

**MASTER PLUMBER LICENSING**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott K. Jenkins**

House Sponsor: Stephen D. Clark

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**LONG TITLE****General Description:**

This bill modifies provisions of the Utah Construction Trades Licensing Act by providing for new license classifications of master plumber and residential master plumber in the plumbing trade.

**Highlighted Provisions:**

This bill:

- ▶ defines "master plumber" and "residential master plumber" for the purpose of license classification in the plumbing trade;
- ▶ modifies provisions related to the composition of the Plumbers Licensing Board;
- ▶ recognizes master plumbers and residential master plumbers as license classifications under the Utah Construction Trades Licensing Act;
- ▶ provides educational and practical experience qualifications for licensure as a master plumber and residential master plumber; and
- ▶ makes certain technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



58-55-102, as last amended by Chapter 73, Laws of Utah 2006

58-55-201, as last amended by Chapter 241, Laws of Utah 2002

58-55-301, as last amended by Chapter 317, Laws of Utah 2000

58-55-302, as last amended by Chapter 122, Laws of Utah 2006

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

Section 1. Section **58-55-102** is amended to read:

**58-55-102. Definitions.**

In addition to the definitions in Section 58-1-102, as used in this chapter:

(1) (a) "Alarm business or company" means a person engaged in the sale, installation, maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system, except as provided in Subsection (1)(b).

(b) "Alarm business or company" does not include:

(i) a person engaged in the manufacture and sale of alarm systems when that person is not engaged in the installation, maintenance, alteration, repair, replacement, servicing, or monitoring of alarm systems, and the manufacture or sale occurs only at a place of business established by the person engaged in the manufacture or sale and does not involve site visits at the place or intended place of installation of an alarm system; or

(ii) an owner of an alarm system, or an employee of the owner of an alarm system who is engaged in installation, maintenance, alteration, repair, replacement, servicing, or monitoring of the alarm system owned by that owner.

(2) "Alarm company agent" means any individual employed within this state by a person engaged in the alarm business.

(3) "Alarm system" means equipment and devices assembled for the purpose of:

(a) detecting and signaling unauthorized intrusion or entry into or onto certain premises; or

(b) signaling a robbery or attempted robbery on protected premises.

(4) "Apprentice electrician" means a person licensed under this chapter as an apprentice electrician who is learning the electrical trade under approved supervision of a master electrician, residential master electrician, a journeyman electrician, or a residential journeyman electrician.

(5) "Apprentice plumber" means a person licensed under this chapter as an apprentice plumber who is learning the plumbing trade under approved supervision of a master plumber, residential master plumber, journeyman plumber, or a residential journeyman plumber.

(6) "Approved supervision" means the immediate supervision of apprentices by qualified licensed electricians or plumbers as a part of a planned program of training.

(7) "Board" means the Electrician Licensing Board, Alarm System Security and Licensing Board, or Plumbers Licensing Board created in Section 58-55-201.

(8) "Combustion system" means an assembly consisting of:

(a) piping and components with a means for conveying, either continuously or intermittently, natural gas from the outlet of the natural gas provider's meter to the burner of the appliance;

(b) the electric control and combustion air supply and venting systems, including air ducts; and

(c) components intended to achieve control of quantity, flow, and pressure.

(9) "Commission" means the Construction Services Commission created under Section 58-55-103.

(10) "Construction trade" means any trade or occupation involving:

(a) (i) construction, alteration, remodeling, repairing, wrecking or demolition, addition to, or improvement of any building, highway, road, railroad, dam, bridge, structure, excavation or other project, development, or improvement to other than personal property; and

(ii) constructing, remodeling, or repairing a manufactured home or mobile home as defined in Section 58-56-3; or

(b) installation or repair of a residential or commercial natural gas appliance or combustion system.

(11) "Construction trades instructor" means a person licensed under this chapter to teach one or more construction trades in both a classroom and project environment, where a project is intended for sale to or use by the public and is completed under the direction of the instructor, who has no economic interest in the project.

