

UTAH CONSTRUCTION TRADES LICENSING  
ACT - ELECTRICAL LICENSING

AMENDMENTS

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Scott K. Jenkins

---

---

**LONG TITLE**

**General Description:**

This bill modifies provisions of the Utah Construction Trades Licensing Act related to the qualifications for licensure as a master electrician and journeyman electrician.

**Highlighted Provisions:**

This bill:

- ▶ removes the eight years of practical experience option to qualify for licensure as a master electrician;
- ▶ increases the six years of practical experience option to eight years to qualify for licensure as a journeyman electrician; and
- ▶ provides a grandfather clause.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-55-302**, as last amended by Chapter 241, Laws of Utah 2002

---

---

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

Section 1. Section **58-55-302** is amended to read:

**58-55-302. Qualifications for licensure.**

- (1) Each applicant for a license under this chapter shall:
  - (a) submit an application prescribed by the division;
  - (b) pay a fee as determined by the department under Section 63-38-3.2;
  - (c)
    - (i) meet the examination requirements established by rule by the commission with the concurrence of the director, except for the classifications of apprentice plumber, residential apprentice plumber, and apprentice electrician for whom no examination is required; or
    - (ii) if required in Section 58-55-304, the individual qualifier must pass the required examination if the applicant is a business entity;
    - (d) if an apprentice, identify the proposed supervisor of the apprenticeship;
    - (e) if an applicant for a contractor's license:
      - (i) produce satisfactory evidence of financial responsibility, except for a construction trades instructor for whom evidence of financial responsibility is not required;
      - (ii) produce satisfactory evidence of knowledge and experience in the construction industry and knowledge of the principles of the conduct of business as a contractor, reasonably necessary for the protection of the public health, safety, and welfare; and
      - (iii) be a licensed master electrician if an applicant for an electrical contractor's license or a licensed master residential electrician if an applicant for a residential electrical contractor's license; or
      - (iv) be a journeyman plumber or residential journeyman plumber if an applicant for a plumbing contractor's license; and
    - (f) if an applicant for a construction trades instructor license, satisfy any additional requirements established by rule.
  - (2) After approval of an applicant for a contractor's license by the applicable board and the division, the applicant shall file the following with the division before the division issues the license:
    - (a) proof of workers' compensation insurance which covers employees of the applicant in accordance with applicable Utah law;
    - (b) proof of public liability insurance in coverage amounts and form established by rule

except for a construction trades instructor for whom public liability insurance is not required; and

(c) proof of registration as required by applicable law with the:

(i) Utah Department of Commerce;

(ii) Division of Corporations and Commercial Code;

(iii) Division of Workforce Information and Payment Services in the Department of Workforce Services, for purposes of Title 35A, Chapter 4, Employment Security Act;

(iv) State Tax Commission; and

(v) Internal Revenue Service.

(3) In addition to the general requirements for each applicant in Subsection (1), applicants shall comply with the following requirements to be licensed in the following classifications:

(a) A journeyman plumber applicant shall produce satisfactory evidence of:

(i) successful completion of the equivalent of at least four years of full-time training and instruction as a licensed apprentice plumber under supervision of a licensed journeyman plumber and in accordance with a planned program of training approved by the division;

(ii) at least eight years of full-time experience approved by the division in collaboration with the Plumbers Licensing Board; or

(iii) satisfactory evidence of meeting the qualifications determined by the board to be equivalent to Subsection (3)(a)(i) or (a)(ii).

(b) A residential journeyman plumber shall produce satisfactory evidence of:

(i) completion of the equivalent of at least three years of full-time training and instruction as a licensed apprentice plumber under the supervision of a licensed residential journeyman plumber or licensed journeyman plumber in accordance with a planned program of training approved by the division;

(ii) completion of at least six years of full-time experience in a maintenance or repair trade involving substantial plumbing work; or

(iii) meeting the qualifications determined by the board to be equivalent to Subsection (3)(b)(i) or (b)(ii).

(c) (i) A master electrician applicant shall produce satisfactory evidence that the applicant:

~~[(i)]~~ (A) is a graduate electrical engineer of an accredited college or university approved by the division and has one year of practical electrical experience as a licensed apprentice electrician;

~~[(ii)]~~ (B) is a graduate of an electrical trade school, having received an associate of applied sciences degree following successful completion of a course of study approved by the division, and has two years of practical experience as a licensed journeyman electrician;

~~[(iii)]~~ (C) ~~[is a graduate of an electrical trade school, having received a certificate of completion following successful completion of a course of study approved by the division, and]~~ has four years of practical experience as a journeyman electrician; or

~~[(iv)]~~ ~~has at least eight years of practical experience under the supervision of a licensed journeyman or master electrician; or]~~

~~[(v)]~~ (D) meets the qualifications determined by the board to be equivalent to ~~[these qualifications]~~ Subsection (3)(c)(i)(A), (B), or (C).

(ii) (A) An individual holding a valid Utah license as a master electrician, based on at least eight years of practical experience as a licensed apprentice under the supervision of a licensed journeyman or master electrician, in effect immediately prior to May 3, 2004, is on and after May 3, 2004, considered to hold a current license under this chapter and satisfies the requirements of this Subsection (3)(c) for the purpose of renewal or reinstatement of that license under Section 58-55-303.

(B) An individual who has less than four years of practical experience as a licensed apprentice under the supervision of a licensed journeyman or master electrician prior to May 3, 2004, shall complete the education requirements of Subsection (3)(c)(i)(A) or (B) to qualify for licensing as a master electrician.

(C) An individual who has more than four but less than six years of practical experience as a licensed apprentice under the supervision of a licensed journeyman or master electrician prior to May 3, 2004, may satisfy the education requirements of Subsection (3)(c)(i)(A) or (B) by successfully passing a competency placement test approved by the board and administered at a Utah state institution of higher education.

(D) An individual who has more than six but less than eight years of practical experience as a licensed apprentice under the supervision of a licensed journeyman or master electrician prior to May 3, 2004, satisfies the education requirements of this Subsection (3)(c) by completing the eight-year term of practical experience within a reasonable time frame subsequent to May 3, 2004, as established by board rule in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

(d) A master residential electrician applicant shall produce satisfactory evidence that the applicant:

- (i) has at least two years of practical experience as a residential journeyman electrician; or
- (ii) meets the qualifications determined by the board to be equivalent to this practical experience.

(e) (i) A journeyman electrician applicant shall produce satisfactory evidence that the applicant:

~~[(i)]~~ (A) has successfully completed at least four years of full-time training and instruction as a licensed apprentice electrician under the supervision of a master electrician or journeyman electrician and in accordance with a planned training program approved by the division;

~~[(ii) has six years of practical experience in wiring, installing, and repairing electrical apparatus and equipment for light, heat, and power under the supervision of a licensed master or journeyman electrician; or]~~

(B) has at least eight years of full-time experience approved by the division in collaboration with the Electricians Licensing Board; or

~~[(iii)]~~ (C) meets the qualifications determined by the board to be equivalent to ~~[these qualifications]~~ Subsection (3)(e)(i)(A) or (B).

(ii) An individual holding a valid Utah license as a journeyman electrician, based on at least six years of full-time experience approved by the division in collaboration with the Electricians Licensing Board in effect immediately prior to May 3, 2004, is on and after May 3, 2004, considered to hold a current license under this chapter and satisfies the requirements of Subsection (3)(e)(i)(B) for the purpose of renewal or reinstatement of that license under Section

58-55-303.

(iii) An individual who has more than six but less than eight years of full-time experience approved by the division in collaboration with the Electricians Licensing Board prior to May 3, 2004, satisfies the requirements of Subsection (3)(e)(i) by completing the eight-year term of practical experience within a reasonable time frame subsequent to May 3, 2004, as established by board rule in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

(f) A residential journeyman electrician applicant shall produce satisfactory evidence that the applicant:

(i) has successfully completed two years of training in an electrical training program approved by the division;

(ii) has four years of practical experience in wiring, installing, and repairing electrical apparatus and equipment for light, heat, and power under the supervision of a licensed master, journeyman, residential master, or residential journeyman electrician; or

(iii) meets the qualifications determined by the division and applicable board to be equivalent to Subsection (3)(f)(i) or ~~[(f)]~~(ii).

(g) The conduct of licensed apprentice electricians and their licensed supervisors shall be in accordance with the following:

(i) A licensed apprentice electrician shall be under the immediate supervision of a licensed master, journeyman, residential master, or residential journeyman electrician. An apprentice in the fourth year of training may work without supervision for a period not to exceed eight hours in any 24-hour period.

(ii) A licensed master, journeyman, residential master, or residential journeyman electrician may have under immediate supervision on a residential project up to three licensed apprentice electricians.

(iii) A licensed master or journeyman electrician may have under immediate supervision on nonresidential projects only one licensed apprentice electrician.

(h) An alarm company applicant shall:

(i) have a qualifying agent who is an officer, director, partner, proprietor, or manager of

the applicant who:

- (A) demonstrates 6,000 hours of experience in the alarm company business;
- (B) demonstrates 2,000 hours of experience as a manager or administrator in the alarm company business or in a construction business; and
- (C) passes an examination component established by rule by the commission with the concurrence of the director;
  - (ii) if a corporation, provide:
    - (A) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards of all corporate officers, directors, and those responsible management personnel employed within the state or having direct responsibility for managing operations of the applicant within the state; and
    - (B) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards of all shareholders owning 5% or more of the outstanding shares of the corporation, except this shall not be required if the stock is publicly listed and traded;
  - (iii) if a limited liability company, provide:
    - (A) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards of all company officers, and those responsible management personnel employed within the state or having direct responsibility for managing operations of the applicant within the state; and
    - (B) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards of all individuals owning 5% or more of the equity of the company;
  - (iv) if a partnership, the names, addresses, dates of birth, Social Security numbers, and fingerprint cards of all general partners, and those responsible management personnel employed within the state or having direct responsibility for managing operations of the applicant within the state;
  - (v) if a proprietorship, the names, addresses, dates of birth, Social Security numbers, and fingerprint cards of the proprietor, and those responsible management personnel employed within the state or having direct responsibility for managing operations of the applicant within the state;
  - (vi) be of good moral character in that officers, directors, shareholders described in Subsection (3)(h)(ii)(B), partners, proprietors, and responsible management personnel have not

been convicted of a felony, a misdemeanor involving moral turpitude, or any other crime that when considered with the duties and responsibilities of an alarm company is considered by the board to indicate that the best interests of the public are served by granting the applicant a license;

(vii) document that none of the applicant's officers, directors, shareholders described in Subsection (3)(h)(ii)(B), partners, proprietors, and responsible management personnel have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored;

(viii) document that none of the applicant's officers, directors, shareholders described in Subsection (3)(h)(ii)(B), partners, proprietors, and responsible management personnel are currently suffering from habitual drunkenness or from drug addiction or dependence;

(ix) file and maintain with the division evidence of:

(A) comprehensive general liability insurance in form and in amounts to be established by rule by the commission with the concurrence of the director;

(B) workers' compensation insurance that covers employees of the applicant in accordance with applicable Utah law; and

(C) registration as is required by applicable law with the:

(I) Division of Corporations and Commercial Code;

(II) Division of Workforce Information and Payment Services in the Department of Workforce Services, for purposes of Title 35A, Chapter 4, Employment Security Act;

(III) State Tax Commission; and

(IV) Internal Revenue Service; and

(x) meet with the division and board.

(i) Each applicant for licensure as an alarm company agent shall:

(i) submit an application in a form prescribed by the division accompanied by fingerprint cards;

(ii) pay a fee determined by the department under Section 63-38-3.2;

(iii) be of good moral character in that the applicant has not been convicted of a felony, a misdemeanor involving moral turpitude, or any other crime that when considered with the duties



and responsibilities of an alarm company agent is considered by the board to indicate that the best interests of the public are served by granting the applicant a license;

(iv) not have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored;

(v) not be currently suffering from habitual drunkenness or from drug addiction or dependence; and

(vi) meet with the division and board if requested by the division or the board.

(4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the division may make rules establishing when Federal Bureau of Investigation records shall be checked for applicants as an alarm company or alarm company agent.

(5) To determine if an applicant meets the qualifications of Subsections (3)(h)(vi) and (3)(i)(iii), the division shall provide an appropriate number of copies of fingerprint cards to the Department of Public Safety with the division's request to:

(a) conduct a search of records of the Department of Public Safety for criminal history information relating to each applicant for licensure as an alarm company or alarm company agent and each applicant's officers, directors, shareholders described in Subsection (3)(h)(ii)(B), partners, proprietors, and responsible management personnel; and

(b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant requiring a check of records of the F.B.I. for criminal history information under this section.

(6) The Department of Public Safety shall send to the division:

(a) a written record of criminal history, or certification of no criminal history record, as contained in the records of the Department of Public Safety in a timely manner after receipt of a fingerprint card from the division and a request for review of Department of Public Safety records; and

(b) the results of the F.B.I. review concerning an applicant in a timely manner after receipt of information from the F.B.I.

(7) (a) The division shall charge each applicant for licensure as an alarm company or alarm company agent a fee, in accordance with Section 63-38-3.2, equal to the cost of performing

the records reviews under this section.

(b) The division shall pay the Department of Public Safety the costs of all records reviews, and the Department of Public Safety shall pay the F.B.I. the costs of records reviews under this section.

(8) Information obtained by the division from the reviews of criminal history records of the Department of Public Safety and the F.B.I. shall be used or disseminated by the division only for the purpose of determining if an applicant for licensure as an alarm company or alarm company agent is qualified for licensure.

(9) (a) An application for licensure under this chapter shall be denied if:

(i) the applicant has had a previous license, which was issued under this chapter, suspended or revoked within one year prior to the date of the applicant's application;

(ii) (A) the applicant is a partnership, corporation, or limited liability company; and

(B) any corporate officer, director, shareholder holding 25% or more of the stock in the applicant, partner, member, agent acting as a qualifier, or any person occupying a similar status, performing similar functions, or directly or indirectly controlling the applicant has served in any similar capacity with any person or entity which has had a previous license, which was issued under this chapter, suspended or revoked within one year prior to the date of the applicant's application; or

(iii) (A) the applicant is an individual or sole proprietorship; and

(B) any owner or agent acting as a qualifier has served in any capacity listed in Subsection (9)(a)(ii)(B) in any entity which has had a previous license, which was issued under this chapter, suspended or revoked within one year prior to the date of the applicant's application.

(b) An application for licensure under this chapter shall be reviewed by the appropriate licensing board prior to approval if:

(i) the applicant has had a previous license, which was issued under this chapter, suspended or revoked more than one year prior to the date of the applicant's application;

(ii) (A) the applicant is a partnership, corporation, or limited liability company; and

(B) any corporate officer, director, shareholder holding 25% or more of the stock in the

applicant, partner, member, agent acting as a qualifier, or any person occupying a similar status, performing similar functions, or directly or indirectly controlling the applicant has served in any similar capacity with any person or entity which has had a previous license, which was issued under this chapter, suspended or revoked more than one year prior to the date of the applicant's application; or

(iii) (A) the applicant is an individual or sole proprietorship; and

(B) any owner or agent acting as a qualifier has served in any capacity listed in Subsection (9)(b)(ii)(B) in any entity which has had a previous license, which was issued under this chapter, suspended or revoked more than one year prior to the date of the applicant's application.