



HURRICANE CITY UTAH

Mayor
Nanette Billings

City Manager
Kaden C. DeMille

Power Board
Mac J. Hall, Chair
Dave Imlay, Vice Chair
Joseph Prete
Tony Certonio
Colt Stratton
Kerry Prince

Power Board Meeting Agenda

7/3/2024

3:00 PM

Power Department Meeting Room – 526 W 600 N

Notice is hereby given that the Power Board will hold a Regular Meeting in the Power Department Meeting room located at 526 W 600 N, Hurricane, UT. A silent roll call will be taken, along with the Pledge of Allegiance and prayer by invitation.

AGENDA

1. Pledge of Allegiance
2. Prayer
3. Approval of minutes from May 2024

STAFF REPORTS

Scott Hughes/Power Director
Brian Anderson/Transmission & Distribution Superintendent
Mike Ramirez/Service Superintendent
Jared Ross/Substation & Generation Superintendent

OLD BUSINESS

1. Discussion concerning Pre-Qualified Contractors – Mike Ramirez
2. Discussion about Power Cost Adjustments – Scott Hughes

NEW BUSINESS

1. Update about PacifiCorp Transmission Rate – Scott Hughes
2. Discussion and possible recommendation concerning connection costs – Scott Hughes
3. UAMPS Updates – Scott Hughes
4. **Closed Meeting pursuant to Utah Code Section 52-4-205, upon request**

ADJOURNMENT

The above notice was posted to the Hurricane City website, the Utah State Public Notice Website, and at the following locations:

1. Hurricane City Office – 147 North 870 West, Hurricane, UT
2. US Post Office – 1075 West 100 North, Hurricane, UT
3. Washington County Library (Hurricane Branch) – 36 South 300 West, Hurricane, UT





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1 The Hurricane City Power Board met on May 1, 2024, at 3:00 p.m. at the Clifton Wilson Substation located at
2 526 W 600 N.

3
4 In attendance were Mac Hall, Dave Imlay, Joseph Prete, Tony Certonio, Scott Hughes, Brian Anderson, Mike
5 Ramirez, Dayton Hall, Fred Resch, Mike Vercimak, Bruce & Linda Zimmerman, and Crystal Wright.

6
7 Mac Hall welcomed everyone to the meeting. Fred Resch led the Pledge of Allegiance and Scott Hughes
8 offered the prayer. Dave Imlay motioned to approve minutes from the April 2024 meeting after one
9 clarification. Tony Certonio seconded the motion. Motion passed unanimously.

10

11 **Scott Hughes:** Scott Hughes thanked those that were able to attend the UAMPS Municipal Toolkit and
12 discussed presentations from that meeting. There was some interest in discussing the Power Cost Adjustment
13 (PCA) information that was presented at the toolkit. Scott Hughes will get information together to present to
14 the Power Board in the next couple of months. Joseph Prete would like to know which communities have a
15 PCA, which do not, and more information for the ones who don't have it who have experienced any financial
16 crisis because of that choice.

17

18 **Brian Anderson:** Brian Anderson reported that we have one distribution circuit that has been energized out to
19 Three Falls Substation. Joseph Prete asked if the substation has been energized. Brian Anderson explained that
20 there is only power to the substation to get the control building power. The Line & Service crews spent some
21 time in the switch basement getting the terminations done. Scott Hughes wanted to commend the crews for
22 the excellent work they did. He explained there are times you'll go into those basements and wires will be
23 crossed, not organized or neat and it makes the work to change things more difficult. The guys kept everything
24 organized which will help with efficiency later. He is grateful for their expertise and work quality. UAMPS had a
25 project where they had to move poles. We had to transfer our distribution wires to the new pole and put in
26 new anchors. The Line Crew completed some underground work required to provide another option to under
27 build a UAMPS line to provide another feed into the Dennett project by the Shooting Park. We will wait to
28 complete that project until we have more funding. He described the work that the Line Crew has been doing to
29 refresh the Christmas Décor. He showed pictures and explained the safety meeting we held this month. It was
30 Bucket Truck Rescue and is something we must re-certify each year. We must rescue a 200-lb. dummy out of
31 the bucket truck within a timed limit each year.

32

33 **Mike Ramirez:** Mike Ramirez described an outage that was scheduled with S&S Steel for some upgrades they
34 needed done. We also completed some work down in Interstate Rock's pit reworking some secondary leads to
35 handle the upgrades they were doing to their system. They've added demand in their pit which has increased
36 their load and required some upgrades to their system which they paid for. He showed some pictures of the
37 new vending machines that Fastenal has delivered. They will be stocked with consumables. We are hoping to
38 increase efficiency by not having to run to various stores for those items every time an employee needs them.

39



40 **Jared Ross:** Mike Ramirez reported for Jared Ross. The new gates at Three Falls Substation have been installed.
41 The battery banks have been tested and energized. This provides the DC power the control station will need.
42 An antenna and radios have been installed to begin connecting communication between the substation and
43 Clifton Wilson. We have been working on getting the required signage prepped and installed. They've also
44 been working on installing the switch grounding pads. Joseph Prete asked if the timeline is still on track. Scott
45 Hughes confirmed that it is.

46
47 Mac Hall mentioned that he noticed the budget discussion was excluded from the agenda. After a short
48 discussion, it was decided to present that information quarterly unless someone has questions. The budget
49 information will continue to be included in the monthly packet.

50
51 **Southwest Utah Technical Task Force Update:** Scott Hughes explained what the Task Force is and why it was
52 created. The wire was changed out to be able to handle the increased load between St George substation to
53 the Purgatory Substation. It can now handle more capacity. The group has been discussing a 138kv loop
54 through Washington County. Dave Imlay asked if this is the line coming down the east side of the county. Scott
55 Hughes stated no, the line on the east side is planned to be a 345kv line. Joseph Prete asked a question about
56 transmission lines coming down into Washington County. Discussion about what would be possible due to
57 catastrophe on any of those lines. Joseph Prete asked if all our generators are up and running. Scott Hughes
58 replied that Generator 5 hasn't been completely reinstalled after it came back. We are working on getting the
59 prep work done for the upcoming generator run season.

60
61 **Discussion about requirements for Pre-Qualified Contractors:** Mike Ramirez presented some history regarding
62 our current pre-qualification process and why we have been looking to update it. Our current requirements
63 show a S200 license is required which doesn't even exist anymore. That license has been updated to an E200
64 license. He went through the requirements for the updated E200 license. The secondary issue we're having is
65 current journeyman lineman would like to do work and they know the high voltage electrical side but may not
66 know the excavation side of things. Tony Certonio asked a question about the stricter E200 license
67 requirement. His company specifically has an E100 and B100 and is able with those licenses to do work in all
68 Southern Utah cities currently. They do not have an E200 license so it would exclude them from being able to
69 work in Hurricane City. His concern is it would limit your contractor pool and may increase costs. Scott Hughes
70 explained that when we choose to contract this work out, we want to make sure that quality work is being
71 done by knowledgeable companies to reduce the man hours it takes our employees explaining how to do it to
72 our standards. This is an open discussion to get ideas from the board. We continue to have problems with
73 contractors requiring a lot of our employee time explaining things they should already know. Joseph Prete
74 asked how this affects the discussion that has been ongoing about what work the City contracts out and what
75 we keep. How would increasing our requirements affect those discussions and operations? Mike Ramirez and
76 Scott Hughes explained that currently underground installations are almost always contracted by the general
77 contractor of each individual development. They must meet our pre-qualifications currently and be on our pre-
78 qualification list. Tony Certonio asked what the upgraded license allows them to do. Dave Imlay asked what
79 exactly we are asking to change. Mike Ramirez summarized the S200 is no longer a license in Utah and
80 journeyman lineman currently cannot work on our system under our current requirements. Another question
81 is whether we require all our currently qualified contractors to update to our new standard. Tony Certonio
82 stated if we are going to require a license then it needs to be an overall requirement for everyone and maybe
83 give them a grace period to get the new licensing in place. He stated if we're limiting to a higher standard of
84 E200, we will be limiting our options in the future. He does a lot of work in Washington City and explained how
85 they operate over there. Mac Hall suggested that we reach out to Rick Hansen with Washington City to find
86 out how they operate and table this discussion while we do some research.

87 The next discussion is similar except it deals specifically with solar contractors. We currently require them to
88 go through an in-house orientation explaining our policies and a solicitor's license to go door-to-door, but do
89 not verify any other electrical licensing. Dayton Hall asked if the solar companies do any work on our side of
90 the meter or just theirs. Scott Hughes stated that it's just theirs, but they are interconnected to our grid. We
91 can look online to verify licenses for solar companies. Tony Certonio suggested checking if the S202 is a
92 requirement for solar installations and then to use that license if it is. Joseph Prete would like to see a policy
93 that is fair to companies that aren't as large and may be pushed out of the market to take on those jobs with
94 stricter policies, while still maintaining a standard for quality work and installations. Mac Hall suggested writing
95 up what we'd like to do and then bring it back for review.
96

97 **Discussion and possible recommendation about a line extension:** Scott Hughes presented information about
98 a specific line extension. He stated the way we understand the ordinance is that there should be a formal
99 application for line extensions. The developer would complete the application, go through a staff review,
100 through the Power Board for a recommendation, and ultimately present it to the City Council for approval. He
101 didn't want to go through all the work of creating a formal application if the City Council doesn't want to
102 proceed with the process in this way. We'll informally process this specific application and if the City Council
103 likes how the process feels, then he will spend the time to create the application for a more formal process for
104 future extension requests. There continue to be requests for new developments in the southern end of the
105 valley for more power. He explained a specific group of developments that need infrastructure and capacity.
106 One of those included is our Water Department, which needs power for a new well they are installing to meet
107 their own infrastructure needs for that same area. He discussed what would be necessary for both the need
108 for infrastructure and capacity. He discussed the previous Capacity Projects that had been created for similar
109 purposes. Mac Hall wanted to clarify who would be paying for this. Scott Hughes stated that it would be the
110 five developments included. Joseph Prete asked if the City is obligated to throw this concept of combining
111 forces for line extensions out there or if we just tell them there isn't power currently. Mike Vercimak stated
112 this is why it is important for the City Council to weigh-in because one City utility may decide to improve
113 service to an area, however the other City utilities are not prepared to do the same. Once one utility exists,
114 then the Planning Department begins to get pressured to get the other utilities there, when budgetary and
115 other constraints prevent them from doing so immediately. He feels like the line extension ordinance was put
116 together for this specific reason. Crystal Wright read the actual ordinance, which is Hurricane City Code Section
117 8-4-3, Application for Service. There was a discussion about easements that already exist and what would still
118 need to be obtained. Dayton Hall summarized that for this extension and for the others that will inevitably
119 come what level of detail and information would the Power Board like to see to be able to make their
120 recommendation to the City Council. Dave Imlay asked if we're making a recommendation on the process of a
121 line extension approval or just this specific line extension. Mac Hall wants to know how the board would like
122 the process to be. The discussion was that the Power Board is comfortable with this process. Scott Hughes
123 stated he would like to use this line extension request as a template for future requests. He wants to
124 informally bring this to the City Council to see if there is more information they would like included in the
125 future to begin to create a formal application. Dave Imlay made a recommendation for this specific line
126 extension as an approval from the Power Board to the City Council. Tony Certonio seconded the motion. The
127 motion passed unanimously. Joseph abstained.
128

129 **UAMPS Updates:** Scott Hughes stated we will continue to put more of this information into the packet, but
130 unless there are any questions regarding what was included, we will not go over it today.
131

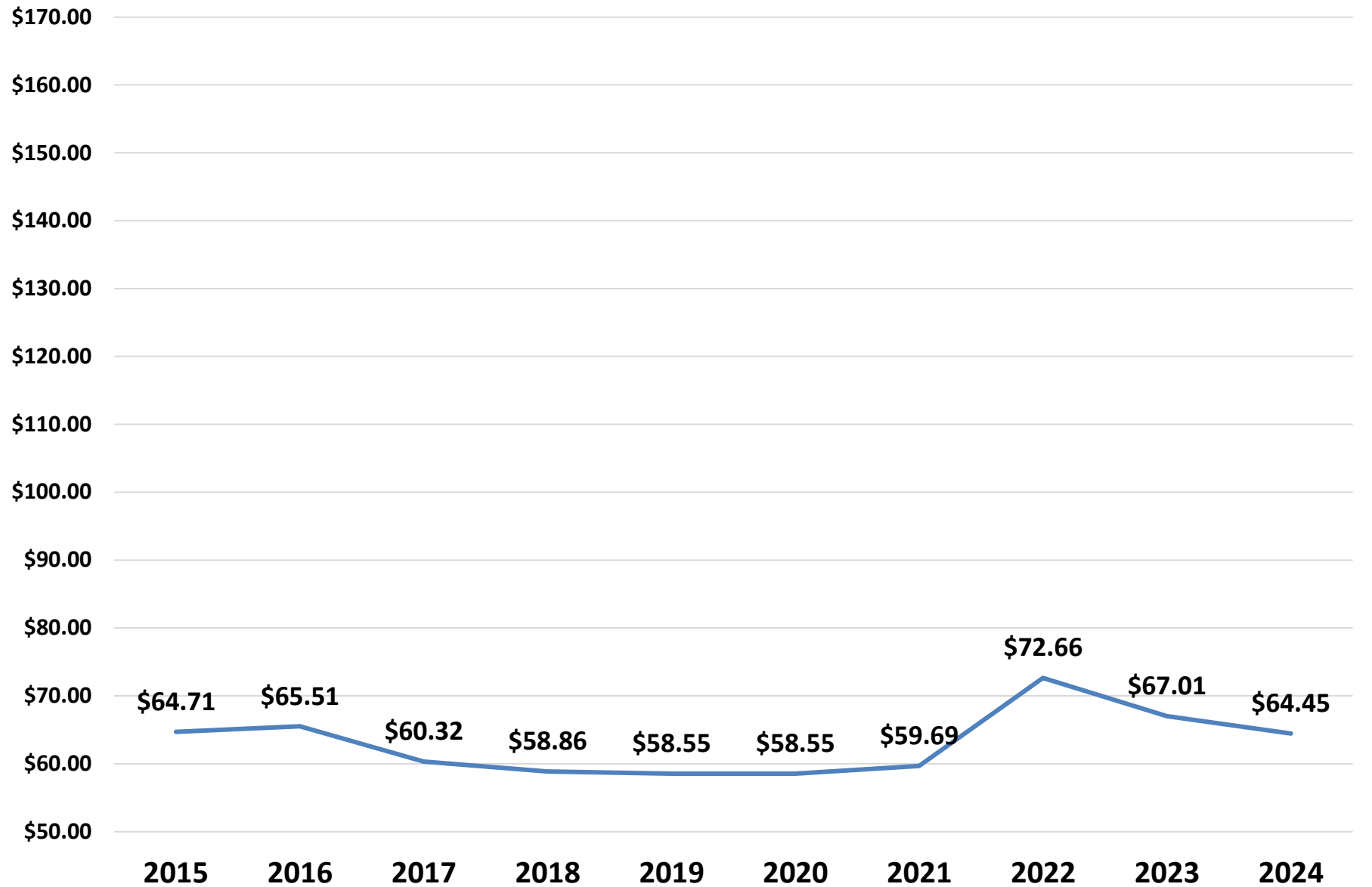
132 Joseph Prete made a motion to go into a closed meeting to discuss potential interest in the purchase of real
133 property. Tony Certonio seconded the motion. Motion passed unanimously at 5:05 pm. Came out of closed
134 session at 5:17 pm.

135
136 Power Board adjourned at 5:17 p.m. The next Power Board Meeting is scheduled for June 5, 2024, at 3:00 p.m.

DRAFT

BUDGET

May



AVERAGE YEARLY POWER PRICES

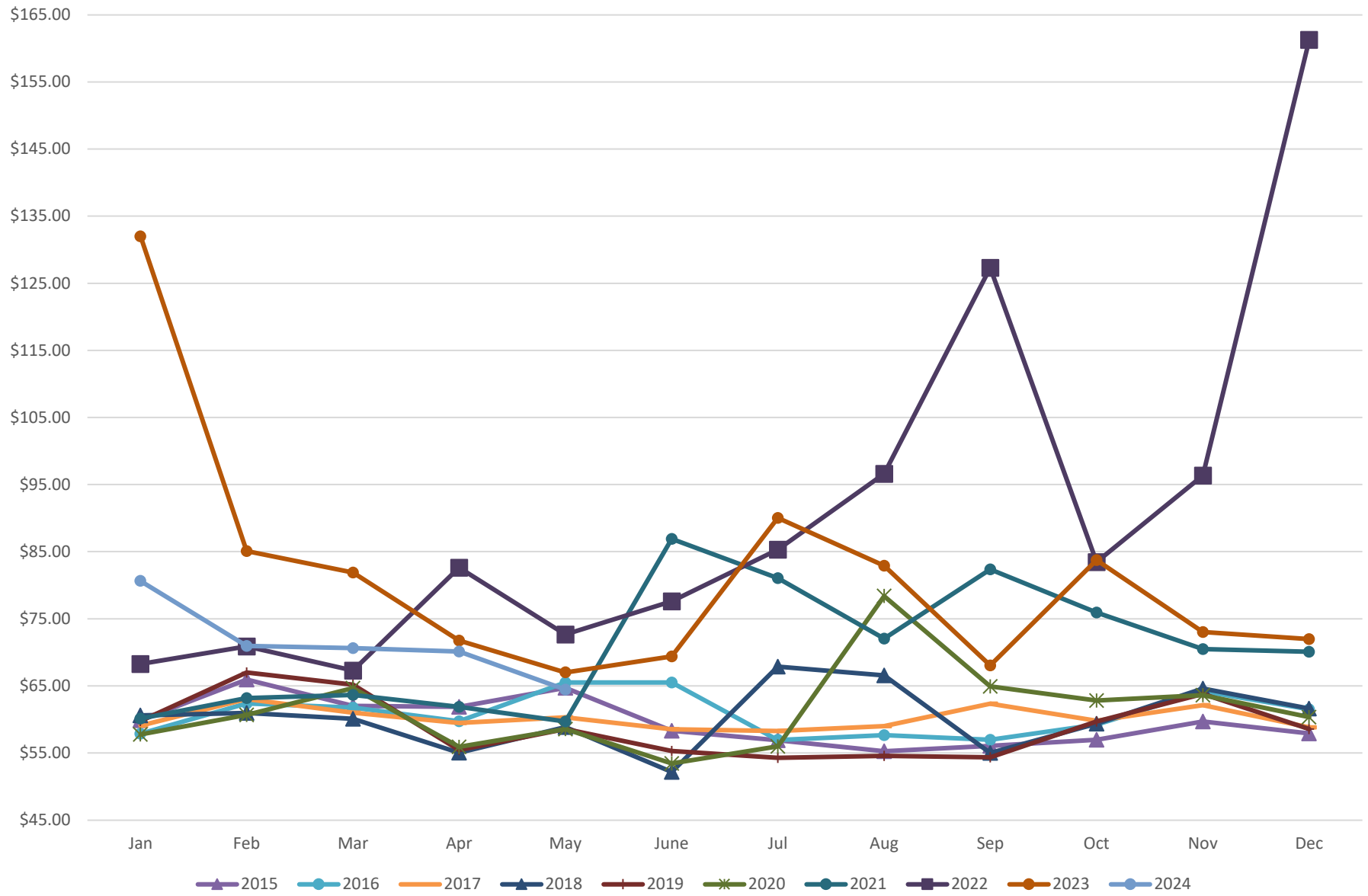
23-24 bdgt amount (thru Apr 2024) **\$78.79**
 BDGT Year to Date **\$76.43**

	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
<i>Jan</i>	\$59.86	\$57.87	\$59.07	\$60.62	\$59.75	\$57.76	\$60.14	\$68.25	\$132.00	\$80.65
<i>Feb</i>	\$65.94	\$62.38	\$63.04	\$60.96	\$67.00	\$60.67	\$63.19	\$70.88	\$85.08	\$70.96
<i>Mar</i>	\$62.03	\$61.77	\$60.99	\$60.09	\$65.17	\$64.67	\$63.64	\$67.28	\$81.89	\$70.62
<i>Apr</i>	\$61.88	\$59.71	\$59.49	\$55.02	\$55.44	\$55.92	\$61.86	\$82.63	\$71.74	\$70.12
<i>May</i>	\$64.71	\$65.51	\$60.32	\$58.86	\$58.55	\$58.55	\$59.69	\$72.66	\$67.01	\$64.45
<i>June</i>	\$58.30	\$65.51	\$58.54	\$52.17	\$55.30	\$53.44	\$86.91	\$77.60	\$69.40	
<i>Jul</i>	\$56.91	\$56.95	\$58.29	\$67.87	\$54.29	\$55.98	\$81.04	\$85.31	\$90.02	
<i>Aug</i>	\$55.27	\$57.67	\$59.00	\$66.55	\$54.58	\$78.40	\$72.03	\$96.60	\$82.90	
<i>Sep</i>	\$56.06	\$56.97	\$62.36	\$55.00	\$54.34	\$64.93	\$82.38	\$127.29	\$68.06	
<i>Oct</i>	\$56.97	\$59.23	\$59.79	\$59.36	\$59.70	\$62.82	\$75.92	\$83.45	\$83.76	
<i>Nov</i>	\$59.68	\$64.18	\$62.14	\$64.60	\$63.80	\$63.60	\$70.47	\$96.34	\$73.03	
<i>Dec</i>	\$57.90	\$61.51	\$58.80	\$61.61	\$58.55	\$60.33	\$70.07	\$161.27	\$71.99	
<i>Yr Avg</i>	\$59.63	\$60.64	\$60.15	\$60.23	\$58.87	\$61.42	\$70.61	\$90.80	\$81.41	\$71.36
<i>Weighted Avg</i>	\$58.99	\$59.55	\$59.90	\$60.56	\$58.11	\$61.98	\$72.46	\$92.09	\$81.92	\$71.32

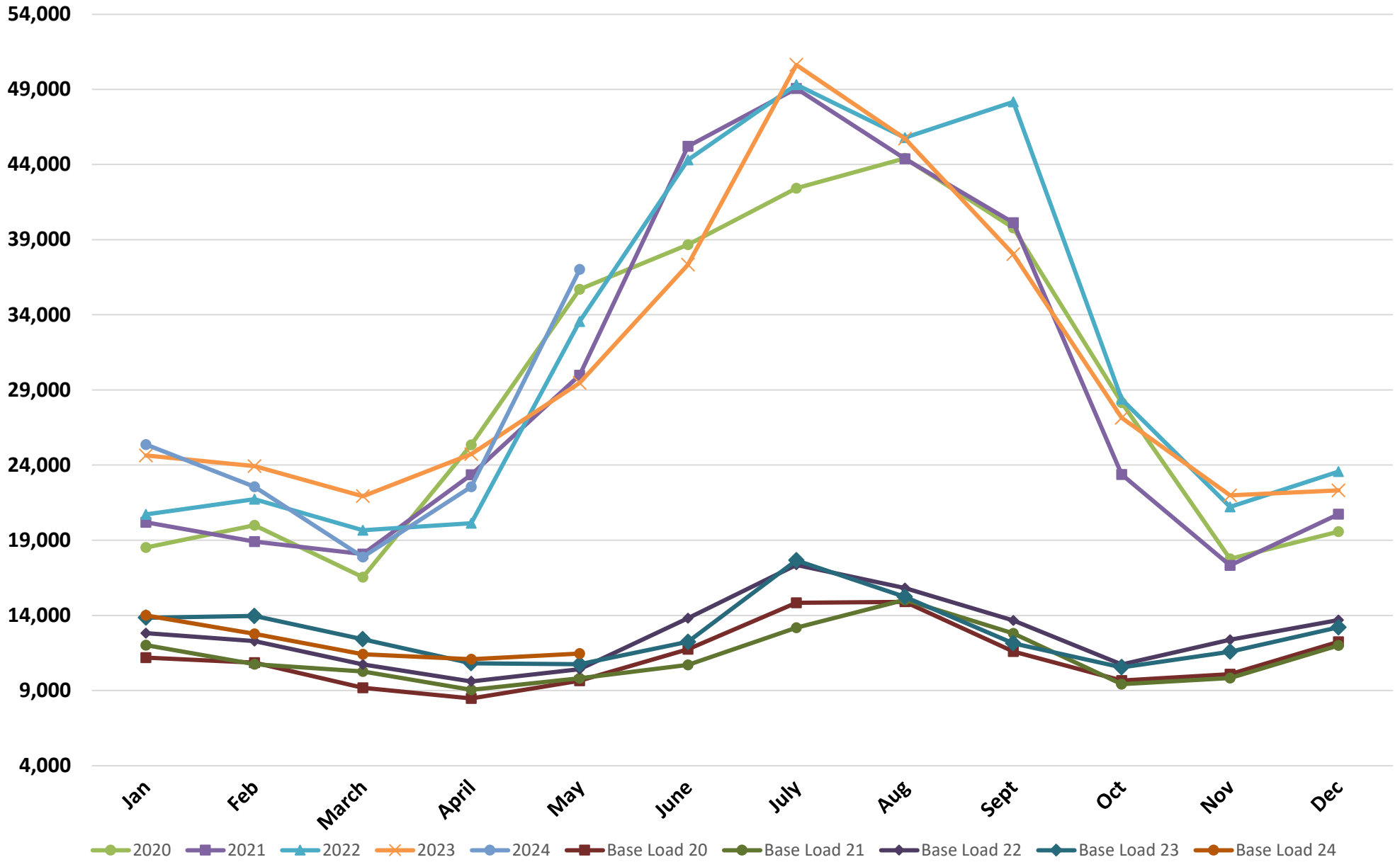
**Cy to
Date**

These figures capture the total cost of power to the power department. The power department uses costs only associated with the purchasing and generation of power and includes debt payments and interest associated with power resources.

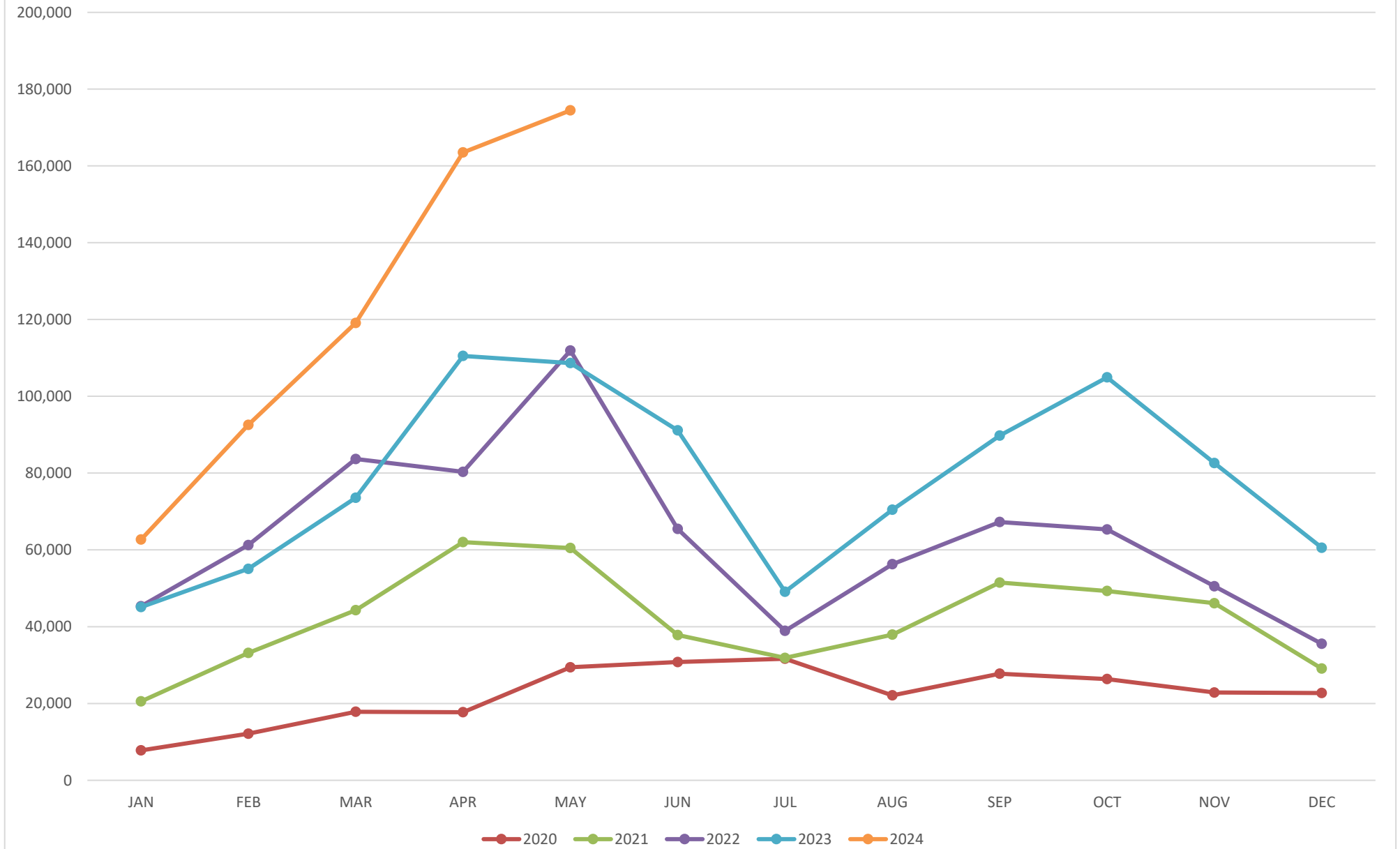
Avg Monthly Price



2020 - 2024 KW LOAD



Solar Kwh



RECOMMENDATIONS FOR PRE-QUALIFIED CONTRACTORS

Hurricane City Power has always required electrical contractors to be prequalified to install any HV equipment on our system. The requirement has changed a couple of times in the past, we are looking to solidify a position that will be in conjunction with state laws.

HIGH VOLTAGE INSTALLERS

PAST QUALIFICATIONS: **E100** General Engineering or **S200** General Electrical (No longer a license, converted to **E200**) with a minimum of 3 years of experience of this type of work, complete an application, classroom instruction, and prequalification test. Certified Linemen were also given privileges to install if they passed the test.

RECOMMENDED NEW QUALIFICATIONS: **E100** General Engineering, **B100** General Building, or **E200** General Electrical required to install HV conduit. **E200 General Electrical ONLY** to install any HV equipment or cable, with a minimum of 3 years of experience of this type of work, complete an application, classroom instruction, and prequalification test. **Certified Lineman would no longer be able to install high voltage conduit/cable/equipment per state laws unless they obtain E100, B100, or E200 to install HV conduit or just the E200 to install conduit, cable, and equipment.**

SOLAR INSTALLERS

PAST QUALIFICATIONS: Obtain a solicitation license from Hurricane City and complete a solar orientation class by Hurricane Power.

RECOMMENDED NEW QUALIFICATIONS: Provide proof of license **E200 General Electrical, E201 Residential Electrical, S202 Solar Photovoltaic, B100 General Building**. Obtain a solicitation license from Hurricane City and complete a solar orientation class by Hurricane Power. Due to the nature of the license capabilities per state law, solar contractors may need to **provide names of other qualified companies** to complete the project on the initial application form.

AN ATTACHED SPREADSHEET SHOWS THE PERMISSIBLE QUALIFICATIONS FOR EACH LICENSE.

STATE LICENSE

	HIGH VOLTAGE INSTALLATION		SOLAR INSTALLATION			
	HV CONDUIT	HV CABLE	DC RESIDENTIAL	DC COMMERCIAL	AC RESIDENTIAL	AC COMMERCIAL
E100	✓	✗	✗	✗	✗	✗
B100	✓	✗	✓	✗	✗	✗
E200	✓	✓	✓	✓	✓	✓
E201	✗	✗	✓	✓	✓	✗
S202	✗	✗	✓	✓	✗	✗

GENERAL ENGINEERING CONTRACTOR ALLOWED TO INSTALL CONDUIT

GENERAL BUILDING CONTRACTOR ALLOWED TO INSTALL SOLAR ON OWN PROJECT/ NOT TO ACTIVELY SEEK JOBS

GENERAL ELECTRICAL CONTRACTOR ALLOWED TO ALL WORK

RESIDENTIAL ELECTRICAL CONTRACTOR

SOLAR PHOTOVOLTAIC CONTRACTOR

R156. Commerce, Professional Licensing.

