

Tracy J. Miller proposes the following substitute bill:

**Construction Consultant Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Tracy J. Miller**

Senate Sponsor:

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**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;
- provides a coordination clause to substantively and technically coordinate changes between this bill and H.B. 40, Utah Construction Trades Licensing Act Amendments; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a coordination clause.

**Utah Code Sections Affected:**

AMENDS:

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

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

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

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*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

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

- 64 (5) "Alarm company proprietor" means the sole proprietor of an alarm company that is  
65 registered as a sole proprietorship with the Division of Corporations and Commercial  
66 Code.
- 67 (6) "Alarm company trustee" means an individual with control of or power of  
68 administration over property held in trust.
- 69 (7)(a) "Alarm system" means equipment and devices assembled for the purpose of:  
70 (i) detecting and signaling unauthorized intrusion or entry into or onto certain  
71 premises; or  
72 (ii) signaling a robbery or attempted robbery on protected premises.
- 73 (b) "Alarm system" includes a battery-charged suspended-wire system or fence that is  
74 part of and interfaces with an alarm system for the purposes of detecting and  
75 deterring unauthorized intrusion or entry into or onto certain premises.
- 76 (8) "Apprentice electrician" means a person licensed under this chapter as an apprentice  
77 electrician who is learning the electrical trade under the immediate supervision of a  
78 master electrician, residential master electrician, a journeyman electrician, or a  
79 residential journeyman electrician.
- 80 (9) "Apprentice plumber" means a person licensed under this chapter as an apprentice  
81 plumber who is learning the plumbing trade under the immediate supervision of a master  
82 plumber, residential master plumber, journeyman plumber, or a residential journeyman  
83 plumber.
- 84 (10) "Approved continuing education" means instruction provided through courses under a  
85 program established under Subsection 58-55-302.5(2).
- 86 (11)(a) "Approved prelicensure course provider" means a provider that is the Associated  
87 General Contractors of Utah, the Utah Chapter of the Associated Builders and  
88 Contractors, or the Utah Home Builders Association, and that meets the requirements  
89 established by rule by the commission with the concurrence of the director, to teach  
90 the 25-hour course described in Subsection 58-55-302(1)(e)(iii).
- 91 (b) "Approved prelicensure course provider" may only include a provider that, in  
92 addition to any other locations, offers the 25-hour course described in Subsection  
93 58-55-302(1)(e)(iii) at least six times each year in one or more counties other than  
94 Salt Lake County, Utah County, Davis County, or Weber County.
- 95 (12) "Board" means the Alarm System Security and Licensing Board or Electricians and  
96 Plumbers Licensing Board created in Section 58-55-201.
- 97 (13) "Combustion system" means an assembly consisting of:

- 98 (a) piping and components with a means for conveying, either continuously or  
99 intermittently, natural gas from the outlet of the natural gas provider's meter to the  
100 burner of the appliance;
- 101 (b) the electric control and combustion air supply and venting systems, including air  
102 ducts; and
- 103 (c) components intended to achieve control of quantity, flow, and pressure.
- 104 (14) "Commission" means the Construction Services Commission created under Section  
105 58-55-103.
- 106 (15) "Construction trade" means any trade or occupation involving:
- 107 (a)(i) construction, alteration, remodeling, repairing, wrecking or demolition, addition  
108 to, or improvement of any building, highway, road, railroad, dam, bridge,  
109 structure, excavation or other project, development, or improvement to other than  
110 personal property; and
- 111 (ii) constructing, remodeling, or repairing a manufactured home or mobile home as  
112 defined in Section 15A-1-302; or
- 113 (b) installation or repair of a residential or commercial natural gas appliance or  
114 combustion system.
- 115 (16) "Construction trades instructor" means a person licensed under this chapter to teach  
116 one or more construction trades in both a classroom and project environment, where a  
117 project is intended for sale to or use by the public and is completed under the direction  
118 of the instructor, who has no economic interest in the project.
- 119 (17)(a) "Contractor" means any person who for compensation other than wages as an  
120 employee undertakes any work in the construction, plumbing, or electrical trade for  
121 which licensure is required under this chapter and includes:
- 122 (i) a person who builds any structure on the person's own property for the purpose of  
123 sale or who builds any structure intended for public use on the person's own  
124 property;
- 125 (ii) any person who represents that the person is a contractor, or will perform a  
126 service described in this Subsection (17) by advertising on a website or social  
127 media, or any other means;
- 128 (iii) any person engaged as a maintenance person, other than an employee, who  
129 regularly engages in activities set forth under the definition of "construction trade";
- 130 (iv) any person engaged in, or offering to engage in, any construction trade for which  
131 licensure is required under this chapter; or

