

HB0040S01 compared with HB0040

~~{Omitted text}~~ shows text that was in HB0040 but was omitted in HB0040S01

inserted text shows text that was not in HB0040 but was inserted into HB0040S01

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1 **Utah Construction Trades Licensing Act Amendments**
 2026 GENERAL SESSION
 STATE OF UTAH
 Chief Sponsor: Thomas W. Peterson
 Senate Sponsor:Evan J. Vickers

2

3 **LONG TITLE**

4 **General Description:**

5 This bill modifies the Utah Construction Trades Licensing Act.

6 **Highlighted Provisions:**

7 This bill:

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

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 This bill provides a special effective date.

18 **Utah Code Sections Affected:**

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

ENACTS:

- 58-55-107** , Utah Code Annotated 1953
- 58-55-108** , Utah Code Annotated 1953
- 58-55-109** , Utah Code Annotated 1953
- 58-55-112** , Utah Code Annotated 1953
- 58-55-202** , Utah Code Annotated 1953
- 58-55-203** , Utah Code Annotated 1953
- 58-55-204** , Utah Code Annotated 1953
- 58-55-205** , Utah Code Annotated 1953
- 58-55-207** , Utah Code Annotated 1953
- 58-55-208** , Utah Code Annotated 1953
- 58-55-209** , Utah Code Annotated 1953
- 58-55-210** , Utah Code Annotated 1953
- 58-55-211** , Utah Code Annotated 1953
- 58-55-404** , Utah Code Annotated 1953
- 58-55-405** , Utah Code Annotated 1953
- 58-55-505** , Utah Code Annotated 1953
- 58-55-506** , Utah Code Annotated 1953
- 58-55-507** , Utah Code Annotated 1953

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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

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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, Chapter 176)

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

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

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

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.**

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

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

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

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

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

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

(1) As used in this section:

(a)

(i) "Construction contract" means a written agreement between the parties relative to the design, construction, alteration, repair, or maintenance of a building, structure, highway, appurtenance, appliance, or other improvements to real property, including moving, demolition, and excavating for nonresidential commercial or industrial construction projects.

(ii) If the construction contract is for construction of a project that is part residential and part nonresidential, this section applies only to that portion of the construction project that is nonresidential as determined pro rata based on the percentage of the total square footage of the project that is nonresidential.

(b)

(i) "Construction lender" means any person, including a bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, credit union, cooperative bank, small loan company, sales finance company, investment company, or any other financial institution that advances money to a borrower for the purpose of making alterations or improvements to real property.

(ii) A construction lender does not include a person or entity who is acting in the capacity of contractor, original contractor, or subcontractor.

(c) "Construction project" means an improvement to real property that is the subject of a construction contract.

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(d) "Contractor" means a person who, for compensation other than wages as an employee, undertakes any work in a construction trade, as defined in Section ~~[58-55-102]~~ 58-55-101 and includes:

(i) any person engaged as a maintenance person who regularly engages in activities set forth in Section ~~[58-55-102]~~ 58-55-101 as a construction trade; or

(ii) a construction manager who performs management and counseling services on a construction project for a fee.

(e) "Original contractor" means the same as that term is defined in Section 38-1a-102.

(f)

(i) "Owner" means the person who holds any legal or equitable title or interest in property.

(ii) Owner does not include a construction lender unless the construction lender has an ownership interest in the property other than solely as a construction lender.

(g) "Public agency" means any state agency or a county, city, town, school district, special district, special service district, or other political subdivision of the state that enters into a construction contract for an improvement of public property.

(h) "Retention payment" means release of retention proceeds as defined in Subsection (1)(i).

(i) "Retention proceeds" means money earned by a contractor or subcontractor but retained by the owner or public agency pursuant to the terms of a construction contract to guarantee payment or performance by the contractor or subcontractor of the construction contract.

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

(2)

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

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

(ii) an original contractor and a subcontractor; and

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

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

(3)

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

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

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

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- 180 (iii) by a subcontractor.
- 181 (b) The total retention proceeds withheld may not exceed 5% of the total construction price.
- 183 (c) The percentage of the retention proceeds withheld and retained pursuant to a construction contract
between the original contractor and a subcontractor or between subcontractors shall be the same
retention percentage as between the owner and the original contractor if:
- 187 (i) the retention percentage in the original construction contract between an owner and the original
contractor is less than 5%; or
- 189 (ii) after the original construction contract is executed but before completion of the construction
contract the retention percentage is reduced to less than 5%.
- 191 (4)
- (a) If any payment on a contract with a private contractor, firm, or corporation to do work for an owner
or public agency is retained or withheld by the owner or the public agency, as retention proceeds, it
shall be placed in an interest-bearing account and accounted for separately from other amounts paid
under the contract.
- 195 (b) The interest accrued under Subsection (4)(a) shall be:
- 196 (i) for the benefit of the contractor and subcontractors; and
- 197 (ii) paid after the project is completed and accepted by the owner or the public agency.
- 199 (c) The contractor shall ensure that any interest accrued on the retainage is distributed by the contractor
to subcontractors on a pro rata basis.
- 201 (d) Retention proceeds and accrued interest retained by an owner or public agency:
- 202 (i) are considered to be in a constructive trust for the benefit of the contractor and subcontractors who
have earned the proceeds; and
- 204 (ii) are not subject to assignment, encumbrance, attachment, garnishment, or execution levy for the debt
of any person holding the retention proceeds and accrued interest.
- 207 (5) Any retention proceeds retained or withheld pursuant to this section and any accrued interest shall
be released pursuant to a billing statement from the contractor within 45 days from the later of:
- 210 (a) the date the owner or public agency receives the billing statement from the contractor;
- 211 (b) the date that a certificate of occupancy or final acceptance notice is issued to:
- 212 (i) the original contractor who obtained the building permit from the building inspector or public
agency;
- 214 (ii) the owner or architect; or

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- 215 (iii) the public agency;
- 216 (c) the date that a public agency or building inspector that has the authority to issue a certificate of
occupancy does not issue the certificate but permits partial or complete occupancy or use of a
construction project; or
- 219 (d) the date the contractor accepts the final pay quantities.
- 220 (6) If only partial occupancy of a construction project is permitted, any retention proceeds withheld and
retained pursuant to this section and any accrued interest shall be partially released within 45 days
under the same conditions as provided in Subsection (5) in direct proportion to the value of the part
of the construction project occupied or used.
- 224 (7) The billing statement from the contractor as provided in Subsection (5)(a) shall include
documentation of lien releases or waivers.
- 226 (8)
- (a) Notwithstanding Subsection (3):
- 227 (i) if a contractor or subcontractor is in default or breach of the terms and conditions of the
construction contract documents, plans, or specifications governing construction of the project,
the owner or public agency may withhold from payment for as long as reasonably necessary an
amount necessary to cure the breach or default of the contractor or subcontractor; or
- 232 (ii) if a project or a portion of the project has been substantially completed, the owner or public
agency may retain until completion up to twice the fair market value of the work of the original
contractor or of any subcontractor that has not been completed:
- 236 (A) in accordance with the construction contract documents, plans, and specifications; or
- 238 (B) in the absence of plans and specifications, to generally accepted craft standards.
- 240 (b) An owner or public agency that refuses payment under Subsection (8)(a) shall describe in writing
within 45 days of withholding such amounts what portion of the work was not completed according
to the standards specified in Subsection (8)(a).
- 243 (9)
- (a) Except as provided in Subsection (9)(b), an original contractor or subcontractor who receives
retention proceeds shall pay each of its subcontractors from whom retention has been withheld each
subcontractor's share of the retention received within 10 days from the day that all or any portion of
the retention proceeds is received:
- 248 (i) by the original contractor from the owner or public agency; or

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- 249 (ii) by the subcontractor from:
- 250 (A) the original contractor; or
- 251 (B) a subcontractor.
- 252 (b) Notwithstanding Subsection (9)(a), if a retention payment received by the original contractor is specifically designated for a particular subcontractor, payment of the retention shall be made to the designated subcontractor.
- 255 (10)
- (a) In any action for the collection of the retained proceeds withheld and retained in violation of this section, the successful party is entitled to:
- 257 (i) attorney fees; and
- 258 (ii) other allowable costs.
- 259 (b)
- (i) Any owner, public agency, original contractor, or subcontractor who knowingly and wrongfully withholds a retention shall be subject to a charge of 2% per month on the improperly withheld amount, in addition to any interest otherwise due.
- 262 (ii) The charge described in Subsection (10)(b)(i) shall be paid to the contractor or subcontractor from whom the retention proceeds have been wrongfully withheld.
- 264 (11) A party to a construction contract may not require any other party to waive any provision of this section.
- 265 Section 3. Section **38-11-207** is amended to read:
- 266 **38-11-207. Reimbursement to the fund.**
- 268 (1) If the director disburses money from the fund as a result of a person licensed under Title 58, Chapter 55, Utah Construction Trades Licensing Act, or a qualified beneficiary failing to pay qualified beneficiaries:
- 271 (a) the division shall issue a notice of the disbursement from the fund and the obligation to reimburse the fund to the licensee or qualified beneficiary; and
- 273 (b) the licensee or qualified beneficiary shall reimburse the fund within 20 days from the issuance of the notice required by Subsection (1)(a).
- 275 (2) The notice required by Subsection (1)(a) shall meet the requirements established by rule by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 278 (3)

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

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

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

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

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

(1) As used in this section:

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

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

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

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

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

(2) Notwithstanding any provision in an association's governing documents to the contrary, an association may not prohibit a unit owner from installing or using a charging system in:

(a) a parking space:

(i) assigned to the unit owner's unit; and

(ii) used for the parking or storage of a vehicle or equipment; or

(b) a limited common area parking space designated for the unit owner's exclusive use.

(3) An association may:

(a) require a unit owner to submit an application for approval of the installation of a charging system;

(b) require the unit owner to agree in writing to:

(i) hire a general electrical contractor or residential electrical contractor to install the charging system;
or

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- 313 (ii) if a charging system is installed in a common area, provide reimbursement to the association for the
actual cost of the increase in the association's insurance premium attributable to the installation or
use of the charging system;
- 316 (c) require a charging system to comply with:
- 317 (i) the association's reasonable design criteria governing the dimensions, placement, or external
appearance of the charging system; or
- 319 (ii) applicable building codes;
- 320 (d) impose a reasonable charge to cover costs associated with the review and permitting of a charging
system;
- 322 (e) impose a reasonable restriction on the installation and use of a charging system that does not
significantly:
- 324 (i) increase the cost of the charging system; or
- 325 (ii) decrease the efficiency or performance of the charging system; or
- 326 (f) require a unit owner to pay the costs associated with installation, metering, and use of the charging
system, including the cost of:
- 328 (i) electricity associated with the charging system; and
- 329 (ii) damage to a general common area, a limited common area, or an area subject to the exclusive
use of another unit owner that results from the installation, use, maintenance, repair, removal, or
replacement of the charging system.
- 332 (4) A unit owner who installs a charging system shall disclose to a prospective buyer of the unit:
- 334 (a) the existence of the charging system; and
- 335 (b) the unit owner's related responsibilities under this section.
- 336 (5) Unless the unit owner and the association or the declarant otherwise agree:
- 337 (a) a charging system installed under this section is the personal property of the unit owner of the unit
with which the charging station is associated; and
- 339 (b) a unit owner who installs a charging system shall, before transferring ownership of the owner's unit,
unless the prospective buyer of the unit accepts ownership and all rights and responsibilities that
apply to the charging station under this section:
- 342 (i) remove the charging system; and
- 343 (ii) restore the premises to the condition before installation of the charging system.

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

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57-8a-801. Definitions.

As used in this part:

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

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

58-1-301.5. Division access to Bureau of Criminal Identification records -- Criminal background check requirement.

- (1) As used in this section, "applicant" means an individual applying for licensure or certification, ~~[or with respect to a license or certification, applying]~~ for renewal, reinstatement, or relicensure or recertification, as required in:
 - (a) Section 58-5a-302;
 - (b) Section 58-16a-302;
 - (c) Section 58-17b-303;
 - (d) Section 58-17b-304;
 - (e) Section 58-17b-305;
 - (f) Section 58-17b-306;
 - (g) Section 58-24b-302;
 - (h) Section 58-31b-302;
 - (i) Section 58-42a-302;
 - (j) Section 58-44a-302;
 - (k) Section 58-47b-302;
 - (l) Section ~~[58-55-302]~~ 58-55-203;
 - (m) Section 58-47b-302.2;
 - (n) Section 58-60-205;
 - (o) Section 58-60-305;
 - (p) Section 58-60-405;

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- 376 (q) Section 58-60-506;
377 (r) Section 58-61-304;
378 (s) Section 58-63-302;
379 (t) Section 58-64-302;
380 (u) Section 58-67-302;
381 (v) Section 58-68-302;
382 (w) Section 58-69-302;
383 (x) Section 58-70a-302;
384 (y) Section 58-70b-302;
385 (z) Section 58-71-302; ~~[or]~~
386 (aa) Section 58-73-302[-] ; or
387 (bb) Section 58-91-304.
- 388 (2) The division shall have direct access to local files ~~[maintained by]~~ the Bureau of Criminal
Identification maintains under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification, for
background screening of an applicant.
- 391 (3) The division's access to criminal background information under this section:
392 (a) shall meet the requirements of Section 53-10-108; and
393 (b) includes:
394 (i) convictions, pleas of nolo contendere, pleas of guilty or nolo contendere held in abeyance, dismissed
charges, and charges without a known disposition; and
396 (ii) criminal background information ~~[maintained]~~ the Bureau of Criminal Identification maintains
under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.
- 399 (4) The division may not disseminate outside of the division any criminal history record information
that the division obtains from the Bureau of Criminal Identification or the Federal Bureau of
Investigation under the criminal background check requirements of this section.
- 403 (5) To fulfill an applicable criminal background check requirement, an applicant shall:
404 (a) submit fingerprints in a form acceptable to the division at the time the applicant files a license
application or a registration; and
406 (b) consent to a fingerprint background check conducted by the Bureau of Criminal Identification and
the Federal Bureau of Investigation regarding the application.
- 408 (6)

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(a) Upon receiving fingerprints from an applicant in accordance with Subsection (5), the division shall:

(i) collect from each applicant submitting fingerprints in accordance with this section:

(A) the fee that the Bureau of Criminal Identification is authorized to collect for the services provided under Section 53-10-108; and

(B) the fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of obtaining federal criminal history record information;

(ii) submit from each applicant the fingerprints and the fees described in Subsection (6)(a)(i) to the Bureau of Criminal Identification; and

(iii) obtain and retain in division records a signed waiver approved by the Bureau of Criminal Identification in accordance with Section 53-10-108 for each applicant.

(b) The fees described in Subsection (6)(a)(i) are in addition to other fees authorized by this chapter.

(7) In accordance with the requirements of Section 53-10-108, the Bureau of Criminal Identification shall:

(a) check the fingerprints submitted under Subsection (5)(a) against the applicable state and regional criminal records databases;

(b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal history background check; and

(c) provide the results from the state, regional, and nationwide criminal history background checks to the division.

(8)

(a)

(i) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the criminal background check required under this section demonstrates, after the applicant is licensed or registered, that the applicant failed to accurately disclose a criminal history, the division may provide notice to the applicant that the license or registration is immediately and automatically revoked.

(ii) ~~[If]~~ Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if a massage establishment owner has a criminal conviction or pending criminal charges for any crime under Title 76, Chapter 5, Part 4, Sexual Offenses, or any crime listed by rule [made by] the division makes in collaboration with the board in accordance with Title 63G, Chapter 3, Utah

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Administrative Rulemaking Act, the division shall deny an application for registration of a massage establishment.

(b)

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

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

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

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

58-55-101. Definitions.

1. General Provisions

As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

(6)

(a) "Construction trades instructor" means a person that teaches one or more construction trades in a classroom or project setting.

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

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- 508 (11) "Immediate supervision" means the reasonable direction, oversight, inspection, and evaluation of
the work of an individual:
- 510 (a) as the division provides in rule the division makes in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act;
- 512 (b) as applicable, by a qualified electrician or plumber;
- 513 (c) as part of a planned training program; and
- 514 (d) as required to ensure the work complies with applicable standards.
- 515 (12) "Licensee" means a person that is licensed under this chapter.
- 516 (13) "Qualifier" means {the-} an individual who {has the license that allows the contractor to engage in
the construction trade for which the contractor applies for a license.} :
- 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 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 chapter and may
be held fully responsible for a violation.
- 518 (14) "Unincorporated entity" means an entity that operates as:
- 519 (a) a general partnership;
- 520 (b) a limited liability partnership;
- 521 (c) a limited liability limited partnership;
- 522 (d) a limited partnership; or
- 523 (e) a limited cooperative association.
- 524 (15) "Wages" means compensation an employer owes to an employee for labor or services, 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 -- Appointment --**
Qualifications and terms of members -- Vacancies -- Expenses -- Meetings -- Concurrence.
- 530 (1)
- (a) There is created within the division the Construction Services Commission.
- 531 (b) [~~The commission shall:~~] The duties, functions, and responsibilities of the commission include the
following:

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

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

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- 599 (4) The executive director, with the governor's approval, shall:
- 600 (a) appoint or reappoint each member to a four-year term ending June 30, except as provided in
Subsection (6); and
- 602 (b) adjust terms at appointment or reappointment to stagger terms so that approximately half of the
members' terms expire every two years.
- 604 (5) The commission shall elect annually one of [its] the commission members as [chair, for a term of
one-year] the chair.
- 606 [(5)] (6) ~~[When a vacancy occurs in the membership for any reason, the replacement shall be appointed
for the unexpired term.]~~ The executive director shall appoint a replacement for the remainder of the
term when a vacancy occurs.
- 609 [(6)] (7) A member may not receive compensation or [benefits] a benefit for the member's service, but
may receive per diem and travel expenses in accordance with:
- 611 (a) Section 63A-3-106;
- 612 (b) Section 63A-3-107; and
- 613 (c) rules ~~[made by]~~ the Division of Finance ~~[pursuant to]~~ makes in accordance with Sections 63A-3-106
and 63A-3-107.
- 615 [(7)] (8)
- (a) The commission shall meet at least monthly unless the director determines otherwise.
- 617 (b) The director may call additional meetings:
- 618 (i) at the director's discretion[;] ;
- 619 (ii) upon the request of the chair[;] ; or
- 620 (iii) upon the written request of four or more commission members.
- 621 [(8)] (9)
- (a) Five members ~~[constitute]~~ are a quorum for the transaction of business.
- 622 (b) If a quorum is present when ~~[a vote is taken]~~ the commission takes a vote, the affirmative vote of a
majority of the commission members present is the act of the commission.
- 625 [(9)] (10) The commission shall comply with the procedures and requirements of Title 13, Chapter 1,
Department of Commerce, and Title 63G, Chapter 4, Administrative Procedures Act, in all ~~[of its]~~
adjudicative proceedings.
- 628 [(10)] (11)

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[~~(a) For purposes of this Subsection (10), "concurrence" means the entities given a concurring role must jointly agree for the action to be taken.~~]

[~~(b) If a provision of this chapter requires concurrence between the director or division and the commission and no concurrence can be reached, the director or division has final authority.~~]

[~~(e)~~] (a) When this chapter requires concurrence between the director or division and the commission:

(i) the director or division shall report to and update the commission on a regular basis related to matters requiring concurrence; and

(ii) the commission shall review the report ~~[submitted by]~~ the director or division submits under this Subsection [~~(10)(e)~~] (11)(a) and concur with the report, or:

(A) provide a reason for not concurring with the report; and

(B) provide recommendations to the director or division.

(b) The director is the final authority if a provision of this chapter requires concurrence between the director or division and the commission and there is no concurrence.

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

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

(1) There is created the Electricians and Plumbers Licensing Board consisting of the following members:

(a) three individuals:

(i) licensed as master plumbers as defined in Section 58-55-401, or a journeyman plumber as defined in Section 58-55-401; and

(ii) of whom at least one represents a union organization and at least one has no union affiliation;

(b) two individuals:

(i) who are each a qualifier for separate licensed plumbing contractors as defined in Section 58-55-202; and

(ii) of whom one represents a union organization and one has no union affiliation;

(c) three individuals:

(i) licensed as master electricians as defined in Section 58-55-301, or as journeyman electricians as defined in Section 58-55-301; and

(ii) of whom at least one represents a union organization and at least one has no union affiliation;

(d) two individuals:

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(i) who each are a qualifier for separate licensed electrical contractors as defined in Section 58-55-202;
and

(ii) of whom one represents a union organization and one has no union affiliation; and

(e) one individual who is a member of the general public and who has never been licensed in a construction trade.

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

(a) recommending to the commission appropriate rules;

(b) recommending to the commission policy and budgetary matters;

(c) assisting the commission in fulfilling the commission's duties; and

(d) acting as presiding officer in conducting a hearing associated with an adjudicative proceeding and issuing recommended orders.

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

58-55-105. License required.

(1)

(a) A person engaged in a construction trade or acting as a contractor shall obtain a license under this chapter before performing work unless exempt from licensure under Section 58-1-307 or 58-55-110.

(b) The only licenses required for a licensee to engage in a trade regulated by this chapter are:

(i) a license issued under this chapter; and

(ii) a business license from the local jurisdiction where the licensee maintains the licensee's principal place of business.

(c) The state or a political subdivision may not impose additional requirements on a licensee to do business except:

(i) contract prequalification procedures a state agency requires; or

(ii) the payment of fees a local jurisdiction makes as a condition for doing business.

(2)

(a) To obtain a license, an applicant shall file an application that includes payment of a fee the division determines in accordance with Section 63J-1-504.

(b) An applicant may apply for a license for one or more licenses issued in accordance with this chapter.

(c) The division shall issue each license for which the applicant applies and qualifies.

(d) The applicant shall submit a separate application and fee for each license.

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

- (a) a general electrical contractor as defined in Section 58-55-202;
- (b) a general plumbing contractor as defined in Section 58-55-202;
- (c) an HVAC contractor as defined in Section 58-55-202;
- (d) a residential electrical contractor as defined in Section 58-55-202; and
- (e) a residential plumbing contractor as defined in Section 58-55-202.

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

58-55-106. Surcharge.

(1)

(a) The division shall collect a \$1 surcharge from each applicant for an initial license, a renewal of a license, or a reinstatement of a license.

(b) The \$1 surcharge is in addition to other fees this chapter or the division authorizes in accordance with Section 63J-1-504.

(2)

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

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

Section 12. Section **12** is enacted to read:

58-55-107. Licensee names -- License number use -- Qualifier.

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

(2) Except as provided in Subsection (1), the division shall issue a license in the name of a contractor if the contractor applicant meets this chapter's requirements.

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

(4)

(a) The division shall require a contractor to have a qualifier.

(b) A qualifier for a contractor shall demonstrate to the division that the qualifier is:

(i) licensed in accordance with this chapter; and

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- 722 (ii) an owner, officer, or manager of the contractor who exercises material authority in the conduct of
the contracting business by:
- 724 (A) making substantive technical and administrative decisions relating to the work performed for which
this chapter requires a license;
- 726 (B) hiring, promoting, transferring, laying off, disciplining, directing, or discharging employees of the
contractor; and
- 728 (C) avoiding involvement in other employment or activity that conflict with the qualifier's duties and
responsibilities to ensure the licensee does not jeopardize the public health, safety, and welfare.
- 731 (5)
- (a) The division may take action against:
- 732 (i) a contractor if the qualifier or contractor violates the requirements of this section; and
- 734 (ii) a qualifier if the qualifier or contractor violates the requirements of this section.
- 735 (b) The division may consider a qualifier or contractor's failure to comply with the requirements of this
section to be unprofessional conduct.
- 737 (6)
- (a) Except as provided in Subsection (6)(b), a contractor that is not a plumbing or electrical contractor
may comply with the qualifier requirements when renewing a license in accordance with Section
58-55-108 by recording an active employee name and license number from the applicable
construction trade on the renewal application if the contractor has not violated the requirements of
this chapter for a period of 10 consecutive years.
- 743 (b) If the business entity transfers more than 50% of the business entity's ownership at any time during
the ten-year period before the renewal, the contractor may not meet the qualifier requirement in
accordance with Subsection (6)(a).
- 746 (7)
- (a) Except as provided in Subsection (7)(b), a plumbing or electrical contractor may comply with the
qualifier requirements when renewing a license in accordance with Section 58-55-108 by recording
an active employee name and license number from the applicable construction trade on the renewal
application if the plumbing or electrical contractor has not violated the requirements of this chapter
for a period of five consecutive years.
- 752 (b) If the plumbing or electrical business entity transfers more than 50% of the plumbing or electrical
business entity's ownership at any time during the five-year period before the renewal, the plumbing

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or electrical business entity may not meet the qualifier requirement in accordance with Subsection (7)(a).

(8)

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

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

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

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

Section 13. Section 13 is enacted to read:

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

(1)

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

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

(c)

(i) Notwithstanding Subsections (1)(a) and (b) and Title 63G, Chapter 4, Administrative Procedures Act, the division may suspend a license 60 days after the day on which the licensee:

(A) becomes an unincorporated entity subject to the ownership status report filing requirements in accordance with Section 58-55-112; or

(B) transfers the license to an unincorporated entity subject to the ownership status report filing requirements in accordance with Section 58-55-112.

(ii) Subsection (1)(c)(i) may not apply if before the 60-day period ends:

(A) the licensee submits an application to renew the license; and

(B) the division renews the license under the submitted application.

(2)

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(a) The division shall renew or reinstate an individual license after the applicant:

(i) submits an application in the individual's name;

(ii) completes the number of hours of continuing education under Section 58-55-304, if the applicant is:

(A) an apprentice electrician as defined in Section 58-55-301;

(B) a journeyman electrician as defined in Section 58-55-301;

(C) a master electrician as defined in Section 58-55-301;

(D) a residential journeyman electrician as defined in Section 58-55-301; or

(E) a residential master electrician as defined in Section 58-55-301;

(iii) completes the number of hours of continuing education under Section 58-55-405, if the applicant is:

(A) an apprentice plumber as defined in Section 58-55-401;

(B) a journeyman plumber as defined in Section 58-55-401;

(C) a master plumber as defined in Section 58-55-401;

(D) a residential journeyman plumber as defined in Section 58-55-401; or

(E) a residential master plumber as defined in Section 58-55-401; and

(iv) meets all other requirements of this chapter.

(b) The division shall renew or reinstate a contractor's license after the applicant:

(i) submits the application in the name of and on behalf of a contractor;

(ii) demonstrates the contractor's financial responsibility in accordance with Section 58-55-205;

(iii) lists the individual acting as the qualifier for the contractor;

(iv) provides evidence that the qualifier:

(A) has passed the required examination; and

(B) has completed continuing education in accordance with Section 58-55-204; and

(v) meets all other requirements of this chapter.

(3) A license expires on the expiration date shown on the license.

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

(a) pay fines the division imposes;

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

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(c) if the license the division suspends or revokes is a contractor's license, demonstrate financial responsibility in accordance with Section 58-55-205 using titled assets; and

(d) if applicable, pay the reimbursement amount as provided in Title 38, Chapter 11, Residence Lien Restriction and Lien Recovery Fund Act.

Section 14. Section **14** is enacted to read:

58-55-109. License denial.

(1) The division shall deny an applicant a license under this chapter if:

(a) the division suspended or revoked a license the applicant held under this chapter less than two years before the date of the application;

(b)

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

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

(c)

(i) the applicant is a sole proprietorship; and

(ii) a person that serves in a control position in an entity that held a license the division suspended or revoked less than two years before the date of the application; or

(d)

(i) the applicant lists an individual who was an owner, director, or officer of an unincorporated entity at the time the division revoked the unincorporated entity's license; and

(ii) the applicant applies for licensure within five years after the day on which the unincorporated entity's license is revoked.

(2) The commission shall review the applicant's application before approval of a license if:

(a) the division suspended or revoked a license that the applicant held two years or more before the date of the application;

(b)

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

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

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- 844 (c)
- 845 (i) the applicant is an individual or sole proprietorship; and
- 845 (ii) an owner, an agent, or a qualifier served in a control position for an entity that held a license that the
division suspended or revoked two years or more before the date of the application.
- 852 Section 15. Section **58-55-110** is renumbered and amended to read:
- 854 **[58-55-305] 58-55-110. Exemptions from licensure.**
- 851 [(1) In addition to the exemptions from licensure in Section 58-1-307, the following persons may
engage in acts or practices included within the practice of construction trades, subject to the stated
circumstances and limitations, without being licensed under this chapter:]
- 855 [(a) an authorized representative of the United States government or an authorized employee of the
state or any of its political subdivisions when working on construction work of the state or the
subdivision, and when acting within the terms of the person's trust, office, or employment;]
- 859 [(b) a person engaged in construction or operation incidental to the construction and repair of irrigation
and drainage ditches of regularly constituted irrigation districts, reclamation districts, and drainage
districts or construction and repair relating to farming, dairying, agriculture, livestock or poultry
raising, metal and coal mining, quarries, sand and gravel excavations, well drilling, as defined in
Section 73-3-25, hauling to and from construction sites, and lumbering;]
- 865 [(c) public utilities operating under the rules of the Public Service Commission on work incidental to
their own business;]
- 867 [(d) a sole owner of property engaged in building;]
- 868 [(i) no more than one residential structure per year on the sole owner's property and no more than three
residential structures per five years on the sole owner's property for the sole owner's noncommercial,
nonpublic use, except that a person other than the property owner or a person described in
Subsection (1)(c), who engages in building a residential structure must be licensed under this
chapter if the person is otherwise required to be licensed under this chapter; or]
- 874 [(ii) structures on the sole owner's property for the sole owner's noncommercial, nonpublic use that are
incidental to a residential structure on the property, including a shed, carport, or detached garage;]
- 877 [(e)
- (i) a person engaged in construction or renovation of a residential building for noncommercial,
nonpublic use if that person:]

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- [(A) works without compensation other than token compensation that is not considered salary or wages; and]
- 881 [(B) works under the direction of the property owner who engages in building the structure; and]
- 883 [(ii) as used in this Subsection (1)(e), "token compensation" means compensation paid by a sole owner of property exempted from licensure under Subsection (1)(d) to a person exempted from licensure under this Subsection (1)(e), that is:]
- 886 [(A) minimal in value when compared with the fair market value of the services provided by the person;]
- 888 [(B) not related to the fair market value of the services provided by the person; and]
- 889 [(C) is incidental to the providing of services by the person including paying for or providing meals or refreshment while services are being provided, or paying reasonable transportation costs incurred by the person in travel to the site of construction;]
- 893 [(f) a person engaged in the sale or merchandising of personal property that by its design or manufacture may be attached, installed, or otherwise affixed to real property who has contracted with a person, firm, or corporation licensed under this chapter to install, affix, or attach that property;]
- 897 [(g) a contractor submitting a bid on a federal aid highway project, if, before undertaking construction under that bid, the contractor is licensed under this chapter;]
- 899 [(h)
- (i) subject to Subsection 58-1-401(2) and Sections 58-55-501 and 58-55-502, a person engaged in the alteration, repair, remodeling, or addition to or improvement of a building with a contracted or agreed value of less than \$7,000, including both labor and materials, and including all changes or additions to the contracted or agreed-upon work; and]
- 904 [(ii) notwithstanding Subsection (1)(h)(i) and except as otherwise provided in this section:]
- 906 [(A) work in the plumbing and electrical trades on a Subsection (1)(h)(i) project within any six month period of time;]
- 908 [(F) shall be performed by a licensed electrical or plumbing contractor, if the project involves an electrical or plumbing system; and]
- 910 [(H) may be performed by a licensed journeyman electrician or plumber or an individual referred to in Subsection (1)(h)(ii)(A)(I), if the project involves a component of the system such as a faucet, toilet, fixture, device, outlet, or electrical switch;]

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- 914 ~~[(B) installation, repair, or replacement of a residential or commercial gas appliance or a combustion system on a Subsection (1)(h)(i) project shall be performed by a person who has received certification under Subsection 58-55-308(2) except as otherwise provided in Subsection 58-55-308(2)(d) or 58-55-308(3);]~~
- 919 ~~[(C) installation, repair, or replacement of water-based fire protection systems on a Subsection (1)(h)(i) project must be performed by a licensed fire suppression systems contractor or a licensed journeyman plumber;]~~
- 922 ~~[(D) work as an alarm business or company or as an alarm company agent shall be performed by a licensed alarm business or company or a licensed alarm company agent, except as otherwise provided in this chapter;]~~
- 925 ~~[(E) installation, repair, or replacement of an alarm system on a Subsection (1)(h)(i) project must be performed by a licensed alarm business or company or a licensed alarm company agent;]~~
- 928 ~~[(F) installation, repair, or replacement of a heating, ventilation, or air conditioning system (HVAC) on a Subsection (1)(h)(i) project must be performed by an HVAC contractor licensed by the division;]~~
- 931 ~~[(G) installation, repair, or replacement of a radon mitigation system or a soil depressurization system must be performed by a licensed contractor; and]~~
- 933 ~~[(H) if the total value of the project is greater than \$3,000, the person shall file with the division a one-time affirmation, subject to periodic reaffirmation as established by division rule, that the person has;]~~
- 936 ~~[(I) public liability insurance in coverage amounts and form established by division rule; and]~~
- 938 ~~[(H) if applicable, workers compensation insurance which would cover an employee of the person if that employee worked on the construction project;]~~
- 940 ~~[(i) a person practicing a specialty contractor classification or construction trade which the director does not classify by administrative rule as significantly impacting the public's health, safety, and welfare;]~~
- 943 ~~[(j) owners and lessees of property and persons regularly employed for wages by owners or lessees of property or their agents for the purpose of maintaining the property, are exempt from this chapter when doing work upon the property;]~~
- 946 ~~[(k)~~

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(i) a person engaged in minor plumbing work that is incidental, as defined by the division by rule, to the repair of a fixture or an appliance in a residential or small commercial building, or structure used for agricultural use, as defined in Section 15A-1-202, provided that no modification is made to:]

950 [(A) existing culinary water, soil, waste, or vent piping; or]

951 [(B) a gas appliance or combustion system; and]

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

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

958 [(i) meets the appropriate state construction codes or local plumbing standards; and]

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

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

963 [(i) railroad corporations, telephone corporations or their corporate affiliates, elevator contractors or constructors, or street railway systems; or]

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

967 [(n) a person involved in minor electrical work incidental to a mechanical or service installation, including the outdoor installation of:]

969 [(i) an above-ground, prebuilt hot tub; or]

970 [(ii) the installation, maintenance, or repair of on-premise signs;]

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

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

979

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

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- 1010 (2) In addition to the exemptions from licensure in Section 58-1-307, the following may engage in a
1012 construction trade without a license:
- 1013 (a) an agricultural or natural resource worker if:
- 1016 (i) the construction trade is incidental to the construction or repair of an irrigation or drainage ditch of a
regularly constituted irrigation district, reclamation district, or drainage district; or
- (ii) the construction trade is incidental to a repair relating to farming, dairying, agriculture, livestock or
poultry raising, metal and coal mining, quarries, sand and gravel excavations, well drilling, hauling
to and from construction sites, and lumbering;
- 1020 (b) an appliance delivery worker if:
- 1021 (i) the construction trade is incidental to replacing an existing gas range, a gas dryer, an outdoor gas
barbecue, or an outdoor gas patio heater with a new gas appliance; and
- 1024 (ii) there is an existing gas shutoff valve at the appliance.
- 1025 (c) a construction student if:
- 1026 (i) the construction trade is a part of an education and training program the commission with the
concurrence of the director approves;
- 1028 (ii) the work that is subject to inspection by a building inspector passes a building inspector's
inspection; and
- 1030 (iii) a contractor obtains the necessary building permits;
- 1031 (d) a government representative or employee if:
- 1032 (i) the construction trade is within the terms of the government representative or employee's trust,
office, or employment; and
- 1034 (ii) the government representative or employee is an authorized representative or employee of the
United States government, or of the state, or of a political subdivision;
- 1037 (e) an electrical utility worker if:
- 1038 (i) the construction trade is incidental to work for a railroad corporation, a telephone corporation or an
affiliate of the telephone corporation, an elevator contractor, or a street railway system; or
- 1041 (ii) the construction trade is incidental to work for a public service corporation, a rural electrification
association, or a municipal utility that generates, distributes, or sells electrical energy for light, heat,
or power;
- 1044 (f) an elevator mechanic assistant if:
- 1045 (i) the construction trade is incidental to assisting a licensed elevator mechanic; and

