{deleted text} shows text that was in HB0193 but was deleted in HB0193S01.

inserted text shows text that was not in HB0193 but was inserted into HB0193S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator J. Stuart Adams proposes the following substitute bill:

CONTINUING EDUCATION FOR GENERAL CONTRACTOR LICENSING

2015 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Francis D. Gibson

Senate Sponsor: { J. Stuart Adams

LONG TITLE

General Description:

This bill modifies the Utah Construction Trades Licensing Act.

Highlighted Provisions:

This bill:

- {ends} modifies the continuing education requirements for certain contractor licensees; and
- makes technical changes.

Money Appropriated in this Bill:

None

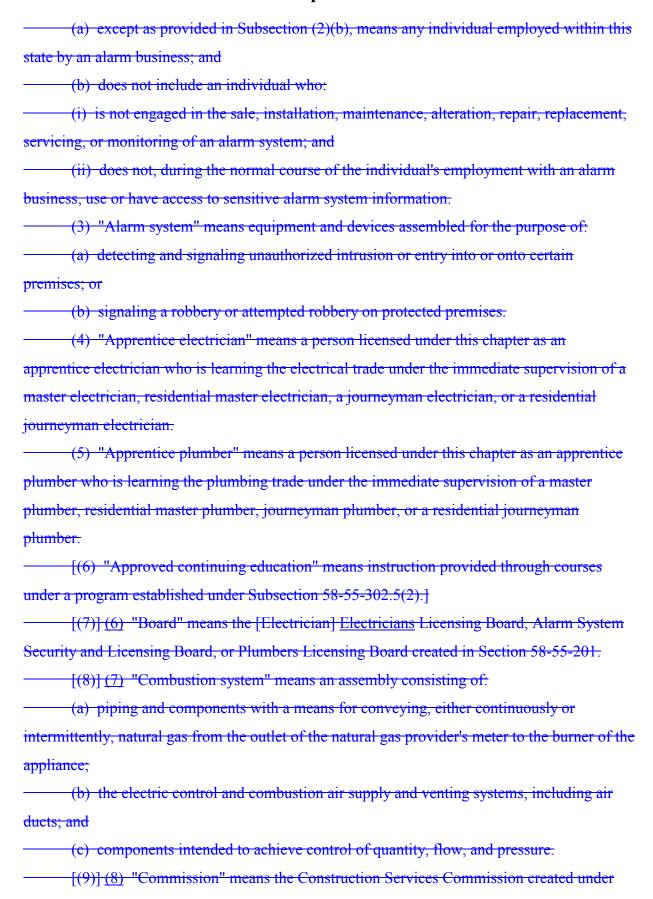
Other Special Clauses:

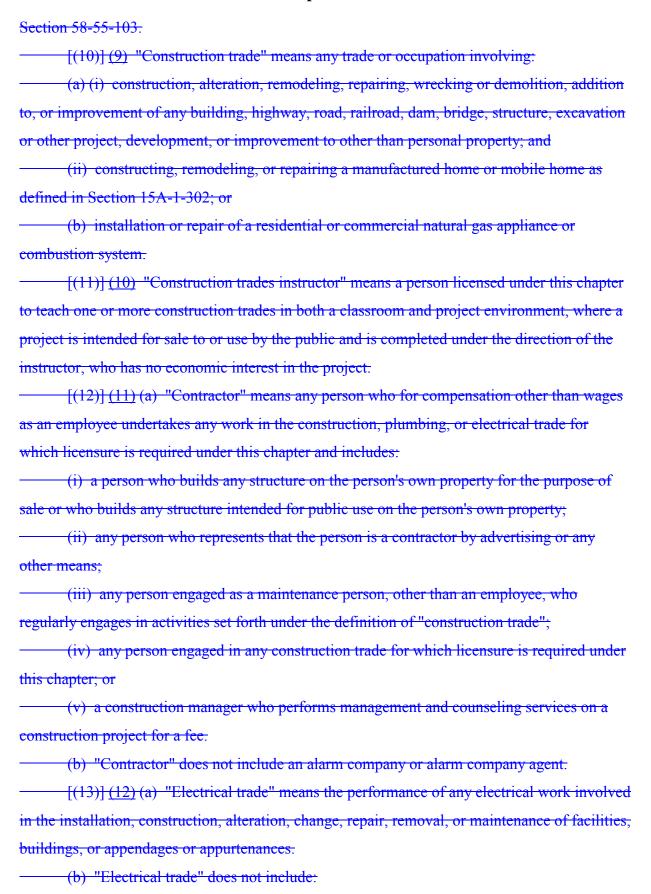
None

Utah Code Sections Affected: AMENDS: 58-55-102, as last amended by Laws of Utah 2014, Chapter 81 58-55-302, as last amended by Laws of Utah 2014, Chapter 402 58-55-303, as last amended by Laws of Utah 2013, Chapter 57 58-55-305, as last amended by Laws of Utah 2013, Chapters 430 and 449 58-55-501, as last amended by Laws of Utah 2014, Chapter 188 58-55-503, as last amended by Laws of Utah 2014, Chapter 188 **REPEALS: 58-55-302.5**, as last amended by Laws of Utah 2013, Chapter 430 *Be it enacted by the Legislature of the state of Utah:* Section 1. Section $\frac{(58-55-102)}{58-55-302.5}$ is amended to read: 58-55-102. **Definitions.** 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 or sale of alarm systems unless: (A) that person is also engaged in the installation, maintenance, alteration, repair, replacement, servicing, or monitoring of alarm systems; (B) the manufacture or sale occurs at a location other than a place of business established by the person engaged in the manufacture or sale; or (C) the manufacture or sale involves 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

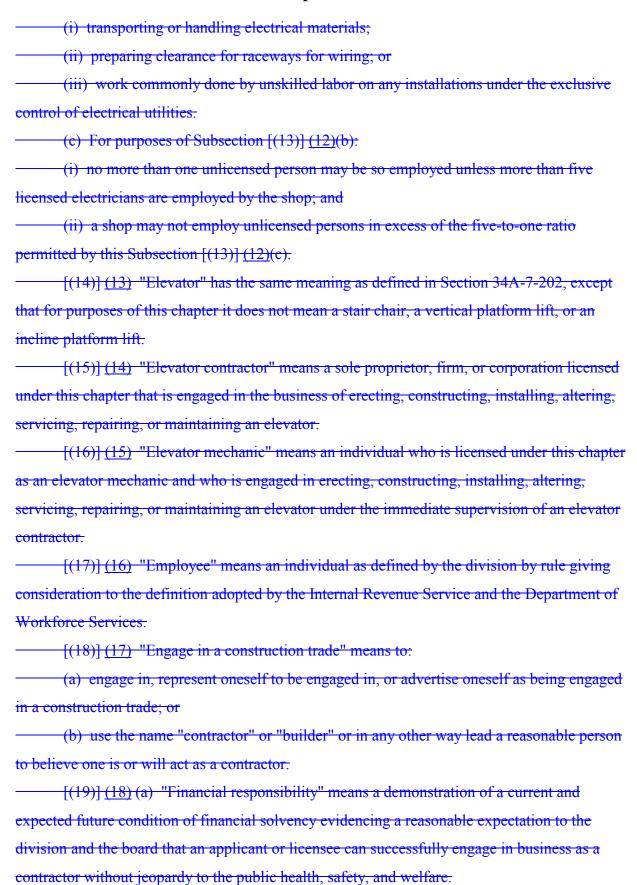
(2) "Alarm company agent":

of the alarm system owned by that owner.

