

1 **PLUMBING APPRENTICE AMENDMENTS**

2 2004 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Parley G. Hellewell**

5

LONG TITLE

6 **General Description:**

7 This bill modifies provisions related to the training and licensing of apprentice
8 plumbers.

9 **Highlighted Provisions:**

10 This bill:

11 ▶ modifies the definition of ratio of apprentices, for the purpose of determining
12 compliance with the planned programs of training and apprentice licensing
13 applications, by having the same ratios apply for plumbing apprentices as currently
14 apply to electrician apprentices; and

15 ▶ provides an exception for apprentices working with journeymen employed by a
16 plumbing service company.

17 **Monies Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **58-55-102**, as last amended by Chapters 33 and 241, Laws of Utah 2002

24

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

25 Section 1. Section **58-55-102** is amended to read:
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27



28 **58-55-102. Definitions.**

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

30 (1) (a) "Alarm business or company" means a person engaged in the sale, installation,
31 maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system.

32 (b) "Alarm business or company" does not include the activities of:

33 (i) a person engaged in the manufacture and sale of alarm systems when that person is
34 not engaged in the installation, maintenance, alteration, repair, replacement, servicing, or
35 monitoring of alarm systems, and the manufacture or sale occurs only at a place of business
36 established by the person engaged in the manufacture or sale and does not involve site visits at
37 the place or intended place of installation of an alarm system; or

38 (ii) an owner of an alarm system, or an employee of the owner of an alarm system who
39 is engaged in installation, maintenance, alteration, repair, replacement, servicing, or monitoring
40 of the alarm system owned by that owner.

41 (2) "Alarm company agent" means any individual employed within this state by a
42 person engaged in the alarm business.

43 (3) "Alarm system" means equipment and devices assembled for the purpose of:

44 (a) detecting and signaling unauthorized intrusion or entry into or onto certain
45 premises; or

46 (b) signaling a robbery or attempted robbery on protected premises.

47 (4) "Apprentice electrician" means a person licensed under this chapter as an
48 apprentice electrician who is learning the electrical trade under approved supervision of a
49 master electrician, residential master electrician, a journeyman electrician, or a residential
50 journeyman electrician.

51 (5) "Apprentice plumber" means a person licensed under this chapter as an apprentice
52 plumber who is learning the plumbing trade under approved supervision of a journeyman
53 plumber.

54 (6) "Approved supervision" means the immediate supervision of apprentices by
55 qualified licensed electricians or plumbers as a part of a planned program of training.

56 (7) "Board" means the Electrician Licensing Board, Alarm System Security and
57 Licensing Board, or Plumbers Licensing Board created in Section 58-55-201.

58 (8) "Combustion system" means an assembly consisting of components with a means

59 for conveying natural gas from the shutoff valve of the piping system nearest the gas appliance
60 to the burner and includes electric control and combustion air supply and venting systems,
61 either continuously or intermittently, and that incorporates components intended to achieve
62 control of quantity, flow, and pressure.

63 (9) "Commission" means the Construction Services Commission created under Section
64 58-55-103.

65 (10) "Construction trade" means any trade or occupation involving:

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

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

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

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

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

80 (ii) any person who represents himself to be a contractor by advertising or any other
81 means;

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

84 (iv) any person engaged in any construction trade for which licensure is required under
85 this chapter; or

86 (v) a construction manager who performs management and counseling services on a
87 construction project for a fee.

88 (b) "Contractor" does not include an alarm company or alarm company agent.

89 (13) (a) "Electrical trade" means the performance of any electrical work involved in the

90 installation, construction, alteration, change, repair, removal, or maintenance of facilities,
91 buildings, or appendages or appurtenances.

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

93 (i) transporting or handling electrical materials;

94 (ii) preparing clearance for raceways for wiring; or

95 (iii) work commonly done by unskilled labor or any installations under the exclusive
96 control of electrical utilities.

97 (c) For purposes of Subsection (13)(b):

98 (i) no more than one unlicensed person may be so employed unless more than five
99 licensed electricians are employed by the shop; and

100 (ii) a shop may not employ unlicensed persons in excess of the five-to-one ratio
101 permitted by this Subsection (13)(c).

102 (14) "Employee" means an individual as defined by the division by rule giving
103 consideration to the definition adopted by the Internal Revenue Service and the Department of
104 Workforce Services.

105 (15) "Engage in a construction trade" means to:

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

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

110 (16) "Financial responsibility" means a demonstration of a current and expected future
111 condition of financial solvency evidencing a reasonable expectation to the division and the
112 board that an applicant or licensee can successfully engage in business as a contractor without
113 jeopardy to the public health, safety, and welfare. Financial responsibility may be determined
114 by an evaluation of the total history concerning the licensee or applicant including past,
115 present, and expected condition and record of financial solvency and business conduct.

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

118 (18) "General building contractor" means a person licensed under this chapter as a
119 general building contractor qualified by education, training, experience, and knowledge to
120 perform or superintend construction of structures for the support, shelter, and enclosure of

121 persons, animals, chattels, or movable property of any kind or any of the components of that
122 construction except plumbing, electrical, and mechanical, for which the general building
123 contractor shall employ the services of a contractor licensed in the particular specialty, except
124 that a general building contractor engaged in the construction of single-family and multifamily
125 residences up to four units may perform the mechanical and hire a licensed plumber or
126 electrician as an employee. The division may by rule exclude general building contractors
127 from engaging in the performance of other construction specialties in which there is
128 represented a substantial risk to the public health, safety, and welfare, and for which a license is
129 required unless that general building contractor holds a valid license in that specialty
130 classification.

131 (19) "General engineering contractor" means a person licensed under this chapter as a
132 general engineering contractor qualified by education, training, experience, and knowledge to
133 perform construction of fixed works in any or all of the following: irrigation, drainage, water,
134 power, water supply, flood control, inland waterways, harbors, railroads, highways, tunnels,
135 airports and runways, sewers and bridges, refineries, pipelines, chemical and industrial plants
136 requiring specialized engineering knowledge and skill, piers, and foundations, or any of the
137 components of those works. However, a general engineering contractor may not perform
138 construction of structures built primarily for the support, shelter, and enclosure of persons,
139 animals, and chattels.

140 (20) "Immediate supervision" means reasonable direction, oversight, inspection, and
141 evaluation of the work of a person, in or out of the immediate presence of the supervising
142 person, so as to ensure that the end result complies with applicable standards.

143 (21) "Individual" means a natural person.

144 (22) "Journeyman electrician" means a person licensed under this chapter as a
145 journeyman electrician having the qualifications, training, experience, and knowledge to wire,
146 install, and repair electrical apparatus and equipment for light, heat, power, and other purposes.

147 (23) "Journeyman plumber" means a person licensed under this chapter as a
148 journeyman plumber having the qualifications, training, experience, and technical knowledge
149 to engage in the plumbing trade.

150 (24) "Master electrician" means a person licensed under this chapter as a master
151 electrician having the qualifications, training, experience, and knowledge to properly plan,

152 layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment
 153 for light, heat, power, and other purposes.

154 (25) "Person" means a natural person, sole proprietorship, joint venture, corporation,
 155 limited liability company, association, or organization of any type.

156 (26) "Plumbing trade" means the performance of any mechanical work pertaining to
 157 the installation, alteration, change, repair, removal, maintenance, or use in buildings or within
 158 three feet beyond the outside walls of buildings of pipes, fixtures, and fittings for delivery of
 159 the water supply, discharge of liquid and water carried waste, or the building drainage system
 160 within the walls of the building. It includes that work pertaining to the water supply,
 161 distribution pipes, fixtures, and fixture traps, the soil, waste and vent pipes, and the building
 162 drain and roof drains together with their devices, appurtenances, and connections where
 163 installed within the outside walls of the building.

164 (27) "Ratio of apprentices" means[-];

165 (a) for the purpose of determining compliance with the requirements for planned
 166 programs of training and electrician apprentice licensing applications, the shop ratio of
 167 apprentice electricians to journeyman or master electricians shall be one journeyman or master
 168 electrician to one apprentice on industrial and commercial work, and one journeyman or master
 169 electrician to three apprentices on residential work[-]; and

170 (b) (i) for the purpose of determining compliance with the planned programs of
 171 training and plumbing apprentice licensing applications, the shop ratio of apprentice plumbers
 172 to journeyman plumbers shall be one journeyman plumber to one apprentice on industrial and
 173 commercial work and one journeyman to three apprentices on residential work if the
 174 journeyman is working for a new construction plumbing company; and

175 (ii) the shop ratio increases to one journeyman to § [ten] FIVE § apprentices on residential
 175a and
 176 commercial work that does not involve new construction if the journeyman is § [working]
 176a **PERFORMING THE WORK OF REPAIRING, SERVICING, OR REPLACING EXISTING PLUMBING**
 176b **FIXTURES § for a**

177 plumbing service company. For purposes of this Subsection (27)(b)(ii), plumbing service
 178 company means a business entity that does at least 75% of its plumbing business repairing,
 179 servicing, or replacing existing plumbing fixtures as opposed to plumbing related to new
 180 construction. All on-the-job training shall be under circumstances in which the ratio of
 181 apprentices to supervisors is in accordance with a ratio of one-to-one on nonresidential work
 182 and up to three apprentices to one supervisor on residential projects, except as otherwise

183 provided in this Subsection (27)(b)(ii).

184 (28) "Residential and small commercial contractor" means a person licensed under this
185 chapter as a residential and small commercial contractor qualified by education, training,
186 experience, and knowledge to perform or superintend the construction of single-family
187 residences, multifamily residences up to four units, and commercial construction of not more
188 than three stories above ground and not more than 20,000 square feet, or any of the components
189 of that construction except plumbing, electrical, and mechanical, for which the residential and
190 small commercial contractor shall employ the services of a contractor licensed in the particular
191 specialty, except that a residential and small commercial contractor engaged in the construction
192 of single-family and multifamily residences up to four units may perform the mechanical work
193 and hire a licensed plumber or electrician as an employee.

194 (29) "Residential apprentice plumber" means a person licensed under this chapter as a
195 residential apprentice plumber who is learning the residential plumbing trade while working on
196 residential buildings under the approved supervision of a residential journeyman plumber or a
197 journeyman plumber.

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

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

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

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

212 (34) "Residential project," as it relates to an electrician or electrical contractor, means
213 buildings primarily wired with nonmetallic sheathed cable, in accordance with standard rules

214 and regulations governing this work, including the National Electrical Code, and in which the
215 voltage does not exceed 250 volts line to line and 125 volts to ground.

216 (35) "Specialty contractor" means a person licensed under this chapter under a
217 specialty contractor classification established by rule, who is qualified by education, training,
218 experience, and knowledge to perform those construction trades and crafts requiring
219 specialized skill the regulation of which are determined by the division to be in the best interest
220 of the public health, safety, and welfare. A specialty contractor may perform work in crafts or
221 trades other than those in which he is licensed if they are incidental to the performance of his
222 licensed craft or trade.

223 (36) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-55-501.

224 (37) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-55-502 and as
225 may be further defined by rule.

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

Legislative Review Note
as of 2-10-04 11:05 AM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0194

Plumbing Apprentice Amendments

16-Feb-04

10:55 AM

State Impact

No fiscal impact.

Individual and Business Impact

The bill allows more apprentices per journeymen plumber when working on residential housing.

Office of the Legislative Fiscal Analyst