

Representative Stephen H. Urquhart proposes the following substitute bill:

UTAH CONSTRUCTION TRADE LICENSING

ACT AMENDMENTS

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Stephen H. Urquhart

This act amends the Utah Construction Trade Licensing Act by requiring ^h COMPLIANCE AGENCIES ^h ^h [municipal corporations] ^h to notify the Division of Occupational and Professional Licensing upon the issuance of building permits to sole owners of property who may qualify for a licensure exemption for sole owners of property engaged.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

58-55-305, as last amended by Chapters 33 and 241, Laws of Utah 2002

58-55-308, as last amended by Chapters 33 and 241, Laws of Utah 2002

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

Section 1. Section **58-55-305** is amended to read:

58-55-305. 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 ~~his~~ the person's trust, office, or employment;

~~(2)~~ (b) a person engaged in construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts,

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26 reclamation districts, and drainage districts or construction and repair relating to farming,
27 dairying, agriculture, livestock or poultry raising, metal and coal mining, quarries, sand and
28 gravel excavations, well drilling, hauling to and from construction sites, and lumbering;

29 ~~[(3)]~~ (c) public utilities operating under the rules of the Public Service Commission on
30 construction work incidental to their own business;

31 ~~[(4)]~~ (d) sole owners of property engaged in building:

32 ~~[(a)]~~ (i) no more than one residential structure per year and no more than three
33 residential structures per five years on their property for their own noncommercial, nonpublic
34 use; except, ~~[any]~~ a person other than the property owner or individuals described in
35 Subsection ~~[(5)]~~ (1)(e), who engages in building the structure must be licensed under this
36 chapter if ~~[he]~~ the person is otherwise required to be licensed under this chapter; or

37 ~~[(b)]~~ (ii) structures on their property for their own noncommercial, nonpublic use
38 which are incidental to a residential structure on the property, including sheds, carports, or
39 detached garages;

40 ~~[(5)-(a)-an individual]~~ (e) (i) a person engaged in construction or renovation of a
41 residential building for noncommercial, nonpublic use if that person:

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

44 ~~[(ii)]~~ (B) works under the direction of the property owner who engages in building the
45 structure;

46 ~~[(b)]~~ (ii) for purposes of this Subsection ~~[(5)]~~ (1)(e), "token compensation" means
47 compensation paid by a sole owner of property exempted from licensure under Subsection ~~[(4)]~~
48 (1)(d) to ~~[an individual]~~ a person exempted from licensure under this Subsection ~~[(5)]~~ (1)(e),
49 that is:

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

52 ~~[(ii)]~~ (B) not related to the fair market value of the services provided by the
53 ~~[individual]~~ person; and

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

57 construction;

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

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

64 ~~[(8)(a)]~~ (h)(i) a person engaged in the alteration, repair, remodeling, or addition to or
65 improvement of ~~[any]~~ a building with a contracted or agreed value of less than \$1,000,
66 including both labor and materials, and including all changes or additions to the contracted or
67 agreed upon work;

68 ~~[(b)]~~ (ii) notwithstanding Subsection ~~[(8)(a)]~~ (1)(h)(i):

69 ~~[(i)]~~ (A) work in the plumbing and electrical trades must be performed by a licensed
70 electrician or plumber except as otherwise provided in this section; and

71 ~~[(i)]~~ (B) installation, repair, or replacement of a residential or commercial gas
72 appliance or a combustion system must be performed by a person who has received
73 certification under Subsection 58-55-308(2);

74 ~~[(9)]~~ (i) a person practicing a specialty contractor classification or construction trade
75 which is not classified by rule by the director as significantly impacting the public's health,
76 safety, and welfare;

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

80 ~~[(11)(a)]~~ (j)(i) a person engaged in minor plumbing work incidental to the
81 replacement or repair of a fixture or an appliance in a residential or small commercial building,
82 or structure used for agricultural use, as defined in Section 58-56-4, provided that no
83 modification is made to:

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

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

86 ~~[(b)]~~ (ii) except as provided in Subsection ~~[(5)]~~ (1)(e), installation for the first time of a
87 fixture or an appliance is not included in the exemption provided under Subsection ~~[(11)(a)]~~

88 (1)(k)(i);

