1 # ALARM COMPANY EMPLOYEE LICENSING
2 2013 GENERAL SESSION
3 STATE OF UTAH
4
5 **LONG TITLE**
6 **General Description:**
7 This bill modifies provisions relating to the licensing of alarm company employees.
8 **Highlighted Provisions:**
9 This bill:
10 ▸ modifies the definition of "alarm company agent" to exclude certain alarm company
11 employees from licensing requirements.
12 **Money Appropriated in this Bill:**
13 None
14 **Other Special Clauses:**
15 None
16 **Utah Code Sections Affected:**
17 AMENDS:
18 **58-55-102**, as last amended by Laws of Utah 2012, Chapter 25
19
20 *Be it enacted by the Legislature of the state of Utah:*
21 Section 1. Section **58-55-102** is amended to read:
22 **58-55-102. Definitions.**
23 In addition to the definitions in Section 58-1-102, as used in this chapter:
24 (1) (a) "Alarm business or company" means a person engaged in the sale, installation,
25 maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system,
26 except as provided in Subsection (1)(b).
27 (b) "Alarm business or company" does not include:
28 (i) a person engaged in the manufacture and sale of alarm systems when that person is
29 not engaged in the installation, maintenance, alteration, repair, replacement, servicing, or
30 monitoring of alarm systems, and the manufacture or sale occurs only at a place of business
31 established by the person engaged in the manufacture or sale and does not involve site visits at
32 the place or intended place of installation of an alarm system; or

33 (ii) an owner of an alarm system, or an employee of the owner of an alarm system who
34 is engaged in installation, maintenance, alteration, repair, replacement, servicing, or monitoring
35 of the alarm system owned by that owner.
36 (2) "Alarm company agent":
37 (a) except as provided in Subsection (2)(b), means any individual employed within this
38 state by a person engaged in the alarm business[~~.~~]; and
39 (b) does not include an individual who:
40 (i) is not engaged in the sale, installation, maintenance, alteration, repair, replacement,
41 servicing, or monitoring of an alarm system; and
42 (ii) does not, during the normal course of the individual's employment with an alarm
43 business, use or have access to information about a customer of the alarm business or customer
44 premises protected or to be protected by an alarm system provided by the alarm business.
45 (3) "Alarm system" means equipment and devices assembled for the purpose of:
46 (a) detecting and signaling unauthorized intrusion or entry into or onto certain
47 premises; or
48 (b) signaling a robbery or attempted robbery on protected premises.
49 (4) "Apprentice electrician" means a person licensed under this chapter as an
50 apprentice electrician who is learning the electrical trade under the immediate supervision of a
51 master electrician, residential master electrician, a journeyman electrician, or a residential
52 journeyman electrician.
53 (5) "Apprentice plumber" means a person licensed under this chapter as an apprentice
54 plumber who is learning the plumbing trade under the immediate supervision of a master
55 plumber, residential master plumber, journeyman plumber, or a residential journeyman
56 plumber.
57 (6) "Approved continuing education" means instruction provided through courses
58 under a program established under Subsection 58-55-302.5(2).
59 (7) "Board" means the Electrician Licensing Board, Alarm System Security and
60 Licensing Board, or Plumbers Licensing Board created in Section 58-55-201.
61 (8) "Combustion system" means an assembly consisting of:
62 (a) piping and components with a means for conveying, either continuously or
63 intermittently, natural gas from the outlet of the natural gas provider's meter to the burner of the

64 appliance;
65 (b) the electric control and combustion air supply and venting systems, including air
66 ducts; and
67 (c) components intended to achieve control of quantity, flow, and pressure.
68 (9) "Commission" means the Construction Services Commission created under Section
69 58-55-103.
70 (10) "Construction trade" means any trade or occupation involving:
71 (a) (i) construction, alteration, remodeling, repairing, wrecking or demolition, addition
72 to, or improvement of any building, highway, road, railroad, dam, bridge, structure, excavation
73 or other project, development, or improvement to other than personal property; and
74 (ii) constructing, remodeling, or repairing a manufactured home or mobile home as
75 defined in Section 15A-1-302; or
76 (b) installation or repair of a residential or commercial natural gas appliance or
77 combustion system.
78 (11) "Construction trades instructor" means a person licensed under this chapter to
79 teach one or more construction trades in both a classroom and project environment, where a
80 project is intended for sale to or use by the public and is completed under the direction of the
81 instructor, who has no economic interest in the project.
82 (12) (a) "Contractor" means any person who for compensation other than wages as an
83 employee undertakes any work in the construction, plumbing, or electrical trade for which
84 licensure is required under this chapter and includes:
85 (i) a person who builds any structure on the person's own property for the purpose of
86 sale or who builds any structure intended for public use on the person's own property;
87 (ii) any person who represents that the person is a contractor by advertising or any
88 other means;
89 (iii) any person engaged as a maintenance person, other than an employee, who
90 regularly engages in activities set forth under the definition of "construction trade";
91 (iv) any person engaged in any construction trade for which licensure is required under
92 this chapter; or
93 (v) a construction manager who performs management and counseling services on a
94 construction project for a fee.

