

LICENSING AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This bill modifies the Utah Construction Trades Licensing Act.

Highlighted Provisions:

This bill:

- ▶ modifies exemptions from licensure related to work in the plumbing and electrical trades; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-55-305, as last amended by Laws of Utah 2013, Chapters 430 and 449

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

Section 1. 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,



28 subject to the stated circumstances and limitations, without being licensed under this chapter:

29 (a) an authorized representative of the United States government or an authorized
30 employee of the state or any of its political subdivisions when working on construction work of
31 the state or the subdivision, and when acting within the terms of the person's trust, office, or
32 employment;

33 (b) a person engaged in construction or operation incidental to the construction and
34 repair of irrigation and drainage ditches of regularly constituted irrigation districts, reclamation
35 districts, and drainage districts or construction and repair relating to farming, dairying,
36 agriculture, livestock or poultry raising, metal and coal mining, quarries, sand and gravel
37 excavations, well drilling, as defined in Section 73-3-25, hauling to and from construction
38 sites, and lumbering;

39 (c) public utilities operating under the rules of the Public Service Commission on work
40 incidental to their own business;

41 (d) sole owners of property engaged in building:

42 (i) no more than one residential structure per year and no more than three residential
43 structures per five years on their property for their own noncommercial, nonpublic use; except,
44 a person other than the property owner or individuals described in Subsection (1)(e), who
45 engages in building the structure must be licensed under this chapter if the person is otherwise
46 required to be licensed under this chapter; or

47 (ii) structures on their property for their own noncommercial, nonpublic use which are
48 incidental to a residential structure on the property, including sheds, carports, or detached
49 garages;

50 (e) (i) a person engaged in construction or renovation of a residential building for
51 noncommercial, nonpublic use if that person:

52 (A) works without compensation other than token compensation that is not considered
53 salary or wages; and

54 (B) works under the direction of the property owner who engages in building the
55 structure; and

56 (ii) as used in this Subsection (1)(e), "token compensation" means compensation paid
57 by a sole owner of property exempted from licensure under Subsection (1)(d) to a person
58 exempted from licensure under this Subsection (1)(e), that is:

59 (A) minimal in value when compared with the fair market value of the services
60 provided by the person;

61 (B) not related to the fair market value of the services provided by the person; and

62 (C) is incidental to the providing of services by the person including paying for or
63 providing meals or refreshment while services are being provided, or paying reasonable
64 transportation costs incurred by the person in travel to the site of construction;

65 (f) a person engaged in the sale or merchandising of personal property that by its design
66 or manufacture may be attached, installed, or otherwise affixed to real property who has
67 contracted with a person, firm, or corporation licensed under this chapter to install, affix, or
68 attach that property;

69 (g) a contractor submitting a bid on a federal aid highway project, if, before
70 undertaking construction under that bid, the contractor is licensed under this chapter;

71 (h) (i) a person engaged in the alteration, repair, remodeling, or addition to or
72 improvement of a building with a contracted or agreed value of less than \$3,000, including
73 both labor and materials, and including all changes or additions to the contracted or agreed
74 upon work; and

75 (ii) notwithstanding Subsection (1)(h)(i) and except as otherwise provided in this
76 section:

77 (A) work in the plumbing and electrical trades on a Subsection (1)(h)(i) project within
78 any six month period of time~~[-(F)]~~ must be performed by a licensed electrical or plumbing
79 contractor, if the project involves an electrical or plumbing system; and

80 ~~[(H) may be performed by a licensed journeyman electrician or plumber or an
81 individual referred to in Subsection (1)(h)(ii)(A)(F), if the project involves a component of the
82 system such as a faucet, toilet, fixture, device, outlet, or electrical switch;]~~

83 (B) installation, repair, or replacement of a residential or commercial gas appliance or a
84 combustion system on a Subsection (1)(h)(i) project must be performed by a person who has
85 received certification under Subsection 58-55-308(2) except as otherwise provided in
86 Subsection 58-55-308(2)(d) or 58-55-308(3);

87 (C) installation, repair, or replacement of water-based fire protection systems on a
88 Subsection (1)(h)(i) project must be performed by a licensed fire suppression systems
89 contractor or a licensed journeyman plumber;

90 (D) work as an alarm business or company or as an alarm company agent shall be
91 performed by a licensed alarm business or company or a licensed alarm company agent, except
92 as otherwise provided in this chapter;

93 (E) installation, repair, or replacement of an alarm system on a Subsection (1)(h)(i)
94 project must be performed by a licensed alarm business or company or a licensed alarm
95 company agent;

96 (F) installation, repair, or replacement of a heating, ventilation, or air conditioning
97 system (HVAC) on a Subsection (1)(h)(i) project must be performed by an HVAC contractor
98 licensed by the division;

99 (G) installation, repair, or replacement of a radon mitigation system or a soil
100 depressurization system must be performed by a licensed contractor; and

101 (H) if the total value of the project is greater than \$1,000, the person shall file with the
102 division a one-time affirmation, subject to periodic reaffirmation as established by division
103 rule, that the person has:

104 (I) public liability insurance in coverage amounts and form established by division
105 rule; and

106 (II) if applicable, workers compensation insurance which would cover an employee of
107 the person if that employee worked on the construction project;

108 (i) a person practicing a specialty contractor classification or construction trade which
109 the director does not classify by administrative rule as significantly impacting the public's
110 health, safety, and welfare;

111 (j) owners and lessees of property and persons regularly employed for wages by owners
112 or lessees of property or their agents for the purpose of maintaining the property, are exempt
113 from this chapter when doing work upon the property;

114 (k) (i) a person engaged in minor plumbing work that is incidental, as defined by the
115 division by rule, to the replacement or repair of a fixture or an appliance in a residential or
116 small commercial building, or structure used for agricultural use, as defined in Section
117 [15A-1-202](#), provided that no modification is made to:

118 (A) existing culinary water, soil, waste, or vent piping; or

119 (B) ~~[a]~~ an existing gas appliance or combustion system; and

120 (ii) except as provided in Subsection (1)(e), installation for the first time of a fixture or

121 an appliance is not included in the exemption provided under Subsection (1)(k)(i);

122 (l) a person who ordinarily would be subject to the plumber licensure requirements
123 under this chapter when installing or repairing a water conditioner or other water treatment
124 apparatus if the conditioner or apparatus:

125 (i) meets the appropriate state construction codes or local plumbing standards; and

126 (ii) is installed or repaired under the direction of a person authorized to do the work
127 under an appropriate specialty contractor license;

128 (m) a person who ordinarily would be subject to the electrician licensure requirements
129 under this chapter when employed by:

130 (i) railroad corporations, telephone corporations or their corporate affiliates, elevator
131 contractors or constructors, or street railway systems; or

132 (ii) public service corporations, rural electrification associations, or municipal utilities
133 who generate, distribute, or sell electrical energy for light, heat, or power;

134 (n) a person involved in minor electrical work incidental to a mechanical or service
135 installation, including the outdoor installation of an above-ground, prebuilt hot tub;

136 (o) a person who ordinarily would be subject to the electrician licensure requirements
137 under this chapter but who during calendar years 2009, 2010, or 2011 was issued a specialty
138 contractor license for the electrical work associated with the installation, repair, or maintenance
139 of solar energy panels, may continue the limited electrical work for solar energy panels under a
140 specialty contractor license;

141 (p) a student participating in construction trade education and training programs
142 approved by the commission with the concurrence of the director under the condition that:

143 (i) all work intended as a part of a finished product on which there would normally be
144 an inspection by a building inspector is, in fact, inspected and found acceptable by a licensed
145 building inspector; and

146 (ii) a licensed contractor obtains the necessary building permits;

147 (q) a delivery person when replacing any of the following existing equipment with a
148 new gas appliance, provided there is an existing gas shutoff valve at the appliance:

149 (i) gas range;

150 (ii) gas dryer;

151 (iii) outdoor gas barbeque; or

- 152 (iv) outdoor gas patio heater;
- 153 (r) a person performing maintenance on an elevator as defined in Subsection
- 154 [58-55-102](#)(14), if the maintenance is not related to the operating integrity of the elevator; and
- 155 (s) an apprentice or helper of an elevator mechanic licensed under this chapter when
- 156 working under the general direction of the licensed elevator mechanic.
- 157 (2) A compliance agency as defined in Section [15A-1-202](#) that issues a building permit
- 158 to a person requesting a permit as a sole owner of property referred to in Subsection (1)(d) shall
- 159 notify the division, in writing or through electronic transmission, of the issuance of the permit.

Legislative Review Note
as of **2-20-15 8:41 AM**

Office of Legislative Research and General Counsel