
Background and Examples of Licensing Individuals in Utah

Selected excerpts from "Utah State Government: A Citizen's Guide" written by the Office of Legislative Research and General Counsel. This is not a comprehensive list of licenses issued by Utah. For additional information, please refer to Chapter 10: Business and Labor, or contact the Office of Legislative Research and General Counsel.

The Division of Occupational and Professional Licensing (excerpts from pages 178-180)

In 1985, the legislature created the Division of Occupational and Professional Licensing to regulate various occupations and professions that are subject to state licensing in Utah.¹ It is the largest division within the Department of Commerce, and during 2004 the division regulated 151,254² individuals and entities (see Figure 1).

The division is led by a director who is appointed by the executive director of the Department of Commerce with the approval of the governor. The director holds office at the pleasure of the governor. The division works closely with boards that oversee the licensing requirements for each occupation and profession.

Occupational regulation is not new for Utah's government. Even prior to achieving statehood, the Utah Territorial Legislature passed a law to regulate the practice of medicine.³ For many years, the Division of Regulation governed occupational licensing. Currently, the Division of Occupational and Professional Licensing has responsibilities that include:⁴

- Investigating the activities of any person whose occupation or profession is regulated by the division
- Taking action against persons in violation of the laws and rules administered and enforced by the division
- Seeking injunctions and temporary restraining orders to restrain unauthorized activity
- Issuing, refusing to issue, revoking, suspending, renewing, refusing to renew, or otherwise acting upon any license
- Preparing lists of licensees and making these lists available to the public

The division receives a substantial portion of its funding from licensee fees, which typically range from \$30 to \$200.⁵ Each license issued by the division is on a two-year renewal cycle.

Aside from professional licensing and enforcement of licensing standards, the division also oversees two other programs: the medical malpractice pre-litigation program and the Residence Lien Recovery Fund. The medical malpractice pre-litigation program requires that a person wishing to initiate a medical liability case against a health care provider must first participate in an informal, nonbinding panel hearing with the division before the case can go to trial.⁶ The Residence Lien Recovery Fund protects homeowners from liens that are placed on their home by unpaid suppliers or subcontractors when the homeowner has contracted with a licensed contractor and has paid the licensed contractor for the materials or services.⁷

Figure 1

Total Licensees by Profession	
(as of 6/30/04)	
Acupuncturists	66
Advanced Practice Registered Nurses (3)	958
Alternative Dispute Resolution Providers (3)	58
Architects	1,892
Athlete Agents	13
Building Inspectors (2)	497
Burglar Alarm Agents	1,347
Burglar Alarm Companies	137
Certified Court Reporters	134
Certified Nurse Midwives (3)	112
Certified Public Accountants	3,730
Certified Public Accountancy Firms	638
Certified Registered Nurse Anesthetists	184
Chiropractic Physicians	720
Construction Trades Instructors (4)	29
Contractors	18,034
Controlled Substance Handler	24
Controlled Substance Purchaser/Distributors	14
Cosmetologist/Barbers and Interns	19,896
Cosmetology/Barber Instructors	980
Cosmetology/Barber Schools	36
Deception Detection Examiners and Interns	26
Dental Hygienists (2)	1,425
Dentists (4)	2,165
Dietitians	506
Electricians (5)	8,696
Electrologists	148
Electrologist Instructors	3
Electrology Schools	1
Engineers--Professional and Structural	7,235
Environmental Health Scientists & In-Train	245
Estheticians (2)	1,245
Esthetician Instructors	51
Esthetics Schools	12
Factory Built Housing Dealers	67
Funeral Service Directors and Apprentices	313
Funeral Service Establishments	94
Genetic Counselors	22
Geologists	923
Health Care Assistants	8,988
Health Facility Administrators	298
Hearing Instrument Specialists and Interns	103
Land Surveyors	669
Landscape Architects	313
Licensed Practical Nurses (2)	3,323
Marriage and Family Therapists and Interns	486
Massage Therapists and Apprentices	4,379
Nail Technicians	2,487
Nail Technician Instructors	46
Nail Technician Schools	6
Naturopathic Physicians (3)	16
Occupational Therapists and Apprentices	586
Optometrists (3)	403
Osteopathic Physicians	244
Pharmacists, Preceptors, Interns, Technicians	5,128
Pharmacies (15)	1,128
Physical Therapists	1,446
Physician Assistants	458
Physician/Surgeons	6,955
Plumbers (4)	4,103
Podiatric Physician	183
Pre-need Funeral Arrangement Providers and Sales Agents	251
Private Probation Officers	58
Professional Counselors and Interns	522
Professional Employer Organizations	67
Psychologists and Psychology Residents	778
Radiology & Practical Technicians	2,173
Recreational Therapists (3)	750
Registered Nurses (2)	18,882
Respiratory Care Practitioners	1,099
Security Companies	61
Security Personnel (2)	5,417
Social Workers (3)	5,214
Speech-Language Pathologists & Audiologists (3)	634

The Division of Real Estate (excerpts from page 181)

The Division of Real Estate regulates three main professions within the real estate industry: appraisers, real estate professionals (agents and brokers), and mortgage lenders (see Table 1).⁸ The number of persons licensed as appraisers remained steady over the past five years, while the number of licensed real estate professionals slowly increased during the period. In contrast, residential mortgage broker licensing has rapidly increased, because residential mortgage lending regulation within the Department of Commerce is a recent activity. Prior to passage of the Utah Residential Mortgage Practices Act in 2000,⁹ residential mortgage lending regulation occurred primarily through regulation of financial institutions. However, in recent years, residential mortgage lending through a mortgage broker, rather than through a home buyer's financial institution, has become more common.

