

Representative Mike Schultz proposes the following substitute bill:

CONSTRUCTION TRADES LICENSING AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: Mike Schultz

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ creates a certification for fire sprinkler fitting granted by the Division of Occupational and Professional Licensing;
- ▶ describes the requirements to receive a certification in fire sprinkler fitting; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-55-308, as last amended by Laws of Utah 2008, Chapter 382

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

Section 1. Section **58-55-308** is amended to read:



26 **58-55-308. Scope of practice -- Installation, repair, maintenance, cleaning, or**
27 **replacement of gas appliance or combustion system -- Rules.**

28 (1) (a) The commission, with the concurrence of the director, may adopt reasonable
29 rules pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to define and
30 limit the scope of practice and operating standards of the classifications and subclassifications
31 licensed under this chapter in a manner consistent with established practice in the relevant
32 industry.

33 (b) The commission and the director may limit the field and scope of operations of a
34 licensee under this chapter in accordance with the rules and the public health, safety, and
35 welfare, based on the licensee's education, training, experience, knowledge, and financial
36 responsibility.

37 (2) (a) The work and scope of practice covered by this Subsection (2) and Subsection
38 (3) is the installation, repair, maintenance, cleaning, or replacement of a residential or
39 commercial gas appliance or combustion system.

40 (b) The provisions of this Subsection (2) apply to any:

41 (i) licensee under this chapter whose license authorizes the licensee to perform the
42 work described in Subsection (2)(a); and

43 (ii) person exempt from licensure under Subsection 58-55-305(1)(h).

44 (c) Any person described in Subsection (2)(b) that performs work described in
45 Subsection (2)(a):

46 (i) must first receive training and certification as specified in rules adopted by [~~the~~
47 ~~division~~] the commission, with the concurrence of the director, in accordance with Title 63G,
48 Chapter 3, Utah Administrative Rulemaking Act; and

49 (ii) shall ensure that any employee authorized under other provisions of this chapter to
50 perform work described in Subsection (2)(a) has first received training and certification as
51 specified in rules adopted by the division.

52 (d) The division may exempt from the training requirements adopted under Subsection
53 (2)(c) a person that has adequate experience, as determined by the division.

54 (3) The division may exempt the following individuals from the certification
55 requirements adopted under Subsection (2)(c):

56 (a) a person who has passed a test equivalent to the level of testing required by the

57 division for certification, or has completed an apprenticeship program that teaches the
58 installation of gas line appliances and is approved by the Federal Bureau of Apprenticeship
59 Training; and

60 (b) a person working under the immediate one-to-one supervision of a certified natural
61 gas technician or a person exempt from certification.

62 (4) (a) The work and scope of practice covered by this Subsection (4) is the
63 installation, repair, maintenance, or replacement of an automatic fire sprinkler system.

64 (b) The provisions of this Subsection (4) apply to an individual acting as a qualifier for
65 a business entity in accordance with Section 58-55-304, where the business entity seeks to
66 perform the work described in Subsection (4)(a).

67 (c) Before a business entity described in Subsection (4)(b) may perform the work
68 described in Subsection (4)(a), the qualifier for the business entity shall:

69 (i) be a licensed general building contractor; or

70 (ii) obtain a certification in fire sprinkler fitting from the division by providing
71 evidence to the division that the qualifier has met the following requirements:

72 (A) completing a Department of Labor federally approved apprentice training program
73 or completing two-years experience under the immediate supervision of a licensee who has
74 obtained a certification in fire sprinkler fitting; and

75 (B) passing the Star fire sprinkle fitting mastery examination offered by the National
76 Inspection Testing and Certification Corporation or an equivalent examination approved by the
77 division.

78 (d) The division may also issue a certification in fire sprinkler fitting to a qualifier for a
79 business entity who has received training and experience equivalent to the requirements of
80 Subsection (4)(c), as specified in rules adopted by the commission, with the concurrence of the
81 director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

82 ~~(4)~~ (5) This section does not prohibit a licensed specialty contractor from accepting
83 and entering into a contract involving the use of two or more crafts or trades if the performance
84 of the work in the crafts or trades, other than that in which the contractor is licensed, is
85 incidental and supplemental to the work for which the contractor is licensed.