

ELECTRICIANS LICENSING AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: LaVar Christensen

Senate Sponsor: J. Stuart Adams

LONG TITLE

General Description:

This bill modifies provisions of the Utah Construction Trades Licensing Act.

Highlighted Provisions:

This bill:

► modifies provisions related to the immediate supervision of an apprentice electrician.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-55-302, as last amended by Laws of Utah 2015, Chapter 258

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

Section 1. Section **58-55-302** is amended to read:

58-55-302. Qualifications for licenser.

(1) Each applicant for a license under this chapter shall:

(a) submit an application prescribed by the division;

(b) pay a fee as determined by the department under Section **63J-1-504**;



28 (c) (i) meet the examination requirements established by rule by the commission with
29 the concurrence of the director, except for the classifications of apprentice plumber and
30 apprentice electrician for whom no examination is required; or

31 (ii) if required in Section 58-55-304, the individual qualifier must pass the required
32 examination if the applicant is a business entity;

33 (d) if an apprentice, identify the proposed supervisor of the apprenticeship;

34 (e) if an applicant for a contractor's license:

35 (i) produce satisfactory evidence of financial responsibility, except for a construction
36 trades instructor for whom evidence of financial responsibility is not required;

37 (ii) produce satisfactory evidence of:

38 (A) two years full-time paid employment experience in the construction industry,
39 which experience, unless more specifically described in this section, may be related to any
40 contracting classification; and

41 (B) knowledge of the principles of the conduct of business as a contractor, reasonably
42 necessary for the protection of the public health, safety, and welfare;

43 (iii) except as otherwise provided by rule by the commission with the concurrence of
44 the director, complete a 20-hour course established by rule by the commission with the
45 concurrence of the director, which course may include:

46 (A) construction business practices;

47 (B) bookkeeping fundamentals;

48 (C) mechanics lien fundamentals; and

49 (D) other aspects of business and construction principles considered important by the
50 commission with the concurrence of the director;

51 (iv) (A) be a licensed master electrician if an applicant for an electrical contractor's
52 license or a licensed master residential electrician if an applicant for a residential electrical
53 contractor's license;

54 (B) be a licensed master plumber if an applicant for a plumbing contractor's license or
55 a licensed master residential plumber if an applicant for a residential plumbing contractor's
56 license; or

57 (C) be a licensed elevator mechanic and produce satisfactory evidence of three years
58 experience as an elevator mechanic if an applicant for an elevator contractor's license; and

59 (v) when the applicant is an unincorporated entity, provide a list of the one or more
60 individuals who hold an ownership interest in the applicant as of the day on which the
61 application is filed that includes for each individual:

62 (A) the individual's name, address, birth date, and social security number; and

63 (B) whether the individual will engage in a construction trade; and

64 (f) if an applicant for a construction trades instructor license, satisfy any additional
65 requirements established by rule.

66 (2) After approval of an applicant for a contractor's license by the applicable board and
67 the division, the applicant shall file the following with the division before the division issues
68 the license:

69 (a) proof of workers' compensation insurance which covers employees of the applicant
70 in accordance with applicable Utah law;

71 (b) proof of public liability insurance in coverage amounts and form established by rule
72 except for a construction trades instructor for whom public liability insurance is not required;
73 and

74 (c) proof of registration as required by applicable law with the:

75 (i) Utah Department of Commerce;

76 (ii) Division of Corporations and Commercial Code;

77 (iii) Unemployment Insurance Division in the Department of Workforce Services, for
78 purposes of Title 35A, Chapter 4, Employment Security Act;

79 (iv) State Tax Commission; and

80 (v) Internal Revenue Service.

81 (3) In addition to the general requirements for each applicant in Subsection (1),
82 applicants shall comply with the following requirements to be licensed in the following
83 classifications:

84 (a) (i) A master plumber shall produce satisfactory evidence that the applicant:

85 (A) has been a licensed journeyman plumber for at least two years and had two years of
86 supervisory experience as a licensed journeyman plumber in accordance with division rule;

87 (B) has received at least an associate of applied science degree or similar degree
88 following the completion of a course of study approved by the division and had one year of
89 supervisory experience as a licensed journeyman plumber in accordance with division rule; or

90 (C) meets the qualifications determined by the division in collaboration with the board
91 to be equivalent to Subsection (3)(a)(i)(A) or (B).

92 (ii) An individual holding a valid Utah license as a journeyman plumber, based on at
93 least four years of practical experience as a licensed apprentice under the supervision of a
94 licensed journeyman plumber and four years as a licensed journeyman plumber, in effect
95 immediately prior to May 5, 2008, is on and after May 5, 2008, considered to hold a current
96 master plumber license under this chapter, and satisfies the requirements of this Subsection
97 (3)(a) for the purpose of renewal or reinstatement of that license under Section 58-55-303.

98 (iii) An individual holding a valid plumbing contractor's license or residential
99 plumbing contractor's license, in effect immediately prior to May 5, 2008, is on or after May 5,
100 2008:

101 (A) considered to hold a current master plumber license under this chapter if licensed
102 as a plumbing contractor and a journeyman plumber, and satisfies the requirements of this
103 Subsection (3)(a) for purposes of renewal or reinstatement of that license under Section
104 58-55-303; and

105 (B) considered to hold a current residential master plumber license under this chapter if
106 licensed as a residential plumbing contractor and a residential journeyman plumber, and
107 satisfies the requirements of this Subsection (3)(a) for purposes of renewal or reinstatement of
108 that license under Section 58-55-303.

109 (b) A master residential plumber applicant shall produce satisfactory evidence that the
110 applicant:

111 (i) has been a licensed residential journeyman plumber for at least two years and had
112 two years of supervisory experience as a licensed residential journeyman plumber in
113 accordance with division rule; or

114 (ii) meets the qualifications determined by the division in collaboration with the board
115 to be equivalent to Subsection (3)(b)(i).

116 (c) A journeyman plumber applicant shall produce satisfactory evidence of:

117 (i) successful completion of the equivalent of at least four years of full-time training
118 and instruction as a licensed apprentice plumber under supervision of a licensed master
119 plumber or journeyman plumber and in accordance with a planned program of training
120 approved by the division;

121 (ii) at least eight years of full-time experience approved by the division in collaboration
122 with the Plumbers Licensing Board; or

123 (iii) satisfactory evidence of meeting the qualifications determined by the board to be
124 equivalent to Subsection (3)(c)(i) or (c)(ii).

125 (d) A residential journeyman plumber shall produce satisfactory evidence of:

126 (i) completion of the equivalent of at least three years of full-time training and
127 instruction as a licensed apprentice plumber under the supervision of a licensed residential
128 master plumber, licensed residential journeyman plumber, or licensed journeyman plumber in
129 accordance with a planned program of training approved by the division;

130 (ii) completion of at least six years of full-time experience in a maintenance or repair
131 trade involving substantial plumbing work; or

132 (iii) meeting the qualifications determined by the board to be equivalent to Subsection
133 (3)(d)(i) or (d)(ii).

134 (e) The conduct of licensed apprentice plumbers and their licensed supervisors shall be
135 in accordance with the following:

136 (i) while engaging in the trade of plumbing, a licensed apprentice plumber shall be
137 under the immediate supervision of a licensed master plumber, licensed residential master
138 plumber, licensed journeyman plumber, or a licensed residential journeyman plumber; and

139 (ii) a licensed apprentice plumber in the fourth through tenth year of training may work
140 without supervision for a period not to exceed eight hours in any 24-hour period, but if the
141 apprentice does not become a licensed journeyman plumber or licensed residential journeyman
142 plumber by the end of the tenth year of apprenticeship, this nonsupervision provision no longer
143 applies.