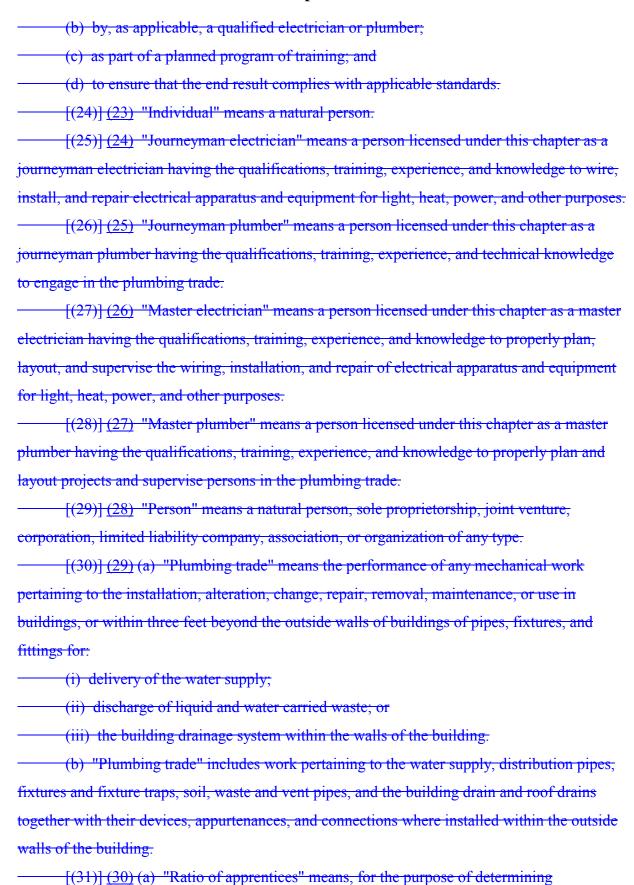




- 4 -



(b) Financial responsibility may be determined by an evaluation of the total history concerning the licensee or applicant including past, present, and expected condition and record of financial solvency and business conduct. [(20)] (19) "Gas appliance" means any device that uses natural gas to produce light, heat, power, steam, hot water, refrigeration, or air conditioning. [(21)] (20) (a) "General building contractor" means a person licensed under this chapter as a general building contractor qualified by education, training, experience, and knowledge to perform or superintend construction of structures for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind or any of the components of that construction except plumbing, electrical work, mechanical work, work related to the operating integrity of an elevator, and manufactured housing installation, for which the general building contractor shall employ the services of a contractor licensed in the particular specialty, except that a general building contractor engaged in the construction of single-family and multifamily residences up to four units may perform the mechanical work and hire a licensed plumber or electrician as an employee. (b) The division may by rule exclude general building contractors from engaging in the performance of other construction specialties in which there is represented a substantial risk to the public health, safety, and welfare, and for which a license is required unless that general building contractor holds a valid license in that specialty classification. -[(22)] (21) (a) "General engineering contractor" means a person licensed under this chapter as a general engineering contractor qualified by education, training, experience, and knowledge to perform construction of fixed works in any of the following: irrigation, drainage, water, power, water supply, flood control, inland waterways, harbors, railroads, highways, tunnels, airports and runways, sewers and bridges, refineries, pipelines, chemical and industrial plants requiring specialized engineering knowledge and skill, piers, and foundations, or any of the components of those works. (b) A general engineering contractor may not perform construction of structures built primarily for the support, shelter, and enclosure of persons, animals, and chattels. [(23)] (22) "Immediate supervision" means reasonable direction, oversight, inspection, and evaluation of the work of a person: (a) as the division specifies in rule;

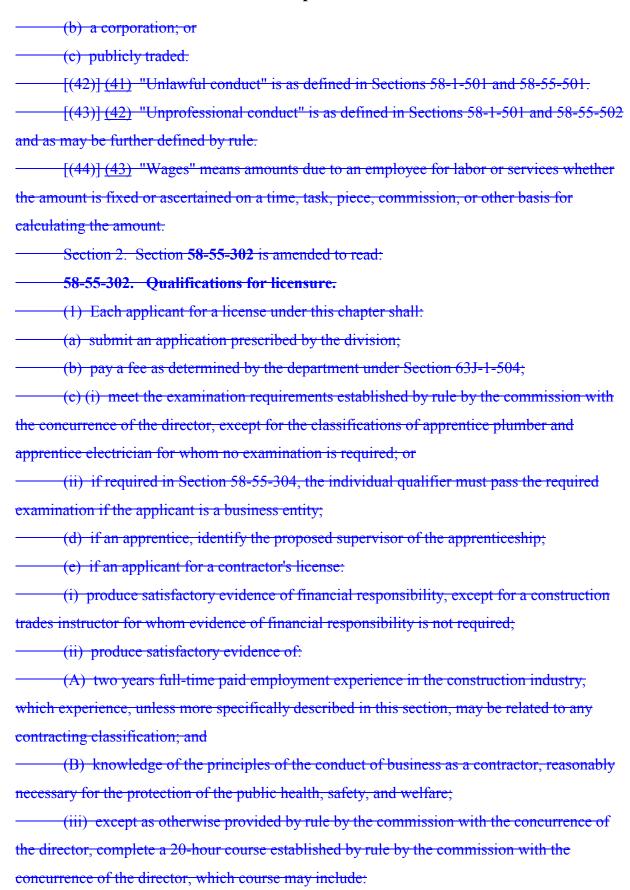


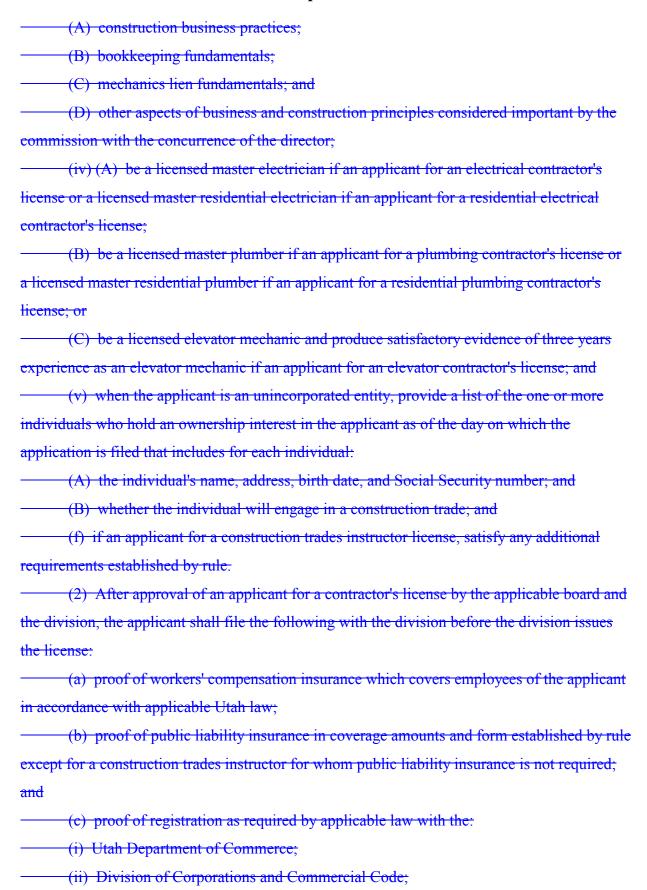
compliance with the requirements for planned programs of training and electrician apprentice licensing applications, the shop ratio of apprentice electricians to journeyman or master electricians shall be one journeyman or master electrician to one apprentice on industrial and commercial work, and one journeyman or master electrician to three apprentices on residential work.

