

**Thomas W. Peterson** proposes the following substitute bill:

## Utah Construction Trades Licensing Act Amendments

## 2026 GENERAL SESSION

## STATE OF UTAH

## **Chief Sponsor: Thomas W. Peterson**

Senate Sponsor: Evan J. Vickers

## LONG TITLE

### **General Description:**

This bill modifies the Utah Construction Trades Licensing Act.

## Highlighted Provisions:

This bill:

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

## **Money Appropriated in this Bill:**

None

## Other Special Clauses:

This bill provides a special effective date.

## Utah Code Sections Affected:

## AMENDS:

**11-67-101**, as enacted by Laws of Utah 2022, Chapter 446

**13-8-5**, as last amended by Laws of Utah 2023, Chapter 16

**38-11-207**, as last amended by Laws of Utah 2008, Chapter 382

**57-8-8.2**, as last amended by Laws of Utah 2023, Chapter 503

57-8a-801, as enacted by Laws of Utah 2022, Chapter 439

**58-1-301.5**, as last amended by Laws of Utah 2025, Chapter 236

**58-55-103**, as last amended by Laws of Utah 2024, Chapter 507

**58-55-504**, as last amended by Laws of Utah 2007, Chapter 98

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

29       **63I-1-258**, as last amended by Laws of Utah 2025, Chapter 236

30       **63J-1-602.1**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9

31       ENACTS:

32       **58-55-107**, Utah Code Annotated 1953

33       **58-55-108**, Utah Code Annotated 1953

34       **58-55-109**, Utah Code Annotated 1953

35       **58-55-112**, Utah Code Annotated 1953

36       **58-55-202**, Utah Code Annotated 1953

37       **58-55-203**, Utah Code Annotated 1953

38       **58-55-204**, Utah Code Annotated 1953

39       **58-55-205**, Utah Code Annotated 1953

40       **58-55-207**, Utah Code Annotated 1953

41       **58-55-208**, Utah Code Annotated 1953

42       **58-55-209**, Utah Code Annotated 1953

43       **58-55-210**, Utah Code Annotated 1953

44       **58-55-211**, Utah Code Annotated 1953

45       **58-55-404**, Utah Code Annotated 1953

46       **58-55-405**, Utah Code Annotated 1953

47       **58-55-505**, Utah Code Annotated 1953

48       **58-55-506**, Utah Code Annotated 1953

49       **58-55-507**, Utah Code Annotated 1953

50       **58-55-508**, Utah Code Annotated 1953

51       **58-55-606**, Utah Code Annotated 1953

52       **58-55-607**, Utah Code Annotated 1953

53       **58-91-101**, Utah Code Annotated 1953

54       **58-91-102**, Utah Code Annotated 1953

55       **58-91-103**, Utah Code Annotated 1953

56       **58-91-201**, Utah Code Annotated 1953

57       **58-91-301**, Utah Code Annotated 1953

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

59       **58-91-303**, Utah Code Annotated 1953

60       **58-91-304**, Utah Code Annotated 1953

61       **58-91-305**, Utah Code Annotated 1953

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

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

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

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

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

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

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

69       REPEALS AND REENACTS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

88       RENUMBERS AND AMENDS:

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

90       **58-55-111**, (Renumbered from 58-55-307, as last amended by Laws of Utah 2016, Chapter 238)

91       **58-55-206**, (Renumbered from 58-55-310, as last amended by Laws of Utah 2013, Chapter 57)

92       **58-55-212**, (Renumbered from 58-55-702, as enacted by Laws of Utah 2022, Chapter 436)

97 REPEALS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 126 (1) As used in this section:

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

131 commercial or industrial construction projects.

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

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

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

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

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

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

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

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

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

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

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

163 (i) "Retention proceeds" means money earned by a contractor or subcontractor but  
164 retained by the owner or public agency pursuant to the terms of a construction

165 contract to guarantee payment or performance by the contractor or subcontractor of  
166 the construction contract.

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

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

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

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

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

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

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

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

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

179 (iii) by a subcontractor.

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

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

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

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

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

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

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

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

198 (c) The contractor shall ensure that any interest accrued on the retainage is distributed by

199 the contractor to subcontractors on a pro rata basis.

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

- 201 (i) are considered to be in a constructive trust for the benefit of the contractor and  
202 subcontractors who have earned the proceeds; and  
203 (ii) are not subject to assignment, encumbrance, attachment, garnishment, or  
204 execution levy for the debt of any person holding the retention proceeds and  
205 accrued interest.

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

- 209 (a) the date the owner or public agency receives the billing statement from the contractor;  
210 (b) the date that a certificate of occupancy or final acceptance notice is issued to:  
211 (i) the original contractor who obtained the building permit from the building  
212 inspector or public agency;  
213 (ii) the owner or architect; or  
214 (iii) the public agency;  
215 (c) the date that a public agency or building inspector that has the authority to issue a  
216 certificate of occupancy does not issue the certificate but permits partial or complete  
217 occupancy or use of a construction project; or  
218 (d) the date the contractor accepts the final pay quantities.

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

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

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

- 226 (i) if a contractor or subcontractor is in default or breach of the terms and conditions  
227 of the construction contract documents, plans, or specifications governing  
228 construction of the project, the owner or public agency may withhold from  
229 payment for as long as reasonably necessary an amount necessary to cure the  
230 breach or default of the contractor or subcontractor; or  
231 (ii) if a project or a portion of the project has been substantially completed, the owner  
232 or public agency may retain until completion up to twice the fair market value of

233 the work of the original contractor or of any subcontractor that has not been  
234 completed:

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

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

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

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

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

248 (ii) by the subcontractor from:

249 (A) the original contractor; or

250 (B) a subcontractor.

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

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

256 (i) attorney fees; and

257 (ii) other allowable costs.

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

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

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

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

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

- 267 (1) If the director disburses money from the fund as a result of a person licensed under Title  
268 58, Chapter 55, Utah Construction Trades Licensing Act, or a qualified beneficiary  
269 failing to pay qualified beneficiaries:  
270 (a) the division shall issue a notice of the disbursement from the fund and the obligation  
271 to reimburse the fund to the licensee or qualified beneficiary; and  
272 (b) the licensee or qualified beneficiary shall reimburse the fund within 20 days from the  
273 issuance of the notice required by Subsection (1)(a).
- 274 (2) The notice required by Subsection (1)(a) shall meet the requirements established by rule  
275 by the division in accordance with Title 63G, Chapter 3, Utah Administrative  
276 Rulemaking Act.
- 277 (3)(a) A finding of fact in an administrative action that a payment of any amount has  
278 been made from the fund in settlement of a claim arising from the act, representation,  
279 transaction, or conduct of a person licensed under Title 58, Chapter 55, Utah  
280 Construction Trades Licensing Act, in violation of Section [58-55-603] 58-55-209  
281 shall result in the immediate suspension of that person's license without further  
282 compliance with Title 63G, Chapter 4, Administrative Procedures Act.
- 283 (b) The finding of fact for Subsection (3)(a) may be made in the same administrative  
284 action as the related claim and may be included in the findings required by Section  
285 38-11-203.
- 286 (c) The suspension required by Subsection (3)(a) shall remain in effect until the person  
287 applies for reinstatement and is issued a license in accordance with Sections 58-1-308  
288 and [58-55-303] 58-55-108.

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

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

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

301       in:

302       (a) a parking space:

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

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

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

306       (3) An association may:

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

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

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

312               (ii) if a charging system is installed in a common area, provide reimbursement to the  
313                association for the actual cost of the increase in the association's insurance  
314                premium attributable to the installation or use of the charging system;

315           (c) require a charging system to comply with:

316               (i) the association's reasonable design criteria governing the dimensions, placement,  
317                or external appearance of the charging system; or

318               (ii) applicable building codes;

319           (d) impose a reasonable charge to cover costs associated with the review and permitting  
320                of a charging system;

321           (e) impose a reasonable restriction on the installation and use of a charging system that  
322                does not significantly:

323               (i) increase the cost of the charging system; or

324               (ii) decrease the efficiency or performance of the charging system; or

325           (f) require a unit owner to pay the costs associated with installation, metering, and use of  
326                the charging system, including the cost of:

327               (i) electricity associated with the charging system; and

328               (ii) damage to a general common area, a limited common area, or an area subject to  
329                the exclusive use of another unit owner that results from the installation, use,  
330                maintenance, repair, removal, or replacement of the charging system.

331       (4) A unit owner who installs a charging system shall disclose to a prospective buyer of the  
332                unit:

333           (a) the existence of the charging system; and

334           (b) the unit owner's related responsibilities under this section.

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

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

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

345 As used in this part:

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

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

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

355 **Criminal background check requirement.**

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

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

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

403 (a) submit fingerprints in a form acceptable to the division at the time the applicant files  
404 a license application or a registration; and

405 (b) consent to a fingerprint background check conducted by the Bureau of Criminal  
406 Identification and the Federal Bureau of Investigation regarding the application.

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

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

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

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

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

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

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

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

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

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

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

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

434 (ii) If Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if a  
435 massage establishment owner has a criminal conviction or pending criminal  
436 charges for any crime under Title 76, Chapter 5, Part 4, Sexual Offenses, or any

crime listed by rule [made by] the division makes in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall deny an application for registration of a massage establishment.

(b)(i) An individual whose license has been revoked in accordance with Subsection

(8)(a) is entitled to a hearing to challenge the revocation.

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

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

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

## Part 1. General Provisions

## **58-55-101 . Definitions.**

### As used in this chapter:

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

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

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

(a) 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

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

505 (10) "Gas appliance" means a device that uses gas to produce light, heat, power, steam, hot  
506 water, refrigeration, or air conditioning.

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

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

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

515 (13) "Qualifier" means an individual who:

- 516 (a) holds a control position of a licensee under this chapter;  
517 (b) satisfies the requirements to obtain a license under this chapter;  
518 (c) meets any additional license requirements established in rule the division makes in  
519 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and  
520 (d) holds collective and individual liability with the licensee for compliance with this  
521 chapter and may be held fully responsible for a violation.

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

- 523 (a) a general partnership;  
524 (b) a limited liability partnership;  
525 (c) a limited liability limited partnership;  
526 (d) a limited partnership; or  
527 (e) a limited cooperative association.

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

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

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

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

533 **Meetings -- Concurrence.**

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

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

537 (i) [with the concurrence of the director, make reasonable rules under Title 63G,  
538 Chapter 3, Utah Administrative Rulemaking Act, to administer and enforce this

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

- 566 (2)[(a) The terms of office of the commission members who are serving on the  
567 Contractors Licensing Board shall continue as they serve on the commission.]  
568 [(b) The commission shall be comprised of the following members appointed by the  
569 executive director with the approval of the governor from the following groups:]  
570 [(i) one member shall be a licensed general engineering contractor;]  
571 [(ii) one member shall be a licensed general building contractor;]

573 [ (iii) two members shall be licensed residential and small commercial contractors;]  
574 [ (iv) one member shall be a licensed plumber and a member of the Electricians and  
575 Plumbers Licensing Board;]  
576 [ (v) one member shall be a licensed electrician and a member of the Electricians and  
577 Plumbers Licensing Board;]  
578 [ (vi) one member shall be the chair person of the Alarm System Security and  
579 Licensing Board; and]  
580 [ (vii) two members shall be from the general public.]

- 581 (a) The executive director, with the governor's approval, shall appoint commission  
582 members as follows:
- 583 (i) one individual who is a qualifier for a licensed general engineering contractor as  
584 defined in Section 58-55-202;  
585 (ii) one individual who is a qualifier for a licensed general building contractor as  
586 defined in Section 58-55-202;  
587 (iii) two individuals who are qualifiers for separate licensed residential and small  
588 commercial contractors as defined in Section 58-55-202;  
589 (iv) one individual who is a licensed plumber and a member of the Electricians and  
590 Plumbers Licensing Board;  
591 (v) one individual who is a licensed electrician and a member of the Electricians and  
592 Plumbers Licensing Board; and  
593 (vi) one individual who is a member of the general public and who has never been  
594 licensed in a construction trade.

595 [(3)(a) Except as required by Subsection (3)(b), as terms of current commission  
596 members expire, the executive director with the approval of the governor shall  
597 appoint each new member or reappointed member to a four-year term ending June 30.]  
598 [(b) Notwithstanding the requirements of Subsection (3)(a), the executive director with  
599 the approval of the governor shall, at the time of appointment or reappointment,  
600 adjust the length of terms to stagger the terms of commission members so that  
601 approximately 1/2 of the commission members are appointed every two years.]  
602 [(e)] (3) A commission member may not serve more than two consecutive terms.

- 603 (4) The executive director, with the governor's approval, shall:
- 604 (a) appoint or reappoint each member to a four-year term ending June 30, except as  
605 provided in Subsection (6); and  
606 (b) adjust terms at appointment or reappointment to stagger terms so that approximately

607 half of the members' terms expire every two years.

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

610 [(5)] (6) [When a vacancy occurs in the membership for any reason, the replacement shall  
611 be appointed for the unexpired term.] The executive director shall appoint a replacement  
612 for the remainder of the term when a vacancy occurs.

613 [(6)] (7) A member may not receive compensation or [benefits] a benefit for the member's  
614 service, but may receive per diem and travel expenses in accordance with:

615 (a) Section 63A-3-106;

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

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

619 [(7)] (8)(a) The commission shall meet at least monthly unless the director determines  
620 otherwise.

621 (b) The director may call additional meetings:

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

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

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

625 [(8)] (9)(a) Five members [constitute] are a quorum for the transaction of business.

626 (b) If a quorum is present when [a vote is taken] the commission takes a vote, the  
627 affirmative vote of a majority of the commission members present is the act of the  
628 commission.

629 [(9)] (10) The commission shall comply with the procedures and requirements of Title 13,  
630 Chapter 1, Department of Commerce, and Title 63G, Chapter 4, Administrative  
631 Procedures Act, in all [of its] adjudicative proceedings.