144 (f) A master electrician applicant shall produce satisfactory evidence that the applicant:

145 (i) is a graduate electrical engineer of an accredited college or university approved by
146 the division and has one year of practical electrical experience as a licensed apprentice
147 electrician;

148 (ii) is a graduate of an electrical trade school, having received an associate of applied
149 sciences degree following successful completion of a course of study approved by the division,
150 and has two years of practical experience as a licensed journeyman electrician;

151 (iii) has four years of practical experience as a journeyman electrician; or

152 (iv) meets the qualifications determined by the board to be equivalent to Subsection
153 (3)(f)(i), (ii), or (iii).

154 (g) A master residential electrician applicant shall produce satisfactory evidence that
155 the applicant:

156 (i) has at least two years of practical experience as a residential journeyman electrician;
157 or

158 (ii) meets the qualifications determined by the board to be equivalent to this practical
159 experience.

160 (h) A journeyman electrician applicant shall produce satisfactory evidence that the
161 applicant:

162 (i) has successfully completed at least four years of full-time training and instruction as
163 a licensed apprentice electrician under the supervision of a master electrician or journeyman
164 electrician and in accordance with a planned training program approved by the division;

165 (ii) has at least eight years of full-time experience approved by the division in
166 collaboration with the Electricians Licensing Board; or

167 (iii) meets the qualifications determined by the board to be equivalent to Subsection
168 (3)(h)(i) or (ii).

169 (i) A residential journeyman electrician applicant shall produce satisfactory evidence
170 that the applicant:

171 (i) has successfully completed two years of training in an electrical training program
172 approved by the division;

173 (ii) has four years of practical experience in wiring, installing, and repairing electrical
174 apparatus and equipment for light, heat, and power under the supervision of a licensed master,
175 journeyman, residential master, or residential journeyman electrician; or

176 (iii) meets the qualifications determined by the division and applicable board to be
177 equivalent to Subsection (3)(i)(i) or (ii).

178 (j) The conduct of licensed apprentice electricians and their licensed supervisors shall
179 be in accordance with the following:

180 (i) a licensed apprentice electrician shall be under the immediate supervision of a
181 licensed master, journeyman, residential master, or residential journeyman electrician[. ~~An~~
182 ~~apprentice in the fourth year of training may work without supervision for a period not to~~

183 ~~exceed eight hours in any 24-hour period.];~~

184 (ii) for the purposes of Subsection (3)(j)(i), a supervising electrician on a residential
185 project who is not continually at the job site where a licensed apprentice electrician is working
186 may meet the immediate supervision requirement by being:

187 (A) reasonably available to the licensed apprentice electrician at all times by electronic
188 means, including by telephone and video conference;

189 (B) within approximately 30 minutes travel time from the job site where the licensed
190 apprentice electrician is working and promptly returning to the job site when necessary or as
191 requested; and

192 (C) present at the job site and meeting with the licensed apprentice electrician at least
193 twice each day where the licensed apprentice electrician is working;

194 (iii) a licensed apprentice electrician who has trained for four years or more may work
195 without supervision for a period not to exceed eight hours in any 24-hour period;

196 ~~[(ii) A]~~ (iv) a licensed master, journeyman, residential master, or residential
197 journeyman electrician may have under immediate supervision on a residential project up to
198 three licensed apprentice electricians[-]; and

199 ~~[(iii) A]~~ (v) a licensed master or journeyman electrician may have under immediate
200 supervision on nonresidential projects only one licensed apprentice electrician.

201 (k) An alarm company applicant shall:

202 (i) have a qualifying agent who is an officer, director, partner, proprietor, or manager of
203 the applicant who:

204 (A) demonstrates 6,000 hours of experience in the alarm company business;

205 (B) demonstrates 2,000 hours of experience as a manager or administrator in the alarm
206 company business or in a construction business; and

207 (C) passes an examination component established by rule by the commission with the
208 concurrence of the director;

209 (ii) if a corporation, provide:

210 (A) the names, addresses, dates of birth, social security numbers, and fingerprint cards
211 of all corporate officers, directors, and those responsible management personnel employed
212 within the state or having direct responsibility for managing operations of the applicant within
213 the state; and

214 (B) the names, addresses, dates of birth, social security numbers, and fingerprint cards
215 of all shareholders owning 5% or more of the outstanding shares of the corporation, except this
216 shall not be required if the stock is publicly listed and traded;

