

Utah Construction Trades Licensing Act Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Thomas W. Peterson

Senate Sponsor: Evan J. Vickers

LONG TITLE**Committee Note:**

The Business and Labor Interim Committee recommended this bill.

Legislative Vote: 16 voting for 0 voting against 4 absent

General Description:

This bill modifies the Utah Construction Trades Licensing Act.

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

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

31 **63G-2-302**, as last amended by Laws of Utah 2025, Chapter 172

32 **63I-1-258**, as last amended by Laws of Utah 2025, Chapter 236

33 **63J-1-602.1**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9

34 ENACTS:

35 **58-55-107**, Utah Code Annotated 1953

36 **58-55-108**, Utah Code Annotated 1953

37 **58-55-109**, Utah Code Annotated 1953

38 **58-55-112**, Utah Code Annotated 1953

39 **58-55-202**, Utah Code Annotated 1953

40 **58-55-203**, Utah Code Annotated 1953

41 **58-55-204**, Utah Code Annotated 1953

42 **58-55-205**, Utah Code Annotated 1953

43 **58-55-207**, Utah Code Annotated 1953

44 **58-55-208**, Utah Code Annotated 1953

45 **58-55-209**, Utah Code Annotated 1953

46 **58-55-210**, Utah Code Annotated 1953

47 **58-55-211**, Utah Code Annotated 1953

48 **58-55-404**, Utah Code Annotated 1953

49 **58-55-405**, Utah Code Annotated 1953

50 **58-55-505**, Utah Code Annotated 1953

51 **58-55-506**, Utah Code Annotated 1953

52 **58-55-507**, Utah Code Annotated 1953

53 **58-55-508**, Utah Code Annotated 1953

54 **58-55-606**, Utah Code Annotated 1953

55 **58-55-607**, Utah Code Annotated 1953

56 **58-91-101**, Utah Code Annotated 1953

57 **58-91-102**, Utah Code Annotated 1953

58 **58-91-103**, Utah Code Annotated 1953

59 **58-91-201**, Utah Code Annotated 1953

60 **58-91-301**, Utah Code Annotated 1953

61 **58-91-302**, Utah Code Annotated 1953

62 **58-91-303**, Utah Code Annotated 1953

63 **58-91-304**, Utah Code Annotated 1953

64 **58-91-305**, Utah Code Annotated 1953

65 **58-91-306**, Utah Code Annotated 1953

66 **58-91-307**, Utah Code Annotated 1953

67 **58-91-401**, Utah Code Annotated 1953

68 **58-91-501**, Utah Code Annotated 1953

69 **58-91-502**, Utah Code Annotated 1953

70 **58-91-503**, Utah Code Annotated 1953

71 **58-91-504**, Utah Code Annotated 1953

72 REPEALS AND REENACTS:

73 **58-55-101**, as renumbered and amended by Laws of Utah 1994, Chapter 181

74 **58-55-104**, as last amended by Laws of Utah 2025, Chapter 271

75 **58-55-105**, as last amended by Laws of Utah 2025, Chapter 271

76 **58-55-106**, as last amended by Laws of Utah 2020, Chapter 339

77 **58-55-301**, as last amended by Laws of Utah 2025, Chapter 268

78 **58-55-302**, as last amended by Laws of Utah 2025, Chapters 268, 443

79 **58-55-303**, as last amended by Laws of Utah 2023, Chapter 223

80 **58-55-304**, as last amended by Laws of Utah 2004, Chapter 14

81 **58-55-401**, as last amended by Laws of Utah 2020, Chapter 339

82 **58-55-402**, as last amended by Laws of Utah 2011, Chapter 195

83 **58-55-501**, as last amended by Laws of Utah 2020, Chapter 339

84 **58-55-502**, as last amended by Laws of Utah 2022, Chapter 415

85 **58-55-503**, as last amended by Laws of Utah 2024, Chapter 226

86 **58-55-601**, as last amended by Laws of Utah 2025, Chapter 302

87 **58-55-602**, as last amended by Laws of Utah 1999, Chapter 365

88 **58-55-603**, as last amended by Laws of Utah 2025, Chapter 302

89 **58-55-604**, as last amended by Laws of Utah 2008, Chapter 377

90 **58-55-605**, as enacted by Laws of Utah 2014, Chapter 188

91 RENUMBERS AND AMENDS:

92 **58-55-110**, (Renumbered from 58-55-305, as last amended by Laws of Utah 2025,
93 Chapter 176)

94 **58-55-111**, (Renumbered from 58-55-307, as last amended by Laws of Utah 2016,
95 Chapter 238)

96 **58-55-206**, (Renumbered from 58-55-310, as last amended by Laws of Utah 2013,
97 Chapter 57)

98 REPEALS:

58-55-102, as last amended by Laws of Utah 2025, Chapters 176, 268
58-55-302.5, as last amended by Laws of Utah 2024, Chapter 201
58-55-302.7, as last amended by Laws of Utah 2011, Chapter 367
58-55-308, as last amended by Laws of Utah 2022, Chapter 446
58-55-308.1, as enacted by Laws of Utah 2014, Chapter 326
58-55-311, as renumbered and amended by Laws of Utah 2000, Chapter 317
58-55-312, as last amended by Laws of Utah 2010, Chapter 387
58-55-701, as enacted by Laws of Utah 2022, Chapter 436
58-55-703, as enacted by Laws of Utah 2022, Chapter 436
58-55-704, as enacted by Laws of Utah 2022, Chapter 436

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

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

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

- (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:
- (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.

(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

(iii) by a subcontractor.

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

(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:

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

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

(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.

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

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

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

(c) The contractor shall ensure that any interest accrued on the retainage is distributed by the contractor to subcontractors on a pro rata basis.

- (d) Retention proceeds and accrued interest retained by an owner or public agency:
- (i) are considered to be in a constructive trust for the benefit of the contractor and subcontractors who have earned the proceeds; and
 - (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.
- (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:
- (a) the date the owner or public agency receives the billing statement from the contractor;
 - (b) the date that a certificate of occupancy or final acceptance notice is issued to:
 - (i) the original contractor who obtained the building permit from the building inspector or public agency;
 - (ii) the owner or architect; or
 - (iii) the public agency;
 - (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
 - (d) the date the contractor accepts the final pay quantities.
- (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.
- (7) The billing statement from the contractor as provided in Subsection (5)(a) shall include documentation of lien releases or waivers.
- (8)(a) Notwithstanding Subsection (3):
- (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
 - (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

- 235 completed:
- 236 (A) in accordance with the construction contract documents, plans, and
- 237 specifications; or
- 238 (B) in the absence of plans and specifications, to generally accepted craft
- 239 standards.
- 240 (b) An owner or public agency that refuses payment under Subsection (8)(a) shall
- 241 describe in writing within 45 days of withholding such amounts what portion of the
- 242 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
- 244 who receives retention proceeds shall pay each of its subcontractors from whom
- 245 retention has been withheld each subcontractor's share of the retention received
- 246 within 10 days from the day that all or any portion of the retention proceeds is
- 247 received:
- 248 (i) by the original contractor from the owner or public agency; or
- 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
- 253 contractor is specifically designated for a particular subcontractor, payment of the
- 254 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
- 256 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
- 260 and wrongfully withholds a retention shall be subject to a charge of 2% per month
- 261 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
- 263 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
- 265 provision of this section.
- 266 Section 3. Section **38-11-207** is amended to read:
- 267 **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:

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

(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.

(3)(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:

- 303 (a) a parking space:
- 304 (i) assigned to the unit owner's unit; and
- 305 (ii) used for the parking or storage of a vehicle or equipment; or
- 306 (b) a limited common area parking space designated for the unit owner's exclusive use.
- 307 (3) An association may:
- 308 (a) require a unit owner to submit an application for approval of the installation of a
- 309 charging system;
- 310 (b) require the unit owner to agree in writing to:
- 311 (i) hire a general electrical contractor or residential electrical contractor to install the
- 312 charging system; or
- 313 (ii) if a charging system is installed in a common area, provide reimbursement to the
- 314 association for the actual cost of the increase in the association's insurance
- 315 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,
- 318 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
- 321 of a charging system;
- 322 (e) impose a reasonable restriction on the installation and use of a charging system that
- 323 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
- 327 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
- 330 the exclusive use of another unit owner that results from the installation, use,
- 331 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
- 333 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:

- (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
- (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:
 - (i) remove the charging system; and
 - (ii) restore the premises to the condition before installation of the charging system.

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

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;

(q) Section 58-60-506;

(r) Section 58-61-304;

(s) Section 58-63-302;

(t) Section 58-64-302;

(u) Section 58-67-302;

(v) Section 58-68-302;

(w) Section 58-69-302;

(x) Section 58-70a-302;

(y) Section 58-70b-302;

(z) Section 58-71-302; ~~[or]~~

(aa) Section 58-73-302~~[-]~~ ; or

~~(bb) Section 58-91-304.~~

(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.

(3) The division's access to criminal background information under this section:

(a) shall meet the requirements of Section 53-10-108; and

(b) includes:

(i) convictions, pleas of nolo contendere, pleas of guilty or nolo contendere held in abeyance, dismissed charges, and charges without a known disposition; and

(ii) criminal background information ~~[maintained]~~ the Bureau of Criminal Identification maintains under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

(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.

(5) To fulfill an applicable criminal background check requirement, an applicant shall:

(a) submit fingerprints in a form acceptable to the division at the time the applicant files

- 405 a license application or a registration; and
- 406 (b) consent to a fingerprint background check conducted by the Bureau of Criminal
407 Identification and the Federal Bureau of Investigation regarding the application.
- 408 (6)(a) Upon receiving fingerprints from an applicant in accordance with Subsection (5),
409 the division shall:
- 410 (i) collect from each applicant submitting fingerprints in accordance with this section:
- 411 (A) the fee that the Bureau of Criminal Identification is authorized to collect for
412 the services provided under Section 53-10-108; and
- 413 (B) the fee charged by the Federal Bureau of Investigation for fingerprint
414 processing for the purpose of obtaining federal criminal history record
415 information;
- 416 (ii) submit from each applicant the fingerprints and the fees described in Subsection
417 (6)(a)(i) to the Bureau of Criminal Identification; and
- 418 (iii) obtain and retain in division records a signed waiver approved by the Bureau of
419 Criminal Identification in accordance with Section 53-10-108 for each applicant.
- 420 (b) The fees described in Subsection (6)(a)(i) are in addition to other fees authorized by
421 this chapter.
- 422 (7) In accordance with the requirements of Section 53-10-108, the Bureau of Criminal
423 Identification shall:
- 424 (a) check the fingerprints submitted under Subsection (5)(a) against the applicable state
425 and regional criminal records databases;
- 426 (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal
427 history background check; and
- 428 (c) provide the results from the state, regional, and nationwide criminal history
429 background checks to the division.
- 430 (8)(a)(i) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the
431 criminal background check required under this section demonstrates, after the
432 applicant is licensed or registered, that the applicant failed to accurately disclose a
433 criminal history, the division may provide notice to the applicant that the license
434 or registration is immediately and automatically revoked.
- 435 (ii) ~~[If]~~ Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if a
436 massage establishment owner has a criminal conviction or pending criminal
437 charges for any crime under Title 76, Chapter 5, Part 4, Sexual Offenses, or any
438 crime listed by rule [made by] the division makes in collaboration with the board

in accordance with Title 63G, Chapter 3, Utah 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:

Part 1. General Provisions

58-55-101 . Definitions.

