

1 LICENSING OF ELEVATOR CONTRACTORS

2 AND ELEVATOR MECHANICS

3 2010 GENERAL SESSION

4 STATE OF UTAH

5 Chief Sponsor: Larry B. Wiley

6 Senate Sponsor: Karen Mayne

7

8 LONG TITLE

9 Committee Note:

10 The Business and Labor Interim Committee recommended this bill.

11 General Description:

12 This bill provides for the licensing of elevator contractors and elevator mechanics in
13 Chapter 55 of Title 58, Utah Construction Trades Licensing Act.

14 Highlighted Provisions:

15 This bill:

16 ▶ provides for the licensing of elevator contractors and elevator mechanics by the
17 Division of Occupational and Professional Licensing;

18 ▶ provides qualifications for licensure of an elevator contractor and elevator
19 mechanic;

20 ▶ provides for an emergency temporary elevator mechanic license ~~H~~→ ;

20a ▶ provides for exemptions ←~~H~~ ; and

21 ▶ provides a continuing education requirement.

22 Monies Appropriated in this Bill:

23 None

24 Other Special Clauses:

25 None

26 Utah Code Sections Affected:

27 AMENDS:

H.B. 11



28 58-55-102, as last amended by Laws of Utah 2008, Chapter 215

29 58-55-301, as last amended by Laws of Utah 2008, Chapter 215

30 58-55-302, as last amended by Laws of Utah 2009, Chapter 183

31 58-55-303, as last amended by Laws of Utah 2001, Chapter 198

31a **H→ 58-55-305, as last amended by Laws of Utah 2009, Chapter 228 ←H**



32
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) "Elevator" has the same meaning as defined in Section 34A-7-202 ~~H→~~ , **except that**
 114a **for purposes of this chapter it does not mean a stair chair, a vertical platform lift, or an incline**
 114b **platform lift ←H** .

115 (15) "Elevator contractor" means a sole proprietor, firm, or corporation licensed under
 116 this chapter that is engaged in the business of erecting, constructing, installing, altering,
 117 servicing, repairing, or maintaining an elevator.

118 (16) "Elevator mechanic" means an individual who is licensed under this chapter as an
 119 elevator mechanic and who is engaged in erecting, constructing, installing, altering, servicing,
 120 repairing, or maintaining an elevator under the immediate supervision of an elevator contractor.

121 [~~(14)~~] (17) "Employee" means an individual as defined by the division by rule giving
122 consideration to the definition adopted by the Internal Revenue Service and the Department of
123 Workforce Services.

124 [~~(15)~~] (18) "Engage in a construction trade" means to:

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

127 (b) use the name "contractor" or "builder" or in any other way lead a reasonable person
128 to believe one is or will act as a contractor.

129 [~~(16)~~] (19) (a) "Financial responsibility" means a demonstration of a current and
130 expected future condition of financial solvency evidencing a reasonable expectation to the
131 division and the board that an applicant or licensee can successfully engage in business as a
132 contractor without jeopardy to the public health, safety, and welfare.

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

136 [~~(17)~~] (20) "Gas appliance" means any device that uses natural gas to produce light,
137 heat, power, steam, hot water, refrigeration, or air conditioning.

138 [~~(18)~~] (21) (a) "General building contractor" means a person licensed under this
139 chapter as a general building contractor qualified by education, training, experience, and
140 knowledge to perform or superintend construction of structures for the support, shelter, and
141 enclosure of persons, animals, chattels, or movable property of any kind or any of the
142 components of that construction except plumbing, electrical work, mechanical work, and
143 manufactured housing installation, for which the general building contractor shall employ the
144 services of a contractor licensed in the particular specialty, except that a general building
145 contractor engaged in the construction of single-family and multifamily residences up to four
146 units may perform the mechanical work and hire a licensed plumber or electrician as an
147 employee.

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

152 [~~(19)~~] (22) (a) "General engineering contractor" means a person licensed under this
153 chapter as a general engineering contractor qualified by education, training, experience, and
154 knowledge to perform construction of fixed works in any of the following: irrigation, drainage,
155 water, power, water supply, flood control, inland waterways, harbors, railroads, highways,
156 tunnels, airports and runways, sewers and bridges, refineries, pipelines, chemical and industrial
157 plants requiring specialized engineering knowledge and skill, piers, and foundations, or any of
158 the components of those works.