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

- 166 servicing, repairing, or maintaining an elevator under the immediate supervision of an  
167 elevator contractor.
- 168 (22) "Employee" means an individual as defined by the division by rule giving  
169 consideration to the definition adopted by the Internal Revenue Service and the  
170 Department of Workforce Services.
- 171 (23) "Engage in a construction trade" means to:
- 172 (a) engage in, represent oneself to be engaged in, or advertise oneself as being engaged  
173 in a construction trade; or
- 174 (b) use the name "contractor" or "builder" or in any other way lead a reasonable person  
175 to believe one is or will act as a contractor.
- 176 (24)(a) "Financial responsibility" means a demonstration of a current and expected  
177 future condition of financial solvency evidencing a reasonable expectation to the  
178 division and the board that an applicant or licensee can successfully engage in  
179 business as a contractor without jeopardy to the public health, safety, and welfare.
- 180 (b) Financial responsibility may be determined by an evaluation of the total history  
181 concerning the licensee or applicant including past, present, and expected condition  
182 and record of financial solvency and business conduct.
- 183 (25) "Gas appliance" means any device that uses natural gas to produce light, heat, power,  
184 steam, hot water, refrigeration, or air conditioning.
- 185 (26)(a) "General building contractor" means a person licensed under this chapter as a  
186 general building contractor qualified by education, training, experience, and  
187 knowledge to perform or superintend construction of structures for the support,  
188 shelter, and enclosure of persons, animals, chattels, or movable property of any kind  
189 or any of the components of that construction except plumbing, electrical work,  
190 mechanical work, work related to the operating integrity of an elevator, and  
191 manufactured housing installation, for which the general building contractor shall  
192 employ the services of a contractor licensed in the particular specialty, except that a  
193 general building contractor engaged in the construction of single-family and  
194 multifamily residences up to four units may perform the mechanical work and hire a  
195 licensed plumber or electrician as an employee.
- 196 (b) The division may by rule exclude general building contractors from engaging in the  
197 performance of other construction specialties in which there is represented a  
198 substantial risk to the public health, safety, and welfare, and for which a license is  
199 required unless that general building contractor holds a valid license in that specialty

200 classification.

201 (27) "General electrical contractor" means a person licensed under this chapter as a general  
202 electrical contractor qualified by education, training, experience, and knowledge to  
203 perform the fabrication, construction, and installation of generators, transformers,  
204 conduits, raceways, panels, switch gear, electrical wires, fixtures, appliances, apparatus  
205 that uses electrical energy, or any other work the division authorizes by rule in  
206 accordance with Subsection 58-55-301(4).

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

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

- 234 (xxiv) water supply.
- 235 (b) A general engineering contractor may not perform or superintend:
- 236 (i) construction of a structure built primarily for the support, shelter, and enclosure of
- 237 persons, animals, and chattels;
- 238 (ii) plumbing work;
- 239 (iii) electrical work beyond underground electric utility conduit or electrical utilities;
- 240 (iv) mechanical work; or
- 241 (v) work where the general engineering contractor does not have the required
- 242 specialized engineering knowledge and skill.
- 243 (29) "General plumbing contractor" means a person licensed under this chapter as a general
- 244 plumbing contractor qualified by education, training, experience, and knowledge to
- 245 perform the fabrication or installation of material and fixtures to create and maintain
- 246 sanitary conditions in a building by providing permanent means for a supply of safe and
- 247 pure water, a means for the timely and complete removal from the premises of all used
- 248 or contaminated water, fluid and semi-fluid organic wastes and other impurities
- 249 incidental to life and the occupation of such premises, a safe and adequate supply of
- 250 gases for lighting, heating, and industrial purposes, or other work the division authorizes
- 251 by rule in accordance with Subsection 58-55-301(4).
- 252 (30) "HVAC" means a heating, ventilation, and air conditioning system and the specific
- 253 components that are a part of the system, including the gas line.
- 254 (31) "HVAC contractor" means a person licensed under this chapter specialized in the
- 255 installation, maintenance, repair, and servicing of heating, ventilation, air conditioning
- 256 systems or any other work the division authorizes by rule in accordance with Subsection
- 257 58-55-301(4).
- 258 (32) "Immediate supervision" means reasonable direction, oversight, inspection, and
- 259 evaluation of the work of a person:
- 260 (a) as the division specifies in rule;
- 261 (b) by, as applicable, a qualified electrician or plumber;
- 262 (c) as part of a planned program of training; and
- 263 (d) to ensure that the end result complies with applicable standards.
- 264 (33) "Individual" means a natural person.
- 265 (34) "Journeyman lineman" means a person that builds and maintains an electrical power
- 266 system, performs work on transmission lines or distribution lines from power plants to
- 267 customers, and has completed an approved 7,000 hour certified apprenticeship program.

