that is not:

(i) an individual;

(ii) a corporation; or

(iii) publicly traded.

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

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

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

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

(ii) directly or indirectly holds at least a 8% ownership interest in the unincorporated entity;

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

(A) the unincorporated entity; or

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

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

(i) "active manager";

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

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

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

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

34A-2-103. Employers enumerated and defined -- Regularly employed --
agency, labor organization, apprenticeship program, on-the-job training program, or vocational
school against one of its employees, applicants, or members because the employee, applicant,
or member:

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

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

(i) an individual;

(ii) a corporation; or

(iii) publicly traded.

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

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

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

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

(ii) directly or indirectly holds at least a 8% ownership interest in the unincorporated
entity; [and] or ↔

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

(A) the unincorporated entity; or

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

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

(i) "active manager":


entity: \( \text{and} \) or \( \bot \)

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

(A) the unincorporated entity; or

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

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

(i) "active manager";

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

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

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


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

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

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

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

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

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

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

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

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

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