

**BUILDING CODE MODIFICATIONS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Phil Lyman**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill creates licensing exemptions for commercial related construction projects.

**Highlighted Provisions:**

This bill:

- ▶ creates a licensing exemption under certain circumstances for:
  - building structures on a commercial property; and
  - remodeling or renovating a commercial building; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-55-305**, as last amended by Laws of Utah 2019, Chapters 136 and 215

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

Section 1. Section **58-55-305** is amended to read:

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

(1) In addition to the exemptions from licensure in Section **58-1-307**, the following



28 persons may engage in acts or practices included within the practice of construction trades,  
29 subject to the stated circumstances and limitations, without being licensed under this chapter:

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

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

40 (c) a public ~~[utilities]~~ utility operating under the rules of the Public Service  
41 Commission on work incidental to ~~[their]~~ the public utility's own business;

42 (d) a sole ~~[owners]~~ owner of property engaged in ~~[building]~~:

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

49 (ii) building structures, including sheds, carports, or detached garages:

50 (A) on ~~[their]~~ the property owner's residential property;

51 (B) for ~~[their]~~ the property owner's own noncommercial, nonpublic use; and

52 (C) ~~[which]~~ that are incidental to a residential structure on the property~~[-including~~  
53 ~~sheds, carports, or detached garages];~~

54 (iii) building structures, including sheds, carports, or detached garages:

55 (A) on the property owner's commercial property;

56 (B) for the property owner's own noncommercial, nonpublic use;

57 (C) that are incidental to a commercial structure on the property; and

58 (D) when the total value of the building project is \$50,000 or less; or

59           (iv) remodeling or renovating an existing commercial structure on the property owner's  
60 property when the total value of the remodeling or renovation project is \$50,000 or less;

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

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

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

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

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

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

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

76           (f) a person engaged in the sale or merchandising of personal property that by [its] the  
77 property's design or manufacture may be attached, installed, or otherwise affixed to real  
78 property who has contracted with a person, firm, or corporation licensed under this chapter to  
79 install, affix, or attach that property;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

120 (i) a person practicing a specialty contractor classification or construction trade which

121 the director does not classify by administrative rule as significantly impacting the public's  
122 health, safety, and welfare;

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

126 (k) (i) a person engaged in minor plumbing work that is incidental, as defined by the  
127 division by rule, to the replacement or repair of a fixture or an appliance in a residential or  
128 small commercial building, or structure used for agricultural use, as defined in Section

129 [15A-1-202](#), provided that no modification is made to:

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

131 (B) a gas appliance or combustion system; and

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

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

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

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

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

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

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

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

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

152 specialty contractor license;

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

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

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

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

161 (i) gas range;

162 (ii) gas dryer;

163 (iii) outdoor gas barbeque; or

164 (iv) outdoor gas patio heater;

165 (r) a person performing maintenance on an elevator as defined in Section 58-55-102, if  
166 the maintenance is not related to the operating integrity of the elevator; and

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

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