

HB0442S03 compared with HB0442S01

~~{Omitted text}~~ shows text that was in HB0442S01 but was omitted in HB0442S03
inserted text shows text that was not in HB0442S01 but was inserted into HB0442S03

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Construction Trades Licensing Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Thomas W. Peterson

Senate Sponsor: Calvin R. Musselman

LONG TITLE

General Description:

This bill modifies requirements for construction trade licenses.

Highlighted Provisions:

This bill:

- provides requirements for a general engineering contractor license for electrical utilities;
- allows an applicant with sufficient experience to obtain a general engineering contractor license;
- grants rulemaking authority to the division to establish by rule sufficient experience for an applicant with a journeyman lineman license from another jurisdiction; and
- provides the requirements for an HVAC contractor license.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

AMENDS:

HB0442S01

HB0442S01 compared with HB0442S03

58-55-102 , as last amended by Laws of Utah 2024, Chapter 507 , as last amended by Laws of Utah 2024, Chapter 507

58-55-301 , as last amended by Laws of Utah 2017, Chapter 411 , as last amended by Laws of Utah 2017, Chapter 411

58-55-302 , as last amended by Laws of Utah 2024, Chapter 507 , as last amended by Laws of Utah 2024, Chapter 507

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

Section 1. Section **58-55-102** is amended to read:

58-55-102. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

(1)

(a) "Alarm business" or "alarm company" means a person engaged in the sale, installation, maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system, except as provided in Subsection (1)(b).

(b) "Alarm business" or "alarm company" does not include:

(i) a person engaged in the manufacture or sale of alarm systems unless:

(A) that person is also engaged in the installation, maintenance, alteration, repair, replacement, servicing, or monitoring of alarm systems;

(B) the manufacture or sale occurs at a location other than a place of business established by the person engaged in the manufacture or sale; or

(C) the manufacture or sale involves site visits at the place or intended place of installation of an alarm system; or

(ii) an owner of an alarm system, or an employee of the owner of an alarm system who is engaged in installation, maintenance, alteration, repair, replacement, servicing, or monitoring of the alarm system owned by that owner.

(2) "Alarm company agent":

(a) except as provided in Subsection (2)(b), means any individual employed within this state by an alarm business; and

(b) does not include an individual who:

HB0442S01 compared with HB0442S03

- (i) is not engaged in the sale, installation, maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system; and
- 48 (ii) does not, during the normal course of the individual's employment with an alarm business, use or have access to sensitive alarm system information.
- 50 (3) "Alarm company officer" means:
- 51 (a) a governing person, as defined in Section 48-3a-102, of an alarm company;
- 52 (b) an individual appointed as an officer of an alarm company that is a corporation in accordance with Section 16-10a-830;
- 54 (c) a general partner, as defined in Section 48-2e-102, of an alarm company; or
- 55 (d) a partner, as defined in Section 48-1d-102, of an alarm company.
- 56 (4) "Alarm company owner" means:
- 57 (a) a shareholder, as defined in Section 16-10a-102, who owns directly, or indirectly through an entity controlled by the individual, 5% or more of the outstanding shares of an alarm company that:
- 60 (i) is a corporation; and
- 61 (ii) is not publicly listed or traded; or
- 62 (b) an individual who owns directly, or indirectly through an entity controlled by the individual, 5% or more of the equity of an alarm company that is not a corporation.
- 64 (5) "Alarm company proprietor" means the sole proprietor of an alarm company that is registered as a sole proprietorship with the Division of Corporations and Commercial Code.
- 67 (6) "Alarm company trustee" means an individual with control of or power of administration over property held in trust.
- 69 (7)
- (a) "Alarm system" means equipment and devices assembled for the purpose of:
- 70 (i) detecting and signaling unauthorized intrusion or entry into or onto certain premises; or
- 72 (ii) signaling a robbery or attempted robbery on protected premises.
- 73 (b) "Alarm system" includes a battery-charged suspended-wire system or fence that is part of and interfaces with an alarm system for the purposes of detecting and deterring unauthorized intrusion or entry into or onto certain premises.
- 76 (8) "Apprentice electrician" means a person licensed under this chapter as an apprentice electrician who is learning the electrical trade under the immediate supervision of a master electrician, residential master electrician, a journeyman electrician, or a residential journeyman electrician.

HB0442S01 compared with HB0442S03

- 80 (9) "Apprentice plumber" means a person licensed under this chapter as an apprentice plumber who is
learning the plumbing trade under the immediate supervision of a master plumber, residential master
plumber, journeyman plumber, or a residential journeyman plumber.
- 84 (10) "Approved continuing education" means instruction provided through courses under a program
established under Subsection 58-55-302.5(2).
- 86 (11)
- (a) "Approved prelicensure course provider" means a provider that is the Associated General
Contractors of Utah, the Utah Chapter of the Associated Builders and Contractors, or the Utah
Home Builders Association, and that meets the requirements established by rule by the commission
with the concurrence of the director, to teach the 25-hour course described in Subsection
58-55-302(1)(e)(iii).
- 91 (b) "Approved prelicensure course provider" may only include a provider that, in addition to any other
locations, offers the 25-hour course described in Subsection 58-55-302(1)(e)(iii) at least six times
each year in one or more counties other than Salt Lake County, Utah County, Davis County, or
Weber County.
- 95 (12) "Board" means the Alarm System Security and Licensing Board or Electricians and Plumbers
Licensing Board created in Section 58-55-201.
- 97 (13) "Combustion system" means an assembly consisting of:
- 98 (a) piping and components with a means for conveying, either continuously or intermittently, natural
gas from the outlet of the natural gas provider's meter to the burner of the appliance;
- 101 (b) the electric control and combustion air supply and venting systems, including air ducts; and
- 103 (c) components intended to achieve control of quantity, flow, and pressure.
- 104 (14) "Commission" means the Construction Services Commission created under Section 58-55-103.
- 106 (15) "Construction trade" means any trade or occupation involving:
- 107 (a)
- (i) construction, alteration, remodeling, repairing, wrecking or demolition, addition to, or improvement
of any building, highway, road, railroad, dam, bridge, structure, excavation or other project,
development, or improvement to other than personal property; and
- 111 (ii) constructing, remodeling, or repairing a manufactured home or mobile home as defined in Section
15A-1-302; or
- 113 (b) installation or repair of a residential or commercial natural gas appliance or combustion system.