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- 1046 (ii) the construction trade is at the direction of the licensed elevator mechanic;
1047 (g) an elevator mechanic licensed under this chapter if the construction trade is not related to the
operational integrity of the elevator;
1049 (h) a federal highway bidder if:
1050 (i) the bid is for a Federal-aid Highway Program project; and
1051 (ii) the contractor obtains proper licensure before starting the construction;
1052 (i) a hot tub or sign installer if:
1053 (i) the construction trade is limited to an electrical trade; and
1054 (ii)
(A) the construction trade is incidental to installing or repairing an above-ground, prebuilt hot tub or
spa; or
1056 (B) the construction trade is incidental to installing or repairing signage;
1057 (j) a plumbing repair worker if:
1058 (i) the construction trade is limited to minor plumbing;
1059 (ii) the construction trade is incidental to a repair in a residential small commercial building or an
agricultural structure; and
1061 (iii) the construction trade:
1062 (A) does not involve altering a piping or a gas system or a gas appliance; or
1063 (B) does not involve the initial installation of a fixture or an appliance;
1064 (k) a product retailer if:
1065 (i) the construction trade is incidental to the sale of personal property that by design, may be attached or
installed to real property; and
1067 (ii) the product retailer contracts with a person licensed under this chapter to attach or install the
personal property on the real property;
1069 (l) a property owner, lessee, or an employee of the property owner or lessee if:
1070 (i) the construction trade is incidental to the maintenance of a property; and
1071 (ii) the construction trade is for the purpose of maintaining the property;
1072 (m) a public utility if:
1073 (i) the construction trade is incidental to the public utility's work; and
1074 (ii) the public utility is operating under the rules of the Public Service Commission;
1075

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- (n) subject to Subsection (3), a person working on a project that has a total cost of less than \$7,000 including labor, material, and changes to the agreed upon work if the construction trade:
- 1078 (i) does not involve an electrical or plumbing system;
- 1079 (ii) does not involve a component of an electrical or plumbing system, including a faucet, a toilet, a fixture, a device, an outlet, or an electrical switch;
- 1081 (iii) does not involve the installation, repair, or replacement of a residential or commercial gas appliance or a combustion system;
- 1083 (iv) does not involve the installation, repair, or replacement of a water-based fire protection system;
- 1085 (v) does not involve the installation, repair, or replacement of a heating, ventilation, or air conditioning system; and
- 1087 (vi) does not involve the installation, repair, or replacement of a radon mitigation system or a soil depressurization system;
- 1089 (o) a solar panel worker if the construction trade is electrical work incidental to installing or repairing a solar panel;
- 1091 (p) a sole property owner if:
- 1092 (i)
- (A) the sole property owner builds for the sole owner's noncommercial and nonpublic use no more than one residential structure per year on the sole owner's property and no more than three residential structures per five years on the sole owner's property; and
- 1096 (B) the construction trade is performed by the sole property owner or a volunteer in accordance with Subsection (2)(r); or
- 1098 (ii) the construction trade is incidental to a residential structure on the property, including a shed, carport, or detached garage;
- 1100 (q) a specialty contractor as defined in Section 58-55-202, if:
- 1101 (i) the construction trade is incidental to the specialty contractor's trade; and
- 1102 (ii) the director does not determine by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that the specialty contractor's performance of the trade significantly impacts the public's health, safety, or welfare;
- 1106 (r) a volunteer working on a noncommercial and nonpublic use residential building if:
- 1107 (i) the construction trade is without compensation other than token compensation that is not considered salary or wages; and

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- 1109 (ii) the volunteer works under the direction of the property owner; or
1110 (s) a water treatment installation worker if:
1111 (i) the construction trade is incidental to installing or repairing a water conditioner or other water
treatment apparatus;
1113 (ii) the water conditioner or other water treatment apparatus meets the state construction code and local
plumbing standards; and
1115 (iii) the appropriate specialty contractor as defined in Section 58-55-202, directs the installation or
repair.
1117 (3)
(a) If the total value of the project under Subsection (2)(n) is greater than \$3,000, the person shall:
1119 (i) register with the Division of Corporations and Commercial Code; and
1120 (ii) submit to the division documentation that the person has:
1121 (A) public liability insurance in a coverage amount and form the division makes by rule the division
makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
1124 (B) if applicable, workers' compensation insurance that would cover an employee of the person if the
employee works on the project.
1126 (b) The division shall establish by rule the division makes in accordance with Title 63G, Chapter 3,
Utah Administrative Rulemaking Act, when a person needs to resubmit documentation described in
Subsection (3)(a).
1133 Section 16. Section **58-55-111** is renumbered and amended to read:
1135 **[58-55-307] 58-55-111. Confidentiality of records and reports.**
1132 (1) ~~[Credit reports, financial statements, and other information submitted to the division by or at the~~
~~request and direction of an applicant or licensee for the purpose of supporting a representation of~~
~~financial responsibility]~~ A credit report, a financial statement, and other information an applicant
submits or requests to have submitted to the division to demonstrate financial responsibility in
accordance with Section 58-55-205:
1137 (a) ~~[constitute protected records]~~ is a protected record under Title 63G, Chapter 2, Government Records
Access and Management Act; and
1139 (b) notwithstanding Subsection (1)(a), may be considered by the commission in a public meeting,
unless the owner of the information requests that the meeting be closed to the public in accordance
with Title 52, Chapter 4, Open and Public Meetings Act.

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- 1142 (2) Notwithstanding the provisions of Title 63G, Chapter 2, Government Records Access and
Management Act, ~~[the records]~~ a record described in Subsection (1) ~~[are]~~ is not open for public
inspection and ~~[are]~~ is not subject to discovery in civil or administrative proceedings.
- 1150 Section 17. Section **17** is enacted to read:
- 1151 **58-55-112. Unincorporated entities -- Reporting requirements.**
- 1148 (1)
- (a)
- (i) A contractor that is an unincorporated entity shall file an ownership status report with the
division every 30 days beginning 30 days after the day on which the division issues the license
if the contractor has more than five owners who are individuals that:
- 1152 (A) own an interest in the contractor;
- 1153 (B) directly or indirectly own less than an 8% interest in the unincorporated entity as defined
by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act; and
- 1156 (C) engage, or will engage, in a construction trade in the state as owners of the contractor
described in Subsection (1)(a)(i)(A).
- 1158 (ii) A contractor that is an unincorporated entity shall file an ownership status report with an
application for renewal of licensure if the contractor has five or fewer owners described in this
Subsection (1)(a)(i).
- 1161 (b) An ownership status report shall:
- 1162 (i) specify each addition or deletion of an owner from the day after the day on which:
- 1163 (A) the division licenses the unincorporated entity, for the first ownership status report; and
- 1165 (B) the contractor files a previous ownership status report for a later ownership status report;
- 1167 (ii) be in a format the division approves and include the information required by Subsection (2)(a)(ii)
for each owner, regardless of the owner's percentage ownership in the unincorporated entity;
- 1170 (iii) list the name of:
- 1171 (A) each officer or manager of the unincorporated entity; and
- 1172 (B) each additional individual involved in the operation, supervision, or management of the
unincorporated entity; and
- 1174 (iv) be accompanied by a fee the division sets in accordance with Section 63J-1-504 if the ownership
status report indicates there is a change.

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- 1176 (c) At any time, the division may audit an ownership status report under this Subsection (1) to
1177 determine if the unincorporated entity:
- 1178 (i) demonstrates financial responsibility in accordance with Section 58-55-205; and
1179 (ii) complies with Subsection 58-55-601(19), (20), or (21) or Subsection 58-55-603(6).
- 1180 (2) An unincorporated entity that provides labor to an entity licensed under this chapter by supplying an
individual who owns an interest in the unincorporated entity to engage in a construction trade shall
file with the division:
- 1183 (a) before the individual engages in a construction trade, a current ownership list that includes:
- 1185 (i) each individual who holds an ownership interest in the unincorporated entity; and
1186 (ii) for each individual:
- 1187 (A) the individual's name, address, birth date, and social security number; and
1188 (B) the individual's engagement in a construction trade; and
- 1189 (b) every 30 days after submitting the ownership list under Subsection (1)(a), an ownership status report
that includes the same information required under Subsection (1)(a) as if the unincorporated entity
were a licensed contractor.
- 1192 (3) An unincorporated entity shall pay a fee the division sets in accordance with Section 63J-1-504
when filing an ownership status report described in Subsection (1)(a).
- 1194 (4) Nothing in this chapter creates or supports an independent contractor relationship between an
unincorporated entity described in Subsection (1) or (2) and the unincorporated entity's owners.
- 1197 (5)
- 1199 (a) A social security number an individual provides under this section is a private record under
Subsection 63G-2-302(1)(i).
- 1205 (b) The division may classify an applicant's evidence of identity under this section as a private record in
accordance with Section 63G-2-302.
- 1205 Section 18. Section **18** is enacted to read:
- 1207 **58-55-202. Definitions.**
2. Contractors
- As used in this part:
- 1205 (1) "Approved pre-licensure course provider" means a provider:
- 1206 (a) that is:
- 1207 (i) the Associated General Contractors of Utah;

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- 1208 (ii) the Utah Chapter of the Associated Builders and Contractors; or
1209 (iii) the Utah Home Builders Association; and
1210 (b) that offers the 25-hour course described in Subsection 58-55-204(1)(c):
1211 (i) at least six times each year; and
1212 (ii) in one or more counties within the state other than Salt Lake County, Utah County, Davis County,
or Weber County.
1214 (2) "Elevator contractor" means a person that performs or superintends erecting, constructing, installing,
altering, servicing, repairing, or maintaining an elevator.
1216 (3)
(a) "General building contractor" means a person that performs or superintends:
1217 (i) the construction of structures for the support, shelter, or enclosure of individuals, animals, or
personal property; or
1219 (ii) any of the components of the construction described in Subsection (3)(a)(i).
1220 (b) "General building contractor" does not include construction trade relating to:
1221 (i) plumbing;
1222 (ii) electrical work;
1223 (iii) mechanical work;
1224 (iv) work related to the operational integrity of an elevator;
1225 (v) work related to the installation of manufactured housing; or
1226 (vi) work that the division determines by rule the division makes in accordance with Title 63G, Chapter
3, Utah Administrative Rulemaking Act, poses a substantial risk to the public health, safety, and
welfare unless the general building contractor holds a valid license as a specialty contractor for the
construction trade.
1230 (c) "General building contractor" includes the mechanical work for the construction of single-family
and multifamily residences of up to four units when the mechanical work is performed by a licensed
master plumber as defined in Section 58-55-401, a licensed journeyman plumber as defined in
Section 58-55-401, a licensed master electrician as defined in Section 58-55-301, or a licensed
journeyman electrician as defined in Section 58-55-301 that the general building contractor
employs.
1236 (4) "General electrical contractor" means a person that performs or superintends the fabrication,
construction, and installation of generators, transformers, conduits, raceways, panels, switch gear,

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electrical wires, fixtures, appliances, apparatus that uses electrical energy, or other work the division authorizes by rule in accordance with Subsection 58-55-105(3).

- 1241 (5) "General engineering contractor" means a person that performs or superintends the construction of
1244 fixed works, or components of fixed works, and has specialized engineering knowledge and skill in:
- 1244 (a) airports;
 - 1245 (b) airport runways;
 - 1246 (c) bridges;
 - 1247 (d) chemical plants;
 - 1248 (e) drainage;
 - 1249 (f) electrical utilities;
 - 1250 (g) flood control;
 - 1251 (h) foundations;
 - 1252 (i) harbors;
 - 1253 (j) highways;
 - 1254 (k) industrial plants;
 - 1255 (l) inland waterways;
 - 1256 (m) irrigation systems;
 - 1257 (n) piers;
 - 1258 (o) pipelines;
 - 1259 (p) power plants;
 - 1260 (q) railroads;
 - 1261 (r) refineries;
 - 1262 (s) sewers;
 - 1263 (t) tunnels;
 - 1264 (u) underground electric utility conduits;
 - 1265 (v) utility plants;
 - 1266 (w) water power; or
 - 1267 (x) water supply.
- 1268 (6) "General plumbing contractor" means a person that performs or superintends the fabrication or
installation of material and fixtures to create and maintain sanitary conditions in a building by
providing a permanent means for:

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- 1271 (a) a supply of safe and pure water;
- 1272 (b) the timely and complete removal from the premises of used or contaminated water, fluid and semi-
fluid organic wastes, and other impurities incidental to life;
- 1274 (c) a safe and adequate supply of gas for lighting, heating, and industrial purposes; or
- 1275 (d) other work the division authorizes by rule in accordance with Subsection 58-55-105(3).
- 1277 (7) "HVAC" means a heating, ventilation, and air conditioning system and the specific components that
are a part of the system, including the gas line.
- 1279 (8) "HVAC contractor" means a person that performs or superintends the installation, maintenance,
repair, and servicing of heating, ventilation, air conditioning systems or any other work the division
authorizes by rule in accordance with Subsection 58-55-105(3).
- 1283 (9)
- (a) "Residential and small commercial contractor" means a person that performs or superintends the
construction or supervision of the construction for:
- 1285 (i) a single-family residence;
- 1286 (ii) a multifamily residence with no more than four units; and
- 1287 (iii) a commercial structure that is three stories or less above ground and does not exceed 20,000
square feet.
- 1289 (b) "Residential and small commercial contractor" does not include:
- 1290 (i) plumbing;
- 1291 (ii) electrical work;
- 1292 (iii) mechanical work;
- 1293 (iv) work related to the operational integrity of an elevator;
- 1294 (v) construction trade involving the installation of manufactured housing; or
- 1295 (vi) work the division determines by rule the division makes in accordance with Title 63G, Chapter
3, Utah Administrative Rulemaking Act, poses a substantial risk to the public health, safety, and
welfare unless the general building contractor holds a specialty contractor license.
- 1299 (c) "Residential and small commercial contractor" includes the mechanical work for the construction of
single-family and multifamily residences of up to four units when the mechanical work is performed
by a licensed electrician as defined in Section 58-55-301 or a licensed plumber as defined in Section
58-55-401 that the residential and small commercial contractor employs.
- 1304 (10) "Residential electrical contractor" means a person that performs or superintends:

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- 1305 (a) the fabrication, construction, and installation of services;
1306 (b) the disconnection of means, grounding devices, panels, conductors, load centers, lighting and plug
circuits, appliances, and fixtures in a residential unit; or
1308 (c) any other work the division authorizes by rule in accordance with Subsection 58-55-105(3).
1310 (11) "Residential plumbing contractor" means a person that performs or superintends the fabrication
or installation of material and fixtures to create and maintain sanitary conditions in a residential
building by providing permanent means for:
1313 (a) a supply of safe and pure water;
1314 (b) the timely and complete removal from the premises of used or contaminated water, fluid and semi-
fluid organic wastes and other impurities incidental to life;
1316 (c) a safe and adequate supply of gas for lighting, heating, and residential purposes; or
1317 (d) other work the division authorizes by rule in accordance with Subsection 58-55-105(3).
1319 (12) "Specialty contractor" means a person that performs or superintends the construction trades and
crafts requiring specialized skill, the regulation of which the division determines to be in the best
interest of the public health, safety, and welfare.
1326 Section 19. Section **19** is enacted to read:
1327 **58-55-203. Qualifications for licensure.**
1324 (1) Each applicant for a license under this part shall:
1325 (a) submit a completed application on a form the division approves;
1326 (b) pay the fee the division determines in accordance with Section 63J-1-504;
1327 (c) complete a 25-hour pre-licensure course that:
1328 (i) is taught by an approved pre-licensure course provider;
1329 (ii) meets the requirements the commission makes with the concurrence of the director and by rule in
accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
1332 (iii) provides any offered test free of charge;
1333 (d) complete a five-hour business and law course that:
1334 (i) is taught by an approved pre-licensure course provider; and
1335 (ii) meets the requirements the commission makes with the concurrence of the director and by rule in
accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
1338 (e) satisfy examination requirements the commission makes with the concurrence of the director and by
rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

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- 1341 (f) except for an applicant for a construction trades instructor license, provide evidence of:
1343 (i) two-years' full-time, paid employment experience in the construction industry; and
1344 (ii) knowledge of business practices and principles necessary to protect the public health, safety, and
welfare.
- 1346 (2) An applicant for licensure as a construction trades instructor shall satisfy additional requirements
the division makes by rule the division makes in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act.
- 1349 (3) An applicant who is a licensed journeyman lineman in another jurisdiction may satisfy Subsection
(1)(f)(i) by meeting the requirements the division makes by rule in accordance with Title 63G,
Chapter 3, Utah Administrative Rulemaking Act.
- 1352 (4) A general engineering contractor may not perform or superintend:
1353 (a) construction of a structure built primarily for the support, shelter, and enclosure of individuals,
animals, or personal property;
1355 (b) plumbing work;
1356 (c) electrical work beyond underground electric utility conduit or electrical utilities;
1357 (d) high voltage utility work as the division defines by rule the division makes in accordance with Title
63G, Chapter 3, Utah Administrative Rulemaking Act, without a journeyman lineman;
1360 (e) mechanical work; or
1361 (f) work for which the general engineering contractor does not have the required specialized
engineering knowledge and skill.
- 1363 (5) An applicant for licensure as an HVAC contractor shall submit to the division satisfactory evidence
that the applicant:
1365 (a) completed two-years' full-time, paid employment requiring HVAC specific experience; and
1367 (b) passed an examination the commission makes by rule with the director's concurrence and in
accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1369 (6) A specialty contractor may perform construction trade other than those in which the specialty
contractor is licensed if they are incidental to the performance of the specialty contractor's licensed
construction trade.
- 1372 (7) An applicant for a contractor license who is a building inspector may satisfy the two-year
experience requirement in Subsection (1)(f) by providing evidence of two-years' of full-time, paid
employment as a building inspector, including at least one year as a licensed combination inspector.

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- 1376 (8) Each qualifier shall meet the following additional requirements:
- 1377 (a) for residential electrical contractor licensure, the qualifier shall hold a master electrician or master
residential electrician license;
- 1379 (b) for electrical contractor licensure, the qualifier shall hold a master electrician license;
- 1380 (c) for residential plumbing contractor licensure, the qualifier shall hold a master plumber license or
master residential plumber license;
- 1382 (d) for plumbing contractor licensure, the qualifier shall hold a master plumber license; or
- 1384 (e) for elevator contractor licensure, the qualifier shall hold an elevator mechanic license and provide
satisfactory evidence of three-years' experience as an elevator mechanic.
- 1386 (9)
- (a) The qualifier and each individual holding at least a 10% voting interest shall:
- 1387 (i) consent to and complete a criminal background check as described in Section 58-1-301.5;
- 1389 (ii) meet the background check standard the division makes by rule the division makes in
accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1392 (iii) disclose criminal history on a form the division approves.
- 1393 (b) When the applicant is an unincorporated entity, the applicant shall provide, in accordance with
Subsection 58-55-112(2), a list of each individual holding an ownership interest on the date the
applicant applies for licensure.
- 1396 (10)
- (a) Before the division issues a license, the applicant shall file with the division:
- 1397 (i)
- (A) proof of workers' compensation insurance covering the applicant's employees; or
- 1399 (B) a workers' compensation waiver if the applicant claims to not have any employees;
- 1401 (ii) proof of public liability insurance in the coverage amounts and form the division makes by rule
in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1404 (iii) proof of registration as required by law with:
- 1405 (A) the Division of Corporations and Commercial Code;
- 1406 (B) the Unemployment Insurance Division in the Department of Workforce Services, for purposes of
Title 35A, Chapter 4, Employment Security Act;
- 1408 (C) the State Tax Commission; and
- 1409 (D) the Internal Revenue Service.

