

1 **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:22 **AMENDS:**23 **11-67-101**, as enacted by Laws of Utah 2022, Chapter 44624 **13-8-5**, as last amended by Laws of Utah 2023, Chapter 1625 **38-11-207**, as last amended by Laws of Utah 2008, Chapter 38226 **57-8-8.2**, as last amended by Laws of Utah 2023, Chapter 50327 **57-8a-801**, as enacted by Laws of Utah 2022, Chapter 43928 **58-1-301.5**, as last amended by Laws of Utah 2025, Chapter 23629 **58-55-103**, as last amended by Laws of Utah 2024, Chapter 50730 **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:

99 **58-55-102**, as last amended by Laws of Utah 2025, Chapters 176, 268
100 **58-55-302.5**, as last amended by Laws of Utah 2024, Chapter 201
101 **58-55-302.7**, as last amended by Laws of Utah 2011, Chapter 367
102 **58-55-308**, as last amended by Laws of Utah 2022, Chapter 446
103 **58-55-308.1**, as enacted by Laws of Utah 2014, Chapter 326
104 **58-55-311**, as renumbered and amended by Laws of Utah 2000, Chapter 317
105 **58-55-312**, as last amended by Laws of Utah 2010, Chapter 387
106 **58-55-701**, as enacted by Laws of Utah 2022, Chapter 436
107 **58-55-703**, as enacted by Laws of Utah 2022, Chapter 436
108 **58-55-704**, as enacted by Laws of Utah 2022, Chapter 436

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

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

112 **11-67-101 . Battery-charged suspended-wire system.**

113 (1) A political subdivision may not make an ordinance or other regulation prohibiting or
114 otherwise regulating the installation of a battery-charged suspended-wire system on
115 non-residential property, if the suspended-wire system:
116 (a) is installed, repaired, maintained, or replaced by a licensed alarm company or
117 business or a licensed alarm company agent; and
118 (b) meets the requirements described in Subsection [58-55-308(5)(a)] **58-91-301(3)**.
119 (2) Nothing in this section may be construed to prevent a political subdivision from making
120 an ordinance or other regulation related to a nonelectric perimeter wall or fence, or
121 signage related to the perimeter wall or fence, that surrounds a battery-charged
122 suspended-wire system.

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

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

127 (1) As used in this section:

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

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

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

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

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

147 (d) "Contractor" means a person who, for compensation other than wages as an
148 employee, undertakes any work in a construction trade, as defined in Section [
149 ~~58-55-102~~ 58-55-101 and includes:

150 (i) any person engaged as a maintenance person who regularly engages in activities
151 set forth in Section ~~58-55-102~~ 58-55-101 as a construction trade; or
152 (ii) a construction manager who performs management and counseling services on a
153 construction project for a fee.

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

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

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

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

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

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

167 the construction contract.

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

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

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

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

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

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

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

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

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

180 (iii) by a subcontractor.

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

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

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

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

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

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

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

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

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

201 (d) Retention proceeds and accrued interest retained by an owner or public agency:

202 (i) are considered to be in a constructive trust for the benefit of the contractor and
203 subcontractors who have earned the proceeds; and

204 (ii) are not subject to assignment, encumbrance, attachment, garnishment, or
205 execution levy for the debt of any person holding the retention proceeds and
206 accrued interest.

207 (5) Any retention proceeds retained or withheld pursuant to this section and any accrued
208 interest shall be released pursuant to a billing statement from the contractor within 45
209 days from the later of:

210 (a) the date the owner or public agency receives the billing statement from the contractor;

211 (b) the date that a certificate of occupancy or final acceptance notice is issued to:

212 (i) the original contractor who obtained the building permit from the building
213 inspector or public agency;

214 (ii) the owner or architect; or

215 (iii) the public agency;

216 (c) the date that a public agency or building inspector that has the authority to issue a
217 certificate of occupancy does not issue the certificate but permits partial or complete
218 occupancy or use of a construction project; or

219 (d) the date the contractor accepts the final pay quantities.

220 (6) If only partial occupancy of a construction project is permitted, any retention proceeds
221 withheld and retained pursuant to this section and any accrued interest shall be partially
222 released within 45 days under the same conditions as provided in Subsection (5) in
223 direct proportion to the value of the part of the construction project occupied or used.

224 (7) The billing statement from the contractor as provided in Subsection (5)(a) shall include
225 documentation of lien releases or waivers.

226 (8)(a) Notwithstanding Subsection (3):

227 (i) if a contractor or subcontractor is in default or breach of the terms and conditions
228 of the construction contract documents, plans, or specifications governing
229 construction of the project, the owner or public agency may withhold from
230 payment for as long as reasonably necessary an amount necessary to cure the
231 breach or default of the contractor or subcontractor; or

232 (ii) if a project or a portion of the project has been substantially completed, the owner
233 or public agency may retain until completion up to twice the fair market value of
234 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

269 58, Chapter 55, Utah Construction Trades Licensing Act, or a qualified beneficiary
270 failing to pay qualified beneficiaries:
271 (a) the division shall issue a notice of the disbursement from the fund and the obligation
272 to reimburse the fund to the licensee or qualified beneficiary; and
273 (b) the licensee or qualified beneficiary shall reimburse the fund within 20 days from the
274 issuance of the notice required by Subsection (1)(a).
275 (2) The notice required by Subsection (1)(a) shall meet the requirements established by rule
276 by the division in accordance with Title 63G, Chapter 3, Utah Administrative
277 Rulemaking Act.
278 (3)(a) A finding of fact in an administrative action that a payment of any amount has
279 been made from the fund in settlement of a claim arising from the act, representation,
280 transaction, or conduct of a person licensed under Title 58, Chapter 55, Utah
281 Construction Trades Licensing Act, in violation of Section [58-55-603] 58-55-209
282 shall result in the immediate suspension of that person's license without further
283 compliance with Title 63G, Chapter 4, Administrative Procedures Act.
284 (b) The finding of fact for Subsection (3)(a) may be made in the same administrative
285 action as the related claim and may be included in the findings required by Section
286 38-11-203.
287 (c) The suspension required by Subsection (3)(a) shall remain in effect until the person
288 applies for reinstatement and is issued a license in accordance with Sections 58-1-308
289 and [58-55-303] 58-55-108.

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

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

291 (1) As used in this section:
292 (a) "Charging system" means a device that is:
293 (i) used to provide electricity to an electric or hybrid electric vehicle; and
294 (ii) designed to ensure a safe connection between the electric grid and the vehicle.
295 (b) "General electrical contractor" means the same as that term is defined in Section [
296 58-55-102] 58-55-202.
297 (c) "Residential electrical contractor" means the same as that term is defined in Section [
298 58-55-102] 58-55-202.
299 (2) Notwithstanding any provision in an association's governing documents to the contrary,
300 an association may not prohibit a unit owner from installing or using a charging system
301 in:

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:

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

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

345 **57-8a-801 . Definitions.**

346 As used in this part:

347 (1) "Charging system" means a device that is:
348 (a) used to provide electricity to an electric or hybrid electric vehicle; and
349 (b) designed to ensure a safe connection between the electric grid and the vehicle.
350 (2) "General electrical contractor" means the same as that term is defined in Section [
351 ~~58-55-102~~] 58-55-202.
352 (3) "Residential electrical contractor" means the same as that term is defined in Section [
353 ~~58-55-102~~] 58-55-202.

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

355 **58-1-301.5 . Division access to Bureau of Criminal Identification records --**

356 **Criminal background check requirement.**

357 (1) As used in this section, "applicant" means an individual applying for licensure or
358 certification, ~~[or with respect to a license or certification, applying]~~ for renewal,
359 reinstatement, or relicensure or recertification, as required in:
360 (a) Section 58-5a-302;
361 (b) Section 58-16a-302;
362 (c) Section 58-17b-303;
363 (d) Section 58-17b-304;
364 (e) Section 58-17b-305;
365 (f) Section 58-17b-306;
366 (g) Section 58-24b-302;
367 (h) Section 58-31b-302;
368 (i) Section 58-42a-302;
369 (j) Section 58-44a-302;
370 (k) Section 58-47b-302;

371 (l) Section [58-55-302] 58-55-203;
372 (m) Section 58-47b-302.2;
373 (n) Section 58-60-205;
374 (o) Section 58-60-305;
375 (p) Section 58-60-405;
376 (q) Section 58-60-506;
377 (r) Section 58-61-304;
378 (s) Section 58-63-302;
379 (t) Section 58-64-302;
380 (u) Section 58-67-302;
381 (v) Section 58-68-302;
382 (w) Section 58-69-302;
383 (x) Section 58-70a-302;
384 (y) Section 58-70b-302;
385 (z) Section 58-71-302; [or]
386 (aa) Section 58-73-302[-] ; or
387 (bb) Section 58-91-304.

388 (2) The division shall have direct access to local files [maintained by] the Bureau of
389 Criminal Identification maintains under Title 53, Chapter 10, Part 2, Bureau of Criminal
390 Identification, for background screening of an applicant.
391 (3) The division's access to criminal background information under this section:
392 (a) shall meet the requirements of Section 53-10-108; and
393 (b) includes:
394 (i) convictions, pleas of nolo contendere, pleas of guilty or nolo contendere held in
395 abeyance, dismissed charges, and charges without a known disposition; and
396 (ii) criminal background information [maintained] the Bureau of Criminal
397 Identification maintains under Title 53, Chapter 10, Part 2, Bureau of Criminal
398 Identification.
399 (4) The division may not disseminate outside of the division any criminal history record
400 information that the division obtains from the Bureau of Criminal Identification or the
401 Federal Bureau of Investigation under the criminal background check requirements of
402 this section.
403 (5) To fulfill an applicable criminal background check requirement, an applicant shall:
404 (a) submit fingerprints in a form acceptable to the division at the time the applicant files

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 I. 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) piping 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

507 water, refrigeration, or air conditioning.

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

510 (a) as the division provides in rule the division makes in accordance with Title 63G,
511 Chapter 3, Utah Administrative Rulemaking Act;
512 (b) as applicable, by a qualified electrician or plumber;
513 (c) as part of a planned training program; and
514 (d) as required to ensure the work complies with applicable standards.

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

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

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

519 (a) a general partnership;
520 (b) a limited liability partnership;
521 (c) a limited liability limited partnership;
522 (d) a limited partnership; or
523 (e) a limited cooperative association.

524 (15) "Wages" means compensation an employer owes to an employee for labor or services,
525 regardless of how the employer calculates the amount owed to the employee.