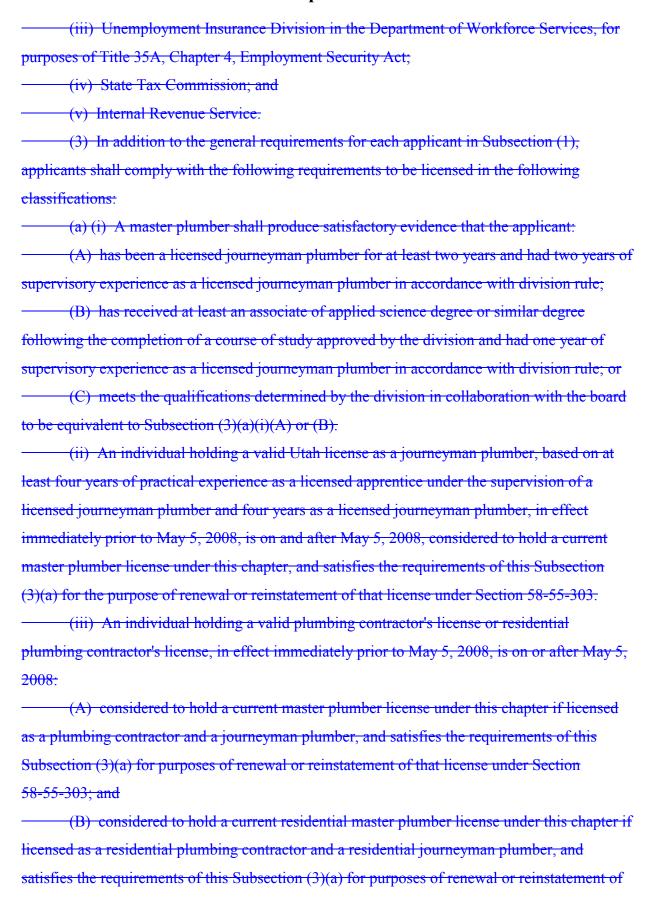
commercial work, and one journeyman or master electrician to three apprentices on residential (b) On-the-job training shall be under circumstances in which the ratio of apprentices to supervisors is in accordance with a ratio of one-to-one on nonresidential work and up to three apprentices to one supervisor on residential projects. [(32)] (31) "Residential and small commercial contractor" means a person licensed under this chapter as a residential and small commercial contractor qualified by education, training, experience, and knowledge to perform or superintend the construction of single-family residences, multifamily residences up to four units, and commercial construction of not more than three stories above ground and not more than 20,000 square feet, or any of the components of that construction except plumbing, electrical work, mechanical work, and manufactured housing installation, for which the residential and small commercial contractor shall employ the services of a contractor licensed in the particular specialty, except that a residential and small commercial contractor engaged in the construction of single-family and multifamily residences up to four units may perform the mechanical work and hire a licensed plumber or electrician as an employee. -[(33)] (32) "Residential building," as it relates to the license classification of residential journeyman plumber and residential master plumber, means a single or multiple family dwelling of up to four units. [(34)] (33) "Residential journeyman electrician" means a person licensed under this chapter as a residential journeyman electrician having the qualifications, training, experience, and knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power, and other purposes on buildings using primarily nonmetallic sheath cable. [(35)] (34) "Residential journeyman plumber" means a person licensed under this chapter as a residential journeyman plumber having the qualifications, training, experience, and knowledge to engage in the plumbing trade as limited to the plumbing of residential buildings. [(36)] (35) "Residential master electrician" means a person licensed under this chapter

as a residential master electrician having the qualifications, training, experience, and

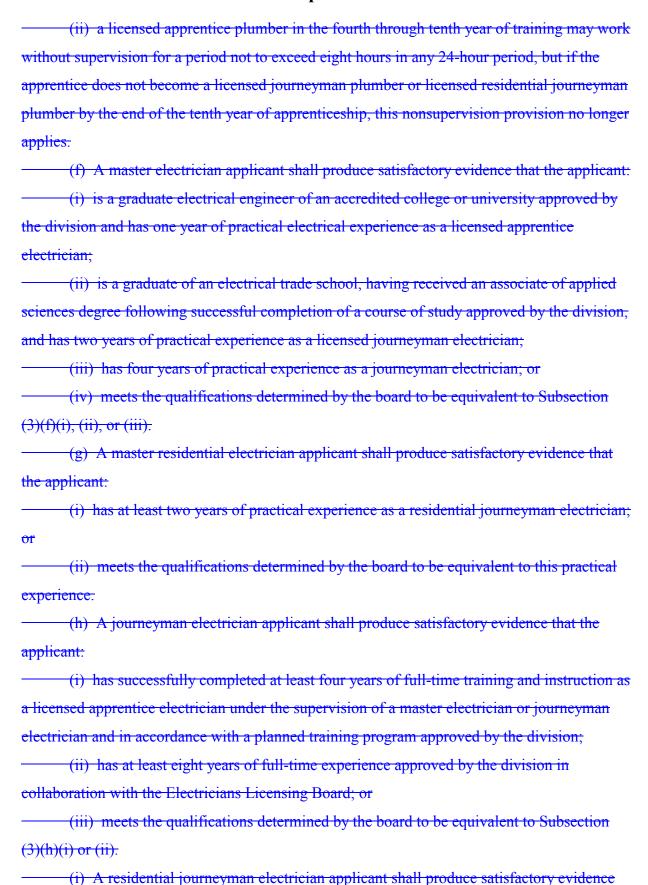
knowledge to properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment for light, heat, power, and other purposes on residential projects. [(37)] (36) "Residential master plumber" means a person licensed under this chapter as a residential master plumber having the qualifications, training, experience, and knowledge to properly plan and layout projects and supervise persons in the plumbing trade as limited to the plumbing of residential buildings. [(38)] (37) "Residential project," as it relates to an electrician or electrical contractor, means buildings primarily wired with nonmetallic sheathed cable, in accordance with standard rules and regulations governing this work, including the National Electrical Code, and in which the voltage does not exceed 250 volts line to line and 125 volts to ground. [(39)] (38) "Sensitive alarm system information" means: (a) a pass code or other code used in the operation of an alarm system; (b) information on the location of alarm system components at the premises of a customer of the alarm business providing the alarm system; (c) information that would allow the circumvention, bypass, deactivation, or other compromise of an alarm system of a customer of the alarm business providing the alarm system; and (d) any other similar information that the division by rule determines to be information that an individual employed by an alarm business should use or have access to only if the individual is licensed as provided in this chapter. [(40)] (39) (a) "Specialty contractor" means a person licensed under this chapter under a specialty contractor classification established by rule, who is qualified by education, training, experience, and knowledge to perform those construction trades and crafts requiring specialized skill, the regulation of which are determined by the division to be in the best interest of the public health, safety, and welfare. (b) A specialty contractor may perform work in crafts or trades other than those in which the specialty contractor is licensed if they are incidental to the performance of the specialty contractor's licensed craft or trade. -[(41)] (40) "Unincorporated entity" means an entity that is not: (a) an individual;







that license under Section 58-55-303. (b) A master residential plumber applicant shall produce satisfactory evidence that the applicant: (i) has been a licensed residential journeyman plumber for at least two years and had two years of supervisory experience as a licensed residential journeyman plumber in accordance with division rule; or (ii) meets the qualifications determined by the division in collaboration with the board to be equivalent to Subsection (3)(b)(i). (c) A journeyman plumber applicant shall produce satisfactory evidence of: (i) successful completion of the equivalent of at least four years of full-time training and instruction as a licensed apprentice plumber under supervision of a licensed master plumber or journeyman plumber and in accordance with a planned program of training approved by the division; (ii) at least eight years of full-time experience approved by the division in collaboration with the Plumbers Licensing Board; or (iii) satisfactory evidence of meeting the qualifications determined by the board to be equivalent to Subsection (3)(c)(i) or (c)(ii). (d) A residential journeyman plumber shall produce satisfactory evidence of: (i) completion of the equivalent of at least three years of full-time training and instruction as a licensed apprentice plumber under the supervision of a licensed residential master plumber, licensed residential journeyman plumber, or licensed journeyman plumber in accordance with a planned program of training approved by the division; (ii) completion of at least six years of full-time experience in a maintenance or repair trade involving substantial plumbing work; or (iii) meeting the qualifications determined by the board to be equivalent to Subsection (3)(d)(i) or (d)(ii). (e) The conduct of licensed apprentice plumbers and their licensed supervisors shall be in accordance with the following: (i) while engaging in the trade of plumbing, a licensed apprentice plumber shall be under the immediate supervision of a licensed master plumber, licensed residential master plumber, licensed journeyman plumber, or a licensed residential journeyman plumber; and



