

Construction Consultant Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tracy J. Miller

Senate Sponsor:

LONG TITLE**General Description:**

This bill modifies the Utah Construction Trades Licensing Act.

Highlighted Provisions:

This bill:

- removes the licensing requirement for a person that only provides or offers to provide a list of subcontractors or suppliers; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

58-55-102 . Definitions.

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

- (1)(a) "Alarm business" or "alarm company" means a person engaged in the sale, installation, maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system, except as provided in Subsection (1)(b).
- (b) "Alarm business" or "alarm company" does not include:
- (i) a person engaged in the manufacture or sale of alarm systems unless:
 - (A) that person is also engaged in the installation, maintenance, alteration, repair, replacement, servicing, or monitoring of alarm systems;
 - (B) the manufacture or sale occurs at a location other than a place of business

- 31 established by the person engaged in the manufacture or sale; or
32 (C) the manufacture or sale involves site visits at the place or intended place of
33 installation of an alarm system; or
34 (ii) an owner of an alarm system, or an employee of the owner of an alarm system
35 who is engaged in installation, maintenance, alteration, repair, replacement,
36 servicing, or monitoring of the alarm system owned by that owner.
- 37 (2) "Alarm company agent":
38 (a) except as provided in Subsection (2)(b), means any individual employed within this
39 state by an alarm business; and
40 (b) does not include an individual who:
41 (i) is not engaged in the sale, installation, maintenance, alteration, repair,
42 replacement, servicing, or monitoring of an alarm system; and
43 (ii) does not, during the normal course of the individual's employment with an alarm
44 business, use or have access to sensitive alarm system information.
- 45 (3) "Alarm company officer" means:
46 (a) a governing person, as defined in Section 48-3a-102, of an alarm company;
47 (b) an individual appointed as an officer of an alarm company that is a corporation in
48 accordance with Section 16-10a-830;
49 (c) a general partner, as defined in Section 48-2e-102, of an alarm company; or
50 (d) a partner, as defined in Section 48-1d-102, of an alarm company.
- 51 (4) "Alarm company owner" means:
52 (a) a shareholder, as defined in Section 16-10a-102, who owns directly, or indirectly
53 through an entity controlled by the individual, 5% or more of the outstanding shares
54 of an alarm company that:
55 (i) is a corporation; and
56 (ii) is not publicly listed or traded; or
57 (b) an individual who owns directly, or indirectly through an entity controlled by the
58 individual, 5% or more of the equity of an alarm company that is not a corporation.
- 59 (5) "Alarm company proprietor" means the sole proprietor of an alarm company that is
60 registered as a sole proprietorship with the Division of Corporations and Commercial
61 Code.
- 62 (6) "Alarm company trustee" means an individual with control of or power of
63 administration over property held in trust.
- 64 (7)(a) "Alarm system" means equipment and devices assembled for the purpose of:

