

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

- * The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- * Please address questions regarding information on this notice to the agency.
- * The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- * The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
State Admin Rule Filing Id:		Time filed:	
	Agency No.	Rule No.	Section No.
Utah Admin. Code Ref (R no.):	R 156	-	55c
Changed to Admin. Code Ref. (R no.):	R	-	-

1.	Agency:	Commerce/Division of Occupational and Professional Licensing		
	Room no.:			
	Building:	Heber M. Wells Building		
	Street address 1:	160 East 300 South		
	Street address 2:			
	City, state, zip:	Salt Lake City UT 84111-2316		
	Mailing address 1:	PO Box 146741		
	Mailing address 2:			
	City, state, zip:	Salt Lake City UT 84114-6741		
	Contact person(s):			
	Name:	Phone:	Fax:	E-mail:
	Dennis Meservy	801-530-6375	801-530-6511	dmeservy@utah.gov

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

2.	Title of rule or section (catchline):	Construction Trades Licensing Act Plumber Licensing Rule		
3.	Type of notice:	New ___; Amendment XX; Repeal ___; Repeal and Reenact ___		
4.	Purpose of the rule or reason for the change:	The Division, Plumbers Licensing Board and Construction Service Commission have reviewed and approved the proposed amendments. Amendments are being proposed to implement changes made in H.B. 15 which was passed by the 2009 Legislature.		
5.	This change is a response to comments from the Administrative Rules Review Committee.	No XX; Yes ___		
6.	Summary of the rule or change:	Section 302b: amendments are made in paragraph (5)(a) to identify bodies that can approve formal plumbing educational programs. Section 303: Rule citations are updated.		

7.	Aggregate anticipated cost or savings to:		
	A) State budget:		
	Affected:	No ___; Yes XX	
	The Division will incur minimal costs of approximately \$50 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.		
	B) Local government:		
	Affected:	No XX; Yes ___	
	The proposed amendments only apply to licensed plumbers and applicants for licensure in those classifications. As a result, the proposed amendments do not apply to local governments.		
	C) Small businesses ("small business" means a business employing fewer than 50 persons):		
	Affected:	No XX; Yes ___	
	The proposed amendments only apply to licensed plumbers and applicants for licensure in those classifications. Licensees and applicants for licensure may work in a small business; however, the proposed amendments would not directly affect the business. The Division does not anticipate any costs or savings as a result of these proposed amendments beyond those previously identified in fiscal notes prepared in connection with H.B. 15.		
D) Persons other than small businesses, businesses, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):			
Affected:	No XX; Yes ___		
The proposed amendments only apply to licensed plumbers and applicants for licensure in those classifications. The Division does not anticipate any costs or savings as a result of these proposed amendments beyond those previously identified in fiscal notes prepared in connection with H.B. 15.			
8.	Compliance costs for affected persons:		
	The proposed amendments only apply to licensed plumbers and applicants for licensure in those classifications. The Division does not anticipate any costs or savings as a result of these proposed amendments beyond those previously identified in fiscal notes prepared in connection with H.B. 15. There should also be no impact to the state apprenticeship colleges or students. The Utah Board of Regents and Utah College of Applied Technology Board of Trustees have established procedures for reviewing and approving programs of instruction for the institutions they oversee.		
9.	A) Comments by the department head on the fiscal impact the rule may have on businesses:		
	To be consistent with recent statutory amendments, this rule filing adds the Utah College of Applied Technology Board of Trustees as an entity that may determine whether the instruction offered at a particular plumbing education program is to be approved. No fiscal impact to businesses is anticipated.		
	B) Name and title of department head commenting on the fiscal impacts:		
Francine A. Giani, Executive Director			
10.	This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.		
	State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :		
	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	
	Section 58-55-101		
11.	This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; <i>if none, leave blank</i>):		
		First Incorporation	Second Incorporation
	Official Title of Materials Incorporated (from title page)		
	Publisher		
	Date Issued		
	Issue, or version		

	ISBN Number (optional)		
	ISSN Number (optional)		
	Cost of Incorporated Reference		
	Action: Adds, updates, or removes		
(If this rule incorporates more than two items by reference, please attach additional pages)			
12.	The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)		
	A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):	12/01/2009	
	B) A public hearing (optional) will be held:		
	On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
	11/25/2009	9:00 am	160 East 300 South, Conference Room 474 Salt Lake City, Utah
13.	This rule change may become effective on (mm/dd/yyyy):	12/08/2009	
	NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.		
14.	Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")); may not include the name of the agency:		
	occupational licensing	licensing	
	plumbers	plumbing	
15.	Attach an RTF document containing the text of this rule change (filename):	R156-55c.pro	
To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.			
AGENCY AUTHORIZATION			
Agency head or designee, and title:	Mark B. Steinagel, Division Director	Date (mm/dd/yyyy):	10/05/2009

R156. Commerce, Occupational and Professional Licensing.

R156-55c. Construction Trades Licensing Act Plumber Licensing Rule.

R156-55c-302b. Qualification for Licensure - Training and Instruction Requirement.