that the applicant: (i) has successfully completed two years of training in an electrical training program approved by the division; (ii) has four years of practical experience in wiring, installing, and repairing electrical apparatus and equipment for light, heat, and power under the supervision of a licensed master, journeyman, residential master, or residential journeyman electrician; or (iii) meets the qualifications determined by the division and applicable board to be equivalent to Subsection (3)(i)(i) or (ii). (j) The conduct of licensed apprentice electricians and their licensed supervisors shall be in accordance with the following: (i) A licensed apprentice electrician shall be under the immediate supervision of a licensed master, journeyman, residential master, or residential journeyman electrician. An apprentice in the fourth year of training may work without supervision for a period not to exceed eight hours in any 24-hour period. (ii) A licensed master, journeyman, residential master, or residential journeyman electrician may have under immediate supervision on a residential project up to three licensed apprentice electricians. (iii) A licensed master or journeyman electrician may have under immediate supervision on nonresidential projects only one licensed apprentice electrician. (k) An alarm company applicant shall: (i) have a qualifying agent who is an officer, director, partner, proprietor, or manager of the applicant who: (A) demonstrates 6,000 hours of experience in the alarm company business; (B) demonstrates 2,000 hours of experience as a manager or administrator in the alarm company business or in a construction business; and (C) passes an examination component established by rule by the commission with the concurrence of the director; (ii) if a corporation, provide: (A) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards

within the state or having direct responsibility for managing operations of the applicant within

of all corporate officers, directors, and those responsible management personnel employed

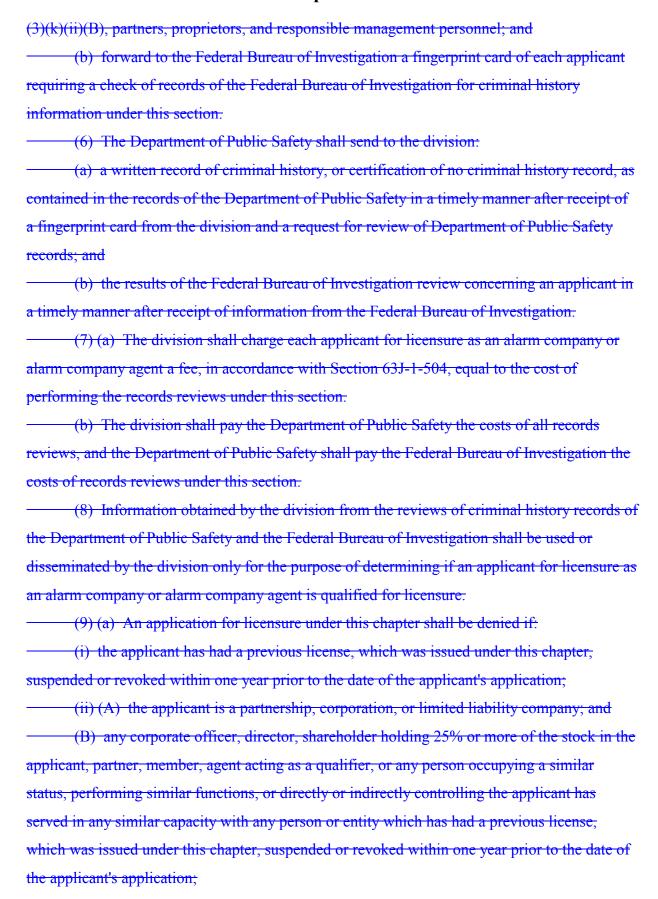
the state; and (B) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards of all shareholders owning 5% or more of the outstanding shares of the corporation, except this shall not be required if the stock is publicly listed and traded; (iii) if a limited liability company, provide: (A) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards of all company officers, and those responsible management personnel employed within the state or having direct responsibility for managing operations of the applicant within the state; and (B) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards of all individuals owning 5% or more of the equity of the company; (iv) if a partnership, provide the names, addresses, dates of birth, Social Security numbers, and fingerprint cards of all general partners, and those responsible management personnel employed within the state or having direct responsibility for managing operations of the applicant within the state; (v) if a proprietorship, provide the names, addresses, dates of birth, Social Security numbers, and fingerprint cards of the proprietor, and those responsible management personnel employed within the state or having direct responsibility for managing operations of the applicant within the state; (vi) if a trust, provide the names, addresses, dates of birth, Social Security numbers, and fingerprint cards of the trustee, and those responsible management personnel employed within the state or having direct responsibility for managing operations of the applicant within the state; (vii) be of good moral character in that officers, directors, shareholders described in Subsection (3)(k)(ii)(B), partners, proprietors, trustees, and responsible management personnel have not been convicted of a felony, a misdemeanor involving moral turpitude, or any other crime that when considered with the duties and responsibilities of an alarm company is considered by the board to indicate that the best interests of the public are served by granting the applicant a license;

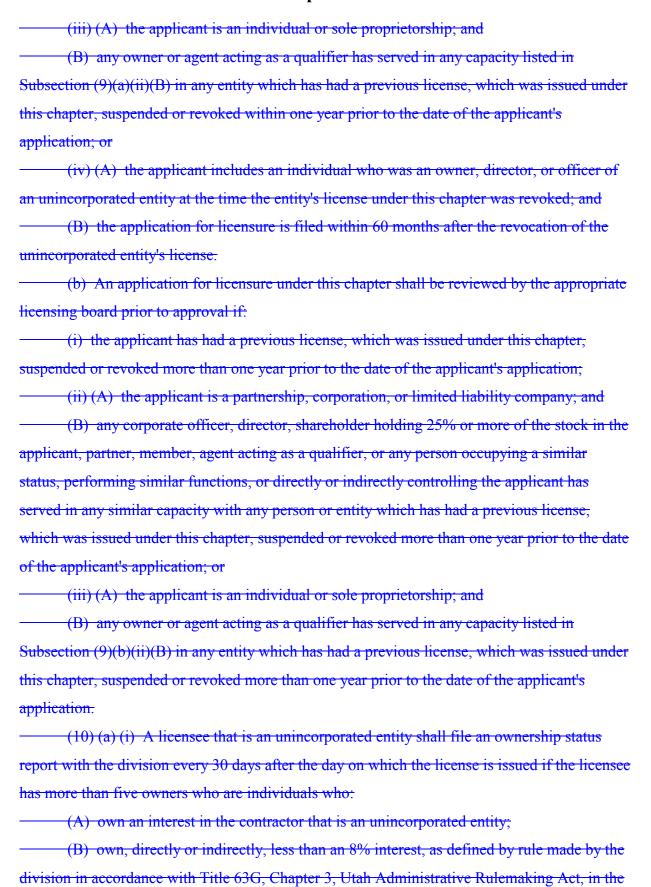
in Subsection (3)(k)(ii)(B), partners, proprietors, trustees, and responsible management

