{deleted text} shows text that was in SB0148 but was deleted in SB0148S01.

inserted text shows text that was not in SB0148 but was inserted into SB0148S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Daniel McCay proposes the following substitute bill:

CONSTRUCTION REGISTRY AMENDMENTS

2022 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor:

LONG TITLE

General Description:

This bill enacts {and amends } provisions {regarding} for the creation and maintenance of the Construction Business { Registry and the State Construction} Registry.

Highlighted Provisions:

This bill:

- defines terms;
- directs the Division of Occupational and Professional Licensing (division) to establish and maintain a database, the Construction Business Registry, of contact information for licensed contractors;
- establishes the parameters of the Construction Business Registry;
- renames the "State Construction Registry" the "Construction Project Registry";
 - requires the division to make both the Construction Business Registry and the

Construction Project Registry available through the Internet as part of the State Construction Registries;

- permits the division to establish a fee in relation to the Construction Business Registry;
 - grants rulemaking authority; and
 - makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

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38-1a-102, as last amended by Laws of Utah 2019, Chapter 250

38-1a-103, as renumbered and amended by Laws of Utah 2012, Chapter 278

38-1a-201, as last amended by Laws of Utah 2013, Chapter 278

‡ENACTS:

{13-61-101}58-55-701, Utah Code Annotated 1953
{13-61-201}58-55-702, Utah Code Annotated 1953
{13-61-301}58-55-703, Utah Code Annotated 1953
{13-61-302}58-55-704, Utah Code Annotated 1953
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Be it enacted by the Legislature of the state of Utah:

13-61-303, Utah Code Annotated 1953

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Section 1. Section \{\frac{13-61-1}{58-55-7}\)01 is enacted to read:
\[
\{\text{CHAPTER 61. STATE CONSTRUCTION REGISTRIES}}\]
\{\text{Part \{1\}7. \{General Provisions\}\)Construction Business Registry
\[
\{\frac{13-61-101\}{58-55-701.}\}\]
\[
\text{Definitions.}\]
\[
\text{As used in this \{chapter:}}\]
\[
\text{(1) "Division" means the Division of Occupational and Professional Licensing created in Section 58-1-103.}
\[
\text{(2) "Licensed\}\]
\[
\text{part, "licensed contractor" means a person licensed under \{\text{Title 58}\}\},
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Chapter 55, Utah Construction Trades Licensing Act}this chapter.

Section 2. Section {13-61-201}58-55-702 is enacted to read:

{Part 2. State Construction Registries

- <u>13-61-201.</u> Making State Construction Registries accessible to public.
- (1) The division shall, by way of an Internet website, make accessible the State Construction Registries.
 - (2) The State Construction Registries consist of:
- (a) the Construction Business Registry under Part 3, Construction Business

Registry; and

(b) the Construction Project Registry under Title 38, Chapter 1a, Part 2,

Construction Project Registry.

(3) The division may make rules, in accordance with Title 63G, Chapter 3, Utah

Administrative Rulemaking Act, to establish and maintain the State Construction

Registries in accordance with this section.

Section 3. Section 13-61-301 is enacted to read:

Part 3. Construction Business Registry

- 13-61-301} 58-55-702. Construction Business Registry.
- (1) The division shall establish and maintain the Construction Business Registry as described in this section.
- (2) The Construction Business Registry shall consist of a database of contact information for licensed contractors.
- (3) Beginning January 1, 2023, the division shall ensure that the Construction Business Registry:
- (a) is accessible to the public through an Internet website { as part of the State Construction Registries described in Section 13-61-201}; and
 - (b) is indexed by:
 - (i) the name of the licensed contractor;
 - (ii) the name of the licensed contractor's licensed business;
 - (iii) the classification of the licensed contractor, as described in Section 58-55-301; and
 - (iv) any other identifier that the division considers reasonably appropriate.
 - (4) The division may link or otherwise associate the Construction Business Registry

with the State Construction Registry under Title 38, Chapter 1a, Part 2, State Construction Registry.

- (1415) (a) The division shall establish a process for a licensed contractor to:
- (i) before entry into the Construction Business Registry, specify the licensed contractor's contact information that the licensed contractor wants included in the Construction Business Registry;
 - (ii) opt out of participation in the Construction Business Registry at any time; or
- (iii) amend the licensed contractor's contact information in the Construction Business Registry at any time.
- (b) If a licensed contractor does not specify the licensed contractor's contact information for the Construction Business Registry, the division shall include in the Construction Business Registry only public contact information for the licensed contractor.

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Section \frac{4}{3}. Section \frac{13-61-302}{58-55-703} is enacted to read: \frac{13-61-302}{58-55-703}. Fees.
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The division may establish a fee for the entry of a licensed contractor's contact information into the Construction Business Registry, in accordance with Section 63J-1-504, to assist in offsetting the cost of creating, administering, and maintaining the Construction Business Registry.

