

**SOLAR PHOTOVOLTAIC CONTRACTOR LICENSE**

**AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Evan J. Vickers**

House Sponsor: Michael E. Noel

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**LONG TITLE**

**General Description:**

This bill modifies the Utah Construction Trades Licensing Act by amending exceptions from licensing provisions.

**Highlighted Provisions:**

This bill:

- ▶ exempts a person from electrician licensure when the person is engaged as a specialty contractor associated with the installation, repair, or maintenance of solar energy panels under certain circumstances; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-55-305**, as last amended by Laws of Utah 2011, Chapter 14

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

Section 1. Section **58-55-305** is amended to read:



28           **58-55-305. Exemptions from licensure.**

29           (1) In addition to the exemptions from licensure in Section 58-1-307, the following  
30 persons may engage in acts or practices included within the practice of construction trades,  
31 subject to the stated circumstances and limitations, without being licensed under this chapter:

32           (a) an authorized representative of the United States government or an authorized  
33 employee of the state or any of its political subdivisions when working on construction work of  
34 the state or the subdivision, and when acting within the terms of the person's trust, office, or  
35 employment;

36           (b) a person engaged in construction or operation incidental to the construction and  
37 repair of irrigation and drainage ditches of regularly constituted irrigation districts, reclamation  
38 districts, and drainage districts or construction and repair relating to farming, dairying,  
39 agriculture, livestock or poultry raising, metal and coal mining, quarries, sand and gravel  
40 excavations, well drilling, as defined in Section 73-3-25, hauling to and from construction  
41 sites, and lumbering;

42           (c) public utilities operating under the rules of the Public Service Commission on work  
43 incidental to their own business;

44           (d) sole owners of property engaged in building:

45           (i) no more than one residential structure per year and no more than three residential  
46 structures per five years on their property for their own noncommercial, nonpublic use; except,  
47 a person other than the property owner or individuals described in Subsection (1)(e), who  
48 engages in building the structure must be licensed under this chapter if the person is otherwise  
49 required to be licensed under this chapter; or

50           (ii) structures on their property for their own noncommercial, nonpublic use which are  
51 incidental to a residential structure on the property, including sheds, carports, or detached  
52 garages;

53           (e) (i) a person engaged in construction or renovation of a residential building for  
54 noncommercial, nonpublic use if that person:

55           (A) works without compensation other than token compensation that is not considered  
56 salary or wages; and

57           (B) works under the direction of the property owner who engages in building the  
58 structure; and

59 (ii) as used in this Subsection (1)(e), "token compensation" means compensation paid  
60 by a sole owner of property exempted from licensure under Subsection (1)(d) to a person  
61 exempted from licensure under this Subsection (1)(e), that is:

62 (A) minimal in value when compared with the fair market value of the services  
63 provided by the person;

64 (B) not related to the fair market value of the services provided by the person; and

65 (C) is incidental to the providing of services by the person including paying for or  
66 providing meals or refreshment while services are being provided, or paying reasonable  
67 transportation costs incurred by the person in travel to the site of construction;

68 (f) a person engaged in the sale or merchandising of personal property that by its design  
69 or manufacture may be attached, installed, or otherwise affixed to real property who has  
70 contracted with a person, firm, or corporation licensed under this chapter to install, affix, or  
71 attach that property;

72 (g) a contractor submitting a bid on a federal aid highway project, if, before  
73 undertaking construction under that bid, the contractor is licensed under this chapter;

74 (h) (i) a person engaged in the alteration, repair, remodeling, or addition to or  
75 improvement of a building with a contracted or agreed value of less than \$3,000, including  
76 both labor and materials, and including all changes or additions to the contracted or agreed  
77 upon work; and

78 (ii) notwithstanding Subsection (1)(h)(i) and except as otherwise provided in this  
79 section:

80 (A) work in the plumbing and electrical trades on a Subsection (1)(h)(i) project within  
81 any six month period of time:

82 (I) must be performed by a licensed electrical or plumbing contractor, if the project  
83 involves an electrical or plumbing system; and

84 (II) may be performed by a licensed journeyman electrician or plumber or an individual  
85 referred to in Subsection (1)(h)(ii)(A)(I), if the project involves a component of the system  
86 such as a faucet, toilet, fixture, device, outlet, or electrical switch;

87 (B) installation, repair, or replacement of a residential or commercial gas appliance or a  
88 combustion system on a Subsection (1)(h)(i) project must be performed by a person who has  
89 received certification under Subsection 58-55-308(2) except as otherwise provided in

90 Subsection 58-55-308(2)(d) or 58-55-308(3);

91 (C) installation, repair, or replacement of water-based fire protection systems on a  
92 Subsection (1)(h)(i) project must be performed by a licensed fire suppression systems  
93 contractor or a licensed journeyman plumber;

