

LICENSURE CHANGES

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Schultz

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies the Utah Construction Trades Licensing Act (the act).

Highlighted Provisions:

This bill:

- ▶ defines terms related to certain plumbing and electrical contractors under the act;
- ▶ modifies the testing and work experience requirements for licensure as a specialty contractor under the act; 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 2016, Chapter 268

58-55-301, as last amended by Laws of Utah 2010, Chapter 227

58-55-302, as last amended by Laws of Utah 2016, Chapters 238 and 268

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

Section 1. Section **58-55-102** is amended to read:



28 **58-55-102. Definitions.**

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

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

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

34 (i) a person engaged in the manufacture or sale of alarm systems unless:

35 (A) that person is also engaged in the installation, maintenance, alteration, repair,
36 replacement, servicing, or monitoring of alarm systems;

37 (B) the manufacture or sale occurs at a location other than a place of business
38 established by the person engaged in the manufacture or sale; or

39 (C) the manufacture or sale involves site visits at the place or intended place of
40 installation of an alarm system; or

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

44 (2) "Alarm company agent":

45 (a) except as provided in Subsection (2)(b), means any individual employed within this
46 state by an alarm business; and

47 (b) does not include an individual who:

48 (i) is not engaged in the sale, installation, maintenance, alteration, repair, replacement,
49 servicing, or monitoring of an alarm system; and

50 (ii) does not, during the normal course of the individual's employment with an alarm
51 business, use or have access to sensitive alarm system information.

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

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

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

56 (4) "Apprentice electrician" means a person licensed under this chapter as an
57 apprentice electrician who is learning the electrical trade under the immediate supervision of a
58 master electrician, residential master electrician, a journeyman electrician, or a residential

59 journeyman electrician.

60 (5) "Apprentice plumber" means a person licensed under this chapter as an apprentice
61 plumber who is learning the plumbing trade under the immediate supervision of a master
62 plumber, residential master plumber, journeyman plumber, or a residential journeyman
63 plumber.

64 (6) "Approved continuing education" means instruction provided through courses
65 under a program established under Subsection 58-55-302.5(2).

66 (7) "Board" means the Electrician Licensing Board, Alarm System Security and
67 Licensing Board, or Plumbers Licensing Board created in Section 58-55-201.

68 (8) "Combustion system" means an assembly consisting of:

69 (a) piping and components with a means for conveying, either continuously or
70 intermittently, natural gas from the outlet of the natural gas provider's meter to the burner of the
71 appliance;

72 (b) the electric control and combustion air supply and venting systems, including air
73 ducts; and

74 (c) components intended to achieve control of quantity, flow, and pressure.

75 (9) "Commission" means the Construction Services Commission created under Section
76 58-55-103.

77 (10) "Construction trade" means any trade or occupation involving:

78 (a) (i) construction, alteration, remodeling, repairing, wrecking or demolition, addition
79 to, or improvement of any building, highway, road, railroad, dam, bridge, structure, excavation
80 or other project, development, or improvement to other than personal property; and

81 (ii) constructing, remodeling, or repairing a manufactured home or mobile home as
82 defined in Section 15A-1-302; or

83 (b) installation or repair of a residential or commercial natural gas appliance or
84 combustion system.

85 (11) "Construction trades instructor" means a person licensed under this chapter to
86 teach one or more construction trades in both a classroom and project environment, where a
87 project is intended for sale to or use by the public and is completed under the direction of the
88 instructor, who has no economic interest in the project.

89 (12) (a) "Contractor" means any person who for compensation other than wages as an

90 employee undertakes any work in the construction, plumbing, or electrical trade for which
91 licensure is required under this chapter and includes:

92 (i) a person who builds any structure on the person's own property for the purpose of
93 sale or who builds any structure intended for public use on the person's own property;

94 (ii) any person who represents that the person is a contractor, or will perform a service
95 described in this Subsection (12), by advertising on a website or social media, or any other
96 means;

97 (iii) any person engaged as a maintenance person, other than an employee, who
98 regularly engages in activities set forth under the definition of "construction trade";

99 (iv) any person engaged in, or offering to engage in, any construction trade for which
100 licensure is required under this chapter; or

101 (v) a construction manager, construction consultant, construction assistant, or any other
102 person who, for a fee:

103 (A) performs or offers to perform construction consulting;

104 (B) performs or offers to perform management of construction subcontractors;

105 (C) provides or offers to provide a list of subcontractors or suppliers; or

106 (D) provides or offers to provide management or counseling services on a construction
107 project.

108 (b) "Contractor" does not include:

109 (i) an alarm company or alarm company agent; or

110 (ii) a material supplier who provides consulting to customers regarding the design and
111 installation of the material supplier's products.

112 (13) (a) "Electrical trade" means the performance of any electrical work involved in the
113 installation, construction, alteration, change, repair, removal, or maintenance of facilities,
114 buildings, or appendages or appurtenances.

115 (b) "Electrical trade" does not include:

116 (i) transporting or handling electrical materials;

117 (ii) preparing clearance for raceways for wiring; or

118 (iii) work commonly done by unskilled labor on any installations under the exclusive
119 control of electrical utilities.

120 (c) For purposes of Subsection (13)(b):

121 (i) no more than one unlicensed person may be so employed unless more than five
122 licensed electricians are employed by the shop; and

123 (ii) a shop may not employ unlicensed persons in excess of the five-to-one ratio
124 permitted by this Subsection (13)(c).

125 (14) "Elevator" means the same as that term is defined in Section 34A-7-202, except
126 that for purposes of this chapter it does not mean a stair chair, a vertical platform lift, or an
127 incline platform lift.

128 (15) "Elevator contractor" means a sole proprietor, firm, or corporation licensed under
129 this chapter that is engaged in the business of erecting, constructing, installing, altering,
130 servicing, repairing, or maintaining an elevator.

131 (16) "Elevator mechanic" means an individual who is licensed under this chapter as an
132 elevator mechanic and who is engaged in erecting, constructing, installing, altering, servicing,
133 repairing, or maintaining an elevator under the immediate supervision of an elevator contractor.

134 (17) "Employee" means an individual as defined by the division by rule giving
135 consideration to the definition adopted by the Internal Revenue Service and the Department of
136 Workforce Services.

137 (18) "Engage in a construction trade" means to:

138 (a) engage in, represent oneself to be engaged in, or advertise oneself as being engaged
139 in a construction trade; or

140 (b) use the name "contractor" or "builder" or in any other way lead a reasonable person
141 to believe one is or will act as a contractor.

142 (19) (a) "Financial responsibility" means a demonstration of a current and expected
143 future condition of financial solvency evidencing a reasonable expectation to the division and
144 the board that an applicant or licensee can successfully engage in business as a contractor
145 without jeopardy to the public health, safety, and welfare.

146 (b) Financial responsibility may be determined by an evaluation of the total history
147 concerning the licensee or applicant including past, present, and expected condition and record
148 of financial solvency and business conduct.

149 (20) "Gas appliance" means any device that uses natural gas to produce light, heat,
150 power, steam, hot water, refrigeration, or air conditioning.

151 (21) (a) "General building contractor" means a person licensed under this chapter as a

152 general building contractor qualified by education, training, experience, and knowledge to
153 perform or superintend construction of structures for the support, shelter, and enclosure of
154 persons, animals, chattels, or movable property of any kind or any of the components of that
155 construction except plumbing, electrical work, mechanical work, work related to the operating
156 integrity of an elevator, and manufactured housing installation, for which the general building
157 contractor shall employ the services of a contractor licensed in the particular specialty, except
158 that a general building contractor engaged in the construction of single-family and multifamily
159 residences up to four units may perform the mechanical work and hire a licensed plumber or
160 electrician as an employee.

161 (b) The division may by rule exclude general building contractors from engaging in the
162 performance of other construction specialties in which there is represented a substantial risk to
163 the public health, safety, and welfare, and for which a license is required unless that general
164 building contractor holds a valid license in that specialty classification.

165 (22) (a) "General electrical contractor" means a person licensed under this chapter as a
166 general electrical contractor qualified by education, training, experience, and knowledge to
167 perform the fabrication, construction, and installation of generators, transformers, conduits,
168 raceways, panels, switch gear, electrical wires, fixtures, appliances, or apparatus that uses
169 electrical energy.

170 (b) The scope of work of a general electrical contractor may be further defined by rules
171 made by the commission, with the concurrence of the director, in accordance with Title 63G,
172 Chapter 3, Utah Administrative Rulemaking Act.

173 [~~22~~] (23) (a) "General engineering contractor" means a person licensed under this
174 chapter as a general engineering contractor qualified by education, training, experience, and
175 knowledge to perform construction of fixed works in any of the following: irrigation, drainage,
176 water, power, water supply, flood control, inland waterways, harbors, railroads, highways,
177 tunnels, airports and runways, sewers and bridges, refineries, pipelines, chemical and industrial
178 plants requiring specialized engineering knowledge and skill, piers, and foundations, or any of
179 the components of those works.

180 (b) A general engineering contractor may not perform construction of structures built
181 primarily for the support, shelter, and enclosure of persons, animals, and chattels.

182 (24) (a) "General plumbing contractor" means a person licensed under this chapter as a

183 general plumbing contractor qualified by education, training, experience, and knowledge to
184 perform the fabrication or installation of material and fixtures to create and maintain sanitary
185 conditions in a building by providing permanent means for a supply of safe and pure water, a
186 means for the timely and complete removal from the premises of all used or contaminated
187 water, fluid and semi-fluid organic wastes and other impurities incidental to life and the
188 occupation of such premises, and a safe and adequate supply of gases for lighting, heating, and
189 industrial purposes.

190 (b) The scope of work of a general plumbing contractor may be further defined by rules
191 made by the commission, with the concurrence of the director, in accordance with Title 63G,
192 Chapter 3, Utah Administrative Rulemaking Act.

193 ~~[(23)]~~ (25) "Immediate supervision" means reasonable direction, oversight, inspection,
194 and evaluation of the work of a person:

195 (a) as the division specifies in rule;

196 (b) by, as applicable, a qualified electrician or plumber;

197 (c) as part of a planned program of training; and

198 (d) to ensure that the end result complies with applicable standards.

199 ~~[(24)]~~ (26) "Individual" means a natural person.

200 ~~[(25)]~~ (27) "Journeyman electrician" means a person licensed under this chapter as a
201 journeyman electrician having the qualifications, training, experience, and knowledge to wire,
202 install, and repair electrical apparatus and equipment for light, heat, power, and other purposes.

203 ~~[(26)]~~ (28) "Journeyman plumber" means a person licensed under this chapter as a
204 journeyman plumber having the qualifications, training, experience, and technical knowledge
205 to engage in the plumbing trade.

206 ~~[(27)]~~ (29) "Master electrician" means a person licensed under this chapter as a master
207 electrician having the qualifications, training, experience, and knowledge to properly plan,
208 layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment
209 for light, heat, power, and other purposes.

210 ~~[(28)]~~ (30) "Master plumber" means a person licensed under this chapter as a master
211 plumber having the qualifications, training, experience, and knowledge to properly plan and
212 layout projects and supervise persons in the plumbing trade.

213 ~~[(29)]~~ (31) "Person" means a natural person, sole proprietorship, joint venture,

214 corporation, limited liability company, association, or organization of any type.