217 (iii) if a limited liability company, provide:

218 (A) the names, addresses, dates of birth, social security numbers, and fingerprint cards
219 of all company officers, and those responsible management personnel employed within the
220 state or having direct responsibility for managing operations of the applicant within the state;
221 and

222 (B) the names, addresses, dates of birth, social security numbers, and fingerprint cards
223 of all individuals owning 5% or more of the equity of the company;

224 (iv) if a partnership, provide the names, addresses, dates of birth, social security
225 numbers, and fingerprint cards of all general partners, and those responsible management
226 personnel employed within the state or having direct responsibility for managing operations of
227 the applicant within the state;

228 (v) if a proprietorship, provide the names, addresses, dates of birth, social security
229 numbers, and fingerprint cards of the proprietor, and those responsible management personnel
230 employed within the state or having direct responsibility for managing operations of the
231 applicant within the state;

232 (vi) if a trust, provide the names, addresses, dates of birth, social security numbers, and
233 fingerprint cards of the trustee, and those responsible management personnel employed within
234 the state or having direct responsibility for managing operations of the applicant within the
235 state;

236 (vii) be of good moral character in that officers, directors, shareholders described in
237 Subsection (3)(k)(ii)(B), partners, proprietors, trustees, and responsible management personnel
238 have not been convicted of a felony, a misdemeanor involving moral turpitude, or any other
239 crime that when considered with the duties and responsibilities of an alarm company is
240 considered by the board to indicate that the best interests of the public are served by granting
241 the applicant a license;

242 (viii) document that none of the applicant's officers, directors, shareholders described
243 in Subsection (3)(k)(ii)(B), partners, proprietors, trustees, and responsible management
244 personnel have been declared by any court of competent jurisdiction incompetent by reason of

245 mental defect or disease and not been restored;

246 (ix) document that none of the applicant's officers, directors, shareholders described in

247 Subsection (3)(k)(ii)(B), partners, proprietors, and responsible management personnel are

248 currently suffering from habitual drunkenness or from drug addiction or dependence;

249 (x) file and maintain with the division evidence of:

250 (A) comprehensive general liability insurance in form and in amounts to be established

251 by rule by the commission with the concurrence of the director;

252 (B) workers' compensation insurance that covers employees of the applicant in

253 accordance with applicable Utah law; and

254 (C) registration as is required by applicable law with the:

255 (I) Division of Corporations and Commercial Code;

256 (II) Unemployment Insurance Division in the Department of Workforce Services, for

257 purposes of Title 35A, Chapter 4, Employment Security Act;

258 (III) State Tax Commission; and

259 (IV) Internal Revenue Service; and

260 (xi) meet with the division and board.

261 (l) Each applicant for licensure as an alarm company agent shall:

262 (i) submit an application in a form prescribed by the division accompanied by

263 fingerprint cards;

264 (ii) pay a fee determined by the department under Section [63J-1-504](#);

265 (iii) be of good moral character in that the applicant has not been convicted of a felony,

266 a misdemeanor involving moral turpitude, or any other crime that when considered with the

267 duties and responsibilities of an alarm company agent is considered by the board to indicate

268 that the best interests of the public are served by granting the applicant a license;

269 (iv) not have been declared by any court of competent jurisdiction incompetent by

270 reason of mental defect or disease and not been restored;

271 (v) not be currently suffering from habitual drunkenness or from drug addiction or

272 dependence; and

273 (vi) meet with the division and board if requested by the division or the board.

274 (m) (i) Each applicant for licensure as an elevator mechanic shall:

275 (A) provide documentation of experience and education credits of not less than three

276 years work experience in the elevator industry, in construction, maintenance, or service and
277 repair; and

278 (B) satisfactorily complete a written examination administered by the division
279 established by rule under Section [58-1-203](#); or

280 (C) provide certificates of completion of an apprenticeship program for elevator
281 mechanics, having standards substantially equal to those of this chapter and registered with the
282 United States Department of Labor Bureau Apprenticeship and Training or a state
283 apprenticeship council.

