

1 **UTAH CONSTRUCTION TRADES LICENSING**

2 **ACT - ELECTRICAL LICENSING**

3 **AMENDMENTS**

4 2004 GENERAL SESSION

5 STATE OF UTAH

6 **Sponsor: Scott K. Jenkins**

7

8 **LONG TITLE**

9 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

14 ▶ removes the eight years of practical experience option to qualify for licensure as a
15 master electrician;

16 ▶ increases the six years of practical experience option to eight years to qualify for
17 licensure as a journeyman electrician; and

18 ▶ provides a grandfather clause.

19 **Monies Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **58-55-302**, as last amended by Chapter 241, Laws of Utah 2002

26

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



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

29 **58-55-302. Qualifications for licensure.**

30 (1) Each applicant for a license under this chapter shall:

31 (a) submit an application prescribed by the division;

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

33 (c) (i) meet the examination requirements established by rule by the commission with
34 the concurrence of the director, except for the classifications of apprentice plumber, residential
35 apprentice plumber, and apprentice electrician for whom no examination is required; or

36 (ii) if required in Section 58-55-304, the individual qualifier must pass the required
37 examination if the applicant is a business entity;

38 (d) if an apprentice, identify the proposed supervisor of the apprenticeship;

39 (e) if an applicant for a contractor's license:

40 (i) produce satisfactory evidence of financial responsibility, except for a construction
41 trades instructor for whom evidence of financial responsibility is not required;

42 (ii) produce satisfactory evidence of knowledge and experience in the construction
43 industry and knowledge of the principles of the conduct of business as a contractor, reasonably
44 necessary for the protection of the public health, safety, and welfare; and

45 (iii) be a licensed master electrician if an applicant for an electrical contractor's license
46 or a licensed master residential electrician if an applicant for a residential electrical contractor's
47 license; or

48 (iv) be a journeyman plumber or residential journeyman plumber if an applicant for a
49 plumbing contractor's license; and

50 (f) if an applicant for a construction trades instructor license, satisfy any additional
51 requirements established by rule.

52 (2) After approval of an applicant for a contractor's license by the applicable board and
53 the division, the applicant shall file the following with the division before the division issues
54 the license:

55 (a) proof of workers' compensation insurance which covers employees of the applicant
56 in accordance with applicable Utah law;

57 (b) proof of public liability insurance in coverage amounts and form established by rule
58 except for a construction trades instructor for whom public liability insurance is not required;

59 and

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

61 (i) Utah Department of Commerce;

62 (ii) Division of Corporations and Commercial Code;

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

65 (iv) State Tax Commission; and

66 (v) Internal Revenue Service.

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

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

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

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

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

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

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

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

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

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

89 [~~(i)~~] (A) is a graduate electrical engineer of an accredited college or university

90 approved by the division and has one year of practical electrical experience as a licensed
91 apprentice electrician;

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

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

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

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

102 (ii) (A) An individual holding a valid Utah license as a master electrician, based on at
103 least eight years of practical experience under the supervision of a licensed journeyman or
104 master electrician, in effect immediately prior to May 3, 2004, is on and after May 3, 2004,
105 considered to hold a current license under this chapter and satisfies the requirements of this
106 Subsection (3)(c) for the purpose of renewal or reinstatement of that license under Section
107 58-55-303.

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

112 (C) An individual who has more than four but less than six years of practical
113 experience under the supervision of a licensed journeyman or master electrician prior to May 3,
114 2004, may satisfy the education requirements of Subsection (3)(c)(i)(A), (B), (C), or (D) by
115 successfully passing a competency placement test approved by the board and administered at a
116 Utah state institution of higher education.

117 (D) An individual who has more than six but less than eight years of practical
118 experience under the supervision of a licensed journeyman or master electrician prior to May 3,
119 2004, satisfies the education requirements of this Subsection (3)(c) by completing the
120 eight-year term of practical experience within a reasonable time frame subsequent to May 3,

121 2004, as established by board rule in accordance with Title 63, Chapter 46a, Utah
122 Administrative Rulemaking Act.

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

125 (i) has at least two years of practical experience as a residential journeyman electrician;
126 or

127 (ii) meets the qualifications determined by the board to be equivalent to this practical
128 experience.

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

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

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

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

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

142 (ii) An individual holding a valid Utah license as a journeyman electrician, based on at
143 least six years of full-time experience approved by the division in collaboration with the
144 Electricians Licensing Board in effect immediately prior to May 3, 2004, is on and after May 3,
145 2004, considered to hold a current license under this chapter and satisfies the requirements of
146 Subsection (3)(e)(i)(B) for the purpose of renewal or reinstatement of that license under
147 Section 58-55-303.

148 (iii) An individual who has more than six but less than eight years of full-time
149 experience approved by the division in collaboration with the Electricians Licensing Board
150 prior to May 3, 2004, satisfies the requirements of Subsection (3)(e)(i) by completing the
151 eight-year term of practical experience within a reasonable time frame subsequent to May 3,

152 2004, as established by board rule in accordance with Title 63, Chapter 46a, Utah
153 Administrative Rulemaking Act.

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

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

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

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

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

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

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

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

174 (h) An alarm company applicant shall:

175 (i) have a qualifying agent who is an officer, director, partner, proprietor, or manager of
176 the applicant who:

177 (A) demonstrates 6,000 hours of experience in the alarm company business;

178 (B) demonstrates 2,000 hours of experience as a manager or administrator in the alarm
179 company business or in a construction business; and

180 (C) passes an examination component established by rule by the commission with the
181 concurrence of the director;

182 (ii) if a corporation, provide:

183 (A) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards
184 of all corporate officers, directors, and those responsible management personnel employed
185 within the state or having direct responsibility for managing operations of the applicant within
186 the state; and

187 (B) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards
188 of all shareholders owning 5% or more of the outstanding shares of the corporation, except this
189 shall not be required if the stock is publicly listed and traded;

190 (iii) if a limited liability company, provide:

191 (A) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards
192 of all company officers, and those responsible management personnel employed within the
193 state or having direct responsibility for managing operations of the applicant within the state;
194 and

195 (B) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards
196 of all individuals owning 5% or more of the equity of the company;

197 (iv) if a partnership, the names, addresses, dates of birth, Social Security numbers, and
198 fingerprint cards of all general partners, and those responsible management personnel
199 employed within the state or having direct responsibility for managing operations of the
200 applicant within the state;

201 (v) if a proprietorship, the names, addresses, dates of birth, Social Security numbers,
202 and fingerprint cards of the proprietor, and those responsible management personnel employed
203 within the state or having direct responsibility for managing operations of the applicant within
204 the state;

205 (vi) be of good moral character in that officers, directors, shareholders described in
206 Subsection (3)(h)(ii)(B), partners, proprietors, and responsible management personnel have not
207 been convicted of a felony, a misdemeanor involving moral turpitude, or any other crime that
208 when considered with the duties and responsibilities of an alarm company is considered by the
209 board to indicate that the best interests of the public are served by granting the applicant a
210 license;

211 (vii) document that none of the applicant's officers, directors, shareholders described in
212 Subsection (3)(h)(ii)(B), partners, proprietors, and responsible management personnel have
213 been declared by any court of competent jurisdiction incompetent by reason of mental defect or

214 disease and not been restored;

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

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

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

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

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

224 (I) Division of Corporations and Commercial Code;

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

227 (III) State Tax Commission; and

228 (IV) Internal Revenue Service; and

229 (x) meet with the division and board.

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

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

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

234 (iii) be of good moral character in that the applicant has not been convicted of a felony,
235 a misdemeanor involving moral turpitude, or any other crime that when considered with the
236 duties and responsibilities of an alarm company agent is considered by the board to indicate
237 that the best interests of the public are served by granting the applicant a license;

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

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

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

243 (4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
244 division may make rules establishing when Federal Bureau of Investigation records shall be

245 checked for applicants as an alarm company or alarm company agent.

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

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

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

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

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

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

262 (7) (a) The division shall charge each applicant for licensure as an alarm company or
263 alarm company agent a fee, in accordance with Section 63-38-3.2, equal to the cost of
264 performing the records reviews under this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Legislative Review Note

as of 1-7-04 10:40 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 SB0132

**Utah Construction Trades Licensing Act - Electrical Licensing
Amendments**

28-Jan-04
10:50 AM

State Impact

Any fiscal impact can be handled in existing budgets.

Individual and Business Impact

Persons seeking to become master electricians or journeyman electricians will face more restrictive and more expensive qualifying standards.

Office of the Legislative Fiscal Analyst