159 (b) A general engineering contractor may not perform construction of structures built
160 primarily for the support, shelter, and enclosure of persons, animals, and chattels.

161 [~~(20)~~] (23) "Immediate supervision" means reasonable direction, oversight, inspection,
162 and evaluation of the work of a person, in or out of the immediate presence of the supervising
163 person, so as to ensure that the end result complies with applicable standards.

164 [~~(21)~~] (24) "Individual" means a natural person.

165 [~~(22)~~] (25) "Journeyman electrician" means a person licensed under this chapter as a
166 journeyman electrician having the qualifications, training, experience, and knowledge to wire,
167 install, and repair electrical apparatus and equipment for light, heat, power, and other purposes.

168 [~~(23)~~] (26) "Journeyman plumber" means a person licensed under this chapter as a
169 journeyman plumber having the qualifications, training, experience, and technical knowledge
170 to engage in the plumbing trade.

171 [~~(24)~~] (27) "Master electrician" means a person licensed under this chapter as a master
172 electrician having the qualifications, training, experience, and knowledge to properly plan,
173 layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment
174 for light, heat, power, and other purposes.

175 [~~(25)~~] (28) "Master plumber" means a person licensed under this chapter as a master
176 plumber having the qualifications, training, experience, and knowledge to properly plan and
177 layout projects and supervise persons in the plumbing trade.

178 [~~(26)~~] (29) "Person" means a natural person, sole proprietorship, joint venture,
179 corporation, limited liability company, association, or organization of any type.

180 [~~(27)~~] (30) (a) "Plumbing trade" means the performance of any mechanical work
181 pertaining to the installation, alteration, change, repair, removal, maintenance, or use in
182 buildings, or within three feet beyond the outside walls of buildings of pipes, fixtures, and

183 fittings for:

184 (i) delivery of the water supply;

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

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

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

191 [~~(28)~~] (31) (a) "Ratio of apprentices" means, for the purpose of determining
192 compliance with the requirements for planned programs of training and electrician apprentice
193 licensing applications, the shop ratio of apprentice electricians to journeyman or master
194 electricians shall be one journeyman or master electrician to one apprentice on industrial and
195 commercial work, and one journeyman or master electrician to three apprentices on residential
196 work.

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

200 [~~(29)~~] (32) "Residential and small commercial contractor" means a person licensed
201 under this chapter as a residential and small commercial contractor qualified by education,
202 training, experience, and knowledge to perform or superintend the construction of
203 single-family residences, multifamily residences up to four units, and commercial construction
204 of not more than three stories above ground and not more than 20,000 square feet, or any of the
205 components of that construction except plumbing, electrical work, mechanical work, and
206 manufactured housing installation, for which the residential and small commercial contractor
207 shall employ the services of a contractor licensed in the particular specialty, except that a
208 residential and small commercial contractor engaged in the construction of single-family and
209 multifamily residences up to four units may perform the mechanical work and hire a licensed
210 plumber or electrician as an employee.

211 [~~(30)~~] (33) "Residential building," as it relates to the license classification of residential
212 journeyman plumber and residential master plumber, means a single or multiple family
213 dwelling of up to four units.

214 ~~[(31)]~~ (34) "Residential journeyman electrician" means a person licensed under this
215 chapter as a residential journeyman electrician having the qualifications, training, experience,
216 and knowledge to wire, install, and repair electrical apparatus and equipment for light, heat,
217 power, and other purposes on buildings using primarily nonmetallic sheath cable.

218 ~~[(32)]~~ (35) "Residential journeyman plumber" means a person licensed under this
219 chapter as a residential journeyman plumber having the qualifications, training, experience, and
220 knowledge to engage in the plumbing trade as limited to the plumbing of residential buildings.

221 ~~[(33)]~~ (36) "Residential master electrician" means a person licensed under this chapter
222 as a residential master electrician having the qualifications, training, experience, and
223 knowledge to properly plan, layout, and supervise the wiring, installation, and repair of
224 electrical apparatus and equipment for light, heat, power, and other purposes on residential
225 projects.

226 ~~[(34)]~~ (37) "Residential master plumber" means a person licensed under this chapter as
227 a residential master plumber having the qualifications, training, experience, and knowledge to
228 properly plan and layout projects and supervise persons in the plumbing trade as limited to the
229 plumbing of residential buildings.

