to an assignment; or
- 644 (ii) assigned to a duty station in Utah if the foreign service member provides:
- 645 (A) evidence of the foreign service member's status;
- 646 (B) a statement from the foreign service member's current commander, or
- 647 equivalent, stating that the foreign service member is assigned in Utah; or
- 648 (C) evidence that the foreign service member is domiciled in Utah;
- 649 (f) a foreign service member's immediate family member if the foreign service member
- 650 is either:
- 651 (i) domiciled in Utah, recognizing the individual may not be physically present in the
- 652 state due to an assignment; or
- 653 (ii) assigned to a duty station in Utah if the foreign service member provides:
- 654 (A) evidence of the foreign service member's status;
- 655 (B) a statement from the foreign service member's current commander, or
- 656 equivalent, stating that the foreign service member is assigned in Utah; or
- 657 (C) evidence that the foreign service member is domiciled in Utah;
- 658 (g) an eligible person who provides:
- 659 (i) evidence of eligibility under Title 38 U.S.C., Veterans' Benefits;
- 660 (ii) a signed written declaration that the eligible person will use the Veteran Benefits
- 661 under Title 38 U.S.C.; and
- 662 (iii) objective evidence that the eligible person has demonstrated an intent to establish
- 663 residency in Utah, which may include one of the items described in Subsection
- 664 (8)(c)(iii);
- 665 (h) an alien who provides:
- 666 (i) evidence that the alien is a special immigrant visa recipient;
- 667 (ii) evidence that the alien has been granted refugee status, humanitarian parole,
- 668 temporary protected status, or asylum; or
- 669 (iii) evidence that the alien has submitted in good faith an application for refugee
- 670 status, humanitarian parole, temporary protected status, or asylum under United
- 671 States immigration law;[-or]
- 672 (i) an inmate:
- 673 (i) during the time the inmate is enrolled in the course; and
- 674 (ii) for one year after the day on which the inmate is released from a correctional
- 675 facility as defined in Section 64-13-1[-] ;
- 676 (j) a DOD civilian, if the DOD civilian provides:

- 677           (i) the DOD civilian's current United States Department of Defense identification  
678           card; and
- 679           (ii)(A) a statement from the DOD civilian's current commander, or equivalent,  
680           stating that the DOD civilian is assigned in Utah; or
- 681           (B) evidence that the DOD civilian is domiciled in Utah, as described in  
682           Subsection (9)(a); or
- 683           (k) a DOD civilian's immediate family member, if the DOD civilian's immediate family  
684           member provides:
- 685           (i) the DOD civilian's current United States Department of Defense identification  
686           card; and
- 687           (ii)(A) a statement from the DOD civilian's current commander, or equivalent,  
688           stating that the DOD civilian is assigned in Utah; or
- 689           (B) evidence that the DOD civilian is domiciled in Utah, as described in  
690           Subsection (9)(a).
- 691           (9)(a) The evidence described in Subsection (8)(a)(ii)(B), ~~(8)(b)(ii)(B)~~, (8)(j)(ii)(B),  
692           or (8)(k)(ii)(B) includes:
- 693                   (i) a current Utah voter registration card;
- 694                   (ii) a valid Utah driver license or identification card;
- 695                   (iii) a current Utah vehicle registration;
- 696                   (iv) a copy of a Utah income tax return, in the name of the military service [member's  
697                   or] member, military service member's [spouse's name] spouse, DOD civilian, or  
698                   DOD civilian's spouse filed as a resident in accordance with Section 59-10-502; or
- 699                   (v) proof that the military service member~~[or]~~, military service member's spouse,  
700                   DOD civilian, or DOD civilian's spouse owns a home in Utah, including a  
701                   property tax notice for property owned in Utah.
- 702           (b) Aliens who are present in the United States on visitor, student, or other visas not  
703           listed in Subsection (8)(h) or (9)(c), which authorize only temporary presence in this  
704           country, do not have the capacity to intend to reside in Utah for an indefinite period  
705           and therefore are classified as nonresidents.
- 706           (c) Aliens who have been granted or have applied for permanent resident status in the  
707           United States are classified for purposes of resident student status according to the  
708           same criteria applicable to citizens.
- 709           (10) Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or  
710           trust lands lie partly or wholly within Utah or whose border is at any point contiguous

- 711 with the border of Utah, and any American Indian who is a member of a federally  
712 recognized or known Utah tribe and who has graduated from a high school in Utah, is  
713 entitled to resident student status.
- 714 (11) A Job Corps student is entitled to resident student status if the student:
- 715 (a) is admitted as a full-time, part-time, or summer school student in a program of study  
716 leading to a degree or certificate; and
- 717 (b) submits verification that the student is a current Job Corps student.
- 718 (12) A person is entitled to resident student status and may immediately apply for resident  
719 student status if the person:
- 720 (a) marries a Utah resident eligible to be a resident student under this section; and  
721 (b) establishes his or her domicile in Utah as demonstrated by objective evidence as  
722 provided in Subsection (3).
- 723 (13) Notwithstanding Subsection (3)(c), a dependent student who has at least one parent  
724 who has been domiciled in Utah for at least 12 months prior to the student's application  
725 is entitled to resident student status.
- 726 (14)(a) A person who has established domicile in Utah for full-time permanent  
727 employment may rebut the presumption of a nonresident classification by providing  
728 substantial evidence that the reason for the individual's move to Utah was, in good  
729 faith, based on an employer requested transfer to Utah, recruitment by a Utah  
730 employer, or a comparable work-related move for full-time permanent employment  
731 in Utah.
- 732 (b) All relevant evidence concerning the motivation for the move shall be considered,  
733 including:
- 734 (i) the person's employment and educational history;
- 735 (ii) the dates when Utah employment was first considered, offered, and accepted;
- 736 (iii) when the person moved to Utah;
- 737 (iv) the dates when the person applied for admission, was admitted, and was enrolled  
738 as a postsecondary student;
- 739 (v) whether the person applied for admission to an institution of higher education  
740 sooner than four months from the date of moving to Utah;
- 741 (vi) evidence that the person is an independent person who is:
- 742 (A) at least 24 years old; or
- 743 (B) not claimed as a dependent on someone else's tax returns; and
- 744 (vii) any other factors related to abandonment of a former domicile and establishment

745 of a new domicile in Utah for purposes other than to attend an institution of higher  
746 education.

747 (15)(a) A person who is in residence in Utah to participate in a United States Olympic  
748 athlete training program, at a facility in Utah, approved by the governing body for the  
749 athlete's Olympic sport, shall be entitled to resident status for tuition purposes.

750 (b) Upon the termination of the athlete's participation in the training program, the athlete  
751 shall be subject to the same residency standards applicable to other persons under this  
752 section.

753 (c) Time spent domiciled in Utah during the Olympic athlete training program in Utah  
754 counts for Utah residency for tuition purposes upon termination of the athlete's  
755 participation in a Utah Olympic athlete training program.

756 (16)(a) A person who has established domicile in Utah for reasons related to divorce,  
757 the death of a spouse, or long-term health care responsibilities for an immediate  
758 family member, including the person's spouse, parent, sibling, or child, may rebut the  
759 presumption of a nonresident classification by providing substantial evidence that the  
760 reason for the individual's move to Utah was, in good faith, based on the long-term  
761 health care responsibilities.

762 (b) All relevant evidence concerning the motivation for the move shall be considered,  
763 including:

764 (i) the person's employment and educational history;

765 (ii) the dates when the long-term health care responsibilities in Utah were first  
766 considered, offered, and accepted;

767 (iii) when the person moved to Utah;

768 (iv) the dates when the person applied for admission, was admitted, and was enrolled  
769 as a postsecondary student;

770 (v) whether the person applied for admission to an institution of higher education  
771 sooner than four months from the date of moving to Utah;

772 (vi) evidence that the person is an independent person who is:

773 (A) at least 24 years old; or

774 (B) not claimed as a dependent on someone else's tax returns; and

775 (vii) any other factors related to abandonment of a former domicile and establishment  
776 of a new domicile in Utah for purposes other than to attend an institution of higher  
777 education.

778 (17) A foreign service member or the foreign service member's immediate family member

779 deemed eligible for resident student status under Subsection (8)(e) or (f) shall retain the  
 780 eligibility for resident student status if the foreign service member or immediate family  
 781 member maintains continuous enrollment even in the case of a change in domicile or  
 782 duty station.