HB0442S01 compared with HB0442S03

- 115 (16) "Construction trades instructor" means a person licensed under this chapter to teach one or more
construction trades in both a classroom and project environment, where a project is intended for sale
to or use by the public and is completed under the direction of the instructor, who has no economic
interest in the project.
- 119 (17)
- (a) "Contractor" means any person who for compensation other than wages as an employee undertakes
any work in the construction, plumbing, or electrical trade for which licensure is required under this
chapter and includes:
- 122 (i) a person who builds any structure on the person's own property for the purpose of sale or who
builds any structure intended for public use on the person's own property;
- 125 (ii) any person who represents that the person is a contractor, or will perform a service described in
this Subsection (17) by advertising on a website or social media, or any other means;
- 128 (iii) any person engaged as a maintenance person, other than an employee, who regularly engages
in activities set forth under the definition of "construction trade";
- 130 (iv) any person engaged in, or offering to engage in, any construction trade for which licensure is
required under this chapter; or
- 132 (v) a construction manager, construction consultant, construction assistant, or any other person
who, for a fee:
- 134 (A) performs or offers to perform construction consulting;
- 135 (B) performs or offers to perform management of construction subcontractors;
- 136 (C) provides or offers to provide a list of subcontractors or suppliers; or
- 137 (D) provides or offers to provide management or counseling services on a construction project.
- 139 (b) "Contractor" does not include:
- 140 (i) an alarm company or alarm company agent; or
- 141 (ii) a material supplier who provides consulting to customers regarding the design and installation of the
material supplier's products.
- 143 (18)
- (a) "Electrical trade" means the performance of any electrical work involved in the installation,
construction, alteration, change, repair, removal, or maintenance of facilities, buildings, or
appendages or appurtenances.
- 146 (b) "Electrical trade" does not include:

HB0442S01 compared with HB0442S03

- 147 (i) transporting or handling electrical materials;
148 (ii) preparing clearance for raceways for wiring;
149 (iii) work commonly done by unskilled labor on any installations under the exclusive control of
electrical utilities;
151 (iv) work involving cable-type wiring that does not pose a shock or fire-initiation hazard; or
153 (v) work involving class two or class three power-limited circuits as defined in the National Electrical
Code.
- 155 (19) "Elevator" means the same as that term is defined in Section 34A-7-202, except that for purposes
of this chapter it does not mean a stair chair, a vertical platform lift, or an incline platform lift.
- 158 (20) "Elevator contractor" means a sole proprietor, firm, or corporation licensed under this chapter
that is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or
maintaining an elevator.
- 161 (21) "Elevator mechanic" means an individual who is licensed under this chapter as an elevator
mechanic and who is engaged in erecting, constructing, installing, altering, servicing, repairing, or
maintaining an elevator under the immediate supervision of an elevator contractor.
- 165 (22) "Employee" means an individual as defined by the division by rule giving consideration to the
definition adopted by the Internal Revenue Service and the Department of Workforce Services.
- 168 (23) "Engage in a construction trade" means to:
- 169 (a) engage in, represent oneself to be engaged in, or advertise oneself as being engaged in a construction
trade; or
- 171 (b) use the name "contractor" or "builder" or in any other way lead a reasonable person to believe one is
or will act as a contractor.
- 173 (24)
- (a) "Financial responsibility" means a demonstration of a current and expected future condition
of financial solvency evidencing a reasonable expectation to the division and the board that an
applicant or licensee can successfully engage in business as a contractor without jeopardy to the
public health, safety, and welfare.
- 177 (b) Financial responsibility may be determined by an evaluation of the total history concerning the
licensee or applicant including past, present, and expected condition and record of financial
solvency and business conduct.

180

HB0442S01 compared with HB0442S03

(25) "Gas appliance" means any device that uses natural gas to produce light, heat, power, steam, hot water, refrigeration, or air conditioning.

(26)

(a) "General building contractor" means a person licensed under this chapter as a general building contractor qualified by education, training, experience, and knowledge to perform or superintend construction of structures for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind or any of the components of that construction except plumbing, electrical work, mechanical work, work related to the operating integrity of an elevator, and manufactured housing installation, for which the general building contractor shall employ the services of a contractor licensed in the particular specialty, except that a general building contractor engaged in the construction of single-family and multifamily residences up to four units may perform the mechanical work and hire a licensed plumber or electrician as an employee.

(b) The division may by rule exclude general building contractors from engaging in the performance of other construction specialties in which there is represented a substantial risk to the public health, safety, and welfare, and for which a license is required unless that general building contractor holds a valid license in that specialty classification.

(27)

~~[(a)]~~ "General electrical contractor" means a person licensed under this chapter as a general electrical contractor qualified by education, training, experience, and knowledge to perform the fabrication, construction, and installation of generators, transformers, conduits, raceways, panels, switch gear, electrical wires, fixtures, appliances, ~~[or]~~ apparatus that uses electrical energy, or any other work the division authorizes by rule in accordance with Subsection 58-55-301(4).

~~[(b) The scope of work of a general electrical contractor may be further defined by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.]~~

(28)

(a) "General engineering contractor" means a person licensed under this chapter as a general engineering contractor qualified by education, training, experience, and knowledge to perform or superintend construction of fixed works, or components of fixed works requiring specialized engineering knowledge and skill in~~[-any of the following]:~~

~~[(i) irrigation;]~~

HB0442S01 compared with HB0442S03

- 213 [~~(ii) drainage;~~]
- 214 [~~(iii) water power;~~]
- 215 [~~(iv) water supply;~~]
- 216 [~~(v) flood control;~~]
- 217 [~~(vi) an inland waterway;~~]
- 218 [~~(vii) a harbor;~~]
- 219 [~~(viii) a railroad;~~]
- 220 [~~(ix) a highway;~~]
- 221 [~~(x) a tunnel;~~]
- 222 [~~(xi) an airport;~~]
- 223 [~~(xii) an airport runway;~~]
- 224 [~~(xiii) a sewer;~~]
- 225 [~~(xiv) a bridge;~~]
- 226 [~~(xv) a refinery;~~]
- 227 [~~(xvi) a pipeline;~~]
- 228 [~~(xvii) a chemical plant;~~]
- 229 [~~(xviii) an industrial plant;~~]
- 230 [~~(xix) a pier;~~]
- 231 [~~(xx) a foundation;~~]
- 232 [~~(xxi) a power plant;~~]
- 233 [~~(xxii) a utility plant or installation; or]~~
- 234 [~~(xxiii) an underground electric utility conduit.~~]
- 235 (i) airports;
- 236 (ii) airport runways;
- 237 (iii) bridges;
- 238 (iv) chemical plants;
- 239 (v) drainage;
- 240 (vi) electrical utilities;
- 241 (vii) flood control;
- 242 (viii) foundations;
- 243 (ix) harbors;