632 [(10)] (11)[(a) For purposes of this Subsection (10), "concurrence" means the entities  
633 given a concurring role must jointly agree for the action to be taken.]

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

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

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

641 (ii) the commission shall review the report [submitted by] the director or division  
642 submits under this Subsection [(10)(e)] (11)(a) and concur with the report, or:  
643 (A) provide a reason for not concurring with the report; and  
644 (B) provide recommendations to the director or division.

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

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

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

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

651 (a) three individuals:

652 (i) licensed as master plumbers as defined in Section 58-55-401, or a journeyman  
653 plumber as defined in Section 58-55-401; and  
654 (ii) of whom at least one represents a union organization and at least one has no  
655 union affiliation;

656 (b) two individuals:

657 (i) who are each a qualifier for separate licensed plumbing contractors as defined in  
658 Section 58-55-202; and  
659 (ii) of whom one represents a union organization and one has no union affiliation;

660 (c) three individuals:

661 (i) licensed as master electricians as defined in Section 58-55-301, or as journeyman  
662 electricians as defined in Section 58-55-301; and  
663 (ii) of whom at least one represents a union organization and at least one has no  
664 union affiliation;

665 (d) two individuals:

666 (i) who each are a qualifier for separate licensed electrical contractors as defined in  
667 Section 58-55-202; and  
668 (ii) of whom one represents a union organization and one has no union affiliation; and  
669 (e) one individual who is a member of the general public and who has never been  
670 licensed in a construction trade.

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

672 (a) recommending to the commission appropriate rules;  
673 (b) recommending to the commission policy and budgetary matters;  
674 (c) assisting the commission in fulfilling the commission's duties; and

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

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

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

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

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

- 693 (b) An applicant may apply for a license for one or more licenses issued in accordance  
694 with this chapter.
- 695 (c) The division shall issue each license for which the applicant applies and qualifies.
- 696 (d) The applicant shall submit a separate application and fee for each license.

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

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

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

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

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

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

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

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

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

716 **58-55-107 . Licensee names -- License number use -- Qualifier.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

741 (6)(a) Except as provided in Subsection (6)(b), a contractor that is not a plumbing or  
742 electrical contractor may comply with the qualifier requirements when renewing a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(v) meets all other requirements of this chapter.

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

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

(a) pay fines the division imposes;

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

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

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

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

58-55-109 . License denial.

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

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

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

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

(c)(i) the applicant is a sole proprietorship; and

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

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

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

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

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

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

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

(c)(i) the applicant is an individual or sole proprietorship; and

(ii) an owner, an agent, or a qualifier served in a control position for an entity that held a license that the division suspended or revoked two years or more before the 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

879 nonpublic use that are incidental to a residential structure on the property,  
880 including a shed, carport, or detached garage;]

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

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

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

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

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

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

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

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

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

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

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

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

912 [(I) shall be performed by a licensed electrical or plumbing contractor, if the

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

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

981 approved by the commission with the concurrence of the director under the condition  
982 that:]

983 [ (i) all work intended as a part of a finished product on which there would normally  
984 be an inspection by a building inspector is, in fact, inspected and found acceptable  
985 by a licensed building inspector; and]

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

987 [ (q) a delivery person when replacing any of the following existing equipment with a  
988 new gas appliance, provided there is an existing gas shutoff valve at the appliance:]

989 [ (i) gas range; ]

990 [ (ii) gas dryer; ]

991 [ (iii) outdoor gas barbecue; or ]

992 [ (iv) outdoor gas patio heater; ]

993 [ (r) a person performing maintenance on an elevator as defined in Section 58-55-102, if  
994 the maintenance is not related to the operating integrity of the elevator; and ]

995 [ (s) an apprentice or helper of an elevator mechanic licensed under this chapter when  
996 working under the general direction of the licensed elevator mechanic. ]

997 [ (2) A compliance agency as defined in Section 15A-1-202 that issues a building permit to  
998 a person requesting a permit as a sole owner of property referred to in Subsection (1)(d)  
999 shall notify the division, in writing or through electronic transmission, of the issuance of  
1000 the permit. ]

1001 (1) As used in this section:

1002 (a)(i) "Sign contractor" means a sign installation contractor or nonelectrical outdoor  
1003 advertising sign contractor, as classified and defined in division rules.

1004 (ii) "Sign contractor" does not include a sign installation contractor or nonelectrical  
1005 outdoor advertising sign contractor, as defined in division rules subject to Title 72,  
1006 Chapter 7, Part 5, Utah Outdoor Advertising Act.

1007 (b)(i) "Token compensation" means compensation that is minimal in value when  
1008 compared with the fair market value of the services provided by the person.

1009 (ii) "Token compensation" includes:

1010 (A) providing meals or refreshment while the services are provided; and  
1011 (B) paying reasonable transportation costs incurred by the person in travel to and  
1012 from the construction site.

1013 (c) "Well drilling" means the same as that term is defined in Section 73-3-25.

1014 (2) In addition to the exemptions from licensure in Section 58-1-307, the following may

1015 engage in a construction trade without a license:

1016 (a) an agricultural or natural resource worker if:

1017 (i) the construction trade is incidental to the construction or repair of an irrigation or  
1018 drainage ditch of a regularly constituted irrigation district, reclamation district, or  
1019 drainage district; or

1020 (ii) the construction trade is incidental to a repair relating to farming, dairying,  
1021 agriculture, livestock or poultry raising, metal and coal mining, quarries, sand and  
1022 gravel excavations, well drilling, hauling to and from construction sites, and  
1023 lumbering;

1024 (b) an appliance delivery worker if:

1025 (i) the construction trade is incidental to replacing an existing gas range, a gas dryer,  
1026 an outdoor gas barbecue, or an outdoor gas patio heater with a new gas appliance;  
1027 and

1028 (ii) there is an existing gas shutoff valve at the appliance.

1029 (c) a construction student if:

1030 (i) the construction trade is a part of an education and training program the  
1031 commission with the concurrence of the director approves;

1032 (ii) the work that is subject to inspection by a building inspector passes a building  
1033 inspector's inspection; and

1034 (iii) a contractor obtains the necessary building permits;

1035 (d) a government representative or employee if:

1036 (i) the construction trade is within the terms of the government representative or  
1037 employee's trust, office, or employment; and

1038 (ii) the government representative or employee is an authorized representative or  
1039 employee of the United States government, or of the state, or of a political  
1040 subdivision;

1041 (e) an electrical utility worker if:

1042 (i) the construction trade is incidental to work for a railroad corporation, a telephone  
1043 corporation or an affiliate of the telephone corporation, an elevator contractor, or a  
1044 street railway system; or

1045 (ii) the construction trade is incidental to work for a public service corporation, a  
1046 rural electrification association, or a municipal utility that generates, distributes, or  
1047 sells electrical energy for light, heat, or power;

1048 (f) an elevator mechanic assistant if:

- 1049 (i) the construction trade is incidental to assisting a licensed elevator mechanic; and  
1050 (ii) the construction trade is at the direction of the licensed elevator mechanic;  
1051 (g) an elevator mechanic licensed under this chapter if the construction trade is not  
1052 related to the operational integrity of the elevator;  
1053 (h) a federal highway bidder if:  
1054 (i) the bid is for a Federal-aid Highway Program project; and  
1055 (ii) the contractor obtains proper licensure before starting the construction;  
1056 (i) a hot tub or sign installer if:  
1057 (i) the construction trade is limited to an electrical trade; and  
1058 (ii)(A) the construction trade is incidental to installing or repairing an  
1059 above-ground, prebuilt hot tub or spa; or  
1060 (B) the construction trade is incidental to installing or repairing signage;  
1061 (j) a plumbing repair worker if:  
1062 (i) the construction trade is limited to minor plumbing;  
1063 (ii) the construction trade is incidental to a repair in a residential small commercial  
1064 building or an agricultural structure; and  
1065 (iii) the construction trade:  
1066 (A) does not involve altering a piping or a gas system or a gas appliance; or  
1067 (B) does not involve the initial installation of a fixture or an appliance;  
1068 (k) a product retailer if:  
1069 (i) the construction trade is incidental to the sale of personal property that by design,  
1070 may be attached or installed to real property; and  
1071 (ii) the product retailer contracts with a person licensed under this chapter to attach or  
1072 install the personal property on the real property;  
1073 (l) a property owner, lessee, or an employee of the property owner or lessee if:  
1074 (i) the construction trade is incidental to the maintenance of a property; and  
1075 (ii) the construction trade is for the purpose of maintaining the property;  
1076 (m) a public utility if:  
1077 (i) the construction trade is incidental to the public utility's work; and  
1078 (ii) the public utility is operating under the rules of the Public Service Commission;  
1079 (n) subject to Subsection (3), a person working on a project that has a total cost of less  
1080 than \$7,000 including labor, material, and changes to the agreed upon work if the  
1081 construction trade:  
1082 (i) does not involve an electrical or plumbing system;

- 1083 (ii) does not involve a component of an electrical or plumbing system, including a  
1084 faucet, a toilet, a fixture, a device, an outlet, or an electrical switch;
- 1085 (iii) does not involve the installation, repair, or replacement of a residential or  
1086 commercial gas appliance or a combustion system;
- 1087 (iv) does not involve the installation, repair, or replacement of a water-based fire  
1088 protection system;
- 1089 (v) does not involve the installation, repair, or replacement of a heating, ventilation,  
1090 or air conditioning system; and
- 1091 (vi) does not involve the installation, repair, or replacement of a radon mitigation  
1092 system or a soil depressurization system;
- 1093 (o) a solar panel worker if the construction trade is electrical work incidental to  
1094 installing or repairing a solar panel;
- 1095 (p) a sole property owner if:
  - 1096 (i)(A) the sole property owner builds for the sole owner's noncommercial and  
1097 nonpublic use no more than one residential structure per year on the sole  
1098 owner's property and no more than three residential structures per five years on  
1099 the sole owner's property; and
  - 1100 (B) the construction trade is performed by the sole property owner or a volunteer  
1101 in accordance with Subsection (2)(r); or
- 1102 (ii) the construction trade is incidental to a residential structure on the property,  
1103 including a shed, carport, or detached garage;
- 1104 (q) a specialty contractor as defined in Section 58-55-202, if:
  - 1105 (i) the construction trade is incidental to the specialty contractor's trade; and
  - 1106 (ii) the director does not determine by rule the division makes in accordance with  
1107 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that the specialty  
1108 contractor's performance of the trade significantly impacts the public's health,  
1109 safety, or welfare;
- 1110 (r) a volunteer working on a noncommercial and nonpublic use residential building if:
  - 1111 (i) the construction trade is without compensation other than token compensation that  
1112 is not considered salary or wages; and
  - 1113 (ii) the volunteer works under the direction of the property owner; or
- 1114 (s) a water treatment installation worker if:
  - 1115 (i) the construction trade is incidental to installing or repairing a water conditioner or  
1116 other water treatment apparatus;

- (ii) the water conditioner or other water treatment apparatus meets the state construction code and local plumbing standards; and
  - (iii) the appropriate specialty contractor as defined in Section 58-55-202, directs the installation or repair.

If the total value of the project under Subsection (2)(n) is greater than \$3,000, the person shall:

  - (i) register with the Division of Corporations and Commercial Code; and
  - (ii) submit to the division documentation that the person has:
    - (A) public liability insurance in a coverage amount and form the division makes by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
    - (B) if applicable, workers' compensation insurance that would cover an employee of the person if the employee works on the project.

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

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

- (1) [Credit reports, financial statements, and other information submitted to the division by or at the request and direction of an applicant or licensee for the purpose of supporting a representation of financial responsibility] A credit report, a financial statement, and other information an applicant submits or requests to have submitted to the division to demonstrate financial responsibility in accordance with Section 58-55-205:

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

(b) notwithstanding Subsection (1)(a), may be considered by the commission in a public meeting, unless the owner of the information requests that the meeting be closed to the public in accordance with Title 52, Chapter 4, Open and Public Meetings Act.

(2) Notwithstanding the provisions of Title 63G, Chapter 2, Government Records Access and Management Act, [the records] a record described in Subsection (1) [are] is not open for public inspection and [are] is not subject to discovery in civil or administrative proceedings.

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

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

- 1152        (1)(a)(i) A contractor that is an unincorporated entity shall file an ownership status  
1153        report with the division every 30 days beginning 30 days after the day on which  
1154        the division issues the license if the contractor has more than five owners who are  
1155        individuals that:
- 1156                (A) own an interest in the contractor;  
1157                (B) directly or indirectly own less than an 8% interest in the unincorporated entity  
1158                as defined by rule the division makes in accordance with Title 63G, Chapter 3,  
1159                Utah Administrative Rulemaking Act; and  
1160                (C) engage, or will engage, in a construction trade in the state as owners of the  
1161                contractor described in Subsection (1)(a)(i)(A).
- 1162                (ii) A contractor that is an unincorporated entity shall file an ownership status report  
1163                with an application for renewal of licensure if the contractor has five or fewer  
1164                owners described in this Subsection (1)(a)(i).
- 1165        (b) An ownership status report shall:
- 1166                (i) specify each addition or deletion of an owner from the day after the day on which:  
1167                        (A) the division licenses the unincorporated entity, for the first ownership status  
1168                        report; and  
1169                        (B) the contractor files a previous ownership status report for a later ownership  
1170                        status report;
- 1171                (ii) be in a format the division approves and include the information required by  
1172                        Subsection (2)(a)(ii) for each owner, regardless of the owner's percentage  
1173                        ownership in the unincorporated entity;
- 1174                (iii) list the name of:  
1175                        (A) each officer or manager of the unincorporated entity; and  
1176                        (B) each additional individual involved in the operation, supervision, or  
1177                        management of the unincorporated entity; and
- 1178                (iv) be accompanied by a fee the division sets in accordance with Section 63J-1-504  
1179                        if the ownership status report indicates there is a change.
- 1180        (c) At any time, the division may audit an ownership status report under this Subsection  
1181                (1) to determine if the unincorporated entity:  
1182                        (i) demonstrates financial responsibility in accordance with Section 58-55-205; and  
1183                        (ii) complies with Subsection 58-55-601(19), (20), or (21) or Subsection 58-55-603(6).
- 1184        (2) An unincorporated entity that provides labor to an entity licensed under this chapter by

1185 supplying an individual who owns an interest in the unincorporated entity to engage in a  
1186 construction trade shall file with the division:

1187 (a) before the individual engages in a construction trade, a current ownership list that  
1188 includes:

1189 (i) each individual who holds an ownership interest in the unincorporated entity; and  
1190 (ii) for each individual:

1191 (A) the individual's name, address, birth date, and social security number; and  
1192 (B) the individual's engagement in a construction trade; and

1193 (b) every 30 days after submitting the ownership list under Subsection (1)(a), an  
1194 ownership status report that includes the same information required under Subsection  
1195 (1)(a) as if the unincorporated entity were a licensed contractor.

