

1 **PROFESSIONAL LICENSING AMENDMENTS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Mike Schultz**

5 Senate Sponsor: Daniel Hemmert

6 Cosponsor:

7 Mike Winder

8

9 **LONG TITLE**

10 **General Description:**

11 This bill modifies provisions of the Division of Occupational and Professional
12 Licensing Act (the act).

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ modifies licensing by endorsement provisions of the act;
- 16 ▶ modifies testing, course work, experience, and continuing education requirements

17 for certain contractor licenses;

- 18 ▶ modifies direct supervision requirements and other licensing requirements for
- 19 apprentice plumbers and electricians;

- 20 ▶ authorizes certain surcharge fees for applying for, renewing, or reinstating certain
- 21 licenses; and

- 22 ▶ makes technical changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

- 29 **58-1-302**, as last amended by Laws of Utah 2018, Chapter 198
- 30 **58-55-102**, as last amended by Laws of Utah 2018, Chapter 281
- 31 **58-55-201**, as last amended by Laws of Utah 2008, Chapter 215
- 32 **58-55-302**, as last amended by Laws of Utah 2017, Chapter 411
- 33 **58-55-302.5**, as last amended by Laws of Utah 2017, Chapters 363 and 411
- 34 **58-55-305**, as last amended by Laws of Utah 2018, Chapter 318
- 35 **63J-1-602.1**, as last amended by Laws of Utah 2018, Chapters 114, 347, 430 and
- 36 repealed and reenacted by Laws of Utah 2018, Chapter 469

37 ENACTS:

- 38 **58-3a-105**, Utah Code Annotated 1953
- 39 **58-22-104**, Utah Code Annotated 1953
- 40 **58-55-104**, Utah Code Annotated 1953
- 41 **58-55-105**, Utah Code Annotated 1953
- 42 **58-55-106**, Utah Code Annotated 1953
- 43 **58-56-3.5**, Utah Code Annotated 1953

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

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

47 **58-1-302. License by endorsement.**

48 [~~(1) As used in this section:~~]

49 [~~(a) "Domicile" means the place where an individual has a fixed permanent home;~~]

50 [~~(b) "Resident" means an individual who:~~]

51 [~~(i) has established a domicile in this state;~~]

52 [~~(ii) engages in a trade, profession, or occupation in this state, or who accepts~~

53 ~~employment in other than seasonal work in this state, and who does not commute into the state;~~

54 ~~and]~~

55 ~~[(iii) holds an unexpired Utah driver license issued under Title 53, Chapter 3, Part 2,~~
56 ~~Driver Licensing Act, or an unexpired Utah identification card issued under Title 53, Chapter~~
57 ~~3, Part 8, Identification Card Act.]~~

58 ~~[(2)]~~ (1) Subject to Subsections ~~[(3), (4), and (5)]~~ (2), (3), and (4), the division may
59 issue a license without examination to a [resident] person who has been licensed in a state,
60 district, or territory of the United States or in a foreign country if:

61 (a) the division determines the education, experience, and examination requirements of
62 the state, district, or territory of the United States or the foreign country, at the time the license
63 was issued, were substantially equal to the current requirements of this state; or

64 (b) after being licensed outside of this state, the [resident] person has at least one year
65 of experience in the state, district, or territory of the United States where the license was issued,
66 and the division determines the [resident] person has the education, experience, and skills
67 necessary to demonstrate competency in the occupation or profession for which licensure is
68 sought.

69 ~~[(3)]~~ (2) The division, in consultation with the applicable licensing board, may make
70 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
71 prescribing the requirements of Subsection ~~[(2)]~~ (1).

72 ~~[(4)]~~ (3) Before a resident may be issued a license under this section, the resident shall:

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

74 (b) produce satisfactory evidence of the resident's identity, qualifications, and good
75 standing in the occupation or profession for which licensure is sought.

76 ~~[(5)]~~ (4) In accordance with Section [58-1-107](#), licensure endorsement provisions in this
77 section may be supplemented or altered by licensure endorsement provisions or multistate
78 licensure compacts in specific chapters of this title.

79 Section 2. Section **58-3a-105** is enacted to read:

80 **58-3a-105. Surcharge fee.**

81 (1) In addition to any other fees authorized by this chapter or by the division in

82 accordance with Section 63J-1-504, the division shall require each applicant for an initial
83 license, renewal of a license, or reinstatement of a license under this chapter to pay a \$1
84 surcharge fee.

85 (2) The surcharge fee shall be used by the division to provide each licensee under this
86 chapter with access to an electronic reference library that provides web-based access to
87 national, state, and local building codes and standards.

88 Section 3. Section 58-22-104 is enacted to read:

89 **58-22-104. Surcharge fee.**

90 (1) In addition to any other fees authorized by this chapter or by the division in
91 accordance with Section 63J-1-504, the division shall require each applicant for an initial
92 license, renewal of a license, or reinstatement of a license under this chapter to pay a \$1
93 surcharge fee.

94 (2) The surcharge fee shall be used by the division to provide each licensee under this
95 chapter with access to an electronic reference library that provides web-based access to
96 national, state, and local building codes and standards.

97 Section 4. Section 58-55-102 is amended to read:

98 **58-55-102. Definitions.**

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

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

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

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

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

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

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

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

114 (2) "Alarm company agent":

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

117 (b) does not include an individual who:

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

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

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

123 (a) detecting and signaling unauthorized intrusion or entry into or onto certain
124 premises; or

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

126 (4) "Apprentice electrician" means a person licensed under this chapter as an
127 apprentice electrician who is learning the electrical trade under the immediate supervision of a
128 master electrician, residential master electrician, a journeyman electrician, or a residential
129 journeyman electrician.

130 (5) "Apprentice plumber" means a person licensed under this chapter as an apprentice
131 plumber who is learning the plumbing trade under the immediate supervision of a master
132 plumber, residential master plumber, journeyman plumber, or a residential journeyman
133 plumber.

134 (6) "Approved continuing education" means instruction provided through courses
135 under a program established under Subsection [58-55-302.5\(2\)](#).

136 (7) (a) "Approved prelicensure course provider" means a provider that is ~~approved by~~
137 ~~the commission with the concurrence of the director]~~ the Associated General Contractors of
138 Utah, the Utah Chapter of the Associated Builders and Contractors, or the Home Builders
139 Association, and that meets the requirements established by rule by the commission with the
140 concurrence of the director, to teach the 25-hour course described in Subsection
141 [58-55-302\(1\)\(e\)\(iii\)](#).

142 (b) "Approved prelicensure course provider" may only include a provider that, in
143 addition to any other locations, offers the 25-hour course described in Subsection
144 [58-55-302\(1\)\(e\)\(iii\)](#) at least six times each year in one or more counties other than Salt Lake
145 County, Utah County, Davis County, or Weber County.

146 (8) "Board" means the Electrician Licensing Board, Alarm System Security and
147 Licensing Board, or Plumbers Licensing Board created in Section [58-55-201](#).

148 (9) "Combustion system" means an assembly consisting of:

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

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

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

155 (10) "Commission" means the Construction Services Commission created under
156 Section [58-55-103](#).

157 (11) "Construction trade" means any trade or occupation involving:

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

161 (ii) constructing, remodeling, or repairing a manufactured home or mobile home as
162 defined in Section [15A-1-302](#); or

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

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

169 (13) (a) "Contractor" means any person who for compensation other than wages as an
170 employee undertakes any work in the construction, plumbing, or electrical trade for which
171 licensure is required under this chapter and includes:

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

174 (ii) any person who represents that the person is a contractor, or will perform a service
175 described in this Subsection (13), by advertising on a website or social media, or any other
176 means;

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

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

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

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

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

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

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

188 (b) "Contractor" does not include:

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

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

192 (14) (a) "Electrical trade" means the performance of any electrical work involved in the
193 installation, construction, alteration, change, repair, removal, or maintenance of facilities,
194 buildings, or appendages or appurtenances.

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

196 (i) transporting or handling electrical materials;

197 (ii) preparing clearance for raceways for wiring; ~~[or]~~

198 (iii) work commonly done by unskilled labor on any installations under the exclusive
199 control of electrical utilities[-];

200 (iv) work involving cable-type wiring that does not pose a shock or fire-initiation
201 hazard; or

202 (v) work involving class two or class three power-limited circuits as defined in the
203 National Electrical Code.

204 ~~[(c) For purposes of Subsection (14)(b):]~~

205 ~~[(i) no more than one unlicensed person may be so employed unless more than five~~
206 ~~licensed electricians are employed by the shop; and]~~

207 ~~[(ii) a shop may not employ unlicensed persons in excess of the five-to-one ratio~~
208 ~~permitted by this Subsection (14)(c).]~~

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

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

215 (17) "Elevator mechanic" means an individual who is licensed under this chapter as an
216 elevator mechanic and who is engaged in erecting, constructing, installing, altering, servicing,

217 repairing, or maintaining an elevator under the immediate supervision of an elevator contractor.

218 (18) "Employee" means an individual as defined by the division by rule giving
219 consideration to the definition adopted by the Internal Revenue Service and the Department of
220 Workforce Services.

221 (19) "Engage in a construction trade" means to:

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

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

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

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

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

235 (22) (a) "General building contractor" means a person licensed under this chapter as a
236 general building contractor qualified by education, training, experience, and knowledge to
237 perform or superintend construction of structures for the support, shelter, and enclosure of
238 persons, animals, chattels, or movable property of any kind or any of the components of that
239 construction except plumbing, electrical work, mechanical work, work related to the operating
240 integrity of an elevator, and manufactured housing installation, for which the general building
241 contractor shall employ the services of a contractor licensed in the particular specialty, except
242 that a general building contractor engaged in the construction of single-family and multifamily
243 residences up to four units may perform the mechanical work and hire a licensed plumber or

244 electrician as an employee.

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

249 (23) (a) "General electrical contractor" means a person licensed under this chapter as a
250 general electrical contractor qualified by education, training, experience, and knowledge to
251 perform the fabrication, construction, and installation of generators, transformers, conduits,
252 raceways, panels, switch gear, electrical wires, fixtures, appliances, or apparatus that uses
253 electrical energy.

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

257 (24) (a) "General engineering contractor" means a person licensed under this chapter as
258 a general engineering contractor qualified by education, training, experience, and knowledge to
259 perform construction of fixed works in any of the following: irrigation, drainage, water, power,
260 water supply, flood control, inland waterways, harbors, railroads, highways, tunnels, airports
261 and runways, sewers and bridges, refineries, pipelines, chemical and industrial plants requiring
262 specialized engineering knowledge and skill, piers, and foundations, or any of the components
263 of those works.

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

266 (25) (a) "General plumbing contractor" means a person licensed under this chapter as a
267 general plumbing contractor qualified by education, training, experience, and knowledge to
268 perform the fabrication or installation of material and fixtures to create and maintain sanitary
269 conditions in a building by providing permanent means for a supply of safe and pure water, a
270 means for the timely and complete removal from the premises of all used or contaminated

271 water, fluid and semi-fluid organic wastes and other impurities incidental to life and the
272 occupation of such premises, and a safe and adequate supply of gases for lighting, heating, and
273 industrial purposes.

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

277 (26) "Immediate supervision" means reasonable direction, oversight, inspection, and
278 evaluation of the work of a person:

279 (a) as the division specifies in rule;

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

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

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

283 (27) "Individual" means a natural person.

284 (28) "Journeyman electrician" means a person licensed under this chapter as a
285 journeyman electrician having the qualifications, training, experience, and knowledge to wire,
286 install, and repair electrical apparatus and equipment for light, heat, power, and other purposes.

287 (29) "Journeyman plumber" means a person licensed under this chapter as a
288 journeyman plumber having the qualifications, training, experience, and technical knowledge
289 to engage in the plumbing trade.

290 (30) "Master electrician" means a person licensed under this chapter as a master
291 electrician having the qualifications, training, experience, and knowledge to properly plan,
292 layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment
293 for light, heat, power, and other purposes.

294 (31) "Master plumber" means a person licensed under this chapter as a master plumber
295 having the qualifications, training, experience, and knowledge to properly plan and layout
296 projects and supervise persons in the plumbing trade.

297 (32) "Person" means a natural person, sole proprietorship, joint venture, corporation,

298 limited liability company, association, or organization of any type.

299 (33) (a) "Plumbing trade" means the performance of any mechanical work pertaining to
300 the installation, alteration, change, repair, removal, maintenance, or use in buildings, or within
301 three feet beyond the outside walls of buildings, of pipes, fixtures, and fittings for the:

- 302 (i) delivery of the water supply;
- 303 (ii) discharge of liquid and water carried waste;
- 304 (iii) building drainage system within the walls of the building; and
- 305 (iv) delivery of gases for lighting, heating, and industrial purposes.

306 (b) "Plumbing trade" includes work pertaining to the water supply, distribution pipes,
307 fixtures and fixture traps, soil, waste and vent pipes, the building drain and roof drains, and the
308 safe and adequate supply of gases, together with their devices, appurtenances, and connections
309 where installed within the outside walls of the building.

310 (34) ~~[(a)] "Ratio of apprentices" means~~~~[, for the purpose of determining compliance~~
311 ~~with the requirements for planned programs of training and electrician apprentice licensing~~
312 ~~applications, the shop ratio of apprentice electricians to journeyman or master electricians shall~~
313 ~~be one journeyman or master electrician to one apprentice on industrial and commercial work,~~
314 ~~and one journeyman or master electrician to three apprentices on residential work. (b)~~
315 ~~On-the-job training shall be under circumstances in which the ratio of apprentices to~~
316 ~~supervisors is in accordance with a ratio of one-to-one on nonresidential work and up to three~~
317 ~~apprentices to one supervisor on residential projects.] the number of licensed plumber~~
318 ~~apprentices or licensed electrician apprentices that are allowed to be under the immediate~~
319 ~~supervision of a licensed supervisor as established by the provisions of this chapter and by~~
320 ~~rules made by the commission, with the concurrence of the director, in accordance with Title~~
321 ~~63G, Chapter 3, Utah Administrative Rulemaking Act.~~

322 (35) "Residential and small commercial contractor" means a person licensed under this
323 chapter as a residential and small commercial contractor qualified by education, training,
324 experience, and knowledge to perform or superintend the construction of single-family

325 residences, multifamily residences up to four units, and commercial construction of not more
326 than three stories above ground and not more than 20,000 square feet, or any of the components
327 of that construction except plumbing, electrical work, mechanical work, and manufactured
328 housing installation, for which the residential and small commercial contractor shall employ
329 the services of a contractor licensed in the particular specialty, except that a residential and
330 small commercial contractor engaged in the construction of single-family and multifamily
331 residences up to four units may perform the mechanical work and hire a licensed plumber or
332 electrician as an employee.

333 (36) "Residential building," as it relates to the license classification of residential
334 journeyman plumber and residential master plumber, means a single or multiple family
335 dwelling of up to four units.

336 (37) (a) "Residential electrical contractor" means a person licensed under this chapter
337 as a residential electrical contractor qualified by education, training, experience, and
338 knowledge to perform the fabrication, construction, and installation of services, disconnecting
339 means, grounding devices, panels, conductors, load centers, lighting and plug circuits,
340 appliances, and fixtures in a residential unit.

341 (b) The scope of work of a residential electrical contractor may be further defined by
342 rules made by the commission, with the concurrence of the director, in accordance with Title
343 63G, Chapter 3, Utah Administrative Rulemaking Act.

344 (38) "Residential journeyman electrician" means a person licensed under this chapter
345 as a residential journeyman electrician having the qualifications, training, experience, and
346 knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power,
347 and other purposes on buildings using primarily nonmetallic sheath cable.

348 (39) "Residential journeyman plumber" means a person licensed under this chapter as a
349 residential journeyman plumber having the qualifications, training, experience, and knowledge
350 to engage in the plumbing trade as limited to the plumbing of residential buildings.

351 (40) "Residential master electrician" means a person licensed under this chapter as a

352 residential master electrician having the qualifications, training, experience, and knowledge to
353 properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus
354 and equipment for light, heat, power, and other purposes on residential projects.

355 (41) "Residential master plumber" means a person licensed under this chapter as a
356 residential master plumber having the qualifications, training, experience, and knowledge to
357 properly plan and layout projects and supervise persons in the plumbing trade as limited to the
358 plumbing of residential buildings.

359 (42) (a) "Residential plumbing contractor" means a person licensed under this chapter
360 as a residential plumbing contractor qualified by education, training, experience, and
361 knowledge to perform the fabrication or installation of material and fixtures to create and
362 maintain sanitary conditions in residential buildings by providing permanent means for a
363 supply of safe and pure water, a means for the timely and complete removal from the premises
364 of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities
365 incidental to life and the occupation of such premises, and a safe and adequate supply of gases
366 for lighting, heating, and industrial purposes.

367 (b) The scope of work of a residential plumbing contractor may be further defined by
368 rules made by the commission, with the concurrence of the director, in accordance with Title
369 63G, Chapter 3, Utah Administrative Rulemaking Act.

370 (43) "Residential project," as it relates to an electrician or electrical contractor, means
371 buildings primarily wired with nonmetallic sheathed cable, in accordance with standard rules
372 and regulations governing this work, including the National Electrical Code, and in which the
373 voltage does not exceed 250 volts line to line and 125 volts to ground.

374 (44) "Sensitive alarm system information" means:

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

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

378 (c) information that would allow the circumvention, bypass, deactivation, or other

379 compromise of an alarm system of a customer of the alarm business providing the alarm
380 system; and

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

384 (45) (a) "Specialty contractor" means a person licensed under this chapter under a
385 specialty contractor classification established by rule, who is qualified by education, training,
386 experience, and knowledge to perform those construction trades and crafts requiring
387 specialized skill, the regulation of which are determined by the division to be in the best
388 interest of the public health, safety, and welfare.

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

392 (46) "Unincorporated entity" means an entity that is not:

- 393 (a) an individual;
- 394 (b) a corporation; or
- 395 (c) publicly traded.

396 (47) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501
397 and 58-55-501.

398 (48) "Unprofessional conduct" means the same as that term is defined in Sections
399 58-1-501 and 58-55-502 and as may be further defined by rule.

400 (49) "Wages" means amounts due to an employee for labor or services whether the
401 amount is fixed or ascertained on a time, task, piece, commission, or other basis for calculating
402 the amount.

403 Section 5. Section 58-55-104 is enacted to read:

404 **58-55-104. Electrician Education Fund.**

405 **(1) There is created an expendable special revenue fund known as the Electrician**

406 Education Fund.

407 (2) The fund consists of money from a surcharge fee, established by the division in
408 accordance with Section 63J-1-504, placed on initial, renewal, and reinstatement licensure fees
409 for an apprentice electrician, journeyman electrician, master electrician, residential journeyman
410 electrician, and residential master electrician.

411 (3) The surcharge fee described in Subsection (2) may not be more than \$5.

412 (4) The fund shall earn interest and all interest earned on fund money shall be
413 deposited into the fund.

414 (5) The director may, with the concurrence of the commission, make distributions from
415 the fund for the following purposes:

416 (a) education and training of licensees under this chapter who are practicing in the
417 electrical trade; and

418 (b) education and training of other licensees under this chapter or the public in matters
419 concerning electrical laws and practices.

420 (6) If the balance in the fund is more than \$100,000 at the end of any fiscal year, the
421 excess amount shall be transferred to the General Fund.

422 (7) The division shall report annually to the Business, Economic Development, and
423 Labor Appropriations Subcommittee regarding the balance in the fund and how the fund is
424 being used.

425 Section 6. Section **58-55-105** is enacted to read:

426 **58-55-105. Plumber Education Fund.**

427 (1) There is created an expendable special revenue fund known as the Plumber
428 Education Fund.

429 (2) The fund consists of money from a surcharge fee, established by the division in
430 accordance with Section 63J-1-504, placed on initial, renewal, and reinstatement licensure fees
431 for apprentice plumbers, journeyman plumbers, master plumbers, residential journeyman
432 plumbers, and residential master plumbers.

- 433 (3) The surcharge fee described in Subsection (2) may not be more than \$5.
- 434 (4) The fund shall earn interest and all interest earned on fund money shall be
- 435 deposited into the fund.
- 436 (5) The director may, with the concurrence of the commission, make distributions from
- 437 the fund for the following purposes:
- 438 (a) education and training of licensees under this chapter who are licensed in the
- 439 professions described in Subsection (2); and
- 440 (b) education and training of other licensees under this chapter or the public in matters
- 441 concerning plumbing laws and practices.
- 442 (6) If the balance in the fund is more than \$100,000 at the end of any fiscal year, the
- 443 excess amount shall be transferred to the General Fund.
- 444 (7) The division shall report annually to the Business, Economic Development, and
- 445 Labor Appropriations Subcommittee regarding the balance in the fund and how the fund is
- 446 being used.

447 Section 7. Section **58-55-106** is enacted to read:

448 **58-55-106. Surcharge fee.**

449 (1) In addition to any other fees authorized by this chapter or by the division in

450 accordance with Section [63J-1-504](#), the division shall require each applicant for an initial

451 license, renewal of a license, or reinstatement of a license under this chapter to pay a \$1

452 surcharge fee.

453 (2) The surcharge fee shall be used by the division to provide each licensee under this

454 chapter with access to an electronic reference library that provides web-based access to

455 national, state, and local building codes and standards.

456 Section 8. Section **58-55-201** is amended to read:

457 **58-55-201. Boards created -- Duties.**

458 (1) There is created a Plumbers Licensing Board, an Alarm System Security and

459 Licensing Board, and an Electricians Licensing Board. Members of the boards shall be

460 selected to provide representation as follows:

461 (a) The Plumbers Licensing Board consists of five members as follows:

462 (i) two members shall be licensed from among the license classifications of master or
463 journeyman plumber;

464 (ii) two members shall be licensed plumbing contractors; and

465 (iii) one member shall be from the public at large with no history of involvement in the
466 construction trades.

467 (b) (i) The Alarm System Security and Licensing Board consists of five members as
468 follows:

469 (A) three individuals who are officers or owners of a licensed alarm business;

470 (B) one individual from among nominees of the Utah Peace Officers Association; and

471 (C) one individual representing the general public.