783 (18) A DOD civilian or the DOD civilian's immediate family member deemed eligible for  
 784 resident student status under Subsection (8)(j) or (k) shall retain the eligibility for  
 785 resident student status if the DOD civilian or the DOD civilian's immediate family  
 786 member maintains continuous enrollment even in the case of a change in domicile or  
 787 duty station.

788 [~~18~~] (19) The board, after consultation with the institutions, shall make rules not  
 789 inconsistent with this section:

- 790 (a) concerning the definition of resident and nonresident students;
- 791 (b) establishing procedures for classifying and reclassifying students;
- 792 (c) establishing criteria for determining and judging claims of residency or domicile;
- 793 (d) establishing appeals procedures; and
- 794 (e) other matters related to this section.

795 [~~19~~] (20) A student shall be exempt from paying the nonresident portion of total tuition if  
 796 the student:

- 797 (a) is a foreign national legally admitted to the United States;
- 798 (b) attended high school in this state for three or more years; and
- 799 (c) graduated from a high school in this state or received the equivalent of a high school  
 800 diploma in this state.

801 Section 11. Section **53E-3-1201** is enacted to read:

802 **Part 12. Education Opportunity for Children of United States Department of Defense Employees**

804 **53E-3-1201 . Definitions.**

805 As used in this part:

- 806 (1) "DOD civilian" means the same as that term is defined in Section 53B-8-102.
- 807 (2) "Child of a DOD civilian family" means a school-aged child, enrolled in kindergarten  
 808 through grade 12, in the household of a currently serving DOD civilian.
- 809 (3) "Deployment" means the period one month prior to the DOD civilian's departure from  
 810 the DOD civilian's home station on orders through six months after return to the DOD  
 811 civilian's home station.
- 812 (4)(a) "Educational record" means an official record, file, or data directly related to a



- 813 student and maintained by a school or an LEA.
- 814 (b) "Educational record" includes records encompassing all the material kept in the  
 815 student's cumulative folder such as general identifying data, records of attendance,  
 816 and of academic work completed, records of achievement and results of evaluative  
 817 tests, health data, disciplinary status, test protocols, and individualized education  
 818 programs.
- 819 (5)(a) "Extracurricular activity" means a voluntary activity sponsored by a school or an  
 820 LEA or an organization sanctioned by the LEA.
- 821 (b) "Extracurricular activity" includes preparation for and involvement in public  
 822 performances, contests, athletic competitions, demonstrations, displays, and club  
 823 activities.
- 824 (6)(a) "Military installation" means a base, camp, post, station, yard, center, homeport  
 825 facility for any ship, or other activity under the jurisdiction of the United States  
 826 Department of Defense.
- 827 (b) "Military installation" includes a leased facility, which is located within any of the  
 828 several states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S.  
 829 Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other  
 830 territory of the United States.
- 831 (c) "Military installation" does not include a facility used primarily for civil works,  
 832 rivers and harbors projects, or flood control projects.
- 833 (7) "Sending state" means the state from which a child of a DOD civilian family is sent,  
 834 brought, or caused to be sent or brought.
- 835 (8) "State" means a state of the United States, the District of Columbia, the Commonwealth  
 836 of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Mariana  
 837 Islands, and any other territory of the United States.
- 838 (9) "Transferring student" means a child of a DOD civilian family who is seeking to be  
 839 enrolled in a school in Utah.

840 Section 12. Section **53E-3-1202** is enacted to read:

841 **53E-3-1202 . Transferring student enrollment, records, and immunization.**

- 842 (1)(a) Subject to Subsection (2), when a school receives the unofficial education record  
 843 of a transferring student from a school in a sending state, the school shall enroll and  
 844 appropriately place the transferring student based on the information provided in the  
 845 unofficial educational record pending receipt and validation of the transferring  
 846 student's official educational records.

847 (b) At the time a transferring student is enrolled and conditionally placed based on the  
848 student's unofficial educational records under Subsection (1)(a), the school shall  
849 request the student's official educational record from the school in the sending state.

850 (2)(a) A school enrolling a transferring student under this section shall enroll the  
851 transferring student at the same grade level the transferring student has been enrolled  
852 at in the school in the sending state regardless of the transferring student's age.

853 (b) A transferring student that has satisfactorily completed a prerequisite grade level in a  
854 school in the sending state shall be eligible for enrollment in the next highest grade  
855 level regardless of the transferring student's age.

856 (3)(a) A school enrolling a transferring student under this section shall give the student  
857 30 days from the day on which the student is enrolled in the school for the student to  
858 obtain any immunization that is required by the school.

859 (b) If the required immunization described in Subsection (3)(a) encompasses a series of  
860 immunizations, the initial immunization in the series satisfies the requirement for the  
861 student to be immunized within 30 days from the day on which the student is enrolled  
862 in the school as required under Subsection (3)(a).

863 Section 13. Section **53E-3-1203** is enacted to read:

864 **53E-3-1203 . Course placement -- Extracurricular activities.**

865 (1) As used in this section:

866 (a) "Course placement" means placing a transferring student in an educational course or  
867 program provided by a school.

868 (b) "Educational course or program" means the following courses or programs:

869 (i) honors, international baccalaureate, advanced placement, vocational, technical,  
870 career pathways, and English as a second language courses; and

871 (ii) gifted and talented programs.

872 (2)(a) A school that enrolls a transferring student as described in Section 53E-3-1202  
873 shall, when determining course placement for the transferring student, place the  
874 transferring student in educational courses or programs based on the transferring  
875 student's course placement in the sending state's school or educational assessments  
876 conducted at the school in the sending state.

877 (b) Subsection (2)(a) does not prohibit the school from performing additional  
878 evaluations after the transferring student is enrolled to ensure appropriate placement  
879 and continued enrollment of the student in the educational course or program.

880 (3) When a school makes a course placement determination under this section, the school

881 shall attempt to the best of the school's ability to ensure the continuance of the  
 882 transferring student's academic program from the transferring student's previous school  
 883 and place the transferring student in academically and career challenging courses.

884 (4)(a) In compliance with the requirements of the Individuals with Disabilities  
 885 Education Act, 20 U.S.C. Sec. 1400 et seq., a school that enrolls a transferring  
 886 student with disabilities shall provide comparable services to the transferring student  
 887 based on the transferring student's current IEP.

888 (b) In compliance with the requirements of Section 504 of the Rehabilitation Act, 29  
 889 U.S.C. Sec. 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.  
 890 Secs. 12131-12165, a school that enrolls a transferring student with disabilities shall  
 891 make reasonable accommodations and modifications to address the needs of the  
 892 transferring student, subject to an existing Section 504 accommodation plan, to provide  
 893 the transferring student with equal access to education.

894 (c) Subsection (4)(b) does not preclude the school from performing additional  
 895 evaluations after the transferring student is enrolled to ensure appropriate placement  
 896 of the transferring student.

897 (5) An LEA's administrative officials may waive requirements or other prerequisites for any  
 898 course placement in an educational course or program under this section.

899 (6) An LEA shall facilitate the opportunity for a transferring student to be included in  
 900 extracurricular activities, regardless of application deadlines, to the extent the  
 901 transferring student is otherwise qualified to participate in the extracurricular activities.

902 Section 14. Section **53E-3-1204** is enacted to read:

903 **53E-3-1204 . Parental consent -- Tuition.**

904 (1) Power of attorney lawfully executed under Title 75, Chapter 9, Uniform Power of  
 905 Attorney Act, is sufficient for the purposes of enrollment and other actions requiring  
 906 parental participation or consent.

907 (2) An LEA may not charge local tuition to a transferring student placed in the care of a  
 908 non-custodial parent or other individual standing in loco parentis who lives in a  
 909 jurisdiction other than that of the custodial parent.

910 (3) A transferring student, placed in the care of a non-custodial parent or other individual  
 911 standing in loco parentis who lives in a jurisdiction other than that of the custodial  
 912 parent, may continue to attend the school in which the student was enrolled while  
 913 residing with the custodial parent.