HB0442S01 compared with HB0442S03

- 244 (x) highways;
245 (xi) industrial plants;
246 (xii) inland waterways;
247 (xiii) irrigation systems;
248 (xiv) piers;
249 (xv) pipelines;
250 (xvi) power plants;
251 (xvii) railroads;
252 (xviii) refineries;
253 (xix) sewers;
254 (xx) tunnels;
255 (xxi) underground electric utility conduits;
256 (xxii) utility plants;
257 (xxiii) water power; or
258 (xxiv) water supply.
- 259 (b) A general engineering contractor may not perform or superintend:
260 (i) construction of a structure built primarily for the support, shelter, and enclosure of persons, animals,
and chattels;~~[-or]~~
262 (ii) plumbing work;
263 (iii) electrical work beyond underground electric utility conduit or electrical utilities;
264 (iv) mechanical work; or
265 (v) work where the general engineering contractor does not have the required specialized engineering
knowledge and skill.
- 267 ~~[(ii) performance of:]~~
268 ~~[(A) plumbing work;]~~
269 ~~[(B) electrical work beyond underground electric utility conduit; or]~~
270 ~~[(C) mechanical work.]~~
271 (29)
- ~~[(a)]~~ "General plumbing contractor" means a person licensed under this chapter as a general plumbing contractor qualified by education, training, experience, and knowledge to perform the fabrication or installation of material and fixtures to create and maintain sanitary conditions in a building

HB0442S01 compared with HB0442S03

by providing permanent means for a supply of safe and pure water, a means for the timely and complete removal from the premises of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, ~~[and] a safe and adequate supply of gases for lighting, heating, and industrial purposes, or other work the division authorizes by rule in accordance with Subsection 58-55-301(4).~~

280 ~~[(b) The scope of work of a general plumbing contractor may be further defined by rules made by the~~
~~commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah~~
~~Administrative Rulemaking Act.]~~

283 ~~(30) "HVAC" means a heating, ventilation, and air conditioning system and the specific components~~
~~that are a part of the system.~~

285 ~~(31) "HVAC contractor" means a person licensed under this chapter specialized in the installation,~~
~~maintenance, repair, and servicing of heating, ventilation, air conditioning systems or any other~~
~~work the division authorizes by rule in accordance with Subsection 58-55-301(4).~~

289 ~~[(30)]~~ ~~(32)~~ "Immediate supervision" means reasonable direction, oversight, inspection, and evaluation
of the work of a person:

291 (a) as the division specifies in rule;

292 (b) by, as applicable, a qualified electrician or plumber;

293 (c) as part of a planned program of training; and

294 (d) to ensure that the end result complies with applicable standards.

295 ~~[(31)]~~ ~~(33)~~ "Individual" means a natural person.

296 ~~(34) "Journeyman lineman" means a person that builds and maintains an electrical power system,~~
~~performs work on transmission lines or distribution lines from power plants to customers, and has~~
~~completed an approved 8,000 hour certified apprenticeship program.~~

296 ~~[(32)]~~ ~~{(34)}~~ ~~(35)~~ "Journeyman electrician" means a person licensed under this chapter as a journeyman
electrician having the qualifications, training, experience, and knowledge to wire, install, and repair
electrical apparatus and equipment for light, heat, power, and other purposes.

300 ~~[(33)]~~ ~~{(35)}~~ ~~(36)~~ "Journeyman plumber" means a person licensed under this chapter as a journeyman
plumber having the qualifications, training, experience, and technical knowledge to engage in the
plumbing trade.

303 ~~[(34)]~~ ~~{(36)}~~ ~~(37)~~ "Master electrician" means a person licensed under this chapter as a master
electrician having the qualifications, training, experience, and knowledge to properly plan, layout,

HB0442S01 compared with HB0442S03

and supervise the wiring, installation, and repair of electrical apparatus and equipment for light, heat, power, and other purposes.

307 [(35)] {~~(37)~~} (38) "Master plumber" means a person licensed under this chapter as a master plumber
having the qualifications, training, experience, and knowledge to properly plan and layout projects
and supervise persons in the plumbing trade.

310 [(36)] {~~(38)~~} (39) "Person" means a natural person, sole proprietorship, joint venture, corporation,
limited liability company, association, or organization of any type.

312 [(37)] {~~(39)~~} (40)

(a) "Plumbing trade" means the performance of any mechanical work pertaining to the installation,
alteration, change, repair, removal, maintenance, or use in buildings, or within three feet beyond the
outside walls of buildings, of pipes, fixtures, and fittings for the:

316 (i) delivery of the water supply;

317 (ii) discharge of liquid and water carried waste;

318 (iii) building drainage system within the walls of the building; and

319 (iv) delivery of gases for lighting, heating, and industrial purposes.

320 (b) "Plumbing trade" includes work pertaining to the water supply, distribution pipes, fixtures and
fixture traps, soil, waste and vent pipes, the building drain and roof drains, and the safe and adequate
supply of gases, together with their devices, appurtenances, and connections where installed within
the outside walls of the building.

325 [(38)] {~~(40)~~} (41) "Ratio of apprentices" means the number of licensed plumber apprentices or
licensed electrician apprentices that are allowed to be under the immediate supervision of a licensed
supervisor as established by the provisions of this chapter and by rules made by the commission,
with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act.

330 [(39)] {~~(41)~~} (42) "Residential and small commercial contractor" means a person licensed under
this chapter as a residential and small commercial contractor qualified by education, training,
experience, and knowledge to perform or superintend the construction of single-family residences,
multifamily residences up to four units, and commercial construction of not more than three stories
above ground and not more than 20,000 square feet, or any of the components of that construction
except plumbing, electrical work, mechanical work, and manufactured housing installation, for
which the residential and small commercial contractor shall employ the services of a contractor

HB0442S01 compared with HB0442S03

licensed in the particular specialty, except that a residential and small commercial contractor engaged in the construction of single-family and multifamily residences up to four units may perform the mechanical work and hire a licensed plumber or electrician as an employee.

341 [(40)] {(42)} (43) "Residential building," as it relates to the license classification of residential
journeyman plumber and residential master plumber, means a single or multiple family dwelling of
up to four units.

344 [(41)] {(43)} (44)
[(a)] "Residential electrical contractor" means a person licensed under this chapter as a residential
electrical contractor qualified by education, training, experience, and knowledge to perform the
fabrication, construction, and installation of services, disconnecting means, grounding devices,
panels, conductors, load centers, lighting and plug circuits, appliances, and fixtures in a residential
unit or any other work the division authorizes by rule in accordance with Subsection 58-55-301(4).

351 [(b) ~~The scope of work of a residential electrical contractor may be further defined by rules made by
the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act.~~]

354 [(42)] {(44)} (45) "Residential journeyman electrician" means a person licensed under this chapter as a
residential journeyman electrician having the qualifications, training, experience, and knowledge to
wire, install, and repair electrical apparatus and equipment for light, heat, power, and other purposes
on buildings using primarily nonmetallic sheath cable.

358 [(43)] {(45)} (46) "Residential journeyman plumber" means a person licensed under this chapter as a
residential journeyman plumber having the qualifications, training, experience, and knowledge to
engage in the plumbing trade as limited to the plumbing of residential buildings.

362 [(44)] {(46)} (47) "Residential master electrician" means a person licensed under this chapter as a
residential master electrician having the qualifications, training, experience, and knowledge to
properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus and
equipment for light, heat, power, and other purposes on residential projects.

367 [(45)] {(47)} (48) "Residential master plumber" means a person licensed under this chapter as a
residential master plumber having the qualifications, training, experience, and knowledge to
properly plan and layout projects and supervise persons in the plumbing trade as limited to the
plumbing of residential buildings.

371 [(46)] {(48)} (49)

HB0442S01 compared with HB0442S03

[(a)] "Residential plumbing contractor" means a person licensed under this chapter as a residential plumbing contractor qualified by education, training, experience, and knowledge to perform the fabrication or installation of material and fixtures to create and maintain sanitary conditions in residential buildings by providing permanent means for a supply of safe and pure water, a means for the timely and complete removal from the premises of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, ~~[and] a safe and adequate supply of gases for lighting, heating, and residential purposes,~~ or any other work the division authorizes by rule in accordance with Subsection 58-55-301(4).

381 [(b) ~~The scope of work of a residential plumbing contractor may be further defined by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.~~]

384 [(47)] ~~{(49)}~~ (50) "Residential project," as it relates to an electrician or electrical contractor, means buildings primarily wired with nonmetallic sheathed cable, in accordance with standard rules and regulations governing this work, including the National Electrical Code, and in which the voltage does not exceed 250 volts line to line and 125 volts to ground.

388 [(48)] ~~{(50)}~~ (51) "Responsible management personnel" means:

- 389 (a) a qualifying agent;
390 (b) an operations manager; or
391 (c) a site manager.

392 [(49)] ~~{(51)}~~ (52) "Sensitive alarm system information" means:

- 393 (a) a pass code or other code used in the operation of an alarm system;
394 (b) information on the location of alarm system components at the premises of a customer of the alarm business providing the alarm system;
396 (c) information that would allow the circumvention, bypass, deactivation, or other compromise of an alarm system of a customer of the alarm business providing the alarm system; and
399 (d) any other similar information that the division by rule determines to be information that an individual employed by an alarm business should use or have access to only if the individual is licensed as provided in this chapter.

402 [(50)] ~~{(52)}~~ (53)

- (a) "Specialty contractor" means a person licensed under this chapter under a specialty contractor classification established by rule, who is qualified by education, training, experience, and

HB0442S01 compared with HB0442S03

knowledge to perform those construction trades and crafts requiring specialized skill, the regulation of which are determined by the division to be in the best interest of the public health, safety, and welfare.

407 (b) A specialty contractor may perform work in crafts or trades other than those in which the specialty contractor is licensed if they are incidental to the performance of the specialty contractor's licensed craft or trade.

410 [(51)] {(53)} (54) "Unincorporated entity" means an entity that is not:

411 (a) an individual;

412 (b) a corporation; or

413 (c) publicly traded.

414 [(52)] {(54)} (55) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-55-501.

416 [(53)] {(55)} (56) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-55-502 and as may be further defined by rule.

418 [(54)] {(56)} (57) "Wages" means amounts due to an employee for labor or services whether the amount is fixed or ascertained on a time, task, piece, commission, or other basis for calculating the amount.

424 Section 2. Section **58-55-301** is amended to read:

425 **58-55-301. License required -- License classifications -- Scope.**

423 (1)

(a) A person engaged in the construction trades licensed under this chapter, as a contractor regulated under this chapter, as an alarm business or company, or as an alarm company agent, shall become licensed under this chapter before engaging in that trade or contracting activity in this state unless specifically exempted from licensure under Section 58-1-307 or 58-55-305.

428 (b) The license issued under this chapter and the business license issued by the local jurisdiction in which the licensee has its principal place of business shall be the only licenses required for the licensee to engage in a trade licensed by this chapter, within the state.

432 (c) Neither the state nor any of its political subdivisions may require of a licensee any additional business licenses, registrations, certifications, contributions, donations, or anything else established for the purpose of qualifying a licensee under this chapter to do business in that local jurisdiction, except for contract prequalification procedures required by state agencies, or the payment of any

HB0442S01 compared with HB0442S03

fee for the license, registration, or certification established as a condition to do business in that local jurisdiction.

438 (2) The division shall issue licenses under this chapter to qualified persons in the following
classifications:

440 (a) alarm company;[~~general engineering contractor~~];

441 (b) alarm company agent;

442 (c) apprentice electrician;

443 (d) apprentice plumber;

444 (e) construction trades instructor;

445 (i) general building classification;

446 (ii) general engineering classification;

447 (iii) electrical classification;

448 (iv) mechanical classification; and

449 (v) plumbing classification;

450 (f) elevator contractor;

451 (g) elevator mechanic;

452 (h) general building contractor;

453 (i) general electrical contractor;

454 (j) general engineering contractor;

455 (k) general plumbing contractor;

456 (l) HVAC contractor;

457 (m) journeyman electrician;

458 (n) journeyman plumber;

459 (o) master electrician;

460 (p) master plumber;

461 (q) residential and small commercial contractor;

462 (r) residential electrical contractor;

463 (s) residential journeyman electrician;

464 (t) residential journeyman plumber;

465 (u) residential master electrician;

466 (v) residential master plumber;

HB0442S01 compared with HB0442S03

467 (w) residential plumbing contractor; and
468 (x) specialty contractor.
469 ~~[(b) general building contractor;]~~
470 ~~[(e) residential and small commercial contractor;]~~
471 ~~[(d) elevator contractor;]~~
472 ~~[(e) general plumbing contractor;]~~
473 ~~[(f) residential plumbing contractor;]~~
474 ~~[(g) general electrical contractor;]~~
475 ~~[(h) residential electrical contractor;]~~
476 ~~[(i) specialty contractor;]~~
477 ~~[(j) master plumber;]~~
478 ~~[(k) residential master plumber;]~~
479 ~~[(l) journeyman plumber;]~~
480 ~~[(m) apprentice plumber;]~~
481 ~~[(n) residential journeyman plumber;]~~
482 ~~[(o) master electrician;]~~
483 ~~[(p) residential master electrician;]~~
484 ~~[(q) journeyman electrician;]~~
485 ~~[(r) residential journeyman electrician;]~~
486 ~~[(s) apprentice electrician;]~~
487 ~~[(t) construction trades instructor;]~~
488 ~~[(i) general engineering classification;]~~
489 ~~[(ii) general building classification;]~~
490 ~~[(iii) electrical classification;]~~
491 ~~[(iv) plumbing classification; and]~~
492 ~~[(v) mechanical classification;]~~
493 ~~[(u) alarm company;]~~
494 ~~[(v) alarm company agent; and]~~
495 ~~[(w) elevator mechanic.]~~
496 (3)

HB0442S01 compared with HB0442S03

(a) An applicant may apply for a license in one or more classification or specialty contractor subclassification.

(b) A license shall be granted in each classification or subclassification for which the applicant qualifies.

(c) A separate application and fee must be submitted for each license classification or subclassification.

(4) With the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may further define the scope of work by rule for:

(a) a general electrical contractor;

(b) a general plumbing contractor;

(c) an HVAC contractor;

(d) a residential electrical contractor; and

(e) a residential plumbing contractor.

Section 3. Section **58-55-302** is amended to read:

58-55-302. Qualifications for licensure.

(1) Each applicant for a license under this chapter shall:

(a) submit an application prescribed by the division;

(b) pay a fee as determined by the department under Section 63J-1-504;

(c) meet the examination requirements established by this section and by rule by the commission with the concurrence of the director, which requirements include:

(i) for licensure as an apprentice electrician, apprentice plumber, or specialty contractor, no division-administered examination is required;

(ii) for licensure as a general building contractor, general engineering contractor, residential and small commercial contractor, general plumbing contractor, residential plumbing contractor, general electrical contractor, or residential electrical contractor, the only required division-administered examination is a division-administered examination that covers information from the 25-hour course described in Subsection (1)(e)(iii), which course may have been previously completed as part of applying for any other license under this chapter, and, if the 25-hour course was completed on or after July 1, 2019, the five-hour business law course described in Subsection (1)(e)(iv); and

(iii) if required in Section 58-55-304, an individual qualifier must pass the required division-administered examination if the applicant is a business entity;

(d) if an apprentice, identify the proposed supervisor of the apprenticeship;

HB0442S01 compared with HB0442S03

- 531 (e) if an applicant for a contractor's license:
- 532 (i) produce satisfactory evidence of financial responsibility, except for a construction trades instructor
for whom evidence of financial responsibility is not required;
- 534 (ii) produce satisfactory evidence of:
- 535 (A) except as provided in Subsection (2)(a), and except that no employment experience is required
for licensure as a specialty contractor, two years full-time paid employment experience in the
construction industry, which employment experience, unless more specifically described in this
section, may be related to any contracting classification and does not have to include supervisory
experience; and
- 541 (B) knowledge of the principles of the conduct of business as a contractor, reasonably necessary for the
protection of the public health, safety, and welfare;
- 543 (iii) except as otherwise provided by rule by the commission with the concurrence of the director,
complete a 25-hour course established by rule by the commission with the concurrence of the
director, which is taught by an approved prec licensure course provider, and which course may
include:
- 547 (A) construction business practices;
- 548 (B) bookkeeping fundamentals;
- 549 (C) mechanics lien fundamentals;
- 550 (D) other aspects of business and construction principles considered important by the commission with
the concurrence of the director; and
- 552 (E) for no additional fee, a provider-administered examination at the end of the 25-hour course;
- 554 (iv) ~~[complete a five-hour business and law course established by rule by the commission with the
concurrence of the director, which is taught by an approved prec licensure course provider, if an
applicant for licensure as a general building contractor, general engineering contractor, residential
and small commercial contractor, general plumbing contractor, residential plumbing contractor,
general electrical contractor, or residential electrical contractor, except that if the 25-hour course
described in Subsection (1)(e)(iii) was completed before July 1, 2019, the applicant does not need
to take the business and law course;]~~ if the applicant is applying for licensure as a general building
contractor, general engineering contractor, general engineering contractor, residential and small
commercial contractor, general plumbing contractor, residential plumbing contractor, general
electrical contractor, residential electrical contractor, or HVAC contractor, other than an applicant

HB0442S01 compared with HB0442S03

who completed the 25-hour course described in Subsection (1)(e)(iii) before July 1, 2019, complete a five-hour business and law course:

- 568 (A) that the commission, with the concurrence of the director, establishes by rule; and
570 (B) that is taught by an approved prelicensure course provider;
571 (v)
- (A) be a licensed master electrician if an applicant for an electrical contractor's license or a licensed master residential electrician if an applicant for a residential electrical contractor's license;
- 574 (B) be a licensed master plumber if an applicant for a plumbing contractor's license or a licensed master residential plumber if an applicant for a residential plumbing contractor's license; or
- 577 (C) be a licensed elevator mechanic and produce satisfactory evidence of three years experience as an elevator mechanic if an applicant for an elevator contractor's license; and
- 580 (vi) when the applicant is an unincorporated entity, provide a list of the one or more individuals who hold an ownership interest in the applicant as of the day on which the application is filed that includes for each individual:
- 583 (A) the individual's name, address, birth date, and social security number or other satisfactory evidence of the applicant's identity permitted under rules made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 587 (B) whether the individual will engage in a construction trade; and
- 588 (f) if an applicant for a construction trades instructor license, satisfy any additional requirements established by rule.
- 590 (2)
- (a) If the applicant for a contractor's license described in Subsection (1) is a building inspector, the applicant may satisfy Subsection (1)(e)(ii)(A) by producing satisfactory evidence of two years full-time paid employment experience as a building inspector, which shall include at least one year full-time experience as a licensed combination inspector.
- 595 (b) The applicant shall file the following with the division before the division issues the license:
- 597 (i) proof of workers' compensation insurance which covers employees of the applicant in accordance with applicable Utah law;
- 599 (ii) proof of public liability insurance in coverage amounts and form established by rule except for a construction trades instructor for whom public liability insurance is not required; and
- 602 (iii) proof of registration as required by applicable law with the:

HB0442S01 compared with HB0442S03

- 603 (A) Department of Commerce;
604 (B) Division of Corporations and Commercial Code;
605 (C) Unemployment Insurance Division in the Department of Workforce Services, for purposes of Title
35A, Chapter 4, Employment Security Act;
607 (D) State Tax Commission; and
608 (E) Internal Revenue Service.
- 609 (3) In addition to the general requirements for each applicant in Subsection (1), applicants shall comply
with the following requirements to be licensed in the following classifications:
- 612 (a)
- (i) A master plumber shall produce satisfactory evidence that the applicant:
- 613 (A) has been a licensed journeyman plumber for at least two years and had two years of supervisory
experience as a licensed journeyman plumber in accordance with division rule;
- 616 (B) has received at least an associate of applied science degree or similar degree following the
completion of a course of study approved by the division and had one year of supervisory
experience as a licensed journeyman plumber in accordance with division rule; or
- 620 (C) meets the qualifications for expedited licensure as established by rules made by the
commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and
skills to be a licensed master plumber.
- 625 (ii) An individual holding a valid Utah license as a journeyman plumber, based on at least four years
of practical experience as a licensed apprentice under the supervision of a licensed journeyman
plumber and four years as a licensed journeyman plumber, in effect immediately prior to May
5, 2008, is on and after May 5, 2008, considered to hold a current master plumber license under
this chapter, and satisfies the requirements of this Subsection (3)(a) for the purpose of renewal or
reinstatement of that license under Section 58-55-303.
- 632 (iii) An individual holding a valid plumbing contractor's license or residential plumbing contractor's
license, in effect immediately prior to May 5, 2008, is on or after May 5, 2008:
- 635 (A) considered to hold a current master plumber license under this chapter if licensed as a plumbing
contractor and a journeyman plumber, and satisfies the requirements of this Subsection (3)(a) for
purposes of renewal or reinstatement of that license under Section 58-55-303; and
- 639

HB0442S01 compared with HB0442S03

(B) considered to hold a current residential master plumber license under this chapter if licensed as a residential plumbing contractor and a residential journeyman plumber, and satisfies the requirements of this Subsection (3)(a) for purposes of renewal or reinstatement of that license under Section 58-55-303.

- 644 (b) A master residential plumber applicant shall produce satisfactory evidence that the applicant:
- 646 (i) has been a licensed residential journeyman plumber for at least two years and had two years of supervisory experience as a licensed residential journeyman plumber in accordance with division rule; or
- 649 (ii) meets the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed master residential plumber.
- 654 (c) A journeyman plumber applicant shall produce satisfactory evidence of:
- 655 (i) successful completion of the equivalent of at least four years of full-time training and instruction as a licensed apprentice plumber under supervision of a licensed master plumber or journeyman plumber and in accordance with a planned program of training approved by the division;
- 659 (ii) at least eight years of full-time experience approved by the division in collaboration with the Electricians and Plumbers Licensing Board; or
- 661 (iii) meeting the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed journeyman plumber.
- 665 (d) A residential journeyman plumber shall produce satisfactory evidence of:
- 666 (i) completion of the equivalent of at least three years of full-time training and instruction as a licensed apprentice plumber under the supervision of a licensed residential master plumber, licensed residential journeyman plumber, or licensed journeyman plumber in accordance with a planned program of training approved by the division;
- 671 (ii) completion of at least six years of full-time experience in a maintenance or repair trade involving substantial plumbing work; or
- 673 (iii) meeting the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative

HB0442S01 compared with HB0442S03

Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed residential journeyman plumber.

- 678 (e) The conduct of licensed apprentice plumbers and their licensed supervisors shall be in accordance
with the following:
- 680 (i) while engaging in the trade of plumbing, a licensed apprentice plumber shall be under the immediate
supervision of a licensed master plumber, licensed residential master plumber, licensed journeyman
plumber, or licensed residential journeyman plumber;
- 684 (ii) beginning in a licensed apprentice plumber's fourth year of training, a licensed apprentice plumber
may work without supervision for a period not to exceed eight hours in any 24-hour period; and
- 687 (iii) rules made by the commission, with the concurrence of the director, in accordance with Title
63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the ratio of apprentices allowed
under the immediate supervision of a licensed supervisor, including the ratio of apprentices in their
fourth year of training or later that are allowed to be under the immediate supervision of a licensed
supervisor.
- 693 (f) A master electrician applicant shall produce satisfactory evidence that the applicant:
- 694 (i) is a graduate electrical engineer of an accredited college or university approved by the division and
has one year of practical electrical experience as a licensed apprentice electrician;
- 697 (ii) is a graduate of an electrical trade school, having received an associate of applied sciences degree
following successful completion of a course of study approved by the division, and has two years of
practical experience as a licensed journeyman electrician;
- 701 (iii) has four years of practical experience as a journeyman electrician; or
- 702 (iv) meets the qualifications for expedited licensure as established by rules made by the commission,
with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed
master electrician.
- 706 (g) A master residential electrician applicant shall produce satisfactory evidence that the applicant:
- 708 (i) has at least two years of practical experience as a residential journeyman electrician; or
- 710 (ii) meets the qualifications for expedited licensure as established by rules made by the commission,
with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a master
residential electrician.

HB0442S01 compared with HB0442S03

- 714 (h) A journeyman electrician applicant shall produce satisfactory evidence that the applicant:
716 (i) has successfully completed at least four years of full-time training and instruction as a licensed
apprentice electrician under the supervision of a master electrician or journeyman electrician and in
accordance with a planned training program approved by the division;
720 (ii) has at least eight years of full-time experience approved by the division in collaboration with the
Electricians and Plumbers Licensing Board; or
722 (iii) meets the qualifications for expedited licensure as established by rules made by the commission,
with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed
journeyman electrician.
- 726 (i) A residential journeyman electrician applicant shall produce satisfactory evidence that the applicant:
728 (i) has successfully completed two years of training in an electrical training program approved by the
division;
730 (ii) has four years of practical experience in wiring, installing, and repairing electrical apparatus and
equipment for light, heat, and power under the supervision of a licensed master, journeyman,
residential master, or residential journeyman electrician; or
734 (iii) meets the qualifications for expedited licensure as established by rules made by the commission,
with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed
residential journeyman electrician.
- 739 (j) The conduct of licensed apprentice electricians and their licensed supervisors shall be in accordance
with the following:
741 (i) a licensed apprentice electrician shall be under the immediate supervision of a licensed master,
journeyman, residential master, or residential journeyman electrician;
744 (ii) beginning in a licensed apprentice electrician's fourth year of training, a licensed apprentice
electrician may work without supervision for a period not to exceed eight hours in any 24-hour
period;
747 (iii) rules made by the commission, with the concurrence of the director, in accordance with Title
63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the ratio of apprentices allowed
under the immediate supervision of a licensed supervisor, including the ratio of apprentices in their

HB0442S01 compared with HB0442S03

fourth year of training or later that are allowed to be under the immediate supervision of a licensed supervisor; and

- 753 (iv) a licensed supervisor may have up to three licensed apprentice electricians on a residential project,
or more if established by rules made by the commission, in concurrence with the director, in
accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 757 (k) An alarm company applicant shall:
- 758 (i) have a qualifying agent who:
- 759 (A) is an alarm company officer, alarm company owner, alarm company proprietor, an alarm company
trustee, or other responsible management personnel;
- 762 (B) demonstrates 6,000 hours of experience in the alarm company business;
- 763 (C) demonstrates 2,000 hours of experience as a manager or administrator in the alarm company
business or in a construction business; and
- 765 (D) passes an examination [~~component~~] established by rule by the commission with the concurrence of
the director;
- 767 (ii) provide the name, address, date of birth, social security number, fingerprint card, and consent to a
background check in accordance with Section 58-55-302.1 and requirements established by division
rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for each
alarm company officer, alarm company owner, alarm company proprietor, alarm company trustee,
and responsible management personnel with direct responsibility for managing operations of the
applicant within the state;
- 774 (iii) document that none of the persons described in Subsection (3)(k)(ii):
- 775 (A) have been declared by any court of competent jurisdiction incompetent by reason of mental defect
or disease and not been restored; or
- 777 (B) are currently suffering from habitual drunkenness or from drug addiction or dependence;
- 779 (iv) file and maintain with the division evidence of:
- 780 (A) comprehensive general liability insurance in form and in amounts to be established by rule by the
commission with the concurrence of the director;
- 782 (B) workers' compensation insurance that covers employees of the applicant in accordance with
applicable Utah law; and
- 784 (C) registration as is required by applicable law with the:
- 785 (I) Division of Corporations and Commercial Code;

HB0442S01 compared with HB0442S03

- 786 (II) Unemployment Insurance Division in the Department of Workforce Services, for purposes of Title
35A, Chapter 4, Employment Security Act;
- 788 (III) State Tax Commission; and
- 789 (IV) Internal Revenue Service; and
- 790 (v) meet with the division and board.
- 791 (l) Each applicant for licensure as an alarm company agent shall:
- 792 (i) submit an application in a form prescribed by the division accompanied by fingerprint cards;
- 794 (ii) pay a fee determined by the department under Section 63J-1-504;
- 795 (iii) submit to and pass a criminal background check in accordance with Section 58-55-302.1 and
requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act;
- 798 (iv) not have been declared by any court of competent jurisdiction incompetent by reason of mental
defect or disease and not been restored;
- 800 (v) not be currently suffering from habitual drunkenness or from drug addiction or dependence; and
- 802 (vi) meet with the division and board if requested by the division or the board.
- 803 (m)
- (i) Each applicant for licensure as an elevator mechanic shall:
- 804 (A) provide documentation of experience and education credits of not less than three years work
experience in the elevator industry, in construction, maintenance, or service and repair; and
- 807 (B) satisfactorily complete a written examination administered by the division established by rule
under Section 58-1-203; or
- 809 (C) provide certificates of completion of an apprenticeship program for elevator mechanics, having
standards substantially equal to those of this chapter and registered with the United States
Department of Labor Bureau Apprenticeship and Training or a state apprenticeship council.
- 813 (ii)
- (A) If an elevator contractor licensed under this chapter cannot find a licensed elevator mechanic to
perform the work of erecting, constructing, installing, altering, servicing, repairing, or maintaining
an elevator, the contractor may:
- 816 (I) notify the division of the unavailability of licensed personnel; and
- 817

HB0442S01 compared with HB0442S03

(II) request the division issue a temporary elevator mechanic license to an individual certified by the contractor as having an acceptable combination of documented experience and education to perform the work described in this Subsection (3)(m)(ii)(A).

821 (B)

(I) The division may issue a temporary elevator mechanic license to an individual certified under Subsection (3)(m)(ii)(A)(II) upon application by the individual, accompanied by the appropriate fee as determined by the department under Section 63J-1-504.

825 (II) The division shall specify the time period for which the license is valid and may renew the license for an additional time period upon its determination that a shortage of licensed elevator mechanics continues to exist.

828 (n) An applicant for licensure as an HVAC contractor shall produce satisfactory evidence to the division that the applicant:

830 (i) completed two years full-time paid employment of HVAC specific experience; and

831 (ii) passed an examination the commission, with the concurrence of the director, established by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

834 (o) An applicant for a general engineering contractor's license described in Subsection (1) may satisfy Subsection (1)(e)(ii)(A):

836 (i) by producing satisfactory evidence of four years relevant full-time paid employment experience; or

838 (ii) if the applicant is a licensed journeyman lineman in another jurisdiction, by meeting the requirements the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

841 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules establishing when Federal Bureau of Investigation records shall be checked for applicants as an alarm company or alarm company agent under this section and Section 58-55-302.1.

845 (5)

(a) An application for licensure under this chapter shall be denied if:

846 (i) the applicant has had a previous license, which was issued under this chapter, suspended or revoked within two years before the date of the applicant's application;

849 (ii)

(A) the applicant is a partnership, corporation, or limited liability company; and

HB0442S01 compared with HB0442S03

- 850 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the applicant,
partner, member, agent acting as a qualifier, or any person occupying a similar status, performing
similar functions, or directly or indirectly controlling the applicant has served in any similar
capacity with any person or entity which has had a previous license, which was issued under this
chapter, suspended or revoked within two years before the date of the applicant's application;
- 857 (iii)
- (A) the applicant is an individual or sole proprietorship; and
- 858 (B) any owner or agent acting as a qualifier has served in any capacity listed in Subsection (5)(a)(ii)(B)
in any entity which has had a previous license, which was issued under this chapter, suspended or
revoked within two years before the date of the applicant's application; or
- 862 (iv)
- (A) the applicant includes an individual who was an owner, director, or officer of an unincorporated
entity at the time the entity's license under this chapter was revoked; and
- 865 (B) the application for licensure is filed within 60 months after the revocation of the unincorporated
entity's license.
- 867 (b) An application for licensure under this chapter shall be reviewed by the appropriate licensing board
prior to approval if:
- 869 (i) the applicant has had a previous license, which was issued under this chapter, suspended or revoked
more than two years before the date of the applicant's application;
- 872 (ii)
- (A) the applicant is a partnership, corporation, or limited liability company; and
- 873 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the applicant,
partner, member, agent acting as a qualifier, or any person occupying a similar status, performing
similar functions, or directly or indirectly controlling the applicant has served in any similar
capacity with any person or entity which has had a previous license, which was issued under this
chapter, suspended or revoked more than two years before the date of the applicant's application; or
- 880 (iii)
- (A) the applicant is an individual or sole proprietorship; and
- 881 (B) any owner or agent acting as a qualifier has served in any capacity listed in Subsection (5)(a)(ii)(B)
in any entity which has had a previous license, which was issued under this chapter, suspended or
revoked more than two years before the date of the applicant's application.

HB0442S01 compared with HB0442S03

- 885 (6)
886 (a)
- (i) A licensee that is an unincorporated entity shall file an ownership status report with the division every 30 days after the day on which the license is issued if the licensee has more than five owners who are individuals who:
- 888 (A) own an interest in the contractor that is an unincorporated entity;
- 889 (B) own, directly or indirectly, less than an 8% interest, as defined by rule made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in the unincorporated entity; and
- 892 (C) engage, or will engage, in a construction trade in the state as owners of the contractor described in Subsection (6)(a)(i)(A).
- 894 (ii) If the licensee has five or fewer owners described in Subsection (6)(a)(i), the licensee shall provide the ownership status report with an application for renewal of licensure.
- 897 (b) An ownership status report required under this Subsection (6) shall:
- 898 (i) specify each addition or deletion of an owner:
- 899 (A) for the first ownership status report, after the day on which the unincorporated entity is licensed under this chapter; and
- 901 (B) for a subsequent ownership status report, after the day on which the previous ownership status report is filed;
- 903 (ii) be in a format prescribed by the division that includes for each owner, regardless of the owner's percentage ownership in the unincorporated entity, the information described in Subsection (1)(e)(vi);
- 906 (iii) list the name of:
- 907 (A) each officer or manager of the unincorporated entity; and
- 908 (B) each other individual involved in the operation, supervision, or management of the unincorporated entity; and
- 910 (iv) be accompanied by a fee set by the division in accordance with Section 63J-1-504 if the ownership status report indicates there is a change described in Subsection (6)(b)(i).
- 913 (c) The division may, at any time, audit an ownership status report under this Subsection (6):
- 915 (i) to determine if financial responsibility has been demonstrated or maintained as required under Section 58-55-306; and

HB0442S01 compared with HB0442S03

- 917 (ii) to determine compliance with Subsection 58-55-501(23), (24), or (26) or Subsection 58-55-502(8)
or (9).
- 919 (7)
- (a) An unincorporated entity that provides labor to an entity licensed under this chapter by providing
an individual who owns an interest in the unincorporated entity to engage in a construction trade in
Utah shall file with the division:
- 922 (i) before the individual who owns an interest in the unincorporated entity engages in a construction
trade in Utah, a current list of the one or more individuals who hold an ownership interest in the
unincorporated entity that includes for each individual:
- 925 (A) the individual's name, address, birth date, and social security number; and
- 926 (B) whether the individual will engage in a construction trade; and
- 927 (ii) every 30 days after the day on which the unincorporated entity provides the list described
in Subsection (7)(a)(i), an ownership status report containing the information that would be
required under Subsection (6) if the unincorporated entity were a licensed contractor.
- 931 (b) When filing an ownership list described in Subsection (7)(a)(i) or an ownership status report
described in Subsection [~~(7)(a)(i)~~] (7)(a)(ii) an unincorporated entity shall pay a fee set by the
division in accordance with Section 63J-1-504.
- 934 (8) This chapter may not be interpreted to create or support an express or implied independent
contractor relationship between an unincorporated entity described in Subsection (6) or (7) and the
owners of the unincorporated entity for any purpose, including income tax withholding.
- 938 (9)
- (a) A social security number provided under Subsection (1)(e)(vi) or (3)(k)(ii) is a private record under
Subsection 63G-2-302(1)(i).
- 940 (b) The division may designate an applicant's evidence of identity under Subsection (1)(e)(vi) as a
private record in accordance with Section 63G-2-302.

945 Section 4. **Effective date.**

This bill takes effect on May 7, 2025.

2-28-25 2:58 PM