

MASTER PLUMBER LICENSING

2008 GENERAL SESSION

STATE OF UTAH

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LONG TITLE

General Description:

This bill modifies provisions of the Utah Construction Trades Licensing Act by providing for new license classifications of master plumber and residential master plumber in the plumbing trade.

Highlighted Provisions:

This bill:

- ▶ defines "master plumber" and "residential master plumber" for the purpose of license classification in the plumbing trade;
- ▶ modifies provisions related to the composition of the Plumbers Licensing Board;
- ▶ recognizes master plumbers and residential master plumbers as license classifications under the Utah Construction Trades Licensing Act;
- ▶ provides educational and practical experience qualifications for licensure as a master

34 plumber and residential master plumber; and

35 ▶ makes certain technical changes.

36 **Monies Appropriated in this Bill:**

37 None

38 **Other Special Clauses:**

39 None

40 **Utah Code Sections Affected:**

41 AMENDS:

42 **58-55-102**, as last amended by Laws of Utah 2006, Chapter 73

43 **58-55-201**, as last amended by Laws of Utah 2002, Chapter 241

44 **58-55-301**, as last amended by Laws of Utah 2000, Chapter 317

45 **58-55-302**, as last amended by Laws of Utah 2006, Chapter 122

46

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

48 Section 1. Section **58-55-102** is amended to read:

49 **58-55-102. Definitions.**

50 In addition to the definitions in Section 58-1-102, as used in this chapter:

51 (1) (a) "Alarm business or company" means a person engaged in the sale, installation,
52 maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system, except
53 as provided in Subsection (1)(b).

54 (b) "Alarm business or company" does not include:

55 (i) a person engaged in the manufacture and sale of alarm systems when that person is
56 not engaged in the installation, maintenance, alteration, repair, replacement, servicing, or
57 monitoring of alarm systems, and the manufacture or sale occurs only at a place of business
58 established by the person engaged in the manufacture or sale and does not involve site visits at
59 the place or intended place of installation of an alarm system; or

60 (ii) an owner of an alarm system, or an employee of the owner of an alarm system who
61 is engaged in installation, maintenance, alteration, repair, replacement, servicing, or monitoring

62 of the alarm system owned by that owner.

63 (2) "Alarm company agent" means any individual employed within this state by a person
64 engaged in the alarm business.

65 (3) "Alarm system" means equipment and devices assembled for the purpose of:

66 (a) detecting and signaling unauthorized intrusion or entry into or onto certain premises;

67 or

68 (b) signaling a robbery or attempted robbery on protected premises.

69 (4) "Apprentice electrician" means a person licensed under this chapter as an apprentice
70 electrician who is learning the electrical trade under approved supervision of a master
71 electrician, residential master electrician, a journeyman electrician, or a residential journeyman
72 electrician.

73 (5) "Apprentice plumber" means a person licensed under this chapter as an apprentice
74 plumber who is learning the plumbing trade under approved supervision of a master plumber,
75 residential master plumber, journeyman plumber, or a residential journeyman plumber.

76 (6) "Approved supervision" means the immediate supervision of apprentices by
77 qualified licensed electricians or plumbers as a part of a planned program of training.

78 (7) "Board" means the Electrician Licensing Board, Alarm System Security and
79 Licensing Board, or Plumbers Licensing Board created in Section 58-55-201.

80 (8) "Combustion system" means an assembly consisting of:

81 (a) piping and components with a means for conveying, either continuously or
82 intermittently, natural gas from the outlet of the natural gas provider's meter to the burner of the
83 appliance;

84 (b) the electric control and combustion air supply and venting systems, including air
85 ducts; and

86 (c) components intended to achieve control of quantity, flow, and pressure.

87 (9) "Commission" means the Construction Services Commission created under Section
88 58-55-103.

89 (10) "Construction trade" means any trade or occupation involving:

90 (a) (i) construction, alteration, remodeling, repairing, wrecking or demolition, addition
91 to, or improvement of any building, highway, road, railroad, dam, bridge, structure, excavation
92 or other project, development, or improvement to other than personal property; and

93 (ii) constructing, remodeling, or repairing a manufactured home or mobile home as
94 defined in Section 58-56-3; or

95 (b) installation or repair of a residential or commercial natural gas appliance or
96 combustion system.

97 (11) "Construction trades instructor" means a person licensed under this chapter to
98 teach one or more construction trades in both a classroom and project environment, where a
99 project is intended for sale to or use by the public and is completed under the direction of the
100 instructor, who has no economic interest in the project.

