

HB0344S01 compared with HB0344

~~{Omitted text}~~ shows text that was in HB0344 but was omitted in HB0344S01

inserted text shows text that was not in HB0344 but was inserted into HB0344S01

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1

Construction Consultant Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Tracy J. Miller
Senate Sponsor:



2

3 **LONG TITLE**

4 **General Description:**

5 This bill modifies the Utah Construction Trades Licensing Act.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ removes the licensing requirement for a person that only provides or offers to provide a list of subcontractors or suppliers; ~~{and}~~
- 10 ▶ provides a coordination clause to substantively and technically coordinate changes between this bill and H.B. 40, Utah Construction Trades Licensing Act Amendments; and
- 10 ▶ makes technical and conforming changes.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 This bill provides a coordination clause.

18 **Utah Code Sections Affected:**

19 AMENDS:

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20 **58-55-102** , as last amended by Laws of Utah 2025, Chapters 176, 268

21 **Utah Code Sections affected by Coordination Clause:**

22 **58-55-101** , as renumbered and amended by Laws of Utah 1994, Chapter 181

23

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

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

26 **58-55-102. Definitions.**

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

23

(1)

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

26

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

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

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

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

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

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

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(2) "Alarm company agent":

38

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

40

(b) does not include an individual who:

41

(i) is not engaged in the sale, installation, maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system; and

43

(ii) does not, during the normal course of the individual's employment with an alarm business, use or have access to sensitive alarm system information.

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- 45 (3) "Alarm company officer" means:
- 46 (a) a governing person, as defined in Section 48-3a-102, of an alarm company;
- 47 (b) an individual appointed as an officer of an alarm company that is a corporation in accordance with
Section 16-10a-830;
- 49 (c) a general partner, as defined in Section 48-2e-102, of an alarm company; or
- 50 (d) a partner, as defined in Section 48-1d-102, of an alarm company.
- 51 (4) "Alarm company owner" means:
- 52 (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:
- 55 (i) is a corporation; and
- 56 (ii) is not publicly listed or traded; or
- 57 (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.
- 59 (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.
- 62 (6) "Alarm company trustee" means an individual with control of or power of administration over
property held in trust.
- 64 (7)
- (a) "Alarm system" means equipment and devices assembled for the purpose of:
- 65 (i) detecting and signaling unauthorized intrusion or entry into or onto certain premises; or
- 67 (ii) signaling a robbery or attempted robbery on protected premises.
- 68 (b) "Alarm system" includes a battery-charged suspended-wire system or fence that is part of and
interfaces with an alarm system for the purposes of detecting and deterring unauthorized intrusion or
entry into or onto certain premises.
- 71 (8) "Apprentice electrician" means a person licensed under this chapter as an apprentice electrician who
is learning the electrical trade under the immediate supervision of a master electrician, residential
master electrician, a journeyman electrician, or a residential journeyman electrician.
- 75 (9) "Apprentice plumber" means a person licensed under this chapter as an apprentice plumber who is
learning the plumbing trade under the immediate supervision of a master plumber, residential master
plumber, journeyman plumber, or a residential journeyman plumber.

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- (10) "Approved continuing education" means instruction provided through courses under a program established under Subsection 58-55-302.5(2).
- 81 (11)
- (a) "Approved preclicensure course provider" means a provider that is the Associated General Contractors of Utah, the Utah Chapter of the Associated Builders and Contractors, or the Utah Home Builders Association, and that meets the requirements established by rule by the commission with the concurrence of the director, to teach the 25-hour course described in Subsection 58-55-302(1)(e)(iii).
- 86 (b) "Approved preclicensure course provider" may only include a provider that, in addition to any other locations, offers the 25-hour course described in Subsection 58-55-302(1)(e)(iii) at least six times each year in one or more counties other than Salt Lake County, Utah County, Davis County, or Weber County.
- 90 (12) "Board" means the Alarm System Security and Licensing Board or Electricians and Plumbers Licensing Board created in Section 58-55-201.
- 92 (13) "Combustion system" means an assembly consisting of:
- 93 (a) piping and components with a means for conveying, either continuously or intermittently, natural gas from the outlet of the natural gas provider's meter to the burner of the appliance;
- 96 (b) the electric control and combustion air supply and venting systems, including air ducts; and
- 98 (c) components intended to achieve control of quantity, flow, and pressure.
- 99 (14) "Commission" means the Construction Services Commission created under Section 58-55-103.
- 101 (15) "Construction trade" means any trade or occupation involving:
- 102 (a)
- (i) construction, alteration, remodeling, repairing, wrecking or demolition, addition to, or improvement of any building, highway, road, railroad, dam, bridge, structure, excavation or other project, development, or improvement to other than personal property; and
- 106 (ii) constructing, remodeling, or repairing a manufactured home or mobile home as defined in Section 15A-1-302; or
- 108 (b) installation or repair of a residential or commercial natural gas appliance or combustion system.
- 110 (16) "Construction trades instructor" means a person licensed under this chapter to teach one or more construction trades in both a classroom and project environment, where a project is intended for sale

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to or use by the public and is completed under the direction of the instructor, who has no economic interest in the project.