914 Section 15. Section **53E-3-1205** is enacted to read:

- 915           **53E-3-1205 . Graduation -- Waiver -- Exit exams -- Senior year transfers.**
- 916    (1) To facilitate the on-time graduation from high school of a transferring student an LEA  
 917       shall:
- 918       (a)(i) waive specific courses required for graduation if similar coursework has been  
 919           satisfactorily completed by the transferring student in a school in a sending state;  
 920           or
- 921       (ii) if the LEA does not waive a specific course requirement under Subsection (1)(a),  
 922           provide an alternative means of acquiring the required coursework so that the  
 923           transferring student may graduate on time; and
- 924       (b) accept:
- 925           (i) exit or end-of-course exams required for graduation from the transferring student's  
 926           school in the sending state;
- 927           (ii) national norm-referenced achievement tests; or
- 928           (iii) subject to Subsection (2), alternative testing, in lieu of testing requirements for  
 929           graduation.
- 930    (2) If a transferring student is enrolling in a school in the LEA in the transferring student's  
 931       senior year of high school and the LEA cannot accommodate the alternative testing  
 932       described in Subsection (1)(b)(iii), the LEA shall, if the transferring student otherwise  
 933       meets the graduation requirements of the transferring student's school in the sending  
 934       state, use the LEA's best efforts to request and receive a receipt of a high school  
 935       graduation diploma for the transferring student from the transferring student's school in  
 936       the sending state.
- 937    (3) If an LEA denies a waiver under Subsection (1)(a) the LEA shall provide a reasonable  
 938       justification for the denial to the transferring student.

939       Section 16. Section **53E-6-102** is amended to read:

940       **53E-6-102 . Definitions.**

941       As used in this chapter:

- 942       (1) "Certificate" means a license issued by a governmental jurisdiction outside the state.
- 943       (2) "DOD civilian" means the same as that term is defined in Section 53B-8-102.
- 944       [~~(2)~~] (3) "Educator" means:
- 945           (a) a person who holds a license;
- 946           (b) a teacher, counselor, administrator, librarian, or other person required, under rules of  
 947           the state board, to hold a license; or
- 948           (c) a person who is the subject of an allegation which has been received by an LEA, the

949 state board, or UPPAC and was, at the time noted in the allegation, a license holder  
950 or a person employed in a position requiring licensure.

951 ~~[(3)]~~ (4) "License" means an authorization issued by the state board that permits the holder  
952 to serve in a professional capacity in the public schools.

953 ~~[(4)]~~ (5) "National Board certification" means a current certificate issued by the National  
954 Board for Professional Teaching Standards.

955 ~~[(5)]~~ (6) "School" means a public or private entity that provides educational services to a  
956 minor child.

957 ~~[(6)]~~ (7) "UPPAC" means the Utah Professional Practices Advisory Commission.

958 Section 17. Section **53E-6-204** is amended to read:

959 **53E-6-204 . Exemptions from licensure.**

960 (1) Except as otherwise provided by statute or rule, a spouse of an individual serving in  
961 the armed forces of the United States or the spouse of a DOD civilian while the  
962 individual or DOD civilian is stationed within this state may work as an educator  
963 without being licensed under this title if:

964 ~~[(1)]~~ (a) the spouse holds a valid educator license issued by any other state or jurisdiction  
965 recognized by the state board; and

966 ~~[(2)]~~ (b) the license is current and the spouse is in good standing in the state or  
967 jurisdiction of licensure.

968 (2) For an active military member, eligible military spouse, DOD civilian, or spouse of a  
969 DOD civilian who holds a license that is not unencumbered, as that term is defined in  
970 Section 53E-6-1101, the receiving state shall grant an equivalent license or licenses that,  
971 in the receiving state's sole discretion, is equivalent to the license or licenses held by the  
972 teacher in the sending state, except where the receiving state does not have an equivalent  
973 license.

974 Section 18. Section **53G-1-103** is amended to read:

975 **53G-1-103 . Definitions.**

976 As used in this title[;] :

977 (1) "DOD civilian" means the same as that term is defined in Section 53B-8-102.

978 (2) ~~["electronic"]~~ "Electronic cigarette product" means the same as that term is defined in  
979 Section 76-10-101.

980 (3) "Military service member" means the same as that term is defined in Section 53B-8-102.

981 Section 19. Section **53G-6-306** is amended to read:

982 **53G-6-306 . Permitting attendance by nonresident of the state -- Tuition.**

- 983 (1) As used in this section:
- 984 (a) "Armed forces" means the same as that term is defined in Section 68-3-12.5.
- 985 (b) "Eligible student" means a student who is a dependent child of a member of the
- 986 uniformed services or a DOD civilian who is:
- 987 (i)(A) relocating to the state and does not reside in the state during an LEA's
- 988 enrollment period; or
- 989 (B) relocating out of the state during the school year; and
- 990 (ii)(A) on permanent change of station orders; or
- 991 (B) relocating for a civilian assignment or position.
- 992 (c) "Nonresident child" means a child residing outside the state.
- 993 (d) "Provisional enrollment" means enrollment in a public school by an eligible student:
- 994 (i) before the eligible student relocates to the state; or
- 995 (ii) after the eligible student's parent relocates out of the state, but before the eligible
- 996 student relocates out of the state.
- 997 (e) "Uniformed services" means:
- 998 (i) the same as that term is defined in Section 68-3-12.5;
- 999 (ii) the reserve components of the armed forces; and
- 1000 (iii) the national guard of a state.
- 1001 (2)(a) An LEA may permit a nonresident child to attend school within the district,
- 1002 giving priority to a child of a [~~military service~~]member[~~, as that term is defined in~~
- 1003 ~~Section 53B-8-102~~] of the uniformed services or a DOD civilian.
- 1004 (b) With the exception of a child enrolled under Section 53G-6-707, a nonresident child
- 1005 is not included for the purpose of apportionment of state funds.
- 1006 (3)(a) An LEA shall charge a nonresident child who enrolls in a school within the LEA
- 1007 tuition in an amount at least equal to the per capita cost of the school program in
- 1008 which the nonresident child enrolls unless the LEA, in open meeting, determines to
- 1009 waive the charge for that nonresident child in whole or in part.
- 1010 (b) The official minutes of the meeting described in Subsection (3)(a) shall reflect the
- 1011 LEA's determination to waive the charge described in Subsection (3)(a).
- 1012 (4)(a) Notwithstanding anything to the contrary in Subsection (3), an LEA shall allow
- 1013 an eligible student to:
- 1014 (i) provisionally enroll in a public school in the LEA at the same time and in the same
- 1015 manner as individuals who reside in the state; or
- 1016 (ii) provisionally enroll in virtual education options that the LEA provides in the

1017 same manner as an individual residing in the state.

1018 (b) An LEA may not require proof of residency from an eligible student at the time the  
1019 eligible student applies to enroll in a public school in the LEA.

1020 (c) An LEA shall require proof of residence within 10 days after the eligible student's  
1021 first day of residence in the state.

1022 Section 20. Section **53G-6-402** is amended to read:

1023 **53G-6-402 . Open enrollment options -- Procedures -- Processing fee --**

1024 **Continuing enrollment.**

1025 (1) Each local school board is responsible for providing educational services consistent  
1026 with Utah state law and rules of the state board for each student who resides in the  
1027 district and, as provided in this section through Section 53G-6-407 and to the extent  
1028 reasonably feasible, for any student who resides in another district in the state and  
1029 desires to attend a school in the district, giving priority to a child of a military service  
1030 member[~~, as that term is defined in 53B-8-102]~~ or a child of a DOD civilian.

1031 (2)(a) A school is open for enrollment of nonresident students if the enrollment level is  
1032 at or below the open enrollment threshold.

1033 (b) If a school's enrollment falls below the open enrollment threshold, the local school  
1034 board shall allow a nonresident student to enroll in the school.

1035 (3) A local school board may allow enrollment of nonresident students in a school that is  
1036 operating above the open enrollment threshold.

1037 (4)(a) A local school board shall adopt policies describing procedures for nonresident  
1038 students to follow in applying for entry into the district's schools.

1039 (b) Those procedures shall provide, as a minimum, for:

1040 (i) distribution to interested parties of information about the school or school district  
1041 and how to apply for admission;

1042 (ii) use of standard application forms prescribed by the state board;

1043 (iii)(A) submission of applications from November 15 through the first Friday in  
1044 February by those seeking admission during the early enrollment period for the  
1045 following year; or

1046 (B) submission of applications from August 1 through November 1 by those  
1047 seeking admission during the early enrollment period for the following year in  
1048 a school district described in Subsection 53G-6-401(1)(b);

1049 (iv) submission of applications by those seeking admission during the late enrollment  
1050 period;

- 1051 (v) notwithstanding any other provision of this part or Part 3, School District  
1052 Residency, submission of applications for at least 30 days after the day on which a  
1053 school boundary change takes effect for those affected by the school boundary  
1054 change;
- 1055 (vi) written notification to the student's parent of acceptance or rejection of an  
1056 application:
- 1057 (A) within six weeks after receipt of the application by the district or by March 31,  
1058 whichever is later, for applications submitted during the early enrollment  
1059 period;
- 1060 (B) within two weeks after receipt of the application by the district or by the  
1061 Friday before the new school year begins, whichever is later, for applications  
1062 submitted during the late enrollment period for admission in the next school  
1063 year;
- 1064 (C) within two weeks after receipt of the application by the district, for  
1065 applications submitted during the late enrollment period for admission in the  
1066 current year; and
- 1067 (D) within two weeks after receipt of the application by the district, for  
1068 applications submitted by students affected by a school district boundary  
1069 change;
- 1070 (vii) written notification to the resident school for intradistrict transfers or the  
1071 resident district for interdistrict transfers upon acceptance of a nonresident student  
1072 for enrollment; and
- 1073 (viii) written notification to the parents of each student that resides within the school  
1074 district and other interested parties of the revised early enrollment period  
1075 described in Subsection 53G-6-401(1)(b) if:
- 1076 (A) the school district is doing a district wide grade reconfiguration of its  
1077 elementary, middle, junior, and senior high schools; and
- 1078 (B) the grade reconfiguration described in Subsection (4)(b)(viii)(A) will be  
1079 implemented in the next school year.
- 1080 (c)(i) Notwithstanding the dates established in Subsection (4)(b) for submitting  
1081 applications and notifying parents of acceptance or rejection of an application, a  
1082 local school board may delay the dates if a local school board is not able to make  
1083 a reasonably accurate projection of the early enrollment school capacity or late  
1084 enrollment school capacity of a school due to:



- 1085 (A) school construction or remodeling;
- 1086 (B) drawing or revision of school boundaries; or
- 1087 (C) other circumstances beyond the control of the local school board.
- 1088 (ii) The delay may extend no later than four weeks beyond the date the local school
- 1089 board is able to make a reasonably accurate projection of the early enrollment
- 1090 school capacity or late enrollment school capacity of a school.
- 1091 (5) A school district may charge a one-time \$5 processing fee, to be paid at the time of
- 1092 application.
- 1093 (6) An enrolled nonresident student shall be permitted to remain enrolled in a school,
- 1094 subject to the same rules and standards as resident students, without renewed
- 1095 applications in subsequent years unless one of the following occurs:
- 1096 (a) the student graduates;
- 1097 (b) the student is no longer a Utah resident;
- 1098 (c) the student is suspended or expelled from school;
- 1099 (d) except for a student described in Subsection (6)(e), the district determines that
- 1100 enrollment within the school will exceed the school's open enrollment threshold; or
- 1101 (e) for a child of a military service member~~[, as that term is defined in Section 53B-8-102,]~~
- 1102 or a child of a DOD civilian who moves from temporary to permanent housing
- 1103 outside of the relevant school district boundaries following a permanent change of
- 1104 station:
- 1105 (i) in kindergarten through grade 10, the student completes the current school year; or
- 1106 (ii) in grades 11 and 12, the student graduates.
- 1107 (7)(a) Determination of which nonresident students will be excluded from continued
- 1108 enrollment in a school during a subsequent year under Subsection (6)(d) is based
- 1109 upon time in the school, with those most recently enrolled being excluded first and
- 1110 the use of a lottery system when multiple nonresident students have the same number
- 1111 of school days in the school.
- 1112 (b) Nonresident students who will not be permitted to continue their enrollment shall be
- 1113 notified no later than March 15 of the current school year.
- 1114 (8) The parent of a student enrolled in a school that is not the student's school of residence
- 1115 may withdraw the student from that school for enrollment in another public school by
- 1116 submitting notice of intent to enroll the student in:
- 1117 (a) the district of residence; or
- 1118 (b) another nonresident district.

- 1119 (9) Unless provisions have previously been made for enrollment in another school, a  
 1120 nonresident district releasing a student from enrollment shall immediately notify the  
 1121 district of residence, which shall enroll the student in the resident district and take such  
 1122 additional steps as may be necessary to ensure compliance with laws governing school  
 1123 attendance.
- 1124 (10)(a) Except as provided in Subsection (10)(c), a student who transfers between  
 1125 schools, whether effective on the first day of the school year or after the school year  
 1126 has begun, by exercising an open enrollment option under this section may not  
 1127 transfer to a different school during the same school year by exercising an open  
 1128 enrollment option under this section.
- 1129 (b) The restriction on transfers specified in Subsection (10)(a) does not apply to a  
 1130 student transfer made for health or safety reasons.
- 1131 (c) A local school board may adopt a policy allowing a student to exercise an open  
 1132 enrollment option more than once in a school year.
- 1133 (11) Notwithstanding Subsections (2) and (6)(d), a student who is enrolled in a school that  
 1134 is not the student's school of residence, because school bus service is not provided  
 1135 between the student's neighborhood and school of residence for safety reasons:
- 1136 (a) shall be allowed to continue to attend the school until the student finishes the highest  
 1137 grade level offered; and
- 1138 (b) shall be allowed to attend the middle school, junior high school, or high school into  
 1139 which the school's students feed until the student graduates from high school.
- 1140 (12) Notwithstanding any other provision of this part or Part 3, School District Residency, a  
 1141 student shall be allowed to enroll in any charter school or other public school in any  
 1142 district, including a district where the student does not reside, if the enrollment is  
 1143 necessary, as determined by the Division of Child and Family Services, to comply with  
 1144 the provisions of 42 U.S.C. [~~Section~~] Sec. 675.
- 1145 Section 21. Section **53G-6-502** is amended to read:
- 1146 **53G-6-502 . Eligible students.**
- 1147 (1) As used in this section:
- 1148 (a) "At capacity" means operating above the school's open enrollment threshold.
- 1149 (b) "COVID-19 emergency" means the spread of COVID-19 that the World Health  
 1150 Organization declared a pandemic on March 11, 2020.
- 1151 (c) "Open enrollment threshold" means the same as that term is defined in Section  
 1152 53G-6-401.

- 1153 (d) "Refugee" means a person who is eligible to receive benefits and services from the  
 1154 federal Office of Refugee Resettlement.
- 1155 (e) "School of residence" means the same as that term is defined in Section 53G-6-401.
- 1156 (2) All resident students of the state qualify for admission to a charter school, subject to the  
 1157 limitations set forth in this section and Section 53G-6-503.
- 1158 (3)(a) A charter school shall enroll:
- 1159 (i) a foster child residing in the same residence as an individual who is enrolled in the  
 1160 charter school; and
- 1161 (ii) an eligible student other than a child described in Subsection (3)(a)(i) who  
 1162 submits a timely application, unless the number of applications exceeds the  
 1163 capacity of a program, class, grade level, or the charter school.
- 1164 (b) If the number of applications described in Subsection (3)(a)(ii) exceeds the capacity  
 1165 of a program, class, grade level, or the charter school, the charter school shall select  
 1166 students on a random basis, except as provided in Subsections (4) through (8).
- 1167 (4) A charter school may give an enrollment preference to:
- 1168 (a) a child or grandchild of an individual who has actively participated in the  
 1169 development of the charter school;
- 1170 (b) a child or grandchild of a member of the charter school governing board;
- 1171 (c) a sibling of an individual who was previously or is presently enrolled in the charter  
 1172 school;
- 1173 (d) a child of an employee of the charter school;
- 1174 (e) a student articulating between charter schools offering similar programs that are  
 1175 governed by the same charter school governing board;
- 1176 (f) a student articulating from one charter school to another pursuant to an articulation  
 1177 agreement between the charter schools that is approved by the State Charter School  
 1178 Board;
- 1179 (g) an individual seeking enrollment in a charter school if:
- 1180 (i) the individual's sibling is a student enrolled in a charter school; and
- 1181 (ii) the charter school where the individual is seeking enrollment has an articulation  
 1182 agreement with the charter school where the sibling is enrolled that the State  
 1183 Charter School Board approves;
- 1184 (h) a student who resides within up to a two-mile radius of the charter school and whose  
 1185 school of residence is at capacity;
- 1186 (i) a child of a military service member[~~as defined in Section 53B-8-102~~];

1187 (j) a child of a DOD civilian; or  
 1188 [(j)] (k) for the 2022-2023 school year, a student who withdraws from the charter school  
 1189 to attend an online school or home school for the 2020-2021 or 2021-2022 school  
 1190 years due to the COVID-19 emergency.