R156-55a. Utah Construction Trades Licensing Act Rule.

R156-55a-101. Title.

This rule shall be known as the "Utah Construction Trades Licensing Act Rule."

R156-55a-102. Definitions.

The following definitions supplement the definitions in Title 58, Chapter 1, Division of Professional Licensing Act, and Chapter 55, Utah Construction Trades Licensing Act:

(1) "Construction trades instructor" as used in Subsection 58-55-301(2) means the education facility that is issued the license under Section R156-55a-302e. It does not mean individuals employed by the facility who may teach classes.

(2) "Construction trades instruction facility" means the facility that is granted the license in Subsection 58-55-301(2) and Section R156-55a-302e.

(3) "Employee" as used in Subsections 58-55-102(13) and 58-55-102(18), means a person providing labor services in the construction trades who works for compensation for a licensed contractor, or the substantial equivalent of a licensed contractor as determined by the Division, and who has federal and state taxes withheld and workers' compensation and unemployment insurance provided by the person's employer.

(4) "Hire" means to hire as an employee as defined in Subsection R156-55a-102(3).

(5) "Incidental" as used in Subsection 58-55-102(45), means work that:

(a) can be safely and competently performed by a specialty contractor;

(b) arises from, and is directly related to, work performed in the licensed specialty classification;

(c) does not exceed 10% of the overall contract; and

(d) does not include performance of any electrical or plumbing work.

(6)(a) "Maintenance" means routine actions to repair, replace, refinish, or preserve any component of an existing structure in its original condition.

(b) "Maintenance" does not include:

(i) alteration or modification to existing weight-bearing or structural components; or

(ii) any work that involves an electrical or plumbing system.

(7) "Mechanical" as used in Subsections 58-55-102(22) and (35), means the work that may be performed by an S350 contractor.

(8) "NASCLA" means the National Association of State Contractors Licensing Agencies.

(9) "Personal property" means, as it relates to Title 58, Chapter 56, Building Inspector and Factory Built Housing Licensing Act, a structure that is titled by the Utah Division of Motor Vehicles and taxed as personal property.

(10) "Qualifier" means the individual who demonstrates competence for a contractor license by satisfying the requirements to obtain the contractor license.

(11) "RMGA" means the Rocky Mountain Gas Association.

(12) "School" means a school district, technical college, or accredited college.

R156-55a-103. Authority.

This rule is adopted by the Division under the authority of Subsections 58-1-106(1)(a) and 58-55-103(1)(b)(i) to enable the Division to administer Title 58, Chapter 55, Utah Construction Trades Licensing Act.

R156-55a-104. Organization - Relationship to Rule R156-1.

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-55a-301. License Classifications - Scope of Practice.

(1) The classifications of licensure under Subsection 58-55-301(2) are described in this section. The contractor classifications in Subsections (2) through (6) are those determined to significantly impact the public health, safety, and welfare. A person engaged in work in Subsection (7) or (8) is exempt from licensure under Subsection 58-55-305(1)(i).

(2) Licenses shall be issued in the following primary classifications and subclassifications:

TABLE 1 Classifications - Scope of Work	
E100 - General Engineering Contractor	Work as defined in Subsection 58-55-102(24).
B100 General Building Contractor	(1) Work as defined in Subsection 58-55-102(22). (2) Includes the scope of practice of every specialty contractor, except: (a) E200 - General Electrical Contractor; (b) E201 - Residential Electrical Contractor;

	(c) P200 - General Plumbing Contractor; (d) P201 - Residential Plumbing Contractor; (e) R200 - Factory Built Housing Contractor; (f) S350 - HVAC Contractor, except that a B100 may perform HVAC work for a single-family residence or a multi-family residence up to four units; (g) S510 - Elevator Contractor; and (h) S700 -- Limited Scope License Contractor. (3) Excludes electrical work and plumbing work, but a B100 may hire a licensed journeyman electrician or master electrician, or licensed journeyman plumber or master plumber, to perform that work for a single-family residence or a multi-family residence up to four units.
B200 - Modular Unit Installation Contractor	(1) Set up or install a modular unit as defined in Subsection 15A-1-302(8) and constructed in accordance with Section 15A-1-304. (2) Includes construction of the permanent or temporary foundations, placement of the modular unit on a permanent or temporary foundation, securing modular units together if required, and securing the modular unit to the foundation. (3) Excludes installation of factory built housing and connection of required utilities.
R100 - Residential and Small Commercial Contractor	Work as defined in Subsection 58-55-102(35).
R101 - Residential and Small Commercial Non Structural Remodeling and Repair.	Remodeling and repairing any existing structure built for support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind, with the restriction that: (1) no change is made to the bearing portions of the existing structure, including footings, foundation, and weight bearing walls; and (2) the entire project costs less than \$50,000, including materials and labor.
R200 - Factory Built Housing Contractor	(1) Disconnect, setup, install, or remove manufactured housing on a temporary or permanent basis. (2) Includes: (a) placing the manufactured housing on a permanent or temporary foundation; (b) securing the units together if required; (c) securing the manufactured housing to the foundation;

	(d) connecting the utilities from the near proximity, such as a meter, to the manufactured housing unit; and (e) construction of foundations of less than four feet six inches in height; (3) Excludes: (a) preparation or finishing; (b) excavation of the ground in the area where a foundation is to be constructed, back filling, and grading around the foundation; (c) construction of foundations of more than four feet six inches in height; and (d) construction of utility services from the utility source, to and including the meter or meters if required, or if not required to the near proximity of the manufactured housing unit from which they are connected to the unit.
E200 - General Electrical Contractor	Work as defined in Subsection 58-55-102(23).
E201 - Residential Electrical Contractor	Work as defined in Subsection 58-55-102(37).
S202 - Solar Photovoltaic Contractor	(1) Fabrication, construction, installation, and replacement of photovoltaic modules and related components. (2) Excludes the performance of any wiring, connections, and wire methods as governed in the National Electrical Code and Subsection R156-55b-102(1), but an S202 may hire or subcontract an E200 or E201 contractor for that work.
P200 - General Plumbing Contractor	(1) Work as defined in Subsection 58-55-102(25). (2) Includes the furnishing of materials, fixtures, and labor to extend service from a building out to the main water, sewer, or gas pipeline.
P201 - Residential Plumbing Contractor	Work as defined in Subsection 58-55-102(42).
S220 - Carpentry and Flooring Contractor	Construction, fabrication, installation, placing, tying, welding, or repair using: (1) wood, wood products, metal, aluminum, metal products, metal studs, vinyl materials, plastic, rubber, fiberglass, polyethylene, thermoplastic polymers, countertops, cabinets, millwork, garage doors, doors, trim, tub liners, wall systems, partitions, or other wood, plastic, rubber, or metal composite or any composite that is by custom and usage accepted in the building industry as carpentry for structural, non-structural, and finish purposes;

	(2) metal or steel structures and sheet metal, including metal cornices, marquees, metal soffits, flashings, skylights, and skydomes; (3) metal structural studs and bearing walls, reinforcing bars, erecting shapes, plates of any profile, perimeter cross-section that are used in structures, including riveting, welding, and rigging; (4) incidental concrete work and footings, grading, and surface preparation related to this scope of work; (5) laminate, tile, cement, wood, synthetic wood, or similar flooring product, including prefinished and unfinished material, sanding, staining and finishing of new and existing flooring, the underlayment, and subfloors; and (6) mechanical insulation of pipes, ducts, or conduits.
S230 - Masonry, Siding, Stucco, Glass, and Rain Gutter Contractor.	Construction, fabrication, and installation of: (1) siding, stucco, stucco to lathe, plaster, glass, glass substitutes, glass-holding members, rain gutters, drains, roof flashings, gravel stops, and metal ridges; (2) natural or synthetic stone, onyx, ceramic, granite, onice, corian, brick, block, forms, brick substitutes, clay, concrete blocks, terra-cotta, marble, tile, gypsum tile, glass block, clay tile, copings, plastic refractories, and castables; and (3) shower pans.
S260 - Asphalt and Concrete Contractor	(1) Fabrication, construction, mixing, batching, injecting, spraying, resurfacing, sealing, and installation of asphalt, asphalt overlay, chip seal, fog seal, slurry seal, concrete, gunnite, grouting, coatings, sealant, and related concrete products, along with placing and setting screeds for pavement for flatwork, the construction of forms, shoring material, placing and erection of bars for reinforcing and application of plaster and other cement-related products. (2) Includes: (a) excavation, grading, compacting, and laying of fill or other related base; (b) painting or coating the surfaces, including striping, directional, and other types of symbols or letters; and (c) fabrication, construction, and installation of forms and shoring material.
S270 - Drywall, Paint, and	Construction, installation, fabrication, and application of:

Plastering Contractor	(1) drywall, gypsum, wallboard panels and assemblies, lightweight metal and non-bearing wall partitions, ceiling tile and panels, and the grid system required for placement; (2) insulating media in buildings and structures for temperature control, sound control, fireproofing, mechanical insulation of pipes, ducts, or conduits; (3) stucco, stucco to lathe, plaster, and other surfaces; and (4) paints, varnishes, shellacs, stains, waxes and other coatings or pigments.
S280 - Roofing Contractor	(1) Application and installation of asphalt, pitch, tar, felt, flax, shakes, shingles, roof tile, slate, and any other material or materials, or any combination of these materials that use and custom has established as usable for, or that are now used as, water-proof, weatherproof, or watertight seal or membranes for roofs and surfaces. (2) Includes: (a) any material attached to the roof; (b) roof conversion; (c) installation of non-electrical skylights; (d) installation of electrical skylights, if the electrical connection is performed by an E200 or E201 contractor; (e) installation of any insulating media in buildings and structures for the sole purpose of temperature control, sound control, fireproofing, and mechanical insulation of pipes, ducts, or conduits; and (f) incidental work including the installation of a roof clamp ring to the roof drain.
S310 - Foundation, Excavation, and Demolition Contractor	(1) Moving of the earth's surface and rock or placing earthen materials on the earth's surface, by use of hand or power machinery and tools, including explosives, in any operation of cut, fill, excavation, grading, trenching, backfilling, smashing, crushing, or combination thereof as they are generally practiced in the construction trade. (2) Excavation, drilling, compacting, pumping, sealing and other work necessary to construct, alter, or repair piers, piles, footings, and foundations placed in the earth's subsurface to prevent structural settling and to provide an adequate capacity to sustain or transmit the structural load to the soil or rock below. (3) Raising, cribbing, underpinning, moving, and removal of a building,

	structure, or matter appurtenant or incidental to any building or structure.
S330 - Landscape and Recreation Contractor	(1) Grading and preparing of land for architectural, horticultural, or decorative treatment. (2) Arrangement, and planting of gardens, lawns, shrubs, vines, bushes, trees, or other decorative vegetation. (3) Construction, fabrication, and installation of: (a) swimming pools, prefabricated pools, spas, decorative pools, tanks, fountains, sprinkler systems, and water distribution systems for artificial watering or irrigation, for systems that are not connected to the culinary water system, or that are connected to the culinary water system but separated from the culinary water system by a backflow prevention device; an S330 may connect the system to the backflow prevention device; (b) metal fireboxes, fireplaces, and wood or coal-burning stoves, including the installation of venting and exhaust systems, if the individual performing the installation is RMGA-certified; (c) retaining walls, except for retaining walls to hold vehicles, structures, equipment or other non-natural fill materials within the area located within a 45 degree angle from the base of the retaining wall to the level of where the additional weight bearing vehicles, structures, equipment or other non-natural fill materials are located; (d) pergolas, patios, patio areas, and decking, including the deck structure and substructure; (e) hothouses, greenhouses, walks, and garden lighting of class two or class three power-limited circuits as defined in the National Electrical Code; (f) flag poles, fences, guardrails, handrails, and barriers; (g) sports and athletic courts, ranges, and fields including football fields, tennis courts, racquetball courts, handball courts, basketball courts, bowling alleys, shooting ranges, running tracks, playgrounds, playground equipment, rock climbing walls, or any similar court, field, surface, or related components; includes poles, standards, surface painting or coatings, floors, floor subsurface, wall surface, perimeter walls, perimeter fencing, scoreboards, or other equipment; and (h) incidental concrete, excavation, or asphalt work related to this scope of practice.

	(3) Excludes any electrical work, but an S330 may hire or subcontract an E200 or E201 contractor for that work. (4) Excludes any plumbing work, but an S330 may hire or subcontract a P200 or P201 contractor for that work. (5) Excludes natural gas-related work, but an S330 may hire or subcontract an RMGA-certified licensed contractor for that work. (6) Includes installation of a backflow preventer device, if during each renewal period the licensee completes at least two of their six continuing education hours under Section R156-55a-303b in continuing education related to backflow installation.
S350 - HVAC Contractor	(1) Fabrication and installation of complete warm air heating, air conditioning and ventilating systems. (2) Installation of refrigeration equipment, including built-in refrigerators, refrigerated rooms, insulated refrigerated spaces and other related equipment. (3) Excludes any electrical work, but an S350 may hire or subcontract an E200 or E201 contractor for that work. (4) Excludes any plumbing work, but an S350 may hire or subcontract a P200 or P201 contractor for that work. (5) Excludes natural gas-related work, but an S350 may hire or subcontract an RMGA-certified licensed contractor for that work.
S354 - Radon Mitigation Contractor	(1) Layout, fabrication, and installation of a radon mitigation system. (2) Excludes work on heat recovery ventilation or makeup air components, but an S354 may hire or subcontract an S350 contractor for that work. (3) Excludes electrical work, but an S354 may hire or subcontract an E200 or E201 contractor for that work.
S370 - Fire Suppression Systems Contractor	(1) Layout, fabrication, and installation of fire protection systems using water, steam, gas, or chemicals. (2) Excludes connecting to a potable sanitary water supply system. An S370 may hire or subcontract a P200 or P201 contractor for that work. (3) Excludes installation of fire suppression systems in hoods above cooking appliances.
S410 - Boiler, Pipeline, Waste Water, and Water Conditioner Contractor	(1) Fabrication, construction, and installation of: (a) pipes, conduit, or cables for the conveyance and transmission from one station to another of products such as water, steam, gases except for natural gas that requires an RMGA certificate holder, chemicals, slurries, other

	substances, data or communications, geothermal systems, or solar thermal systems up to where the system interfaces with any other plumbing system; (b) insulation of pipes, ducts, and conduits; (c) above and below ground storage tanks, piping, dispensing equipment, monitoring equipment, and associated temperature-control or other equipment for any petroleum, petro-chemical, water, steam, chemicals, slurries, oil, gases except for natural gas which requires an RMGA certificate holder, or other substances; (d) fire-tube and water-tube power boilers and hot water heating boilers, including fittings and piping, valves, gauges, pumps, radiators, converters, fuel oil tanks, fuel lines, chimney flues, heat insulation and other devices, apparatus, and equipment related thereto, in a system not connected to the culinary water system, or connected to the culinary water system but separated from the culinary water system by a backflow prevention device; (e) water conditioning equipment and only such pipe and fittings as are necessary for connecting the water conditioning equipment to the water supply system within the premises; and (f) sewer, sewer lines, sewage disposal, septic tank, drainage, and the construction of sewage disposal plants and appurtenances thereto. (2) Includes incidental excavation, cabling, horizontal boring, grading, trenching, backfilling, concrete work, or asphalt work necessary for construction of any work related to this scope of practice. (3) Includes installation of a backflow preventer device, if during each renewal period the licensee completes at least two of their six required Section R156-55a-303b continuing education hours in continuing education directly related to backflow installation. (4) Excludes natural gas-related work, but an S410 may hire or subcontract an RMGA-certified licensed contractor for that work.
S440 - Sign Installation Contractor	(1) Fabrication, installation, and erection of electrical or non-electrical signs and graphic displays that require installation permits or permission issued by state or local government jurisdictions, as follows:

	(a) "Signs and graphic displays" means any type of sign, including lighted and unlighted, permanent highway marker sign, illuminated awning, electronic message center, sculpture or graphic representation including a logo and trademark to identify or advertise the user or product, building trim or lighting with neon or decorative fixtures, and any other animated, moving, or stationary device used for advertising or identification purposes. (b) "Non-electrical signs and graphics displays" means an outdoor sign that does not have electrical lighting or other electrical requirements, and that is fabricated, installed, and erected in accordance with professionally engineered specifications. (2) Signs and graphic displays shall be fabricated, installed, and erected in accordance with professionally engineered specifications and wiring in accordance with the National Electrical Code. (3) Excludes any electrical work, but an S440 may hire or subcontract an E200 or E201 contractor for that work.
S510 - Elevator Contractor	Erecting, constructing, installing, altering, servicing, repairing or maintaining an elevator.
S700 - Limited Scope License Contractor.	(1) Specialized construction scope of work, granted by the Division on a case-by-case basis. (2) An applicant for this license shall submit to the Division: (a) a detailed statement of the contracting work that the applicant proposes to perform, and an explanation why it is not included in any other classification; and (b) any brochures, catalogs, photographs, diagrams, or other materials to further clarify the proposed scope of work.

(3)(a) A specialty license contractor, as defined in Subsection 58-55-102(45), is confined to the field and scope of work as outlined by the Division.

(b) A specialty license contractor may hire or subcontract with a specialty license contractor that holds the same classification as the hiring contractor.

(4)(a) A licensee may hold up to three specialty license classifications, in addition to any general contractor classifications, except that an R101 Residential and Small Commercial Non Structural Remodeling and Repair contractor may not have any other specialty classifications.

(b) A licensee may change classifications at any time by surrendering a classification, and by applying for any classification for which the licensee is qualified and as permitted by law.

(c) To qualify for licensure, an applicant for renewal or reinstatement shall surrender or replace the applicant's contractor classifications as needed to comply with Subsection (4)(a).

(5) Effective July 22, 2019, the following contractor classification are converted as follows:

TABLE 2	
Former Classification	Converted To
P202	S410

P204	S410
P205	S410
P206	S410
P207	S410
P203	S330
E202	S202
S221, S222	S220
S231	S230
S240	S230
S250	S270
S261, S262, S263	S260
S272, S273	S270
S290, S291, S292, S293, S294	S230
S300	S270
S320, S321, S322, S323	S220
S340	S220
S351, S352, S353	S350
S360	S350
S380	S330
S390	S410
S400	S260
S420, S421	S330
S430	S330
S441	S440
S450	S410
S460	S310
S470	S410
S480	S310
S490	S220
S491	S220
S500	S330
S600	S230
I101	E100
I102	B100
I103	E200
I104	P200
I105	S350

(6) The following primary classifications scopes of practice include the listed subclassification scope of practice, and a primary classification contractor may hire or subcontract with a subclassification licensee:

TABLE 3	
Primary Classification	Included Subclassification
B100	B200, R200
E200	E201, S202
P200	P201
S350	S354
S420	S421
S440	S441
S490	S491

(7) The following activities are determined to not significantly impact the public health, safety, and welfare, and therefore do not require a contractor license:

- (a) sandblasting;
- (b) pumping services;
- (c) tree stump or tree removal;
- (d) installation of a satellite dish or communication device on or within a building, including for phone, internet, or television;
- (e) installation of class two or class three power-limited circuits as defined in the National Electrical Code;
- (f) construction of utility sheds, gazebos, or other similar items that are personal property and not attached to:

- (i) a residential or commercial building; or
- (ii) a foundation;
- (g) building cleaning, sanitizing, and window washing, including power washing;
- (h) central vacuum systems installation;
- (i) concrete cutting;
- (j) interior decorating;
- (k) wall paper hanging;
- (l) installation of drapery, blinds, shutters, or other window coverings;
- (m) welding on personal property that is not attached;
- (n) chimney sweepers other than repairing masonry;
- (o) carpet, vinyl sheet tile, or vinyl plank floor installation;
- (p) artificial turf installation;
- (q) general cleanup of a construction site that does not include demolition or excavation;
- (r) installation or removal of weather-stripping but does not include moisture vapor barriers;
- (s) fabrication, installation, or removal of mirrors;
- (t) construction, installation, or removal of awnings and canopies, including attached or detached;
- (u) pallet racking, conveyors, conveyor belts, conveyor systems, or metal shelving, whether attached or detached to the structure, excluding plumbing and electrical work;
- (v) seismic strapping for pipes, appliances, and water heaters;
- (w) dustless blasting;
- (x) lock-smithing, including installation or repair of door locks, door access controls, or other door or cabinetry hardware;
- (y) yurt or membrane-covered frame structures as defined in Section 15A-1-204;
- (z) installation of art and artwork, including sculpture, that is not part of the structural components of a building or structure;
- (aa) installation of standalone solar systems that do not tie into premises wiring or into the electrical utility; and
- (bb) lawn aeration, fertilizing, power raking, and dethatching.
- (8) The following activities are determined to not significantly impact the public health, safety and welfare beyond the regulations by other agencies, and therefore do not require a contractor license:
 - (a) lead removal regulated by the Department of Environmental Quality;
 - (b) asbestos removal regulated by the Department of Environmental Quality; and
 - (c) fire alarm installation regulated by the Fire Marshal.

R156-55a-302a. Qualifications for Licensure - Examinations.

- (1) Under Subsection 58-55-302(1)(c), no examination is required for the qualifier of an applicant for licensure as a contractor except for the Utah Contractor Business and Law Examination for the classifications in Subsection 58-55-302(1)(c)(ii).
- (2) An applicant who fails an examination may retake the failed examination as follows:
 - (a) no sooner than 30 days following any failure, up to three failures; and
 - (b) no sooner than six months following any failure thereafter.
- (3) The Utah Contractor Business and Law Examination is not required for an applicant for licensure by endorsement under Section 58-1-302.

R156-55a-302b. Qualifications for Licensure - Experience Requirements.

- (1) "Experience in the construction industry" as defined in Subsection 58-55-302(1)(e)(ii) is more broad in scope than the definition of "construction trade" in Subsection 58-55-102(11), and includes experience obtained:
 - (a) in the construction industry regardless if paid as a W-2, or as an owner, and regardless of whether licensed or exempt;
 - (b) while performing construction activities in the military or for a railroad corporation; or
 - (c) under the supervision of a construction trades instructor as a part of an educational program.
- (2)(a) "Two years full-time paid employment" as defined in Subsection 58-55-302(1)(e)(ii)(A), is a total of 4,000 hours paid employment.
 - (b) The following shall satisfy the experience requirement in Subsection 58-55-302(1)(e)(ii)(A):
 - (i) a passing score on the NASCLA Accredited Examination for Commercial General Building Contractors;
 - (ii) a four-year bachelor's degree or a two-year associate degree in Construction Management from a program or institution recognized by the United States Department of Education; or
 - (iii) a Utah professional engineer license.

R156-55a-302d. Qualifications for Licensure - Proof of Insurance and Registrations.

Under Subsection 58-55-302(2)(b), an applicant for licensure shall submit proof of public liability insurance by means of a certificate of insurance that:

- (1) names the Division as a certificate holder;

- (2) provides coverage for the scope of work performed;
- (3) is in force for the entire duration of active licensure; and
- (4) has coverage amounts of at least \$100,000 for each incident and \$300,000 in total.

R156-55a-302e. Requirements for Construction Trades Instructors, Schools, and Colleges.

Under Subsection 58-55-302(1)(f), a school that provides instruction to students by engaging in the construction trade for the public as part of the instruction shall be a Utah licensed contractor with an active qualifier in the classification for the scope of practice in which the students are being instructed.

R156-55a-302f. Pre-licensure Education - Standards.

(1) The 25-hour pre-licensure course required by Subsection 58-55-302(1)(e)(iii) and the five-hour pre-licensure course required by Subsection 58-55-302(1)(e)(iv) shall be completed by the qualifier for a contractor license applicant.

(a) Any approved 20-hour pre-licensure course completed by the qualifier before November 30, 2017 shall be accepted by the Division as satisfaction of the 25-hour and five-hour pre-licensure course requirements in Subsections 58-55-302(1)(e)(iii) and (iv).

(b) Any approved 25-hour pre-licensure course completed by the qualifier before July 1, 2019 shall be accepted by the Division as satisfaction of the 25-hour and five-hour pre-licensure course requirements in Subsections 58-55-302(1)(e)(iii) and (iv).

(2) The 25-hour course may include a provider-administered exam at the end of the course for no additional fee, and shall include the following topics and hours of education relevant to the practice of the construction trades consistent with the laws and rules of this state:

- (a) 15 hours of financial responsibility instruction that includes the following:
 - (i) record keeping and financial statements;
 - (ii) payroll, including:
 - (A) payroll taxes;
 - (B) worker compensation insurance requirements;
 - (C) unemployment insurance requirements;
 - (D) professional employer organization alternatives;
 - (E) prohibitions regarding paying employees on 1099 forms as independent contractors, unless licensed or exempted;
 - (F) employee benefits; and
 - (G) Fair Labor Standard Act;
 - (iii) cash flow;
 - (iv) insurance requirements including auto, liability, and health; and
 - (v) independent contractor licensure and exemption requirements;
- (b) six hours of construction business practices that includes the following:
 - (i) estimating and bidding;
 - (ii) contracts;
 - (iii) project management;
 - (iv) subcontractors; and
 - (v) suppliers;
- (c) two hours of regulatory requirements that includes the following:
 - (i) licensing laws;
 - (ii) Occupational Safety and Health Administration (OSHA);
 - (iii) Environmental Protection Agency (EPA); and
 - (iv) consumer protection laws; and
- (d) two hours of mechanic lien fundamentals that include the State Construction Registry.

(3) The five-hour course shall include five hours of education on the topics covered in the Utah Contractor Business and Law Examination. The five-hour course may include a provider-administered exam at the end of the course for no additional fee.

(4) Under Subsections 58-55-102(7) and 58-55-302(1)(e)(iii) and (iv), an approved pre-licensure course provider shall offer the 25-hour and five-hour course:

- (a) at least 12 times per year;
- (b) shall comply with Subsection 58-55-102(7)(b); and
- (c) except as necessary to meet the requirements of Subsection 58-55-102(7)(b), is not obligated to provide a course if the provider determines enrollment is not sufficient to break even on cost.

(5) A pre-licensure course shall meet the following standards:

(a) Each hour of pre-licensure course credit shall consist of 50 minutes of education in the form of live lectures or training sessions. Time allowed for lunches or breaks may not be counted as part of the course time for which course credit is issued.

(b) The learning objectives of the pre-licensure course shall be reasonably and clearly stated.

(c) The pre-licensure course shall be presented in a competent and well-organized manner consistent with the stated purpose and objective of the program. The student shall demonstrate knowledge of the course material.

(d) The pre-licensure course shall be prepared and presented by individuals who are qualified by education, training or experience.

(e) A pre-licensure course may not be taught by distance learning, internet course, or home study course.

(f) The provider shall have a competent method of registration and verification of attendance of individuals who complete the pre-licensure education.

(g) The provider shall provide or develop a pre-licensure course curriculum and study guide for the pre-licensure course, and have them pre-approved by the Commission and the Division before use.

(h) The pre-licensure education course may be taught by live broadcast if:

(i) the student and the instructor are able to see and hear each other; and

(ii) a representative of the provider is at any remote location to monitor registration and attendance at the course.

(6) The pre-licensure course provider shall provide individuals completing the pre-licensure course a certificate that contains:

(a) the date of the pre-licensure course;

(b) the name of the pre-licensure course provider;

(c) the attendee's name;

(d) verification of completion; and

(e) the signature of the pre-licensure course provider.

(7) A pre-licensure course provider shall, within seven calendar days, submit directly to the Division verification of attendance and completion on behalf of persons attending and completing the program. This verification shall be submitted on forms approved by the Division.

(8) On a random basis, the Division or Commission may assign monitors to attend a pre-licensure course at no charge to evaluate the course and the instructor.

(9) Each provider shall maintain adequate documentation to prove compliance with this section for at least four years after the end of a pre-licensure course, and make such documentation available for review by the Division or the Commission upon request. Documentation shall include:

(a) the dates of pre-licensure courses that have been completed;

(b) registration and attendance logs of individuals who completed the pre-licensure course;

(c) the names of instructors for each course provided as a part of the program; and

(d) pre-licensure course handouts and materials.

(10) Under Subsections 58-55-302(1)(e)(iii) and (iv), the following persons are not required to complete the pre-licensure course program:

(a) a person holding a four-year bachelor's degree or a two-year associate degree in Construction Management from a program or institution recognized by the United States Department of Education;

(b) a person holding an active and unrestricted Utah professional engineer license;

(c) a person who is or has been a qualifier on an active and unrestricted Utah contractor license within the past five years; and

(d) a person who qualifies for licensure by endorsement as a contractor pursuant to Section 58-1-302.

R156-55a-303a. Renewal Cycle - Procedures.

(1) Under Subsection 58-1-308(1), the renewal date for the two year renewal cycle for licensees under Title 58, Chapter 55, Utah Construction Trades Licensing Act, is established in Subsection R156-1-308a(1).

(2) Renewal procedures shall be in accordance with Sections R156-1-308c through R156-1-308l.

(3) Under Subsections 58-55-501(21) and 58-1-308(3)(b)(i) and Section 58-55-302.5, there is established a continuing education requirement for license renewal. Each licensee, or the licensee's qualifier, or an officer, director, or supervising individual, as designated by the licensee, shall comply with the continuing education requirements in Section R156-55a-303b.

(4) Contractors shall renew their license in an online form approved by the Division, except as permitted by the Division in writing.

R156-55a-303b. Continuing Education - Standards.

(1) Under Section 58-55-302.5, each licensee shall complete six hours of continuing education during each two-year license term. A minimum of three hours shall be core education; the remaining three hours may be professional education or core education. A minimum of three hours shall consist of live in-class attendance; the remaining three hours may consist of distance learning courses.

(a) Regular attendance by a Commission member on the Construction Services Commission shall satisfy the member's continuing education requirements under Section 58-55-302.5.

(b) An S350 contractor shall complete at least three of their six continuing education hours in continuing education directly related to the installation, repair, or replacement of a heating, ventilation, or air conditioning system.

(c) An S330 or S410 contractor that performs installation of a backflow preventer device shall complete at least two of their six continuing education hours in continuing education directly related to backflow installation.

(d) Contractors with a renewal cycle that ends after January 1, 2020, shall complete at least one of their six continuing education hours in energy conservation.

(e) "Core continuing education" means education related to construction codes, construction laws, job site safety, OSHA 10 or OSHA 30 safety training, governmental regulations pertaining to the construction trades and employee verification and payment practices, finance, bookkeeping, energy conservation, and construction business practices.

(f) "Professional continuing education" means education related to substantive subjects dealing with the practice of the construction trades, including land development, land use, planning and zoning, professional development, arbitration practices, estimating, marketing techniques, servicing clients, personal and property protection for the licensee and the licensee's clients and similar topics.

(g) The following course subject matter is not acceptable as core education or professional education hours:

(i) mechanical office and business skills, such as typing, speed reading, memory improvement and report writing;

(ii) physical well-being or personal development, such as personal and business motivation, stress management, time management, dress for success, or similar subjects;

(iii) presentations by a supplier or a supplier representative to promote a particular product or line of products; and

(iv) meetings held in conjunction with the general business of the licensee or employer.

(h) The Division may defer or waive continuing education requirements as provided in Section R156-1-308d.

(2) A continuing education course shall meet the following standards:

(a) Each hour of credit shall consist of 50 minutes of education in the form of seminars, lectures, conferences, training sessions or distance learning modules. The remaining ten minutes is to allow for breaks.

(b) The course provider shall be specified in Subsection 58-55-302.5(2).

(c) The content of the course shall be relevant to the practice of the construction trades and consistent with the laws and rules of this state.

(d) The learning objectives of the course shall be reasonably and clearly stated.

(e) The course shall be presented in a competent, well organized and sequential manner consistent with the stated purpose and objective of the program.

(f) The course shall be prepared and presented by individuals who are qualified by education, training and experience.