94 (D) work as an alarm business or company or as an alarm company agent shall be  
95 performed by a licensed alarm business or company or a licensed alarm company agent, except  
96 as otherwise provided in this chapter;

97 (E) installation, repair, or replacement of an alarm system on a Subsection (1)(h)(i)  
98 project must be performed by a licensed alarm business or company or a licensed alarm  
99 company agent;

100 (F) installation, repair, or replacement of a heating, ventilation, or air conditioning  
101 system (HVAC) on a Subsection (1)(h)(i) project must be performed by an HVAC contractor  
102 licensed by the division;

103 (G) installation, repair, or replacement of a radon mitigation system or a soil  
104 depressurization system must be performed by a licensed contractor; and

105 (H) if the total value of the project is greater than \$1,000, the person shall file with the  
106 division a one-time affirmation, subject to periodic reaffirmation as established by division  
107 rule, that the person has:

108 (I) public liability insurance in coverage amounts and form established by division  
109 rule; and

110 (II) if applicable, workers compensation insurance which would cover an employee of  
111 the person if that employee worked on the construction project;

112 (i) a person practicing a specialty contractor classification or construction trade which  
113 the director does not classify by administrative rule as significantly impacting the public's  
114 health, safety, and welfare;

115 (j) owners and lessees of property and persons regularly employed for wages by owners  
116 or lessees of property or their agents for the purpose of maintaining the property, are exempt  
117 from this chapter when doing work upon the property;

118 (k) (i) a person engaged in minor plumbing work that is incidental, as defined by the  
119 division by rule, to the replacement or repair of a fixture or an appliance in a residential or  
120 small commercial building, or structure used for agricultural use, as defined in Section

121 15A-1-202, provided that no modification is made to:

122 (A) existing culinary water, soil, waste, or vent piping; or

123 (B) a gas appliance or combustion system; and

124 (ii) except as provided in Subsection (1)(e), installation for the first time of a fixture or  
125 an appliance is not included in the exemption provided under Subsection (1)(k)(i);

126 (l) a person who ordinarily would be subject to the plumber licensure requirements  
127 under this chapter when installing or repairing a water conditioner or other water treatment  
128 apparatus if the conditioner or apparatus:

129 (i) meets the appropriate state construction codes or local plumbing standards; and

130 (ii) is installed or repaired under the direction of a person authorized to do the work  
131 under an appropriate specialty contractor license;

132 (m) a person who ordinarily would be subject to the electrician licensure requirements  
133 under this chapter when employed by:

134 (i) railroad corporations, telephone corporations or their corporate affiliates, elevator  
135 contractors or constructors, or street railway systems; or

136 (ii) public service corporations, rural electrification associations, or municipal utilities  
137 who generate, distribute, or sell electrical energy for light, heat, or power;

138 (n) a person involved in minor electrical work incidental to a mechanical or service  
139 installation;

140 (o) a person who ordinarily would be subject to the electrician licensure requirements  
141 under this chapter but who during calendar years 2009, 2010, or 2011 was issued a specialty  
142 contractor license for the electrical work associated with the installation, repair, or maintenance  
143 of solar energy panels, may continue the limited electrical work for solar energy panels under a  
144 specialty contractor license;

145 ~~(p)~~ (p) a student participating in construction trade education and training programs  
146 approved by the commission with the concurrence of the director under the condition that:

147 (i) all work intended as a part of a finished product on which there would normally be  
148 an inspection by a building inspector is, in fact, inspected and found acceptable by a licensed  
149 building inspector; and

150 (ii) a licensed contractor obtains the necessary building permits;

151 ~~(q)~~ (q) a delivery person when replacing any of the following existing equipment with

152 a new gas appliance, provided there is an existing gas shutoff valve at the appliance:  
153 (i) gas range;  
154 (ii) gas dryer;  
155 (iii) outdoor gas barbeque; or  
156 (iv) outdoor gas patio heater;  
157 [~~(r)~~] (r) a person performing maintenance on an elevator as defined in Subsection  
158 58-55-102(14), if the maintenance is not related to the operating integrity of the elevator; and  
159 [~~(s)~~] (s) an apprentice or helper of an elevator mechanic licensed under this chapter  
160 when working under the general direction of the licensed elevator mechanic.  
161 (2) A compliance agency as defined in Section 15A-1-202 that issues a building permit  
162 to a person requesting a permit as a sole owner of property referred to in Subsection (1)(d) shall  
163 notify the division, in writing or through electronic transmission, of the issuance of the permit.

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**Legislative Review Note**  
**as of 2-13-13 3:40 PM**

**Office of Legislative Research and General Counsel**