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

527 **58-55-103 . Construction Services Commission created -- Functions --**

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

529 **Meetings -- Concurrence.**

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

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

533 (i) [with the concurrence of the director, make reasonable rules under Title 63G,
534 Chapter 3, Utah Administrative Rulemaking Act, to administer and enforce this
535 chapter which are consistent with this chapter including] with the director's
536 concurrence, make rules in accordance with Title 63G, Chapter 3, Utah
537 Administrative Rulemaking Act, to administer and enforce this chapter, including
538 rules that provide the standards for a licensee's:

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

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

approving and establishing a passing score for applicant examinations] examination;

(C) [standards of supervision for students or persons in training to become qualified to obtain a license in the trade they represent] supervision of a student or a trainee preparing to obtain a license; and

(D) [standards of conduct for various licensees] professional conduct;

(ii) [approve or disapprove fees adopted by the division] approve a fee the division adopts under Section 63J-1-504;

(iii) [except where the boards conduct them, conduct all administrative hearings not delegated to an administrative law judge relating to the licensing of any applicant;]
conduct an administrative hearing relating to licensing when the administrative hearing is not conducted by the board or delegated to an administrative law judge;

(iv) except as [otherwise] provided in Sections 38-11-207 and [58-55-503] 58-55-604, with the [conurrence of the director] director's concurrence, impose sanctions against [licensees and certificate holders] a licensee with the same authority as the division under Section 58-1-401;

(v) advise the director on the administration and enforcement of [any] matters affecting the division and the construction industry;

(vi) advise the director on matters affecting the [division] division's budget;

(vii) advise [and assist] trade associations in conducting construction trade seminars and industry education and promotion; and

(viii) perform other duties as provided by this chapter.

(2)[(a) The terms of office of the commission members who are serving on the

Contractors Licensing Board shall continue as they serve on the commission.]

[b) The commission shall be comprised of the following members appointed by the executive director with the approval of the governor from the following groups:]

[~~(i) one member shall be a licensed general engineering contractor;~~]

[~~(ii) one member shall be a licensed general building contractor;~~]

[(iii) two members shall be licensed residential and small commercial contractors;]

[iv) one member shall be a licensed plumber and a member of the Electricians and Plumbers Licensing Board;]

[v) one member shall be a licensed electrician and a member of the Electricians and Plumbers Licensing Board:]

|(vi) one member shall be the chair person of the Alarm System Security and

Licensing Board; and]

[(vii) two members shall be from the general public.]

(a) The executive director, with the governor's approval, shall appoint commission members as follows:

(i) one individual who is a qualifier for a licensed general engineering contractor as defined in Section 58-55-202;

(ii) one individual who is a qualifier for a licensed general building contractor as defined in Section 58-55-202;

(iii) two individuals who are qualifiers for separate licensed residential and small commercial contractors as defined in Section 58-55-202;

(iv) one individual who is a licensed plumber and a member of the Electricians and Plumbers Licensing Board:

(v) one individual who is a licensed electrician and a member of the Electricians and Plumbers Licensing Board; and

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

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

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

appoint each new member or reappointed member to a four-year term ending June 30.]

[b) Notwithstanding the requirements of Subsection (3)(a), the executive director with the approval of the governor shall, at the time of appointment or reappointment, adjust the length of terms to stagger the terms of commission members so that approximately 1/2 of the commission members are appointed every two years.]

[e)] (3) A commission member may not serve more than two consecutive terms.

(4) The executive director, with the governor's approval, shall:

(a) appoint or reappoint each member to a four-year term ending June 30, except as provided in Subsection (6); and

(b) adjust terms at appointment or reappointment to stagger terms so that approximately half of the members' terms expire every two years.

(5) The commission shall elect annually one of [its] the commission members as [ehair, for a term of one year] the chair.

[(5)] (6) [When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.] The executive director shall appoint a replacement for the remainder of the term when a vacancy occurs.

609 [({6})] (7) A member may not receive compensation or [benefits] a benefit for the member's
610 service, but may receive per diem and travel expenses in accordance with:
611 (a) Section 63A-3-106;
612 (b) Section 63A-3-107; and
613 (c) rules [made by] the Division of Finance [pursuant to] makes in accordance with
614 Sections 63A-3-106 and 63A-3-107.

615 [({7})] (8)(a) The commission shall meet at least monthly unless the director determines
616 otherwise.

617 (b) The director may call additional meetings:
618 (i) at the director's discretion[;];
619 (ii) upon the request of the chair[;]; or
620 (iii) upon the written request of four or more commission members.

621 [({8})] (9)(a) Five members [econstitute] are a quorum for the transaction of business.

622 (b) If a quorum is present when [a vote is taken] the commission takes a vote, the
623 affirmative vote of a majority of the commission members present is the act of the
624 commission.

625 [({9})] (10) The commission shall comply with the procedures and requirements of Title 13,
626 Chapter 1, Department of Commerce, and Title 63G, Chapter 4, Administrative
627 Procedures Act, in all [of its] adjudicative proceedings.

628 [({10})] (11)[(a) For purposes of this Subsection (10), "concurrence" means the entities
629 given a concurring role must jointly agree for the action to be taken.]

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

633 [({e})] (a) When this chapter requires concurrence between the director or division and the
634 commission:

635 (i) the director or division shall report to and update the commission on a regular
636 basis related to matters requiring concurrence; and
637 (ii) the commission shall review the report [submitted by] the director or division
638 submits under this Subsection [(10)(e)] (11)(a) and concur with the report, or:
639 (A) provide a reason for not concurring with the report; and
640 (B) provide recommendations to the director or division.

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

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

644 **58-55-104 . Board created -- Duties.**

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

647 (a) three individuals:

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

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

652 (b) two individuals:

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

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

656 (c) three individuals:

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

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

661 (d) two individuals:

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

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

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

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

668 (a) recommending to the commission appropriate rules;

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

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

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

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

674 **58-55-105 . License required.**

675 (1)(a) A person engaged in a construction trade or acting as a contractor shall obtain a
676 license under this chapter before performing work unless exempt from licensure

677 under Section 58-1-307 or 58-55-110.

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

680 (i) a license issued under this chapter; and

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

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

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

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

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

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

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

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

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

696 (a) a general electrical contractor as defined in Section 58-55-202;

697 (b) a general plumbing contractor as defined in Section 58-55-202;

698 (c) an HVAC contractor as defined in Section 58-55-202;

699 (d) a residential electrical contractor as defined in Section 58-55-202; and

700 (e) a residential plumbing contractor as defined in Section 58-55-202.

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

702 **58-55-106 . Surcharge.**

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

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

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

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

711 Section 12. Section **58-55-107** is enacted to read:

712 **58-55-107 . Licensee names -- License number use -- Qualifier.**

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

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

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

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

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

721 (i) licensed in accordance with this chapter; and

722 (ii) an owner, officer, or manager of the contractor who exercises material authority
723 in the conduct of the contracting business by:

724 (A) making substantive technical and administrative decisions relating to the work
725 performed for which this chapter requires a license;

726 (B) hiring, promoting, transferring, laying off, disciplining, directing, or
727 discharging employees of the contractor; and

728 (C) avoiding involvement in other employment or activity that conflict with the
729 qualifier's duties and responsibilities to ensure the licensee does not jeopardize
730 the public health, safety, and welfare.

731 (5)(a) The division may take action against:

732 (i) a contractor if the qualifier or contractor violates the requirements of this section;
733 and

734 (ii) a qualifier if the qualifier or contractor violates the requirements of this section.

735 (b) The division may consider a qualifier or contractor's failure to comply with the
736 requirements of this section to be unprofessional conduct.

737 (6)(a) Except as provided in Subsection (6)(b), a contractor that is not a plumbing or
738 electrical contractor may comply with the qualifier requirements when renewing a
739 license in accordance with Section 58-55-108 by recording an active employee name
740 and license number from the applicable construction trade on the renewal application
741 if the contractor has not violated the requirements of this chapter for a period of 10
742 consecutive years.

743 (b) If the business entity transfers more than 50% of the business entity's ownership at
744 any time during the ten-year period before the renewal, the contractor may not meet

745 the qualifier requirement in accordance with Subsection (6)(a).

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

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

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

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

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

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

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

766 **58-55-108 . Term of license -- Expiration -- Renewal and reinstatement.**

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

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

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

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

report filing requirements in accordance with Section 58-55-112.

(ii) Subsection (1)(c)(i) may not apply if before the 60-day period ends:
(A) the licensee submits an application to renew the license; and
(B) the division renews the license under the submitted application.

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

(i) submits an application in the individual's name;
(ii) completes the number of hours of continuing education under Section 58-55-304,
if the applicant is:
(A) an apprentice electrician as defined in Section 58-55-301;
(B) a journeyman electrician as defined in Section 58-55-301;
(C) a master electrician as defined in Section 58-55-301;
(D) a residential journeyman electrician as defined in Section 58-55-301; or
(E) a residential master electrician as defined in Section 58-55-301;
(iii) completes the number of hours of continuing education under Section 58-55-405,
if the applicant is:
(A) an apprentice plumber as defined in Section 58-55-401;
(B) a journeyman plumber as defined in Section 58-55-401;
(C) a master plumber as defined in Section 58-55-401;
(D) a residential journeyman plumber as defined in Section 58-55-401; or
(E) a residential master plumber as defined in Section 58-55-401; and
(iv) meets all other requirements of this chapter.

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

(i) submits the application in the name of and on behalf of a contractor;
(ii) demonstrates the contractor's financial responsibility in accordance with Section 58-55-205;
(iii) lists the individual acting as the qualifier for the contractor;
(iv) provides evidence that the qualifier:
(A) has passed the required examination; and
(B) has completed continuing education in accordance with Section 58-55-204;
and
(v) meets all other requirements of this chapter.

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

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

813 (a) pay fines the division imposes;
814 (b) resolve outstanding citations or disciplinary actions with the division;
815 (c) if the license the division suspends or revokes is a contractor's license, demonstrate
816 financial responsibility in accordance with Section 58-55-205 using titled assets; and
817 (d) if applicable, pay the reimbursement amount as provided in Title 38, Chapter 11,
818 Residence Lien Restriction and Lien Recovery Fund Act.

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

820 **58-55-109 . License denial.**

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

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

824 (b)(i) the applicant is a partnership, corporation, or limited liability company; and
825 (ii) a person that serves the applicant entity in a control position previously served in
826 a control position for an entity that held a license the division suspended or
827 revoked less than two years before the date of the application;

828 (c)(i) the applicant is a sole proprietorship; and
829 (ii) a person that serves in a control position in an entity that held a license the
830 division suspended or revoked less than two years before the date of the
831 application; or

832 (d)(i) the applicant lists an individual who was an owner, director, or officer of an
833 unincorporated entity at the time the division revoked the unincorporated entity's
834 license; and
835 (ii) the applicant applies for licensure within five years after the day on which the
836 unincorporated entity's license is revoked.

