

1 **MASTER PLUMBER LICENSING**

2 2008 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: James A. Dunnigan**

5 Senate Sponsor: Scott K. Jenkins

6

7 **LONG TITLE**

8 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

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

22 **Monies Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:



- 28 **58-55-102**, as last amended by Laws of Utah 2006, Chapter 73
- 29 **58-55-201**, as last amended by Laws of Utah 2002, Chapter 241
- 30 **58-55-301**, as last amended by Laws of Utah 2000, Chapter 317
- 31 **58-55-302**, as last amended by Laws of Utah 2006, Chapter 122



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

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

35 **58-55-102. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

73 (9) "Commission" means the Construction Services Commission created under Section
74 58-55-103.

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

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

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

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

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

87 (12) (a) "Contractor" means any person who for compensation other than wages as an
88 employee undertakes any work in the construction, plumbing, or electrical trade for which
89 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

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

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

156 (21) "Individual" means a natural person.

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

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

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

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

170 [~~25~~] (26) "Person" means a natural person, sole proprietorship, joint venture,
171 corporation, limited liability company, association, or organization of any type.

172 [~~26~~] (27) (a) "Plumbing trade" means the performance of any mechanical work
173 pertaining to the installation, alteration, change, repair, removal, maintenance, or use in
174 buildings, or within three feet beyond the outside walls of buildings of pipes, fixtures, and
175 fittings for:

- 176 (i) delivery of the water supply;
- 177 (ii) discharge of liquid and water carried waste; or
- 178 (iii) the building drainage system within the walls of the building.

179 (b) "Plumbing trade" includes work pertaining to the water supply, distribution pipes,
180 fixtures and fixture traps, soil, waste and vent pipes, and the building drain and roof drains
181 together with their devices, appurtenances, and connections where installed within the outside
182 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.

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

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

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

225 [~~34~~] (35) "Residential project," as it relates to an electrician or electrical contractor,
226 means buildings primarily wired with nonmetallic sheathed cable, in accordance with standard
227 rules and regulations governing this work, including the National Electrical Code, and in which
228 the voltage does not exceed 250 volts line to line and 125 volts to ground.

229 [~~35~~] (36) (a) "Specialty contractor" means a person licensed under this chapter under
230 a specialty contractor classification established by rule, who is qualified by education, training,
231 experience, and knowledge to perform those construction trades and crafts requiring
232 specialized skill, the regulation of which are determined by the division to be in the best
233 interest of the public health, safety, and welfare.

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

236 [~~36~~] (37) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-55-501.

237 [~~37~~] (38) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-55-502
238 and as may be further defined by rule.

239 [~~38~~] (39) "Wages" means amounts due to an employee for labor or services whether
240 the amount is fixed or ascertained on a time, task, piece, commission, or other basis for
241 calculating the amount.

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

243 **58-55-201. Boards created -- Duties.**

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

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

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

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

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

252 (ii) two members shall be licensed plumbing contractors; and

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

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

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

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

259 (C) one individual representing the general public.

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

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

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

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

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

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

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

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

276 (2) The duties, functions, and responsibilities of each board include the following:
277 (a) recommending to the commission appropriate rules;
278 (b) recommending to the commission policy and budgetary matters;
279 (c) approving and establishing a passing score for applicant examinations;
280 (d) overseeing the screening of applicants for licensing, renewal, reinstatement, and
281 relicensure;

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

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

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

288 **58-55-301. License required -- License classifications.**

289 (1) (a) [~~Any~~] A person engaged in the construction trades licensed under this chapter,
290 as a contractor regulated under this chapter, as an alarm business or company, or as an alarm
291 company agent, shall become licensed under this chapter before engaging in that trade or
292 contracting activity in this state unless specifically exempted from licensure under Section
293 58-1-307 or 58-55-305.