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- 1410 (b) An applicant for licensure as a construction trades instructor is exempt from the requirements under
1411 this Subsection (10).
- 1416 Section 20. Section **20** is enacted to read:
- 1417 **58-55-204. Contractor continuing education requirements -- Continuing education courses.**
- 1415 (1) During each two-year license term the division establishes by rule in accordance with Section
1416 58-55-108, a contractor shall complete six hours of continuing education.
- 1417 (2)
- (a) Subject to Subsections (2)(b) through (2)(e), the commission shall establish by rule, made with
1418 the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative
1419 Rulemaking Act, approved continuing education for contractor licensees.
- 1421 (b) The commission may only approve courses for continuing education if offered by:
- 1422 (i) the Associated General Contractors of Utah;
- 1423 (ii) Associated Builders and Contractors, Utah Chapter;
- 1424 (iii) the Utah Home Builders Association;
- 1425 (iv) the National Electrical Contractors Association Intermountain Chapter;
- 1426 (v) the Utah Plumbing and Heating Contractors Association;
- 1427 (vi) the Independent Electrical Contractors of Utah;
- 1428 (vii) the Rocky Mountain Gas Association;
- 1429 (viii) the Utah Mechanical Contractors Association;
- 1430 (ix) the Sheet Metal Contractors Association;
- 1431 (x) the Intermountain Electrical Association;
- 1432 (xi) the American Subcontractors Association, Utah Chapter;
- 1433 (xii) the Utah Roofing Contractors Association;
- 1434 (xiii) a state executive branch agency;
- 1435 (xiv) a workers' compensation insurance carrier that provides workers' compensation insurance under
1436 Section 31A-22-1001; or
- 1437 (xv) a nationally or regionally accredited college or university that has a physical campus in the state.
- 1439 (c) Continuing education for a contractor licensee may include a course approved by an entity described
1440 in Subsections (2)(b)(i) through (2)(b)(iii).
- 1441 (d)

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- (i) Except as provided in Subsections (2)(d)(ii) and (2)(d)(iii), an entity listed in Subsections (2)(b)(iv) through (2)(b)(xii) may offer and market continuing education courses only to a licensee who is a member of the entity.
- 1444 (ii) An entity described in Subsection (2)(b)(iv), (2)(b)(vi), or (2)(b)(x) may offer and market a continuing education course that the entity offers to a contractor in an electrical trade.
- 1447 (iii) An entity described in Subsection (2)(b)(v) or (2)(b)(viii) may offer and market a continuing education course only to a licensee who is licensed in the same construction trade as the entity.
- 1450 (e) For an HVAC contractor, at least three of the six required continuing education hours must directly relate to the installation, repair, or replacement of heating, ventilation, or air conditioning systems.
- 1453 (3) The division may contract with a person to establish and maintain a registry of continuing education that includes:
- 1455 (a) a list of approved continuing education courses; and
- 1456 (b) a list of courses that:
- 1457 (i) a licensed contractor completes; and
- 1458 (ii) the licensed contractor may access to monitor compliance with the continuing education requirement.
- 1460 (4) The division may charge a fee in accordance with Section 63J-1-504, to administer this section.
- 1466 Section 21. Section **21** is enacted to read:
- 1467 **58-55-205. Financial responsibility.**
- 1464 (1) Before issuing, renewing, or reinstating a contractor license, the division shall require an applicant to demonstrate financial responsibility by:
- 1466 (a)
- (i) completing a financial responsibility questionnaire the division prepares; and
- 1467 (ii) signing the questionnaire and certifying the accuracy of the information provided; or
- 1469 (b) submitting a bond in the form and amount the commission determines by rule, made with the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1472 (2) An applicant, a licensee, or a person that holds an ownership interest in an unincorporated contractor licensee shall maintain financial responsibility throughout the period of licensure.
- 1475 (3) At the division's discretion, the division may audit the financial responsibility of an applicant, a licensee, or a person that holds an ownership interest in an unincorporated entity licensee.

HB0040 compared with HB0040S01

- 1478 (4) The applicant, the licensee, and a person that holds an ownership interest in an unincorporated entity
1480 licensee bear the burden of demonstrating financial responsibility.
- 1480 (5)
- 1482 (a) When reviewing the financial responsibility of an unincorporated entity, the division:
- 1484 (i) shall consider the personal financial information of each person that holds an ownership interest
1485 in the entity; and
- 1485 (ii) may at any time:
- 1485 (A) audit the personal financial information of a person that holds an ownership interest; or
- 1487 (B) request and obtain a credit report for a person that holds an ownership interest.
- 1488 (b) If the division determines, based on the financial information of the applicant, the licensee, or a
1488 person that holds an ownership interest in an unincorporated entity that an applicant or licensee
1488 lacks the financial responsibility to engage successfully in business as a contractor, the division
1488 may:
- 1492 (i) prohibit the person from engaging in a construction trade;
- 1493 (ii) prohibit the applicant or licensee from engaging in a construction trade unless the applicant or
1493 licensed entity dissociates from the person the division determines lacks financial responsibility
1493 within 10 days after the division makes the determination of lack of financial responsibility; or
- 1497 (iii) require the applicant or licensee to post a bond that is:
- 1498 (A) in the amount and form the commission determines by rule, made with the concurrence of the
1498 director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
- 1501 (B) equal to 20% of the applicant or licensee's annual gross distributions to the licensee's owners,
1501 including coverage for unpaid obligations including taxes.
- 1507 Section 22. Section **58-55-206** is renumbered and amended to read:
- 1509 **~~[58-55-310]~~ 58-55-206. Requirements when working for political subdivision or state agency.**
1509 ~~[Each political subdivision and agency of the state and each board of education which~~
1509 ~~requires the issuance of a permit or license as a precondition to the construction, alteration,~~
1509 ~~improvement, demolition, or other repairs for which a contractor's license is also required~~
1509 ~~under this chapter shall:]~~
- 1511 ~~[(1) require that each applicant for a permit or license file a signed statement that the applicant has a~~
1511 ~~current contractor's license with the license number included in the application;]~~
- 1514

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[~~(2) require that any representation of exemption from the contractor's licensing law be included in the signed statement and that if that exempt person, firm, corporation, association, or other organization intends to hire a contractor to perform any work under the permit or license, that the license number of that contractor be included in the application, but if a contractor has not been selected at the time of the application for a permit or license, the permit or license shall be issued only on the condition that a currently licensed contractor will be selected and that the license number of the contractor will be given to the issuing public body and displayed on the permit or license;~~]

1522 [~~(3) require that, upon issuance of a permit or license, the contractor affix the contractor's license number to that permit or license for public display; and~~]A political subdivision or state agency that requires a permit as a precondition to construction, alteration, improvement, demolition, or other repair work and requires a contractor license shall:

1524 [~~(4) require the contractor to provide proof that the contractor provides workers' compensation insurance, pays into the unemployment insurance fund, provides health insurance as required under federal or state law, and withholds applicable taxes from worker pay.~~]

1531 (1) require each contractor applying for a permit to include in the application a signed statement verifying that the contractor holds a current contractor license and providing the license number;

1534 (2) require any contractor applying for a permit that is claiming an exemption from the contractor licensing requirement a signed statement that includes the exemption and provides the license number of any contractor that the person intends to hire to perform work under the permit;

1538 (3) issue a permit when no contractor has been selected at the time of application on the condition that the applicant will:

1540 (a) select a currently licensed contractor;

1541 (b) provide the license number to the issuing entity; and

1542 (c) display the license number on the permit;

1543 (4) require the contractor, upon issuance of the permit, to affix the contractor's license number to the permit for public display; and

1545 (5) require the contractor to provide proof of:

1546 (a) workers' compensation insurance;

1547 (b) contributions to the unemployment insurance fund;

1548 (c) health insurance coverage as required under federal or state law; and

1549 (d) proper withholding of all applicable taxes from worker pay.

HB0040 compared with HB0040S01

1554 Section 23. Section **23** is enacted to read:

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

1552 (1) A contractor that pays a material supplier, a contractor, or a subcontractor with which the contractor maintains a running account, holds multiple contracts, or owes an outstanding debt shall:

1555 (a) clearly designate the contract for which the payment is made; and

1556 (b) identify the specific items of account to which the payment applies.

1557 (2) A subcontractor or material supplier that receives a payment for materials or labor shall require the person paying to:

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 (3) In an action to enforce a lien for materials provided or labor performed by a subcontractor or material supplier, the owner may assert a defense to the lien if:

1563 (a) the owner paid the contractor for the materials and the contractor designated the payment in accordance with Subsection (1);

1565 (b) the contractor transferred the payment to the subcontractor or material supplier; and

1566 (c) the subcontractor or material supplier failed to require a designation of the account and the specific items of account when receiving the payment.

1572 Section 24. Section **24** is enacted to read:

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

1570 (1) All unpaid construction funds are payable to the contractor as provided in Section 13-8-5.

1571 (2) On projects involving multiple buildings, each building should be considered individually in determining the amount to be paid to the contractor.

1573 (3) When a building is partially occupied, the owner shall pay the contractor in direct proportion to the value of the part of the building occupied.

1575 (4) If any payment is retained or withheld, the retention or withholding shall be released as provided in Section 13-8-5.

1581 Section 25. Section **25** is enacted to read:

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

1579 (1) A contractor that receives construction funds for work performed and billed shall pay each subcontractor and supplier in proportion to the work the subcontractor or supplier performed on the work billed, unless otherwise agreed by contract.

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- 1582 (2)
- 1583 (a) A contractor shall pay a subcontractor or supplier on or before the later of:
- 1585 (i) 30 calendar days after the day on which the contractor receives construction funds; or
- 1586 (ii) the day after the day on which payment is due.
- 1586 (b) Unless otherwise agreed by contract or for reasonable cause, a contractor that receives funds and
- 1589 (i) does not comply with Subsection (2)(a) shall pay to the subcontractor or supplier:
- 1591 (i) interest in the amount of 1% per month of the amount due, beginning on the day after the day on
- 1592 (ii) which payment is due; and
- 1594 (ii) reasonable costs of collection and attorney fees.
- 1592 (c) The amounts described in Subsection (2)(b) are in addition to the payment due to the subcontractor
- 1594 or supplier for work performed and billed.
- 1600 (3) When a subcontractor receives a construction payment under this section, Subsections (1) and (2)
- 1601 apply to the subcontractor.
- 1600 Section 26. Section **26** is enacted to read:
- 1601 **58-55-210. Proof of licensure to begin or maintain litigation.**
- A contractor may not bring or maintain a court action to collect compensation for work
- requiring a license under this chapter unless the contractor alleges and proves that the
- contractor held the required license:
- 1601 (1) when entering into the contract; and
- 1602 (2) when the cause of action arose.
- 1607 Section 27. Section **27** is enacted to read:
- 1608 **58-55-211. Pay statement required.**
- 1605 (1) On the day on which a contractor licensed under this part pays an individual for work that the
- individual performed, the contractor shall give the individual a written or electronic pay statement
- that states:
- 1608 (a) the individual's name;
- 1609 (b) the individual's base rate of pay;
- 1610 (c) the dates of the pay period for which the individual is being paid;
- 1611 (d) if paid hourly, the number of hours the individual worked during the pay period;
- 1612 (e) the amount of and reason for money withheld in accordance with state and federal law, including:
- 1614 (i) state and federal income tax;

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- 1615 (ii) Social Security tax;
1616 (iii) Medicare tax; and
1617 (iv) court-ordered withholdings; and
1618 (f) the total amount paid to the individual for that pay period.
1619 (2) A person licensed under this chapter shall:
1620 (a) comply with the requirements described in Subsection (1) regardless of whether the person pays the
individual by check, cash, or other means;
1622 (b) retain a copy of each pay statement described in Subsection (1) for at least three years after the day
on which the person gives a copy of the pay statement to the individual; and
1625 (c) upon request, make the pay statement records described in this section available to the division for
inspection.

1631 Section 28. Section **58-55-212** is renumbered and amended to read:

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

- 1634 (1) The division shall establish and maintain the Construction Business Registry as described in this section.
- 1636 (2) The Construction Business Registry shall consist of a database of contact information for licensed contractors.
- 1638 (3) ~~[Beginning January 1, 2023, the]~~ The division shall ensure that the Construction 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]~~ 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 the State Construction Registry under Title 38, Chapter 1a, Part 2, State Construction Registry.
- 1650 (5)
- (a) The division shall establish a process for a licensed contractor to:

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(i) ~~[before entry into the Construction Business Registry, specify the licensed contractor's]~~ provide the contact information that the licensed contractor wants included in the Construction Business Registry before entry into the Construction Business Registry;

(ii) opt out of participation in the Construction Business Registry~~[-at any time];~~ or

(iii) amend the licensed contractor's contact information in the Construction Business Registry~~[-at any time]~~.

(b) If a licensed contractor does not specify the licensed contractor's contact information for the Construction Business Registry, the division shall include in the Construction Business Registry only public contact information for the licensed contractor.

(6) The division may establish a fee in accordance with Section 63J-1-504 for the entry of a licensed contractor's contact information into the Construction Business Registry to offset the cost of creating, administering, and maintaining the Construction Business Registry.

(7) The division may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish and maintain the Construction Business Registry

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

58-55-301. Definitions.

3. Electricians

As used in this part:

(1) "Apprentice electrician" means an individual who is learning the electrician trade under the immediate supervision of a master electrician, residential master electrician, journeyman electrician, or a residential journeyman electrician in accordance with this chapter.

(2)

(a) "Electrical trade" means the performance of electrical work involving the installation, construction, alteration, change, repair, removal, or maintenance of facilities, buildings, or appendages or appurtenances.

(b) "Electrical trade" does not include:

(i) transporting or handling electrical materials;

(ii) preparing clearance for raceways for wiring;

(iii) work commonly done by unskilled labor on an installation under the exclusive control of electrical utilities;

(iv) work involving cable-type wiring that does not pose a shock or fire-initiation hazard;

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- 1645 (v) work involving class two or class three power-limited circuits as defined in the National Electrical
Code; or
- 1647 (vi) minor electrical work incidental to a mechanical or service installation when wiring is extended
to no more than 10 feet from an existing outlet or disconnect and does not exceed 120 volts and 20
amperes.
- 1650 (3) "Journeyman electrician" means an individual who performs the wiring, installation, and repair of
electrical apparatus and equipment for light, heat, power, and other purposes.
- 1653 (4) "Journeyman lineman" means an individual who builds and maintains an electrical power system,
performs work on transmission lines or distribution lines from power plants to customers and has
completed a 7,000 hour certified apprenticeship program.
- 1656 (5) "Licensed electrician" means an individual who is licensed as an apprentice electrician, a
journeyman electrician, a master electrician, a residential journeyman electrician, or a residential
master electrician.
- 1659 (6) "Master electrician" means an individual who plans and supervises the wiring, installation, and
repair of electrical apparatus and equipment.
- 1661 (7) "Residential journeyman electrician" means an individual who wires, installs, and repairs electrical
apparatus and equipment for light, heat, power, and other purposes for a residential project.
- 1664 (8) "Residential master electrician" means an individual who plans and supervises the wiring,
installation, and repair of electrical apparatus and equipment for light, heat, power, and other
purposes for a residential project.
- 1667 (9) "Residential project" means a residential building primarily wired with nonmetallic 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.**
- 1671 (1) There is created an expendable special revenue fund known as the Electrician Education Fund.
- 1673 (2) The fund consists of money from a surcharge the division establishes in accordance with Section
63J-1-504, that the division collects on initial, renewal, and reinstatement licensures for an
apprentice electrician, a journeyman electrician, a master electrician, a residential journeyman
electrician, and a residential master electrician.
- 1677 (3)
- (a) The surcharge may not exceed \$5.

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- 1678 (b) The surcharge described in Subsection (3)(a) is in addition to the surcharge described in Section
1679 58-55-106.
- 1680 (4)
- 1681 (a) The fund shall earn interest.
- 1682 (b) The division shall deposit the interest into the fund.
- 1683 (5) With the concurrence of the commission, the director may make distributions from the fund for the
1684 following purposes:
- 1685 (a) education and training of licenses described in Subsection (2); and
- 1686 (b) education and training of other individuals licensed under this chapter or the public about electrical
1687 laws and practices.
- 1688 (6) If the balance in the fund is more than \$100,000 at the end of any fiscal year, the division shall
1689 transfer the amount that exceeds \$100,000 to the General Fund.
- 1690 (7) The division shall report annually to the General Government Appropriations Subcommittee on:
- 1691 (a) the balance in the fund; and
- 1692 (b) fund expenditures.
- 1734 Section 31. Section **58-55-303** is repealed and reenacted to read:
- 1735 **58-55-303. Qualifications for licensure.**
- 1695 (1) An applicant for a license under this part shall:
- 1696 (a) submit an application the division approves;
- 1697 (b) pay the fee the division determines in accordance with Section 63J-1-504; and
- 1698 (c) pass the examination requirements described in this section and in rules the commission establishes
1699 by rule, made with the concurrence of the director and in accordance with Title 63G, Chapter 3,
1700 Utah Administrative Rulemaking Act.
- 1701 (2) A master electrician applicant shall provide satisfactory evidence that the applicant:
- 1702 (a) graduated as an electrical engineer from an accredited college or university the division approves
1703 and completed one year of practical electrical experience as a licensed apprentice electrician;
- 1704 (b) graduated from an electrical trade school with an associate of applied sciences degree in a course
1705 the division approves and completed two years' practical experience as a licensed journeyman
1706 electrician;
- 1707 (c) completed four-years of practical experience as a licensed journeyman electrician; or
- 1708
- 1709

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

1712 (3) A master residential electrician applicant shall provide satisfactory evidence that the applicant:

1714 (a) completed at least two-years' practical experience as a licensed residential journeyman electrician;
or

1716 (b) meets the qualifications for expedited licensure the commission establishes by rule, made with the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1719 (4) A journeyman electrician applicant shall provide satisfactory evidence that the applicant:

1720 (a) successfully completed at least four-years' full-time training and instruction as a licensed apprentice electrician under the supervision of a licensed master electrician or a licensed journeyman electrician, in accordance with a training program the division approves;

1724 (b) has at least eight-years' full-time experience the division approves in collaboration with the Electricians and Plumbers Licensing Board; or

1726 (c) meets the qualifications for expedited licensure the commission establishes by rule, made with the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1729 (5) A residential journeyman electrician applicant shall provide satisfactory evidence that the applicant:

1731 (a) successfully completed two-years' training in an electrical training program the division approves;

1733 (b) completed four-years' practical experience in wiring, installing, and repairing electrical apparatus and equipment for light, heat, and power under the supervision of a licensed master, journeyman, residential master, or residential journeyman electrician; or

1737 (c) meets the qualifications for expedited licensure the commission establishes by rule, made with the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1740 (6)

(a) An apprentice electrician applicant shall identify to the division the proposed supervisor of the apprenticeship.