- 268 (35) "Journeyman electrician" means a person licensed under this chapter as a journeyman  
269 electrician having the qualifications, training, experience, and knowledge to wire, install,  
270 and repair electrical apparatus and equipment for light, heat, power, and other purposes.
- 271 (36) "Journeyman plumber" means a person licensed under this chapter as a journeyman  
272 plumber having the qualifications, training, experience, and technical knowledge to  
273 engage in the plumbing trade.
- 274 (37) "Master electrician" means a person licensed under this chapter as a master electrician  
275 having the qualifications, training, experience, and knowledge to properly plan, layout,  
276 and supervise the wiring, installation, and repair of electrical apparatus and equipment  
277 for light, heat, power, and other purposes.
- 278 (38) "Master plumber" means a person licensed under this chapter as a master plumber  
279 having the qualifications, training, experience, and knowledge to properly plan and  
280 layout projects and supervise persons in the plumbing trade.
- 281 (39) "Person" means a natural person, sole proprietorship, joint venture, corporation,  
282 limited liability company, association, or organization of any type.
- 283 (40)(a) "Plumbing trade" means the performance of any mechanical work pertaining to  
284 the installation, alteration, change, repair, removal, maintenance, or use in buildings,  
285 or within three feet beyond the outside walls of buildings, of pipes, fixtures, and  
286 fittings for the:
- 287 (i) delivery of the water supply;
  - 288 (ii) discharge of liquid and water carried waste;
  - 289 (iii) building drainage system within the walls of the building; and
  - 290 (iv) delivery of gases for lighting, heating, and industrial purposes.
- 291 (b) "Plumbing trade" includes work pertaining to the water supply, distribution pipes,  
292 fixtures and fixture traps, soil, waste and vent pipes, the building drain and roof  
293 drains, and the safe and adequate supply of gases, together with their devices,  
294 appurtenances, and connections where installed within the outside walls of the  
295 building.
- 296 (41) "Ratio of apprentices" means the number of licensed plumber apprentices or licensed  
297 electrician apprentices that are allowed to be under the immediate supervision of a  
298 licensed supervisor as established by the provisions of this chapter and by rules made by  
299 the commission, with the concurrence of the director, in accordance with Title 63G,  
300 Chapter 3, Utah Administrative Rulemaking Act.
- 301 (42) "Residential and small commercial contractor" means a person licensed under this

302 chapter as a residential and small commercial contractor qualified by education, training,  
303 experience, and knowledge to perform or superintend the construction of single-family  
304 residences, multifamily residences up to four units, and commercial construction of not  
305 more than three stories above ground and not more than 20,000 square feet, or any of the  
306 components of that construction except plumbing, electrical work, mechanical work, and  
307 manufactured housing installation, for which the residential and small commercial  
308 contractor shall employ the services of a contractor licensed in the particular specialty,  
309 except that a residential and small commercial contractor engaged in the construction of  
310 single-family and multifamily residences up to four units may perform the mechanical  
311 work and hire a licensed plumber or electrician as an employee.

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

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

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

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

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

334 (48) "Residential master plumber" means a person licensed under this chapter as a  
335 residential master plumber having the qualifications, training, experience, and

336 knowledge to properly plan and layout projects and supervise persons in the plumbing  
337 trade as limited to the plumbing of residential buildings.

338 (49) "Residential plumbing contractor" means a person licensed under this chapter as a  
339 residential plumbing contractor qualified by education, training, experience, and  
340 knowledge to perform the fabrication or installation of material and fixtures to create  
341 and maintain sanitary conditions in residential buildings by providing permanent means  
342 for a supply of safe and pure water, a means for the timely and complete removal from  
343 the premises of all used or contaminated water, fluid and semi-fluid organic wastes and  
344 other impurities incidental to life and the occupation of such premises, a safe and  
345 adequate supply of gases for lighting, heating, and residential purposes, or any other  
346 work the division authorizes by rule in accordance with Subsection 58-55-301(4).

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

351 (51) "Responsible management personnel" means:

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

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

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

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

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

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

374 (a) an individual;

375 (b) a corporation; or

376 (c) publicly traded.

377 (55) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and  
378 58-55-501.

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

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

384 Section 2. **Effective Date.**

385 This bill takes effect on May 6, 2026.

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

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

390 "(b) "Contractor" includes:

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

393 (ii) a person that advertises that the person is a contractor or that the person will perform a  
394 service that requires a license under this chapter; or

395 (iii) a person that, for a fee:

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

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

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