

ALARM SYSTEM AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lynn N. Hemingway

Senate Sponsor: Patricia W. Jones

LONG TITLE

General Description:

This bill modifies a provision of the Utah Construction Trades Licensing Act relating to alarm companies and agents.

Highlighted Provisions:

This bill:

► classifies as unprofessional conduct an alarm company or agent's failure to inform a potential customer about a local jurisdiction's policy on priority levels of responding to an alarm.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-55-502, as last amended by Laws of Utah 2001, Chapter 198

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

Section 1. Section **58-55-502** is amended to read:

58-55-502. Unprofessional conduct.

Unprofessional conduct includes:



28 (1) failing to establish, maintain, or demonstrate financial responsibility while licensed
29 as a contractor under this chapter;

30 (2) disregarding or violating through gross negligence or a pattern of negligence:

31 (a) the building or construction laws of this state or any political subdivision;

32 (b) the safety and labor laws applicable to a project;

33 (c) any provision of the health laws applicable to a project;

34 (d) the workers' compensation insurance laws of this state applicable to a project;

35 (e) the laws governing withholdings for employee state and federal income taxes,

36 unemployment taxes, FICA, or other required withholdings; or

37 (f) any reporting, notification, and filing laws of this state or the federal government;

38 (3) any willful, fraudulent, or deceitful act by a licensee, caused by a licensee, or at a
39 licensee's direction which causes material injury to another;

40 (4) contract violations that pose a threat or potential threat to the public health, safety,
41 and welfare including:

42 (a) willful, deliberate, or grossly negligent departure from or disregard for plans or
43 specifications, or abandonment or failure to complete a project without the consent of the
44 owner or his duly authorized representative or the consent of any other person entitled to have
45 the particular project completed in accordance with the plans, specifications, and contract
46 terms;

47 (b) failure to deposit funds to the benefit of an employee as required under any written
48 contractual obligation the licensee has to the employee;

49 (c) failure to maintain in full force and effect any health insurance benefit to an
50 employee that was extended as a part of any written contractual obligation or representation by
51 the licensee, unless the employee is given written notice of the licensee's intent to cancel or
52 reduce the insurance benefit at least 45 days before the effective date of the cancellation or
53 reduction;

54 (d) failure to reimburse the Residence Lien Recovery Fund as required by Section
55 38-11-207;

56 (e) failure to provide, when applicable, the information required by Section 38-11-108;
57 and

58 (f) willfully or deliberately misrepresenting or omitting a material fact in connection

59 with an application to claim recovery from the Residence Lien Recovery Fund under Section
60 38-11-204;

61 (5) failing as an alarm company to notify the division of the cessation of performance
62 of its qualifying agent, or failing to replace its qualifying agent as required under Section
63 58-55-304;

64 (6) failing as an alarm company agent to carry or display a copy of the licensee's
65 license as required under Section 58-55-311; ~~or~~

66 (7) failing to comply with operating standards established by rule in accordance with
67 Section 58-55-308[-]; and

68 (8) the failure of an alarm company or alarm company agent to inform a potential
69 customer, before the customer's purchase of an alarm system or alarm service from the alarm
70 company, of the policy of the county, city, or town within which the customer resides relating
71 to priority levels for responding to an alarm signal transmitted by the alarm system that the
72 alarm company provides the customer.

Legislative Review Note
as of 1-17-11 7:02 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 251

SHORT TITLE: **Alarm System Amendments**

SPONSOR: **Hemingway, L.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.