1742 (b) Upon licensure, an apprentice electrician and the apprentice electrician's supervisor shall:

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- (i) ensure the apprentice electrician works under the immediate supervision of a licensed master, journeyman, residential master, or residential journeyman electrician for the initial three-years' training;
- 1747 (ii) allow the apprentice electrician, beginning in the fourth year of training, to work without
supervision for up to eight hours in any 24-hour period; and
- 1749 (iii) comply with rules the commission makes with the concurrence of the director and in accordance
with Title 63G, Chapter 3, Utah Administrative Rulemaking 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.**

- 1754 (1) During each two-year license term the division establishes by rule in accordance with Section
58-55-108, a licensed electrician shall complete 16 hours of continuing education.
- 1757 (2) The commission, with the concurrence of the division, shall establish by rule, made in accordance
with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, continuing education for licensed
electricians.
- 1760 (3) The division may contract with a person to establish and maintain a registry of continuing education
that includes:
 - 1762 (a) an online application for a continuing education course provider to apply to the division for approval
of a course as continuing education;
 - 1764 (b) a list of approved continuing education courses; and
 - 1765 (c) a list of courses that:
 - 1766 (i) a licensed electrician completes; and
 - 1767 (ii) the licensed electrician may access to monitor compliance with the continuing education
requirement.
- 1769 (4) The division may charge a fee the division establishes in accordance with Section 63J-1-504, to
administer this section.

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

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

4. Plumbers

As used in this part:

- 1775 (1) "Apprentice plumber" means an individual who is learning the plumbing trade.

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- 1776 (2) "Journeyman plumber" means an individual who engages in the plumbing trade.
- 1777 (3) "Licensed plumber" means an individual licensed as an apprentice plumber, a journeyman plumber,
a master plumber, a residential journeyman plumber, or a residential master plumber.
- 1780 (4) "Master plumber" means an individual who plans and supervises projects in the plumbing trade.
- 1782 (5)
- (a) "Plumbing trade" means the performance of mechanical work pertaining to the installation,
alteration, change, repair, removal, maintenance, or use in buildings, or within three feet beyond the
outside walls of buildings, pipes, fixtures, and fittings for the:
- 1786 (i) delivery of the water supply;
- 1787 (ii) discharge of liquid and water carried waste;
- 1788 (iii) building drainage system within the walls of the building; and
- 1789 (iv) delivery of gases for lighting, heating, and industrial purposes.
- 1790 (b) "Plumbing trade" includes work relating to the water supply, distribution pipes, fixtures and fixture
traps, soil, waste and vent pipes, the building drain and roof drains, and the safe and adequate supply
of gases, and related devices, appurtenances, and connections installed within the outside walls of
the building.
- 1794 (6) "Residential building" means a single-family or multi-family dwelling with up to four units.
- 1796 (7) "Residential journeyman plumber" means an individual who engages in the plumbing trade
exclusively in the plumbing of a residential building.
- 1798 (8) "Residential master plumber" means an individual who plans and supervises the 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.**
- 1802 (1) There is created an expendable special revenue fund known as the Plumber Education Fund.
- 1804 (2) The fund consists of money from a surcharge, the division establishes in accordance with Section
63J-1-504, that the division collects on initial, renewal, and reinstatement licensures for apprentice
plumbers, journeyman plumbers, master plumbers, residential journeyman plumbers, and residential
master plumbers.
- 1808 (3)
- (a) The surcharge may not exceed \$5.
- 1809

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(b) The surcharge described in Subsection (3)(a) is in addition to the surcharge described in Section 58-55-106.

(4)

(a) The fund shall earn interest.

(b) The division shall deposit the interest into the fund.

(5) With the concurrence of the commission, the director may make distributions from the fund for the following purposes:

(a) education and training of licensees described in Subsection (2); and

(b) education and training of other individuals licensed under this chapter or the public about plumbing laws and practices.

(6) If the balance in the fund is more than \$100,000 at the end of any fiscal year, the division shall transfer the amount that exceeds \$100,000 to the General Fund.

(7) The division shall report annually to the General Government Appropriations Subcommittee on:

(a) the balance in the fund; and

(b) fund expenditures.

Section 35. Section **35** is enacted to read:

58-55-404. Qualifications for licensure.

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

(a) submit an application the division approves;

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

(c) pass the examination requirements this section and rules the commission makes with the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishes.

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

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

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

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- (c) meets the qualifications for expedited licensure the commission establishes by rule, with the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1842 (3) A master residential plumber applicant shall provide satisfactory evidence that the applicant:
1844 (a) has two-years' supervisory experience as a licensed residential journeyman plumber in accordance with division rule; or
1846 (b) meets the qualifications for expedited licensure the commission establishes by rule, with the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1849 (4) A journeyman plumber applicant shall provide satisfactory evidence that the applicant:
1850 (a) completed at least four-years' full-time training and instruction as a licensed apprentice plumber under supervision of a licensed master plumber or journeyman plumber, in accordance with a training program the division approves;
1853 (b) has at least eight-years' full-time experience the division approves in collaboration with the Electricians and Plumbers Licensing Board; or
1855 (c) meets the qualifications for expedited licensure the commission establishes by rule, with the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1858 (5) A residential journeyman plumber applicant shall provide satisfactory evidence that the applicant:
1860 (a) completed at least three-years' full-time training and instruction as a licensed apprentice plumber under the supervision of a licensed residential master plumber, licensed residential journeyman plumber, or licensed journeyman plumber in accordance with a training program the division approves;
1864 (b) completed at least six-years' full-time experience in a maintenance or repair trade involving substantial plumbing work; or
1866 (c) meets the qualifications for expedited licensure the commission establishes by rule, with the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1869 (6)
(a) An apprentice plumber applicant shall identify to the division the proposed supervisor of the apprenticeship.

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- 1871 (b) Upon licensure, an apprentice plumber and the apprentice plumber's supervisor shall:
1872 (i) ensure the apprentice plumber works under the immediate supervision of a licensed master,
journeyman, residential master, or residential journeyman plumber for the initial three-years'
training;
1875 (ii) allow the apprentice plumber, beginning in the fourth year of training, to work without supervision
for up to eight hours in any 24-hour period; and
1877 (iii) comply with rules the commission makes, with the concurrence of the director, under Title 63G,
Chapter 3, Utah Administrative Rulemaking Act, regarding the ratio of apprentice plumbers to
supervisor.
- 1921 Section 36. Section **36** is enacted to read:
1922 **58-55-405. Continuing education requirements for plumbers.**
1882 (1) During each two-year license term the division establishes by rule in accordance with Section
58-55-108, a licensed plumber shall complete 12 hours of continuing education.
1884 (2) The commission shall establish by rule made in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act, continuing education for licensed plumbers.
1886 (3) The division may contract with a person to establish and maintain a registry of continuing education
that includes:
1888 (a) an online application for a continuing education course provider to apply to the division for approval
of the course as continuing education;
1890 (b) a list of approved continuing education courses; and
1891 (c) a list of courses that:
1892 (i) a licensed plumber completes; and
1893 (ii) the licensed plumber may access to monitor compliance with the continuing education requirement.
1895 (4) The division may charge a fee the division establishes in accordance with Section 63J-1-504, to
administer the requirements of this section.
- 1938 Section 37. Section **58-55-501** is repealed and reenacted to read:
1940 **58-55-501. Definitions.**
5. Miscellaneous Licenses
As used in this part:
1901 (1) "Automatic fire sprinkler system" means a fire suppression system designed to detect and
automatically discharge an agent, a foam, or water over a fire.

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- 1903 (2) "Commercial construction project" means a construction, alteration, repair, demolition, or excavation project that does not involve:
- 1905 (a) single-family detached housing;
- 1906 (b) multi-family attached housing up to and including a fourplex; or
- 1907 (c) construction of a non-residential project that is fewer than two stories above ground.
- 1908 (3)
- (a) "Crane" means a power-operated hoisting machine used in construction, demolition, or excavation work that has a power-operated winch, load-line, and boom moving laterally by the rotation of the machine on a carrier.
- 1911 (b) "Crane" does not include a fork lift, a digger derrick truck, an aircraft, a bucket truck, a knuckle boom, a side boom, or a mechanic's truck.
- 1913 (4) "Crane operator" means an individual who operates a crane.
- 1914 (5)
- (a) "Elevator" means the same as that term is defined in Section 34A-7-202;
- 1915 (b) "Elevator" does not include:
- 1916 (i) a stair chair;
- 1917 (ii) an incline platform lift; or
- 1918 (iii) a vertical platform lift.
- 1919 (6) "Elevator mechanic" means an individual who erects, constructs, installs, alters, services, repairs, or maintains an elevator under the immediate supervision of an elevator contractor.
- 1922 (7) "Elevator work" means constructing, maintaining, servicing, or repairing an elevator.
- 1923 (8) "Fire sprinkler contractor" means a contractor that installs, repairs, maintains, or replaces an automatic fire sprinkler system.
- 1925 (9) "Gas corporation" means the same as that term is defined in Section 54-2-1.
- 1926 (10) "Minimum system" means the minimum natural gas facilities necessary to serve each intended consumer, as determined by a gas corporation.
- 1928 (11)
- (a) "Natural gas facility" means:
- 1929 (i) one or more natural gas mains;
- 1930 (ii) one or more natural gas service lines; or
- 1931 (iii) a combination of Subsections (11)(a)(i) and (ii).

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- 1932 (b) "Natural gas facility" includes any necessary appurtenant facilities.
- 1933 (12)
- (a) "Natural gas main" means a natural gas distribution pipeline that delivers natural gas to another natural gas distribution supply line or to a natural gas service line.
- 1935 (b) "Natural gas main" does not include a natural gas service line.
- 1936 (13) "Natural gas service line" means a natural gas pipeline that carries natural gas from a natural gas main to a meter for use by the final consumer.
- 1938 (14) "Natural gas tariff specifications" means the standards and specifications:
- 1939 (a) for the construction of natural gas facilities; and
- 1940 (b) that are:
- 1941 (i) established by a gas corporation; and
- 1942 (ii) included in the gas corporation's tariff that is approved by the Public Service Commission.
- 1944 (15) "Qualifying installer" means a person that:
- 1945 (a) a gas corporation approves to install natural gas facilities; and
- 1946 (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.**
- 1949 (1)
- (a) The commission, with the concurrence of the director, may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
- 1951 (i) define and limit the scope of practice for licenses issued under this part; and
- 1952 (ii) establish operating standards consistent with practices in the relevant industry.
- 1953 (b) The commission, with the concurrence of the director, may limit the field and scope of operations of a licensee under this chapter based on:
- 1955 (i) rules the commission makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1957 (ii) considerations of the public health, safety, and welfare, including the licensees' education, training, experience, knowledge, and financial responsibility in accordance with Section 58-55-205.
- 1960 (2) This part does not prohibit a specialty contractor as defined in Section 58-55-202, that is licensed in accordance with Part 2, Contractors, from entering into a contract involving two or more

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construction trades if the contracted construction trade is incidental to the 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.**

1966 (1)

(a) This section applies to:

1967 (i) an individual whose license authorizes the installation, repair, maintenance, cleaning, or replacement of a residential or a commercial gas appliance or a combustion system; and

1970 (ii) a person exempt from licensure under Section 58-55-110.

1971 (b) A person described in Subsection (1)(a) shall:

1972 (i) first receive training and certification in accordance with rules the commission makes with the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

1975 (ii) ensure that an employee performing work described in Subsection (1)(a)(i) first receives training and certification as the division requires by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1979 (2) The division may exempt an individual from the training requirements described in Subsection (1)(b) if the division determines the individual has adequate experience.

1981 (3) The division may exempt an individual from the certification requirements described in Subsection (1)(b) who:

1983 (a)

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

1985 (ii) completes an apprenticeship program that teaches the installation of gas line appliances and is approved by the Federal Bureau of Apprenticeship Training; and

1987 (b) works under the immediate one-to-one supervision of a certified natural gas technician or a person exempt from certification.

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

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

1991 ~~[(1) As used in this section:]~~

1992 ~~[(a) "Commercial construction projects" means construction, alteration, repair, demolition, or excavation projects that do not involve:]~~

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- 1994 [~~(i) single family detached housing;~~]
- 1995 [~~(ii) multifamily attached housing up to and including a fourplex; or]~~
- 1996 [~~(iii) commercial construction of not more than two stories above ground.]~~
- 1997 [~~(b)~~
- ~~(i) "Crane operator" means an individual engaged in operating a crane, which for purposes of this section is a power-operated hoisting machine used in construction, demolition, or excavation work that has a power-operated winch, load-line, and boom moving laterally by the rotation of the machine on a carrier.]~~
- 2001 [~~(ii) It does not include operating a fork lift, digger derrick truck, aircraft, bucket truck, knuckle boom, side boom, mechanic's truck, or a vehicle or machine not using a power-operated winch and load-line.]~~
- 2004 [~~(2)~~
- ~~(a) In order to operate a crane on commercial construction projects, an individual shall be certified as a crane operator by the National Commission for the Certification of Crane Operators or any other organization determined by the division to offer an equivalent testing and certification program that meets the requirements of the American Society of Mechanical Engineers ASME B-30.5 and the accreditation requirements of the National Commission for Certifying Agencies.]~~
- 2010 [~~(b) An individual who violates Subsection (2)(a) is guilty of a class A misdemeanor.]~~
- 2011 [~~(3) An individual engaged in construction or operation incidental to petroleum refining or electrical utility construction or maintenance is exempt from the crane operator certification requirement of Subsection (2)(a).]~~
- 2014 (1) To operate a crane on a commercial construction project, an individual shall obtain certification as a crane operator from:
- 2016 (a) the National Commission for the Certification of Crane Operators; or
- 2017 (b) another organization the division determines offers an equivalent testing and certification program that complies with:
- 2019 (i) the requirements of the American Society of Mechanical Engineers ASME B30.5; and
- 2021 (ii) the accreditation requirements of the National Commission for Certifying Agencies.
- 2023 (2) An individual engaged in construction or operation incidental to petroleum refining, or to electrical utility construction or maintenance, is exempt from the certification requirement.
- 2067 Section 41. Section **41** is enacted to read:

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- 2068 **58-55-505. Automatic fire sprinkler contractor.**
- 2028 (1) A fire sprinkler contractor shall have a qualifier that meets the requirements described in Section
 58-55-107 and in Subsection (2).
- 2030 (2) The qualifier for a fire sprinkler contractor shall:
- 2031 (a) be a qualifier for a licensed general building contractor; or
- 2032 (b) submit evidence to the division of:
- 2033 (i) completing a United States Department of Labor federally approved apprentice training program, or
 two-years' experience supervised by a certified fire sprinkler contractor;
- 2036 (ii) passing the STAR Fire Sprinklerfitting Mastery Examination offered by the National Inspection
 Testing and Certification Corporation or an equivalent examination the division approves; or
- 2039 (iii) demonstrating to the division the equivalent training and experience, as the division determines
 by rules made with the director's concurrence and in accordance with Title 63G, Chapter 3, Utah
 Administrative Rulemaking Act.
- 2083 Section 42. Section **42** is enacted to read:
- 2084 **58-55-506. Elevator mechanic qualifications for licensure.**
- 2044 (1) An applicant for licensure as an elevator mechanic shall:
- 2045 (a) provide documentation showing at least three-years' work experience in the elevator industry, in
 construction, maintenance, or service and repair;
- 2047 (b) pass a written examination that the division administers by rule the division makes in accordance
 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
- 2049 (c) provide a certificate of completion from an elevator mechanic apprenticeship program that:
- 2051 (i) meets standards substantially equal to those in this chapter; and
- 2052 (ii) is registered with the United States Department of Labor Bureau of Apprenticeship and Training or
 a state apprenticeship council.
- 2054 (2)
- (a) If a licensed elevator contractor cannot find a licensed elevator mechanic to perform elevator work,
 the contractor shall notify the division about the shortage of licensed personnel.
- 2057 (b) A licensed elevator contractor shall request that the division issue a temporary elevator mechanic
 license to an individual whom the contractor certifies has an acceptable combination of documented
 experience and education to perform elevator work.
- 2061

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(c) If a licensed elevator contractor requests a temporary elevator mechanic license under Subsection (2)(b), the division may issue the temporary license to the individual the licensed elevator contractor certifies if the individual:

(i) applies to the division; and

(ii) pays the fee the division determines in accordance with Section 63J-1-504.

(d) The division shall specify the time period for which the temporary license is valid.

(e) The division may renew a temporary elevator mechanic license if the division determines that a shortage of licensed elevator mechanics continues.

Section 43. Section **43** is enacted to read:

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

(1) During each two-year license term the division establishes by rule in accordance with Section 58-55-108, a licensed elevator mechanic shall complete eight hours of continuing education.

(2) The commission shall establish by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, continuing education for licensed elevator mechanics.

(3) The division may contract with a person to establish and maintain a registry of continuing education that includes:

(a) a list of approved continuing education; and

(b) a list of courses that:

(i) a licensed elevator mechanic completes; and

(ii) the licensed elevator mechanic may access to monitor compliance with the continuing education requirement.

(4) The division may charge a fee the division establishes in accordance with Section 63J-1-504, to administer this section.

Section 44. Section **44** is enacted to read:

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

(1)

(a) Except as provided in Subsections (1)(b) and (c), a qualifying installer shall pay the costs to install natural gas facilities.

(b) A gas corporation shall pay the engineering, inspecting, mapping, and locating costs of natural gas facilities that a qualifying installer installs.

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(c) If a gas corporation requires a qualifying installer to install natural gas facilities that are greater than the minimum system, the gas corporation shall pay the difference in cost between the required natural gas facilities and the minimum system.

2095 (2) A gas corporation shall verify through inspection and testing that natural gas facilities that a qualifying installer installs comply with applicable federal, state, and local law and natural gas tariff specifications.

2098 (3) A gas corporation is not required to supply natural gas to or accept ownership of natural gas facilities until the gas corporation completes any necessary inspection to verify that the natural gas facilities are installed and tested in compliance with applicable federal, state, and local law and natural gas tariff specifications.