Table 1

Real Estate Licensing in Utah¹⁰					
	2000	2001	2002	2003	2004
Appraisers	1,781	999	1,003	991	1,034
Real Estate Professionals	14,624	14,762	15,260	16,223	17,500
Mortgage Lenders	0	1,227	7,709	11,020	14,746

The Division of Securities (excerpts from pages 181-182)

In 2004, the Division of Securities regulated over 80,000 stockbroker licensees, more than 90 percent of which are from the East Coast.¹¹ As is apparent in Figure 2, the number of licensed stockbrokers fluctuates.

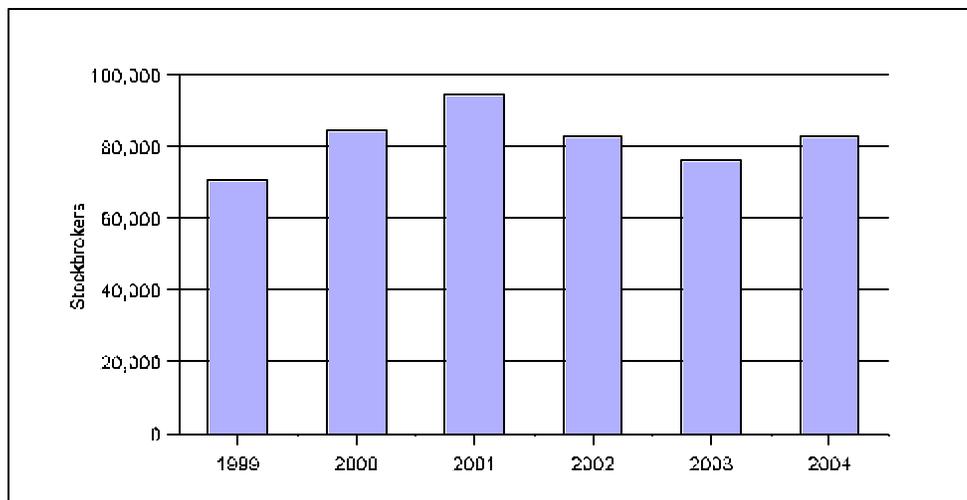


Figure 2 **Stockbrokers Licensed in Utah (1999 - 2004)**

The Department of Insurance *(excerpts from page 186)*

In addition to granting certificates of authority to insurers doing business in the state, a major function of the Insurance Department is to license many participants in the insurance industry. For example, the Insurance Department licenses producers (persons who sell, solicit, or negotiate insurance) in the following lines of authority:

- Life insurance
- Variable contracts
- Accident and health insurance
- Property insurance
- Casualty insurance
- Title insurance
- Workers' compensation insurance
- Personal lines insurance
- Surplus lines¹²

As of August 2004, the state has licensed over forty-six thousand producers.¹³ Examples of other license classifications include a customer service representative, consultant, adjuster, third party administrator, managing general agent, reinsurance intermediary, or bail bond surety company.

Endnotes:

1. 1985 Utah Laws ch. 187.

2. Lauri Arensmeyer (Division of Occupational and Professional Licensing) in discussion with Mark Steinagel (Policy Analyst, Office of Legislative Research and General Counsel), September 17, 2004.

3. 1892 Utah Laws ch. 72.

4. *Utah Code Annotated*, sec. 58-1-106 (Supp. 2005).

5. *Appropriations Act*, S.B. 1, 55th Leg., Gen. Sess. (Utah 2004).

6. *Utah Code Annotated*, secs. 78-14-1 to -17 (2002 & Supp. 2005).

7. *Utah Code Annotated*, secs. 38-11-101 to -302 (2001 & 2005).

8. Utah Dep't of Commerce, *2003 Annual Report*, 29.

9. 2000 Utah Laws ch. 329.

10. Utah Dep't of Commerce, *2003 Annual Report*, 29; Jennifer Eatchel (Division of Real Estate) in discussion with Mark Steinagel (Policy Analyst, Office of Legislative Research and General Counsel), September 7, 2004.

11. Utah Dep't of Commerce, *2003 Annual Report*, 33; Tony Taggart (Director, Division of Securities) in discussion with Mark Steinagel (Policy Analyst, Office of Legislative Research and General Counsel), September 22, 2004.

12. *Utah Code Annotated*, sec. 31A-23a-106 (2003).

13. Utah Ins. Dep't, "Forces for Change," Newsletter, August 2004, <http://www.insurance.utah.gov/Newsletter.Ind.html> (accessed September 3, 2004).