

59 be earned for services performed or to be performed within this state an order, check, or draft
60 unless:

61 (a) it is negotiable and payable in cash, on demand, without discount, at a depository
62 institution; and

63 (b) the name and address of the depository institution appears on the instrument.

64 (3) (a) Except as provided in Subsection (3)(b), an employee may refuse to have the
65 employee's wages deposited by electronic transfer under Subsection (1)(e)(iii) by filing a
66 written request with the employer.

67 (b) An employee may not refuse to have the employee's wages deposited by electronic
68 transfer under Subsection (3)(a) if:

69 (i) for the calendar year preceding the pay period for which the employee is being paid,
70 the employer's federal employment tax deposits are equal to or in excess of \$250,000; and

71 (ii) at least two-thirds of the employees of the employer have their wages deposited by
72 electronic transfer.

73 (c) An employer may not designate a particular depository institution for the exclusive
74 payment or deposit of a check or draft for wages.

75 (4) If a deduction is made from the wages paid, the employer shall, on each regular
76 payday, furnish the employee with a statement showing the total amount of each deduction.

77 (5) An employer licensed under Title 58, Chapter 55, Utah Construction Trades
78 Licensing Act, shall:

79 (a) on the day on which the employer pays an employee, give the employee a written or
80 electronic pay statement that states:

81 (i) the employee's name;

82 (ii) the employee's ~~\$~~→ base ←~~\$~~ rate of pay;

83 (iii) the dates of the pay period for which the individual is being paid;

84 (iv) ~~H~~→ if paid hourly, ←~~H~~ the number of hours the employee worked during
84a the pay period;

85 (v) the amount of and reason for any money withheld in accordance with state or
86 federal law, including:

87 (A) state and federal income tax;

88 (B) Social Security tax;

89 (C) Medicare tax; and

245 (c) do both (3)(a) and (b).

246 (4) The division may enforce this section in accordance with Subsections 34-28-9[(3)]

247 ~~(4)~~ and ~~[(4)]~~ (5).

248 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

249 commission shall adopt rules, as required, to implement this section.

250 Section 5. Section **58-55-501** is amended to read:

251 **58-55-501. Unlawful conduct.**

252 Unlawful conduct includes:

253 (1) engaging in a construction trade, acting as a contractor, an alarm business or

254 company, or an alarm company agent, or representing oneself to be engaged in a construction

255 trade or to be acting as a contractor in a construction trade requiring licensure, unless the

256 person doing any of these is appropriately licensed or exempted from licensure under this

257 chapter;

258 (2) acting in a construction trade, as an alarm business or company, or as an alarm

259 company agent beyond the scope of the license held;

260 ~~[(3) hiring or employing in any manner an unlicensed person, other than an employee~~

261 ~~for wages who is not required to be licensed under this chapter, to engage in a construction~~

262 ~~trade for which licensure is required or to act as a contractor or subcontractor in a construction~~

263 ~~trade requiring licensure;]~~

264 (3) hiring or ~~H~~→ [otherwise compensating] employing ←~~H~~ a person who is not licensed

264a under this chapter to

265 perform work on a project, unless the person:

266 (a) is an employee of a person licensed under this chapter for wages; and

267 (b) is not required to be licensed under this chapter;

268 (4) applying for or obtaining a building permit either for oneself or another when not

269 licensed or exempted from licensure as a contractor under this chapter;

270 (5) issuing a building permit to any person for whom there is no evidence of a current

271 license or exemption from licensure as a contractor under this chapter;

272 (6) applying for or obtaining a building permit for the benefit of or on behalf of any

273 other person who is required to be licensed under this chapter but who is not licensed or is

274 otherwise not entitled to obtain or receive the benefit of the building permit;

275 (7) failing to obtain a building permit when required by law or rule;

462 two or more times within a 12-month period, unless, with respect to a violation of Subsection
 463 58-55-501(24), the licensee can demonstrate that the licensee successfully verified the federal
 464 legal working status of the individual who was the subject of the violation using a status
 465 verification system, as defined in Section 13-47-102.

466 (k) For purposes of this Subsection (4), a violation of Subsection 58-55-501(24) or (25)
 467 for each individual is considered a separate violation.

468 (5) (a) A penalty imposed by the director under Subsection (4)(h) shall be deposited
 469 into the Commerce Service Account created by Section 13-1-2.

470 (b) A penalty that is not paid may be collected by the director by either referring the
 471 matter to a collection agency or bringing an action in the district court of the county in which
 472 the person against whom the penalty is imposed resides or in the county where the office of the
 473 director is located.

474 (c) A county attorney or the attorney general of the state is to provide legal assistance
 475 and advice to the director in any action to collect the penalty.

476 (d) In an action brought to enforce the provisions of this section, the court shall award
 477 reasonable attorney fees and costs [~~shall be awarded~~] to the prevailing party.

478 Section 7. Section **58-55-605** is enacted to read:

479 **58-55-605. Pay statement required.**

480 (1) On the day on which a person licensed under this chapter pays an individual for
 481 work that the individual performed, the person shall give the individual a written or electronic
 482 pay statement that states:

483 (a) the individual's name;

484 (b) the individual's ~~base~~ **base** ~~rate of pay~~ rate of pay;

485 (c) the dates of the pay period for which the individual is being paid;

486 (d) ~~if paid hourly,~~ **if paid hourly,** ~~the number of hours the individual worked during~~
 486a the pay period;

487 (e) the amount of and reason for any money withheld in accordance with state or
 488 federal law, including:

489 (i) state and federal income tax;

490 (ii) Social Security tax;

491 (iii) Medicare tax; and

492 (iv) court-ordered withholdings; and