1191 (5)(a) Except as provided in Subsection (5)(b), and notwithstanding Subsection (4)(h), a  
 1192 charter school that is approved by the state board after May 13, 2014, and is located  
 1193 in a high growth area as defined in Section 53G-6-504 shall give an enrollment  
 1194 preference to a student who resides within a two-mile radius of the charter school.

1195 (b) The requirement to give an enrollment preference under Subsection (5)(a) does not  
 1196 apply to a charter school that was approved without a high priority status pursuant to  
 1197 Subsection 53G-6-504(7)(b).

1198 (6) If a district school converts to charter status, the charter school shall give an enrollment  
 1199 preference to students who would have otherwise attended it as a district school.

1200 (7)(a) A charter school whose mission is to enhance learning opportunities for refugees  
 1201 or children of refugee families may give an enrollment preference to refugees or  
 1202 children of refugee families.

1203 (b) A charter school whose mission is to enhance learning opportunities for English  
 1204 language learners may give an enrollment preference to English language learners.

1205 (8) A charter school may weight the charter school's lottery to give a slightly better chance  
 1206 of admission to educationally disadvantaged students, including:

- 1207 (a) low-income students;
- 1208 (b) students with disabilities;
- 1209 (c) English language learners;
- 1210 (d) migrant students;
- 1211 (e) neglected or delinquent students; and
- 1212 (f) homeless students.

1213 (9) A charter school may not discriminate in the charter school's admission policies or  
 1214 practices on the same basis as other public schools may not discriminate in admission  
 1215 policies and practices.

1216 Section 22. Section **58-1-102** is amended to read:

1217 **58-1-102 . Definitions.**

1218 As used in this title:

- 1219 (1) "Ablative procedure" means the same as that term is defined in Section 58-67-102.
- 1220 (2) "Cosmetic medical procedure":

- 1221 (a) means the same as that term is defined in Section 58-67-102; and
- 1222 (b) except for Chapter 67, Utah Medical Practice Act, and Chapter 68, Utah Osteopathic
- 1223 Medical Practice Act, does not apply to the scope of practice of an individual
- 1224 licensed under this title if the individual's scope of practice includes the authority to
- 1225 operate or perform surgical procedures.
- 1226 (3) "Cryolipolysis" means a nonablative fat reduction procedure that uses cold temperature
- 1227 to reduce fat deposits in certain areas of the body.
- 1228 (4) "Department" means the Department of Commerce.
- 1229 (5) "Director" means the director of the Division of Professional Licensing.
- 1230 (6) "Division" means the Division of Professional Licensing created in Section 58-1-103.
- 1231 (7) "DOD civilian" means the same as that term is defined in Section 53B-8-102.
- 1232 [~~(7)~~] (8) "Executive director" means the executive director of the Department of Commerce.
- 1233 [~~(8)~~] (9) "Licensee" includes any holder of a license, certificate, registration, permit, student
- 1234 card, or apprentice card authorized under this title.
- 1235 [~~(9)~~] (10)(a)(i) "Nonablative procedure" means a procedure that is expected or
- 1236 intended to alter living tissue, but not intended or expected to excise, vaporize,
- 1237 disintegrate, or remove living tissue.
- 1238 (ii) Notwithstanding Subsection [~~(8)(a)(i)~~] (10)(a)(i), nonablative procedure includes
- 1239 hair removal and cryolipolysis.
- 1240 (b) "Nonablative procedure" does not include:
- 1241 (i) a superficial procedure;
- 1242 (ii) the application of permanent make-up; or
- 1243 (iii) the use of photo therapy and lasers for neuromusculoskeletal treatments that are
- 1244 performed by an individual licensed under this title who is acting within their
- 1245 scope of practice.
- 1246 [~~(10)~~] (11) "Pain clinic" means:
- 1247 (a) a clinic that advertises its primary purpose is the treatment of chronic pain; or
- 1248 (b) a clinic in which greater than 50% of the clinic's annual patient population receive
- 1249 treatment primarily for non-terminal chronic pain using Schedule II-III controlled
- 1250 substances.
- 1251 [~~(11)~~] (12) "Superficial procedure" means a procedure that is expected or intended to
- 1252 temporarily alter living skin tissue and may excise or remove stratum corneum but have
- 1253 no appreciable risk of damage to any tissue below the stratum corneum.
- 1254 [~~(12)~~] (13) "Telemedicine service" means the same as that term is defined in Section

1255 26B-4-704.

1256 [~~(13)~~] (14) "Unlawful conduct" means the same as that term is defined in Subsection  
1257 58-1-501(1).

1258 [~~(14)~~] (15) "Unprofessional conduct" means the same as that term is defined in Subsection  
1259 58-1-501(2).

1260 Section 23. Section **58-1-307** is amended to read:

1261 **58-1-307 . Exemptions from licensure.**

1262 (1) Except as otherwise provided by statute or rule, the following individuals may engage in  
1263 the practice of their occupation or profession, subject to the stated circumstances and  
1264 limitations, without being licensed under this title:

1265 (a) an individual serving in the armed forces of the United States, the United States  
1266 Public Health Service, the United States Department of Veterans Affairs, or other  
1267 federal agencies while engaged in activities regulated under this chapter as a part of  
1268 employment with that federal agency if the individual holds a valid license to practice  
1269 a regulated occupation or profession issued by any other state or jurisdiction  
1270 recognized by the division;

1271 (b) a student engaged in activities constituting the practice of a regulated occupation or  
1272 profession while in training in a recognized school approved by the division to the  
1273 extent the activities are supervised by qualified faculty, staff, or designee and the  
1274 activities are a defined part of the training program;

1275 (c) an individual engaged in an internship, residency, preceptorship, postceptorship,  
1276 fellowship, apprenticeship, or on-the-job training program approved by the division  
1277 while under the supervision of qualified individuals;

1278 (d) an individual residing in another state and licensed to practice a regulated occupation  
1279 or profession in that state, who is called in for a consultation by an individual  
1280 licensed in this state, and the services provided are limited to that consultation;

1281 (e) an individual who is invited by a recognized school, association, society, or other  
1282 body approved by the division to conduct a lecture, clinic, or demonstration of the  
1283 practice of a regulated occupation or profession if the individual does not establish a  
1284 place of business or regularly engage in the practice of the regulated occupation or  
1285 profession in this state;

1286 (f) an individual licensed under the laws of this state, other than under this title, to  
1287 practice or engage in an occupation or profession, while engaged in the lawful,  
1288 professional, and competent practice of that occupation or profession;

- 1289 (g) an individual licensed in a health care profession in another state who performs that  
1290 profession while attending to the immediate needs of a patient for a reasonable period  
1291 during which the patient is being transported from outside of this state, into this state,  
1292 or through this state;
- 1293 (h) an individual licensed in another state or country who is in this state temporarily to  
1294 attend to the needs of an athletic team or group, except that the practitioner may only  
1295 attend to the needs of the athletic team or group, including all individuals who travel  
1296 with the team or group in any capacity except as a spectator;
- 1297 (i) an individual licensed and in good standing in another state, who is in this state:
- 1298 (i) temporarily, under the invitation and control of a sponsoring entity;
- 1299 (ii) for a reason associated with a special purpose event, based upon needs that may  
1300 exceed the ability of this state to address through its licensees, as determined by  
1301 the division; and
- 1302 (iii) for a limited period of time not to exceed the duration of that event, together with  
1303 any necessary preparatory and conclusionary periods; and
- 1304 (j) the spouse of an individual serving in the armed forces of the United States or the  
1305 spouse of a DOD civilian while the individual or DOD civilian is stationed within  
1306 this state, provided:
- 1307 (i) the spouse holds a valid license to practice a regulated occupation or profession  
1308 issued by any other state or jurisdiction recognized by the division; and
- 1309 (ii) the license is current and the spouse is in good standing in the state of licensure.
- 1310 (2)(a) A practitioner temporarily in this state who is exempted from licensure under  
1311 Subsection (1) shall comply with each requirement of the licensing jurisdiction from  
1312 which the practitioner derives authority to practice.
- 1313 (b) Violation of a limitation imposed by this section constitutes grounds for removal of  
1314 exempt status, denial of license, or other disciplinary proceedings.
- 1315 (3) An individual who is licensed under a specific chapter of this title to practice or engage  
1316 in an occupation or profession may engage in the lawful, professional, and competent  
1317 practice of that occupation or profession without additional licensure under other  
1318 chapters of this title, except as otherwise provided by this title.
- 1319 (4) Upon the declaration of a national, state, or local emergency, a public health emergency  
1320 as defined in Section 26B-7-301, or a declaration by the president of the United States or  
1321 other federal official requesting public health-related activities, the division in  
1322 collaboration with the relevant board may:

- 1323 (a) suspend the requirements for permanent or temporary licensure of individuals who  
1324 are licensed in another state for the duration of the emergency while engaged in the  
1325 scope of practice for which they are licensed in the other state;
- 1326 (b) modify, under the circumstances described in this Subsection (4) and Subsection (5),  
1327 the scope of practice restrictions under this title for individuals who are licensed  
1328 under this title as:
- 1329 (i) a physician under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah  
1330 Osteopathic Medical Practice Act;
- 1331 (ii) a nurse under Chapter 31b, Nurse Practice Act, or Chapter 31e, Nurse Licensure  
1332 Compact - Revised;
- 1333 (iii) a certified nurse midwife under Chapter 44a, Nurse Midwife Practice Act;
- 1334 (iv) a pharmacist, pharmacy technician, or pharmacy intern under Chapter 17b,  
1335 Pharmacy Practice Act;
- 1336 (v) a respiratory therapist under Chapter 57, Respiratory Care Practices Act;
- 1337 (vi) a dentist and dental hygienist under Chapter 69, Dentist and Dental Hygienist  
1338 Practice Act; and
- 1339 (vii) a physician assistant under Chapter 70a, Utah Physician Assistant Act;
- 1340 (c) suspend the requirements for licensure under this title and modify the scope of  
1341 practice in the circumstances described in this Subsection (4) and Subsection (5) for  
1342 medical services personnel or paramedics required to be licensed under Section  
1343 53-2d-402;
- 1344 (d) suspend requirements in Subsections 58-17b-620(3) through (6) which require  
1345 certain prescriptive procedures;
- 1346 (e) exempt or modify the requirement for licensure of an individual who is activated as a  
1347 member of a medical reserve corps during a time of emergency as provided in  
1348 Section 26A-1-126;
- 1349 (f) exempt or modify the requirement for licensure of an individual who is registered as  
1350 a volunteer health practitioner as provided in Title 26B, Chapter 4, Part 8, Uniform  
1351 Emergency Volunteer Health Practitioners Act; and
- 1352 (g) in accordance with rules made by the division in accordance with Title 63G, Chapter  
1353 3, Utah Administrative Rulemaking Act, exempt or modify the requirements for  
1354 licensure of an individual engaged in one or more of the construction trades described  
1355 in Chapter 55, Utah Construction Trades Licensing Act.
- 1356 (5) Individuals exempt under Subsection (4)(c) and individuals operating under modified



- 1357 scope of practice provisions under Subsection (4)(b):
- 1358 (a) are exempt from licensure or subject to modified scope of practice for the duration of
- 1359 the emergency;
- 1360 (b) must be engaged in the distribution of medicines or medical devices in response to
- 1361 the emergency or declaration; and
- 1362 (c) must be employed by or volunteering for:
- 1363 (i) a local or state department of health; or
- 1364 (ii) a host entity as defined in Section 26B-4-801.
- 1365 (6) In accordance with the protocols established under Subsection (8), upon the declaration
- 1366 of a national, state, or local emergency, the Department of Health and Human Services
- 1367 or a local health department shall coordinate with public safety authorities as defined in
- 1368 Subsection 26B-7-323(1) and may:
- 1369 (a) use a vaccine, antiviral, antibiotic, or other prescription medication that is not a
- 1370 controlled substance to prevent or treat a disease or condition that gave rise to, or was
- 1371 a consequence of, the emergency; or
- 1372 (b) distribute a vaccine, antiviral, antibiotic, or other prescription medication that is not a
- 1373 controlled substance:
- 1374 (i) if necessary, to replenish a commercial pharmacy in the event that the commercial
- 1375 pharmacy's normal source of the vaccine, antiviral, antibiotic, or other prescription
- 1376 medication is exhausted; or
- 1377 (ii) for dispensing or direct administration to treat the disease or condition that gave
- 1378 rise to, or was a consequence of, the emergency by:
- 1379 (A) a pharmacy;
- 1380 (B) a prescribing practitioner;
- 1381 (C) a licensed health care facility;
- 1382 (D) a federally qualified community health clinic; or
- 1383 (E) a governmental entity for use by a community more than 50 miles from a
- 1384 person described in Subsections (6)(b)(ii)(A) through (D).
- 1385 (7) In accordance with protocols established under Subsection (8), upon the declaration of a
- 1386 national, state, or local emergency, the Department of Health and Human Services shall
- 1387 coordinate the distribution of medications:
- 1388 (a) received from the strategic national stockpile to local health departments; and
- 1389 (b) from local health departments to emergency personnel within the local health
- 1390 departments' geographic region.

- 1391 (8) The Department of Health and Human Services shall establish by rule, made in  
 1392 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, protocols  
 1393 for administering, dispensing, and distributing a vaccine, an antiviral, an antibiotic, or  
 1394 other prescription medication that is not a controlled substance in the event of a  
 1395 declaration of a national, state, or local emergency. The protocol shall establish  
 1396 procedures for the Department of Health and Human Services or a local health  
 1397 department to:
- 1398 (a) coordinate the distribution of:
- 1399 (i) a vaccine, an antiviral, an antibiotic, or other prescription medication that is not a  
 1400 controlled substance received by the Department of Health and Human Services  
 1401 from the strategic national stockpile to local health departments; and
- 1402 (ii) a vaccine, an antiviral, an antibiotic, or other non-controlled prescription  
 1403 medication received by a local health department to emergency personnel within  
 1404 the local health department's geographic region;
- 1405 (b) authorize the dispensing, administration, or distribution of a vaccine, an antiviral, an  
 1406 antibiotic, or other prescription medication that is not a controlled substance to the  
 1407 contact of a patient without a patient-practitioner relationship, if the contact's  
 1408 condition is the same as that of the physician's or physician assistant's patient; and
- 1409 (c) authorize the administration, distribution, or dispensing of a vaccine, an antiviral, an  
 1410 antibiotic, or other non-controlled prescription medication to an individual who:
- 1411 (i) is working in a triage situation;
- 1412 (ii) is receiving preventative or medical treatment in a triage situation;
- 1413 (iii) does not have coverage for the prescription in the individual's health insurance  
 1414 plan;
- 1415 (iv) is involved in the delivery of medical or other emergency services in response to  
 1416 the declared national, state, or local emergency; or
- 1417 (v) otherwise has a direct impact on public health.
- 1418 (9) The Department of Health and Human Services shall give notice to the division upon  
 1419 implementation of the protocol established under Subsection (8).
- 1420 Section 24. Section **61-1-32** is amended to read:
- 1421 **61-1-32 . Exemptions from licensure.**
- 1422 (1) As used in this section, "DOD civilian" means the same as that term is defined in  
 1423 Section 53B-8-102.
- 1424 (2) Except as otherwise provided by statute or rule, the following individuals may

1425 engage in the practice of an occupation or profession regulated by this chapter, subject  
 1426 to the stated circumstances and limitations, without being licensed under this chapter:  
 1427 [~~(1)~~] (a) an individual licensed under the laws of this state, other than under this chapter,  
 1428 to practice or engage in an occupation or profession, while engaged in the lawful,  
 1429 professional, and competent practice of that occupation or profession;  
 1430 [~~(2)~~] (b) an individual serving in the armed forces of the United States, the United States  
 1431 Public Health Service, the United States Department of Veterans Affairs, or any other  
 1432 federal agency while engaged in activities regulated under this title as a part of  
 1433 employment with that federal agency if the individual holds a valid license to practice  
 1434 the regulated occupation or profession issued by any other state or jurisdiction  
 1435 recognized by the department; and  
 1436 [~~(3)~~] (c) the spouse of an individual serving in the armed forces of the United States or  
 1437 the spouse of a DOD civilian while the individual or DOD civilian is stationed within  
 1438 this state, if:  
 1439 [~~(a)~~] (i) the spouse holds a valid license to practice the regulated occupation or  
 1440 profession issued by any other state or jurisdiction recognized by the department;  
 1441 and  
 1442 [~~(b)~~] (ii) the license is current and the spouse is in good standing in the state or  
 1443 jurisdiction of licensure.

1444 Section 25. Section **61-2f-102** is amended to read:

1445 **61-2f-102 . Definitions.**

1446 As used in this chapter:

- 1447 (1) "Associate broker" means an individual who is:
- 1448 (a) employed or engaged as an independent contractor by or on behalf of a principal  
 1449 broker to perform an act described in Subsection [~~(20)~~] (21) for valuable  
 1450 consideration; and
- 1451 (b) licensed under this chapter as an associate broker.
- 1452 (2) "Branch broker" means an associate broker who manages a principal broker's branch  
 1453 office under the supervision of the principal broker.
- 1454 (3) "Branch office" means a principal broker's real estate brokerage office that is not the  
 1455 principal broker's main office.
- 1456 (4) "Business day" means a day other than:
- 1457 (a) a Saturday;
- 1458 (b) a Sunday; or

- 1459 (c) a federal or state holiday.
- 1460 (5) "Business opportunity" means the sale, lease, or exchange of any business that includes  
1461 an interest in real estate.
- 1462 (6) "Commission" means the Real Estate Commission established under this chapter.
- 1463 (7) "Concurrence" means the entities given a concurring role must jointly agree for action  
1464 to be taken.
- 1465 (8) "Condominium homeowners' association" means the condominium unit owners acting  
1466 as a group in accordance with declarations and bylaws.
- 1467 (9)(a) "Condominium hotel" means one or more condominium units that are operated as  
1468 a hotel.
- 1469 (b) "Condominium hotel" does not mean a hotel consisting of condominium units, all of  
1470 which are owned by a single entity.
- 1471 (10) "Condominium unit" means the same as that term is defined in Section 57-8-3.
- 1472 (11) "Director" means the director of the Division of Real Estate.
- 1473 (12) "Division" means the Division of Real Estate.
- 1474 (13) "DOD civilian" means the same as that term is defined in Section 53B-8-102.
- 1475 [~~(13)~~] (14) "Dual broker" means a principal broker of a real estate sales brokerage who  
1476 obtains from the division a dual broker license in order to function as the principal  
1477 broker of a property management company that is a separate entity from the real estate  
1478 sales brokerage.
- 1479 [~~(14)~~] (15) "Entity" means:
- 1480 (a) a corporation;
- 1481 (b) a partnership;
- 1482 (c) a limited liability company;
- 1483 (d) a company;
- 1484 (e) an association;
- 1485 (f) a joint venture;
- 1486 (g) a business trust;
- 1487 (h) a trust; or
- 1488 (i) any organization similar to an entity described in Subsections (14)(a) through (h).
- 1489 [~~(15)~~] (16) "Executive director" means the director of the Department of Commerce.
- 1490 [~~(16)~~] (17) "Foreclosure rescue" means, for compensation or with the expectation of  
1491 receiving valuable consideration, to:
- 1492 (a) engage, or offer to engage, in an act that:

- 1493 (i) the person represents will assist a borrower in preventing a foreclosure; and  
 1494 (ii) relates to a transaction involving the transfer of title to residential real property; or  
 1495 (b) as an employee or agent of another person:  
 1496 (i) solicit, or offer that the other person will engage in an act described in Subsection  
 1497 (16)(a); or  
 1498 (ii) negotiate terms in relationship to an act described in Subsection (16)(a).  
 1499 ~~[(17)]~~ (18) "Loan modification assistance" means, for compensation or with the expectation  
 1500 of receiving valuable consideration, to:  
 1501 (a) act, or offer to act, on behalf of a person to:  
 1502 (i) obtain a loan term of a residential mortgage loan that is different from an existing  
 1503 loan term including:  
 1504 (A) an increase or decrease in an interest rate;  
 1505 (B) a change to the type of interest rate;  
 1506 (C) an increase or decrease in the principal amount of the residential mortgage  
 1507 loan;  
 1508 (D) a change in the number of required period payments;  
 1509 (E) an addition of collateral;  
 1510 (F) a change to, or addition of, a prepayment penalty;  
 1511 (G) an addition of a cosigner; or  
 1512 (H) a change in persons obligated under the existing residential mortgage loan; or  
 1513 (ii) substitute a new residential mortgage loan for an existing residential mortgage  
 1514 loan; or  
 1515 (b) as an employee or agent of another person:  
 1516 (i) solicit, or offer that the other person will engage in an act described in Subsection [  
 1517 ~~(17)(a)]~~ (18)(a); or  
 1518 (ii) negotiate terms in relationship to an act described in Subsection [~~(17)(a)]~~ (18)(a).  
 1519 ~~[(18)]~~ (19) "Main office" means the address which a principal broker designates with the  
 1520 division as the principal broker's primary brokerage office.  
 1521 ~~[(19)]~~ (20) "Person" means an individual or entity.  
 1522 ~~[(20)]~~ (21) "Principal broker" means an individual who is licensed or required to be licensed  
 1523 as a principal broker under this chapter who:  
 1524 (a) sells or lists for sale real estate, including real estate being sold as part of a  
 1525 foreclosure rescue, or a business opportunity with the expectation of receiving  
 1526 valuable consideration;

- 1527 (b) buys, exchanges, or auctions real estate, an option on real estate, a business  
1528 opportunity, or an improvement on real estate with the expectation of receiving  
1529 valuable consideration;
- 1530 (c) advertises, offers, attempts, or otherwise holds the individual out to be engaged in the  
1531 business described in Subsection [~~(20)(a)~~] (21)(a) or (b);
- 1532 (d) is employed by or on behalf of the owner of real estate or by a prospective purchaser  
1533 of real estate and performs an act described in Subsection [~~(20)(a)~~] (21)(a), whether  
1534 the individual's compensation is at a stated salary, a commission basis, upon a salary  
1535 and commission basis, or otherwise;
- 1536 (e) with the expectation of receiving valuable consideration, manages property owned by  
1537 another person;
- 1538 (f) advertises or otherwise holds the individual out to be engaged in property  
1539 management;
- 1540 (g) with the expectation of receiving valuable consideration, assists or directs in the  
1541 procurement of prospects for or the negotiation of a transaction listed in Subsections [  
1542 ~~(20)(a)~~] (21)(a) and (e);
- 1543 (h) except for a mortgage lender, title insurance producer, or an employee of a mortgage  
1544 lender or title insurance producer, assists or directs in the closing of a real estate  
1545 transaction with the expectation of receiving valuable consideration;
- 1546 (i) engages in foreclosure rescue; or
- 1547 (j) advertises, offers, attempts, or otherwise holds the person out as being engaged in  
1548 foreclosure rescue.
- 1549 [~~(21)~~] (22)(a) "Property management" means engaging in, with the expectation of  
1550 receiving valuable consideration, the management of real estate owned by another  
1551 person or advertising or otherwise claiming to be engaged in property management  
1552 by:
- 1553 (i) advertising for, arranging, negotiating, offering, or otherwise attempting or  
1554 participating in a transaction calculated to secure the rental or leasing of real estate;
- 1555 (ii) collecting, agreeing, offering, or otherwise attempting to collect rent for the real  
1556 estate and accounting for and disbursing the money collected; or
- 1557 (iii) authorizing expenditures for repairs to the real estate.
- 1558 (b) "Property management" does not include:
- 1559 (i) hotel or motel management;
- 1560 (ii) rental of tourist accommodations, including hotels, motels, tourist homes,

1561 condominiums, condominium hotels, mobile home park accommodations,  
 1562 campgrounds, or similar public accommodations for a period of less than 30  
 1563 consecutive days, and the management activities associated with these rentals; or  
 1564 (iii) the leasing or management of surface or subsurface minerals or oil and gas  
 1565 interests, if the leasing or management is separate from a sale or lease of the  
 1566 surface estate.

1567 [~~(22)~~] (23) "Property management sales agent" means a sales agent who:

1568 (a) is affiliated with a dual broker through the dual broker's property management  
 1569 company; and

1570 (b) is designated by the dual broker as a property management sales agent.

1571 [~~(23)~~] (24) "Real estate" includes leaseholds and business opportunities involving real  
 1572 property.

1573 [~~(24)~~] (25)(a) "Regular salaried employee" means an individual who performs a service  
 1574 for wages or other remuneration, whose employer withholds federal employment  
 1575 taxes under a contract of hire, written or oral, express or implied.

1576 (b) "Regular salaried employee" does not include an individual who performs services  
 1577 on a project-by-project basis or on a commission basis.

1578 [~~(25)~~] (26) "Reinstatement" means restoring a license that has expired or has been  
 1579 suspended.

1580 [~~(26)~~] (27) "Reissuance" means the process by which a licensee may obtain a license  
 1581 following revocation of the license.