101 (12) (a) "Contractor" means any person who for compensation other than wages as an
102 employee undertakes any work in the construction, plumbing, or electrical trade for which
103 licensure is required under this chapter and includes:

104 (i) a person who builds any structure on his own property for the purpose of sale or
105 who builds any structure intended for public use on his own property;

106 (ii) any person who represents himself to be a contractor by advertising or any other
107 means;

108 (iii) any person engaged as a maintenance person, other than an employee, who
109 regularly engages in activities set forth under the definition of "construction trade";

110 (iv) any person engaged in any construction trade for which licensure is required under
111 this chapter; or

112 (v) a construction manager who performs management and counseling services on a
113 construction project for a fee.

114 (b) "Contractor" does not include an alarm company or alarm company agent.

115 (13) (a) "Electrical trade" means the performance of any electrical work involved in the
116 installation, construction, alteration, change, repair, removal, or maintenance of facilities,
117 buildings, or appendages or appurtenances.

- 118 (b) "Electrical trade" does not include:
- 119 (i) transporting or handling electrical materials;
- 120 (ii) preparing clearance for raceways for wiring; or
- 121 (iii) work commonly done by unskilled labor on any installations under the exclusive
- 122 control of electrical utilities.
- 123 (c) For purposes of Subsection (13)(b):
- 124 (i) no more than one unlicensed person may be so employed unless more than five
- 125 licensed electricians are employed by the shop; and
- 126 (ii) a shop may not employ unlicensed persons in excess of the five-to-one ratio
- 127 permitted by this Subsection (13)(c).
- 128 (14) "Employee" means an individual as defined by the division by rule giving
- 129 consideration to the definition adopted by the Internal Revenue Service and the Department of
- 130 Workforce Services.
- 131 (15) "Engage in a construction trade" means to:
- 132 (a) engage in, represent oneself to be engaged in, or advertise oneself as being engaged
- 133 in a construction trade; or
- 134 (b) use the name "contractor" or "builder" or in any other way lead a reasonable person
- 135 to believe one is or will act as a contractor.
- 136 (16) (a) "Financial responsibility" means a demonstration of a current and expected
- 137 future condition of financial solvency evidencing a reasonable expectation to the division and
- 138 the board that an applicant or licensee can successfully engage in business as a contractor
- 139 without jeopardy to the public health, safety, and welfare.
- 140 (b) Financial responsibility may be determined by an evaluation of the total history
- 141 concerning the licensee or applicant including past, present, and expected condition and record
- 142 of financial solvency and business conduct.
- 143 (17) "Gas appliance" means any device that uses natural gas to produce light, heat,
- 144 power, steam, hot water, refrigeration, or air conditioning.
- 145 (18) (a) "General building contractor" means a person licensed under this chapter as a

146 general building contractor qualified by education, training, experience, and knowledge to
147 perform or superintend construction of structures for the support, shelter, and enclosure of
148 persons, animals, chattels, or movable property of any kind or any of the components of that
149 construction except plumbing, electrical work, mechanical work, and manufactured housing
150 installation, for which the general building contractor shall employ the services of a contractor
151 licensed in the particular specialty, except that a general building contractor engaged in the
152 construction of single-family and multifamily residences up to four units may perform the
153 mechanical work and hire a licensed plumber or electrician as an employee.

154 (b) The division may by rule exclude general building contractors from engaging in the
155 performance of other construction specialties in which there is represented a substantial risk to
156 the public health, safety, and welfare, and for which a license is required unless that general
157 building contractor holds a valid license in that specialty classification.

158 (19) (a) "General engineering contractor" means a person licensed under this chapter as
159 a general engineering contractor qualified by education, training, experience, and knowledge to
160 perform construction of fixed works in any of the following: irrigation, drainage, water, power,
161 water supply, flood control, inland waterways, harbors, railroads, highways, tunnels, airports
162 and runways, sewers and bridges, refineries, pipelines, chemical and industrial plants requiring
163 specialized engineering knowledge and skill, piers, and foundations, or any of the components
164 of those works.

165 (b) A general engineering contractor may not perform construction of structures built
166 primarily for the support, shelter, and enclosure of persons, animals, and chattels.

167 (20) "Immediate supervision" means reasonable direction, oversight, inspection, and
168 evaluation of the work of a person, in or out of the immediate presence of the supervising
169 person, so as to ensure that the end result complies with applicable standards.

170 (21) "Individual" means a natural person.

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

174 (23) "Journeyman plumber" means a person licensed under this chapter as a journeyman
175 plumber having the qualifications, training, experience, and technical knowledge to engage in
176 the plumbing trade.

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

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

184 [~~25~~] (26) "Person" means a natural person, sole proprietorship, joint venture,
185 corporation, limited liability company, association, or organization of any type.

186 [~~26~~] (27) (a) "Plumbing trade" means the performance of any mechanical work
187 pertaining to the installation, alteration, change, repair, removal, maintenance, or use in
188 buildings, or within three feet beyond the outside walls of buildings of pipes, fixtures, and
189 fittings for:

- 190 (i) delivery of the water supply;
- 191 (ii) discharge of liquid and water carried waste; or
- 192 (iii) the building drainage system within the walls of the building.