230 ~~[(35)]~~ (38) "Residential project," as it relates to an electrician or electrical contractor,
231 means buildings primarily wired with nonmetallic sheathed cable, in accordance with standard
232 rules and regulations governing this work, including the National Electrical Code, and in which
233 the voltage does not exceed 250 volts line to line and 125 volts to ground.

234 ~~[(36)]~~ (39) (a) "Specialty contractor" means a person licensed under this chapter under
235 a specialty contractor classification established by rule, who is qualified by education, training,
236 experience, and knowledge to perform those construction trades and crafts requiring
237 specialized skill, the regulation of which are determined by the division to be in the best
238 interest of the public health, safety, and welfare.

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

241 ~~[(37)]~~ (40) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-55-501.

242 ~~[(38)]~~ (41) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-55-502
243 and as may be further defined by rule.

244 ~~[(39)]~~ (42) "Wages" means amounts due to an employee for labor or services whether

245 the amount is fixed or ascertained on a time, task, piece, commission, or other basis for
246 calculating the amount.

247 Section 2. Section **58-55-301** is amended to read:

248 **58-55-301. License required -- License classifications.**

249 (1) (a) A person engaged in the construction trades licensed under this chapter, as a
250 contractor regulated under this chapter, as an alarm business or company, or as an alarm
251 company agent, shall become licensed under this chapter before engaging in that trade or
252 contracting activity in this state unless specifically exempted from licensure under Section
253 58-1-307 or 58-55-305.

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

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

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

265 (a) general engineering contractor;

266 (b) general building contractor;

267 (c) residential and small commercial contractor;

268 (d) elevator contractor;

269 [~~(d)~~] (e) specialty contractor;

270 [~~(e)~~] (f) master plumber;

271 [~~(f)~~] (g) residential master plumber;

272 [~~(g)~~] (h) journeyman plumber;

273 [~~(h)~~] (i) apprentice plumber;

274 [~~(i)~~] (j) residential journeyman plumber;

275 [~~(j)~~] (k) master electrician;

276 ~~[(k)]~~ (l) residential master electrician;
277 ~~[(h)]~~ (m) journeyman electrician;
278 ~~[(m)]~~ (n) residential journeyman electrician;
279 ~~[(n)]~~ (o) apprentice electrician;
280 ~~[(o)]~~ (p) construction trades instructor:
281 (i) general engineering classification;
282 (ii) general building classification;
283 (iii) electrical classification;
284 (iv) plumbing classification; and
285 (v) mechanical classification;
286 ~~[(p)]~~ (q) alarm company; ~~[and]~~
287 ~~[(q)]~~ (r) alarm company agent[-]; and
288 (s) elevator mechanic.

289 (3) (a) An applicant may apply for a license in one or more classification or specialty
290 contractor subclassification.

291 (b) A license shall be granted in each classification or subclassification for which the
292 applicant qualifies.

293 (c) A separate application and fee must be submitted for each license classification or
294 subclassification.

295 Section 3. Section **58-55-302** is amended to read:

296 **58-55-302. Qualifications for licensure.**

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

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

299 (b) pay a fee as determined by the department under Section 63J-1-504;

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

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

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

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

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

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

312 (iii) be a licensed master electrician if an applicant for an electrical contractor's license
313 or a licensed master residential electrician if an applicant for a residential electrical contractor's
314 license; [~~or~~]

315 (iv) be a licensed master plumber if an applicant for a plumbing contractor's license or
316 a licensed master residential plumber if an applicant for a residential plumbing contractor's
317 license; [~~and~~] or

318 (v) be a licensed elevator mechanic and produce satisfactory evidence of three years
319 experience as ~~Ŝ~~→ [a licensed] an ←~~Ŝ~~ elevator mechanic if an applicant for an elevator contractor's
319a license;

320 and

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

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

326 (a) proof of workers' compensation insurance which covers employees of the applicant
327 in accordance with applicable Utah law;

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

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

332 (i) Utah Department of Commerce;

333 (ii) Division of Corporations and Commercial Code;

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

336 (iv) State Tax Commission; and

337 (v) Internal Revenue Service.

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

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

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

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

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

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

355 (iii) An individual holding a valid plumbing contractor's license or residential
356 plumbing contractor's license, in effect immediately prior to May 5, 2008, is on or after May 5,
357 2008:

358 (A) considered to hold a current master plumber license under this chapter if licensed
359 as a plumbing contractor and a journeyman plumber, and satisfies the requirements of this
360 Subsection (3)(a) for purposes of renewal or reinstatement of that license under Section
361 58-55-303; and

362 (B) considered to hold a current residential master plumber license under this chapter if
363 licensed as a residential plumbing contractor and a residential journeyman plumber, and
364 satisfies the requirements of this Subsection (3)(a) for purposes of renewal or reinstatement of
365 that license under Section 58-55-303.

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

368 (i) has been a licensed residential journeyman plumber for at least two years and had

369 two years of supervisory experience as a licensed residential journeyman plumber in
370 accordance with division rule; or

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

373 (c) A journeyman plumber applicant shall produce satisfactory evidence of:

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

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

380 (iii) satisfactory evidence of meeting the qualifications determined by the board to be
381 equivalent to Subsection (3)(c)(i) or (c)(ii).

382 (d) A residential journeyman plumber shall produce satisfactory evidence of:

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

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

389 (iii) meeting the qualifications determined by the board to be equivalent to Subsection
390 (3)(d)(i) or (d)(ii).

391 (e) The conduct of licensed apprentice plumbers and their licensed supervisors shall be
392 in accordance with the following:

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

396 (ii) a licensed apprentice plumber in the fourth through tenth year of training may work
397 without supervision for a period not to exceed eight hours in any 24-hour period, but if the
398 apprentice does not become a licensed journeyman plumber or licensed residential journeyman
399 plumber by the end of the tenth year of apprenticeship, this nonsupervision provision no longer

400 applies.

401 (f) A master electrician applicant shall produce satisfactory evidence that the applicant:

402 (i) is a graduate electrical engineer of an accredited college or university approved by
403 the division and has one year of practical electrical experience as a licensed apprentice
404 electrician;

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

408 (iii) has four years of practical experience as a journeyman electrician; or

409 (iv) meets the qualifications determined by the board to be equivalent to Subsection
410 (3)(f)(i), (ii), or (iii).

411 (g) A master residential electrician applicant shall produce satisfactory evidence that
412 the applicant:

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

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

417 (h) A journeyman electrician applicant shall produce satisfactory evidence that the
418 applicant:

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

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

424 (iii) meets the qualifications determined by the board to be equivalent to Subsection
425 (3)(h)(i) or (ii).

426 (i) A residential journeyman electrician applicant shall produce satisfactory evidence
427 that the applicant:

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

430 (ii) has four years of practical experience in wiring, installing, and repairing electrical

431 apparatus and equipment for light, heat, and power under the supervision of a licensed master,
432 journeyman, residential master, or residential journeyman electrician; or

433 (iii) meets the qualifications determined by the division and applicable board to be
434 equivalent to Subsection (3)(i)(i) or (ii).

435 (j) The conduct of licensed apprentice electricians and their licensed supervisors shall
436 be in accordance with the following:

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

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

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

446 (k) An alarm company applicant shall:

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

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

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

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

454 (ii) if a corporation, provide:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

496 (I) Division of Corporations and Commercial Code;

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

499 (III) State Tax Commission; and

500 (IV) Internal Revenue Service; and

501 (x) meet with the division and board.

502 (l) Each applicant for licensure as an alarm company agent shall:

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

505 (ii) pay a fee determined by the department under Section 63J-1-504;

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

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

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

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

515 (m) (i) Each applicant for licensure as an elevator mechanic shall:

516 (A) provide documentation of experience and education credits of not less than three
517 years work experience in the elevator industry, in construction, maintenance, or service and
518 repair; and

519 (B) satisfactorily complete a written examination administered by the division
520 established by rule under Section 58-1-203; or

521 (C) provide certificates of completion of an apprenticeship program for elevator
522 mechanics, having standards substantially equal to those of this chapter and registered with the
523 United States Department of Labor Bureau Apprenticeship and Training or a state

524 apprenticeship council.

525 (ii) (A) If an elevator contractor licensed under this chapter cannot find a licensed
526 elevator mechanic to perform the work of erecting, constructing, installing, altering, servicing,
527 repairing, or maintaining an elevator, the contractor may:

528 (I) notify the division of the unavailability of licensed personnel; and

529 (II) request the division issue a temporary elevator mechanic license to an individual
530 certified by the contractor as having an acceptable combination of documented experience and
531 education to perform the work described in Subsection (3)(m)(ii)(A).