(g) An internet or home study course may be recognized for continuing education if the course verifies registration and participation by means of a test demonstrating that the participant has learned the material. Test questions shall be randomized for each participant. A home study course shall include no fewer than five variations of the final examination, distributed randomly to participants. Home study courses, including the five exam variations, shall be submitted in their entirety to the Division for review. Providers shall track the following:

(i) the amount of time each student has spent in the course;

(ii) what activities the student did or did not access; and

(iii) student's test scores.

(h) The course provider shall:

(i) have a competent method of registration of individuals who completed the course;

(ii) maintain records of attendance available for review by the Division; and

(iii) provide individuals completing the course a certificate that contains the following information:

(A) date of the course;

(B) name of the course provider;

(C) name of the instructor;

(D) course title;

(E) hours of continuing education credit and type of credit, whether core or professional;

(F) attendee's name; and

(G) signature of the course provider.

(i) A course provided through live broadcast may be recognized for live in-class continuing education credit if the student and the instructor are able to see and hear each other.

(3) The Division may assign monitors at no charge to attend a course for evaluating the course and the instructor.

(4)(a) Each licensee shall maintain adequate documentation as proof of compliance with this section, such as certificates of completion, course handouts and materials. The licensee shall retain this proof for two years from the end of the renewal period for which the continuing education is due.

(b) Each licensee shall ensure that the course provider has submitted the verification of attendance to the continuing education registry on behalf of the licensee as specified in Subsection (8). Alternatively, the licensee may submit the course to the continuing education registry for approval and pay any course approval fees and attendance recording fees.

(5) Licensees who lecture in continuing education courses meeting the requirements of Section R156-55a-303b shall receive two hours of continuing education for each hour spent lecturing. However, no lecturing or teaching credit is available for participation in a panel discussion.

(6)(a) The continuing education requirements for electricians, plumbers, and elevator mechanics in Section 58-55-302.7, if offered by a provider specified in Subsection 58-55-302.5(2), shall satisfy the contractor continuing education requirements of Section 58-55-302.5 and this section.

(b) The contractor licensee shall assure that the course provider has submitted the verification of the electrician's, plumber's or elevator mechanic's attendance on behalf of the licensee to the continuing education registry as specified in Subsection (8).

(7) A course provider shall submit continuing education courses to the continuing education registry and shall submit verification of attendance and completion on behalf of licensees attending and completing the program directly to the continuing education registry in the format required by the continuing education registry.

(8) The Division shall review continuing education courses that have been submitted through the continuing education registry and shall approve only those courses that meet the standards of this section.

(9) As provided in Section 58-1-401 and Subsections 58-55-302.5(2) and 58-55-302.7(4)(a), the Division may refuse to renew or may revoke, suspend, restrict, place on probation, issue a public reprimand to, or otherwise act upon the approval of any course or provider, if the course or provider fails to meet any of the requirements of this section or the provider has engaged in unlawful or unprofessional conduct.

(10) The Division shall designate an entity to act as the Continuing Education Registry, and the Continuing Education Registry in consultation with the Division and the Commission, shall:

(a) through its internet site electronically receive applications from continuing education course providers, and submit to the Division for review and approval only those applications from programs that meet the standards of this section;

(b) publish on their website listings of continuing education programs that have been approved by the Division, and that meet the standards for continuing education credit under this rule;

(c) maintain accurate records of approved qualified continuing education;

(d) maintain accurate records of verification of attendance and completion, by individual licensee, that the licensee may review for compliance with this rule; and

(e) make records of approved continuing education programs and attendance and completion available for audit by representatives of the Division.

(11) The Continuing Education Registry may charge a reasonable fee to continuing education providers or licensees for services provided for review and approval of continuing education programs.

R156-55a-304. Contractor License Qualifiers.

(1) The capacity and material authority specified in Subsection 58-55-304(4) includes the following:

(a) Except as allowed in Subsection (1)(b), the qualifier shall receive remuneration for work performed for the contractor licensee for not less than 12 hours of work per week.

(i) If the qualifier is an owner of the business, the remuneration may be in the form of owner's profit distributions or dividends with a minimum ownership of 20 percent of the contractor licensee.

(ii) If the qualifier is an officer or manager of the contractor licensee, the remuneration shall be in the form of W-2 wages.

(b) The 12 hour minimum in Subsection (1)(a) may be reduced if the total hours worked by the owners and employees is less than 50 hours per week, in which case the minimum may not be less than 20 percent of the total hours of work performed by all owners and employees of the contractor.

(2)(a) A qualifier may hold up to three specialty classifications, in addition to any classification under Subsection 58-55-301(2)(a) through (c) and Subsection 58-55-301(2)(e) through (h), except that an R101 qualifier may not have any other specialty classifications.

(b) A qualifier may change classifications at any time by surrendering a classification, and by applying for any classification for which the qualifier is permitted by law.

(c) A current qualifier shall surrender or replace the qualifier's classifications as needed to comply with Subsection (2)(a) at the time of any renewal or reinstatement involving the qualifier.

(3) A qualifier may not act as the qualifier for more than three licensees at any one time, unless:

(a) the qualifier demonstrates by sufficient evidence satisfactory to the Commission and the Division that the qualifier exercises material authority over the businesses; and

(b) the Commission and the Division grant written approval.

R156-55a-305. Compliance Agency Reporting of Sole Owner Building Permits Issued.

Under Subsection 58-55-305(2), a compliance agency that issues building permits to sole owners of property shall submit, within 30 days of issuance, the following information concerning each building permit issued in its jurisdiction, to a Division-designated fax number, email address, or written mailing address:

(1) building permit number;

(2) date issued;

(3) issuing compliance agency's name, address, and phone number;

(4) sole owner's full name, home address, and phone number;

(5) building site subdivision and lot number.

R156-55a-305a. Exempt Contractors Filing Affirmation of Liability and Workers' Compensation Insurance.

(1) Under Subsection 58-55-305(1)(h)(ii)(H), a person claiming exemption under Subsection 58-55-305(1)(h) for projects with a value greater than \$1,000 but less than \$3,000 shall file a registration of exemption with the Division that includes:

(a) the identity and address of the person claiming the exemption;

(b) answers to qualifying questions; and

- (c) a statement signed by the person verifying that:
 - (i) the person has liability insurance in force that includes:
 - (A) the Division named as a certificate holder;
 - (B) the policy number, the expiration date of the policy, the insurance company name and contact information, and coverage amounts of at least \$100,000 for each incident and \$300,000 in total; and
 - (ii) that the person:
 - (A) has workers' compensation insurance in force that names the Division as a certificate holder, includes the policy number, the expiration date of the policy, the insurance company name and contact information; or
 - (B) that the person does not hire employees and is therefore exempt from the requirement to have workers' compensation insurance.
- (2) The affirmation required under Subsection (1) shall be reaffirmed on or before November 30 of each odd numbered year.

R156-55a-306. Contractor Financial Responsibility - Division Audit.

Under Subsections 58-55-102(20) and 58-55-302(10)(c) and Section 58-55-306, the Division may consider relevant factors in conducting a financial responsibility audit of an applicant, licensee, qualifier, or any owner, including:

- (1) judgments, child support obligations, restitution orders, tax liens, collection actions, bankruptcy schedules, and a history of late payments to creditors, including documentation showing the resolution of any factor under this Subsection (1);
- (2) financial statements and tax returns, including the ability to prepare or have prepared competent and current financial statements and tax returns;
- (3) a current credit report acceptable to the Division;
- (4) an explanation of the reasons for any financial difficulties and how the financial difficulties were resolved;
- (5) any of the factors in Section R156-1-302 that relate to failure to maintain financial responsibility;
- (6) each of the factors in Subsection (1) regarding the financial history of the owners of the applicant or licensee;
- (7) any guaranty agreements provided for the applicant or licensee and any owners; and
- (8) any history of prior entities owned or operated by the applicant, licensee, qualifier, or any owner that have failed to maintain financial responsibility.

R156-55a-308b. Natural Gas Technician Certification.

(1) Under Subsection 58-55-308(1), the scope of practice in Subsection 58-55-308(2)(a) requiring certification is further defined as the installation, modification, maintenance, cleaning, repair or replacement of the gas piping, combustion air vents, exhaust venting system or derating of gas input for altitude of a residential or commercial gas appliance.

- (2) An approved training program shall include the following course content:
 - (a) general gas appliance installation codes;
 - (b) venting requirements;
 - (c) combustion air requirements;
 - (d) gas line sizing codes;
 - (e) gas line approved materials requirements;
 - (f) gas line installation codes; and
 - (g) methods of derating gas appliances for elevation.
- (3) Under Subsection 58-55-308(2)(c)(i), the following programs are approved to provide natural gas technician training, and to issue certificates or documentation of exemption from certification:
 - (a) Federal Bureau of Apprenticeship Training;
 - (b) Utah college apprenticeship program;
 - (c) trade union apprenticeship program;
 - (d) Rocky Mountain Gas Association; and
 - (e) Home Builders Association of Utah.
- (4) Under Subsection 58-55-308(3), the approved programs in Subsections (3)(b) through (3)(e) shall require program participants to pass the RMGA Gas Appliance Installers Certification Exam, or equivalent exams approved by the Commission established or adopted by a training program, with a minimum passing score of 80%.
- (5) Under Subsection 58-55-308(3), a person who has not completed an approved training program, but has passed the RMGA Gas Exam or approved equivalent exam established or adopted by an approved training program, with a minimum passing score of 80%, or the Utah licensed Journeyman or Residential Journeyman Plumber Exam, with a minimum passing score of 70%, is exempt from the certification requirement in Subsection 58-55-308(2)(c)(i).
- (6) An approved program shall issue a certificate, including a wallet certificate, to each person who successfully completes the training program, with the following information:
 - (a) name of the program provider;
 - (b) name of the approved program;
 - (c) name of the certificate holder;
 - (d) date the certification was completed; and
 - (e) signature of an authorized representative of the program provider.
- (7) The following shall constitute documentation of exemption from certification:

- (a) certification of completion of training issued by the Federal Bureau of Apprenticeship Training;
- (b) current Utah licensed Journeyman or Residential Journeyman plumber license; or
- (c) certification from the RMGA or approved equivalent exam which shall include the following:
 - (i) name of the association, school, union, or other organization who administered the exam;
 - (ii) name of the person who passed the exam;
 - (iii) name of the exam;
 - (iv) date the exam was passed; and
 - (v) signature of an authorized representative of the test administrator.
- (8) Each person engaged in the scope of practice defined in Subsection 58-55-308(2)(a) and Subsection (1), shall carry in their possession documentation of certification or exemption.

R156-55a-311. Reorganization - Conversion of Contractor Business Entity - Ownership for Licensure by Endorsement.

(1) A conversion from one form of entity to another form with "Articles of Conversion" filed with and approved by the Utah Division of Corporations and Commercial Code does not require a new contractor application.

(2) Except as provided in Subsection (1), a reorganization of the business entity under which a licensed contractor is licensed shall require application for a new license under the new form of organization or business structure. The creation of a new legal entity constitutes a reorganization, and includes:

- (a) a change to a new entity under the same form of business entity; or
 - (b) a change of the form of business entity between proprietorship, partnership, whether limited or general, joint venture, corporation, or any other business form.
- (3) A business entity applying for licensure by endorsement under Section 58-1-302 shall demonstrate that:
- (a) at least 50% of the business entity's ownership proposed for the Utah license is the same as the license held in the jurisdiction used for endorsement; and
 - (b) no more than 50% of the business entity's ownership has changed in the 12 months preceding the date of application.

R156-55a-312. Inactive License.

(1) The requirements for inactive licensure in Subsection R156-1-305(3) shall also include certification that while on inactive status, the licensee will not engage in the construction trades for which the license was issued, except to identify the licensee as an inactive licensee.

(2) A license on inactive status is exempt from the licensure requirements of Subsections 58-55-302(1)(e)(i), 58-55-302(2)(b) and Section 58-55-302.5.

(3) In addition to the requirements for reactivation of an inactive license in Subsection R156-1-305(5), the licensee shall also:

- (a) meet the requirements of:
 - (i) Section 58-55-302.5;
 - (ii) Subsection 58-55-302(1)(e)(i); and
 - (iii) Subsection 58-55-302(2)(b); and
- (b) before a license being activated, complete the continuing education required under Section 58-55-302.5, unless it was completed for the last renewal cycle.

R156-55a-501. Unprofessional Conduct.

Under Subsection 58-55-102(48), "unprofessional conduct" includes:

(1) failing to notify the Division with respect to any matter for which notification is required under this rule or Title 58, Chapter 55, Construction Trades Licensing Act, including a change in qualifier, which failure shall be considered by the Division and the Commission as grounds for immediate suspension of the contractor's license;

(2) failing to notify the Division within 10 days of any change of the name, address, phone number, or email address of the qualifier or owners of a licensee;

(3) failing to continuously maintain insurance and registration as required by Subsection 58-55-302(2) and Section R156-55a-302d;

(4) failing to provide within 30 days of a request from the Division or from any person that has a reasonable basis to make a claim on the licensee's insurance policy:

- (a) proof of the licensee's insurance coverage;
- (b) the name of the licensee's insurance company, policy number, date of expiration, and insurance coverage limits;
- (c) a copy of the licensee's insurance policy;
- (d) a copy of the licensee's worker compensation policy, if required to maintain worker compensation insurance under Utah law; or
- (e) any exclusions included in the licensee's insurance policy;

(5) failing to provide the Division, within 30 days of a request, documents, an interview, or other requested information to determine compliance with Title 58, Chapter 55, Utah Construction Trades Licensing Act, or Title 58, Chapter 1, Division of Professional Licensing Act;

- (6) refusing, as an electrical or plumbing contractor, to timely and accurately certify the hours of work experience when requested by an electrician or plumber who is or has been an employee;
- (7) refusing, as a contractor, to timely and accurately certify the work experience for a contractor application when requested by a current or former employee;
- (8) failure of a qualifier, owner, applicant, or licensee to be knowledgeable of the laws and rules applicable to their profession;
- (9) failing to timely provide, upon request by any person, a copy of a current license or license number when performing construction trades work;
- (10) an owner, qualifier, or licensee advising or instructing any person or applicant, for a fee, concerning an examination required under Title 58, Chapter 55, Utah Construction Trades Licensing Act, for which that owner, qualifier, or licensee was a subject-matter expert of the examination, unless the Division approves in writing of the owner, qualifier, or licensee providing that instruction;
- (11) using, hiring, or contracting with a professional employer organization that is not licensed with the Utah Insurance Department;
- (12) failure of an employee of a licensee to properly identify the name of their employer when requested by the Division; and
- (13) reproducing, communicating, or transmitting any Division-required test content in any form to any person without written permission from the Division.

R156-55a-502. Penalty for Unlawful Conduct.

The penalty for violating Subsection 58-55-501(1) while suspended from licensure shall include the maximum fine under Subsection 58-55-503(4)(h).

R156-55a-503. Administrative Penalties.

- (1) If multiple offenses are cited on the same citation, the fine shall be determined by evaluating the most serious offense.
- (2) If multiple offenses are cited on separate citations, the fine shall be the maximum fine for each offense.
- (3) The presiding officer for a contested citation shall have the discretion, after a review of the aggravating and mitigating circumstances, to increase or decrease the fine amount imposed by an investigator based upon the evidence presented.

R156-55a-504. Crane Operator Certifications.

Under Subsection 58-55-504(2)(a), one of the following certifications is required to operate a crane on commercial construction projects:

- (1) a certification issued by the National Commission for the Certification of Crane Operators;
- (2) a certification issued by the Operating Engineers Certification Program; or
- (3) a certification issued by the Crane Institute of America.

R156-55a-602. Contractor License Bonds.

Under Subsections 58-55-306(1)(b) and 58-55-306(5)(b)(iii), a contractor shall provide a license bond issued by a surety acceptable to the Division in the amount, form, and coverage as follows:

- (1) An acceptable surety is one that is listed in the Department of Treasury, Fiscal Service, Circular 570, "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" at the date of the bond.
- (2) The coverage of the license bond shall include losses that may occur as the result of the contractor's violation of the unprofessional or unlawful provisions in Title 58, Chapter 1, Division of Professional Licensing Act, and Title 58, Chapter 55, Utah Construction Trades Licensing Act and Rules R156-1 and R156-55a, including:
 - (a) failure to maintain financial responsibility;
 - (b) failure of the licensee to pay its obligations; and
 - (c) failure of the owners of a licensed unincorporated entity to pay income taxes or self-employment taxes on the gross distributions from the unincorporated entity to its owners.
- (3) The Division may review the financial history of the applicant, licensee, qualifier, or any owner, as outlined in Section R156-55a-306, in determining the bond amount required under this section.
- (4) If the licensee is submitting a bond under Subsection 58-55-306(5)(b)(iii)(B), the amount of the bond shall be 20% of the annual gross distributions from the unincorporated entity to its owners. As provided in Subsection 58-55-302(10)(c), the Division, in determining if financial responsibility has been demonstrated, may consider the total number of owners, including new owners added as reported under Subsection 58-55-302(10)(a)(i), in setting the amount of the bond required under this subsection.
- (5) If the licensee is submitting a bond for any reason other than Subsection 58-55-306(5)(b)(iii)(B), the minimum amount of the bond shall be the greater of:
 - (a) if a bankruptcy petition has been filed, is pending, or discharged by any owner or qualifier, by the licensee entity, or by any prior entities of the owners or qualifiers within the last three years from the date of application or renewal or request for financial review of the licensee, 30% of the total liabilities listed on all Forms 106 filed with the bankruptcy court for the owners, qualifiers, the licensee entity, and any prior entities of the owners or qualifiers; or

(b) if the total amount of the cumulative outstanding debts, judgments, child support obligations, liens, and obligations owing by the owners, qualifiers, the licensee entity, and any prior entities of the owners and qualifiers, is \$1,000 or more, the greater of:

- (i) 30% of that total amount; or
- (ii)(A) \$50,000 for any general contractor classification except the R100 classification;
- (B) \$25,000 for the R100 classification; or
- (C) \$15,000 for other classifications.

(6) A higher or lower amount of the bond in Subsection R156-55a-602(5) may be determined by the Division and the Commission as provided in this section.

(7) The bond shall be maintained during licensure until the licensee receives written permission from the Division to discontinue maintaining the bond.

(8) The amount of the bond under Subsection R156-55a-602(5) may be increased by an amount determined by the Commission and Division if the financial, criminal, or disciplinary history of the applicant, licensee, qualifier, or any owner indicates the bond amount is insufficient to reasonably cover risks to the public health, safety and welfare. The Division and Commission may review the financial, criminal, and disciplinary history of the applicant, qualifier, licensee or any owner, as outlined in Section R156-55a-306, in determining the bond amount required.

(9) A contractor may provide a license bond issued by a surety acceptable to the Division in an amount less than the bond amount in Subsection R156-55a-602(5) if:

- (a) the contractor demonstrates by clear and convincing evidence that:
 - (i) the financial history of the applicant, licensee, qualifier, or any owner indicates the bond amount specified is in excess of what is reasonably necessary to cover risks to the public health, safety and welfare;
 - (ii) the contractor's lack of financial responsibility is due to extraordinary circumstances that the contractor could not control as opposed to general financial challenges that contractors experience; and
 - (iii) the contractor's scope of practice will be restricted commensurate with the degree of risk the contract presents to the public health, safety, and welfare; and
- (b) the Commission and Division approve the amount.

R156-55a-700. Emergency Contractor Licensing.

(1) Under Subsection 58-1-307(4)(g), the Division may exempt or modify licensure requirements or issue an emergency contractor license for any classification and any person or entity, including an apprentice, journeyman, or master plumber or electrician license.

(2) In determining eligibility for an emergency contractor license, or determining any exemption or modification of licensure requirements, the Division may institute, exempt, or waive any contractor licensing requirement, including any scope of practice, under Title 58, Chapter 1, Division of Professional Licensing Act, Title 58, Chapter 55, Utah Construction Trades Licensing Act, and Rules R156-1 and R156-55a.

(3) The Division may issue an emergency contractor license or exempt or modify any licensure requirement, including scope of practice, in any form approved by the Division.

(4) An emergency contractor license or a licensure requirement exemption or modification shall expire as specified by the Division in a notice to the licensee, or in a notice posted on the Division's website, at any time and for any reason.

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Chapter 55 Utah Construction Trades Licensing Act

Part 1 General Provisions

58-55-101 Short title.

This chapter is known as the "Utah Construction Trades Licensing Act."

Renumbered and Amended by Chapter 181, 1994 General Session

Superseded 7/1/2024

58-55-102 Definitions.

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

- (1)
 - (a) "Alarm business" or "alarm company" means a person engaged in the sale, installation, maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system, except as provided in Subsection (1)(b).
 - (b) "Alarm business" or "alarm company" does not include:
 - (i) a person engaged in the manufacture or sale of alarm systems unless:
 - (A) that person is also engaged in the installation, maintenance, alteration, repair, replacement, servicing, or monitoring of alarm systems;
 - (B) the manufacture or sale occurs at a location other than a place of business established by the person engaged in the manufacture or sale; or
 - (C) the manufacture or sale involves site visits at the place or intended place of installation of an alarm system; or
 - (ii) an owner of an alarm system, or an employee of the owner of an alarm system who is engaged in installation, maintenance, alteration, repair, replacement, servicing, or monitoring of the alarm system owned by that owner.
- (2) "Alarm company agent":
 - (a) except as provided in Subsection (2)(b), means any individual employed within this state by an alarm business; and
 - (b) does not include an individual who:
 - (i) is not engaged in the sale, installation, maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system; and
 - (ii) does not, during the normal course of the individual's employment with an alarm business, use or have access to sensitive alarm system information.
- (3) "Alarm company officer" means:
 - (a) a governing person, as defined in Section 48-3a-102, of an alarm company;
 - (b) an individual appointed as an officer of an alarm company that is a corporation in accordance with Section 16-10a-830;
 - (c) a general partner, as defined in Section 48-2e-102, of an alarm company; or
 - (d) a partner, as defined in Section 48-1d-102, of an alarm company.
- (4) "Alarm company owner" means:
 - (a) a shareholder, as defined in Section 16-10a-102, who owns directly, or indirectly through an entity controlled by the individual, 5% or more of the outstanding shares of an alarm company that:

- (i) is a corporation; and
 - (ii) is not publicly listed or traded; or
- (b) an individual who owns directly, or indirectly through an entity controlled by the individual, 5% or more of the equity of an alarm company that is not a corporation.
- (5) "Alarm company proprietor" means the sole proprietor of an alarm company that is registered as a sole proprietorship with the Division of Corporations and Commercial Code.
- (6) "Alarm company trustee" means an individual with control of or power of administration over property held in trust.
- (7)
 - (a) "Alarm system" means equipment and devices assembled for the purpose of:
 - (i) detecting and signaling unauthorized intrusion or entry into or onto certain premises; or
 - (ii) signaling a robbery or attempted robbery on protected premises.
 - (b) "Alarm system" includes a battery-charged suspended-wire system or fence that is part of and interfaces with an alarm system for the purposes of detecting and deterring unauthorized intrusion or entry into or onto certain premises.
- (8) "Apprentice electrician" means a person licensed under this chapter as an apprentice electrician who is learning the electrical trade under the immediate supervision of a master electrician, residential master electrician, a journeyman electrician, or a residential journeyman electrician.
- (9) "Apprentice plumber" means a person licensed under this chapter as an apprentice plumber who is learning the plumbing trade under the immediate supervision of a master plumber, residential master plumber, journeyman plumber, or a residential journeyman plumber.
- (10) "Approved continuing education" means instruction provided through courses under a program established under Subsection 58-55-302.5(2).
- (11)
 - (a) "Approved prelicensure course provider" means a provider that is the Associated General Contractors of Utah, the Utah Chapter of the Associated Builders and Contractors, or the Utah Home Builders Association, and that meets the requirements established by rule by the commission with the concurrence of the director, to teach the 25-hour course described in Subsection 58-55-302(1)(e)(iii).
 - (b) "Approved prelicensure course provider" may only include a provider that, in addition to any other locations, offers the 25-hour course described in Subsection 58-55-302(1)(e)(iii) at least six times each year in one or more counties other than Salt Lake County, Utah County, Davis County, or Weber County.
- (12) "Board" means the Electrician Licensing Board, Alarm System Security and Licensing Board, or Plumbers Licensing Board created in Section 58-55-201.
- (13) "Combustion system" means an assembly consisting of:
 - (a) piping and components with a means for conveying, either continuously or intermittently, natural gas from the outlet of the natural gas provider's meter to the burner of the appliance;
 - (b) the electric control and combustion air supply and venting systems, including air ducts; and
 - (c) components intended to achieve control of quantity, flow, and pressure.
- (14) "Commission" means the Construction Services Commission created under Section 58-55-103.
- (15) "Construction trade" means any trade or occupation involving:
 - (a)
 - (i) construction, alteration, remodeling, repairing, wrecking or demolition, addition to, or improvement of any building, highway, road, railroad, dam, bridge, structure, excavation or other project, development, or improvement to other than personal property; and

- (ii) constructing, remodeling, or repairing a manufactured home or mobile home as defined in Section 15A-1-302; or
 - (b) installation or repair of a residential or commercial natural gas appliance or combustion system.
- (16) "Construction trades instructor" means a person licensed under this chapter to teach one or more construction trades in both a classroom and project environment, where a project is intended for sale to or use by the public and is completed under the direction of the instructor, who has no economic interest in the project.
- (17)
- (a) "Contractor" means any person who for compensation other than wages as an employee undertakes any work in the construction, plumbing, or electrical trade for which licensure is required under this chapter and includes:
 - (i) a person who builds any structure on the person's own property for the purpose of sale or who builds any structure intended for public use on the person's own property;
 - (ii) any person who represents that the person is a contractor, or will perform a service described in this Subsection (17) by advertising on a website or social media, or any other means;
 - (iii) any person engaged as a maintenance person, other than an employee, who regularly engages in activities set forth under the definition of "construction trade";
 - (iv) any person engaged in, or offering to engage in, any construction trade for which licensure is required under this chapter; or
 - (v) a construction manager, construction consultant, construction assistant, or any other person who, for a fee:
 - (A) performs or offers to perform construction consulting;
 - (B) performs or offers to perform management of construction subcontractors;
 - (C) provides or offers to provide a list of subcontractors or suppliers; or
 - (D) provides or offers to provide management or counseling services on a construction project.
 - (b) "Contractor" does not include:
 - (i) an alarm company or alarm company agent; or
 - (ii) a material supplier who provides consulting to customers regarding the design and installation of the material supplier's products.
- (18)
- (a) "Electrical trade" means the performance of any electrical work involved in the installation, construction, alteration, change, repair, removal, or maintenance of facilities, buildings, or appendages or appurtenances.
 - (b) "Electrical trade" does not include:
 - (i) transporting or handling electrical materials;
 - (ii) preparing clearance for raceways for wiring;
 - (iii) work commonly done by unskilled labor on any installations under the exclusive control of electrical utilities;
 - (iv) work involving cable-type wiring that does not pose a shock or fire-initiation hazard; or
 - (v) work involving class two or class three power-limited circuits as defined in the National Electrical Code.
- (19) "Elevator" means the same as that term is defined in Section 34A-7-202, except that for purposes of this chapter it does not mean a stair chair, a vertical platform lift, or an incline platform lift.

- (20) "Elevator contractor" means a sole proprietor, firm, or corporation licensed under this chapter that is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining an elevator.
- (21) "Elevator mechanic" means an individual who is licensed under this chapter as an elevator mechanic and who is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining an elevator under the immediate supervision of an elevator contractor.
- (22) "Employee" means an individual as defined by the division by rule giving consideration to the definition adopted by the Internal Revenue Service and the Department of Workforce Services.
- (23) "Engage in a construction trade" means to:
- (a) engage in, represent oneself to be engaged in, or advertise oneself as being engaged in a construction trade; or
 - (b) use the name "contractor" or "builder" or in any other way lead a reasonable person to believe one is or will act as a contractor.
- (24)
- (a) "Financial responsibility" means a demonstration of a current and expected future condition of financial solvency evidencing a reasonable expectation to the division and the board that an applicant or licensee can successfully engage in business as a contractor without jeopardy to the public health, safety, and welfare.
 - (b) Financial responsibility may be determined by an evaluation of the total history concerning the licensee or applicant including past, present, and expected condition and record of financial solvency and business conduct.
- (25) "Gas appliance" means any device that uses natural gas to produce light, heat, power, steam, hot water, refrigeration, or air conditioning.
- (26)
- (a) "General building contractor" means a person licensed under this chapter as a general building contractor qualified by education, training, experience, and knowledge to perform or superintend construction of structures for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind or any of the components of that construction except plumbing, electrical work, mechanical work, work related to the operating integrity of an elevator, and manufactured housing installation, for which the general building contractor shall employ the services of a contractor licensed in the particular specialty, except that a general building contractor engaged in the construction of single-family and multifamily residences up to four units may perform the mechanical work and hire a licensed plumber or electrician as an employee.
 - (b) The division may by rule exclude general building contractors from engaging in the performance of other construction specialties in which there is represented a substantial risk to the public health, safety, and welfare, and for which a license is required unless that general building contractor holds a valid license in that specialty classification.
- (27)
- (a) "General electrical contractor" means a person licensed under this chapter as a general electrical contractor qualified by education, training, experience, and knowledge to perform the fabrication, construction, and installation of generators, transformers, conduits, raceways, panels, switch gear, electrical wires, fixtures, appliances, or apparatus that uses electrical energy.
 - (b) The scope of work of a general electrical contractor may be further defined by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (28)

- (a) "General engineering contractor" means a person licensed under this chapter as a general engineering contractor qualified by education, training, experience, and knowledge to perform or superintend construction of fixed works or components of fixed works requiring specialized engineering knowledge and skill in any of the following:
- (i) irrigation;
 - (ii) drainage;
 - (iii) water power;
 - (iv) water supply;
 - (v) flood control;
 - (vi) an inland waterway;
 - (vii) a harbor;
 - (viii) a railroad;
 - (ix) a highway;
 - (x) a tunnel;
 - (xi) an airport;
 - (xii) an airport runway;
 - (xiii) a sewer;
 - (xiv) a bridge;
 - (xv) a refinery;
 - (xvi) a pipeline;
 - (xvii) a chemical plant;
 - (xviii) an industrial plant;
 - (xix) a pier;
 - (xx) a foundation;
 - (xxi) a power plant; or
 - (xxii) a utility plant or installation.
- (b) A general engineering contractor may not perform or superintend:
- (i) construction of a structure built primarily for the support, shelter, and enclosure of persons, animals, and chattels; or
 - (ii) performance of:
 - (A) plumbing work;
 - (B) electrical work; or
 - (C) mechanical work.
- (29)
- (a) "General plumbing contractor" means a person licensed under this chapter as a general plumbing contractor qualified by education, training, experience, and knowledge to perform the fabrication or installation of material and fixtures to create and maintain sanitary conditions in a building by providing permanent means for a supply of safe and pure water, a means for the timely and complete removal from the premises of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, and a safe and adequate supply of gases for lighting, heating, and industrial purposes.
- (b) The scope of work of a general plumbing contractor may be further defined by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (30) "Immediate supervision" means reasonable direction, oversight, inspection, and evaluation of the work of a person:
- (a) as the division specifies in rule;

- (b) by, as applicable, a qualified electrician or plumber;
 - (c) as part of a planned program of training; and
 - (d) to ensure that the end result complies with applicable standards.
- (31) "Individual" means a natural person.
- (32) "Journeyman electrician" means a person licensed under this chapter as a journeyman electrician having the qualifications, training, experience, and knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power, and other purposes.
- (33) "Journeyman plumber" means a person licensed under this chapter as a journeyman plumber having the qualifications, training, experience, and technical knowledge to engage in the plumbing trade.
- (34) "Master electrician" means a person licensed under this chapter as a master electrician having the qualifications, training, experience, and knowledge to properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment for light, heat, power, and other purposes.
- (35) "Master plumber" means a person licensed under this chapter as a master plumber having the qualifications, training, experience, and knowledge to properly plan and layout projects and supervise persons in the plumbing trade.
- (36) "Person" means a natural person, sole proprietorship, joint venture, corporation, limited liability company, association, or organization of any type.
- (37)
- (a) "Plumbing trade" means the performance of any mechanical work pertaining to the installation, alteration, change, repair, removal, maintenance, or use in buildings, or within three feet beyond the outside walls of buildings, of pipes, fixtures, and fittings for the:
 - (i) delivery of the water supply;
 - (ii) discharge of liquid and water carried waste;
 - (iii) building drainage system within the walls of the building; and
 - (iv) delivery of gases for lighting, heating, and industrial purposes.
 - (b) "Plumbing trade" includes work pertaining to the water supply, distribution pipes, fixtures and fixture traps, soil, waste and vent pipes, the building drain and roof drains, and the safe and adequate supply of gases, together with their devices, appurtenances, and connections where installed within the outside walls of the building.
- (38) "Ratio of apprentices" means the number of licensed plumber apprentices or licensed electrician apprentices that are allowed to be under the immediate supervision of a licensed supervisor as established by the provisions of this chapter and by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (39) "Residential and small commercial contractor" means a person licensed under this chapter as a residential and small commercial contractor qualified by education, training, experience, and knowledge to perform or superintend the construction of single-family residences, multifamily residences up to four units, and commercial construction of not more than three stories above ground and not more than 20,000 square feet, or any of the components of that construction except plumbing, electrical work, mechanical work, and manufactured housing installation, for which the residential and small commercial contractor shall employ the services of a contractor licensed in the particular specialty, except that a residential and small commercial contractor engaged in the construction of single-family and multifamily residences up to four units may perform the mechanical work and hire a licensed plumber or electrician as an employee.

- (40) "Residential building," as it relates to the license classification of residential journeyman plumber and residential master plumber, means a single or multiple family dwelling of up to four units.
- (41)
- (a) "Residential electrical contractor" means a person licensed under this chapter as a residential electrical contractor qualified by education, training, experience, and knowledge to perform the fabrication, construction, and installation of services, disconnecting means, grounding devices, panels, conductors, load centers, lighting and plug circuits, appliances, and fixtures in a residential unit.
- (b) The scope of work of a residential electrical contractor may be further defined by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (42) "Residential journeyman electrician" means a person licensed under this chapter as a residential journeyman electrician having the qualifications, training, experience, and knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power, and other purposes on buildings using primarily nonmetallic sheath cable.
- (43) "Residential journeyman plumber" means a person licensed under this chapter as a residential journeyman plumber having the qualifications, training, experience, and knowledge to engage in the plumbing trade as limited to the plumbing of residential buildings.
- (44) "Residential master electrician" means a person licensed under this chapter as a residential master electrician having the qualifications, training, experience, and knowledge to properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment for light, heat, power, and other purposes on residential projects.
- (45) "Residential master plumber" means a person licensed under this chapter as a residential master plumber having the qualifications, training, experience, and knowledge to properly plan and layout projects and supervise persons in the plumbing trade as limited to the plumbing of residential buildings.
- (46)
- (a) "Residential plumbing contractor" means a person licensed under this chapter as a residential plumbing contractor qualified by education, training, experience, and knowledge to perform the fabrication or installation of material and fixtures to create and maintain sanitary conditions in residential buildings by providing permanent means for a supply of safe and pure water, a means for the timely and complete removal from the premises of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, and a safe and adequate supply of gases for lighting, heating, and residential purposes.
- (b) The scope of work of a residential plumbing contractor may be further defined by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (47) "Residential project," as it relates to an electrician or electrical contractor, means buildings primarily wired with nonmetallic sheathed cable, in accordance with standard rules and regulations governing this work, including the National Electrical Code, and in which the voltage does not exceed 250 volts line to line and 125 volts to ground.
- (48) "Responsible management personnel" means:
- (a) a qualifying agent;
- (b) an operations manager; or
- (c) a site manager.
- (49) "Sensitive alarm system information" means:

- (a) a pass code or other code used in the operation of an alarm system;
 - (b) information on the location of alarm system components at the premises of a customer of the alarm business providing the alarm system;
 - (c) information that would allow the circumvention, bypass, deactivation, or other compromise of an alarm system of a customer of the alarm business providing the alarm system; and
 - (d) any other similar information that the division by rule determines to be information that an individual employed by an alarm business should use or have access to only if the individual is licensed as provided in this chapter.
- (50)
- (a) "Specialty contractor" means a person licensed under this chapter under a specialty contractor classification established by rule, who is qualified by education, training, experience, and knowledge to perform those construction trades and crafts requiring specialized skill, the regulation of which are determined by the division to be in the best interest of the public health, safety, and welfare.
 - (b) A specialty contractor may perform work in crafts or trades other than those in which the specialty contractor is licensed if they are incidental to the performance of the specialty contractor's licensed craft or trade.
- (51) "Unincorporated entity" means an entity that is not:
- (a) an individual;
 - (b) a corporation; or
 - (c) publicly traded.
- (52) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-55-501.
- (53) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-55-502 and as may be further defined by rule.
- (54) "Wages" means amounts due to an employee for labor or services whether the amount is fixed or ascertained on a time, task, piece, commission, or other basis for calculating the amount.

Amended by Chapter 223, 2023 General Session

Effective 7/1/2024

Superseded 10/1/2024

58-55-102 Definitions.

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

- (1)
- (a) "Alarm business" or "alarm company" means a person engaged in the sale, installation, maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system, except as provided in Subsection (1)(b).
 - (b) "Alarm business" or "alarm company" does not include:
 - (i) a person engaged in the manufacture or sale of alarm systems unless:
 - (A) that person is also engaged in the installation, maintenance, alteration, repair, replacement, servicing, or monitoring of alarm systems;
 - (B) the manufacture or sale occurs at a location other than a place of business established by the person engaged in the manufacture or sale; or
 - (C) the manufacture or sale involves site visits at the place or intended place of installation of an alarm system; or

- (ii) an owner of an alarm system, or an employee of the owner of an alarm system who is engaged in installation, maintenance, alteration, repair, replacement, servicing, or monitoring of the alarm system owned by that owner.
- (2) "Alarm company agent":
 - (a) except as provided in Subsection (2)(b), means any individual employed within this state by an alarm business; and
 - (b) does not include an individual who:
 - (i) is not engaged in the sale, installation, maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system; and
 - (ii) does not, during the normal course of the individual's employment with an alarm business, use or have access to sensitive alarm system information.
- (3) "Alarm company officer" means:
 - (a) a governing person, as defined in Section 48-3a-102, of an alarm company;
 - (b) an individual appointed as an officer of an alarm company that is a corporation in accordance with Section 16-10a-830;
 - (c) a general partner, as defined in Section 48-2e-102, of an alarm company; or
 - (d) a partner, as defined in Section 48-1d-102, of an alarm company.
- (4) "Alarm company owner" means:
 - (a) a shareholder, as defined in Section 16-10a-102, who owns directly, or indirectly through an entity controlled by the individual, 5% or more of the outstanding shares of an alarm company that:
 - (i) is a corporation; and
 - (ii) is not publicly listed or traded; or
 - (b) an individual who owns directly, or indirectly through an entity controlled by the individual, 5% or more of the equity of an alarm company that is not a corporation.
- (5) "Alarm company proprietor" means the sole proprietor of an alarm company that is registered as a sole proprietorship with the Division of Corporations and Commercial Code.
- (6) "Alarm company trustee" means an individual with control of or power of administration over property held in trust.
- (7)
 - (a) "Alarm system" means equipment and devices assembled for the purpose of:
 - (i) detecting and signaling unauthorized intrusion or entry into or onto certain premises; or
 - (ii) signaling a robbery or attempted robbery on protected premises.
 - (b) "Alarm system" includes a battery-charged suspended-wire system or fence that is part of and interfaces with an alarm system for the purposes of detecting and deterring unauthorized intrusion or entry into or onto certain premises.
- (8) "Apprentice electrician" means a person licensed under this chapter as an apprentice electrician who is learning the electrical trade under the immediate supervision of a master electrician, residential master electrician, a journeyman electrician, or a residential journeyman electrician.
- (9) "Apprentice plumber" means a person licensed under this chapter as an apprentice plumber who is learning the plumbing trade under the immediate supervision of a master plumber, residential master plumber, journeyman plumber, or a residential journeyman plumber.
- (10) "Approved continuing education" means instruction provided through courses under a program established under Subsection 58-55-302.5(2).
- (11)
 - (a) "Approved prelicensure course provider" means a provider that is the Associated General Contractors of Utah, the Utah Chapter of the Associated Builders and Contractors, or the

Utah Home Builders Association, and that meets the requirements established by rule by the commission with the concurrence of the director, to teach the 25-hour course described in Subsection 58-55-302(1)(e)(iii).

- (b) "Approved preclicensure course provider" may only include a provider that, in addition to any other locations, offers the 25-hour course described in Subsection 58-55-302(1)(e)(iii) at least six times each year in one or more counties other than Salt Lake County, Utah County, Davis County, or Weber County.
- (12) "Board" means the Electrician Licensing Board, Alarm System Security and Licensing Board, or Plumbers Licensing Board created in Section 58-55-201.
- (13) "Combustion system" means an assembly consisting of:
 - (a) piping and components with a means for conveying, either continuously or intermittently, natural gas from the outlet of the natural gas provider's meter to the burner of the appliance;
 - (b) the electric control and combustion air supply and venting systems, including air ducts; and
 - (c) components intended to achieve control of quantity, flow, and pressure.
- (14) "Commission" means the Construction Services Commission created under Section 58-55-103.
- (15) "Construction trade" means any trade or occupation involving:
 - (a)
 - (i) construction, alteration, remodeling, repairing, wrecking or demolition, addition to, or improvement of any building, highway, road, railroad, dam, bridge, structure, excavation or other project, development, or improvement to other than personal property; and
 - (ii) constructing, remodeling, or repairing a manufactured home or mobile home as defined in Section 15A-1-302; or
 - (b) installation or repair of a residential or commercial natural gas appliance or combustion system.
- (16) "Construction trades instructor" means a person licensed under this chapter to teach one or more construction trades in both a classroom and project environment, where a project is intended for sale to or use by the public and is completed under the direction of the instructor, who has no economic interest in the project.
- (17)
 - (a) "Contractor" means any person who for compensation other than wages as an employee undertakes any work in the construction, plumbing, or electrical trade for which licensure is required under this chapter and includes:
 - (i) a person who builds any structure on the person's own property for the purpose of sale or who builds any structure intended for public use on the person's own property;
 - (ii) any person who represents that the person is a contractor, or will perform a service described in this Subsection (17) by advertising on a website or social media, or any other means;
 - (iii) any person engaged as a maintenance person, other than an employee, who regularly engages in activities set forth under the definition of "construction trade";
 - (iv) any person engaged in, or offering to engage in, any construction trade for which licensure is required under this chapter; or
 - (v) a construction manager, construction consultant, construction assistant, or any other person who, for a fee:
 - (A) performs or offers to perform construction consulting;
 - (B) performs or offers to perform management of construction subcontractors;
 - (C) provides or offers to provide a list of subcontractors or suppliers; or

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

(b) "Contractor" does not include:

- (i) an alarm company or alarm company agent; or
- (ii) a material supplier who provides consulting to customers regarding the design and installation of the material supplier's products.

(18)

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

(b) "Electrical trade" does not include:

- (i) transporting or handling electrical materials;
- (ii) preparing clearance for raceways for wiring;
- (iii) work commonly done by unskilled labor on any installations under the exclusive control of electrical utilities;
- (iv) work involving cable-type wiring that does not pose a shock or fire-initiation hazard; or
- (v) work involving class two or class three power-limited circuits as defined in the National Electrical Code.

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

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

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

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

(23) "Engage in a construction trade" means to:

- (a) engage in, represent oneself to be engaged in, or advertise oneself as being engaged in a construction trade; or
- (b) use the name "contractor" or "builder" or in any other way lead a reasonable person to believe one is or will act as a contractor.

(24)

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

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

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

(26)

(a) "General building contractor" means a person licensed under this chapter as a general building contractor qualified by education, training, experience, and knowledge to perform or superintend construction of structures for the support, shelter, and enclosure of persons,

animals, chattels, or movable property of any kind or any of the components of that construction except plumbing, electrical work, mechanical work, work related to the operating integrity of an elevator, and manufactured housing installation, for which the general building contractor shall employ the services of a contractor licensed in the particular specialty, except that a general building contractor engaged in the construction of single-family and multifamily residences up to four units may perform the mechanical work and hire a licensed plumber or electrician as an employee.

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

(27)

- (a) "General electrical contractor" means a person licensed under this chapter as a general electrical contractor qualified by education, training, experience, and knowledge to perform the fabrication, construction, and installation of generators, transformers, conduits, raceways, panels, switch gear, electrical wires, fixtures, appliances, or apparatus that uses electrical energy.
- (b) The scope of work of a general electrical contractor may be further defined by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(28)

- (a) "General engineering contractor" means a person licensed under this chapter as a general engineering contractor qualified by education, training, experience, and knowledge to perform or superintend construction of fixed works or components of fixed works requiring specialized engineering knowledge and skill in any of the following:
- (i) irrigation;
 - (ii) drainage;
 - (iii) water power;
 - (iv) water supply;
 - (v) flood control;
 - (vi) an inland waterway;
 - (vii) a harbor;
 - (viii) a railroad;
 - (ix) a highway;
 - (x) a tunnel;
 - (xi) an airport;
 - (xii) an airport runway;
 - (xiii) a sewer;
 - (xiv) a bridge;
 - (xv) a refinery;
 - (xvi) a pipeline;
 - (xvii) a chemical plant;
 - (xviii) an industrial plant;
 - (xix) a pier;
 - (xx) a foundation;
 - (xxi) a power plant;
 - (xxii) a utility plant or installation; or
 - (xxiii) an underground electric utility conduit.

- (b) A general engineering contractor may not perform or superintend:
 - (i) construction of a structure built primarily for the support, shelter, and enclosure of persons, animals, and chattels; or
 - (ii) performance of:
 - (A) plumbing work;
 - (B) electrical work beyond underground electric utility conduit; or
 - (C) mechanical work.
- (29)
 - (a) "General plumbing contractor" means a person licensed under this chapter as a general plumbing contractor qualified by education, training, experience, and knowledge to perform the fabrication or installation of material and fixtures to create and maintain sanitary conditions in a building by providing permanent means for a supply of safe and pure water, a means for the timely and complete removal from the premises of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, and a safe and adequate supply of gases for lighting, heating, and industrial purposes.
 - (b) The scope of work of a general plumbing contractor may be further defined by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (30) "Immediate supervision" means reasonable direction, oversight, inspection, and evaluation of the work of a person:
 - (a) as the division specifies in rule;
 - (b) by, as applicable, a qualified electrician or plumber;
 - (c) as part of a planned program of training; and
 - (d) to ensure that the end result complies with applicable standards.
- (31) "Individual" means a natural person.
- (32) "Journeyman electrician" means a person licensed under this chapter as a journeyman electrician having the qualifications, training, experience, and knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power, and other purposes.
- (33) "Journeyman plumber" means a person licensed under this chapter as a journeyman plumber having the qualifications, training, experience, and technical knowledge to engage in the plumbing trade.
- (34) "Master electrician" means a person licensed under this chapter as a master electrician having the qualifications, training, experience, and knowledge to properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment for light, heat, power, and other purposes.
- (35) "Master plumber" means a person licensed under this chapter as a master plumber having the qualifications, training, experience, and knowledge to properly plan and layout projects and supervise persons in the plumbing trade.
- (36) "Person" means a natural person, sole proprietorship, joint venture, corporation, limited liability company, association, or organization of any type.
- (37)
 - (a) "Plumbing trade" means the performance of any mechanical work pertaining to the installation, alteration, change, repair, removal, maintenance, or use in buildings, or within three feet beyond the outside walls of buildings, of pipes, fixtures, and fittings for the:
 - (i) delivery of the water supply;
 - (ii) discharge of liquid and water carried waste;
 - (iii) building drainage system within the walls of the building; and

- (iv) delivery of gases for lighting, heating, and industrial purposes.
- (b) "Plumbing trade" includes work pertaining to the water supply, distribution pipes, fixtures and fixture traps, soil, waste and vent pipes, the building drain and roof drains, and the safe and adequate supply of gases, together with their devices, appurtenances, and connections where installed within the outside walls of the building.
- (38) "Ratio of apprentices" means the number of licensed plumber apprentices or licensed electrician apprentices that are allowed to be under the immediate supervision of a licensed supervisor as established by the provisions of this chapter and by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (39) "Residential and small commercial contractor" means a person licensed under this chapter as a residential and small commercial contractor qualified by education, training, experience, and knowledge to perform or superintend the construction of single-family residences, multifamily residences up to four units, and commercial construction of not more than three stories above ground and not more than 20,000 square feet, or any of the components of that construction except plumbing, electrical work, mechanical work, and manufactured housing installation, for which the residential and small commercial contractor shall employ the services of a contractor licensed in the particular specialty, except that a residential and small commercial contractor engaged in the construction of single-family and multifamily residences up to four units may perform the mechanical work and hire a licensed plumber or electrician as an employee.
- (40) "Residential building," as it relates to the license classification of residential journeyman plumber and residential master plumber, means a single or multiple family dwelling of up to four units.
- (41)
 - (a) "Residential electrical contractor" means a person licensed under this chapter as a residential electrical contractor qualified by education, training, experience, and knowledge to perform the fabrication, construction, and installation of services, disconnecting means, grounding devices, panels, conductors, load centers, lighting and plug circuits, appliances, and fixtures in a residential unit.
 - (b) The scope of work of a residential electrical contractor may be further defined by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (42) "Residential journeyman electrician" means a person licensed under this chapter as a residential journeyman electrician having the qualifications, training, experience, and knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power, and other purposes on buildings using primarily nonmetallic sheath cable.
- (43) "Residential journeyman plumber" means a person licensed under this chapter as a residential journeyman plumber having the qualifications, training, experience, and knowledge to engage in the plumbing trade as limited to the plumbing of residential buildings.
- (44) "Residential master electrician" means a person licensed under this chapter as a residential master electrician having the qualifications, training, experience, and knowledge to properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment for light, heat, power, and other purposes on residential projects.
- (45) "Residential master plumber" means a person licensed under this chapter as a residential master plumber having the qualifications, training, experience, and knowledge to properly plan and layout projects and supervise persons in the plumbing trade as limited to the plumbing of residential buildings.
- (46)

- (a) "Residential plumbing contractor" means a person licensed under this chapter as a residential plumbing contractor qualified by education, training, experience, and knowledge to perform the fabrication or installation of material and fixtures to create and maintain sanitary conditions in residential buildings by providing permanent means for a supply of safe and pure water, a means for the timely and complete removal from the premises of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, and a safe and adequate supply of gases for lighting, heating, and residential purposes.
- (b) The scope of work of a residential plumbing contractor may be further defined by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (47) "Residential project," as it relates to an electrician or electrical contractor, means buildings primarily wired with nonmetallic sheathed cable, in accordance with standard rules and regulations governing this work, including the National Electrical Code, and in which the voltage does not exceed 250 volts line to line and 125 volts to ground.
- (48) "Responsible management personnel" means:
 - (a) a qualifying agent;
 - (b) an operations manager; or
 - (c) a site manager.
- (49) "Sensitive alarm system information" means:
 - (a) a pass code or other code used in the operation of an alarm system;
 - (b) information on the location of alarm system components at the premises of a customer of the alarm business providing the alarm system;
 - (c) information that would allow the circumvention, bypass, deactivation, or other compromise of an alarm system of a customer of the alarm business providing the alarm system; and
 - (d) any other similar information that the division by rule determines to be information that an individual employed by an alarm business should use or have access to only if the individual is licensed as provided in this chapter.
- (50)
 - (a) "Specialty contractor" means a person licensed under this chapter under a specialty contractor classification established by rule, who is qualified by education, training, experience, and knowledge to perform those construction trades and crafts requiring specialized skill, the regulation of which are determined by the division to be in the best interest of the public health, safety, and welfare.
 - (b) A specialty contractor may perform work in crafts or trades other than those in which the specialty contractor is licensed if they are incidental to the performance of the specialty contractor's licensed craft or trade.
- (51) "Unincorporated entity" means an entity that is not:
 - (a) an individual;
 - (b) a corporation; or
 - (c) publicly traded.
- (52) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-55-501.
- (53) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-55-502 and as may be further defined by rule.
- (54) "Wages" means amounts due to an employee for labor or services whether the amount is fixed or ascertained on a time, task, piece, commission, or other basis for calculating the amount.

Amended by Chapter 505, 2024 General Session

Effective 10/1/2024

58-55-102 Definitions.

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

- (1)
 - (a) "Alarm business" or "alarm company" means a person engaged in the sale, installation, maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system, except as provided in Subsection (1)(b).
 - (b) "Alarm business" or "alarm company" does not include:
 - (i) a person engaged in the manufacture or sale of alarm systems unless:
 - (A) that person is also engaged in the installation, maintenance, alteration, repair, replacement, servicing, or monitoring of alarm systems;
 - (B) the manufacture or sale occurs at a location other than a place of business established by the person engaged in the manufacture or sale; or
 - (C) the manufacture or sale involves site visits at the place or intended place of installation of an alarm system; or
 - (ii) an owner of an alarm system, or an employee of the owner of an alarm system who is engaged in installation, maintenance, alteration, repair, replacement, servicing, or monitoring of the alarm system owned by that owner.
- (2) "Alarm company agent":
 - (a) except as provided in Subsection (2)(b), means any individual employed within this state by an alarm business; and
 - (b) does not include an individual who:
 - (i) is not engaged in the sale, installation, maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system; and
 - (ii) does not, during the normal course of the individual's employment with an alarm business, use or have access to sensitive alarm system information.
- (3) "Alarm company officer" means:
 - (a) a governing person, as defined in Section 48-3a-102, of an alarm company;
 - (b) an individual appointed as an officer of an alarm company that is a corporation in accordance with Section 16-10a-830;
 - (c) a general partner, as defined in Section 48-2e-102, of an alarm company; or
 - (d) a partner, as defined in Section 48-1d-102, of an alarm company.
- (4) "Alarm company owner" means:
 - (a) a shareholder, as defined in Section 16-10a-102, who owns directly, or indirectly through an entity controlled by the individual, 5% or more of the outstanding shares of an alarm company that:
 - (i) is a corporation; and
 - (ii) is not publicly listed or traded; or
 - (b) an individual who owns directly, or indirectly through an entity controlled by the individual, 5% or more of the equity of an alarm company that is not a corporation.
- (5) "Alarm company proprietor" means the sole proprietor of an alarm company that is registered as a sole proprietorship with the Division of Corporations and Commercial Code.
- (6) "Alarm company trustee" means an individual with control of or power of administration over property held in trust.
- (7)

- (a) "Alarm system" means equipment and devices assembled for the purpose of:
 - (i) detecting and signaling unauthorized intrusion or entry into or onto certain premises; or
 - (ii) signaling a robbery or attempted robbery on protected premises.
- (b) "Alarm system" includes a battery-charged suspended-wire system or fence that is part of and interfaces with an alarm system for the purposes of detecting and deterring unauthorized intrusion or entry into or onto certain premises.
- (8) "Apprentice electrician" means a person licensed under this chapter as an apprentice electrician who is learning the electrical trade under the immediate supervision of a master electrician, residential master electrician, a journeyman electrician, or a residential journeyman electrician.
- (9) "Apprentice plumber" means a person licensed under this chapter as an apprentice plumber who is learning the plumbing trade under the immediate supervision of a master plumber, residential master plumber, journeyman plumber, or a residential journeyman plumber.
- (10) "Approved continuing education" means instruction provided through courses under a program established under Subsection 58-55-302.5(2).
- (11)
 - (a) "Approved preclicensure course provider" means a provider that is the Associated General Contractors of Utah, the Utah Chapter of the Associated Builders and Contractors, or the Utah Home Builders Association, and that meets the requirements established by rule by the commission with the concurrence of the director, to teach the 25-hour course described in Subsection 58-55-302(1)(e)(iii).
 - (b) "Approved preclicensure course provider" may only include a provider that, in addition to any other locations, offers the 25-hour course described in Subsection 58-55-302(1)(e)(iii) at least six times each year in one or more counties other than Salt Lake County, Utah County, Davis County, or Weber County.
- (12) "Board" means the Alarm System Security and Licensing Board or Electricians and Plumbers Licensing Board created in Section 58-55-201.
- (13) "Combustion system" means an assembly consisting of:
 - (a) piping and components with a means for conveying, either continuously or intermittently, natural gas from the outlet of the natural gas provider's meter to the burner of the appliance;
 - (b) the electric control and combustion air supply and venting systems, including air ducts; and
 - (c) components intended to achieve control of quantity, flow, and pressure.
- (14) "Commission" means the Construction Services Commission created under Section 58-55-103.
- (15) "Construction trade" means any trade or occupation involving:
 - (a)
 - (i) construction, alteration, remodeling, repairing, wrecking or demolition, addition to, or improvement of any building, highway, road, railroad, dam, bridge, structure, excavation or other project, development, or improvement to other than personal property; and
 - (ii) constructing, remodeling, or repairing a manufactured home or mobile home as defined in Section 15A-1-302; or
 - (b) installation or repair of a residential or commercial natural gas appliance or combustion system.
- (16) "Construction trades instructor" means a person licensed under this chapter to teach one or more construction trades in both a classroom and project environment, where a project is intended for sale to or use by the public and is completed under the direction of the instructor, who has no economic interest in the project.
- (17)

- (a) "Contractor" means any person who for compensation other than wages as an employee undertakes any work in the construction, plumbing, or electrical trade for which licensure is required under this chapter and includes:
- (i) a person who builds any structure on the person's own property for the purpose of sale or who builds any structure intended for public use on the person's own property;
 - (ii) any person who represents that the person is a contractor, or will perform a service described in this Subsection (17) by advertising on a website or social media, or any other means;
 - (iii) any person engaged as a maintenance person, other than an employee, who regularly engages in activities set forth under the definition of "construction trade";
 - (iv) any person engaged in, or offering to engage in, any construction trade for which licensure is required under this chapter; or
 - (v) a construction manager, construction consultant, construction assistant, or any other person who, for a fee:
 - (A) performs or offers to perform construction consulting;
 - (B) performs or offers to perform management of construction subcontractors;
 - (C) provides or offers to provide a list of subcontractors or suppliers; or
 - (D) provides or offers to provide management or counseling services on a construction project.
- (b) "Contractor" does not include:
- (i) an alarm company or alarm company agent; or
 - (ii) a material supplier who provides consulting to customers regarding the design and installation of the material supplier's products.
- (18)
- (a) "Electrical trade" means the performance of any electrical work involved in the installation, construction, alteration, change, repair, removal, or maintenance of facilities, buildings, or appendages or appurtenances.
- (b) "Electrical trade" does not include:
- (i) transporting or handling electrical materials;
 - (ii) preparing clearance for raceways for wiring;
 - (iii) work commonly done by unskilled labor on any installations under the exclusive control of electrical utilities;
 - (iv) work involving cable-type wiring that does not pose a shock or fire-initiation hazard; or
 - (v) work involving class two or class three power-limited circuits as defined in the National Electrical Code.
- (19) "Elevator" means the same as that term is defined in Section 34A-7-202, except that for purposes of this chapter it does not mean a stair chair, a vertical platform lift, or an incline platform lift.
- (20) "Elevator contractor" means a sole proprietor, firm, or corporation licensed under this chapter that is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining an elevator.
- (21) "Elevator mechanic" means an individual who is licensed under this chapter as an elevator mechanic and who is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining an elevator under the immediate supervision of an elevator contractor.
- (22) "Employee" means an individual as defined by the division by rule giving consideration to the definition adopted by the Internal Revenue Service and the Department of Workforce Services.
- (23) "Engage in a construction trade" means to:

- (a) engage in, represent oneself to be engaged in, or advertise oneself as being engaged in a construction trade; or
 - (b) use the name "contractor" or "builder" or in any other way lead a reasonable person to believe one is or will act as a contractor.
- (24)
- (a) "Financial responsibility" means a demonstration of a current and expected future condition of financial solvency evidencing a reasonable expectation to the division and the board that an applicant or licensee can successfully engage in business as a contractor without jeopardy to the public health, safety, and welfare.
 - (b) Financial responsibility may be determined by an evaluation of the total history concerning the licensee or applicant including past, present, and expected condition and record of financial solvency and business conduct.
- (25) "Gas appliance" means any device that uses natural gas to produce light, heat, power, steam, hot water, refrigeration, or air conditioning.
- (26)
- (a) "General building contractor" means a person licensed under this chapter as a general building contractor qualified by education, training, experience, and knowledge to perform or superintend construction of structures for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind or any of the components of that construction except plumbing, electrical work, mechanical work, work related to the operating integrity of an elevator, and manufactured housing installation, for which the general building contractor shall employ the services of a contractor licensed in the particular specialty, except that a general building contractor engaged in the construction of single-family and multifamily residences up to four units may perform the mechanical work and hire a licensed plumber or electrician as an employee.
 - (b) The division may by rule exclude general building contractors from engaging in the performance of other construction specialties in which there is represented a substantial risk to the public health, safety, and welfare, and for which a license is required unless that general building contractor holds a valid license in that specialty classification.
- (27)
- (a) "General electrical contractor" means a person licensed under this chapter as a general electrical contractor qualified by education, training, experience, and knowledge to perform the fabrication, construction, and installation of generators, transformers, conduits, raceways, panels, switch gear, electrical wires, fixtures, appliances, or apparatus that uses electrical energy.
 - (b) The scope of work of a general electrical contractor may be further defined by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (28)
- (a) "General engineering contractor" means a person licensed under this chapter as a general engineering contractor qualified by education, training, experience, and knowledge to perform or superintend construction of fixed works or components of fixed works requiring specialized engineering knowledge and skill in any of the following:
 - (i) irrigation;
 - (ii) drainage;
 - (iii) water power;
 - (iv) water supply;
 - (v) flood control;

- (vi) an inland waterway;
 - (vii) a harbor;
 - (viii) a railroad;
 - (ix) a highway;
 - (x) a tunnel;
 - (xi) an airport;
 - (xii) an airport runway;
 - (xiii) a sewer;
 - (xiv) a bridge;
 - (xv) a refinery;
 - (xvi) a pipeline;
 - (xvii) a chemical plant;
 - (xviii) an industrial plant;
 - (xix) a pier;
 - (xx) a foundation;
 - (xxi) a power plant;
 - (xxii) a utility plant or installation; or
 - (xxiii) an underground electric utility conduit.
- (b) A general engineering contractor may not perform or superintend:
- (i) construction of a structure built primarily for the support, shelter, and enclosure of persons, animals, and chattels; or
 - (ii) performance of:
 - (A) plumbing work;
 - (B) electrical work beyond underground electric utility conduit; or
 - (C) mechanical work.
- (29)
- (a) "General plumbing contractor" means a person licensed under this chapter as a general plumbing contractor qualified by education, training, experience, and knowledge to perform the fabrication or installation of material and fixtures to create and maintain sanitary conditions in a building by providing permanent means for a supply of safe and pure water, a means for the timely and complete removal from the premises of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, and a safe and adequate supply of gases for lighting, heating, and industrial purposes.
- (b) The scope of work of a general plumbing contractor may be further defined by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (30) "Immediate supervision" means reasonable direction, oversight, inspection, and evaluation of the work of a person:
- (a) as the division specifies in rule;
 - (b) by, as applicable, a qualified electrician or plumber;
 - (c) as part of a planned program of training; and
 - (d) to ensure that the end result complies with applicable standards.
- (31) "Individual" means a natural person.
- (32) "Journeyman electrician" means a person licensed under this chapter as a journeyman electrician having the qualifications, training, experience, and knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power, and other purposes.