1196 (3) An unincorporated entity shall pay a fee the division sets in accordance with Section  
1197 63J-1-504 when filing an ownership status report described in Subsection (1)(a).

1198 (4) Nothing in this chapter creates or supports an independent contractor relationship  
1199 between an unincorporated entity described in Subsection (1) or (2) and the  
1200 unincorporated entity's owners.

1201 (5)(a) A social security number an individual provides under this section is a private  
1202 record under Subsection 63G-2-302(1)(i).

1203 (b) The division may classify an applicant's evidence of identity under this section as a  
1204 private record in accordance with Section 63G-2-302.

1205 Section 18. Section **58-55-202** is enacted to read:

## 1206 **Part 2. Contractors**

### 1207 **58-55-202 . Definitions.**

1208 As used in this part:

1209 (1) "Approved pre-licensure course provider" means a provider:

1210 (a) that is:

1211 (i) the Associated General Contractors of Utah;

1212 (ii) the Utah Chapter of the Associated Builders and Contractors; or

1213 (iii) the Utah Home Builders Association; and

1214 (b) that offers the 25-hour course described in Subsection 58-55-204(1)(c):

1215 (i) at least six times each year; and

1216 (ii) in one or more counties within the state other than Salt Lake County, Utah  
1217 County, Davis County, or Weber County.

1218 (2) "Elevator contractor" means a person that performs or superintends erecting,

1219 constructing, installing, altering, servicing, repairing, or maintaining an elevator.

1220 (3)(a) "General building contractor" means a person that performs or superintends:

1221 (i) the construction of structures for the support, shelter, or enclosure of individuals,  
1222 animals, or personal property; or

1223 (ii) any of the components of the construction described in Subsection (3)(a)(i).

1224 (b) "General building contractor" does not include construction trade relating to:

1225 (i) plumbing;

1226 (ii) electrical work;

1227 (iii) mechanical work;

1228 (iv) work related to the operational integrity of an elevator;

1229 (v) work related to the installation of manufactured housing; or

1230 (vi) work that the division determines by rule the division makes in accordance with  
1231 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, poses a substantial  
1232 risk to the public health, safety, and welfare unless the general building contractor  
1233 holds a valid license as a specialty contractor for the construction trade.

1234 (c) "General building contractor" includes the mechanical work for the construction of  
1235 single-family and multifamily residences of up to four units when the mechanical  
1236 work is performed by a licensed master plumber as defined in Section 58-55-401, a  
1237 licensed journeyman plumber as defined in Section 58-55-401, a licensed master  
1238 electrician as defined in Section 58-55-301, or a licensed journeyman electrician as  
1239 defined in Section 58-55-301 that the general building contractor employs.

1240 (4) "General electrical contractor" means a person that performs or superintends the  
1241 fabrication, construction, and installation of generators, transformers, conduits,  
1242 raceways, panels, switch gear, electrical wires, fixtures, appliances, apparatus that uses  
1243 electrical energy, or other work the division authorizes by rule in accordance with  
1244 Subsection 58-55-105(3).

1245 (5) "General engineering contractor" means a person that performs or superintends the  
1246 construction of fixed works, or components of fixed works, and has specialized  
1247 engineering knowledge and skill in:

1248 (a) airports;

1249 (b) airport runways;

1250 (c) bridges;

1251 (d) chemical plants;

1252 (e) drainage;

1253 (f) electrical utilities;

1254 (g) flood control;

1255 (h) foundations;

1256 (i) harbors;

1257 (j) highways;

1258 (k) industrial plants;

1259 (l) inland waterways;

1260 (m) irrigation systems;

1261 (n) piers;

1262 (o) pipelines;

1263 (p) power plants;

1264 (q) railroads;

1265 (r) refineries;

1266 (s) sewers;

1267 (t) tunnels;

1268 (u) underground electric utility conduits;

1269 (v) utility plants;

1270 (w) water power; or

1271 (x) water supply.

1272 (6) "General plumbing contractor" means a person that performs or superintends the  
1273 fabrication or installation of material and fixtures to create and maintain sanitary  
1274 conditions in a building by providing a permanent means for:

1275 (a) a supply of safe and pure water;

1276 (b) the timely and complete removal from the premises of used or contaminated water,  
1277 fluid and semi-fluid organic wastes, and other impurities incidental to life;

1278 (c) a safe and adequate supply of gas for lighting, heating, and industrial purposes; or

1279 (d) other work the division authorizes by rule in accordance with Subsection  
1280 58-55-105(3).

1281 (7) "HVAC" means a heating, ventilation, and air conditioning system and the specific  
1282 components that are a part of the system, including the gas line.

1283 (8) "HVAC contractor" means a person that performs or superintends the installation,  
1284 maintenance, repair, and servicing of heating, ventilation, air conditioning systems or  
1285 any other work the division authorizes by rule in accordance with Subsection  
1286 58-55-105(3).

- 1287 (9)(a) "Residential and small commercial contractor" means a person that performs or  
1288 superintends the construction or supervision of the construction for:  
1289 (i) a single-family residence;  
1290 (ii) a multifamily residence with no more than four units; and  
1291 (iii) a commercial structure that is three stories or less above ground and does not  
1292 exceed 20,000 square feet.
- 1293 (b) "Residential and small commercial contractor" does not include:  
1294 (i) plumbing;  
1295 (ii) electrical work;  
1296 (iii) mechanical work;  
1297 (iv) work related to the operational integrity of an elevator;  
1298 (v) construction trade involving the installation of manufactured housing; or  
1299 (vi) work the division determines by rule the division makes in accordance with Title  
1300 63G, Chapter 3, Utah Administrative Rulemaking Act, poses a substantial risk to  
1301 the public health, safety, and welfare unless the general building contractor holds  
1302 a specialty contractor license.
- 1303 (c) "Residential and small commercial contractor" includes the mechanical work for the  
1304 construction of single-family and multifamily residences of up to four units when the  
1305 mechanical work is performed by a licensed electrician as defined in Section  
1306 58-55-301 or a licensed plumber as defined in Section 58-55-401 that the residential  
1307 and small commercial contractor employs.
- 1308 (10) "Residential electrical contractor" means a person that performs or superintends:  
1309 (a) the fabrication, construction, and installation of services;  
1310 (b) the disconnection of means, grounding devices, panels, conductors, load centers,  
1311 lighting and plug circuits, appliances, and fixtures in a residential unit; or  
1312 (c) any other work the division authorizes by rule in accordance with Subsection  
1313 58-55-105(3).
- 1314 (11) "Residential plumbing contractor" means a person that performs or superintends the  
1315 fabrication or installation of material and fixtures to create and maintain sanitary  
1316 conditions in a residential building by providing permanent means for:  
1317 (a) a supply of safe and pure water;  
1318 (b) the timely and complete removal from the premises of used or contaminated water,  
1319 fluid and semi-fluid organic wastes and other impurities incidental to life;  
1320 (c) a safe and adequate supply of gas for lighting, heating, and residential purposes; or

1321 (d) other work the division authorizes by rule in accordance with Subsection  
1322 58-55-105(3).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1344 Rulemaking Act; and

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

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

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

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

1353 (3) An applicant who is a licensed journeyman lineman in another jurisdiction may satisfy  
1354 Subsection (1)(f)(i) by meeting the requirements the division makes by rule in

1355 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1356 (4) A general engineering contractor may not perform or superintend:

1357 (a) construction of a structure built primarily for the support, shelter, and enclosure of  
1358 individuals, animals, or personal property;

1359 (b) plumbing work;

1360 (c) electrical work beyond underground electric utility conduit or electrical utilities;

1361 (d) high voltage utility work as the division defines by rule the division makes in  
1362 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, without  
1363 a journeyman lineman;

1364 (e) mechanical work; or

1365 (f) work for which the general engineering contractor does not have the required  
1366 specialized engineering knowledge and skill.

1367 (5) An applicant for licensure as an HVAC contractor shall submit to the division  
1368 satisfactory evidence that the applicant:

1369 (a) completed two-years' full-time, paid employment requiring HVAC specific  
1370 experience; and

1371 (b) passed an examination the commission makes by rule with the director's concurrence  
1372 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1373 (6) A specialty contractor may perform construction trade other than those in which the  
1374 specialty contractor is licensed if they are incidental to the performance of the specialty  
1375 contractor's licensed construction trade.

1376 (7) An applicant for a contractor license who is a building inspector may satisfy the  
1377 two-year experience requirement in Subsection (1)(f) by providing evidence of  
1378 two-years' of full-time, paid employment as a building inspector, including at least one  
1379 year as a licensed combination inspector.

1380 (8) Each qualifier shall meet the following additional requirements:

1381 (a) for residential electrical contractor licensure, the qualifier shall hold a master  
1382 electrician or master residential electrician license;

1383 (b) for electrical contractor licensure, the qualifier shall hold a master electrician license;

1384 (c) for residential plumbing contractor licensure, the qualifier shall hold a master  
1385 plumber license or master residential plumber license;

1386 (d) for plumbing contractor licensure, the qualifier shall hold a master plumber license;  
1387 or

1388 (e) for elevator contractor licensure, the qualifier shall hold an elevator mechanic license

1389 and provide satisfactory evidence of three-years' experience as an elevator mechanic.

1390 (9)(a) The qualifier and each individual holding at least a 10% voting interest shall:

1391 (i) consent to and complete a criminal background check as described in Section  
1392 58-1-301.5;

1393 (ii) meet the background check standard the division makes by rule the division  
1394 makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
1395 Act; and

1396 (iii) disclose criminal history on a form the division approves.

1397 (b) When the applicant is an unincorporated entity, the applicant shall provide, in  
1398 accordance with Subsection 58-55-112(2), a list of each individual holding an  
1399 ownership interest on the date the applicant applies for licensure.

1400 (10)(a) Before the division issues a license, the applicant shall file with the division:

1401 (i)(A) proof of workers' compensation insurance covering the applicant's  
1402 employees; or

1403 (B) a workers' compensation waiver if the applicant claims to not have any  
1404 employees;

1405 (ii) proof of public liability insurance in the coverage amounts and form the division  
1406 makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative  
1407 Rulemaking Act; and

1408 (iii) proof of registration as required by law with:

1409 (A) the Division of Corporations and Commercial Code;

1410 (B) the Unemployment Insurance Division in the Department of Workforce  
1411 Services, for purposes of Title 35A, Chapter 4, Employment Security Act;

1412 (C) the State Tax Commission; and

1413 (D) the Internal Revenue Service.

1414 (b) An applicant for licensure as a construction trades instructor is exempt from the  
1415 requirements under this Subsection (10).

1416 Section 20. Section **58-55-204** is enacted to read:

1417 **58-55-204 . Contractor continuing education requirements -- Continuing  
1418 education courses.**

1419 (1) During each two-year license term the division establishes by rule in accordance with  
1420 Section 58-55-108, a contractor shall complete six hours of continuing education.

1421 (2)(a) Subject to Subsections (2)(b) through (2)(e), the commission shall establish by  
1422 rule, made with the concurrence of the director and in accordance with Title 63G,

1423 Chapter 3, Utah Administrative Rulemaking Act, approved continuing education for  
1424 contractor licensees.

1425 (b) The commission may only approve courses for continuing education if offered by:

1426 (i) the Associated General Contractors of Utah;

1427 (ii) Associated Builders and Contractors, Utah Chapter;

1428 (iii) the Utah Home Builders Association;

1429 (iv) the National Electrical Contractors Association Intermountain Chapter;

1430 (v) the Utah Plumbing and Heating Contractors Association;

1431 (vi) the Independent Electrical Contractors of Utah;

1432 (vii) the Rocky Mountain Gas Association;

1433 (viii) the Utah Mechanical Contractors Association;

1434 (ix) the Sheet Metal Contractors Association;

1435 (x) the Intermountain Electrical Association;

1436 (xi) the American Subcontractors Association, Utah Chapter;

1437 (xii) the Utah Roofing Contractors Association;

1438 (xiii) a state executive branch agency;

1439 (xiv) a workers' compensation insurance carrier that provides workers' compensation  
1440 insurance under Section 31A-22-1001; or

1441 (xv) a nationally or regionally accredited college or university that has a physical  
1442 campus in the state.

1443 (c) Continuing education for a contractor licensee may include a course approved by an  
1444 entity described in Subsections (2)(b)(i) through (2)(b)(iii).

1445 (d)(i) Except as provided in Subsections (2)(d)(ii) and (2)(d)(iii), an entity listed in  
1446 Subsections (2)(b)(iv) through (2)(b)(xii) may offer and market continuing  
1447 education courses only to a licensee who is a member of the entity.

1448 (ii) An entity described in Subsection (2)(b)(iv), (2)(b)(vi), or (2)(b)(x) may offer and  
1449 market a continuing education course that the entity offers to a contractor in an  
1450 electrical trade.

1451 (iii) An entity described in Subsection (2)(b)(v) or (2)(b)(viii) may offer and market a  
1452 continuing education course only to a licensee who is licensed in the same  
1453 construction trade as the entity.