532 (B) (I) The division may issue a temporary elevator mechanic license to an individual
533 certified under Subsection (3)(m)(ii)(A)(II) upon application by the individual, accompanied by
534 the appropriate fee as determined by the department under Section 63J-1-504.

535 (II) The division shall specify the time period for which the license is valid and may
536 renew the license for an additional time period upon its determination that a shortage of
537 licensed elevator mechanics continues to exist.

538 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
539 division may make rules establishing when Federal Bureau of Investigation records shall be
540 checked for applicants as an alarm company or alarm company agent.

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

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

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

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

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

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

557 (7) (a) The division shall charge each applicant for licensure as an alarm company or
558 alarm company agent a fee, in accordance with Section 63J-1-504, equal to the cost of
559 performing the records reviews under this section.

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

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

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

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

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

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

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

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

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

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

586 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and
587 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the
588 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar
589 status, performing similar functions, or directly or indirectly controlling the applicant has
590 served in any similar capacity with any person or entity which has had a previous license,
591 which was issued under this chapter, suspended or revoked more than one year prior to the date
592 of the applicant's application; or

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

598 Section 4. Section **58-55-303** is amended to read:

599 **58-55-303. Term of license -- Expiration -- Renewal.**

600 (1) (a) Each license issued under this chapter shall be issued in accordance with a
601 two-year renewal cycle established by rule.

602 (b) The division may by rule extend or shorten a renewal period by as much as one year
603 to stagger the renewal cycle it administers.

604 (2) At the time of renewal, the licensee shall show satisfactory evidence of continuing
605 financial responsibility as required under Section 58-55-306.

606 (3) Each license automatically expires on the expiration date shown on the license
607 unless the licensee renews the license in accordance with Section 58-1-308.

608 (4) The requirements of Subsection 58-55-302(9) shall also apply to applicants seeking
609 to renew or reinstate a license.

610 (5) In addition to any other requirements imposed by law, if a license has been
611 suspended or revoked for any reason, the applicant ~~[must]~~:

612 (a) ~~shall~~ pay in full all fines imposed by the division~~;~~;

613 (b) resolve any outstanding citations or disciplinary actions with the division~~;~~;

614 (c) satisfy any Section 58-55-503 judgment and sentence or nontrial resolution~~;~~;

615 (d) complete a new financial responsibility review as required under Section
616 58-55-306, using only titled assets~~;~~ and

617 (e) pay in full any reimbursement amount as provided in Title 38, Chapter 11,
618 Residence Lien Restriction and Lien Recovery Fund Act.

619 (6) At the time of license renewal, each elevator contract licensee and elevator
620 mechanic licensee shall show satisfactory evidence of having completed eight hours of
621 approved professional education during the last year of a two-year period in accordance with
622 standards defined by rule by the division in accordance with Title 63G, Chapter 3, Utah
623 Administrative Rulemaking Act.

623a **H→ Section 5. Section 58-55-305 is amended to read:**

623b **58-55-305. Exemptions from licensure.**

623c (1) In addition to the exemptions from licensure in Section 58-1-307, the following persons may
623d engage in acts or practices included within the practice of construction trades, subject to the stated
623e circumstances and limitations, without being licensed under this chapter:

623f (a) an authorized representative of the United States government or an authorized employee of the
623g state or any of its political subdivisions when working on construction work of the state or the subdivision,
623h and when acting within the terms of the person's trust, office, or employment;

623i (b) a person engaged in construction or operation incidental to the construction and repair of
623j irrigation and drainage ditches of regularly constituted irrigation districts, reclamation districts, and drainage
623k districts or construction and repair relating to farming, dairying, agriculture, livestock or poultry raising,
623l metal and coal mining, quarries, sand and gravel excavations, well drilling, as defined in Section 73-3-25,
623m hauling to and from construction sites, and lumbering;

623n (c) public utilities operating under the rules of the Public Service Commission on construction work
623o incidental to their own business;

623p (d) sole owners of property engaged in building:

623q (i) no more than one residential structure per year and no more than three residential structures per
623r five years on their property for their own noncommercial, nonpublic use; except, a person other than the
623s property owner or individuals described in Subsection (1)(e), who engages in building the structure must be
623t licensed under this chapter if the person is otherwise required to be licensed under this chapter; or