114 (17)

(a) "Contractor" means any person who for compensation other than wages as an employee undertakes any work in the construction, plumbing, or electrical trade for which licensure is required under this chapter and includes:

117 (i) a person who builds any structure on the person's own property for the purpose of sale or who builds any structure intended for public use on the person's own property;

120 (ii) any person who represents that the person is a contractor, or will perform a service described in this Subsection (17) by advertising on a website or social media, or any other means;

123 (iii) any person engaged as a maintenance person, other than an employee, who regularly engages in activities set forth under the definition of "construction trade";

125 (iv) any person engaged in, or offering to engage in, any construction trade for which licensure is required under this chapter; or

127 (v) a construction manager, construction consultant, construction assistant, or any other person who, for a fee:

129 (A) performs or offers to perform construction consulting;

130 (B) performs or offers to perform management of construction subcontractors; or

131 [~~(C)~~ provides or offers to provide a list of subcontractors or suppliers; ~~or~~]

132 [~~(D)~~] (C) provides or offers to provide management or counseling services on a construction project.

134 (b) "Contractor" does not include:

135 (i) an alarm company or alarm company agent; or

136 (ii) a material supplier who provides consulting to customers regarding the design and installation of the material supplier's products.

138 (18)

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

141 (b) "Electrical trade" does not include:

142 (i) transporting or handling electrical materials;

143 (ii) preparing clearance for raceways for wiring;

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- 144 (iii) work commonly done by unskilled labor on any installations under the exclusive control of
electrical utilities;
- 146 (iv) work involving cable-type wiring that does not pose a shock or fire-initiation hazard;
- 148 (v) work involving class two or class three power-limited circuits as defined in the National Electrical
Code; or
- 150 (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.
- 153 (19) "Elevator" means the same as that term is defined in Section 34A-7-202, except that for purposes
of this chapter it does not mean a stair chair, a vertical platform lift, or an incline platform lift.
- 156 (20) "Elevator contractor" means a sole proprietor, firm, or corporation licensed under this chapter
that is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or
maintaining an elevator.
- 159 (21) "Elevator mechanic" means an individual who is licensed under this chapter as an elevator
mechanic and who is engaged in erecting, constructing, installing, altering, servicing, repairing, or
maintaining an elevator under the immediate supervision of an elevator contractor.
- 163 (22) "Employee" means an individual as defined by the division by rule giving consideration to the
definition adopted by the Internal Revenue Service and the Department of Workforce Services.
- 166 (23) "Engage in a construction trade" means to:
- 167 (a) engage in, represent oneself to be engaged in, or advertise oneself as being engaged in a construction
trade; or
- 169 (b) use the name "contractor" or "builder" or in any other way lead a reasonable person to believe one is
or will act as a contractor.
- 171 (24)
- (a) "Financial responsibility" means a demonstration of a current and expected future condition
of financial solvency evidencing a reasonable expectation to the division and the board that an
applicant or licensee can successfully engage in business as a contractor without jeopardy to the
public health, safety, and welfare.
- 175 (b) Financial responsibility may be determined by an evaluation of the total history concerning the
licensee or applicant including past, present, and expected condition and record of financial
solvency and business conduct.

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- 178 (25) "Gas appliance" means any device that uses natural gas to produce light, heat, power, steam, hot
water, refrigeration, or air conditioning.
- 180 (26)
- (a) "General building contractor" means a person licensed under this chapter as a general building contractor qualified by education, training, experience, and knowledge to perform or superintend construction of structures for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind or any of the components of that construction except plumbing, electrical work, mechanical work, work related to the operating integrity of an elevator, and manufactured housing installation, for which the general building contractor shall employ the services of a contractor licensed in the particular specialty, except that a general building contractor engaged in the construction of single-family and multifamily residences up to four units may perform the mechanical work and hire a licensed plumber or electrician as an employee.
- 191 (b) The division may by rule exclude general building contractors from engaging in the performance of other construction specialties in which there is represented a substantial risk to the public health, safety, and welfare, and for which a license is required unless that general building contractor holds a valid license in that specialty classification.
- 196 (27) "General electrical contractor" means a person licensed under this chapter as a general electrical contractor qualified by education, training, experience, and knowledge to perform the fabrication, construction, and installation of generators, transformers, conduits, raceways, panels, switch gear, electrical wires, fixtures, appliances, apparatus that uses electrical energy, or any other work the division authorizes by rule in accordance with Subsection 58-55-301(4).
- 202 (28)
- (a) "General engineering contractor" means a person licensed under this chapter as a general engineering contractor qualified by education, training, experience, and knowledge to perform or superintend construction of fixed works, or components of fixed works requiring specialized engineering knowledge and skill in:
- 206 (i) airports;
- 207 (ii) airport runways;
- 208 (iii) bridges;
- 209 (iv) chemical plants;
- 210 (v) drainage;

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- 211 (vi) electrical utilities;
- 212 (vii) flood control;
- 213 (viii) foundations;
- 214 (ix) harbors;
- 215 (x) highways;
- 216 (xi) industrial plants;
- 217 (xii) inland waterways;
- 218 (xiii) irrigation systems;
- 219 (xiv) piers;
- 220 (xv) pipelines;
- 221 (xvi) power plants;
- 222 (xvii) railroads;
- 223 (xviii) refineries;
- 224 (xix) sewers;
- 225 (xx) tunnels;
- 226 (xxi) underground electric utility conduits;
- 227 (xxii) utility plants;
- 228 (xxiii) water power; or
- 229 (xxiv) water supply.
- 230 (b) A general engineering contractor may not perform or superintend:
 - 231 (i) construction of a structure built primarily for the support, shelter, and enclosure of persons, animals, and chattels;
 - 233 (ii) plumbing work;
 - 234 (iii) electrical work beyond underground electric utility conduit or electrical utilities;
 - 235 (iv) mechanical work; or
 - 236 (v) work where the general engineering contractor does not have the required specialized engineering knowledge and skill.
- 238 (29) "General plumbing contractor" means a person licensed under this chapter as a general plumbing contractor qualified by education, training, experience, and knowledge to perform the fabrication or installation of material and fixtures to create and maintain sanitary conditions in a building by providing permanent means for a supply of safe and pure water, a means for the timely and

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

- 247 (30) "HVAC" means a heating, ventilation, and air conditioning system and the specific components
that are a part of the system, including the gas line.
- 249 (31) "HVAC contractor" means a person licensed under this chapter specialized in the installation,
maintenance, repair, and servicing of heating, ventilation, air conditioning systems or any other
work the division authorizes by rule in accordance with Subsection 58-55-301(4).
- 253 (32) "Immediate supervision" means reasonable direction, oversight, inspection, and evaluation of the
work of a person:
- 255 (a) as the division specifies in rule;
- 256 (b) by, as applicable, a qualified electrician or plumber;
- 257 (c) as part of a planned program of training; and
- 258 (d) to ensure that the end result complies with applicable standards.
- 259 (33) "Individual" means a natural person.
- 260 (34) "Journeyman lineman" means a person that builds and maintains an electrical power system,
performs work on transmission lines or distribution lines from power plants to customers, and has
completed an approved 7,000 hour certified apprenticeship program.
- 263 (35) "Journeyman electrician" means a person licensed under this chapter as a journeyman electrician
having the qualifications, training, experience, and knowledge to wire, install, and repair electrical
apparatus and equipment for light, heat, power, and other purposes.
- 266 (36) "Journeyman plumber" means a person licensed under this chapter as a journeyman plumber
having the qualifications, training, experience, and technical knowledge to engage in the plumbing
trade.
- 269 (37) "Master electrician" means a person licensed under this chapter as a master electrician having
the qualifications, training, experience, and knowledge to properly plan, layout, and supervise the
wiring, installation, and repair of electrical apparatus and equipment for light, heat, power, and other
purposes.

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- (38) "Master plumber" means a person licensed under this chapter as a master plumber having the qualifications, training, experience, and knowledge to properly plan and layout projects and supervise persons in the plumbing trade.
- 276 (39) "Person" means a natural person, sole proprietorship, joint venture, corporation, limited liability
company, association, or organization of any type.
- 278 (40)
- (a) "Plumbing trade" means the performance of any mechanical work pertaining to the installation, alteration, change, repair, removal, maintenance, or use in buildings, or within three feet beyond the outside walls of buildings, of pipes, fixtures, and fittings for the:
- 282 (i) delivery of the water supply;
- 283 (ii) discharge of liquid and water carried waste;
- 284 (iii) building drainage system within the walls of the building; and
- 285 (iv) delivery of gases for lighting, heating, and industrial purposes.
- 286 (b) "Plumbing trade" includes work pertaining to the water supply, distribution pipes, fixtures and
fixture traps, soil, waste and vent pipes, the building drain and roof drains, and the safe and adequate
supply of gases, together with their devices, appurtenances, and connections where installed within
the outside walls of the building.
- 291 (41) "Ratio of apprentices" means the number of licensed plumber apprentices or licensed electrician
apprentices that are allowed to be under the immediate supervision of a licensed supervisor
as established by the provisions of this chapter and by rules made by the commission, with
the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act.
- 296 (42) "Residential and small commercial contractor" means a person licensed under this chapter as
a residential and small commercial contractor qualified by education, training, experience, and
knowledge to perform or superintend the construction of single-family residences, multifamily
residences up to four units, and commercial construction of not more than three stories above
ground and not more than 20,000 square feet, or any of the components of that construction except
plumbing, electrical work, mechanical work, and manufactured housing installation, for which
the residential and small commercial contractor shall employ the services of a contractor licensed
in the particular specialty, except that a residential and small commercial contractor engaged in