472 (ii) The Alarm System Security and Licensing Board shall designate one of its
473 members on a permanent or rotating basis to:

474 (A) assist the division in reviewing complaints concerning the unlawful or
475 unprofessional conduct of a licensee; and

476 (B) advise the division in its investigation of these complaints.

477 (iii) A board member who has, under this Subsection (1)(b)(iii), reviewed a complaint
478 or advised in its investigation is disqualified from participating with the board when the board
479 serves as a presiding officer in an adjudicative proceeding concerning the complaint.

480 (c) The Electricians Licensing Board consists of five members as follows:

481 (i) two members shall be licensed from among the license classifications of master or
482 journeyman electrician, of whom one shall represent a union organization and one shall be
483 selected having no union affiliation;

484 (ii) two shall be licensed electrical contractors of whom one shall represent a union
485 organization and one shall be selected having no union affiliation; and

486 (iii) one member shall be from the public at large with no history of involvement in the

487 construction trades or union affiliation.

488 (2) The duties, functions, and responsibilities of each board include the following:

489 (a) recommending to the commission appropriate rules;

490 (b) recommending to the commission policy and budgetary matters;

491 (c) approving and establishing a passing score for applicant examinations;

492 (d) overseeing the screening of applicants for licensing, renewal, reinstatement, and
493 relicensure;

494 (e) assisting the commission in establishing standards of supervision for students or
495 persons in training to become qualified to obtain a license in the occupation or profession it
496 represents; and

497 (f) acting as presiding officer in conducting hearings associated with the adjudicative
498 proceedings and in issuing recommended orders when so authorized by the commission.

499 (3) The division in collaboration with the Plumbers Licensing Board and the
500 Electricians Licensing Board shall provide a preliminary report on or before October 1, 2019,
501 and a final written report on or before June 1, 2020, to the Business and Labor Interim
502 Committee and the Occupational and Professional Licensure Review Committee that provides
503 recommendations for consistent educational and training standards for plumber and electrician
504 apprentice programs in the state, including recommendations for education and training
505 provided by all providers, including institutions of higher education and technical colleges.

506 Section 9. Section **58-55-302** is amended to read:

507 **58-55-302. Qualifications for licensure.**

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

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

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

511 (c) ~~(f)~~ meet the examination requirements established by this section and by rule by
512 the commission with the concurrence of the director, ~~[except that no examination, other than an~~
513 ~~examination as part of a 25-hour course described in Subsection (1)(c)(iii), is required for~~

514 licensure as an apprentice electrician, apprentice plumber, or specialty contractor; or] which
515 requirements include:

516 (i) for licensure as an apprentice electrician, apprentice plumber, or specialty
517 contractor, no division-administered examination is required;

518 (ii) for licensure as a general building contractor, general engineering contractor,
519 residential and small commercial contractor, general plumbing contractor, residential plumbing
520 contractor, general electrical contractor, or residential electrical contractor, the only required
521 division-administered examination is a division-administered examination that covers
522 information from the 25-hour course described in Subsection (1)(e)(iii), which course may
523 have been previously completed as part of applying for any other license under this chapter,
524 and, if the 25-hour course was completed on or after July 1, 2019, the five-hour business law
525 course described in Subsection (1)(e)(iv); and

526 ~~[(ii)]~~ (iii) if required in Section 58-55-304, ~~[the]~~ an individual qualifier must pass the
527 required division-administered examination if the applicant is a business entity;

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

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

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

532 (ii) produce satisfactory evidence of:

533 (A) except as provided in Subsection (2)(a), and except that no employment experience
534 is required for licensure as a specialty contractor, two years full-time paid employment
535 experience in the construction industry, which employment experience ~~[may be related to any~~
536 ~~contracting classification unless more specifically described in this section]~~, unless more
537 specifically described in this section, may be related to any contracting classification and does
538 not have to include supervisory experience; and

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

541 (iii) except as otherwise provided by rule by the commission with the concurrence of
542 the director, complete a 25-hour course established by rule by the commission with the
543 concurrence of the director, which is taught by an approved precicensure course provider, and
544 which course may include:

545 (A) construction business practices;

546 (B) bookkeeping fundamentals;

547 (C) mechanics lien fundamentals;

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

550 (E) for no additional fee, ~~[an]~~ a provider-administered examination at the end of the
551 25-hour course;

552 (iv) complete a five-hour business and law course established by rule by the
553 commission with the concurrence of the director, which is taught by an approved precicensure
554 course provider, if an applicant for licensure as a general building contractor, general
555 engineering contractor, residential and small commercial contractor, general plumbing
556 contractor, residential plumbing contractor, general electrical contractor, or residential
557 electrical contractor, except that if the 25-hour course described in Subsection (1)(e)(iii) was
558 completed before July 1, 2019, the applicant does not need to take the business and law course;

559 ~~[(iv)]~~ (v) (A) be a licensed master electrician if an applicant for an electrical
560 contractor's license or a licensed master residential electrician if an applicant for a residential
561 electrical contractor's license;

562 (B) be a licensed master plumber if an applicant for a plumbing contractor's license or
563 a licensed master residential plumber if an applicant for a residential plumbing contractor's
564 license; or

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

567 ~~[(v)]~~ (vi) when the applicant is an unincorporated entity, provide a list of the one or

568 more individuals who hold an ownership interest in the applicant as of the day on which the
569 application is filed that includes for each individual:

- 570 (A) the individual's name, address, birth date, and social security number; and
- 571 (B) whether the individual will engage in a construction trade; and
- 572 (f) if an applicant for a construction trades instructor license, satisfy any additional
573 requirements established by rule.

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

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

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

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

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

587 (A) Department of Commerce;

588 (B) Division of Corporations and Commercial Code;

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

591 (D) State Tax Commission; and

592 (E) Internal Revenue Service.

593 (3) In addition to the general requirements for each applicant in Subsection (1),
594 applicants shall comply with the following requirements to be licensed in the following

595 classifications:

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

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

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

602 (C) meets the qualifications [~~determined by the division in collaboration with the board~~
603 ~~to be equivalent to Subsection (3)(a)(i)(A) or (B).~~] for expedited licensure as established by
604 rules made by the commission, with the concurrence of the director, in accordance with Title
605 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant
606 has the knowledge and skills to be a licensed master plumber.

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

613 (iii) An individual holding a valid plumbing contractor's license or residential
614 plumbing contractor's license, in effect immediately prior to May 5, 2008, is on or after May 5,
615 2008:

616 (A) considered to hold a current master plumber license under this chapter if licensed
617 as a plumbing contractor and a journeyman plumber, and satisfies the requirements of this
618 Subsection (3)(a) for purposes of renewal or reinstatement of that license under Section
619 58-55-303; and

620 (B) considered to hold a current residential master plumber license under this chapter if
621 licensed as a residential plumbing contractor and a residential journeyman plumber, and

622 satisfies the requirements of this Subsection (3)(a) for purposes of renewal or reinstatement of
623 that license under Section 58-55-303.

624 (b) A master residential plumber applicant shall produce satisfactory evidence that the
625 applicant:

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

629 (ii) ~~[meets the qualifications determined by the division in collaboration with the board
630 to be equivalent to Subsection (3)(b)(i).]~~ meets the qualifications for expedited licensure as
631 established by rules made by the commission, with the concurrence of the director, in
632 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly
633 demonstrate the applicant has the knowledge and skills to be a licensed master residential
634 plumber.

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

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

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

642 (iii) ~~[satisfactory evidence of meeting the qualifications determined by the board to be
643 equivalent to Subsection (3)(c)(i) or (c)(ii).]~~ meeting the qualifications for expedited licensure
644 as established by rules made by the commission, with the concurrence of the director, in
645 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly
646 demonstrate the applicant has the knowledge and skills to be a licensed journeyman plumber.

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

648 (i) completion of the equivalent of at least three years of full-time training and

649 instruction as a licensed apprentice plumber under the supervision of a licensed residential
650 master plumber, licensed residential journeyman plumber, or licensed journeyman plumber in
651 accordance with a planned program of training approved by the division;

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

654 (iii) ~~[meeting the qualifications determined by the board to be equivalent to Subsection~~
655 ~~(3)(d)(i) or (d)(ii).]~~ meeting the qualifications for expedited licensure as established by rules
656 made by the commission, with the concurrence of the director, in accordance with Title 63G,
657 Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the
658 knowledge and skills to be a licensed residential journeyman plumber.

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

661 (i) while engaging in the trade of plumbing, a licensed apprentice plumber shall be
662 under the immediate supervision of a licensed master plumber, licensed residential master
663 plumber, licensed journeyman plumber, or [a] licensed residential journeyman plumber; ~~and]~~

664 (ii) beginning in a licensed apprentice plumber's fourth year of training, a licensed
665 apprentice plumber ~~[in the fourth through tenth year of training]~~ may work without supervision
666 for a period not to exceed eight hours in any 24-hour period~~[- but if the apprentice does not~~
667 ~~become a licensed journeyman plumber or licensed residential journeyman plumber by the end~~
668 ~~of the tenth year of apprenticeship, this nonsupervision provision no longer applies.]; and~~

669 (iii) rules made by the commission, with the concurrence of the director, in accordance
670 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the ratio of
671 apprentices allowed under the immediate supervision of a licensed supervisor, including the
672 ratio of apprentices in their fourth year of training or later that are allowed to be under the
673 immediate supervision of a licensed supervisor.

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

675 (i) is a graduate electrical engineer of an accredited college or university approved by

676 the division and has one year of practical electrical experience as a licensed apprentice
677 electrician;

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

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

682 (iv) ~~[meets the qualifications determined by the board to be equivalent to Subsection~~
683 ~~(3)(f)(i), (ii), or (iii).]~~ meets the qualifications for expedited licensure as established by rules
684 made by the commission, with the concurrence of the director, in accordance with Title 63G,
685 Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the
686 knowledge and skills to be a licensed master electrician.

687 (g) A master residential electrician applicant shall produce satisfactory evidence that
688 the applicant:

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

691 (ii) ~~[meets the qualifications determined by the board to be equivalent to this practical~~
692 ~~experience.]~~ meets the qualifications for expedited licensure as established by rules made by
693 the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,
694 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge
695 and skills to be a master residential electrician.

696 (h) A journeyman electrician applicant shall produce satisfactory evidence that the
697 applicant:

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

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

703 (iii) ~~[meets the qualifications determined by the board to be equivalent to Subsection~~
704 ~~(3)(h)(i) or (ii).]~~ meets the qualifications for expedited licensure as established by rules made
705 by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter
706 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the
707 knowledge and skills to be a licensed journeyman electrician.

708 (i) A residential journeyman electrician applicant shall produce satisfactory evidence
709 that the applicant:

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

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

715 (iii) ~~[meets the qualifications determined by the division and applicable board to be~~
716 ~~equivalent to Subsection (3)(i)(i) or (ii).]~~ meets the qualifications for expedited licensure as
717 established by rules made by the commission, with the concurrence of the director, in
718 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly
719 demonstrate the applicant has the knowledge and skills to be a licensed residential journeyman
720 electrician.

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

723 (i) A licensed apprentice electrician shall be under the immediate supervision of a
724 licensed master, journeyman, residential master, or residential journeyman electrician~~[- An~~
725 ~~apprentice in the fourth year of training];~~

726 (ii) beginning in a licensed apprentice electrician's fourth year of training, a licensed
727 apprentice electrician may work without supervision for a period not to exceed eight hours in
728 any 24-hour period~~[-];~~

729 ~~[(ii) A licensed master, journeyman, residential master, or residential journeyman~~

730 electrician may have under immediate supervision on a residential project up to three licensed
731 apprentice electricians.]

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

734 (iii) rules made by the commission, with the concurrence of the director, in accordance
735 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the ratio of
736 apprentices allowed under the immediate supervision of a licensed supervisor, including the
737 ratio of apprentices in their fourth year of training or later that are allowed to be under the
738 immediate supervision of a licensed supervisor; and

739 (iv) a licensed supervisor may have up to three licensed apprentice electricians on a
740 residential project, or more if established by rules made by the commission, in concurrence
741 with the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
742 Act.

743 (k) An alarm company applicant shall:

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

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

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

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

751 (ii) if a corporation, provide:

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

756 (B) the names, addresses, dates of birth, social security numbers, and fingerprint cards

757 of all shareholders owning 5% or more of the outstanding shares of the corporation, except this
758 shall not be required if the stock is publicly listed and traded;

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

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

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

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

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

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

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

784 (viii) document that none of the applicant's officers, directors, shareholders described
785 in Subsection (3)(k)(ii)(B), partners, proprietors, trustees, and responsible management
786 personnel have been declared by any court of competent jurisdiction incompetent by reason of
787 mental defect or disease and not been restored;

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

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

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

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

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

797 (I) Division of Corporations and Commercial Code;

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

800 (III) State Tax Commission; and

801 (IV) Internal Revenue Service; and

802 (xi) meet with the division and board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

836 (II) The division shall specify the time period for which the license is valid and may
837 renew the license for an additional time period upon its determination that a shortage of

838 licensed elevator mechanics continues to exist.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

880 (B) any owner or agent acting as a qualifier has served in any capacity listed in
881 Subsection (9)(a)(ii)(B) in any entity which has had a previous license, which was issued under
882 this chapter, suspended or revoked within two years before the date of the applicant's
883 application; or

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

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

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

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

892 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and
893 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the
894 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar
895 status, performing similar functions, or directly or indirectly controlling the applicant has
896 served in any similar capacity with any person or entity which has had a previous license,
897 which was issued under this chapter, suspended or revoked more than two years before the date
898 of the applicant's application; or

899 (iii) (A) the applicant is an individual or sole proprietorship; and
900 (B) any owner or agent acting as a qualifier has served in any capacity listed in
901 Subsection (9)(b)(ii)(B) in any entity which has had a previous license, which was issued under
902 this chapter, suspended or revoked more than two years before the date of the applicant's
903 application.

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

907 (A) own an interest in the contractor that is an unincorporated entity;
908 (B) own, directly or indirectly, less than an 8% interest, as defined by rule made by the
909 division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in the
910 unincorporated entity; and

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

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

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

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

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

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

921 (ii) be in a format prescribed by the division that includes for each owner, regardless of
922 the owner's percentage ownership in the unincorporated entity, the information described in
923 Subsection(1)(e)[~~(v)~~](vi);

924 (iii) list the name of:

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

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

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

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

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

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

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

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

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

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

944 (ii) every 30 days after the day on which the unincorporated entity provides the list
945 described in Subsection (11)(a)(i), an ownership status report containing the information that

946 would be required under Subsection (10) if the unincorporated entity were a licensed
947 contractor.

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

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

955 (13) A social security number provided under Subsection (1)(e)~~(v)~~(vi) is a private
956 record under Subsection 63G-2-302(1)(i).

957 Section 10. Section 58-55-302.5 is amended to read:

958 **58-55-302.5. Continuing education requirements for contractor licensees --**

959 **Continuing education courses.**

960 (1) (a) Each contractor licensee under a license issued under this chapter shall complete
961 six hours of approved continuing education during each two-year renewal cycle established by
962 rule under Subsection 58-55-303(1).

963 (b) Each contractor licensee who has a renewal cycle that ends on or after January 1,
964 2020, shall complete one hour of approved continuing education on energy conservation as part
965 of the six required hours.

966 (2) (a) The commission shall, with the concurrence of the division, establish by rule a
967 program of approved continuing education for contractor licensees.

968 (b) Except as provided in Subsection (2)(e), beginning on or after June 1, 2015, only
969 courses offered by any of the following may be included in the program of approved continuing
970 education for contractor licensees:

971 (i) the Associated General Contractors of Utah;

972 (ii) Associated Builders and Contractors, Utah Chapter;

- 973 (iii) the Home Builders Association of Utah;
 - 974 (iv) the National Electrical Contractors Association Intermountain Chapter;
 - 975 (v) the Utah Plumbing & Heating Contractors Association;
 - 976 (vi) the Independent Electrical Contractors of Utah;
 - 977 (vii) the Rocky Mountain Gas Association;
 - 978 (viii) the Utah Mechanical Contractors Association;
 - 979 (ix) the Sheet Metal Contractors Association;
 - 980 (x) the Intermountain Electrical Association;
 - 981 (xi) the Builders Bid Service of Utah; or
 - 982 (xii) Utah Roofing Contractors Association.
- 983 (c) An approved continuing education program for a contractor licensee may include a
984 course approved by an entity described in Subsections (2)(b)(i) through (2)(b)(iii).
- 985 (d) (i) Except as provided in Subsections (2)(d)(ii) and (iii), an entity listed in
986 Subsections (2)(b)(iv) through (2)(b)(xii) may only offer and market continuing education
987 courses to a licensee who is a member of the entity.
- 988 (ii) An entity described in Subsection (2)(b)(iv), (vi), or (x) may offer and market a
989 continuing education course that the entity offers to satisfy the continuing education
990 requirement described in Subsection 58-55-302.7(2)(a) to a contractor in the electrical trade.
- 991 (iii) An entity described in Subsection (2)(b)(v) or (viii) may offer and market a
992 continuing education course that the entity offers to satisfy the continuing education
993 requirement described in Subsection 58-55-302.7(2)(b) to a contractor in the plumbing trade.
- 994 (e) On or after June 1, 2015, an approved continuing education program for a
995 contractor licensee may include a course offered and taught by:
- 996 (i) a state executive branch agency;
 - 997 (ii) the workers' compensation insurance carrier that provides workers' compensation
998 insurance under Section 31A-22-1001; or
 - 999 (iii) a nationally or regionally accredited college or university that has a physical

1000 campus in the state.

1001 (f) On or after June 1, 2017, for a contractor licensee that is licensed in the specialty
1002 contractor classification of HVAC contractor, at least three of the six hours described in
1003 Subsection (1) shall include continuing education directly related to the installation, repair, or
1004 replacement of a heating, ventilation, or air conditioning system.

1005 (3) The division may contract with a person to establish and maintain a continuing
1006 education registry to include:

1007 (a) a list of courses that the division has approved for inclusion in the program of
1008 approved continuing education; and

1009 (b) a list of courses that:

1010 (i) a contractor licensee has completed under the program of approved continuing
1011 education; and

1012 (ii) the licensee may access to monitor the licensee's compliance with the continuing
1013 education requirement established under Subsection (1).

1014 (4) The division may charge a fee, as established by the division under Section
1015 [63J-1-504](#), to administer the requirements of this section.

1016 Section 11. Section **58-55-305** is amended to read:

1017 **58-55-305. Exemptions from licensure.**

1018 (1) In addition to the exemptions from licensure in Section [58-1-307](#), the following
1019 persons may engage in acts or practices included within the practice of construction trades,
1020 subject to the stated circumstances and limitations, without being licensed under this chapter:

1021 (a) an authorized representative of the United States government or an authorized
1022 employee of the state or any of its political subdivisions when working on construction work of
1023 the state or the subdivision, and when acting within the terms of the person's trust, office, or
1024 employment;

1025 (b) a person engaged in construction or operation incidental to the construction and
1026 repair of irrigation and drainage ditches of regularly constituted irrigation districts, reclamation

1027 districts, and drainage districts or construction and repair relating to farming, dairying,
1028 agriculture, livestock or poultry raising, metal and coal mining, quarries, sand and gravel
1029 excavations, well drilling, as defined in Section 73-3-25, hauling to and from construction
1030 sites, and lumbering;

1031 (c) public utilities operating under the rules of the Public Service Commission on work
1032 incidental to their own business;

1033 (d) sole owners of property engaged in building:

1034 (i) no more than one residential structure per year and no more than three residential
1035 structures per five years on their property for their own noncommercial, nonpublic use; except,
1036 a person other than the property owner or individuals described in Subsection (1)(e), who
1037 engages in building the structure must be licensed under this chapter if the person is otherwise
1038 required to be licensed under this chapter; or

1039 (ii) structures on their property for their own noncommercial, nonpublic use which are
1040 incidental to a residential structure on the property, including sheds, carports, or detached
1041 garages;

1042 (e) (i) a person engaged in construction or renovation of a residential building for
1043 noncommercial, nonpublic use if that person:

1044 (A) works without compensation other than token compensation that is not considered
1045 salary or wages; and

1046 (B) works under the direction of the property owner who engages in building the
1047 structure; and

1048 (ii) as used in this Subsection (1)(e), "token compensation" means compensation paid
1049 by a sole owner of property exempted from licensure under Subsection (1)(d) to a person
1050 exempted from licensure under this Subsection (1)(e), that is:

1051 (A) minimal in value when compared with the fair market value of the services
1052 provided by the person;

1053 (B) not related to the fair market value of the services provided by the person; and

1054 (C) is incidental to the providing of services by the person including paying for or
1055 providing meals or refreshment while services are being provided, or paying reasonable
1056 transportation costs incurred by the person in travel to the site of construction;

1057 (f) a person engaged in the sale or merchandising of personal property that by its design
1058 or manufacture may be attached, installed, or otherwise affixed to real property who has
1059 contracted with a person, firm, or corporation licensed under this chapter to install, affix, or
1060 attach that property;

1061 (g) a contractor submitting a bid on a federal aid highway project, if, before
1062 undertaking construction under that bid, the contractor is licensed under this chapter;

1063 (h) (i) subject to Subsection 58-1-401(2) and Sections 58-55-501 and 58-55-502, a
1064 person engaged in the alteration, repair, remodeling, or addition to or improvement of a
1065 building with a contracted or agreed value of less than \$3,000, including both labor and
1066 materials, and including all changes or additions to the contracted or agreed upon work; and

1067 (ii) notwithstanding Subsection (1)(h)(i) and except as otherwise provided in this
1068 section:

1069 (A) work in the plumbing and electrical trades on a Subsection (1)(h)(i) project within
1070 any six month period of time:

1071 (I) must be performed by a licensed electrical or plumbing contractor, if the project
1072 involves an electrical or plumbing system; and

1073 (II) may be performed by a licensed journeyman electrician or plumber or an individual
1074 referred to in Subsection (1)(h)(ii)(A)(I), if the project involves a component of the system
1075 such as a faucet, toilet, fixture, device, outlet, or electrical switch;

1076 (B) installation, repair, or replacement of a residential or commercial gas appliance or a
1077 combustion system on a Subsection (1)(h)(i) project must be performed by a person who has
1078 received certification under Subsection 58-55-308(2) except as otherwise provided in
1079 Subsection 58-55-308(2)(d) or 58-55-308(3);

1080 (C) installation, repair, or replacement of water-based fire protection systems on a

1081 Subsection (1)(h)(i) project must be performed by a licensed fire suppression systems
1082 contractor or a licensed journeyman plumber;

1083 (D) work as an alarm business or company or as an alarm company agent shall be
1084 performed by a licensed alarm business or company or a licensed alarm company agent, except
1085 as otherwise provided in this chapter;

1086 (E) installation, repair, or replacement of an alarm system on a Subsection (1)(h)(i)
1087 project must be performed by a licensed alarm business or company or a licensed alarm
1088 company agent;

1089 (F) installation, repair, or replacement of a heating, ventilation, or air conditioning
1090 system (HVAC) on a Subsection (1)(h)(i) project must be performed by an HVAC contractor
1091 licensed by the division;

1092 (G) installation, repair, or replacement of a radon mitigation system or a soil
1093 depressurization system must be performed by a licensed contractor; and

1094 (H) if the total value of the project is greater than \$1,000, the person shall file with the
1095 division a one-time affirmation, subject to periodic reaffirmation as established by division
1096 rule, that the person has:

1097 (I) public liability insurance in coverage amounts and form established by division
1098 rule; and

1099 (II) if applicable, workers compensation insurance which would cover an employee of
1100 the person if that employee worked on the construction project;

1101 (i) a person practicing a specialty contractor classification or construction trade which
1102 the director does not classify by administrative rule as significantly impacting the public's
1103 health, safety, and welfare;

1104 (j) owners and lessees of property and persons regularly employed for wages by owners
1105 or lessees of property or their agents for the purpose of maintaining the property, are exempt
1106 from this chapter when doing work upon the property;

1107 (k) (i) a person engaged in minor plumbing work that is incidental, as defined by the

1108 division by rule, to the replacement or repair of a fixture or an appliance in a residential or
1109 small commercial building, or structure used for agricultural use, as defined in Section
1110 [15A-1-202](#), provided that no modification is made to:

- 1111 (A) existing culinary water, soil, waste, or vent piping; or
- 1112 (B) a gas appliance or combustion system; and

1113 (ii) except as provided in Subsection (1)(e), installation for the first time of a fixture or
1114 an appliance is not included in the exemption provided under Subsection (1)(k)(i);

1115 (l) a person who ordinarily would be subject to the plumber licensure requirements
1116 under this chapter when installing or repairing a water conditioner or other water treatment
1117 apparatus if the conditioner or apparatus:

- 1118 (i) meets the appropriate state construction codes or local plumbing standards; and
- 1119 (ii) is installed or repaired under the direction of a person authorized to do the work
1120 under an appropriate specialty contractor license;
- 1121 (m) a person who ordinarily would be subject to the electrician licensure requirements
1122 under this chapter when employed by:
 - 1123 (i) railroad corporations, telephone corporations or their corporate affiliates, elevator
1124 contractors or constructors, or street railway systems; or
 - 1125 (ii) public service corporations, rural electrification associations, or municipal utilities
1126 who generate, distribute, or sell electrical energy for light, heat, or power;
 - 1127 (n) a person involved in minor electrical work incidental to a mechanical or service
1128 installation, including the outdoor installation of an above-ground, prebuilt hot tub;
 - 1129 (o) a person who ordinarily would be subject to the electrician licensure requirements
1130 under this chapter but who during calendar years 2009, 2010, or 2011 was issued a specialty
1131 contractor license for the electrical work associated with the installation, repair, or maintenance
1132 of solar energy panels, may continue the limited electrical work for solar energy panels under a
1133 specialty contractor license;
 - 1134 (p) a student participating in construction trade education and training programs

1135 approved by the commission with the concurrence of the director under the condition that:

1136 (i) all work intended as a part of a finished product on which there would normally be
1137 an inspection by a building inspector is, in fact, inspected and found acceptable by a licensed
1138 building inspector; and

1139 (ii) a licensed contractor obtains the necessary building permits;

1140 (q) a delivery person when replacing any of the following existing equipment with a
1141 new gas appliance, provided there is an existing gas shutoff valve at the appliance:

1142 (i) gas range;

1143 (ii) gas dryer;

1144 (iii) outdoor gas barbeque; or

1145 (iv) outdoor gas patio heater;

1146 (r) a person performing maintenance on an elevator as defined in Subsection

1147 [58-55-102](#)~~[(14)]~~(15), if the maintenance is not related to the operating integrity of the elevator;

1148 and

1149 (s) an apprentice or helper of an elevator mechanic licensed under this chapter when
1150 working under the general direction of the licensed elevator mechanic.

1151 (2) A compliance agency as defined in Section [15A-1-202](#) that issues a building permit
1152 to a person requesting a permit as a sole owner of property referred to in Subsection (1)(d) shall
1153 notify the division, in writing or through electronic transmission, of the issuance of the permit.

1154 Section 12. Section [58-56-3.5](#) is enacted to read:

1155 **58-56-3.5. Surcharge fee.**

1156 (1) In addition to any other fees authorized by this chapter or by the division in
1157 accordance with Section [63J-1-504](#), the division shall require each applicant for an initial
1158 license, renewal of a license, or reinstatement of a license under this chapter to pay a \$1
1159 surcharge fee.

1160 (2) The surcharge fee shall be used by the division to provide each licensee under this
1161 chapter with access to an electronic reference library that provides web-based access to

1162 national, state, and local building codes and standards.

1163 Section 13. Section **63J-1-602.1** is amended to read:

1164 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

1165 Appropriations made from the following accounts or funds are nonlapsing:

1166 (1) The Utah Intracurricular Student Organization Support for Agricultural Education
1167 and Leadership Restricted Account created in Section [4-42-102](#).

1168 (2) The Native American Repatriation Restricted Account created in Section [9-9-407](#).

1169 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
1170 Section [9-18-102](#).

1171 (4) The National Professional Men's Soccer Team Support of Building Communities
1172 Restricted Account created in Section [9-19-102](#).

1173 (5) Funds collected for directing and administering the C-PACE district created in
1174 Section [11-42a-302](#).

1175 (6) Award money under the State Asset Forfeiture Grant Program, as provided under
1176 Section [24-4-117](#).

1177 (7) Funds collected from the program fund for local health department expenses
1178 incurred in responding to a local health emergency under Section [26-1-38](#).

1179 (8) Funds collected from the emergency medical services grant program, as provided in
1180 Section [26-8a-207](#).

1181 (9) The Prostate Cancer Support Restricted Account created in Section [26-21a-303](#).

1182 (10) The Children with Cancer Support Restricted Account created in Section
1183 [26-21a-304](#).

1184 (11) State funds for matching federal funds in the Children's Health Insurance Program
1185 as provided in Section [26-40-108](#).

1186 (12) The Children with Heart Disease Support Restricted Account created in Section
1187 [26-58-102](#).

1188 (13) The Nurse Home Visiting Restricted Account created in Section [26-62-601](#).

- 1189 (14) The Technology Development Restricted Account created in Section [31A-3-104](#).
- 1190 (15) The Criminal Background Check Restricted Account created in Section
- 1191 [31A-3-105](#).
- 1192 (16) The Captive Insurance Restricted Account created in Section [31A-3-304](#), except
- 1193 to the extent that Section [31A-3-304](#) makes the money received under that section free revenue.
- 1194 (17) The Title Licensee Enforcement Restricted Account created in Section
- 1195 [31A-23a-415](#).
- 1196 (18) The Health Insurance Actuarial Review Restricted Account created in Section
- 1197 [31A-30-115](#).
- 1198 (19) The Insurance Fraud Investigation Restricted Account created in Section
- 1199 [31A-31-108](#).
- 1200 (20) The Underage Drinking Prevention Media and Education Campaign Restricted
- 1201 Account created in Section [32B-2-306](#).
- 1202 (21) The School Readiness Restricted Account created in Section [35A-3-210](#).
- 1203 (22) The Youth Development Organization Restricted Account created in Section
- 1204 [35A-8-1903](#).
- 1205 (23) The Youth Character Organization Restricted Account created in Section
- 1206 [35A-8-2003](#).
- 1207 (24) Money received by the Utah State Office of Rehabilitation for the sale of certain
- 1208 products or services, as provided in Section [35A-13-202](#).
- 1209 (25) The Oil and Gas Conservation Account created in Section [40-6-14.5](#).
- 1210 (26) The Electronic Payment Fee Restricted Account created by Section [41-1a-121](#) to
- 1211 the Motor Vehicle Division.
- 1212 (27) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
- 1213 created by Section [41-3-110](#) to the State Tax Commission.
- 1214 (28) The Utah Law Enforcement Memorial Support Restricted Account created in
- 1215 Section [53-1-120](#).

1216 (29) The State Disaster Recovery Restricted Account to the Division of Emergency
1217 Management, as provided in Section [53-2a-603](#).

1218 (30) The Department of Public Safety Restricted Account to the Department of Public
1219 Safety, as provided in Section [53-3-106](#).

1220 (31) The Utah Highway Patrol Aero Bureau Restricted Account created in Section
1221 [53-8-303](#).

1222 (32) The DNA Specimen Restricted Account created in Section [53-10-407](#).

1223 (33) The Canine Body Armor Restricted Account created in Section [53-16-201](#).

1224 (34) A certain portion of money collected for administrative costs under the School
1225 Institutional Trust Lands Management Act, as provided under Section [53C-3-202](#).

1226 (35) The Public Utility Regulatory Restricted Account created in Section [54-5-1.5](#),
1227 subject to Subsection [54-5-1.5\(4\)\(d\)](#).

1228 (36) Funds collected from a surcharge fee to provide certain licensees with access to an
1229 electronic reference library, as provided in Section [58-3a-105](#).

1230 [~~36~~] (37) Certain fines collected by the Division of Occupational and Professional
1231 Licensing for violation of unlawful or unprofessional conduct that are used for education and
1232 enforcement purposes, as provided in Section [58-17b-505](#).

1233 (38) Funds collected from a surcharge fee to provide certain licensees with access to an
1234 electronic reference library, as provided in Section [58-22-104](#).

1235 (39) Funds collected from a surcharge fee to provide certain licensees with access to an
1236 electronic reference library, as provided in Section [58-55-106](#).

1237 (40) Funds collected from a surcharge fee to provide certain licensees with access to an
1238 electronic reference library, as provided in Section [58-56-3.5](#).

1239 [~~37~~] (41) Certain fines collected by the Division of Occupational and Professional
1240 Licensing for use in education and enforcement of the Security Personnel Licensing Act, as
1241 provided in Section [58-63-103](#).

1242 [~~38~~] (42) The Relative Value Study Restricted Account created in Section [59-9-105](#).

- 1243 [~~(39)~~] (43) The Cigarette Tax Restricted Account created in Section 59-14-204.
- 1244 [~~(40)~~] (44) Funds paid to the Division of Real Estate for the cost of a criminal
- 1245 background check for a mortgage loan license, as provided in Section 61-2c-202.
- 1246 [~~(41)~~] (45) Funds paid to the Division of Real Estate for the cost of a criminal
- 1247 background check for principal broker, associate broker, and sales agent licenses, as provided
- 1248 in Section 61-2f-204.
- 1249 [~~(42)~~] (46) Certain funds donated to the Department of Human Services, as provided in
- 1250 Section 62A-1-111.
- 1251 [~~(43)~~] (47) The National Professional Men's Basketball Team Support of Women and
- 1252 Children Issues Restricted Account created in Section 62A-1-202.
- 1253 [~~(44)~~] (48) Certain funds donated to the Division of Child and Family Services, as
- 1254 provided in Section 62A-4a-110.
- 1255 [~~(45)~~] (49) The Choose Life Adoption Support Restricted Account created in Section
- 1256 62A-4a-608.
- 1257 [~~(46)~~] (50) Funds collected by the Office of Administrative Rules for publishing, as
- 1258 provided in Section 63G-3-402.
- 1259 [~~(47)~~] (51) The Immigration Act Restricted Account created in Section 63G-12-103.
- 1260 [~~(48)~~] (52) Money received by the military installation development authority, as
- 1261 provided in Section 63H-1-504.
- 1262 [~~(49)~~] (53) The Computer Aided Dispatch Restricted Account created in Section
- 1263 63H-7a-303.
- 1264 [~~(50)~~] (54) The Unified Statewide 911 Emergency Service Account created in Section
- 1265 63H-7a-304.
- 1266 [~~(51)~~] (55) The Utah Statewide Radio System Restricted Account created in Section
- 1267 63H-7a-403.
- 1268 [~~(52)~~] (56) The Employability to Careers Program Restricted Account created in
- 1269 Section 63J-4-703.

- 1270 [~~(53)~~] (57) The Motion Picture Incentive Account created in Section 63N-8-103.
- 1271 [~~(54)~~] (58) Certain money payable for expenses of the Pete Suazo Utah Athletic
- 1272 Commission, as provided under Section 63N-10-301.
- 1273 [~~(55)~~] (59) Funds collected by the housing of state probationary inmates or state parole
- 1274 inmates, as provided in Subsection 64-13e-104(2).
- 1275 [~~(56)~~] (60) Certain forestry and fire control funds utilized by the Division of Forestry,
- 1276 Fire, and State Lands, as provided in Section 65A-8-103.
- 1277 [~~(57)~~] (61) Certain funds received by the Office of the State Engineer for well drilling
- 1278 fines or bonds, as provided in Section 73-3-25.
- 1279 [~~(58)~~] (62) The Water Resources Conservation and Development Fund, as provided in
- 1280 Section 73-23-2.
- 1281 [~~(59)~~] (63) Funds donated or paid to a juvenile court by private sources, as provided in
- 1282 Subsection 78A-6-203(1)(c).
- 1283 [~~(60)~~] (64) Fees for certificate of admission created under Section 78A-9-102.
- 1284 [~~(61)~~] (65) Funds collected for adoption document access as provided in Sections
- 1285 78B-6-141, 78B-6-144, and 78B-6-144.5.
- 1286 [~~(62)~~] (66) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades
- 1287 State Park, Jordan River State Park, and Green River State Park, as provided under Section
- 1288 79-4-403.
- 1289 [~~(63)~~] (67) Certain funds received by the Division of Parks and Recreation from the
- 1290 sale or disposal of buffalo, as provided under Section 79-4-1001.
- 1291 [~~(64)~~] (68) Funds collected for indigent defense as provided in Title 77, Chapter 32,
- 1292 Part 8, Utah Indigent Defense Commission.