

State of Utah
Administrative Rule Analysis
Revised May 2020

Filed 7-30-2020

DAR File No. 52921

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New ___; Amendment XXXX; Repeal ___; Repeal and Reenact ___		
		Title No. - Rule No. - Section No.
Utah Admin. Code Ref (R no.):	R156-55a	Filing No. 52921

Agency Information

1. Department:		Commerce
Agency:		Occupational and Professional Licensing
Building:		Heber M. Wells Building
Street address:		160 East 300 South
City, state:		Salt Lake City UT 84111-2316
Mailing address:		PO Box 146741
City, state, zip:		Salt Lake City UT 84114-6741
Contact person(s):		
Name:	Phone:	Email:
Chris Rogers	801-530-6720	crogers@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:	Utah Construction Trades Licensing Act Rule
3. Purpose of the new rule or reason for the change (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?):	The purpose of this rule filing is to comply with the changes established by Senate Bill (S.B.) 23 (2020), S.B. 201 (2020), S.B. 153 (2020), House Bill (H.B.) 297 (2020) and S.B. 153 (2019), and to make substantive and other technical changes as approved by the Construction Services Commission.
4. Summary of the new rule or change:	<p>R156-55a-102: Makes technical changes to the definitions that are no longer used in the rules and corrects cross-references.</p> <p>R156-55a-301: Makes technical changes to the classifications, including elimination of superfluous language, clarifying scopes of practice, and correction of cross-references. More substantive changes are detailed as follows: E100 contractor classification is clarified to include the scope of practice of the B100 classification. B100 contractor classification is clarified to include the scope of practice of the E100 classification. The AARST-NRPP certification is not statutorily required and its reference is removed from the section and applicable scopes of practice. The NABCEP certification is a certification that is not statutorily required and its reference is removed from the section and applicable scopes of practice. The S220 Carpentry and Flooring contractor classification is clarified that it includes aluminum, polyethylene, thermoplastics, trim and rubber and rubber composites. The S280 Roofing contractor classification is clarified to include any material attached to the roof. The S310 Foundation, Excavation, and Demolition contractor classification is clarified to include rock, smashing, and crushing. The S330 Landscape and Recreation Contractor classification is clarified to include flag poles, pergola, bowling alley, playground equipment, rock climbing walls, shooting ranges, scoreboards, incidental excavation, and that the S330 contractor may hire and subcontract with an RMGA-certified contractor for any gas related work. The S330 Landscape and Recreation Contractor classification is also clarified to include installation of a backflow prevention device provided that the contractor completes 2 hours of CE related to backflow preventer installation every renewal cycle. The S410 Boiler, Pipeline, Waste Water, and Water Conditioner contractor classification is clarified to include non-culinary water and gasses except for natural gas that requires an RMGA certificate. The S410 Boiler, Pipeline, Waste Water, and Water Conditioner contractor classification is also clarified to include installation of a backflow prevention device provided that the contractor completes 2 hours of CE related to backflow preventer installation every renewal cycle. Clarify that the B100 primary classification includes the B200 and R200 subclassifications. The definition of activities that do not significantly impact the public health, safety, and welfare and therefore do not require a contractor license is expanded to include: installation of a satellite dish or communication devices on or within a building, installation of blinds, shutters, or other window coverings, vinyl sheet tile, vinyl plank flooring, cleaning of duct work, dustless blasting, lock-smithing, door locks, door access controls, or other door or cabinetry hardware, yurt or membrane-covered frame structures, and installation of art or sculptures under 20 feet in height.</p>

R156-55a-302b: Includes experience working for a railroad corporation as experience in the construction industry. The AARST-NRPP and NABCEP certification is not statutorily required and its reference is removed from the section and applicable scopes of practice.

R156-55a-302d: Eliminates superfluous language in the rule.

R156-55a-302f: Clarifies that the prelicensure course program reporting sheets are not provided by the Division but are instead approved by the Division. Eliminates the disciplinary proceedings related to the prelicensure course providers as they are named in statute and not subject to discipline by the Division. Clarifies the exemptions from the prelicensure course to include a person that is or has been on an active and unrestricted Utah contractor's license.

R156-55a-302h: Adds requirements that the S230 Landscape & Recreation Contractor and the S410 Boiler, Pipeline, Waste Water, and Water Conditioner Contractor classification must complete a boiler safety exam and boiler safety preventer installation and repair every renewal cycle. Clarifies that the contractors whose renewal cycles end after January 1, 2020 are the contractors who must complete at least 1 of their 6 CE hours in energy conservation. Clarifies that CE monitoring by the Division is not limited to a random basis.

R156-55a-305a: Clarifies that the handyman exemption registration requires answering qualifying questions in addition to identity of applicant and signed statement.

R156-55a-306: Clarifies that financial responsibility requirement of contractors includes but is not limited to the items identified in the rule. Expands the review to include child support obligations and restitution orders. Eliminates unnecessary credit report language and simplifies the requirement to provide a credit report acceptable to the Division.

R156-55a-311: Clarifies that the conversion from one entity to another for contractor license purposes includes articles of conversion, which cannot merely be filed but must be approved by the Division of Corporations.

R156-55a-312: Makes technical changes to update cross-references, and clarifies that the requirements for reactivating a contractor license include completing all continuing education requirements that are not satisfied at the prior renewal, and clarifying that the contractor laws and rules exam is not required to be taken again each time a license is changed from inactive to active.

R156-55a-501: Provides that it is unprofessional conduct for a licensee to fail to provide an interview to the Division within 30 days of a request for an interview to determine compliance with Title 58, Chapter 55 or Title 58, Chapter 1 of Utah Code. Clarifies that an owner, qualifier, or licensee that is a subject matter expert for an exam review may instruct a person or applicant on the contractor business and law exam only if they obtain permission from the Division. Amends unprofessional conduct to include failure of employees of a licensee to properly identify the name of their employer when requested by the Division and that it is unprofessional conduct to reproduce or transmit any Division required test content in any form to any person without Division permission.

R156-55a-503: Eliminates the administrative fine schedule as unnecessary because the fine amounts are established in statute with the recently passed legislation of SB 23.

R156-55a-602: Clarifies the current practice of determining the contractor bond amount for financial responsibility as either the greater of 30% of the outstanding obligations or certain minimum bond requirements already in rule.

R156-55a-700: Pursuant to S.B. 23, establishes conditions for emergency contractor licensure in the event of a declared emergency.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

No state agencies shall be directly or indirectly affected by these rule changes because the proposed changes will not result in any significant increase or decrease in administrative costs or revenue compared to the currently anticipated costs and revenues. Additionally, there are no state government entities acting as businesses that will be significantly impacted by these changes.

B) Local governments:

Local governments will neither enforce nor be affected by the processes and requirements implemented by these rules, nor will local governments be indirectly impacted because none of the amendments create a situation requiring services from local governments. Therefore, no costs or savings to local government are anticipated.

C) Small businesses ("small business" means a business employing 1-49 persons):

The changes that are grammatical or non-substantive are estimated to have no impact on Small Business. As for the substantive changes, the U.S. Census North American Industry Classification System (NAICS) was searched and several relevant NAICS

codes were identified including: 236115, 236116, 236117, 236118, 236210, 236220, 237120, 237990, 238111, 238112, 238121, 238122, 238131, 238132, 238141, 238142, 238151, 238152, 238161, 238162, 238171, 238172, 238191, 238211, 238212, 238221, 238222, 238311, 238312, 238321, 238322, 238331, 238332, 238341, 238342, 238351, 238352, 238381, 238392, 238911, 238912, 238991, 238992. DWS Firm Find was referenced in compiling this information. DWS Firm Find indicates that a total of 216 medium and large businesses and 9,781 small businesses in Utah will be covered by these rule changes. Notwithstanding the number of small businesses, based on the NAICS codes, the analysis herein does not change. With respect to the substantive changes:

First, small businesses may be impacted by the expanded or clarified scope of practice for the various classifications. These impacts are impossible to determine because the clarification and expansion of the applicable classifications does not necessarily result in a net increase or decrease of cost or value to the licensee or applicant as there is no way to determine if they will actually be impacted or if they will be able to do their current work.

Second, small businesses may be impacted by the clarified classifications and expanded scopes of practice, which may reduce the number of potential fines to small businesses for practicing beyond the scope of licensure.

However, since it is impossible to determine whether the clarified classifications or expanded scopes of practice will increase compliance with the unprofessional conduct provisions, there is no direct cost attributable to these changes. Future violations of unprofessional conduct cannot be quantified. Although the administrative fine schedule has been modified, the statute has not significantly changed from the maximum fines allowed. Based on the fiscal note from the Legislature, no cost increase was attributed to any individuals or business.

Some contractor license classifications included expansions of their scope of practice, creating more opportunities for licensed companies to practice their trade. There were only two instances where the scope of practice was negatively affected: landscape contractors having to take CE regarding a plumbing practice, and contractors working with gas to comply with statutory Rocky Mountain Gas Association (RMGA) training. Each of these scenarios were an attempt to comply with existing statutes and shouldn't affect the economics of these professionals other than requiring a relatively small amount of training.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

The impact to non-small business will be the same as the impact to small business because contractor licensing under Title 58, Chapter 55 and Utah Administrative Code Rule R156-55a does not differentiate between these types of businesses for licensing or enforcement purposes. Based on the fiscal note from the Legislature, no cost increase was attributed to any individuals or business.

E) Persons other than small businesses, non-small businesses, state, 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*):

With respect to the changes that are grammatical or non-substantive, those changes will have no impact on persons other than small businesses, non-small businesses, state, or local government entities. With respect to other changes, there is no perceivable impact of these rule amendments on small businesses, non-small businesses, state, or local government entities. Based on the fiscal note from the Legislature, no cost increase was attributed to any individuals or business.

F) Compliance costs for affected persons:

This rule is not expected to impact affected persons beyond what was already described in the underlying fiscal notes for the underlying statutory enactments.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0

Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The head of the Department of Commerce, Chris Parker, has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
The Division of Professional Occupational and Professional Licensing and the Construction Services Commission is proposing multiple substantive and clarifying amendments to the Utah Construction Trades Licensing Act Rule to comply with the changes established by the 2020 Utah General Legislative Bills.			
Small Businesses (less than 50 employees):			
(NACIS Codes 230110, 230110, 230117, 230118, 230210, 230220, 231120, 231990, 230111, 230112, 230121, 230122, 230131, 238132, 238141, 238142, 238151, 238152, 238161, 238162, 238171, 238172, 238191, 238211, 238212, 238221, 238222, 238311, 238312, 238321, 238322, 238331, 238332, 238341, 238342, 238351, 238352, 238381, 238392, 238911, 238912, 238991, 238992). Small businesses may be impacted however the impacts are impossible to determine because the clarification and expansion of the applicable classifications does not necessarily result in a net increase or decrease of cost, or value to the licensee or applicant, as there is no way to determine if they will actual practice in the broadened scope beyond their current work. Further, small businesses may be impacted by the classifications and expanded scopes of practice, which may reduce the number of potential fines to small businesses for practicing beyond the scope of licensure. The Division notes two instances where the scope of practice may be negatively affected by the expansion of scope in (1) landscape contractors having to take continuing education ("CE") regarding plumbing practice and (2) contractors working with gas to comply with statutory Rocky Mountain Gas Association ("RMGA") training. Each of these are an attempt to comply with existing statutes and should not affect the economics of these professionals other than requiring a relatively small amount of training. No other impact to the state is expected beyond a minimal cost to the Division to disseminate the rules once the proposed amendments are made effective. Accordingly, no fiscal impact is expected for small businesses over and above any fiscal impact described in the fiscal note from the Legislature as these costs are either inestimable or there is no fiscal impact.			
Regulatory Impact to Non-Small Businesses (50 or more employees)			
The proposed rules for the Utah Construction Trades Licensing Act Rule are expected to impact non-small businesses in the same manner as mentioned for small business. Based on the fiscal note from the Legislature, no cost increase was attributed to any individuals or business as to the costs being inestimable for the reasons stated, or there is no fiscal impact.			
B) Name and title of department head commenting on the fiscal impacts:			
Chris Parker, Executive Director			

Citation Information

7. 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):		
Subsection 58-5-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-55-101
Subsection 58-55-308(1)(a)	Subsection 58-55-102(39)(a)	

Public Notice Information

9. 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 (mm/dd/yyyy):		09/14/2020
B) A public hearing (optional) will be held:		
On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
08/26/2020	9:00 AM	160 East 300 South via electronic meeting only with the Construction Services Commission, Salt Lake City, Utah Note: Google Meeting electronic information will be on the Construction Services Commission meeting agenda for the August 26, 2020 meeting date.

10. This rule change MAY become effective on (mm/dd/yyyy):	09/21/2020
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 10, the agency must submit a Notice of Effective Date to the Office 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.	

Agency Authorization Information

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 *Utah State Bulletin*, and delaying the first possible effective date.

Agency head or designee, and title:	Mark B. Steinagel, Division Director	Date (mm/dd/yyyy):	07/07/2020
--	--------------------------------------	------------------------------	------------

R156. Commerce, Occupational and Professional Licensing.

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

R156-55a-102. Definitions.

In addition to the definitions in Title 58, Chapter[~~s~~] 1, Division of Occupational and Professional Licensing Act, and Chapter 55, Utah Construction Trades Licensing Act, as defined or used in this rule:

~~(1) ["AARST NRPP" means the National Radon Proficiency Program.~~
~~(2)]~~ "Construction trades instructor", as used in Subsection 58-55-301(2)(t) [~~is clarified to~~] means the education facility [~~which~~]that is ~~instructor~~. It does not mean individuals employed by the facility who may teach classes.

~~(3)]~~ "Construction trades instruction facility" means the facility [~~which~~]that is granted the license [~~as a construction trades instructor~~] as specified in Subsection 58-55-301(2)(t) and R156-55a-302e [~~as clarified in R156-55a-102(2)]~~.

~~(4)]~~ "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 a licensed contractor, or the substantial equivalent of a licensed contractor as determined by the Division, for compensation who has federal and state taxes withheld and workers' compensation and unemployment insurance provided by the person's employer.

~~(5)]~~ "Incidental", as used in Subsection 58-55-102(45), means work [~~which~~]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 percent of the overall contract; and

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

~~(6)]~~ "Maintenance" means the repair, replacement and refinishing of any component of an existing structure; but, does not include alteration or modification to the existing weight-bearing or structural components.

~~(7)]~~ "Mechanical", as used in Subsections 58-55-102(22) and 58-55-102(35), means the work [~~which~~]that may be performed by a [~~S350 HVAC Contractor under Section R156-55a-301~~] contractor under Subsection R156-55a-301(2)(s). [~~]~~

~~(8) "NABCEP" means the North American Board of Certified Energy Practitioners.]~~

~~(9)]~~ "NASCLA" means the National Association of State Contractors Licensing Agencies. [~~]~~

~~(10) "NRSB" means the National Radon Safety Board.]~~

~~(11)]~~ "Personal property" means, as it relates to Title 58, Chapter 56, [~~factory built housing and modular construction~~] Building Inspector and Factory Built Housing Licensing Act, a structure [~~which~~]that is titled by the Motor Vehicles Division, state of Utah, and taxed as personal property.

~~(12)]~~ "Qualifier", as used in Title 58, Chapter 55, Utah Construction Trades Licensing Act, and this rule, means the individual who demonstrates competence for a contractor [~~or construction trades instruction facility~~] license by satisfying the requirements to obtain the

contractor [~~or construction trades instruction facility~~] license.

(~~[13]~~10) "RMGA" means the Rocky Mountain Gas Association.

(~~[14]~~11) "School" means a [~~Utah~~] school district, technical college, or accredited college.

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

(1) In accordance with Subsection 58-55-301(2), the classifications of licensure are listed and described in this section. The contractor classifications listed are those determined to significantly impact the

Subsections R156-55a-301(7) and (8) is exempt from licensure in accordance with Subsection 58-55-305(1)(i).

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

(a) E100 - General Engineering Contractor. A contractor licensed to perform work under this Subsection (2)(a) as defined in Subsection 58-55-102(24). The scope of practice of a contractor under this Subsection (2)(a) includes the scope of practice of a contractor under Subsection (2)(b).

(b) B100 - General Building Contractor. A contractor licensed to perform work under this Subsection (2)(b) as defined in Subsection 58-55-102(22). The scope of practice of a contractor under this Subsection (2)(b) includes the scope of practice of every specialty contractor in Subsection R156-55a-301(2) and includes the scope of practice under Subsection (2)(a). [~~except:~~

~~(a) activities described in this Subsection under specialty classification S202 Solar Photovoltaic Contractor unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the NABCEP; and~~

~~(b) activities described in this Subsection under specialty classification S354 Radon Mitigation Contractor, unless:~~

~~(i) the work is performed under the immediate supervision of an employee who holds a current certificate issued by the NRSB or the AARST-NRPP; or~~

~~(ii) the work is limited to installation of passive radon gas controls on new construction in accordance with Appendix F of the International Residential Code.]~~

(c) B200 - Modular Unit Installation Contractor. [~~Set up or installation of modular units~~] A contractor under this Subsection (2)(c) may set up or install a modular unit as defined in Subsection 15A-1-302(8) and constructed in accordance with Section 15A-1-304. [The] A contractor's scope of practice under this Subsection (2)(c):

(~~[a]~~i) includes construction of the permanent or temporary foundations, placement of the modular unit on a permanent or temporary foundation, securing the units together, if required, and securing the modular units to the foundations; and

(~~[b]~~ii) excludes installation of factory built housing and connection of required utilities.

(d) R100 - Residential and Small Commercial Contractor. A contractor under this Subsection (2)(d) is licensed to perform work as defined in Subsection 58-55-102(35). [~~The scope of practice does not include:~~

~~_____ (a) activities described in this Subsection under specialty classification S202 Solar Photovoltaic Contractor, unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the NABCEP; and~~

~~_____ (b) activities described in this Subsection under specialty classification S354 Radon Mitigation Contractor, unless:~~

~~_____ (i) the work is performed under the immediate supervision of an employee who holds a current certificate issued by the NRSB or the AARST-NRPP; or~~

~~_____ controls on new construction in accordance with Appendix F of the International Residential Code.]~~

(e) R101 - Residential and Small Commercial Non Structural Remodeling and Repair. [~~Remodeling and repair to~~] A contractor under this Subsection (2)(e) includes 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:

[[a]i) no change is made to the bearing portions of the existing structure, including footings, foundation, and weight bearing walls; and

[[b]ii) the entire project is less than \$50,000 in total cost, including materials and labor.

(f) R200 - Factory Built Housing Contractor. [~~Disconnection,~~] A contractor under this Subsection (2)(f) may disconnect, setup, install[ation], or [removal of] remove manufactured housing on a temporary or permanent basis. [~~The scope of work:~~

[[a]i) A contractor's scope of practice under this Subsection (2)(f) 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; [~~and~~

(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;

[[b]ii) A contractor's scope of practice under this Subsection (2)(f) 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.

(g) E200 - General Electrical Contractor. A contractor under this Subsection (2)(g) is licensed to perform work as defined in Subsection 58-55-102(23). [~~The scope of practice does not include activities described in this Subsection under specialty classification S354 Radon Mitigation Contractor unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the NRSB or the~~

~~AARST-NRPP.]~~

(h) E201 - Residential Electrical Contractor. A contractor under this Subsection (2)(h) is licensed to perform work as defined in Subsection 58-55-102(37). ~~[The scope of practice does not include activities described in this subsection under specialty classification S354-Radon Mitigation Contractor unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the NRSE or the AARST-NRPP.]~~

(i) S202 - Solar Photovoltaic Contractor. ~~[Fabrication,]~~A

~~contractor's scope of practice under this Subsection (2)(i) includes~~
fabrication, construction, installation, and replacement of photovoltaic modules and related components, subject to the following:

~~([a]i) [An S202 Solar Photovoltaic Contractor shall hold a current certificate issued by NABCEP.]~~

~~_____ (b) _____ [Wiring]wiring, connections, and wire methods as governed in the National Electrical Code and Subsection R156-55b-102(1) shall only be performed by [an E200 General Electrical Contractor or E201 Residential Electrical Contractor]a contractor under Subsection (2)(g) or a contractor under Subsection (2)(h); and [_____] [~~

~~_____ (c) _____ S202 _____ Solar Photovoltaic Contractor licensure is not required to install standalone solar systems that do not tie into premises wiring or into the electrical utility, such as signage or street or parking lighting.]~~

~~([d]ii) [An S202 Solar Photovoltaic Contractor may subcontract with an E200 General Electrical Contractor or E201 Residential Electrical Contractor for their projects]a contractor under Subsection (2)(i) may subcontract or hire a contractor under Subsection (2)(g) or a contractor under Subsection (2)(h).~~

(j) P200 - General Plumbing Contractor. A contractor licensed to perform work as defined in Subsection 58-55-102(25). ~~[The scope of practice:~~

~~_____ (a) _____]A contractor's scope of practice under this Subsection (2)(j) includes the furnishing of materials, fixtures, and labor to extend service from a building out to the main water, sewer, or gas pipeline. [_____] and~~

~~_____ (b) _____ does not include activities described under specialty classification S354 Radon Mitigation Contractor, unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the NRSE or the AARST-NRPP.]~~