1454 (e) For an HVAC contractor, at least three of the six required continuing education hours  
1455 must directly relate to the installation, repair, or replacement of heating, ventilation,  
1456 or air conditioning systems.

- 1457 (3) The division may contract with a person to establish and maintain a registry of  
1458 continuing education that includes:  
1459 (a) a list of approved continuing education courses; and  
1460 (b) a list of courses that:  
1461 (i) a licensed contractor completes; and  
1462 (ii) the licensed contractor may access to monitor compliance with the continuing  
1463 education requirement.

- 1464 (4) The division may charge a fee in accordance with Section 63J-1-504, to administer this  
1465 section.

1466 Section 21. Section **58-55-205** is enacted to read:

1467 **58-55-205 . Financial responsibility.**

- 1468 (1) Before issuing, renewing, or reinstating a contractor license, the division shall require  
1469 an applicant to demonstrate financial responsibility by:  
1470 (a)(i) completing a financial responsibility questionnaire the division prepares; and  
1471 (ii) signing the questionnaire and certifying the accuracy of the information provided;  
1472 or  
1473 (b) submitting a bond in the form and amount the commission determines by rule, made  
1474 with the concurrence of the director and in accordance with Title 63G, Chapter 3,  
1475 Utah Administrative Rulemaking Act.

- 1476 (2) An applicant, a licensee, or a person that holds an ownership interest in an  
1477 unincorporated contractor licensee shall maintain financial responsibility throughout the  
1478 period of licensure.

- 1479 (3) At the division's discretion, the division may audit the financial responsibility of an  
1480 applicant, a licensee, or a person that holds an ownership interest in an unincorporated  
1481 entity licensee.

- 1482 (4) The applicant, the licensee, and a person that holds an ownership interest in an  
1483 unincorporated entity licensee bear the burden of demonstrating financial responsibility.

- 1484 (5)(a) When reviewing the financial responsibility of an unincorporated entity, the  
1485 division:  
1486 (i) shall consider the personal financial information of each person that holds an  
1487 ownership interest in the entity; and  
1488 (ii) may at any time:  
1489 (A) audit the personal financial information of a person that holds an ownership  
1490 interest; or

1491 (B) request and obtain a credit report for a person that holds an ownership interest.

1492 (b) If the division determines, based on the financial information of the applicant, the  
1493 licensee, or a person that holds an ownership interest in an unincorporated entity that  
1494 an applicant or licensee lacks the financial responsibility to engage successfully in  
1495 business as a contractor, the division may:

1496 (i) prohibit the person from engaging in a construction trade;

1497 (ii) prohibit the applicant or licensee from engaging in a construction trade unless the  
1498 applicant or licensed entity dissociates from the person the division determines  
1499 lacks financial responsibility within 10 days after the division makes the  
1500 determination of lack of financial responsibility; or

1501 (iii) require the applicant or licensee to post a bond that is:

1502 (A) in the amount and form the commission determines by rule, made with the  
1503 concurrence of the director and in accordance with Title 63G, Chapter 3, Utah  
1504 Administrative Rulemaking Act; or

1505 (B) equal to 20% of the applicant or licensee's annual gross distributions to the  
1506 licensee's owners, including coverage for unpaid obligations including taxes.

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

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

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

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

1518 [(2) require that any representation of exemption from the contractor's licensing law be  
1519 included in the signed statement and that if that exempt person, firm, corporation,  
1520 association, or other organization intends to hire a contractor to perform any work under  
1521 the permit or license, that the license number of that contractor be included in the  
1522 application, but if a contractor has not been selected at the time of the application for a  
1523 permit or license, the permit or license shall be issued only on the condition that a  
1524 currently licensed contractor will be selected and that the license number of the

1525 contractor will be given to the issuing public body and displayed on the permit or license;]  
1526 [~~(3) require that, upon issuance of a permit or license, the contractor affix the contractor's~~  
1527 ~~license number to that permit or license for public display; and]~~  
1528 [~~(4) require the contractor to provide proof that the contractor provides workers'~~  
1529 ~~compensation insurance, pays into the unemployment insurance fund, provides health~~  
1530 ~~insurance as required under federal or state law, and withholds applicable taxes from~~  
1531 ~~worker pay.]~~

1531a  
1532 A political subdivision or state agency that requires a permit as a precondition to  
1533 construction, alteration, improvement, demolition, or other repair work and requires a  
1534 contractor license shall:

- 1535 (1) require each contractor applying for a permit to include in the application a signed  
1536 statement verifying that the contractor holds a current contractor license and providing  
1537 the license number;
- 1538 (2) require any contractor applying for a permit that is claiming an exemption from the  
1539 contractor licensing requirement a signed statement that includes the exemption and  
1540 provides the license number of any contractor that the person intends to hire to perform  
1541 work under the permit;
- 1542 (3) issue a permit when no contractor has been selected at the time of application on the  
1543 condition that the applicant will:
  - 1544 (a) select a currently licensed contractor;
  - 1545 (b) provide the license number to the issuing entity; and
  - 1546 (c) display the license number on the permit;
- 1547 (4) require the contractor, upon issuance of the permit, to affix the contractor's license  
1548 number to the permit for public display; and
- 1549 (5) require the contractor to provide proof of:
  - 1550 (a) workers' compensation insurance;
  - 1551 (b) contributions to the unemployment insurance fund;
  - 1552 (c) health insurance coverage as required under federal or state law; and
  - 1553 (d) proper withholding of all applicable taxes from worker pay.

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

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

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

1558 outstanding debt shall:

1559 (a) clearly designate the contract for which the payment is made; and

1560 (b) identify the specific items of account to which the payment applies.

1561 (2) A subcontractor or material supplier that receives a payment for materials or labor shall  
1562 require the person paying to:

1563 (a) clearly designate the contract for which the payment is made; and

1564 (b) identify the specific items of account to which the payment applies.

1565 (3) In an action to enforce a lien for materials provided or labor performed by a  
1566 subcontractor or material supplier, the owner may assert a defense to the lien if:

1567 (a) the owner paid the contractor for the materials and the contractor designated the  
1568 payment in accordance with Subsection (1);

1569 (b) the contractor transferred the payment to the subcontractor or material supplier; and

1570 (c) the subcontractor or material supplier failed to require a designation of the account  
1571 and the specific items of account when receiving the payment.

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

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

1574 (1) All unpaid construction funds are payable to the contractor as provided in Section 13-8-5.

1575 (2) On projects involving multiple buildings, each building should be considered  
1576 individually in determining the amount to be paid to the contractor.

1577 (3) When a building is partially occupied, the owner shall pay the contractor in direct  
1578 proportion to the value of the part of the building occupied.

1579 (4) If any payment is retained or withheld, the retention or withholding shall be released as  
1580 provided in Section 13-8-5.

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

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

1583 (1) A contractor that receives construction funds for work performed and billed shall pay  
1584 each subcontractor and supplier in proportion to the work the subcontractor or supplier  
1585 performed on the work billed, unless otherwise agreed by contract.

1586 (2)(a) A contractor shall pay a subcontractor or supplier on or before the later of:

1587 (i) 30 calendar days after the day on which the contractor receives construction funds;

1588 or

1589 (ii) the day after the day on which payment is due.

1590 (b) Unless otherwise agreed by contract or for reasonable cause, a contractor that  
1591 receives funds and does not comply with Subsection (2)(a) shall pay to the

1592 subcontractor or supplier:

1593 (i) interest in the amount of 1% per month of the amount due, beginning on the day  
1594 after the day on which payment is due; and

1595 (ii) reasonable costs of collection and attorney fees.

1596 (c) The amounts described in Subsection (2)(b) are in addition to the payment due to the  
1597 subcontractor or supplier for work performed and billed.

1598 (3) When a subcontractor receives a construction payment under this section, Subsections  
1599 (1) and (2) apply to the subcontractor.

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

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

1602 A contractor may not bring or maintain a court action to collect compensation for work  
1603 requiring a license under this chapter unless the contractor alleges and proves that the  
1604 contractor held the required license:

1605 (1) when entering into the contract; and

1606 (2) when the cause of action arose.

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

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

1609 (1) On the day on which a contractor licensed under this part pays an individual for work  
1610 that the individual performed, the contractor shall give the individual a written or  
1611 electronic pay statement that states:

1612 (a) the individual's name;

1613 (b) the individual's base rate of pay;

1614 (c) the dates of the pay period for which the individual is being paid;

1615 (d) if paid hourly, the number of hours the individual worked during the pay period;

1616 (e) the amount of and reason for money withheld in accordance with state and federal  
1617 law, including:

1618 (i) state and federal income tax;

1619 (ii) Social Security tax;

1620 (iii) Medicare tax; and

1621 (iv) court-ordered withholdings; and

1622 (f) the total amount paid to the individual for that pay period.

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

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

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

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

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

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

1660 Business Registry only public contact information for the licensed contractor.

1661 (6) The division may establish a fee in accordance with Section 63J-1-504 for the entry of a  
1662 licensed contractor's contact information into the Construction Business Registry to  
1663 offset the cost of creating, administering, and maintaining the Construction Business  
1664 Registry.

1665 (7) The division may make rules in accordance with Title 63G, Chapter 3, Utah  
1666 Administrative Rulemaking Act, to establish and maintain the Construction Business  
1667 Registry

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

### 1669 Part 3. Electricians

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

1671 As used in this part:

1672 (1) "Apprentice electrician" means an individual who is learning the electrician trade under  
1673 the immediate supervision of a master electrician, residential master electrician,  
1674 journeyman electrician, or a residential journeyman electrician in accordance with this  
1675 chapter.

1676 (2)(a) "Electrical trade" means the performance of electrical work involving the  
1677 installation, construction, alteration, change, repair, removal, or maintenance of  
1678 facilities, buildings, or appendages or appurtenances.

1679 (b) "Electrical trade" does not include:

- 1680 (i) transporting or handling electrical materials;
- 1681 (ii) preparing clearance for raceways for wiring;
- 1682 (iii) work commonly done by unskilled labor on an installation under the exclusive  
1683 control of electrical utilities;
- 1684 (iv) work involving cable-type wiring that does not pose a shock or fire-initiation  
1685 hazard;
- 1686 (v) work involving class two or class three power-limited circuits as defined in the  
1687 National Electrical Code; or
- 1688 (vi) minor electrical work incidental to a mechanical or service installation when  
1689 wiring is extended to no more than 10 feet from an existing outlet or disconnect  
1690 and does not exceed 120 volts and 20 amperes.

1691 (3) "Journeyman electrician" means an individual who performs the wiring, installation,  
1692 and repair of electrical apparatus and equipment for light, heat, power, and other  
1693 purposes.

- 1694 (4) "Journeyman lineman" means an individual who builds and maintains an electrical  
1695 power system, performs work on transmission lines or distribution lines from power  
1696 plants to customers and has completed a 7,000 hour certified apprenticeship program.  
1697 (5) "Licensed electrician" means an individual who is licensed as an apprentice electrician,  
1698 a journeyman electrician, a master electrician, a residential journeyman electrician, or a  
1699 residential master electrician.  
1700 (6) "Master electrician" means an individual who plans and supervises the wiring,  
1701 installation, and repair of electrical apparatus and equipment.  
1702 (7) "Residential journeyman electrician" means an individual who wires, installs, and  
1703 repairs electrical apparatus and equipment for light, heat, power, and other purposes for  
1704 a residential project.  
1705 (8) "Residential master electrician" means an individual who plans and supervises the  
1706 wiring, installation, and repair of electrical apparatus and equipment for light, heat,  
1707 power, and other purposes for a residential project.  
1708 (9) "Residential project" means a residential building primarily wired with nonmetallic  
1709 sheathed cable that follows the National Electrical Code.

1710 Section 30. Section **58-55-302** is repealed and reenacted to read:

1711 **58-55-302 . Electrician Education Fund.**

- 1712 (1) There is created an expendable special revenue fund known as the Electrician Education  
1713 Fund.  
1714 (2) The fund consists of money from a surcharge the division establishes in accordance  
1715 with Section 63J-1-504, that the division collects on initial, renewal, and reinstatement  
1716 licensures for an apprentice electrician, a journeyman electrician, a master electrician, a  
1717 residential journeyman electrician, and a residential master electrician.  
1718 (3)(a) The surcharge may not exceed \$5.  
1719 (b) The surcharge described in Subsection (3)(a) is in addition to the surcharge described  
1720 in Section 58-55-106.  
1721 (4)(a) The fund shall earn interest.  
1722 (b) The division shall deposit the interest into the fund.  
1723 (5) With the concurrence of the commission, the director may make distributions from the  
1724 fund for the following purposes:  
1725 (a) education and training of licenses described in Subsection (2); and  
1726 (b) education and training of other individuals licensed under this chapter or the public  
1727 about electrical laws and practices.

1728 (6) If the balance in the fund is more than \$100,000 at the end of any fiscal year, the  
1729 division shall transfer the amount that exceeds \$100,000 to the General Fund.

1730 (7) The division shall report annually to the General Government Appropriations  
1731 Subcommittee on:

- 1732 (a) the balance in the fund; and  
1733 (b) fund expenditures.

1734 Section 31. Section **58-55-303** is repealed and reenacted to read:

1735 **58-55-303 . Qualifications for licensure.**

1736 (1) An applicant for a license under this part shall:

- 1737 (a) submit an application the division approves;  
1738 (b) pay the fee the division determines in accordance with Section 63J-1-504; and  
1739 (c) pass the examination requirements described in this section and in rules the  
1740 commission establishes by rule, made with the concurrence of the director and in  
1741 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1742 (2) A master electrician applicant shall provide satisfactory evidence that the applicant:

- 1743 (a) graduated as an electrical engineer from an accredited college or university the  
1744 division approves and completed one year of practical electrical experience as a  
1745 licensed apprentice electrician;  
1746 (b) graduated from an electrical trade school with an associate of applied sciences degree  
1747 in a course the division approves and completed two years' practical experience as a  
1748 licensed journeyman electrician;  
1749 (c) completed four-years of practical experience as a licensed journeyman electrician; or  
1750 (d) meets the qualifications for expedited licensure the commission establishes with the  
1751 concurrence of the director and by rule made in accordance with Title 63G, Chapter  
1752 3, Utah Administrative Rulemaking Act.

1753 (3) A master residential electrician applicant shall provide satisfactory evidence that the  
1754 applicant:

- 1755 (a) completed at least two-years' practical experience as a licensed residential  
1756 journeyman electrician; or  
1757 (b) meets the qualifications for expedited licensure the commission establishes by rule,  
1758 made with the concurrence of the director and in accordance with Title 63G, Chapter  
1759 3, Utah Administrative Rulemaking Act.

1760 (4) A journeyman electrician applicant shall provide satisfactory evidence that the applicant:  
1761 (a) successfully completed at least four-years' full-time training and instruction as a

1762        licensed apprentice electrician under the supervision of a licensed master electrician  
1763        or a licensed journeyman electrician, in accordance with a training program the  
1764        division approves;

- 1765        (b) has at least eight-years' full-time experience the division approves in collaboration  
1766        with the Electricians and Plumbers Licensing Board; or  
1767        (c) meets the qualifications for expedited licensure the commission establishes by rule,  
1768        made with the concurrence of the director and in accordance with Title 63G, Chapter  
1769        3, Utah Administrative Rulemaking Act.

1770        (5) A residential journeyman electrician applicant shall provide satisfactory evidence that  
1771        the applicant:

- 1772        (a) successfully completed two-years' training in an electrical training program the  
1773        division approves;  
1774        (b) completed four-years' practical experience in wiring, installing, and repairing  
1775        electrical apparatus and equipment for light, heat, and power under the supervision of  
1776        a licensed master, journeyman, residential master, or residential journeyman  
1777        electrician; or  
1778        (c) meets the qualifications for expedited licensure the commission establishes by rule,  
1779        made with the concurrence of the director and in accordance with Title 63G, Chapter  
1780        3, Utah Administrative Rulemaking Act.

1781        (6)(a) An apprentice electrician applicant shall identify to the division the proposed  
1782        supervisor of the apprenticeship.

1783        (b) Upon licensure, an apprentice electrician and the apprentice electrician's supervisor  
1784        shall:

- 1785        (i) ensure the apprentice electrician works under the immediate supervision of a  
1786        licensed master, journeyman, residential master, or residential journeyman  
1787        electrician for the initial three-years' training;  
1788        (ii) allow the apprentice electrician, beginning in the fourth year of training, to work  
1789        without supervision for up to eight hours in any 24-hour period; and  
1790        (iii) comply with rules the commission makes with the concurrence of the director  
1791        and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
1792        Act, regarding the ratio of apprentice electricians to supervisor.

1793        Section 32. Section **58-55-304** is repealed and reenacted to read:

1794        **58-55-304 . Continuing education requirements for electricians.**

1795        (1) During each two-year license term the division establishes by rule in accordance with

1796       Section 58-55-108, a licensed electrician shall complete 16 hours of continuing  
1797       education.

1798       (2) The commission, with the concurrence of the division, shall establish by rule, made in  
1799       accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, continuing  
1800       education for licensed electricians.

1801       (3) The division may contract with a person to establish and maintain a registry of  
1802       continuing education that includes:

1803       (a) an online application for a continuing education course provider to apply to the

1804       division for approval of a course as continuing education;

1805       (b) a list of approved continuing education courses; and

1806       (c) a list of courses that:

1807       (i) a licensed electrician completes; and

1808       (ii) the licensed electrician may access to monitor compliance with the continuing  
1809       education requirement.

1810       (4) The division may charge a fee the division establishes in accordance with Section  
1811       63J-1-504, to administer this section.

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

#### Part 4. Plumbers

##### **58-55-401 . Definitions.**

1815       As used in this part:

1816       (1) "Apprentice plumber" means an individual who is learning the plumbing trade.

1817       (2) "J Journeyman plumber" means an individual who engages in the plumbing trade.

1818       (3) "Licensed plumber" means an individual licensed as an apprentice plumber, a  
1819       journeyman plumber, a master plumber, a residential journeyman plumber, or a  
1820       residential master plumber.

1821       (4) "Master plumber" means an individual who plans and supervises projects in the  
1822       plumbing trade.

1823       (5)(a) "Plumbing trade" means the performance of mechanical work pertaining to the  
1824       installation, alteration, change, repair, removal, maintenance, or use in buildings, or  
1825       within three feet beyond the outside walls of buildings, pipes, fixtures, and fittings  
1826       for the:

1827       (i) delivery of the water supply;

1828       (ii) discharge of liquid and water carried waste;

1829       (iii) building drainage system within the walls of the building; and

- 1830 (iv) delivery of gases for lighting, heating, and industrial purposes.
- 1831 (b) "Plumbing trade" includes work relating to the water supply, distribution pipes,  
1832 fixtures and fixture traps, soil, waste and vent pipes, the building drain and roof  
1833 drains, and the safe and adequate supply of gases, and related devices, appurtenances,  
1834 and connections installed within the outside walls of the building.
- 1835 (6) "Residential building" means a single-family or multi-family dwelling with up to four  
1836 units.
- 1837 (7) "Residential journeyman plumber" means an individual who engages in the plumbing  
1838 trade exclusively in the plumbing of a residential building.
- 1839 (8) "Residential master plumber" means an individual who plans and supervises the  
1840 plumbing of a residential building.

1841 Section 34. Section **58-55-402** is repealed and reenacted to read:

1842 **58-55-402 . Plumber Education Fund.**

- 1843 (1) There is created an expendable special revenue fund known as the Plumber Education  
1844 Fund.
- 1845 (2) The fund consists of money from a surcharge, the division establishes in accordance  
1846 with Section 63J-1-504, that the division collects on initial, renewal, and reinstatement  
1847 licensures for apprentice plumbers, journeyman plumbers, master plumbers, residential  
1848 journeyman plumbers, and residential master plumbers.
- 1849 (3)(a) The surcharge may not exceed \$5.
- 1850 (b) The surcharge described in Subsection (3)(a) is in addition to the surcharge described  
1851 in Section 58-55-106.
- 1852 (4)(a) The fund shall earn interest.
- 1853 (b) The division shall deposit the interest into the fund.
- 1854 (5) With the concurrence of the commission, the director may make distributions from the  
1855 fund for the following purposes:
- 1856 (a) education and training of licensees described in Subsection (2); and
- 1857 (b) education and training of other individuals licensed under this chapter or the public  
1858 about plumbing laws and practices.
- 1859 (6) If the balance in the fund is more than \$100,000 at the end of any fiscal year, the  
1860 division shall transfer the amount that exceeds \$100,000 to the General Fund.
- 1861 (7) The division shall report annually to the General Government Appropriations  
1862 Subcommittee on:
- 1863 (a) the balance in the fund; and

1864 (b) fund expenditures.

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

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

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

1868 (a) submit an application the division approves;

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

1870 (c) pass the examination requirements this section and rules the commission makes with  
1871 the concurrence of the director and in accordance with Title 63G, Chapter 3, Utah  
1872 Administrative Rulemaking Act, establishes.

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

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

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

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

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

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

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

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

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

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

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

1898                    Utah Administrative Rulemaking Act.

1899                    (5) A residential journeyman plumber applicant shall provide satisfactory evidence that the  
1900                    applicant:

- 1901                    (a) completed at least three-years' full-time training and instruction as a licensed  
1902                    apprentice plumber under the supervision of a licensed residential master plumber,  
1903                    licensed residential journeyman plumber, or licensed journeyman plumber in  
1904                    accordance with a training program the division approves;  
1905                    (b) completed at least six-years' full-time experience in a maintenance or repair trade  
1906                    involving substantial plumbing work; or  
1907                    (c) meets the qualifications for expedited licensure the commission establishes by rule,  
1908                    with the concurrence of the director and in accordance with Title 63G, Chapter 3,  
1909                    Utah Administrative Rulemaking Act.

1910                    (6)(a) An apprentice plumber applicant shall identify to the division the proposed  
1911                    supervisor of the apprenticeship.

- 1912                    (b) Upon licensure, an apprentice plumber and the apprentice plumber's supervisor shall:  
1913                    (i) ensure the apprentice plumber works under the immediate supervision of a  
1914                    licensed master, journeyman, residential master, or residential journeyman  
1915                    plumber for the initial three-years' training;  
1916                    (ii) allow the apprentice plumber, beginning in the fourth year of training, to work  
1917                    without supervision for up to eight hours in any 24-hour period; and  
1918                    (iii) comply with rules the commission makes, with the concurrence of the director,  
1919                    under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the  
1920                    ratio of apprentice plumbers to supervisor.

1921                    Section 36. Section **58-55-405** is enacted to read:

1922                    **58-55-405 . Continuing education requirements for plumbers.**

- 1923                    (1) During each two-year license term the division establishes by rule in accordance with  
1924                    Section 58-55-108, a licensed plumber shall complete 12 hours of continuing education.  
1925                    (2) The commission shall establish by rule made in accordance with Title 63G, Chapter 3,  
1926                    Utah Administrative Rulemaking Act, continuing education for licensed plumbers.  
1927                    (3) The division may contract with a person to establish and maintain a registry of  
1928                    continuing education that includes:  
1929                    (a) an online application for a continuing education course provider to apply to the  
1930                    division for approval of the course as continuing education;  
1931                    (b) a list of approved continuing education courses; and

1932 (c) a list of courses that:  
1933 (i) a licensed plumber completes; and  
1934 (ii) the licensed plumber may access to monitor compliance with the continuing  
1935 education requirement.

1936 (4) The division may charge a fee the division establishes in accordance with Section  
1937 63J-1-504, to administer the requirements of this section.

1938 Section 37. Section **58-55-501** is repealed and reenacted to read:

## Part 5. Miscellaneous Licenses

### **58-55-501 . Definitions.**

As used in this part:

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

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

(a) single-family detached housing;

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

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

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

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

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

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

(b) "Elevator" does not include:

(i) a stair chair;

(ii) an incline platform lift; or

(iii) a vertical platform lift.

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

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

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

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

2000 accordance with Section 58-55-205.

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

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

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

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

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

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

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

2013 (i) first receive training and certification in accordance with rules the commission  
2014 makes with the concurrence of the director and in accordance with Title 63G,  
2015 Chapter 3, Utah Administrative Rulemaking Act; and  
2016 (ii) ensure that an employee performing work described in Subsection (1)(a)(i) first  
2017 receives training and certification as the division requires by rule the division  
2018 makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
2019 Act.

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

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

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

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

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

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

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

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

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

2034 demolition, or excavation projects that do not involve:]  
2035 [(i) single family detached housing;]  
2036 [(ii) multifamily attached housing up to and including a fourplex; or]  
2037 [(iii) commercial construction of not more than two stories above ground.]  
2038 [(b)(i) "Crane operator" means an individual engaged in operating a crane, which for  
2039 purposes of this section is a power-operated hoisting machine used in  
2040 construction, demolition, or excavation work that has a power-operated winch,  
2041 load-line, and boom moving laterally by the rotation of the machine on a carrier.]  
2042 [(ii) It does not include operating a fork lift, digger derrick truck, aircraft, bucket  
2043 truck, knuckle boom, side boom, mechanic's truck, or a vehicle or machine not  
2044 using a power-operated winch and load-line.]  
2045 [(2)(a) In order to operate a crane on commercial construction projects, an individual  
2046 shall be certified as a crane operator by the National Commission for the Certification  
2047 of Crane Operators or any other organization determined by the division to offer an  
2048 equivalent testing and certification program that meets the requirements of the  
2049 American Society of Mechanical Engineers ASME B 30.5 and the accreditation  
2050 requirements of the National Commission for Certifying Agencies.]  
2051 [(b) An individual who violates Subsection (2)(a) is guilty of a class A misdemeanor.]  
2052 [(3) An individual engaged in construction or operation incidental to petroleum refining or  
2053 electrical utility construction or maintenance is exempt from the crane operator  
2054 certification requirement of Subsection (2)(a).]  
2055 (1) To operate a crane on a commercial construction project, an individual shall obtain  
2056 certification as a crane operator from:  
2057 (a) the National Commission for the Certification of Crane Operators; or  
2058 (b) another organization the division determines offers an equivalent testing and  
2059 certification program that complies with:  
2060 (i) the requirements of the American Society of Mechanical Engineers ASME B30.5;  
2061 and  
2062 (ii) the accreditation requirements of the National Commission for Certifying  
2063 Agencies.  
2064 (2) An individual engaged in construction or operation incidental to petroleum refining, or  
2065 to electrical utility construction or maintenance, is exempt from the certification  
2066 requirement.

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

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

- 2069        (1) A fire sprinkler contractor shall have a qualifier that meets the requirements described in  
2070        Section 58-55-107 and in Subsection (2).
- 2071        (2) The qualifier for a fire sprinkler contractor shall:  
2072            (a) be a qualifier for a licensed general building contractor; or  
2073            (b) submit evidence to the division of:  
2074                (i) completing a United States Department of Labor federally approved apprentice  
2075                training program, or two-years' experience supervised by a certified fire sprinkler  
2076                contractor;  
2077                (ii) passing the STAR Fire Sprinklerfitting Mastery Examination offered by the  
2078                National Inspection Testing and Certification Corporation or an equivalent  
2079                examination the division approves; or  
2080                (iii) demonstrating to the division the equivalent training and experience, as the  
2081                division determines by rules made with the director's concurrence and in  
2082                accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

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

- 2085        (1) An applicant for licensure as an elevator mechanic shall:  
2086            (a) provide documentation showing at least three-years' work experience in the elevator  
2087                industry, in construction, maintenance, or service and repair;  
2088            (b) pass a written examination that the division administers by rule the division makes in  
2089                accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or  
2090            (c) provide a certificate of completion from an elevator mechanic apprenticeship  
2091                program that:  
2092                (i) meets standards substantially equal to those in this chapter; and  
2093                (ii) is registered with the United States Department of Labor Bureau of  
2094                Apprenticeship and Training or a state apprenticeship council.
- 2095        (2)(a) If a licensed elevator contractor cannot find a licensed elevator mechanic to  
2096                perform elevator work, the contractor shall notify the division about the shortage of  
2097                licensed personnel.
- 2098        (b) A licensed elevator contractor shall request that the division issue a temporary  
2099                elevator mechanic license to an individual whom the contractor certifies has an  
2100                acceptable combination of documented experience and education to perform elevator  
2101                work.

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

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

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

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

- 2125 (4) The division may charge a fee the division establishes in accordance with Section  
2126 63J-1-504, to administer this section.

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

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

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

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

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

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

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

A person engages in unlawful conduct if the person:

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

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

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

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

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

- 2222 (1)(a) An individual commits a class A misdemeanor by violating:
- 2223 (i) Section 58-55-503;
- 2224 (ii) Section 58-55-504;
- 2225 (iii) Subsections 58-55-601(1) through (7), (9), (10), and (12), (14)(e), or (21)  
2226 through (24); or
- 2227 (iv) failing to comply with a citation issued under this chapter.
- 2228 (b) An individual who violates Subsection 58-55-601(8) may not receive or accept a  
2229 contract to perform work or act as a qualifier.

- 2230 (2)(a) An individual commits an infraction by violating Subsection 58-55-601(13).

- 2231 (b) An individual commits theft under Section 76-6-404 if the individual violates  
2232 Subsection 58-55-601(13) and intends to deprive the payee of money owed.

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

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

2235 A person engages in unprofessional conduct if the person:

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

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

2257 Section 48. Section **58-55-604** is repealed and reenacted to read:

2272        **58-55-604 . Citations -- Fines -- License suspension-- License revocation.**

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

- 2306 (a) except as provided in Subsection (5)(b), for a qualifying violation:  
2307 (i) for a first offense, up to \$1,000;  
2308 (ii) for a second offense, up to \$2,000; and  
2309 (iii) for an additional qualifying violation, other than a violation described in  
2310 Subsection 58-55-601(14)(e) or (24), up to \$2,000 per day of continued offense;  
2311 and  
2312 (b) for a violation of Subsection 58-55-601(14)(e) or (24):  
2313 (i) for a first offense, up to \$2,000;  
2314 (ii) for a second offense, up to \$4,000; and  
2315 (iii) for an additional violation of Subsection 58-55-601(14)(e) or (24), up to \$4,000  
2316 per day of continued qualifying violation.

- 2317 (6)(a) Except as provided in Subsection (8), the division shall consider a qualifying  
2318 violation a second or additional offense if:  
2319 (i) a prior final order established a qualifying violation; or  
2320 (ii) the division initiated an action for an earlier offense and finds a second qualifying  
2321 violation during a new investigation before resolving the initial case.  
2322 (b) The division shall follow this section when issuing final orders for repeated  
2323 qualifying violations.

- 2324 (7)(a) The division shall revoke a license if the licensee violates Subsection  
2325 58-55-601(19) or (20) two or more times in a 12-month period.  
2326 (b) The division may exempt a licensee from revocation under Subsection 58-55-601(19)  
2327 if the licensee proves the licensee verified the individual's federal work status using a  
2328 status verification system under Section 13-47-102.  
2329 (c) Each qualifying violation under Subsection 58-55-601(20) or (21) involving a  
2330 different individual counts as a separate qualifying violation.

- 2331 (8) If five or more years pass between qualifying violations, the division may not treat a  
2332 new qualifying violation as a second or additional qualifying violation.

- 2333 (9) The division may treat each instance of the same type of qualifying violation under  
2334 Section 58-55-601 as a separate offense and may impose a separate penalty for each.

- 2335 (10) The division and commission may suspend a license if:

- 2336 (a) the licensee receives a citation for violating:  
2337 (i) Section 58-55-503;  
2338 (ii) Section 58-55-504; or  
2339 (iii) Section 58-55-601; or

2340 (b) the licensee fails to:

- 2341 (i) apply for a new license for a new business structure;  
2342 (ii) maintain or demonstrate financial responsibility in accordance with Section  
2343 58-55-205, while holding a contractor license under Part 2, Contractors; or  
2344 (iii) notify the division of insurance loss or change in qualifier.

2345 Section 49. Section **58-55-605** is repealed and reenacted to read:

2346 **58-55-605 . Grounds for denial of license and disciplinary proceedings.**

2347 (1) In accordance with Section 58-1-401, if an applicant or licensee does not meet the  
2348 qualifications for licensure, the division may:

- 2349 (a) refuse to issue or renew a license;  
2350 (b) revoke the right of a licensee to recover from the Residence Lien Recovery Fund  
2351 created by Section 38-11-201;  
2352 (c) revoke, suspend, or restrict a license;  
2353 (d) issue a public or private reprimand to an applicant or a licensee; and  
2354 (e) issue a cease-and-desist order.

2355 (2) In addition to an action taken under Subsection (1), the division may take an action  
2356 described in Subsection 58-1-401(2) in relation to a contractor license, if:

- 2357 (a) the applicant or licensee is an unincorporated entity; and  
2358 (b) an individual who holds an ownership interest in or is the qualifier under Section  
2359 58-55-108 engages in:  
2360 (i) unlawful conduct as described in Section 58-55-601; or  
2361 (ii) unprofessional conduct as described in Section 58-55-602.

2362 Section 50. Section **58-55-606** is enacted to read:

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

2364 (1) The division shall be responsible for the investigation of a person or an activity that  
2365 violates the provisions of this chapter.

2366 (2)(a) The division shall investigate:

- 2367 (i) a licensee alleged to engage in unlawful or unprofessional conduct; and  
2368 (ii) an unlicensed person engaged in a construction trade regulated under this chapter.

2369 (3) If the division finds there is no apparent material jeopardy to the public health, safety,  
2370 or welfare, the division shall decline investigation of an alleged violation of this chapter.

2371 (4)(a) The division shall inspect construction trade to determine compliance with  
2372 Subsections 58-1-501(2)(a)(vii), 58-55-601(14), and 58-55-602(2) through (4).

2373 (b) Except for Subsection (4)(a), the division has no obligation to inspect construction

trade to determine compliance with applicable code or industry standard.

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

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

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

- (1) The division shall deposit collected fines into the Commerce Service Account created under Section 13-1-2.
  - (2) If a person fails to pay a penalty, the director may:
    - (a) refer the case to a collection agency; or
    - (b) file a district court action in the person's county or the county where the director's office is located.
  - (3) The county attorney or attorney general shall provide legal support in penalty collection actions.
  - (4) The court shall award attorney fees and costs to the prevailing party in such actions.

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

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

## **Part 1. General Provisions**

## 58-91-101 . Definitions.

### As used in this chapter:

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

(b) "Alarm company" does not include:

  - (i) a person that manufactures or sells an alarm system unless:
    - (A) that person installs, maintains, alters, repairs, replaces, services, or monitors the alarm system;
    - (B) the manufacture or sale occurs at a location other than the person's established place of business; or
    - (C) the manufacture or sale involves a site visit where the alarm system will be installed; or
  - (ii) the owner of an alarm system, or an employee of the owner of an alarm system, who installs, maintains, alters, repairs, replaces, services, or monitors the alarm system.

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

2407        within this state that sells, installs, maintains, alters, repairs, replaces, services, or  
2408        monitors an alarm system.

2409        (b) "Alarm company agent" does not include an individual who does not use or have  
2410        access to sensitive alarm system information.

2411        (3) "Alarm company officer" means:

2412        (a) a governing person, as defined in Section 48-3a-102, of an alarm company;  
2413        (b) an individual appointed as an officer of an alarm company that is a corporation in  
2414        accordance with Section 16-10a-830;  
2415        (c) a general partner, as defined in Section 48-2e-102, of an alarm company; or  
2416        (d) a partner, as defined in Section 48-1d-102, of an alarm company.

2417        (4) "Alarm company owner" means:

2418        (a) a shareholder, as defined in Section 16-10a-102, who owns directly, or indirectly  
2419        through an entity controlled by the individual, 5% or more of the outstanding shares  
2420        of an alarm company that:  
2421        (i) is a corporation; and  
2422        (ii) is privately owned; or  
2423        (b) an individual who owns directly, or indirectly through an entity controlled by the  
2424        individual, 5% or more of the equity of an alarm company that is not a corporation.

2425        (5) "Alarm company proprietor" means the sole proprietor of an alarm company that is  
2426        registered as a sole proprietorship with the Division of Corporations and Commercial  
2427        Code.

2428        (6) "Alarm company trustee" means a person with control of or power of administration  
2429        over an alarm company held in trust.

2430        (7)(a) "Alarm system" means equipment for detecting and signaling unauthorized  
2431        intrusion or entry into or onto a protected premises.

2432        (b) "Alarm system" includes a battery-charged suspended-wire system or fence that  
2433        interfaces with an alarm system.

2434        (8) "Board" means the Alarm System Security and Licensing Board created in Section  
2435        58-91-201.

2436        (9)(a) "Control position" means a person that exercises direct or indirect control over an  
2437        entity.

2438        (10)(a) "Control position" includes:

2439        (i) a corporate officer or a director;  
2440        (ii) a shareholder who owns 25% or more of the stock;

(iii) a partner or a member; and

(iv) a qualifier.

(11) "Employee" means an individual the division defines by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, giving consideration to the definition adopted by the Internal Revenue Service and the Department of Workforce Services.

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

(13) "Responsible management personnel" means:

(a) a qualifier;

(b) an operations manager; or

(c) a site manager.

(14) "Sensitive alarm system information" means:

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

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

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

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

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

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

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

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

Section 53. Section **58-91-102** is enacted to read:

58-91-102 . Surcharge.

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

2475 a renewal of a license, or a reinstatement of a license.

2476 (b) The surcharge described in Subsection (1)(a) is in addition to other fees this chapter  
2477 or the division authorizes in accordance with Section 63J-1-504.

2478 (2)(a) The division shall deposit the surcharge into the General Fund as a dedicated  
2479 credit.

2480 (b) The division shall use the dedicated credits to provide a licensee with access to an i  
2481 nternet-based library of national, state, and local building codes and standards.

2482 Section 54. Section **58-91-103** is enacted to read:

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

2484 An alarm company may not bring or maintain a court action to collect compensation for  
2485 work requiring a license under this chapter unless the alarm company alleges and proves that  
2486 the alarm company held the required license:

- 2487 (1) when entering into the contract; and  
2488 (2) when the cause of action arose.

2489 Section 55. Section **58-91-201** is enacted to read:

2490 **Part 2. Board**

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

2492 (1)(a) There is created the Alarm System Security and Licensing Board consisting of the  
2493 following members:

- 2494 (i) three individuals who are alarm company officers or alarm company owners;  
2495 (ii) one individual from among nominees of the Utah Peace Officers Association; and  
2496 (iii) one individual who is a member of the general public and who has never been an  
2497 alarm company owner, an alarm company officer, or an alarm company agent.

2498 (b) The Alarm System Security and Licensing Board shall designate a member to:

- 2499 (i) assist the division in reviewing complaints concerning the unlawful or  
2500 unprofessional conduct of a licensee; and  
2501 (ii) advise the division in the division's investigation of complaints.

2502 (c) A board member who advises in the investigation of a complaint is disqualified from  
2503 participating with the board when the board serves as a presiding officer in an  
2504 adjudicative proceeding concerning the complaint.

2505 (2) The duties, functions, and responsibilities of the board include:

- 2506 (a) recommending rules;  
2507 (b) recommending policy and budgetary matters;  
2508 (c) approving and establishing a passing score for applicant examinations;

- 2509 (d) overseeing the screening of applicants for licensing, renewal, reinstatement, and  
2510 relicensure;  
2511 (e) establishing standards of supervision for students or individuals in training to qualify  
2512 for a license as an alarm company or as an alarm company agent; and  
2513 (f) acting as the presiding officer in conducting a hearing associated with an adjudicative  
2514 proceeding and in issuing recommended orders.

2515 Section 56. Section **58-91-301** is enacted to read:

### 2516 **Part 3. Licensing**

#### 2517 **58-91-301 . License required -- License classifications -- Scope.**

- 2518 (1)(a) A person shall obtain a license under this chapter before engaging as an alarm  
2519 company or an alarm company agent unless the person is exempt from licensure  
2520 under Section 58-1-307 or 58-91-306.
- 2521 (b) The only licenses required for the licensee to engage as an alarm company or an  
2522 alarm company agent are:
- 2523 (i) a license issued under this chapter; and  
2524 (ii) a business license from the local jurisdiction where the licensee maintains the  
2525 licensee's principal place of business.
- 2526 (c) The state or a political subdivision may not impose additional requirements on a  
2527 licensee to do business except:
- 2528 (i) contract prequalification procedures a state agency requires; or  
2529 (ii) the payment of fees a local jurisdiction makes as a condition for doing business.
- 2530 (2) The division shall issue a license under this chapter to a qualified person in the  
2531 following classifications:
- 2532 (a) alarm company; or  
2533 (b) alarm company agent.
- 2534 (3) The installation, repair, maintenance, or replacement of a battery-charged  
2535 suspended-wire system or fence requires licensure under this chapter when the  
2536 battery-charged suspended-wire system or fence:
- 2537 (a) is part of and interfaces with an alarm system for the purposes of detecting and  
2538 deterring unauthorized intrusion or entry into or onto certain premises;
- 2539 (b) is located on property that is not designated by a municipality or county for  
2540 residential use;
- 2541 (c) is driven by a commercial storage battery that provides no more than 12 volts of  
2542 direct current;

- 2543 (d) is capable of producing an electric charge on contact that does not exceed energizer  
2544 characteristics set for electric fence energizers by the International Electrotechnical  
2545 Commission;
- 2546 (e) is surrounded by a nonelectric perimeter fence or wall that is at least five feet in  
2547 height;
- 2548 (f) is not more than the higher of:
- 2549 (i) two feet higher than the height of the nonelectric perimeter fence or wall; or  
2550 (ii) 10 feet in height;
- 2551 (g) is marked with conspicuous warning signs that are located on the battery-charged  
2552 suspended-wire system or fence at no more than 30-foot intervals and that read  
2553 "WARNING -- ELECTRIC FENCE"; and
- 2554 (h) meets rules related to battery-charged suspended-wire systems or fences that the  
2555 division adopts with the board's concurrence and in accordance with Title 63G,  
2556 Chapter 3, Utah Administrative Rulemaking Act.

2557 Section 57. Section **58-91-302** is enacted to read:

2558 **58-91-302 . Licensee names -- License number use -- Qualifier.**

- 2559 (1) The division may not issue a license in a name that the division determines may result in  
2560 confusion for the name of another licensee.
- 2561 (2) Except as provided in Subsection (1), the division shall issue a license in the name of an  
2562 alarm company if the alarm company applicant meets the requirements under this  
2563 chapter.
- 2564 (3) The division shall require the alarm company's license number on permit applications,  
2565 contracts, agreements, or bids that require a license.
- 2566 (4)(a) The division shall require an alarm company to have a qualifier.
- 2567 (b) An individual acting as a qualifier for an alarm company shall demonstrate to the  
2568 division that the individual is an alarm company officer, an alarm company owner, or  
2569 manager of the alarm company who exercises material authority in the conduct of the  
2570 alarm company by:
- 2571 (i) making substantive technical and administrative decisions relating to the work  
2572 performed for which a license under this chapter is required;
- 2573 (ii) hiring, promoting, transferring, laying off, disciplining, directing, or discharging  
2574 employees of the alarm company; and
- 2575 (iii) avoiding involvement in other employment or activity that conflict with the  
2576 individual's duties and responsibilities to ensure the licensee does not jeopardize

the public health, safety, and welfare.

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

(i) an individual licensee that violates the requirements of this section;

(ii) a contractor licensee if the qualifier or contractor licensee violates the requirements of this section; and

(iii) a qualifier if the qualifier or contractor licensee violates the requirements of this section.

(b) The division may consider failure to comply with the requirements of this section to be unprofessional conduct by the licensee, the qualifier, or both.

(6)(a) If a qualifier for an alarm company ceases association with the alarm company,

the alarm company shall notify the division in writing within 10 days after the day on which the association ceases.

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

(c) The division shall suspend the alarm company's license if the alarm company does not replace the original qualifier with another qualifier within the 60-day period.

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

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

**58-91-303 . Term of license -- Expiration -- Renewal and reinstatement.**

(1)(a) The division shall issue a license for a term of two years as the division

establishes by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

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

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

(ii) meets all other requirements of this chapter.

(b) The division shall renew or reinstate an alarm company's license after the applicant:

(i) submits the application in the name of and on behalf of an alarm company;

(ii) lists the individual acting as the qualifier for the alarm company;

(iii) provides evidence that the qualifier has passed the required examination; and

(iv) meets all other requirements of this chapter.

- 2611 (3) Each license expires on the expiration date shown on the license.  
2612 (4) In addition to requirements imposed by law, an applicant applying for reinstatement of a  
2613 license the division suspended or revoked shall:  
2614 (a) pay fines the division imposes; and  
2615 (b) resolve outstanding citations or disciplinary actions with the division.

2616 Section 59. Section **58-91-304** is enacted to read:

2617 **58-91-304 . Qualifications for licensure.**

- 2618 (1) Each applicant for a license as an alarm company shall:  
2619 (a) submit an application the division approves;  
2620 (b) pay the fee the division determines in accordance with Section 63J-1-504;  
2621 (c) have a qualifier who:  
2622 (i) is an alarm company officer, alarm company owner, alarm company proprietor,  
2623 alarm company trustee, or other responsible management personnel;  
2624 (ii) demonstrates 6,000 hours of experience in the alarm company business;  
2625 (iii) demonstrates 2,000 hours of experience as a manager or administrator in the  
2626 alarm company business or in a construction business;  
2627 (iv) passes an examination the division makes in collaboration with the board;  
2628 (v) requires that each alarm company officer, alarm company owner, alarm company  
2629 proprietor, alarm company trustee, and responsible management personnel with  
2630 direct responsibility for managing operations of the applicant within the state:  
2631 (A) provide the individual's name, address, date of birth, social security number,  
2632 and fingerprints to the division;  
2633 (B) consent to, and complete, a criminal background check, described in Section  
2634 58-1-301.5;  
2635 (C) meet background check standards the division makes by rule under Title 63G,  
2636 Chapter 3, Utah Administrative Rulemaking Act; and  
2637 (D) disclose criminal history the division requests on a form the division approves;  
2638 (vi) documents that none of the individuals described in Subsection (1)(c)(v):  
2639 (A) are declared by a court with jurisdiction incompetent by reason of mental  
2640 defect or disease and not been restored; or  
2641 (B) are currently suffering from a substance use disorder;  
2642 (vii) files and maintains with the division evidence of:  
2643 (A) comprehensive general liability insurance in form and in amounts the division  
2644 determines by rule made in collaboration with the board in accordance with

## Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

- (B) workers' compensation insurance that covers employees of the applicant in accordance with applicable Utah law; and
  - (C) registration as is required by applicable law with the Division of Corporations and Commercial Code, the Unemployment Insurance Division in the Department of Workforce Services for purposes of Title 35A, Chapter 4, Employment Security Act, the State Tax Commission, and the Internal Revenue Service; and

i) meets with the division and board if the division or the board requests.

(viii) meets with the division and board if the division or the board requests.

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

- (a) submit an application in a form the division approves;
  - (b) submit fingerprints in a form the division approves;
  - (c) pay the fee the division determines in accordance with Section 63J-1-504;
  - (d) consent to and complete a criminal background check described in Section 58-1-301.5;
  - (e) meet background check standards the division makes by rule under Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
  - (f) disclose criminal history the division requests on a form the division approves;
  - (g) attest the applicant has not been declared by a court with jurisdiction incompetent by reason of mental defect or disease and not been restored;
  - (h) attest the applicant is not currently suffering from a substance use disorder; and
  - (i) meet with the division and board if the division or the board requests.

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

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

- (i) the applicant has had a previous license issued under this chapter suspended or revoked within two years before the date of the applicant's application;
  - (ii)(A) the applicant is a partnership, corporation, or limited liability company; and
    - (B) a person that serves the applicant entity in a control position previously served in a control position for an entity that held a license the division suspended or revoked less than two years before the date of the application; or
  - (iii)(A) the applicant is an individual or sole proprietorship; and

2679 (B) any person that served in a control position in any entity which has had a  
2680 previous license, which was issued under this chapter, suspended or revoked  
2681 within two years before the date of the applicant's application.

2682 (b) The board shall review an application for licensure under this chapter before  
2683 approval if:

2684 (i) the applicant has had a previous license, which was issued under this chapter,  
2685 suspended or revoked more than two years before the date of the applicant's  
2686 application;

2687 (ii)(A) the applicant is a partnership, corporation, or limited liability company; and  
2688 (B) a person that serves the applicant entity in a control position previously served  
2689 in a control position for an entity that held a license the division suspended or  
2690 revoked less than two years before the date of the application; or

2691 (iii)(A) the applicant is an individual or sole proprietorship; and  
2692 (B) a person that serves the applicant entity in a control position previously served  
2693 in a control position for an entity that held a license that the division suspended  
2694 or revoked two years or more before the date of the application.

2695 Section 60. Section **58-91-305** is enacted to read:

2696 **58-91-305 . Evidence of licensure.**

2697 An individual licensed as an alarm company agent shall:

- 2698 (1) carry a copy of the individual's license issued under this chapter on the individual's  
2699 person while engaging in an activity for which this chapter requires a license; and  
2700 (2) display the license upon the request of a peace officer, a representative of the division,  
2701 or a representative of a customer of the alarm company.

2702 Section 61. Section **58-91-306** is enacted to read:

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

2704 In addition to the exemptions from licensure in Section 58-1-307, an individual may  
2705 engage as an alarm company agent without a license if the individual is:

- 2706 (1) the owner of an alarm system; or  
2707 (2) an employee of the owner of an alarm system.

2708 Section 62. Section **58-91-307** is enacted to read:

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

- 2710 (1) The division may issue a temporary permit to an applicant for licensure as an alarm  
2711 company agent if:  
2712 (a) the division has received a background check on the applicant from the Bureau of

Criminal Identification;

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

2721 (2) A temporary license shall expire on the earlier of:

- 2722 (a) 90 days after the day on which the division issues the temporary permit;  
2723 (b) the date on which the individual to whom the division issues the temporary license  
2724 leaves the employment of the alarm company in Subsection (1)(b); or  
2725 (c) the date on which the division issues a license to the applicant or denies the  
2726 applicant's application.

2727 Section 63. Section **58-91-401** is enacted to read:

2728 **Part 4. License Denial and Discipline**

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

- 2730 (1) The division is responsible for the investigation of a person or an activity that violates a  
2731 provision of this chapter.  
2732 (2) A division investigation may include:  
2733 (a) a licensee allegedly engaged in unlawful or unprofessional conduct; or  
2734 (b) an unlicensed person allegedly engaged in an activity this chapter regulates and for  
2735 which the division requires a license.  
2736 (3) The division shall decline to proceed with investigation of the violation of a provision of  
2737 this chapter if the division finds there is no apparent material jeopardy to the public  
2738 health, safety, and welfare.

2739 Section 64. Section **58-91-501** is enacted to read:

2740 **Part 5. Unlawful and Unprofessional Conduct**

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

2742 A person engages in unlawful conduct if the person:

- 2743 (1) acts as or represents that the person may act as an alarm company or alarm company  
2744 agent without holding a license or qualifying for an exemption;  
2745 (2) acts as an alarm company beyond the scope of the license the person holds;

- 2746 (3) willfully or deliberately misrepresents or omits a material fact when applying to obtain  
2747 or renew a license;  
2748 (4) allows another person to use the person's license, except as permitted by statute or rule;  
2749 (5) does business under a name other than the name on the license, unless statute or rule  
2750 allows otherwise;  
2751 (6) employs an unlicensed alarm company or an unlicensed individual as an alarm company  
2752 agent, except as allowed under Section 58-1-307;  
2753 (7) files fingerprints with the division that do not belong to the applicant or are false or  
2754 fraudulent with intent to mislead the division during the licensure process;  
2755 (8) allows an employee with a temporary license under Section 58-91-307 to act outside the  
2756 scope of the temporary license; or  
2757 (9) as an alarm company agent with a temporary license under Section 58-91-307, acts  
2758 outside the scope of the temporary license.

2759 Section 65. Section **58-91-502** is enacted to read:

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

2761 An individual commits a class A misdemeanor by:

- 2762 (1) violating Subsections 58-91-501(1) through (4), or Subsections 58-91-501 (6) through  
2763 (9); or  
2764 (2) failing to comply with a final citation issued under this section.

2765 Section 66. Section **58-91-503** is enacted to read:

2766 **58-91-503 . Unprofessional conduct.**

2767 A person engages in unprofessional conduct if the person:

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

2780 county, city, or town where the customer resides about priority levels for responding to  
2781 alarm signals transmitted by the alarm system; or

2782 (7) fails to continuously maintain insurance and registration as required under Subsection  
2783 304(1)(c)(vii).

2784 Section 67. Section **58-91-504** is enacted to read:

2785 **58-91-504 . Citations -- Fines -- License suspension-- License revocation.**

2786 (1) As used in this section, "qualifying violation" means a violation of:

2787 (a) Subsections 58-91-501(1) through (4), Subsection 58-91-501(6), or Subsections  
2788 58-91-501(8) through (9); or  
2789 (b) Subsection 58-91-503(1).

2790 (2)(a) If an investigation shows a person committed a qualifying violation, or broke a  
2791 related rule or order the division issued regarding a qualifying violation, the division  
2792 shall:

2793 (i) issue a citation;  
2794 (ii) attempt a stipulated settlement; or  
2795 (iii) require the person to appear in an adjudicative proceeding under Title 63G,  
2796 Chapter 4, Administrative Procedures Act.

2797 (b) The division may assess a fine and issue a cease-and-desist order based on:  
2798 (i) an uncontested citation;  
2799 (ii) a stipulated settlement; or  
2800 (iii) a violation finding in an adjudicative proceeding.

2801 (3)(a) Each citation shall:

2802 (i) be in writing;  
2803 (ii) describe the violation with specific reference to statute, rule, or order;  
2804 (iii) instruct the recipient to request a hearing in writing within 20 calendar days after  
2805 the day on which the citation is issued if the recipient contests; and  
2806 (iv) state the consequences of failing to contest or pay fines.

2807 (b) The division may serve the citation:

2808 (i) according to the Utah Rules of Civil Procedure;  
2809 (ii) in person or via an agent; or  
2810 (iii) by mail.

2811 (c) If the recipient does not request a hearing within 20 calendar days after the day on  
2812 which the citation is issued, the citation becomes a final division order.

2813 (d) The division may extend the 20-calendar day period for cause.

2814 (4)(a) The division may refuse to issue or renew, suspend, revoke, or place on probation  
2815 the license of a person that does not comply with a final citation.

2816 (b) The division may deny licensure after the applicant fails to comply with a final  
2817 citation.

2818 (c) The division shall issue a citation within one year of the reported violation.

2819 (5) The director or designee shall assess a fine for a qualifying violation as follows:

2820 (a) first offense: up to \$1,000;

2821 (b) for second offense: up to \$2,000; and

2822 (c) additional offenses: up to \$2,000 per day of continued offense.

2823 (6)(a) The division considers a violation a second or subsequent offense if:

2824 (i) a prior final order established a qualifying violation; or

2825 (ii) the division initiated an action for a prior offense and later finds a second  
2826 violation during a new investigation before resolving the initial case.

2827 (b) The division shall follow this section when issuing final orders for repeated  
2828 violations.

2829 (7) If five or more years pass between violations, the division may not treat a new violation  
2830 as a subsequent violation.