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

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

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

305 (a) general engineering contractor;

306 (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;

- 338 (b) pay a fee as determined by the department under Section 63-38-3.2;
- 339 (c) (i) meet the examination requirements established by rule by the commission with
340 the concurrence of the director, except for the classifications of apprentice plumber~~[, residential~~
341 ~~apprentice plumber,]~~ and apprentice electrician for whom no examination is required; or
- 342 (ii) if required in Section 58-55-304, the individual qualifier must pass the required
343 examination if the applicant is a business entity;
- 344 (d) if an apprentice, identify the proposed supervisor of the apprenticeship;
- 345 (e) if an applicant for a contractor's license:
 - 346 (i) produce satisfactory evidence of financial responsibility, except for a construction
347 trades instructor for whom evidence of financial responsibility is not required;
 - 348 (ii) produce satisfactory evidence of knowledge and experience in the construction
349 industry and knowledge of the principles of the conduct of business as a contractor, reasonably
350 necessary for the protection of the public health, safety, and welfare; and
 - 351 (iii) be a licensed master electrician if an applicant for an electrical contractor's license
352 or a licensed master residential electrician if an applicant for a residential electrical contractor's
353 license; or
 - 354 (iv) be a ~~[journeyman]~~ licensed master plumber ~~[or residential journeyman plumber]~~ if
355 an applicant for a plumbing contractor's license or a licensed master residential plumber if an
356 applicant for a residential plumbing contractor's license; and
- 357 (f) if an applicant for a construction trades instructor license, satisfy any additional
358 requirements established by rule.
- 359 (2) After approval of an applicant for a contractor's license by the applicable board and
360 the division, the applicant shall file the following with the division before the division issues
361 the license:
 - 362 (a) proof of workers' compensation insurance which covers employees of the applicant
363 in accordance with applicable Utah law;
 - 364 (b) proof of public liability insurance in coverage amounts and form established by rule
365 except for a construction trades instructor for whom public liability insurance is not required;
366 and
 - 367 (c) proof of registration as required by applicable law with the:
 - 368 (i) Utah Department of Commerce;

369 (ii) Division of Corporations and Commercial Code;

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

372 (iv) State Tax Commission; and

373 (v) Internal Revenue Service.

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

377 (a) (i) A master plumber shall produce satisfactory evidence that the applicant:

378 (A) has been a licensed journeyman plumber for at least two years and had two years of
379 supervisory experience as a licensed journeyman plumber in accordance with division rule;

380 (B) has received at least an associate of applied science degree or similar degree
381 following the completion of a course of study approved by the division and had one year of
382 supervisory experience as a licensed journeyman plumber in accordance with division rule; or

383 (C) meets the qualifications determined by the division in collaboration with the board
384 to be equivalent to Subsection (3)(a)(i)(A) or (B).

385 (ii) An individual holding a valid Utah license as a journeyman plumber, based on at
386 least four years of practical experience as a licensed apprentice under the supervision of a
387 licensed journeyman plumber and four years as a licensed journeyman plumber, in effect
388 immediately prior to May 5, 2008, is on and after May 5, 2008, considered to hold a current
389 master plumber license under this chapter, and satisfies the requirements of this Subsection
390 (3)(a) for the purpose of renewal or reinstatement of that license under Section 58-55-303.

391 (iii) An individual holding a valid plumbing contractor's license or residential
392 plumbing contractor's license, in effect immediately prior to May 5, 2008, is on or after May 5,
393 2008:

394 (A) considered to hold a current master plumber license under this chapter if licensed
395 as a plumbing contractor ~~H→~~ and a journeyman plumber ←H , and satisfies the requirements of
395a this Subsection (3)(a) for purposes
396 of renewal or reinstatement of that license under Section 58-55-303; and

397 (B) considered to hold a current residential master plumber license under this chapter if
398 licensed as a residential plumbing contractor ~~H→~~ and a residential journeyman plumber ←H ,
398a and satisfies the requirements of this Subsection
399 (3)(a) for purposes of renewal or reinstatement of that license under Section 58-55-303.