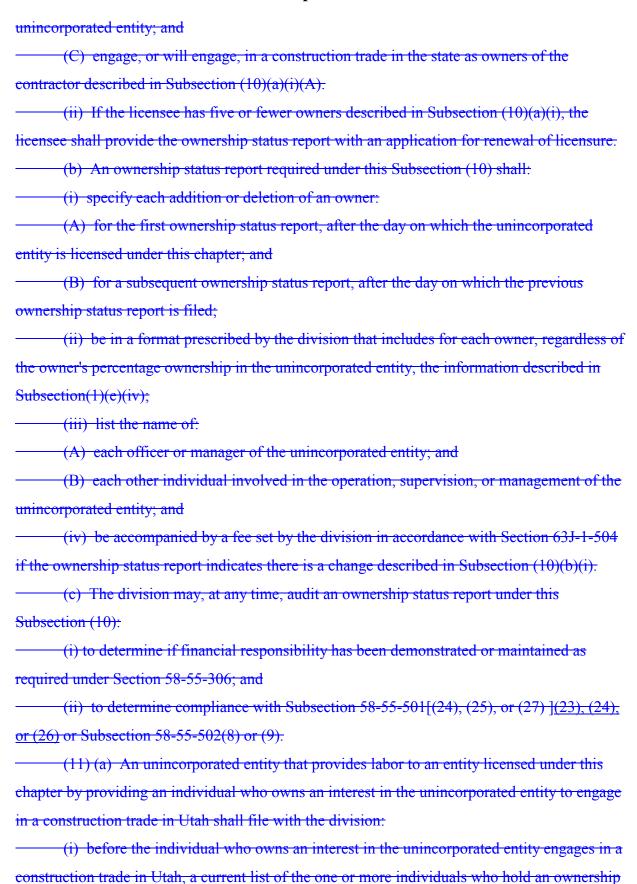
(viii) document that none of the applicant's officers, directors, shareholders described

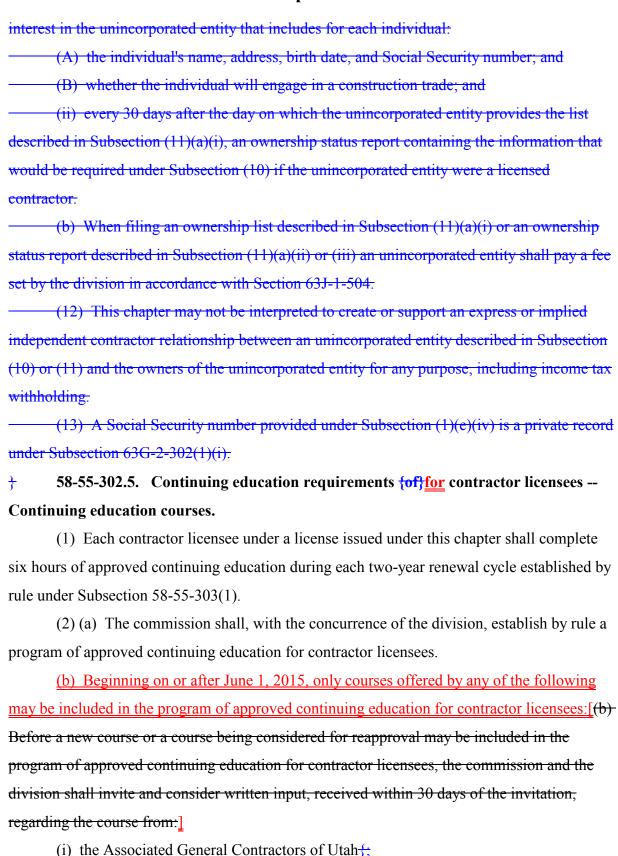
personnel have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored; (ix) document that none of the applicant's officers, directors, shareholders described in Subsection (3)(k)(ii)(B), partners, proprietors, and responsible management personnel are currently suffering from habitual drunkenness or from drug addiction or dependence; (x) file and maintain with the division evidence of: (A) comprehensive general liability insurance in form and in amounts to be established by rule by the commission with the concurrence of the director; (B) workers' compensation insurance that covers employees of the applicant in accordance with applicable Utah law; and (C) registration as is required by applicable law with the: (I) Division of Corporations and Commercial Code; (II) Unemployment Insurance Division in the Department of Workforce Services, for purposes of Title 35A, Chapter 4, Employment Security Act; (III) State Tax Commission; and (IV) Internal Revenue Service; and (xi) meet with the division and board. (1) Each applicant for licensure as an alarm company agent shall: (i) submit an application in a form prescribed by the division accompanied by fingerprint cards; (ii) pay a fee determined by the department under Section 63J-1-504; (iii) be of good moral character in that the applicant has not been convicted of a felony, a misdemeanor involving moral turpitude, or any other crime that when considered with the duties and responsibilities of an alarm company agent is considered by the board to indicate that the best interests of the public are served by granting the applicant a license; (iv) not have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored; (v) not be currently suffering from habitual drunkenness or from drug addiction or dependence; and (vi) meet with the division and board if requested by the division or the board. (m) (i) Each applicant for licensure as an elevator mechanic shall:

(A) provide documentation of experience and education credits of not less than three years work experience in the elevator industry, in construction, maintenance, or service and repair; and (B) satisfactorily complete a written examination administered by the division established by rule under Section 58-1-203; or (C) provide certificates of completion of an apprenticeship program for elevator mechanics, having standards substantially equal to those of this chapter and registered with the United States Department of Labor, Bureau of Apprenticeship and Training or a state apprenticeship council. (ii) (A) If an elevator contractor licensed under this chapter cannot find a licensed elevator mechanic to perform the work of erecting, constructing, installing, altering, servicing, repairing, or maintaining an elevator, the contractor may: (I) notify the division of the unavailability of licensed personnel; and (II) request the division issue a temporary elevator mechanic license to an individual certified by the contractor as having an acceptable combination of documented experience and education to perform the work described in this Subsection (3)(m)(ii)(A). (B) (I) The division may issue a temporary elevator mechanic license to an individual certified under Subsection (3)(m)(ii)(A)(II) upon application by the individual, accompanied by the appropriate fee as determined by the department under Section 63J-1-504. (II) The division shall specify the time period for which the license is valid and may renew the license for an additional time period upon its determination that a shortage of licensed elevator mechanics continues to exist. (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules establishing when Federal Bureau of Investigation records shall be checked for applicants as an alarm company or alarm company agent. (5) To determine if an applicant meets the qualifications of Subsections (3)(k)(vii) and (3)(1)(iii), the division shall provide an appropriate number of copies of fingerprint cards to the Department of Public Safety with the division's request to: (a) conduct a search of records of the Department of Public Safety for criminal history information relating to each applicant for licensure as an alarm company or alarm company agent and each applicant's officers, directors, shareholders described in Subsection









(ii)};

- (ii) Associated Builders and Contractors, Utah Chapter; [(iii)] (iii) the Home Builders Association of Utah; [(iii) the Utah Subcontractors Council; { (iv)}] (iv) the National Electrical Contractors Association; (v) the Utah Plumbing & Heating Contractors Association; (vi) the Independent Electrical Contractors of Utah; and (vi) the Rocky Mountain Gas Association. (vii) the Utah Mechanical Contractors Association; (viii) a nationally or regionally accredited college or university that has a physical campus in the state; or (ix) an agency of the state. (3) The division may contract with a person to establish and maintain a continuing education registry to include: (a) an online application for a continuing education course provider to apply to the division for approval of the course for inclusion in the program of approved continuing education; [(b)] (a) a list of courses that the division has approved for inclusion in the program of approved continuing education; and (c) (b) a list of courses that: (i) a contractor licensee has completed under the program of approved continuing education; and (ii) the licensee may access to monitor the licensee's compliance with the continuing education requirement established under Subsection (1). (4) The division may charge a fee, as established by the division under Section 63J-1-504, to administer the requirements of this section.
- Section 3. Section 58-55-303 is amended to read:
 58-55-303. Term of license -- Expiration -- Renewal.
 (1) (a) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule.
 - (b) The division may by rule extend or shorten a renewal period by as much as one year

