

1 **PLUMBING LICENSE QUALIFICATIONS**

2 **AMENDMENTS**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Parley G. Hellewell**

6 House Sponsor: Stephen D. Clark

7

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies provisions of the Utah Construction Trades Licensing Act related to
11 licensed plumbers and licensed apprentice plumbers.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ provides that a licensed apprentice plumber shall be under the immediate
15 supervision of a licensed journeyman plumber ~~§→ [and that a licensed residential~~
16 ~~apprentice plumber shall be under the supervision of a licensed journeyman~~
17 ~~plumber]~~ ←§ or a ~~§→~~ licensed ←§ residential journeyman plumber;
- 18 ▶ provides that a licensed apprentice plumber in the fourth year of training may work
19 without supervision for a period not to exceed eight hours in any 24-hour period;
- 20 ▶ provides that a licensed journeyman or residential journeyman plumber may have
21 under immediate supervision up to three licensed apprentice plumbers ~~§→ [or licensed~~
22 ~~residential apprentice plumbers]~~ ←§ on a residential project and that a licensed
23 journeyman plumber may have up to two licensed apprentice plumbers on
24 nonresidential projects; and
- 25 ▶ makes certain technical changes.

26 **Monies Appropriated in this Bill:**

27 None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **58-55-302**, as last amended by Chapter 81, Laws of Utah 2005



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

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

36 **58-55-302. Qualifications for licensure.**

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

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

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

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

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

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

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

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

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

52 (iii) be a licensed master electrician if an applicant for an electrical contractor's license
53 or a licensed master residential electrician if an applicant for a residential electrical contractor's
54 license; or

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

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

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

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

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

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

68 (i) Utah Department of Commerce;

69 (ii) Division of Corporations and Commercial Code;

70 (iii) Unemployment Insurance Division in the Department of Workforce Services, for
71 purposes of Title 35A, Chapter 4, Employment Security Act;

72 (iv) State Tax Commission; and

73 (v) Internal Revenue Service.

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

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

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

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

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

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

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

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

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

94 (c) The conduct of licensed apprentice plumbers and their licensed supervisors shall be
95 in accordance with the following:

96 (i) (A) while engaging in the trade of plumbing, a licensed apprentice plumber shall be
97 under the immediate supervision of a licensed journeyman plumber ~~§→~~ [and a licensed residential
98 apprentice plumber shall be under the immediate supervision of a licensed journeyman
99 plumber] ~~←§~~ or a ~~§→~~ licensed ~~←§~~ residential journeyman plumber;

100 (B) a licensed plumbing apprentice in the fourth ~~§→~~, fifth, and sixth ~~←§~~ year of training
100a may work without
101 supervision for a period not to exceed eight hours in any 24-hour period ~~§→~~, but if the apprentice
101a does not become a licensed journeyman plumber or a licensed residential journeyman plumber
101b by the end of the sixth year, then this nonsupervision provision no longer applies ~~←§~~; and

102 (ii) on a residential project ~~§→~~ [;

103 — ~~(A)~~, ~~←§~~ a licensed journeyman plumber ~~§→~~ [may have up to three licensed apprentice or
104 residential apprentice plumbers under immediate supervision; and

105 — ~~(B)~~ or ~~←§~~ a licensed residential journeyman plumber may have up to three licensed
106 ~~§→~~ [residential] ~~←§~~ apprentice plumbers under immediate supervision; and

107 (iii) on a nonresidential project, a licensed journeyman plumber may have up to two
108 licensed apprentice plumbers under immediate supervision.

109 [~~(c)~~] (d) (i) A master electrician applicant shall produce satisfactory evidence that the
110 applicant:

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

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

117 (C) has four years of practical experience as a journeyman electrician; or

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

120 (ii) (A) An individual holding a valid Utah license as a master electrician, based on at

121 least eight years of practical experience as a licensed apprentice under the supervision of a
122 licensed journeyman or master electrician, in effect immediately prior to May 3, 2004, is on
123 and after May 3, 2004, considered to hold a current license under this chapter and satisfies the
124 requirements of this Subsection (3)~~(c)~~(d) for the purpose of renewal or reinstatement of that
125 license under Section 58-55-303.

126 (B) An individual who has less than four years of practical experience as a licensed
127 apprentice under the supervision of a licensed journeyman or master electrician prior to May 3,
128 2004, shall complete the education requirements of Subsection (3)~~(c)~~(d)(i)(A) or (B) to
129 qualify for licensing as a master electrician.

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

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

141 ~~(d)~~ (e) A master residential electrician applicant shall produce satisfactory evidence
142 that the applicant:

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

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

147 ~~(e)~~ (f) (i) A journeyman electrician applicant shall produce satisfactory evidence that
148 the applicant:

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

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

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

156 (ii) An individual holding a valid Utah license as a journeyman electrician, based on at
157 least six years of full-time experience approved by the division in collaboration with the
158 Electricians Licensing Board in effect immediately prior to May 3, 2004, is on and after May 3,
159 2004, considered to hold a current license under this chapter and satisfies the requirements of
160 Subsection (3)[~~(e)~~](f)(i)(B) for the purpose of renewal or reinstatement of that license under
161 Section 58-55-303.

162 (iii) An individual who has more than six but less than eight years of full-time
163 experience approved by the division in collaboration with the Electricians Licensing Board
164 prior to May 3, 2004, satisfies the requirements of Subsection (3)[~~(e)~~](f)(i) by completing the
165 eight-year term of practical experience within a reasonable time frame subsequent to May 3,
166 2004, as established by board rule in accordance with Title 63, Chapter 46a, Utah
167 Administrative Rulemaking Act.

168 [~~(f)~~] (g) A residential journeyman electrician applicant shall produce satisfactory
169 evidence that the applicant:

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

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

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

177 [~~(g)~~] (h) The conduct of licensed apprentice electricians and their licensed supervisors
178 shall be in accordance with the following:

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

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

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

188 ~~(iv)~~ (i) An alarm company applicant shall:

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

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

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

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

196 (ii) if a corporation, provide:

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

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

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

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

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

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

214 applicant within the state;

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

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

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

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

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

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

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

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

238 (I) Division of Corporations and Commercial Code;

239 (II) Unemployment Insurance Division in the Department of Workforce Services, for
240 purposes of Title 35A, Chapter 4, Employment Security Act;

241 (III) State Tax Commission; and

242 (IV) Internal Revenue Service; and

243 (x) meet with the division and board.

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

- 245 (i) submit an application in a form prescribed by the division accompanied by
- 246 fingerprint cards;
- 247 (ii) pay a fee determined by the department under Section 63-38-3.2;
- 248 (iii) be of good moral character in that the applicant has not been convicted of a felony,
- 249 a misdemeanor involving moral turpitude, or any other crime that when considered with the
- 250 duties and responsibilities of an alarm company agent is considered by the board to indicate
- 251 that the best interests of the public are served by granting the applicant a license;
- 252 (iv) not have been declared by any court of competent jurisdiction incompetent by
- 253 reason of mental defect or disease and not been restored;
- 254 (v) not be currently suffering from habitual drunkenness or from drug addiction or
- 255 dependence; and
- 256 (vi) meet with the division and board if requested by the division or the board.
- 257 (4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
- 258 division may make rules establishing when Federal Bureau of Investigation records shall be
- 259 checked for applicants as an alarm company or alarm company agent.
- 260 (5) To determine if an applicant meets the qualifications of Subsections (3)~~(h)~~(i)(vi)
- 261 and (3)~~(h)~~(j)(iii), the division shall provide an appropriate number of copies of fingerprint
- 262 cards to the Department of Public Safety with the division's request to:
- 263 (a) conduct a search of records of the Department of Public Safety for criminal history
- 264 information relating to each applicant for licensure as an alarm company or alarm company
- 265 agent and each applicant's officers, directors, shareholders described in Subsection
- 266 (3)~~(h)~~(i)(ii)(B), partners, proprietors, and responsible management personnel; and
- 267 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant
- 268 requiring a check of records of the F.B.I. for criminal history information under this section.
- 269 (6) The Department of Public Safety shall send to the division:
- 270 (a) a written record of criminal history, or certification of no criminal history record, as
- 271 contained in the records of the Department of Public Safety in a timely manner after receipt of
- 272 a fingerprint card from the division and a request for review of Department of Public Safety
- 273 records; and
- 274 (b) the results of the F.B.I. review concerning an applicant in a timely manner after
- 275 receipt of information from the F.B.I.

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

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

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

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

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

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

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

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

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

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

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

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

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

307 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar
308 status, performing similar functions, or directly or indirectly controlling the applicant has
309 served in any similar capacity with any person or entity which has had a previous license,
310 which was issued under this chapter, suspended or revoked more than one year prior to the date
311 of the applicant's application; or
312 (iii) (A) the applicant is an individual or sole proprietorship; and
313 (B) any owner or agent acting as a qualifier has served in any capacity listed in
314 Subsection (9)(b)(ii)(B) in any entity which has had a previous license, which was issued under
315 this chapter, suspended or revoked more than one year prior to the date of the applicant's
316 application.

Legislative Review Note
as of 1-16-06 5:34 PM

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

Fiscal Note
Bill Number SB0068

Plumbing License Qualifications Amendments

23-Jan-06

10:09 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst