

EVIDENCE OF LICENSURE REQUIREMENT

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jim Nielson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies Title 58, Chapter 55, Utah Construction Trades Licensing Act, regarding evidence of licensure.

Highlighted Provisions:

This bill:

- ▶ requires an individual licensed under the Utah Construction Trades Licensing Act to carry a copy of the individual's license and display it upon the request of a police officer, a representative of the division, or a customer of the licensee; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-55-311, as renumbered and amended by Laws of Utah 2000, Chapter 317

58-55-502, as last amended by Laws of Utah 2011, Chapters 170 and 413

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

Section 1. Section **58-55-311** is amended to read:



28 **58-55-311. Evidence of licensure.**

29 An individual licensed [~~as an alarm company agent~~] under this chapter shall:

30 (1) carry a copy of the individual's license on the individual's person at all times while
31 acting as a licensee;

32 (2) display the license upon the request of a peace officer, a representative of the
33 division, or a [~~representative of a~~] customer of the [~~alarm company~~] licensee, including a
34 representative of the customer.

35 Section 2. Section **58-55-502** is amended to read:

36 **58-55-502. Unprofessional conduct.**

37 Unprofessional conduct includes:

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

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

41 (a) the building or construction laws of [~~this~~] the state or [~~any~~] a political subdivision;

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

43 (c) [~~any~~] a provision of the health laws applicable to a project;

44 (d) the workers' compensation insurance laws of [~~this~~] the state that are applicable to a
45 project;

46 (e) the laws governing withholdings for employee state and federal income taxes,
47 unemployment taxes, Social Security payroll taxes, or other required withholdings; or

48 (f) [~~any~~] reporting, notification, [~~and~~] or filing laws of [~~this~~] the state or the federal
49 government;

50 (3) [~~any~~] a willful, fraudulent, or deceitful act by a licensee, caused by a licensee, or at
51 a licensee's direction [~~which~~] that causes material injury to another;

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

54 (a) willful, deliberate, or grossly negligent departure from or disregard for plans or
55 specifications, or abandonment or failure to complete a project without the consent of the
56 owner or the owner's duly authorized representative or the consent of any other person entitled
57 to have the particular project completed in accordance with the plans, specifications, and
58 contract terms;

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

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

66 (d) failure to reimburse the Residence Lien Recovery Fund as required by Section
67 [38-11-207](#);

68 (e) failure to provide, when applicable, the information required by Section [38-11-108](#);
69 and

70 (f) willfully or deliberately misrepresenting or omitting a material fact in connection
71 with an application to claim recovery from the Residence Lien Recovery Fund under Section
72 [38-11-204](#);

73 (5) failing as an alarm company to notify the division of the cessation of performance
74 of its qualifying agent, or failing to replace its qualifying agent as required under Section
75 [58-55-304](#);

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

78 (7) failing to comply with operating standards established by rule in accordance with
79 Section [58-55-308](#);

80 (8) an unincorporated entity licensed under this chapter having an individual who owns
81 an interest in the unincorporated entity engage in a construction trade in ~~[Utah]~~ the state while
82 not lawfully present in the United States;

83 (9) an unincorporated entity failing to provide the following for an individual who
84 engages, or will engage, in a construction trade in ~~[Utah]~~ the state for the unincorporated entity:

85 (a) workers' compensation coverage to the extent required by Title 34A, Chapter 2,
86 Workers' Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease Act; and

87 (b) unemployment compensation in accordance with Title 35A, Chapter 4,
88 Employment Security Act, for an individual who owns, directly or indirectly, less than an 8%
89 interest in the unincorporated entity, as defined by rule made by the division in accordance with

90 Title 63G, Chapter 3, Utah Administrative Rulemaking Act; [~~or~~] and
91 (10) the failure of an alarm company or alarm company agent to inform a potential
92 customer, before the customer's purchase of an alarm system or alarm service from the alarm
93 company, of the policy of the county, city, or town within which the customer resides relating
94 to priority levels for responding to an alarm signal transmitted by the alarm system that the
95 alarm company provides the customer.

Legislative Review Note
as of 2-3-14 2:16 PM

Office of Legislative Research and General Counsel