to stagger the renewal cycle it administers. (c) (i) Notwithstanding a renewal cycle under Subsection (1)(a) or (b), notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, and subject to Subsection (1)(c)(ii), a license is automatically suspended 60 days after the licensee: (A) becomes, after the time of licensing, an unincorporated entity that is subject to the ownership status report filing requirements of Subsection 58-55-302(10)(a)(i); or (B) transfers its license to an unincorporated entity that is subject to the ownership status report filing requirements of Subsection 58-55-302(10)(a)(i). (ii) An automatic suspension does not occur under Subsection (1)(c)(i) if, before the expiration of the 60-day period in Subsection (1)(c)(i): (A) the licensee submits an application for renewal of the license; and (B) the division renews the licensee's license pursuant to the licensee's application for renewal. (iii) Within 30 days after the effective date of a suspension under Subsection (1)(c)(i), the commission shall, in accordance with Title 63G, Chapter 4, Administrative Procedures Act, make a final determination concerning the suspension. (2) At the time of renewal, the licensee shall show satisfactory evidence of: (a) continuing financial responsibility as required under Section 58-55-306; and [(b) for a contractor licensee, completion of six hours of approved continuing education, as required in Section 58-55-302.5; and [(c)] (b) if the licensee is an apprentice electrician or plumber, journeyman electrician or plumber, master electrician or plumber, residential journeyman electrician or plumber, or residential master electrician or plumber, completion of the number of hours of continuing education specified under Section 58-55-302.7. (3) Each license automatically expires on the expiration date shown on the license unless the licensee renews the license in accordance with Section 58-1-308. (4) The requirements of Subsection 58-55-302(9) shall also apply to applicants seeking to renew or reinstate a license. (5) In addition to any other requirements imposed by law, if a license has been suspended or revoked for any reason, the applicant: (a) shall pay in full all fines imposed by the division;

(b) resolve any outstanding citations or disciplinary actions with the division; (c) satisfy any Section 58-55-503 judgment and sentence or nontrial resolution; (d) complete a new financial responsibility review as required under Section 58-55-306, using only titled assets; and (e) pay in full any reimbursement amount as provided in Title 38, Chapter 11, Residence Lien Restriction and Lien Recovery Fund Act. Section 4. Section 58-55-305 is amended to read: 58-55-305. Exemptions from licensure. (1) In addition to the exemptions from licensure in Section 58-1-307, the following persons may engage in acts or practices included within the practice of construction trades, subject to the stated circumstances and limitations, without being licensed under this chapter: (a) an authorized representative of the United States government or an authorized employee of the state or any of its political subdivisions when working on construction work of the state or the subdivision, and when acting within the terms of the person's trust, office, or employment; (b) a person engaged in construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts, reclamation districts, and drainage districts or construction and repair relating to farming, dairying, agriculture, livestock or poultry raising, metal and coal mining, quarries, sand and gravel excavations, well drilling, as defined in Section 73-3-25, hauling to and from construction sites, and lumbering; (c) public utilities operating under the rules of the Public Service Commission on work incidental to their own business: (d) sole owners of property engaged in building: (i) no more than one residential structure per year and no more than three residential structures per five years on their property for their own noncommercial, nonpublic use; except, a person other than the property owner or individuals described in Subsection (1)(e), who engages in building the structure must be licensed under this chapter if the person is otherwise required to be licensed under this chapter; or (ii) structures on their property for their own noncommercial, nonpublic use which are

incidental to a residential structure on the property, including sheds, carports, or detached

garages; (e) (i) a person engaged in construction or renovation of a residential building for noncommercial, nonpublic use if that person: (A) works without compensation other than token compensation that is not considered salary or wages; and (B) works under the direction of the property owner who engages in building the structure; and (ii) as used in this Subsection (1)(e), "token compensation" means compensation paid by a sole owner of property exempted from licensure under Subsection (1)(d) to a person exempted from licensure under this Subsection (1)(e), that is: (A) minimal in value when compared with the fair market value of the services provided by the person; (B) not related to the fair market value of the services provided by the person; and (C) is incidental to the providing of services by the person including paying for or providing meals or refreshment while services are being provided, or paying reasonable transportation costs incurred by the person in travel to the site of construction; (f) a person engaged in the sale or merchandising of personal property that by its design or manufacture may be attached, installed, or otherwise affixed to real property who has contracted with a person, firm, or corporation licensed under this chapter to install, affix, or attach that property; (g) a contractor submitting a bid on a federal aid highway project, if, before undertaking construction under that bid, the contractor is licensed under this chapter; (h) (i) a person engaged in the alteration, repair, remodeling, or addition to or improvement of a building with a contracted or agreed value of less than \$3,000, including both labor and materials, and including all changes or additions to the contracted or agreed upon work; and (ii) notwithstanding Subsection (1)(h)(i) and except as otherwise provided in this section: (A) work in the plumbing and electrical trades on a Subsection (1)(h)(i) project within any six month period of time: (I) must be performed by a licensed electrical or plumbing contractor, if the project

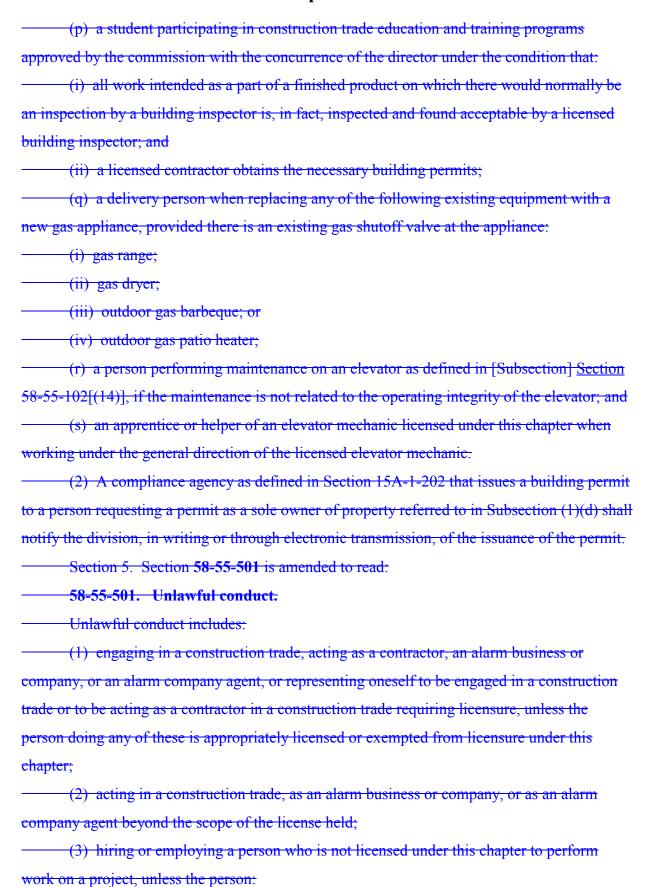
involves an electrical or plumbing system; and (II) may be performed by a licensed journeyman electrician or plumber or an individual referred to in Subsection (1)(h)(ii)(A)(I), if the project involves a component of the system such as a faucet, toilet, fixture, device, outlet, or electrical switch; (B) installation, repair, or replacement of a residential or commercial gas appliance or a combustion system on a Subsection (1)(h)(i) project must be performed by a person who has received certification under Subsection 58-55-308(2) except as otherwise provided in Subsection 58-55-308(2)(d) or 58-55-308(3): (C) installation, repair, or replacement of water-based fire protection systems on a Subsection (1)(h)(i) project must be performed by a licensed fire suppression systems contractor or a licensed journeyman plumber; (D) work as an alarm business or company or as an alarm company agent shall be performed by a licensed alarm business or company or a licensed alarm company agent, except as otherwise provided in this chapter; (E) installation, repair, or replacement of an alarm system on a Subsection (1)(h)(i) project must be performed by a licensed alarm business or company or a licensed alarm company agent; (F) installation, repair, or replacement of a heating, ventilation, or air conditioning system (HVAC) on a Subsection (1)(h)(i) project must be performed by an HVAC contractor licensed by the division; (G) installation, repair, or replacement of a radon mitigation system or a soil depressurization system must be performed by a licensed contractor; and (II) if the total value of the project is greater than \$1,000, the person shall file with the division a one-time affirmation, subject to periodic reaffirmation as established by division rule, that the person has: (I) public liability insurance in coverage amounts and form established by division rule; and (II) if applicable, workers compensation insurance which would cover an employee of the person if that employee worked on the construction project;

the director does not classify by administrative rule as significantly impacting the public's

