

57 that is not:

58 (i) an individual;

59 (ii) a corporation; or

60 (iii) publicly traded.

61 ~~[(4)]~~ (e) "Wages" means [aH] the amounts due the employee for labor or services,
 62 whether the amount is fixed or ascertained on a time, task, piece, commission basis or other
 63 method of calculating such amount.

64 (2) (a) For purposes of this chapter, an unincorporated entity that is required to be
 65 licensed under Title 58, Chapter 55, Utah Construction Trades Licensing Act, is presumed to
 66 be the employer of each individual who, directly or indirectly, holds an ownership interest in
 67 the unincorporated entity.

68 (b) Pursuant to rules made by the commission in accordance with Title 63G, Chapter 3,
 69 Utah Administrative Rulemaking Act, an unincorporated entity may rebut the presumption
 70 under Subsection (2)(a) for an individual by establishing by clear and convincing evidence that
 71 the individual:

72 (i) is an active manager of the unincorporated entity;

73 (ii) directly or indirectly holds at least a 8% ownership interest in the unincorporated
 74 entity; ~~H~~→ [and] or ←~~H~~

75 (iii) is not subject to supervision or control in the performance of work by:

76 (A) the unincorporated entity; or

77 (B) a person with whom the unincorporated entity contracts.

78 (c) As part of the rules made under Subsection (2)(b), the commission may define:

79 (i) "active manager";

80 (ii) "directly or indirectly holds at least a 8% ownership interest"; and

81 (iii) "subject to supervision or control in the performance of work."

82 (d) The commission by rule made in accordance with Title 63G, Chapter 3, Utah
 83 Administrative Rulemaking Act, may establish a procedure, consistent with Section 34-28-7,
 84 under which an unincorporated entity may seek approval of a mutual agreement to pay wages
 85 on non-regular paydays.

86 Section 2. Section **34A-2-103** is amended to read:

87 **34A-2-103. Employers enumerated and defined -- Regularly employed --**

460 agency, labor organization, apprenticeship program, on-the-job training program, or vocational
461 school against one of its employees, applicants, or members because the employee, applicant,
462 or member:

463 ~~[(a)]~~ (i) has opposed any employment practice prohibited under this chapter; or
464 ~~[(b)]~~ (ii) filed charges, testified, assisted, or participated in any way in any proceeding,
465 investigation, or hearing under this chapter.

466 (r) "Unincorporated entity" means an entity organized or doing business in the state
467 that is not:

- 468 (i) an individual;
- 469 (ii) a corporation; or
- 470 (iii) publicly traded.

471 ~~[(18)]~~ (s) "Vocational school" means any school or institution conducting a course of
472 instruction, training, or retraining to prepare individuals to follow an occupation or trade, or to
473 pursue a manual, technical, industrial, business, commercial, office, personal services, or other
474 nonprofessional occupations.

475 (2) (a) For purposes of this chapter, an unincorporated entity that is required to be
476 licensed under Title 58, Chapter 55, Utah Construction Trades Licensing Act, is presumed to
477 be the employer of each individual who, directly or indirectly, holds an ownership interest in
478 the unincorporated entity.

479 (b) Pursuant to rules made by the commission in accordance with Title 63G, Chapter 3,
480 Utah Administrative Rulemaking Act, an unincorporated entity may rebut the presumption
481 under Subsection (2)(a) for an individual by establishing by clear and convincing evidence that
482 the individual:

- 483 (i) is an active manager of the unincorporated entity;
- 484 (ii) directly or indirectly holds at least a 8% ownership interest in the unincorporated
485 entity; ~~H~~→ [and] or ←~~H~~

- 486 (iii) is not subject to supervision or control in the performance of work by:
487 (A) the unincorporated entity; or
488 (B) a person with whom the unincorporated entity contracts.

489 (c) As part of the rules made under Subsection (2)(b), the commission may define:

- 490 (i) "active manager";

553 entity: ~~and~~ and or ~~or~~

554 (iii) is not subject to supervision or control in the performance of work by:

555 (A) the unincorporated entity; or

556 (B) a person with whom the unincorporated entity contracts.

557 (c) As part of the rules made under Subsection (2)(b), the commission may define:

558 (i) "active manager";

559 (ii) "directly or indirectly holds at least a 8% ownership interest"; and

560 (iii) "subject to supervision or control in the performance of work."

561 Section 6. Section **58-55-102** is amended to read:

562 **58-55-102. Definitions.**

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

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

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

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

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

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

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

579 (a) detecting and signaling unauthorized intrusion or entry into or onto certain
580 premises; or

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

582 (4) "Apprentice electrician" means a person licensed under this chapter as an
583 apprentice electrician who is learning the electrical trade under the immediate supervision of a