

**LICENSING OF ELEVATOR CONTRACTORS
AND ELEVATOR MECHANICS**

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Larry B. Wiley

Senate Sponsor: Karen Mayne

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

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

- ▶ provides for an emergency temporary elevator mechanic license;

- ▶ provides for exemptions; and

- ▶ provides a continuing education requirement.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

30 **58-55-303**, as last amended by Laws of Utah 2001, Chapter 198

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



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
48 monitoring 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
69 the 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
74 Section 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
97 under 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
102 the 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, except that for
115 purposes of this chapter it does not mean a stair chair, a vertical platform lift, or an incline
116 platform lift.

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

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

124 ~~[(14)]~~ (17) "Employee" means an individual as defined by the division by rule giving
125 consideration to the definition adopted by the Internal Revenue Service and the Department of
126 Workforce Services.

127 ~~[(15)]~~ (18) "Engage in a construction trade" means to:

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

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

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

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

139 ~~[(17)]~~ (20) "Gas appliance" means any device that uses natural gas to produce light,
140 heat, power, steam, hot water, refrigeration, or air conditioning.

141 ~~[(18)]~~ (21) (a) "General building contractor" means a person licensed under this

142 chapter as a general building contractor qualified by education, training, experience, and
143 knowledge to perform or superintend construction of structures for the support, shelter, and
144 enclosure of persons, animals, chattels, or movable property of any kind or any of the
145 components of that construction except plumbing, electrical work, mechanical work, and
146 manufactured housing installation, for which the general building contractor shall employ the
147 services of a contractor licensed in the particular specialty, except that a general building
148 contractor engaged in the construction of single-family and multifamily residences up to four
149 units may perform the mechanical work and hire a licensed plumber or electrician as an
150 employee.

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

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

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

164 [~~(20)~~] (23) "Immediate supervision" means reasonable direction, oversight, inspection,
165 and evaluation of the work of a person, in or out of the immediate presence of the supervising
166 person, so as to ensure that the end result complies with applicable standards.

167 [~~(21)~~] (24) "Individual" means a natural person.

168 [~~(22)~~] (25) "Journeyman electrician" means a person licensed under this chapter as a
169 journeyman electrician having the qualifications, training, experience, and knowledge to wire,

170 install, and repair electrical apparatus and equipment for light, heat, power, and other
171 purposes.

172 [~~(23)~~] (26) "Journeyman plumber" means a person licensed under this chapter as a
173 journeyman plumber having the qualifications, training, experience, and technical knowledge
174 to engage in the plumbing trade.

175 [~~(24)~~] (27) "Master electrician" means a person licensed under this chapter as a master
176 electrician having the qualifications, training, experience, and knowledge to properly plan,
177 layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment
178 for light, heat, power, and other purposes.

179 [~~(25)~~] (28) "Master plumber" means a person licensed under this chapter as a master
180 plumber having the qualifications, training, experience, and knowledge to properly plan and
181 layout projects and supervise persons in the plumbing trade.

182 [~~(26)~~] (29) "Person" means a natural person, sole proprietorship, joint venture,
183 corporation, limited liability company, association, or organization of any type.

184 [~~(27)~~] (30) (a) "Plumbing trade" means the performance of any mechanical work
185 pertaining to the installation, alteration, change, repair, removal, maintenance, or use in
186 buildings, or within three feet beyond the outside walls of buildings of pipes, fixtures, and
187 fittings for:

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

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

195 [~~(28)~~] (31) (a) "Ratio of apprentices" means, for the purpose of determining
196 compliance with the requirements for planned programs of training and electrician apprentice
197 licensing applications, the shop ratio of apprentice electricians to journeyman or master

198 electricians shall be one journeyman or master electrician to one apprentice on industrial and
199 commercial work, and one journeyman or master electrician to three apprentices on residential
200 work.

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

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

215 ~~[(30)]~~ (33) "Residential building," as it relates to the license classification of
216 residential journeyman plumber and residential master plumber, means a single or multiple
217 family dwelling of up to four units.

218 ~~[(31)]~~ (34) "Residential journeyman electrician" means a person licensed under this
219 chapter as a residential journeyman electrician having the qualifications, training, experience,
220 and knowledge to wire, install, and repair electrical apparatus and equipment for light, heat,
221 power, and other purposes on buildings using primarily nonmetallic sheath cable.

222 ~~[(32)]~~ (35) "Residential journeyman plumber" means a person licensed under this
223 chapter as a residential journeyman plumber having the qualifications, training, experience,
224 and knowledge to engage in the plumbing trade as limited to the plumbing of residential
225 buildings.