1582 [~~(27)~~] (28) "Renewal" means extending a license for an additional licensing period on or  
 1583 before the date the license expires.

1584 [~~(28)~~] (29) "Sales agent" means an individual who is:

1585 (a) affiliated with a principal broker, either as an independent contractor or an employee  
 1586 as provided in Section 61-2f-303, to perform for valuable consideration an act  
 1587 described in Subsection [~~(20)~~] (21); and

1588 (b) licensed under this chapter as a sales agent.

1589 [~~(29)~~] (30) "Vulnerable adult" means the same as that term is defined in Section 26B-6-201.  
 1590 Section 26. Section **61-2f-202** is amended to read:

1591 **61-2f-202 . Exempt persons and transactions.**

1592 (1)(a) Except as provided in Subsection (1)(b), a license under this chapter is not  
 1593 required for:

1594 (i) a person who as owner or lessor performs an act described in Subsection [

- 1595 ~~61-2f-102(20)]~~ 61-2f-102(21) with reference to real estate owned or leased by that  
 1596 person;
- 1597 (ii) a regular salaried employee of the owner or lessor of real estate who, with  
 1598 reference to nonresidential real estate owned or leased by the employer, performs  
 1599 an act described in Subsection [~~61-2f-102(20)(b)]~~ 61-2f-102(21)(b) or (c);
- 1600 (iii) a regular salaried employee of the owner of real estate who performs property  
 1601 management services with reference to real estate owned by the employer, except  
 1602 that the employee may only manage real estate for one employer;
- 1603 (iv) an individual who performs property management services for the apartments at  
 1604 which that individual resides in exchange for free or reduced rent on that  
 1605 individual's apartment;
- 1606 (v) a regular salaried employee of a condominium homeowners' association who  
 1607 manages real estate subject to the declaration of condominium that established the  
 1608 condominium homeowners' association, except that the employee may only  
 1609 manage real estate for one condominium homeowners' association;
- 1610 (vi) a regular salaried employee of a licensed property management company or real  
 1611 estate brokerage who performs support services, as prescribed by rule, for the  
 1612 property management company or real estate brokerage; or
- 1613 (vii) in the event a principal broker dies, is incapacitated, or is unable to perform the  
 1614 duties of a principal broker, an individual qualified and designated as the  
 1615 commission determines by rule made in accordance with Title 63G, Chapter 3,  
 1616 Utah Administrative Rulemaking Act, with the concurrence of the division, as an  
 1617 acting principal broker:
- 1618 (A) in relation to each transaction pending on the day on which the principal  
 1619 broker dies, becomes incapacitated, or becomes unable to perform the duties of of  
 1620 a principal broker, including the distribution of compensation for each  
 1621 transaction; and
- 1622 (B) until the day on which each transaction described in Subsection (1)(a)(vii)(A)  
 1623 is completed.
- 1624 (b) Subsection (1)(a) does not exempt from licensing:
- 1625 (i) an employee engaged in the sale of real estate regulated under:
- 1626 (A) Title 57, Chapter 11, Utah Uniform Land Sales Practices Act; or
- 1627 (B) Title 57, Chapter 19, Timeshare and Camp Resort Act;
- 1628 (ii) an employee engaged in the sale of cooperative interests regulated under Title 57,



- 1629 Chapter 23, Real Estate Cooperative Marketing Act; or
- 1630 (iii) an individual whose interest as an owner or lessor is obtained by that individual
- 1631 or transferred to that individual for the purpose of evading the application of this
- 1632 chapter, and not for another legitimate business reason.
- 1633 (2) A license under this chapter is not required for:
- 1634 (a) an isolated transaction or service by an individual holding an unsolicited, duly
- 1635 executed power of attorney from a property owner;
- 1636 (b) subject to Subsection 61-2f-401(5), services rendered by an attorney admitted to
- 1637 practice law in this state in performing the attorney's duties as an attorney;
- 1638 (c) a receiver, trustee in bankruptcy, administrator, executor, or an individual acting
- 1639 under order of a court;
- 1640 (d) a trustee or employee of a trustee under a deed of trust or a will;
- 1641 (e) a public utility, officer of a public utility, or regular salaried employee of a public
- 1642 utility, unless performance of an act described in Subsection [61-2f-102(20)]
- 1643 61-2f-102(21) is in connection with the sale, purchase, lease, or other disposition of
- 1644 real estate or investment in real estate unrelated to the principal business activity of
- 1645 that public utility;
- 1646 (f) a regular salaried employee or authorized agent working under the oversight of the
- 1647 Department of Transportation when performing an act on behalf of the Department of
- 1648 Transportation in connection with one or more of the following:
- 1649 (i) the acquisition of real estate pursuant to Section 72-5-103;
- 1650 (ii) the disposal of real estate pursuant to Section 72-5-111;
- 1651 (iii) services that constitute property management; or
- 1652 (iv) the leasing of real estate; and
- 1653 (g) a regular salaried employee of a county, city, or town when performing an act on
- 1654 behalf of the county, city, or town:
- 1655 (i) in accordance with:
- 1656 (A) if a regular salaried employee of a city or town:
- 1657 (I) Title 10, Utah Municipal Code; or
- 1658 (II) Title 11, Cities, Counties, and Local Taxing Units; and
- 1659 (B) if a regular salaried employee of a county:
- 1660 (I) Title 11, Cities, Counties, and Local Taxing Units; and
- 1661 (II) Title 17, Counties; and
- 1662 (ii) in connection with one or more of the following:

- 1663 (A) the acquisition of real estate, including by eminent domain;  
 1664 (B) the disposal of real estate;  
 1665 (C) services that constitute property management; or  
 1666 (D) the leasing of real estate.
- 1667 (3) A license under this chapter is not required for an individual registered to act as a  
 1668 broker-dealer, agent, or investment adviser under the Utah and federal securities laws in  
 1669 the sale or the offer for sale of real estate if:
- 1670 (a)(i) the real estate is a necessary element of a "security" as that term is defined by  
 1671 the Securities Act of 1933 and the Securities Exchange Act of 1934; and  
 1672 (ii) the security is registered for sale in accordance with:
- 1673 (A) the Securities Act of 1933; or  
 1674 (B) Title 61, Chapter 1, Utah Uniform Securities Act; or
- 1675 (b)(i) it is a transaction in a security for which a Form D, described in 17 C.F.R. Sec.  
 1676 239.500, has been filed with the Securities and Exchange Commission pursuant to  
 1677 Regulation D, Rule 506, 17 C.F.R. Sec. 230.506; and  
 1678 (ii) the selling agent and the purchaser are not residents of this state.
- 1679 (4) Except as otherwise provided by statute or rule, the following individuals may engage in  
 1680 the practice of an occupation or profession regulated by this chapter, subject to the stated  
 1681 circumstances and limitations, without being licensed under this chapter:
- 1682 (a) an individual licensed under the laws of this state, other than under this chapter, to  
 1683 practice or engage in an occupation or profession, while engaged in the lawful,  
 1684 professional, and competent practice of that occupation or profession;
- 1685 (b) an individual serving in the armed forces of the United States, the United States  
 1686 Public Health Service, the United States Department of Veterans Affairs, or any other  
 1687 federal agency while engaged in activities regulated under this title as a part of  
 1688 employment with that federal agency if the individual holds a valid license to practice  
 1689 the regulated occupation or profession issued by any other state or jurisdiction  
 1690 recognized by the department; and
- 1691 (c) the spouse of an individual serving in the armed forces of the United States or the  
 1692 spouse of a DOD civilian while the individual or DOD civilian is stationed within  
 1693 this state, if:
- 1694 (i) the spouse holds a valid license to practice the regulated occupation or profession  
 1695 issued by any other state or jurisdiction recognized by the department; and  
 1696 (ii) the license is current and the spouse is in good standing in the state or jurisdiction

1697 of licensure.

1698 (5) As used in this section, "owner" does not include:

1699 (a) a person who holds an option to purchase real property;

1700 (b) a mortgagee;

1701 (c) a beneficiary under a deed of trust;

1702 (d) a trustee under a deed of trust; or

1703 (e) a person who owns or holds a claim that encumbers any real property or an  
1704 improvement to the real property.

1705 (6) The commission, with the concurrence of the division, may provide, by rule made in  
1706 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1707 circumstances under which a person or transaction qualifies for an exemption that is  
1708 described in this section.

1709 Section 27. **Effective date.**

1710 This bill takes effect on May 7, 2025.