

**DEREGULATION OF GENERAL BUILDING
CONTRACTORS**

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Gregory H. Hughes

LONG TITLE

General Description:

This bill requires the Occupational and Professional Licensure Review Committee to study the deregulation of general building contractors.

Highlighted Provisions:

This bill:

- ▶ requires the Occupational and Professional Licensure Review Committee to study the deregulation of general building contractors licensed under the Utah Construction Trades Licensing Act;

- ▶ requires the committee to consider several options in its study, ranging from total deregulation to maintaining the current licensing program; and

- ▶ requires the committee to present its findings to the Legislature's Business and Labor Interim Committee by November 30, 2005.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:

AMENDS:

36-23-106, as enacted by Chapter 152, Laws of Utah 1999

Uncodified Material Affected:



28 ENACTS UNCODIFIED MATERIAL
29

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

31 Section 1. Section **36-23-106** is amended to read:

32 **36-23-106. Duties.**

33 The committee shall:

34 (1) receive applications from representatives of professions or occupations which are
35 seeking legislation to license or regulate that profession or occupation;

36 (2) hold public hearings to review applications received under Subsection (1) and to
37 determine, based upon the criteria in Section 36-23-107, if the profession or occupation should
38 be licensed or regulated by the state;

39 (3) conduct sunset reviews, based upon the criteria in Section 36-23-107, Title 63,
40 Chapter 55, Legislative Oversight and Sunset Act, and other appropriate criteria, for any
41 occupational or professional license classifications which are referred to the committee by [~~any~~
42 ~~other~~] a legislative committee or action of the Legislature; and

43 (4) submit a written report to the speaker of the House of Representatives and the
44 president of the Senate of all findings and recommendations made by the committee under
45 Subsections (2) and (3).

46 Section 2. **Licensing study.**

47 (1) (a) The Occupational and Professional Licensure Review Committee shall study the
48 deregulation of general building contractors licensed under Title 58, Chapter 55, Utah
49 Construction Trades Licensing Act.

50 (b) As part of its study, the committee shall consider the following options:

51 (i) total deregulation;

52 (ii) modification of licensing requirements and elimination of the licensing board for
53 general building contractors;

54 (iii) transfer of the regulatory responsibility from the Division of Occupational and
55 Professional Licensing to another entity; and

56 (iv) maintaining the current licensing and regulatory program.

57 (2) The committee shall complete the study required under Subsection (1) and present
58 its findings, including any proposed legislation, to the Legislature's Business and Labor Interim

59 Committee by November 30, 2005.

60 Section 3. **Effective date.**

61 If approved by two-thirds of all the members elected to each house, this bill takes effect
62 upon approval by the governor, or the day following the constitutional time limit of Utah
63 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
64 the date of veto override.

Legislative Review Note

as of 12-10-04 9:35 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0193

Deregulation of General Building Contractors

18-Jan-05

7:02 PM

State Impact

Implementation can be done within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst