

Utah Construction Trades Licensing Act Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Thomas W. Peterson

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill modifies the Utah Construction Trades Licensing Act.

Highlighted Provisions:

This bill:

- defines terms;
- moves the licensing requirements for an alarm company and an alarm company agent into a new chapter;
- restructures the licensing requirements for the remaining trades in the Utah Construction Trades Licensing Act; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

- 11-67-101**, as enacted by Laws of Utah 2022, Chapter 446
- 13-8-5**, as last amended by Laws of Utah 2023, Chapter 16
- 38-11-207**, as last amended by Laws of Utah 2008, Chapter 382
- 57-8-8.2**, as last amended by Laws of Utah 2023, Chapter 503
- 57-8a-801**, as enacted by Laws of Utah 2022, Chapter 439
- 58-1-301.5**, as last amended by Laws of Utah 2025, Chapter 236
- 58-55-103**, as last amended by Laws of Utah 2024, Chapter 507
- 58-55-504**, as last amended by Laws of Utah 2007, Chapter 98

28 **63G-2-302**, as last amended by Laws of Utah 2025, Chapter 172
29 **63I-1-258**, as last amended by Laws of Utah 2025, Chapter 236
30 **63J-1-602.1**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9

31 ENACTS:

- 32 **58-55-107**, Utah Code Annotated 1953
- 33 **58-55-108**, Utah Code Annotated 1953
- 34 **58-55-109**, Utah Code Annotated 1953
- 35 **58-55-112**, Utah Code Annotated 1953
- 36 **58-55-202**, Utah Code Annotated 1953
- 37 **58-55-203**, Utah Code Annotated 1953
- 38 **58-55-204**, Utah Code Annotated 1953
- 39 **58-55-205**, Utah Code Annotated 1953
- 40 **58-55-207**, Utah Code Annotated 1953
- 41 **58-55-208**, Utah Code Annotated 1953
- 42 **58-55-209**, Utah Code Annotated 1953
- 43 **58-55-210**, Utah Code Annotated 1953
- 44 **58-55-211**, Utah Code Annotated 1953
- 45 **58-55-404**, Utah Code Annotated 1953
- 46 **58-55-405**, Utah Code Annotated 1953
- 47 **58-55-505**, Utah Code Annotated 1953
- 48 **58-55-506**, Utah Code Annotated 1953
- 49 **58-55-507**, Utah Code Annotated 1953
- 50 **58-55-508**, Utah Code Annotated 1953
- 51 **58-55-606**, Utah Code Annotated 1953
- 52 **58-55-607**, Utah Code Annotated 1953
- 53 **58-91-101**, Utah Code Annotated 1953
- 54 **58-91-102**, Utah Code Annotated 1953
- 55 **58-91-103**, Utah Code Annotated 1953
- 56 **58-91-201**, Utah Code Annotated 1953
- 57 **58-91-301**, Utah Code Annotated 1953
- 58 **58-91-302**, Utah Code Annotated 1953
- 59 **58-91-303**, Utah Code Annotated 1953
- 60 **58-91-304**, Utah Code Annotated 1953
- 61 **58-91-305**, Utah Code Annotated 1953

62 **58-91-306**, Utah Code Annotated 1953

63 **58-91-307**, Utah Code Annotated 1953

64 **58-91-401**, Utah Code Annotated 1953

65 **58-91-501**, Utah Code Annotated 1953

66 **58-91-502**, Utah Code Annotated 1953

67 **58-91-503**, Utah Code Annotated 1953

68 **58-91-504**, Utah Code Annotated 1953

69 REPEALS AND REENACTS:

70 **58-55-101**, as renumbered and amended by Laws of Utah 1994, Chapter 181

71 **58-55-104**, as last amended by Laws of Utah 2025, Chapter 271

72 **58-55-105**, as last amended by Laws of Utah 2025, Chapter 271

73 **58-55-106**, as last amended by Laws of Utah 2020, Chapter 339

74 **58-55-301**, as last amended by Laws of Utah 2025, Chapter 268

75 **58-55-302**, as last amended by Laws of Utah 2025, Chapters 268, 443

76 **58-55-303**, as last amended by Laws of Utah 2023, Chapter 223

77 **58-55-304**, as last amended by Laws of Utah 2004, Chapter 14

78 **58-55-401**, as last amended by Laws of Utah 2020, Chapter 339

79 **58-55-402**, as last amended by Laws of Utah 2011, Chapter 195

80 **58-55-501**, as last amended by Laws of Utah 2020, Chapter 339

81 **58-55-502**, as last amended by Laws of Utah 2022, Chapter 415

82 **58-55-503**, as last amended by Laws of Utah 2024, Chapter 226

83 **58-55-601**, as last amended by Laws of Utah 2025, Chapter 302

84 **58-55-602**, as last amended by Laws of Utah 1999, Chapter 365

85 **58-55-603**, as last amended by Laws of Utah 2025, Chapter 302

86 **58-55-604**, as last amended by Laws of Utah 2008, Chapter 377

87 **58-55-605**, as enacted by Laws of Utah 2014, Chapter 188

88 RENUMBERS AND AMENDS:

89 **58-55-110**, (Renumbered from 58-55-305, as last amended by Laws of Utah 2025,
90 Chapter 176)

91 **58-55-111**, (Renumbered from 58-55-307, as last amended by Laws of Utah 2016,
92 Chapter 238)

93 **58-55-206**, (Renumbered from 58-55-310, as last amended by Laws of Utah 2013,
94 Chapter 57)

95 **58-55-212**, (Renumbered from 58-55-702, as enacted by Laws of Utah 2022, Chapter

96 436)

97 REPEALS:

98 **58-55-102**, as last amended by Laws of Utah 2025, Chapters 176, 268

99 **58-55-302.5**, as last amended by Laws of Utah 2024, Chapter 201

100 **58-55-302.7**, as last amended by Laws of Utah 2011, Chapter 367

101 **58-55-308**, as last amended by Laws of Utah 2022, Chapter 446

102 **58-55-308.1**, as enacted by Laws of Utah 2014, Chapter 326

103 **58-55-311**, as renumbered and amended by Laws of Utah 2000, Chapter 317

104 **58-55-312**, as last amended by Laws of Utah 2010, Chapter 387

105 **58-55-701**, as enacted by Laws of Utah 2022, Chapter 436

106 **58-55-703**, as enacted by Laws of Utah 2022, Chapter 436

107 **58-55-704**, as enacted by Laws of Utah 2022, Chapter 436

108

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

110 Section 1. Section **11-67-101** is amended to read:

111 **11-67-101 . Battery-charged suspended-wire system.**

112 (1) A political subdivision may not make an ordinance or other regulation prohibiting or
113 otherwise regulating the installation of a battery-charged suspended-wire system on
114 non-residential property, if the suspended-wire system:

115 (a) is installed, repaired, maintained, or replaced by a licensed alarm company or
116 business or a licensed alarm company agent; and

117 (b) meets the requirements described in Subsection [58-55-308(5)(a)] 58-91-301(3).

118 (2) Nothing in this section may be construed to prevent a political subdivision from making
119 an ordinance or other regulation related to a nonelectric perimeter wall or fence, or
120 signage related to the perimeter wall or fence, that surrounds a battery-charged
121 suspended-wire system.

122 Section 2. Section **13-8-5** is amended to read:

123 **13-8-5 . Definitions -- Limitation on retention proceeds withheld -- Deposit in**
124 **interest-bearing escrow account -- Release of proceeds -- Payment to subcontractors --**
125 **Penalty -- No waiver.**

126 (1) As used in this section:

127 (a)(i) "Construction contract" means a written agreement between the parties relative
128 to the design, construction, alteration, repair, or maintenance of a building,
129 structure, highway, appurtenance, appliance, or other improvements to real

- 130 property, including moving, demolition, and excavating for nonresidential
131 commercial or industrial construction projects.
- 132 (ii) If the construction contract is for construction of a project that is part residential
133 and part nonresidential, this section applies only to that portion of the construction
134 project that is nonresidential as determined pro rata based on the percentage of the
135 total square footage of the project that is nonresidential.
- 136 (b)(i) "Construction lender" means any person, including a bank, trust company,
137 savings bank, industrial bank, land bank, safe deposit company, private banker,
138 savings and loan association, credit union, cooperative bank, small loan company,
139 sales finance company, investment company, or any other financial institution that
140 advances money to a borrower for the purpose of making alterations or
141 improvements to real property.
- 142 (ii) A construction lender does not include a person or entity who is acting in the
143 capacity of contractor, original contractor, or subcontractor.
- 144 (c) "Construction project" means an improvement to real property that is the subject of a
145 construction contract.
- 146 (d) "Contractor" means a person who, for compensation other than wages as an
147 employee, undertakes any work in a construction trade, as defined in Section [
148 ~~58-55-102~~] 58-55-101 and includes:
- 149 (i) any person engaged as a maintenance person who regularly engages in activities
150 set forth in Section [~~58-55-102~~] 58-55-101 as a construction trade; or
151 (ii) a construction manager who performs management and counseling services on a
152 construction project for a fee.
- 153 (e) "Original contractor" means the same as that term is defined in Section 38-1a-102.
- 154 (f)(i) "Owner" means the person who holds any legal or equitable title or interest in
155 property.
- 156 (ii) "Owner" does not include a construction lender unless the construction lender has
157 an ownership interest in the property other than solely as a construction lender.
- 158 (g) "Public agency" means any state agency or a county, city, town, school district,
159 special district, special service district, or other political subdivision of the state that
160 enters into a construction contract for an improvement of public property.
- 161 (h) "Retention payment" means release of retention proceeds as defined in Subsection
162 (1)(i).
- 163 (i) "Retention proceeds" means money earned by a contractor or subcontractor but

164 retained by the owner or public agency pursuant to the terms of a construction
165 contract to guarantee payment or performance by the contractor or subcontractor of
166 the construction contract.

167 (j) "Subcontractor" means the same as that term is defined in Section 38-1a-102.

168 (2)(a) This section is applicable to all construction contracts relating to construction
169 work or improvements entered into on or after July 1, 1999, between:

170 (i) an owner or public agency and an original contractor;

171 (ii) an original contractor and a subcontractor; and

172 (iii) subcontractors under a contract described in Subsection (2)(a)(i) or (ii).

173 (b) This section does not apply to a construction lender.

174 (3)(a) Notwithstanding Section [~~58-55-603~~] ~~58-55-209~~, the retention proceeds withheld
175 and retained from any payment due under the terms of the construction contract may
176 not exceed 5% of the payment:

177 (i) by the owner or public agency to the original contractor;

178 (ii) by the original contractor to any subcontractor; or

179 (iii) by a subcontractor.

180 (b) The total retention proceeds withheld may not exceed 5% of the total construction
181 price.

182 (c) The percentage of the retention proceeds withheld and retained pursuant to a
183 construction contract between the original contractor and a subcontractor or between
184 subcontractors shall be the same retention percentage as between the owner and the
185 original contractor if:

186 (i) the retention percentage in the original construction contract between an owner
187 and the original contractor is less than 5%; or

188 (ii) after the original construction contract is executed but before completion of the
189 construction contract the retention percentage is reduced to less than 5%.

190 (4)(a) If any payment on a contract with a private contractor, firm, or corporation to do
191 work for an owner or public agency is retained or withheld by the owner or the public
192 agency, as retention proceeds, it shall be placed in an interest-bearing account and
193 accounted for separately from other amounts paid under the contract.

194 (b) The interest accrued under Subsection (4)(a) shall be:

195 (i) for the benefit of the contractor and subcontractors; and

196 (ii) paid after the project is completed and accepted by the owner or the public
197 agency.

- 198 (c) The contractor shall ensure that any interest accrued on the retainage is distributed by
199 the contractor to subcontractors on a pro rata basis.
- 200 (d) Retention proceeds and accrued interest retained by an owner or public agency:
201 (i) are considered to be in a constructive trust for the benefit of the contractor and
202 subcontractors who have earned the proceeds; and
203 (ii) are not subject to assignment, encumbrance, attachment, garnishment, or
204 execution levy for the debt of any person holding the retention proceeds and
205 accrued interest.
- 206 (5) Any retention proceeds retained or withheld pursuant to this section and any accrued
207 interest shall be released pursuant to a billing statement from the contractor within 45
208 days from the later of:
209 (a) the date the owner or public agency receives the billing statement from the contractor;
210 (b) the date that a certificate of occupancy or final acceptance notice is issued to:
211 (i) the original contractor who obtained the building permit from the building
212 inspector or public agency;
213 (ii) the owner or architect; or
214 (iii) the public agency;
215 (c) the date that a public agency or building inspector that has the authority to issue a
216 certificate of occupancy does not issue the certificate but permits partial or complete
217 occupancy or use of a construction project; or
218 (d) the date the contractor accepts the final pay quantities.
- 219 (6) If only partial occupancy of a construction project is permitted, any retention proceeds
220 withheld and retained pursuant to this section and any accrued interest shall be partially
221 released within 45 days under the same conditions as provided in Subsection (5) in
222 direct proportion to the value of the part of the construction project occupied or used.
- 223 (7) The billing statement from the contractor as provided in Subsection (5)(a) shall include
224 documentation of lien releases or waivers.
- 225 (8)(a) Notwithstanding Subsection (3):
226 (i) if a contractor or subcontractor is in default or breach of the terms and conditions
227 of the construction contract documents, plans, or specifications governing
228 construction of the project, the owner or public agency may withhold from
229 payment for as long as reasonably necessary an amount necessary to cure the
230 breach or default of the contractor or subcontractor; or
231 (ii) if a project or a portion of the project has been substantially completed, the owner

232 or public agency may retain until completion up to twice the fair market value of
233 the work of the original contractor or of any subcontractor that has not been
234 completed:

235 (A) in accordance with the construction contract documents, plans, and
236 specifications; or

237 (B) in the absence of plans and specifications, to generally accepted craft
238 standards.

239 (b) An owner or public agency that refuses payment under Subsection (8)(a) shall
240 describe in writing within 45 days of withholding such amounts what portion of the
241 work was not completed according to the standards specified in Subsection (8)(a).

242 (9)(a) Except as provided in Subsection (9)(b), an original contractor or subcontractor
243 who receives retention proceeds shall pay each of its subcontractors from whom
244 retention has been withheld each subcontractor's share of the retention received
245 within 10 days from the day that all or any portion of the retention proceeds is
246 received:

247 (i) by the original contractor from the owner or public agency; or

248 (ii) by the subcontractor from:

249 (A) the original contractor; or

250 (B) a subcontractor.

251 (b) Notwithstanding Subsection (9)(a), if a retention payment received by the original
252 contractor is specifically designated for a particular subcontractor, payment of the
253 retention shall be made to the designated subcontractor.

254 (10)(a) In any action for the collection of the retained proceeds withheld and retained in
255 violation of this section, the successful party is entitled to:

256 (i) attorney fees; and

257 (ii) other allowable costs.

258 (b)(i) Any owner, public agency, original contractor, or subcontractor who knowingly
259 and wrongfully withholds a retention shall be subject to a charge of 2% per month
260 on the improperly withheld amount, in addition to any interest otherwise due.

261 (ii) The charge described in Subsection (10)(b)(i) shall be paid to the contractor or
262 subcontractor from whom the retention proceeds have been wrongfully withheld.

263 (11) A party to a construction contract may not require any other party to waive any
264 provision of this section.

265 Section 3. Section **38-11-207** is amended to read:

266 **38-11-207 . Reimbursement to the fund.**

267 (1) If the director disburses money from the fund as a result of a person licensed under Title
268 58, Chapter 55, Utah Construction Trades Licensing Act, or a qualified beneficiary
269 failing to pay qualified beneficiaries:

270 (a) the division shall issue a notice of the disbursement from the fund and the obligation
271 to reimburse the fund to the licensee or qualified beneficiary; and

272 (b) the licensee or qualified beneficiary shall reimburse the fund within 20 days from the
273 issuance of the notice required by Subsection (1)(a).

274 (2) The notice required by Subsection (1)(a) shall meet the requirements established by rule
275 by the division in accordance with Title 63G, Chapter 3, Utah Administrative
276 Rulemaking Act.

277 (3)(a) A finding of fact in an administrative action that a payment of any amount has
278 been made from the fund in settlement of a claim arising from the act, representation,
279 transaction, or conduct of a person licensed under Title 58, Chapter 55, Utah
280 Construction Trades Licensing Act, in violation of Section [~~58-55-603~~] 58-55-209
281 shall result in the immediate suspension of that person's license without further
282 compliance with Title 63G, Chapter 4, Administrative Procedures Act.

283 (b) The finding of fact for Subsection (3)(a) may be made in the same administrative
284 action as the related claim and may be included in the findings required by Section
285 38-11-203.

286 (c) The suspension required by Subsection (3)(a) shall remain in effect until the person
287 applies for reinstatement and is issued a license in accordance with Sections 58-1-308
288 and [~~58-55-303~~] 58-55-108.

289 Section 4. Section **57-8-8.2** is amended to read:

290 **57-8-8.2 . Electric vehicle charging systems -- Restrictions -- Responsibilities.**

291 (1) As used in this section:

292 (a) "Charging system" means a device that is:

293 (i) used to provide electricity to an electric or hybrid electric vehicle; and

294 (ii) designed to ensure a safe connection between the electric grid and the vehicle.

295 (b) "General electrical contractor" means the same as that term is defined in Section [
296 ~~58-55-102~~] 58-55-202.

297 (c) "Residential electrical contractor" means the same as that term is defined in Section [
298 ~~58-55-102~~] 58-55-202.

299 (2) Notwithstanding any provision in an association's governing documents to the contrary,

- 300 an association may not prohibit a unit owner from installing or using a charging system
301 in:
- 302 (a) a parking space:
- 303 (i) assigned to the unit owner's unit; and
304 (ii) used for the parking or storage of a vehicle or equipment; or
- 305 (b) a limited common area parking space designated for the unit owner's exclusive use.
- 306 (3) An association may:
- 307 (a) require a unit owner to submit an application for approval of the installation of a
308 charging system;
- 309 (b) require the unit owner to agree in writing to:
- 310 (i) hire a general electrical contractor or residential electrical contractor to install the
311 charging system; or
- 312 (ii) if a charging system is installed in a common area, provide reimbursement to the
313 association for the actual cost of the increase in the association's insurance
314 premium attributable to the installation or use of the charging system;
- 315 (c) require a charging system to comply with:
- 316 (i) the association's reasonable design criteria governing the dimensions, placement,
317 or external appearance of the charging system; or
- 318 (ii) applicable building codes;
- 319 (d) impose a reasonable charge to cover costs associated with the review and permitting
320 of a charging system;
- 321 (e) impose a reasonable restriction on the installation and use of a charging system that
322 does not significantly:
- 323 (i) increase the cost of the charging system; or
324 (ii) decrease the efficiency or performance of the charging system; or
- 325 (f) require a unit owner to pay the costs associated with installation, metering, and use of
326 the charging system, including the cost of:
- 327 (i) electricity associated with the charging system; and
328 (ii) damage to a general common area, a limited common area, or an area subject to
329 the exclusive use of another unit owner that results from the installation, use,
330 maintenance, repair, removal, or replacement of the charging system.
- 331 (4) A unit owner who installs a charging system shall disclose to a prospective buyer of the
332 unit:
- 333 (a) the existence of the charging system; and

- 334 (b) the unit owner's related responsibilities under this section.
- 335 (5) Unless the unit owner and the association or the declarant otherwise agree:
- 336 (a) a charging system installed under this section is the personal property of the unit
- 337 owner of the unit with which the charging station is associated; and
- 338 (b) a unit owner who installs a charging system shall, before transferring ownership of
- 339 the owner's unit, unless the prospective buyer of the unit accepts ownership and all
- 340 rights and responsibilities that apply to the charging station under this section:
- 341 (i) remove the charging system; and
- 342 (ii) restore the premises to the condition before installation of the charging system.

343 Section 5. Section **57-8a-801** is amended to read:

344 **57-8a-801 . Definitions.**

345 As used in this part:

- 346 (1) "Charging system" means a device that is:
- 347 (a) used to provide electricity to an electric or hybrid electric vehicle; and
- 348 (b) designed to ensure a safe connection between the electric grid and the vehicle.
- 349 (2) "General electrical contractor" means the same as that term is defined in Section [
- 350 ~~58-55-102~~] 58-55-202.
- 351 (3) "Residential electrical contractor" means the same as that term is defined in Section [
- 352 ~~58-55-102~~] 58-55-202.

353 Section 6. Section **58-1-301.5** is amended to read:

354 **58-1-301.5 . Division access to Bureau of Criminal Identification records --**

355 **Criminal background check requirement.**

- 356 (1) As used in this section, "applicant" means an individual applying for licensure or
- 357 certification, [~~or with respect to a license or certification, applying~~]for renewal,
- 358 reinstatement, or relicensure or recertification, as required in:
- 359 (a) Section 58-5a-302;
- 360 (b) Section 58-16a-302;
- 361 (c) Section 58-17b-303;
- 362 (d) Section 58-17b-304;
- 363 (e) Section 58-17b-305;
- 364 (f) Section 58-17b-306;
- 365 (g) Section 58-24b-302;
- 366 (h) Section 58-31b-302;
- 367 (i) Section 58-42a-302;

- 368 (j) Section 58-44a-302;
- 369 (k) Section 58-47b-302;
- 370 (l) Section [~~58-55-302~~] 58-55-203;
- 371 (m) Section 58-47b-302.2;
- 372 (n) Section 58-60-205;
- 373 (o) Section 58-60-305;
- 374 (p) Section 58-60-405;
- 375 (q) Section 58-60-506;
- 376 (r) Section 58-61-304;
- 377 (s) Section 58-63-302;
- 378 (t) Section 58-64-302;
- 379 (u) Section 58-67-302;
- 380 (v) Section 58-68-302;
- 381 (w) Section 58-69-302;
- 382 (x) Section 58-70a-302;
- 383 (y) Section 58-70b-302;
- 384 (z) Section 58-71-302; [~~or~~]
- 385 (aa) Section 58-73-302[~~;~~] ; or
- 386 (bb) Section 58-91-304.
- 387 (2) The division shall have direct access to local files [~~maintained by~~]the Bureau of
- 388 Criminal Identification maintains under Title 53, Chapter 10, Part 2, Bureau of Criminal
- 389 Identification, for background screening of an applicant.
- 390 (3) The division's access to criminal background information under this section:
- 391 (a) shall meet the requirements of Section 53-10-108; and
- 392 (b) includes:
- 393 (i) convictions, pleas of nolo contendere, pleas of guilty or nolo contendere held in
- 394 abeyance, dismissed charges, and charges without a known disposition; and
- 395 (ii) criminal background information [~~maintained~~] the Bureau of Criminal
- 396 Identification maintains under Title 53, Chapter 10, Part 2, Bureau of Criminal
- 397 Identification.
- 398 (4) The division may not disseminate outside of the division any criminal history record
- 399 information that the division obtains from the Bureau of Criminal Identification or the
- 400 Federal Bureau of Investigation under the criminal background check requirements of
- 401 this section.

