

1 **FIRE PREVENTION AMENDMENTS**

2 2005 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Joseph G. Murray**

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**LONG TITLE**

6 **General Description:**

7 This bill amends the provisions regarding exemptions from licensure related to  
8 construction trade services.

9 **Highlighted Provisions:**

10 This bill:

11 ▶ requires that installation, repair, or replacement of a water-based fire protection  
12 system as a building improvement must be provided by a licensed contractor, even  
13 if the value of the of the improvement is less than \$1,000.

14 **Monies Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **58-55-305**, as last amended by Chapters 39 and 191, Laws of Utah 2004

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

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

23 **58-55-305. Exemptions from licensure.**

24 (1) In addition to the exemptions from licensure in Section 58-1-307, the following  
25 persons may engage in acts or practices included within the practice of construction trades,  
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28 subject to the stated circumstances and limitations, without being licensed under this chapter:

29 (a) an authorized representative of the United States government or an authorized  
30 employee of the state or any of its political subdivisions when working on construction work of  
31 the state or the subdivision, and when acting within the terms of the person's trust, office, or  
32 employment;

33 (b) a person engaged in construction or operation incidental to the construction and  
34 repair of irrigation and drainage ditches of regularly constituted irrigation districts, reclamation  
35 districts, and drainage districts or construction and repair relating to farming, dairying,  
36 agriculture, livestock or poultry raising, metal and coal mining, quarries, sand and gravel  
37 excavations, well drilling, as defined in Subsection 73-3-24(3), hauling to and from  
38 construction sites, and lumbering;

39 (c) public utilities operating under the rules of the Public Service Commission on  
40 construction work incidental to their own business;

41 (d) sole owners of property engaged in building:

42 (i) no more than one residential structure per year and no more than three residential  
43 structures per five years on their property for their own noncommercial, nonpublic use; except,  
44 a person other than the property owner or individuals described in Subsection (1)(e), who  
45 engages in building the structure must be licensed under this chapter if the person is otherwise  
46 required to be licensed under this chapter; or

47 (ii) structures on their property for their own noncommercial, nonpublic use which are  
48 incidental to a residential structure on the property, including sheds, carports, or detached  
49 garages;

50 (e) (i) a person engaged in construction or renovation of a residential building for  
51 noncommercial, nonpublic use if that person:

52 (A) works without compensation other than token compensation that is not considered  
53 salary or wages; and

54 (B) works under the direction of the property owner who engages in building the  
55 structure;

56 (ii) for purposes of this Subsection (1)(e), "token compensation" means compensation  
57 paid by a sole owner of property exempted from licensure under Subsection (1)(d) to a person  
58 exempted from licensure under this Subsection (1)(e), that is:

59 (A) minimal in value when compared with the fair market value of the services  
60 provided by the person;

61 (B) not related to the fair market value of the services provided by the person; and

62 (C) is incidental to providing of services by the person including paying for or  
63 providing meals or refreshment while services are being provided, or paying reasonable  
64 transportation costs incurred by the person in travel to the site of construction;

65 (f) a person engaged in the sale or merchandising of personal property that by its design  
66 or manufacture may be attached, installed, or otherwise affixed to real property who has  
67 contracted with a person, firm, or corporation licensed under this chapter to install, affix, or  
68 attach that property;

69 (g) a contractor submitting a bid on a federal aid highway project, if, before  
70 undertaking construction under that bid, the contractor is licensed under this chapter;

71 (h) (i) a person engaged in the alteration, repair, remodeling, or addition to or  
72 improvement of a building with a contracted or agreed value of less than \$1,000, including  
73 both labor and materials, and including all changes or additions to the contracted or agreed  
74 upon work;

75 (ii) notwithstanding Subsection (1)(h)(i):

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

78 (B) installation, repair, or replacement of a residential or commercial gas appliance or a  
79 combustion system must be performed by a person who has received certification under  
80 Subsection 58-55-308(2) except as otherwise provided in Subsection 58-55-308(2)(d) or  
81 58-55-308(3); and

82 (C) installation, repair, or replacement of water-based fire protection systems must be  
83 performed by a licensed fire suppression systems contractor;

84 (i) a person practicing a specialty contractor classification or construction trade which  
85 is not classified by rule by the director as significantly impacting the public's health, safety, and  
86 welfare;

87 (j) owners and lessees of property and persons regularly employed for wages by owners  
88 or lessees of property or their agents for the purpose of maintaining the property, are exempt  
89 from this chapter when doing work upon the property;

90 (k) (i) a person engaged in minor plumbing work incidental to the replacement or  
91 repair of a fixture or an appliance in a residential or small commercial building, or structure  
92 used for agricultural use, as defined in Section 58-56-4, provided that no modification is made  
93 to:

94 (A) existing culinary water, soil, waste, or vent piping; or

95 (B) a gas appliance or combustion system; and

96 (ii) except as provided in Subsection (1)(e), installation for the first time of a fixture or  
97 an appliance is not included in the exemption provided under Subsection (1)(k)(i);

98 (l) a person who ordinarily would be subject to the plumber licensure requirements  
99 under this chapter when installing or repairing a water conditioner or other water treatment  
100 apparatus if the conditioner or apparatus:

101 (i) meets the appropriate state construction codes or local plumbing standards; and

102 (ii) is installed or repaired under the direction of a person authorized to do the work  
103 under an appropriate specialty contractor license;

104 (m) a person who ordinarily would be subject to the electrician licensure requirements  
105 under this chapter when employed by or under contract with:

106 (i) railroad corporations, telephone corporations or their corporate affiliates, elevator  
107 contractors or constructors, or street railway systems; or

108 (ii) public service corporations, rural electrification associations, or municipal utilities  
109 who generate, distribute, or sell electrical energy for light, heat, or power;

110 (n) a person involved in minor electrical work incidental to a mechanical or service  
111 installation;

112 (o) a student participating in construction trade education and training programs  
113 approved by the commission with the concurrence of the director under the condition that:

114 (i) all work intended as a part of a finished product on which there would normally be  
115 an inspection by a building inspector is, in fact, inspected and found acceptable by a licensed  
116 building inspector; and

117 (ii) a licensed contractor obtains the necessary building permits; and

118 (p) a delivery person when replacing any of the following existing equipment with a  
119 new gas appliance, provided there is an existing gas shutoff valve at the appliance:

120 (i) gas range;

- 121 (ii) gas dryer;
- 122 (iii) outdoor gas barbeque; or
- 123 (iv) outdoor gas patio heater.

124 (2) (a) A compliance agency as defined in Subsection 58-56-3(4) that issues a building  
125 permit to any person requesting a permit as a sole owner of property referred to in Subsection  
126 (1)(d) shall notify the division, in writing or through electronic transmission, of the issuance of  
127 the permit.

128 (b) The division shall evaluate the effectiveness of the notification requirement under  
129 Subsection (2)(a) and report its findings, including any recommendations for modification to or  
130 termination of the requirement, to the Legislature's Business and Labor Interim Committee  
131 prior to the 2008 General Session.

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**Legislative Review Note**  
**as of 11-29-04 7:28 AM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0052**

**Fire Prevention Amendments**

*18-Jan-05*

*8:07 AM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

The requirement that only those licensed in fire suppression systems could work on water based fire suppression systems will require plumbing contractors to add this classification to their license at a cost of \$110. Eliminating the exemption for non-pro

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**Office of the Legislative Fiscal Analyst**