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

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

6. Unlawful and Unprofessional Conduct

A person engages in unlawful conduct if the person:

2106 (1) engages in a construction trade, acts as a contractor, or represents that the person engages in a construction trade or acts as a contractor in a trade requiring licensure without holding a license or qualifying for an exemption under this chapter;

2109 (2) acts in a construction trade beyond the scope of the license the person holds;

2110 (3) hires or employs an unlicensed person to perform work that requires a license, unless that person is an employee of a licensed person, paid wages, and is not otherwise required to hold a license;

2113 (4) applies for or obtains a building permit without holding a license or qualifying for an exemption under this chapter;

2115 (5) issues a building permit to a person that does not provide evidence of a current license or exemption;

2117 (6) applies for or obtains a building permit to benefit or assist a person that must hold a license under this chapter but does not hold one or does not otherwise qualify;

2119 (7) fails to obtain a building permit when required by law or rule;

2120 (8) submits a bid for work requiring a license without holding a license or qualifying for an exemption;

2122 (9) willfully or deliberately misrepresents or omits a material fact when applying to obtain or renew a license;

2124 (10) allows another person to use the person's license, except as permitted by statute or rule;

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- 2125 (11) does business under a name other than the name on the license, unless statute or rule allows
otherwise;
- 2127 (12) fails to directly supervise an apprentice electrician or an apprentice plumber or exceeds the
permitted number of apprentices to supervisor;
- 2129 (13) as a contractor, receives funds from a person to pay for work performed or materials and services
provided for a specific project, and after receiving the funds, fails to pay all amounts due to those
who performed the work or provided materials or services within a reasonable time;
- 2133 (14) willfully or deliberately disregards or violates:
- 2134 (a) state or local building or construction laws;
- 2135 (b) safety and labor laws applicable to a project;
- 2136 (c) health laws applicable to a project;
- 2137 (d) workers' compensation insurance laws;
- 2138 (e) laws governing employee income tax, unemployment tax, Social Security tax, or other required
withholdings; or
- 2140 (f) state or federal reporting, notification, and filing laws;
- 2141 (15) engages in residential construction of up to two units without registering as a qualified beneficiary
or obtaining an exemption under Title 38, Chapter 11, Residence Lien Restriction and Lien
Recovery Fund Act;
- 2144 (16) as an original contractor, as defined in Section 38-11-102, fails to include the notice required under
Section 38-11-108 in a written contract;
- 2146 (17) wrongfully files a preconstruction or construction lien in violation of Section 38-1a-308;
- 2147 (18) as a contractor, fails to complete required continuing education under this chapter;
- 2148 (19) as an unincorporated entity licensed under this chapter:
- 2149 (a) allows an interest owner to engage in a construction trade in the state while not lawfully present in
the United States; or
- 2151 (b) provides labor to another licensed entity by supplying an interest owner to engage in a construction
trade in the state while not lawfully present in the United States;
- 2153 (20) as an unincorporated entity, fails to provide for an individual who engages or will engage in a
construction trade in the state;

2155

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- (a) workers' compensation coverage as required under Title 34A, Chapter 2, Workers' Compensation Act, or Title 34A, Chapter 3, Utah Occupational Disease Act, or as would be required if licensed under this chapter; or
- 2158 (b) unemployment compensation under Title 35A, Chapter 4, Employment Security Act, for an
individual who owns less than an 8% interest in the entity, as defined by rule;
- 2160 (21) as an unincorporated entity:
- 2161 (a) allows an owner to engage in a construction trade using a social security number that does not
belong to that individual; or
- 2163 (b) provides labor to another licensed entity by supplying an individual who uses a social security
number that does not belong to that individual;
- 2165 (22) as a sign installation contractor or nonelectrical outdoor advertising sign contractor, as described
by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act, fails to:
- 2168 (a) prominently display the contractor's business name and license number on a vehicle used for
business; or
- 2170 (b) carry a copy of the contractor's license in any vehicle used at a job site;
- 2171 (23) as a contractor, fails to comply with requirements a political subdivision, state agency, or board of
education imposes in accordance with Section 58-55-206;
- 2173 (24) as a contractor, fails to comply in a timely manner with requirements described in Section
58-55-211;
- 2175 (25) engages in the installation, repair, maintenance, cleaning, or replacement of a residential or a
commercial gas appliance or a combustion system without the certification described in Section
58-55-503, or allows an employee to do so; or
- 2178 (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.**
- 2181 (1)
- (a) An individual commits a class A misdemeanor by violating:
- 2182 (i) Section 58-55-503;
- 2183 (ii) Section 58-55-504;
- 2184 (iii) Subsections 58-55-601(1) through (7), (9), (10), and (12), (14)(e), or (21) through (24); or

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- 2186 (iv) failing to comply with a citation issued under this chapter.
- 2187 (b) An individual who violates Subsection 58-55-601(8) may not receive or accept a contract to perform
2189 work or act as a qualifier.
- 2189 (2)
- 2190 (a) An individual commits an infraction by violating Subsection 58-55-601(13).
- 2190 (b) An individual commits theft under Section 76-6-404 if the individual violates 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.**
- A person engages in unprofessional conduct if the person:
- 2195 (1) fails to establish, maintain, or demonstrate financial responsibility in accordance with Section
58-55-205, while holding a contractor license under Part 2, Contractors;
- 2197 (2) disregards or violates, through gross negligence or a pattern of negligence:
- 2198 (a) state or local building or construction laws;
- 2199 (b) safety and labor laws applicable to a project;
- 2200 (c) health laws applicable to a project;
- 2201 (d) workers' compensation insurance laws applicable to a project;
- 2202 (e) laws governing employee state and federal income tax withholdings, unemployment tax, Social
Security payroll tax, or other required withholdings; or
- 2204 (f) state or federal reporting, notification, and filing laws;
- 2205 (3) commits, causes, or directs a willful, fraudulent, or deceitful act that causes material injury to
another person;
- 2207 (4) commits a contract violation that threatens or potentially threatens the public health, safety, or
welfare, including when the person:
- 2209 (a) willfully, deliberately, or with gross negligence disregards plans or specifications, abandons a
project, or fails to complete a project without obtaining consent from the owner, the owner's
authorized representative, or any other person entitled to completion under the contract;
- 2213 (b) fails to deposit funds for the benefit of an employee;
- 2214 (c) fails to maintain health insurance benefits required by a written contract, unless the person provides
the employee with written notice at least 45 days before canceling or reducing a health insurance
benefit;

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- 2217 (d) fails to reimburse the Residence Lien Recovery Fund as required under Section 38-11-207;
2219 (e) fails to provide information required under Section 38-11-108; or
2220 (f) willfully or deliberately misrepresents or omits a material fact when applying to claim recovery from
the Residence Lien Recovery Fund under Section 38-11-204;
2222 (5) fails to comply with operating standards described in Section 58-55-502;
2223 (6) as an unincorporated entity, fails to provide workers' compensation coverage as required under Title
34A, Chapter 2, Workers' Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease
Act, for an individual who engages or will engage in a construction trade in this state for the entity;
2227 (7) fails to continuously maintain insurance and registration as required under Section 58-55-204; or
2229 (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.**
- 2232 (1) As used in this section, "qualifying violation" means a violation of:
2233 (a) Section 58-55-503;
2234 (b) Section 58-55-504;
2235 (c) Subsections 58-55-601(1) through (3), (7), (9), (10), (12), (14)(e), and (16), or Subsection
58-55-601(18) through (24); or
2237 (d) Subsection 58-55-602(4) or (6).
2238 (2)
(a) If an investigation shows a person committed a qualifying violation, or violated a division rule or
order related to a qualifying violation, the division shall:
2240 (i) issue a citation;
2241 (ii) attempt a stipulated settlement; or
2242 (iii) require the person to appear in an adjudicative proceeding in accordance with Title 63G,
Chapter 4, Administrative Procedures Act;
2244 (b) The division may assess a fine and issue a cease-and-desist order based on:
2245 (i) an uncontested citation;
2246 (ii) a stipulated settlement; or
2247 (iii) a violation finding in an adjudicative proceeding regarding a qualifying violation.
2248 (3)
(a) Each citation shall:

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- 2249 (i) be in writing;
- 2250 (ii) describe the qualifying violation with specific reference to statute, rule, or order;
- 2251 (iii) instruct the recipient to request a hearing in writing within 20 calendar days after the day on
 which the division issues the citation if the recipient contests; and
- 2253 (iv) state the consequences of failing to contest or pay fines.
- 2254 (b) The division may serve the citation:
- 2255 (i) according to the Utah Rules of Civil Procedure;
- 2256 (ii) in person or through an agent; or
- 2257 (iii) by mail.
- 2258 (c) If the recipient does not request a hearing within 20 calendar days after the day on which the citation
 is issued, the citation becomes a final division order.
- 2260 (d) The division may extend the 20 calendar day period for cause.
- 2261 (4)
- (a) The division may deny, suspend, revoke, place on probation, or refuse to issue or renew the license
 of a person that does not comply with a final citation.
- 2263 (b) The division shall issue a citation within one year of the reported qualifying violation.
- 2264 (5) The director or the director's designee shall assess fines as follows:
- 2265 (a) except as provided in Subsection (5)(b), for a qualifying violation:
- 2266 (i) for a first offense, up to \$1,000;
- 2267 (ii) for a second offense, up to \$2,000; and
- 2268 (iii) for an additional qualifying violation, other than a violation described in Subsection 58-55-601(14)
 (e) or (24), up to \$2,000 per day of continued offense; and
- 2271 (b) for a violation of Subsection 58-55-601(14)(e) or (24):
- 2272 (i) for a first offense, up to \$2,000;
- 2273 (ii) for a second offense, up to \$4,000; and
- 2274 (iii) for an additional violation of Subsection 58-55-601(14)(e) or (24), up to \$4,000 per day of
 continued qualifying violation.
- 2276 (6)
- (a) Except as provided in Subsection (8), the division shall consider a qualifying violation a second or
 additional offense if:
- 2278 (i) a prior final order established a qualifying violation; or

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- 2279 (ii) the division initiated an action for an earlier offense and finds a second qualifying violation
2281 during a new investigation before resolving the initial case.
- 2281 (b) The division shall follow this section when issuing final orders for repeated qualifying violations.
- 2283 (7)
- 2285 (a) The division shall revoke a license if the licensee violates Subsection 58-55-601(19) or (20) two or
 more times in a 12-month period.
- 2285 (b) The division may exempt a licensee from revocation under Subsection 58-55-601(19) if the licensee
 proves the licensee verified the individual's federal work status using a status verification system
 under Section 13-47-102.
- 2288 (c) Each qualifying violation under Subsection 58-55-601(20) or (21) involving a different individual
 counts as a separate qualifying violation.
- 2290 (8) If five or more years pass between qualifying violations, the division may not treat a new qualifying
 violation as a second or additional qualifying violation.
- 2292 (9) The division may treat each instance of the same type of qualifying violation under Section
 58-55-601 as a separate offense and may impose a separate penalty for each.
- 2294 (10) The division and commission may suspend a license if:
- 2295 (a) the licensee receives a citation for violating:
- 2296 (i) Section 58-55-503;
- 2297 (ii) Section 58-55-504; or
- 2298 (iii) Section 58-55-601; or
- 2299 (b) the licensee fails to:
- 2300 (i) apply for a new license for a new business structure;
- 2301 (ii) maintain or demonstrate financial responsibility in accordance with Section 58-55-205, while
 holding a contractor license under Part 2, Contractors; or
- 2303 (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.**
- 2306 (1) In accordance with Section 58-1-401, if an applicant or licensee does not meet the qualifications for
 licensure, the division may:
- 2308 (a) refuse to issue or renew a license;
- 2309

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(b) revoke the right of a licensee to recover from the Residence Lien Recovery Fund created by Section 38-11-201;

2311 (c) revoke, suspend, or restrict a license;

2312 (d) issue a public or private reprimand to an applicant or a licensee; and

2313 (e) issue a cease-and-desist order.

2314 (2) In addition to an action taken under Subsection (1), the division may take an action described in Subsection 58-1-401(2) in relation to a contractor license, if:

2316 (a) the applicant or licensee is an unincorporated entity; and

2317 (b) an individual who holds an ownership interest in or is the qualifier under Section 58-55-108 engages in:

2319 (i) unlawful conduct as described in Section 58-55-601; or

2320 (ii) unprofessional conduct as described in Section 58-55-602.

2362 Section 50. Section **50** is enacted to read:

2363 **58-55-606. Investigation of a regulated activity.**

2323 (1) The division shall be responsible for the investigation of a person or an activity that violates the provisions of this chapter.

2325 (2)

(a) The division shall investigate:

2326 (i) a licensee alleged to engage in unlawful or unprofessional conduct; and

2327 (ii) an unlicensed person engaged in a construction trade regulated under this chapter.

2328 (3) If the division finds there is no apparent material jeopardy to the public health, safety, or welfare, the division shall decline investigation of an alleged violation of this chapter.

2330 (4)

(a) The division shall inspect construction trade to determine compliance with Subsections 58-1-501(2) (a)(vii), 58-55-601(14), and 58-55-602(2) through (4).

2332 (b) Except for Subsection (4)(a), the division has no obligation to inspect construction trade to determine compliance with applicable code or industry standard.

2334 (5) An authorized representative of the division may enter the premises or a site to inspect work regulated under this chapter for compliance.

2377 Section 51. Section **51** is enacted to read:

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

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- 2338 (1) The division shall deposit collected fines into the Commerce Service Account created under Section
13-1-2.
- 2340 (2) If a person fails to pay a penalty, the director may:
- 2341 (a) refer the case to a collection agency; or
- 2342 (b) file a district court action in the person's county or the county where the director's office is located.
- 2344 (3) The county attorney or attorney general shall provide legal support in penalty collection actions.
- 2346 (4) The court shall award attorney fees and costs to the prevailing party in such actions.
- 2388 Section 52. Section **52** is enacted to read:
- 2391 **58-91-101. Definitions.**
91. Alarm Company Licensing Act
1. General Provisions
- As used in this chapter:
- 2352 (1)
- (a) "Alarm company" means a person that installs, maintains, alters, repairs, replaces, services, or
monitors an alarm system.
- 2354 (b) "Alarm company" does not include:
- 2355 (i) a person that manufactures or sells an alarm system unless:
- 2356 (A) that person installs, maintains, alters, repairs, replaces, services, or monitors the alarm system;
- 2358 (B) the manufacture or sale occurs at a location other than the person's established place of business; or
- 2360 (C) the manufacture or sale involves a site visit where the alarm system will be installed; or
- 2362 (ii) the owner of an alarm system, or an employee of the owner of an alarm system, who installs,
maintains, alters, repairs, replaces, services, or monitors the alarm system.
- 2365 (2)
- (a) "Alarm company agent" means an individual that an alarm company employs within this state that
sells, installs, maintains, alters, repairs, replaces, services, or monitors an alarm system.
- 2368 (b) "Alarm company agent" does not include an individual who does not use or have access to sensitive
alarm system information.
- 2370 (3) "Alarm company officer" means:
- 2371 (a) a governing person, as defined in Section 48-3a-102, of an alarm company;
- 2372 (b) an individual appointed as an officer of an alarm company that is a corporation in accordance with
Section 16-10a-830;

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- 2374 (c) a general partner, as defined in Section 48-2e-102, of an alarm company; or
2375 (d) a partner, as defined in Section 48-1d-102, of an alarm company.
- 2376 (4) "Alarm company owner" means:
2377 (a) a shareholder, as defined in Section 16-10a-102, who owns directly, or indirectly through an entity
controlled by the individual, 5% or more of the outstanding shares of an alarm company that:
2380 (i) is a corporation; and
2381 (ii) is privately owned; or
2382 (b) an individual who owns directly, or indirectly through an entity controlled by the individual, 5% or
more of the equity of an alarm company that is not a corporation.
- 2384 (5) "Alarm company proprietor" means the sole proprietor of an alarm company that is registered as a
sole proprietorship with the Division of Corporations and Commercial Code.
- 2387 (6) "Alarm company trustee" means a person with control of or power of administration over an alarm
company held in trust.
- 2389 (7)
(a) "Alarm system" means equipment for detecting and signaling unauthorized intrusion or entry into or
onto a protected premises.
- 2391 (b) "Alarm system" includes a battery-charged suspended-wire system or fence that interfaces with an
alarm system.
- 2393 (8) "Board" means the Alarm System Security and Licensing Board created in Section 58-91-201.
2395 (9)
(a) "Control position" means a person that exercises direct or indirect control over an entity.
- 2397 (10)
(a) "Control position" includes:
2398 (i) a corporate officer or a director;
2399 (ii) a shareholder who owns 25% or more of the stock;
2400 (iii) a partner or a member; and
2401 (iv) a qualifier.
- 2402 (11) "Employee" means an individual the division defines by rule in accordance with Title 63G,
Chapter 3, Utah Administrative Rulemaking Act, giving consideration to the definition adopted by
the Internal Revenue Service and the Department of Workforce Services.
- 2406

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(12) "Qualifier" means the individual who has the license that allows an alarm company to engage as a licensed alarm company.

2408 (13) "Responsible management personnel" means:

2409 (a) a qualifier;

2410 (b) an operations manager; or

2411 (c) a site manager.

2412 (14) "Sensitive alarm system information" means:

2413 (a) a passcode or other code used in the operation of an alarm system;

2414 (b) the location of alarm system components at the premises of a customer of the alarm company providing the alarm system;

2416 (c) information that would allow the compromise of an alarm system of a customer of the alarm company providing the alarm system; or

2418 (d) other similar information that the division by rule determines to be information that an individual an alarm company employs should use or have access to only if the individual is licensed in accordance with this chapter.

2421 (15) "Substance use disorder" means the same as that term is defined in the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

2424 (16) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-91-501.

2426 (17) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-91-502 and as may be further defined by rule.

2428 (18) "Wages" means amounts due to an employee for labor or services whether the amount is fixed or ascertained on a time, task, piece, commission, or other basis for calculating the amount.

2472 Section 53. Section **53** is enacted to read:

2473 **58-91-102. Surcharge.**

2433 (1)

(a) The division shall collect a \$1 surcharge from each applicant for an initial license, a renewal of a license, or a reinstatement of a license.

2435 (b) The surcharge described in Subsection (1)(a) is in addition to other fees this chapter or the division authorizes in accordance with Section 63J-1-504.

2437 (2)

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

2439 (b) The division shall use the dedicated credits to provide a licensee with access to an internet-based library of national, state, and local building codes and standards.

2482 Section 54. Section **54** is enacted to read:

2483 **58-91-103. Proof of licensure to begin or maintain litigation.**

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

2446 (1) when entering into the contract; and

2447 (2) when the cause of action arose.

2489 Section 55. Section **55** is enacted to read:

2491 **58-91-201. Board.**

2. Board

2451 (1)

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

2453 (i) three individuals who are alarm company officers or alarm company owners;

2454 (ii) one individual from among nominees of the Utah Peace Officers Association; and

2455 (iii) one individual who is a member of the general public and who has never been an alarm company owner, an alarm company officer, or an alarm company agent.

2457 (b) The Alarm System Security and Licensing Board shall designate a member to:

2458 (i) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and

2460 (ii) advise the division in the division's investigation of complaints.