- (33) "Journeyman plumber" means a person licensed under this chapter as a journeyman plumber having the qualifications, training, experience, and technical knowledge to engage in the plumbing trade.
- (34) "Master electrician" means a person licensed under this chapter as a master electrician having the qualifications, training, experience, and knowledge to properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment for light, heat, power, and other purposes.
- (35) "Master plumber" means a person licensed under this chapter as a master plumber having the qualifications, training, experience, and knowledge to properly plan and layout projects and supervise persons in the plumbing trade.
- (36) "Person" means a natural person, sole proprietorship, joint venture, corporation, limited liability company, association, or organization of any type.
- (37)
- (a) "Plumbing trade" means the performance of any mechanical work pertaining to the installation, alteration, change, repair, removal, maintenance, or use in buildings, or within three feet beyond the outside walls of buildings, of pipes, fixtures, and fittings for the:
- (i) delivery of the water supply;
 - (ii) discharge of liquid and water carried waste;
 - (iii) building drainage system within the walls of the building; and
 - (iv) delivery of gases for lighting, heating, and industrial purposes.
- (b) "Plumbing trade" includes work pertaining to the water supply, distribution pipes, fixtures and fixture traps, soil, waste and vent pipes, the building drain and roof drains, and the safe and adequate supply of gases, together with their devices, appurtenances, and connections where installed within the outside walls of the building.
- (38) "Ratio of apprentices" means the number of licensed plumber apprentices or licensed electrician apprentices that are allowed to be under the immediate supervision of a licensed supervisor as established by the provisions of this chapter and by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (39) "Residential and small commercial contractor" means a person licensed under this chapter as a residential and small commercial contractor qualified by education, training, experience, and knowledge to perform or superintend the construction of single-family residences, multifamily residences up to four units, and commercial construction of not more than three stories above ground and not more than 20,000 square feet, or any of the components of that construction except plumbing, electrical work, mechanical work, and manufactured housing installation, for which the residential and small commercial contractor shall employ the services of a contractor licensed in the particular specialty, except that a residential and small commercial contractor engaged in the construction of single-family and multifamily residences up to four units may perform the mechanical work and hire a licensed plumber or electrician as an employee.
- (40) "Residential building," as it relates to the license classification of residential journeyman plumber and residential master plumber, means a single or multiple family dwelling of up to four units.
- (41)
- (a) "Residential electrical contractor" means a person licensed under this chapter as a residential electrical contractor qualified by education, training, experience, and knowledge to perform the fabrication, construction, and installation of services, disconnecting means, grounding devices, panels, conductors, load centers, lighting and plug circuits, appliances, and fixtures in a residential unit.

- (b) The scope of work of a residential electrical contractor may be further defined by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (42) "Residential journeyman electrician" means a person licensed under this chapter as a residential journeyman electrician having the qualifications, training, experience, and knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power, and other purposes on buildings using primarily nonmetallic sheath cable.
- (43) "Residential journeyman plumber" means a person licensed under this chapter as a residential journeyman plumber having the qualifications, training, experience, and knowledge to engage in the plumbing trade as limited to the plumbing of residential buildings.
- (44) "Residential master electrician" means a person licensed under this chapter as a residential master electrician having the qualifications, training, experience, and knowledge to properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment for light, heat, power, and other purposes on residential projects.
- (45) "Residential master plumber" means a person licensed under this chapter as a residential master plumber having the qualifications, training, experience, and knowledge to properly plan and layout projects and supervise persons in the plumbing trade as limited to the plumbing of residential buildings.
- (46)
- (a) "Residential plumbing contractor" means a person licensed under this chapter as a residential plumbing contractor qualified by education, training, experience, and knowledge to perform the fabrication or installation of material and fixtures to create and maintain sanitary conditions in residential buildings by providing permanent means for a supply of safe and pure water, a means for the timely and complete removal from the premises of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, and a safe and adequate supply of gases for lighting, heating, and residential purposes.
- (b) The scope of work of a residential plumbing contractor may be further defined by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (47) "Residential project," as it relates to an electrician or electrical contractor, means buildings primarily wired with nonmetallic sheathed cable, in accordance with standard rules and regulations governing this work, including the National Electrical Code, and in which the voltage does not exceed 250 volts line to line and 125 volts to ground.
- (48) "Responsible management personnel" means:
- (a) a qualifying agent;
- (b) an operations manager; or
- (c) a site manager.
- (49) "Sensitive alarm system information" means:
- (a) a pass code or other code used in the operation of an alarm system;
- (b) information on the location of alarm system components at the premises of a customer of the alarm business providing the alarm system;
- (c) information that would allow the circumvention, bypass, deactivation, or other compromise of an alarm system of a customer of the alarm business providing the alarm system; and
- (d) any other similar information that the division by rule determines to be information that an individual employed by an alarm business should use or have access to only if the individual is licensed as provided in this chapter.
- (50)

- (a) "Specialty contractor" means a person licensed under this chapter under a specialty contractor classification established by rule, who is qualified by education, training, experience, and knowledge to perform those construction trades and crafts requiring specialized skill, the regulation of which are determined by the division to be in the best interest of the public health, safety, and welfare.
- (b) A specialty contractor may perform work in crafts or trades other than those in which the specialty contractor is licensed if they are incidental to the performance of the specialty contractor's licensed craft or trade.
- (51) "Unincorporated entity" means an entity that is not:
 - (a) an individual;
 - (b) a corporation; or
 - (c) publicly traded.
- (52) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-55-501.
- (53) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-55-502 and as may be further defined by rule.
- (54) "Wages" means amounts due to an employee for labor or services whether the amount is fixed or ascertained on a time, task, piece, commission, or other basis for calculating the amount.

Amended by Chapter 507, 2024 General Session

Superseded 10/1/2024

58-55-103 Construction Services Commission created -- Functions -- Appointment -- Qualifications and terms of members -- Vacancies -- Expenses -- Meetings -- Concurrence.

- (1)
 - (a) There is created within the division the Construction Services Commission.
 - (b) The commission shall:
 - (i) with the concurrence of the director, make reasonable rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer and enforce this chapter which are consistent with this chapter including:
 - (A) licensing of various licensees;
 - (B) examination requirements and administration of the examinations, to include approving and establishing a passing score for applicant examinations;
 - (C) standards of supervision for students or persons in training to become qualified to obtain a license in the trade they represent; and
 - (D) standards of conduct for various licensees;
 - (ii) approve or disapprove fees adopted by the division under Section 63J-1-504;
 - (iii) except where the boards conduct them, conduct all administrative hearings not delegated to an administrative law judge relating to the licensing of any applicant;
 - (iv) except as otherwise provided in Sections 38-11-207 and 58-55-503, with the concurrence of the director, impose sanctions against licensees and certificate holders with the same authority as the division under Section 58-1-401;
 - (v) advise the director on the administration and enforcement of any matters affecting the division and the construction industry;
 - (vi) advise the director on matters affecting the division budget;
 - (vii) advise and assist trade associations in conducting construction trade seminars and industry education and promotion; and

(viii) perform other duties as provided by this chapter.

(2)

- (a) Initially the commission shall be comprised of the five members of the Contractors Licensing Board and two of the three chair persons from the Plumbers Licensing Board, the Alarm System Security and Licensing Board, and the Electricians Licensing Board.
- (b) The terms of office of the commission members who are serving on the Contractors Licensing Board shall continue as they serve on the commission.
- (c) Beginning July 1, 2004, the commission shall be comprised of nine members appointed by the executive director with the approval of the governor from the following groups:
 - (i) one member shall be a licensed general engineering contractor;
 - (ii) one member shall be a licensed general building contractor;
 - (iii) two members shall be licensed residential and small commercial contractors;
 - (iv) three members shall be the three chair persons from the Plumbers Licensing Board, the Alarm System Security and Licensing Board, and the Electricians Licensing Board; and
 - (v) two members shall be from the general public.

(3)

- (a) Except as required by Subsection (3)(b), as terms of current commission members expire, the executive director with the approval of the governor shall appoint each new member or reappointed member to a four-year term ending June 30.
- (b) Notwithstanding the requirements of Subsection (3)(a), the executive director with the approval of the governor shall, at the time of appointment or reappointment, adjust the length of terms to stagger the terms of commission members so that approximately 1/2 of the commission members are appointed every two years.
- (c) A commission member may not serve more than two consecutive terms.
- (4) The commission shall elect annually one of its members as chair, for a term of one year.
- (5) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(7)

- (a) The commission shall meet at least monthly unless the director determines otherwise.
- (b) The director may call additional meetings at the director's discretion, upon the request of the chair, or upon the written request of four or more commission members.

(8)

- (a) Five members constitute a quorum for the transaction of business.
- (b) If a quorum is present when a vote is taken, the affirmative vote of commission members present is the act of the commission.

(9) The commission shall comply with the procedures and requirements of Title 13, Chapter 1, Department of Commerce, and Title 63G, Chapter 4, Administrative Procedures Act, in all of its adjudicative proceedings.

(10)

- (a) For purposes of this Subsection (10), "concurrence" means the entities given a concurring role must jointly agree for the action to be taken.
- (b) If a provision of this chapter requires concurrence between the director or division and the commission and no concurrence can be reached, the director or division has final authority.

- (c) When this chapter requires concurrence between the director or division and the commission:
 - (i) the director or division shall report to and update the commission on a regular basis related to matters requiring concurrence; and
 - (ii) the commission shall review the report submitted by the director or division under this Subsection (10)(c) and concur with the report, or:
 - (A) provide a reason for not concurring with the report; and
 - (B) provide recommendations to the director or division.

Amended by Chapter 339, 2020 General Session

Effective 10/1/2024

58-55-103 Construction Services Commission created -- Functions -- Appointment -- Qualifications and terms of members -- Vacancies -- Expenses -- Meetings -- Concurrence.

- (1)
 - (a) There is created within the division the Construction Services Commission.
 - (b) The commission shall:
 - (i) with the concurrence of the director, make reasonable rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer and enforce this chapter which are consistent with this chapter including:
 - (A) licensing of various licensees;
 - (B) examination requirements and administration of the examinations, to include approving and establishing a passing score for applicant examinations;
 - (C) standards of supervision for students or persons in training to become qualified to obtain a license in the trade they represent; and
 - (D) standards of conduct for various licensees;
 - (ii) approve or disapprove fees adopted by the division under Section 63J-1-504;
 - (iii) except where the boards conduct them, conduct all administrative hearings not delegated to an administrative law judge relating to the licensing of any applicant;
 - (iv) except as otherwise provided in Sections 38-11-207 and 58-55-503, with the concurrence of the director, impose sanctions against licensees and certificate holders with the same authority as the division under Section 58-1-401;
 - (v) advise the director on the administration and enforcement of any matters affecting the division and the construction industry;
 - (vi) advise the director on matters affecting the division budget;
 - (vii) advise and assist trade associations in conducting construction trade seminars and industry education and promotion; and
 - (viii) perform other duties as provided by this chapter.
- (2)
 - (a) The terms of office of the commission members who are serving on the Contractors Licensing Board shall continue as they serve on the commission.
 - (b) The commission shall be comprised of the following members appointed by the executive director with the approval of the governor from the following groups:
 - (i) one member shall be a licensed general engineering contractor;
 - (ii) one member shall be a licensed general building contractor;
 - (iii) two members shall be licensed residential and small commercial contractors;
 - (iv) one member shall be a licensed plumber and a member of the Electricians and Plumbers Licensing Board;

- (v) one member shall be a licensed electrician and a member of the Electricians and Plumbers Licensing Board;
 - (vi) one member shall be the chair person of the Alarm System Security and Licensing Board; and
 - (vii) two members shall be from the general public.
- (3)
- (a) Except as required by Subsection (3)(b), as terms of current commission members expire, the executive director with the approval of the governor shall appoint each new member or reappointed member to a four-year term ending June 30.
 - (b) Notwithstanding the requirements of Subsection (3)(a), the executive director with the approval of the governor shall, at the time of appointment or reappointment, adjust the length of terms to stagger the terms of commission members so that approximately 1/2 of the commission members are appointed every two years.
 - (c) A commission member may not serve more than two consecutive terms.
- (4) The commission shall elect annually one of its members as chair, for a term of one year.
- (5) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (7)
- (a) The commission shall meet at least monthly unless the director determines otherwise.
 - (b) The director may call additional meetings at the director's discretion, upon the request of the chair, or upon the written request of four or more commission members.
- (8)
- (a) Five members constitute a quorum for the transaction of business.
 - (b) If a quorum is present when a vote is taken, the affirmative vote of commission members present is the act of the commission.
- (9) The commission shall comply with the procedures and requirements of Title 13, Chapter 1, Department of Commerce, and Title 63G, Chapter 4, Administrative Procedures Act, in all of its adjudicative proceedings.
- (10)
- (a) For purposes of this Subsection (10), "concurrence" means the entities given a concurring role must jointly agree for the action to be taken.
 - (b) If a provision of this chapter requires concurrence between the director or division and the commission and no concurrence can be reached, the director or division has final authority.
 - (c) When this chapter requires concurrence between the director or division and the commission:
 - (i) the director or division shall report to and update the commission on a regular basis related to matters requiring concurrence; and
 - (ii) the commission shall review the report submitted by the director or division under this Subsection (10)(c) and concur with the report, or:
 - (A) provide a reason for not concurring with the report; and
 - (B) provide recommendations to the director or division.

Amended by Chapter 507, 2024 General Session

58-55-104 Electrician Education Fund.

- (1) There is created an expendable special revenue fund known as the Electrician Education Fund.
- (2) The fund consists of money from a surcharge fee, established by the division in accordance with Section 63J-1-504, placed on initial, renewal, and reinstatement licensure fees for an apprentice electrician, journeyman electrician, master electrician, residential journeyman electrician, and residential master electrician.
- (3) The surcharge fee described in Subsection (2) may not be more than \$5.
- (4) The fund shall earn interest and all interest earned on fund money shall be deposited into the fund.
- (5) The director may, with the concurrence of the commission, make distributions from the fund for the following purposes:
 - (a) education and training of licensees under this chapter who are practicing in the electrical trade; and
 - (b) education and training of other licensees under this chapter or the public in matters concerning electrical laws and practices.
- (6) If the balance in the fund is more than \$100,000 at the end of any fiscal year, the excess amount shall be transferred to the General Fund.
- (7) The division shall report annually to the Business, Economic Development, and Labor Appropriations Subcommittee regarding the balance in the fund and how the fund is being used.

Enacted by Chapter 215, 2019 General Session

58-55-105 Plumber Education Fund.

- (1) There is created an expendable special revenue fund known as the Plumber Education Fund.
- (2) The fund consists of money from a surcharge fee, established by the division in accordance with Section 63J-1-504, placed on initial, renewal, and reinstatement licensure fees for apprentice plumbers, journeyman plumbers, master plumbers, residential journeyman plumbers, and residential master plumbers.
- (3) The surcharge fee described in Subsection (2) may not be more than \$5.
- (4) The fund shall earn interest and all interest earned on fund money shall be deposited into the fund.
- (5) The director may, with the concurrence of the commission, make distributions from the fund for the following purposes:
 - (a) education and training of licensees under this chapter who are licensed in the professions described in Subsection (2); and
 - (b) education and training of other licensees under this chapter or the public in matters concerning plumbing laws and practices.
- (6) If the balance in the fund is more than \$100,000 at the end of any fiscal year, the excess amount shall be transferred to the General Fund.
- (7) The division shall report annually to the Business, Economic Development, and Labor Appropriations Subcommittee regarding the balance in the fund and how the fund is being used.

Enacted by Chapter 215, 2019 General Session

58-55-106 Surcharge fee.

- (1) In addition to any other fees authorized by this chapter or by the division in accordance with Section 63J-1-504, the division shall require each applicant for an initial license, renewal of a license, or reinstatement of a license under this chapter to pay a \$1 surcharge fee.
- (2) The surcharge fee shall be deposited in the General Fund as a dedicated credit to be used by the division to provide each licensee under this chapter with access to an electronic reference library that provides web-based access to national, state, and local building codes and standards.

Amended by Chapter 339, 2020 General Session

Part 2 Board

Superseded 10/1/2024

58-55-201 Boards created -- Duties.

- (1) There is created the Plumbers Licensing Board consisting of seven members as follows:
 - (a) three members shall be licensed from among the license classifications of master or journeyman plumber, of whom at least one shall represent a union organization and at least one shall be selected having no union affiliation;
 - (b) three members shall be licensed plumbing contractors, of whom at least one shall represent a union organization and at least one shall be selected having no union affiliation; and
 - (c) one member shall be from the public at large with no history of involvement in the construction trades.
- (2)
 - (a) There is created the Alarm System Security and Licensing Board consisting of five members as follows:
 - (i) three individuals who are officers or owners of a licensed alarm business;
 - (ii) one individual from among nominees of the Utah Peace Officers Association; and
 - (iii) one individual representing the general public.
 - (b) The Alarm System Security and Licensing Board shall designate one of its members on a permanent or rotating basis to:
 - (i) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
 - (ii) advise the division in its investigation of these complaints.
 - (c) A board member who has, under this Subsection (2)(c), reviewed a complaint or advised in its investigation is disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.
- (3) There is created the Electricians Licensing Board consisting of seven members as follows:
 - (a) three members shall be licensed from among the license classifications of master or journeyman electrician, of whom at least one shall represent a union organization and at least one shall be selected having no union affiliation;
 - (b) three members shall be licensed electrical contractors, of whom at least one shall represent a union organization and at least one shall be selected having no union affiliation; and
 - (c) one member shall be from the public at large with no history of involvement in the construction trades or union affiliation.

- (4) The duties, functions, and responsibilities of each board described in Subsections (1) through (3) include the following:
- (a) recommending to the commission appropriate rules;
 - (b) recommending to the commission policy and budgetary matters;
 - (c) approving and establishing a passing score for applicant examinations;
 - (d) overseeing the screening of applicants for licensing, renewal, reinstatement, and relicensure;
 - (e) assisting the commission in establishing standards of supervision for students or persons in training to become qualified to obtain a license in the occupation or profession the board represents; and
 - (f) acting as presiding officer in conducting hearings associated with the adjudicative proceedings and in issuing recommended orders when so authorized by the commission.

Amended by Chapter 32, 2022 General Session

Amended by Chapter 413, 2022 General Session

Effective 10/1/2024

58-55-201 Boards created -- Duties.

- (1) There is created the Electrician and Plumbers Licensing Board consisting of the following members:
- (a) three members licensed from among the license classifications of master or journeyman plumber, of whom at least one represents a union organization and at least one has no union affiliation;
 - (b) two members who are licensed plumbing contractors, of whom at least one represents a union organization and at least one has no union affiliation;
 - (c) three members licensed from among the license classifications of master or journeyman electrician, of whom at least one shall represent a union organization and at least one shall be selected having no union affiliation; and
 - (d) two members who are licensed electrical contractors, of whom at least one represents a union organization and at least one has no union affiliation;
 - (e) one member who is from the public at large with no history of involvement in the construction trades.
- (2)
- (a) There is created the Alarm System Security and Licensing Board consisting of the following members:
 - (i) three individuals who are officers or owners of a licensed alarm business;
 - (ii) one individual from among nominees of the Utah Peace Officers Association; and
 - (iii) one individual representing the general public.
 - (b) The Alarm System Security and Licensing Board shall designate one of its members on a permanent or rotating basis to:
 - (i) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
 - (ii) advise the division in its investigation of these complaints.
 - (c) A board member who has, under this Subsection (2)(c), reviewed a complaint or advised in its investigation is disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.
- (3) The duties, functions, and responsibilities of each board described in Subsections (1) and (2) include the following:
- (a) recommending to the commission appropriate rules;

- (b) recommending to the commission policy and budgetary matters;
- (c) approving and establishing a passing score for applicant examinations;
- (d) overseeing the screening of applicants for licensing, renewal, reinstatement, and relicensure;
- (e) assisting the commission in establishing standards of supervision for students or persons in training to become qualified to obtain a license in the occupation or profession the board represents; and
- (f) acting as presiding officer in conducting hearings associated with the adjudicative proceedings and in issuing recommended orders when so authorized by the commission.

Amended by Chapter 507, 2024 General Session

Part 3 Licensing

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

- (1)
 - (a) A person engaged in the construction trades licensed under this chapter, as a contractor regulated under this chapter, as an alarm business or company, or as an alarm company agent, shall become licensed under this chapter before engaging in that trade or contracting activity in this state unless specifically exempted from licensure under Section 58-1-307 or 58-55-305.
 - (b) The license issued under this chapter and the business license issued by the local jurisdiction in which the licensee has its principal place of business shall be the only licenses required for the licensee to engage in a trade licensed by this chapter, within the state.
 - (c) Neither the state nor any of its political subdivisions may require of a licensee any additional business licenses, registrations, certifications, contributions, donations, or anything else established for the purpose of qualifying a licensee under this chapter to do business in that local jurisdiction, except for contract prequalification procedures required by state agencies, or the payment of any fee for the license, registration, or certification established as a condition to do business in that local jurisdiction.
- (2) The division shall issue licenses under this chapter to qualified persons in the following classifications:
 - (a) general engineering contractor;
 - (b) general building contractor;
 - (c) residential and small commercial contractor;
 - (d) elevator contractor;
 - (e) general plumbing contractor;
 - (f) residential plumbing contractor;
 - (g) general electrical contractor;
 - (h) residential electrical contractor;
 - (i) specialty contractor;
 - (j) master plumber;
 - (k) residential master plumber;
 - (l) journeyman plumber;
 - (m) apprentice plumber;
 - (n) residential journeyman plumber;

- (o) master electrician;
 - (p) residential master electrician;
 - (q) journeyman electrician;
 - (r) residential journeyman electrician;
 - (s) apprentice electrician;
 - (t) construction trades instructor:
 - (i) general engineering classification;
 - (ii) general building classification;
 - (iii) electrical classification;
 - (iv) plumbing classification; and
 - (v) mechanical classification;
 - (u) alarm company;
 - (v) alarm company agent; and
 - (w) elevator mechanic.
- (3)
- (a) An applicant may apply for a license in one or more classification or specialty contractor subclassification.
 - (b) A license shall be granted in each classification or subclassification for which the applicant qualifies.
 - (c) A separate application and fee must be submitted for each license classification or subclassification.

Amended by Chapter 411, 2017 General Session

Superseded 10/1/2024

58-55-302 Qualifications for licensure.

- (1) Each applicant for a license under this chapter shall:
- (a) submit an application prescribed by the division;
 - (b) pay a fee as determined by the department under Section 63J-1-504;
 - (c) meet the examination requirements established by this section and by rule by the commission with the concurrence of the director, which requirements include:
 - (i) for licensure as an apprentice electrician, apprentice plumber, or specialty contractor, no division-administered examination is required;
 - (ii) for licensure as a general building contractor, general engineering contractor, residential and small commercial contractor, general plumbing contractor, residential plumbing contractor, general electrical contractor, or residential electrical contractor, the only required division-administered examination is a division-administered examination that covers information from the 25-hour course described in Subsection (1)(e)(iii), which course may have been previously completed as part of applying for any other license under this chapter, and, if the 25-hour course was completed on or after July 1, 2019, the five-hour business law course described in Subsection (1)(e)(iv); and
 - (iii) if required in Section 58-55-304, an individual qualifier must pass the required division-administered examination if the applicant is a business entity;
 - (d) if an apprentice, identify the proposed supervisor of the apprenticeship;
 - (e) if an applicant for a contractor's license:
 - (i) produce satisfactory evidence of financial responsibility, except for a construction trades instructor for whom evidence of financial responsibility is not required;
 - (ii) produce satisfactory evidence of:

- (A) except as provided in Subsection (2)(a), and except that no employment experience is required for licensure as a specialty contractor, two years full-time paid employment experience in the construction industry, which employment experience, unless more specifically described in this section, may be related to any contracting classification and does not have to include supervisory experience; and
 - (B) knowledge of the principles of the conduct of business as a contractor, reasonably necessary for the protection of the public health, safety, and welfare;
 - (iii) except as otherwise provided by rule by the commission with the concurrence of the director, complete a 25-hour course established by rule by the commission with the concurrence of the director, which is taught by an approved precicensure course provider, and which course may include:
 - (A) construction business practices;
 - (B) bookkeeping fundamentals;
 - (C) mechanics lien fundamentals;
 - (D) other aspects of business and construction principles considered important by the commission with the concurrence of the director; and
 - (E) for no additional fee, a provider-administered examination at the end of the 25-hour course;
 - (iv) complete a five-hour business and law course established by rule by the commission with the concurrence of the director, which is taught by an approved precicensure course provider, if an applicant for licensure as a general building contractor, general engineering contractor, residential and small commercial contractor, general plumbing contractor, residential plumbing contractor, general electrical contractor, or residential electrical contractor, except that if the 25-hour course described in Subsection (1)(e)(iii) was completed before July 1, 2019, the applicant does not need to take the business and law course;
 - (v)
 - (A) be a licensed master electrician if an applicant for an electrical contractor's license or a licensed master residential electrician if an applicant for a residential electrical contractor's license;
 - (B) be a licensed master plumber if an applicant for a plumbing contractor's license or a licensed master residential plumber if an applicant for a residential plumbing contractor's license; or
 - (C) be a licensed elevator mechanic and produce satisfactory evidence of three years experience as an elevator mechanic if an applicant for an elevator contractor's license; and
 - (vi) when the applicant is an unincorporated entity, provide a list of the one or more individuals who hold an ownership interest in the applicant as of the day on which the application is filed that includes for each individual:
 - (A) the individual's name, address, birth date, and social security number or other satisfactory evidence of the applicant's identity permitted under rules made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (B) whether the individual will engage in a construction trade; and
 - (f) if an applicant for a construction trades instructor license, satisfy any additional requirements established by rule.
- (2)
- (a) If the applicant for a contractor's license described in Subsection (1) is a building inspector, the applicant may satisfy Subsection (1)(e)(ii)(A) by producing satisfactory evidence of two

years full-time paid employment experience as a building inspector, which shall include at least one year full-time experience as a licensed combination inspector.

(b) The applicant shall file the following with the division before the division issues the license:

- (i) proof of workers' compensation insurance which covers employees of the applicant in accordance with applicable Utah law;
- (ii) proof of public liability insurance in coverage amounts and form established by rule except for a construction trades instructor for whom public liability insurance is not required; and
- (iii) proof of registration as required by applicable law with the:

- (A) Department of Commerce;
- (B) Division of Corporations and Commercial Code;
- (C) Unemployment Insurance Division in the Department of Workforce Services, for purposes of Title 35A, Chapter 4, Employment Security Act;
- (D) State Tax Commission; and
- (E) Internal Revenue Service.

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

(a)

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

- (A) has been a licensed journeyman plumber for at least two years and had two years of supervisory experience as a licensed journeyman plumber in accordance with division rule;
- (B) has received at least an associate of applied science degree or similar degree following the completion of a course of study approved by the division and had one year of supervisory experience as a licensed journeyman plumber in accordance with division rule; or
- (C) meets the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed master plumber.

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

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

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

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

- (i) has been a licensed residential journeyman plumber for at least two years and had two years of supervisory experience as a licensed residential journeyman plumber in accordance with division rule; or
 - (ii) meets the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed master residential plumber.
- (c) A journeyman plumber applicant shall produce satisfactory evidence of:
- (i) successful completion of the equivalent of at least four years of full-time training and instruction as a licensed apprentice plumber under supervision of a licensed master plumber or journeyman plumber and in accordance with a planned program of training approved by the division;
 - (ii) at least eight years of full-time experience approved by the division in collaboration with the Plumbers Licensing Board; or
 - (iii) meeting the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed journeyman plumber.
- (d) A residential journeyman plumber shall produce satisfactory evidence of:
- (i) completion of the equivalent of at least three years of full-time training and instruction as a licensed apprentice plumber under the supervision of a licensed residential master plumber, licensed residential journeyman plumber, or licensed journeyman plumber in accordance with a planned program of training approved by the division;
 - (ii) completion of at least six years of full-time experience in a maintenance or repair trade involving substantial plumbing work; or
 - (iii) meeting the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed residential journeyman plumber.
- (e) The conduct of licensed apprentice plumbers and their licensed supervisors shall be in accordance with the following:
- (i) while engaging in the trade of plumbing, a licensed apprentice plumber shall be under the immediate supervision of a licensed master plumber, licensed residential master plumber, licensed journeyman plumber, or licensed residential journeyman plumber;
 - (ii) beginning in a licensed apprentice plumber's fourth year of training, a licensed apprentice plumber may work without supervision for a period not to exceed eight hours in any 24-hour period; and
 - (iii) rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the ratio of apprentices allowed under the immediate supervision of a licensed supervisor, including the ratio of apprentices in their fourth year of training or later that are allowed to be under the immediate supervision of a licensed supervisor.
- (f) A master electrician applicant shall produce satisfactory evidence that the applicant:
- (i) is a graduate electrical engineer of an accredited college or university approved by the division and has one year of practical electrical experience as a licensed apprentice electrician;

- (ii) is a graduate of an electrical trade school, having received an associate of applied sciences degree following successful completion of a course of study approved by the division, and has two years of practical experience as a licensed journeyman electrician;
 - (iii) has four years of practical experience as a journeyman electrician; or
 - (iv) meets the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed master electrician.
- (g) A master residential electrician applicant shall produce satisfactory evidence that the applicant:
 - (i) has at least two years of practical experience as a residential journeyman electrician; or
 - (ii) meets the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a master residential electrician.
- (h) A journeyman electrician applicant shall produce satisfactory evidence that the applicant:
 - (i) has successfully completed at least four years of full-time training and instruction as a licensed apprentice electrician under the supervision of a master electrician or journeyman electrician and in accordance with a planned training program approved by the division;
 - (ii) has at least eight years of full-time experience approved by the division in collaboration with the Electricians Licensing Board; or
 - (iii) meets the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed journeyman electrician.
- (i) A residential journeyman electrician applicant shall produce satisfactory evidence that the applicant:
 - (i) has successfully completed two years of training in an electrical training program approved by the division;
 - (ii) has four years of practical experience in wiring, installing, and repairing electrical apparatus and equipment for light, heat, and power under the supervision of a licensed master, journeyman, residential master, or residential journeyman electrician; or
 - (iii) meets the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed residential journeyman electrician.
- (j) The conduct of licensed apprentice electricians and their licensed supervisors shall be in accordance with the following:
 - (i) A licensed apprentice electrician shall be under the immediate supervision of a licensed master, journeyman, residential master, or residential journeyman electrician;
 - (ii) beginning in a licensed apprentice electrician's fourth year of training, a licensed apprentice electrician may work without supervision for a period not to exceed eight hours in any 24-hour period;
 - (iii) rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the ratio of apprentices allowed under the immediate supervision of a licensed supervisor, including the ratio of apprentices in their fourth year of training or later that are allowed to be under the immediate supervision of a licensed supervisor; and

- (iv) a licensed supervisor may have up to three licensed apprentice electricians on a residential project, or more if established by rules made by the commission, in concurrence with the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (k) An alarm company applicant shall:
 - (i) have a qualifying agent who:
 - (A) is an alarm company officer, alarm company owner, alarm company proprietor, an alarm company trustee, or other responsible management personnel;
 - (B) demonstrates 6,000 hours of experience in the alarm company business;
 - (C) demonstrates 2,000 hours of experience as a manager or administrator in the alarm company business or in a construction business; and
 - (D) passes an examination component established by rule by the commission with the concurrence of the director;
 - (ii) provide the name, address, date of birth, social security number, fingerprint card, and consent to a background check in accordance with Section 58-55-302.1 and requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for each alarm company officer, alarm company owner, alarm company proprietor, alarm company trustee, and responsible management personnel with direct responsibility for managing operations of the applicant within the state;
 - (iii) document that none of the persons described in Subsection (3)(k)(ii):
 - (A) have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored; or
 - (B) are currently suffering from habitual drunkenness or from drug addiction or dependence;
 - (iv) file and maintain with the division evidence of:
 - (A) comprehensive general liability insurance in form and in amounts to be established by rule by the commission with the concurrence of the director;
 - (B) workers' compensation insurance that covers employees of the applicant in accordance with applicable Utah law; and
 - (C) registration as is required by applicable law with the:
 - (I) Division of Corporations and Commercial Code;
 - (II) Unemployment Insurance Division in the Department of Workforce Services, for purposes of Title 35A, Chapter 4, Employment Security Act;
 - (III) State Tax Commission; and
 - (IV) Internal Revenue Service; and
 - (v) meet with the division and board.
- (l) Each applicant for licensure as an alarm company agent shall:
 - (i) submit an application in a form prescribed by the division accompanied by fingerprint cards;
 - (ii) pay a fee determined by the department under Section 63J-1-504;
 - (iii) submit to and pass a criminal background check in accordance with Section 58-55-302.1 and requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (iv) not have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored;
 - (v) not be currently suffering from habitual drunkenness or from drug addiction or dependence; and
 - (vi) meet with the division and board if requested by the division or the board.
- (m)
 - (i) Each applicant for licensure as an elevator mechanic shall:

- (A) provide documentation of experience and education credits of not less than three years work experience in the elevator industry, in construction, maintenance, or service and repair; and
 - (B) satisfactorily complete a written examination administered by the division established by rule under Section 58-1-203; or
 - (C) provide certificates of completion of an apprenticeship program for elevator mechanics, having standards substantially equal to those of this chapter and registered with the United States Department of Labor Bureau Apprenticeship and Training or a state apprenticeship council.
- (ii)
- (A) If an elevator contractor licensed under this chapter cannot find a licensed elevator mechanic to perform the work of erecting, constructing, installing, altering, servicing, repairing, or maintaining an elevator, the contractor may:
 - (I) notify the division of the unavailability of licensed personnel; and
 - (II) request the division issue a temporary elevator mechanic license to an individual certified by the contractor as having an acceptable combination of documented experience and education to perform the work described in this Subsection (3)(m)(ii)(A).
 - (B)
 - (I) The division may issue a temporary elevator mechanic license to an individual certified under Subsection (3)(m)(ii)(A)(II) upon application by the individual, accompanied by the appropriate fee as determined by the department under Section 63J-1-504.
 - (II) The division shall specify the time period for which the license is valid and may renew the license for an additional time period upon its determination that a shortage of licensed elevator mechanics continues to exist.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules establishing when Federal Bureau of Investigation records shall be checked for applicants as an alarm company or alarm company agent under this section and Section 58-55-302.1.
- (5)
- (a) An application for licensure under this chapter shall be denied if:
 - (i) the applicant has had a previous license, which was issued under this chapter, suspended or revoked within two years before the date of the applicant's application;
 - (ii)
 - (A) the applicant is a partnership, corporation, or limited liability company; and
 - (B) any corporate officer, director, shareholder holding 25% or more of the stock in the applicant, partner, member, agent acting as a qualifier, or any person occupying a similar status, performing similar functions, or directly or indirectly controlling the applicant has served in any similar capacity with any person or entity which has had a previous license, which was issued under this chapter, suspended or revoked within two years before the date of the applicant's application;
 - (iii)
 - (A) the applicant is an individual or sole proprietorship; and
 - (B) any owner or agent acting as a qualifier has served in any capacity listed in Subsection (5)(a)(ii)(B) in any entity which has had a previous license, which was issued under this chapter, suspended or revoked within two years before the date of the applicant's application; or
 - (iv)

- (A) the applicant includes an individual who was an owner, director, or officer of an unincorporated entity at the time the entity's license under this chapter was revoked; and
- (B) the application for licensure is filed within 60 months after the revocation of the unincorporated entity's license.
- (b) An application for licensure under this chapter shall be reviewed by the appropriate licensing board prior to approval if:
 - (i) the applicant has had a previous license, which was issued under this chapter, suspended or revoked more than two years before the date of the applicant's application;
 - (ii)
 - (A) the applicant is a partnership, corporation, or limited liability company; and
 - (B) any corporate officer, director, shareholder holding 25% or more of the stock in the applicant, partner, member, agent acting as a qualifier, or any person occupying a similar status, performing similar functions, or directly or indirectly controlling the applicant has served in any similar capacity with any person or entity which has had a previous license, which was issued under this chapter, suspended or revoked more than two years before the date of the applicant's application; or
 - (iii)
 - (A) the applicant is an individual or sole proprietorship; and
 - (B) any owner or agent acting as a qualifier has served in any capacity listed in Subsection (5)(a)(ii)(B) in any entity which has had a previous license, which was issued under this chapter, suspended or revoked more than two years before the date of the applicant's application.
- (6)
 - (a)
 - (i) A licensee that is an unincorporated entity shall file an ownership status report with the division every 30 days after the day on which the license is issued if the licensee has more than five owners who are individuals who:
 - (A) own an interest in the contractor that is an unincorporated entity;
 - (B) own, directly or indirectly, less than an 8% interest, as defined by rule made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in the unincorporated entity; and
 - (C) engage, or will engage, in a construction trade in the state as owners of the contractor described in Subsection (6)(a)(i)(A).
 - (ii) If the licensee has five or fewer owners described in Subsection (6)(a)(i), the licensee shall provide the ownership status report with an application for renewal of licensure.
 - (b) An ownership status report required under this Subsection (6) shall:
 - (i) specify each addition or deletion of an owner:
 - (A) for the first ownership status report, after the day on which the unincorporated entity is licensed under this chapter; and
 - (B) for a subsequent ownership status report, after the day on which the previous ownership status report is filed;
 - (ii) be in a format prescribed by the division that includes for each owner, regardless of the owner's percentage ownership in the unincorporated entity, the information described in Subsection (1)(e)(vi);
 - (iii) list the name of:
 - (A) each officer or manager of the unincorporated entity; and
 - (B) each other individual involved in the operation, supervision, or management of the unincorporated entity; and

- (iv) be accompanied by a fee set by the division in accordance with Section 63J-1-504 if the ownership status report indicates there is a change described in Subsection (6)(b)(i).
- (c) The division may, at any time, audit an ownership status report under this Subsection (6):
 - (i) to determine if financial responsibility has been demonstrated or maintained as required under Section 58-55-306; and
 - (ii) to determine compliance with Subsection 58-55-501(23), (24), or (26) or Subsection 58-55-502(8) or (9).
- (7)
 - (a) An unincorporated entity that provides labor to an entity licensed under this chapter by providing an individual who owns an interest in the unincorporated entity to engage in a construction trade in Utah shall file with the division:
 - (i) before the individual who owns an interest in the unincorporated entity engages in a construction trade in Utah, a current list of the one or more individuals who hold an ownership interest in the unincorporated entity that includes for each individual:
 - (A) the individual's name, address, birth date, and social security number; and
 - (B) whether the individual will engage in a construction trade; and
 - (ii) every 30 days after the day on which the unincorporated entity provides the list described in Subsection (7)(a)(i), an ownership status report containing the information that would be required under Subsection (6) if the unincorporated entity were a licensed contractor.
 - (b) When filing an ownership list described in Subsection (7)(a)(i) or an ownership status report described in Subsection (7)(a)(i) an unincorporated entity shall pay a fee set by the division in accordance with Section 63J-1-504.
- (8) This chapter may not be interpreted to create or support an express or implied independent contractor relationship between an unincorporated entity described in Subsection (6) or (7) and the owners of the unincorporated entity for any purpose, including income tax withholding.
- (9)
 - (a) A social security number provided under Subsection (1)(e)(vi) or (3)(k)(ii) is a private record under Subsection 63G-2-302(1)(i).
 - (b) The division may designate an applicant's evidence of identity under Subsection (1)(e)(vi) as a private record in accordance with Section 63G-2-302.

Amended by Chapter 223, 2023 General Session

Effective 10/1/2024

58-55-302 Qualifications for licensure.

- (1) Each applicant for a license under this chapter shall:
 - (a) submit an application prescribed by the division;
 - (b) pay a fee as determined by the department under Section 63J-1-504;
 - (c) meet the examination requirements established by this section and by rule by the commission with the concurrence of the director, which requirements include:
 - (i) for licensure as an apprentice electrician, apprentice plumber, or specialty contractor, no division-administered examination is required;
 - (ii) for licensure as a general building contractor, general engineering contractor, residential and small commercial contractor, general plumbing contractor, residential plumbing contractor, general electrical contractor, or residential electrical contractor, the only required division-administered examination is a division-administered examination that covers information from the 25-hour course described in Subsection (1)(e)(iii), which course may have been previously completed as part of applying for any other license under this chapter, and, if the

25-hour course was completed on or after July 1, 2019, the five-hour business law course described in Subsection (1)(e)(iv); and

- (iii) if required in Section 58-55-304, an individual qualifier must pass the required division-administered examination if the applicant is a business entity;
- (d) if an apprentice, identify the proposed supervisor of the apprenticeship;
- (e) if an applicant for a contractor's license:
 - (i) produce satisfactory evidence of financial responsibility, except for a construction trades instructor for whom evidence of financial responsibility is not required;
 - (ii) produce satisfactory evidence of:
 - (A) except as provided in Subsection (2)(a), and except that no employment experience is required for licensure as a specialty contractor, two years full-time paid employment experience in the construction industry, which employment experience, unless more specifically described in this section, may be related to any contracting classification and does not have to include supervisory experience; and
 - (B) knowledge of the principles of the conduct of business as a contractor, reasonably necessary for the protection of the public health, safety, and welfare;
 - (iii) except as otherwise provided by rule by the commission with the concurrence of the director, complete a 25-hour course established by rule by the commission with the concurrence of the director, which is taught by an approved prelicensure course provider, and which course may include:
 - (A) construction business practices;
 - (B) bookkeeping fundamentals;
 - (C) mechanics lien fundamentals;
 - (D) other aspects of business and construction principles considered important by the commission with the concurrence of the director; and
 - (E) for no additional fee, a provider-administered examination at the end of the 25-hour course;
 - (iv) complete a five-hour business and law course established by rule by the commission with the concurrence of the director, which is taught by an approved prelicensure course provider, if an applicant for licensure as a general building contractor, general engineering contractor, residential and small commercial contractor, general plumbing contractor, residential plumbing contractor, general electrical contractor, or residential electrical contractor, except that if the 25-hour course described in Subsection (1)(e)(iii) was completed before July 1, 2019, the applicant does not need to take the business and law course;
- (v)
 - (A) be a licensed master electrician if an applicant for an electrical contractor's license or a licensed master residential electrician if an applicant for a residential electrical contractor's license;
 - (B) be a licensed master plumber if an applicant for a plumbing contractor's license or a licensed master residential plumber if an applicant for a residential plumbing contractor's license; or
 - (C) be a licensed elevator mechanic and produce satisfactory evidence of three years experience as an elevator mechanic if an applicant for an elevator contractor's license; and
- (vi) when the applicant is an unincorporated entity, provide a list of the one or more individuals who hold an ownership interest in the applicant as of the day on which the application is filed that includes for each individual:

- (A) the individual's name, address, birth date, and social security number or other satisfactory evidence of the applicant's identity permitted under rules made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (B) whether the individual will engage in a construction trade; and
 - (f) if an applicant for a construction trades instructor license, satisfy any additional requirements established by rule.
- (2)
- (a) If the applicant for a contractor's license described in Subsection (1) is a building inspector, the applicant may satisfy Subsection (1)(e)(ii)(A) by producing satisfactory evidence of two years full-time paid employment experience as a building inspector, which shall include at least one year full-time experience as a licensed combination inspector.
 - (b) The applicant shall file the following with the division before the division issues the license:
 - (i) proof of workers' compensation insurance which covers employees of the applicant in accordance with applicable Utah law;
 - (ii) proof of public liability insurance in coverage amounts and form established by rule except for a construction trades instructor for whom public liability insurance is not required; and
 - (iii) proof of registration as required by applicable law with the:
 - (A) Department of Commerce;
 - (B) Division of Corporations and Commercial Code;
 - (C) Unemployment Insurance Division in the Department of Workforce Services, for purposes of Title 35A, Chapter 4, Employment Security Act;
 - (D) State Tax Commission; and
 - (E) Internal Revenue Service.
- (3) In addition to the general requirements for each applicant in Subsection (1), applicants shall comply with the following requirements to be licensed in the following classifications:
- (a)
- (i) A master plumber shall produce satisfactory evidence that the applicant:
 - (A) has been a licensed journeyman plumber for at least two years and had two years of supervisory experience as a licensed journeyman plumber in accordance with division rule;
 - (B) has received at least an associate of applied science degree or similar degree following the completion of a course of study approved by the division and had one year of supervisory experience as a licensed journeyman plumber in accordance with division rule; or
 - (C) meets the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed master plumber.
 - (ii) An individual holding a valid Utah license as a journeyman plumber, based on at least four years of practical experience as a licensed apprentice under the supervision of a licensed journeyman plumber and four years as a licensed journeyman plumber, in effect immediately prior to May 5, 2008, is on and after May 5, 2008, considered to hold a current master plumber license under this chapter, and satisfies the requirements of this Subsection (3)(a) for the purpose of renewal or reinstatement of that license under Section An individual holding a valid Utah license as a journeyman plumber, based on at least four years of practical experience as a licensed apprentice under the supervision of a licensed journeyman plumber and four years as a licensed journeyman plumber, in effect immediately prior to May 5, 2008, is on and after May 5, 2008, considered to hold a current

- master plumber license under this chapter, and satisfies the requirements of this Subsection (3)(a) for the purpose of renewal or reinstatement of that license under Section 58-55-303.
- (iii) An individual holding a valid plumbing contractor's license or residential plumbing contractor's license, in effect immediately prior to May 5, 2008, is on or after May 5, 2008:
- (A) considered to hold a current master plumber license under this chapter if licensed as a plumbing contractor and a journeyman plumber, and satisfies the requirements of this Subsection (3)(a) for purposes of renewal or reinstatement of that license under Section 58-55-303; and
- (B) considered to hold a current residential master plumber license under this chapter if licensed as a residential plumbing contractor and a residential journeyman plumber, and satisfies the requirements of this Subsection (3)(a) for purposes of renewal or reinstatement of that license under Section 58-55-303.
- (b) A master residential plumber applicant shall produce satisfactory evidence that the applicant:
- (i) has been a licensed residential journeyman plumber for at least two years and had two years of supervisory experience as a licensed residential journeyman plumber in accordance with division rule; or
- (ii) meets the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed master residential plumber.
- (c) A journeyman plumber applicant shall produce satisfactory evidence of:
- (i) successful completion of the equivalent of at least four years of full-time training and instruction as a licensed apprentice plumber under supervision of a licensed master plumber or journeyman plumber and in accordance with a planned program of training approved by the division;
- (ii) at least eight years of full-time experience approved by the division in collaboration with the Electricians and Plumbers Licensing Board; or
- (iii) meeting the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed journeyman plumber.
- (d) A residential journeyman plumber shall produce satisfactory evidence of:
- (i) completion of the equivalent of at least three years of full-time training and instruction as a licensed apprentice plumber under the supervision of a licensed residential master plumber, licensed residential journeyman plumber, or licensed journeyman plumber in accordance with a planned program of training approved by the division;
- (ii) completion of at least six years of full-time experience in a maintenance or repair trade involving substantial plumbing work; or
- (iii) meeting the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed residential journeyman plumber.
- (e) The conduct of licensed apprentice plumbers and their licensed supervisors shall be in accordance with the following:
- (i) while engaging in the trade of plumbing, a licensed apprentice plumber shall be under the immediate supervision of a licensed master plumber, licensed residential master plumber, licensed journeyman plumber, or licensed residential journeyman plumber;

- (ii) beginning in a licensed apprentice plumber's fourth year of training, a licensed apprentice plumber may work without supervision for a period not to exceed eight hours in any 24-hour period; and
 - (iii) rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the ratio of apprentices allowed under the immediate supervision of a licensed supervisor, including the ratio of apprentices in their fourth year of training or later that are allowed to be under the immediate supervision of a licensed supervisor.
- (f) A master electrician applicant shall produce satisfactory evidence that the applicant:
- (i) is a graduate electrical engineer of an accredited college or university approved by the division and has one year of practical electrical experience as a licensed apprentice electrician;
 - (ii) is a graduate of an electrical trade school, having received an associate of applied sciences degree following successful completion of a course of study approved by the division, and has two years of practical experience as a licensed journeyman electrician;
 - (iii) has four years of practical experience as a journeyman electrician; or
 - (iv) meets the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed master electrician.
- (g) A master residential electrician applicant shall produce satisfactory evidence that the applicant:
- (i) has at least two years of practical experience as a residential journeyman electrician; or
 - (ii) meets the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a master residential electrician.
- (h) A journeyman electrician applicant shall produce satisfactory evidence that the applicant:
- (i) has successfully completed at least four years of full-time training and instruction as a licensed apprentice electrician under the supervision of a master electrician or journeyman electrician and in accordance with a planned training program approved by the division;
 - (ii) has at least eight years of full-time experience approved by the division in collaboration with the Electricians and Plumbers Licensing Board; or
 - (iii) meets the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed journeyman electrician.
- (i) A residential journeyman electrician applicant shall produce satisfactory evidence that the applicant:
- (i) has successfully completed two years of training in an electrical training program approved by the division;
 - (ii) has four years of practical experience in wiring, installing, and repairing electrical apparatus and equipment for light, heat, and power under the supervision of a licensed master, journeyman, residential master, or residential journeyman electrician; or
 - (iii) meets the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed residential journeyman electrician.

- (j) The conduct of licensed apprentice electricians and their licensed supervisors shall be in accordance with the following:
 - (i) a licensed apprentice electrician shall be under the immediate supervision of a licensed master, journeyman, residential master, or residential journeyman electrician;
 - (ii) beginning in a licensed apprentice electrician's fourth year of training, a licensed apprentice electrician may work without supervision for a period not to exceed eight hours in any 24-hour period;
 - (iii) rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the ratio of apprentices allowed under the immediate supervision of a licensed supervisor, including the ratio of apprentices in their fourth year of training or later that are allowed to be under the immediate supervision of a licensed supervisor; and
 - (iv) a licensed supervisor may have up to three licensed apprentice electricians on a residential project, or more if established by rules made by the commission, in concurrence with the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (k) An alarm company applicant shall:
 - (i) have a qualifying agent who:
 - (A) is an alarm company officer, alarm company owner, alarm company proprietor, an alarm company trustee, or other responsible management personnel;
 - (B) demonstrates 6,000 hours of experience in the alarm company business;
 - (C) demonstrates 2,000 hours of experience as a manager or administrator in the alarm company business or in a construction business; and
 - (D) passes an examination component established by rule by the commission with the concurrence of the director;
 - (ii) provide the name, address, date of birth, social security number, fingerprint card, and consent to a background check in accordance with Section 58-55-302.1 and requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for each alarm company officer, alarm company owner, alarm company proprietor, alarm company trustee, and responsible management personnel with direct responsibility for managing operations of the applicant within the state;
 - (iii) document that none of the persons described in Subsection (3)(k)(ii):
 - (A) have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored; or
 - (B) are currently suffering from habitual drunkenness or from drug addiction or dependence;
 - (iv) file and maintain with the division evidence of:
 - (A) comprehensive general liability insurance in form and in amounts to be established by rule by the commission with the concurrence of the director;
 - (B) workers' compensation insurance that covers employees of the applicant in accordance with applicable Utah law; and
 - (C) registration as is required by applicable law with the:
 - (I) Division of Corporations and Commercial Code;
 - (II) Unemployment Insurance Division in the Department of Workforce Services, for purposes of Title 35A, Chapter 4, Employment Security Act;
 - (III) State Tax Commission; and
 - (IV) Internal Revenue Service; and
 - (v) meet with the division and board.
- (l) Each applicant for licensure as an alarm company agent shall:
 - (i) submit an application in a form prescribed by the division accompanied by fingerprint cards;

- (ii) pay a fee determined by the department under Section 63J-1-504;
 - (iii) submit to and pass a criminal background check in accordance with Section 58-55-302.1 and requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (iv) not have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored;
 - (v) not be currently suffering from habitual drunkenness or from drug addiction or dependence; and
 - (vi) meet with the division and board if requested by the division or the board.
- (m)
- (i) Each applicant for licensure as an elevator mechanic shall:
 - (A) provide documentation of experience and education credits of not less than three years work experience in the elevator industry, in construction, maintenance, or service and repair; and
 - (B) satisfactorily complete a written examination administered by the division established by rule under Section 58-1-203; or
 - (C) provide certificates of completion of an apprenticeship program for elevator mechanics, having standards substantially equal to those of this chapter and registered with the United States Department of Labor Bureau Apprenticeship and Training or a state apprenticeship council.
 - (ii)
 - (A) If an elevator contractor licensed under this chapter cannot find a licensed elevator mechanic to perform the work of erecting, constructing, installing, altering, servicing, repairing, or maintaining an elevator, the contractor may:
 - (I) notify the division of the unavailability of licensed personnel; and
 - (II) request the division issue a temporary elevator mechanic license to an individual certified by the contractor as having an acceptable combination of documented experience and education to perform the work described in this Subsection (3)(m)(ii)(A).
 - (B)
 - (I) The division may issue a temporary elevator mechanic license to an individual certified under Subsection (3)(m)(ii)(A)(II) upon application by the individual, accompanied by the appropriate fee as determined by the department under Section 63J-1-504.
 - (II) The division shall specify the time period for which the license is valid and may renew the license for an additional time period upon its determination that a shortage of licensed elevator mechanics continues to exist.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules establishing when Federal Bureau of Investigation records shall be checked for applicants as an alarm company or alarm company agent under this section and Section 58-55-302.1.
- (5)
- (a) An application for licensure under this chapter shall be denied if:
 - (i) the applicant has had a previous license, which was issued under this chapter, suspended or revoked within two years before the date of the applicant's application;
 - (ii)
 - (A) the applicant is a partnership, corporation, or limited liability company; and
 - (B) any corporate officer, director, shareholder holding 25% or more of the stock in the applicant, partner, member, agent acting as a qualifier, or any person occupying a similar status, performing similar functions, or directly or indirectly controlling the applicant has

served in any similar capacity with any person or entity which has had a previous license, which was issued under this chapter, suspended or revoked within two years before the date of the applicant's application;

(iii)

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

(B) any owner or agent acting as a qualifier has served in any capacity listed in Subsection (5)(a)(ii)(B) in any entity which has had a previous license, which was issued under this chapter, suspended or revoked within two years before the date of the applicant's application; or

(iv)

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

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

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

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

(ii)

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

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

(iii)

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

(B) any owner or agent acting as a qualifier has served in any capacity listed in Subsection (5)(a)(ii)(B) in any entity which has had a previous license, which was issued under this chapter, suspended or revoked more than two years before the date of the applicant's application.

(6)

(a)

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

(A) own an interest in the contractor that is an unincorporated entity;

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

(C) engage, or will engage, in a construction trade in the state as owners of the contractor described in Subsection (6)(a)(i)(A).

(ii) If the licensee has five or fewer owners described in Subsection (6)(a)(i), the licensee shall provide the ownership status report with an application for renewal of licensure.

(b) An ownership status report required under this Subsection (6) shall:

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

- (A) for the first ownership status report, after the day on which the unincorporated entity is licensed under this chapter; and
- (B) for a subsequent ownership status report, after the day on which the previous ownership status report is filed;
- (ii) be in a format prescribed by the division that includes for each owner, regardless of the owner's percentage ownership in the unincorporated entity, the information described in Subsection (1)(e)(vi);
- (iii) list the name of:
 - (A) each officer or manager of the unincorporated entity; and
 - (B) each other individual involved in the operation, supervision, or management of the unincorporated entity; and
- (iv) be accompanied by a fee set by the division in accordance with Section 63J-1-504 if the ownership status report indicates there is a change described in Subsection (6)(b)(i).
- (c) The division may, at any time, audit an ownership status report under this Subsection (6):
 - (i) to determine if financial responsibility has been demonstrated or maintained as required under Section 58-55-306; and
 - (ii) to determine compliance with Subsection 58-55-501(23), (24), or (26) or Subsection 58-55-502(8) or (9).
- (7)
 - (a) An unincorporated entity that provides labor to an entity licensed under this chapter by providing an individual who owns an interest in the unincorporated entity to engage in a construction trade in Utah shall file with the division:
 - (i) before the individual who owns an interest in the unincorporated entity engages in a construction trade in Utah, a current list of the one or more individuals who hold an ownership interest in the unincorporated entity that includes for each individual:
 - (A) the individual's name, address, birth date, and social security number; and
 - (B) whether the individual will engage in a construction trade; and
 - (ii) every 30 days after the day on which the unincorporated entity provides the list described in Subsection (7)(a)(i), an ownership status report containing the information that would be required under Subsection (6) if the unincorporated entity were a licensed contractor.
 - (b) When filing an ownership list described in Subsection (7)(a)(i) or an ownership status report described in Subsection (7)(a)(i) an unincorporated entity shall pay a fee set by the division in accordance with Section 63J-1-504.
- (8) This chapter may not be interpreted to create or support an express or implied independent contractor relationship between an unincorporated entity described in Subsection (6) or (7) and the owners of the unincorporated entity for any purpose, including income tax withholding.
- (9)
 - (a) A social security number provided under Subsection (1)(e)(vi) or (3)(k)(ii) is a private record under Subsection 63G-2-302(1)(i).
 - (b) The division may designate an applicant's evidence of identity under Subsection (1)(e)(vi) as a private record in accordance with Section 63G-2-302.

Amended by Chapter 507, 2024 General Session

58-55-302.1 Criminal background check.

- (1) An applicant for licensure under this chapter who requires a criminal background check shall:
 - (a) submit fingerprint cards in a form acceptable to the division at the time the license application is filed; and

- (b) consent to a fingerprint background check conducted by the Bureau of Criminal Identification and the Federal Bureau of Investigation regarding the application.
- (2) The division shall:
 - (a) in addition to other fees authorized by this chapter, collect from each applicant submitting fingerprints in accordance with this section the fee that the Bureau of Criminal Identification is authorized to collect for the services provided under Section 53-10-108 and the fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of obtaining federal criminal history record information;
 - (b) submit from each applicant the fingerprint card and the fees described in Subsection (2)(a) to the Bureau of Criminal Identification; and
 - (c) obtain and retain in division records a signed waiver approved by the Bureau of Criminal Identification in accordance with Section 53-10-108 for each applicant.
- (3) The Bureau of Criminal Identification shall, in accordance with the requirements of Section 53-10-108:
 - (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state and regional criminal records databases;
 - (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal history background check; and
 - (c) provide the results from the state, regional, and nationwide criminal history background checks to the division.
- (4) For purposes of conducting a criminal background check required under this section, the division shall have direct access to criminal background information maintained under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.
- (5) The division may not disseminate outside of the division any criminal history record information that the division obtains from the Bureau of Criminal Identification or the Federal Bureau of Investigation under the criminal background check requirements of this section.
- (6)
 - (a) A new license issued under Section 58-55-302 is conditional pending completion of the criminal background check.
 - (b) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the criminal background check required in Section 58-55-302 demonstrates the applicant or the applicant's officer, director, shareholder, general partner, proprietor, trustee, or other responsible management personnel has failed to accurately disclose a criminal history, the license is immediately and automatically revoked upon notice to the licensee by the division.
 - (c) A person whose conditional license has been revoked under Subsection (6)(b) is entitled to a postrevocation hearing to challenge the revocation.
 - (d) The division shall conduct a postrevocation hearing in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

Enacted by Chapter 223, 2023 General Session

58-55-302.5 Continuing education requirements for contractor licensees -- Continuing education courses.

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

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

(2)

- (a) The commission shall, with the concurrence of the division, establish by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a program of approved continuing education for contractor licensees.
- (b) Except as provided in Subsections (2)(c) and (e), only courses offered by any of the following may be included in the program of approved continuing education for contractor licensees:
 - (i) the Associated General Contractors of Utah;
 - (ii) Associated Builders and Contractors, Utah Chapter;
 - (iii) the Utah Home Builders Association;
 - (iv) the National Electrical Contractors Association Intermountain Chapter;
 - (v) the Utah Plumbing & Heating Contractors Association;
 - (vi) the Independent Electrical Contractors of Utah;
 - (vii) the Rocky Mountain Gas Association;
 - (viii) the Utah Mechanical Contractors Association;
 - (ix) the Sheet Metal Contractors Association;
 - (x) the Intermountain Electrical Association;
 - (xi) the American Subcontractors Association, Utah Chapter; or
 - (xii) Utah Roofing Contractors Association.
- (c) An approved continuing education program for a contractor licensee may include a course approved by an entity described in Subsections (2)(b)(i) through (2)(b)(iii).
- (d)
 - (i) Except as provided in Subsections (2)(d)(ii) and (iii), an entity listed in Subsections (2)(b)(iv) through (2)(b)(xii) may only offer and market continuing education courses to a licensee who is a member of the entity.
 - (ii) An entity described in Subsection (2)(b)(iv), (vi), or (x) may offer and market a continuing education course that the entity offers to satisfy the continuing education requirement described in Subsection 58-55-302.7(2)(a) to a contractor in the electrical trade.
 - (iii) An entity described in Subsection (2)(b)(v) or (viii) may offer and market a continuing education course that the entity offers to satisfy:
 - (A) the continuing education requirement described in Subsection 58-55-302.7(2)(b) to a contractor in the plumbing trade; or
 - (B) the continuing education requirement described in Subsection (1) for a contractor licensee that is licensed in the specialty contractor classification of HVAC contractor.
- (e) An approved continuing education program for a contractor licensee may include a course offered and taught by:
 - (i) a state executive branch agency;
 - (ii) the workers' compensation insurance carrier that provides workers' compensation insurance under Section 31A-22-1001; or
 - (iii) a nationally or regionally accredited college or university that has a physical campus in the state.
- (f) For a contractor licensee that is licensed in the specialty contractor classification of HVAC contractor, at least three of the six hours described in Subsection (1) shall include continuing education directly related to the installation, repair, or replacement of a heating, ventilation, or air conditioning system.

- (3) The division may contract with a person to establish and maintain a continuing education registry to include:
 - (a) a list of courses that the division has approved for inclusion in the program of approved continuing education; and
 - (b) a list of courses that:
 - (i) a contractor licensee has completed under the program of approved continuing education; and
 - (ii) the licensee may access to monitor the licensee's compliance with the continuing education requirement established under Subsection (1).
- (4) The division may charge a fee, as established by the division under Section 63J-1-504, to administer the requirements of this section.

Amended by Chapter 201, 2024 General Session

58-55-302.7 Continuing education requirements for electricians, elevator mechanics, and plumbers.

- (1) As used in this section:
 - (a) "Licensed electrician" means an individual licensed under this chapter as an apprentice electrician, journeyman electrician, master electrician, residential journeyman electrician, or residential master electrician.
 - (b) "Licensed elevator mechanic" means an individual licensed under this chapter as an elevator mechanic.
 - (c) "Licensed plumber" means an individual licensed under this chapter as an apprentice plumber, journeyman plumber, master plumber, residential journeyman plumber, or residential master plumber.
- (2) Beginning December 1, 2010, during each two-year renewal cycle established by rule under Subsection 58-55-303(1):
 - (a) a licensed electrician shall complete 16 hours of continuing education under the continuing education program established under this section;
 - (b) a licensed plumber shall complete 12 hours of continuing education under the continuing education program established under this section; and
 - (c) a licensed elevator mechanic shall complete eight hours of continuing education under the continuing education program established under this section.
- (3) The commission shall, with the concurrence of the division, establish by rule:
 - (a) a continuing education program for licensed electricians;
 - (b) a continuing education program for licensed elevator mechanics; and
 - (c) a continuing education program for licensed plumbers.
- (4) The division may contract with a person to establish and maintain a continuing education registry to include:
 - (a) an online application for a continuing education course provider to apply to the division for approval of the course for inclusion in the continuing education program;
 - (b) a list of courses that the division has approved for inclusion in the continuing education program; and
 - (c) a list of courses that:
 - (i) a licensed electrician, licensed elevator mechanic, or licensed plumber has completed under the continuing education program; and
 - (ii) the licensed electrician, licensed elevator mechanic, or licensed plumber may access to monitor compliance with the continuing education requirement under Subsection (2).

- (5) The division may charge a fee, established by the division under Section 63J-1-504, to administer the requirements of this section.

Amended by Chapter 367, 2011 General Session

58-55-303 Term of license -- Expiration -- Renewal.