193 (b) "Plumbing trade" includes work pertaining to the water supply, distribution pipes,
194 fixtures and fixture traps, soil, waste and vent pipes, and the building drain and roof drains
195 together with their devices, appurtenances, and connections where installed within the outside
196 walls of the building.

197 [~~27~~] (28) (a) "Ratio of apprentices" means, for the purpose of determining compliance
198 with the requirements for planned programs of training and electrician apprentice licensing
199 applications, the shop ratio of apprentice electricians to journeyman or master electricians shall
200 be one journeyman or master electrician to one apprentice on industrial and commercial work,
201 and one journeyman or master electrician to three apprentices on residential work.

202 (b) On-the-job training shall be under circumstances in which the ratio of apprentices to
203 supervisors is in accordance with a ratio of one-to-one on nonresidential work and up to three
204 apprentices to one supervisor on residential projects.

205 ~~[(28)]~~ (29) "Residential and small commercial contractor" means a person licensed
206 under this chapter as a residential and small commercial contractor qualified by education,
207 training, experience, and knowledge to perform or superintend the construction of single-family
208 residences, multifamily residences up to four units, and commercial construction of not more
209 than three stories above ground and not more than 20,000 square feet, or any of the
210 components of that construction except plumbing, electrical work, mechanical work, and
211 manufactured housing installation, for which the residential and small commercial contractor
212 shall employ the services of a contractor licensed in the particular specialty, except that a
213 residential and small commercial contractor engaged in the construction of single-family and
214 multifamily residences up to four units may perform the mechanical work and hire a licensed
215 plumber or electrician as an employee.

216 ~~[(29) "Residential apprentice plumber" means a person licensed under this chapter as a
217 residential apprentice plumber who is learning the residential plumbing trade while working on
218 residential buildings under the approved supervision of a residential journeyman plumber or a
219 journeyman plumber.]~~

220 (30) "Residential building," as it relates to the license classification of ~~[residential
221 apprentice plumber and]~~ residential journeyman plumber~~[-]~~ and residential master plumber,
222 means a single or multiple family dwelling of up to four units.

223 (31) "Residential journeyman electrician" means a person licensed under this chapter as
224 a residential journeyman electrician having the qualifications, training, experience, and
225 knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power,
226 and other purposes on buildings using primarily nonmetallic sheath cable.

227 (32) "Residential journeyman plumber" means a person licensed under this chapter as a
228 residential journeyman plumber having the qualifications, training, experience, and knowledge
229 to engage in the plumbing trade as limited to the plumbing of residential buildings.

230 (33) "Residential master electrician" means a person licensed under this chapter as a
 231 residential master electrician having the qualifications, training, experience, and knowledge to
 232 properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus
 233 and equipment for light, heat, power, and other purposes on residential projects.

234 (34) "Residential master plumber" means a person licensed under this chapter as a
 235 residential master plumber having the qualifications, training, experience, and knowledge to
 236 properly plan and layout projects and supervise persons in the plumbing trade as limited to the
 237 plumbing of residential buildings.

238 [~~34~~] (35) "Residential project," as it relates to an electrician or electrical contractor,
 239 means buildings primarily wired with nonmetallic sheathed cable, in accordance with standard
 240 rules and regulations governing this work, including the National Electrical Code, and in which
 241 the voltage does not exceed 250 volts line to line and 125 volts to ground.

242 [~~35~~] (36) (a) "Specialty contractor" means a person licensed under this chapter under
 243 a specialty contractor classification established by rule, who is qualified by education, training,
 244 experience, and knowledge to perform those construction trades and crafts requiring specialized
 245 skill, the regulation of which are determined by the division to be in the best interest of the
 246 public health, safety, and welfare.

247 (b) A specialty contractor may perform work in crafts or trades other than those in
 248 which he is licensed if they are incidental to the performance of his licensed craft or trade.

249 [~~36~~] (37) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-55-501.

250 [~~37~~] (38) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-55-502
 251 and as may be further defined by rule.

252 [~~38~~] (39) "Wages" means amounts due to an employee for labor or services whether
 253 the amount is fixed or ascertained on a time, task, piece, commission, or other basis for
 254 calculating the amount.

255 Section 2. Section **58-55-201** is amended to read:

256 **58-55-201. Boards created -- Duties.**

257 (1) There is created a Plumbers Licensing Board, an Alarm System Security and

258 Licensing Board, and an Electricians Licensing Board. Members of the boards shall be selected
259 to provide representation as follows:

260 (a) The Plumbers Licensing Board consists of five members as follows:

261 [~~(i) four members shall be licensed journeyman plumbers, of whom two shall be licensed~~
262 ~~plumbing contractors; and]~~

263 (i) two members shall be licensed from among the license classifications of master or
264 journeyman plumber;

265 (ii) two members shall be licensed plumbing contractors; and

266 [~~(ii)~~] (iii) one member shall be from the public at large with no history of involvement in
267 the construction trades.

268 (b) (i) The Alarm System Security and Licensing Board consists of five members as
269 follows:

270 (A) three individuals who are officers or owners of a licensed alarm business;

271 (B) one individual from among nominees of the Utah Peace Officers Association; and

272 (C) one individual representing the general public.

273 (ii) The Alarm System Security and Licensing Board shall designate one of its members
274 on a permanent or rotating basis to:

275 (A) assist the division in reviewing complaints concerning the unlawful or
276 unprofessional conduct of a licensee; and

277 (B) advise the division in its investigation of these complaints.

278 (iii) A board member who has, under this Subsection [~~(3)~~] (1)(b)(iii), reviewed a
279 complaint or advised in its investigation is disqualified from participating with the board when
280 the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

281 (c) The Electricians Licensing Board consists of five members as follows:

282 (i) two members shall be licensed from among the license classifications of master or
283 journeyman electrician, of whom one shall represent a union organization and one shall be
284 selected having no union affiliation;

285 (ii) two shall be licensed electrical contractors of whom one shall represent a union

286 organization and one shall be selected having no union affiliation; and

287 (iii) one member shall be from the public at large with no history of involvement in the
288 construction trades or union affiliation.

289 (2) The duties, functions, and responsibilities of each board include the following:

290 (a) recommending to the commission appropriate rules;

291 (b) recommending to the commission policy and budgetary matters;

292 (c) approving and establishing a passing score for applicant examinations;

293 (d) overseeing the screening of applicants for licensing, renewal, reinstatement, and
294 relicensure;

295 (e) assisting the commission in establishing standards of supervision for students or
296 persons in training to become qualified to obtain a license in the occupation or profession it
297 represents; and

298 (f) acting as presiding officer in conducting hearings associated with the adjudicative
299 proceedings and in issuing recommended orders when so authorized by the commission.

300 Section 3. Section **58-55-301** is amended to read:

301 **58-55-301. License required -- License classifications.**

302 (1) (a) [~~Any~~] A person engaged in the construction trades licensed under this chapter,
303 as a contractor regulated under this chapter, as an alarm business or company, or as an alarm
304 company agent, shall become licensed under this chapter before engaging in that trade or
305 contracting activity in this state unless specifically exempted from licensure under Section
306 58-1-307 or 58-55-305.

307 (b) The license issued under this chapter and the business license issued by the local
308 jurisdiction in which the licensee has its principal place of business shall be the only licenses
309 required for the licensee to engage in a trade licensed by this chapter, within the state.

310 (c) Neither the state nor any of its political subdivisions may require of a licensee any
311 additional business licenses, registrations, certifications, contributions, donations, or anything
312 else established for the purpose of qualifying a licensee under this chapter to do business in that
313 local jurisdiction, except for contract prequalification procedures required by state agencies, or

314 the payment of any fee for the license, registration, or certification established as a condition to
315 do business in that local jurisdiction.

316 (2) The division shall issue licenses under this chapter to qualified persons in the
317 following classifications:

- 318 (a) general engineering contractor;
- 319 (b) general building contractor;
- 320 (c) residential and small commercial contractor;
- 321 (d) specialty contractor;
- 322 (e) master plumber;
- 323 (f) residential master plumber;
- 324 [~~(g)~~] (g) journeyman plumber;
- 325 [~~(h)~~] (h) apprentice plumber;
- 326 [~~(i)~~] (i) residential journeyman plumber;
- 327 [~~(j)~~ residential apprentice plumber;]
- 328 [~~(k)~~] (j) master electrician;
- 329 [~~(l)~~] (k) residential master electrician;
- 330 [~~(m)~~] (l) journeyman electrician;
- 331 [~~(n)~~] (m) residential journeyman electrician;
- 332 [~~(o)~~] (n) apprentice electrician;
- 333 [~~(p)~~] (o) construction trades instructor:
- 334 (i) general engineering classification;
- 335 (ii) general building classification;
- 336 (iii) electrical classification;
- 337 (iv) plumbing classification; and
- 338 (v) mechanical classification;
- 339 [~~(q)~~] (p) alarm company; and
- 340 [~~(r)~~] (q) alarm company agent.
- 341 (3) (a) An applicant may apply for a license in one or more classification or specialty

342 contractor subclassification.

343 (b) A license shall be granted in each classification or subclassification for which the
344 applicant qualifies.

345 (c) A separate application and fee must be submitted for each license classification or
346 subclassification.