(12) (a) "Contractor" means any person who for compensation other than wages as an employee undertakes any work in the construction, plumbing, or electrical trade for which licensure is required under this chapter and includes:

90 (i) a person who builds any structure on his own property for the purpose of sale or  
91 who builds any structure intended for public use on his own property;

92 (ii) any person who represents himself to be a contractor by advertising or any other  
93 means;

94 (iii) any person engaged as a maintenance person, other than an employee, who  
95 regularly engages in activities set forth under the definition of "construction trade";

96 (iv) any person engaged in any construction trade for which licensure is required under  
97 this chapter; or

98 (v) a construction manager who performs management and counseling services on a  
99 construction project for a fee.

100 (b) "Contractor" does not include an alarm company or alarm company agent.

101 (13) (a) "Electrical trade" means the performance of any electrical work involved in the  
102 installation, construction, alteration, change, repair, removal, or maintenance of facilities,  
103 buildings, or appendages or appurtenances.

104 (b) "Electrical trade" does not include:

105 (i) transporting or handling electrical materials;

106 (ii) preparing clearance for raceways for wiring; or

107 (iii) work commonly done by unskilled labor on any installations under the exclusive  
108 control of electrical utilities.

109 (c) For purposes of Subsection (13)(b):

110 (i) no more than one unlicensed person may be so employed unless more than five  
111 licensed electricians are employed by the shop; and

112 (ii) a shop may not employ unlicensed persons in excess of the five-to-one ratio  
113 permitted by this Subsection (13)(c).

114 (14) "Employee" means an individual as defined by the division by rule giving  
115 consideration to the definition adopted by the Internal Revenue Service and the Department of  
116 Workforce Services.

117 (15) "Engage in a construction trade" means to:

118 (a) engage in, represent oneself to be engaged in, or advertise oneself as being engaged  
119 in a construction trade; or

120 (b) use the name "contractor" or "builder" or in any other way lead a reasonable person

121 to believe one is or will act as a contractor.

122 (16) (a) "Financial responsibility" means a demonstration of a current and expected  
123 future condition of financial solvency evidencing a reasonable expectation to the division and  
124 the board that an applicant or licensee can successfully engage in business as a contractor  
125 without jeopardy to the public health, safety, and welfare.

126 (b) Financial responsibility may be determined by an evaluation of the total history  
127 concerning the licensee or applicant including past, present, and expected condition and record  
128 of financial solvency and business conduct.

129 (17) "Gas appliance" means any device that uses natural gas to produce light, heat,  
130 power, steam, hot water, refrigeration, or air conditioning.

131 (18) (a) "General building contractor" means a person licensed under this chapter as a  
132 general building contractor qualified by education, training, experience, and knowledge to  
133 perform or superintend construction of structures for the support, shelter, and enclosure of  
134 persons, animals, chattels, or movable property of any kind or any of the components of that  
135 construction except plumbing, electrical work, mechanical work, and manufactured housing  
136 installation, for which the general building contractor shall employ the services of a contractor  
137 licensed in the particular specialty, except that a general building contractor engaged in the  
138 construction of single-family and multifamily residences up to four units may perform the  
139 mechanical work and hire a licensed plumber or electrician as an employee.

140 (b) The division may by rule exclude general building contractors from engaging in the  
141 performance of other construction specialties in which there is represented a substantial risk to  
142 the public health, safety, and welfare, and for which a license is required unless that general  
143 building contractor holds a valid license in that specialty classification.

144 (19) (a) "General engineering contractor" means a person licensed under this chapter as  
145 a general engineering contractor qualified by education, training, experience, and knowledge to  
146 perform construction of fixed works in any of the following: irrigation, drainage, water, power,  
147 water supply, flood control, inland waterways, harbors, railroads, highways, tunnels, airports  
148 and runways, sewers and bridges, refineries, pipelines, chemical and industrial plants requiring  
149 specialized engineering knowledge and skill, piers, and foundations, or any of the components  
150 of those works.

151 (b) A general engineering contractor may not perform construction of structures built

primarily for the support, shelter, and enclosure of persons, animals, and chattels.

(20) "Immediate supervision" means reasonable direction, oversight, inspection, and evaluation of the work of a person, in or out of the immediate presence of the supervising person, so as to ensure that the end result complies with applicable standards.

(21) "Individual" means a natural person.

(22) "Journeyman electrician" means a person licensed under this chapter as a journeyman electrician having the qualifications, training, experience, and knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power, and other purposes.

(23) "Journeyman plumber" means a person licensed under this chapter as a journeyman plumber having the qualifications, training, experience, and technical knowledge to engage in the plumbing trade.

(24) "Master electrician" means a person licensed under this chapter as a master electrician having the qualifications, training, experience, and knowledge to properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment for light, heat, power, and other purposes.

(25) "Master plumber" means a person licensed under this chapter as a master plumber having the qualifications, training, experience, and knowledge to properly plan and layout projects and supervise persons in the plumbing trade.

~~[(25)]~~ (26) "Person" means a natural person, sole proprietorship, joint venture, corporation, limited liability company, association, or organization of any type.

~~[(26)]~~ (27) (a) "Plumbing trade" means the performance of any mechanical work pertaining to the installation, alteration, change, repair, removal, maintenance, or use in buildings, or within three feet beyond the outside walls of buildings of pipes, fixtures, and fittings for:

(i) delivery of the water supply;

(ii) discharge of liquid and water carried waste; or

(iii) the building drainage system within the walls of the building.

(b) "Plumbing trade" includes work pertaining to the water supply, distribution pipes, fixtures and fixture traps, soil, waste and vent pipes, and the building drain and roof drains together with their devices, appurtenances, and connections where installed within the outside walls of the building.

183           [(27)] (28) (a) "Ratio of apprentices" means, for the purpose of determining  
184 compliance with the requirements for planned programs of training and electrician apprentice  
185 licensing applications, the shop ratio of apprentice electricians to journeyman or master  
186 electricians shall be one journeyman or master electrician to one apprentice on industrial and  
187 commercial work, and one journeyman or master electrician to three apprentices on residential  
188 work.

189           (b) On-the-job training shall be under circumstances in which the ratio of apprentices  
190 to supervisors is in accordance with a ratio of one-to-one on nonresidential work and up to  
191 three apprentices to one supervisor on residential projects.

192           [(28)] (29) "Residential and small commercial contractor" means a person licensed  
193 under this chapter as a residential and small commercial contractor qualified by education,  
194 training, experience, and knowledge to perform or superintend the construction of  
195 single-family residences, multifamily residences up to four units, and commercial construction  
196 of not more than three stories above ground and not more than 20,000 square feet, or any of the  
197 components of that construction except plumbing, electrical work, mechanical work, and  
198 manufactured housing installation, for which the residential and small commercial contractor  
199 shall employ the services of a contractor licensed in the particular specialty, except that a  
200 residential and small commercial contractor engaged in the construction of single-family and  
201 multifamily residences up to four units may perform the mechanical work and hire a licensed  
202 plumber or electrician as an employee.

203           [(29) "Residential apprentice plumber" means a person licensed under this chapter as a  
204 residential apprentice plumber who is learning the residential plumbing trade while working on  
205 residential buildings under the approved supervision of a residential journeyman plumber or a  
206 journeyman plumber.]

207           (30) "Residential building," as it relates to the license classification of [~~residential~~  
208 ~~apprentice plumber and~~] residential journeyman plumber[;] and residential master plumber,  
209 means a single or multiple family dwelling of up to four units.

210           (31) "Residential journeyman electrician" means a person licensed under this chapter  
211 as a residential journeyman electrician having the qualifications, training, experience, and  
212 knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power,  
213 and other purposes on buildings using primarily nonmetallic sheath cable.

(32) "Residential journeyman plumber" means a person licensed under this chapter as a residential journeyman plumber having the qualifications, training, experience, and knowledge to engage in the plumbing trade as limited to the plumbing of residential buildings.

(33) "Residential master electrician" means a person licensed under this chapter as a residential master electrician having the qualifications, training, experience, and knowledge to properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment for light, heat, power, and other purposes on residential projects.

(34) "Residential master plumber" means a person licensed under this chapter as a residential master plumber having the qualifications, training, experience, and knowledge to properly plan and layout projects and supervise persons in the plumbing trade as limited to the plumbing of residential buildings.

~~[(34)]~~ (35) "Residential project," as it relates to an electrician or electrical contractor, means buildings primarily wired with nonmetallic sheathed cable, in accordance with standard rules and regulations governing this work, including the National Electrical Code, and in which the voltage does not exceed 250 volts line to line and 125 volts to ground.

