

Senator Peter C. Knudson proposes the following substitute bill:

CONSTRUCTION TRADES LICENSING MODIFICATIONS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peter C. Knudson

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Utah Construction Trades Licensing Act.

Highlighted Provisions:

This bill:

▶ modifies the membership of the Construction Services Commission by replacing a member who is from the general public with a member who is a heating, ventilation, and air conditioning system contractor; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2013.

Utah Code Sections Affected:

AMENDS:

58-55-103, as last amended by Laws of Utah 2010, Chapter 286

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

Section 1. Section **58-55-103** is amended to read:



26 **58-55-103. Construction Services Commission created -- Functions --**
27 **Appointment -- Qualifications and terms of members -- Vacancies -- Expenses --**
28 **Meetings.**

29 (1) (a) There is created within the division the Construction Services Commission.

30 (b) The commission shall:

31 (i) with the concurrence of the director, make reasonable rules under Title 63G,
32 Chapter 3, Utah Administrative Rulemaking Act, to administer and enforce this chapter which
33 are consistent with this chapter including:

34 (A) licensing of various licensees;

35 (B) determining examination requirements and administration of the examinations, to
36 include approving and establishing a passing score for applicant examinations;

37 (C) establishing standards of supervision for students or persons in training to become
38 qualified to obtain a license in the trade they represent; and

39 (D) establishing standards of conduct for various licensees;

40 (ii) approve or disapprove fees adopted by the division under Section 63J-1-504;

41 (iii) except where the boards conduct them, conduct all administrative hearings not
42 delegated to an administrative law judge relating to the licensing of ~~[any]~~ an applicant;

43 (iv) except as otherwise provided in Sections 38-11-207 and 58-55-503, with the
44 concurrence of the director, impose sanctions against licensees and certificate holders with the
45 same authority as the division under Section 58-1-401;

46 (v) advise the director on the administration and enforcement of ~~[any]~~ matters affecting
47 the division and the construction industry;

48 (vi) advise the director on matters affecting the division budget;

49 (vii) advise and assist trade associations in conducting construction trade seminars and
50 industry education and promotion; and

51 (viii) perform other duties as provided by this chapter.

52 ~~[(2) (a) Initially the commission shall be comprised of the five members of the~~
53 ~~Contractors Licensing Board and two of the three chair persons from the Plumbers Licensing~~
54 ~~Board, the Alarm System Security and Licensing Board, and the Electricians Licensing Board.]~~

55 ~~[(b) The terms of office of the commission members who are serving on the~~
56 ~~Contractors Licensing Board shall continue as they serve on the commission.]~~

57 ~~[(c) Beginning July 1, 2004, the]~~

58 (2) The commission shall be comprised of nine members appointed by the executive
59 director, with the approval of the governor, from the following groups:

60 ~~[(i)]~~ (a) one member shall be a licensed general engineering contractor;

61 ~~[(ii)]~~ (b) one member shall be a licensed general building contractor;

62 (c) one member shall be a heating, ventilation, and air conditioning system contractor;

63 ~~[(iii)]~~ (d) two members shall be licensed residential and small commercial contractors;

64 ~~[(iv)]~~ (e) three members shall be the three chair persons from the Plumbers Licensing
65 Board, the Alarm System Security and Licensing Board, and the Electricians Licensing Board;
66 and

67 ~~[(v) two members]~~ (f) one member shall be from the general public~~[- provided,~~
68 ~~however that the certified public accountant on the Contractors Licensing Board will continue~~
69 ~~to serve until the current term expires, after which both members under this Subsection~~
70 ~~(2)(c)(v) shall be appointed from the general public].~~

71 (3) (a) Except as required by Subsection (3)(b), as terms of current commission
72 members expire, the executive director, with the approval of the governor, shall appoint each
73 new member or reappointed member to a four-year term ending June 30.

74 (b) Notwithstanding the requirements of Subsection (3)(a), the executive director, with
75 the approval of the governor, shall, at the time of appointment or reappointment, adjust the
76 length of terms to stagger the terms of commission members so that approximately [~~1/2~~]
77 one-half of the commission members are appointed every two years.

78 (c) A commission member may not serve more than two consecutive terms.

79 (4) The commission shall elect annually one of its members as chair, for a term of one
80 year.

81 (5) When a vacancy occurs in the membership [~~for any reason~~], the replacement shall
82 be appointed for the unexpired term.

83 (6) A member may not receive compensation or benefits for the member's service[;]
84 but may receive per diem and travel expenses in accordance with:

85 (a) Section 63A-3-106;

86 (b) Section 63A-3-107; and

87 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

88 63A-3-107.

89 (7) (a) The commission shall meet at least monthly unless the director determines
90 otherwise.

91 (b) The director may call additional meetings at the director's discretion, upon the
92 request of the chair, or upon the written request of four or more commission members.

93 (8) (a) Five members constitute a quorum for the transaction of business.

94 (b) If a quorum is present when a vote is taken, the affirmative vote of commission
95 members present is the act of the commission.

96 (9) The commission shall comply with the procedures and requirements of Title 13,
97 Chapter 1, Department of Commerce, and Title 63G, Chapter 4, Administrative Procedures
98 Act, in all of its adjudicative proceedings.

99 Section 2. **Effective date.**

100 This bill takes effect on July 1, 2013.