- 65 (i) detecting and signaling unauthorized intrusion or entry into or onto certain
66 premises; or
- 67 (ii) signaling a robbery or attempted robbery on protected premises.
- 68 (b) "Alarm system" includes a battery-charged suspended-wire system or fence that is
69 part of and interfaces with an alarm system for the purposes of detecting and
70 deterring unauthorized intrusion or entry into or onto certain premises.
- 71 (8) "Apprentice electrician" means a person licensed under this chapter as an apprentice
72 electrician who is learning the electrical trade under the immediate supervision of a
73 master electrician, residential master electrician, a journeyman electrician, or a
74 residential journeyman electrician.
- 75 (9) "Apprentice plumber" means a person licensed under this chapter as an apprentice
76 plumber who is learning the plumbing trade under the immediate supervision of a master
77 plumber, residential master plumber, journeyman plumber, or a residential journeyman
78 plumber.
- 79 (10) "Approved continuing education" means instruction provided through courses under a
80 program established under Subsection 58-55-302.5(2).
- 81 (11)(a) "Approved preclicensure course provider" means a provider that is the Associated
82 General Contractors of Utah, the Utah Chapter of the Associated Builders and
83 Contractors, or the Utah Home Builders Association, and that meets the requirements
84 established by rule by the commission with the concurrence of the director, to teach
85 the 25-hour course described in Subsection 58-55-302(1)(e)(iii).
- 86 (b) "Approved preclicensure course provider" may only include a provider that, in
87 addition to any other locations, offers the 25-hour course described in Subsection
88 58-55-302(1)(e)(iii) at least six times each year in one or more counties other than
89 Salt Lake County, Utah County, Davis County, or Weber County.
- 90 (12) "Board" means the Alarm System Security and Licensing Board or Electricians and
91 Plumbers Licensing Board created in Section 58-55-201.
- 92 (13) "Combustion system" means an assembly consisting of:
- 93 (a) piping and components with a means for conveying, either continuously or
94 intermittently, natural gas from the outlet of the natural gas provider's meter to the
95 burner of the appliance;
- 96 (b) the electric control and combustion air supply and venting systems, including air
97 ducts; and
- 98 (c) components intended to achieve control of quantity, flow, and pressure.

(14) "Commission" means the Construction Services Commission created under Section 58-55-103.

(15) "Construction trade" means any trade or occupation involving:

(a)(i) construction, alteration, remodeling, repairing, wrecking or demolition, addition to, or improvement of any building, highway, road, railroad, dam, bridge, structure, excavation or other project, development, or improvement to other than personal property; and

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

(b) installation or repair of a residential or commercial natural gas appliance or combustion system.

(16) "Construction trades instructor" means a person licensed under this chapter to teach one or more construction trades in both a classroom and project environment, where a project is intended for sale to or use by the public and is completed under the direction of the instructor, who has no economic interest in the project.

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

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

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

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

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

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

(A) performs or offers to perform construction consulting;

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

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

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

- 133 construction project.
- 134 (b) "Contractor" does not include:
- 135 (i) an alarm company or alarm company agent; or
- 136 (ii) a material supplier who provides consulting to customers regarding the design
- 137 and installation of the material supplier's products.
- 138 (18)(a) "Electrical trade" means the performance of any electrical work involved in the
- 139 installation, construction, alteration, change, repair, removal, or maintenance of
- 140 facilities, buildings, or appendages or appurtenances.
- 141 (b) "Electrical trade" does not include:
- 142 (i) transporting or handling electrical materials;
- 143 (ii) preparing clearance for raceways for wiring;
- 144 (iii) work commonly done by unskilled labor on any installations under the exclusive
- 145 control of electrical utilities;
- 146 (iv) work involving cable-type wiring that does not pose a shock or fire-initiation
- 147 hazard;
- 148 (v) work involving class two or class three power-limited circuits as defined in the
- 149 National Electrical Code; or
- 150 (vi) minor electrical work incidental to a mechanical or service installation when
- 151 wiring is extended to no more than 10 feet from an existing outlet or disconnect
- 152 and does not exceed 120 volts and 20 amperes.
- 153 (19) "Elevator" means the same as that term is defined in Section 34A-7-202, except that
- 154 for purposes of this chapter it does not mean a stair chair, a vertical platform lift, or an
- 155 incline platform lift.
- 156 (20) "Elevator contractor" means a sole proprietor, firm, or corporation licensed under this
- 157 chapter that is engaged in the business of erecting, constructing, installing, altering,
- 158 servicing, repairing, or maintaining an elevator.
- 159 (21) "Elevator mechanic" means an individual who is licensed under this chapter as an
- 160 elevator mechanic and who is engaged in erecting, constructing, installing, altering,
- 161 servicing, repairing, or maintaining an elevator under the immediate supervision of an
- 162 elevator contractor.
- 163 (22) "Employee" means an individual as defined by the division by rule giving
- 164 consideration to the definition adopted by the Internal Revenue Service and the
- 165 Department of Workforce Services.
- 166 (23) "Engage in a construction trade" means to:

(a) engage in, represent oneself to be engaged in, or advertise oneself as being engaged in a construction trade; or

(b) use the name "contractor" or "builder" or in any other way lead a reasonable person to believe one is or will act as a contractor.

(24)(a) "Financial responsibility" means a demonstration of a current and expected future condition of financial solvency evidencing a reasonable expectation to the division and the board that an applicant or licensee can successfully engage in business as a contractor without jeopardy to the public health, safety, and welfare.

(b) Financial responsibility may be determined by an evaluation of the total history concerning the licensee or applicant including past, present, and expected condition and record of financial solvency and business conduct.

(25) "Gas appliance" means any device that uses natural gas to produce light, heat, power, steam, hot water, refrigeration, or air conditioning.

(26)(a) "General building contractor" means a person licensed under this chapter as a general building contractor qualified by education, training, experience, and knowledge to perform or superintend construction of structures for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind or any of the components of that construction except plumbing, electrical work, mechanical work, work related to the operating integrity of an elevator, and manufactured housing installation, for which the general building contractor shall employ the services of a contractor licensed in the particular specialty, except that a general building contractor engaged in the construction of single-family and multifamily residences up to four units may perform the mechanical work and hire a licensed plumber or electrician as an employee.

(b) The division may by rule exclude general building contractors from engaging in the performance of other construction specialties in which there is represented a substantial risk to the public health, safety, and welfare, and for which a license is required unless that general building contractor holds a valid license in that specialty classification.

(27) "General electrical contractor" means a person licensed under this chapter as a general electrical contractor qualified by education, training, experience, and knowledge to perform the fabrication, construction, and installation of generators, transformers, conduits, raceways, panels, switch gear, electrical wires, fixtures, appliances, apparatus that uses electrical energy, or any other work the division authorizes by rule in

201 accordance with Subsection 58-55-301(4).

202 (28)(a) "General engineering contractor" means a person licensed under this chapter as a
203 general engineering contractor qualified by education, training, experience, and
204 knowledge to perform or superintend construction of fixed works, or components of
205 fixed works requiring specialized engineering knowledge and skill in:

- 206 (i) airports;
- 207 (ii) airport runways;
- 208 (iii) bridges;
- 209 (iv) chemical plants;
- 210 (v) drainage;
- 211 (vi) electrical utilities;
- 212 (vii) flood control;
- 213 (viii) foundations;
- 214 (ix) harbors;
- 215 (x) highways;
- 216 (xi) industrial plants;
- 217 (xii) inland waterways;
- 218 (xiii) irrigation systems;
- 219 (xiv) piers;
- 220 (xv) pipelines;
- 221 (xvi) power plants;
- 222 (xvii) railroads;
- 223 (xviii) refineries;
- 224 (xix) sewers;
- 225 (xx) tunnels;
- 226 (xxi) underground electric utility conduits;
- 227 (xxii) utility plants;
- 228 (xxiii) water power; or
- 229 (xxiv) water supply.

230 (b) A general engineering contractor may not perform or superintend:

- 231 (i) construction of a structure built primarily for the support, shelter, and enclosure of
- 232 persons, animals, and chattels;
- 233 (ii) plumbing work;
- 234 (iii) electrical work beyond underground electric utility conduit or electrical utilities;

