

**CONTINUING EDUCATION FOR
CONTRACTORS**

2004 GENERAL SESSION
STATE OF UTAH

Sponsor: J. Stuart Adams

LONG TITLE

General Description:

This bill modifies licensing renewal provisions of the Utah Construction Trades Licensing Act.

Highlighted Provisions:

This bill:

- ▶ requires an individual who seeks renewal of a contractor's license to complete 12 hours of professional education during the two-year licensing cycle;
- ▶ requires the Division of Occupational and Professional Licensing, with the concurrence of the Construction Services Commission, to certify what qualifies as professional education; and
- ▶ provides for an exemption from the requirement.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-55-303, as last amended by Chapter 198, Laws of Utah 2001

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



28 Section 1. Section **58-55-303** is amended to read:

29 **58-55-303. Term of license -- Expiration -- Renewal -- Education requirements.**

30 (1) (a) Each license issued under this chapter shall be issued in accordance with a
31 two-year renewal cycle established by rule.

32 (b) The division may by rule extend or shorten a renewal period by as much as one year
33 to stagger the renewal cycle it administers.

34 (2) At the time of renewal, the licensee shall show satisfactory evidence of continuing
35 financial responsibility as required under Section 58-55-306.

36 (3) (a) Each license automatically expires on the expiration date shown on the license
37 unless the licensee renews the license in accordance with Section 58-1-308.

38 (b) (i) Effective January 1, 2005, as a condition of renewal for a contractor's license,
39 each active licensee shall demonstrate continuing competency as a contractor by completing a
40 three-hour core education class and an additional nine hours of professional education
41 approved by the division and the Construction Services Commission within each two-year
42 licensing cycle.

43 (ii) (A) The nine additional hours of professional education requirements may be
44 satisfied by employees or principals of the contractor completing four hours of professional
45 education for every one hour of credit.

46 (B) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
47 the division may make rules governing the implementation of Subsection (3)(b)(ii)(A).

48 (iii) The division, with the concurrence of the Construction Services Commission, shall
49 certify what qualifies as professional education under Subsection (3)(b)(i), which may include
50 workshops, home study courses, video courses, and closed circuit televisions courses.

51 (iv) The Construction Services Commission, with the concurrence of the division, may
52 exempt a licensee from the professional education requirement under Subsection (3)(b)(i) for a
53 period not to exceed two years upon a finding of reasonable cause and under conditions
54 established by rule in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking
55 Act.

56 (4) The requirements of Subsection 58-55-302(9) shall also apply to applicants seeking
57 to renew or reinstate a license.

58 (5) In addition to any other requirements imposed by law, if a license has been

- 59 suspended or revoked for any reason, the applicant must:
- 60 (a) pay in full all fines imposed by the division[;];
- 61 (b) resolve any outstanding citations or disciplinary actions with the division[;];
- 62 (c) satisfy any Section 58-55-503 judgment and sentence or nontrial resolution[;];
- 63 (d) complete a new financial responsibility review as required under Section
- 64 58-55-306, using only titled assets[;]; and
- 65 (e) pay in full any reimbursement amount as provided in Title 38, Chapter 11,
- 66 Residence Lien Restriction and Lien Recovery Fund Act.

Legislative Review Note
as of 12-29-03 12:42 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

State Impact

Implementation of the bill will require an additional Customer Service Technician, and an Investigator at a first year cost of \$135,400 and a second year cost of \$104,000 from the Commerce Service Fund. Spending from the Commerce Service Fund could affect the revenue available to the General Fund.

	<u>FY 2005</u> <u>Approp.</u>	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2005</u> <u>Revenue</u>	<u>FY 2006</u> <u>Revenue</u>
Commerce Service Fund	\$135,400	\$104,000	\$0	\$0
TOTAL	\$135,400	\$104,000	\$0	\$0

Individual and Business Impact

Contractors will be required to pay for continuing education and cover the lost work time.

Office of the Legislative Fiscal Analyst