

ELECTRICIAN LICENSING AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill modifies the Utah Construction Trades Licensing Act.

Highlighted Provisions:

This bill:

▶ authorizes a licensed master electrician, residential master electrician, journeyman electrician, ~~§~~ **→ or ←** residential journeyman electrician ~~§~~ **→** [~~or apprentice electrician~~], who

has met certain additional requirements, ~~←~~ **§** to install,

repair, or replace an alarm system without being licensed as an alarm business or company, or as an alarm company agent; 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 2013, Chapters 430 and 449

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

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

58-55-305. Exemptions from licensure.

H.B. 372



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

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

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

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

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

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

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

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

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

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

58 (ii) as used in this Subsection (1)(e), "token compensation" means compensation paid

59 by a sole owner of property exempted from licensure under Subsection (1)(d) to a person
60 exempted from licensure under this Subsection (1)(e), that is:

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

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

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

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

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

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

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

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

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

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

86 (B) installation, repair, or replacement of a residential or commercial gas appliance or a
87 combustion system on a Subsection (1)(h)(i) project must be performed by a person who has
88 received certification under Subsection 58-55-308(2) except as otherwise provided in
89 Subsection 58-55-308(2)(d) or 58-55-308(3);

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

93 (D) work as an alarm business or company or as an alarm company agent shall be
 94 performed by a licensed alarm business or company or a licensed alarm company agent, except
 95 ~~[as otherwise provided in this chapter]~~ that the installation, repair, or replacement of an alarm
 96 system may also be performed by a person licensed under this chapter as a master electrician,
 97 residential master electrician, journeyman electrician, ~~§~~ or ~~←~~ residential journeyman electrician
 97a ~~§~~ ~~→~~ [or
 98 ~~apprentice electrician]~~ **who has met the additional requirements described in**
 98a **Subsection (1)(t) ~~←~~§** ;

99 (E) installation, repair, or replacement of an alarm system on a Subsection (1)(h)(i)
 100 project must be performed by a licensed alarm business or company ~~[or]~~, a licensed alarm
 101 company agent, a licensed master electrician, a licensed residential master electrician, a
 102 licensed journeyman electrician, a licensed residential journeyman electrician, or a licensed
 103 apprentice electrician;

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

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

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

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

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

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

119 (j) owners and lessees of property and persons regularly employed for wages by owners
 120 or lessees of property or their agents for the purpose of maintaining the property, are exempt

121 from this chapter when doing work upon the property;

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

125 [15A-1-202](#), provided that no modification is made to:

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

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

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

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

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

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

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

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

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

142 (n) a person involved in minor electrical work incidental to a mechanical or service
143 installation, including the outdoor installation of an above-ground, prebuilt hot tub;

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

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

151 (i) all work intended as a part of a finished product on which there would normally be

152 an inspection by a building inspector is, in fact, inspected and found acceptable by a licensed
 153 building inspector; and

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

155 (q) a delivery person when replacing any of the following existing equipment with a
 156 new gas appliance, provided there is an existing gas shutoff valve at the appliance:

157 (i) gas range;

158 (ii) gas dryer;

159 (iii) outdoor gas barbeque; or

160 (iv) outdoor gas patio heater;

161 (r) a person performing maintenance on an elevator as defined in Subsection

162 ~~58-55-102~~(14), if the maintenance is not related to the operating integrity of the elevator; ~~and~~

163 (s) an apprentice or helper of an elevator mechanic licensed under this chapter when
 164 working under the general direction of the licensed elevator mechanic[-]; ~~and~~

165 (t) a person engaged in the installation, repair, or replacement of an alarm system, who
 166 would ordinarily be subject to licensure as an alarm business or company or an alarm company
 167 agent, if the person ~~§→~~ :

167a (i) ←§ is licensed under this chapter as a master electrician, residential master

168 electrician, journeyman electrician, §→ or ←§ residential journeyman electrician §→ ~~[-or~~

168a apprentice electrician.] ; and

168b (ii) has met the same fingerprint card requirements as an alarm company agent as described in

168c Section 58-55-302 and as established by division rule. ~~←§~~

169 (2) A compliance agency as defined in Section ~~15A-1-202~~ that issues a building permit
 170 to a person requesting a permit as a sole owner of property referred to in Subsection (1)(d) shall
 171 notify the division, in writing or through electronic transmission, of the issuance of the permit.

Legislative Review Note

as of 2-20-15 8:44 AM

Office of Legislative Research and General Counsel