



State of Utah  
Department of Commerce  
Division of Consumer Protection

**Postsecondary Proprietary Schools – Exempt Application Instructions**

**Front Page**

On the front page of the application, in the spaces provided, please type or print the name of the school applying for the permit, not the name of the person completing the application. On the next line place the date the application is completed and mailed to the Division of Consumer Protection.

This application only needs to be completed by the applicant once, unless there is a change in ownership of the applicant or the applicant makes substantial changes to its operating procedures such that the original exemption claimed no longer applies.

**Main Application**

Item 1: Please provide the name of the applying school. This should be the same name that appears on the front page of the application. This name should be representative of the type of programs offered by the applicant. Do not provide the name of the individual filling out the application, although if this individual is a founder, owner, or in some other way affiliated with the school, their name may be part of or incorporated into the applicant school's name.

Item 2: Please provide the following addresses related to the applicant:

(A). Please provide the street address or physical address where the school's classes are taught. Please include the primary telephone and fax number at this location. If the applicant does not have a physical location where classes are taught please indicate so on the application.

(B). Please provide the address where mail is to be sent. This can be the address of the administrative offices of the school, a PO Box, or the office of a registered agent. The mailing address can be the same address as listed on line 2A above.

Item 3: Please provide the name and phone number of the applicant school's contact person. This should be the name and phone number of the person who will work directly with the Division of Consumer Protection to resolve any questions about the application. It can be the name of a director, staff member, or agent. It should not be the name and phone number of a receptionist or other clerical staff who will be referring questions to a superior or other person within the applicant organization. The contact person need not be the same person who completes this application. However, since most of the correspondence and contact with the Division will involve information contained in the application, the applicant's contact person should have knowledge of the information contained in the application.

Item 4: Please indicate, by checking "yes" or "no," whether the applicant has a parent company. A parent organization situation would include the applicant being a wholly owned or majority owned subsidiary or a division of a parent company. This would not include a majority of stock or partnership shares being owned by a single individual or the applicant being owned by sole proprietor who also owned other businesses or if the applicant is a joint venture of two or more organizations.

If the applicant does have a parent organization check "yes," and please provide the legal name of the parent organization and its mailing address.

Item 5: Please indicate, by checking all the boxes that apply, which exemptions apply to the applicant. In order to qualify for an exemption from registration at least one of the items below must apply to the applicant. Also, all courses and business practices of the applicant must conform to at least one of the exemptions claimed. For example, a postsecondary proprietary school that would not normally qualify for an exemption cannot claim an exemption from registration based on the fact that some of its courses, taken on their own, would qualify the applicant for exemption. The applicant as a whole must qualify for exemption or else it must register using the appropriate non-exempt application. If no items apply to the applicant school then the appropriate initial/renewal or review application must be completed and submitted on an annual basis. The Utah Division of Consumer Protection may conduct audits and/or contact the applicant's students in order to verify the accuracy of the exemptions claimed, the information provided, and the business practices indicated in this application. If there is a material change to the applicant's business practices that affects the applicant's exempt status the applicant must notify the Division within 30 days of the changes.

A school that would normally qualify as exempt but decides to receive a registration certificate from the Division may file the appropriate initial/renewal or review application. The applicant will be liable to abide by all application requirements, including paying the annual fee.

Note: not wanting or not being able to pay the normal application fees is not cause for exemption.

(a) Check this box only if the applicant receives the majority of its funding from one or more Utah State government subdivisions. This would include receiving annual budget appropriations through the Utah State Legislature or another Utah governmental entity. This exemption does not apply to those receiving grants that are open to all organizations meeting specific criteria, but applies only to applicants who receive their funding entirely or primarily as earmarked funds. In the space provided please supply the contact information, including the name of the governmental unit, the address, and telephone number for the government entity. Attach additional sheets as necessary.

(b) Check this box if the applicant offers programs that are intended to be taken only by individuals who are at or below the 12<sup>th</sup> grade level. This would include GED courses and other high school or lower level courses.

(c) Check this box if the only programs offered by the applicant are professional review courses designed to help customers study for a specific, professional examination such as the CPA exam or the bar exam. Governmental exams, such as the civil service examinations or the law enforcement examinations do not fall under the category of professional exams and applicants offering governmental exam preparation do not qualify as exempt and must file the appropriate annual application.

(d) Check this box if the institution is owned, controlled, operated or maintained by a bona fide church or religious denomination, which is exempted from property taxation under the laws of Utah. Please provide documentation that the bona fide church or religious denomination is exempt from property taxation under the laws of Utah and a copy of the organization's exempt status letter from the IRS. This exemption does not apply if the applicant school is the church's primary purpose, function, or asset. Please provide the name of the church along with its address and phone number.

(e) Check this box if the applicant is accredited and regulated by a regional or national accrediting agency. The accrediting agency must be recognized by the US Department of Education in order for an applicant to qualify for this exemption. Applicant must provide the Division with appropriate documentation showing the current status of accreditation. An institution, branch, extension or facility operating in Utah that is affiliated with an institution operating in another state must be separately approved by the affiliate's regional or national accrediting agency to qualify for the exemption. Documentation must be provided.

(f) Check this box if the applicant hires the majority of the people who successfully complete all the courses offered and then apply for work with the applicant. If the applicant themselves hires the majority of students that complete the instruction then the instruction of students must not be the primary purpose or source of income of the applicant. You may also claim this exemption if the primary activity is training or instruction and all the following apply: (1) the organization, association, labor union, or franchise system does not recruit students; (2) the organization, association, society, labor union, or franchise system provides courses of instruction only to students who are currently employed, (3) the cost of the course of instruction is paid for by the employer of the student, not the student; and (4) enrollment in each individual course of instruction is limited to those who are bona fide employees of the employer paying for the instruction.

Professional trade associations, fraternal societies, and labor unions are generally recognized and organized under section 501 of the IRS code.

(g) Check this box only if the applicant does not grant educational credentials in connection with the courses offered or the courses are purely recreational in nature. The applicant's courses must not relate to any vocational or job specific training and must not be advertised or indicated in any way to allow the student to pursue any type of professional license or job credential as a result of completing course work.

(h) Check this box only if all of the applicant's programs last less than three calendar days and no academic credit is awarded at the end of the three day course or seminar. This exemption applies only to applicants offering workshops and seminars where there is no promise of being able to obtain any type of vocational license or other job related credential at the end of the workshop or seminar.

(i) Check this box if the applicant provides education or instruction related to barbering, cosmetology, real estate, or insurance and the applicant has been licensed by the appropriate division within the Utah State government or the US Federal government. Please provide the type of license the applicant has from the Utah State Government or US Federal agency and the name of that agency along with the address, and phone number of the license grantor. Please also provide the expiration date of the current license and attach a copy of the license.

(j) Check this box only if the applicant provides real estate education and is licensed through the Utah Division of Real Estate in accordance with Utah Code Ann. §61-2c-103 to offer education courses. Please provide a copy of the license from the Utah Division of Real Estate.

(k) Check this box only if the applicant is a flight training school, either helicopter, fixed wing, or both, and the only means of payment available to the students is one in which the student receives all instruction that has been paid for within 24 hours of making the payment. If tuition is collected more than 24 hours in advance then this exemption does not apply. Placing student money in a trust account or any other type of position in any way associated with or controlled by the applicant is a violation of this exemption.

(l) Check this box if the applicant has had all their courses, course coordinators, and instructors approved by the Department of Health and the applicant is recognized by the Department of Health as providing only emergency medical services instruction and training. Please provide documentation from the Department of Health.

Item 6: By signing this application the applicant acknowledges that the Utah Division of Consumer Protection may contact various state and/or federal agencies, including those listed by the applicant in this application. The purposes of this contact may include, but are not limited to, verifying or auditing the accuracy of information provided in this application, to request records related to information provided in this application, to notify a third party of corrective action taken by the Division for violation of Utah State law, or to request corrective action be taken by a third party in consequence of a violation of Utah State law.

Item 7: Please date and sign the application in the space provided. The application needs to be signed by an officer or director of the applicant with the authority to sign legal documents. By signing you understand that should the applicant be found to have been operating without a permit the applicant may be subject to fines of up to \$100 per day of operation. The applicant may also be subject to a fine of up to \$1,000 per day for operating under an exemption it did not in fact qualify for and up to \$5,000 per day for making intentionally misleading statements about applicable exemptions. Below the signature line please indicate the office of the person signing the application.

Note: Please provide an attachment stating how the institution meets the exemption selected. Additionally, please provide copies of all supporting documentation as requested above.