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

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

840 (b)(i) the applicant is a partnership, corporation, or limited liability company; and
841 (ii) a person that serves the applicant entity in a control position previously served in
842 a control position for an entity that held a license that the division suspended or
843 revoked two years or more before the date of the application; or

844 (c)(i) the applicant is an individual or sole proprietorship; and
845 (ii) an owner, an agent, or a qualifier served in a control position for an entity that
846 held a license that the division suspended or revoked two years or more before the

date of the application.

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

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

[1] In addition to the exemptions from licensure in Section 58-1-307, the following

persons may engage in acts or practices included within the practice of construction trades, subject to the stated circumstances and limitations, without being licensed under this chapter.]

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

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

[e] public utilities operating under the rules of the Public Service Commission on work incidental to their own business;]

[~~(d) a sole owner of property engaged in building:]~~

[i] no more than one residential structure per year on the sole owner's property and no more than three residential structures per five years on the sole owner's property for the sole owner's noncommercial, nonpublic use, except that a person other than the property owner or a person described in Subsection (1)(e), who engages in building a residential structure must be licensed under this chapter if the person is otherwise required to be licensed under this chapter; or]

[(ii) structures on the sole owner's property for the sole owner's noncommercial, nonpublic use that are incidental to a residential structure on the property, including a shed, carport, or detached garage;]

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

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

[{B) works under the direction of the property owner who engages in building the structure; and]

[ii] as used in this Subsection (1)(e), "token compensation" means compensation paid by a sole owner of property exempted from licensure under Subsection (1)(d) to a person exempted from licensure under this Subsection (1)(e), that is:]

[(A) minimal in value when compared with the fair market value of the services provided by the person;]

[B] not related to the fair market value of the services provided by the person; and

[(C) is incidental to the providing of services by the person including paying for or providing meals or refreshment while services are being provided, or paying reasonable transportation costs incurred by the person in travel to the site of construction;]

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

[g) a contractor submitting a bid on a federal aid highway project, if, before undertaking construction under that bid, the contractor is licensed under this chapter;]

[h](i) subject to Subsection 58-1-401(2) and Sections 58-55-501 and 58-55-502, a person engaged in the alteration, repair, remodeling, or addition to or improvement of a building with a contracted or agreed value of less than \$7,000 including both labor and materials, and including all changes or additions to the contracted or agreed upon work; and]

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

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

[f) shall be performed by a licensed electrical or plumbing contractor, if the project involves an electrical or plumbing system; and]

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

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

appliance or a combustion system on a Subsection (1)(h)(i) project shall be performed by a person who has received certification under Subsection 58-55-308(2) except as otherwise provided in Subsection 58-55-308(2)(d) or 58-55-308(3);]

[C) installation, repair, or replacement of water-based fire protection systems on a Subsection (1)(h)(i) project must be performed by a licensed fire suppression systems contractor or a licensed journeyman plumber;]

[D) work as an alarm business or company or as an alarm company agent shall be performed by a licensed alarm business or company or a licensed alarm company agent, except as otherwise provided in this chapter;]

[E) installation, repair, or replacement of an alarm system on a Subsection (1)(h)(i) project must be performed by a licensed alarm business or company or a licensed alarm company agent;]

[F] installation, repair, or replacement of a heating, ventilation, or air conditioning system (HVAC) on a Subsection (1)(h)(i) project must be performed by an HVAC contractor licensed by the division;]

[(G) installation, repair, or replacement of a radon mitigation system or a soil depressurization system must be performed by a licensed contractor; and]

[**(H)** if the total value of the project is greater than \$3,000, the person shall file with the division a one-time affirmation, subject to periodic reaffirmation and established by division rule, that the person has:]

[¶] public liability insurance in coverage amounts and form established by division rule; and]

[(H) if applicable, workers compensation insurance which would cover an employee of the person if that employee worked on the construction project;]

[i) a person practicing a specialty contractor classification or construction trade which the director does not classify by administrative rule as significantly impacting the public's health, safety, and welfare;]

[~~(j) owners and lessees of property and persons regularly employed for wages by owners or lessees of property or their agents for the purpose of maintaining the property, are exempt from this chapter when doing work upon the property;~~]

[k](i) a person engaged in minor plumbing work that is incidental, as defined by the division by rule, to the repair of a fixture or an appliance in a residential or small commercial building, or structure used for agricultural use, as defined in Section

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

[(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:]

[(t) 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:]

[(t) 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:]

[(t) 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 barbecue; 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

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:

1119 (i) register with the Division of Corporations and Commercial Code; and
1120 (ii) submit to the division documentation that the person has:
1121 (A) public liability insurance in a coverage amount and form the division makes
1122 by rule the division makes in accordance with Title 63G, Chapter 3, Utah
1123 Administrative Rulemaking Act; and
1124 (B) if applicable, workers' compensation insurance that would cover an employee
1125 of the person if the employee works on the project.
1126 (b) The division shall establish by rule the division makes in accordance with Title 63G,
1127 Chapter 3, Utah Administrative Rulemaking Act, when a person needs to resubmit
1128 documentation described in Subsection (3)(a).

1129 Section 16. Section **58-55-111**, which is renumbered from Section 58-55-307 is renumbered
1130 and amended to read:

1131 **[58-55-307] 58-55-111 . Confidentiality of records and reports.**

1132 (1) [Credit reports, financial statements, and other information submitted to the division by
1133 or at the request and direction of an applicant or licensee for the purpose of supporting a
1134 representation of financial responsibility] A credit report, a financial statement, and other
1135 information an applicant submits or requests to have submitted to the division to
1136 demonstrate financial responsibility in accordance with Section 58-55-205:
1137 (a) [e]constitute protected records] is a protected record under Title 63G, Chapter 2,
1138 Government Records Access and Management Act; and
1139 (b) notwithstanding Subsection (1)(a), may be considered by the commission in a public
1140 meeting, unless the owner of the information requests that the meeting be closed to
1141 the public in accordance with Title 52, Chapter 4, Open and Public Meetings Act.
1142 (2) Notwithstanding the provisions of Title 63G, Chapter 2, Government Records Access
1143 and Management Act, [the records] a record described in Subsection (1) [are] is not open
1144 for public inspection and [are] is not subject to discovery in civil or administrative
1145 proceedings.

1146 Section 17. Section **58-55-112** is enacted to read:

1147 **58-55-112 . Unincorporated entities -- Reporting requirements.**

1148 (1)(a)(i) A contractor that is an unincorporated entity shall file an ownership status
1149 report with the division every 30 days beginning 30 days after the day on which
1150 the division issues the license if the contractor has more than five owners who are
1151 individuals that:

1152 (A) own an interest in the contractor;

1153 (B) directly or indirectly own less than an 8% interest in the unincorporated entity
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:

Part 2. Contractors

58-55-202 . Definitions.

As used in this part:

(1) "Approved pre-licensure course provider" means a provider:

(a) that is:
(i) the Associated General Contractors of Utah;
(ii) the Utah Chapter of the Associated Builders and Contractors; or
(iii) the Utah Home Builders Association; and

(b) that offers the 25-hour course described in Subsection 58-55-204(1)(c):
(i) at least six times each year; and
(ii) in one or more counties within the state other than Salt Lake County, Utah
County, Davis County, or Weber County.

(2) "Elevator contractor" means a person that performs or superintends erecting, constructing, installing, altering, servicing, repairing, or maintaining an elevator.

(3)(a) "General building contractor" means a person that performs or superintends:

(i) the construction of structures for the support, shelter, or enclosure of individuals,
animals, or personal property; or
(ii) any of the components of the construction described in Subsection (3)(a)(i).

(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.

1289 (b) "Residential and small commercial contractor" does not include:

1290 (i) plumbing;

1291 (ii) electrical work;

1292 (iii) mechanical work;

1293 (iv) work related to the operational integrity of an elevator;

1294 (v) construction trade involving the installation of manufactured housing; or

1295 (vi) work the division determines by rule the division makes in accordance with Title
1296 63G, Chapter 3, Utah Administrative Rulemaking Act, poses a substantial risk to
1297 the public health, safety, and welfare unless the general building contractor holds
1298 a specialty contractor license.

1299 (c) "Residential and small commercial contractor" includes the mechanical work for the
1300 construction of single-family and multifamily residences of up to four units when the
1301 mechanical work is performed by a licensed electrician as defined in Section
1302 58-55-301 or a licensed plumber as defined in Section 58-55-401 that the residential
1303 and small commercial contractor employs.

1304 (10) "Residential electrical contractor" means a person that performs or superintends:

1305 (a) the fabrication, construction, and installation of services;

1306 (b) the disconnection of means, grounding devices, panels, conductors, load centers,
1307 lighting and plug circuits, appliances, and fixtures in a residential unit; or

1308 (c) any other work the division authorizes by rule in accordance with Subsection
1309 58-55-105(3).

1310 (11) "Residential plumbing contractor" means a person that performs or superintends the
1311 fabrication or installation of material and fixtures to create and maintain sanitary
1312 conditions in a residential building by providing permanent means for:

1313 (a) a supply of safe and pure water;

1314 (b) the timely and complete removal from the premises of used or contaminated water,
1315 fluid and semi-fluid organic wastes and other impurities incidental to life;

1316 (c) a safe and adequate supply of gas for lighting, heating, and residential purposes; or

1317 (d) other work the division authorizes by rule in accordance with Subsection
1318 58-55-105(3).

1319 (12) "Specialty contractor" means a person that performs or superintends the construction
1320 trades and crafts requiring specialized skill, the regulation of which the division
1321 determines to be in the best interest of the public health, safety, and welfare.

1322 Section 19. Section **58-55-203** is enacted to read:

1323 **58-55-203 . Qualifications for licensure.**

1324 (1) Each applicant for a license under this part shall:

1325 (a) submit a completed application on a form the division approves;

1326 (b) pay the fee the division determines in accordance with Section 63J-1-504;

1327 (c) complete a 25-hour pre-licensure course that:

1328 (i) is taught by an approved pre-licensure course provider;

1329 (ii) meets the requirements the commission makes with the concurrence of the
1330 director and by rule in accordance with Title 63G, Chapter 3, Utah Administrative
1331 Rulemaking Act; and

1332 (iii) provides any offered test free of charge;

1333 (d) complete a five-hour business and law course that:

1334 (i) is taught by an approved pre-licensure course provider; and

1335 (ii) meets the requirements the commission makes with the concurrence of the
1336 director and by rule in accordance with Title 63G, Chapter 3, Utah Administrative
1337 Rulemaking Act;

1338 (e) satisfy examination requirements the commission makes with the concurrence of the
1339 director and by rule in accordance with Title 63G, Chapter 3, Utah Administrative
1340 Rulemaking Act; and

1341 (f) except for an applicant for a construction trades instructor license, provide evidence
1342 of:

1343 (i) two-years' full-time, paid employment experience in the construction industry; and

1344 (ii) knowledge of business practices and principles necessary to protect the public
1345 health, safety, and welfare.