623u (ii) structures on their property for their own noncommercial, nonpublic use which are incidental to
623v a residential structure on the property, including sheds, carports, or detached garages;

623w (e) (i) a person engaged in construction or renovation of a residential building for noncommercial,
623x nonpublic use if that person:

623y (A) works without compensation other than token compensation that is not considered salary or
623z wages; and

623aa (B) works under the direction of the property owner who engages in building the structure; and

623ab (ii) as used in this Subsection (1)(e), "token compensation" means compensation paid by a sole
623ac owner of property exempted from licensure under Subsection (1)(d) to a person exempted from licensure
623ad under this Subsection (1)(e), that is:

- 623ae **H→** (A) minimal in value when compared with the fair market value of the services provided by the
623af person;
- 623ag (B) not related to the fair market value of the services provided by the person; and
- 623ah (C) is incidental to the providing of services by the person including paying for or providing meals
623ai or refreshment while services are being provided, or paying reasonable transportation costs incurred by the
623aj person in travel to the site of construction;
- 623ak (f) a person engaged in the sale or merchandising of personal property that by its design or
623al manufacture may be attached, installed, or otherwise affixed to real property who has contracted with a
623am person, firm, or corporation licensed under this chapter to install, affix, or attach that property;
- 623an (g) a contractor submitting a bid on a federal aid highway project, if, before undertaking
623ao construction under that bid, the contractor is licensed under this chapter;
- 623ap (h) (i) a person engaged in the alteration, repair, remodeling, or addition to or improvement of a
623aq building with a contracted or agreed value of less than \$3,000, including both labor and materials, and
623ar including all changes or additions to the contracted or agreed upon work; and
- 623as (ii) notwithstanding Subsection (1)(h)(i) and except as otherwise provided in this section:
- 623at (A) work in the plumbing and electrical trades on a Subsection (1)(h)(i) project within any six month
623au period of time:
- 623av (I) must be performed by a licensed electrical or plumbing contractor, if the project involves an
623aw electrical or plumbing system; and
- 623ax (II) may be performed by a licensed journeyman electrician or plumber or an individual referred to
623ay in Subsection (1)(h)(ii)(A)(I), if the project involves a component of the system such as a faucet, toilet,
623az fixture, device, outlet, or electrical switch;
- 623ba (B) installation, repair, or replacement of a residential or commercial gas appliance or a combustion
623bb system on a Subsection (1)(h)(i) project must be performed by a person who has received certification under
623bc Subsection 58-55-308(2) except as otherwise provided in Subsection 58-55-308(2)(d) or 58-55-308(3);
- 623bd (C) installation, repair, or replacement of water-based fire protection systems on a Subsection
623be (1)(h)(i) project must be performed by a licensed fire suppression systems contractor or a licensed
623bf journeyman plumber;
- 623bg (D) work as an alarm business or company or as an alarm company agent shall be performed by a
623bh licensed alarm business or company or a licensed alarm company agent, except as otherwise provided in this
623bi chapter;
- 623bj (E) installation, repair, or replacement of an alarm system on a Subsection (1)(h)(i) project must be
623bk performed by a licensed alarm business or company or a licensed alarm company agent;
- 623bl (F) installation, repair, or replacement of a heating, ventilation, or air conditioning system (HVAC)
623bm on a Subsection (1)(h)(i) project must be performed by an HVAC contractor licensed by the division;
- 623bn (G) installation, repair, or replacement of a radon mitigation system or a soil depressurization system
623bo must be performed by a licensed contractor; and
- 623bp (H) if the total value of the project is greater than \$1,000, the person shall file with the division ←**H**