226 [~~(33)~~] (36) "Residential master electrician" means a person licensed under this chapter
227 as a residential master electrician having the qualifications, training, experience, and
228 knowledge to properly plan, layout, and supervise the wiring, installation, and repair of
229 electrical apparatus and equipment for light, heat, power, and other purposes on residential
230 projects.

231 [~~(34)~~] (37) "Residential master plumber" means a person licensed under this chapter
232 as a residential master plumber having the qualifications, training, experience, and knowledge
233 to properly plan and layout projects and supervise persons in the plumbing trade as limited to
234 the plumbing of residential buildings.

235 [~~(35)~~] (38) "Residential project," as it relates to an electrician or electrical contractor,
236 means buildings primarily wired with nonmetallic sheathed cable, in accordance with standard
237 rules and regulations governing this work, including the National Electrical Code, and in
238 which the voltage does not exceed 250 volts line to line and 125 volts to ground.

239 [~~(36)~~] (39) (a) "Specialty contractor" means a person licensed under this chapter under
240 a specialty contractor classification established by rule, who is qualified by education,
241 training, experience, and knowledge to perform those construction trades and crafts requiring
242 specialized skill, the regulation of which are determined by the division to be in the best
243 interest of the public health, safety, and welfare.

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

246 [~~(37)~~] (40) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-55-501.

247 [~~(38)~~] (41) "Unprofessional conduct" is as defined in Sections 58-1-501 and
248 58-55-502 and as may be further defined by rule.

249 [~~(39)~~] (42) "Wages" means amounts due to an employee for labor or services whether
250 the amount is fixed or ascertained on a time, task, piece, commission, or other basis for
251 calculating the amount.

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

253 **58-55-301. License required -- License classifications.**

254 (1) (a) A person engaged in the construction trades licensed under this chapter, as a
255 contractor regulated under this chapter, as an alarm business or company, or as an alarm
256 company agent, shall become licensed under this chapter before engaging in that trade or
257 contracting activity in this state unless specifically exempted from licensure under Section
258 58-1-307 or 58-55-305.

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

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

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

- 270 (a) general engineering contractor;
- 271 (b) general building contractor;
- 272 (c) residential and small commercial contractor;
- 273 (d) elevator contractor;
- 274 [~~(d)~~] (e) specialty contractor;
- 275 [~~(e)~~] (f) master plumber;
- 276 [~~(f)~~] (g) residential master plumber;
- 277 [~~(g)~~] (h) journeyman plumber;
- 278 [~~(h)~~] (i) apprentice plumber;
- 279 [~~(i)~~] (j) residential journeyman plumber;
- 280 [~~(j)~~] (k) master electrician;
- 281 [~~(k)~~] (l) residential master electrician;

- 282 [~~(t)~~] (m) journeyman electrician;
- 283 [~~(m)~~] (n) residential journeyman electrician;
- 284 [~~(n)~~] (o) apprentice electrician;
- 285 [~~(o)~~] (p) construction trades instructor:
- 286 (i) general engineering classification;
- 287 (ii) general building classification;
- 288 (iii) electrical classification;
- 289 (iv) plumbing classification; and
- 290 (v) mechanical classification;
- 291 [~~(p)~~] (q) alarm company; [~~and~~]
- 292 [~~(q)~~] (r) alarm company agent[-]; and
- 293 (s) elevator mechanic.

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

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

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

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

301 **58-55-302. Qualifications for licensure.**

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

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

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

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

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

- 310 (d) if an apprentice, identify the proposed supervisor of the apprenticeship;
- 311 (e) if an applicant for a contractor's license:
- 312 (i) produce satisfactory evidence of financial responsibility, except for a construction
313 trades instructor for whom evidence of financial responsibility is not required;
- 314 (ii) produce satisfactory evidence of knowledge and experience in the construction
315 industry and knowledge of the principles of the conduct of business as a contractor, reasonably
316 necessary for the protection of the public health, safety, and welfare; and
- 317 (iii) be a licensed master electrician if an applicant for an electrical contractor's license
318 or a licensed master residential electrician if an applicant for a residential electrical
319 contractor's license; ~~or~~
- 320 (iv) be a licensed master plumber if an applicant for a plumbing contractor's license or
321 a licensed master residential plumber if an applicant for a residential plumbing contractor's
322 license; ~~and~~ or
- 323 (v) be a licensed elevator mechanic and produce satisfactory evidence of three years
324 experience as an elevator mechanic if an applicant for an elevator contractor's license; and
- 325 (f) if an applicant for a construction trades instructor license, satisfy any additional
326 requirements established by rule.
- 327 (2) After approval of an applicant for a contractor's license by the applicable board
328 and the division, the applicant shall file the following with the division before the division
329 issues the license:
- 330 (a) proof of workers' compensation insurance which covers employees of the applicant
331 in accordance with applicable Utah law;
- 332 (b) proof of public liability insurance in coverage amounts and form established by
333 rule except for a construction trades instructor for whom public liability insurance is not
334 required; and
- 335 (c) proof of registration as required by applicable law with the:
- 336 (i) Utah Department of Commerce;
- 337 (ii) Division of Corporations and Commercial Code;