2461 (c) A board member who advises in the investigation of a complaint is disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

2464 (2) The duties, functions, and responsibilities of the board include:

2465 (a) recommending rules;

2466 (b) recommending policy and budgetary matters;

2467 (c) approving and establishing a passing score for applicant examinations;

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- 2468 (d) overseeing the screening of applicants for licensing, renewal, reinstatement, and relicensure;
2470 (e) establishing standards of supervision for students or individuals in training to qualify for a license as
an alarm company or as an alarm company agent; and
2472 (f) acting as the presiding officer in conducting a hearing associated with an adjudicative proceeding
and in issuing recommended orders.
- 2515 Section 56. Section **56** is enacted to read:
2517 **58-91-301. License required -- License classifications -- Scope.**
3. Licensing
- 2477 (1)
- (a) A person shall obtain a license under this chapter before engaging as an alarm company or an alarm
company agent unless the person is exempt from licensure under Section 58-1-307 or 58-91-306.
- 2480 (b) The only licenses required for the licensee to engage as an alarm company or an alarm company
agent are:
- 2482 (i) a license issued under this chapter; and
2483 (ii) a business license from the local jurisdiction where the licensee maintains the licensee's principal
place of business.
- 2485 (c) The state or a political subdivision may not impose additional requirements on a licensee to do
business except:
- 2487 (i) contract prequalification procedures a state agency requires; or
2488 (ii) the payment of fees a local jurisdiction makes as a condition for doing business.
- 2489 (2) The division shall issue a license under this chapter to a qualified person in the following
classifications:
- 2491 (a) alarm company; or
2492 (b) alarm company agent.
- 2493 (3) The installation, repair, maintenance, or replacement of a battery-charged suspended-wire system
or fence requires licensure under this chapter when the battery-charged suspended-wire system or
fence:
- 2496 (a) is part of and interfaces with an alarm system for the purposes of detecting and deterring
unauthorized intrusion or entry into or onto certain premises;
- 2498 (b) is located on property that is not designated by a municipality or county for residential use;
2500 (c) is driven by a commercial storage battery that provides no more than 12 volts of direct current;

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- 2502 (d) is capable of producing an electric charge on contact that does not exceed energizer characteristics
2505 set for electric fence energizers by the International Electrotechnical Commission;
- 2507 (e) is surrounded by a nonelectric perimeter fence or wall that is at least five feet in height;
- 2508 (f) is not more than the higher of:
- 2509 (i) two feet higher than the height of the nonelectric perimeter fence or wall; or
- 2510 (ii) 10 feet in height;
- 2513 (g) is marked with conspicuous warning signs that are located on the battery-charged suspended-
wire system or fence at no more than 30-foot intervals and that read "WARNING -- ELECTRIC
FENCE"; and
- 2557 Section 57. Section **57** is enacted to read:
- 2558 **58-91-302. Licensee names -- License number use -- Qualifier.**
- 2518 (1) The division may not issue a license in a name that the division determines may result in confusion
for the name of another licensee.
- 2520 (2) Except as provided in Subsection (1), the division shall issue a license in the name of an alarm
company if the alarm company applicant meets the requirements under this chapter.
- 2523 (3) The division shall require the alarm company's license number on permit applications, contracts,
agreements, or bids that require a license.
- 2525 (4)
- 2526 (a) The division shall require an alarm company to have a qualifier.
- 2530 (b) An individual acting as a qualifier for an alarm company shall demonstrate to the division that the
individual is an alarm company officer, an alarm company owner, or manager of the alarm company
who exercises material authority in the conduct of the alarm company by:
- 2532 (i) making substantive technical and administrative decisions relating to the work performed for which
a license under this chapter is required;
- 2534 (ii) hiring, promoting, transferring, laying off, disciplining, directing, or discharging employees of the
alarm company; and
- 2534 (iii) avoiding involvement in other employment or activity that conflict with the individual's duties and
responsibilities to ensure the licensee does not jeopardize the public health, safety, and welfare.

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- 2537 (5)
- (a) The division may take action against:
- 2538 (i) an individual licensee that violates the requirements of this section;
- 2539 (ii) a contractor licensee if the qualifier or contractor licensee violates the requirements of this
section; and
- 2541 (iii) a qualifier if the qualifier or contractor licensee violates the requirements of this section.
- 2543 (b) The division may consider failure to comply with the requirements of this section to be
unprofessional conduct by the licensee, the qualifier, or both.
- 2545 (6)
- (a) If a qualifier for an alarm company ceases association with the alarm company, the alarm company
shall notify the division in writing within 10 days after the day on which the association ceases.
- 2548 (b) If notice is given, the alarm company's license shall remain in force for 60 days after the day on
which the association ceases.
- 2550 (c) The division shall suspend the alarm company's license if the alarm company does not replace the
original qualifier with another qualifier within the 60-day period.
- 2552 (7) The division may suspend the alarm company's license if the alarm company does not notify the
division of cessation of association of a qualifier.
- 2595 Section 58. Section **58** is enacted to read:
- 2596 **58-91-303. Term of license -- Expiration -- Renewal and reinstatement.**
- 2556 (1)
- (a) The division shall issue a license for a term of two years as the division establishes by rule the
division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 2559 (b) The division may extend or shorten a license term by up to one year to stagger renewals as
the division determines by rule in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act.
- 2562 (2)
- (a) The division shall renew or reinstate an individual license after the applicant:
- 2563 (i) submits an application in the individual's name; and
- 2564 (ii) meets all other requirements of this chapter.
- 2565 (b) The division shall renew or reinstate an alarm company's license after the applicant:
- 2566 (i) submits the application in the name of and on behalf of an alarm company;

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- 2567 (ii) lists the individual acting as the qualifier for the alarm company;
2568 (iii) provides evidence that the qualifier has passed the required examination; and
2569 (iv) meets all other requirements of this chapter.
- 2570 (3) Each license expires on the expiration date shown on the license.
2571 (4) In addition to requirements imposed by law, an applicant applying for reinstatement of a license the
division suspended or revoked shall:
- 2573 (a) pay fines the division imposes; and
2574 (b) resolve outstanding citations or disciplinary actions with the division.
- 2616 Section 59. Section **59** is enacted to read:
2617 **58-91-304. Qualifications for licensure.**
- 2577 (1) Each applicant for a license as an alarm company shall:
2578 (a) submit an application the division approves;
2579 (b) pay the fee the division determines in accordance with Section 63J-1-504;
2580 (c) have a qualifier who:
2581 (i) is an alarm company officer, alarm company owner, alarm company proprietor, alarm company
trustee, or other responsible management personnel;
2583 (ii) demonstrates 6,000 hours of experience in the alarm company business;
2584 (iii) demonstrates 2,000 hours of experience as a manager or administrator in the alarm company
business or in a construction business;
2586 (iv) passes an examination the division makes in collaboration with the board;
2587 (v) requires that each alarm company officer, alarm company owner, alarm company proprietor, alarm
company trustee, and responsible management personnel with direct responsibility for managing
operations of the applicant within the state:
- 2590 (A) provide the individual's name, address, date of birth, social security number, and fingerprints to the
division;
2592 (B) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
2594 (C) meet background check standards the division makes by rule under Title 63G, Chapter 3, Utah
Administrative Rulemaking Act; and
2596 (D) disclose criminal history the division requests on a form the division approves;
2597 (vi) documents that none of the individuals described in Subsection (1)(c)(v):
2598

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- (A) are declared by a court with jurisdiction incompetent by reason of mental defect or disease and not been restored; or
- 2600 (B) are currently suffering from a substance use disorder;
- 2601 (vii) files and maintains with the division evidence of:
- 2602 (A) comprehensive general liability insurance in form and in amounts the division determines by rule made in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 2605 (B) workers' compensation insurance that covers employees of the applicant in accordance with applicable Utah law; and
- 2607 (C) registration as is required by applicable law with the Division of Corporations and Commercial Code, the Unemployment Insurance Division in the Department of Workforce Services for purposes of Title 35A, Chapter 4, Employment Security Act, the State Tax Commission, and the Internal Revenue Service; and
- 2612 (viii) meets with the division and board if the division or the board requests.
- 2613 (2) Each applicant for a license as an alarm company agent shall:
- 2614 (a) submit an application in a form the division approves;
- 2615 (b) submit fingerprints in a form the division approves;
- 2616 (c) pay the fee the division determines in accordance with Section 63J-1-504;
- 2617 (d) consent to and complete a criminal background check described in Section 58-1-301.5;
- 2619 (e) meet background check standards the division makes by rule under Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 2621 (f) disclose criminal history the division requests on a form the division approves;
- 2622 (g) attest the applicant has not been declared by a court with jurisdiction incompetent by reason of mental defect or disease and not been restored;
- 2624 (h) attest the applicant is not currently suffering from a substance use disorder; and
- 2625 (i) meet with the division and board if the division or the board requests.
- 2626 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules establishing when the division shall check Federal Bureau of Investigation records for an alarm company or an alarm company agent applicant under this section and Section 58-1-301.5.
- 2630 (4)
- (a) The division shall deny an application for licensure under this chapter if:

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- 2631 (i) the applicant has had a previous license issued under this chapter suspended or revoked within
 two years before the date of the applicant's application;
- 2633 (ii)
- (A) the applicant is a partnership, corporation, or limited liability company; and
- 2634 (B) a person that serves the applicant entity in a control position previously served in a control position
 for an entity that held a license the division suspended or revoked less than two years before the date
 of the application; or
- 2637 (iii)
- (A) the applicant is an individual or sole proprietorship; and
- 2638 (B) any person that served in a control position in any entity which has had a previous license, which
 was issued under this chapter, suspended or revoked within two years before the date of the
 applicant's application.
- 2641 (b) The board shall review an application for licensure under this chapter before approval if:
- 2643 (i) the applicant has had a previous license, which was issued under this chapter, suspended or revoked
 more than two years before the date of the applicant's application;
- 2646 (ii)
- (A) the applicant is a partnership, corporation, or limited liability company; and
- 2647 (B) a person that serves the applicant entity in a control position previously served in a control position
 for an entity that held a license the division suspended or revoked less than two years before the date
 of the application; or
- 2650 (iii)
- (A) the applicant is an individual or sole proprietorship; and
- 2651 (B) a person that serves the applicant entity in a control position previously served in a control position
 for an entity that held a license that the division suspended or revoked two years or more before the
 date of the application.
- 2695 Section 60. Section **60** is enacted to read:
- 2696 **58-91-305. Evidence of licensure.**
- An individual licensed as an alarm company agent shall:
- 2657 (1) carry a copy of the individual's license issued under this chapter on the individual's person while
 engaging in an activity for which this chapter requires a license; and
- 2659

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

2702 Section 61. Section **61** is enacted to read:

2703 **58-91-306. Exemptions from licensure.**

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

2665 (1) the owner of an alarm system; or

2666 (2) an employee of the owner of an alarm system.

2708 Section 62. Section **62** is enacted to read:

2709 **58-91-307. Temporary permits for alarm company agents.**

2669 (1) The division may issue a temporary permit to an applicant for licensure as an alarm company agent if:

2671 (a) the division has received a background check on the applicant from the Bureau of Criminal Identification;

2673 (b)

(i) the applicant is or will be employed at a call center, office, or administrative facility of an alarm company; and

2675 (ii) the applicant's only contact with a customer or potential customer of the alarm company is from the call center, office, or administrative facility; and

2677 (c) the alarm company by which the applicant is or will be employed affirms in writing to the division that the applicant will act only within the scope of the temporary license, as provided in Subsection (1)(b).

2680 (2) A temporary license shall expire on the earlier of:

2681 (a) 90 days after the day on which the division issues the temporary permit;

2682 (b) the date on which the individual to whom the division issues the temporary license leaves the employment of the alarm company in Subsection (1)(b); or

2684 (c) the date on which the division issues a license to the applicant or denies the applicant's application.

2727 Section 63. Section **63** is enacted to read:

2729 **58-91-401. Investigation of regulated activity.**

4. License Denial and Discipline

2689

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(1) The division is responsible for the investigation of a person or an activity that violates a provision of this chapter.

2691 (2) A division investigation may include:

2692 (a) a licensee allegedly engaged in unlawful or unprofessional conduct; or

2693 (b) an unlicensed person allegedly engaged in an activity this chapter regulates and for which the division requires a license.

2695 (3) The division shall decline to proceed with investigation of the violation of a provision of this chapter if the division finds there is no apparent material jeopardy to the public health, safety, and welfare.

2739 Section 64. Section **64** is enacted to read:

2741 **58-91-501. Unlawful conduct.**

5. Unlawful and Unprofessional Conduct

A person engages in unlawful conduct if the person:

2702 (1) acts as or represents that the person may act as an alarm company or alarm company agent without holding a license or qualifying for an exemption;

2704 (2) acts as an alarm company beyond the scope of the license the person holds;

2705 (3) willfully or deliberately misrepresents or omits a material fact when applying to obtain or renew a license;

2707 (4) allows another person to use the person's license, except as permitted by statute or rule;

2708 (5) does business under a name other than the name on the license, unless statute or rule allows otherwise;

2710 (6) employs an unlicensed alarm company or an unlicensed individual as an alarm company agent, except as allowed under Section 58-1-307;

2712 (7) files fingerprints with the division that do not belong to the applicant or are false or fraudulent with intent to mislead the division during the licensure process;

2714 (8) allows an employee with a temporary license under Section 58-91-307 to act outside the scope of the temporary license; or

2716 (9) as an alarm company agent with a temporary license under Section 58-91-307, acts outside the scope of the temporary license.

2759 Section 65. Section **65** is enacted to read:

2760 **58-91-502. Penalty for unlawful conduct.**

An individual commits a class A misdemeanor by:

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- 2721 (1) violating Subsections 58-91-501(1) through (4), or Subsections 58-91-501 (6) through (9); or
2723 (2) failing to comply with a final citation issued under this section.
- 2765 Section 66. Section **66** is enacted to read:
2766 **58-91-503. Unprofessional conduct.**
- A person engages in unprofessional conduct if the person:
- 2727 (1) commits, causes, or directs a willful, fraudulent, or deceitful act that causes material injury to
another person;
- 2729 (2) commits a contract violation that threatens or potentially threatens the public health, safety, or
welfare, including when the person fails to deposit funds for the benefit of an employee as required
under a written contractual obligation;
- 2732 (3) as an alarm company, fails to notify the division when the company's qualifier ceases to perform or
fails to replace the qualifier as required under Subsection 58-91-303(6);
- 2734 (4) as an alarm company agent, fails to carry or display a copy of the agent's license as required under
Section 58-91-305;
- 2736 (5) fails to comply with operating standards the division makes by rule;
- 2737 (6) as an alarm company or alarm company agent, fails to inform a potential customer, before the
customer purchases an alarm system or alarm service, about the policy of the county, city, or town
where the customer resides about priority levels for responding to alarm signals transmitted by the
alarm system; or
- 2741 (7) fails to continuously maintain insurance and registration as required under Subsection 304(1)(c)(vii).
- 2784 Section 67. Section **67** is enacted to read:
- 2785 **58-91-504. Citations -- Fines -- License suspension-- License revocation.**
- 2745 (1) As used in this section, "qualifying violation" means a violation of:
- 2746 (a) Subsections 58-91-501(1) through (4), Subsection 58-91-501(6), or Subsections 58-91-501(8)
through (9); or
- 2748 (b) Subsection 58-91-503(1).
- 2749 (2)
- (a) If an investigation shows a person committed a qualifying violation, or broke a related rule or order
the division issued regarding a qualifying violation, the division shall:
- 2752 (i) issue a citation;
- 2753 (ii) attempt a stipulated settlement; or

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- 2754 (iii) require the person to appear in an adjudicative proceeding under Title 63G, Chapter 4,
 Administrative Procedures Act.
- 2756 (b) The division may assess a fine and issue a cease-and-desist order based on:
- 2757 (i) an uncontested citation;
- 2758 (ii) a stipulated settlement; or
- 2759 (iii) a violation finding in an adjudicative proceeding.
- 2760 (3)
- (a) Each citation shall:
- 2761 (i) be in writing;
- 2762 (ii) describe the violation with specific reference to statute, rule, or order;
- 2763 (iii) instruct the recipient to request a hearing in writing within 20 calendar days after the day on
 which the citation is issued if the recipient contests; and
- 2765 (iv) state the consequences of failing to contest or pay fines.
- 2766 (b) The division may serve the citation:
- 2767 (i) according to the Utah Rules of Civil Procedure;
- 2768 (ii) in person or via an agent; or
- 2769 (iii) by mail.
- 2770 (c) If the recipient does not request a hearing within 20 calendar days after the day on which the citation
 is issued, the citation becomes a final division order.
- 2772 (d) The division may extend the 20-calendar day period for cause.
- 2773 (4)
- (a) The division may refuse to issue or renew, suspend, revoke, or place on probation the license of a
 person that does not comply with a final citation.
- 2775 (b) The division may deny licensure after the applicant fails to comply with a final citation.
- 2777 (c) The division shall issue a citation within one year of the reported violation.
- 2778 (5) The director or designee shall assess a fine for a qualifying violation as follows:
- 2779 (a) first offense: up to \$1,000;
- 2780 (b) for second offense: up to \$2,000; and
- 2781 (c) additional offenses: up to \$2,000 per day of continued offense.
- 2782 (6)
- (a) The division considers a violation a second or subsequent offense if:

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- 2783 (i) a prior final order established a qualifying violation; or
2784 (ii) the division initiated an action for a prior offense and later finds a second violation during a new
investigation before resolving the initial case.
- 2786 (b) The division shall follow this section when issuing final orders for repeated violations.
- 2788 (7) If five or more years pass between violations, the division may not treat a new violation as a
subsequent violation.
- 2790 (8) The division may treat each instance of the same type of violation under Section 58-91-501 as a
separate offense and may impose a separate penalty for each.
- 2792 (9) The division may immediately suspend a license if:
- 2793 (a) the licensee receives a citation for violating Section 58-91-501; or
2794 (b) the licensee fails to:
- 2795 (i) apply for a new license for a new classification or business structure; or
2796 (ii) notify the division of a change in qualifier.
- 2838 Section 68. Section **63G-2-302** is amended to read:
2839 **63G-2-302. Private records.**
- 2799 (1) The following records are private:
- 2800 (a) records concerning an individual's eligibility for unemployment insurance benefits, social services,
welfare benefits, or the determination of benefit levels;
- 2802 (b) records containing data on individuals describing medical history, diagnosis, condition, treatment,
evaluation, or similar medical data;
- 2804 (c) records of publicly funded libraries that when examined alone or with other records identify a
patron;
- 2806 (d) records received by or generated by or for:
- 2807 (i) the [~~Independent~~] independent Legislative Ethics Commission, except for:
- 2808 (A) the commission's summary data report that is required under legislative rule; and
2810 (B) any other document that is classified as public under legislative rule; or
- 2811 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints, unless the record
is classified as public under legislative rule;
- 2813 (e) records received by, or generated by or for, the [~~Independent~~] independent Executive Branch Ethics
Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review of Executive
Branch Ethics Complaints;