~~[(35)]~~ (36) (a) "Specialty contractor" means a person licensed under this chapter under a specialty contractor classification established by rule, who is qualified by education, training, experience, and knowledge to perform those construction trades and crafts requiring specialized skill, the regulation of which are determined by the division to be in the best interest of the public health, safety, and welfare.

(b) A specialty contractor may perform work in crafts or trades other than those in which he is licensed if they are incidental to the performance of his licensed craft or trade.

~~[(36)]~~ (37) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-55-501.

~~[(37)]~~ (38) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-55-502 and as may be further defined by rule.

~~[(38)]~~ (39) "Wages" means amounts due to an employee for labor or services whether the amount is fixed or ascertained on a time, task, piece, commission, or other basis for calculating the amount.

Section 2. Section **58-55-201** is amended to read:

**58-55-201. Boards created -- Duties.**

(1) There is created a Plumbers Licensing Board, an Alarm System Security and



Licensing Board, and an Electricians Licensing Board. Members of the boards shall be selected to provide representation as follows:

(a) The Plumbers Licensing Board consists of five members as follows:

~~[(i) four members shall be licensed journeyman plumbers, of whom two shall be licensed plumbing contractors; and]~~

(i) two members shall be licensed from among the license classifications of master or journeyman plumber;

(ii) two shall be licensed plumbing contractors; and

~~[(ii)]~~ (iii) one member shall be from the public at large with no history of involvement in the construction trades.

(b) (i) The Alarm System Security and Licensing Board consists of five members as follows:

(A) three individuals who are officers or owners of a licensed alarm business;

(B) one individual from among nominees of the Utah Peace Officers Association; and

(C) one individual representing the general public.

(ii) The Alarm System Security and Licensing Board shall designate one of its members on a permanent or rotating basis to:

(A) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and

(B) advise the division in its investigation of these complaints.

(iii) A board member who has, under Subsection ~~[(3)]~~ (1)(b)(iii), reviewed a complaint or advised in its investigation is disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

(c) The Electricians Licensing Board consists of five members as follows:

(i) two members shall be licensed from among the license classifications of master or journeyman electrician, of whom one shall represent a union organization and one shall be selected having no union affiliation;

(ii) two shall be licensed electrical contractors of whom one shall represent a union organization and one shall be selected having no union affiliation; and

(iii) one member shall be from the public at large with no history of involvement in the construction trades or union affiliation.

(2) The duties, functions, and responsibilities of each board include the following:

(a) recommending to the commission appropriate rules;

(b) recommending to the commission policy and budgetary matters;

(c) approving and establishing a passing score for applicant examinations;

(d) overseeing the screening of applicants for licensing, renewal, reinstatement, and relicensure;

(e) assisting the commission in establishing standards of supervision for students or persons in training to become qualified to obtain a license in the occupation or profession it represents; and

(f) acting as presiding officer in conducting hearings associated with the adjudicative proceedings and in issuing recommended orders when so authorized by the commission.

Section 3. Section **58-55-301** is amended to read:

**58-55-301. License required -- License classifications.**

(1) (a) Any person engaged in the construction trades licensed under this chapter, as a contractor regulated under this chapter, as an alarm business or company, or as an alarm company agent, shall become licensed under this chapter before engaging in that trade or contracting activity in this state unless specifically exempted from licensure under Section 58-1-307 or 58-55-305.

(b) The license issued under this chapter and the business license issued by the local jurisdiction in which the licensee has its principal place of business shall be the only licenses required for the licensee to engage in a trade licensed by this chapter, within the state.

(c) Neither the state nor any of its political subdivisions may require of a licensee any additional business licenses, registrations, certifications, contributions, donations, or anything else established for the purpose of qualifying a licensee under this chapter to do business in that local jurisdiction, except for contract prequalification procedures required by state agencies, or the payment of any fee for the license, registration, or certification established as a condition to do business in that local jurisdiction.