- (1)
- (a) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule.
 - (b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycle it administers.
 - (c)
 - (i) Notwithstanding a renewal cycle under Subsection (1)(a) or (b), notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, and subject to Subsection (1)(c)(ii), a license is automatically suspended 60 days after the licensee:
 - (A) becomes, after the time of licensing, an unincorporated entity that is subject to the ownership status report filing requirements of Subsection 58-55-302(6)(a)(i); or
 - (B) transfers its license to an unincorporated entity that is subject to the ownership status report filing requirements of Subsection 58-55-302(6)(a)(i).
 - (ii) An automatic suspension does not occur under Subsection (1)(c)(i) if, before the expiration of the 60-day period in Subsection (1)(c)(i):
 - (A) the licensee submits an application for renewal of the license; and
 - (B) the division renews the licensee's license pursuant to the licensee's application for renewal.
 - (iii) Within 30 days after the effective date of a suspension under Subsection (1)(c)(i), the commission shall, in accordance with Title 63G, Chapter 4, Administrative Procedures Act, make a final determination concerning the suspension.
- (2) At the time of renewal, the licensee shall show satisfactory evidence of:
- (a) continuing financial responsibility as required under Section 58-55-306;
 - (b) for a contractor licensee, completion of six hours of approved continuing education, as required in Section 58-55-302.5; and
 - (c) if the licensee is an apprentice electrician or plumber, journeyman electrician or plumber, master electrician or plumber, residential journeyman electrician or plumber, or residential master electrician or plumber, completion of the number of hours of continuing education specified under Section 58-55-302.7.
- (3) Each license automatically expires on the expiration date shown on the license unless the licensee renews the license in accordance with Section 58-1-308.
- (4) The requirements of Subsection 58-55-302(5) shall also apply to applicants seeking to renew or reinstate a license.
- (5) In addition to any other requirements imposed by law, if a license has been suspended or revoked for any reason, the applicant:
- (a) shall pay in full all fines imposed by the division;
 - (b) resolve any outstanding citations or disciplinary actions with the division;
 - (c) satisfy any Section 58-55-503 judgment and sentence or nontrial resolution;
 - (d) complete a new financial responsibility review as required under Section 58-55-306, using only titled assets; and
 - (e) pay in full any reimbursement amount as provided in Title 38, Chapter 11, Residence Lien Restriction and Lien Recovery Fund Act.

Amended by Chapter 223, 2023 General Session

58-55-304 Licensee names -- License number use -- License qualifier.

- (1) No license may be issued by the division in a name that is identical to or so resembles the name of another licensee that the division determines that it may result in confusion or mistake.
- (2) The contractor's license number shall be made a part of all permit applications, contracts, agreements, or bids when a license is required.
- (3) The division may issue a license in the name of an individual or the name of a business entity for which the individual acts as a qualifier, in accordance with the following:
 - (a) An individual shall:
 - (i) submit an application in the individual's name;
 - (ii) demonstrate the individual's own financial responsibility; and
 - (iii) pass the required examination and meet all other requirements of this chapter.
 - (b) A business entity shall:
 - (i) submit the application in the name of and on behalf of the business entity;
 - (ii) list the individual as the qualifier;
 - (iii) demonstrate financial responsibility of the business entity if applying for a contractor's license;
 - (iv) provide evidence that the individual qualifier has passed the required examination; and
 - (v) meet all other requirements of this chapter.
- (4) A person acting as a qualifier for a business entity licensee must demonstrate to the division that the individual is an owner, officer, or manager within that business entity who exercises material authority in the conduct of that business entity's contracting business by:
 - (a) making substantive technical and administrative decisions relating to the work performed for which a license is required under this chapter;
 - (b) hiring, promoting, transferring, laying off, disciplining, directing, or discharging employees of the licensee either by himself or through others; and
 - (c) not being involved in any other employment or activity which conflicts with the individual's duties and responsibilities to ensure the licensee's performance of work regulated under this chapter does not jeopardize the public health, safety, and welfare.
- (5)
 - (a) Except as provided in Subsections (5)(b) and (c), it is the duty and responsibility of the licensee and the qualifier to comply with the provisions of this section. Failure to comply with the requirements of this section may be considered unprofessional conduct by the licensee, the qualifier, or both.
 - (b) If a licensee business entity has maintained its license and has not violated the requirements of this chapter or Sections 58-55-101 through 58-55-604 for a period of 10 consecutive years, the business entity may maintain its license under this chapter by recording an active employee name and registration/license number from the applicable trade on the renewal application in order to comply with the individual qualifier requirements of this section. However, this Subsection (5)(b) shall not apply if more than 50% of the ownership of the business entity has been transferred at any time during the ten-year period.
 - (c) If a plumbing or electrical business entity has maintained its license and has not violated the requirements of this chapter or Sections 58-55-101 through 58-55-604 for a period of five consecutive years, the business entity may maintain its license under this chapter by recording an active employee name and registration/license number from the applicable trade on the renewal application in order to comply with the individual qualifier requirements of this

section. However, this Subsection (5)(c) shall not apply if more than 50% of the ownership of the business entity has been transferred at any time during the five-year period.

- (6) If an individual qualifying on behalf of a business entity issued a license under this chapter ceases association with that entity as required in Subsection (4), the licensee shall notify the division in writing within 10 days after cessation of association or employment. If notice is given, the license shall remain in force for 60 days after the date of cessation of association or employment. The licensee shall replace the original qualifier with another individual qualifier within the 60-day period or the license shall be automatically suspended.
- (7) Failure to notify the division of cessation of association or employment of a qualifier as required in Subsection (6) may result in immediate suspension of the license upon a finding of good cause.

Amended by Chapter 14, 2004 General Session

58-55-305 Exemptions from licensure.

- (1) In addition to the exemptions from licensure in Section 58-1-307, the following persons may engage in acts or practices included within the practice of construction trades, subject to the stated circumstances and limitations, without being licensed under this chapter:
 - (a) an authorized representative of the United States government or an authorized employee of the state or any of its political subdivisions when working on construction work of the state or the subdivision, and when acting within the terms of the person's trust, office, or employment;
 - (b) a person engaged in construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts, reclamation districts, and drainage districts or construction and repair relating to farming, dairying, agriculture, livestock or poultry raising, metal and coal mining, quarries, sand and gravel excavations, well drilling, as defined in Section 73-3-25, hauling to and from construction sites, and lumbering;
 - (c) public utilities operating under the rules of the Public Service Commission on work incidental to their own business;
 - (d) a sole owner of property engaged in building:
 - (i) no more than one residential structure per year on the sole owner's property and no more than three residential structures per five years on the sole owner's property for the sole owner's noncommercial, nonpublic use, except that a person other than the property owner or a person described in Subsection (1)(e), who engages in building a residential structure must be licensed under this chapter if the person is otherwise required to be licensed under this chapter; or
 - (ii) structures on the sole owner's property for the sole owner's noncommercial, nonpublic use that are incidental to a residential structure on the property, including a shed, carport, or detached garage;
 - (e)
 - (i) a person engaged in construction or renovation of a residential building for noncommercial, nonpublic use if that person:
 - (A) works without compensation other than token compensation that is not considered salary or wages; and
 - (B) works under the direction of the property owner who engages in building the structure; and
 - (ii) as used in this Subsection (1)(e), "token compensation" means compensation paid by a sole owner of property exempted from licensure under Subsection (1)(d) to a person exempted from licensure under this Subsection (1)(e), that is:

- (A) minimal in value when compared with the fair market value of the services provided by the person;
- (B) not related to the fair market value of the services provided by the person; and
- (C) is incidental to the providing of services by the person including paying for or providing meals or refreshment while services are being provided, or paying reasonable transportation costs incurred by the person in travel to the site of construction;
- (f) a person engaged in the sale or merchandising of personal property that by its design or manufacture may be attached, installed, or otherwise affixed to real property who has contracted with a person, firm, or corporation licensed under this chapter to install, affix, or attach that property;
- (g) a contractor submitting a bid on a federal aid highway project, if, before undertaking construction under that bid, the contractor is licensed under this chapter;
- (h)
 - (i) subject to Subsection 58-1-401(2) and Sections 58-55-501 and 58-55-502, a person engaged in the alteration, repair, remodeling, or addition to or improvement of a building with a contracted or agreed value of less than \$7,000, including both labor and materials, and including all changes or additions to the contracted or agreed upon work; and
 - (ii) notwithstanding Subsection (1)(h)(i) and except as otherwise provided in this section:
 - (A) work in the plumbing and electrical trades on a Subsection (1)(h)(i) project within any six month period of time:
 - (I) shall be performed by a licensed electrical or plumbing contractor, if the project involves an electrical or plumbing system; and
 - (II) may be performed by a licensed journeyman electrician or plumber or an individual referred to in Subsection (1)(h)(ii)(A)(I), if the project involves a component of the system such as a faucet, toilet, fixture, device, outlet, or electrical switch;
 - (B) installation, repair, or replacement of a residential or commercial gas appliance or a combustion system on a Subsection (1)(h)(i) project shall be performed by a person who has received certification under Subsection 58-55-308(2) except as otherwise provided in Subsection 58-55-308(2)(d) or 58-55-308(3);
 - (C) installation, repair, or replacement of water-based fire protection systems on a Subsection (1)(h)(i) project must be performed by a licensed fire suppression systems contractor or a licensed journeyman plumber;
 - (D) work as an alarm business or company or as an alarm company agent shall be performed by a licensed alarm business or company or a licensed alarm company agent, except as otherwise provided in this chapter;
 - (E) installation, repair, or replacement of an alarm system on a Subsection (1)(h)(i) project must be performed by a licensed alarm business or company or a licensed alarm company agent;
 - (F) installation, repair, or replacement of a heating, ventilation, or air conditioning system (HVAC) on a Subsection (1)(h)(i) project must be performed by an HVAC contractor licensed by the division;
 - (G) installation, repair, or replacement of a radon mitigation system or a soil depressurization system must be performed by a licensed contractor; and
 - (H) if the total value of the project is greater than \$3,000, the person shall file with the division a one-time affirmation, subject to periodic reaffirmation as established by division rule, that the person has:
 - (I) public liability insurance in coverage amounts and form established by division rule; and

- (II) if applicable, workers compensation insurance which would cover an employee of the person if that employee worked on the construction project;
- (i) a person practicing a specialty contractor classification or construction trade which the director does not classify by administrative rule as significantly impacting the public's health, safety, and welfare;
- (j) owners and lessees of property and persons regularly employed for wages by owners or lessees of property or their agents for the purpose of maintaining the property, are exempt from this chapter when doing work upon the property;
- (k)
 - (i) a person engaged in minor plumbing work that is incidental, as defined by the division by rule, to the repair of a fixture or an appliance in a residential or small commercial building, or structure used for agricultural use, as defined in Section 15A-1-202, provided that no modification is made to:
 - (A) existing culinary water, soil, waste, or vent piping; or
 - (B) a gas appliance or combustion system; and
 - (ii) except as provided in Subsection (1)(e), installation for the first time of a fixture or an appliance is not included in the exemption provided under Subsection (1)(k)(i);
- (l) a person who ordinarily would be subject to the plumber licensure requirements under this chapter when installing or repairing a water conditioner or other water treatment apparatus if the conditioner or apparatus:
 - (i) meets the appropriate state construction codes or local plumbing standards; and
 - (ii) is installed or repaired under the direction of a person authorized to do the work under an appropriate specialty contractor license;
- (m) a person who ordinarily would be subject to the electrician licensure requirements under this chapter when employed by:
 - (i) railroad corporations, telephone corporations or their corporate affiliates, elevator contractors or constructors, or street railway systems; or
 - (ii) public service corporations, rural electrification associations, or municipal utilities who generate, distribute, or sell electrical energy for light, heat, or power;
- (n) a person involved in minor electrical work incidental to a mechanical or service installation, including the outdoor installation of an above-ground, prebuilt hot tub;
- (o) a person who ordinarily would be subject to the electrician licensure requirements under this chapter but who during calendar years 2009, 2010, or 2011 was issued a specialty contractor license for the electrical work associated with the installation, repair, or maintenance of solar energy panels, may continue the limited electrical work for solar energy panels under a specialty contractor license;
- (p) a student participating in construction trade education and training programs approved by the commission with the concurrence of the director under the condition that:
 - (i) all work intended as a part of a finished product on which there would normally be an inspection by a building inspector is, in fact, inspected and found acceptable by a licensed building inspector; and
 - (ii) a licensed contractor obtains the necessary building permits;
- (q) a delivery person when replacing any of the following existing equipment with a new gas appliance, provided there is an existing gas shutoff valve at the appliance:
 - (i) gas range;
 - (ii) gas dryer;
 - (iii) outdoor gas barbeque; or
 - (iv) outdoor gas patio heater;

- (r) a person performing maintenance on an elevator as defined in Section 58-55-102, if the maintenance is not related to the operating integrity of the elevator; and
 - (s) an apprentice or helper of an elevator mechanic licensed under this chapter when working under the general direction of the licensed elevator mechanic.
- (2) A compliance agency as defined in Section 15A-1-202 that issues a building permit to a person requesting a permit as a sole owner of property referred to in Subsection (1)(d) shall notify the division, in writing or through electronic transmission, of the issuance of the permit.

Amended by Chapter 226, 2024 General Session

58-55-306 Financial responsibility.

- (1) An applicant for licensure as a contractor, and a licensee applying for renewal or reinstatement of a contractor's license shall demonstrate to the division and the commission the applicant's or licensee's financial responsibility before the issuance of or the renewal or reinstatement of a license by:
- (a)
 - (i) completing a questionnaire developed by the division; and
 - (ii) signing the questionnaire, certifying that the information provided is true and accurate; or
 - (b) submitting a bond in an amount and form determined by the commission with the concurrence of the director.
- (2) A licensee, including an individual who holds an ownership interest in an unincorporated entity licensee, shall maintain financial responsibility throughout the period of licensure.
- (3) The division may audit the financial responsibility of an applicant or licensee on a random basis or upon finding of a reasonable need.
- (4) The burden to demonstrate financial responsibility is upon the applicant, licensee, or owner of an unincorporated entity licensee, as the case may be.
- (5)
- (a) In determining the financial responsibility of an applicant or licensee described in Subsection (1) that is an unincorporated entity, the division:
 - (i) shall consider the personal financial information of each individual who holds an ownership interest in the unincorporated entity; and
 - (ii) may, at any time:
 - (A) audit the personal financial information of any individual who holds an ownership interest in the unincorporated entity; or
 - (B) request and obtain a credit report on the individual.
 - (b) If, based on the personal financial information of one or more individuals who hold an ownership interest in the unincorporated entity, the division determines that the applicant or licensee lacks financial responsibility to engage successfully in business as a contractor, the division may:
 - (i) prohibit the individual or individuals from engaging in a construction trade;
 - (ii) prohibit the applicant or licensee from engaging in a construction trade, unless the individual or individuals dissociate from the applicant or licensee within 10 days after the division makes the determination of a lack of financial responsibility; or
 - (iii) require the individual or individuals, applicant, or licensee to submit a bond that is in a form determined by the commission with the concurrence of the director and in an amount that is:
 - (A) determined by the commission with the concurrence of the director; or
 - (B) 20% of the annual gross distributions from the unincorporated entity to its owners and that includes coverage for unpaid obligations incurred by the licensee contractor and any

failure of the licensee contractor owners to pay income taxes and self-employment taxes on the gross distributions from the unincorporated entity to its owners.

Amended by Chapter 57, 2013 General Session

58-55-307 Confidentiality of records and reports.

- (1) Credit reports, financial statements, and other information submitted to the division by or at the request and direction of an applicant or licensee for the purpose of supporting a representation of financial responsibility:
 - (a) constitute protected records under Title 63G, Chapter 2, Government Records Access and Management Act; and
 - (b) notwithstanding Subsection (1)(a), may be considered by the commission in a public meeting, unless the owner of the information requests that the meeting be closed to the public in accordance with Title 52, Chapter 4, Open and Public Meetings Act.
- (2) Notwithstanding the provisions of Title 63G, Chapter 2, Government Records Access and Management Act, the records described in Subsection (1) are not open for public inspection and are not subject to discovery in civil or administrative proceedings.

Amended by Chapter 238, 2016 General Session

58-55-308 Scope of practice -- Installation, repair, maintenance, or replacement of gas appliance, combustion system, automatic fire sprinkler system, or battery-powered fence -- Rules.

- (1)
 - (a) The commission, with the concurrence of the director, may adopt reasonable rules pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to define and limit the scope of practice and operating standards of the classifications and subclassifications licensed under this chapter in a manner consistent with established practice in the relevant industry.
 - (b) The commission and the director may limit the field and scope of operations of a licensee under this chapter in accordance with the rules and the public health, safety, and welfare, based on the licensee's education, training, experience, knowledge, and financial responsibility.
- (2)
 - (a) The work and scope of practice covered by this Subsection (2) and Subsection (3) is the installation, repair, maintenance, cleaning, or replacement of a residential or commercial gas appliance or combustion system.
 - (b) The provisions of this Subsection (2) apply to any:
 - (i) licensee under this chapter whose license authorizes the licensee to perform the work described in Subsection (2)(a); and
 - (ii) person exempt from licensure under Section 58-55-305.
 - (c) Any person described in Subsection (2)(b) that performs work described in Subsection (2)(a):
 - (i) must first receive training and certification as specified in rules adopted by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (ii) shall ensure that any employee authorized under other provisions of this chapter to perform work described in Subsection (2)(a) has first received training and certification as specified in rules adopted by the division.

- (d) The division may exempt from the training requirements adopted under Subsection (2)(c) a person that has adequate experience, as determined by the division.
- (3) The division may exempt the following individuals from the certification requirements adopted under Subsection (2)(c):
 - (a) a person who has passed a test equivalent to the level of testing required by the division for certification, or has completed an apprenticeship program that teaches the installation of gas line appliances and is approved by the Federal Bureau of Apprenticeship Training; and
 - (b) a person working under the immediate one-to-one supervision of a certified natural gas technician or a person exempt from certification.
- (4)
 - (a) The work and scope of practice covered by this Subsection (4) is the installation, repair, maintenance, or replacement of an automatic fire sprinkler system.
 - (b) The provisions of this Subsection (4) apply to an individual acting as a qualifier for a business entity in accordance with Section 58-55-304, where the business entity seeks to perform the work described in Subsection (4)(a).
 - (c) Before a business entity described in Subsection (4)(b) may perform the work described in Subsection (4)(a), the qualifier for the business entity shall:
 - (i) be a licensed general building contractor; or
 - (ii) obtain a certification in fire sprinkler fitting from the division by providing evidence to the division that the qualifier has met the following requirements:
 - (A) completing a Department of Labor federally approved apprentice training program or completing two-years experience under the immediate supervision of a licensee who has obtained a certification in fire sprinkler fitting; and
 - (B) passing the Star fire sprinklerfitting mastery examination offered by the National Inspection Testing and Certification Corporation or an equivalent examination approved by the division.
 - (d) The division may also issue a certification in fire sprinkler fitting to a qualifier for a business entity who has received training and experience equivalent to the requirements of Subsection (4)(c), as specified in rules adopted by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (5)
 - (a) The scope and practice of this Subsection (5) is the installation, repair, maintenance, or replacement of a battery-charged suspended-wire system or fence that:
 - (i) is part of and interfaces with an alarm system for the purposes of detecting and deterring unauthorized intrusion or entry into or onto certain premises;
 - (ii) is located on property that is not designated by a municipality or county for residential use;
 - (iii) has an energizer that is driven by a commercial storage battery that provides no more than 12 volts of direct current;
 - (iv) produces an electric charge on contact that does not exceed energizer characteristics set for electric fence energizers by the International Electrotechnical Commission;
 - (v) is surrounded by a nonelectric perimeter fence or wall that is at least five feet in height;
 - (vi) is not more than the higher of:
 - (A) two feet higher than the height of the nonelectric perimeter fence or wall; or
 - (B) 10 feet in height;
 - (vii) is marked with conspicuous warning signs that are located on the battery-charged suspended-wire system or fence at no more than 30-foot intervals and that read "WARNING -- ELECTRIC FENCE"; and

- (viii) meets any rules related to battery-charged suspended-wire systems or fences adopted by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (b) Before a business entity or person may perform the scope of work described in Subsection (5)(a), the business entity or person shall be a licensed alarm business or company or a licensed alarm company agent.
- (6) This section does not prohibit a licensed specialty contractor from accepting and entering into a contract involving the use of two or more crafts or trades if the performance of the work in the crafts or trades, other than that in which the contractor is licensed, is incidental and supplemental to the work for which the contractor is licensed.

Amended by Chapter 446, 2022 General Session

58-55-308.1 Definitions -- Installation of natural gas facilities -- Scope of practice.

- (1) As used in this section:
 - (a) "Gas corporation" is as defined in Section 54-2-1.
 - (b) "Minimum system" means the minimum natural gas facilities necessary to serve each intended consumer, as determined by a gas corporation.
 - (c)
 - (i) "Natural gas facilities" means:
 - (A) one or more natural gas mains;
 - (B) one or more natural gas service lines; or
 - (C) a combination of Subsections (1)(c)(i)(A) and (B); and
 - (ii) "Natural gas facilities" includes any necessary appurtenant facilities.
 - (d)
 - (i) "Natural gas main" means a natural gas distribution pipeline that delivers natural gas to another natural gas distribution supply line or to a natural gas service line.
 - (ii) "Natural gas main" does not include a natural gas service line.
 - (e) "Natural gas service line" means a natural gas pipeline that carries natural gas from a natural gas main to a meter for use by the ultimate consumer.
 - (f) "Natural gas tariff specifications" means the standards and specifications:
 - (i) for the construction of natural gas facilities; and
 - (ii) that are:
 - (A) established by a gas corporation; and
 - (B) included in the gas corporation's tariff that is approved by the Public Service Commission.
 - (g) "Qualifying installer" means a person who:
 - (i) a gas corporation approves to install natural gas facilities; and
 - (ii) is:
 - (A) licensed under this chapter; and
 - (B) authorized to install natural gas facilities within the person's scope of practice as established by statute or administrative rule.
- (2) A qualifying installer may install natural gas facilities.
- (3)
 - (a) Except as provided in Subsections (3)(b) and (c), a qualifying installer shall pay the costs to install natural gas facilities.
 - (b) A gas corporation shall pay the costs of the following services related to natural gas facilities installed by a qualifying installer:
 - (i) engineering;

- (ii) inspection;
 - (iii) mapping; and
 - (iv) locating.
- (c) If a gas corporation requires a qualifying installer to install natural gas facilities that are greater than the minimum system, the gas corporation shall pay any difference in cost between the required natural gas facilities and the minimum system.
- (4) A gas corporation shall inspect and test natural gas facilities that a qualifying installer installs to verify that the natural gas facilities comply with applicable federal, state, and local law and natural gas tariff specifications.
- (5) A gas corporation is not required to supply natural gas to or accept ownership of natural gas facilities until the gas corporation completes all necessary inspections and testing to verify that the natural gas facilities have been installed and tested in compliance with applicable federal, state, and local law and natural gas tariff specifications.

Enacted by Chapter 326, 2014 General Session

58-55-310 Requirements when working for political subdivision or state agency.

Each political subdivision and agency of the state and each board of education which requires the issuance of a permit or license as a precondition to the construction, alteration, improvement, demolition, or other repairs for which a contractor's license is also required under this chapter shall:

- (1) require that each applicant for a permit or license file a signed statement that the applicant has a current contractor's license with the license number included in the application;
- (2) require that any representation of exemption from the contractor's licensing law be included in the signed statement and that if that exempt person, firm, corporation, association, or other organization intends to hire a contractor to perform any work under the permit or license, that the license number of that contractor be included in the application, but if a contractor has not been selected at the time of the application for a permit or license, the permit or license shall be issued only on the condition that a currently licensed contractor will be selected and that the license number of the contractor will be given to the issuing public body and displayed on the permit or license;
- (3) require that, upon issuance of a permit or license, the contractor affix the contractor's license number to that permit or license for public display; and
- (4) require the contractor to provide proof that the contractor provides workers' compensation insurance, pays into the unemployment insurance fund, provides health insurance as required under federal or state law, and withholds applicable taxes from worker pay.

Amended by Chapter 57, 2013 General Session

58-55-311 Evidence of licensure.

An individual licensed as an alarm company agent shall:

- (1) carry a copy of the individual's license on the individual's person at all times while acting as a licensee;
- (2) display the license upon the request of a peace officer, a representative of the division, or a representative of a customer of the alarm company.

Renumbered and Amended by Chapter 317, 2000 General Session

58-55-312 Interim and temporary permits for alarm company agents.

- (1) Upon receipt of a complete application for licensure in accordance with Section 58-55-302, an applicant for licensure as an alarm company agent may be issued:
 - (a) an interim permit; or
 - (b) subject to Subsection (3), a temporary permit.
- (2)
 - (a) Each interim permit shall expire 90 days after it is issued or on the date on which the applicant is issued a license, whichever is earlier.
 - (b) The division may reissue an interim permit if the delay in approving a license is beyond the control or influence of the interim permit holder.
- (3)
 - (a) The division may issue a temporary permit to an applicant for a license as an alarm company agent if:
 - (i) the division has received a background check on the applicant from the Bureau of Criminal Identification;
 - (ii)
 - (A) the applicant is or will be employed at a call center, office, or administrative facility of an alarm company; and
 - (B) the applicant's only contact with a customer or potential customer of the alarm company is:
 - (I) from the call center, office, or administrative facility; and
 - (II) by telephone or other remote communication method; and
 - (iii) the alarm company by which the applicant is or will be employed affirms in writing to the division that the applicant, if issued a temporary license, will act only within the scope of the temporary license, as provided in Subsection (3)(a)(ii).
 - (b) A temporary license under this section expires the earliest of:
 - (i) 90 days after it is issued;
 - (ii) the date on which the individual to whom the temporary license is issued leaves the employment of the alarm company that employs the individual at the time the temporary license is issued; and
 - (iii) the date on which the division issues a regular license to the applicant or denies the applicant's application.
- (4) An interim permit holder may engage in the scope of an alarm company agent.

Amended by Chapter 387, 2010 General Session

Part 4

License Denial and Discipline

58-55-401 Grounds for denial of license and disciplinary proceedings.

- (1) In accordance with Section 58-1-401, the division may:
 - (a) refuse to issue a license to an applicant;
 - (b) refuse to renew the license of a licensee;
 - (c) revoke the right of a licensee to recover from the Residence Lien Recovery Fund created by Section 38-11-201;
 - (d) revoke, suspend, restrict, or place on probation the license of a licensee;
 - (e) issue a public or private reprimand to a licensee; and

- (f) issue a cease and desist order.
- (2) In addition to an action taken under Subsection (1), the division may take an action described in Subsection 58-1-401(2) in relation to a license as a contractor, if:
 - (a) the applicant or licensee is an unincorporated entity; and
 - (b) an individual who holds an ownership interest in or is the qualifier under Section 58-55-304 of the applicant or licensee engages in:
 - (i) unlawful conduct as described in Section 58-55-501; or
 - (ii) unprofessional conduct as described in Section 58-55-502.

Amended by Chapter 339, 2020 General Session

58-55-402 Investigation of regulated activity.

- (1) The division shall be responsible for the investigation of persons and activities in violation of the provisions of this chapter.
- (2)
 - (a) Investigation by the division shall include investigations of:
 - (i) licensees engaged in unlawful or unprofessional conduct; and
 - (ii) unlicensed persons engaged in the conduct of activity or work regulated under this chapter and for which a license is required.
 - (b)
 - (i) As used in this Subsection (2)(b), "sign contractor":
 - (A) means a sign installation contractor or nonelectrical outdoor advertising sign contractor, as classified and defined in division rules; and
 - (B) does not include a sign installation contractor or nonelectrical outdoor advertising sign contractor, as classified and defined in division rules, that is subject to Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act.
 - (ii) The division shall maintain a record of the number of unlicensed persons found to have engaged each year in the conduct of activity or work regulated under this chapter for which a license as a sign contractor is required, including the location where a violation occurred.
- (3) The division shall decline to proceed with investigation of the violation of any provisions of this chapter if the division finds there is no apparent material jeopardy to the public health, safety, and welfare.
- (4) The division shall have no responsibility for the inspection of construction work performed in the state to determine compliance with applicable codes, or industry and workmanship standards, except as provided in Subsections 58-1-501(2)(a)(vii), 58-55-502(2), (3), and (4), and 58-55-501(16).
- (5) Authorized representatives of the division shall be permitted to enter upon the premises or site of work regulated under this chapter for the purpose of determining compliance with the provisions of this chapter.

Amended by Chapter 195, 2011 General Session

58-55-403 Minimum time for division action.

The division has at least five working days after receiving an application for licensure to determine whether to issue a license under this chapter.

Amended by Chapter 233, 2000 General Session

Part 5

Unlawful and Unprofessional Conduct - Penalties

58-55-501 Unlawful conduct.

Unlawful conduct includes:

- (1) engaging in a construction trade, acting as a contractor, an alarm business or company, or an alarm company agent, or representing oneself to be engaged in a construction trade or to be acting as a contractor in a construction trade requiring licensure, unless the person doing any of these is appropriately licensed or exempted from licensure under this chapter;
- (2) acting in a construction trade, as an alarm business or company, or as an alarm company agent beyond the scope of the license held;
- (3) hiring or employing a person who is not licensed under this chapter to perform work on a project, unless the person:
 - (a) is an employee of a person licensed under this chapter for wages; and
 - (b) is not required to be licensed under this chapter;
- (4) applying for or obtaining a building permit either for oneself or another when not licensed or exempted from licensure as a contractor under this chapter;
- (5) issuing a building permit to any person for whom there is no evidence of a current license or exemption from licensure as a contractor under this chapter;
- (6) applying for or obtaining a building permit for the benefit of or on behalf of any other person who is required to be licensed under this chapter but who is not licensed or is otherwise not entitled to obtain or receive the benefit of the building permit;
- (7) failing to obtain a building permit when required by law or rule;
- (8) submitting a bid for any work for which a license is required under this chapter by a person not licensed or exempted from licensure as a contractor under this chapter;
- (9) willfully or deliberately misrepresenting or omitting a material fact in connection with an application to obtain or renew a license under this chapter;
- (10) allowing one's license to be used by another except as provided by statute or rule;
- (11) doing business under a name other than the name appearing on the license, except as permitted by statute or rule;
- (12) if licensed as a contractor in the electrical trade or plumbing trade, journeyman plumber, residential journeyman plumber, journeyman electrician, master electrician, or residential electrician, failing to directly supervise an apprentice under one's supervision or exceeding the number of apprentices one is allowed to have under the contractor's supervision;
- (13) if licensed as a contractor or representing oneself to be a contractor, receiving any funds in payment for a specific project from an owner or any other person, which funds are to pay for work performed or materials and services furnished for that specific project, and after receiving the funds to exercise unauthorized control over the funds by failing to pay the full amounts due and payable to persons who performed work or furnished materials or services within a reasonable period of time;
- (14) employing an unlicensed alarm business or company or an unlicensed individual as an alarm company agent, except as permitted under the exemption from licensure provisions under Section 58-1-307;
- (15) if licensed as an alarm company or alarm company agent, filing with the division fingerprint cards for an applicant which are not those of the applicant, or are in any other way false or fraudulent and intended to mislead the division in its consideration of the applicant for licensure;

- (16) if licensed under this chapter, willfully or deliberately disregarding or violating:
 - (a) the building or construction laws of this state or any political subdivision;
 - (b) the safety and labor laws applicable to a project;
 - (c) any provision of the health laws applicable to a project;
 - (d) the workers' compensation insurance laws of the state applicable to a project;
 - (e) the laws governing withholdings for employee state and federal income taxes, unemployment taxes, Social Security payroll taxes, or other required withholdings; or
 - (f) reporting, notification, and filing laws of this state or the federal government;
- (17) engaging in the construction trade or as a contractor for the construction of residences of up to two units when not currently registered or exempt from registration as a qualified beneficiary under Title 38, Chapter 11, Residence Lien Restriction and Lien Recovery Fund Act;
- (18) failing, as an original contractor, as defined in Section 38-11-102, to include in a written contract the notification required in Section 38-11-108;
- (19) wrongfully filing a preconstruction or construction lien in violation of Section 38-1a-308;
- (20) if licensed as a contractor, not completing the approved continuing education required under Section 58-55-302.5;
- (21) an alarm company allowing an employee with a temporary license under Section 58-55-312 to engage in conduct on behalf of the company outside the scope of the temporary license, as provided in Subsection 58-55-312(3)(a)(ii);
- (22) an alarm company agent under a temporary license under Section 58-55-312 engaging in conduct outside the scope of the temporary license, as provided in Subsection 58-55-312(3)(a)(ii);
- (23)
 - (a) an unincorporated entity licensed under this chapter having an individual who owns an interest in the unincorporated entity engage in a construction trade in Utah while not lawfully present in the United States; or
 - (b) an unincorporated entity providing labor to an entity licensed under this chapter by providing an individual who owns an interest in the unincorporated entity to engage in a construction trade in Utah while not lawfully present in the United States;
- (24) an unincorporated entity failing to provide the following for an individual who engages, or will engage, in a construction trade in Utah for the unincorporated entity, or for an individual who engages, or will engage, in a construction trade in Utah for a separate entity for which the unincorporated entity provides the individual as labor:
 - (a) workers' compensation coverage:
 - (i) to the extent required by Title 34A, Chapter 2, Workers' Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease Act; or
 - (ii) that would be required under the chapters listed in Subsection (24)(a)(i) if the unincorporated entity were licensed under this chapter; and
 - (b) unemployment compensation in accordance with Title 35A, Chapter 4, Employment Security Act, for an individual who owns, directly or indirectly, less than an 8% interest in the unincorporated entity, as defined by rule made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- (25) the failure of a sign installation contractor or nonelectrical outdoor advertising sign contractor, as classified and defined in division rules, to:
 - (a) display the contractor's license number prominently on a vehicle that:
 - (i) the contractor uses; and
 - (ii) displays the contractor's business name; or

- (b) carry a copy of the contractor's license in any other vehicle that the contractor uses at a job site, whether or not the vehicle is owned by the contractor;
- (26)
- (a) an unincorporated entity licensed under this chapter having an individual who owns an interest in the unincorporated entity engage in a construction trade in the state while the individual is using a Social Security number that does not belong to that individual; or
 - (b) an unincorporated entity providing labor to an entity licensed under this chapter by providing an individual, who owns an interest in the unincorporated entity, to engage in a construction trade in the state while the individual is using a Social Security number that does not belong to that individual;
- (27) a contractor failing to comply with a requirement imposed by a political subdivision, state agency, or board of education under Section 58-55-310; or
- (28) failing to timely comply with the requirements described in Section 58-55-605.