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Section \frac{\{5\}}{4}. Section \frac{\{13-61-303\}}{58-55-704} is enacted to read: \frac{\{13-61-303\}}{58-55-704}. Rulemaking.
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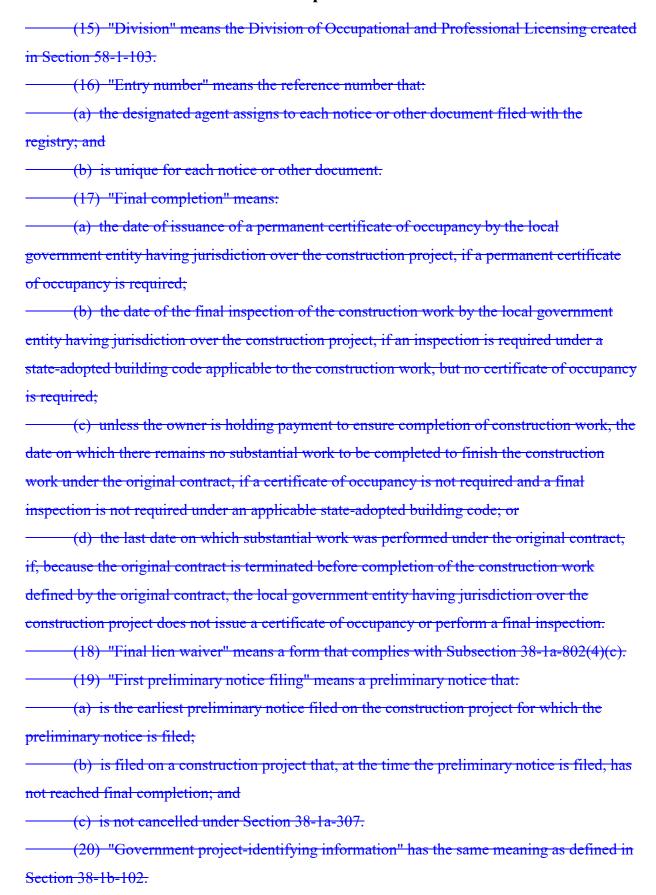
The division may make rules, in accordance with Title 63G, Chapter 3, Utah

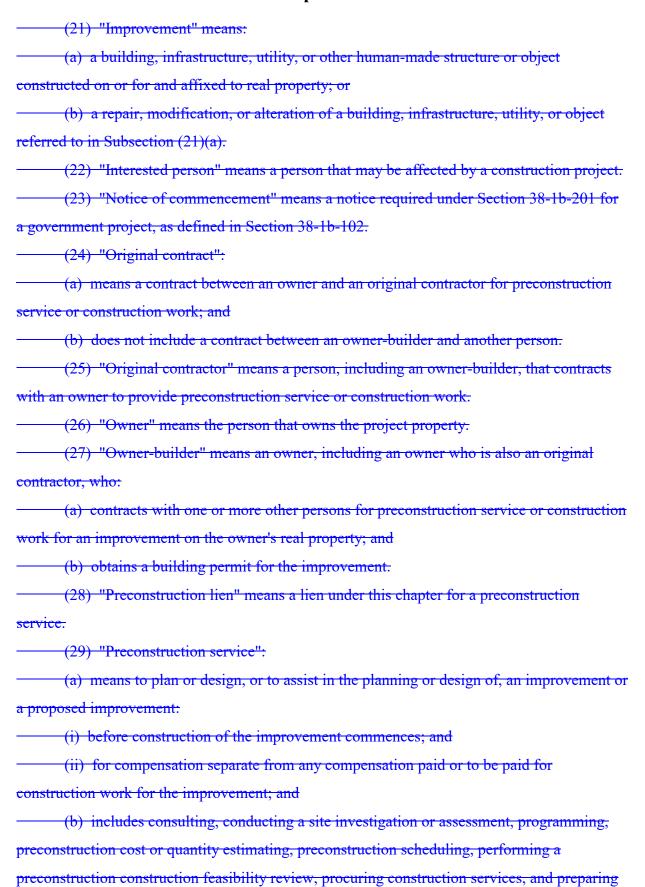
Administrative Rulemaking Act, to establish and maintain the Construction Business Registry in accordance with this part.

- Section 6. Section 38-1a-102 is amended to read:
- 38-1a-102. Definitions.
- As used in this chapter:
- (1) "Alternate means" means a method of filing a legible and complete notice or other document with the registry other than electronically, as established by the division by rule.
 - (2) "Anticipated improvement" means the improvement:
 - (a) for which preconstruction service is performed; and
- (b) that is anticipated to follow the performing of preconstruction service.