215 ~~[(30)]~~ (32) (a) "Plumbing trade" means the performance of any mechanical work
216 pertaining to the installation, alteration, change, repair, removal, maintenance, or use in
217 buildings, or within three feet beyond the outside walls of buildings of pipes, fixtures, and
218 fittings for:

- 219 (i) delivery of the water supply;
- 220 (ii) discharge of liquid and water carried waste; or
- 221 (iii) the building drainage system within the walls of the building.

222 (b) "Plumbing trade" includes work pertaining to the water supply, distribution pipes,
223 fixtures and fixture traps, soil, waste and vent pipes, and the building drain and roof drains
224 together with their devices, appurtenances, and connections where installed within the outside
225 walls of the building.

226 ~~[(31)]~~ (33) (a) "Ratio of apprentices" means, for the purpose of determining
227 compliance with the requirements for planned programs of training and electrician apprentice
228 licensing applications, the shop ratio of apprentice electricians to journeyman or master
229 electricians shall be one journeyman or master electrician to one apprentice on industrial and
230 commercial work, and one journeyman or master electrician to three apprentices on residential
231 work.

232 (b) On-the-job training shall be under circumstances in which the ratio of apprentices
233 to supervisors is in accordance with a ratio of one-to-one on nonresidential work and up to
234 three apprentices to one supervisor on residential projects.

235 ~~[(32)]~~ (34) "Residential and small commercial contractor" means a person licensed
236 under this chapter as a residential and small commercial contractor qualified by education,
237 training, experience, and knowledge to perform or superintend the construction of
238 single-family residences, multifamily residences up to four units, and commercial construction
239 of not more than three stories above ground and not more than 20,000 square feet, or any of the
240 components of that construction except plumbing, electrical work, mechanical work, and
241 manufactured housing installation, for which the residential and small commercial contractor
242 shall employ the services of a contractor licensed in the particular specialty, except that a
243 residential and small commercial contractor engaged in the construction of single-family and
244 multifamily residences up to four units may perform the mechanical work and hire a licensed

245 plumber or electrician as an employee.

246 ~~[(33)]~~ (35) "Residential building," as it relates to the license classification of residential
247 journeyman plumber and residential master plumber, means a single or multiple family
248 dwelling of up to four units.

249 (36) (a) "Residential electrical contractor" means a person licensed under this chapter
250 as a residential electrical contractor qualified by education, training, experience, and
251 knowledge to perform the fabrication, construction, and installation of services, disconnecting
252 means, grounding devices, panels, conductors, load centers, lighting and plug circuits,
253 appliances, and fixtures in a residential unit, including multiple units up to and including a
254 fourplex.

255 (b) The scope of work of a residential electrical contractor may be further defined by
256 rules made by the commission, with the concurrence of the director, in accordance with Title
257 63G, Chapter 3, Utah Administrative Rulemaking Act.

258 ~~[(34)]~~ (37) "Residential journeyman electrician" means a person licensed under this
259 chapter as a residential journeyman electrician having the qualifications, training, experience,
260 and knowledge to wire, install, and repair electrical apparatus and equipment for light, heat,
261 power, and other purposes on buildings using primarily nonmetallic sheath cable.

262 ~~[(35)]~~ (38) "Residential journeyman plumber" means a person licensed under this
263 chapter as a residential journeyman plumber having the qualifications, training, experience, and
264 knowledge to engage in the plumbing trade as limited to the plumbing of residential buildings.

265 ~~[(36)]~~ (39) "Residential master electrician" means a person licensed under this chapter
266 as a residential master electrician having the qualifications, training, experience, and
267 knowledge to properly plan, layout, and supervise the wiring, installation, and repair of
268 electrical apparatus and equipment for light, heat, power, and other purposes on residential
269 projects.

270 ~~[(37)]~~ (40) "Residential master plumber" means a person licensed under this chapter as
271 a residential master plumber having the qualifications, training, experience, and knowledge to
272 properly plan and layout projects and supervise persons in the plumbing trade as limited to the
273 plumbing of residential buildings.

274 (41) (a) "Residential Plumbing Contractor" means a person licensed under this chapter
275 as a general plumbing contractor qualified by education, training, experience, and knowledge to

276 perform the fabrication or installation of material and fixtures to create and maintain sanitary
277 conditions in residential buildings, including multiple units up to and including a fourplex, by
278 providing permanent means for a supply of safe and pure water, a means for the timely and
279 complete removal from the premises of all used or contaminated water, fluid and semi-fluid
280 organic wastes and other impurities incidental to life and the occupation of such premises, and
281 a safe and adequate supply of gases for lighting, heating, and industrial purposes.

282 (b) The scope of work of a general plumbing contractor may be further defined by rules
283 made by the commission, with the concurrence of the director, in accordance with Title 63G,
284 Chapter 3, Utah Administrative Rulemaking Act.

285 [~~38~~] (42) "Residential project," as it relates to an electrician or electrical contractor,
286 means buildings primarily wired with nonmetallic sheathed cable, in accordance with standard
287 rules and regulations governing this work, including the National Electrical Code, and in which
288 the voltage does not exceed 250 volts line to line and 125 volts to ground.

289 [~~39~~] (43) "Sensitive alarm system information" means:

290 (a) a pass code or other code used in the operation of an alarm system;

291 (b) information on the location of alarm system components at the premises of a
292 customer of the alarm business providing the alarm system;

293 (c) information that would allow the circumvention, bypass, deactivation, or other
294 compromise of an alarm system of a customer of the alarm business providing the alarm
295 system; and

296 (d) any other similar information that the division by rule determines to be information
297 that an individual employed by an alarm business should use or have access to only if the
298 individual is licensed as provided in this chapter.

299 [~~40~~] (44) (a) "Specialty contractor" means a person licensed under this chapter under
300 a specialty contractor classification established by rule, who is qualified by education, training,
301 experience, and knowledge to perform those construction trades and crafts requiring
302 specialized skill, the regulation of which are determined by the division to be in the best
303 interest of the public health, safety, and welfare.

304 (b) A specialty contractor may perform work in crafts or trades other than those in
305 which the specialty contractor is licensed if they are incidental to the performance of the
306 specialty contractor's licensed craft or trade.

307 ~~[(41)]~~ (45) "Unincorporated entity" means an entity that is not:

308 (a) an individual;

309 (b) a corporation; or

310 (c) publicly traded.

311 ~~[(42)]~~ (46) "Unlawful conduct" means the same as that term is defined in Sections
312 58-1-501 and 58-55-501.

313 ~~[(43)]~~ (47) "Unprofessional conduct" means the same as that term is defined in
314 Sections 58-1-501 and 58-55-502 and as may be further defined by rule.

315 ~~[(44)]~~ (48) "Wages" means amounts due to an employee for labor or services whether
316 the amount is fixed or ascertained on a time, task, piece, commission, or other basis for
317 calculating the amount.

318 Section 2. Section **58-55-301** is amended to read:

319 **58-55-301. License required -- License classifications.**

320 (1) (a) A person engaged in the construction trades licensed under this chapter, as a
321 contractor regulated under this chapter, as an alarm business or company, or as an alarm
322 company agent, shall become licensed under this chapter before engaging in that trade or
323 contracting activity in this state unless specifically exempted from licensure under Section
324 58-1-307 or 58-55-305.

325 (b) The license issued under this chapter and the business license issued by the local
326 jurisdiction in which the licensee has its principal place of business shall be the only licenses
327 required for the licensee to engage in a trade licensed by this chapter, within the state.

328 (c) Neither the state nor any of its political subdivisions may require of a licensee any
329 additional business licenses, registrations, certifications, contributions, donations, or anything
330 else established for the purpose of qualifying a licensee under this chapter to do business in that
331 local jurisdiction, except for contract prequalification procedures required by state agencies, or
332 the payment of any fee for the license, registration, or certification established as a condition to
333 do business in that local jurisdiction.

334 (2) The division shall issue licenses under this chapter to qualified persons in the
335 following classifications:

336 (a) general engineering contractor;

337 (b) general building contractor;

- 338 (c) residential and small commercial contractor;
339 (d) elevator contractor;
340 (e) general plumber contractor;
341 (f) residential plumber contractor;
342 (g) general electrical contractor;
343 (h) residential electrical contractor;
344 [~~e~~] (i) specialty contractor;
345 [~~f~~] (j) master plumber;
346 [~~g~~] (k) residential master plumber;
347 [~~h~~] (l) journeyman plumber;
348 [~~i~~] (m) apprentice plumber;
349 [~~j~~] (n) residential journeyman plumber;
350 [~~k~~] (o) master electrician;
351 [~~l~~] (p) residential master electrician;
352 [~~m~~] (q) journeyman electrician;
353 [~~n~~] (r) residential journeyman electrician;
354 [~~o~~] (s) apprentice electrician;
355 [~~p~~] (t) construction trades instructor:
356 (i) general engineering classification;
357 (ii) general building classification;
358 (iii) electrical classification;
359 (iv) plumbing classification; and
360 (v) mechanical classification;
361 [~~q~~] (u) alarm company;
362 [~~r~~] (v) alarm company agent; and
363 [~~s~~] (w) elevator mechanic.
364 (3) (a) An applicant may apply for a license in one or more classification or specialty
365 contractor subclassification.
366 (b) A license shall be granted in each classification or subclassification for which the
367 applicant qualifies.
368 (c) A separate application and fee must be submitted for each license classification or

369 subclassification.

370 Section 3. Section **58-55-302** is amended to read:

371 **58-55-302. Qualifications for licensure.**

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

373 (a) submit an application prescribed by the division;

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

375 (c) (i) meet the examination requirements established by rule by the commission with
376 the concurrence of the director, except [~~for the classifications of apprentice plumber and~~
377 ~~apprentice electrician for whom no examination is required~~] that no examination is required for
378 licensure as an apprentice electrician, apprentice plumber, or specialty contractor; or

379 (ii) if required in Section [58-55-304](#), the individual qualifier must pass the required
380 examination if the applicant is a business entity;

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

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

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

385 (ii) produce satisfactory evidence of:

386 (A) except as provided in Subsection (2)(a), and except that no employment experience
387 is required for licensure as a specialty contractor, two years full-time paid employment
388 experience in the construction industry, which [~~experience, unless more specifically described~~
389 ~~in this section,~~] employment experience may be related to any contracting classification unless
390 more specifically described in this section; and

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

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

396 (A) construction business practices;

397 (B) bookkeeping fundamentals;

398 (C) mechanics lien fundamentals; and

399 (D) other aspects of business and construction principles considered important by the

400 commission with the concurrence of the director;

401 (iv) (A) be a licensed master electrician if an applicant for an electrical contractor's
402 license or a licensed master residential electrician if an applicant for a residential electrical
403 contractor's license;

404 (B) be a licensed master plumber if an applicant for a plumbing contractor's license or
405 a licensed master residential plumber if an applicant for a residential plumbing contractor's
406 license; or

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

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

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

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

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

416 (2) (a) If the applicant for a contractor's license described in Subsection (1) is a
417 building inspector, the applicant may satisfy Subsection (1)(e)(ii)(A) by producing satisfactory
418 evidence of two years full-time paid employment experience as a building inspector, which
419 shall include at least one year full-time experience as a licensed combination inspector.

420 (b) After approval of an applicant for a contractor's license by the applicable board and
421 the division, the applicant shall file the following with the division before the division issues
422 the license:

423 (i) proof of workers' compensation insurance which covers employees of the applicant
424 in accordance with applicable Utah law;

425 (ii) proof of public liability insurance in coverage amounts and form established by rule
426 except for a construction trades instructor for whom public liability insurance is not required;
427 and

428 (iii) proof of registration as required by applicable law with the:

429 (A) Department of Commerce;

430 (B) Division of Corporations and Commercial Code;

431 (C) Unemployment Insurance Division in the Department of Workforce Services, for
432 purposes of Title 35A, Chapter 4, Employment Security Act;

433 (D) State Tax Commission; and

434 (E) Internal Revenue Service.

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

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

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

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

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

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

452 (iii) An individual holding a valid plumbing contractor's license or residential
453 plumbing contractor's license, in effect immediately prior to May 5, 2008, is on or after May 5,
454 2008:

455 (A) considered to hold a current master plumber license under this chapter if licensed
456 as a plumbing contractor and a journeyman plumber, and satisfies the requirements of this
457 Subsection (3)(a) for purposes of renewal or reinstatement of that license under Section
458 58-55-303; and

459 (B) considered to hold a current residential master plumber license under this chapter if
460 licensed as a residential plumbing contractor and a residential journeyman plumber, and
461 satisfies the requirements of this Subsection (3)(a) for purposes of renewal or reinstatement of

462 that license under Section 58-55-303.

463 (b) A master residential plumber applicant shall produce satisfactory evidence that the
464 applicant:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

508 (g) A master residential electrician applicant shall produce satisfactory evidence that
509 the applicant:

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

511 or

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

514 (h) A journeyman electrician applicant shall produce satisfactory evidence that the
515 applicant:

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

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

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

523 (i) A residential journeyman electrician applicant shall produce satisfactory evidence

524 that the applicant:

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

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

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

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

534 (i) A licensed apprentice electrician shall be under the immediate supervision of a
535 licensed master, journeyman, residential master, or residential journeyman electrician. An
536 apprentice in the fourth year of training may work without supervision for a period not to
537 exceed eight hours in any 24-hour period.

538 (ii) A licensed master, journeyman, residential master, or residential journeyman
539 electrician may have under immediate supervision on a residential project up to three licensed
540 apprentice electricians.

541 (iii) A licensed master or journeyman electrician may have under immediate
542 supervision on nonresidential projects only one licensed apprentice electrician.

543 (k) An alarm company applicant shall:

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

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

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

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

551 (ii) if a corporation, provide:

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

555 the state; and

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

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

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

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

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

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

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

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

584 (viii) document that none of the applicant's officers, directors, shareholders described
585 in Subsection (3)(k)(ii)(B), partners, proprietors, trustees, and responsible management

586 personnel have been declared by any court of competent jurisdiction incompetent by reason of
587 mental defect or disease and not been restored;

588 (ix) document that none of the applicant's officers, directors, shareholders described in
589 Subsection (3)(k)(ii)(B), partners, proprietors, and responsible management personnel are
590 currently suffering from habitual drunkenness or from drug addiction or dependence;

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

592 (A) comprehensive general liability insurance in form and in amounts to be established
593 by rule by the commission with the concurrence of the director;

594 (B) workers' compensation insurance that covers employees of the applicant in
595 accordance with applicable Utah law; and

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

597 (I) Division of Corporations and Commercial Code;

598 (II) Unemployment Insurance Division in the Department of Workforce Services, for
599 purposes of Title 35A, Chapter 4, Employment Security Act;

600 (III) State Tax Commission; and

601 (IV) Internal Revenue Service; and

602 (xi) meet with the division and board.

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

604 (i) submit an application in a form prescribed by the division accompanied by
605 fingerprint cards;

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

607 (iii) be of good moral character in that the applicant has not been convicted of a felony,
608 a misdemeanor involving moral turpitude, or any other crime that when considered with the
609 duties and responsibilities of an alarm company agent is considered by the board to indicate
610 that the best interests of the public are served by granting the applicant a license;

611 (iv) not have been declared by any court of competent jurisdiction incompetent by
612 reason of mental defect or disease and not been restored;

613 (v) not be currently suffering from habitual drunkenness or from drug addiction or
614 dependence; and

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

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

617 (A) provide documentation of experience and education credits of not less than three
618 years work experience in the elevator industry, in construction, maintenance, or service and
619 repair; and

620 (B) satisfactorily complete a written examination administered by the division
621 established by rule under Section 58-1-203; or

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

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

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

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

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

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

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

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

645 (a) conduct a search of records of the Department of Public Safety for criminal history
646 information relating to each applicant for licensure as an alarm company or alarm company
647 agent and each applicant's officers, directors, shareholders described in Subsection

648 (3)(k)(ii)(B), partners, proprietors, and responsible management personnel; and

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

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

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

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

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

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

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

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

670 (i) the applicant has had a previous license, which was issued under this chapter,
671 suspended or revoked within two years before the date of the applicant's application;

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

673 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the
674 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar
675 status, performing similar functions, or directly or indirectly controlling the applicant has
676 served in any similar capacity with any person or entity which has had a previous license,
677 which was issued under this chapter, suspended or revoked within two years before the date of
678 the applicant's application;

- 679 (iii) (A) the applicant is an individual or sole proprietorship; and
680 (B) any owner or agent acting as a qualifier has served in any capacity listed in
681 Subsection (9)(a)(ii)(B) in any entity which has had a previous license, which was issued under
682 this chapter, suspended or revoked within two years before the date of the applicant's
683 application; or
- 684 (iv) (A) the applicant includes an individual who was an owner, director, or officer of
685 an unincorporated entity at the time the entity's license under this chapter was revoked; and
686 (B) the application for licensure is filed within 60 months after the revocation of the
687 unincorporated entity's license.
- 688 (b) An application for licensure under this chapter shall be reviewed by the appropriate
689 licensing board prior to approval if:
- 690 (i) the applicant has had a previous license, which was issued under this chapter,
691 suspended or revoked more than two years before the date of the applicant's application;
- 692 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and
693 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the
694 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar
695 status, performing similar functions, or directly or indirectly controlling the applicant has
696 served in any similar capacity with any person or entity which has had a previous license,
697 which was issued under this chapter, suspended or revoked more than two years before the date
698 of the applicant's application; or
- 699 (iii) (A) the applicant is an individual or sole proprietorship; and
700 (B) any owner or agent acting as a qualifier has served in any capacity listed in
701 Subsection (9)(b)(ii)(B) in any entity which has had a previous license, which was issued under
702 this chapter, suspended or revoked more than two years before the date of the applicant's
703 application.
- 704 (10) (a) (i) A licensee that is an unincorporated entity shall file an ownership status
705 report with the division every 30 days after the day on which the license is issued if the licensee
706 has more than five owners who are individuals who:
- 707 (A) own an interest in the contractor that is an unincorporated entity;
708 (B) own, directly or indirectly, less than an 8% interest, as defined by rule made by the
709 division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in the

710 unincorporated entity; and

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

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

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

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

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

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

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

724 (iii) list the name of:

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

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

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

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

732 (i) to determine if financial responsibility has been demonstrated or maintained as
733 required under Section [58-55-306](#); and

734 (ii) to determine compliance with Subsection [58-55-501](#)(24), (25), or (27) or
735 Subsection [58-55-502](#)(8) or (9).

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

739 (i) before the individual who owns an interest in the unincorporated entity engages in a
740 construction trade in Utah, a current list of the one or more individuals who hold an ownership

741 interest in the unincorporated entity that includes for each individual:

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

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

744 (ii) every 30 days after the day on which the unincorporated entity provides the list
745 described in Subsection (11)(a)(i), an ownership status report containing the information that
746 would be required under Subsection (10) if the unincorporated entity were a licensed
747 contractor.

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

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

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

Legislative Review Note
Office of Legislative Research and General Counsel