95 (b) "Contractor" does not include an alarm company or alarm company agent.
96 (13) (a) "Electrical trade" means the performance of any electrical work involved in the
97 installation, construction, alteration, change, repair, removal, or maintenance of facilities,
98 buildings, or appendages or appurtenances.
99 (b) "Electrical trade" does not include:
100 (i) transporting or handling electrical materials;
101 (ii) preparing clearance for raceways for wiring; or
102 (iii) work commonly done by unskilled labor on any installations under the exclusive
103 control of electrical utilities.
104 (c) For purposes of Subsection (13)(b):
105 (i) no more than one unlicensed person may be so employed unless more than five
106 licensed electricians are employed by the shop; and
107 (ii) a shop may not employ unlicensed persons in excess of the five-to-one ratio
108 permitted by this Subsection (13)(c).
109 (14) "Elevator" has the same meaning as defined in Section 34A-7-202, except that for
110 purposes of this chapter it does not mean a stair chair, a vertical platform lift, or an incline
111 platform lift.
112 (15) "Elevator contractor" means a sole proprietor, firm, or corporation licensed under
113 this chapter that is engaged in the business of erecting, constructing, installing, altering,
114 servicing, repairing, or maintaining an elevator.
115 (16) "Elevator mechanic" means an individual who is licensed under this chapter as an
116 elevator mechanic and who is engaged in erecting, constructing, installing, altering, servicing,
117 repairing, or maintaining an elevator under the immediate supervision of an elevator contractor.
118 (17) "Employee" means an individual as defined by the division by rule giving
119 consideration to the definition adopted by the Internal Revenue Service and the Department of
120 Workforce Services.
121 (18) "Engage in a construction trade" means to:
122 (a) engage in, represent oneself to be engaged in, or advertise oneself as being engaged
123 in a construction trade; or
124 (b) use the name "contractor" or "builder" or in any other way lead a reasonable person
125 to believe one is or will act as a contractor.

126 (19) (a) "Financial responsibility" means a demonstration of a current and expected
127 future condition of financial solvency evidencing a reasonable expectation to the division and
128 the board that an applicant or licensee can successfully engage in business as a contractor
129 without jeopardy to the public health, safety, and welfare.
130 (b) Financial responsibility may be determined by an evaluation of the total history
131 concerning the licensee or applicant including past, present, and expected condition and record
132 of financial solvency and business conduct.
133 (20) "Gas appliance" means any device that uses natural gas to produce light, heat,
134 power, steam, hot water, refrigeration, or air conditioning.
135 (21) (a) "General building contractor" means a person licensed under this chapter as a
136 general building contractor qualified by education, training, experience, and knowledge to
137 perform or superintend construction of structures for the support, shelter, and enclosure of
138 persons, animals, chattels, or movable property of any kind or any of the components of that
139 construction except plumbing, electrical work, mechanical work, work related to the operating
140 integrity of an elevator, and manufactured housing installation, for which the general building
141 contractor shall employ the services of a contractor licensed in the particular specialty, except
142 that a general building contractor engaged in the construction of single-family and multifamily
143 residences up to four units may perform the mechanical work and hire a licensed plumber or
144 electrician as an employee.
145 (b) The division may by rule exclude general building contractors from engaging in the
146 performance of other construction specialties in which there is represented a substantial risk to
147 the public health, safety, and welfare, and for which a license is required unless that general
148 building contractor holds a valid license in that specialty classification.
149 (22) (a) "General engineering contractor" means a person licensed under this chapter as
150 a general engineering contractor qualified by education, training, experience, and knowledge to
151 perform construction of fixed works in any of the following: irrigation, drainage, water, power,
152 water supply, flood control, inland waterways, harbors, railroads, highways, tunnels, airports
153 and runways, sewers and bridges, refineries, pipelines, chemical and industrial plants requiring
154 specialized engineering knowledge and skill, piers, and foundations, or any of the components
155 of those works.
156 (b) A general engineering contractor may not perform construction of structures built

157 primarily for the support, shelter, and enclosure of persons, animals, and chattels.

158 (23) "Immediate supervision" means reasonable direction, oversight, inspection, and
159 evaluation of the work of a person:

160 (a) as the division specifies in rule;

161 (b) by, as applicable, a qualified electrician or plumber;

162 (c) as part of a planned program of training; and

163 (d) to ensure that the end result complies with applicable standards.

164 (24) "Individual" means a natural person.

165 (25) "Journeyman electrician" means a person licensed under this chapter as a
166 journeyman electrician having the qualifications, training, experience, and knowledge to wire,
167 install, and repair electrical apparatus and equipment for light, heat, power, and other purposes.