284 (ii) (A) If an elevator contractor licensed under this chapter cannot find a licensed
285 elevator mechanic to perform the work of erecting, constructing, installing, altering, servicing,
286 repairing, or maintaining an elevator, the contractor may:

287 (I) notify the division of the unavailability of licensed personnel; and

288 (II) request the division issue a temporary elevator mechanic license to an individual
289 certified by the contractor as having an acceptable combination of documented experience and
290 education to perform the work described in this Subsection (3)(m)(ii)(A).

291 (B) (I) The division may issue a temporary elevator mechanic license to an individual
292 certified under Subsection (3)(m)(ii)(A)(II) upon application by the individual, accompanied by
293 the appropriate fee as determined by the department under Section [63J-1-504](#).

294 (II) The division shall specify the time period for which the license is valid and may
295 renew the license for an additional time period upon its determination that a shortage of
296 licensed elevator mechanics continues to exist.

297 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
298 division may make rules establishing when Federal Bureau of Investigation records shall be
299 checked for applicants as an alarm company or alarm company agent.

300 (5) To determine if an applicant meets the qualifications of Subsections (3)(k)(vii) and
301 (3)(l)(iii), the division shall provide an appropriate number of copies of fingerprint cards to the
302 Department of Public Safety with the division's request to:

303 (a) conduct a search of records of the Department of Public Safety for criminal history
304 information relating to each applicant for licensure as an alarm company or alarm company
305 agent and each applicant's officers, directors, shareholders described in Subsection
306 (3)(k)(ii)(B), partners, proprietors, and responsible management personnel; and

307 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant
308 requiring a check of records of the Federal Bureau of Investigation for criminal history
309 information under this section.

310 (6) The Department of Public Safety shall send to the division:

311 (a) a written record of criminal history, or certification of no criminal history record, as
312 contained in the records of the Department of Public Safety in a timely manner after receipt of
313 a fingerprint card from the division and a request for review of Department of Public Safety
314 records; and

315 (b) the results of the Federal Bureau of Investigation review concerning an applicant in
316 a timely manner after receipt of information from the Federal Bureau of Investigation.

317 (7) (a) The division shall charge each applicant for licensure as an alarm company or
318 alarm company agent a fee, in accordance with Section [63J-1-504](#), equal to the cost of
319 performing the records reviews under this section.

320 (b) The division shall pay the Department of Public Safety the costs of all records
321 reviews, and the Department of Public Safety shall pay the Federal Bureau of Investigation the
322 costs of records reviews under this section.

323 (8) Information obtained by the division from the reviews of criminal history records of
324 the Department of Public Safety and the Federal Bureau of Investigation shall be used or
325 disseminated by the division only for the purpose of determining if an applicant for licensure as
326 an alarm company or alarm company agent is qualified for licensure.

327 (9) (a) An application for licensure under this chapter shall be denied if:

328 (i) the applicant has had a previous license, which was issued under this chapter,
329 suspended or revoked within one year prior to the date of the applicant's application;

330 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and

331 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the
332 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar
333 status, performing similar functions, or directly or indirectly controlling the applicant has
334 served in any similar capacity with any person or entity which has had a previous license,
335 which was issued under this chapter, suspended or revoked within one year prior to the date of
336 the applicant's application;

337 (iii) (A) the applicant is an individual or sole proprietorship; and

338 (B) any owner or agent acting as a qualifier has served in any capacity listed in
339 Subsection (9)(a)(ii)(B) in any entity which has had a previous license, which was issued under
340 this chapter, suspended or revoked within one year prior to the date of the applicant's
341 application; or

342 (iv) (A) the applicant includes an individual who was an owner, director, or officer of
343 an unincorporated entity at the time the entity's license under this chapter was revoked; and

344 (B) the application for licensure is filed within 60 months after the revocation of the
345 unincorporated entity's license.