Amended by Chapter 339, 2020 General Session

58-55-502 Unprofessional conduct.

Unprofessional conduct includes:

- (1) failing to establish, maintain, or demonstrate financial responsibility while licensed as a contractor under this chapter;
- (2) disregarding or violating through gross negligence or a pattern of negligence:
 - (a) the building or construction laws of this state or any political subdivision;
 - (b) the safety and labor laws applicable to a project;
 - (c) any provision of the health laws applicable to a project;
 - (d) the workers' compensation insurance laws of this state applicable to a project;
 - (e) the laws governing withholdings for employee state and federal income taxes, unemployment taxes, Social Security payroll taxes, or other required withholdings; or
 - (f) any reporting, notification, and filing laws of this state or the federal government;
- (3) any willful, fraudulent, or deceitful act by a licensee, caused by a licensee, or at a licensee's direction which causes material injury to another;
- (4) contract violations that pose a threat or potential threat to the public health, safety, and welfare including:
 - (a) willful, deliberate, or grossly negligent departure from or disregard for plans or specifications, or abandonment or failure to complete a project without the consent of the owner or the owner's duly authorized representative or the consent of any other person entitled to have the particular project completed in accordance with the plans, specifications, and contract terms;
 - (b) failure to deposit funds to the benefit of an employee as required under any written contractual obligation the licensee has to the employee;
 - (c) failure to maintain in full force and effect any health insurance benefit to an employee that was extended as a part of any written contractual obligation or representation by the licensee, unless the employee is given written notice of the licensee's intent to cancel or reduce the insurance benefit at least 45 days before the effective date of the cancellation or reduction;
 - (d) failure to reimburse the Residence Lien Recovery Fund as required by Section 38-11-207;
 - (e) failure to provide, when applicable, the information required by Section 38-11-108; and
 - (f) willfully or deliberately misrepresenting or omitting a material fact in connection with an application to claim recovery from the Residence Lien Recovery Fund under Section 38-11-204;

- (5) failing as an alarm company to notify the division of the cessation of performance of its qualifying agent, or failing to replace its qualifying agent as required under Section 58-55-304;
- (6) failing as an alarm company agent to carry or display a copy of the licensee's license as required under Section 58-55-311;
- (7) failing to comply with operating standards established by rule in accordance with Section 58-55-308;
- (8) an unincorporated entity licensed under this chapter having an individual who owns an interest in the unincorporated entity engage in a construction trade in Utah while not lawfully present in the United States;
- (9) an unincorporated entity failing to provide the following for an individual who engages, or will engage, in a construction trade in Utah for the unincorporated entity:
 - (a) workers' compensation coverage to the extent required by Title 34A, Chapter 2, Workers' Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease Act; and
 - (b) unemployment compensation in accordance with Title 35A, Chapter 4, Employment Security Act, for an individual who owns, directly or indirectly, less than an 8% interest in the unincorporated entity, as defined by rule made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- (10) the failure of an alarm company or alarm company agent to inform a potential customer, before the customer's purchase of an alarm system or alarm service from the alarm company, of the policy of the county, city, or town within which the customer resides relating to priority levels for responding to an alarm signal transmitted by the alarm system that the alarm company provides the customer; or
- (11) failing to continuously maintain insurance and registration as required under Subsection 58-55-302(2).

Amended by Chapter 415, 2022 General Session

58-55-503 Penalty for unlawful conduct -- Citations.

- (1) As used in this section:
 - (a) "Person" means, in reference to Subsection 58-55-504(2), an individual, and does not include a sole proprietorship, joint venture, corporation, limited liability company, association, or organization of any type.
 - (b) "Qualifying violation" means a violation under:
 - (i) Subsection 58-55-308(2);
 - (ii) Subsections 58-55-501(1) through (3), (7), (9), (10), (12), (14), (16)(e), (18), or (20) through (28);
 - (iii) Subsection 58-55-502(4)(a) or (11); or
 - (iv) Subsection 58-55-504(2).
- (2)
 - (a) A person who violates Subsection 58-55-501(1) through (7), (9), (10), (12), (14), (15), (16)(e), or (21) through (28), Subsection 58-55-308(2), or Subsection 58-55-504(2), or who fails to comply with a citation issued under this section after the citation is final, is guilty of a class A misdemeanor.
 - (b) A person who violates the provisions of Subsection 58-55-501(8) may not be awarded and may not accept a contract for the performance of the work.
- (3) A person who violates Subsection 58-55-501(13) is guilty of:
 - (a) an infraction; or

- (b) if the violator did so with the intent to deprive the person to whom money is to be paid of the money received, of theft under Section 76-6-404.
- (4) Grounds for immediate suspension of a licensee's license by the division and the commission include:
 - (a) the issuance of a citation for violation of Subsection 58-55-308(2), Section 58-55-501, or Subsection 58-55-504(2); and
 - (b) the failure by a licensee to make application to, report to, or notify the division with respect to any matter for which application, notification, or reporting is required under this chapter or rules adopted under this chapter, including:
 - (i) applying to the division for a new license to engage in a new specialty classification or to do business under a new form of organization or business structure;
 - (ii) filing a current financial statement with the division; and
 - (iii) notifying the division concerning loss of insurance coverage or change in qualifier.
- (5)
 - (a)
 - (i) If upon inspection or investigation, the division concludes that a person has committed a qualifying violation or violated any rule or order issued with respect to a qualifying violation, and that disciplinary action is appropriate, the director or the director's designee from within the division shall:
 - (A) promptly issue a citation to the person according to this chapter and any pertinent rules;
 - (B) attempt to negotiate a stipulated settlement; or
 - (C) notify the person to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.
 - (ii) A person who committed a qualifying violation, as evidenced by an uncontested citation, a stipulated settlement, or by a finding of violation in an adjudicative proceeding, may be assessed a fine and may, in addition to or in lieu of, be ordered to cease and desist from engaging in the qualifying violation.
 - (iii) Except for a cease and desist order, the licensure sanctions cited in Section 58-55-401 may not be assessed through a citation.
 - (b) A citation shall:
 - (i) be in writing and describe with particularity the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated;
 - (ii) clearly state that the recipient must notify the division in writing within 20 calendar days after the day on which the citation is served if the recipient wishes to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act; and
 - (iii) clearly explain the consequences of failure to timely contest the citation or to make payment of any fines assessed by the citation within the time specified in the citation.
 - (c) A citation issued under this section, or a copy of a citation, may be served upon a person upon whom a summons may be served:
 - (i) in accordance with the Utah Rules of Civil Procedure;
 - (ii) personally or upon the person's agent by a division investigator or by a person specially designated by the director; or
 - (iii) by mail.
 - (d)
 - (i) If within 20 calendar days after the day on which a citation is served, the person to whom the citation was issued fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review.
 - (ii) The period to contest a citation may be extended by the division for cause.

- (e) The division may refuse to issue or renew, suspend, revoke, or place on probation the license of a licensee who fails to comply with a citation after the citation becomes final.
 - (f) The failure of an applicant for licensure to comply with a citation after the citation becomes final is a ground for denial of license.
 - (g) A citation may not be issued under this section after the expiration of one year after the date on which the violation that is the subject of the citation is reported to the division.
 - (h)
 - (i) Except as provided in Subsections (5)(h)(ii) and (6), the director or the director's designee shall assess a fine in accordance with the following:
 - (A) for a first offense handled under Subsection (5)(a), a fine of up to \$1,000;
 - (B) for a second offense handled under Subsection (5)(a), a fine of up to \$2,000; and
 - (C) for any subsequent offense handled under Subsection (5)(a), a fine of up to \$2,000 for each day of continued offense.
 - (ii) Except as provided in Subsection (6), if a person violates Subsection 58-55-501(16)(e) or (28), the director or the director's designee shall assess a fine in accordance with the following:
 - (A) for a first offense handled under Subsection (5)(a), a fine of up to \$2,000;
 - (B) for a second offense handled under Subsection (5)(a), a fine of up to \$4,000; and
 - (C) for any subsequent offense handled under Subsection (5)(a), a fine of up to \$4,000 for each day of continued offense.
 - (i)
 - (i) For purposes of issuing a final order under this section and assessing a fine under Subsection (5)(h), an offense constitutes a second or subsequent offense if:
 - (A) the division previously issued a final order determining that a person committed a first or second qualifying violation; or
 - (B)
 - (I) the division initiated an action for a first or second offense;
 - (II) a final order has not been issued by the division in the action initiated under Subsection (5)(i)(i)(B)(I);
 - (III) the division determines during an investigation that occurred after the initiation of the action under Subsection (5)(i)(i)(B)(I) that the person committed a second or subsequent qualifying violation; and
 - (IV) after determining that the person committed a second or subsequent qualifying violation under Subsection (5)(i)(i)(B)(III), the division issues a final order on the action initiated under Subsection (5)(i)(i)(B)(I).
 - (ii) In issuing a final order for a second or subsequent offense under Subsection (5)(i)(i), the division shall comply with the requirements of this section.
 - (j) In addition to any other licensure sanction or fine imposed under this section, the division shall revoke the license of a licensee that violates Subsection 58-55-501(23) or (24) two or more times within a 12-month period, unless, with respect to a violation of Subsection 58-55-501(23), the licensee can demonstrate that the licensee successfully verified the federal legal working status of the individual who was the subject of the violation using a status verification system, as defined in Section 13-47-102.
 - (k) For purposes of this Subsection (4), a violation of Subsection 58-55-501(23) or (24) for each individual is considered a separate violation.
- (6) If a person violates Section 58-55-501, the division may not treat the violation as a subsequent violation of a previous violation if the violation occurs five years or more after the day on which the person committed the previous violation.

- (7) If, after an investigation, the division determines that a person has committed multiple of the same type of violation of Section 58-55-501, the division may treat each violation as a separate violation of Section 58-55-501 and apply a penalty under this section to each violation.
- (8)
- (a) A penalty imposed by the director under Subsection (5) shall be deposited into the Commerce Service Account created by Section 13-1-2.
 - (b) A penalty that is not paid may be collected by the director by either referring the matter to a collection agency or bringing an action in the district court of the county in which the person against whom the penalty is imposed resides or in the county where the office of the director is located.
 - (c) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.
 - (d) In an action brought to collect a penalty, the court shall award reasonable attorney fees and costs to the prevailing party.

Amended by Chapter 226, 2024 General Session

58-55-504 Crane operators -- Required certification -- Penalty for violation.

- (1) As used in this section:
- (a) "Commercial construction projects" means construction, alteration, repair, demolition, or excavation projects that do not involve:
 - (i) single family detached housing;
 - (ii) multifamily attached housing up to and including a fourplex; or
 - (iii) commercial construction of not more than two stories above ground.
 - (b)
 - (i) "Crane operator" means an individual engaged in operating a crane, which for purposes of this section is a power-operated hoisting machine used in construction, demolition, or excavation work that has a power-operated winch, load-line, and boom moving laterally by the rotation of the machine on a carrier.
 - (ii) It does not include operating a fork lift, digger derrick truck, aircraft, bucket truck, knuckle boom, side boom, mechanic's truck, or a vehicle or machine not using a power-operated winch and load-line.
- (2)
- (a) In order to operate a crane on commercial construction projects, an individual shall be certified as a crane operator by the National Commission for the Certification of Crane Operators or any other organization determined by the division to offer an equivalent testing and certification program that meets the requirements of the American Society of Mechanical Engineers ASME B 30.5 and the accreditation requirements of the National Commission for Certifying Agencies.
 - (b) An individual who violates Subsection (2)(a) is guilty of a class A misdemeanor.
- (3) An individual engaged in construction or operation incidental to petroleum refining or electrical utility construction or maintenance is exempt from the crane operator certification requirement of Subsection (2)(a).

Amended by Chapter 98, 2007 General Session

Part 6

Payment Provisions

58-55-601 Payment -- Account designated.

When making any payment to a materialman, supplier, contractor, or subcontractor with whom he has a running account, or with whom he has more than one contract, or to whom he is otherwise indebted, the contractor shall designate the contract under which the payment is made or the items of account to which it is to be applied. When a payment for materials or labor is made to a subcontractor or materialman, the subcontractor or materialman shall demand of the person making the payment a designation of the account and the items of account to which the payment is to apply. In cases where a lien is claimed for materials furnished or labor performed by a subcontractor or materialman, it is a defense to the claim that a payment was made by the owner to the contractor for the materials and was so designated and paid over to the subcontractor or materialman, if when the payment was received by the subcontractor or materialman, he did not demand a designation of the account and of the items of account to which the payment was to be applied.

Renumbered and Amended by Chapter 181, 1994 General Session

58-55-602 Payment of construction funds -- Interest.

- (1) All unpaid construction funds are payable to the contractor as provided in Section 13-8-5.
- (2) On projects involving multiple buildings, each building shall be considered individually in determining the amount to be paid the contractor.
- (3) Partial occupancy of a building requires payment in direct proportion to the value of the part of the building occupied.
- (4) If any payment is retained or withheld, it shall be retained or withheld and released as provided in Section 13-8-5.

Amended by Chapter 365, 1999 General Session

58-55-603 Payment to subcontractors and suppliers.

- (1) When a contractor receives any construction funds from an owner or another contractor for work performed and billed, he shall pay each of his subcontractors and suppliers in proportion to the percentage of the work they performed under that billing, unless otherwise agreed by contract.
- (2) If, under this section and without reasonable cause, or unless otherwise agreed by contract, the contractor fails to pay for work performed by his subcontractors or suppliers within 30 consecutive days after receiving construction funds from the owner or another contractor for work performed and billed, or after the last day payment is due under the terms of the billing, whichever is later, he shall pay to the subcontractor or supplier, in addition to the payment, interest in the amount of 1% per month of the amount due, beginning on the day after payment is due, and reasonable costs of any collection and attorney's fees.
- (3) When a subcontractor receives any construction payment under this section, Subsections (1) and (2) apply to that subcontractor.

Renumbered and Amended by Chapter 181, 1994 General Session

58-55-604 Proof of licensure to maintain or commence action.

A contractor or alarm business or company may not act as agent or commence or maintain any action in any court of the state for collection of compensation for performing any act for which a license is required by this chapter without alleging and proving that the licensed contractor or alarm business or company was appropriately licensed when the contract sued upon was entered into, and when the alleged cause of action arose.

Amended by Chapter 377, 2008 General Session

58-55-605 Pay statement required.

(1) On the day on which a person licensed under this chapter pays an individual for work that the individual performed, the person shall give the individual a written or electronic pay statement that states:

- (a) the individual's name;
- (b) the individual's base rate of pay;
- (c) the dates of the pay period for which the individual is being paid;
- (d) if paid hourly, the number of hours the individual worked during the pay period;
- (e) the amount of and reason for any money withheld in accordance with state or federal law, including:
 - (i) state and federal income tax;
 - (ii) Social Security tax;
 - (iii) Medicare tax; and
 - (iv) court-ordered withholdings; and
- (f) the total amount paid to the individual for that pay period.

(2) A person licensed under this chapter shall:

- (a) comply with the requirements described in Subsection (1) regardless of whether the licensee pays the individual by check, cash, or other means;
- (b) retain a copy of each pay statement described in Subsection (1) for at least three years after the day on which the person gives a copy of the pay statement to the individual; and
- (c) upon request, make the pay statement records described in this section available to the division for inspection.

Enacted by Chapter 188, 2014 General Session

Part 7

Construction Business Registry

58-55-701 Definitions.

As used in this part, "licensed contractor" means a person licensed under this chapter.

Enacted by Chapter 436, 2022 General Session

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; 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.
- (5)
 - (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.

Enacted by Chapter 436, 2022 General Session

58-55-703 Fees.

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.

Enacted by Chapter 436, 2022 General Session

58-55-704 Rulemaking.

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.

Enacted by Chapter 436, 2022 General Session

TALKING POINTS RE: PACIFICORP RATE INCREASE JUNE 20, 2024

OVERVIEW

UAMPS pays PacifiCorp to use its transmission system to deliver wholesale electric power to UAMPS members. UAMPS charges its members transmission rates for their metered use of the transmission system. Because UAMPS' fiscal year does not align with PacifiCorp's annual formula rate filing, UAMPS projects the amount of the transmission rate increase based on historical experience and known cost increases. For the 2025 fiscal year, UAMPS projected a 2.0% increase in the transmission rate.

Changes to the transmission rate occur annually when PacifiCorp files an update of revenue and costs with FERC, including a true up for the costs projected in the previous year's filing. This update is made according to a formula rate that has been approved by FERC. Because such updates are based on clearly defined inputs and designed to be routine, FERC has allowed PacifiCorp to make its filing on May 15 with the new rate to go into effect on June 1. In the previous 9 years, the change has ranged from 1%-12%.

The inputs to the formula rate include costs relating to O&M, new capital investment, depreciation, revenue requirement, transmission in service and taxes among other items.

Interested parties are allowed to ask PacifiCorp questions about the basis for its formula rate calculation and to challenge the calculation first by notifying PacifiCorp of their concerns and, if PacifiCorp and the interested party are unable to reach an agreement, by filing with FERC. FERC determines whether the formula rate is appropriate based on the written submissions of the parties and may hold a hearing. If FERC determines that PacifiCorp set the rate too high, PacifiCorp must refund any overpayment to transmission customers.

If PacifiCorp seeks to include costs outside of the formula (including "extraordinary property losses") in the transmission rate, it must make a separate filing with FERC and may not include them in the formula rate update. PacifiCorp has not currently classified the wildfire liability costs as "extraordinary property losses," but UAMPS will seek reclassification. Proceedings to include costs in rates that are not included in the formula rate are typically more thorough, and accordingly take more time, than challenges to the formula rate.

PacifiCorp's 2024 formula rate filing seeks a 45% increase to transmission rates effective as of June 1, 2024.

MEMBER IMPACT

Why Such a Large Increase?

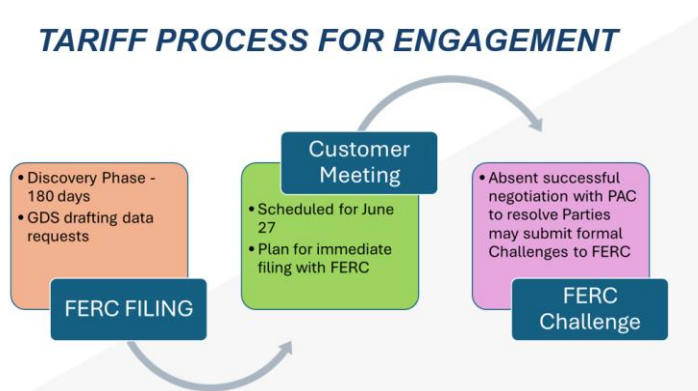
- PacifiCorp is attempting to recover its costs to settle third-party liability claims relating to the 2020 Oregon wildfire. Such costs appear to account for approximately half of the increase in transmission rates.
- Another significant driver is from new transmission infrastructure, including sections of the Energy Gateway transmission line that are expected to go into service in 2024.
- UAMPS and other transmission customers are working together with an external consultant to investigate whether there are any other significant drivers worth challenging.

What are the Member Impacts?

- The previous transmission rate was \$6.93/MWh. The increase translates to a \$2.52/MWh for a new transmission rate of \$9.45/MWh.
- Members will see this increase on their June bills, invoiced July 2024.
- UAMPS does not anticipate that this increase will necessitate Members to seek rate increases at the local level; nevertheless, UAMPS will vigorously challenge this unprecedented transmission rate increase to mitigate impacts to the Members.
- UAMPS has provided an updated budget to assist members in identifying respective impacts and is ready to assist any Member that desires further assistance in evaluating specific impacts to the Members.
- Members with internal generating resources subject to the transmission gross-up provisions will see an increase in transmission costs associated with running those generators.
- If FERC determines that the increase was in error, PacifiCorp will be required to refund the overcollection.

What is UAMPS Doing to Mitigate?

- UAMPS will challenge the inclusion of any unwarranted costs, including third-party wildfire liability claims, in transmission rates both through the formula rate process and additional FERC proceedings as appropriate.
- UAMPS will seek an order from FERC recategorizing the accounting for wildfire costs so they will not be included in the formula rate increase. If UAMPS is successful PacifiCorp would have to seek a separate ruling from FERC before including such costs in transmission rates.
- UAMPS can assist members with internal generation in calculating the effect of the increased transmission rate on running their generators.



Connection Costs have been set by resolution in the past and any changes currently require presentation for approval to City Council. Costs have not been updated officially since 2019, even though the cost of labor and materials has increased during that time. We are updating these costs to reflect current labor, equipment, and material costs. We would also like to add language so that these costs may be presented for approval through the Power Board with notification of the changes to City Council. We would like to update the costs with approval anytime any significant pricing change happens. These costs deal specifically with labor, equipment, and materials which change sporadically.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF HURRICANE, UTAH, AMENDING
THE CONNECTION COST SCHEDULE FOR THE HURRICANE POWER
DEPARTMENT

WHEREAS, the Hurricane City Council is authorized by Section 10-3-717 of the Utah Code and Section 1-5-6-G.1. of the Hurricane City Code to establish fees for municipal services; and

WHEREAS, said City Council desires to amend the connection cost schedule for Hurricane Power Department Services, and

WHEREAS, said City Council deems it necessary and desirable for the preservation and protection of the health, safety, and welfare of the residents of Hurricane, Utah,

BE IT HEREBY RESOLVED by the City Council of Hurricane, Utah as follows:

1. Approval and Adoption of the Connection Cost Schedule. The costs contained in the Hurricane Power Department are attached hereto as Exhibit "A" and incorporated herein as if fully set forth are hereby approved and adopted. The Power Department shall charge the costs set forth in Exhibit A.
2. Updates for actual costs. In consultation with the Hurricane City Power Board, the Power Department may adjust the costs shown in Exhibit A to match the actual costs of labor, equipment, and materials.

PASSED AND APPROVED THIS 18th day of July, 2024.

Nanette Billings, Mayor

ATTEST:

Cindy Beteag, Recorder

The foregoing Resolution was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 18th day of July, 2024. Whereupon a motion to adopt and approve said Resolution was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
David Hirschi	_____	_____	_____	_____
Kevin Thomas	_____	_____	_____	_____
Clark Fawcett	_____	_____	_____	_____
Drew Ellerman	_____	_____	_____	_____
Joseph Prete	_____	_____	_____	_____

Cindy Beteag, Recorder

EXHIBIT A

Proposed Update for Existing Connection Costs					
	Now	New	Labor	Equipment	Material
Hook-up Costs					
Single Phase Metering	\$237.00	<u>\$293.00</u>	\$174.52	\$38.50	\$79.20
Three Phase Non C.T. Metering (under 400 amps)	\$725.00	<u>\$544.00</u>	\$87.26	\$38.50	\$418.15
Three Phase with C.T. Metering (over 400 amps)	\$1,395.00	<u>\$1,524.00</u>	\$261.78	\$77.00	\$1,185.00
Developing Underground Connection Point from Overhead to Underground					
Single Phase Secondary	\$1,281.00	<u>\$1,679.00</u>	\$279.23	\$116.16	\$1,282.99
4/0 Riser	\$592.00	<u>\$874.00</u>	\$349.04	\$132.00	\$393.01
350 MCM Riser	\$717.00	<u>\$842.00</u>	\$349.04	\$132.00	\$360.45
500 MCM Riser	\$717.00	<u>\$977.00</u>	\$349.04	\$176.00	\$451.53
Primary Single Phase Riser					
1/0 Primary Riser	\$1,044.00	<u>\$1,604.00</u>	\$392.67	\$176.00	\$1,035.14
Primary Three Phase Riser					
1/0 Primary Riser	\$2,447.00	<u>\$3,027.00</u>	\$785.34	\$264.00	\$1,977.40
4/0 Primary Riser	\$2,447.00	<u>\$3,027.00</u>	\$785.34	\$264.00	\$1,977.40
500 Primary Riser	\$4,074.00	<u>\$5,217.00</u>	\$1,221.64	\$396.00	\$3,599.61
750 Primary Riser	\$4,074.00	<u>\$5,217.00</u>	\$1,221.64	\$396.00	\$3,599.61
Other Connection Costs					
Switch Make-Up	\$1,083.00	To be more accurate, this cost was split into Switch Grounding, Connect into Developers Switch Fuse Bay and Connect into Developers Solid Blade Bay to accommodate variations that exist.			
Switch Grounding	-	<u>\$651.00</u>	\$261.78	\$77.00	\$311.87
Connect into Developers Switch Fuse Bay	-	<u>\$1,232.00</u>	\$523.56	\$77.00	\$630.80
Connect into Developers Solid Blade Bay	-	<u>\$646.00</u>	\$523.56	\$77.00	\$44.98
Connect into Existing Switch per Bay	\$8,999.00	<u>\$13,282.00</u>	\$741.71	\$214.50	\$12,325.81
Connect into an Existing Vault per KVA	\$6.50	<u>\$6.50</u>	-	-	-
Elbow Termination	\$99.00	<u>\$126.00</u>	\$87.26	\$38.50	-

May 2024

Project Meeting Overview Report

CARBON FREE POWER PROJECT (CFPP)

1. Discussed in Executive Session:
 - a. Project wind down status, timeline and Department of Energy interactions.

FIRM POWER SUPPLY PROJECT

1. Discussed in Executive Session:
 - a. Steel 1A & 1B Project including Commercial Operation Dates (COD), status updates, battery energy storage system (BESS) and next steps.
 - b. Red Mesa Tapaha Project including the current status of the project and next steps.
 - c. Red Mesa economic curtailment updates including outages.
 - d. Prepay for solar including details regarding the prepay, different scenarios and next steps.
2. Details about the Steel 1A & 1B Ribbon Cutting Ceremony scheduled for May 21, 2024.
3. Discussed the Operations Report including output and scheduling from each resource for the month of April.

GOVERNMENT AND PUBLIC AFFAIRS PROJECT (GPA)

1. Discussed Federal & State Legislation including Executive Branch and Congressional Updates:
 - a. 2024 presidential election observations.
 - b. 2024 congressional election updates.
 - c. Progress being made in Congress and current bills.

- d. IRA updates including Congressional letter.
- e. Utah State Convention including candidate vote percentages and primary election date on June 25th.
- f. State updates including special session and related bills.
- g. GPA topics for future UAMPS memos.

HORSE BUTTE PROJECT (HBW)

1. Discussed in Executive Session:
 - a. Landowner Lease Agreements including active agreements, updated amendments and next steps.
2. Discussed plant operations including plant maintenance/upgrades, photos of the site and site updates.
3. Discussed the Operations Report including production output for the month of April.

HUNTER PROJECT

1. Discussed in Executive Session:
 - a. Long-term strategy including recent activities and next steps.
 - b. Economic Dispatch for the summer season including dispatch and balancing.
2. Discussed the Operations Report including plant scheduled output for the month of April.

INTERMOUNTAIN POWER PROJECT (IPP)

1. Discussed legislative update referring to the Government and Public Affairs Project (GPA).
2. Discussed IPP updates including the board meeting being held at the plant.
3. Discussed IPP Economic Dispatch including the summer 2024 operating plan overview, operating parameters, inventory and planned usage.
4. Discussed the Operations Report including scheduled output for the month of April.

NEBO PROJECT (PAYSON)

1. Discussed UAMPS Hedging Policy including market participation and prepay analysis.
2. Discussed plant operation including April statistics, operational item highlights, plant maintenance/safety highlights, regulatory items and plant water updates.
3. Discussed the details of the 2024 Spring Outage including highlights and completed maintenance.
4. Discussed the details of the 20-Year Celebration at the Nebo Power Plant on May 14th.
5. Discussed the Operations Report for the month of April including Nebo energy breakdown and Nebo sales margins.

POOL PROJECT

1. Guest Speaker:
 - a. Randy Howard, GM of Northern California Power Agency (NCPA), discussed the West-Wide Pathways Initiative including regional markets, pathways initiative overview, differences from the status quo market governance, the implementation of the pathways and next steps.
2. Discussed PX & Scheduling Report including monthly and yearly average gas pricing for Nebo and market buying and selling average pricing.
3. Discussed optimizing the UAMPS energy portfolio including project updates for the ETRM and tagger software, economic dispatch asset optimization, EIM monthly average pricing and current market outlook.
4. Discussed the Operations Report for the month of April including load peak and energy, along with Pool information.

RESOURCE PROJECT

1. Discussed in Executive Session:
 - a. Geothermal update including project details, the current status of the project and next steps.
 - b. New wind project identified by the Resource Procurement Plan including project details and next steps.

- c. Natural Gas Study including the current status of the project, potential project site characteristics and the next phase of work.
 - d. Fremont Solar update including the status of the project, results of the system impact study, and next steps.
2. **Approved resolution to authorize the creation of the new wind study project and approval of a \$120k budget for the development and execution of the new wind energy project PPA.**

BOARD OF DIRECTORS MEETING

1. **Approved using the UAMPS EIM fund to cover the increased costs of \$95,000 for more comprehensive financial health reports for the UAMPS members (40).**
2. Discussed the Operations Report:
 - a. Natural Gas storage including regional storage and natural gas consumption.
 - b. Industry News including CAISO EDAM schedule, PacifiCorp Stakeholder Process and EDAM developments.
 - c. Seasonal Outlook including May forecast, prior month, summer outlook, precipitation forecast and La Niña update.
 - d. Average residential electricity prices.
 - e. PacifiCorp Wildfire Mitigation including Public Safety Power Shutoff (PSPS), the criteria for a PSPS and communication factors.
3. Discussed the FY23 Audit Risk Assessment including background, recommended measures, assessment and score.
4. **Approved the FY23 Audit Risk Assessment.**
5. Discussed the history of the Nebo Project in honor of the project's 20th anniversary.
6. Approved all action items for the Project Meetings.
7. Discussed next month's board meeting location and details.
8. Discussed Steel 1A & 1B Ribbon Cutting Ceremony details.
9. Discussed Lehi Power's open house on May 15th.
10. Discussed an electrical license class hosted by Lehi.