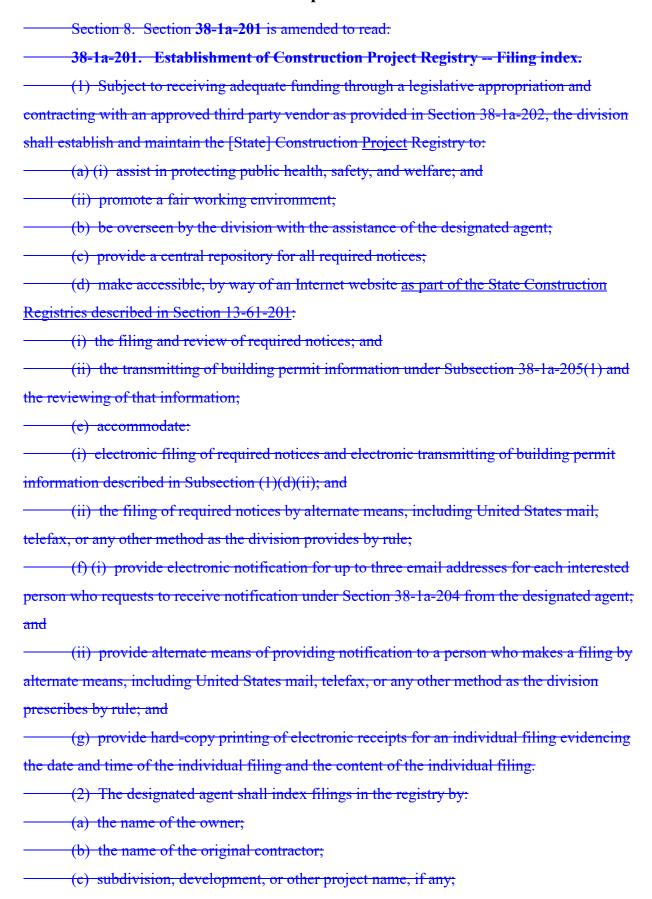
(3) "Applicable county recorder" means the office of the recorder of each county in which any part of the property on which a claims or intends to claim a preconstruction or construction lien is located. (4) "Bona fide loan" means a loan to an owner or owner-builder by a lender in which the owner or owner-builder has no financial or beneficial interest greater than 5% of the voting shares or other ownership interest. (5) "Claimant" means a person entitled to claim a preconstruction or construction lien. (6) "Compensation" means the payment of money for a service rendered or an expense incurred, whether based on: (a) time and expense, lump sum, stipulated sum, percentage of cost, cost plus fixed or percentage fee, or commission; or (b) a combination of the bases listed in Subsection (6)(a). (7) "Construction lender" means a person who makes a construction loan. (8) "Construction lien" means a lien under this chapter for construction work. (9) "Construction loan" does not include a consumer loan secured by the equity in the consumer's home. (10) "Construction project" means an improvement that is constructed pursuant to an original contract. (11) "Construction work": (a) means labor, service, material, or equipment provided for the purpose and during the process of constructing, altering, or repairing an improvement; and (b) includes scheduling, estimating, staking, supervising, managing, materials testing, inspection, observation, and quality control or assurance involved in constructing, altering, or repairing an improvement. (12) "Contestable notice" means a notice of preconstruction service under Section 38-1a-401, a preliminary notice under Section 38-1a-501, or a notice of completion under Section 38-1a-506. (13) "Contesting person" means an owner, original contractor, subcontractor, or other interested person. (14) "Designated agent" means the third party the division contracts with as provided

in Section 38-1a-202 to create and maintain the registry.





a study, report, rendering, model, boundary or topographic survey, plat, map, design, plan, drawing, specification, or contract document. (30) "Private project" means a construction project that is not a government project. (31) "Project property" means the real property on or for which preconstruction service or construction work is or will be provided. (32) "Registry" means the [State] Construction Project Registry under [Part 2, State Construction Registry | Part 2, Construction Project Registry. (33) "Required notice" means: (a) a notice of preconstruction service under Section 38-1a-401; (b) a preliminary notice under Section 38-1a-501 or Section 38-1b-202; (c) a notice of commencement; (d) a notice of construction loan under Section 38-1a-601; (e) a notice under Section 38-1a-602 concerning a construction loan default; (f) a notice of intent to obtain final completion under Section 38-1a-506; or (g) a notice of completion under Section 38-1a-507. (34) "Subcontractor" means a person that contracts to provide preconstruction service or construction work to: (a) a person other than the owner; or (b) the owner, if the owner is an owner-builder. (35) "Substantial work" does not include repair work or warranty work. (36) "Supervisory subcontractor" means a person that: (a) is a subcontractor under contract to provide preconstruction service or construction work; and (b) contracts with one or more other subcontractors for the other subcontractor or subcontractors to provide preconstruction service or construction work that the person is under contract to provide. Section 7. Section 38-1a-103 is amended to read: 38-1a-103. Government projects not subject to chapter -- Exception. Except as provided in Section 38-1a-102, [Part 2, State Construction Registry] Part 2, Construction Project Registry, and Chapter 1b, Government Construction Projects, this chapter does not apply to a government project, as defined in Section 38-1b-102.



	(d) lot or parcel number;
	(e) the address of the project property;
	(f) entry number;
	(g) the name of the county in which the project property is located;
	(h) for private projects:
	(i) the tax parcel identification number of each parcel included in the project property;
and	
	(ii) the building permit number;
	(i) for government projects, the government project-identifying information; and
	(j) any other identifier that the division considers reasonably appropriate in
collat	poration with the designated agent.
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