In accordance with Subsections 58-1-203(2) and 58-1-301(3), the training and instruction requirements for licensure in Subsection 58-55-302(3)(c) and (d) are defined, clarified, or established as follows:

(1) An applicant for a journeyman plumber's license shall demonstrate successful completion of the requirements of either paragraph (a) or (b):

(a)(i) 8,000 hours of training and instruction in not less than four years that meets the requirements of Subsections R156-55c-302b(4) and (6).

(ii) the 8,000 hours shall include 576 clock hours of related classroom instruction that meets the requirements of Subsection R156-55c-302b(5);

(iii) the apprenticeship shall be obtained while licensed as an apprentice plumber or residential apprentice plumber;

(iv) the apprenticeship shall include on the job training and instruction in seven of the nine work process areas listed in Table I; and

(v) the hours obtained in any work process area shall be at least the number of hours listed in Table I.

(b)(i) 16,000 hours of on the job training and instruction in not less than eight years;

(ii) the apprenticeship shall be obtained while licensed as an apprentice plumber;

(iii) the hours shall include on the job training and instruction in seven of the nine work process areas listed in Table I; and

(iv) the hours obtained in any work process shall be at least the number of hours listed in Table I.

TABLE I
Training and Instruction

Work Process	Minimum Hours
A. Use of hand tools, equipment and pipe machinery	200
B. Installation of piping for waste, soil, sewer and vent lines	2,000
C. Installation of hot and cold water for domestic purposes	1,400
D. Installation and setting of plumbing	1,400

appliances and fixtures

E. Maintenance and repair of plumbing	600
F. General pipe work including process and industrial hours	600
G. Gas piping or service piping	400
H. Welding, soldering and brazing as it applies to the trade	100
I. Service and maintenance of gas controls and equipment	100

(2) An applicant for a residential journeyman plumber's license shall demonstrate successful completion of the requirements of paragraph (a) or (b):

(a)(i) 6,000 hours of training and instruction in not less than three years that meets the requirements of Subsections R156-55c-302b(4) and (6).

(ii) the 6,000 hours shall include 432 clock hours of related classroom instruction that meets the requirements of Subsection R156-55c-302b(5);

(iii) the 6,000 hours shall be obtained while licensed as an apprentice plumber or residential apprentice plumber;

(iv) the apprenticeship shall include on the job training and instruction in six of the eight work process areas listed in Table II; and

(v) the hours obtained in any work process area shall include at least the number of hours listed in Table II.

(b)(i) 12,000 hours of experience in not less than six years which has been documented using a form provided by the division;

(ii) the experience shall be obtained while licensed as an apprentice plumber or residential apprentice plumber;

(iii) at least 9,000 hours of experience shall be directly involved in the plumbing trade;

(iv) the hours shall be in six of the eight work process areas listed in Table II; and

(v) the hours obtained in any work process area shall include at least the number of hours listed in Table II.

TABLE II
Training and Instruction

Work Process	Minimum Hours
A. Use of hand tools, equipment and	100

pipe machinery

B.	Installation of piping for waste, soil, sewer and vent lines	1,600
C.	Installation of hot and cold water for domestic purposes	1,200
D.	Installation and setting of plumbing appliances and fixtures	1,000
E.	Maintenance and repair of plumbing	600
F.	Gas piping or service piping	400
G.	Service and maintenance of gas controls and equipment	100
H.	Welding, soldering and brazing as it applies to the trade	100

(3) A licensed residential journeyman plumber applying for a journeyman plumber's license shall complete 2,000 hours of on the job training in industrial or commercial plumbing while licensed as an apprentice plumber or residential apprentice plumber, which shall include successful completion of an approved fourth year course of classroom instruction.

(4) On the job training and instruction required in this section shall include measurements of an apprentice's performance in the plumbing trade.

(5) Formal classroom instruction required by this section shall meet the following requirements:

(a) instruction shall be conducted by an entity approved by the Utah Board of Regents, Utah College of Applied Technology Board of Trustees or by another ~~[entity that demonstrates to the division and board that it conducts equivalent classroom instruction]~~ similar out of state body that approves formal plumbing educational programs; and

(b) instruction shall be conducted by competent qualified staff and shall include measures of competency and achievement level of each apprentice.

(6) Apprentice plumbers and residential apprentice plumbers shall engage in the plumbing trades only in accordance with the following:

(a) except as provided in Subsection 58-55-302(3)(e)(ii) for fourth through tenth year apprentices, while engaging in the plumbing trade, an apprentice plumber or residential apprentice plumber shall be under the immediate supervision of a journeyman

plumber for commercial or industrial work, and by a residential journeyman or journeyman plumber for residential work;

(b) the apprentice shall engage in the plumbing trade in accordance with the instruction of the supervising plumber; and

(c) the apprentice shall work in a ratio of not to exceed two apprentice plumbers to one supervising plumber.

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

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 55, is established by rule in Section R156-1-308a(1).

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

KEY: occupational licensing, licensing, plumbers, plumbing

Date of Enactment or Last Substantive Amendment: [~~November 10, 2008~~2009]

Notice of Continuation: November 8, 2006

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-55-101