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

473 construction trades in a classroom or project setting.

474 (b) "Construction trades instructor" does not include an individual who holds an
475 economic interest in a project that the individual directs that is intended for sale to or
476 use by the public.

477 (7)(a) "Contractor" means a person that engages in a construction trade for
478 compensation.

479 (b) "Contractor" includes:

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

482 (ii) a person that advertises that the person is a contractor or that the person will
483 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
489 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
493 the material supplier's product.

494 (8)(a) "Control position" means a person that exercises direct or indirect control over an
495 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
505 construction trade.

506 (10) "Gas appliance" means a device that uses gas to produce light, heat, power, steam, hot

water, refrigeration, or air conditioning.

(11) "Immediate supervision" means the reasonable direction, oversight, inspection, and evaluation of the work of an individual:

(a) as the division provides in rule the division makes in accordance with Title 63G,

Chapter 3, Utah Administrative Rulemaking Act;

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

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

(d) as required to ensure the work complies with applicable standards.

(12) "Licensee" means a person that is licensed under this chapter.

(13) "Qualifier" means the individual who has the license that allows the contractor to engage in the construction trade for which the contractor applies for a license.

(14) "Unincorporated entity" means an entity that operates as:

(a) a general partnership;

(b) a limited liability partnership;

(c) a limited liability limited partnership;

(d) a limited partnership; or

(e) a limited cooperative association.

(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.

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

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

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

Meetings -- Concurrence.

(1)(a) There is created within the division the Construction Services Commission.

(b) ~~[The commission shall:]~~ The duties, functions, and responsibilities of the commission include the following:

(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:

(A) ~~[licensing of various licensees]~~ license;

(B) ~~[examination requirements and administration of the examinations, to include~~

- 541 ~~approving and establishing a passing score for applicant examinations]~~
 542 examination;
- 543 (C) ~~[standards of supervision for students or persons in training to become~~
 544 ~~qualified to obtain a license in the trade they represent]~~ supervision of a student
 545 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
 548 adopts under Section 63J-1-504;
- 549 (iii) ~~[except where the boards conduct them, conduct all administrative hearings not~~
 550 ~~delegated to an administrative law judge relating to the licensing of any applicant;]~~
 551 conduct an administrative hearing relating to licensing when the administrative
 552 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,
 554 ~~with the [concurrence of the director]~~ director's concurrence, impose sanctions
 555 ~~against [licensees and certificate holders]~~ a licensee with the same authority as the
 556 division under Section 58-1-401;
- 557 (v) advise the director on the administration and enforcement of~~[-any]~~ matters
 558 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
 561 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~~
 564 ~~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~~
 566 ~~executive director with the approval of the governor from the following groups:]~~
- 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~~
 571 ~~Plumbers Licensing Board;]~~
- 572 ~~[(v) one member shall be a licensed electrician and a member of the Electricians and~~
 573 ~~Plumbers Licensing Board;]~~
- 574 ~~[(vi) one member shall be the chair person of the Alarm System Security and~~

575 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

578 members as follows:

579 (i) one individual who is a qualifier for a licensed general engineering contractor as

580 defined in Section 58-55-202;

581 (ii) one individual who is a qualifier for a licensed general building contractor as

582 defined in Section 58-55-202;

583 (iii) two individuals who are qualifiers for separate licensed residential and small

584 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

586 Plumbers Licensing Board;

587 (v) one individual who is a licensed electrician and a member of the Electricians and

588 Plumbers Licensing Board; and

589 (vi) one individual who is a member of the general public and who has never been

590 licensed in a construction trade.

591 ~~[(3)(a) Except as required by Subsection (3)(b), as terms of current commission~~

592 ~~members expire, the executive director with the approval of the governor shall~~

593 ~~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~~

595 ~~the approval of the governor shall, at the time of appointment or reappointment,~~

596 ~~adjust the length of terms to stagger the terms of commission members so that~~

597 ~~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.~~

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

601 provided in Subsection (6); and

602 (b) adjust terms at appointment or reappointment to stagger terms so that approximately

603 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

605 a term of one year] the chair.

606 ~~[(5)] (6) [When a vacancy occurs in the membership for any reason, the replacement shall~~

607 ~~be appointed for the unexpired term.] The executive director shall appoint a replacement~~

608 for the remainder of the term when a vacancy occurs.

~~[(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:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules ~~[made by]~~ the Division of Finance ~~[pursuant to]~~ makes in accordance with Sections 63A-3-106 and 63A-3-107.

~~[(7)]~~ (8)(a) The commission shall meet at least monthly unless the director determines otherwise.

(b) The director may call additional meetings:

(i) at the director's discretion~~[-]~~ ;

(ii) upon the request of the chair~~[-]~~ ; or

(iii) upon the written request of four or more commission members.

~~[(8)]~~ (9)(a) Five members ~~[constitute]~~ are a quorum for the transaction of business.

(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.

~~[(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.

~~[(10)]~~ (11)~~[(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:
 - (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.

(3) With the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make 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 **58-55-107** 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
 - (ii) an owner, officer, or manager of the contractor who exercises material authority in the conduct of the contracting business by:
 - (A) making substantive technical and administrative decisions relating to the work performed for which this chapter requires a license;
 - (B) hiring, promoting, transferring, laying off, disciplining, directing, or discharging employees of the contractor; and
 - (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.
- (5)(a) The division may take action against:
- (i) a contractor if the qualifier or contractor violates the requirements of this section;
 - and
 - (ii) a qualifier if the qualifier or contractor violates the requirements of this section.
- (b) The division may consider a qualifier or contractor's failure to comply with the requirements of this section to be unprofessional conduct.
- (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.
- (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).
- (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.
- (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 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 **58-55-108** 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

- 779 report filing requirements in accordance with Section 58-55-112.
- 780 (ii) Subsection (1)(c)(i) may not apply if before the 60-day period ends:
- 781 (A) the licensee submits an application to renew the license; and
- 782 (B) the division renews the license under the submitted application.
- 783 (2)(a) The division shall renew or reinstate an individual license after the applicant:
- 784 (i) submits an application in the individual's name;
- 785 (ii) completes the number of hours of continuing education under Section 58-55-304,
- 786 if the applicant is:
- 787 (A) an apprentice electrician as defined in Section 58-55-301;
- 788 (B) a journeyman electrician as defined in Section 58-55-301;
- 789 (C) a master electrician as defined in Section 58-55-301;
- 790 (D) a residential journeyman electrician as defined in Section 58-55-301; or
- 791 (E) a residential master electrician as defined in Section 58-55-301;
- 792 (iii) completes the number of hours of continuing education under Section 58-55-405,
- 793 if the applicant is:
- 794 (A) an apprentice plumber as defined in Section 58-55-401;
- 795 (B) a journeyman plumber as defined in Section 58-55-401;
- 796 (C) a master plumber as defined in Section 58-55-401;
- 797 (D) a residential journeyman plumber as defined in Section 58-55-401; or
- 798 (E) a residential master plumber as defined in Section 58-55-401; and
- 799 (iv) meets all other requirements of this chapter.
- 800 (b) The division shall renew or reinstate a contractor's license after the applicant:
- 801 (i) submits the application in the name of and on behalf of a contractor;
- 802 (ii) demonstrates the contractor's financial responsibility in accordance with Section
- 803 58-55-205;
- 804 (iii) lists the individual acting as the qualifier for the contractor;
- 805 (iv) provides evidence that the qualifier:
- 806 (A) has passed the required examination; and
- 807 (B) has completed continuing education in accordance with Section 58-55-204;
- 808 and
- 809 (v) meets all other requirements of this chapter.
- 810 (3) A license expires on the expiration date shown on the license.
- 811 (4) In addition to requirements imposed by law, an applicant applying for reinstatement of a
- 812 license the division suspends or revokes shall:

- (a) pay fines the division imposes;
- (b) resolve outstanding citations or disciplinary actions with the division;
- (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 **58-55-109** 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
- (c)(i) the applicant is an individual or sole proprietorship; and
(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

847 date of the application.

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

850 **[~~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
852 persons may engage in acts or practices included within the practice of construction
853 trades, subject to the stated circumstances and limitations, without being licensed under
854 this chapter:]

855 [(a) an authorized representative of the United States government or an authorized
856 employee of the state or any of its political subdivisions when working on
857 construction work of the state or the subdivision, and when acting within the terms of
858 the person's trust, office, or employment;]

859 [(b) a person engaged in construction or operation incidental to the construction and
860 repair of irrigation and drainage ditches of regularly constituted irrigation districts,
861 reclamation districts, and drainage districts or construction and repair relating to
862 farming, dairying, agriculture, livestock or poultry raising, metal and coal mining,
863 quarries, sand and gravel excavations, well drilling, as defined in Section 73-3-25,
864 hauling to and from construction sites, and lumbering;]

865 [(c) public utilities operating under the rules of the Public Service Commission on work
866 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
869 no more than three residential structures per five years on the sole owner's
870 property for the sole owner's noncommercial, nonpublic use, except that a person
871 other than the property owner or a person described in Subsection (1)(e), who
872 engages in building a residential structure must be licensed under this chapter if
873 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,
875 nonpublic use that are incidental to a residential structure on the property,
876 including a shed, carport, or detached garage;]

877 [(e)(i) a person engaged in construction or renovation of a residential building for
878 noncommercial, nonpublic use if that person:]

879 [(A) works without compensation other than token compensation that is not
880 considered salary or wages; and]

881 ~~[(B) works under the direction of the property owner who engages in building the~~
882 ~~structure; and]~~

883 ~~[(ii) as used in this Subsection (1)(e), "token compensation" means compensation~~
884 ~~paid by a sole owner of property exempted from licensure under Subsection (1)(d)~~
885 ~~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~~
887 ~~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~~
890 ~~providing meals or refreshment while services are being provided, or paying~~
891 ~~reasonable transportation costs incurred by the person in travel to the site of~~
892 ~~construction;]~~

893 ~~[(f) a person engaged in the sale or merchandising of personal property that by its design~~
894 ~~or manufacture may be attached, installed, or otherwise affixed to real property who~~
895 ~~has contracted with a person, firm, or corporation licensed under this chapter to~~
896 ~~install, affix, or attach that property;]~~

897 ~~[(g) a contractor submitting a bid on a federal aid highway project, if, before undertaking~~
898 ~~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~~
900 ~~person engaged in the alteration, repair, remodeling, or addition to or~~
901 ~~improvement of a building with a contracted or agreed value of less than \$7,000,~~
902 ~~including both labor and materials, and including all changes or additions to the~~
903 ~~contracted or agreed upon work; and]~~

904 ~~[(ii) notwithstanding Subsection (1)(h)(i) and except as otherwise provided in this~~
905 ~~section:]~~

906 ~~[(A) work in the plumbing and electrical trades on a Subsection (1)(h)(i) project~~
907 ~~within any six month period of time:]~~

908 ~~[(I) shall be performed by a licensed electrical or plumbing contractor, if the~~
909 ~~project involves an electrical or plumbing system; and]~~

910 ~~[(H) may be performed by a licensed journeyman electrician or plumber or an~~
911 ~~individual referred to in Subsection (1)(h)(ii)(A)(I), if the project involves a~~
912 ~~component of the system such as a faucet, toilet, fixture, device, outlet, or~~
913 ~~electrical switch;]~~

914 ~~[(B) installation, repair, or replacement of a residential or commercial gas~~

- 915 appliance or a combustion system on a Subsection (1)(h)(i) project shall be
916 performed by a person who has received certification under Subsection
917 58-55-308(2) except as otherwise provided in Subsection 58-55-308(2)(d) or
918 58-55-308(3);]
- 919 [(C) installation, repair, or replacement of water-based fire protection systems on
920 a Subsection (1)(h)(i) project must be performed by a licensed fire suppression
921 systems contractor or a licensed journeyman plumber;]
- 922 [(D) work as an alarm business or company or as an alarm company agent shall be
923 performed by a licensed alarm business or company or a licensed alarm
924 company agent, except as otherwise provided in this chapter;]
- 925 [(E) installation, repair, or replacement of an alarm system on a Subsection
926 (1)(h)(i) project must be performed by a licensed alarm business or company or
927 a licensed alarm company agent;]
- 928 [(F) installation, repair, or replacement of a heating, ventilation, or air
929 conditioning system (HVAC) on a Subsection (1)(h)(i) project must be
930 performed by an HVAC contractor licensed by the division;]
- 931 [(G) installation, repair, or replacement of a radon mitigation system or a soil
932 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
934 with the division a one-time affirmation, subject to periodic reaffirmation as
935 established by division rule, that the person has:]
- 936 [(I) public liability insurance in coverage amounts and form established by
937 division rule; and]
- 938 [(H) if applicable, workers compensation insurance which would cover an
939 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
941 the director does not classify by administrative rule as significantly impacting the
942 public's health, safety, and welfare;]
- 943 [(j) owners and lessees of property and persons regularly employed for wages by owners
944 or lessees of property or their agents for the purpose of maintaining the property, are
945 exempt from this chapter when doing work upon the property;]
- 946 [(k)(i) a person engaged in minor plumbing work that is incidental, as defined by the
947 division by rule, to the repair of a fixture or an appliance in a residential or small
948 commercial building, or structure used for agricultural use, as defined in Section

~~15A-1-202, provided that no modification is made to:]~~

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

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

~~[(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);]~~

~~[(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:]~~

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

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

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

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

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

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

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

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

~~[(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;]~~

~~[(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:]~~

~~[(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]~~

~~[(ii) a licensed contractor obtains the necessary building permits;]~~

983 ~~[(q) a delivery person when replacing any of the following existing equipment with a~~
984 ~~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~~
990 ~~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~~
992 ~~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~~
994 ~~a person requesting a permit as a sole owner of property referred to in Subsection (1)(d)~~
995 ~~shall notify the division, in writing or through electronic transmission, of the issuance of~~
996 ~~the permit.]~~

997 (1) As used in this section:

998 (a)(i) "Sign contractor" means a sign installation contractor or nonelectrical outdoor
999 advertising sign contractor, as classified and defined in division rules.

1000 (ii) "Sign contractor" does not include a sign installation contractor or nonelectrical
1001 outdoor advertising sign contractor, as defined in division rules subject to Title 72,
1002 Chapter 7, Part 5, Utah Outdoor Advertising Act.

1003 (b)(i) "Token compensation" means compensation that is minimal in value when
1004 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
1008 from the construction site.

1009 (c) "Well drilling" means the same as that term is defined in Section 73-3-25.

1010 (2) In addition to the exemptions from licensure in Section 58-1-307, the following may
1011 engage in a construction trade without a license:

1012 (a) an agricultural or natural resource worker if:

1013 (i) the construction trade is incidental to the construction or repair of an irrigation or
1014 drainage ditch of a regularly constituted irrigation district, reclamation district, or
1015 drainage district; or

1016 (ii) the construction trade is incidental to a repair relating to farming, dairying,

1017 agriculture, livestock or poultry raising, metal and coal mining, quarries, sand and
1018 gravel excavations, well drilling, hauling to and from construction sites, and
1019 lumbering;

1020 (b) an appliance delivery worker if:

1021 (i) the construction trade is incidental to replacing an existing gas range, a gas dryer,
1022 an outdoor gas barbecue, or an outdoor gas patio heater with a new gas appliance;
1023 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
1027 commission with the concurrence of the director approves;

1028 (ii) the work that is subject to inspection by a building inspector passes a building
1029 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
1033 employee's trust, office, or employment; and

1034 (ii) the government representative or employee is an authorized representative or
1035 employee of the United States government, or of the state, or of a political
1036 subdivision;

1037 (e) an electrical utility worker if:

1038 (i) the construction trade is incidental to work for a railroad corporation, a telephone
1039 corporation or an affiliate of the telephone corporation, an elevator contractor, or a
1040 street railway system; or

1041 (ii) the construction trade is incidental to work for a public service corporation, a
1042 rural electrification association, or a municipal utility that generates, distributes, or
1043 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

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
1048 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
- 1055 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
- 1060 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,
- 1066 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
- 1068 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 (n) subject to Subsection (3), a person working on a project that has a total cost of less
- 1076 than \$7,000 including labor, material, and changes to the agreed upon work if the
- 1077 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
- 1080 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
- 1082 commercial gas appliance or a combustion system;
- 1083 (iv) does not involve the installation, repair, or replacement of a water-based fire
- 1084 protection system;

- 1085 (v) does not involve the installation, repair, or replacement of a heating, ventilation,
1086 or air conditioning system; and
- 1087 (vi) does not involve the installation, repair, or replacement of a radon mitigation
1088 system or a soil depressurization system;
- 1089 (o) a solar panel worker if the construction trade is electrical work incidental to
1090 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
1093 nonpublic use no more than one residential structure per year on the sole
1094 owner's property and no more than three residential structures per five years on
1095 the sole owner's property; and
- 1096 (B) the construction trade is performed by the sole property owner or a volunteer
1097 in accordance with Subsection (2)(r); or
- 1098 (ii) the construction trade is incidental to a residential structure on the property,
1099 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
1103 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that the specialty
1104 contractor's performance of the trade significantly impacts the public's health,
1105 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
1108 is not considered salary or wages; and
- 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
1112 other water treatment apparatus;
- 1113 (ii) the water conditioner or other water treatment apparatus meets the state
1114 construction code and local plumbing standards; and
- 1115 (iii) the appropriate specialty contractor as defined in Section 58-55-202, directs the
1116 installation or repair.
- 1117 (3)(a) If the total value of the project under Subsection (2)(n) is greater than \$3,000, the
1118 person shall:

- (i) register with the Division of Corporations and Commercial Code; and
(ii) submit to the division documentation that the person has:
(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
(B) if applicable, workers' compensation insurance that would cover an employee
of the person if the employee works on the project.
(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).

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

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

- (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:
(a) ~~[constitute protected records]~~ is a protected record under Title 63G, Chapter 2, Government Records Access and Management Act; and
(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.
(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.

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

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

- (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:
(A) own an interest in the contractor;

- 1153 (B) directly or indirectly own less than an 8% interest in the unincorporated entity
1154 as defined by rule the division makes in accordance with Title 63G, Chapter 3,
1155 Utah Administrative Rulemaking Act; and
- 1156 (C) engage, or will engage, in a construction trade in the state as owners of the
1157 contractor described in Subsection (1)(a)(i)(A).
- 1158 (ii) A contractor that is an unincorporated entity shall file an ownership status report
1159 with an application for renewal of licensure if the contractor has five or fewer
1160 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
1164 report; and
- 1165 (B) the contractor files a previous ownership status report for a later ownership
1166 status report;
- 1167 (ii) be in a format the division approves and include the information required by
1168 Subsection (2)(a)(ii) for each owner, regardless of the owner's percentage
1169 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
1173 management of the unincorporated entity; and
- 1174 (iv) be accompanied by a fee the division sets in accordance with Section 63J-1-504
1175 if the ownership status report indicates there is a change.
- 1176 (c) At any time, the division may audit an ownership status report under this Subsection
1177 (1) to 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
1181 supplying an individual who owns an interest in the unincorporated entity to engage in a
1182 construction trade shall file with the division:
- 1183 (a) before the individual engages in a construction trade, a current ownership list that
1184 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
1190 ownership status report that includes the same information required under Subsection
1191 (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
1193 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
1195 between an unincorporated entity described in Subsection (1) or (2) and the
1196 unincorporated entity's owners.
1197 (5)(a) A social security number an individual provides under this section is a private
1198 record under Subsection 63G-2-302(1)(i).
1199 (b) The division may classify an applicant's evidence of identity under this section as a
1200 private record in accordance with Section 63G-2-302.

1201 Section 18. Section **58-55-202** is enacted to read:

1202 **Part 2. Contractors**

1203 **58-55-202 . Definitions.**

1204 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;
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
1213 County, Davis County, or Weber County.
1214 (2) "Elevator contractor" means a person that performs or superintends erecting,
1215 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,
1218 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
1227 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, poses a substantial
1228 risk to the public health, safety, and welfare unless the general building contractor
1229 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
1231 single-family and multifamily residences of up to four units when the mechanical
1232 work is performed by a licensed master plumber as defined in Section 58-55-401, a
1233 licensed journeyman plumber as defined in Section 58-55-401, a licensed master
1234 electrician as defined in Section 58-55-301, or a licensed journeyman electrician as
1235 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
1237 fabrication, construction, and installation of generators, transformers, conduits,
1238 raceways, panels, switch gear, electrical wires, fixtures, appliances, apparatus that uses
1239 electrical energy, or other work the division authorizes by rule in accordance with
1240 Subsection 58-55-105(3).
- 1241 (5) "General engineering contractor" means a person that performs or superintends the
1242 construction of fixed works, or components of fixed works, and has specialized
1243 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
1269 fabrication or installation of material and fixtures to create and maintain sanitary
1270 conditions in a building by providing a permanent means for:
1271 (a) a supply of safe and pure water;
1272 (b) the timely and complete removal from the premises of used or contaminated water,
1273 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
1276 58-55-105(3).
- 1277 (7) "HVAC" means a heating, ventilation, and air conditioning system and the specific
1278 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,
1280 maintenance, repair, and servicing of heating, ventilation, air conditioning systems or
1281 any other work the division authorizes by rule in accordance with Subsection
1282 58-55-105(3).
- 1283 (9)(a) "Residential and small commercial contractor" means a person that performs or
1284 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
1288 exceed 20,000 square feet.

