

**ELECTRICIAN LICENSING AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel McCay**

Senate Sponsor: Todd Weiler

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**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, residential journeyman electrician, or apprentice electrician 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

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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:

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



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, residential journeyman electrician, or  
98 apprentice electrician;

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 is licensed under this chapter as a master electrician, residential master  
168 electrician, journeyman electrician, residential journeyman electrician, or apprentice electrician.

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.

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**Legislative Review Note**  
**as of 2-20-15 8:44 AM**

**Office of Legislative Research and General Counsel**