- 402 (5) To fulfill an applicable criminal background check requirement, an applicant shall:
- 403 (a) submit fingerprints in a form acceptable to the division at the time the applicant files
- 404 a license application or a registration; and
- 405 (b) consent to a fingerprint background check conducted by the Bureau of Criminal
- 406 Identification and the Federal Bureau of Investigation regarding the application.
- 407 (6)(a) Upon receiving fingerprints from an applicant in accordance with Subsection (5),
- 408 the division shall:
- 409 (i) collect from each applicant submitting fingerprints in accordance with this section:
- 410 (A) the fee that the Bureau of Criminal Identification is authorized to collect for
- 411 the services provided under Section 53-10-108; and
- 412 (B) the fee charged by the Federal Bureau of Investigation for fingerprint
- 413 processing for the purpose of obtaining federal criminal history record
- 414 information;
- 415 (ii) submit from each applicant the fingerprints and the fees described in Subsection
- 416 (6)(a)(i) to the Bureau of Criminal Identification; and
- 417 (iii) obtain and retain in division records a signed waiver approved by the Bureau of
- 418 Criminal Identification in accordance with Section 53-10-108 for each applicant.
- 419 (b) The fees described in Subsection (6)(a)(i) are in addition to other fees authorized by
- 420 this chapter.
- 421 (7) In accordance with the requirements of Section 53-10-108, the Bureau of Criminal
- 422 Identification shall:
- 423 (a) check the fingerprints submitted under Subsection (5)(a) against the applicable state
- 424 and regional criminal records databases;
- 425 (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal
- 426 history background check; and
- 427 (c) provide the results from the state, regional, and nationwide criminal history
- 428 background checks to the division.
- 429 (8)(a)(i) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the
- 430 criminal background check required under this section demonstrates, after the
- 431 applicant is licensed or registered, that the applicant failed to accurately disclose a
- 432 criminal history, the division may provide notice to the applicant that the license
- 433 or registration is immediately and automatically revoked.
- 434 (ii) ~~[If]~~ Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if a
- 435 massage establishment owner has a criminal conviction or pending criminal

436 charges for any crime under Title 76, Chapter 5, Part 4, Sexual Offenses, or any
 437 crime listed by rule [~~made by~~]the division makes in collaboration with the board
 438 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 439 the division shall deny an application for registration of a massage establishment.

440 (b)(i) An individual whose license has been revoked in accordance with Subsection
 441 (8)(a) is entitled to a hearing to challenge the revocation.

442 (ii) A registered massage establishment for which the registration has been revoked
 443 in accordance with Subsection (8)(a) is entitled to a hearing to challenge the
 444 revocation.

445 (c) The division shall conduct the hearing described in this Subsection (8) in accordance
 446 with Title 63G, Chapter 4, Administrative Procedures Act.

447 Section 7. Section **58-55-101** is repealed and reenacted to read:

448 **Part 1. General Provisions**

449 **58-55-101 . Definitions.**

450 As used in this chapter:

451 (1) "Applicant" means a person that is applying for an initial license, the renewal of a
 452 license, or the reinstatement of a license.

453 (2) "Board" means the Electricians and Plumbers Licensing Board created in Section
 454 58-55-104.

455 (3) "Combustion system" means an assembly that includes:

456 (a) pipng and components that continuously or intermittently convey gas from the gas
 457 provider's meter to the appliance burner;

458 (b) an electric control system, a combustion air supply system, a venting system, and air
 459 ducts; and

460 (c) a component that controls quantity, flow, and pressure.

461 (4) "Commission" means the Construction Services Commission created in Section
 462 58-55-103.

463 (5) "Construction trade" means work that involves:

464 (a) constructing, remodeling, repairing, or wrecking a building, highway, road, railroad,
 465 dam, bridge, structure, excavation, project, or development that is not personal
 466 property;

467 (b) constructing, remodeling, or repairing a manufactured home defined in Section
 468 15A-1-302, or mobile home as defined in Section 15A-1-302; or

469 (c) installing or repairing a residential or commercial gas appliance or combustion

- 470 system.
- 471 (6)(a) "Construction trades instructor" means a person that teaches one or more
472 construction trades in a classroom or project setting.
- 473 (b) "Construction trades instructor" does not include an individual who holds an
474 economic interest in a project that the individual directs that is intended for sale to or
475 use by the public.
- 476 (7)(a) "Contractor" means a person that engages in a construction trade for
477 compensation.
- 478 (b) "Contractor" includes:
- 479 (i) a person that builds a structure on the person's own property that is intended for
480 sale or public use;
- 481 (ii) a person that advertises that the person is a contractor or that the person will
482 perform a service that requires a license under this chapter; or
- 483 (iii) a person that, for a fee:
- 484 (A) performs or offers to perform construction consulting;
- 485 (B) performs or offers to perform management of construction subcontractors;
- 486 (C) provides or offers to provide a list of subcontractors or suppliers; or
- 487 (D) provides or offers to provide management or counseling services on a
488 construction project.
- 489 (c) "Contractor" does not include:
- 490 (i) an individual; or
- 491 (ii) a material supplier that consults with a customer about design and installation of
492 the material supplier's product.
- 493 (8)(a) "Control position" means a person that exercises direct or indirect control over an
494 entity.
- 495 (b) "Control position" includes:
- 496 (i) a corporate officer or a director;
- 497 (ii) a shareholder who owns 25% or more of the entity's stock;
- 498 (iii) a partner or a member;
- 499 (iv) an agent; or
- 500 (v) a qualifier.
- 501 (9) "Engage in a construction trade" means to:
- 502 (a) perform a construction trade; or
- 503 (b) to lead, or attempt to lead, a reasonable individual to believe a person will perform a

- 504 construction trade.
- 505 (10) "Gas appliance" means a device that uses gas to produce light, heat, power, steam, hot
- 506 water, refrigeration, or air conditioning.
- 507 (11) "Immediate supervision" means the reasonable direction, oversight, inspection, and
- 508 evaluation of the work of an individual:
- 509 (a) as the division provides in rule the division makes in accordance with Title 63G,
- 510 Chapter 3, Utah Administrative Rulemaking Act;
- 511 (b) as applicable, by a qualified electrician or plumber;
- 512 (c) as part of a planned training program; and
- 513 (d) as required to ensure the work complies with applicable standards.
- 514 (12) "Licensee" means a person that is licensed under this chapter.
- 515 (13) "Qualifier" means an individual who:
- 516 (a) holds a control position of a licensee under this chapter;
- 517 (b) satisfies the requirements to obtain a license under this chapter;
- 518 (c) meets any additional license requirements established in rule the division makes in
- 519 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 520 (d) holds collective and individual liability with the licensee for compliance with this
- 521 chapter and may be held fully responsible for a violation.
- 522 (14) "Unincorporated entity" means an entity that operates as:
- 523 (a) a general partnership;
- 524 (b) a limited liability partnership;
- 525 (c) a limited liability limited partnership;
- 526 (d) a limited partnership; or
- 527 (e) a limited cooperative association.
- 528 (15) "Wages" means compensation an employer owes to an employee for labor or services,
- 529 regardless of how the employer calculates the amount owed to the employee.

530 Section 8. Section **58-55-103** is amended to read:

531 **58-55-103 . Construction Services Commission created -- Functions --**

532 **Appointment -- Qualifications and terms of members -- Vacancies -- Expenses --**

533 **Meetings -- Concurrence.**

- 534 (1)(a) There is created within the division the Construction Services Commission.
- 535 (b) [~~The commission shall:~~] The duties, functions, and responsibilities of the commission
- 536 include the following:
- 537 (i) [~~with the concurrence of the director, make reasonable rules under Title 63G,~~

- 538 Chapter 3, Utah Administrative Rulemaking Act, to administer and enforce this
539 chapter which are consistent with this chapter including] with the director's
540 concurrence, make rules in accordance with Title 63G, Chapter 3, Utah
541 Administrative Rulemaking Act, to administer and enforce this chapter, including
542 rules that provide the standards for a licensee's:
- 543 (A) [~~licensing of various licensees~~] license;
 - 544 (B) [~~examination requirements and administration of the examinations, to include~~
545 ~~approving and establishing a passing score for applicant examinations~~]
546 examination;
 - 547 (C) [~~standards of supervision for students or persons in training to become~~
548 ~~qualified to obtain a license in the trade they represent~~] supervision of a student
549 or a trainee preparing to obtain a license; and
 - 550 (D) [~~standards of conduct for various licensees~~] professional conduct;
- 551 (ii) [~~approve or disapprove fees adopted by the division~~] approve a fee the division
552 adopts under Section 63J-1-504;
- 553 (iii) [~~except where the boards conduct them, conduct all administrative hearings not~~
554 ~~delegated to an administrative law judge relating to the licensing of any applicant;~~]
555 conduct an administrative hearing relating to licensing when the administrative
556 hearing is not conducted by the board or delegated to an administrative law judge;
- 557 (iv) except as [~~otherwise~~] provided in Sections 38-11-207 and [~~58-55-503~~] 58-55-604,
558 with the [~~concurrence of the director~~] director's concurrence, impose sanctions
559 against [~~licensees and certificate holders~~] a licensee with the same authority as the
560 division under Section 58-1-401;
- 561 (v) advise the director on the administration and enforcement of [~~any~~] matters
562 affecting the division and the construction industry;
- 563 (vi) advise the director on matters affecting the [~~division~~] division's budget;
- 564 (vii) advise [~~and assist~~] trade associations in conducting construction trade seminars
565 and industry education and promotion; and
- 566 (viii) perform other duties as provided by this chapter.
- 567 (2)(a) The terms of office of the commission members who are serving on the
568 Contractors Licensing Board shall continue as they serve on the commission.]
- 569 (b) The commission shall be comprised of the following members appointed by the
570 executive director with the approval of the governor from the following groups:]
- 571 [(i) one member shall be a licensed general engineering contractor;]

- 572 ~~[(ii) one member shall be a licensed general building contractor;]~~
573 ~~[(iii) two members shall be licensed residential and small commercial contractors;]~~
574 ~~[(iv) one member shall be a licensed plumber and a member of the Electricians and~~
575 ~~Plumbers Licensing Board;]~~
576 ~~[(v) one member shall be a licensed electrician and a member of the Electricians and~~
577 ~~Plumbers Licensing Board;]~~
578 ~~[(vi) one member shall be the chair person of the Alarm System Security and~~
579 ~~Licensing Board; and]~~
580 ~~[(vii) two members shall be from the general public.]~~
581 (a) The executive director, with the governor's approval, shall appoint commission
582 members as follows:
583 (i) one individual who is a qualifier for a licensed general engineering contractor as
584 defined in Section 58-55-202;
585 (ii) one individual who is a qualifier for a licensed general building contractor as
586 defined in Section 58-55-202;
587 (iii) two individuals who are qualifiers for separate licensed residential and small
588 commercial contractors as defined in Section 58-55-202;
589 (iv) one individual who is a licensed plumber and a member of the Electricians and
590 Plumbers Licensing Board;
591 (v) one individual who is a licensed electrician and a member of the Electricians and
592 Plumbers Licensing Board; and
593 (vi) one individual who is a member of the general public and who has never been
594 licensed in a construction trade.
595 ~~[(3)(a) Except as required by Subsection (3)(b), as terms of current commission~~
596 ~~members expire, the executive director with the approval of the governor shall~~
597 ~~appoint each new member or reappointed member to a four-year term ending June 30.]~~
598 ~~[(b) Notwithstanding the requirements of Subsection (3)(a), the executive director with~~
599 ~~the approval of the governor shall, at the time of appointment or reappointment,~~
600 ~~adjust the length of terms to stagger the terms of commission members so that~~
601 ~~approximately 1/2 of the commission members are appointed every two years.]~~
602 ~~[(e)]~~ (3) A commission member may not serve more than two consecutive terms.
603 (4) The executive director, with the governor's approval, shall:
604 (a) appoint or reappoint each member to a four-year term ending June 30, except as
605 provided in Subsection (6); and

- 606 (b) adjust terms at appointment or reappointment to stagger terms so that approximately
607 half of the members' terms expire every two years.
- 608 (5) The commission shall elect annually one of [its] the commission members as [~~chair, for~~
609 ~~a term of one year]~~ the chair.
- 610 [~~(5)~~] (6) [~~When a vacancy occurs in the membership for any reason, the replacement shall~~
611 ~~be appointed for the unexpired term.]~~ The executive director shall appoint a replacement
612 for the remainder of the term when a vacancy occurs.
- 613 [~~(6)~~] (7) A member may not receive compensation or [~~benefits]~~ a benefit for the member's
614 service, but may receive per diem and travel expenses in accordance with:
- 615 (a) Section 63A-3-106;
- 616 (b) Section 63A-3-107; and
- 617 (c) rules [~~made by~~]the Division of Finance [~~pursuant to~~] makes in accordance with
618 Sections 63A-3-106 and 63A-3-107.
- 619 [~~(7)~~] (8)(a) The commission shall meet at least monthly unless the director determines
620 otherwise.
- 621 (b) The director may call additional meetings:
- 622 (i) at the director's discretion[;] ;
- 623 (ii) upon the request of the chair[;] ; or
- 624 (iii) upon the written request of four or more commission members.
- 625 [~~(8)~~] (9)(a) Five members [~~constitute]~~ are a quorum for the transaction of business.
- 626 (b) If a quorum is present when [~~a vote is taken]~~ the commission takes a vote, the
627 affirmative vote of a majority of the commission members present is the act of the
628 commission.
- 629 [~~(9)~~] (10) The commission shall comply with the procedures and requirements of Title 13,
630 Chapter 1, Department of Commerce, and Title 63G, Chapter 4, Administrative
631 Procedures Act, in all [~~of its~~]adjudicative proceedings.
- 632 [~~(10)~~] (11)[~~(a) For purposes of this Subsection (10), "concurrence" means the entities~~
633 ~~given a concurring role must jointly agree for the action to be taken.]~~
- 634 [~~(b) If a provision of this chapter requires concurrence between the director or division~~
635 ~~and the commission and no concurrence can be reached, the director or division has~~
636 ~~final authority.]~~
- 637 [~~(e)~~] (a) When this chapter requires concurrence between the director or division and the
638 commission:
- 639 (i) the director or division shall report to and update the commission on a regular

- 640 basis related to matters requiring concurrence; and
- 641 (ii) the commission shall review the report [~~submitted by~~]the director or division
- 642 submits under this Subsection [~~(10)(c)~~] (11)(a) and concur with the report, or:
- 643 (A) provide a reason for not concurring with the report; and
- 644 (B) provide recommendations to the director or division.
- 645 (b) The director is the final authority if a provision of this chapter requires concurrence
- 646 between the director or division and the commission and there is no concurrence.

647 Section 9. Section **58-55-104** is repealed and reenacted to read:

648 **58-55-104 . Board created -- Duties.**

- 649 (1) There is created the Electricians and Plumbers Licensing Board consisting of the
- 650 following members:
- 651 (a) three individuals:
- 652 (i) licensed as master plumbers as defined in Section 58-55-401, or a journeyman
- 653 plumber as defined in Section 58-55-401; and
- 654 (ii) of whom at least one represents a union organization and at least one has no
- 655 union affiliation;
- 656 (b) two individuals:
- 657 (i) who are each a qualifier for separate licensed plumbing contractors as defined in
- 658 Section 58-55-202; and
- 659 (ii) of whom one represents a union organization and one has no union affiliation;
- 660 (c) three individuals:
- 661 (i) licensed as master electricians as defined in Section 58-55-301, or as journeyman
- 662 electricians as defined in Section 58-55-301; and
- 663 (ii) of whom at least one represents a union organization and at least one has no
- 664 union affiliation;
- 665 (d) two individuals:
- 666 (i) who each are a qualifier for separate licensed electrical contractors as defined in
- 667 Section 58-55-202; and
- 668 (ii) of whom one represents a union organization and one has no union affiliation; and
- 669 (e) one individual who is a member of the general public and who has never been
- 670 licensed in a construction trade.
- 671 (2) The duties, functions, and responsibilities of the board include:
- 672 (a) recommending to the commission appropriate rules;
- 673 (b) recommending to the commission policy and budgetary matters;

- 674 (c) assisting the commission in fulfilling the commission's duties; and
675 (d) acting as presiding officer in conducting a hearing associated with an adjudicative
676 proceeding and issuing recommended orders.

677 Section 10. Section **58-55-105** is repealed and reenacted to read:

678 **58-55-105 . License required.**

- 679 (1)(a) A person engaged in a construction trade or acting as a contractor shall obtain a
680 license under this chapter before performing work unless exempt from licensure
681 under Section 58-1-307 or 58-55-110.
682 (b) The only licenses required for a licensee to engage in a trade regulated by this
683 chapter are:
684 (i) a license issued under this chapter; and
685 (ii) a business license from the local jurisdiction where the licensee maintains the
686 licensee's principal place of business.
687 (c) The state or a political subdivision may not impose additional requirements on a
688 licensee to do business except:
689 (i) contract prequalification procedures a state agency requires; or
690 (ii) the payment of fees a local jurisdiction makes as a condition for doing business.

- 691 (2)(a) To obtain a license, an applicant shall file an application that includes payment of
692 a fee the division determines in accordance with Section 63J-1-504.
693 (b) An applicant may apply for a license for one or more licenses issued in accordance
694 with this chapter.
695 (c) The division shall issue each license for which the applicant applies and qualifies.
696 (d) The applicant shall submit a separate application and fee for each license.
697 (3) With the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah
698 Administrative Rulemaking Act, the commission may makes rules to further define the
699 scope of work for:
700 (a) a general electrical contractor as defined in Section 58-55-202;
701 (b) a general plumbing contractor as defined in Section 58-55-202;
702 (c) an HVAC contractor as defined in Section 58-55-202;
703 (d) a residential electrical contractor as defined in Section 58-55-202; and
704 (e) a residential plumbing contractor as defined in Section 58-55-202.

705 Section 11. Section **58-55-106** is repealed and reenacted to read:

706 **58-55-106 . Surcharge.**

- 707 (1)(a) The division shall collect a \$1 surcharge from each applicant for an initial license,

- 708 a renewal of a license, or a reinstatement of a license.
- 709 (b) The \$1 surcharge is in addition to other fees this chapter or the division authorizes in
710 accordance with Section 63J-1-504.
- 711 (2)(a) The division shall deposit the surcharge into the General Fund as a dedicated
712 credit.
- 713 (b) The division shall use the dedicated credits to provide a licensee with access to an i
714 nternet-based library of national, state, and local building codes and standards.
- 715 Section 12. Section **58-55-107** is enacted to read:
- 716 **58-55-107 . Licensee names -- License number use -- Qualifier.**
- 717 (1) The division may not issue a license in a name that the division determines may result in
718 confusion for the name of another licensee.
- 719 (2) Except as provided in Subsection (1), the division shall issue a license in the name of a
720 contractor if the contractor applicant meets this chapter's requirements.
- 721 (3) The division shall require the contractor's license number on permit applications,
722 contracts, agreements, or bids that require a license.
- 723 (4)(a) The division shall require a contractor to have a qualifier.
- 724 (b) A qualifier for a contractor shall demonstrate to the division that the qualifier is:
- 725 (i) licensed in accordance with this chapter; and
- 726 (ii) an owner, officer, or manager of the contractor who exercises material authority
727 in the conduct of the contracting business by:
- 728 (A) making substantive technical and administrative decisions relating to the work
729 performed for which this chapter requires a license;
- 730 (B) hiring, promoting, transferring, laying off, disciplining, directing, or
731 discharging employees of the contractor; and
- 732 (C) avoiding involvement in other employment or activity that conflict with the
733 qualifier's duties and responsibilities to ensure the licensee does not jeopardize
734 the public health, safety, and welfare.
- 735 (5)(a) The division may take action against:
- 736 (i) a contractor if the qualifier or contractor violates the requirements of this section;
737 and
- 738 (ii) a qualifier if the qualifier or contractor violates the requirements of this section.
- 739 (b) The division may consider a qualifier or contractor's failure to comply with the
740 requirements of this section to be unprofessional conduct.
- 741 (6)(a) Except as provided in Subsection (6)(b), a contractor that is not a plumbing or

742 electrical contractor may comply with the qualifier requirements when renewing a
743 license in accordance with Section 58-55-108 by recording an active employee name
744 and license number from the applicable construction trade on the renewal application
745 if the contractor has not violated the requirements of this chapter for a period of 10
746 consecutive years.

747 (b) If the business entity transfers more than 50% of the business entity's ownership at
748 any time during the ten-year period before the renewal, the contractor may not meet
749 the qualifier requirement in accordance with Subsection (6)(a).

750 (7)(a) Except as provided in Subsection (7)(b), a plumbing or electrical contractor may
751 comply with the qualifier requirements when renewing a license in accordance with
752 Section 58-55-108 by recording an active employee name and license number from
753 the applicable construction trade on the renewal application if the plumbing or
754 electrical contractor has not violated the requirements of this chapter for a period of
755 five consecutive years.

756 (b) If the plumbing or electrical business entity transfers more than 50% of the plumbing
757 or electrical business entity's ownership at any time during the five-year period
758 before the renewal, the plumbing or electrical business entity may not meet the
759 qualifier requirement in accordance with Subsection (7)(a).

760 (8)(a) Notwithstanding Subsections (6) and (7), if a qualifier for a contractor ceases
761 association with the contractor, the contractor shall notify the division in writing
762 within 10 days after the day on which the association ceases.

763 (b) If notice is given, the contractor's license shall remain in force for 60 days after the
764 day on which the association ceases.

765 (c) The division shall suspend the contractor's license if the contractor does not replace
766 the qualifier who ceases association with another qualifier within the 60-day period.

767 (9) The division may suspend the contractor's license if the contractor does not notify the
768 division of cessation of association of a qualifier.

769 Section 13. Section **58-55-108** is enacted to read:

770 **58-55-108 . Term of license -- Expiration -- Renewal and reinstatement.**

771 (1)(a) The division shall issue a license for a term of two years as the division
772 establishes by rule the division makes in accordance with Title 63G, Chapter 3, Utah
773 Administrative Rulemaking Act.

774 (b) The division may extend or shorten a license term by up to one year to stagger
775 renewals as the division determines by rule in accordance with Title 63G, Chapter 3,

- 776 Utah Administrative Rulemaking Act.
- 777 (c)(i) Notwithstanding Subsections (1)(a) and (b) and Title 63G, Chapter 4,
- 778 Administrative Procedures Act, the division may suspend a license 60 days after
- 779 the day on which the licensee:
- 780 (A) becomes an unincorporated entity subject to the ownership status report filing
- 781 requirements in accordance with Section 58-55-112; or
- 782 (B) transfers the license to an unincorporated entity subject to the ownership status
- 783 report filing requirements in accordance with Section 58-55-112.
- 784 (ii) Subsection (1)(c)(i) may not apply if before the 60-day period ends:
- 785 (A) the licensee submits an application to renew the license; and
- 786 (B) the division renews the license under the submitted application.
- 787 (2)(a) The division shall renew or reinstate an individual license after the applicant:
- 788 (i) submits an application in the individual's name;
- 789 (ii) completes the number of hours of continuing education under Section 58-55-304,
- 790 if the applicant is:
- 791 (A) an apprentice electrician as defined in Section 58-55-301;
- 792 (B) a journeyman electrician as defined in Section 58-55-301;
- 793 (C) a master electrician as defined in Section 58-55-301;
- 794 (D) a residential journeyman electrician as defined in Section 58-55-301; or
- 795 (E) a residential master electrician as defined in Section 58-55-301;
- 796 (iii) completes the number of hours of continuing education under Section 58-55-405,
- 797 if the applicant is:
- 798 (A) an apprentice plumber as defined in Section 58-55-401;
- 799 (B) a journeyman plumber as defined in Section 58-55-401;
- 800 (C) a master plumber as defined in Section 58-55-401;
- 801 (D) a residential journeyman plumber as defined in Section 58-55-401; or
- 802 (E) a residential master plumber as defined in Section 58-55-401; and
- 803 (iv) meets all other requirements of this chapter.
- 804 (b) The division shall renew or reinstate a contractor's license after the applicant:
- 805 (i) submits the application in the name of and on behalf of a contractor;
- 806 (ii) demonstrates the contractor's financial responsibility in accordance with Section
- 807 58-55-205;
- 808 (iii) lists the individual acting as the qualifier for the contractor;
- 809 (iv) provides evidence that the qualifier:

- 810 (A) has passed the required examination; and
811 (B) has completed continuing education in accordance with Section 58-55-204;
812 and
813 (v) meets all other requirements of this chapter.
- 814 (3) A license expires on the expiration date shown on the license.
- 815 (4) In addition to requirements imposed by law, an applicant applying for reinstatement of a
816 license the division suspends or revokes shall:
- 817 (a) pay fines the division imposes;
818 (b) resolve outstanding citations or disciplinary actions with the division;
819 (c) if the license the division suspends or revokes is a contractor's license, demonstrate
820 financial responsibility in accordance with Section 58-55-205 using titled assets; and
821 (d) if applicable, pay the reimbursement amount as provided in Title 38, Chapter 11,
822 Residence Lien Restriction and Lien Recovery Fund Act.

823 Section 14. Section **58-55-109** is enacted to read:

824 **58-55-109 . License denial.**

- 825 (1) The division shall deny an applicant a license under this chapter if:
- 826 (a) the division suspended or revoked a license the applicant held under this chapter less
827 than two years before the date of the application;
- 828 (b)(i) the applicant is a partnership, corporation, or limited liability company; and
829 (ii) a person that serves the applicant entity in a control position previously served in
830 a control position for an entity that held a license the division suspended or
831 revoked less than two years before the date of the application;
- 832 (c)(i) the applicant is a sole proprietorship; and
833 (ii) a person that serves in a control position in an entity that held a license the
834 division suspended or revoked less than two years before the date of the
835 application; or
- 836 (d)(i) the applicant lists an individual who was an owner, director, or officer of an
837 unincorporated entity at the time the division revoked the unincorporated entity's
838 license; and
839 (ii) the applicant applies for licensure within five years after the day on which the
840 unincorporated entity's license is revoked.
- 841 (2) The commission shall review the applicant's application before approval of a license if:
- 842 (a) the division suspended or revoked a license that the applicant held two years or more
843 before the date of the application;

- 844 (b)(i) the applicant is a partnership, corporation, or limited liability company; and
 845 (ii) a person that serves the applicant entity in a control position previously served in
 846 a control position for an entity that held a license that the division suspended or
 847 revoked two years or more before the date of the application; or
 848 (c)(i) the applicant is an individual or sole proprietorship; and
 849 (ii) an owner, an agent, or a qualifier served in a control position for an entity that
 850 held a license that the division suspended or revoked two years or more before the
 851 date of the application.

852 Section 15. Section **58-55-110**, which is renumbered from Section 58-55-305 is renumbered
 853 and amended to read:

854 **[58-55-305] 58-55-110 . Exemptions from licensure.**

- 855 [~~(1) In addition to the exemptions from licensure in Section 58-1-307, the following~~
 856 ~~persons may engage in acts or practices included within the practice of construction~~
 857 ~~trades, subject to the stated circumstances and limitations, without being licensed under~~
 858 ~~this chapter:]~~
 859 [~~(a) an authorized representative of the United States government or an authorized~~
 860 ~~employee of the state or any of its political subdivisions when working on~~
 861 ~~construction work of the state or the subdivision, and when acting within the terms of~~
 862 ~~the person's trust, office, or employment;]~~
 863 [~~(b) a person engaged in construction or operation incidental to the construction and~~
 864 ~~repair of irrigation and drainage ditches of regularly constituted irrigation districts,~~
 865 ~~reclamation districts, and drainage districts or construction and repair relating to~~
 866 ~~farming, dairying, agriculture, livestock or poultry raising, metal and coal mining,~~
 867 ~~quarries, sand and gravel excavations, well drilling, as defined in Section 73-3-25,~~
 868 ~~hauling to and from construction sites, and lumbering;]~~
 869 [~~(c) public utilities operating under the rules of the Public Service Commission on work~~
 870 ~~incidental to their own business;]~~
 871 [~~(d) a sole owner of property engaged in building:]~~
 872 [~~(i) no more than one residential structure per year on the sole owner's property and~~
 873 ~~no more than three residential structures per five years on the sole owner's~~
 874 ~~property for the sole owner's noncommercial, nonpublic use, except that a person~~
 875 ~~other than the property owner or a person described in Subsection (1)(c), who~~
 876 ~~engages in building a residential structure must be licensed under this chapter if~~
 877 ~~the person is otherwise required to be licensed under this chapter; or]~~

- 878 ~~[(ii) structures on the sole owner's property for the sole owner's noncommercial,~~
879 ~~nonpublic use that are incidental to a residential structure on the property,~~
880 ~~including a shed, carport, or detached garage;]~~
- 881 ~~[(e)(i) a person engaged in construction or renovation of a residential building for~~
882 ~~noncommercial, nonpublic use if that person:]~~
- 883 ~~[(A) works without compensation other than token compensation that is not~~
884 ~~considered salary or wages; and]~~
- 885 ~~[(B) works under the direction of the property owner who engages in building the~~
886 ~~structure; and]~~
- 887 ~~[(ii) as used in this Subsection (1)(e), "token compensation" means compensation~~
888 ~~paid by a sole owner of property exempted from licensure under Subsection (1)(d)~~
889 ~~to a person exempted from licensure under this Subsection (1)(e), that is:]~~
- 890 ~~[(A) minimal in value when compared with the fair market value of the services~~
891 ~~provided by the person;]~~
- 892 ~~[(B) not related to the fair market value of the services provided by the person; and]~~
- 893 ~~[(C) is incidental to the providing of services by the person including paying for or~~
894 ~~providing meals or refreshment while services are being provided, or paying~~
895 ~~reasonable transportation costs incurred by the person in travel to the site of~~
896 ~~construction;]~~
- 897 ~~[(f) a person engaged in the sale or merchandising of personal property that by its design~~
898 ~~or manufacture may be attached, installed, or otherwise affixed to real property who~~
899 ~~has contracted with a person, firm, or corporation licensed under this chapter to~~
900 ~~install, affix, or attach that property;]~~
- 901 ~~[(g) a contractor submitting a bid on a federal aid highway project, if, before undertaking~~
902 ~~construction under that bid, the contractor is licensed under this chapter;]~~
- 903 ~~[(h)(i) subject to Subsection 58-1-401(2) and Sections 58-55-501 and 58-55-502, a~~
904 ~~person engaged in the alteration, repair, remodeling, or addition to or~~
905 ~~improvement of a building with a contracted or agreed value of less than \$7,000,~~
906 ~~including both labor and materials, and including all changes or additions to the~~
907 ~~contracted or agreed upon work; and]~~
- 908 ~~[(ii) notwithstanding Subsection (1)(h)(i) and except as otherwise provided in this~~
909 ~~section:]~~
- 910 ~~[(A) work in the plumbing and electrical trades on a Subsection (1)(h)(i) project~~
911 ~~within any six month period of time;]~~

- 912 ~~[(I) shall be performed by a licensed electrical or plumbing contractor, if the~~
 913 ~~project involves an electrical or plumbing system; and]~~
- 914 ~~[(H) may be performed by a licensed journeyman electrician or plumber or an~~
 915 ~~individual referred to in Subsection (1)(h)(ii)(A)(I), if the project involves a~~
 916 ~~component of the system such as a faucet, toilet, fixture, device, outlet, or~~
 917 ~~electrical switch;]~~
- 918 ~~[(B) installation, repair, or replacement of a residential or commercial gas~~
 919 ~~appliance or a combustion system on a Subsection (1)(h)(i) project shall be~~
 920 ~~performed by a person who has received certification under Subsection~~
 921 ~~58-55-308(2) except as otherwise provided in Subsection 58-55-308(2)(d) or~~
 922 ~~58-55-308(3);]~~
- 923 ~~[(C) installation, repair, or replacement of water-based fire protection systems on~~
 924 ~~a Subsection (1)(h)(i) project must be performed by a licensed fire suppression~~
 925 ~~systems contractor or a licensed journeyman plumber;]~~
- 926 ~~[(D) work as an alarm business or company or as an alarm company agent shall be~~
 927 ~~performed by a licensed alarm business or company or a licensed alarm~~
 928 ~~company agent, except as otherwise provided in this chapter;]~~
- 929 ~~[(E) installation, repair, or replacement of an alarm system on a Subsection~~
 930 ~~(1)(h)(i) project must be performed by a licensed alarm business or company or~~
 931 ~~a licensed alarm company agent;]~~
- 932 ~~[(F) installation, repair, or replacement of a heating, ventilation, or air~~
 933 ~~conditioning system (HVAC) on a Subsection (1)(h)(i) project must be~~
 934 ~~performed by an HVAC contractor licensed by the division;]~~
- 935 ~~[(G) installation, repair, or replacement of a radon mitigation system or a soil~~
 936 ~~depressurization system must be performed by a licensed contractor; and]~~
- 937 ~~[(H) if the total value of the project is greater than \$3,000, the person shall file~~
 938 ~~with the division a one-time affirmation, subject to periodic reaffirmation as~~
 939 ~~established by division rule, that the person has:]~~
- 940 ~~[(I) public liability insurance in coverage amounts and form established by~~
 941 ~~division rule; and]~~
- 942 ~~[(H) if applicable, workers compensation insurance which would cover an~~
 943 ~~employee of the person if that employee worked on the construction project;]~~
- 944 ~~[(i) a person practicing a specialty contractor classification or construction trade which~~
 945 ~~the director does not classify by administrative rule as significantly impacting the~~

- 946 public's health, safety, and welfare;]
- 947 [(j) owners and lessees of property and persons regularly employed for wages by owners
948 or lessees of property or their agents for the purpose of maintaining the property, are
949 exempt from this chapter when doing work upon the property;]
- 950 [(k)(i) a person engaged in minor plumbing work that is incidental, as defined by the
951 division by rule, to the repair of a fixture or an appliance in a residential or small
952 commercial building, or structure used for agricultural use, as defined in Section
953 15A-1-202, provided that no modification is made to:]
- 954 [(A) existing culinary water, soil, waste, or vent piping; or]
955 [(B) a gas appliance or combustion system; and]
- 956 [(ii) except as provided in Subsection (1)(e), installation for the first time of a fixture
957 or an appliance is not included in the exemption provided under Subsection
958 (1)(k)(i);]
- 959 [(l) a person who ordinarily would be subject to the plumber licensure requirements
960 under this chapter when installing or repairing a water conditioner or other water
961 treatment apparatus if the conditioner or apparatus:]
- 962 [(i) meets the appropriate state construction codes or local plumbing standards; and]
963 [(ii) is installed or repaired under the direction of a person authorized to do the work
964 under an appropriate specialty contractor license;]
- 965 [(m) a person who ordinarily would be subject to the electrician licensure requirements
966 under this chapter when employed by:]
- 967 [(i) railroad corporations, telephone corporations or their corporate affiliates, elevator
968 contractors or constructors, or street railway systems; or]
969 [(ii) public service corporations, rural electrification associations, or municipal
970 utilities who generate, distribute, or sell electrical energy for light, heat, or power;]
- 971 [(n) a person involved in minor electrical work incidental to a mechanical or service
972 installation, including the outdoor installation of:]
- 973 [(i) an above-ground, prebuilt hot tub; or]
974 [(ii) the installation, maintenance, or repair of on-premise signs;]
- 975 [(o) a person who ordinarily would be subject to the electrician licensure requirements
976 under this chapter but who during calendar years 2009, 2010, or 2011 was issued a
977 specialty contractor license for the electrical work associated with the installation,
978 repair, or maintenance of solar energy panels, may continue the limited electrical
979 work for solar energy panels under a specialty contractor license;]

- 980 ~~[(p) a student participating in construction trade education and training programs~~
 981 ~~approved by the commission with the concurrence of the director under the condition~~
 982 ~~that:]~~
- 983 ~~[(i) all work intended as a part of a finished product on which there would normally~~
 984 ~~be an inspection by a building inspector is, in fact, inspected and found acceptable~~
 985 ~~by a licensed building inspector; and]~~
- 986 ~~[(ii) a licensed contractor obtains the necessary building permits;]~~
- 987 ~~[(q) a delivery person when replacing any of the following existing equipment with a~~
 988 ~~new gas appliance, provided there is an existing gas shutoff valve at the appliance:]~~
- 989 ~~[(i) gas range;]~~
 990 ~~[(ii) gas dryer;]~~
 991 ~~[(iii) outdoor gas barbeque; or]~~
 992 ~~[(iv) outdoor gas patio heater;]~~
- 993 ~~[(r) a person performing maintenance on an elevator as defined in Section 58-55-102, if~~
 994 ~~the maintenance is not related to the operating integrity of the elevator; and]~~
- 995 ~~[(s) an apprentice or helper of an elevator mechanic licensed under this chapter when~~
 996 ~~working under the general direction of the licensed elevator mechanic.]~~
- 997 ~~[(2) A compliance agency as defined in Section 15A-1-202 that issues a building permit to~~
 998 ~~a person requesting a permit as a sole owner of property referred to in Subsection (1)(d)~~
 999 ~~shall notify the division, in writing or through electronic transmission, of the issuance of~~
 1000 ~~the permit.]~~
- 1001 (1) As used in this section:
- 1002 (a)(i) "Sign contractor" means a sign installation contractor or nonelectrical outdoor
 1003 advertising sign contractor, as classified and defined in division rules.
- 1004 (ii) "Sign contractor" does not include a sign installation contractor or nonelectrical
 1005 outdoor advertising sign contractor, as defined in division rules subject to Title 72,
 1006 Chapter 7, Part 5, Utah Outdoor Advertising Act.
- 1007 (b)(i) "Token compensation" means compensation that is minimal in value when
 1008 compared with the fair market value of the services provided by the person.
- 1009 (ii) "Token compensation" includes:
- 1010 (A) providing meals or refreshment while the services are provided; and
 1011 (B) paying reasonable transportation costs incurred by the person in travel to and
 1012 from the construction site.
- 1013 (c) "Well drilling" means the same as that term is defined in Section 73-3-25.

- 1014 (2) In addition to the exemptions from licensure in Section 58-1-307, the following may
1015 engage in a construction trade without a license:
- 1016 (a) an agricultural or natural resource worker if:
- 1017 (i) the construction trade is incidental to the construction or repair of an irrigation or
1018 drainage ditch of a regularly constituted irrigation district, reclamation district, or
1019 drainage district; or
- 1020 (ii) the construction trade is incidental to a repair relating to farming, dairying,
1021 agriculture, livestock or poultry raising, metal and coal mining, quarries, sand and
1022 gravel excavations, well drilling, hauling to and from construction sites, and
1023 lumbering;
- 1024 (b) an appliance delivery worker if:
- 1025 (i) the construction trade is incidental to replacing an existing gas range, a gas dryer,
1026 an outdoor gas barbecue, or an outdoor gas patio heater with a new gas appliance;
1027 and
- 1028 (ii) there is an existing gas shutoff valve at the appliance;
- 1029 (c) a construction student if:
- 1030 (i) the construction trade is a part of an education and training program the
1031 commission with the concurrence of the director approves;
- 1032 (ii) the work that is subject to inspection by a building inspector passes a building
1033 inspector's inspection; and
- 1034 (iii) a contractor obtains the necessary building permits;
- 1035 (d) a government representative or employee if:
- 1036 (i) the construction trade is within the terms of the government representative or
1037 employee's trust, office, or employment; and
- 1038 (ii) the government representative or employee is an authorized representative or
1039 employee of the United States government, or of the state, or of a political
1040 subdivision;
- 1041 (e) an electrical utility worker if:
- 1042 (i) the construction trade is incidental to work for a railroad corporation, a telephone
1043 corporation or an affiliate of the telephone corporation, an elevator contractor, or a
1044 street railway system; or
- 1045 (ii) the construction trade is incidental to work for a public service corporation, a
1046 rural electrification association, or a municipal utility that generates, distributes, or
1047 sells electrical energy for light, heat, or power;

- 1048 (f) an elevator mechanic assistant if:
1049 (i) the construction trade is incidental to assisting a licensed elevator mechanic; and
1050 (ii) the construction trade is at the direction of the licensed elevator mechanic;
1051 (g) an elevator mechanic licensed under this chapter if the construction trade is not
1052 related to the operational integrity of the elevator;
1053 (h) a federal highway bidder if:
1054 (i) the bid is for a Federal-aid Highway Program project; and
1055 (ii) the contractor obtains proper licensure before starting the construction;
1056 (i) a hot tub or sign installer if:
1057 (i) the construction trade is limited to an electrical trade; and
1058 (ii)(A) the construction trade is incidental to installing or repairing an
1059 above-ground, prebuilt hot tub or spa; or
1060 (B) the construction trade is incidental to installing or repairing signage;
1061 (j) a plumbing repair worker if:
1062 (i) the construction trade is limited to minor plumbing;
1063 (ii) the construction trade is incidental to a repair in a residential small commercial
1064 building or an agricultural structure; and
1065 (iii) the construction trade:
1066 (A) does not involve altering a piping or a gas system or a gas appliance; or
1067 (B) does not involve the initial installation of a fixture or an appliance;
1068 (k) a product retailer if:
1069 (i) the construction trade is incidental to the sale of personal property that by design,
1070 may be attached or installed to real property; and
1071 (ii) the product retailer contracts with a person licensed under this chapter to attach or
1072 install the personal property on the real property;
1073 (l) a property owner, lessee, or an employee of the property owner or lessee if:
1074 (i) the construction trade is incidental to the maintenance of a property; and
1075 (ii) the construction trade is for the purpose of maintaining the property;
1076 (m) a public utility if:
1077 (i) the construction trade is incidental to the public utility's work; and
1078 (ii) the public utility is operating under the rules of the Public Service Commission;
1079 (n) subject to Subsection (3), a person working on a project that has a total cost of less
1080 than \$7,000 including labor, material, and changes to the agreed upon work if the
1081 construction trade:

- 1082 (i) does not involve an electrical or plumbing system;
- 1083 (ii) does not involve a component of an electrical or plumbing system, including a
- 1084 faucet, a toilet, a fixture, a device, an outlet, or an electrical switch;
- 1085 (iii) does not involve the installation, repair, or replacement of a residential or
- 1086 commercial gas appliance or a combustion system;
- 1087 (iv) does not involve the installation, repair, or replacement of a water-based fire
- 1088 protection system;
- 1089 (v) does not involve the installation, repair, or replacement of a heating, ventilation,
- 1090 or air conditioning system; and
- 1091 (vi) does not involve the installation, repair, or replacement of a radon mitigation
- 1092 system or a soil depressurization system;
- 1093 (o) a solar panel worker if the construction trade is electrical work incidental to
- 1094 installing or repairing a solar panel;
- 1095 (p) a sole property owner if:
- 1096 (i)(A) the sole property owner builds for the sole owner's noncommercial and
- 1097 nonpublic use no more than one residential structure per year on the sole
- 1098 owner's property and no more than three residential structures per five years on
- 1099 the sole owner's property; and
- 1100 (B) the construction trade is performed by the sole property owner or a volunteer
- 1101 in accordance with Subsection (2)(r); or
- 1102 (ii) the construction trade is incidental to a residential structure on the property,
- 1103 including a shed, carport, or detached garage;
- 1104 (q) a specialty contractor as defined in Section 58-55-202, if:
- 1105 (i) the construction trade is incidental to the specialty contractor's trade; and
- 1106 (ii) the director does not determine by rule the division makes in accordance with
- 1107 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that the specialty
- 1108 contractor's performance of the trade significantly impacts the public's health,
- 1109 safety, or welfare;
- 1110 (r) a volunteer working on a noncommercial and nonpublic use residential building if:
- 1111 (i) the construction trade is without compensation other than token compensation that
- 1112 is not considered salary or wages; and
- 1113 (ii) the volunteer works under the direction of the property owner; or
- 1114 (s) a water treatment installation worker if:
- 1115 (i) the construction trade is incidental to installing or repairing a water conditioner or

- 1116 other water treatment apparatus;
 1117 (ii) the water conditioner or other water treatment apparatus meets the state
 1118 construction code and local plumbing standards; and
 1119 (iii) the appropriate specialty contractor as defined in Section 58-55-202, directs the
 1120 installation or repair.
- 1121 (3)(a) If the total value of the project under Subsection (2)(n) is greater than \$3,000, the
 1122 person shall:
- 1123 (i) register with the Division of Corporations and Commercial Code; and
 1124 (ii) submit to the division documentation that the person has:
- 1125 (A) public liability insurance in a coverage amount and form the division makes
 1126 by rule the division makes in accordance with Title 63G, Chapter 3, Utah
 1127 Administrative Rulemaking Act; and
 1128 (B) if applicable, workers' compensation insurance that would cover an employee
 1129 of the person if the employee works on the project.
- 1130 (b) The division shall establish by rule the division makes in accordance with Title 63G,
 1131 Chapter 3, Utah Administrative Rulemaking Act, when a person needs to resubmit
 1132 documentation described in Subsection (3)(a).

1133 Section 16. Section **58-55-111**, which is renumbered from Section 58-55-307 is renumbered
 1134 and amended to read:

1135 **[58-55-307] 58-55-111 . Confidentiality of records and reports.**

- 1136 (1) ~~[Credit reports, financial statements, and other information submitted to the division by~~
 1137 ~~or at the request and direction of an applicant or licensee for the purpose of supporting a~~
 1138 ~~representation of financial responsibility]~~ A credit report, a financial statement, and other
 1139 information an applicant submits or requests to have submitted to the division to
 1140 demonstrate financial responsibility in accordance with Section 58-55-205:
- 1141 (a) ~~[constitute protected records]~~ is a protected record under Title 63G, Chapter 2,
 1142 Government Records Access and Management Act; and
- 1143 (b) notwithstanding Subsection (1)(a), may be considered by the commission in a public
 1144 meeting, unless the owner of the information requests that the meeting be closed to
 1145 the public in accordance with Title 52, Chapter 4, Open and Public Meetings Act.
- 1146 (2) Notwithstanding the provisions of Title 63G, Chapter 2, Government Records Access
 1147 and Management Act, ~~[the records]~~ a record described in Subsection (1) ~~[are]~~ is not open
 1148 for public inspection and ~~[are]~~ is not subject to discovery in civil or administrative
 1149 proceedings.

1150 Section 17. Section **58-55-112** is enacted to read:

1151 **58-55-112 . Unincorporated entities -- Reporting requirements.**

1152 (1)(a)(i) A contractor that is an unincorporated entity shall file an ownership status
1153 report with the division every 30 days beginning 30 days after the day on which
1154 the division issues the license if the contractor has more than five owners who are
1155 individuals that:

1156 (A) own an interest in the contractor;

1157 (B) directly or indirectly own less than an 8% interest in the unincorporated entity
1158 as defined by rule the division makes in accordance with Title 63G, Chapter 3,
1159 Utah Administrative Rulemaking Act; and

1160 (C) engage, or will engage, in a construction trade in the state as owners of the
1161 contractor described in Subsection (1)(a)(i)(A).

1162 (ii) A contractor that is an unincorporated entity shall file an ownership status report
1163 with an application for renewal of licensure if the contractor has five or fewer
1164 owners described in this Subsection (1)(a)(i).

1165 (b) An ownership status report shall:

1166 (i) specify each addition or deletion of an owner from the day after the day on which:

1167 (A) the division licenses the unincorporated entity, for the first ownership status
1168 report; and

1169 (B) the contractor files a previous ownership status report for a later ownership
1170 status report;

1171 (ii) be in a format the division approves and include the information required by
1172 Subsection (2)(a)(ii) for each owner, regardless of the owner's percentage
1173 ownership in the unincorporated entity;

1174 (iii) list the name of:

1175 (A) each officer or manager of the unincorporated entity; and

1176 (B) each additional individual involved in the operation, supervision, or
1177 management of the unincorporated entity; and

1178 (iv) be accompanied by a fee the division sets in accordance with Section 63J-1-504
1179 if the ownership status report indicates there is a change.

1180 (c) At any time, the division may audit an ownership status report under this Subsection
1181 (1) to determine if the unincorporated entity:

1182 (i) demonstrates financial responsibility in accordance with Section 58-55-205; and

1183 (ii) complies with Subsection 58-55-601(19), (20), or (21) or Subsection 58-55-603(6).

- 1184 (2) An unincorporated entity that provides labor to an entity licensed under this chapter by
 1185 supplying an individual who owns an interest in the unincorporated entity to engage in a
 1186 construction trade shall file with the division:
- 1187 (a) before the individual engages in a construction trade, a current ownership list that
 1188 includes:
- 1189 (i) each individual who holds an ownership interest in the unincorporated entity; and
 1190 (ii) for each individual:
- 1191 (A) the individual's name, address, birth date, and social security number; and
 1192 (B) the individual's engagement in a construction trade; and
- 1193 (b) every 30 days after submitting the ownership list under Subsection (1)(a), an
 1194 ownership status report that includes the same information required under Subsection
 1195 (1)(a) as if the unincorporated entity were a licensed contractor.
- 1196 (3) An unincorporated entity shall pay a fee the division sets in accordance with Section
 1197 63J-1-504 when filing an ownership status report described in Subsection (1)(a).
- 1198 (4) Nothing in this chapter creates or supports an independent contractor relationship
 1199 between an unincorporated entity described in Subsection (1) or (2) and the
 1200 unincorporated entity's owners.
- 1201 (5)(a) A social security number an individual provides under this section is a private
 1202 record under Subsection 63G-2-302(1)(i).
- 1203 (b) The division may classify an applicant's evidence of identity under this section as a
 1204 private record in accordance with Section 63G-2-302.
- 1205 Section 18. Section **58-55-202** is enacted to read:

Part 2. Contractors

58-55-202 . Definitions.

As used in this part:

- 1209 (1) "Approved pre-licensure course provider" means a provider:
- 1210 (a) that is:
- 1211 (i) the Associated General Contractors of Utah;
 1212 (ii) the Utah Chapter of the Associated Builders and Contractors; or
 1213 (iii) the Utah Home Builders Association; and
- 1214 (b) that offers the 25-hour course described in Subsection 58-55-204(1)(c):
- 1215 (i) at least six times each year; and
 1216 (ii) in one or more counties within the state other than Salt Lake County, Utah
 1217 County, Davis County, or Weber County.

- 1218 (2) "Elevator contractor" means a person that performs or superintends erecting,
1219 constructing, installing, altering, servicing, repairing, or maintaining an elevator.
- 1220 (3)(a) "General building contractor" means a person that performs or superintends:
1221 (i) the construction of structures for the support, shelter, or enclosure of individuals,
1222 animals, or personal property; or
1223 (ii) any of the components of the construction described in Subsection (3)(a)(i).
- 1224 (b) "General building contractor" does not include construction trade relating to:
1225 (i) plumbing;
1226 (ii) electrical work;
1227 (iii) mechanical work;
1228 (iv) work related to the operational integrity of an elevator;
1229 (v) work related to the installation of manufactured housing; or
1230 (vi) work that the division determines by rule the division makes in accordance with
1231 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, poses a substantial
1232 risk to the public health, safety, and welfare unless the general building contractor
1233 holds a valid license as a specialty contractor for the construction trade.
- 1234 (c) "General building contractor" includes the mechanical work for the construction of
1235 single-family and multifamily residences of up to four units when the mechanical
1236 work is performed by a licensed master plumber as defined in Section 58-55-401, a
1237 licensed journeyman plumber as defined in Section 58-55-401, a licensed master
1238 electrician as defined in Section 58-55-301, or a licensed journeyman electrician as
1239 defined in Section 58-55-301 that the general building contractor employs.
- 1240 (4) "General electrical contractor" means a person that performs or superintends the
1241 fabrication, construction, and installation of generators, transformers, conduits,
1242 raceways, panels, switch gear, electrical wires, fixtures, appliances, apparatus that uses
1243 electrical energy, or other work the division authorizes by rule in accordance with
1244 Subsection 58-55-105(3).
- 1245 (5) "General engineering contractor" means a person that performs or superintends the
1246 construction of fixed works, or components of fixed works, and has specialized
1247 engineering knowledge and skill in:
1248 (a) airports;
1249 (b) airport runways;
1250 (c) bridges;
1251 (d) chemical plants;

- 1252 (e) drainage;
- 1253 (f) electrical utilities;
- 1254 (g) flood control;
- 1255 (h) foundations;
- 1256 (i) harbors;
- 1257 (j) highways;
- 1258 (k) industrial plants;
- 1259 (l) inland waterways;
- 1260 (m) irrigation systems;
- 1261 (n) piers;
- 1262 (o) pipelines;
- 1263 (p) power plants;
- 1264 (q) railroads;
- 1265 (r) refineries;
- 1266 (s) sewers;
- 1267 (t) tunnels;
- 1268 (u) underground electric utility conduits;
- 1269 (v) utility plants;
- 1270 (w) water power; or
- 1271 (x) water supply.
- 1272 (6) "General plumbing contractor" means a person that performs or superintends the
- 1273 fabrication or installation of material and fixtures to create and maintain sanitary
- 1274 conditions in a building by providing a permanent means for:
- 1275 (a) a supply of safe and pure water;
- 1276 (b) the timely and complete removal from the premises of used or contaminated water,
- 1277 fluid and semi-fluid organic wastes, and other impurities incidental to life;
- 1278 (c) a safe and adequate supply of gas for lighting, heating, and industrial purposes; or
- 1279 (d) other work the division authorizes by rule in accordance with Subsection
- 1280 58-55-105(3).
- 1281 (7) "HVAC" means a heating, ventilation, and air conditioning system and the specific
- 1282 components that are a part of the system, including the gas line.
- 1283 (8) "HVAC contractor" means a person that performs or superintends the installation,
- 1284 maintenance, repair, and servicing of heating, ventilation, air conditioning systems or
- 1285 any other work the division authorizes by rule in accordance with Subsection

- 1286 58-55-105(3).
- 1287 (9)(a) "Residential and small commercial contractor" means a person that performs or
1288 superintends the construction or supervision of the construction for:
- 1289 (i) a single-family residence;
1290 (ii) a multifamily residence with no more than four units; and
1291 (iii) a commercial structure that is three stories or less above ground and does not
1292 exceed 20,000 square feet.
- 1293 (b) "Residential and small commercial contractor" does not include:
- 1294 (i) plumbing;
1295 (ii) electrical work;
1296 (iii) mechanical work;
1297 (iv) work related to the operational integrity of an elevator;
1298 (v) construction trade involving the installation of manufactured housing; or
1299 (vi) work the division determines by rule the division makes in accordance with Title
1300 63G, Chapter 3, Utah Administrative Rulemaking Act, poses a substantial risk to
1301 the public health, safety, and welfare unless the general building contractor holds
1302 a specialty contractor license.
- 1303 (c) "Residential and small commercial contractor" includes the mechanical work for the
1304 construction of single-family and multifamily residences of up to four units when the
1305 mechanical work is performed by a licensed electrician as defined in Section
1306 58-55-301 or a licensed plumber as defined in Section 58-55-401 that the residential
1307 and small commercial contractor employs.
- 1308 (10) "Residential electrical contractor" means a person that performs or superintends:
- 1309 (a) the fabrication, construction, and installation of services;
1310 (b) the disconnection of means, grounding devices, panels, conductors, load centers,
1311 lighting and plug circuits, appliances, and fixtures in a residential unit; or
1312 (c) any other work the division authorizes by rule in accordance with Subsection
1313 58-55-105(3).
- 1314 (11) "Residential plumbing contractor" means a person that performs or superintends the
1315 fabrication or installation of material and fixtures to create and maintain sanitary
1316 conditions in a residential building by providing permanent means for:
- 1317 (a) a supply of safe and pure water;
1318 (b) the timely and complete removal from the premises of used or contaminated water,
1319 fluid and semi-fluid organic wastes and other impurities incidental to life;

- 1320 (c) a safe and adequate supply of gas for lighting, heating, and residential purposes; or
1321 (d) other work the division authorizes by rule in accordance with Subsection
1322 58-55-105(3).

1323 (12) "Specialty contractor" means a person that performs or superintends the construction
1324 trades and crafts requiring specialized skill, the regulation of which the division
1325 determines to be in the best interest of the public health, safety, and welfare.

1326 Section 19. Section **58-55-203** is enacted to read:

1327 **58-55-203 . Qualifications for licensure.**

1328 (1) Each applicant for a license under this part shall:

1329 (a) submit a completed application on a form the division approves;

1330 (b) pay the fee the division determines in accordance with Section 63J-1-504;

1331 (c) complete a 25-hour pre-licensure course that:

1332 (i) is taught by an approved pre-licensure course provider;

1333 (ii) meets the requirements the commission makes with the concurrence of the

1334 director and by rule in accordance with Title 63G, Chapter 3, Utah Administrative
1335 Rulemaking Act; and

1336 (iii) provides any offered test free of charge;

1337 (d) complete a five-hour business and law course that:

1338 (i) is taught by an approved pre-licensure course provider; and

1339 (ii) meets the requirements the commission makes with the concurrence of the

1340 director and by rule in accordance with Title 63G, Chapter 3, Utah Administrative
1341 Rulemaking Act;

1342 (e) satisfy examination requirements the commission makes with the concurrence of the

1343 director and by rule in accordance with Title 63G, Chapter 3, Utah Administrative
1344 Rulemaking Act; and

1345 (f) except for an applicant for a construction trades instructor license, provide evidence
1346 of:

1347 (i) two-years' full-time, paid employment experience in the construction industry; and

1348 (ii) knowledge of business practices and principles necessary to protect the public
1349 health, safety, and welfare.

1350 (2) An applicant for licensure as a construction trades instructor shall satisfy additional
1351 requirements the division makes by rule the division makes in accordance with Title
1352 63G, Chapter 3, Utah Administrative Rulemaking Act.

1353 (3) An applicant who is a licensed journeyman lineman in another jurisdiction may satisfy

- 1354 Subsection (1)(f)(i) by meeting the requirements the division makes by rule in
1355 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1356 (4) A general engineering contractor may not perform or superintend:
- 1357 (a) construction of a structure built primarily for the support, shelter, and enclosure of
1358 individuals, animals, or personal property;
- 1359 (b) plumbing work;
- 1360 (c) electrical work beyond underground electric utility conduit or electrical utilities;
- 1361 (d) high voltage utility work as the division defines by rule the division makes in
1362 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, without
1363 a journeyman lineman;
- 1364 (e) mechanical work; or
- 1365 (f) work for which the general engineering contractor does not have the required
1366 specialized engineering knowledge and skill.
- 1367 (5) An applicant for licensure as an HVAC contractor shall submit to the division
1368 satisfactory evidence that the applicant:
- 1369 (a) completed two-years' full-time, paid employment requiring HVAC specific
1370 experience; and
- 1371 (b) passed an examination the commission makes by rule with the director's concurrence
1372 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1373 (6) A specialty contractor may perform construction trade other than those in which the
1374 specialty contractor is licensed if they are incidental to the performance of the specialty
1375 contractor's licensed construction trade.
- 1376 (7) An applicant for a contractor license who is a building inspector may satisfy the
1377 two-year experience requirement in Subsection (1)(f) by providing evidence of
1378 two-years' of full-time, paid employment as a building inspector, including at least one
1379 year as a licensed combination inspector.
- 1380 (8) Each qualifier shall meet the following additional requirements:
- 1381 (a) for residential electrical contractor licensure, the qualifier shall hold a master
1382 electrician or master residential electrician license;
- 1383 (b) for electrical contractor licensure, the qualifier shall hold a master electrician license;
- 1384 (c) for residential plumbing contractor licensure, the qualifier shall hold a master
1385 plumber license or master residential plumber license;
- 1386 (d) for plumbing contractor licensure, the qualifier shall hold a master plumber license;
1387 or

- 1388 (e) for elevator contractor licensure, the qualifier shall hold an elevator mechanic license
 1389 and provide satisfactory evidence of three-years' experience as an elevator mechanic.
- 1390 (9)(a) The qualifier and each individual holding at least a 10% voting interest shall:
- 1391 (i) consent to and complete a criminal background check as described in Section
 1392 58-1-301.5;
- 1393 (ii) meet the background check standard the division makes by rule the division
 1394 makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
 1395 Act; and
- 1396 (iii) disclose criminal history on a form the division approves.
- 1397 (b) When the applicant is an unincorporated entity, the applicant shall provide, in
 1398 accordance with Subsection 58-55-112(2), a list of each individual holding an
 1399 ownership interest on the date the applicant applies for licensure.
- 1400 (10)(a) Before the division issues a license, the applicant shall file with the division:
- 1401 (i)(A) proof of workers' compensation insurance covering the applicant's
 1402 employees; or
- 1403 (B) a workers' compensation waiver if the applicant claims to not have any
 1404 employees;
- 1405 (ii) proof of public liability insurance in the coverage amounts and form the division
 1406 makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative
 1407 Rulemaking Act; and
- 1408 (iii) proof of registration as required by law with:
- 1409 (A) the Division of Corporations and Commercial Code;
- 1410 (B) the Unemployment Insurance Division in the Department of Workforce
 1411 Services, for purposes of Title 35A, Chapter 4, Employment Security Act;
- 1412 (C) the State Tax Commission; and
- 1413 (D) the Internal Revenue Service.
- 1414 (b) An applicant for licensure as a construction trades instructor is exempt from the
 1415 requirements under this Subsection (10).
- 1416 Section 20. Section **58-55-204** is enacted to read:
- 1417 **58-55-204 . Contractor continuing education requirements -- Continuing**
 1418 **education courses.**
- 1419 (1) During each two-year license term the division establishes by rule in accordance with
 1420 Section 58-55-108, a contractor shall complete six hours of continuing education.
- 1421 (2)(a) Subject to Subsections (2)(b) through (2)(e), the commission shall establish by

- 1422 rule, made with the concurrence of the director and in accordance with Title 63G,
1423 Chapter 3, Utah Administrative Rulemaking Act, approved continuing education for
1424 contractor licensees.
- 1425 (b) The commission may only approve courses for continuing education if offered by:
- 1426 (i) the Associated General Contractors of Utah;
 - 1427 (ii) Associated Builders and Contractors, Utah Chapter;
 - 1428 (iii) the Utah Home Builders Association;
 - 1429 (iv) the National Electrical Contractors Association Intermountain Chapter;
 - 1430 (v) the Utah Plumbing and Heating Contractors Association;
 - 1431 (vi) the Independent Electrical Contractors of Utah;
 - 1432 (vii) the Rocky Mountain Gas Association;
 - 1433 (viii) the Utah Mechanical Contractors Association;
 - 1434 (ix) the Sheet Metal Contractors Association;
 - 1435 (x) the Intermountain Electrical Association;
 - 1436 (xi) the American Subcontractors Association, Utah Chapter;
 - 1437 (xii) the Utah Roofing Contractors Association;
 - 1438 (xiii) a state executive branch agency;
 - 1439 (xiv) a workers' compensation insurance carrier that provides workers' compensation
1440 insurance under Section 31A-22-1001; or
 - 1441 (xv) a nationally or regionally accredited college or university that has a physical
1442 campus in the state.
- 1443 (c) Continuing education for a contractor licensee may include a course approved by an
1444 entity described in Subsections (2)(b)(i) through (2)(b)(iii).
- 1445 (d)(i) Except as provided in Subsections (2)(d)(ii) and (2)(d)(iii), an entity listed in
1446 Subsections (2)(b)(iv) through (2)(b)(xii) may offer and market continuing
1447 education courses only to a licensee who is a member of the entity.
- 1448 (ii) An entity described in Subsection (2)(b)(iv), (2)(b)(vi), or (2)(b)(x) may offer and
1449 market a continuing education course that the entity offers to a contractor in an
1450 electrical trade.
 - 1451 (iii) An entity described in Subsection (2)(b)(v) or (2)(b)(viii) may offer and market a
1452 continuing education course only to a licensee who is licensed in the same
1453 construction trade as the entity.
- 1454 (e) For an HVAC contractor, at least three of the six required continuing education hours
1455 must directly relate to the installation, repair, or replacement of heating, ventilation,

- 1456 or air conditioning systems.
- 1457 (3) The division may contract with a person to establish and maintain a registry of
- 1458 continuing education that includes:
- 1459 (a) a list of approved continuing education courses; and
- 1460 (b) a list of courses that:
- 1461 (i) a licensed contractor completes; and
- 1462 (ii) the licensed contractor may access to monitor compliance with the continuing
- 1463 education requirement.
- 1464 (4) The division may charge a fee in accordance with Section 63J-1-504, to administer this
- 1465 section.
- 1466 Section 21. Section **58-55-205** is enacted to read:
- 1467 **58-55-205 . Financial responsibility.**
- 1468 (1) Before issuing, renewing, or reinstating a contractor license, the division shall require
- 1469 an applicant to demonstrate financial responsibility by:
- 1470 (a)(i) completing a financial responsibility questionnaire the division prepares; and
- 1471 (ii) signing the questionnaire and certifying the accuracy of the information provided;
- 1472 or
- 1473 (b) submitting a bond in the form and amount the commission determines by rule, made
- 1474 with the concurrence of the director and in accordance with Title 63G, Chapter 3,
- 1475 Utah Administrative Rulemaking Act.
- 1476 (2) An applicant, a licensee, or a person that holds an ownership interest in an
- 1477 unincorporated contractor licensee shall maintain financial responsibility throughout the
- 1478 period of licensure.
- 1479 (3) At the division's discretion, the division may audit the financial responsibility of an
- 1480 applicant, a licensee, or a person that holds an ownership interest in an unincorporated
- 1481 entity licensee.
- 1482 (4) The applicant, the licensee, and a person that holds an ownership interest in an
- 1483 unincorporated entity licensee bear the burden of demonstrating financial responsibility.
- 1484 (5)(a) When reviewing the financial responsibility of an unincorporated entity, the
- 1485 division:
- 1486 (i) shall consider the personal financial information of each person that holds an
- 1487 ownership interest in the entity; and
- 1488 (ii) may at any time:
- 1489 (A) audit the personal financial information of a person that holds an ownership

- 1490 interest; or
- 1491 (B) request and obtain a credit report for a person that holds an ownership interest.
- 1492 (b) If the division determines, based on the financial information of the applicant, the
- 1493 licensee, or a person that holds an ownership interest in an unincorporated entity that
- 1494 an applicant or licensee lacks the financial responsibility to engage successfully in
- 1495 business as a contractor, the division may:
- 1496 (i) prohibit the person from engaging in a construction trade;
- 1497 (ii) prohibit the applicant or licensee from engaging in a construction trade unless the
- 1498 applicant or licensed entity dissociates from the person the division determines
- 1499 lacks financial responsibility within 10 days after the division makes the
- 1500 determination of lack of financial responsibility; or
- 1501 (iii) require the applicant or licensee to post a bond that is:
- 1502 (A) in the amount and form the commission determines by rule, made with the
- 1503 concurrence of the director and in accordance with Title 63G, Chapter 3, Utah
- 1504 Administrative Rulemaking Act; or
- 1505 (B) equal to 20% of the applicant or licensee's annual gross distributions to the
- 1506 licensee's owners, including coverage for unpaid obligations including taxes.

1507 Section 22. Section **58-55-206**, which is renumbered from Section 58-55-310 is renumbered
1508 and amended to read:

1509 **[58-55-310] 58-55-206 . Requirements when working for political subdivision or**
1510 **state agency.**

1511 ~~[Each political subdivision and agency of the state and each board of education which~~
1512 ~~requires the issuance of a permit or license as a precondition to the construction, alteration,~~
1513 ~~improvement, demolition, or other repairs for which a contractor's license is also required~~
1514 ~~under this chapter shall:]~~

1515 ~~[(1) require that each applicant for a permit or license file a signed statement that the~~
1516 ~~applicant has a current contractor's license with the license number included in the~~
1517 ~~application;]~~

1518 ~~[(2) require that any representation of exemption from the contractor's licensing law be~~
1519 ~~included in the signed statement and that if that exempt person, firm, corporation,~~
1520 ~~association, or other organization intends to hire a contractor to perform any work under~~
1521 ~~the permit or license, that the license number of that contractor be included in the~~
1522 ~~application, but if a contractor has not been selected at the time of the application for a~~
1523 ~~permit or license, the permit or license shall be issued only on the condition that a~~

- 1524 currently licensed contractor will be selected and that the license number of the
 1525 contractor will be given to the issuing public body and displayed on the permit or license;]
 1526 [~~(3) require that, upon issuance of a permit or license, the contractor affix the contractor's~~
 1527 ~~license number to that permit or license for public display; and]~~
 1528 [~~(4) require the contractor to provide proof that the contractor provides workers'~~
 1529 ~~compensation insurance, pays into the unemployment insurance fund, provides health~~
 1530 ~~insurance as required under federal or state law, and withholds applicable taxes from~~
 1531 ~~worker pay.]~~
- 1532 A political subdivision or state agency that requires a permit as a precondition to
 1533 construction, alteration, improvement, demolition, or other repair work and requires a
 1534 contractor license shall:
- 1535 (1) require each contractor applying for a permit to include in the application a signed
 1536 statement verifying that the contractor holds a current contractor license and providing
 1537 the license number;
- 1538 (2) require any contractor applying for a permit that is claiming an exemption from the
 1539 contractor licensing requirement a signed statement that includes the exemption and
 1540 provides the license number of any contractor that the person intends to hire to perform
 1541 work under the permit;
- 1542 (3) issue a permit when no contractor has been selected at the time of application on the
 1543 condition that the applicant will:
- 1544 (a) select a currently licensed contractor;
 1545 (b) provide the license number to the issuing entity; and
 1546 (c) display the license number on the permit;
- 1547 (4) require the contractor, upon issuance of the permit, to affix the contractor's license
 1548 number to the permit for public display; and
- 1549 (5) require the contractor to provide proof of:
- 1550 (a) workers' compensation insurance;
 1551 (b) contributions to the unemployment insurance fund;
 1552 (c) health insurance coverage as required under federal or state law; and
 1553 (d) proper withholding of all applicable taxes from worker pay.

1554 Section 23. Section **58-55-207** is enacted to read:

1555 **58-55-207 . Payment -- Account designated.**

- 1556 (1) A contractor that pays a material supplier, a contractor, or a subcontractor with which
 1557 the contractor maintains a running account, holds multiple contracts, or owes an

- 1558 outstanding debt shall:
- 1559 (a) clearly designate the contract for which the payment is made; and
- 1560 (b) identify the specific items of account to which the payment applies.
- 1561 (2) A subcontractor or material supplier that receives a payment for materials or labor shall
- 1562 require the person paying to:
- 1563 (a) clearly designate the contract for which the payment is made; and
- 1564 (b) identify the specific items of account to which the payment applies.
- 1565 (3) In an action to enforce a lien for materials provided or labor performed by a
- 1566 subcontractor or material supplier, the owner may assert a defense to the lien if:
- 1567 (a) the owner paid the contractor for the materials and the contractor designated the
- 1568 payment in accordance with Subsection (1);
- 1569 (b) the contractor transferred the payment to the subcontractor or material supplier; and
- 1570 (c) the subcontractor or material supplier failed to require a designation of the account
- 1571 and the specific items of account when receiving the payment.

1572 Section 24. Section **58-55-208** is enacted to read:

1573 **58-55-208 . Payment of construction funds.**

- 1574 (1) All unpaid construction funds are payable to the contractor as provided in Section 13-8-5.
- 1575 (2) On projects involving multiple buildings, each building should be considered
- 1576 individually in determining the amount to be paid to the contractor.
- 1577 (3) When a building is partially occupied, the owner shall pay the contractor in direct
- 1578 proportion to the value of the part of the building occupied.
- 1579 (4) If any payment is retained or withheld, the retention or withholding shall be released as
- 1580 provided in Section 13-8-5.

1581 Section 25. Section **58-55-209** is enacted to read:

1582 **58-55-209 . Payment to subcontractors and suppliers.**

- 1583 (1) A contractor that receives construction funds for work performed and billed shall pay
- 1584 each subcontractor and supplier in proportion to the work the subcontractor or supplier
- 1585 performed on the work billed, unless otherwise agreed by contract.
- 1586 (2)(a) A contractor shall pay a subcontractor or supplier on or before the later of:
- 1587 (i) 30 calendar days after the day on which the contractor receives construction funds;
- 1588 or
- 1589 (ii) the day after the day on which payment is due.
- 1590 (b) Unless otherwise agreed by contract or for reasonable cause, a contractor that
- 1591 receives funds and does not comply with Subsection (2)(a) shall pay to the

- 1592 subcontractor or supplier:
- 1593 (i) interest in the amount of 1% per month of the amount due, beginning on the day
- 1594 after the day on which payment is due; and
- 1595 (ii) reasonable costs of collection and attorney fees.
- 1596 (c) The amounts described in Subsection (2)(b) are in addition to the payment due to the
- 1597 subcontractor or supplier for work performed and billed.
- 1598 (3) When a subcontractor receives a construction payment under this section, Subsections
- 1599 (1) and (2) apply to the subcontractor.

1600 Section 26. Section **58-55-210** is enacted to read:

1601 **58-55-210 . Proof of licensure to begin or maintain litigation.**

1602 A contractor may not bring or maintain a court action to collect compensation for work

1603 requiring a license under this chapter unless the contractor alleges and proves that the

1604 contractor held the required license:

- 1605 (1) when entering into the contract; and
- 1606 (2) when the cause of action arose.

1607 Section 27. Section **58-55-211** is enacted to read:

1608 **58-55-211 . Pay statement required.**

1609 (1) On the day on which a contractor licensed under this part pays an individual for work

1610 that the individual performed, the contractor shall give the individual a written or

1611 electronic pay statement that states:

- 1612 (a) the individual's name;
- 1613 (b) the individual's base rate of pay;
- 1614 (c) the dates of the pay period for which the individual is being paid;
- 1615 (d) if paid hourly, the number of hours the individual worked during the pay period;
- 1616 (e) the amount of and reason for money withheld in accordance with state and federal
- 1617 law, including:
- 1618 (i) state and federal income tax;
- 1619 (ii) Social Security tax;
- 1620 (iii) Medicare tax; and
- 1621 (iv) court-ordered withholdings; and
- 1622 (f) the total amount paid to the individual for that pay period.

1623 (2) A person licensed under this chapter shall:

- 1624 (a) comply with the requirements described in Subsection (1) regardless of whether the
- 1625 person pays the individual by check, cash, or other means;

- 1626 (b) retain a copy of each pay statement described in Subsection (1) for at least three
 1627 years after the day on which the person gives a copy of the pay statement to the
 1628 individual; and
- 1629 (c) upon request, make the pay statement records described in this section available to
 1630 the division for inspection.

1631 Section 28. Section **58-55-212**, which is renumbered from Section 58-55-702 is renumbered
 1632 and amended to read:

1633 **[58-55-702] 58-55-212 . Construction Business Registry.**

- 1634 (1) The division shall establish and maintain the Construction Business Registry as
 1635 described in this section.
- 1636 (2) The Construction Business Registry shall consist of a database of contact information
 1637 for licensed contractors.
- 1638 (3) ~~[Beginning January 1, 2023, the]~~ The division shall ensure that the Construction
 1639 Business Registry is:
- 1640 (a) ~~[is-]~~accessible to the public through an ~~[Internet]~~ internet website; and
- 1641 (b) ~~[is-]~~indexed by:
- 1642 (i) the name of the licensed contractor qualifier;
- 1643 (ii) the name of the licensed contractor's licensed business;
- 1644 (iii) ~~[the classification of the licensed contractor, as described in Section 58-55-301]~~
 1645 the license the contractor holds; and
- 1646 (iv) any other identifier that the division considers reasonably appropriate.
- 1647 (4) The division may link ~~[or otherwise associate-]~~the Construction Business Registry with
 1648 the State Construction Registry under Title 38, Chapter 1a, Part 2, State Construction
 1649 Registry.
- 1650 (5)(a) The division shall establish a process for a licensed contractor to:
- 1651 (i) ~~[before entry into the Construction Business Registry, specify the licensed~~
 1652 ~~contractor's]~~ provide the contact information that the licensed contractor wants
 1653 included in the Construction Business Registry before entry into the Construction
 1654 Business Registry;
- 1655 (ii) opt out of participation in the Construction Business Registry~~[at any time]~~; or
- 1656 (iii) amend the licensed contractor's contact information in the Construction Business
 1657 Registry~~[at any time]~~.
- 1658 (b) If a licensed contractor does not specify the licensed contractor's contact information
 1659 for the Construction Business Registry, the division shall include in the Construction

- 1660 Business Registry only public contact information for the licensed contractor.
- 1661 (6) The division may establish a fee in accordance with Section 63J-1-504 for the entry of a
- 1662 licensed contractor's contact information into the Construction Business Registry to
- 1663 offset the cost of creating, administering, and maintaining the Construction Business
- 1664 Registry.
- 1665 (7) The division may make rules in accordance with Title 63G, Chapter 3, Utah
- 1666 Administrative Rulemaking Act, to establish and maintain the Construction Business
- 1667 Registry.

1668 Section 29. Section **58-55-301** is repealed and reenacted to read:

1669 **Part 3. Electricians**

1670 **58-55-301 . Definitions.**

1671 As used in this part:

- 1672 (1) "Apprentice electrician" means an individual who is learning the electrician trade under
- 1673 the immediate supervision of a master electrician, residential master electrician,
- 1674 journeyman electrician, or a residential journeyman electrician in accordance with this
- 1675 chapter.
- 1676 (2)(a) "Electrical trade" means the performance of electrical work involving the
- 1677 installation, construction, alteration, change, repair, removal, or maintenance of
- 1678 facilities, buildings, or appendages or appurtenances.
- 1679 (b) "Electrical trade" does not include:
- 1680 (i) transporting or handling electrical materials;
- 1681 (ii) preparing clearance for raceways for wiring;
- 1682 (iii) work commonly done by unskilled labor on an installation under the exclusive
- 1683 control of electrical utilities;
- 1684 (iv) work involving cable-type wiring that does not pose a shock or fire-initiation
- 1685 hazard;
- 1686 (v) work involving class two or class three power-limited circuits as defined in the
- 1687 National Electrical Code; or
- 1688 (vi) minor electrical work incidental to a mechanical or service installation when
- 1689 wiring is extended to no more than 10 feet from an existing outlet or disconnect
- 1690 and does not exceed 120 volts and 20 amperes.
- 1691 (3) "Journeyman electrician" means an individual who performs the wiring, installation,
- 1692 and repair of electrical apparatus and equipment for light, heat, power, and other
- 1693 purposes.

- 1694 (4) "Journeyman lineman" means an individual who builds and maintains an electrical
1695 power system, performs work on transmission lines or distribution lines from power
1696 plants to customers and has completed a 7,000 hour certified apprenticeship program.
- 1697 (5) "Licensed electrician" means an individual who is licensed as an apprentice electrician,
1698 a journeyman electrician, a master electrician, a residential journeyman electrician, or a
1699 residential master electrician.
- 1700 (6) "Master electrician" means an individual who plans and supervises the wiring,
1701 installation, and repair of electrical apparatus and equipment.
- 1702 (7) "Residential journeyman electrician" means an individual who wires, installs, and
1703 repairs electrical apparatus and equipment for light, heat, power, and other purposes for
1704 a residential project.
- 1705 (8) "Residential master electrician" means an individual who plans and supervises the
1706 wiring, installation, and repair of electrical apparatus and equipment for light, heat,
1707 power, and other purposes for a residential project.
- 1708 (9) "Residential project" means a residential building primarily wired with nonmetallic
1709 sheathed cable that follows the National Electrical Code.
- 1710 Section 30. Section **58-55-302** is repealed and reenacted to read:
- 1711 **58-55-302 . Electrician Education Fund.**
- 1712 (1) There is created an expendable special revenue fund known as the Electrician Education
1713 Fund.
- 1714 (2) The fund consists of money from a surcharge the division establishes in accordance
1715 with Section 63J-1-504, that the division collects on initial, renewal, and reinstatement
1716 licenses for an apprentice electrician, a journeyman electrician, a master electrician, a
1717 residential journeyman electrician, and a residential master electrician.
- 1718 (3)(a) The surcharge may not exceed \$5.
- 1719 (b) The surcharge described in Subsection (3)(a) is in addition to the surcharge described
1720 in Section 58-55-106.
- 1721 (4)(a) The fund shall earn interest.
- 1722 (b) The division shall deposit the interest into the fund.
- 1723 (5) With the concurrence of the commission, the director may make distributions from the
1724 fund for the following purposes:
- 1725 (a) education and training of licenses described in Subsection (2); and
- 1726 (b) education and training of other individuals licensed under this chapter or the public
1727 about electrical laws and practices.

- 1728 (6) If the balance in the fund is more than \$100,000 at the end of any fiscal year, the
 1729 division shall transfer the amount that exceeds \$100,000 to the General Fund.
- 1730 (7) The division shall report annually to the General Government Appropriations
 1731 Subcommittee on:
 1732 (a) the balance in the fund; and
 1733 (b) fund expenditures.
- 1734 Section 31. Section **58-55-303** is repealed and reenacted to read:
 1735 **58-55-303 . Qualifications for licensure.**
- 1736 (1) An applicant for a license under this part shall:
 1737 (a) submit an application the division approves;
 1738 (b) pay the fee the division determines in accordance with Section 63J-1-504; and
 1739 (c) pass the examination requirements described in this section and in rules the
 1740 commission establishes by rule, made with the concurrence of the director and in
 1741 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1742 (2) A master electrician applicant shall provide satisfactory evidence that the applicant:
 1743 (a) graduated as an electrical engineer from an accredited college or university the
 1744 division approves and completed one year of practical electrical experience as a
 1745 licensed apprentice electrician;
 1746 (b) graduated from an electrical trade school with an associate of applied sciences degree
 1747 in a course the division approves and completed two years' practical experience as a
 1748 licensed journeyman electrician;
 1749 (c) completed four-years of practical experience as a licensed journeyman electrician; or
 1750 (d) meets the qualifications for expedited licensure the commission establishes with the
 1751 concurrence of the director and by rule made in accordance with Title 63G, Chapter
 1752 3, Utah Administrative Rulemaking Act.
- 1753 (3) A master residential electrician applicant shall provide satisfactory evidence that the
 1754 applicant:
 1755 (a) completed at least two-years' practical experience as a licensed residential
 1756 journeyman electrician; or
 1757 (b) meets the qualifications for expedited licensure the commission establishes by rule,
 1758 made with the concurrence of the director and in accordance with Title 63G, Chapter
 1759 3, Utah Administrative Rulemaking Act.
- 1760 (4) A journeyman electrician applicant shall provide satisfactory evidence that the applicant:
 1761 (a) successfully completed at least four-years' full-time training and instruction as a

- 1762 licensed apprentice electrician under the supervision of a licensed master electrician
1763 or a licensed journeyman electrician, in accordance with a training program the
1764 division approves;
- 1765 (b) has at least eight-years' full-time experience the division approves in collaboration
1766 with the Electricians and Plumbers Licensing Board; or
- 1767 (c) meets the qualifications for expedited licensure the commission establishes by rule,
1768 made with the concurrence of the director and in accordance with Title 63G, Chapter
1769 3, Utah Administrative Rulemaking Act.
- 1770 (5) A residential journeyman electrician applicant shall provide satisfactory evidence that
1771 the applicant:
- 1772 (a) successfully completed two-years' training in an electrical training program the
1773 division approves;
- 1774 (b) completed four-years' practical experience in wiring, installing, and repairing
1775 electrical apparatus and equipment for light, heat, and power under the supervision of
1776 a licensed master, journeyman, residential master, or residential journeyman
1777 electrician; or
- 1778 (c) meets the qualifications for expedited licensure the commission establishes by rule,
1779 made with the concurrence of the director and in accordance with Title 63G, Chapter
1780 3, Utah Administrative Rulemaking Act.
- 1781 (6)(a) An apprentice electrician applicant shall identify to the division the proposed
1782 supervisor of the apprenticeship.
- 1783 (b) Upon licensure, an apprentice electrician and the apprentice electrician's supervisor
1784 shall:
- 1785 (i) ensure the apprentice electrician works under the immediate supervision of a
1786 licensed master, journeyman, residential master, or residential journeyman
1787 electrician for the initial three-years' training;
- 1788 (ii) allow the apprentice electrician, beginning in the fourth year of training, to work
1789 without supervision for up to eight hours in any 24-hour period; and
- 1790 (iii) comply with rules the commission makes with the concurrence of the director
1791 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
1792 Act, regarding the ratio of apprentice electricians to supervisor.
- 1793 Section 32. Section **58-55-304** is repealed and reenacted to read:
1794 **58-55-304 . Continuing education requirements for electricians.**
- 1795 (1) During each two-year license term the division establishes by rule in accordance with

- 1796 Section 58-55-108, a licensed electrician shall complete 16 hours of continuing
 1797 education.
- 1798 (2) The commission, with the concurrence of the division, shall establish by rule, made in
 1799 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, continuing
 1800 education for licensed electricians.
- 1801 (3) The division may contract with a person to establish and maintain a registry of
 1802 continuing education that includes:
- 1803 (a) an online application for a continuing education course provider to apply to the
 1804 division for approval of a course as continuing education;
- 1805 (b) a list of approved continuing education courses; and
- 1806 (c) a list of courses that:
- 1807 (i) a licensed electrician completes; and
- 1808 (ii) the licensed electrician may access to monitor compliance with the continuing
 1809 education requirement.
- 1810 (4) The division may charge a fee the division establishes in accordance with Section
 1811 63J-1-504, to administer this section.

1812 Section 33. Section **58-55-401** is repealed and reenacted to read:

1813 **Part 4. Plumbers**

1814 **58-55-401 . Definitions.**

1815 As used in this part:

- 1816 (1) "Apprentice plumber" means an individual who is learning the plumbing trade.
- 1817 (2) "Journeyman plumber" means an individual who engages in the plumbing trade.
- 1818 (3) "Licensed plumber" means an individual licensed as an apprentice plumber, a
 1819 journeyman plumber, a master plumber, a residential journeyman plumber, or a
 1820 residential master plumber.
- 1821 (4) "Master plumber" means an individual who plans and supervises projects in the
 1822 plumbing trade.
- 1823 (5)(a) "Plumbing trade" means the performance of mechanical work pertaining to the
 1824 installation, alteration, change, repair, removal, maintenance, or use in buildings, or
 1825 within three feet beyond the outside walls of buildings, pipes, fixtures, and fittings
 1826 for the:
- 1827 (i) delivery of the water supply;
- 1828 (ii) discharge of liquid and water carried waste;
- 1829 (iii) building drainage system within the walls of the building; and

- 1830 (iv) delivery of gases for lighting, heating, and industrial purposes.
- 1831 (b) "Plumbing trade" includes work relating to the water supply, distribution pipes,
- 1832 fixtures and fixture traps, soil, waste and vent pipes, the building drain and roof
- 1833 drains, and the safe and adequate supply of gases, and related devices, appurtenances,
- 1834 and connections installed within the outside walls of the building.
- 1835 (6) "Residential building" means a single-family or multi-family dwelling with up to four
- 1836 units.
- 1837 (7) "Residential journeyman plumber" means an individual who engages in the plumbing
- 1838 trade exclusively in the plumbing of a residential building.
- 1839 (8) "Residential master plumber" means an individual who plans and supervises the
- 1840 plumbing of a residential building.
- 1841 Section 34. Section **58-55-402** is repealed and reenacted to read:
- 1842 **58-55-402 . Plumber Education Fund.**
- 1843 (1) There is created an expendable special revenue fund known as the Plumber Education
- 1844 Fund.
- 1845 (2) The fund consists of money from a surcharge, the division establishes in accordance
- 1846 with Section 63J-1-504, that the division collects on initial, renewal, and reinstatement
- 1847 licensures for apprentice plumbers, journeyman plumbers, master plumbers, residential
- 1848 journeyman plumbers, and residential master plumbers.
- 1849 (3)(a) The surcharge may not exceed \$5.
- 1850 (b) The surcharge described in Subsection (3)(a) is in addition to the surcharge described
- 1851 in Section 58-55-106.
- 1852 (4)(a) The fund shall earn interest.
- 1853 (b) The division shall deposit the interest into the fund.
- 1854 (5) With the concurrence of the commission, the director may make distributions from the
- 1855 fund for the following purposes:
- 1856 (a) education and training of licensees described in Subsection (2); and
- 1857 (b) education and training of other individuals licensed under this chapter or the public
- 1858 about plumbing laws and practices.
- 1859 (6) If the balance in the fund is more than \$100,000 at the end of any fiscal year, the
- 1860 division shall transfer the amount that exceeds \$100,000 to the General Fund.
- 1861 (7) The division shall report annually to the General Government Appropriations
- 1862 Subcommittee on:
- 1863 (a) the balance in the fund; and

1864 (b) fund expenditures.

1865 Section 35. Section **58-55-404** is enacted to read:

1866 **58-55-404 . Qualifications for licensure.**

1867 (1) An applicant for a license under this section shall:

1868 (a) submit an application the division approves;

1869 (b) pay the fee the division determines in accordance with Section 63J-1-504; and

1870 (c) pass the examination requirements this section and rules the commission makes with

1871 the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah

1872 Administrative Rulemaking Act, establishes.

1873 (2) A master plumber applicant shall provide satisfactory evidence that the applicant:

1874 (a) has two-years' supervisory experience as a licensed journeyman plumber in
1875 accordance with division rule;

1876 (b) has received an associate of applied science degree or similar degree following
1877 completion of a course of study the division approves and has one year of
1878 supervisory experience as a licensed journeyman plumber in accordance with
1879 division rule; or

1880 (c) meets the qualifications for expedited licensure the commission establishes by rule,
1881 with the concurrence of the director and in accordance with Title 63G, Chapter 3,
1882 Utah Administrative Rulemaking Act.

1883 (3) A master residential plumber applicant shall provide satisfactory evidence that the
1884 applicant:

1885 (a) has two-years' supervisory experience as a licensed residential journeyman plumber
1886 in accordance with division rule; or

1887 (b) meets the qualifications for expedited licensure the commission establishes by rule,
1888 with the concurrence of the director and in accordance with Title 63G, Chapter 3,
1889 Utah Administrative Rulemaking Act.

1890 (4) A journeyman plumber applicant shall provide satisfactory evidence that the applicant:

1891 (a) completed at least four-years' full-time training and instruction as a licensed
1892 apprentice plumber under supervision of a licensed master plumber or journeyman
1893 plumber, in accordance with a training program the division approves;

1894 (b) has at least eight-years' full-time experience the division approves in collaboration
1895 with the Electricians and Plumbers Licensing Board; or

1896 (c) meets the qualifications for expedited licensure the commission establishes by rule,
1897 with the concurrence of the director and in accordance with Title 63G, Chapter 3,

- 1898 Utah Administrative Rulemaking Act.
- 1899 (5) A residential journeyman plumber applicant shall provide satisfactory evidence that the
1900 applicant:
- 1901 (a) completed at least three-years' full-time training and instruction as a licensed
1902 apprentice plumber under the supervision of a licensed residential master plumber,
1903 licensed residential journeyman plumber, or licensed journeyman plumber in
1904 accordance with a training program the division approves;
- 1905 (b) completed at least six-years' full-time experience in a maintenance or repair trade
1906 involving substantial plumbing work; or
- 1907 (c) meets the qualifications for expedited licensure the commission establishes by rule,
1908 with the concurrence of the director and in accordance with Title 63G, Chapter 3,
1909 Utah Administrative Rulemaking Act.
- 1910 (6)(a) An apprentice plumber applicant shall identify to the division the proposed
1911 supervisor of the apprenticeship.
- 1912 (b) Upon licensure, an apprentice plumber and the apprentice plumber's supervisor shall:
- 1913 (i) ensure the apprentice plumber works under the immediate supervision of a
1914 licensed master, journeyman, residential master, or residential journeyman
1915 plumber for the initial three-years' training;
- 1916 (ii) allow the apprentice plumber, beginning in the fourth year of training, to work
1917 without supervision for up to eight hours in any 24-hour period; and
- 1918 (iii) comply with rules the commission makes, with the concurrence of the director,
1919 under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the
1920 ratio of apprentice plumbers to supervisor.
- 1921 Section 36. Section **58-55-405** is enacted to read:
- 1922 **58-55-405 . Continuing education requirements for plumbers.**
- 1923 (1) During each two-year license term the division establishes by rule in accordance with
1924 Section 58-55-108, a licensed plumber shall complete 12 hours of continuing education.
- 1925 (2) The commission shall establish by rule made in accordance with Title 63G, Chapter 3,
1926 Utah Administrative Rulemaking Act, continuing education for licensed plumbers.
- 1927 (3) The division may contract with a person to establish and maintain a registry of
1928 continuing education that includes:
- 1929 (a) an online application for a continuing education course provider to apply to the
1930 division for approval of the course as continuing education;
- 1931 (b) a list of approved continuing education courses; and

- 1932 (c) a list of courses that:
- 1933 (i) a licensed plumber completes; and
- 1934 (ii) the licensed plumber may access to monitor compliance with the continuing
- 1935 education requirement.
- 1936 (4) The division may charge a fee the division establishes in accordance with Section
- 1937 63J-1-504, to administer the requirements of this section.
- 1938 Section 37. Section **58-55-501** is repealed and reenacted to read:
- 1939 **Part 5. Miscellaneous Licenses**
- 1940 **58-55-501 . Definitions.**
- 1941 As used in this part:
- 1942 (1) "Automatic fire sprinkler system" means a fire suppression system designed to detect
- 1943 and automatically discharge an agent, a foam, or water over a fire.
- 1944 (2) "Commercial construction project" means a construction, alteration, repair, demolition,
- 1945 or excavation project that does not involve:
- 1946 (a) single-family detached housing;
- 1947 (b) multi-family attached housing up to and including a fourplex; or
- 1948 (c) construction of a non-residential project that is fewer than two stories above ground.
- 1949 (3)(a) "Crane" means a power-operated hoisting machine used in construction,
- 1950 demolition, or excavation work that has a power-operated winch, load-line, and boom
- 1951 moving laterally by the rotation of the machine on a carrier.
- 1952 (b) "Crane" does not include a fork lift, a digger derrick truck, an aircraft, a bucket truck,
- 1953 a knuckle boom, a side boom, or a mechanic's truck.
- 1954 (4) "Crane operator" means an individual who operates a crane.
- 1955 (5)(a) "Elevator" means the same as that term is defined in Section 34A-7-202;
- 1956 (b) "Elevator" does not include:
- 1957 (i) a stair chair;
- 1958 (ii) an incline platform lift; or
- 1959 (iii) a vertical platform lift.
- 1960 (6) "Elevator mechanic" means an individual who erects, constructs, installs, alters,
- 1961 services, repairs, or maintains an elevator under the immediate supervision of an
- 1962 elevator contractor.
- 1963 (7) "Elevator work" means constructing, maintaining, servicing, or repairing an elevator.
- 1964 (8) "Fire sprinkler contractor" means a contractor that installs, repairs, maintains, or
- 1965 replaces an automatic fire sprinkler system.

- 1966 (9) "Gas corporation" means the same as that term is defined in Section 54-2-1.
- 1967 (10) "Minimum system" means the minimum natural gas facilities necessary to serve each
- 1968 intended consumer, as determined by a gas corporation.
- 1969 (11)(a) "Natural gas facility" means:
- 1970 (i) one or more natural gas mains;
- 1971 (ii) one or more natural gas service lines; or
- 1972 (iii) a combination of Subsections (11)(a)(i) and (ii).
- 1973 (b) "Natural gas facility" includes any necessary appurtenant facilities.
- 1974 (12)(a) "Natural gas main" means a natural gas distribution pipeline that delivers natural
- 1975 gas to another natural gas distribution supply line or to a natural gas service line.
- 1976 (b) "Natural gas main" does not include a natural gas service line.
- 1977 (13) "Natural gas service line" means a natural gas pipeline that carries natural gas from a
- 1978 natural gas main to a meter for use by the final consumer.
- 1979 (14) "Natural gas tariff specifications" means the standards and specifications:
- 1980 (a) for the construction of natural gas facilities; and
- 1981 (b) that are:
- 1982 (i) established by a gas corporation; and
- 1983 (ii) included in the gas corporation's tariff that is approved by the Public Service
- 1984 Commission.
- 1985 (15) "Qualifying installer" means a person that:
- 1986 (a) a gas corporation approves to install natural gas facilities; and
- 1987 (b) is licensed in accordance with Section 58-55-503.
- 1988 Section 38. Section **58-55-502** is repealed and reenacted to read:
- 1989 **58-55-502 . General provisions.**
- 1990 (1)(a) The commission, with the concurrence of the director, may make rules in
- 1991 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
- 1992 (i) define and limit the scope of practice for licenses issued under this part; and
- 1993 (ii) establish operating standards consistent with practices in the relevant industry.
- 1994 (b) The commission, with the concurrence of the director, may limit the field and scope
- 1995 of operations of a licensee under this chapter based on:
- 1996 (i) rules the commission makes in accordance with Title 63G, Chapter 3, Utah
- 1997 Administrative Rulemaking Act; and
- 1998 (ii) considerations of the public health, safety, and welfare, including the licensees'
- 1999 education, training, experience, knowledge, and financial responsibility in

2000 accordance with Section 58-55-205.

2001 (2) This part does not prohibit a specialty contractor as defined in Section 58-55-202, that is
 2002 licensed in accordance with Part 2, Contractors, from entering into a contract involving
 2003 two or more construction trades if the contracted construction trade is incidental to the
 2004 construction trade for which the contractor is licensed.

2005 Section 39. Section **58-55-503** is repealed and reenacted to read:

2006 **58-55-503 . Gas appliances and combustion systems.**

2007 (1)(a) This section applies to:

2008 (i) an individual whose license authorizes the installation, repair, maintenance,
 2009 cleaning, or replacement of a residential or a commercial gas appliance or a
 2010 combustion system; and

2011 (ii) a person exempt from licensure under Section 58-55-110.

2012 (b) A person described in Subsection (1)(a) shall:

2013 (i) first receive training and certification in accordance with rules the commission
 2014 makes with the concurrence of the director and in accordance with Title 63G,
 2015 Chapter 3, Utah Administrative Rulemaking Act; and

2016 (ii) ensure that an employee performing work described in Subsection (1)(a)(i) first
 2017 receives training and certification as the division requires by rule the division
 2018 makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
 2019 Act.

2020 (2) The division may exempt an individual from the training requirements described in
 2021 Subsection (1)(b) if the division determines the individual has adequate experience.

2022 (3) The division may exempt an individual from the certification requirements described in
 2023 Subsection (1)(b) who:

2024 (a)(i) passes a test equivalent to the level of testing the division requires for
 2025 certification; or

2026 (ii) completes an apprenticeship program that teaches the installation of gas line
 2027 appliances and is approved by the Federal Bureau of Apprenticeship Training; and

2028 (b) works under the immediate one-to-one supervision of a certified natural gas
 2029 technician or a person exempt from certification.

2030 Section 40. Section **58-55-504** is amended to read:

2031 **58-55-504 . Crane operators.**

2032 ~~[(1) As used in this section:]~~

2033 ~~[(a) "Commercial construction projects" means construction, alteration, repair,~~

2034 demolition, or excavation projects that do not involve:]
 2035 [(i) single family detached housing;]
 2036 [(ii) multifamily attached housing up to and including a fourplex; or]
 2037 [(iii) commercial construction of not more than two stories above ground.]
 2038 [(b)(i) "Crane operator" means an individual engaged in operating a crane, which for
 2039 purposes of this section is a power-operated hoisting machine used in
 2040 construction, demolition, or excavation work that has a power-operated winch,
 2041 load-line, and boom moving laterally by the rotation of the machine on a carrier.]
 2042 [(ii) It does not include operating a fork lift, digger derrick truck, aircraft, bucket
 2043 truck, knuckle boom, side boom, mechanic's truck, or a vehicle or machine not
 2044 using a power-operated winch and load-line.]

2045 [(2)(a) In order to operate a crane on commercial construction projects, an individual
 2046 shall be certified as a crane operator by the National Commission for the Certification
 2047 of Crane Operators or any other organization determined by the division to offer an
 2048 equivalent testing and certification program that meets the requirements of the
 2049 American Society of Mechanical Engineers ASME B 30.5 and the accreditation
 2050 requirements of the National Commission for Certifying Agencies.]

2051 [(b) An individual who violates Subsection (2)(a) is guilty of a class A misdemeanor.]

2052 [(3) An individual engaged in construction or operation incidental to petroleum refining or
 2053 electrical utility construction or maintenance is exempt from the crane operator
 2054 certification requirement of Subsection (2)(a).]

2055 (1) To operate a crane on a commercial construction project, an individual shall obtain
 2056 certification as a crane operator from:

2057 (a) the National Commission for the Certification of Crane Operators; or

2058 (b) another organization the division determines offers an equivalent testing and
 2059 certification program that complies with:

2060 (i) the requirements of the American Society of Mechanical Engineers ASME B30.5;
 2061 and

2062 (ii) the accreditation requirements of the National Commission for Certifying
 2063 Agencies.

2064 (2) An individual engaged in construction or operation incidental to petroleum refining, or
 2065 to electrical utility construction or maintenance, is exempt from the certification
 2066 requirement.

2067 Section 41. Section **58-55-505** is enacted to read:

2068 **58-55-505 . Automatic fire sprinkler contractor.**

2069 (1) A fire sprinkler contractor shall have a qualifier that meets the requirements described in
2070 Section 58-55-107 and in Subsection (2).

2071 (2) The qualifier for a fire sprinkler contractor shall:

2072 (a) be a qualifier for a licensed general building contractor; or

2073 (b) submit evidence to the division of:

2074 (i) completing a United States Department of Labor federally approved apprentice
2075 training program, or two-years' experience supervised by a certified fire sprinkler
2076 contractor;

2077 (ii) passing the STAR Fire Sprinklerfitting Mastery Examination offered by the
2078 National Inspection Testing and Certification Corporation or an equivalent
2079 examination the division approves; or

2080 (iii) demonstrating to the division the equivalent training and experience, as the
2081 division determines by rules made with the director's concurrence and in
2082 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2083 Section 42. Section **58-55-506** is enacted to read:

2084 **58-55-506 . Elevator mechanic qualifications for licensure.**

2085 (1) An applicant for licensure as an elevator mechanic shall:

2086 (a) provide documentation showing at least three-years' work experience in the elevator
2087 industry, in construction, maintenance, or service and repair;

2088 (b) pass a written examination that the division administers by rule the division makes in
2089 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

2090 (c) provide a certificate of completion from an elevator mechanic apprenticeship
2091 program that:

2092 (i) meets standards substantially equal to those in this chapter; and

2093 (ii) is registered with the United States Department of Labor Bureau of
2094 Apprenticeship and Training or a state apprenticeship council.

2095 (2)(a) If a licensed elevator contractor cannot find a licensed elevator mechanic to
2096 perform elevator work, the contractor shall notify the division about the shortage of
2097 licensed personnel.

2098 (b) A licensed elevator contractor shall request that the division issue a temporary
2099 elevator mechanic license to an individual whom the contractor certifies has an
2100 acceptable combination of documented experience and education to perform elevator
2101 work.

- 2102 (c) If a licensed elevator contractor requests a temporary elevator mechanic license
2103 under Subsection (2)(b), the division may issue the temporary license to the
2104 individual the licensed elevator contractor certifies if the individual:
2105 (i) applies to the division; and
2106 (ii) pays the fee the division determines in accordance with Section 63J-1-504.
2107 (d) The division shall specify the time period for which the temporary license is valid.
2108 (e) The division may renew a temporary elevator mechanic license if the division
2109 determines that a shortage of licensed elevator mechanics continues.

2110 Section 43. Section **58-55-507** is enacted to read:

2111 **58-55-507 . Elevator mechanic continuing education requirements.**

- 2112 (1) During each two-year license term the division establishes by rule in accordance with
2113 Section 58-55-108, a licensed elevator mechanic shall complete eight hours of
2114 continuing education.
2115 (2) The commission shall establish by rule made in accordance with Title 63G, Chapter 3,
2116 Utah Administrative Rulemaking Act, continuing education for licensed elevator
2117 mechanics.
2118 (3) The division may contract with a person to establish and maintain a registry of
2119 continuing education that includes:
2120 (a) a list of approved continuing education; and
2121 (b) a list of courses that:
2122 (i) a licensed elevator mechanic completes; and
2123 (ii) the licensed elevator mechanic may access to monitor compliance with the
2124 continuing education requirement.
2125 (4) The division may charge a fee the division establishes in accordance with Section
2126 63J-1-504, to administer this section.

2127 Section 44. Section **58-55-508** is enacted to read:

2128 **58-55-508 . Qualifying installer -- Natural gas facilities.**

- 2129 (1)(a) Except as provided in Subsections (1)(b) and (c), a qualifying installer shall pay
2130 the costs to install natural gas facilities.
2131 (b) A gas corporation shall pay the engineering, inspecting, mapping, and locating costs
2132 of natural gas facilities that a qualifying installer installs.
2133 (c) If a gas corporation requires a qualifying installer to install natural gas facilities that
2134 are greater than the minimum system, the gas corporation shall pay the difference in
2135 cost between the required natural gas facilities and the minimum system.

- 2136 (2) A gas corporation shall verify through inspection and testing that natural gas facilities
 2137 that a qualifying installer installs comply with applicable federal, state, and local law
 2138 and natural gas tariff specifications.
- 2139 (3) A gas corporation is not required to supply natural gas to or accept ownership of natural
 2140 gas facilities until the gas corporation completes any necessary inspection to verify that
 2141 the natural gas facilities are installed and tested in compliance with applicable federal,
 2142 state, and local law and natural gas tariff specifications.

2143 Section 45. Section **58-55-601** is repealed and reenacted to read:

2144 **Part 6. Unlawful and Unprofessional Conduct**

2145 **58-55-601 . Unlawful conduct.**

2146 A person engages in unlawful conduct if the person:

- 2147 (1) engages in a construction trade, acts as a contractor, or represents that the person
 2148 engages in a construction trade or acts as a contractor in a trade requiring licensure
 2149 without holding a license or qualifying for an exemption under this chapter;
- 2150 (2) acts in a construction trade beyond the scope of the license the person holds;
- 2151 (3) hires or employs an unlicensed person to perform work that requires a license, unless
 2152 that person is an employee of a licensed person, paid wages, and is not otherwise
 2153 required to hold a license;
- 2154 (4) applies for or obtains a building permit without holding a license or qualifying for an
 2155 exemption under this chapter;
- 2156 (5) issues a building permit to a person that does not provide evidence of a current license
 2157 or exemption;
- 2158 (6) applies for or obtains a building permit to benefit or assist a person that must hold a
 2159 license under this chapter but does not hold one or does not otherwise qualify;
- 2160 (7) fails to obtain a building permit when required by law or rule;
- 2161 (8) submits a bid for work requiring a license without holding a license or qualifying for an
 2162 exemption;
- 2163 (9) willfully or deliberately misrepresents or omits a material fact when applying to obtain
 2164 or renew a license;
- 2165 (10) allows another person to use the person's license, except as permitted by statute or rule;
- 2166 (11) does business under a name other than the name on the license, unless statute or rule
 2167 allows otherwise;
- 2168 (12) fails to directly supervise an apprentice electrician or an apprentice plumber or exceeds
 2169 the permitted number of apprentices to supervisor;

- 2170 (13) as a contractor, receives funds from a person to pay for work performed or materials
2171 and services provided for a specific project, and after receiving the funds, fails to pay all
2172 amounts due to those who performed the work or provided materials or services within a
2173 reasonable time;
- 2174 (14) willfully or deliberately disregards or violates:
- 2175 (a) state or local building or construction laws;
2176 (b) safety and labor laws applicable to a project;
2177 (c) health laws applicable to a project;
2178 (d) workers' compensation insurance laws;
2179 (e) laws governing employee income tax, unemployment tax, Social Security tax, or
2180 other required withholdings; or
2181 (f) state or federal reporting, notification, and filing laws;
- 2182 (15) engages in residential construction of up to two units without registering as a qualified
2183 beneficiary or obtaining an exemption under Title 38, Chapter 11, Residence Lien
2184 Restriction and Lien Recovery Fund Act;
- 2185 (16) as an original contractor, as defined in Section 38-11-102, fails to include the notice
2186 required under Section 38-11-108 in a written contract;
- 2187 (17) wrongfully files a preconstruction or construction lien in violation of Section 38-1a-308;
- 2188 (18) as a contractor, fails to complete required continuing education under this chapter;
- 2189 (19) as an unincorporated entity licensed under this chapter:
- 2190 (a) allows an interest owner to engage in a construction trade in the state while not
2191 lawfully present in the United States; or
- 2192 (b) provides labor to another licensed entity by supplying an interest owner to engage in
2193 a construction trade in the state while not lawfully present in the United States;
- 2194 (20) as an unincorporated entity, fails to provide for an individual who engages or will
2195 engage in a construction trade in the state:
- 2196 (a) workers' compensation coverage as required under Title 34A, Chapter 2, Workers'
2197 Compensation Act, or Title 34A, Chapter 3, Utah Occupational Disease Act, or as
2198 would be required if licensed under this chapter; or
- 2199 (b) unemployment compensation under Title 35A, Chapter 4, Employment Security Act,
2200 for an individual who owns less than an 8% interest in the entity, as defined by rule;
- 2201 (21) as an unincorporated entity:
- 2202 (a) allows an owner to engage in a construction trade using a social security number that
2203 does not belong to that individual; or

- 2204 (b) provides labor to another licensed entity by supplying an individual who uses a
 2205 social security number that does not belong to that individual;
 2206 (22) as a sign installation contractor or nonelectrical outdoor advertising sign contractor, as
 2207 described by rule the division makes in accordance with Title 63G, Chapter 3, Utah
 2208 Administrative Rulemaking Act, fails to:
 2209 (a) prominently display the contractor's business name and license number on a vehicle
 2210 used for business; or
 2211 (b) carry a copy of the contractor's license in any vehicle used at a job site;
 2212 (23) as a contractor, fails to comply with requirements a political subdivision, state agency,
 2213 or board of education imposes in accordance with Section 58-55-206;
 2214 (24) as a contractor, fails to comply in a timely manner with requirements described in
 2215 Section 58-55-211;
 2216 (25) engages in the installation, repair, maintenance, cleaning, or replacement of a
 2217 residential or a commercial gas appliance or a combustion system without the
 2218 certification described in Section 58-55-503, or allows an employee to do so; or
 2219 (26) operates a crane without the certification described in Section 58-55-504.

2220 Section 46. Section **58-55-602** is repealed and reenacted to read:

2221 **58-55-602 . Penalty for unlawful conduct.**

- 2222 (1)(a) An individual commits a class A misdemeanor by violating:
 2223 (i) Section 58-55-503;
 2224 (ii) Section 58-55-504;
 2225 (iii) Subsections 58-55-601(1) through (7), (9), (10), and (12), (14)(e), or (21)
 2226 through (24); or
 2227 (iv) failing to comply with a citation issued under this chapter.
 2228 (b) An individual who violates Subsection 58-55-601(8) may not receive or accept a
 2229 contract to perform work or act as a qualifier.
 2230 (2)(a) An individual commits an infraction by violating Subsection 58-55-601(13).
 2231 (b) An individual commits theft under Section 76-6-404 if the individual violates
 2232 Subsection 58-55-601(13) and intends to deprive the payee of money owed.

2233 Section 47. Section **58-55-603** is repealed and reenacted to read:

2234 **58-55-603 . Unprofessional conduct.**

2235 A person engages in unprofessional conduct if the person:

- 2236 (1) fails to establish, maintain, or demonstrate financial responsibility in accordance with
 2237 Section 58-55-205, while holding a contractor license under Part 2, Contractors;

- 2238 (2) disregards or violates, through gross negligence or a pattern of negligence:
2239 (a) state or local building or construction laws;
2240 (b) safety and labor laws applicable to a project;
2241 (c) health laws applicable to a project;
2242 (d) workers' compensation insurance laws applicable to a project;
2243 (e) laws governing employee state and federal income tax withholdings, unemployment
2244 tax, Social Security payroll tax, or other required withholdings; or
2245 (f) state or federal reporting, notification, and filing laws;
2246 (3) commits, causes, or directs a willful, fraudulent, or deceitful act that causes material
2247 injury to another person;
2248 (4) commits a contract violation that threatens or potentially threatens the public health,
2249 safety, or welfare, including when the person:
2250 (a) willfully, deliberately, or with gross negligence disregards plans or specifications,
2251 abandons a project, or fails to complete a project without obtaining consent from the
2252 owner, the owner's authorized representative, or any other person entitled to
2253 completion under the contract;
2254 (b) fails to deposit funds for the benefit of an employee;
2255 (c) fails to maintain health insurance benefits required by a written contract, unless the
2256 person provides the employee with written notice at least 45 days before canceling or
2257 reducing a health insurance benefit;
2258 (d) fails to reimburse the Residence Lien Recovery Fund as required under Section
2259 38-11-207;
2260 (e) fails to provide information required under Section 38-11-108; or
2261 (f) willfully or deliberately misrepresents or omits a material fact when applying to
2262 claim recovery from the Residence Lien Recovery Fund under Section 38-11-204;
2263 (5) fails to comply with operating standards described in Section 58-55-502;
2264 (6) as an unincorporated entity, fails to provide workers' compensation coverage as required
2265 under Title 34A, Chapter 2, Workers' Compensation Act, and Title 34A, Chapter 3, Utah
2266 Occupational Disease Act, for an individual who engages or will engage in a
2267 construction trade in this state for the entity;
2268 (7) fails to continuously maintain insurance and registration as required under Section
2269 58-55-204; or
2270 (8) fails to comply with Section 58-55-107.
2271 Section 48. Section **58-55-604** is repealed and reenacted to read:

- 2272 **58-55-604 . Citations -- Fines -- License suspension-- License revocation.**
- 2273 (1) As used in this section, "qualifying violation" means a violation of:
- 2274 (a) Section 58-55-503;
- 2275 (b) Section 58-55-504;
- 2276 (c) Subsections 58-55-601(1) through (3), (7), (9), (10), (12), (14)(e), and (16), or
- 2277 Subsection 58-55-601(18) through (24); or
- 2278 (d) Subsection 58-55-602(4) or (6).
- 2279 (2)(a) If an investigation shows a person committed a qualifying violation, or violated a
- 2280 division rule or order related to a qualifying violation, the division shall:
- 2281 (i) issue a citation;
- 2282 (ii) attempt a stipulated settlement; or
- 2283 (iii) require the person to appear in an adjudicative proceeding in accordance with
- 2284 Title 63G, Chapter 4, Administrative Procedures Act.
- 2285 (b) The division may assess a fine and issue a cease-and-desist order based on:
- 2286 (i) an uncontested citation;
- 2287 (ii) a stipulated settlement; or
- 2288 (iii) a violation finding in an adjudicative proceeding regarding a qualifying violation.
- 2289 (3)(a) Each citation shall:
- 2290 (i) be in writing;
- 2291 (ii) describe the qualifying violation with specific reference to statute, rule, or order;
- 2292 (iii) instruct the recipient to request a hearing in writing within 20 calendar days after
- 2293 the day on which the division issues the citation if the recipient contests; and
- 2294 (iv) state the consequences of failing to contest or pay fines.
- 2295 (b) The division may serve the citation:
- 2296 (i) according to the Utah Rules of Civil Procedure;
- 2297 (ii) in person or through an agent; or
- 2298 (iii) by mail.
- 2299 (c) If the recipient does not request a hearing within 20 calendar days after the day on
- 2300 which the citation is issued, the citation becomes a final division order.
- 2301 (d) The division may extend the 20 calendar day period for cause.
- 2302 (4)(a) The division may deny, suspend, revoke, place on probation, or refuse to issue or
- 2303 renew the license of a person that does not comply with a final citation.
- 2304 (b) The division shall issue a citation within one year of the reported qualifying violation.
- 2305 (5) The director or the director's designee shall assess fines as follows:

- 2306 (a) except as provided in Subsection (5)(b), for a qualifying violation:
2307 (i) for a first offense, up to \$1,000;
2308 (ii) for a second offense, up to \$2,000; and
2309 (iii) for an additional qualifying violation, other than a violation described in
2310 Subsection 58-55-601(14)(e) or (24), up to \$2,000 per day of continued offense;
2311 and
- 2312 (b) for a violation of Subsection 58-55-601(14)(e) or (24):
2313 (i) for a first offense, up to \$2,000;
2314 (ii) for a second offense, up to \$4,000; and
2315 (iii) for an additional violation of Subsection 58-55-601(14)(e) or (24), up to \$4,000
2316 per day of continued qualifying violation.
- 2317 (6)(a) Except as provided in Subsection (8), the division shall consider a qualifying
2318 violation a second or additional offense if:
2319 (i) a prior final order established a qualifying violation; or
2320 (ii) the division initiated an action for an earlier offense and finds a second qualifying
2321 violation during a new investigation before resolving the initial case.
- 2322 (b) The division shall follow this section when issuing final orders for repeated
2323 qualifying violations.
- 2324 (7)(a) The division shall revoke a license if the licensee violates Subsection
2325 58-55-601(19) or (20) two or more times in a 12-month period.
- 2326 (b) The division may exempt a licensee from revocation under Subsection 58-55-601(19)
2327 if the licensee proves the licensee verified the individual's federal work status using a
2328 status verification system under Section 13-47-102.
- 2329 (c) Each qualifying violation under Subsection 58-55-601(20) or (21) involving a
2330 different individual counts as a separate qualifying violation.
- 2331 (8) If five or more years pass between qualifying violations, the division may not treat a
2332 new qualifying violation as a second or additional qualifying violation.
- 2333 (9) The division may treat each instance of the same type of qualifying violation under
2334 Section 58-55-601 as a separate offense and may impose a separate penalty for each.
- 2335 (10) The division and commission may suspend a license if:
2336 (a) the licensee receives a citation for violating:
2337 (i) Section 58-55-503;
2338 (ii) Section 58-55-504; or
2339 (iii) Section 58-55-601; or

- 2340 (b) the licensee fails to:
- 2341 (i) apply for a new license for a new business structure;
- 2342 (ii) maintain or demonstrate financial responsibility in accordance with Section
- 2343 58-55-205, while holding a contractor license under Part 2, Contractors; or
- 2344 (iii) notify the division of insurance loss or change in qualifier.
- 2345 Section 49. Section **58-55-605** is repealed and reenacted to read:
- 2346 **58-55-605 . Grounds for denial of license and disciplinary proceedings.**
- 2347 (1) In accordance with Section 58-1-401, if an applicant or licensee does not meet the
- 2348 qualifications for licensure, the division may:
- 2349 (a) refuse to issue or renew a license;
- 2350 (b) revoke the right of a licensee to recover from the Residence Lien Recovery Fund
- 2351 created by Section 38-11-201;
- 2352 (c) revoke, suspend, or restrict a license;
- 2353 (d) issue a public or private reprimand to an applicant or a licensee; and
- 2354 (e) issue a cease-and-desist order.
- 2355 (2) In addition to an action taken under Subsection (1), the division may take an action
- 2356 described in Subsection 58-1-401(2) in relation to a contractor license, if:
- 2357 (a) the applicant or licensee is an unincorporated entity; and
- 2358 (b) an individual who holds an ownership interest in or is the qualifier under Section
- 2359 58-55-108 engages in:
- 2360 (i) unlawful conduct as described in Section 58-55-601; or
- 2361 (ii) unprofessional conduct as described in Section 58-55-602.
- 2362 Section 50. Section **58-55-606** is enacted to read:
- 2363 **58-55-606 . Investigation of a regulated activity.**
- 2364 (1) The division shall be responsible for the investigation of a person or an activity that
- 2365 violates the provisions of this chapter.
- 2366 (2)(a) The division shall investigate:
- 2367 (i) a licensee alleged to engage in unlawful or unprofessional conduct; and
- 2368 (ii) an unlicensed person engaged in a construction trade regulated under this chapter.
- 2369 (3) If the division finds there is no apparent material jeopardy to the public health, safety,
- 2370 or welfare, the division shall decline investigation of an alleged violation of this chapter.
- 2371 (4)(a) The division shall inspect construction trade to determine compliance with
- 2372 Subsections 58-1-501(2)(a)(vii), 58-55-601(14), and 58-55-602(2) through (4).
- 2373 (b) Except for Subsection (4)(a), the division has no obligation to inspect construction

2374 trade to determine compliance with applicable code or industry standard.

2375 (5) An authorized representative of the division may enter the premises or a site to inspect
2376 work regulated under this chapter for compliance.

2377 Section 51. Section **58-55-607** is enacted to read:

2378 **58-55-607 . Collection -- Enforcement.**

2379 (1) The division shall deposit collected fines into the Commerce Service Account created
2380 under Section 13-1-2.

2381 (2) If a person fails to pay a penalty, the director may:

2382 (a) refer the case to a collection agency; or

2383 (b) file a district court action in the person's county or the county where the director's
2384 office is located.

2385 (3) The county attorney or attorney general shall provide legal support in penalty collection
2386 actions.

2387 (4) The court shall award attorney fees and costs to the prevailing party in such actions.

2388 Section 52. Section **58-91-101** is enacted to read:

2389 **CHAPTER 91. Alarm Company Licensing Act**

2390 **Part 1. General Provisions**

2391 **58-91-101 . Definitions.**

2392 As used in this chapter:

2393 (1)(a) "Alarm company" means a person that installs, maintains, alters, repairs, replaces,
2394 services, or monitors an alarm system.

2395 (b) "Alarm company" does not include:

2396 (i) a person that manufactures or sells an alarm system unless:

2397 (A) that person installs, maintains, alters, repairs, replaces, services, or monitors
2398 the alarm system;

2399 (B) the manufacture or sale occurs at a location other than the person's established
2400 place of business; or

2401 (C) the manufacture or sale involves a site visit where the alarm system will be
2402 installed; or

2403 (ii) the owner of an alarm system, or an employee of the owner of an alarm system,
2404 who installs, maintains, alters, repairs, replaces, services, or monitors the alarm
2405 system.

2406 (2)(a) "Alarm company agent" means an individual that an alarm company employs

- 2407 within this state that sells, installs, maintains, alters, repairs, replaces, services, or
2408 monitors an alarm system.
- 2409 (b) "Alarm company agent" does not include an individual who does not use or have
2410 access to sensitive alarm system information.
- 2411 (3) "Alarm company officer" means:
- 2412 (a) a governing person, as defined in Section 48-3a-102, of an alarm company;
2413 (b) an individual appointed as an officer of an alarm company that is a corporation in
2414 accordance with Section 16-10a-830;
2415 (c) a general partner, as defined in Section 48-2e-102, of an alarm company; or
2416 (d) a partner, as defined in Section 48-1d-102, of an alarm company.
- 2417 (4) "Alarm company owner" means:
- 2418 (a) a shareholder, as defined in Section 16-10a-102, who owns directly, or indirectly
2419 through an entity controlled by the individual, 5% or more of the outstanding shares
2420 of an alarm company that:
- 2421 (i) is a corporation; and
2422 (ii) is privately owned; or
- 2423 (b) an individual who owns directly, or indirectly through an entity controlled by the
2424 individual, 5% or more of the equity of an alarm company that is not a corporation.
- 2425 (5) "Alarm company proprietor" means the sole proprietor of an alarm company that is
2426 registered as a sole proprietorship with the Division of Corporations and Commercial
2427 Code.
- 2428 (6) "Alarm company trustee" means a person with control of or power of administration
2429 over an alarm company held in trust.
- 2430 (7)(a) "Alarm system" means equipment for detecting and signaling unauthorized
2431 intrusion or entry into or onto a protected premises.
- 2432 (b) "Alarm system" includes a battery-charged suspended-wire system or fence that
2433 interfaces with an alarm system.
- 2434 (8) "Board" means the Alarm System Security and Licensing Board created in Section
2435 58-91-201.
- 2436 (9) "Control position" means a person that exercises direct or indirect control over an entity.
- 2437 (10) "Control position" includes:
- 2438 (a) a corporate officer or a director;
2439 (b) a shareholder who owns 25% or more of the stock;
2440 (c) a partner or a member; and

- 2441 (d) a qualifier.
- 2442 (11) "Employee" means an individual the division defines by rule in accordance with Title
2443 63G, Chapter 3, Utah Administrative Rulemaking Act, giving consideration to the
2444 definition adopted by the Internal Revenue Service and the Department of Workforce
2445 Services.
- 2446 (12) "Qualifier" means the individual who has the license that allows an alarm company to
2447 engage as a licensed alarm company.
- 2448 (13) "Responsible management personnel" means:
- 2449 (a) a qualifier;
- 2450 (b) an operations manager; or
- 2451 (c) a site manager.
- 2452 (14) "Sensitive alarm system information" means:
- 2453 (a) a passcode or other code used in the operation of an alarm system;
- 2454 (b) the location of alarm system components at the premises of a customer of the alarm
2455 company providing the alarm system;
- 2456 (c) information that would allow the compromise of an alarm system of a customer of
2457 the alarm company providing the alarm system; or
- 2458 (d) other similar information that the division by rule determines to be information that
2459 an individual an alarm company employs should use or have access to only if the
2460 individual is licensed in accordance with this chapter.
- 2461 (15) "Substance use disorder" means the same as that term is defined in the current edition
2462 of the Diagnostic and Statistical Manual of Mental Disorders published by the American
2463 Psychiatric Association.
- 2464 (16) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and
2465 58-91-501.
- 2466 (17) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501
2467 and 58-91-502 and as may be further defined by rule.
- 2468 (18) "Wages" means amounts due to an employee for labor or services whether the amount
2469 is fixed or ascertained on a time, task, piece, commission, or other basis for calculating
2470 the amount.
- 2471 Section 53. Section **58-91-102** is enacted to read:
- 2472 **58-91-102 . Surcharge.**
- 2473 (1)(a) The division shall collect a \$1 surcharge from each applicant for an initial license,
2474 a renewal of a license, or a reinstatement of a license.

2475 (b) The surcharge described in Subsection (1)(a) is in addition to other fees this chapter
 2476 or the division authorizes in accordance with Section 63J-1-504.

2477 (2)(a) The division shall deposit the surcharge into the General Fund as a dedicated
 2478 credit.

2479 (b) The division shall use the dedicated credits to provide a licensee with access to an i
 2480 nternet-based library of national, state, and local building codes and standards.

2481 Section 54. Section **58-91-103** is enacted to read:

2482 **58-91-103 . Proof of licensure to begin or maintain litigation.**

2483 An alarm company may not bring or maintain a court action to collect compensation for
 2484 work requiring a license under this chapter unless the alarm company alleges and proves that
 2485 the alarm company held the required license:

2486 (1) when entering into the contract; and

2487 (2) when the cause of action arose.

2488 Section 55. Section **58-91-201** is enacted to read:

2489 **Part 2. Board**

2490 **58-91-201 . Board.**

2491 (1)(a) There is created the Alarm System Security and Licensing Board consisting of the
 2492 following members:

2493 (i) three individuals who are alarm company officers or alarm company owners;

2494 (ii) one individual from among nominees of the Utah Peace Officers Association; and

2495 (iii) one individual who is a member of the general public and who has never been an
 2496 alarm company owner, an alarm company officer, or an alarm company agent.

2497 (b) The Alarm System Security and Licensing Board shall designate a member to:

2498 (i) assist the division in reviewing complaints concerning the unlawful or
 2499 unprofessional conduct of a licensee; and

2500 (ii) advise the division in the division's investigation of complaints.

2501 (c) A board member who advises in the investigation of a complaint is disqualified from
 2502 participating with the board when the board serves as a presiding officer in an
 2503 adjudicative proceeding concerning the complaint.

2504 (2) The duties, functions, and responsibilities of the board include:

2505 (a) recommending rules;

2506 (b) recommending policy and budgetary matters;

2507 (c) approving and establishing a passing score for applicant examinations;

2508 (d) overseeing the screening of applicants for licensing, renewal, reinstatement, and

2543 characteristics set for electric fence energizers by the International Electrotechnical
 2544 Commission;

2545 (e) is surrounded by a nonelectric perimeter fence or wall that is at least five feet in
 2546 height;

2547 (f) is not more than the higher of:

2548 (i) two feet higher than the height of the nonelectric perimeter fence or wall; or

2549 (ii) 10 feet in height;

2550 (g) is marked with conspicuous warning signs that are located on the battery-charged
 2551 suspended-wire system or fence at no more than 30-foot intervals and that read
 2552 "WARNING -- ELECTRIC FENCE"; and

2553 (h) meets rules related to battery-charged suspended-wire systems or fences that the
 2554 division adopts with the board's concurrence and in accordance with Title 63G,
 2555 Chapter 3, Utah Administrative Rulemaking Act.

2556 Section 57. Section **58-91-302** is enacted to read:

2557 **58-91-302 . Licensee names -- License number use -- Qualifier.**

2558 (1) The division may not issue a license in a name that the division determines may result in
 2559 confusion for the name of another licensee.

2560 (2) Except as provided in Subsection (1), the division shall issue a license in the name of an
 2561 alarm company if the alarm company applicant meets the requirements under this
 2562 chapter.

2563 (3) The division shall require the alarm company's license number on permit applications,
 2564 contracts, agreements, or bids that require a license.

2565 (4)(a) The division shall require an alarm company to have a qualifier.

2566 (b) An individual acting as a qualifier for an alarm company shall demonstrate to the
 2567 division that the individual is an alarm company officer, an alarm company owner, or
 2568 manager of the alarm company who exercises material authority in the conduct of the
 2569 alarm company by:

2570 (i) making substantive technical and administrative decisions relating to the work
 2571 performed for which a license under this chapter is required;

2572 (ii) hiring, promoting, transferring, laying off, disciplining, directing, or discharging
 2573 employees of the alarm company; and

2574 (iii) avoiding involvement in other employment or activity that conflict with the
 2575 individual's duties and responsibilities to ensure the licensee does not jeopardize
 2576 the public health, safety, and welfare.

- 2577 (5)(a) The division may take action against:
- 2578 (i) an individual licensee that violates the requirements of this section;
- 2579 (ii) a contractor licensee if the qualifier or contractor licensee violates the
- 2580 requirements of this section; and
- 2581 (iii) a qualifier if the qualifier or contractor licensee violates the requirements of this
- 2582 section.
- 2583 (b) The division may consider failure to comply with the requirements of this section to
- 2584 be unprofessional conduct by the licensee, the qualifier, or both.
- 2585 (6)(a) If a qualifier for an alarm company ceases association with the alarm company,
- 2586 the alarm company shall notify the division in writing within 10 days after the day on
- 2587 which the association ceases.
- 2588 (b) If notice is given, the alarm company's license shall remain in force for 60 days after
- 2589 the day on which the association ceases.
- 2590 (c) The division shall suspend the alarm company's license if the alarm company does
- 2591 not replace the original qualifier with another qualifier within the 60-day period.
- 2592 (7) The division may suspend the alarm company's license if the alarm company does not
- 2593 notify the division of cessation of association of a qualifier.
- 2594 Section 58. Section **58-91-303** is enacted to read:
- 2595 **58-91-303 . Term of license -- Expiration -- Renewal and reinstatement.**
- 2596 (1)(a) The division shall issue a license for a term of two years as the division
- 2597 establishes by rule the division makes in accordance with Title 63G, Chapter 3, Utah
- 2598 Administrative Rulemaking Act.
- 2599 (b) The division may extend or shorten a license term by up to one year to stagger
- 2600 renewals as the division determines by rule in accordance with Title 63G, Chapter 3,
- 2601 Utah Administrative Rulemaking Act.
- 2602 (2)(a) The division shall renew or reinstate an individual license after the applicant:
- 2603 (i) submits an application in the individual's name; and
- 2604 (ii) meets all other requirements of this chapter.
- 2605 (b) The division shall renew or reinstate an alarm company's license after the applicant:
- 2606 (i) submits the application in the name of and on behalf of an alarm company;
- 2607 (ii) lists the individual acting as the qualifier for the alarm company;
- 2608 (iii) provides evidence that the qualifier has passed the required examination; and
- 2609 (iv) meets all other requirements of this chapter.
- 2610 (3) Each license expires on the expiration date shown on the license.

2611 (4) In addition to requirements imposed by law, an applicant applying for reinstatement of a
 2612 license the division suspended or revoked shall:

2613 (a) pay fines the division imposes; and

2614 (b) resolve outstanding citations or disciplinary actions with the division.

2615 Section 59. Section **58-91-304** is enacted to read:

2616 **58-91-304 . Qualifications for licensure.**

2617 (1) Each applicant for a license as an alarm company shall:

2618 (a) submit an application the division approves;

2619 (b) pay the fee the division determines in accordance with Section 63J-1-504;

2620 (c) have a qualifier who:

2621 (i) is an alarm company officer, alarm company owner, alarm company proprietor,
 2622 alarm company trustee, or other responsible management personnel;

2623 (ii) demonstrates 6,000 hours of experience in the alarm company business;

2624 (iii) demonstrates 2,000 hours of experience as a manager or administrator in the
 2625 alarm company business or in a construction business;

2626 (iv) passes an examination the division makes in collaboration with the board;

2627 (v) requires that each alarm company officer, alarm company owner, alarm company
 2628 proprietor, alarm company trustee, and responsible management personnel with
 2629 direct responsibility for managing operations of the applicant within the state:

2630 (A) provide the individual's name, address, date of birth, social security number,
 2631 and fingerprints to the division;

2632 (B) consent to, and complete, a criminal background check, described in Section
 2633 58-1-301.5;

2634 (C) meet background check standards the division makes by rule under Title 63G,
 2635 Chapter 3, Utah Administrative Rulemaking Act; and

2636 (D) disclose criminal history the division requests on a form the division approves;

2637 (vi) documents that none of the individuals described in Subsection (1)(c)(v):

2638 (A) are declared by a court with jurisdiction incompetent by reason of mental
 2639 defect or disease and not been restored; or

2640 (B) are currently suffering from a substance use disorder;

2641 (vii) files and maintains with the division evidence of:

2642 (A) comprehensive general liability insurance in form and in amounts the division
 2643 determines by rule made in collaboration with the board in accordance with
 2644 Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

- 2645 (B) workers' compensation insurance that covers employees of the applicant in
2646 accordance with applicable Utah law; and
- 2647 (C) registration as is required by applicable law with the Division of Corporations
2648 and Commercial Code, the Unemployment Insurance Division in the
2649 Department of Workforce Services for purposes of Title 35A, Chapter 4,
2650 Employment Security Act, the State Tax Commission, and the Internal
2651 Revenue Service; and
- 2652 (viii) meets with the division and board if the division or the board requests.
- 2653 (2) Each applicant for a license as an alarm company agent shall:
- 2654 (a) submit an application in a form the division approves;
2655 (b) submit fingerprints in a form the division approves;
2656 (c) pay the fee the division determines in accordance with Section 63J-1-504;
2657 (d) consent to and complete a criminal background check described in Section
2658 58-1-301.5;
2659 (e) meet background check standards the division makes by rule under Title 63G,
2660 Chapter 3, Utah Administrative Rulemaking Act;
2661 (f) disclose criminal history the division requests on a form the division approves;
2662 (g) attest the applicant has not been declared by a court with jurisdiction incompetent by
2663 reason of mental defect or disease and not been restored;
2664 (h) attest the applicant is not currently suffering from a substance use disorder; and
2665 (i) meet with the division and board if the division or the board requests.
- 2666 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2667 division may make rules establishing when the division shall check Federal Bureau of
2668 Investigation records for an alarm company or an alarm company agent applicant under
2669 this section and Section 58-1-301.5.
- 2670 (4)(a) The division shall deny an application for licensure under this chapter if:
- 2671 (i) the applicant has had a previous license issued under this chapter suspended or
2672 revoked within two years before the date of the applicant's application;
2673 (ii)(A) the applicant is a partnership, corporation, or limited liability company; and
2674 (B) a person that serves the applicant entity in a control position previously served
2675 in a control position for an entity that held a license the division suspended or
2676 revoked less than two years before the date of the application; or
2677 (iii)(A) the applicant is an individual or sole proprietorship; and
2678 (B) any person that served in a control position in any entity which has had a

2679 previous license, which was issued under this chapter, suspended or revoked
 2680 within two years before the date of the applicant's application.

2681 (b) The board shall review an application for licensure under this chapter before
 2682 approval if:

2683 (i) the applicant has had a previous license, which was issued under this chapter,
 2684 suspended or revoked more than two years before the date of the applicant's
 2685 application;

2686 (ii)(A) the applicant is a partnership, corporation, or limited liability company; and

2687 (B) a person that serves the applicant entity in a control position previously served
 2688 in a control position for an entity that held a license the division suspended or
 2689 revoked less than two years before the date of the application; or

2690 (iii)(A) the applicant is an individual or sole proprietorship; and

2691 (B) a person that serves the applicant entity in a control position previously served
 2692 in a control position for an entity that held a license that the division suspended
 2693 or revoked two years or more before the date of the application.

2694 Section 60. Section **58-91-305** is enacted to read:

2695 **58-91-305 . Evidence of licensure.**

2696 An individual licensed as an alarm company agent shall:

2697 (1) carry a copy of the individual's license issued under this chapter on the individual's
 2698 person while engaging in an activity for which this chapter requires a license; and

2699 (2) display the license upon the request of a peace officer, a representative of the division,
 2700 or a representative of a customer of the alarm company.

2701 Section 61. Section **58-91-306** is enacted to read:

2702 **58-91-306 . Exemptions from licensure.**

2703 In addition to the exemptions from licensure in Section 58-1-307, an individual may
 2704 engage as an alarm company agent without a license if the individual is:

2705 (1) the owner of an alarm system; or

2706 (2) an employee of the owner of an alarm system.

2707 Section 62. Section **58-91-307** is enacted to read:

2708 **58-91-307 . Temporary permits for alarm company agents.**

2709 (1) The division may issue a temporary permit to an applicant for licensure as an alarm
 2710 company agent if:

2711 (a) the division has received a background check on the applicant from the Bureau of
 2712 Criminal Identification;

- 2713 (b)(i) the applicant is or will be employed at a call center, office, or administrative
2714 facility of an alarm company; and
2715 (ii) the applicant's only contact with a customer or potential customer of the alarm
2716 company is from the call center, office, or administrative facility; and
2717 (c) the alarm company by which the applicant is or will be employed affirms in writing
2718 to the division that the applicant will act only within the scope of the temporary
2719 license, as provided in Subsection (1)(b).

2720 (2) A temporary license shall expire on the earlier of:

- 2721 (a) 90 days after the day on which the division issues the temporary permit;
2722 (b) the date on which the individual to whom the division issues the temporary license
2723 leaves the employment of the alarm company in Subsection (1)(b); or
2724 (c) the date on which the division issues a license to the applicant or denies the
2725 applicant's application.

2726 Section 63. Section **58-91-401** is enacted to read:

2727 **Part 4. License Denial and Discipline**

2728 **58-91-401 . Investigation of regulated activity.**

- 2729 (1) The division is responsible for the investigation of a person or an activity that violates a
2730 provision of this chapter.
2731 (2) A division investigation may include:
2732 (a) a licensee allegedly engaged in unlawful or unprofessional conduct; or
2733 (b) an unlicensed person allegedly engaged in an activity this chapter regulates and for
2734 which the division requires a license.
2735 (3) The division shall decline to proceed with investigation of the violation of a provision of
2736 this chapter if the division finds there is no apparent material jeopardy to the public
2737 health, safety, and welfare.

2738 Section 64. Section **58-91-501** is enacted to read:

2739 **Part 5. Unlawful and Unprofessional Conduct**

2740 **58-91-501 . Unlawful conduct.**

2741 A person engages in unlawful conduct if the person:

- 2742 (1) acts as or represents that the person may act as an alarm company or alarm company
2743 agent without holding a license or qualifying for an exemption;
2744 (2) acts as an alarm company beyond the scope of the license the person holds;
2745 (3) willfully or deliberately misrepresents or omits a material fact when applying to obtain

- 2746 or renew a license;
- 2747 (4) allows another person to use the person's license, except as permitted by statute or rule;
- 2748 (5) does business under a name other than the name on the license, unless statute or rule
- 2749 allows otherwise;
- 2750 (6) employs an unlicensed alarm company or an unlicensed individual as an alarm company
- 2751 agent, except as allowed under Section 58-1-307;
- 2752 (7) files fingerprints with the division that do not belong to the applicant or are false or
- 2753 fraudulent with intent to mislead the division during the licensure process;
- 2754 (8) allows an employee with a temporary license under Section 58-91-307 to act outside the
- 2755 scope of the temporary license; or
- 2756 (9) as an alarm company agent with a temporary license under Section 58-91-307, acts
- 2757 outside the scope of the temporary license.

2758 Section 65. Section **58-91-502** is enacted to read:

2759 **58-91-502 . Penalty for unlawful conduct.**

2760 An individual commits a class A misdemeanor by:

- 2761 (1) violating Subsections 58-91-501(1) through (4), or Subsections 58-91-501(6) through (9);
- 2762 or
- 2763 (2) failing to comply with a final citation issued under this section.

2764 Section 66. Section **58-91-503** is enacted to read:

2765 **58-91-503 . Unprofessional conduct.**

2766 A person engages in unprofessional conduct if the person:

- 2767 (1) commits, causes, or directs a willful, fraudulent, or deceitful act that causes material
- 2768 injury to another person;
- 2769 (2) commits a contract violation that threatens or potentially threatens the public health,
- 2770 safety, or welfare, including when the person fails to deposit funds for the benefit of an
- 2771 employee as required under a written contractual obligation;
- 2772 (3) as an alarm company, fails to notify the division when the company's qualifier ceases to
- 2773 perform or fails to replace the qualifier as required under Subsection 58-91-303(6);
- 2774 (4) as an alarm company agent, fails to carry or display a copy of the agent's license as
- 2775 required under Section 58-91-305;
- 2776 (5) fails to comply with operating standards the division makes by rule;
- 2777 (6) as an alarm company or alarm company agent, fails to inform a potential customer,
- 2778 before the customer purchases an alarm system or alarm service, about the policy of the
- 2779 county, city, or town where the customer resides about priority levels for responding to

- 2780 alarm signals transmitted by the alarm system; or
- 2781 (7) fails to continuously maintain insurance and registration as required under Subsection
- 2782 304(1)(c)(vii).
- 2783 Section 67. Section **58-91-504** is enacted to read:
- 2784 **58-91-504 . Citations -- Fines -- License suspension-- License revocation.**
- 2785 (1) As used in this section, "qualifying violation" means a violation of:
- 2786 (a) Subsections 58-91-501(1) through (4), Subsection 58-91-501(6), or Subsections
- 2787 58-91-501(8) through (9); or
- 2788 (b) Subsection 58-91-503(1).
- 2789 (2)(a) If an investigation shows a person committed a qualifying violation, or broke a
- 2790 related rule or order the division issued regarding a qualifying violation, the division
- 2791 shall:
- 2792 (i) issue a citation;
- 2793 (ii) attempt a stipulated settlement; or
- 2794 (iii) require the person to appear in an adjudicative proceeding under Title 63G,
- 2795 Chapter 4, Administrative Procedures Act.
- 2796 (b) The division may assess a fine and issue a cease-and-desist order based on:
- 2797 (i) an uncontested citation;
- 2798 (ii) a stipulated settlement; or
- 2799 (iii) a violation finding in an adjudicative proceeding.
- 2800 (3)(a) Each citation shall:
- 2801 (i) be in writing;
- 2802 (ii) describe the violation with specific reference to statute, rule, or order;
- 2803 (iii) instruct the recipient to request a hearing in writing within 20 calendar days after
- 2804 the day on which the citation is issued if the recipient contests; and
- 2805 (iv) state the consequences of failing to contest or pay fines.
- 2806 (b) The division may serve the citation:
- 2807 (i) according to the Utah Rules of Civil Procedure;
- 2808 (ii) in person or via an agent; or
- 2809 (iii) by mail.
- 2810 (c) If the recipient does not request a hearing within 20 calendar days after the day on
- 2811 which the citation is issued, the citation becomes a final division order.
- 2812 (d) The division may extend the 20-calendar day period for cause.
- 2813 (4)(a) The division may refuse to issue or renew, suspend, revoke, or place on probation

- 2814 the license of a person that does not comply with a final citation.
- 2815 (b) The division may deny licensure after the applicant fails to comply with a final
- 2816 citation.
- 2817 (c) The division shall issue a citation within one year of the reported violation.
- 2818 (5) The director or designee shall assess a fine for a qualifying violation as follows:
- 2819 (a) first offense: up to \$1,000;
- 2820 (b) for second offense: up to \$2,000; and
- 2821 (c) additional offenses: up to \$2,000 per day of continued offense.
- 2822 (6)(a) The division considers a violation a second or subsequent offense if:
- 2823 (i) a prior final order established a qualifying violation; or
- 2824 (ii) the division initiated an action for a prior offense and later finds a second
- 2825 violation during a new investigation before resolving the initial case.
- 2826 (b) The division shall follow this section when issuing final orders for repeated
- 2827 violations.
- 2828 (7) If five or more years pass between violations, the division may not treat a new violation
- 2829 as a subsequent violation.
- 2830 (8) The division may treat each instance of the same type of violation under Section
- 2831 58-91-501 as a separate offense and may impose a separate penalty for each.
- 2832 (9) The division may immediately suspend a license if:
- 2833 (a) the licensee receives a citation for violating Section 58-91-501; or
- 2834 (b) the licensee fails to:
- 2835 (i) apply for a new license for a new classification or business structure; or
- 2836 (ii) notify the division of a change in qualifier.
- 2837 Section 68. Section **63G-2-302** is amended to read:
- 2838 **63G-2-302 . Private records.**
- 2839 (1) The following records are private:
- 2840 (a) records concerning an individual's eligibility for unemployment insurance benefits,
- 2841 social services, welfare benefits, or the determination of benefit levels;
- 2842 (b) records containing data on individuals describing medical history, diagnosis,
- 2843 condition, treatment, evaluation, or similar medical data;
- 2844 (c) records of publicly funded libraries that when examined alone or with other records
- 2845 identify a patron;
- 2846 (d) records received by or generated by or for:
- 2847 (i) the [~~Independent~~] independent Legislative Ethics Commission, except for:

- 2848 (A) the commission's summary data report that is required under legislative rule;
2849 and
- 2850 (B) any other document that is classified as public under legislative rule; or
2851 (ii) a Senate or House Ethics Committee in relation to the review of ethics
2852 complaints, unless the record is classified as public under legislative rule;
- 2853 (e) records received by, or generated by or for, the [~~Independent~~] independent Executive
2854 Branch Ethics Commission, except as otherwise expressly provided in Title 63A,
2855 Chapter 14, Review of Executive Branch Ethics Complaints;
- 2856 (f) records received or generated for a Senate confirmation committee concerning
2857 character, professional competence, or physical or mental health of an individual:
2858 (i) if, prior to the meeting, the chair of the committee determines release of the
2859 records:
- 2860 (A) reasonably could be expected to interfere with the investigation undertaken by
2861 the committee; or
2862 (B) would create a danger of depriving a person of a right to a fair proceeding or
2863 impartial hearing; and
2864 (ii) after the meeting, if the meeting was closed to the public;
- 2865 (g) employment records concerning a current or former employee of, or applicant for
2866 employment with, a governmental entity that would disclose that individual's home
2867 address, home telephone number, social security number, insurance coverage, marital
2868 status, or payroll deductions;
- 2869 (h) records or parts of records under Section 63G-2-303 that a current or former
2870 employee identifies as private according to the requirements of that section;
- 2871 (i) that part of a record indicating a person's social security number or federal employer
2872 identification number if provided under Section 31A-23a-104, 31A-25-202,
2873 31A-26-202, 58-1-301, [~~58-55-302~~] 58-55-203, 58-91-304, 61-1-4, or 61-2f-203;
- 2874 (j) that part of a voter registration record identifying a voter's:
2875 (i) driver license or identification card number;
2876 (ii) social security number, or last four digits of the social security number;
2877 (iii) email address;
2878 (iv) date of birth; or
2879 (v) phone number;
- 2880 (k) a voter registration record that is classified as a private record by the lieutenant
2881 governor or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or

- 2882 20A-2-204(4)(b);
- 2883 (l) a voter registration record that is withheld under Subsection 20A-2-104(7);
- 2884 (m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any
- 2885 verification submitted in support of the form;
- 2886 (n) a record or information regarding whether a voter returned a ballot with postage
- 2887 attached;
- 2888 (o) a record that:
- 2889 (i) contains information about an individual;
- 2890 (ii) is voluntarily provided by the individual; and
- 2891 (iii) goes into an electronic database that:
- 2892 (A) is designated by and administered under the authority of the Chief Information
- 2893 Officer; and
- 2894 (B) acts as a repository of information about the individual that can be
- 2895 electronically retrieved and used to facilitate the individual's online interaction
- 2896 with a state agency;
- 2897 (p) information provided to the [~~Commissioner of Insurance~~] commissioner of insurance
- 2898 under:
- 2899 (i) Subsection 31A-23a-115(3)(a);
- 2900 (ii) Subsection 31A-23a-302(4); or
- 2901 (iii) Subsection 31A-26-210(4);
- 2902 (q) information obtained through a criminal background check under Title 11, Chapter
- 2903 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
- 2904 (r) information provided by an offender that is:
- 2905 (i) required by the registration requirements of Title 53, Chapter 29, Sex, Kidnap, and
- 2906 Child Abuse Offender Registry; and
- 2907 (ii) not required to be made available to the public under Subsection 53-29-404(3)(a);
- 2908 (s) a statement and any supporting documentation filed with the attorney general in
- 2909 accordance with Section 34-45-107, if the federal law or action supporting the filing
- 2910 involves homeland security;
- 2911 (t) electronic toll collection customer account information received or collected under
- 2912 Section 72-6-118 and customer information described in Section 17B-2a-815
- 2913 received or collected by a public transit district, including contact and payment
- 2914 information and customer travel data;
- 2915 (u) an email address provided by a military or overseas voter under Section 20A-16-501;

- 2916 (v) a completed military-overseas ballot that is electronically transmitted under Title
2917 20A, Chapter 16, Uniform Military and Overseas Voters Act;
- 2918 (w) records received by or generated by or for the Political Subdivisions Ethics Review
2919 Commission established in Section 63A-15-201, except for:
2920 (i) the commission's summary data report that is required in Section 63A-15-202; and
2921 (ii) any other document that is classified as public in accordance with Title 63A,
2922 Chapter 15, Political Subdivisions Ethics Review Commission;
- 2923 (x) a record described in Section 53G-9-604 that verifies that a parent was notified of an
2924 incident or threat;
- 2925 (y) a criminal background check or credit history report conducted in accordance with
2926 Section 63A-3-201;
- 2927 (z) a record described in Subsection 53-5a-104(7);
- 2928 (aa) on a record maintained by a county for the purpose of administering property taxes,
2929 an individual's:
2930 (i) email address;
2931 (ii) phone number; or
2932 (iii) personal financial information related to a person's payment method;
- 2933 (bb) a record submitted by a taxpayer to establish the taxpayer's eligibility for an
2934 exemption, deferral, abatement, or relief under:
2935 (i) Title 59, Chapter 2, Part 11, Exemptions; or
2936 (ii) Title 59, Chapter 2a, Tax Relief Through Property Tax;
- 2937 (cc) a record provided by the State Tax Commission in response to a request under
2938 Subsection 59-1-403(4)(y)(iii);
- 2939 (dd) a record of the Child Welfare Legislative Oversight Panel regarding an individual
2940 child welfare case, as described in Subsection 36-33-103(3);
- 2941 (ee) a record relating to drug or alcohol testing of a state employee under Section
2942 63A-17-1004;
- 2943 (ff) a record relating to a request by a state elected official or state employee who has
2944 been threatened to the Division of Technology Services to remove personal
2945 identifying information from the open web under Section 63A-16-109;
- 2946 (gg) a record including confidential information as that term is defined in Section
2947 67-27-106; and
- 2948 (hh) a record or notice received or generated under Title 53, Chapter 30, Security
2949 Improvements Act, relating to:

- 2950 (i) an application for certification described in Section 53-30-201; or
2951 (ii) a security improvement, including a building permit application or building
2952 permit for a security improvement described in Section 53-30-301.
- 2953 (2) The following records are private if properly classified by a governmental entity:
- 2954 (a) records concerning a current or former employee of, or applicant for employment
2955 with a governmental entity, including performance evaluations and personal status
2956 information such as race, religion, or disabilities, but not including records that are
2957 public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under
2958 Subsection (1)(b);
- 2959 (b) records describing an individual's finances, except that the following are public:
- 2960 (i) records described in Subsection 63G-2-301(2);
2961 (ii) information provided to the governmental entity for the purpose of complying
2962 with a financial assurance requirement; or
2963 (iii) records that must be disclosed in accordance with another statute;
- 2964 (c) records of independent state agencies if the disclosure of those records would
2965 conflict with the fiduciary obligations of the agency;
- 2966 (d) other records containing data on individuals the disclosure of which constitutes a
2967 clearly unwarranted invasion of personal privacy;
- 2968 (e) records provided by the United States or by a government entity outside the state that
2969 are given with the requirement that the records be managed as private records, if the
2970 providing entity states in writing that the record would not be subject to public
2971 disclosure if retained by it;
- 2972 (f) any portion of a record in the custody of the Division of Aging and Adult Services,
2973 created in Section 26B-6-102, that may disclose, or lead to the discovery of, the
2974 identity of a person who made a report of alleged abuse, neglect, or exploitation of a
2975 vulnerable adult; and
- 2976 (g) audio and video recordings created by a body-worn camera, as defined in Section
2977 77-7a-103, that record sound or images inside a home or residence except for
2978 recordings that:
- 2979 (i) depict the commission of an alleged crime;
2980 (ii) record any encounter between a law enforcement officer and a person that results
2981 in death or bodily injury, or includes an instance when an officer fires a weapon;
2982 (iii) record any encounter that is the subject of a complaint or a legal proceeding
2983 against a law enforcement officer or law enforcement agency;

- 2984 (iv) contain an officer-involved critical incident as defined in Subsection
 2985 76-2-408(1)(f); or
- 2986 (v) have been requested for reclassification as a public record by a subject or
 2987 authorized agent of a subject featured in the recording.
- 2988 (3)(a) As used in this Subsection (3), "medical records" means medical reports, records,
 2989 statements, history, diagnosis, condition, treatment, and evaluation.
- 2990 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
 2991 doctors, or affiliated entities are not private records or controlled records under
 2992 Section 63G-2-304 when the records are sought:
- 2993 (i) in connection with any legal or administrative proceeding in which the patient's
 2994 physical, mental, or emotional condition is an element of any claim or defense; or
 2995 (ii) after a patient's death, in any legal or administrative proceeding in which any
 2996 party relies upon the condition as an element of the claim or defense.
- 2997 (c) Medical records are subject to production in a legal or administrative proceeding
 2998 according to state or federal statutes or rules of procedure and evidence as if the
 2999 medical records were in the possession of a nongovernmental medical care provider.
- 3000 Section 69. Section **63I-1-258** is amended to read:
- 3001 **63I-1-258 . Repeal dates: Title 58.**
- 3002 (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is repealed
 3003 July 1, 2026.
- 3004 (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2035.
- 3005 (3) Title 58, Chapter 20b, Environmental Health Scientist Act, is repealed July 1, 2028.
- 3006 (4) Section 58-37-3.5, Drugs for behavioral health treatment, is repealed July 1, 2027.
- 3007 (5) Subsection 58-37-6(7)(f)(iii), regarding a seven-day opiate supply restriction, is
 3008 repealed July 1, 2032.
- 3009 (6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2033.
- 3010 (7) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is
 3011 repealed July 1, 2029.
- 3012 (8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July 1,
 3013 2033.
- 3014 (9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2034.
- 3015 (10) Subsection 58-47b-102(8), defining massage assistant, is repealed July 1, 2029.
- 3016 (11) Subsection 58-47b-102(9), defining massage assistant-in-training, is repealed July 1,
 3017 2029.

- 3018 (12) Subsection 58-47b-302(1), regarding applicant for a massage assistant-in-training, is
 3019 repealed July 1, 2029.
- 3020 (13) Subsection 58-47b-302(2), regarding applicant for a massage assistant, is repealed July
 3021 1, 2029.
- 3022 (14) Subsection 58-47b-303(3)(b), regarding expiration of a massage assistant-in-training
 3023 license, is repealed July 1, 2029.
- 3024 (15) Subsection [~~58-55-201(2)~~] 58-91-201(1)(a), regarding the Alarm System and Security
 3025 Licensing Advisory Board, is repealed July 1, 2027.
- 3026 (16) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed July 1, 2026.
 3027 Section 70. Section **63J-1-602.1** is amended to read:
- 3028 **63J-1-602.1 . List of nonlapsing appropriations from accounts and funds.**
- 3029 Appropriations made from the following accounts or funds are nonlapsing:
- 3030 (1) The Native American Repatriation Restricted Account created in Section 9-9-407.
- 3031 (2) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission, as
 3032 provided under Title 9, Chapter 23, Pete Suazo Utah Athletic Commission Act.
- 3033 (3) Funds collected for directing and administering the C-PACE district created in Section
 3034 11-42a-106.
- 3035 (4) Money received by the Utah Inland Port Authority, as provided in Section 11-58-105.
- 3036 (5) The Commerce Electronic Payment Fee Restricted Account created in Section 13-1-17.
- 3037 (6) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in Section
 3038 19-2a-106.
- 3039 (7) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in
 3040 Section 19-5-126.
- 3041 (8) State funds for matching federal funds in the Children's Health Insurance Program as
 3042 provided in Section 26B-3-906.
- 3043 (9) Funds collected from the program fund for local health department expenses incurred in
 3044 responding to a local health emergency under Section 26B-7-111.
- 3045 (10) The Technology Development Restricted Account created in Section 31A-3-104.
- 3046 (11) The Criminal Background Check Restricted Account created in Section 31A-3-105.
- 3047 (12) The Captive Insurance Restricted Account created in Section 31A-3-304, except to the
 3048 extent that Section 31A-3-304 makes the money received under that section free revenue.
- 3049 (13) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.
- 3050 (14) The Health Insurance Actuarial Review Restricted Account created in Section
 3051 31A-30-115.

- 3052 (15) The State Mandated Insurer Payments Restricted Account created in Section
3053 31A-30-118.
- 3054 (16) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.
- 3055 (17) The Underage Drinking Prevention Media and Education Campaign Restricted
3056 Account created in Section 32B-2-306.
- 3057 (18) The School Readiness Restricted Account created in Section 35A-15-203.
- 3058 (19) Money received by the Utah State Office of Rehabilitation for the sale of certain
3059 products or services, as provided in Section 35A-13-202.
- 3060 (20) The Property Loss Related to Homelessness Compensation Enterprise Fund created in
3061 Section 35A-16-212.
- 3062 (21) The Homeless Shelter Cities Mitigation Restricted Account created in Section
3063 35A-16-402.
- 3064 (22) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.
- 3065 (23) The Oil and Gas Conservation Account created in Section 40-6-14.5.
- 3066 (24) The Division of Oil, Gas, and Mining Restricted account created in Section 40-6-23.
- 3067 (25) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to the
3068 Motor Vehicle Division.
- 3069 (26) The License Plate Restricted Account created by Section 41-1a-122.
- 3070 (27) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
3071 created by Section 41-3-110 to the State Tax Commission.
- 3072 (28) The State Disaster Recovery Restricted Account to the Division of Emergency
3073 Management, as provided in Section 53-2a-603.
- 3074 (29) The Disaster Response, Recovery, and Mitigation Restricted Account created in
3075 Section 53-2a-1302.
- 3076 (30) The Emergency Medical Services Critical Needs Account created in Section 53-2d-110.
- 3077 (31) The Department of Public Safety Restricted Account to the Department of Public
3078 Safety, as provided in Section 53-3-106.
- 3079 (32) The Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.
- 3080 (33) The DNA Specimen Restricted Account created in Section 53-10-407.
- 3081 (34) The Technical Colleges Capital Projects Fund created in Section 53H-9-605.
- 3082 (35) The Higher Education Capital Projects Fund created in Section 53H-9-502.
- 3083 (36) A certain portion of money collected for administrative costs under the School
3084 Institutional Trust Lands Management Act, as provided under Section 53C-3-202.
- 3085 (37) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5, subject

- 3086 to Subsection 54-5-1.5(4)(d).
- 3087 (38) Funds collected from a surcharge fee to provide certain licensees with access to an
3088 electronic reference library, as provided in Section 58-3a-105.
- 3089 (39) Certain fines collected by the Division of Professional Licensing for violation of
3090 unlawful or unprofessional conduct that are used for education and enforcement
3091 purposes, as provided in Section 58-17b-505.
- 3092 (40) Funds collected from a surcharge fee to provide certain licensees with access to an [
3093 ~~electronic reference~~] internet-based library, as provided in Section 58-22-104.
- 3094 (41) Funds collected from a surcharge fee to provide certain licensees with access to an [
3095 ~~electronic reference~~] internet-based library, as provided in Section 58-55-106.
- 3096 (42) Funds collected from a surcharge fee to provide certain licensees with access to an [
3097 ~~electronic reference~~] internet-based library, as provided in Section 58-56-3.5.
- 3098 (43) Funds collected from a surcharge fee to provide certain licensees with access to an i
3099 nternet-based library, as provided in Section 58-91-102.
- 3100 [~~(43)~~] (44) Certain fines collected by the Division of Professional Licensing for use in
3101 education and enforcement of the Security Personnel Licensing Act, as provided in
3102 Section 58-63-103.
- 3103 [~~(44)~~] (45) The Relative Value Study Restricted Account created in Section 59-9-105.
- 3104 [~~(45)~~] (46) The Cigarette Tax Restricted Account created in Section 59-14-204.
- 3105 [~~(46)~~] (47) Funds paid to the Division of Real Estate for the cost of a criminal background
3106 check for a mortgage loan license, as provided in Section 61-2c-202.
- 3107 [~~(47)~~] (48) Funds paid to the Division of Real Estate for the cost of a criminal background
3108 check for principal broker, associate broker, and sales agent licenses, as provided in
3109 Section 61-2f-204.
- 3110 [~~(48)~~] (49) Certain funds donated to the Department of Health and Human Services, as
3111 provided in Section 26B-1-202.
- 3112 [~~(49)~~] (50) Certain funds donated to the Division of Child and Family Services, as provided
3113 in Section 80-2-404.
- 3114 [~~(50)~~] (51) Funds collected by the Office of Administrative Rules for publishing, as
3115 provided in Section 63G-3-402.
- 3116 [~~(51)~~] (52) The Immigration Act Restricted Account created in Section 63G-12-103.
- 3117 [~~(52)~~] (53) Money received by the military installation development authority, as provided
3118 in Section 63H-1-504.
- 3119 [~~(53)~~] (54) The Unified Statewide 911 Emergency Service Account created in Section

- 3120 63H-7a-304.
- 3121 [~~(54)~~] (55) The Utah Statewide Radio System Restricted Account created in Section
- 3122 63H-7a-403.
- 3123 [~~(55)~~] (56) The Utah Capital Investment Restricted Account created in Section 63N-6-204.
- 3124 [~~(56)~~] (57) The Motion Picture Incentive Account created in Section 63N-8-103.
- 3125 [~~(57)~~] (58) Funds collected by the housing of state probationary inmates or state parole
- 3126 inmates, as provided in Subsection 64-13e-104(2).
- 3127 [~~(58)~~] (59) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,
- 3128 and State Lands, as provided in Section 65A-8-103.
- 3129 [~~(59)~~] (60) The following funds or accounts created in Section 72-2-124:
- 3130 (a) Transportation Investment Fund of 2005;
- 3131 (b) Transit Transportation Investment Fund;
- 3132 (c) Cottonwood Canyons Transportation Investment Fund;
- 3133 (d) Active Transportation Investment Fund; and
- 3134 (e) Commuter Rail Subaccount.
- 3135 [~~(60)~~] (61) The Amusement Ride Safety Restricted Account, as provided in Section
- 3136 72-16-204.
- 3137 [~~(61)~~] (62) Certain funds received by the Office of the State Engineer for well drilling fines
- 3138 or bonds, as provided in Section 73-3-25.
- 3139 [~~(62)~~] (63) The Water Resources Conservation and Development Fund, as provided in
- 3140 Section 73-23-2.
- 3141 [~~(63)~~] (64) Award money under the State Asset Forfeiture Grant Program, as provided under
- 3142 Section 77-11b-403.
- 3143 [~~(64)~~] (65) Funds donated or paid to a juvenile court by private sources, as provided in
- 3144 Subsection 78A-6-203(1)(c).
- 3145 [~~(65)~~] (66) Fees for certificate of admission created under Section 78A-9-102.
- 3146 [~~(66)~~] (67) Funds collected for adoption document access as provided in Sections 81-13-103,
- 3147 81-13-504, and 81-13-505.
- 3148 [~~(67)~~] (68) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4,
- 3149 Utah Indigent Defense Commission.
- 3150 [~~(68)~~] (69) The Utah Geological Survey Restricted Account created in Section 79-3-403.
- 3151 [~~(69)~~] (70) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
- 3152 Park, and Green River State Park, as provided under Section 79-4-403.
- 3153 [~~(70)~~] (71) Certain funds received by the Division of State Parks from the sale or disposal of

3154 buffalo, as provided under Section 79-4-1001.
3155 Section 71. **Repealer.**
3156 This bill repeals:
3157 Section **58-55-102, Definitions.**
3158 Section **58-55-302.5, Continuing education requirements for contractor licensees --**
3159 **Continuing education courses.**
3160 Section **58-55-302.7, Continuing education requirements for electricians, elevator**
3161 **mechanics, and plumbers.**
3162 Section **58-55-308, Scope of practice -- Installation, repair, maintenance, or replacement**
3163 **of gas appliance, combustion system, automatic fire sprinkler system, or battery-powered**
3164 **fence -- Rules.**
3165 Section **58-55-308.1, Definitions -- Installation of natural gas facilities -- Scope of**
3166 **practice.**
3167 Section **58-55-311, Evidence of licensure.**
3168 Section **58-55-312, Interim and temporary permits for alarm company agents.**
3169 Section **58-55-701, Definitions.**
3170 Section **58-55-703, Fees.**
3171 Section **58-55-704, Rulemaking.**
3172 Section 72. **Effective Date.**
3173 This bill takes effect on January 1, 2027.