347 Section 4. Section **58-55-302** is amended to read:

348 **58-55-302. Qualifications for licensure.**

349 (1) Each applicant for a license under this chapter shall:

350 (a) submit an application prescribed by the division;

351 (b) pay a fee as determined by the department under Section 63-38-3.2;

352 (c) (i) meet the examination requirements established by rule by the commission with
353 the concurrence of the director, except for the classifications of apprentice plumber [~~residential~~
354 ~~apprentice plumber,~~] and apprentice electrician for whom no examination is required; or

355 (ii) if required in Section 58-55-304, the individual qualifier must pass the required
356 examination if the applicant is a business entity;

357 (d) if an apprentice, identify the proposed supervisor of the apprenticeship;

358 (e) if an applicant for a contractor's license:

359 (i) produce satisfactory evidence of financial responsibility, except for a construction
360 trades instructor for whom evidence of financial responsibility is not required;

361 (ii) produce satisfactory evidence of knowledge and experience in the construction
362 industry and knowledge of the principles of the conduct of business as a contractor, reasonably
363 necessary for the protection of the public health, safety, and welfare; and

364 (iii) be a licensed master electrician if an applicant for an electrical contractor's license
365 or a licensed master residential electrician if an applicant for a residential electrical contractor's
366 license; or

367 (iv) be a [journeyman] licensed master plumber [or residential journeyman plumber] if
368 an applicant for a plumbing contractor's license or a licensed master residential plumber if an
369 applicant for a residential plumbing contractor's license; and

370 (f) if an applicant for a construction trades instructor license, satisfy any additional
371 requirements established by rule.

372 (2) After approval of an applicant for a contractor's license by the applicable board and
373 the division, the applicant shall file the following with the division before the division issues the
374 license:

375 (a) proof of workers' compensation insurance which covers employees of the applicant
376 in accordance with applicable Utah law;

377 (b) proof of public liability insurance in coverage amounts and form established by rule
378 except for a construction trades instructor for whom public liability insurance is not required;
379 and

380 (c) proof of registration as required by applicable law with the:

381 (i) Utah Department of Commerce;

382 (ii) Division of Corporations and Commercial Code;

383 (iii) Unemployment Insurance Division in the Department of Workforce Services, for
384 purposes of Title 35A, Chapter 4, Employment Security Act;

385 (iv) State Tax Commission; and

386 (v) Internal Revenue Service.

387 (3) In addition to the general requirements for each applicant in Subsection (1),
388 applicants shall comply with the following requirements to be licensed in the following
389 classifications:

390 (a) (i) A master plumber shall produce satisfactory evidence that the applicant:

391 (A) has been a licensed journeyman plumber for at least two years and had two years of
392 supervisory experience as a licensed journeyman plumber in accordance with division rule;

393 (B) has received at least an associate of applied science degree or similar degree
394 following the completion of a course of study approved by the division and had one year of

395 supervisory experience as a licensed journeyman plumber in accordance with division rule; or

396 (C) meets the qualifications determined by the division in collaboration with the board
397 to be equivalent to Subsection (3)(a)(i)(A) or (B).

398 (ii) An individual holding a valid Utah license as a journeyman plumber, based on at
399 least four years of practical experience as a licensed apprentice under the supervision of a
400 licensed journeyman plumber and four years as a licensed journeyman plumber, in effect
401 immediately prior to May 5, 2008, is on and after May 5, 2008, considered to hold a current
402 master plumber license under this chapter, and satisfies the requirements of this Subsection
403 (3)(a) for the purpose of renewal or reinstatement of that license under Section 58-55-303.

404 (iii) An individual holding a valid plumbing contractor's license or residential plumbing
405 contractor's license, in effect immediately prior to May 5, 2008, is on or after May 5, 2008:

406 (A) considered to hold a current master plumber license under this chapter if licensed as
407 a plumbing contractor and a journeyman plumber, and satisfies the requirements of this
408 Subsection (3)(a) for purposes of renewal or reinstatement of that license under Section
409 58-55-303; and

410 (B) considered to hold a current residential master plumber license under this chapter if
411 licensed as a residential plumbing contractor and a residential journeyman plumber, and satisfies
412 the requirements of this Subsection (3)(a) for purposes of renewal or reinstatement of that
413 license under Section 58-55-303.

414 (b) A master residential plumber applicant shall produce satisfactory evidence that the
415 applicant:

416 (i) has been a licensed residential journeyman plumber for at least two years and had
417 two years of supervisory experience as a licensed residential journeyman plumber in accordance
418 with division rule; or

419 (ii) meets the qualifications determined by the division in collaboration with the board to
420 be equivalent to Subsection (3)(b)(i).

421 ~~[(a)]~~ (c) A journeyman plumber applicant shall produce satisfactory evidence of:

422 (i) successful completion of the equivalent of at least four years of full-time training and
423 instruction as a licensed apprentice plumber under supervision of a licensed master plumber or
424 journeyman plumber and in accordance with a planned program of training approved by the
425 division;

426 (ii) at least eight years of full-time experience approved by the division in collaboration
427 with the Plumbers Licensing Board; or

428 (iii) satisfactory evidence of meeting the qualifications determined by the board to be
429 equivalent to Subsection (3)~~(a)~~(c)(i) or ~~(a)~~ (c)(ii).