(b) "Residential and small commercial contractor" does not include:
 (i) plumbing;
 (ii) electrical work;
 (iii) mechanical work;
 (iv) work related to the operational integrity of an elevator;
 (v) construction trade involving the installation of manufactured housing; or
 (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.

(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.

(10) "Residential electrical contractor" means a person that performs or superintends:

- (a) the fabrication, construction, and installation of services;
- (b) the disconnection of means, grounding devices, panels, conductors, load centers, lighting and plug circuits, appliances, and fixtures in a residential unit; or
- (c) any other work the division authorizes by rule in accordance with Subsection 58-55-105(3).

(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:

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

(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.

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

58-55-203 . Qualifications for licensure.

- (1) Each applicant for a license under this part shall:
- (a) submit a completed application on a form the division approves;
 - (b) pay the fee the division determines in accordance with Section 63J-1-504;
 - (c) complete a 25-hour pre-licensure course that:
 - (i) is taught by an approved pre-licensure course provider;
 - (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
 - (iii) provides any offered test free of charge;
 - (d) complete a five-hour business and law course that:
 - (i) is taught by an approved pre-licensure course provider; and
 - (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;
 - (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
 - (f) except for an applicant for a construction trades instructor license, provide evidence of:
 - (i) two-years' full-time, paid employment experience in the construction industry; and
 - (ii) knowledge of business practices and principles necessary to protect the public health, safety, and welfare.
- (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.
- (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.
- (4) A general engineering contractor may not perform or superintend:
- (a) construction of a structure built primarily for the support, shelter, and enclosure of individuals, animals, or personal property;
 - (b) plumbing work;
 - (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
1358 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, without
1359 a journeyman lineman;
- 1360 (e) mechanical work; or
1361 (f) work for which the general engineering contractor does not have the required
1362 specialized engineering knowledge and skill.
- 1363 (5) An applicant for licensure as an HVAC contractor shall submit to the division
1364 satisfactory evidence that the applicant:
- 1365 (a) completed two-years' full-time, paid employment requiring HVAC specific
1366 experience; and
- 1367 (b) passed an examination the commission makes by rule with the director's concurrence
1368 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
1370 specialty contractor is licensed if they are incidental to the performance of the specialty
1371 contractor's licensed construction trade.
- 1372 (7) An applicant for a contractor license who is a building inspector may satisfy the
1373 two-year experience requirement in Subsection (1)(f) by providing evidence of
1374 two-years' of full-time, paid employment as a building inspector, including at least one
1375 year as a licensed combination inspector.
- 1376 (8) Each qualifier shall meet the following additional requirements:
- 1377 (a) for residential electrical contractor licensure, the qualifier shall hold a master
1378 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
1381 plumber license or master residential plumber license;
- 1382 (d) for plumbing contractor licensure, the qualifier shall hold a master plumber license;
1383 or
- 1384 (e) for elevator contractor licensure, the qualifier shall hold an elevator mechanic license
1385 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
1388 58-1-301.5;
- 1389 (ii) meet the background check standard the division makes by rule the division
1390 makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking

1391 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
1394 accordance with Subsection 58-55-112(2), a list of each individual holding an
1395 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
1398 employees; or

1399 (B) a workers' compensation waiver if the applicant claims to not have any
1400 employees;

1401 (ii) proof of public liability insurance in the coverage amounts and form the division
1402 makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative
1403 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
1407 Services, for purposes of Title 35A, Chapter 4, Employment Security Act;

1408 (C) the State Tax Commission; and

1409 (D) the Internal Revenue Service.

1410 (b) An applicant for licensure as a construction trades instructor is exempt from the
1411 requirements under this Subsection (10).

1412 Section 20. Section **58-55-204** is enacted to read:

1413 **58-55-204 . Contractor continuing education requirements -- Continuing**
1414 **education courses.**

1415 (1) During each two-year license term the division establishes by rule in accordance with
1416 Section 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
1418 rule, made with the concurrence of the director and in accordance with Title 63G,
1419 Chapter 3, Utah Administrative Rulemaking Act, approved continuing education for
1420 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
1436 insurance under Section 31A-22-1001; or
1437 (xv) a nationally or regionally accredited college or university that has a physical
1438 campus in the state.
- 1439 (c) Continuing education for a contractor licensee may include a course approved by an
1440 entity described in Subsections (2)(b)(i) through (2)(b)(iii).
- 1441 (d)(i) Except as provided in Subsections (2)(d)(ii) and (2)(d)(iii), an entity listed in
1442 Subsections (2)(b)(iv) through (2)(b)(xii) may offer and market continuing
1443 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
1445 market a continuing education course that the entity offers to a contractor in an
1446 electrical trade.
- 1447 (iii) An entity described in Subsection (2)(b)(v) or (2)(b)(viii) may offer and market a
1448 continuing education course only to a licensee who is licensed in the same
1449 construction trade as the entity.
- 1450 (e) For an HVAC contractor, at least three of the six required continuing education hours
1451 must directly relate to the installation, repair, or replacement of heating, ventilation,
1452 or air conditioning systems.
- 1453 (3) The division may contract with a person to establish and maintain a registry of
1454 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.

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

Section 21. Section **58-55-205** is enacted to read:

58-55-205 . Financial responsibility.

(1) Before issuing, renewing, or reinstating a contractor license, the division shall require an applicant to demonstrate financial responsibility by:

(a)(i) completing a financial responsibility questionnaire the division prepares; and
(ii) signing the questionnaire and certifying the accuracy of the information provided;
or

(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.

(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.

(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.

(4) The applicant, the licensee, and a person that holds an ownership interest in an unincorporated entity licensee bear the burden of demonstrating financial responsibility.

(5)(a) When reviewing the financial responsibility of an unincorporated entity, the division:

(i) shall consider the personal financial information of each person that holds an ownership interest in the entity; and

(ii) may at any time:

(A) audit the personal financial information of a person that holds an ownership interest; or

(B) request and obtain a credit report for a person that holds an ownership interest.

(b) If the division determines, based on the financial information of the applicant, the licensee, or a person that holds an ownership interest in an unincorporated entity that an applicant or licensee lacks the financial responsibility to engage successfully in business as a contractor, the division may:

(i) prohibit the person from engaging in a construction trade;

- (ii) prohibit the applicant or licensee from engaging in a construction trade unless the applicant or licensed entity dissociates from the person the division determines lacks financial responsibility within 10 days after the division makes the determination of lack of financial responsibility; or
- (iii) require the applicant or licensee to post a bond that is:
- (A) in the amount and form the commission determines by rule, made with the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
- (B) equal to 20% of the applicant or licensee's annual gross distributions to the licensee's owners, including coverage for unpaid obligations including taxes.

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

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

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

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

~~[(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;]~~

~~[(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]~~

~~[(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.]

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:

- (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;
- (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;
- (3) issue a permit when no contractor has been selected at the time of application on the condition that the applicant will:
 - (a) select a currently licensed contractor;
 - (b) provide the license number to the issuing entity; and
 - (c) display the license number on the permit;
- (4) require the contractor, upon issuance of the permit, to affix the contractor's license number to the permit for public display; and
- (5) require the contractor to provide proof of:
 - (a) workers' compensation insurance;
 - (b) contributions to the unemployment insurance fund;
 - (c) health insurance coverage as required under federal or state law; and
 - (d) proper withholding of all applicable taxes from worker pay.

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

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

- (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:
 - (a) clearly designate the contract for which the payment is made; and
 - (b) identify the specific items of account to which the payment applies.
- (2) A subcontractor or material supplier that receives a payment for materials or labor shall require the person paying to:
 - (a) clearly designate the contract for which the payment is made; and
 - (b) identify the specific items of account to which the payment applies.

- (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:
- (a) the owner paid the contractor for the materials and the contractor designated the payment in accordance with Subsection (1);
 - (b) the contractor transferred the payment to the subcontractor or material supplier; and
 - (c) the subcontractor or material supplier failed to require a designation of the account and the specific items of account when receiving the payment.

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

58-55-208 . Payment of construction funds.

- (1) All unpaid construction funds are payable to the contractor as provided in Section 13-8-5.
- (2) On projects involving multiple buildings, each building should be considered individually in determining the amount to be paid to the contractor.
- (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.
- (4) If any payment is retained or withheld, the retention or withholding shall be released as provided in Section 13-8-5.

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

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

- (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.
- (2)(a) A contractor shall pay a subcontractor or supplier on or before the later of:
 - (i) 30 calendar days after the day on which the contractor receives construction funds;
 - or
 - (ii) the day after the day on which payment is due.
- (b) Unless otherwise agreed by contract or for reasonable cause, a contractor that receives funds and does not comply with Subsection (2)(a) shall pay to the subcontractor or supplier:
 - (i) interest in the amount of 1% per month of the amount due, beginning on the day after the day on which payment is due; and
 - (ii) reasonable costs of collection and attorney fees.
- (c) The amounts described in Subsection (2)(b) are in addition to the payment due to the subcontractor or supplier for work performed and billed.
- (3) When a subcontractor receives a construction payment under this section, Subsections

(1) and (2) apply to the subcontractor.

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

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:

(1) when entering into the contract; and

(2) when the cause of action arose.

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

58-55-211 . Pay statement required.

(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:

(a) the individual's name;

(b) the individual's base rate of pay;

(c) the dates of the pay period for which the individual is being paid;

(d) if paid hourly, the number of hours the individual worked during the pay period;

(e) the amount of and reason for money withheld in accordance with state and federal law, including:

(i) state and federal income tax;

(ii) Social Security tax;

(iii) Medicare tax; and

(iv) court-ordered withholdings; and

(f) the total amount paid to the individual for that pay period.

(2) A person licensed under this chapter shall:

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

(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

(c) upon request, make the pay statement records described in this section available to the division for inspection.

Section 28. Section **58-55-301** is repealed and reenacted to read:

Part 3. Electricians

58-55-301 . Definitions.

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;
 - (v) work involving class two or class three power-limited circuits as defined in the National Electrical Code; or
 - (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.
- (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.
- (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.
- (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.
- (6) "Master electrician" means an individual who plans and supervises the wiring, installation, and repair of electrical apparatus and equipment.
- (7) "Residential journeyman electrician" means an individual who wires, installs, and repairs electrical apparatus and equipment for light, heat, power, and other purposes for

1663 a residential project.

1664 (8) "Residential master electrician" means an individual who plans and supervises the
1665 wiring, installation, and repair of electrical apparatus and equipment for light, heat,
1666 power, and other purposes for a residential project.

1667 (9) "Residential project" means a residential building primarily wired with nonmetallic
1668 sheathed cable that follows the National Electrical Code.

1669 Section 29. Section **58-55-302** is repealed and reenacted to read:

1670 **58-55-302 . Electrician Education Fund.**

1671 (1) There is created an expendable special revenue fund known as the Electrician Education
1672 Fund.

1673 (2) The fund consists of money from a surcharge the division establishes in accordance
1674 with Section 63J-1-504, that the division collects on initial, renewal, and reinstatement
1675 licensures for an apprentice electrician, a journeyman electrician, a master electrician, a
1676 residential journeyman electrician, and a residential master electrician.

1677 (3)(a) The surcharge may not exceed \$5.

1678 (b) The surcharge described in Subsection (3)(a) is in addition to the surcharge described
1679 in Section 58-55-106.

1680 (4)(a) The fund shall earn interest.

1681 (b) The division shall deposit the interest into the fund.

1682 (5) With the concurrence of the commission, the director may make distributions from the
1683 fund for the following purposes:

1684 (a) education and training of licenses described in Subsection (2); and

1685 (b) education and training of other individuals licensed under this chapter or the public
1686 about electrical laws and practices.

1687 (6) If the balance in the fund is more than \$100,000 at the end of any fiscal year, the
1688 division shall transfer the amount that exceeds \$100,000 to the General Fund.

1689 (7) The division shall report annually to the General Government Appropriations
1690 Subcommittee on:

1691 (a) the balance in the fund; and

1692 (b) fund expenditures.

1693 Section 30. Section **58-55-303** is repealed and reenacted to read:

1694 **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;

- (b) pay the fee the division determines in accordance with Section 63J-1-504; and
- (c) pass the examination requirements described in this section and in rules the commission establishes by rule, made with the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2) A master electrician applicant shall provide satisfactory evidence that the applicant:
- (a) graduated as an electrical engineer from an accredited college or university the division approves and completed one year of practical electrical experience as a licensed apprentice electrician;
- (b) graduated from an electrical trade school with an associate of applied sciences degree in a course the division approves and completed two years' practical experience as a licensed journeyman electrician;
- (c) completed four-years of practical experience as a licensed journeyman electrician; or
- (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.
- (3) A master residential electrician applicant shall provide satisfactory evidence that the applicant:
- (a) completed at least two-years' practical experience as a licensed residential journeyman electrician; or
- (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.
- (4) A journeyman electrician applicant shall provide satisfactory evidence that the applicant:
- (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;
- (b) has at least eight-years' full-time experience the division approves in collaboration with the Electricians and Plumbers Licensing Board; or
- (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.
- (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
1732 division approves;
- 1733 (b) completed four-years' practical experience in wiring, installing, and repairing
1734 electrical apparatus and equipment for light, heat, and power under the supervision of
1735 a licensed master, journeyman, residential master, or residential journeyman
1736 electrician; or
- 1737 (c) meets the qualifications for expedited licensure the commission establishes by rule,
1738 made with the concurrence of the director and in accordance with Title 63G, Chapter
1739 3, Utah Administrative Rulemaking Act.
- 1740 (6)(a) An apprentice electrician applicant shall identify to the division the proposed
1741 supervisor of the apprenticeship.
- 1742 (b) Upon licensure, an apprentice electrician and the apprentice electrician's supervisor
1743 shall:
- 1744 (i) ensure the apprentice electrician works under the immediate supervision of a
1745 licensed master, journeyman, residential master, or residential journeyman
1746 electrician for the initial three-years' training;
- 1747 (ii) allow the apprentice electrician, beginning in the fourth year of training, to work
1748 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
1750 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
1751 Act, regarding the ratio of apprentice electricians to supervisor.
- 1752 Section 31. Section **58-55-304** is repealed and reenacted to read:
- 1753 **58-55-304 . Continuing education requirements for electricians.**
- 1754 (1) During each two-year license term the division establishes by rule in accordance with
1755 Section 58-55-108, a licensed electrician shall complete 16 hours of continuing
1756 education.
- 1757 (2) The commission, with the concurrence of the division, shall establish by rule, made in
1758 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, continuing
1759 education for licensed electricians.
- 1760 (3) The division may contract with a person to establish and maintain a registry of
1761 continuing education that includes:
- 1762 (a) an online application for a continuing education course provider to apply to the
1763 division for approval of a course as continuing education;
- 1764 (b) a list of approved continuing education courses; and

(c) a list of courses that:

(i) a licensed electrician completes; and

(ii) the licensed electrician 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 32. Section **58-55-401** is repealed and reenacted to read:

Part 4. Plumbers

58-55-401 . Definitions.

As used in this part:

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

(2) "Journeyman plumber" means an individual who engages in the plumbing trade.

(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.

(4) "Master plumber" means an individual who plans and supervises projects in the plumbing trade.

(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:

(i) delivery of the water supply;

(ii) discharge of liquid and water carried waste;

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

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

(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.

(6) "Residential building" means a single-family or multi-family dwelling with up to four units.

(7) "Residential journeyman plumber" means an individual who engages in the plumbing trade exclusively in the plumbing of a residential building.

(8) "Residential master plumber" means an individual who plans and supervises the

1799 plumbing of a residential building.

1800 Section 33. Section **58-55-402** is repealed and reenacted to read:

1801 **58-55-402 . Plumber Education Fund.**

1802 (1) There is created an expendable special revenue fund known as the Plumber Education
1803 Fund.

1804 (2) The fund consists of money from a surcharge, the division establishes in accordance
1805 with Section 63J-1-504, that the division collects on initial, renewal, and reinstatement
1806 licensures for apprentice plumbers, journeyman plumbers, master plumbers, residential
1807 journeyman plumbers, and residential master plumbers.

1808 (3)(a) The surcharge may not exceed \$5.

1809 (b) The surcharge described in Subsection (3)(a) is in addition to the surcharge described
1810 in Section 58-55-106.

1811 (4)(a) The fund shall earn interest.

1812 (b) The division shall deposit the interest into the fund.

1813 (5) With the concurrence of the commission, the director may make distributions from the
1814 fund for the following purposes:

1815 (a) education and training of licensees described in Subsection (2); and

1816 (b) education and training of other individuals licensed under this chapter or the public
1817 about plumbing laws and practices.

1818 (6) If the balance in the fund is more than \$100,000 at the end of any fiscal year, the
1819 division shall transfer the amount that exceeds \$100,000 to the General Fund.

1820 (7) The division shall report annually to the General Government Appropriations
1821 Subcommittee on:

1822 (a) the balance in the fund; and

1823 (b) fund expenditures.

1824 Section 34. Section **58-55-404** is enacted to read:

1825 **58-55-404 . Qualifications for licensure.**

1826 (1) An applicant for a license under this section shall:

1827 (a) submit an application the division approves;

1828 (b) pay the fee the division determines in accordance with Section 63J-1-504; and

1829 (c) pass the examination requirements this section and rules the commission makes with
1830 the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah
1831 Administrative Rulemaking Act, establishes.

1832 (2) A master plumber applicant shall provide satisfactory evidence that the applicant:

- 1833 (a) has two-years' supervisory experience as a licensed journeyman plumber in
1834 accordance with division rule;
- 1835 (b) has received an associate of applied science degree or similar degree following
1836 completion of a course of study the division approves and has one year of
1837 supervisory experience as a licensed journeyman plumber in accordance with
1838 division rule; or
- 1839 (c) meets the qualifications for expedited licensure the commission establishes by rule,
1840 with the concurrence of the director and in accordance with Title 63G, Chapter 3,
1841 Utah Administrative Rulemaking Act.
- 1842 (3) A master residential plumber applicant shall provide satisfactory evidence that the
1843 applicant:
- 1844 (a) has two-years' supervisory experience as a licensed residential journeyman plumber
1845 in accordance with division rule; or
- 1846 (b) meets the qualifications for expedited licensure the commission establishes by rule,
1847 with the concurrence of the director and in accordance with Title 63G, Chapter 3,
1848 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
1851 apprentice plumber under supervision of a licensed master plumber or journeyman
1852 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
1854 with the Electricians and Plumbers Licensing Board; or
- 1855 (c) meets the qualifications for expedited licensure the commission establishes by rule,
1856 with the concurrence of the director and in accordance with Title 63G, Chapter 3,
1857 Utah Administrative Rulemaking Act.
- 1858 (5) A residential journeyman plumber applicant shall provide satisfactory evidence that the
1859 applicant:
- 1860 (a) completed at least three-years' full-time training and instruction as a licensed
1861 apprentice plumber under the supervision of a licensed residential master plumber,
1862 licensed residential journeyman plumber, or licensed journeyman plumber in
1863 accordance with a training program the division approves;
- 1864 (b) completed at least six-years' full-time experience in a maintenance or repair trade
1865 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.

- (6)(a) An apprentice plumber applicant shall identify to the division the proposed supervisor of the apprenticeship.
- (b) Upon licensure, an apprentice plumber and the apprentice plumber's supervisor shall:
- (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;
 - (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
 - (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.

Section 35. Section **58-55-405** is enacted to read:

58-55-405 . Continuing education requirements for plumbers.

- (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.
- (2) The commission shall establish by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, continuing education for licensed plumbers.
- (3) The division may contract with a person to establish and maintain a registry of continuing education that includes:
 - (a) an online application for a continuing education course provider to apply to the division for approval of the course as continuing education;
 - (b) a list of approved continuing education courses; and
 - (c) a list of courses that:
 - (i) a licensed plumber completes; and
 - (ii) the licensed plumber 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 the requirements of this section.

Section 36. Section **58-55-501** is repealed and reenacted to read:

Part 5. Miscellaneous Licenses

58-55-501 . Definitions.

As used in this part:

- (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.
- (2) "Commercial construction project" means a construction, alteration, repair, demolition, or excavation project that does not involve:
- (a) single-family detached housing;
 - (b) multi-family attached housing up to and including a fourplex; or
 - (c) construction of a non-residential project that is fewer than two stories above ground.
- (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.
- (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.
- (4) "Crane operator" means an individual who operates a crane.
- (5)(a) "Elevator" means the same as that term is defined in Section 34A-7-202;
- (b) "Elevator" does not include:
- (i) a stair chair;
 - (ii) an incline platform lift; or
 - (iii) a vertical platform lift.
- (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.
- (7) "Elevator work" means constructing, maintaining, servicing, or repairing an elevator.
- (8) "Fire sprinkler contractor" means a contractor that installs, repairs, maintains, or replaces an automatic fire sprinkler system.
- (9) "Gas corporation" means the same as that term is defined in Section 54-2-1.
- (10) "Minimum system" means the minimum natural gas facilities necessary to serve each intended consumer, as determined by a gas corporation.
- (11)(a) "Natural gas facility" means:
- (i) one or more natural gas mains;
 - (ii) one or more natural gas service lines; or
 - (iii) a combination of Subsections (11)(a)(i) and (ii).
- (b) "Natural gas facility" includes any necessary appurtenant facilities.
- (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.

(b) "Natural gas main" does not include a natural gas service line.

(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.

(14) "Natural gas tariff specifications" means the standards and specifications:

(a) for the construction of natural gas facilities; and

(b) that are:

(i) established by a gas corporation; and

(ii) included in the gas corporation's tariff that is approved by the Public Service Commission.