1346 (2) An applicant for licensure as a construction trades instructor shall satisfy additional
1347 requirements the division makes by rule the division makes in accordance with Title
1348 63G, Chapter 3, Utah Administrative Rulemaking Act.

1349 (3) An applicant who is a licensed journeyman lineman in another jurisdiction may satisfy
1350 Subsection (1)(f)(i) by meeting the requirements the division makes by rule in
1351 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1352 (4) A general engineering contractor may not perform or superintend:

1353 (a) construction of a structure built primarily for the support, shelter, and enclosure of
1354 individuals, animals, or personal property;

1355 (b) plumbing work;

1356 (c) electrical work beyond underground electric utility conduit or electrical utilities;

1357 (d) high voltage utility work as the division defines by rule the division makes in
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 qualifer shall meet the following additional requirements:

1377 (a) for residential electrical contractor licensure, the qualifer shall hold a master
1378 electrician or master residential electrician license;
1379 (b) for electrical contractor licensure, the qualifer shall hold a master electrician license;
1380 (c) for residential plumbing contractor licensure, the qualifer shall hold a master
1381 plumber license or master residential plumber license;
1382 (d) for plumbing contractor licensure, the qualifer shall hold a master plumber license;
1383 or
1384 (e) for elevator contractor licensure, the qualifer shall hold an elevator mechanic license
1385 and provide satisfactory evidence of three-years' experience as an elevator mechanic.

1386 (9)(a) The qualifer 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

1459 education requirement.

1460 (4) The division may charge a fee in accordance with Section 63J-1-504, to administer this
1461 section.

1462 Section 21. Section **58-55-205** is enacted to read:

1463 **58-55-205 . Financial responsibility.**

1464 (1) Before issuing, renewing, or reinstating a contractor license, the division shall require
1465 an applicant to demonstrate financial responsibility by:

1466 (a)(i) completing a financial responsibility questionnaire the division prepares; and
1467 (ii) signing the questionnaire and certifying the accuracy of the information provided;
1468 or

1469 (b) submitting a bond in the form and amount the commission determines by rule, made
1470 with the concurrence of the director and in accordance with Title 63G, Chapter 3,
1471 Utah Administrative Rulemaking Act.

1472 (2) An applicant, a licensee, or a person that holds an ownership interest in an
1473 unincorporated contractor licensee shall maintain financial responsibility throughout the
1474 period of licensure.

1475 (3) At the division's discretion, the division may audit the financial responsibility of an
1476 applicant, a licensee, or a person that holds an ownership interest in an unincorporated
1477 entity licensee.

1478 (4) The applicant, the licensee, and a person that holds an ownership interest in an
1479 unincorporated entity licensee bear the burden of demonstrating financial responsibility.

1480 (5)(a) When reviewing the financial responsibility of an unincorporated entity, the
1481 division:

1482 (i) shall consider the personal financial information of each person that holds an
1483 ownership interest in the entity; and

1484 (ii) may at any time:

1485 (A) audit the personal financial information of a person that holds an ownership
1486 interest; or

1487 (B) request and obtain a credit report for a person that holds an ownership interest.

1488 (b) If the division determines, based on the financial information of the applicant, the
1489 licensee, or a person that holds an ownership interest in an unincorporated entity that
1490 an applicant or licensee lacks the financial responsibility to engage successfully in
1491 business as a contractor, the division may:

1492 (i) prohibit the person from engaging in a construction trade;

1493 (ii) prohibit the applicant or licensee from engaging in a construction trade unless the
1494 applicant or licensed entity dissociates from the person the division determines
1495 lacks financial responsibility within 10 days after the division makes the
1496 determination of lack of financial responsibility; or
1497 (iii) require the applicant or licensee to post a bond that is:
1498 (A) in the amount and form the commission determines by rule, made with the
1499 concurrence of the director and in accordance with Title 63G, Chapter 3, Utah
1500 Administrative Rulemaking Act; or
1501 (B) equal to 20% of the applicant or licensee's annual gross distributions to the
1502 licensee's owners, including coverage for unpaid obligations including taxes.

1503 Section 22. Section **58-55-206**, which is renumbered from Section 58-55-310 is renumbered
1504 and amended to read:

1505 **[58-55-310] 58-55-206 . Requirements when working for political subdivision or**
1506 **state agency.**

1507 [Each political subdivision and agency of the state and each board of education which
- 1508 requires the issuance of a permit or license as a precondition to the construction, alteration,
- 1509 improvement, demolition, or other repairs for which a contractor's license is also required
- 1510 under this chapter shall:]

1511 [(1) require that each applicant for a permit or license file a signed statement that the
1512 applicant has a current contractor's license with the license number included in the
1513 application;]
1514 [(2) require that any representation of exemption from the contractor's licensing law be
1515 included in the signed statement and that if that exempt person, firm, corporation,
1516 association, or other organization intends to hire a contractor to perform any work under
1517 the permit or license, that the license number of that contractor be included in the
1518 application, but if a contractor has not been selected at the time of the application for a
1519 permit or license, the permit or license shall be issued only on the condition that a
1520 currently licensed contractor will be selected and that the license number of the
1521 contractor will be given to the issuing public body and displayed on the permit or license;]
1522 [(3) require that, upon issuance of a permit or license, the contractor affix the contractor's
1523 license number to that permit or license for public display; and]
1524 [(4) require the contractor to provide proof that the contractor provides workers'
1525 compensation insurance, pays into the unemployment insurance fund, provides health
1526 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.

1561 (3) In an action to enforce a lien for materials provided or labor performed by a
1562 subcontractor or material supplier, the owner may assert a defense to the lien if:
1563 (a) the owner paid the contractor for the materials and the contractor designated the
1564 payment in accordance with Subsection (1);
1565 (b) the contractor transferred the payment to the subcontractor or material supplier; and
1566 (c) the subcontractor or material supplier failed to require a designation of the account
1567 and the specific items of account when receiving the payment.

1568 Section 24. Section **58-55-208** is enacted to read:

1569 **58-55-208 . Payment of construction funds.**

1570 (1) All unpaid construction funds are payable to the contractor as provided in Section 13-8-5.
1571 (2) On projects involving multiple buildings, each building should be considered
1572 individually in determining the amount to be paid to the contractor.
1573 (3) When a building is partially occupied, the owner shall pay the contractor in direct
1574 proportion to the value of the part of the building occupied.
1575 (4) If any payment is retained or withheld, the retention or withholding shall be released as
1576 provided in Section 13-8-5.

1577 Section 25. Section **58-55-209** is enacted to read:

1578 **58-55-209 . Payment to subcontractors and suppliers.**

1579 (1) A contractor that receives construction funds for work performed and billed shall pay
1580 each subcontractor and supplier in proportion to the work the subcontractor or supplier
1581 performed on the work billed, unless otherwise agreed by contract.
1582 (2)(a) A contractor shall pay a subcontractor or supplier on or before the later of:
1583 (i) 30 calendar days after the day on which the contractor receives construction funds;
1584 or
1585 (ii) the day after the day on which payment is due.
1586 (b) Unless otherwise agreed by contract or for reasonable cause, a contractor that
1587 receives funds and does not comply with Subsection (2)(a) shall pay to the
1588 subcontractor or supplier:
1589 (i) interest in the amount of 1% per month of the amount due, beginning on the day
1590 after the day on which payment is due; and
1591 (ii) reasonable costs of collection and attorney fees.
1592 (c) The amounts described in Subsection (2)(b) are in addition to the payment due to the
1593 subcontractor or supplier for work performed and billed.
1594 (3) When a subcontractor receives a construction payment under this section, Subsections

1595 (1) and (2) apply to the subcontractor.

1596 Section 26. Section **58-55-210** is enacted to read:

1597 **58-55-210 . Proof of licensure to begin or maintain litigation.**

1598 A contractor may not bring or maintain a court action to collect compensation for work
1599 requiring a license under this chapter unless the contractor alleges and proves that the
1600 contractor held the required license:

1601 (1) when entering into the contract; and

1602 (2) when the cause of action arose.

1603 Section 27. Section **58-55-211** is enacted to read:

1604 **58-55-211 . Pay statement required.**

1605 (1) On the day on which a contractor licensed under this part pays an individual for work

1606 that the individual performed, the contractor shall give the individual a written or
1607 electronic pay statement that states:

1608 (a) the individual's name;

1609 (b) the individual's base rate of pay;

1610 (c) the dates of the pay period for which the individual is being paid;

1611 (d) if paid hourly, the number of hours the individual worked during the pay period;

1612 (e) the amount of and reason for money withheld in accordance with state and federal
1613 law, including:

1614 (i) state and federal income tax;

1615 (ii) Social Security tax;

1616 (iii) Medicare tax; and

1617 (iv) court-ordered withholdings; and

1618 (f) the total amount paid to the individual for that pay period.

1619 (2) A person licensed under this chapter shall:

1620 (a) comply with the requirements described in Subsection (1) regardless of whether the
1621 person pays the individual by check, cash, or other means;

1622 (b) retain a copy of each pay statement described in Subsection (1) for at least three
1623 years after the day on which the person gives a copy of the pay statement to the
1624 individual; and

1625 (c) upon request, make the pay statement records described in this section available to
1626 the division for inspection.

1627 Section 28. Section **58-55-301** is repealed and reenacted to read:

1628 **Part 3. Electricians**

1629 **58-55-301 . Definitions.**1630 As used in this part:1631 (1) "Apprentice electrician" means an individual who is learning the electrician trade under
1632 the immediate supervision of a master electrician, residential master electrician,
1633 journeyman electrician, or a residential journeyman electrician in accordance with this
1634 chapter.1635 (2)(a) "Electrical trade" means the performance of electrical work involving the
1636 installation, construction, alteration, change, repair, removal, or maintenance of
1637 facilities, buildings, or appendages or appurtenances.1638 (b) "Electrical trade" does not include:1639 (i) transporting or handling electrical materials;
1640 (ii) preparing clearance for raceways for wiring;
1641 (iii) work commonly done by unskilled labor on an installation under the exclusive
1642 control of electrical utilities;
1643 (iv) work involving cable-type wiring that does not pose a shock or fire-initiation
1644 hazard;
1645 (v) work involving class two or class three power-limited circuits as defined in the
1646 National Electrical Code; or
1647 (vi) minor electrical work incidental to a mechanical or service installation when
1648 wiring is extended to no more than 10 feet from an existing outlet or disconnect
1649 and does not exceed 120 volts and 20 amperes.1650 (3) "Journeyman electrician" means an individual who performs the wiring, installation,
1651 and repair of electrical apparatus and equipment for light, heat, power, and other
1652 purposes.1653 (4) "Journeyman lineman" means an individual who builds and maintains an electrical
1654 power system, performs work on transmission lines or distribution lines from power
1655 plants to customers and has completed a 7,000 hour certified apprenticeship program.1656 (5) "Licensed electrician" means an individual who is licensed as an apprentice electrician,
1657 a journeyman electrician, a master electrician, a residential journeyman electrician, or a
1658 residential master electrician.1659 (6) "Master electrician" means an individual who plans and supervises the wiring,
1660 installation, and repair of electrical apparatus and equipment.1661 (7) "Residential journeyman electrician" means an individual who wires, installs, and
1662 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;

1697 (b) pay the fee the division determines in accordance with Section 63J-1-504; and
1698 (c) pass the examination requirements described in this section and in rules the
1699 commission establishes by rule, made with the concurrence of the director and in
1700 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1701 (2) A master electrician applicant shall provide satisfactory evidence that the applicant:

1702 (a) graduated as an electrical engineer from an accredited college or university the
1703 division approves and completed one year of practical electrical experience as a
1704 licensed apprentice electrician;

1705 (b) graduated from an electrical trade school with an associate of applied sciences degree
1706 in a course the division approves and completed two years' practical experience as a
1707 licensed journeyman electrician;

1708 (c) completed four-years of practical experience as a licensed journeyman electrician; or
1709 (d) meets the qualifications for expedited licensure the commission establishes with the
1710 concurrence of the director and by rule made in accordance with Title 63G, Chapter 3,
1711 Utah Administrative Rulemaking Act.

1712 (3) A master residential electrician applicant shall provide satisfactory evidence that the
1713 applicant:

1714 (a) completed at least two-years' practical experience as a licensed residential
1715 journeyman electrician; or

1716 (b) meets the qualifications for expedited licensure the commission establishes by rule,
1717 made with the concurrence of the director and in accordance with Title 63G, Chapter
1718 3, Utah Administrative Rulemaking Act.

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

1720 (a) successfully completed at least four-years' full-time training and instruction as a
1721 licensed apprentice electrician under the supervision of a licensed master electrician
1722 or a licensed journeyman electrician, in accordance with a training program the
1723 division approves;

1724 (b) has at least eight-years' full-time experience the division approves in collaboration
1725 with the Electricians and Plumbers Licensing Board; or

1726 (c) meets the qualifications for expedited licensure the commission establishes by rule,
1727 made with the concurrence of the director and in accordance with Title 63G, Chapter
1728 3, Utah Administrative Rulemaking Act.

1729 (5) A residential journeyman electrician applicant shall provide satisfactory evidence that
1730 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

1765 (c) a list of courses that:

1766 (i) a licensed electrician completes; and

1767 (ii) the licensed electrician may access to monitor compliance with the continuing
1768 education requirement.

1769 (4) The division may charge a fee the division establishes in accordance with Section
1770 63J-1-504, to administer this section.

1771 Section 32. Section **58-55-401** is repealed and reenacted to read:

1772 **Part 4. Plumbers**

1773 **58-55-401 . Definitions.**

1774 As used in this part:

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

1776 (2) "Journeyman plumber" means an individual who engages in the plumbing trade.

1777 (3) "Licensed plumber" means an individual licensed as an apprentice plumber, a
1778 journeyman plumber, a master plumber, a residential journeyman plumber, or a
1779 residential master plumber.

1780 (4) "Master plumber" means an individual who plans and supervises projects in the
1781 plumbing trade.

1782 (5)(a) "Plumbing trade" means the performance of mechanical work pertaining to the
1783 installation, alteration, change, repair, removal, maintenance, or use in buildings, or
1784 within three feet beyond the outside walls of buildings, pipes, fixtures, and fittings
1785 for the:

1786 (i) delivery of the water supply;

1787 (ii) discharge of liquid and water carried waste;

1788 (iii) building drainage system within the walls of the building; and

1789 (iv) delivery of gases for lighting, heating, and industrial purposes.

1790 (b) "Plumbing trade" includes work relating to the water supply, distribution pipes,
1791 fixtures and fixture traps, soil, waste and vent pipes, the building drain and roof
1792 drains, and the safe and adequate supply of gases, and related devices, appurtenances,
1793 and connections installed within the outside walls of the building.

1794 (6) "Residential building" means a single-family or multi-family dwelling with up to four
1795 units.

1796 (7) "Residential journeyman plumber" means an individual who engages in the plumbing
1797 trade exclusively in the plumbing of a residential building.

1798 (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,

1867 with the concurrence of the director and in accordance with Title 63G, Chapter 3,
1868 Utah Administrative Rulemaking Act.

1869 (6)(a) An apprentice plumber applicant shall identify to the division the proposed
1870 supervisor of the apprenticeship.

1871 (b) Upon licensure, an apprentice plumber and the apprentice plumber's supervisor shall:

1872 (i) ensure the apprentice plumber works under the immediate supervision of a
1873 licensed master, journeyman, residential master, or residential journeyman
1874 plumber for the initial three-years' training;

1875 (ii) allow the apprentice plumber, beginning in the fourth year of training, to work
1876 without supervision for up to eight hours in any 24-hour period; and

1877 (iii) comply with rules the commission makes, with the concurrence of the director,
1878 under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the
1879 ratio of apprentice plumbers to supervisor.

1880 Section 35. Section **58-55-405** is enacted to read:

1881 **58-55-405 . Continuing education requirements for plumbers.**

1882 (1) During each two-year license term the division establishes by rule in accordance with
1883 Section 58-55-108, a licensed plumber shall complete 12 hours of continuing education.

1884 (2) The commission shall establish by rule made in accordance with Title 63G, Chapter 3,
1885 Utah Administrative Rulemaking Act, continuing education for licensed plumbers.

1886 (3) The division may contract with a person to establish and maintain a registry of
1887 continuing education that includes:

1888 (a) an online application for a continuing education course provider to apply to the
1889 division for approval of the course as continuing education;

1890 (b) a list of approved continuing education courses; and

1891 (c) a list of courses that:

1892 (i) a licensed plumber completes; and

1893 (ii) the licensed plumber may access to monitor compliance with the continuing
1894 education requirement.

1895 (4) The division may charge a fee the division establishes in accordance with Section
1896 63J-1-504, to administer the requirements of this section.

1897 Section 36. Section **58-55-501** is repealed and reenacted to read:

1898 **Part 5. Miscellaneous Licenses**

1899 **58-55-501 . Definitions.**

1900 As used in this part:

1901 (1) "Automatic fire sprinkler system" means a fire suppression system designed to detect
1902 and automatically discharge an agent, a foam, or water over a fire.

1903 (2) "Commercial construction project" means a construction, alteration, repair, demolition,
1904 or excavation project that does not involve:

1905 (a) single-family detached housing;

1906 (b) multi-family attached housing up to and including a fourplex; or

1907 (c) construction of a non-residential project that is fewer than two stories above ground.

1908 (3)(a) "Crane" means a power-operated hoisting machine used in construction,
1909 demolition, or excavation work that has a power-operated winch, load-line, and boom
1910 moving laterally by the rotation of the machine on a carrier.

1911 (b) "Crane" does not include a fork lift, a digger derrick truck, an aircraft, a bucket truck,
1912 a knuckle boom, a side boom, or a mechanic's truck.

1913 (4) "Crane operator" means an individual who operates a crane.

1914 (5)(a) "Elevator" means the same as that term is defined in Section 34A-7-202;

1915 (b) "Elevator" does not include:

1916 (i) a stair chair;

1917 (ii) an incline platform lift; or

1918 (iii) a vertical platform lift.

1919 (6) "Elevator mechanic" means an individual who erects, constructs, installs, alters,
1920 services, repairs, or maintains an elevator under the immediate supervision of an
1921 elevator contractor.

1922 (7) "Elevator work" means constructing, maintaining, servicing, or repairing an elevator.

1923 (8) "Fire sprinkler contractor" means a contractor that installs, repairs, maintains, or
1924 replaces an automatic fire sprinkler system.

1925 (9) "Gas corporation" means the same as that term is defined in Section 54-2-1.

1926 (10) "Minimum system" means the minimum natural gas facilities necessary to serve each
1927 intended consumer, as determined by a gas corporation.

1928 (11)(a) "Natural gas facility" means:

1929 (i) one or more natural gas mains;

1930 (ii) one or more natural gas service lines; or

1931 (iii) a combination of Subsections (11)(a)(i) and (ii).

1932 (b) "Natural gas facility" includes any necessary appurtenant facilities.

1933 (12)(a) "Natural gas main" means a natural gas distribution pipeline that delivers natural
1934 gas to another natural gas distribution supply line or to a natural gas service line.

1935 (b) "Natural gas main" does not include a natural gas service line.

1936 (13) "Natural gas service line" means a natural gas pipeline that carries natural gas from a
1937 natural gas main to a meter for use by the final consumer.

1938 (14) "Natural gas tariff specifications" means the standards and specifications:

1939 (a) for the construction of natural gas facilities; and

1940 (b) that are:

1941 (i) established by a gas corporation; and

1942 (ii) included in the gas corporation's tariff that is approved by the Public Service
1943 Commission.

1944 (15) "Qualifying installer" means a person that:

1945 (a) a gas corporation approves to install natural gas facilities; and

1946 (b) is licensed in accordance with Section 58-55-503.

1947 Section 37. Section **58-55-502** is repealed and reenacted to read:

1948 **58-55-502 . General provisions.**

1949 (1)(a) The commission, with the concurrence of the director, may make rules in
1950 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

1951 (i) define and limit the scope of practice for licenses issued under this part; and

1952 (ii) establish operating standards consistent with practices in the relevant industry.

1953 (b) The commission, with the concurrence of the director, may limit the field and scope
1954 of operations of a licensee under this chapter based on:

1955 (i) rules the commission makes in accordance with Title 63G, Chapter 3, Utah
1956 Administrative Rulemaking Act; and

1957 (ii) considerations of the public health, safety, and welfare, including the licensees'
1958 education, training, experience, knowledge, and financial responsibility in
1959 accordance with Section 58-55-205.

1960 (2) This part does not prohibit a specialty contractor as defined in Section 58-55-202, that is
1961 licensed in accordance with Part 2, Contractors, from entering into a contract involving
1962 two or more construction trades if the contracted construction trade is incidental to the
1963 construction trade for which the contractor is licensed.

1964 Section 38. Section **58-55-503** is repealed and reenacted to read:

1965 **58-55-503 . Gas appliances and combustion systems.**

1966 (1)(a) This section applies to:

1967 (i) an individual whose license authorizes the installation, repair, maintenance,
1968 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

(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 ne-

2003 using a power-operated winch and load-line.]

2004 [(2)(a) In order to operate a crane on commercial construction projects, an individual
2005 shall be certified as a crane operator by the National Commission for the Certification
2006 of Crane Operators or any other organization determined by the division to offer an
2007 equivalent testing and certification program that meets the requirements of the
2008 American Society of Mechanical Engineers ASME B 30.5 and the accreditation
2009 requirements of the National Commission for Certifying Agencies.]

