

**Representative Stephen D. Clark** proposes the following substitute bill:

**PLUMBING LICENSE QUALIFICATIONS**

**AMENDMENTS**

2006 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Parley G. Hellewell**

House Sponsor: Stephen D. Clark

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**LONG TITLE**

**General Description:**

This bill modifies provisions of the Utah Construction Trades Licensing Act related to working relationships between licensed plumbers and licensed apprentice plumbers.

**Highlighted Provisions:**

This bill:

- ▶ provides that a licensed apprentice plumber shall be under the immediate supervision of a licensed journeyman plumber or a licensed residential journeyman plumber; and

- ▶ provides that a licensed apprentice plumber in the fourth through tenth year of training may work without supervision for a period not to exceed eight hours in any 24-hour period.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



26           **58-55-302**, as last amended by Chapter 81, Laws of Utah 2005

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

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

30           **58-55-302. Qualifications for licensure.**

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

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

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

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

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

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

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

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

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

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

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

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

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

56           (a) proof of workers' compensation insurance which covers employees of the applicant

57 in accordance with applicable Utah law;

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

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

62 (i) Utah Department of Commerce;

63 (ii) Division of Corporations and Commercial Code;

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

66 (iv) State Tax Commission; and

67 (v) Internal Revenue Service.

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

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

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

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

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

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

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

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

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

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

90           (i) while engaging in the trade of plumbing, a licensed apprentice plumber shall be  
91 under the immediate supervision of a licensed journeyman plumber or a licensed residential  
92 journeyman plumber; and

93           (ii) a licensed plumbing apprentice in the fourth through tenth year of training may  
94 work without supervision for a period not to exceed eight hours in any 24-hour period, but if  
95 the apprentice does not become a licensed journeyman plumber or licensed residential  
96 journeyman plumber by the end of the tenth year of apprenticeship, this nonsupervision  
97 provision no longer applies.

98           ~~(c)~~ (d) (i) A master electrician applicant shall produce satisfactory evidence that the  
99 applicant:

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

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

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

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

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

115           (B) An individual who has less than four years of practical experience as a licensed  
116 apprentice under the supervision of a licensed journeyman or master electrician prior to May 3,  
117 2004, shall complete the education requirements of Subsection (3)~~(c)~~(d)(i)(A) or (B) to  
118 qualify for licensing as a master electrician.

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

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

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

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

133 or

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

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

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

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

143 (C) meets the qualifications determined by the board to be equivalent to Subsection  
144 (3)~~(e)~~(f)(i)(A) or (B).

145 (ii) An individual holding a valid Utah license as a journeyman electrician, based on at  
146 least six years of full-time experience approved by the division in collaboration with the  
147 Electricians Licensing Board in effect immediately prior to May 3, 2004, is on and after May 3,  
148 2004, considered to hold a current license under this chapter and satisfies the requirements of  
149 Subsection (3)~~(e)~~(f)(i)(B) for the purpose of renewal or reinstatement of that license under

150 Section 58-55-303.

151 (iii) An individual who has more than six but less than eight years of full-time  
152 experience approved by the division in collaboration with the Electricians Licensing Board  
153 prior to May 3, 2004, satisfies the requirements of Subsection (3)~~(f)~~(f)(i) by completing the  
154 eight-year term of practical experience within a reasonable time frame subsequent to May 3,  
155 2004, as established by board rule in accordance with Title 63, Chapter 46a, Utah  
156 Administrative Rulemaking Act.

157 ~~(f)~~ (g) A residential journeyman electrician applicant shall produce satisfactory  
158 evidence that the applicant:

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

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

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

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

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

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

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

177 ~~(h)~~ (i) An alarm company applicant shall:

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

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

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

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

185 (ii) if a corporation, provide:

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

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

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

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

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

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

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

208 (vi) be of good moral character in that officers, directors, shareholders described in  
209 Subsection (3)(~~h~~)(i)(ii)(B), partners, proprietors, and responsible management personnel have  
210 not been convicted of a felony, a misdemeanor involving moral turpitude, or any other crime  
211 that when considered with the duties and responsibilities of an alarm company is considered by

212 the board to indicate that the best interests of the public are served by granting the applicant a  
213 license;

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

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

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

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

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

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

227 (I) Division of Corporations and Commercial Code;

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

230 (III) State Tax Commission; and

231 (IV) Internal Revenue Service; and

232 (x) meet with the division and board.

233 ~~(h)~~ (j) Each applicant for licensure as an alarm company agent shall:

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

274 company agent is qualified for licensure.

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

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

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

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

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

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

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

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

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

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

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

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

305 application.

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**Fiscal Note**  
**Bill Number SB0068S01**

**Plumbing License Qualifications Amendments**

*24-Feb-06*

*5:34 PM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**