(15) "Qualifying installer" means a person that:

(a) a gas corporation approves to install natural gas facilities; and

(b) is licensed in accordance with Section 58-55-503.

Section 37. Section **58-55-502** is repealed and reenacted to read:

58-55-502 . General provisions.

(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:

(i) define and limit the scope of practice for licenses issued under this part; and

(ii) establish operating standards consistent with practices in the relevant industry.

(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:

(i) rules the commission makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(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.

(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 construction trades if the contracted construction trade is incidental to the construction trade for which the contractor is licensed.

Section 38. Section **58-55-503** is repealed and reenacted to read:

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

(1)(a) This section applies to:

(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

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

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

(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

(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.

(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.

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

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

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

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

Section 39. Section **58-55-504** is amended to read:

58-55-504 . Crane operators.

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

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

~~[(i) single family detached housing;]~~

~~[(ii) multifamily attached housing up to and including a fourplex; or]~~

~~[(iii) commercial construction of not more than two stories above ground.]~~

~~[(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.]~~

~~[(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.]

[(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.]

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

[(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).]

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

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

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

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

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

(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.

Section 40. Section **58-55-505** is enacted to read:

58-55-505 . Automatic fire sprinkler contractor.

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

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

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

(b) submit evidence to the division of:

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

(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

(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.

Section 41. Section **58-55-506** is enacted to read:

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

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

- (a) provide documentation showing at least three-years' work experience in the elevator industry, in construction, maintenance, or service and repair;
- (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
- (c) provide a certificate of completion from an elevator mechanic apprenticeship program that:
 - (i) meets standards substantially equal to those in this chapter; and
 - (ii) is registered with the United States Department of Labor Bureau of Apprenticeship and Training or a state apprenticeship council.

(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.

(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.

(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 42. Section **58-55-507** 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 43. Section **58-55-508** 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.
- (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.
- (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.
- (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.

Section 44. Section **58-55-601** is repealed and reenacted to read:

Part 6. Unlawful and Unprofessional Conduct

58-55-601 . Unlawful conduct.

- 2105 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
- 2107 engages in a construction trade or acts as a contractor in a trade requiring licensure
- 2108 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
- 2111 that person is an employee of a licensed person, paid wages, and is not otherwise
- 2112 required to hold a license;
- 2113 (4) applies for or obtains a building permit without holding a license or qualifying for an
- 2114 exemption under this chapter;
- 2115 (5) issues a building permit to a person that does not provide evidence of a current license
- 2116 or exemption;
- 2117 (6) applies for or obtains a building permit to benefit or assist a person that must hold a
- 2118 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
- 2121 exemption;
- 2122 (9) willfully or deliberately misrepresents or omits a material fact when applying to obtain
- 2123 or renew a license;
- 2124 (10) allows another person to use the person's license, except as permitted by statute or rule;
- 2125 (11) does business under a name other than the name on the license, unless statute or rule
- 2126 allows otherwise;
- 2127 (12) fails to directly supervise an apprentice electrician or an apprentice plumber or exceeds
- 2128 the permitted number of apprentices to supervisor;
- 2129 (13) as a contractor, receives funds from a person to pay for work performed or materials
- 2130 and services provided for a specific project, and after receiving the funds, fails to pay all
- 2131 amounts due to those who performed the work or provided materials or services within a
- 2132 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

- 2139 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
- 2142 beneficiary or obtaining an exemption under Title 38, Chapter 11, Residence Lien
- 2143 Restriction and Lien Recovery Fund Act;
- 2144 (16) as an original contractor, as defined in Section 38-11-102, fails to include the notice
- 2145 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
- 2150 lawfully present in the United States; or
- 2151 (b) provides labor to another licensed entity by supplying an interest owner to engage in
- 2152 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
- 2154 engage in a construction trade in the state:
- 2155 (a) workers' compensation coverage as required under Title 34A, Chapter 2, Workers'
- 2156 Compensation Act, or Title 34A, Chapter 3, Utah Occupational Disease Act, or as
- 2157 would be required if licensed under this chapter; or
- 2158 (b) unemployment compensation under Title 35A, Chapter 4, Employment Security Act,
- 2159 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
- 2162 does not belong to that individual; or
- 2163 (b) provides labor to another licensed entity by supplying an individual who uses a
- 2164 social security number that does not belong to that individual;
- 2165 (22) as a sign installation contractor or nonelectrical outdoor advertising sign contractor, as
- 2166 described by rule the division makes in accordance with Title 63G, Chapter 3, Utah
- 2167 Administrative Rulemaking Act, fails to:
- 2168 (a) prominently display the contractor's business name and license number on a vehicle
- 2169 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,
- 2172 or board of education imposes in accordance with Section 58-55-206;

(24) as a contractor, fails to comply in a timely manner with requirements described in Section 58-55-211;

(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

(26) operates a crane without the certification described in Section 58-55-504.

Section 45. Section **58-55-602** is repealed and reenacted to read:

58-55-602 . Penalty for unlawful conduct.

(1)(a) An individual commits a class A misdemeanor by violating:

(i) Section 58-55-503;

(ii) Section 58-55-504;

(iii) Subsections 58-55-601(1) through (7), (9), (10), and (12), (14)(e), or (21) through (24); or

(iv) failing to comply with a citation issued under this chapter.

(b) An individual who violates Subsection 58-55-601(8) may not receive or accept a contract to perform work or act as a qualifier.

(2)(a) An individual commits an infraction by violating Subsection 58-55-601(13).

(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.

Section 46. Section **58-55-603** is repealed and reenacted to read:

58-55-603 . Unprofessional conduct.

A person engages in unprofessional conduct if the person:

(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;

(2) disregards or violates, through gross negligence or a pattern of negligence:

(a) state or local building or construction laws;

(b) safety and labor laws applicable to a project;

(c) health laws applicable to a project;

(d) workers' compensation insurance laws applicable to a project;

(e) laws governing employee state and federal income tax withholdings, unemployment tax, Social Security payroll tax, or other required withholdings; or

(f) state or federal reporting, notification, and filing laws;

(3) commits, causes, or directs a willful, fraudulent, or deceitful act that causes material injury to another person;

- (4) commits a contract violation that threatens or potentially threatens the public health, safety, or welfare, including when the person:
- (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;
 - (b) fails to deposit funds for the benefit of an employee;
 - (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;
 - (d) fails to reimburse the Residence Lien Recovery Fund as required under Section 38-11-207;
 - (e) fails to provide information required under Section 38-11-108; or
 - (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;
- (5) fails to comply with operating standards described in Section 58-55-502;
- (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;
- (7) fails to continuously maintain insurance and registration as required under Section 58-55-204; or
- (8) fails to comply with Section 58-55-107.

Section 47. Section **58-55-604** is repealed and reenacted to read:

58-55-604 . Citations -- Fines -- License suspension-- License revocation.

- (1) As used in this section, "qualifying violation" means a violation of:
- (a) Section 58-55-503;
 - (b) Section 58-55-504;
 - (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
 - (d) Subsection 58-55-602(4) or (6).
- (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:
- (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
- 2243 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:
- 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
- 2252 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
- 2259 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
- 2262 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
- 2269 Subsection 58-55-601(14)(e) or (24), up to \$2,000 per day of continued offense;
- 2270 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.

(6)(a) Except as provided in Subsection (8), the division shall consider a qualifying violation a second or additional offense if:

(i) a prior final order established a qualifying violation; or

(ii) the division initiated an action for an earlier offense and finds a second qualifying violation during a new investigation before resolving the initial case.

(b) The division shall follow this section when issuing final orders for repeated qualifying violations.

(7)(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.

(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.

(c) Each qualifying violation under Subsection 58-55-601(20) or (21) involving a different individual counts as a separate qualifying violation.

(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.

(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.

(10) The division and commission may suspend a license if:

(a) the licensee receives a citation for violating:

(i) Section 58-55-503;

(ii) Section 58-55-504; or

(iii) Section 58-55-601; or

(b) the licensee fails to:

(i) apply for a new license for a new business structure;

(ii) maintain or demonstrate financial responsibility in accordance with Section 58-55-205, while holding a contractor license under Part 2, Contractors; or

(iii) notify the division of insurance loss or change in qualifier.

Section 48. Section **58-55-605** is repealed and reenacted to read:

58-55-605 . Grounds for denial of license and disciplinary proceedings.

(1) In accordance with Section 58-1-401, if an applicant or licensee does not meet the qualifications for licensure, the division may:

(a) refuse to issue or renew a license;

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

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

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

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

(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:

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

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

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

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

Section 49. Section **58-55-606** is enacted to read:

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

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

(2)(a) The division shall investigate:

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

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

(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.

(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).

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

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

Section 50. Section **58-55-607** is enacted to read:

58-55-607 . Collection -- Enforcement.

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

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

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

(b) file a district court action in the person's county or the county where the director's

office is located.

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

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

Section 51. Section **58-91-101** is enacted to read:

CHAPTER 91. Alarm Company Licensing Act

Part 1. General Provisions

58-91-101 . Definitions.

As used in this chapter:

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

(b) "Alarm company" does not include:

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

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

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

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

(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.

(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.

(b) "Alarm company agent" does not include an individual who does not use or have access to sensitive alarm system information.

(3) "Alarm company officer" means:

(a) a governing person, as defined in Section 48-3a-102, of an alarm company;

(b) an individual appointed as an officer of an alarm company that is a corporation in accordance with Section 16-10a-830;

(c) a general partner, as defined in Section 48-2e-102, of an alarm company; or

(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
2378 through an entity controlled by the individual, 5% or more of the outstanding shares
2379 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
2383 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
2385 registered as a sole proprietorship with the Division of Corporations and Commercial
2386 Code.
- 2387 (6) "Alarm company trustee" means a person with control of or power of administration
2388 over an alarm company held in trust.
- 2389 (7)(a) "Alarm system" means equipment for detecting and signaling unauthorized
2390 intrusion or entry into or onto a protected premises.
2391 (b) "Alarm system" includes a battery-charged suspended-wire system or fence that
2392 interfaces with an alarm system.
- 2393 (8) "Board" means the Alarm System Security and Licensing Board created in Section
2394 58-91-201.
- 2395 (9)(a) "Control position" means a person that exercises direct or indirect control over an
2396 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
2403 63G, Chapter 3, Utah Administrative Rulemaking Act, giving consideration to the
2404 definition adopted by the Internal Revenue Service and the Department of Workforce
2405 Services.
- 2406 (12) "Qualifier" means the individual who has the license that allows an alarm company to
2407 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
2415 company providing the alarm system;

2416 (c) information that would allow the compromise of an alarm system of a customer of
2417 the alarm company providing the alarm system; or

2418 (d) other similar information that the division by rule determines to be information that
2419 an individual an alarm company employs should use or have access to only if the
2420 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
2422 of the Diagnostic and Statistical Manual of Mental Disorders published by the American
2423 Psychiatric Association.

2424 (16) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and
2425 58-91-501.

2426 (17) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501
2427 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
2429 is fixed or ascertained on a time, task, piece, commission, or other basis for calculating
2430 the amount.

2431 Section 52. Section **58-91-102** is enacted to read:

2432 **58-91-102 . Surcharge.**

2433 (1)(a) The division shall collect a \$1 surcharge from each applicant for an initial license,
2434 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
2436 or the division authorizes in accordance with Section 63J-1-504.

2437 (2)(a) The division shall deposit the surcharge into the General Fund as a dedicated
2438 credit.

2439 (b) The division shall use the dedicated credits to provide a licensee with access to an i
2440 nternet-based library of national, state, and local building codes and standards.

2441 Section 53. Section **58-91-103** is enacted to read:

2442 **58-91-103 . Proof of licensure to begin or maintain litigation.**

2443 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:

(1) when entering into the contract; and

(2) when the cause of action arose.

Section 54. Section **58-91-201** is enacted to read:

Part 2. Board

58-91-201 . Board.

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

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

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

(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.

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

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

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

(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.

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

(a) recommending rules;

(b) recommending policy and budgetary matters;

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

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

(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

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

Section 55. Section **58-91-301** is enacted to read:

Part 3. Licensing

58-91-301 . License required -- License classifications -- Scope.

- (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.
- (b) The only licenses required for the licensee to engage as an alarm company or an alarm company agent 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) The division shall issue a license under this chapter to a qualified person in the following classifications:
- (a) alarm company; or
 - (b) alarm company agent.
- (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:
- (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;
 - (b) is located on property that is not designated by a municipality or county for residential use;
 - (c) is driven by a commercial storage battery that provides no more than 12 volts of direct current;
 - (d) is capable of producing an electric charge on contact that does not exceed energizer characteristics set for electric fence energizers by the International Electrotechnical Commission;
 - (e) is surrounded by a nonelectric perimeter fence or wall that is at least five feet in height;
 - (f) is not more than the higher of:
 - (i) two feet higher than the height of the nonelectric perimeter fence or wall; or
 - (ii) 10 feet in height;
 - (g) is marked with conspicuous warning signs that are located on the battery-charged

- 2511 suspended-wire system or fence at no more than 30-foot intervals and that read
2512 "WARNING -- ELECTRIC FENCE"; and
- 2513 (h) meets rules related to battery-charged suspended-wire systems or fences that the
2514 division adopts with the board's concurrence and in accordance with Title 63G,
2515 Chapter 3, Utah Administrative Rulemaking Act.
- 2516 Section 56. Section **58-91-302** is enacted to read:
- 2517 **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
2519 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
2521 alarm company if the alarm company applicant meets the requirements under this
2522 chapter.
- 2523 (3) The division shall require the alarm company's license number on permit applications,
2524 contracts, agreements, or bids that require a license.
- 2525 (4)(a) The division shall require an alarm company to have a qualifier.
- 2526 (b) An individual acting as a qualifier for an alarm company shall demonstrate to the
2527 division that the individual is an alarm company officer, an alarm company owner, or
2528 manager of the alarm company who exercises material authority in the conduct of the
2529 alarm company by:
- 2530 (i) making substantive technical and administrative decisions relating to the work
2531 performed for which a license under this chapter is required;
- 2532 (ii) hiring, promoting, transferring, laying off, disciplining, directing, or discharging
2533 employees of the alarm company; and
- 2534 (iii) avoiding involvement in other employment or activity that conflict with the
2535 individual's duties and responsibilities to ensure the licensee does not jeopardize
2536 the public health, safety, and welfare.
- 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
2540 requirements of this section; and
- 2541 (iii) a qualifier if the qualifier or contractor licensee violates the requirements of this
2542 section.
- 2543 (b) The division may consider failure to comply with the requirements of this section to
2544 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,
2546 the alarm company shall notify the division in writing within 10 days after the day on
2547 which the association ceases.
- 2548 (b) If notice is given, the alarm company's license shall remain in force for 60 days after
2549 the day on which the association ceases.
- 2550 (c) The division shall suspend the alarm company's license if the alarm company does
2551 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
2553 notify the division of cessation of association of a qualifier.

2554 Section 57. Section **58-91-303** is enacted to read:

2555 **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
2557 establishes by rule the division makes in accordance with Title 63G, Chapter 3, Utah
2558 Administrative Rulemaking Act.
- 2559 (b) The division may extend or shorten a license term by up to one year to stagger
2560 renewals as the division determines by rule in accordance with Title 63G, Chapter 3,
2561 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;
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
2572 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.

2575 Section 58. Section **58-91-304** is enacted to read:

2576 **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,
2582 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
2585 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
2588 proprietor, alarm company trustee, and responsible management personnel with
2589 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,
2591 and fingerprints to the division;
2592 (B) consent to, and complete, a criminal background check, described in Section
2593 58-1-301.5;
2594 (C) meet background check standards the division makes by rule under Title 63G,
2595 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 (A) are declared by a court with jurisdiction incompetent by reason of mental
2599 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
2603 determines by rule made in collaboration with the board in accordance with
2604 Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
2605 (B) workers' compensation insurance that covers employees of the applicant in
2606 accordance with applicable Utah law; and
2607 (C) registration as is required by applicable law with the Division of Corporations
2608 and Commercial Code, the Unemployment Insurance Division in the
2609 Department of Workforce Services for purposes of Title 35A, Chapter 4,
2610 Employment Security Act, the State Tax Commission, and the Internal
2611 Revenue Service; and
2612 (viii) meets with the division and board if the division or the board requests.

- (2) Each applicant for a license as an alarm company agent shall:
- (a) submit an application in a form the division approves;
 - (b) submit fingerprints in a form the division approves;
 - (c) pay the fee the division determines in accordance with Section 63J-1-504;
 - (d) consent to and complete a criminal background check described in Section 58-1-301.5;
 - (e) meet background check standards the division makes by rule under Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (f) disclose criminal history the division requests on a form the division approves;
 - (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;
 - (h) attest the applicant is not currently suffering from a substance use disorder; and
 - (i) meet with the division and board if the division or the board requests.
- (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.
- (4)(a) The division shall deny an application for licensure under this chapter if:
- (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;
 - (ii)(A) the applicant is a partnership, corporation, or limited liability company; and
(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
 - (iii)(A) the applicant is an individual or sole proprietorship; and
(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.
- (b) The board shall review an application for licensure under this chapter before approval if:
- (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;
 - (ii)(A) the applicant is a partnership, corporation, or limited liability company; and

(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

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

(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.

Section 59. Section **58-91-305** is enacted to read:

58-91-305 . Evidence of licensure.

An individual licensed as an alarm company agent shall:

- (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
- (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.

Section 60. Section **58-91-306** is enacted to read:

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:

- (1) the owner of an alarm system; or
- (2) an employee of the owner of an alarm system.

Section 61. Section **58-91-307** is enacted to read:

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

- (1) The division may issue a temporary permit to an applicant for licensure as an alarm company agent if:
 - (a) the division has received a background check on the applicant from the Bureau of Criminal Identification;
 - (b)(i) the applicant is or will be employed at a call center, office, or administrative facility of an alarm company; and
 - (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
 - (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).
- (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
2683 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
2685 applicant's application.

2686 Section 62. Section **58-91-401** is enacted to read:

2687 **Part 4. License Denial and Discipline**

2688 **58-91-401** . Investigation of regulated activity.

2689 (1) The division is responsible for the investigation of a person or an activity that violates a
2690 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
2694 which the division requires a license.

2695 (3) The division shall decline to proceed with investigation of the violation of a provision of
2696 this chapter if the division finds there is no apparent material jeopardy to the public
2697 health, safety, and welfare.

2698 Section 63. Section **58-91-501** is enacted to read:

2699 **Part 5. Unlawful and Unprofessional Conduct**

2700 **58-91-501 . Unlawful conduct.**

2701 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
2703 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
2706 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
2709 allows otherwise;

2710 (6) employs an unlicensed alarm company or an unlicensed individual as an alarm company
2711 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
2713 fraudulent with intent to mislead the division during the licensure process;

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

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

Section 64. Section **58-91-502** is enacted to read:

58-91-502 . Penalty for unlawful conduct.

An individual commits a class A misdemeanor by:

(1) violating Subsections 58-91-501(1) through (4), or Subsections 58-91-501 (6) through (9); or

(2) failing to comply with a final citation issued under this section.

Section 65. Section **58-91-503** is enacted to read:

58-91-503 . Unprofessional conduct.

A person engages in unprofessional conduct if the person:

(1) commits, causes, or directs a willful, fraudulent, or deceitful act that causes material injury to another person;

(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;

(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);

(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;

(5) fails to comply with operating standards the division makes by rule;

(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

(7) fails to continuously maintain insurance and registration as required under Subsection 304(1)(c)(vii).

Section 66. Section **58-91-504** is enacted to read:

58-91-504 . Citations -- Fines -- License suspension-- License revocation.

(1) As used in this section, "qualifying violation" means a violation of:

(a) Subsections 58-91-501(1) through (4), Subsection 58-91-501(6), or Subsections 58-91-501(8) through (9); or

(b) Subsection 58-91-503(1).

(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:

(i) issue a citation;

(ii) attempt a stipulated settlement; or

(iii) require the person to appear in an adjudicative proceeding under Title 63G, Chapter 4, Administrative Procedures Act.

(b) The division may assess a fine and issue a cease-and-desist order based on:

(i) an uncontested citation;

(ii) a stipulated settlement; or

(iii) a violation finding in an adjudicative proceeding.

(3)(a) Each citation shall:

(i) be in writing;

(ii) describe the violation with specific reference to statute, rule, or order;

(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

(iv) state the consequences of failing to contest or pay fines.

(b) The division may serve the citation:

(i) according to the Utah Rules of Civil Procedure;

(ii) in person or via an agent; or

(iii) by mail.

(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.

(d) The division may extend the 20-calendar day period for cause.

(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.

(b) The division may deny licensure after the applicant fails to comply with a final citation.

(c) The division shall issue a citation within one year of the reported violation.

(5) The director or designee shall assess a fine for a qualifying violation as follows:

(a) first offense: up to \$1,000;

(b) for second offense: up to \$2,000; and

(c) additional offenses: up to \$2,000 per day of continued offense.