2010 [(b) An individual who violates Subsection (2)(a) is guilty of a class A misdemeanor.]

2011 [(3) An individual engaged in construction or operation incidental to petroleum refining or
2012 electrical utility construction or maintenance is exempt from the crane operator
2013 certification requirement of Subsection (2)(a).]

2014 (1) To operate a crane on a commercial construction project, an individual shall obtain
2015 certification as a crane operator from:

2016 (a) the National Commission for the Certification of Crane Operators; or
2017 (b) another organization the division determines offers an equivalent testing and
2018 certification program that complies with:
2019 (i) the requirements of the American Society of Mechanical Engineers ASME B30.5;
2020 and
2021 (ii) the accreditation requirements of the National Commission for Certifying
2022 Agencies.

2023 (2) An individual engaged in construction or operation incidental to petroleum refining, or
2024 to electrical utility construction or maintenance, is exempt from the certification
2025 requirement.

2026 Section 40. Section **58-55-505** is enacted to read:

2027 **58-55-505 . Automatic fire sprinkler contractor.**

2028 (1) A fire sprinkler contractor shall have a qualifier that meets the requirements described in
2029 Section 58-55-107 and in Subsection (2).

2030 (2) The qualifier for a fire sprinkler contractor shall:

2031 (a) be a qualifier for a licensed general building contractor; or
2032 (b) submit evidence to the division of:

2033 (i) completing a United States Department of Labor federally approved apprentice
2034 training program, or two-years' experience supervised by a certified fire sprinkler
2035 contractor;

2036 (ii) passing the STAR Fire Sprinklerfitting Mastery Examination offered by the

2037 National Inspection Testing and Certification Corporation or an equivalent
2038 examination the division approves; or

2039 (iii) demonstrating to the division the equivalent training and experience, as the
2040 division determines by rules made with the director's concurrence and in
2041 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2042 Section 41. Section **58-55-506** is enacted to read:

2043 **58-55-506 . Elevator mechanic qualifications for licensure.**

2044 (1) An applicant for licensure as an elevator mechanic shall:

2045 (a) provide documentation showing at least three-years' work experience in the elevator
2046 industry, in construction, maintenance, or service and repair;

2047 (b) pass a written examination that the division administers by rule the division makes in
2048 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

2049 (c) provide a certificate of completion from an elevator mechanic apprenticeship
2050 program that:

2051 (i) meets standards substantially equal to those in this chapter; and

2052 (ii) is registered with the United States Department of Labor Bureau of
2053 Apprenticeship and Training or a state apprenticeship council.

2054 (2)(a) If a licensed elevator contractor cannot find a licensed elevator mechanic to

2055 perform elevator work, the contractor shall notify the division about the shortage of
2056 licensed personnel.

2057 (b) A licensed elevator contractor shall request that the division issue a temporary
2058 elevator mechanic license to an individual whom the contractor certifies has an
2059 acceptable combination of documented experience and education to perform elevator
2060 work.

2061 (c) If a licensed elevator contractor requests a temporary elevator mechanic license
2062 under Subsection (2)(b), the division may issue the temporary license to the
2063 individual the licensed elevator contractor certifies if the individual:

2064 (i) applies to the division; and

2065 (ii) pays the fee the division determines in accordance with Section 63J-1-504.

2066 (d) The division shall specify the time period for which the temporary license is valid.

2067 (e) The division may renew a temporary elevator mechanic license if the division
2068 determines that a shortage of licensed elevator mechanics continues.

2069 Section 42. Section **58-55-507** is enacted to read:

2070 **58-55-507 . Elevator mechanic continuing education requirements.**

2071 (1) During each two-year license term the division establishes by rule in accordance with
2072 Section 58-55-108, a licensed elevator mechanic shall complete eight hours of
2073 continuing education.

2074 (2) The commission shall establish by rule made in accordance with Title 63G, Chapter 3,
2075 Utah Administrative Rulemaking Act, continuing education for licensed elevator
2076 mechanics.

2077 (3) The division may contract with a person to establish and maintain a registry of
2078 continuing education that includes:
2079 (a) a list of approved continuing education; and
2080 (b) a list of courses that:
2081 (i) a licensed elevator mechanic completes; and
2082 (ii) the licensed elevator mechanic may access to monitor compliance with the
2083 continuing education requirement.

2084 (4) The division may charge a fee the division establishes in accordance with Section
2085 63J-1-504, to administer this section.

2086 Section 43. Section **58-55-508** is enacted to read:

2087 **58-55-508 . Qualifying installer -- Natural gas facilities.**

2088 (1)(a) Except as provided in Subsections (1)(b) and (c), a qualifying installer shall pay
2089 the costs to install natural gas facilities.

2090 (b) A gas corporation shall pay the engineering, inspecting, mapping, and locating costs
2091 of natural gas facilities that a qualifying installer installs.

2092 (c) If a gas corporation requires a qualifying installer to install natural gas facilities that
2093 are greater than the minimum system, the gas corporation shall pay the difference in
2094 cost between the required natural gas facilities and the minimum system.

2095 (2) A gas corporation shall verify through inspection and testing that natural gas facilities
2096 that a qualifying installer installs comply with applicable federal, state, and local law
2097 and natural gas tariff specifications.

2098 (3) A gas corporation is not required to supply natural gas to or accept ownership of natural
2099 gas facilities until the gas corporation completes any necessary inspection to verify that
2100 the natural gas facilities are installed and tested in compliance with applicable federal,
2101 state, and local law and natural gas tariff specifications.

2102 Section 44. Section **58-55-601** is repealed and reenacted to read:

2103 **Part 6. Unlawful and Unprofessional Conduct**

2104 **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;

2173 (24) as a contractor, fails to comply in a timely manner with requirements described in
2174 Section 58-55-211;
2175 (25) engages in the installation, repair, maintenance, cleaning, or replacement of a
2176 residential or a commercial gas appliance or a combustion system without the
2177 certification described in Section 58-55-503, or allows an employee to do so; or
2178 (26) operates a crane without the certification described in Section 58-55-504.

2179 Section 45. Section **58-55-602** is repealed and reenacted to read:

2180 **58-55-602 . Penalty for unlawful conduct.**

2181 (1)(a) An individual commits a class A misdemeanor by violating:
2182 (i) Section 58-55-503;
2183 (ii) Section 58-55-504;
2184 (iii) Subsections 58-55-601(1) through (7), (9), (10), and (12), (14)(e), or (21)
2185 through (24); or
2186 (iv) failing to comply with a citation issued under this chapter.
2187 (b) An individual who violates Subsection 58-55-601(8) may not receive or accept a
2188 contract to perform work or act as a qualifier.

2189 (2)(a) An individual commits an infraction by violating Subsection 58-55-601(13).
2190 (b) An individual commits theft under Section 76-6-404 if the individual violates
2191 Subsection 58-55-601(13) and intends to deprive the payee of money owed.

2192 Section 46. Section **58-55-603** is repealed and reenacted to read:

2193 **58-55-603 . Unprofessional conduct.**

2194 A person engages in unprofessional conduct if the person:

2195 (1) fails to establish, maintain, or demonstrate financial responsibility in accordance with
2196 Section 58-55-205, while holding a contractor license under Part 2, Contractors;
2197 (2) disregards or violates, through gross negligence or a pattern of negligence:
2198 (a) state or local building or construction laws;
2199 (b) safety and labor laws applicable to a project;
2200 (c) health laws applicable to a project;
2201 (d) workers' compensation insurance laws applicable to a project;
2202 (e) laws governing employee state and federal income tax withholdings, unemployment
2203 tax, Social Security payroll tax, or other required withholdings; or
2204 (f) state or federal reporting, notification, and filing laws;
2205 (3) commits, causes, or directs a willful, fraudulent, or deceitful act that causes material
2206 injury to another person;

2207 (4) commits a contract violation that threatens or potentially threatens the public health,
2208 safety, or welfare, including when the person:
2209 (a) willfully, deliberately, or with gross negligence disregards plans or specifications,
2210 abandons a project, or fails to complete a project without obtaining consent from the
2211 owner, the owner's authorized representative, or any other person entitled to
2212 completion under the contract;
2213 (b) fails to deposit funds for the benefit of an employee;
2214 (c) fails to maintain health insurance benefits required by a written contract, unless the
2215 person provides the employee with written notice at least 45 days before canceling or
2216 reducing a health insurance benefit;
2217 (d) fails to reimburse the Residence Lien Recovery Fund as required under Section
2218 38-11-207;
2219 (e) fails to provide information required under Section 38-11-108; or
2220 (f) willfully or deliberately misrepresents or omits a material fact when applying to
2221 claim recovery from the Residence Lien Recovery Fund under Section 38-11-204;
2222 (5) fails to comply with operating standards described in Section 58-55-502;
2223 (6) as an unincorporated entity, fails to provide workers' compensation coverage as required
2224 under Title 34A, Chapter 2, Workers' Compensation Act, and Title 34A, Chapter 3, Utah
2225 Occupational Disease Act, for an individual who engages or will engage in a
2226 construction trade in this state for the entity;
2227 (7) fails to continuously maintain insurance and registration as required under Section
2228 58-55-204; or
2229 (8) fails to comply with Section 58-55-107.

2230 Section 47. Section **58-55-604** is repealed and reenacted to read:

2231 **58-55-604 . Citations -- Fines -- License suspension-- License revocation.**

2232 (1) As used in this section, "qualifying violation" means a violation of:
2233 (a) Section 58-55-503;
2234 (b) Section 58-55-504;
2235 (c) Subsections 58-55-601(1) through (3), (7), (9), (10), (12), (14)(e), and (16), or
2236 Subsection 58-55-601(18) through (24); or
2237 (d) Subsection 58-55-602(4) or (6).
2238 (2)(a) If an investigation shows a person committed a qualifying violation, or violated a
2239 division rule or order related to a qualifying violation, the division shall:
2240 (i) issue a citation;

2241 (ii) attempt a stipulated settlement; or
2242 (iii) require the person to appear in an adjudicative proceeding in accordance with
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

2275 per day of continued qualifying violation.

2276 (6)(a) Except as provided in Subsection (8), the division shall consider a qualifying
2277 violation a second or additional offense if:

2278 (i) a prior final order established a qualifying violation; or

2279 (ii) the division initiated an action for an earlier offense and finds a second qualifying
2280 violation during a new investigation before resolving the initial case.

2281 (b) The division shall follow this section when issuing final orders for repeated
2282 qualifying violations.

2283 (7)(a) The division shall revoke a license if the licensee violates Subsection
2284 58-55-601(19) or (20) two or more times in a 12-month period.

2285 (b) The division may exempt a licensee from revocation under Subsection 58-55-601(19)
2286 if the licensee proves the licensee verified the individual's federal work status using a
2287 status verification system under Section 13-47-102.

