

**EXEMPTIONS FROM LICENSURE**

**MODIFICATIONS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mike Dmitrich**

House Sponsor: Brad King

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**LONG TITLE**

**General Description:**

This bill removes an exemption provision in the Utah Construction Trades Licensing Act related to the use of persons who would otherwise be subject to electrician licensure requirements and who are under contract with certain public or private entities.

**Highlighted Provisions:**

This bill:

► removes the electrician licensing exemption provision for a person who is under contract with a railroad corporation, telephone corporation, elevator contractor or constructor, street railway system, public service corporation, rural electrification association, or certain municipal utilities to do electrical work.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-55-305**, as last amended by Chapter 54, Laws of Utah 2005

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

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

30 **58-55-305. Exemptions from licensure.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

81 (A) work in the plumbing and electrical trades must be performed by a licensed  
82 electrician or plumber except as otherwise provided in this section;

83 (B) installation, repair, or replacement of a residential or commercial gas appliance or a  
84 combustion system must be performed by a person who has received certification under  
85 Subsection 58-55-308(2) except as otherwise provided in Subsection 58-55-308(2)(d) or  
86 58-55-308(3); and

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

89 (i) a person practicing a specialty contractor classification or construction trade which

90 is not classified by rule by the director as significantly impacting the public's health, safety, and  
91 welfare;

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

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

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

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

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

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

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

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

109 (m) a person who ordinarily would be subject to the electrician licensure requirements  
110 under this chapter when employed by ~~[or under contract with]~~:

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

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

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

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

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

121 building inspector; and  
122 (ii) a licensed contractor obtains the necessary building permits; and  
123 (p) a delivery person when replacing any of the following existing equipment with a  
124 new gas appliance, provided there is an existing gas shutoff valve at the appliance:  
125 (i) gas range;  
126 (ii) gas dryer;  
127 (iii) outdoor gas barbeque; or  
128 (iv) outdoor gas patio heater.  
129 (2) (a) A compliance agency as defined in Subsection 58-56-3(4) that issues a building  
130 permit to any person requesting a permit as a sole owner of property referred to in Subsection  
131 (1)(d) shall notify the division, in writing or through electronic transmission, of the issuance of  
132 the permit.  
133 (b) The division shall evaluate the effectiveness of the notification requirement under  
134 Subsection (2)(a) and report its findings, including any recommendations for modification to or  
135 termination of the requirement, to the Legislature's Business and Labor Interim Committee  
136 prior to the 2008 General Session.

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**Legislative Review Note**  
**as of 1-16-07 1:57 PM**

**Office of Legislative Research and General Counsel**

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**S.B. 147 - Exemptions from Licensure Modifications**

**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 local governments. Some individuals now exempt from licensing requirements will become subject to licensing requirements, including fees.

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*1/22/2007, 11:42:06 AM, Lead Analyst: Eckersley, S.*

**Office of the Legislative Fiscal Analyst**