- 623bq **H→** a one-time affirmation, subject to periodic reaffirmation as established by division rule, that
 623br the person has:
- 623bs (I) public liability insurance in coverage amounts and form established by division rule; and
 - 623bt (II) if applicable, workers compensation insurance which would cover an employee of the person if
 623bu that employee worked on the construction project;
 - 623bv (i) a person practicing a specialty contractor classification or construction trade which the director
 623bw does not classify by administrative rule as significantly impacting the public's health, safety, and welfare;
 - 623bx (j) owners and lessees of property and persons regularly employed for wages by owners or lessees of
 623by property or their agents for the purpose of maintaining the property, are exempt from this chapter when doing
 623bz work upon the property;
 - 623ca (k) (i) a person engaged in minor plumbing work incidental to the replacement or repair of a fixture
 623cb or an appliance in a residential or small commercial building, or structure used for agricultural use, as
 623cc defined in Section 58-56-4, provided that no modification is made to:
 - 623cd (A) existing culinary water, soil, waste, or vent piping; or
 - 623ce (B) a gas appliance or combustion system; and
 - 623cf (ii) except as provided in Subsection (1)(e), installation for the first time of a fixture or an appliance
 623cg is not included in the exemption provided under Subsection (1)(k)(i);
 - 623ch (l) a person who ordinarily would be subject to the plumber licensure requirements under this
 623ci chapter when installing or repairing a water conditioner or other water treatment apparatus if the conditioner
 623cj or apparatus:
 - 623ck (i) meets the appropriate state construction codes or local plumbing standards; and
 - 623cl (ii) is installed or repaired under the direction of a person authorized to do the work under an
 623cm appropriate specialty contractor license;
 - 623cn (m) a person who ordinarily would be subject to the electrician licensure requirements under this
 623co chapter when employed by:
 - 623cp (i) railroad corporations, telephone corporations or their corporate affiliates, elevator contractors or
 623cq constructors, or street railway systems; or
 - 623cr (ii) public service corporations, rural electrification associations, or municipal utilities who generate,
 623cs distribute, or sell electrical energy for light, heat, or power;
 - 623ct (n) a person involved in minor electrical work incidental to a mechanical or service installation;
 - 623cu (o) a student participating in construction trade education and training programs approved by the
 623cv commission with the concurrence of the director under the condition that:
 - 623cw (i) all work intended as a part of a finished product on which there would normally be an inspection
 623cx by a building inspector is, in fact, inspected and found acceptable by a licensed building inspector; and
 - 623cy (ii) a licensed contractor obtains the necessary building permits; **[and]**
 - 623cz (p) a delivery person when replacing any of the following existing equipment with a new gas
 623da appliance, provided there is an existing gas shutoff valve at the appliance:
 - 623db (i) gas range; **←H**

- 623dc (ii) gas dryer;
 - 623dd (iii) outdoor gas barbeque; or
 - 623de (iv) outdoor gas patio heater [] ;
 - 623df **(q) a person performing maintenance on an elevator as defined in Subsection**
 - 623dg **58-55-102(14), if the maintenance is not related to the operating integrity of the elevator; and**
 - 623dh **(r) an apprentice or helper of an elevator mechanic licensed under this chapter when**
 - 623di **working under the general direction of the licensed elevator mechanic.**
 - 623dj (2) A compliance agency as defined in Subsection 58-56-3(4) that issues a building permit to a person
 - 623dk requesting a permit as a sole owner of property referred to in Subsection (1)(d) shall notify the division, in
 - 623dl writing or through electronic transmission, of the issuance of the permit. ←Ĥ
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Legislative Review Note
as of 11-18-09 1:15 PM

Office of Legislative Research and General Counsel

H.B. 11 - Licensing of Elevator Contractors and Elevator Mechanics

Fiscal Note

2010 General Session

State of Utah

State Impact

This bill adds elevator contractors and mechanics to the professions licensed by the Department of Commerce. Assuming there are 10 elevator contractors and approximately 230 elevator mechanics, licensing revenue the first year of \$27,600 is expected; in FY 2012, the revenue would be approximately \$2,700. Initial start-up costs for the Department are estimated at \$15,000, with \$4,400 as the ongoing costs. Commerce Service Fund spending affects the annual transfer to the General Fund.

	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2011</u> <u>Approp.</u>	<u>FY 2012</u> <u>Approp.</u>	<u>FY 2010</u> <u>Revenue</u>	<u>FY 2011</u> <u>Revenue</u>	<u>FY 2012</u> <u>Revenue</u>
General Fund	\$0	\$0	\$0	\$0	\$12,600	(\$1,700)
General Fund, One-Time	\$0	\$0	\$0	\$0	\$0	\$0
Commerce Service Fund	\$0	\$4,400	\$4,400	\$0	\$4,400	\$2,700
Commerce Service, One-time	\$0	\$10,600	\$0	\$0	\$10,600	\$0
Total	\$0	\$15,000	\$4,400	\$0	\$27,600	\$1,000

Individual, Business and/or Local Impact

Individuals and businesses licensed would pay the cost of the licensing and required continuing education.