430 ~~(b)~~ (d) A residential journeyman plumber shall produce satisfactory evidence of:

431 (i) completion of the equivalent of at least three years of full-time training and
432 instruction as a licensed apprentice plumber under the supervision of a licensed residential
433 master plumber, licensed residential journeyman plumber, or licensed journeyman plumber in
434 accordance with a planned program of training approved by the division;

435 (ii) completion of at least six years of full-time experience in a maintenance or repair
436 trade involving substantial plumbing work; or

437 (iii) meeting the qualifications determined by the board to be equivalent to Subsection
438 (3)~~(b)~~(d)(i) or ~~(b)~~ (d)(ii).

439 ~~(c)~~ (e) The conduct of licensed apprentice plumbers and their licensed supervisors
440 shall be in accordance with the following:

441 (i) while engaging in the trade of plumbing, a licensed apprentice plumber shall be under
442 the immediate supervision of a licensed master plumber, licensed residential master plumber,
443 licensed journeyman plumber, or a licensed residential journeyman plumber; and

444 (ii) a licensed ~~plumbing~~ apprentice plumber in the fourth through tenth year of training
445 may work without supervision for a period not to exceed eight hours in any 24-hour period, but
446 if the apprentice does not become a licensed journeyman plumber or licensed residential
447 journeyman plumber by the end of the tenth year of apprenticeship, this nonsupervision
448 provision no longer applies.

449 ~~(d)~~(f) (f) A master electrician applicant shall produce satisfactory evidence that the
450 applicant:

451 ~~(A)~~ (i) is a graduate electrical engineer of an accredited college or university approved
452 by the division and has one year of practical electrical experience as a licensed apprentice
453 electrician;

454 ~~[(B)]~~ (ii) is a graduate of an electrical trade school, having received an associate of
455 applied sciences degree following successful completion of a course of study approved by the
456 division, and has two years of practical experience as a licensed journeyman electrician;

457 ~~[(C)]~~ (iii) has four years of practical experience as a journeyman electrician; or

458 ~~[(D)]~~ (iv) meets the qualifications determined by the board to be equivalent to

459 Subsection (3)~~[(d)]~~(f)~~(i)~~~~[(A), (B)]~~, (ii), or ~~[(E)]~~ (iii).

460 ~~[(ii) (A) An individual holding a valid Utah license as a master electrician, based on at
461 least eight years of practical experience as a licensed apprentice under the supervision of a
462 licensed journeyman or master electrician, in effect immediately prior to May 3, 2004, is on and
463 after May 3, 2004, considered to hold a current license under this chapter and satisfies the
464 requirements of this Subsection (3)(d) for the purpose of renewal or reinstatement of that
465 license under Section 58-55-303.]~~

466 ~~[(B) An individual who has less than four years of practical experience as a licensed
467 apprentice under the supervision of a licensed journeyman or master electrician prior to May 3,
468 2004, shall complete the education requirements of Subsection (3)(d)(i)(A) or (B) to qualify for
469 licensing as a master electrician.]~~

470 ~~[(C) An individual who has more than four but less than six years of practical
471 experience as a licensed apprentice under the supervision of a licensed journeyman or master
472 electrician prior to May 3, 2004, may satisfy the education requirements of Subsection (3)(d)
473 (i)(A) or (B) by successfully passing a competency placement test approved by the board and
474 administered at a Utah state institution of higher education.]~~

475 ~~[(D) An individual who has more than six but less than eight years of practical
476 experience as a licensed apprentice under the supervision of a licensed journeyman or master
477 electrician prior to May 3, 2004, satisfies the education requirements of this Subsection (3)(d)
478 by completing the eight-year term of practical experience within a reasonable time frame
479 subsequent to May 3, 2004, as established by board rule in accordance with Title 63, Chapter
480 46a, Utah Administrative Rulemaking Act.]~~

481 ~~[(e)]~~ (g) A master residential electrician applicant shall produce satisfactory evidence

482 that the applicant:

483 (i) has at least two years of practical experience as a residential journeyman electrician;

484 or

485 (ii) meets the qualifications determined by the board to be equivalent to this practical
486 experience.

487 ~~[(f)(i)]~~ (h) A journeyman electrician applicant shall produce satisfactory evidence that
488 the applicant:

489 ~~[(A)]~~ (i) has successfully completed at least four years of full-time training and
490 instruction as a licensed apprentice electrician under the supervision of a master electrician or
491 journeyman electrician and in accordance with a planned training program approved by the
492 division;

493 ~~[(B)]~~ (ii) has at least eight years of full-time experience approved by the division in
494 collaboration with the Electricians Licensing Board; or

495 ~~[(C)]~~ (iii) meets the qualifications determined by the board to be equivalent to
496 Subsection (3)~~[(f)]~~(h)(i)~~[(A)]~~ or ~~[(B)]~~ (ii).

497 ~~[(ii) An individual holding a valid Utah license as a journeyman electrician, based on at
498 least six years of full-time experience approved by the division in collaboration with the
499 Electricians Licensing Board in effect immediately prior to May 3, 2004, is on and after May 3,
500 2004, considered to hold a current license under this chapter and satisfies the requirements of
501 Subsection (3)(f)(i)(B) for the purpose of renewal or reinstatement of that license under Section
502 58-55-303.]~~

503 ~~[(iii) An individual who has more than six but less than eight years of full-time
504 experience approved by the division in collaboration with the Electricians Licensing Board prior
505 to May 3, 2004, satisfies the requirements of Subsection (3)(f)(i) by completing the eight-year
506 term of practical experience within a reasonable time frame subsequent to May 3, 2004, as
507 established by board rule in accordance with Title 63, Chapter 46a, Utah Administrative
508 Rulemaking Act.]~~

509 ~~[(g)]~~ (i) A residential journeyman electrician applicant shall produce satisfactory

510 evidence that the applicant:

511 (i) has successfully completed two years of training in an electrical training program
512 approved by the division;

513 (ii) has four years of practical experience in wiring, installing, and repairing electrical
514 apparatus and equipment for light, heat, and power under the supervision of a licensed master,
515 journeyman, residential master, or residential journeyman electrician; or

516 (iii) meets the qualifications determined by the division and applicable board to be
517 equivalent to Subsection (3)~~(g)~~(i)(i) or (ii).

518 ~~(h)~~ (j) The conduct of licensed apprentice electricians and their licensed supervisors
519 shall be in accordance with the following:

520 (i) A licensed apprentice electrician shall be under the immediate supervision of a
521 licensed master, journeyman, residential master, or residential journeyman electrician. An
522 apprentice in the fourth year of training may work without supervision for a period not to
523 exceed eight hours in any 24-hour period.

524 (ii) A licensed master, journeyman, residential master, or residential journeyman
525 electrician may have under immediate supervision on a residential project up to three licensed
526 apprentice electricians.

527 (iii) A licensed master or journeyman electrician may have under immediate supervision
528 on nonresidential projects only one licensed apprentice electrician.

529 ~~(i)~~ (k) An alarm company applicant shall:

530 (i) have a qualifying agent who is an officer, director, partner, proprietor, or manager of
531 the applicant who:

532 (A) demonstrates 6,000 hours of experience in the alarm company business;

533 (B) demonstrates 2,000 hours of experience as a manager or administrator in the alarm
534 company business or in a construction business; and

535 (C) passes an examination component established by rule by the commission with the
536 concurrence of the director;

537 (ii) if a corporation, provide:

538 (A) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards
539 of all corporate officers, directors, and those responsible management personnel employed
540 within the state or having direct responsibility for managing operations of the applicant within
541 the state; and

542 (B) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards
543 of all shareholders owning 5% or more of the outstanding shares of the corporation, except this
544 shall not be required if the stock is publicly listed and traded;

545 (iii) if a limited liability company, provide:

546 (A) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards
547 of all company officers, and those responsible management personnel employed within the state
548 or having direct responsibility for managing operations of the applicant within the state; and

549 (B) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards
550 of all individuals owning 5% or more of the equity of the company;

551 (iv) if a partnership, the names, addresses, dates of birth, Social Security numbers, and
552 fingerprint cards of all general partners, and those responsible management personnel employed
553 within the state or having direct responsibility for managing operations of the applicant within
554 the state;

555 (v) if a proprietorship, the names, addresses, dates of birth, Social Security numbers,
556 and fingerprint cards of the proprietor, and those responsible management personnel employed
557 within the state or having direct responsibility for managing operations of the applicant within
558 the state;

559 (vi) be of good moral character in that officers, directors, shareholders described in
560 Subsection (3)[~~(j)~~](k)(ii)(B), partners, proprietors, and responsible management personnel have
561 not been convicted of a felony, a misdemeanor involving moral turpitude, or any other crime
562 that when considered with the duties and responsibilities of an alarm company is considered by
563 the board to indicate that the best interests of the public are served by granting the applicant a
564 license;

565 (vii) document that none of the applicant's officers, directors, shareholders described in

566 Subsection (3)~~(f)~~(k)(ii)(B), partners, proprietors, and responsible management personnel have
567 been declared by any court of competent jurisdiction incompetent by reason of mental defect or
568 disease and not been restored;

569 (viii) document that none of the applicant's officers, directors, shareholders described in
570 Subsection (3)~~(f)~~(k)(ii)(B), partners, proprietors, and responsible management personnel are
571 currently suffering from habitual drunkenness or from drug addiction or dependence;

572 (ix) file and maintain with the division evidence of:

573 (A) comprehensive general liability insurance in form and in amounts to be established
574 by rule by the commission with the concurrence of the director;

575 (B) workers' compensation insurance that covers employees of the applicant in
576 accordance with applicable Utah law; and

577 (C) registration as is required by applicable law with the:

578 (I) Division of Corporations and Commercial Code;

579 (II) Unemployment Insurance Division in the Department of Workforce Services, for
580 purposes of Title 35A, Chapter 4, Employment Security Act;

581 (III) State Tax Commission; and

582 (IV) Internal Revenue Service; and

583 (x) meet with the division and board.