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

340 (iv) State Tax Commission; and

341 (v) Internal Revenue Service.

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

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

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

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

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

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

359 (iii) An individual holding a valid plumbing contractor's license or residential
360 plumbing contractor's license, in effect immediately prior to May 5, 2008, is on or after May
361 5, 2008:

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

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

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

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

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

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

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

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

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

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

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

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

393 (iii) meeting the qualifications determined by the board to be equivalent to Subsection

394 (3)(d)(i) or (d)(ii).

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

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

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

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

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

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

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

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

416 (g) A master residential electrician applicant shall produce satisfactory evidence that
417 the applicant:

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

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

422 (h) A journeyman electrician applicant shall produce satisfactory evidence that the
423 applicant:

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

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

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

431 (i) A residential journeyman electrician applicant shall produce satisfactory evidence
432 that the applicant:

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

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

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

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

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

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

449 (iii) A licensed master or journeyman electrician may have under immediate

450 supervision on nonresidential projects only one licensed apprentice electrician.

451 (k) An alarm company applicant shall:

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

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

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

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

459 (ii) if a corporation, provide:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

501 (I) Division of Corporations and Commercial Code;

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

504 (III) State Tax Commission; and

505 (IV) Internal Revenue Service; and

- 506 (x) meet with the division and board.
- 507 (l) Each applicant for licensure as an alarm company agent shall:
- 508 (i) submit an application in a form prescribed by the division accompanied by
- 509 fingerprint cards;
- 510 (ii) pay a fee determined by the department under Section 63J-1-504;
- 511 (iii) be of good moral character in that the applicant has not been convicted of a
- 512 felony, a misdemeanor involving moral turpitude, or any other crime that when considered
- 513 with the duties and responsibilities of an alarm company agent is considered by the board to
- 514 indicate that the best interests of the public are served by granting the applicant a license;
- 515 (iv) not have been declared by any court of competent jurisdiction incompetent by
- 516 reason of mental defect or disease and not been restored;
- 517 (v) not be currently suffering from habitual drunkenness or from drug addiction or
- 518 dependence; and
- 519 (vi) meet with the division and board if requested by the division or the board.
- 520 (m) (i) Each applicant for licensure as an elevator mechanic shall:
- 521 (A) provide documentation of experience and education credits of not less than three
- 522 years work experience in the elevator industry, in construction, maintenance, or service and
- 523 repair; and
- 524 (B) satisfactorily complete a written examination administered by the division
- 525 established by rule under Section 58-1-203; or
- 526 (C) provide certificates of completion of an apprenticeship program for elevator
- 527 mechanics, having standards substantially equal to those of this chapter and registered with
- 528 the United States Department of Labor Bureau Apprenticeship and Training or a state
- 529 apprenticeship council.
- 530 (ii) (A) If an elevator contractor licensed under this chapter cannot find a licensed
- 531 elevator mechanic to perform the work of erecting, constructing, installing, altering, servicing,
- 532 repairing, or maintaining an elevator, the contractor may:
- 533 (I) notify the division of the unavailability of licensed personnel; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

589 (i) the applicant has had a previous license, which was issued under this chapter,

590 suspended or revoked more than one year prior to the date of the applicant's application;

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

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

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

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

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

604 **58-55-303. Term of license -- Expiration -- Renewal.**

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

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

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

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

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

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

617 (a) shall pay in full all fines imposed by the division[-];

618 (b) resolve any outstanding citations or disciplinary actions with the division[;];

619 (c) satisfy any Section 58-55-503 judgment and sentence or nontrial resolution[;];

620 (d) complete a new financial responsibility review as required under Section

621 58-55-306, using only titled assets[;]; and

622 (e) pay in full any reimbursement amount as provided in Title 38, Chapter 11,