2288 (c) Each qualifying violation under Subsection 58-55-601(20) or (21) involving a
2289 different individual counts as a separate qualifying violation.

2290 (8) If five or more years pass between qualifying violations, the division may not treat a
2291 new qualifying violation as a second or additional qualifying violation.

2292 (9) The division may treat each instance of the same type of qualifying violation under
2293 Section 58-55-601 as a separate offense and may impose a separate penalty for each.

2294 (10) The division and commission may suspend a license if:

2295 (a) the licensee receives a citation for violating:

2296 (i) Section 58-55-503;

2297 (ii) Section 58-55-504; or

2298 (iii) Section 58-55-601; or

2299 (b) the licensee fails to:

2300 (i) apply for a new license for a new business structure;

2301 (ii) maintain or demonstrate financial responsibility in accordance with Section
2302 58-55-205, while holding a contractor license under Part 2, Contractors; or

2303 (iii) notify the division of insurance loss or change in qualifier.

2304 Section 48. Section **58-55-605** is repealed and reenacted to read:

2305 **58-55-605 . Grounds for denial of license and disciplinary proceedings.**

2306 (1) In accordance with Section 58-1-401, if an applicant or licensee does not meet the
2307 qualifications for licensure, the division may:

2308 (a) refuse to issue or renew a license;

2309 (b) revoke the right of a licensee to recover from the Residence Lien Recovery Fund
2310 created by Section 38-11-201;

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

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

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

2314 (2) In addition to an action taken under Subsection (1), the division may take an action
2315 described in Subsection 58-1-401(2) in relation to a contractor license, if:

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

2317 (b) an individual who holds an ownership interest in or is the qualifier under Section
2318 58-55-108 engages in:

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

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

2321 Section 49. Section **58-55-606** is enacted to read:

2322 **58-55-606 . Investigation of a regulated activity.**

2323 (1) The division shall be responsible for the investigation of a person or an activity that
2324 violates the provisions of this chapter.

2325 (2)(a) The division shall investigate:

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

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

2328 (3) If the division finds there is no apparent material jeopardy to the public health, safety,
2329 or welfare, the division shall decline investigation of an alleged violation of this chapter.

2330 (4)(a) The division shall inspect construction trade to determine compliance with
2331 Subsections 58-1-501(2)(a)(vii), 58-55-601(14), and 58-55-602(2) through (4).

2332 (b) Except for Subsection (4)(a), the division has no obligation to inspect construction
2333 trade to determine compliance with applicable code or industry standard.

2334 (5) An authorized representative of the division may enter the premises or a site to inspect
2335 work regulated under this chapter for compliance.

2336 Section 50. Section **58-55-607** is enacted to read:

2337 **58-55-607 . Collection -- Enforcement.**

2338 (1) The division shall deposit collected fines into the Commerce Service Account created
2339 under Section 13-1-2.

2340 (2) If a person fails to pay a penalty, the director may:

2341 (a) refer the case to a collection agency; or

2342 (b) file a district court action in the person's county or the county where the director's

2343 office is located.

2344 (3) The county attorney or attorney general shall provide legal support in penalty collection
2345 actions.

2346 (4) The court shall award attorney fees and costs to the prevailing party in such actions.

2347 Section 51. Section **58-91-101** is enacted to read:

2348 **CHAPTER 91. Alarm Company Licensing Act**

2349 **Part 1. General Provisions**

2350 **58-91-101 . Definitions.**

2351 As used in this chapter:

2352 (1)(a) "Alarm company" means a person that installs, maintains, alters, repairs, replaces,
2353 services, or monitors an alarm system.

2354 (b) "Alarm company" does not include:

2355 (i) a person that manufactures or sells an alarm system unless:

2356 (A) that person installs, maintains, alters, repairs, replaces, services, or monitors
2357 the alarm system;

2358 (B) the manufacture or sale occurs at a location other than the person's established
2359 place of business; or

2360 (C) the manufacture or sale involves a site visit where the alarm system will be
2361 installed; or

2362 (ii) the owner of an alarm system, or an employee of the owner of an alarm system,
2363 who installs, maintains, alters, repairs, replaces, services, or monitors the alarm
2364 system.

2365 (2)(a) "Alarm company agent" means an individual that an alarm company employs
2366 within this state that sells, installs, maintains, alters, repairs, replaces, services, or
2367 monitors an alarm system.

2368 (b) "Alarm company agent" does not include an individual who does not use or have
2369 access to sensitive alarm system information.

2370 (3) "Alarm company officer" means:

2371 (a) a governing person, as defined in Section 48-3a-102, of an alarm company;

2372 (b) an individual appointed as an officer of an alarm company that is a corporation in
2373 accordance with Section 16-10a-830;

2374 (c) a general partner, as defined in Section 48-2e-102, of an alarm company; or

2375 (d) a partner, as defined in Section 48-1d-102, of an alarm company.

2376 (4) "Alarm company owner" means:

2377 (a) a shareholder, as defined in Section 16-10a-102, who owns directly, or indirectly
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.

2477 (1)(a) A person shall obtain a license under this chapter before engaging as an alarm
2478 company or an alarm company agent unless the person is exempt from licensure
2479 under Section 58-1-307 or 58-91-306.

2480 (b) The only licenses required for the licensee to engage as an alarm company or an
2481 alarm company agent are:
2482 (i) a license issued under this chapter; and
2483 (ii) a business license from the local jurisdiction where the licensee maintains the
2484 licensee's principal place of business.

2485 (c) The state or a political subdivision may not impose additional requirements on a
2486 licensee to do business except:
2487 (i) contract prequalification procedures a state agency requires; or
2488 (ii) the payment of fees a local jurisdiction makes as a condition for doing business.

2489 (2) The division shall issue a license under this chapter to a qualified person in the
2490 following classifications:
2491 (a) alarm company; or
2492 (b) alarm company agent.

2493 (3) The installation, repair, maintenance, or replacement of a battery-charged
2494 suspended-wire system or fence requires licensure under this chapter when the
2495 battery-charged suspended-wire system or fence:
2496 (a) is part of and interfaces with an alarm system for the purposes of detecting and
2497 deterring unauthorized intrusion or entry into or onto certain premises;
2498 (b) is located on property that is not designated by a municipality or county for
2499 residential use;
2500 (c) is driven by a commercial storage battery that provides no more than 12 volts of
2501 direct current;
2502 (d) is capable of producing an electric charge on contact that does not exceed energizer
2503 characteristics set for electric fence energizers by the International Electrotechnical
2504 Commission;
2505 (e) is surrounded by a nonelectric perimeter fence or wall that is at least five feet in
2506 height;
2507 (f) is not more than the higher of:
2508 (i) two feet higher than the height of the nonelectric perimeter fence or wall; or
2509 (ii) 10 feet in height;
2510 (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.

2613 (2) Each applicant for a license as an alarm company agent shall:

2614 (a) submit an application in a form the division approves;

2615 (b) submit fingerprints in a form the division approves;

2616 (c) pay the fee the division determines in accordance with Section 63J-1-504;

2617 (d) consent to and complete a criminal background check described in Section
2618 58-1-301.5;

2619 (e) meet background check standards the division makes by rule under Title 63G,
2620 Chapter 3, Utah Administrative Rulemaking Act;

2621 (f) disclose criminal history the division requests on a form the division approves;

2622 (g) attest the applicant has not been declared by a court with jurisdiction incompetent by
2623 reason of mental defect or disease and not been restored;

2624 (h) attest the applicant is not currently suffering from a substance use disorder; and

2625 (i) meet with the division and board if the division or the board requests.

2626 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2627 division may make rules establishing when the division shall check Federal Bureau of
2628 Investigation records for an alarm company or an alarm company agent applicant under
2629 this section and Section 58-1-301.5.

2630 (4)(a) The division shall deny an application for licensure under this chapter if:

2631 (i) the applicant has had a previous license issued under this chapter suspended or
2632 revoked within two years before the date of the applicant's application;

2633 (ii)(A) the applicant is a partnership, corporation, or limited liability company; and

2634 (B) a person that serves the applicant entity in a control position previously served
2635 in a control position for an entity that held a license the division suspended or
2636 revoked less than two years before the date of the application; or

2637 (iii)(A) the applicant is an individual or sole proprietorship; and

2638 (B) any person that served in a control position in any entity which has had a
2639 previous license, which was issued under this chapter, suspended or revoked
2640 within two years before the date of the applicant's application.

2641 (b) The board shall review an application for licensure under this chapter before
2642 approval if:

2643 (i) the applicant has had a previous license, which was issued under this chapter,
2644 suspended or revoked more than two years before the date of the applicant's
2645 application;

2646 (ii)(A) the applicant is a partnership, corporation, or limited liability company; and

2647 (B) a person that serves the applicant entity in a control position previously served
2648 in a control position for an entity that held a license the division suspended or
2649 revoked less than two years before the date of the application; or
2650 (iii)(A) the applicant is an individual or sole proprietorship; and
2651 (B) a person that serves the applicant entity in a control position previously served
2652 in a control position for an entity that held a license that the division suspended
2653 or revoked two years or more before the date of the application.

2654 Section 59. Section **58-91-305** is enacted to read:

2655 **58-91-305 . Evidence of licensure.**

2656 An individual licensed as an alarm company agent shall:

2657 (1) carry a copy of the individual's license issued under this chapter on the individual's
2658 person while engaging in an activity for which this chapter requires a license; and
2659 (2) display the license upon the request of a peace officer, a representative of the division,
2660 or a representative of a customer of the alarm company.

2661 Section 60. Section **58-91-306** is enacted to read:

2662 **58-91-306 . Exemptions from licensure.**

2663 In addition to the exemptions from licensure in Section 58-1-307, an individual may
2664 engage as an alarm company agent without a license if the individual is:

2665 (1) the owner of an alarm system; or
2666 (2) an employee of the owner of an alarm system.

2667 Section 61. Section **58-91-307** is enacted to read:

2668 **58-91-307 . Temporary permits for alarm company agents.**

2669 (1) The division may issue a temporary permit to an applicant for licensure as an alarm
2670 company agent if:
2671 (a) the division has received a background check on the applicant from the Bureau of
2672 Criminal Identification;
2673 (b)(i) the applicant is or will be employed at a call center, office, or administrative
2674 facility of an alarm company; and
2675 (ii) the applicant's only contact with a customer or potential customer of the alarm
2676 company is from the call center, office, or administrative facility; and
2677 (c) the alarm company by which the applicant is or will be employed affirms in writing
2678 to the division that the applicant will act only within the scope of the temporary
2679 license, as provided in Subsection (1)(b).
2680 (2) A temporary license shall expire on the earlier of:

2681 (a) 90 days after the day on which the division issues the temporary permit;
2682 (b) the date on which the individual to whom the division issues the temporary license
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;

2714 (8) allows an employee with a temporary license under Section 58-91-307 to act outside the
2715 scope of the temporary license; or

2716 (9) as an alarm company agent with a temporary license under Section 58-91-307, acts
2717 outside the scope of the temporary license.

2718 Section 64. Section **58-91-502** is enacted to read:

2719 **58-91-502 . Penalty for unlawful conduct.**

2720 An individual commits a class A misdemeanor by:

2721 (1) violating Subsections 58-91-501(1) through (4), or Subsections 58-91-501 (6) through
2722 (9); or

2723 (2) failing to comply with a final citation issued under this section.

2724 Section 65. Section **58-91-503** is enacted to read:

2725 **58-91-503 . Unprofessional conduct.**

2726 A person engages in unprofessional conduct if the person:

2727 (1) commits, causes, or directs a willful, fraudulent, or deceitful act that causes material
2728 injury to another person;

2729 (2) commits a contract violation that threatens or potentially threatens the public health,
2730 safety, or welfare, including when the person fails to deposit funds for the benefit of an
2731 employee as required under a written contractual obligation;

2732 (3) as an alarm company, fails to notify the division when the company's qualifier ceases to
2733 perform or fails to replace the qualifier as required under Subsection 58-91-303(6);

2734 (4) as an alarm company agent, fails to carry or display a copy of the agent's license as
2735 required under Section 58-91-305;

2736 (5) fails to comply with operating standards the division makes by rule;

2737 (6) as an alarm company or alarm company agent, fails to inform a potential customer,
2738 before the customer purchases an alarm system or alarm service, about the policy of the
2739 county, city, or town where the customer resides about priority levels for responding to
2740 alarm signals transmitted by the alarm system; or

2741 (7) fails to continuously maintain insurance and registration as required under Subsection
2742 304(1)(c)(vii).

2743 Section 66. Section **58-91-504** is enacted to read:

2744 **58-91-504 . Citations -- Fines -- License suspension-- License revocation.**

2745 (1) As used in this section, "qualifying violation" means a violation of:

2746 (a) Subsections 58-91-501(1) through (4), Subsection 58-91-501(6), or Subsections
2747 58-91-501(8) through (9); or

2748 (b) Subsection 58-91-503(1).

2749 (2)(a) If an investigation shows a person committed a qualifying violation, or broke a
2750 related rule or order the division issued regarding a qualifying violation, the division
2751 shall:

2752 (i) issue a citation;
2753 (ii) attempt a stipulated settlement; or
2754 (iii) require the person to appear in an adjudicative proceeding under Title 63G,
2755 Chapter 4, Administrative Procedures Act.

2756 (b) The division may assess a fine and issue a cease-and-desist order based on:

2757 (i) an uncontested citation;
2758 (ii) a stipulated settlement; or
2759 (iii) a violation finding in an adjudicative proceeding.

2760 (3)(a) Each citation shall:

2761 (i) be in writing;
2762 (ii) describe the violation with specific reference to statute, rule, or order;
2763 (iii) instruct the recipient to request a hearing in writing within 20 calendar days after
2764 the day on which the citation is issued if the recipient contests; and
2765 (iv) state the consequences of failing to contest or pay fines.

2766 (b) The division may serve the citation:

2767 (i) according to the Utah Rules of Civil Procedure;
2768 (ii) in person or via an agent; or
2769 (iii) by mail.

2770 (c) If the recipient does not request a hearing within 20 calendar days after the day on
2771 which the citation is issued, the citation becomes a final division order.

2772 (d) The division may extend the 20-calendar day period for cause.

2773 (4)(a) The division may refuse to issue or renew, suspend, revoke, or place on probation
2774 the license of a person that does not comply with a final citation.

2775 (b) The division may deny licensure after the applicant fails to comply with a final
2776 citation.

2777 (c) The division shall issue a citation within one year of the reported violation.

2778 (5) The director or designee shall assess a fine for a qualifying violation as follows:

2779 (a) first offense: up to \$1,000;
2780 (b) for second offense: up to \$2,000; and
2781 (c) additional offenses: up to \$2,000 per day of continued offense.

2782 (6)(a) The division considers a violation a second or subsequent offense if:

2783 (i) a prior final order established a qualifying violation; or

2784 (ii) the division initiated an action for a prior offense and later finds a second

2785 violation during a new investigation before resolving the initial case.

2786 (b) The division shall follow this section when issuing final orders for repeated

2787 violations.

2788 (7) If five or more years pass between violations, the division may not treat a new violation

2789 as a subsequent violation.

2790 (8) The division may treat each instance of the same type of violation under Section

2791 58-91-501 as a separate offense and may impose a separate penalty for each.

2792 (9) The division may immediately suspend a license if:

2793 (a) the licensee receives a citation for violating Section 58-91-501; or

2794 (b) the licensee fails to:

2795 (i) apply for a new license for a new classification or business structure; or

2796 (ii) notify the division of a change in qualifier.

2797 Section 67. Section **63G-2-302** is amended to read:

2798 **63G-2-302 . Private records.**

2799 (1) The following records are private:

2800 (a) records concerning an individual's eligibility for unemployment insurance benefits,

2801 social services, welfare benefits, or the determination of benefit levels;

2802 (b) records containing data on individuals describing medical history, diagnosis,

2803 condition, treatment, evaluation, or similar medical data;

2804 (c) records of publicly funded libraries that when examined alone or with other records

2805 identify a patron;

2806 (d) records received by or generated by or for:

2807 (i) the [Independent] independent Legislative Ethics Commission, except for:

2808 (A) the commission's summary data report that is required under legislative rule;

2809 and

2810 (B) any other document that is classified as public under legislative rule; or

2811 (ii) a Senate or House Ethics Committee in relation to the review of ethics

2812 complaints, unless the record is classified as public under legislative rule;

2813 (e) records received by, or generated by or for, the [Independent] independent Executive

2814 Branch Ethics Commission, except as otherwise expressly provided in Title 63A,

2815 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

incident or threat;

- (y) a criminal background check or credit history report conducted in accordance with Section 63A-3-201;
- (z) a record described in Subsection 53-5a-104(7);
- (aa) on a record maintained by a county for the purpose of administering property taxes, an individual's:
 - (i) email address;
 - (ii) phone number; or
 - (iii) personal financial information related to a person's payment method;
- (bb) a record submitted by a taxpayer to establish the taxpayer's eligibility for an exemption, deferral, abatement, or relief under:
 - (i) Title 59, Chapter 2, Part 11, Exemptions; or
 - (ii) Title 59, Chapter 2a, Tax Relief Through Property Tax;
- (cc) a record provided by the State Tax Commission in response to a request under Subsection 59-1-403(4)(y)(iii);
- (dd) a record of the Child Welfare Legislative Oversight Panel regarding an individual child welfare case, as described in Subsection 36-33-103(3);
- (ee) a record relating to drug or alcohol testing of a state employee under Section 63A-17-1004;
- (ff) a record relating to a request by a state elected official or state employee who has been threatened to the Division of Technology Services to remove personal identifying information from the open web under Section 63A-16-109;
- (gg) a record including confidential information as that term is defined in Section 67-27-106; and
- (hh) a record or notice received or generated under Title 53, Chapter 30, Security Improvements Act, relating to:
 - (i) an application for certification described in Section 53-30-201; or
 - (ii) a security improvement, including a building permit application or building permit for a security improvement described in Section 53-30-301.

The following records are private if properly classified by a governmental entity:

- (a) records concerning a current or former employee of, or applicant for employment with a governmental entity, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under

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

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

- (i) in connection with any legal or administrative proceeding in which the patient's physical, mental, or emotional condition is an element of any claim or defense; or
- (ii) after a patient's death, in any legal or administrative proceeding in which any party relies upon the condition as an element of the claim or defense.

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

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

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

- (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is repealed July 1, 2026.
- (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2035.
- (3) Title 58, Chapter 20b, Environmental Health Scientist Act, is repealed July 1, 2028.
- (4) Section 58-37-3.5, Drugs for behavioral health treatment, is repealed July 1, 2027.
- (5) Subsection 58-37-6(7)(f)(iii), regarding a seven-day opiate supply restriction, is repealed July 1, 2032.
- (6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2033.
- (7) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is repealed July 1, 2029.
- (8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July 1, 2033.
- (9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2034.
- (10) Subsection 58-47b-102(8), defining massage assistant, is repealed July 1, 2029.
- (11) Subsection 58-47b-102(9), defining massage assistant-in-training, is repealed July 1, 2029.
- (12) Subsection 58-47b-302(1), regarding applicant for a massage assistant-in-training, is repealed July 1, 2029.
- (13) Subsection 58-47b-302(2), regarding applicant for a massage assistant, is repealed July 1, 2029.
- (14) Subsection 58-47b-303(3)(b), regarding expiration of a massage assistant-in-training license, is repealed July 1, 2029.
- (15) Subsection [58-55-201(2)] 58-91-201(1)(a), regarding the Alarm System and Security Licensing Advisory Board, is repealed July 1, 2027.

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

2987 Section 69. Section **63J-1-602.1** is amended to read:

2988 **63J-1-602.1 . List of nonlapsing appropriations from accounts and funds.**

2989 Appropriations made from the following accounts or funds are nonlapsing:

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

2991 (2) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission, as
2992 provided under Title 9, Chapter 23, Pete Suazo Utah Athletic Commission Act.

2993 (3) Funds collected for directing and administering the C-PACE district created in Section
2994 11-42a-106.

2995 (4) Money received by the Utah Inland Port Authority, as provided in Section 11-58-105.

2996 (5) The Commerce Electronic Payment Fee Restricted Account created in Section 13-1-17.

2997 (6) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in Section
2998 19-2a-106.

2999 (7) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in
3000 Section 19-5-126.

3001 (8) State funds for matching federal funds in the Children's Health Insurance Program as
3002 provided in Section 26B-3-906.

3003 (9) Funds collected from the program fund for local health department expenses incurred in
3004 responding to a local health emergency under Section 26B-7-111.

3005 (10) The Technology Development Restricted Account created in Section 31A-3-104.

3006 (11) The Criminal Background Check Restricted Account created in Section 31A-3-105.

3007 (12) The Captive Insurance Restricted Account created in Section 31A-3-304, except to the
3008 extent that Section 31A-3-304 makes the money received under that section free revenue.

3009 (13) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.

3010 (14) The Health Insurance Actuarial Review Restricted Account created in Section
3011 31A-30-115.

3012 (15) The State Mandated Insurer Payments Restricted Account created in Section
3013 31A-30-118.

3014 (16) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.

3015 (17) The Underage Drinking Prevention Media and Education Campaign Restricted
3016 Account created in Section 32B-2-306.

3017 (18) The School Readiness Restricted Account created in Section 35A-15-203.

3018 (19) Money received by the Utah State Office of Rehabilitation for the sale of certain
3019 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.