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

402 **(i) has been a licensed residential journeyman plumber for at least two years and had**
403 **two years of supervisory experience as a licensed residential journeyman plumber in**
404 **accordance with division rule; or**

405 **(ii) meets the qualifications determined by the division in collaboration with the board**
406 **to be equivalent to Subsection (3)(b)(i).**

407 ~~[(a)]~~ **(c)** A journeyman plumber applicant shall produce satisfactory evidence of:

408 **(i) successful completion of the equivalent of at least four years of full-time training**
409 **and instruction as a licensed apprentice plumber under supervision of a licensed master**
410 **plumber or journeyman plumber and in accordance with a planned program of training**
411 **approved by the division;**

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

414 **(iii) satisfactory evidence of meeting the qualifications determined by the board to be**
415 **equivalent to Subsection (3)~~[(a)]~~ (c)(i) or ~~[(a)]~~ (c)(ii).**

416 ~~[(b)]~~ **(d)** A residential journeyman plumber shall produce satisfactory evidence of:

417 **(i) completion of the equivalent of at least three years of full-time training and**
418 **instruction as a licensed apprentice plumber under the supervision of a licensed residential**
419 **master plumber, licensed residential journeyman plumber, or licensed journeyman plumber in**
420 **accordance with a planned program of training approved by the division;**

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

423 **(iii) meeting the qualifications determined by the board to be equivalent to Subsection**
424 **(3)~~[(b)]~~ (d)(i) or ~~[(b)]~~ (d)(ii).**

425 ~~[(c)]~~ **(e)** The conduct of licensed apprentice plumbers and their licensed supervisors
426 shall be in accordance with the following:

427 **(i) while engaging in the trade of plumbing, a licensed apprentice plumber shall be**
428 **under the immediate supervision of a licensed master plumber, licensed residential master**
429 **plumber, licensed journeyman plumber, or a licensed residential journeyman plumber; and**

430 **(ii) a licensed ~~[plumbing]~~ apprentice plumber in the fourth through tenth year of**

431 training may work without supervision for a period not to exceed eight hours in any 24-hour
432 period, but if the apprentice does not become a licensed journeyman plumber or licensed
433 residential journeyman plumber by the end of the tenth year of apprenticeship, this
434 nonsupervision provision no longer applies.

435 ~~[(d)-(i)]~~ (f) A master electrician applicant shall produce satisfactory evidence that the
436 applicant:

437 ~~[(A)]~~ (i) is a graduate electrical engineer of an accredited college or university
438 approved by the division and has one year of practical electrical experience as a licensed
439 apprentice electrician;

440 ~~[(B)]~~ (ii) is a graduate of an electrical trade school, having received an associate of
441 applied sciences degree following successful completion of a course of study approved by the
442 division, and has two years of practical experience as a licensed journeyman electrician;

443 ~~[(C)]~~ (iii) has four years of practical experience as a journeyman electrician; or

444 ~~[(D)]~~ (iv) meets the qualifications determined by the board to be equivalent to
445 Subsection (3)~~[(d)]~~ (f)(i)~~[(A), (B)]~~, (ii), or ~~[(C)]~~ (iii).

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

452 ~~[(B) An individual who has less than four years of practical experience as a licensed
453 apprentice under the supervision of a licensed journeyman or master electrician prior to May 3,
454 2004, shall complete the education requirements of Subsection (3)(d)(i)(A) or (B) to qualify for
455 licensing as a master electrician.]~~

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

461 ~~[(D) An individual who has more than six but less than eight years of practical~~

462 ~~experience as a licensed apprentice under the supervision of a licensed journeyman or master~~
463 ~~electrician prior to May 3, 2004, satisfies the education requirements of this Subsection (3)(d)~~
464 ~~by completing the eight-year term of practical experience within a reasonable time frame~~
465 ~~subsequent to May 3, 2004, as established by board rule in accordance with Title 63, Chapter~~
466 ~~46a, Utah Administrative Rulemaking Act.]~~

467 ~~[(e)]~~ (g) A master residential electrician applicant shall produce satisfactory evidence
468 that the applicant:

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

470 or

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

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

475 ~~[(A)]~~ (i) has successfully completed at least four years of full-time training and
476 instruction as a licensed apprentice electrician under the supervision of a master electrician or
477 journeyman electrician and in accordance with a planned training program approved by the
478 division;

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

481 ~~[(C)]~~ (iii) meets the qualifications determined by the board to be equivalent to
482 Subsection (3)~~[(f)]~~ (h)(i)~~[(A)]~~ or ~~[(B)]~~ (ii).

483 ~~[(ii) An individual holding a valid Utah license as a journeyman electrician, based on at~~
484 ~~least six years of full-time experience approved by the division in collaboration with the~~
485 ~~Electricians Licensing Board in effect immediately prior to May 3, 2004, is on and after May 3,~~
486 ~~2004, considered to hold a current license under this chapter and satisfies the requirements of~~
487 ~~Subsection (3)(f)(i)(B) for the purpose of renewal or reinstatement of that license under Section~~
488 ~~58-55-303.]~~

489 ~~[(iii) An individual who has more than six but less than eight years of full-time~~
490 ~~experience approved by the division in collaboration with the Electricians Licensing Board~~
491 ~~prior to May 3, 2004, satisfies the requirements of Subsection (3)(f)(i) by completing the~~
492 ~~eight-year term of practical experience within a reasonable time frame subsequent to May 3,~~

493 2004, as established by board rule in accordance with Title 63, Chapter 46a, Utah
494 Administrative Rulemaking Act.]

495 ~~[(g)]~~ (i) A residential journeyman electrician applicant shall produce satisfactory
496 evidence that the applicant:

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

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

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

504 ~~[(h)]~~ (j) The conduct of licensed apprentice electricians and their licensed supervisors
505 shall be in accordance with the following:

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

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

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

515 ~~[(i)]~~ (k) An alarm company applicant shall:

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

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

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

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

523 (ii) if a corporation, provide:

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

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

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

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

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

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

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

546 (vi) be of good moral character in that officers, directors, shareholders described in
547 Subsection (3)[(†)] (k)(ii)(B), partners, proprietors, and responsible management personnel
548 have not been convicted of a felony, a misdemeanor involving moral turpitude, or any other
549 crime that when considered with the duties and responsibilities of an alarm company is
550 considered by the board to indicate that the best interests of the public are served by granting
551 the applicant a license;

552 (vii) document that none of the applicant's officers, directors, shareholders described in
553 Subsection (3)[(†)] (k)(ii)(B), partners, proprietors, and responsible management personnel
554 have been declared by any court of competent jurisdiction incompetent by reason of mental

555 defect or disease and not been restored;

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

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

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

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

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

565 (I) Division of Corporations and Commercial Code;

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

568 (III) State Tax Commission; and

569 (IV) Internal Revenue Service; and

570 (x) meet with the division and board.

571 [~~(f)~~] (l) Each applicant for licensure as an alarm company agent shall:

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

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

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

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

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

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

584 (4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
585 division may make rules establishing when Federal Bureau of Investigation records shall be

586 checked for applicants as an alarm company or alarm company agent.

587 (5) To determine if an applicant meets the qualifications of Subsections (3)[(†)] (k)(vi)
588 and (3)[(†)] (l)(iii), the division shall provide an appropriate number of copies of fingerprint
589 cards to the Department of Public Safety with the division's request to:

590 (a) conduct a search of records of the Department of Public Safety for criminal history
591 information relating to each applicant for licensure as an alarm company or alarm company
592 agent and each applicant's officers, directors, shareholders described in Subsection (3)[(†)]
593 (k)(ii)(B), partners, proprietors, and responsible management personnel; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Legislative Review Note
as of 2-1-08 11:59 AM

Office of Legislative Research and General Counsel

H.B. 401 - Master Plumber Licensing

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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 affected with this change in statute.