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the construction of single-family and multifamily residences up to four units may perform the mechanical work and hire a licensed plumber or electrician as an employee.

- 307 (43) "Residential building," as it relates to the license classification of residential journeyman plumber
and residential master plumber, means a single or multiple family dwelling of up to four units.
- 310 (44) "Residential electrical contractor" means a person licensed under this chapter as a residential
electrical contractor qualified by education, training, experience, and knowledge to perform the
fabrication, construction, and installation of services, disconnecting means, grounding devices,
panels, conductors, load centers, lighting and plug circuits, appliances, and fixtures in a residential
unit or any other work the division authorizes by rule in accordance with Subsection 58-55-301(4).
- 316 (45) "Residential journeyman electrician" means a person licensed under this chapter as a residential
journeyman electrician having the qualifications, training, experience, and knowledge to wire,
install, and repair electrical apparatus and equipment for light, heat, power, and other purposes on
buildings using primarily nonmetallic sheath cable.
- 320 (46) "Residential journeyman plumber" means a person licensed under this chapter as a residential
journeyman plumber having the qualifications, training, experience, and knowledge to engage in the
plumbing trade as limited to the plumbing of residential buildings.
- 324 (47) "Residential master electrician" means a person licensed under this chapter as a residential master
electrician having the qualifications, training, experience, and knowledge to properly plan, layout,
and supervise the wiring, installation, and repair of electrical apparatus and equipment for light,
heat, power, and other purposes on residential projects.
- 329 (48) "Residential master plumber" means a person licensed under this chapter as a residential master
plumber having the qualifications, training, experience, and knowledge to properly plan and layout
projects and supervise persons in the plumbing trade as limited to the plumbing of residential
buildings.
- 333 (49) "Residential plumbing contractor" means a person licensed under this chapter as a residential
plumbing contractor qualified by education, training, experience, and knowledge to perform the
fabrication or installation of material and fixtures to create and maintain sanitary conditions in
residential buildings by providing permanent means for a supply of safe and pure water, a means
for the timely and complete removal from the premises of all used or contaminated water, fluid
and semi-fluid organic wastes and other impurities incidental to life and the occupation of such

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premises, a safe and adequate supply of gases for lighting, heating, and residential purposes, or any other work the division authorizes by rule in accordance with Subsection 58-55-301(4).

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

346 (51) "Responsible management personnel" means:

347 (a) a qualifying agent;

348 (b) an operations manager; or

349 (c) a site manager.

350 (52) "Sensitive alarm system information" means:

351 (a) a pass code or other code used in the operation of an alarm system;

352 (b) information on the location of alarm system components at the premises of a customer of the alarm
business providing the alarm system;

354 (c) information that would allow the circumvention, bypass, deactivation, or other compromise of an
alarm system of a customer of the alarm business providing the alarm system; and

357 (d) any other similar information that the division by rule determines to be information that an
individual employed by an alarm business should use or have access to only if the individual is
licensed as provided in this chapter.

360 (53)

(a) "Specialty contractor" means a person licensed under this chapter under a specialty contractor
classification established by rule, who is qualified by education, training, experience, and
knowledge to perform those construction trades and crafts requiring specialized skill, the regulation
of which are determined by the division to be in the best interest of the public health, safety, and
welfare.

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

368 (54) "Unincorporated entity" means an entity that is not:

369 (a) an individual;

370 (b) a corporation; or

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371 (c) publicly traded.

372 (55) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-55-501.

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

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

384 Section 2. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

386 Section 3. **Coordinating H.B. 344 with H.B. 40.**

If H.B. 344, Construction Consultant Amendments, and H.B. 40, Utah Construction
Trades Licensing Act Amendments, both pass and become law, the Legislature intends that, on
January 1, 2027, Subsection 58-55-101(7)(b) enacted in H.B. 40 be amended to read:

"(b) "Contractor" includes:

(i) a person that builds a structure on the person's own property that is intended for sale or
public use;

(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

(iii) a person that, for a fee:

(A) performs or offers to perform construction consulting;

(B) performs or offers to perform management of construction subcontractors; or

(D) provides or offers to provide management or counseling services on a construction
project."

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