89 ~~[(12)]~~ (l) a person who ordinarily would be subject to the plumber licensure
 90 requirements ~~[set forth in]~~ under this chapter when installing or repairing a water conditioner or
 91 other water treatment apparatus if the conditioner or apparatus:

92 ~~[(a)]~~ (i) meets the appropriate state construction codes or local plumbing standards; and
 93 ~~[(b)]~~ (ii) is installed or repaired under the direction of a person authorized to do ~~[such]~~
 94 the work under an appropriate specialty contractor license;

95 ~~[(13)]~~ (m) a person who ordinarily would be subject to the electrician licensure
 96 requirements ~~[set forth in]~~ under this chapter when employed by or under contract with:

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

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

101 ~~[(14)]~~ (n) a person involved in minor electrical work incidental to a mechanical or
 102 service installation; and

103 ~~[(15)]~~ (o) a student participating in construction trade education and training programs
 104 approved by the commission with the concurrence of the director under the condition that:

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

108 ~~[(b)]~~ (ii) a licensed contractor obtains the necessary building permits.

109 (2) ~~h~~ (a) ~~h~~ A ~~h~~ ~~[city, town or other municipal corporation]~~ COMPLIANCE AGENCY AS DEFINED
IN

109a SECTION 58-56-3(4) ~~h~~ that issues a building permit to ~~h~~ ANY PERSON REQUESTING A PERMIT AS ~~h~~
 109b a sole

110 owner of property referred to in Subsection (1)(d) shall notify the division, in writing or
 111 through electronic transmission, of the issuance of the permit.

111a ~~h~~ (b) THE DIVISION SHALL EVALUATE THE EFFECTIVENESS OF THE NOTIFICATION
 111b REQUIREMENT UNDER SUBSECTION (2)(a) AND REPORT ITS FINDINGS, INCLUDING ANY
 111c RECOMMENDATIONS FOR MODIFICATION TO OR TERMINATION OF THE REQUIREMENT, TO THE
 111d LEGISLATURE'S BUSINESS AND LABOR INTERIM COMMITTEE PRIOR TO THE 2008 GENERAL
 111e SESSION. ~~h~~

112 Section 2. Section **58-55-308** is amended to read:

113 **58-55-308. Scope of practice -- Installation, repair, or replacement of gas**
 114 **appliance or combustion system -- Rules.**

115 (1) The commission, with the concurrence of the director, may adopt reasonable rules
116 pursuant to Title 63, Chapter 46a, Utah Administrative Rulemaking Act, to define and limit the
117 scope of practice and operating standards of the classifications and subclassifications licensed
118 under this chapter in a manner consistent with established practice in the relevant industry.

119 The commission and the director may limit the field and scope of operations of a licensee
120 under this chapter in accordance with the rules and the public health, safety, and welfare, based
121 on the licensee's education, training, experience, knowledge, and financial responsibility.

122 (2) (a) The work and scope of practice covered by this Subsection (2) is the
123 installation, repair, or replacement of a residential or commercial gas appliance or combustion
124 system.

125 (b) The provisions of this Subsection (2) apply to any:

126 (i) licensee under this chapter whose license authorizes the licensee to perform the
127 work described in Subsection (2)(a); and

128 (ii) person exempt from licensure under Subsection 58-55-305~~(8)~~(1)(h).

129 (c) Any person described in Subsection (2)(b) that performs work described in
130 Subsection (2)(a):

131 (i) must first receive training and certification as specified in rules adopted by the
132 division; and

133 (ii) shall ensure that any employee authorized under other provisions of this chapter to
134 perform work described in Subsection (2)(a) has first received training and certification as
135 specified in rules adopted by the division.

136 (d) The division may exempt from the training requirements adopted under Subsection
137 (2)(c) a person that has adequate experience, as determined by the division.

138 (e) The division shall exempt from initial certification requirements adopted under
139 Subsection (2)(c) a person who has passed a test equivalent to the level of testing required by
140 the division for certification, or has completed an apprenticeship program that teaches the
141 installation of gas line appliances and is approved by the Federal Bureau of Apprenticeship
142 Training.

143 (3) This section does not prohibit a licensed specialty contractor from accepting and
144 entering into a contract involving the use of two or more crafts or trades if the performance of
145 the work in the crafts or trades, other than that in which the contractor is licensed, is incidental
146 and supplemental to the work for which the contractor is licensed.