623 Residence Lien Restriction and Lien Recovery Fund Act.

624 (6) At the time of license renewal, each elevator contract licensee and elevator

625 mechanic licensee shall show satisfactory evidence of having completed eight hours of

626 approved professional education during the last year of a two-year period in accordance with

627 standards defined by rule by the division in accordance with Title 63G, Chapter 3, Utah

628 Administrative Rulemaking Act.

629 Section 5. Section **58-55-305** is amended to read:

630 **58-55-305. Exemptions from licensure.**

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

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

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

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

646 (d) sole owners of property engaged in building:
647 (i) no more than one residential structure per year and no more than three residential
648 structures per five years on their property for their own noncommercial, nonpublic use; except,
649 a person other than the property owner or individuals described in Subsection (1)(e), who
650 engages in building the structure must be licensed under this chapter if the person is otherwise
651 required to be licensed under this chapter; or
652 (ii) structures on their property for their own noncommercial, nonpublic use which are
653 incidental to a residential structure on the property, including sheds, carports, or detached
654 garages;
655 (e) (i) a person engaged in construction or renovation of a residential building for
656 noncommercial, nonpublic use if that person:
657 (A) works without compensation other than token compensation that is not considered
658 salary or wages; and
659 (B) works under the direction of the property owner who engages in building the
660 structure; and
661 (ii) as used in this Subsection (1)(e), "token compensation" means compensation paid
662 by a sole owner of property exempted from licensure under Subsection (1)(d) to a person
663 exempted from licensure under this Subsection (1)(e), that is:
664 (A) minimal in value when compared with the fair market value of the services
665 provided by the person;
666 (B) not related to the fair market value of the services provided by the person; and
667 (C) is incidental to the providing of services by the person including paying for or
668 providing meals or refreshment while services are being provided, or paying reasonable
669 transportation costs incurred by the person in travel to the site of construction;
670 (f) a person engaged in the sale or merchandising of personal property that by its
671 design or manufacture may be attached, installed, or otherwise affixed to real property who
672 has contracted with a person, firm, or corporation licensed under this chapter to install, affix,
673 or attach that property;

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

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

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

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

684 (I) must be performed by a licensed electrical or plumbing contractor, if the project
685 involves an electrical or plumbing system; and

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

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

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

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

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

702 (F) installation, repair, or replacement of a heating, ventilation, or air conditioning
703 system (HVAC) on a Subsection (1)(h)(i) project must be performed by an HVAC contractor
704 licensed by the division;

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

707 (H) if the total value of the project is greater than \$1,000, the person shall file with the
708 division a one-time affirmation, subject to periodic reaffirmation as established by division
709 rule, that the person has:

710 (I) public liability insurance in coverage amounts and form established by division
711 rule; and

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

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

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

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

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

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

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

728 (l) a person who ordinarily would be subject to the plumber licensure requirements
729 under this chapter when installing or repairing a water conditioner or other water treatment

730 apparatus if the conditioner or apparatus:

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

732 (ii) is installed or repaired under the direction of a person authorized to do the work

733 under an appropriate specialty contractor license;

734 (m) a person who ordinarily would be subject to the electrician licensure requirements

735 under this chapter when employed by:

736 (i) railroad corporations, telephone corporations or their corporate affiliates, elevator

737 contractors or constructors, or street railway systems; or

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

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

740 (n) a person involved in minor electrical work incidental to a mechanical or service

741 installation;

742 (o) a student participating in construction trade education and training programs

743 approved by the commission with the concurrence of the director under the condition that:

744 (i) all work intended as a part of a finished product on which there would normally be

745 an inspection by a building inspector is, in fact, inspected and found acceptable by a licensed

746 building inspector; and

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

748 (p) a delivery person when replacing any of the following existing equipment with a

749 new gas appliance, provided there is an existing gas shutoff valve at the appliance:

750 (i) gas range;

751 (ii) gas dryer;

752 (iii) outdoor gas barbeque; or

753 (iv) outdoor gas patio heater[:];

754 (q) a person performing maintenance on an elevator as defined in Subsection

755 58-55-102(14), if the maintenance is not related to the operating integrity of the elevator; and

756 (r) an apprentice or helper of an elevator mechanic licensed under this chapter when

757 working under the general direction of the licensed elevator mechanic.

758 (2) A compliance agency as defined in [~~Subsection~~] Section 58-56-3[~~(4)~~] that issues a
759 building permit to a person requesting a permit as a sole owner of property referred to in
760 Subsection (1)(d) shall notify the division, in writing or through electronic transmission, of the
761 issuance of the permit.