168 (26) "Journeyman plumber" means a person licensed under this chapter as a
169 journeyman plumber having the qualifications, training, experience, and technical knowledge
170 to engage in the plumbing trade.

171 (27) "Master electrician" means a person licensed under this chapter as a master
172 electrician having the qualifications, training, experience, and knowledge to properly plan,
173 layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment
174 for light, heat, power, and other purposes.

175 (28) "Master plumber" means a person licensed under this chapter as a master plumber
176 having the qualifications, training, experience, and knowledge to properly plan and layout
177 projects and supervise persons in the plumbing trade.

178 (29) "Person" means a natural person, sole proprietorship, joint venture, corporation,
179 limited liability company, association, or organization of any type.

180 (30) (a) "Plumbing trade" means the performance of any mechanical work pertaining to
181 the installation, alteration, change, repair, removal, maintenance, or use in buildings, or within
182 three feet beyond the outside walls of buildings of pipes, fixtures, and fittings for:

183 (i) delivery of the water supply;

184 (ii) discharge of liquid and water carried waste; or

185 (iii) the building drainage system within the walls of the building.

186 (b) "Plumbing trade" includes work pertaining to the water supply, distribution pipes,
187 fixtures and fixture traps, soil, waste and vent pipes, and the building drain and roof drains

188 together with their devices, appurtenances, and connections where installed within the outside
189 walls of the building.
190 (31) (a) "Ratio of apprentices" means, for the purpose of determining compliance with
191 the requirements for planned programs of training and electrician apprentice licensing
192 applications, the shop ratio of apprentice electricians to journeyman or master electricians shall
193 be one journeyman or master electrician to one apprentice on industrial and commercial work,
194 and one journeyman or master electrician to three apprentices on residential work.
195 (b) On-the-job training shall be under circumstances in which the ratio of apprentices
196 to supervisors is in accordance with a ratio of one-to-one on nonresidential work and up to
197 three apprentices to one supervisor on residential projects.
198 (32) "Residential and small commercial contractor" means a person licensed under this
199 chapter as a residential and small commercial contractor qualified by education, training,
200 experience, and knowledge to perform or superintend the construction of single-family
201 residences, multifamily residences up to four units, and commercial construction of not more
202 than three stories above ground and not more than 20,000 square feet, or any of the components
203 of that construction except plumbing, electrical work, mechanical work, and manufactured
204 housing installation, for which the residential and small commercial contractor shall employ
205 the services of a contractor licensed in the particular specialty, except that a residential and
206 small commercial contractor engaged in the construction of single-family and multifamily
207 residences up to four units may perform the mechanical work and hire a licensed plumber or
208 electrician as an employee.
209 (33) "Residential building," as it relates to the license classification of residential
210 journeyman plumber and residential master plumber, means a single or multiple family
211 dwelling of up to four units.
212 (34) "Residential journeyman electrician" means a person licensed under this chapter
213 as a residential journeyman electrician having the qualifications, training, experience, and
214 knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power,
215 and other purposes on buildings using primarily nonmetallic sheath cable.
216 (35) "Residential journeyman plumber" means a person licensed under this chapter as a
217 residential journeyman plumber having the qualifications, training, experience, and knowledge
218 to engage in the plumbing trade as limited to the plumbing of residential buildings.

219 (36) "Residential master electrician" means a person licensed under this chapter as a
220 residential master electrician having the qualifications, training, experience, and knowledge to
221 properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus
222 and equipment for light, heat, power, and other purposes on residential projects.
223 (37) "Residential master plumber" means a person licensed under this chapter as a
224 residential master plumber having the qualifications, training, experience, and knowledge to
225 properly plan and layout projects and supervise persons in the plumbing trade as limited to the
226 plumbing of residential buildings.
227 (38) "Residential project," as it relates to an electrician or electrical contractor, means
228 buildings primarily wired with nonmetallic sheathed cable, in accordance with standard rules
229 and regulations governing this work, including the National Electrical Code, and in which the
230 voltage does not exceed 250 volts line to line and 125 volts to ground.
231 (39) (a) "Specialty contractor" means a person licensed under this chapter under a
232 specialty contractor classification established by rule, who is qualified by education, training,
233 experience, and knowledge to perform those construction trades and crafts requiring
234 specialized skill, the regulation of which are determined by the division to be in the best
235 interest of the public health, safety, and welfare.
236 (b) A specialty contractor may perform work in crafts or trades other than those in
237 which the specialty contractor is licensed if they are incidental to the performance of the
238 specialty contractor's licensed craft or trade.
239 (40) "Unincorporated entity" means an entity that is not:
240 (a) an individual;
241 (b) a corporation; or
242 (c) publicly traded.
243 (41) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-55-501.
244 (42) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-55-502 and as
245 may be further defined by rule.
246 (43) "Wages" means amounts due to an employee for labor or services whether the
247 amount is fixed or ascertained on a time, task, piece, commission, or other basis for calculating
248 the amount.