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- 2816 (f) records received or generated for a Senate confirmation committee concerning character,
professional competence, or physical or mental health of an individual:
- 2818 (i) if, prior to the meeting, the chair of the committee determines release of the records:
- 2820 (A) reasonably could be expected to interfere with the investigation undertaken by the committee; or
- 2822 (B) would create a danger of depriving a person of a right to a fair proceeding or impartial hearing; and
- 2824 (ii) after the meeting, if the meeting was closed to the public;
- 2825 (g) employment records concerning a current or former employee of, or applicant for employment with,
a governmental entity that would disclose that individual's home address, home telephone number,
social security number, insurance coverage, marital status, or payroll deductions;
- 2829 (h) records or parts of records under Section 63G-2-303 that a current or former employee identifies as
private according to the requirements of that section;
- 2831 (i) that part of a record indicating a person's social security number or federal employer identification
number if provided under Section 31A-23a-104, 31A-25-202, 31A-26-202, 58-1-301,
[58-55-302] 58-55-203, 58-91-304, 61-1-4, or 61-2f-203;
- 2834 (j) that part of a voter registration record identifying a voter's:
- 2835 (i) driver license or identification card number;
- 2836 (ii) social security number, or last four digits of the social security number;
- 2837 (iii) email address;
- 2838 (iv) date of birth; or
- 2839 (v) phone number;
- 2840 (k) a voter registration record that is classified as a private record by the lieutenant governor or a county
clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or 20A-2-204(4)(b);
- 2843 (l) a voter registration record that is withheld under Subsection 20A-2-104(7);
- 2844 (m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any verification
submitted in support of the form;
- 2846 (n) a record or information regarding whether a voter returned a ballot with postage attached;
- 2848 (o) a record that:
- 2849 (i) contains information about an individual;
- 2850 (ii) is voluntarily provided by the individual; and
- 2851 (iii) goes into an electronic database that:
- 2852 (A) is designated by and administered under the authority of the Chief Information Officer; and

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- 2854 (B) acts as a repository of information about the individual that can be electronically retrieved and used
to facilitate the individual's online interaction with a state agency;
- 2857 (p) information provided to the [~~Commissioner of Insurance~~] commissioner of insurance under:
- 2859 (i) Subsection 31A-23a-115(3)(a);
- 2860 (ii) Subsection 31A-23a-302(4); or
- 2861 (iii) Subsection 31A-26-210(4);
- 2862 (q) information obtained through a criminal background check under Title 11, Chapter 40, Criminal
Background Checks by Political Subdivisions Operating Water Systems;
- 2864 (r) information provided by an offender that is:
- 2865 (i) required by the registration requirements of Title 53, Chapter 29, Sex, Kidnap, and Child Abuse
Offender Registry; and
- 2867 (ii) not required to be made available to the public under Subsection 53-29-404(3)(a);
- 2868 (s) a statement and any supporting documentation filed with the attorney general in accordance with
Section 34-45-107, if the federal law or action supporting the filing involves homeland security;
- 2871 (t) electronic toll collection customer account information received or collected under Section 72-6-118
and customer information described in Section 17B-2a-815 received or collected by a public transit
district, including contact and payment information and customer travel data;
- 2875 (u) an email address provided by a military or overseas voter under Section 20A-16-501;
- 2876 (v) a completed military-overseas ballot that is electronically transmitted under Title 20A, Chapter 16,
Uniform Military and Overseas Voters Act;
- 2878 (w) records received by or generated by or for the Political Subdivisions Ethics Review Commission
established in Section 63A-15-201, except for:
- 2880 (i) the commission's summary data report that is required in Section 63A-15-202; and
- 2881 (ii) any other document that is classified as public in accordance with Title 63A, Chapter 15, Political
Subdivisions Ethics Review Commission;
- 2883 (x) a record described in Section 53G-9-604 that verifies that a parent was notified of an incident or
threat;
- 2885 (y) a criminal background check or credit history report conducted in accordance with Section
63A-3-201;
- 2887 (z) a record described in Subsection 53-5a-104(7);
- 2888 (aa) on a record maintained by a county for the purpose of administering property taxes, an individual's:

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- 2890 (i) email address;
- 2891 (ii) phone number; or
- 2892 (iii) personal financial information related to a person's payment method;
- 2893 (bb) a record submitted by a taxpayer to establish the taxpayer's eligibility for an exemption, deferral, abatement, or relief under:
- 2895 (i) Title 59, Chapter 2, Part 11, Exemptions; or
- 2896 (ii) Title 59, Chapter 2a, Tax Relief Through Property Tax;
- 2897 (cc) a record provided by the State Tax Commission in response to a request under Subsection 59-1-403(4)(y)(iii);
- 2899 (dd) a record of the Child Welfare Legislative Oversight Panel regarding an individual child welfare case, as described in Subsection 36-33-103(3);
- 2901 (ee) a record relating to drug or alcohol testing of a state employee under Section 63A-17-1004;
- 2903 (ff) a record relating to a request by a state elected official or state employee who has been threatened to the Division of Technology Services to remove personal identifying information from the open web under Section 63A-16-109;
- 2906 (gg) a record including confidential information as that term is defined in Section 67-27-106; and
- 2908 (hh) a record or notice received or generated under Title 53, Chapter 30, Security Improvements Act, relating to:
- 2910 (i) an application for certification described in Section 53-30-201; or
- 2911 (ii) a security improvement, including a building permit application or building permit for a security improvement described in Section 53-30-301.
- 2913 (2) The following records are private if properly classified by a governmental entity:
- 2914 (a) records concerning a current or former employee of, or applicant for employment with a governmental entity, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);
- 2919 (b) records describing an individual's finances, except that the following are public:
- 2920 (i) records described in Subsection 63G-2-301(2);
- 2921 (ii) information provided to the governmental entity for the purpose of complying with a financial assurance requirement; or
- 2923 (iii) records that must be disclosed in accordance with another statute;

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- 2924 (c) records of independent state agencies if the disclosure of those records would conflict with the
fiduciary obligations of the agency;
- 2926 (d) other records containing data on individuals the disclosure of which constitutes a clearly
unwarranted invasion of personal privacy;
- 2928 (e) records provided by the United States or by a government entity outside the state that are given
with the requirement that the records be managed as private records, if the providing entity states in
writing that the record would not be subject to public disclosure if retained by it;
- 2932 (f) any portion of a record in the custody of the Division of Aging and Adult Services, created in
Section 26B-6-102, that may disclose, or lead to the discovery of, the identity of a person who made
a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and
- 2936 (g) audio and video recordings created by a body-worn camera, as defined in Section 77-7a-103, that
record sound or images inside a home or residence except for recordings that:
- 2939 (i) depict the commission of an alleged crime;
- 2940 (ii) record any encounter between a law enforcement officer and a person that results in death or bodily
injury, or includes an instance when an officer fires a weapon;
- 2942 (iii) record any encounter that is the subject of a complaint or a legal proceeding against a law
enforcement officer or law enforcement agency;
- 2944 (iv) contain an officer-involved critical incident as defined in Subsection 76-2-408(1)(f); or
- 2946 (v) have been requested for reclassification as a public record by a subject or authorized agent of a
subject featured in the recording.
- 2948 (3)
- (a) As used in this Subsection (3), "medical records" means medical reports, records, statements,
history, diagnosis, condition, treatment, and evaluation.
- 2950 (b) Medical records in the possession of the University of Utah Hospital, its clinics, doctors, or
affiliated entities are not private records or controlled records under Section 63G-2-304 when the
records are sought:
- 2953 (i) in connection with any legal or administrative proceeding in which the patient's physical, mental, or
emotional condition is an element of any claim or defense; or
- 2955 (ii) after a patient's death, in any legal or administrative proceeding in which any party relies upon the
condition as an element of the claim or defense.
- 2957

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- (c) Medical records are subject to production in a legal or administrative proceeding according to state or federal statutes or rules of procedure and evidence as if the medical records were in the possession of a nongovernmental medical care provider.

3001 Section 69. Section **63I-1-258** is amended to read:

3002 **63I-1-258. Repeal dates: Title 58.**

2962 (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is repealed July 1, 2026.

2964 (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2035.

2965 (3) Title 58, Chapter 20b, Environmental Health Scientist Act, is repealed July 1, 2028.

2966 (4) Section 58-37-3.5, Drugs for behavioral health treatment, is repealed July 1, 2027.

2967 (5) Subsection 58-37-6(7)(f)(iii), regarding a seven-day opiate supply restriction, is repealed July 1, 2032.

2969 (6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2033.

2970 (7) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is repealed July 1, 2029.

2972 (8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July 1, 2033.

2974 (9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2034.

2975 (10) Subsection 58-47b-102(8), defining massage assistant, is repealed July 1, 2029.

2976 (11) Subsection 58-47b-102(9), defining massage assistant-in-training, is repealed July 1, 2029.

2978 (12) Subsection 58-47b-302(1), regarding applicant for a massage assistant-in-training, is repealed July 1, 2029.

2980 (13) Subsection 58-47b-302(2), regarding applicant for a massage assistant, is repealed July 1, 2029.

2982 (14) Subsection 58-47b-303(3)(b), regarding expiration of a massage assistant-in-training license, is repealed July 1, 2029.

2984 (15) Subsection [~~58-55-201(2)~~] 58-91-201(1)(a), regarding the Alarm System and Security Licensing Advisory Board, is repealed July 1, 2027.

2986 (16) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed July 1, 2026.

3028 Section 70. Section **63J-1-602.1** is amended to read:

3029 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

Appropriations made from the following accounts or funds are nonlapsing:

2990 (1) The Native American Repatriation Restricted Account created in Section 9-9-407.

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- (2) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission, as provided under Title 9, Chapter 23, Pete Suazo Utah Athletic Commission Act.
- 2993 (3) Funds collected for directing and administering the C-PACE district created in Section 11-42a-106.
- 2995 (4) Money received by the Utah Inland Port Authority, as provided in Section 11-58-105.
- 2996 (5) The Commerce Electronic Payment Fee Restricted Account created in Section 13-1-17.
- 2997 (6) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in Section 19-2a-106.
- 2999 (7) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in Section 19-5-126.
- 3001 (8) State funds for matching federal funds in the Children's Health Insurance Program as provided in Section 26B-3-906.
- 3003 (9) Funds collected from the program fund for local health department expenses incurred in responding to a local health emergency under Section 26B-7-111.
- 3005 (10) The Technology Development Restricted Account created in Section 31A-3-104.
- 3006 (11) The Criminal Background Check Restricted Account created in Section 31A-3-105.
- 3007 (12) The Captive Insurance Restricted Account created in Section 31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that section free revenue.
- 3009 (13) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.
- 3010 (14) The Health Insurance Actuarial Review Restricted Account created in Section 31A-30-115.
- 3012 (15) The State Mandated Insurer Payments Restricted Account created in Section 31A-30-118.
- 3014 (16) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.
- 3015 (17) The Underage Drinking Prevention Media and Education Campaign Restricted Account created in Section 32B-2-306.
- 3017 (18) The School Readiness Restricted Account created in Section 35A-15-203.
- 3018 (19) Money received by the Utah State Office of Rehabilitation for the sale of certain products or services, as provided in Section 35A-13-202.
- 3020 (20) The Property Loss Related to Homelessness Compensation Enterprise Fund created in Section 35A-16-212.
- 3022 (21) The Homeless Shelter Cities Mitigation Restricted Account created in Section 35A-16-402.
- 3024 (22) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.
- 3025 (23) The Oil and Gas Conservation Account created in Section 40-6-14.5.
- 3026 (24) The Division of Oil, Gas, and Mining Restricted account created in Section 40-6-23.

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- 3027 (25) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to the Motor Vehicle Division.
- 3029 (26) The License Plate Restricted Account created by Section 41-1a-122.
- 3030 (27) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account created by Section 41-3-110 to the State Tax Commission.
- 3032 (28) The State Disaster Recovery Restricted Account to the Division of Emergency Management, as provided in Section 53-2a-603.
- 3034 (29) The Disaster Response, Recovery, and Mitigation Restricted Account created in Section 53-2a-1302.
- 3036 (30) The Emergency Medical Services Critical Needs Account created in Section 53-2d-110.
- 3037 (31) The Department of Public Safety Restricted Account to the Department of Public Safety, as provided in Section 53-3-106.
- 3039 (32) The Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.
- 3040 (33) The DNA Specimen Restricted Account created in Section 53-10-407.
- 3041 (34) The Technical Colleges Capital Projects Fund created in Section 53H-9-605.
- 3042 (35) The Higher Education Capital Projects Fund created in Section 53H-9-502.
- 3043 (36) A certain portion of money collected for administrative costs under the School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.
- 3045 (37) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5, subject to Subsection 54-5-1.5(4)(d).
- 3047 (38) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-3a-105.
- 3049 (39) Certain fines collected by the Division of Professional Licensing for violation of unlawful or unprofessional conduct that are used for education and enforcement purposes, as provided in Section 58-17b-505.
- 3052 (40) Funds collected from a surcharge fee to provide certain licensees with access to an [electronic reference] internet-based library, as provided in Section 58-22-104.
- 3054 (41) Funds collected from a surcharge fee to provide certain licensees with access to an [electronic reference] internet-based library, as provided in Section 58-55-106.
- 3056 (42) Funds collected from a surcharge fee to provide certain licensees with access to an [electronic reference] internet-based library, as provided in Section 58-56-3.5.

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- 3058 (43) Funds collected from a surcharge fee to provide certain licensees with access to an internet-based library, as provided in Section 58-91-102.
- 3060 ~~[(43)]~~ (44) Certain fines collected by the Division of Professional Licensing for use in education and enforcement of the Security Personnel Licensing Act, as provided in Section 58-63-103.
- 3063 ~~[(44)]~~ (45) The Relative Value Study Restricted Account created in Section 59-9-105.
- 3064 ~~[(45)]~~ (46) The Cigarette Tax Restricted Account created in Section 59-14-204.
- 3065 ~~[(46)]~~ (47) Funds paid to the Division of Real Estate for the cost of a criminal background check for a mortgage loan license, as provided in Section 61-2c-202.
- 3067 ~~[(47)]~~ (48) Funds paid to the Division of Real Estate for the cost of a criminal background check for principal broker, associate broker, and sales agent licenses, as provided in Section 61-2f-204.
- 3070 ~~[(48)]~~ (49) Certain funds donated to the Department of Health and Human Services, as provided in Section 26B-1-202.
- 3072 ~~[(49)]~~ (50) Certain funds donated to the Division of Child and Family Services, as provided in Section 80-2-404.
- 3074 ~~[(50)]~~ (51) Funds collected by the Office of Administrative Rules for publishing, as provided in Section 63G-3-402.
- 3076 ~~[(51)]~~ (52) The Immigration Act Restricted Account created in Section 63G-12-103.
- 3077 ~~[(52)]~~ (53) Money received by the military installation development authority, as provided in Section 63H-1-504.
- 3079 ~~[(53)]~~ (54) The Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304.
- 3081 ~~[(54)]~~ (55) The Utah Statewide Radio System Restricted Account created in Section 63H-7a-403.
- 3083 ~~[(55)]~~ (56) The Utah Capital Investment Restricted Account created in Section 63N-6-204.
- 3084 ~~[(56)]~~ (57) The Motion Picture Incentive Account created in Section 63N-8-103.
- 3085 ~~[(57)]~~ (58) Funds collected by the housing of state probationary inmates or state parole inmates, as provided in Subsection 64-13e-104(2).
- 3087 ~~[(58)]~~ (59) Certain forestry and fire control funds utilized by the Division of Forestry, Fire, and State Lands, as provided in Section 65A-8-103.
- 3089 ~~[(59)]~~ (60) The following funds or accounts created in Section 72-2-124:
- 3090 (a) Transportation Investment Fund of 2005;
- 3091 (b) Transit Transportation Investment Fund;
- 3092 (c) Cottonwood Canyons Transportation Investment Fund;

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3093 (d) Active Transportation Investment Fund; and
3094 (e) Commuter Rail Subaccount.
3095 ~~[(60)]~~ (61) The Amusement Ride Safety Restricted Account, as provided in Section 72-16-204.
3097 ~~[(61)]~~ (62) Certain funds received by the Office of the State Engineer for well drilling fines or bonds, as
provided in Section 73-3-25.
3099 ~~[(62)]~~ (63) The Water Resources Conservation and Development Fund, as provided in Section 73-23-2.
3101 ~~[(63)]~~ (64) Award money under the State Asset Forfeiture Grant Program, as provided under Section
77-11b-403.
3103 ~~[(64)]~~ (65) Funds donated or paid to a juvenile court by private sources, as provided in Subsection
78A-6-203(1)(c).
3105 ~~[(65)]~~ (66) Fees for certificate of admission created under Section 78A-9-102.
3106 ~~[(66)]~~ (67) Funds collected for adoption document access as provided in Sections 81-13-103,
81-13-504, and 81-13-505.
3108 ~~[(67)]~~ (68) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah
Indigent Defense Commission.
3110 ~~[(68)]~~ (69) The Utah Geological Survey Restricted Account created in Section 79-3-403.
3111 ~~[(69)]~~ (70) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State Park, and
Green River State Park, as provided under Section 79-4-403.
3113 ~~[(70)]~~ (71) Certain funds received by the Division of State Parks from the sale or disposal of buffalo, as
provided under Section 79-4-1001.
3156 Section 71. **Repealer.**
This Bill Repeals:
3157 This bill repeals:
3158 Section **58-55-102, Definitions.**
3159 Section **58-55-302.5, Continuing education requirements for contractor licensees --**
3160 **Continuing education courses.**
3161 Section **58-55-302.7, Continuing education requirements for electricians, elevator**
3162 **mechanics, and plumbers.**
3163 Section **58-55-308, Scope of practice -- Installation, repair, maintenance, or replacement**
3164 **of gas appliance, combustion system, automatic fire sprinkler system, or battery-powered**
3165 **fence -- Rules.**

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3166 Section **58-55-308.1, Definitions -- Installation of natural gas facilities -- Scope of**
3167 **practice.**

3168 Section **58-55-311, Evidence of licensure.**

3169 Section **58-55-312, Interim and temporary permits for alarm company agents.**

3170 Section **58-55-701, Definitions.**

3171 Section **58-55-703, Fees.**

3172 Section **58-55-704, Rulemaking.**

3173 Section 72. **Effective date.**

Effective Date.

This bill takes effect on January 1, 2027.

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