2831 (8) The division may treat each instance of the same type of violation under Section  
2832 58-91-501 as a separate offense and may impose a separate penalty for each.

2833 (9) The division may immediately suspend a license if:

2834 (a) the licensee receives a citation for violating Section 58-91-501; or

2835 (b) the licensee fails to:

2836 (i) apply for a new license for a new classification or business structure; or

2837 (ii) notify the division of a change in qualifier.

2838 Section 68. Section **63G-2-302** is amended to read:

2839 **63G-2-302 . Private records.**

2840 (1) The following records are private:

2841 (a) records concerning an individual's eligibility for unemployment insurance benefits,  
2842 social services, welfare benefits, or the determination of benefit levels;

2843 (b) records containing data on individuals describing medical history, diagnosis,  
2844 condition, treatment, evaluation, or similar medical data;

2845 (c) records of publicly funded libraries that when examined alone or with other records  
2846 identify a patron;

2847 (d) records received by or generated by or for:

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

governor or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or 20A-2-204(4)(b);

- (l) a voter registration record that is withheld under Subsection 20A-2-104(7);
  - (m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any verification submitted in support of the form;
  - (n) a record or information regarding whether a voter returned a ballot with postage attached;
  - (o) a record that:
    - (i) contains information about an individual;
    - (ii) is voluntarily provided by the individual; and
    - (iii) goes into an electronic database that:
      - (A) is designated by and administered under the authority of the Chief Information Officer; and
      - (B) acts as a repository of information about the individual that can be electronically retrieved and used to facilitate the individual's online interaction with a state agency;
  - (p) information provided to the [Commissioner of Insurance] commissioner of insurance under:
    - (i) Subsection 31A-23a-115(3)(a);
    - (ii) Subsection 31A-23a-302(4); or
    - (iii) Subsection 31A-26-210(4);
  - (q) information obtained through a criminal background check under Title 11, Chapter 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
  - (r) information provided by an offender that is:
    - (i) required by the registration requirements of Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry; and
    - (ii) not required to be made available to the public under Subsection 53-29-404(3)(a);
  - (s) a statement and any supporting documentation filed with the attorney general in accordance with Section 34-45-107, if the federal law or action supporting the filing involves homeland security;
  - (t) electronic toll collection customer account information received or collected under Section 72-6-118 and customer information described in Section 17B-2a-815 received or collected by a public transit district, including contact and payment information and customer travel data;

- 2916 (u) an email address provided by a military or overseas voter under Section 20A-16-501;
- 2917 (v) a completed military-overseas ballot that is electronically transmitted under Title
- 2918 20A, Chapter 16, Uniform Military and Overseas Voters Act;
- 2919 (w) records received by or generated by or for the Political Subdivisions Ethics Review
- 2920 Commission established in Section 63A-15-201, except for:
  - 2921 (i) the commission's summary data report that is required in Section 63A-15-202; and
  - 2922 (ii) any other document that is classified as public in accordance with Title 63A,
  - 2923 Chapter 15, Political Subdivisions Ethics Review Commission;
- 2924 (x) a record described in Section 53G-9-604 that verifies that a parent was notified of an
- 2925 incident or threat;
- 2926 (y) a criminal background check or credit history report conducted in accordance with
- 2927 Section 63A-3-201;
- 2928 (z) a record described in Subsection 53-5a-104(7);
- 2929 (aa) on a record maintained by a county for the purpose of administering property taxes,
- 2930 an individual's:
  - 2931 (i) email address;
  - 2932 (ii) phone number; or
  - 2933 (iii) personal financial information related to a person's payment method;
- 2934 (bb) a record submitted by a taxpayer to establish the taxpayer's eligibility for an
- 2935 exemption, deferral, abatement, or relief under:
  - 2936 (i) Title 59, Chapter 2, Part 11, Exemptions; or
  - 2937 (ii) Title 59, Chapter 2a, Tax Relief Through Property Tax;
- 2938 (cc) a record provided by the State Tax Commission in response to a request under
- 2939 Subsection 59-1-403(4)(y)(iii);
- 2940 (dd) a record of the Child Welfare Legislative Oversight Panel regarding an individual
- 2941 child welfare case, as described in Subsection 36-33-103(3);
- 2942 (ee) a record relating to drug or alcohol testing of a state employee under Section
- 2943 63A-17-1004;
- 2944 (ff) a record relating to a request by a state elected official or state employee who has
- 2945 been threatened to the Division of Technology Services to remove personal
- 2946 identifying information from the open web under Section 63A-16-109;
- 2947 (gg) a record including confidential information as that term is defined in Section
- 2948 67-27-106; and
- 2949 (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.

(2) 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 Subsection (1)(b);

(b) records describing an individual's finances, except that the following are public:

- (i) records described in Subsection 63G-2-301(2);
  - (ii) information provided to the governmental entity for the purpose of complying with a financial assurance requirement; or

(iii) records that must be disclosed in accordance with another statute;

- (c) records of independent state agencies if the disclosure of those records would conflict with the fiduciary obligations of the agency;

(d) other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy;

(e) records provided by the United States or by a government entity outside the state that are given with the requirement that the records be managed as private records, if the providing entity states in writing that the record would not be subject to public disclosure if retained by it;

(f) any portion of a record in the custody of the Division of Aging and Adult Services, created in Section 26B-6-102, that may disclose, or lead to the discovery of, the identity of a person who made a report of alleged abuse, neglect, or exploitation of vulnerable adult; and

(g) audio and video recordings created by a body-worn camera, as defined in Section 77-7a-103, that record sound or images inside a home or residence except for recordings that:

- (i) depict the commission of an alleged crime;
  - (ii) record any encounter between a law enforcement officer and a person that results in death or bodily injury, or includes an instance when an officer fires a weapon;
  - (iii) record any encounter that is the subject of a complaint or a legal proceeding

against a law enforcement officer or law enforcement agency;

(iv) contain an officer-involved critical incident as defined in Subsection

76-2-408(1)(f); or

(v) have been requested for reclassification as a public record by a subject or authorized agent of a subject featured in the recording.

(3)(a) As used in this Subsection (3), "medical records" means medical reports, records, statements, history, diagnosis, condition, treatment, and evaluation.

(b) Medical records in the possession of the University of Utah Hospital, its clinics, doctors, or affiliated entities are not private records or controlled records under Section 63G-2-304 when the records are sought:

- (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 69. 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,

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

- 3052                   31A-30-115.
- 3053                   (15) The State Mandated Insurer Payments Restricted Account created in Section  
3054                   31A-30-118.
- 3055                   (16) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.
- 3056                   (17) The Underage Drinking Prevention Media and Education Campaign Restricted  
3057                   Account created in Section 32B-2-306.
- 3058                   (18) The School Readiness Restricted Account created in Section 35A-15-203.
- 3059                   (19) Money received by the Utah State Office of Rehabilitation for the sale of certain  
3060                   products or services, as provided in Section 35A-13-202.
- 3061                   (20) The Property Loss Related to Homelessness Compensation Enterprise Fund created in  
3062                   Section 35A-16-212.
- 3063                   (21) The Homeless Shelter Cities Mitigation Restricted Account created in Section  
3064                   35A-16-402.
- 3065                   (22) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.
- 3066                   (23) The Oil and Gas Conservation Account created in Section 40-6-14.5.
- 3067                   (24) The Division of Oil, Gas, and Mining Restricted account created in Section 40-6-23.
- 3068                   (25) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to the  
3069                   Motor Vehicle Division.
- 3070                   (26) The License Plate Restricted Account created by Section 41-1a-122.
- 3071                   (27) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account  
3072                   created by Section 41-3-110 to the State Tax Commission.
- 3073                   (28) The State Disaster Recovery Restricted Account to the Division of Emergency  
3074                   Management, as provided in Section 53-2a-603.
- 3075                   (29) The Disaster Response, Recovery, and Mitigation Restricted Account created in  
3076                   Section 53-2a-1302.
- 3077                   (30) The Emergency Medical Services Critical Needs Account created in Section 53-2d-110.
- 3078                   (31) The Department of Public Safety Restricted Account to the Department of Public  
3079                   Safety, as provided in Section 53-3-106.
- 3080                   (32) The Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.
- 3081                   (33) The DNA Specimen Restricted Account created in Section 53-10-407.
- 3082                   (34) The Technical Colleges Capital Projects Fund created in Section 53H-9-605.
- 3083                   (35) The Higher Education Capital Projects Fund created in Section 53H-9-502.
- 3084                   (36) A certain portion of money collected for administrative costs under the School  
3085                   Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

- 3086 (37) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5, subject  
3087 to Subsection 54-5-1.5(4)(d).
- 3088 (38) Funds collected from a surcharge fee to provide certain licensees with access to an  
3089 electronic reference library, as provided in Section 58-3a-105.
- 3090 (39) Certain fines collected by the Division of Professional Licensing for violation of  
3091 unlawful or unprofessional conduct that are used for education and enforcement  
3092 purposes, as provided in Section 58-17b-505.
- 3093 (40) Funds collected from a surcharge fee to provide certain licensees with access to an [  
3094 ~~electronic reference~~] internet-based library, as provided in Section 58-22-104.
- 3095 (41) Funds collected from a surcharge fee to provide certain licensees with access to an [  
3096 ~~electronic reference~~] internet-based library, as provided in Section 58-55-106.
- 3097 (42) Funds collected from a surcharge fee to provide certain licensees with access to an [  
3098 ~~electronic reference~~] internet-based library, as provided in Section 58-56-3.5.
- 3099 (43) Funds collected from a surcharge fee to provide certain licensees with access to an  
3100 internet-based library, as provided in Section 58-91-102.
- 3101 [(43)] (44) Certain fines collected by the Division of Professional Licensing for use in  
3102 education and enforcement of the Security Personnel Licensing Act, as provided in  
3103 Section 58-63-103.
- 3104 [(44)] (45) The Relative Value Study Restricted Account created in Section 59-9-105.
- 3105 [(45)] (46) The Cigarette Tax Restricted Account created in Section 59-14-204.
- 3106 [(46)] (47) Funds paid to the Division of Real Estate for the cost of a criminal background  
3107 check for a mortgage loan license, as provided in Section 61-2c-202.
- 3108 [(47)] (48) Funds paid to the Division of Real Estate for the cost of a criminal background  
3109 check for principal broker, associate broker, and sales agent licenses, as provided in  
3110 Section 61-2f-204.
- 3111 [(48)] (49) Certain funds donated to the Department of Health and Human Services, as  
3112 provided in Section 26B-1-202.
- 3113 [(49)] (50) Certain funds donated to the Division of Child and Family Services, as provided  
3114 in Section 80-2-404.
- 3115 [(50)] (51) Funds collected by the Office of Administrative Rules for publishing, as  
3116 provided in Section 63G-3-402.
- 3117 [(51)] (52) The Immigration Act Restricted Account created in Section 63G-12-103.
- 3118 [(52)] (53) Money received by the military installation development authority, as provided  
3119 in Section 63H-1-504.

3120 [({53})] (54) The Unified Statewide 911 Emergency Service Account created in Section  
3121 63H-7a-304.

3122 [({54})] (55) The Utah Statewide Radio System Restricted Account created in Section  
3123 63H-7a-403.

3124 [({55})] (56) The Utah Capital Investment Restricted Account created in Section 63N-6-204.

3125 [({56})] (57) The Motion Picture Incentive Account created in Section 63N-8-103.

3126 [({57})] (58) Funds collected by the housing of state probationary inmates or state parole  
3127 inmates, as provided in Subsection 64-13e-104(2).

3128 [({58})] (59) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,  
3129 and State Lands, as provided in Section 65A-8-103.

3130 [({59})] (60) The following funds or accounts created in Section 72-2-124:  
3131 (a) Transportation Investment Fund of 2005;  
3132 (b) Transit Transportation Investment Fund;  
3133 (c) Cottonwood Canyons Transportation Investment Fund;  
3134 (d) Active Transportation Investment Fund; and  
3135 (e) Commuter Rail Subaccount.

3136 [({60})] (61) The Amusement Ride Safety Restricted Account, as provided in Section  
3137 72-16-204.

3138 [({61})] (62) Certain funds received by the Office of the State Engineer for well drilling fines  
3139 or bonds, as provided in Section 73-3-25.

3140 [({62})] (63) The Water Resources Conservation and Development Fund, as provided in  
3141 Section 73-23-2.

3142 [({63})] (64) Award money under the State Asset Forfeiture Grant Program, as provided under  
3143 Section 77-11b-403.

3144 [({64})] (65) Funds donated or paid to a juvenile court by private sources, as provided in  
3145 Subsection 78A-6-203(1)(c).

3146 [({65})] (66) Fees for certificate of admission created under Section 78A-9-102.

3147 [({66})] (67) Funds collected for adoption document access as provided in Sections 81-13-103,  
3148 81-13-504, and 81-13-505.

3149 [({67})] (68) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4,  
3150 Utah Indigent Defense Commission.

3151 [({68})] (69) The Utah Geological Survey Restricted Account created in Section 79-3-403.

3152 [({69})] (70) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State  
3153 Park, and Green River State Park, as provided under Section 79-4-403.

3154 [670] (71) Certain funds received by the Division of State Parks from the sale or disposal of  
3155 buffalo, as provided under Section 79-4-1001.

3156       Section 71. **Repealer.**

3157       This bill repeals:

3158       Section **58-55-102, Definitions.**

3159       Section **58-55-302.5, Continuing education requirements for contractor licensees --**  
3160 **Continuing education courses.**

3161       Section **58-55-302.7, Continuing education requirements for electricians, elevator**  
3162 **mechanics, and plumbers.**

3163       Section **58-55-308, Scope of practice -- Installation, repair, maintenance, or replacement**  
3164 **of gas appliance, combustion system, automatic fire sprinkler system, or battery-powered**  
3165 **fence -- Rules.**

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

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

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

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

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

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

3173       Section 72. **Effective Date.**

3174       This bill takes effect on January 1, 2027.