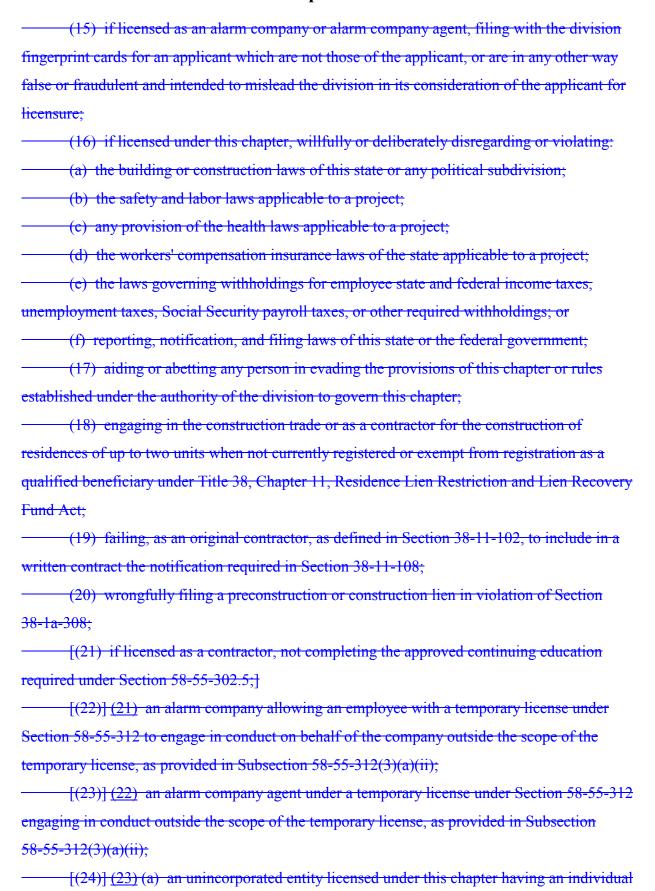
(i) a person practicing a specialty contractor classification or construction trade which

health, safety, and welfare; (j) owners and lessees of property and persons regularly employed for wages by owners or lessees of property or their agents for the purpose of maintaining the property, are exempt from this chapter when doing work upon the property; (k) (i) a person engaged in minor plumbing work that is incidental, as defined by the division by rule, to the replacement or repair of a fixture or an appliance in a residential or small commercial building, or structure used for agricultural use, as defined in Section 15A-1-202, provided that no modification is made to: (A) existing culinary water, soil, waste, or vent piping; or (B) a gas appliance or combustion system; and (ii) except as provided in Subsection (1)(e), installation for the first time of a fixture or an appliance is not included in the exemption provided under Subsection (1)(k)(i); (1) a person who ordinarily would be subject to the plumber licensure requirements under this chapter when installing or repairing a water conditioner or other water treatment apparatus if the conditioner or apparatus: (i) meets the appropriate state construction codes or local plumbing standards; and (ii) is installed or repaired under the direction of a person authorized to do the work under an appropriate specialty contractor license; (m) a person who ordinarily would be subject to the electrician licensure requirements under this chapter when employed by: (i) railroad corporations, telephone corporations or their corporate affiliates, elevator contractors or constructors, or street railway systems; or (ii) public service corporations, rural electrification associations, or municipal utilities who generate, distribute, or sell electrical energy for light, heat, or power; (n) a person involved in minor electrical work incidental to a mechanical or service installation, including the outdoor installation of an above-ground, prebuilt hot tub; (o) a person who ordinarily would be subject to the electrician licensure requirements under this chapter but who during calendar years 2009, 2010, or 2011 was issued a specialty contractor license for the electrical work associated with the installation, repair, or maintenance of solar energy panels, may continue the limited electrical work for solar energy panels under a

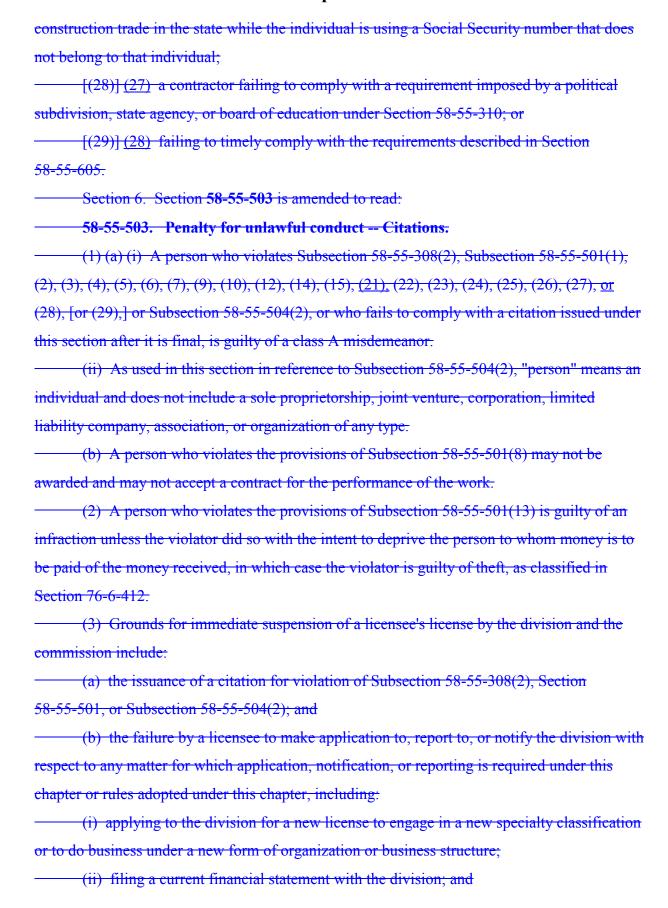
specialty contractor license;



(a) is an employee of a person licensed under this chapter for wages; and (b) is not required to be licensed under this chapter; (4) applying for or obtaining a building permit either for oneself or another when not licensed or exempted from licensure as a contractor under this chapter; (5) issuing a building permit to any person for whom there is no evidence of a current license or exemption from licensure as a contractor under this chapter; (6) applying for or obtaining a building permit for the benefit of or on behalf of any other person who is required to be licensed under this chapter but who is not licensed or is otherwise not entitled to obtain or receive the benefit of the building permit; (7) failing to obtain a building permit when required by law or rule; (8) submitting a bid for any work for which a license is required under this chapter by a person not licensed or exempted from licensure as a contractor under this chapter; (9) willfully or deliberately misrepresenting or omitting a material fact in connection with an application to obtain or renew a license under this chapter; (10) allowing one's license to be used by another except as provided by statute or rule; (11) doing business under a name other than the name appearing on the license, except as permitted by statute or rule; (12) if licensed as a specialty contractor in the electrical trade or plumbing trade, journeyman plumber, residential journeyman plumber, journeyman electrician, master electrician, or residential electrician, failing to directly supervise an apprentice under one's supervision or exceeding the number of apprentices one is allowed to have under the speciality contractor's supervision; (13) if licensed as a contractor or representing oneself to be a contractor, receiving any funds in payment for a specific project from an owner or any other person, which funds are to pay for work performed or materials and services furnished for that specific project, and after receiving the funds to exercise unauthorized control over the funds by failing to pay the full amounts due and payable to persons who performed work or furnished materials or services within a reasonable period of time; (14) employing an unlicensed alarm business or company or an unlicensed individual as an alarm company agent, except as permitted under the exemption from licensure provisions under Section 58-1-307;

