

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

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

32 **58-55-305. Exemptions from licensure.**

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

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

40 (b) a person engaged in construction or operation incidental to the construction and
41 repair of irrigation and drainage ditches of regularly constituted irrigation districts,
42 reclamation districts, and drainage districts or construction and repair relating to farming,
43 dairying, agriculture, livestock or poultry raising, metal and coal mining, quarries, sand and
44 gravel excavations, well drilling, as defined in Section 73-3-25, hauling to and from
45 construction sites, and lumbering;

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

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

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

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

57 (e) (i) a person engaged in construction or renovation of a residential building for

58 noncommercial, nonpublic use if that person:

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

61 (B) works under the direction of the property owner who engages in building the
62 structure; and

63 (ii) as used in this Subsection (1)(e), "token compensation" means compensation paid
64 by a sole owner of property exempted from licensure under Subsection (1)(d) to a person
65 exempted from licensure under this Subsection (1)(e), that is:

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

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

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

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

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

78 (h) (i) a person engaged in the alteration, repair, remodeling, or addition to or
79 improvement of a building with a contracted or agreed value of less than \$3,000, including
80 both labor and materials, and including all changes or additions to the contracted or agreed
81 upon work; and

82 (ii) notwithstanding Subsection (1)(h)(i) and except as otherwise provided in this
83 section:

84 (A) work in the plumbing and electrical trades on a Subsection (1)(h)(i) project within
85 any six month period of time:

86 ~~(I) must be performed by [a licensed journeyman electrician or journeyman plumber~~
87 ~~except as otherwise provided in this section;]~~ a licensed electrical or plumbing contractor, if
88 the project involves an electrical or plumbing system; and

89 (II) may be performed by a licensed journeyman electrician or plumber or an
90 individual referred to in Subsection (1)(h)(ii)(A)(I), if the project involves a component of the
91 system such as a faucet, toilet, fixture, device, outlet, or electrical switch;

92 (B) installation, repair, or replacement of a residential or commercial gas appliance or
93 a combustion system on a Subsection (1)(h)(i) project must be performed by a person who has
94 received certification under Subsection 58-55-308(2) except as otherwise provided in
95 Subsection 58-55-308(2)(d) or 58-55-308(3);

96 (C) installation, repair, or replacement of water-based fire protection systems on a
97 Subsection (1)(h)(i) project must be performed by a licensed fire suppression systems
98 contractor or a licensed journeyman plumber;

99 (D) work as an alarm business or company or as an alarm company agent shall be
100 performed by a licensed alarm business or company or a licensed alarm company agent, except
101 as otherwise provided in this chapter;

102 (E) installation, repair, or replacement of an alarm system on a Subsection (1)(h)(i)
103 project must be performed by a licensed alarm business or company or a licensed alarm
104 company agent;

105 (F) installation, repair, or replacement of a heating, ventilation, or air conditioning
106 system (HVAC) on a Subsection (1)(h)(i) project must be performed by an HVAC contractor
107 licensed by the division; ~~and]~~

108 (G) installation, repair, or replacement of a radon mitigation system or a soil
109 depressurization system must be performed by a licensed contractor; and

110 ~~[(G)]~~ (H) if the total value of the project is greater than \$1,000, the person shall file
111 with the division a one-time affirmation, subject to periodic reaffirmation as established by
112 division rule, that the person has:

113 (I) public liability insurance in coverage amounts and form established by division

114 rule; and

115 (II) if applicable, workers compensation insurance which would cover an employee of
116 the person if that employee worked on the construction project;

117 (i) a person practicing a specialty contractor classification or construction trade which
118 the director does not classify by administrative rule as significantly impacting the public's
119 health, safety, and welfare;

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

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

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

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

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

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

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

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

137 (m) a person who ordinarily would be subject to the electrician licensure requirements
138 under this chapter when employed by:

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

141 (ii) public service corporations, rural electrification associations, or municipal utilities

142 who generate, distribute, or sell electrical energy for light, heat, or power;

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

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

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

150 (ii) a licensed contractor obtains the necessary building permits; and

151 (p) a delivery person when replacing any of the following existing equipment with a
152 new gas appliance, provided there is an existing gas shutoff valve at the appliance:

153 (i) gas range;

154 (ii) gas dryer;

155 (iii) outdoor gas barbeque; or

156 (iv) outdoor gas patio heater.

157 (2) A compliance agency as defined in Subsection 58-56-3(4) that issues a building
158 permit to a person requesting a permit as a sole owner of property referred to in Subsection
159 (1)(d) shall notify the division, in writing or through electronic transmission, of the issuance of
160 the permit.