- (6)(a) The division considers a violation a second or subsequent offense if:
- (i) a prior final order established a qualifying violation; or
 - (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.
- (b) The division shall follow this section when issuing final orders for repeated violations.
- (7) If five or more years pass between violations, the division may not treat a new violation as a subsequent violation.
- (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.
- (9) The division may immediately suspend a license if:
- (a) the licensee receives a citation for violating Section 58-91-501; or
 - (b) the licensee fails to:
 - (i) apply for a new license for a new classification or business structure; or
 - (ii) notify the division of a change in qualifier.
- Section 67. Section **63G-2-302** is amended to read:
- 63G-2-302 . Private records.**
- (1) The following records are private:
- (a) records concerning an individual's eligibility for unemployment insurance benefits, social services, welfare benefits, or the determination of benefit levels;
 - (b) records containing data on individuals describing medical history, diagnosis, condition, treatment, evaluation, or similar medical data;
 - (c) records of publicly funded libraries that when examined alone or with other records identify a patron;
 - (d) records received by or generated by or for:
 - (i) the [~~Independent~~] independent Legislative Ethics Commission, except for:
 - (A) the commission's summary data report that is required under legislative rule;
 - and
 - (B) any other document that is classified as public under legislative rule; or
 - (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;
 - (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;

- 2816 (f) records received or generated for a Senate confirmation committee concerning
2817 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
2819 records:
2820 (A) reasonably could be expected to interfere with the investigation undertaken by
2821 the committee; or
2822 (B) would create a danger of depriving a person of a right to a fair proceeding or
2823 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
2826 employment with, a governmental entity that would disclose that individual's home
2827 address, home telephone number, social security number, insurance coverage, marital
2828 status, or payroll deductions;
2829 (h) records or parts of records under Section 63G-2-303 that a current or former
2830 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
2832 identification number if provided under Section 31A-23a-104, 31A-25-202,
2833 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
2841 governor or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or
2842 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
2845 verification submitted in support of the form;
2846 (n) a record or information regarding whether a voter returned a ballot with postage
2847 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
- 2853 Officer; and
- 2854 (B) acts as a repository of information about the individual that can be
- 2855 electronically retrieved and used to facilitate the individual's online interaction
- 2856 with a state agency;
- 2857 (p) information provided to the [~~Commissioner of Insurance~~] commissioner of insurance
- 2858 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,
- 2863 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
- 2866 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
- 2869 accordance with Section 34-45-107, if the federal law or action supporting the filing
- 2870 involves homeland security;
- 2871 (t) electronic toll collection customer account information received or collected under
- 2872 Section 72-6-118 and customer information described in Section 17B-2a-815
- 2873 received or collected by a public transit district, including contact and payment
- 2874 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
- 2877 20A, Chapter 16, Uniform Military and Overseas Voters Act;
- 2878 (w) records received by or generated by or for the Political Subdivisions Ethics Review
- 2879 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,
- 2882 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

- 2884 incident or threat;
- 2885 (y) a criminal background check or credit history report conducted in accordance with
- 2886 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,
- 2889 an individual's:
- 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
- 2894 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
- 2898 Subsection 59-1-403(4)(y)(iii);
- 2899 (dd) a record of the Child Welfare Legislative Oversight Panel regarding an individual
- 2900 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
- 2902 63A-17-1004;
- 2903 (ff) a record relating to a request by a state elected official or state employee who has
- 2904 been threatened to the Division of Technology Services to remove personal
- 2905 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
- 2907 67-27-106; and
- 2908 (hh) a record or notice received or generated under Title 53, Chapter 30, Security
- 2909 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
- 2912 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
- 2915 with a governmental entity, including performance evaluations and personal status
- 2916 information such as race, religion, or disabilities, but not including records that are
- 2917 public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under

- 2918 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
- 2922 with a financial assurance requirement; or
- 2923 (iii) records that must be disclosed in accordance with another statute;
- 2924 (c) records of independent state agencies if the disclosure of those records would
- 2925 conflict with the fiduciary obligations of the agency;
- 2926 (d) other records containing data on individuals the disclosure of which constitutes a
- 2927 clearly unwarranted invasion of personal privacy;
- 2928 (e) records provided by the United States or by a government entity outside the state that
- 2929 are given with the requirement that the records be managed as private records, if the
- 2930 providing entity states in writing that the record would not be subject to public
- 2931 disclosure if retained by it;
- 2932 (f) any portion of a record in the custody of the Division of Aging and Adult Services,
- 2933 created in Section 26B-6-102, that may disclose, or lead to the discovery of, the
- 2934 identity of a person who made a report of alleged abuse, neglect, or exploitation of a
- 2935 vulnerable adult; and
- 2936 (g) audio and video recordings created by a body-worn camera, as defined in Section
- 2937 77-7a-103, that record sound or images inside a home or residence except for
- 2938 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
- 2941 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
- 2943 against a law enforcement officer or law enforcement agency;
- 2944 (iv) contain an officer-involved critical incident as defined in Subsection
- 2945 76-2-408(1)(f); or
- 2946 (v) have been requested for reclassification as a public record by a subject or
- 2947 authorized agent of a subject featured in the recording.
- 2948 (3)(a) As used in this Subsection (3), "medical records" means medical reports, records,
- 2949 statements, history, diagnosis, condition, treatment, and evaluation.
- 2950 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
- 2951 doctors, or affiliated entities are not private records or controlled records under

2952 Section 63G-2-304 when the records are sought:

2953 (i) in connection with any legal or administrative proceeding in which the patient's
2954 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
2956 party relies upon the condition as an element of the claim or defense.

2957 (c) Medical records are subject to production in a legal or administrative proceeding
2958 according to state or federal statutes or rules of procedure and evidence as if the
2959 medical records were in the possession of a nongovernmental medical care provider.

2960 Section 68. Section **63I-1-258** is amended to read:

2961 **63I-1-258 . Repeal dates: Title 58.**

2962 (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is repealed
2963 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
2968 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
2971 repealed July 1, 2029.

2972 (8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July 1,
2973 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,
2977 2029.

2978 (12) Subsection 58-47b-302(1), regarding applicant for a massage assistant-in-training, is
2979 repealed July 1, 2029.

2980 (13) Subsection 58-47b-302(2), regarding applicant for a massage assistant, is repealed July
2981 1, 2029.

2982 (14) Subsection 58-47b-303(3)(b), regarding expiration of a massage assistant-in-training
2983 license, is repealed July 1, 2029.

2984 (15) Subsection ~~[58-55-201(2)]~~ 58-91-201(1)(a), regarding the Alarm System and Security
2985 Licensing Advisory Board, is repealed July 1, 2027.

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

Section 69. Section **63J-1-602.1** is amended to read:

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

Appropriations made from the following accounts or funds are nonlapsing:

- (1) The Native American Repatriation Restricted Account created in Section 9-9-407.
- (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.
- (3) Funds collected for directing and administering the C-PACE district created in Section 11-42a-106.
- (4) Money received by the Utah Inland Port Authority, as provided in Section 11-58-105.
- (5) The Commerce Electronic Payment Fee Restricted Account created in Section 13-1-17.
- (6) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in Section 19-2a-106.
- (7) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in Section 19-5-126.
- (8) State funds for matching federal funds in the Children's Health Insurance Program as provided in Section 26B-3-906.
- (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.
- (10) The Technology Development Restricted Account created in Section 31A-3-104.
- (11) The Criminal Background Check Restricted Account created in Section 31A-3-105.
- (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.
- (13) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.
- (14) The Health Insurance Actuarial Review Restricted Account created in Section 31A-30-115.
- (15) The State Mandated Insurer Payments Restricted Account created in Section 31A-30-118.
- (16) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.
- (17) The Underage Drinking Prevention Media and Education Campaign Restricted Account created in Section 32B-2-306.
- (18) The School Readiness Restricted Account created in Section 35A-15-203.
- (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
3021 Section 35A-16-212.
- 3022 (21) The Homeless Shelter Cities Mitigation Restricted Account created in Section
3023 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.
- 3027 (25) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to the
3028 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
3031 created by Section 41-3-110 to the State Tax Commission.
- 3032 (28) The State Disaster Recovery Restricted Account to the Division of Emergency
3033 Management, as provided in Section 53-2a-603.
- 3034 (29) The Disaster Response, Recovery, and Mitigation Restricted Account created in
3035 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
3038 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
3044 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
3046 to Subsection 54-5-1.5(4)(d).
- 3047 (38) Funds collected from a surcharge fee to provide certain licensees with access to an
3048 electronic reference library, as provided in Section 58-3a-105.
- 3049 (39) Certain fines collected by the Division of Professional Licensing for violation of
3050 unlawful or unprofessional conduct that are used for education and enforcement
3051 purposes, as provided in Section 58-17b-505.
- 3052 (40) Funds collected from a surcharge fee to provide certain licensees with access to an [
3053 ~~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 [
 3055 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 [
 3057 electronic-reference] internet-based library, as provided in Section 58-56-3.5.

3058 (43) Funds collected from a surcharge fee to provide certain licensees with access to an
 3059 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
 3061 education and enforcement of the Security Personnel Licensing Act, as provided in
 3062 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
 3066 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
 3068 check for principal broker, associate broker, and sales agent licenses, as provided in
 3069 Section 61-2f-204.

3070 ~~[(48)]~~ (49) Certain funds donated to the Department of Health and Human Services, as
 3071 provided in Section 26B-1-202.

3072 ~~[(49)]~~ (50) Certain funds donated to the Division of Child and Family Services, as provided
 3073 in Section 80-2-404.

3074 ~~[(50)]~~ (51) Funds collected by the Office of Administrative Rules for publishing, as
 3075 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
 3078 in Section 63H-1-504.

3079 ~~[(53)]~~ (54) The Unified Statewide 911 Emergency Service Account created in Section
 3080 63H-7a-304.

3081 ~~[(54)]~~ (55) The Utah Statewide Radio System Restricted Account created in Section
 3082 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
 3086 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,

3088 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;

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

3096 72-16-204.

3097 ~~[(61)]~~ (62) Certain funds received by the Office of the State Engineer for well drilling fines

3098 or bonds, as provided in Section 73-3-25.

3099 ~~[(62)]~~ (63) The Water Resources Conservation and Development Fund, as provided in

3100 Section 73-23-2.

3101 ~~[(63)]~~ (64) Award money under the State Asset Forfeiture Grant Program, as provided under

3102 Section 77-11b-403.

3103 ~~[(64)]~~ (65) Funds donated or paid to a juvenile court by private sources, as provided in

3104 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,

3107 81-13-504, and 81-13-505.

3108 ~~[(67)]~~ (68) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4,

3109 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

3112 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

3114 buffalo, as provided under Section 79-4-1001.

3115 Section 70. **Repealer.**

3116 This bill repeals:

3117 Section **58-55-102, Definitions.**

3118 Section **58-55-302.5, Continuing education requirements for contractor licensees --**

3119 **Continuing education courses.**

3120 Section **58-55-302.7, Continuing education requirements for electricians, elevator**

3121 **mechanics, and plumbers.**

3122 Section **58-55-308, Scope of practice -- Installation, repair, maintenance, or replacement**
3123 **of gas appliance, combustion system, automatic fire sprinkler system, or battery-powered**
3124 **fence -- Rules.**

3125 Section **58-55-308.1, Definitions -- Installation of natural gas facilities -- Scope of**
3126 **practice.**

3127 Section **58-55-311, Evidence of licensure.**

3128 Section **58-55-312, Interim and temporary permits for alarm company agents.**

3129 Section **58-55-701, Definitions.**

3130 Section **58-55-703, Fees.**

3131 Section **58-55-704, Rulemaking.**

3132 Section 71. **Effective Date.**

3133 This bill takes effect on January 1, 2027.