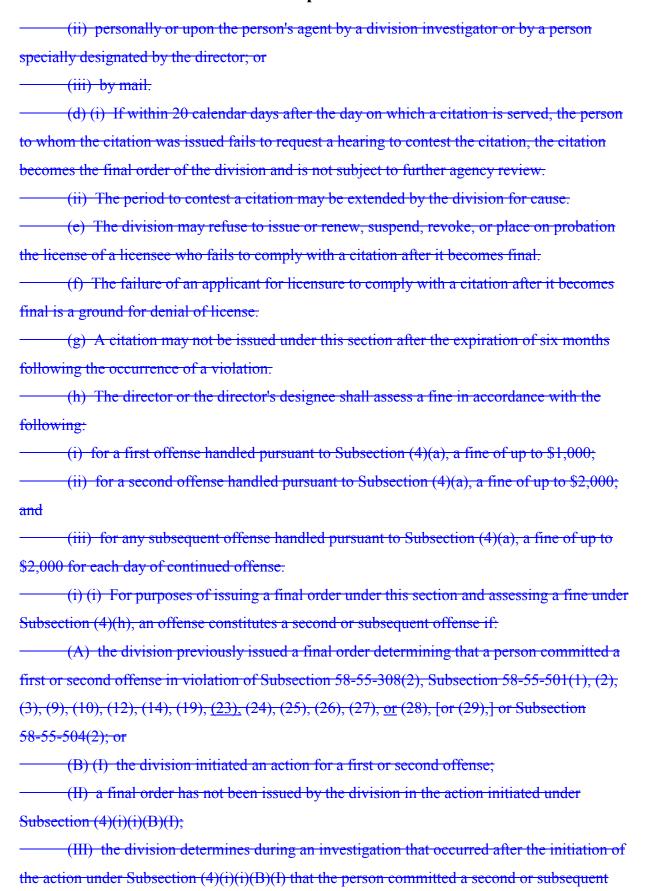


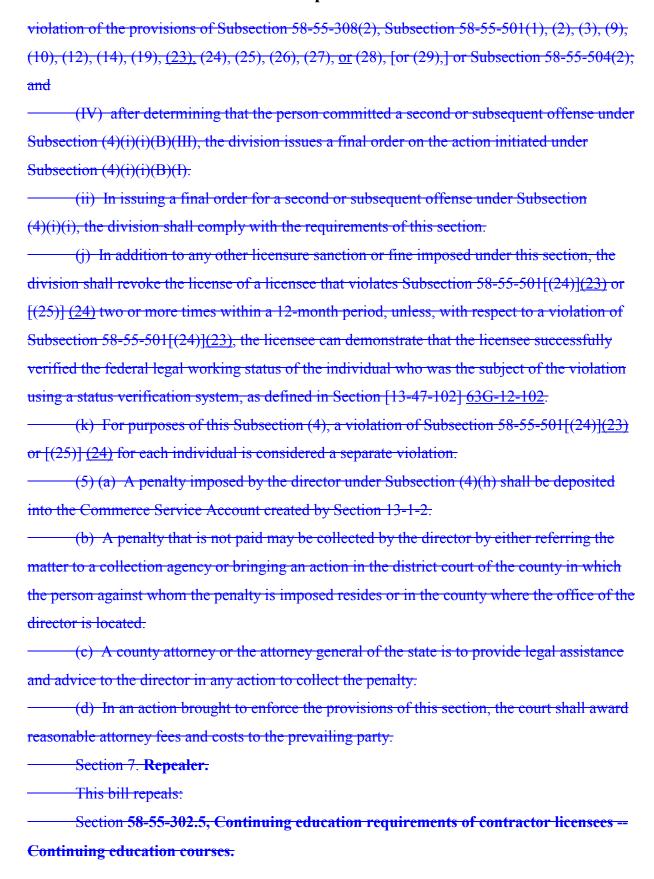
who owns an interest in the unincorporated entity engage in a construction trade in Utah while not lawfully present in the United States; or (b) an unincorporated entity providing labor to an entity licensed under this chapter by providing an individual who owns an interest in the unincorporated entity to engage in a construction trade in Utah while not lawfully present in the United States; [(25)] (24) an unincorporated entity failing to provide the following for an individual who engages, or will engage, in a construction trade in Utah for the unincorporated entity, or for an individual who engages, or will engage, in a construction trade in Utah for a separate entity for which the unincorporated entity provides the individual as labor: (a) workers' compensation coverage: (i) to the extent required by Title 34A, Chapter 2, Workers' Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease Act; or (ii) that would be required under the chapters listed in Subsection [(25)] (24)(a)(i) if the unincorporated entity were licensed under this chapter; and (b) unemployment compensation in accordance with Title 35A, Chapter 4, Employment Security Act, for an individual who owns, directly or indirectly, less than an 8% interest in the unincorporated entity, as defined by rule made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; [(26)] (25) the failure of a sign installation contractor or nonelectrical outdoor advertising sign contractor, as classified and defined in division rules, to: (a) display the contractor's license number prominently on a vehicle that: (i) the contractor uses; and (ii) displays the contractor's business name; or (b) carry a copy of the contractor's license in any other vehicle that the contractor uses at a job site, whether or not the vehicle is owned by the contractor; -[(27)] (26) (a) an unincorporated entity licensed under this chapter having an individual who owns an interest in the unincorporated entity engage in a construction trade in the state while the individual is using a Social Security number that does not belong to that individual; or (b) an unincorporated entity providing labor to an entity licensed under this chapter by providing an individual, who owns an interest in the unincorporated entity, to engage in a



- (iii) notifying the division concerning loss of insurance coverage or change in qualifier. (4) (a) If upon inspection or investigation, the division concludes that a person has violated the provisions of Subsection 58-55-308(2), Subsection 58-55-501(1), (2), (3), (9), (10), (12), (14), (19), (21), (22), (23), (24), (25), (26), (27), or (28), [or (29),] Subsection 58-55-504(2), or any rule or order issued with respect to these subsections, and that disciplinary action is appropriate, the director or the director's designee from within the division shall promptly issue a citation to the person according to this chapter and any pertinent rules, attempt to negotiate a stipulated settlement, or notify the person to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act. (i) A person who is in violation of the provisions of Subsection 58-55-308(2), Subsection 58-55-501(1), (2), (3), (9), (10), (12), (14), (19), (21), (22), (23), (24), (25), (26), (27), or (28), [or (29),] or Subsection 58-55-504(2), as evidenced by an uncontested citation, a stipulated settlement, or by a finding of violation in an adjudicative proceeding, may be assessed a fine pursuant to this Subsection (4) and may, in addition to or in lieu of, be ordered to cease and desist from violating Subsection 58-55-308(2), Subsection 58-55-501(1), (2), (3), (9), (10), (12), (14), (19), [(21)] (23), (24), (25), (26), (27), or (28), for (29), or Subsection 58-55-504(2). (ii) Except for a cease and desist order, the licensure sanctions cited in Section 58-55-401 may not be assessed through a citation. (b) (i) A citation shall be in writing and describe with particularity the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated. (ii) A citation shall clearly state that the recipient must notify the division in writing within 20 calendar days of service of the citation if the recipient wishes to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act. (iii) A citation shall clearly explain the consequences of failure to timely contest the citation or to make payment of any fines assessed by the citation within the time specified in the citation. (c) A citation issued under this section, or a copy of a citation, may be served upon a person upon whom a summons may be served:

(i) in accordance with the Utah Rules of Civil Procedure;





Legislative Review Note	
as of 1-23-15 9:42 AM	
	Office of Legislative Research and General Counsel