(2) The division shall issue licenses under this chapter to qualified persons in the following classifications:

(a) general engineering contractor;

(b) general building contractor;

- 307 (c) residential and small commercial contractor;  
308 (d) specialty contractor;  
309 (e) master plumber;  
310 (f) residential master plumber;  
311 [~~(e)~~] (g) journeyman plumber;  
312 [~~(f)~~] (h) apprentice plumber;  
313 [~~(g)~~] (i) residential journeyman plumber;  
314 [~~(h)~~ ~~residential apprentice plumber;~~]  
315 [~~(i)~~] (j) master electrician;  
316 [~~(j)~~] (k) residential master electrician;  
317 [~~(k)~~] (l) journeyman electrician;  
318 [~~(l)~~] (m) residential journeyman electrician;  
319 [~~(m)~~] (n) apprentice electrician;  
320 [~~(n)~~] (o) construction trades instructor:  
321 (i) general engineering classification;  
322 (ii) general building classification;  
323 (iii) electrical classification;  
324 (iv) plumbing classification; and  
325 (v) mechanical classification;  
326 [~~(o)~~] (p) alarm company; and  
327 [~~(p)~~] (q) alarm company agent.  
328 (3) (a) An applicant may apply for a license in one or more classification or specialty  
329 contractor subclassification.  
330 (b) A license shall be granted in each classification or subclassification for which the  
331 applicant qualifies.  
332 (c) A separate application and fee must be submitted for each license classification or  
333 subclassification.  
334 Section 4. Section **58-55-302** is amended to read:  
335 **58-55-302. Qualifications for licensure.**  
336 (1) Each applicant for a license under this chapter shall:  
337 (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]~~ licensed master plumber ~~[or residential journeyman plumber]~~ if an applicant for a plumbing contractor's license or a licensed master residential plumber if an applicant for a residential 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) Unemployment Insurance Division 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) (i) A master plumber shall produce satisfactory evidence that the applicant:

(A) is a graduate mechanical engineer of an accredited college or university approved by the division and has one year of practical plumbing experience as a licensed apprentice plumber; or

(B) has four years of practical experience as a journeyman plumber; or

(C) meets the qualifications determined by the board to be equivalent to Subsection (3)(a)(i)(A) or (B); and

(D) in addition to meeting the qualifications of Subsection (3)(a)(i)(A), (B), or (C), has completed at least one year of a postsecondary education course of study in business, management, and finance in accordance with rules made by the division regarding:

(I) the number of required courses and course hours; and

(II) the institutions or individuals qualified to offer and teach the courses.

(ii) (A) An individual holding a valid Utah license as a master plumber, based on at least eight years of practical experience as a licensed apprentice under the supervision of a licensed journeyman or master plumber, in effect immediately prior to April 30, 2007, is on and after April 30, 2007, considered to hold a current license under this chapter and satisfies the requirements of Subsection (3)(a) 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 plumber prior to April 30, 2007, shall complete the education requirements of Subsections (3)(a)(i)(A) and (D) to qualify for licensing as a master plumber.

(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 plumber prior to April 30, 2007, may satisfy the education requirements of Subsection (3)(a)(i)(A) by successfully passing a competency placement test approved by the board and administered at a Utah state institution of higher education and shall complete the education requirement of Subsection (3)(a)(i)(D).

(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 plumber prior to April 30, 2007, satisfies the education requirements of this Subsection (3)(a)(i) by completing the eight-year term of practical experience within a reasonable time frame subsequent to April 30, 2007, as established by board rule in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, and shall complete the education requirement of Subsection (3)(a)(i)(D).

(b) A master residential plumber applicant shall produce satisfactory evidence that the applicant:

(i) has at least four years of practical experience as a residential journeyman plumber;  
or

(ii) meets the qualifications determined by the board to be equivalent to this practical experience; and

(iii) has completed the education requirement of Subsection (3)(a)(i)(D).

~~[(a)]~~ (c) 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 master plumber or 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)]~~ (c)(i) or ~~[(a)]~~ (c)(ii).

~~[(b)]~~ (d) 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

431 master plumber, licensed residential journeyman plumber or licensed journeyman plumber in  
432 accordance with a planned program of training approved by the division;

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

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

437 ~~(c)~~ (e) The conduct of licensed apprentice plumbers and their licensed supervisors  
438 shall be in accordance with the following:

439 (i) while engaging in the trade of plumbing, a licensed apprentice plumber shall be  
440 under the immediate supervision of a licensed master plumber, licensed residential master  
441 plumber, licensed journeyman plumber, or a licensed residential journeyman plumber; and

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

447 ~~(d)~~ (f) (i) A master electrician applicant shall produce satisfactory evidence that the  
448 applicant:

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

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

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

456 (D) meets the qualifications determined by the board to be equivalent to Subsection  
457 (3)(~~d~~) (f)(i)(A), (B), or (C).

458 (ii) (A) An individual holding a valid Utah license as a master electrician, based on at  
459 least eight years of practical experience as a licensed apprentice under the supervision of a  
460 licensed journeyman or master electrician, in effect immediately prior to May 3, 2004, is on  
461 and after May 3, 2004, considered to hold a current license under this chapter and satisfies the

requirements of this Subsection (3)~~(d)~~ (f) 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)~~(d)~~ (f)(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)~~(d)~~ (f)(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)~~(d)~~ (f) 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.

~~(e)~~ (g) 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.

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

(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;

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

(C) meets the qualifications determined by the board to be equivalent to Subsection



493 (3)~~(f)~~ (h)(i)(A) or (B).

494 (ii) An individual holding a valid Utah license as a journeyman electrician, based on at  
495 least six years of full-time experience approved by the division in collaboration with the  
496 Electricians Licensing Board in effect immediately prior to May 3, 2004, is on and after May 3,  
497 2004, considered to hold a current license under this chapter and satisfies the requirements of  
498 Subsection (3)~~(f)~~ (h)(i)(B) for the purpose of renewal or reinstatement of that license under  
499 Section 58-55-303.

500 (iii) An individual who has more than six but less than eight years of full-time  
501 experience approved by the division in collaboration with the Electricians Licensing Board  
502 prior to May 3, 2004, satisfies the requirements of Subsection (3)~~(f)~~ (h)(i) by completing the  
503 eight-year term of practical experience within a reasonable time frame subsequent to May 3,  
504 2004, as established by board rule in accordance with Title 63, Chapter 46a, Utah  
505 Administrative Rulemaking Act.

506 ~~(g)~~ (i) A residential journeyman electrician applicant shall produce satisfactory  
507 evidence that the applicant:

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

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

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

515 ~~(h)~~ (j) The conduct of licensed apprentice electricians and their licensed supervisors  
516 shall be in accordance with the following:

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

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

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

~~[(†)]~~ (k) 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

555 within the state or having direct responsibility for managing operations of the applicant within  
556 the state;

557 (vi) be of good moral character in that officers, directors, shareholders described in  
558 Subsection (3)(~~f~~) (k)(ii)(B), partners, proprietors, and responsible management personnel  
559 have not been convicted of a felony, a misdemeanor involving moral turpitude, or any other  
560 crime that when considered with the duties and responsibilities of an alarm company is  
561 considered by the board to indicate that the best interests of the public are served by granting  
562 the applicant a license;

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

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

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

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

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

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

576 (I) Division of Corporations and Commercial Code;

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

579 (III) State Tax Commission; and

580 (IV) Internal Revenue Service; and

581 (x) meet with the division and board.

582 ~~(j)~~ (l) Each applicant for licensure as an alarm company agent shall:

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

585 (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)[~~(f)~~] (k)(vi) and (3)[~~(f)~~] (1)(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)[~~(f)~~] (k)(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,

648 which was issued under this chapter, suspended or revoked more than one year prior to the date  
649 of the applicant's application; or  
650 (iii) (A) the applicant is an individual or sole proprietorship; and  
651 (B) any owner or agent acting as a qualifier has served in any capacity listed in  
652 Subsection (9)(b)(ii)(B) in any entity which has had a previous license, which was issued under  
653 this chapter, suspended or revoked more than one year prior to the date of the applicant's  
654 application.

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**Legislative Review Note**  
**as of 11-16-06 9:10 AM**

**Office of Legislative Research and General Counsel**

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**S.B. 102 - Master Plumber Licensing**

**Fiscal Note**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for businesses, or local governments. Individuals may be required to have additional on the job work experience and education to be a master or residential master plumber.

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*1/9/2007, 11:13:45 AM, Lead Analyst: Eckersley, S.*

**Office of the Legislative Fiscal Analyst**