- (iv) mechanical work; or
- (v) work where the general engineering contractor does not have the required specialized engineering knowledge and skill.
- (29) "General plumbing contractor" means a person licensed under this chapter as a general plumbing contractor qualified by education, training, experience, and knowledge to perform the fabrication or installation of material and fixtures to create and maintain sanitary conditions in a building by providing permanent means for a supply of safe and pure water, a means for the timely and complete removal from the premises of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, a safe and adequate supply of gases for lighting, heating, and industrial purposes, or other work the division authorizes by rule in accordance with Subsection 58-55-301(4).
- (30) "HVAC" means a heating, ventilation, and air conditioning system and the specific components that are a part of the system, including the gas line.
- (31) "HVAC contractor" means a person licensed under this chapter specialized in the installation, maintenance, repair, and servicing of heating, ventilation, air conditioning systems or any other work the division authorizes by rule in accordance with Subsection 58-55-301(4).
- (32) "Immediate supervision" means reasonable direction, oversight, inspection, and evaluation of the work of a person:
- (a) as the division specifies in rule;
 - (b) by, as applicable, a qualified electrician or plumber;
 - (c) as part of a planned program of training; and
 - (d) to ensure that the end result complies with applicable standards.
- (33) "Individual" means a natural person.
- (34) "Journeyman lineman" means a person that builds and maintains an electrical power system, performs work on transmission lines or distribution lines from power plants to customers, and has completed an approved 7,000 hour certified apprenticeship program.
- (35) "Journeyman electrician" means a person licensed under this chapter as a journeyman electrician having the qualifications, training, experience, and knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power, and other purposes.
- (36) "Journeyman plumber" means a person licensed under this chapter as a journeyman plumber having the qualifications, training, experience, and technical knowledge to engage in the plumbing trade.

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

contractor shall employ the services of a contractor licensed in the particular specialty, except that a residential and small commercial contractor engaged in the construction of single-family and multifamily residences up to four units may perform the mechanical work and hire a licensed plumber or electrician as an employee.

(43) "Residential building," as it relates to the license classification of residential journeyman plumber and residential master plumber, means a single or multiple family dwelling of up to four units.

(44) "Residential electrical contractor" means a person licensed under this chapter as a residential electrical contractor qualified by education, training, experience, and knowledge to perform the fabrication, construction, and installation of services, disconnecting means, grounding devices, panels, conductors, load centers, lighting and plug circuits, appliances, and fixtures in a residential unit or any other work the division authorizes by rule in accordance with Subsection 58-55-301(4).

(45) "Residential journeyman electrician" means a person licensed under this chapter as a residential journeyman electrician having the qualifications, training, experience, and knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power, and other purposes on buildings using primarily nonmetallic sheath cable.

(46) "Residential journeyman plumber" means a person licensed under this chapter as a residential journeyman plumber having the qualifications, training, experience, and knowledge to engage in the plumbing trade as limited to the plumbing of residential buildings.

(47) "Residential master electrician" means a person licensed under this chapter as a residential master electrician having the qualifications, training, experience, and knowledge to properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment for light, heat, power, and other purposes on residential projects.

(48) "Residential master plumber" means a person licensed under this chapter as a residential master plumber having the qualifications, training, experience, and knowledge to properly plan and layout projects and supervise persons in the plumbing trade as limited to the plumbing of residential buildings.

(49) "Residential plumbing contractor" means a person licensed under this chapter as a residential plumbing contractor qualified by education, training, experience, and knowledge to perform the fabrication or installation of material and fixtures to create and maintain sanitary conditions in residential buildings by providing permanent means

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

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

(51) "Responsible management personnel" means:

- (a) a qualifying agent;
- (b) an operations manager; or
- (c) a site manager.

(52) "Sensitive alarm system information" means:

- (a) a pass code or other code used in the operation of an alarm system;
- (b) information on the location of alarm system components at the premises of a customer of the alarm business providing the alarm system;
- (c) information that would allow the circumvention, bypass, deactivation, or other compromise of an alarm system of a customer of the alarm business providing the alarm system; and
- (d) any other similar information that the division by rule determines to be information that an individual employed by an alarm business should use or have access to only if the individual is licensed as provided in this chapter.

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

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

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

- (a) an individual;
- (b) a corporation; or

371 (c) publicly traded.

372 (55) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and
373 58-55-501.

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

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

379 Section 2. **Effective Date.**

380 This bill takes effect on May 6, 2026.