584 ~~(j)~~ (l) Each applicant for licensure as an alarm company agent shall:

585 (i) submit an application in a form prescribed by the division accompanied by fingerprint
586 cards;

587 (ii) pay a fee determined by the department under Section 63-38-3.2;

588 (iii) be of good moral character in that the applicant has not been convicted of a felony,
589 a misdemeanor involving moral turpitude, or any other crime that when considered with the
590 duties and responsibilities of an alarm company agent is considered by the board to indicate that
591 the best interests of the public are served by granting the applicant a license;

592 (iv) not have been declared by any court of competent jurisdiction incompetent by
593 reason of mental defect or disease and not been restored;

594 (v) not be currently suffering from habitual drunkenness or from drug addiction or
595 dependence; and

596 (vi) meet with the division and board if requested by the division or the board.

597 (4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
598 division may make rules establishing when Federal Bureau of Investigation records shall be
599 checked for applicants as an alarm company or alarm company agent.

600 (5) To determine if an applicant meets the qualifications of Subsections (3)[(†)](k)(vi)
601 and (3)[(†)](l)(iii), the division shall provide an appropriate number of copies of fingerprint cards
602 to the Department of Public Safety with the division's request to:

603 (a) conduct a search of records of the Department of Public Safety for criminal history
604 information relating to each applicant for licensure as an alarm company or alarm company
605 agent and each applicant's officers, directors, shareholders described in Subsection
606 (3)[(†)](k)(ii)(B), partners, proprietors, and responsible management personnel; and

607 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant
608 requiring a check of records of the F.B.I. for criminal history information under this section.

609 (6) The Department of Public Safety shall send to the division:

610 (a) a written record of criminal history, or certification of no criminal history record, as
611 contained in the records of the Department of Public Safety in a timely manner after receipt of a
612 fingerprint card from the division and a request for review of Department of Public Safety
613 records; and

614 (b) the results of the F.B.I. review concerning an applicant in a timely manner after
615 receipt of information from the F.B.I.

616 (7) (a) The division shall charge each applicant for licensure as an alarm company or
617 alarm company agent a fee, in accordance with Section 63-38-3.2, equal to the cost of
618 performing the records reviews under this section.

619 (b) The division shall pay the Department of Public Safety the costs of all records
620 reviews, and the Department of Public Safety shall pay the F.B.I. the costs of records reviews
621 under this section.

622 (8) Information obtained by the division from the reviews of criminal history records of
623 the Department of Public Safety and the F.B.I. shall be used or disseminated by the division only
624 for the purpose of determining if an applicant for licensure as an alarm company or alarm
625 company agent is qualified for licensure.

626 (9) (a) An application for licensure under this chapter shall be denied if:

627 (i) the applicant has had a previous license, which was issued under this chapter,
628 suspended or revoked within one year prior to the date of the applicant's application;

629 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and

630 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the
631 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar status,
632 performing similar functions, or directly or indirectly controlling the applicant has served in any
633 similar capacity with any person or entity which has had a previous license, which was issued
634 under this chapter, suspended or revoked within one year prior to the date of the applicant's
635 application; or

636 (iii) (A) the applicant is an individual or sole proprietorship; and

637 (B) any owner or agent acting as a qualifier has served in any capacity listed in
638 Subsection (9)(a)(ii)(B) in any entity which has had a previous license, which was issued under
639 this chapter, suspended or revoked within one year prior to the date of the applicant's
640 application.

641 (b) An application for licensure under this chapter shall be reviewed by the appropriate
642 licensing board prior to approval if:

643 (i) the applicant has had a previous license, which was issued under this chapter,
644 suspended or revoked more than one year prior to the date of the applicant's application;

645 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and

646 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the
647 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar status,
648 performing similar functions, or directly or indirectly controlling the applicant has served in any
649 similar capacity with any person or entity which has had a previous license, which was issued

650 under this chapter, suspended or revoked more than one year prior to the date of the applicant's
651 application; or

652 (iii) (A) the applicant is an individual or sole proprietorship; and

653 (B) any owner or agent acting as a qualifier has served in any capacity listed in
654 Subsection (9)(b)(ii)(B) in any entity which has had a previous license, which was issued under
655 this chapter, suspended or revoked more than one year prior to the date of the applicant's
656 application.