346 (b) An application for licensure under this chapter shall be reviewed by the appropriate
347 licensing board prior to approval if:

348 (i) the applicant has had a previous license, which was issued under this chapter,
349 suspended or revoked more than one year prior to the date of the applicant's application;

350 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and

351 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the
352 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar
353 status, performing similar functions, or directly or indirectly controlling the applicant has
354 served in any similar capacity with any person or entity which has had a previous license,
355 which was issued under this chapter, suspended or revoked more than one year prior to the date
356 of the applicant's application; or

357 (iii) (A) the applicant is an individual or sole proprietorship; and

358 (B) any owner or agent acting as a qualifier has served in any capacity listed in
359 Subsection (9)(b)(ii)(B) in any entity which has had a previous license, which was issued under
360 this chapter, suspended or revoked more than one year prior to the date of the applicant's
361 application.

362 (10) (a) (i) A licensee that is an unincorporated entity shall file an ownership status
363 report with the division every 30 days after the day on which the license is issued if the licensee
364 has more than five owners who are individuals who:

365 (A) own an interest in the contractor that is an unincorporated entity;

366 (B) own, directly or indirectly, less than an 8% interest, as defined by rule made by the
367 division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in the
368 unincorporated entity; and

369 (C) engage, or will engage, in a construction trade in the state as owners of the
370 contractor described in Subsection (10)(a)(i)(A).

371 (ii) If the licensee has five or fewer owners described in Subsection (10)(a)(i), the
372 licensee shall provide the ownership status report with an application for renewal of licensure.

373 (b) An ownership status report required under this Subsection (10) shall:

374 (i) specify each addition or deletion of an owner:

375 (A) for the first ownership status report, after the day on which the unincorporated
376 entity is licensed under this chapter; and

377 (B) for a subsequent ownership status report, after the day on which the previous
378 ownership status report is filed;

379 (ii) be in a format prescribed by the division that includes for each owner, regardless of
380 the owner's percentage ownership in the unincorporated entity, the information described in
381 Subsection(1)(e)(v);

382 (iii) list the name of:

383 (A) each officer or manager of the unincorporated entity; and

384 (B) each other individual involved in the operation, supervision, or management of the
385 unincorporated entity; and

386 (iv) be accompanied by a fee set by the division in accordance with Section 63J-1-504
387 if the ownership status report indicates there is a change described in Subsection (10)(b)(i).

388 (c) The division may, at any time, audit an ownership status report under this
389 Subsection (10):

390 (i) to determine if financial responsibility has been demonstrated or maintained as
391 required under Section 58-55-306; and

392 (ii) to determine compliance with Subsection 58-55-501(24), (25), or (27) or
393 Subsection 58-55-502(8) or (9).

394 (11) (a) An unincorporated entity that provides labor to an entity licensed under this
395 chapter by providing an individual who owns an interest in the unincorporated entity to engage
396 in a construction trade in Utah shall file with the division:

397 (i) before the individual who owns an interest in the unincorporated entity engages in a
398 construction trade in Utah, a current list of the one or more individuals who hold an ownership
399 interest in the unincorporated entity that includes for each individual:

400 (A) the individual's name, address, birth date, and social security number; and
401 (B) whether the individual will engage in a construction trade; and
402 (ii) every 30 days after the day on which the unincorporated entity provides the list
403 described in Subsection (11)(a)(i), an ownership status report containing the information that
404 would be required under Subsection (10) if the unincorporated entity were a licensed
405 contractor.

406 (b) When filing an ownership list described in Subsection (11)(a)(i) or an ownership
407 status report described in Subsection (11)(a)(ii), an unincorporated entity shall pay a fee set by
408 the division in accordance with Section [63J-1-504](#).

409 (12) This chapter may not be interpreted to create or support an express or implied
410 independent contractor relationship between an unincorporated entity described in Subsection
411 (10) or (11) and the owners of the unincorporated entity for any purpose, including income tax
412 withholding.

413 (13) A social security number provided under Subsection (1)(e)(v) is a private record
414 under Subsection [63G-2-302\(1\)\(i\)](#).

Legislative Review Note
Office of Legislative Research and General Counsel