(k) P201 - Residential Plumbing Contractor. A contractor under this Subsection (2)(k) is licensed to perform work as defined in Subsection 58-55-102(42). ~~[The Residential Plumbing Contractor scope of practice does not include activities described in this subsection under specialty classification S354 Radon Mitigation Contractor unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the NRSE or the AARST-NRPP.]~~

(l) S220 - Carpentry and Flooring Contractor. ~~[The scope of practice includes the construction,]~~A contractor's scope of practice under this Subsection (2)(l) includes construction, fabrication, installation, placing, tying, welding, [_____] or repair using:

([a]i) [using]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/metal composites~~], plastic, rubber, or metal composite or any composite that [as] is by custom and usage accepted in the building industry as carpentry for structural, non-structural, and finish purposes;

(~~[b]~~ii) metal or steel structures and sheet metal, including metal cornices, marquees, metal soffits, flashings, skylights, and skydomes;

(~~[e]~~iii) metal structural studs and bearing walls, reinforcing bars, erecting shanes. plates of anv profile. perimeter cross-section that are used in structures, including ~~erection, setting, and setting,~~

(~~[d]~~iv) incidental concrete work and footings, grading, and surface preparation related to [~~any Carpentry and Flooring Contractor scope of work~~]the scope of work of a contractor under Subsection (2)(1);

(~~[e]~~v) 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

(~~[f]~~vi) mechanical insulation of pipes, ducts, or conduits.

(m) S230 - Masonry, Siding, Stucco, Glass, and Rain Gutter Contractor. [~~The scope of practice includes the construction~~]A contractor's scope of practice under this Subsection (2)(m) includes construction, fabrication, and installation of:

(~~[a]~~i) siding, stucco, stucco to lathe, plaster, glass, glass substitutes, glass-holding members, rain gutters, drains, roof flashings, gravel stops, and metal ridges;

(~~[b]~~ii) 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

(~~[e]~~iii) shower pans.

(n) S260 - Asphalt and Concrete Contractor. [~~Fabrication,~~] A contractor's scope of practice under this Subsection (2)(n) includes fabrication, construction, mixing, batching, injecting, spraying, resurfacing, sealing, and [~~/er~~] installation of asphalt, asphalt overlay, chip seal, fog seal, slurry seal, concrete, gunnite, grouting, coatings, sealant, and related concrete products along with the placing and setting of 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. [~~The~~]A contractor's scope of practice under this Subsection (2)(n) also includes:

(~~[a]~~i) excavation, grading, compacting, and laying of fill or [~~base-related thereto~~]other related base;

(~~[b]~~ii) painting or coating the surfaces, including striping, directional, and other types of symbols or letters; and

(~~[e]~~iii) fabrication, construction, and [~~/er~~] installation of forms and shoring material.

(o) S270 - Drywall, Paint, and Plastering Contractor. [~~The scope of practice includes the construction,~~]A contractor's scope of practice under this Subsection (2)(o) includes construction, installation, fabrication, and application of:

(~~[a]~~i) drywall, gypsum, wallboard panels and assemblies, lightweight metal and non-bearing wall partitions, ceiling tile and panels, and the

grid system required for placement[-];

([b]ii) insulating media in buildings and structures for [the purpose of-]temperature control, sound control, fireproofing, mechanical insulation of pipes, ducts, or conduits;[-and]

([e]iii) stucco, stucco to lathe, plaster, and other surfaces; and

([d]iv) paints, varnishes, shellacs, stains, waxes and other coatings or pigments.

(p) S280 - Roofing Contractor. A contractor's scope of practice under this Subsection (2)(p) includes:

flax, shakes, shingles, roof tile, slate, and any other material or materials, or any combination of [the above]these materials [which]that use and custom has established as usable for, or [which]that are now used as, water-proof, weatherproof, or watertight seal or membranes for roofs and surfaces [; and roof conversion; non-electrical skylights; and electrical skylights provided that the electrical connection is performed by a licensed electrical contractor]. [The scope of practice includes]

(ii) any material attached to the roof;

(iii) roof conversion;

(iv) installation of non-electrical skylights;

(v) installation of electrical skylights, if the electrical connection is performed by a contractor under Subsection (2)(g) or (2)(h);

(vi) 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

(vii) [Incidental work includes]incidental work including the installation of a roof clamp ring to the roof drain.

(q) S310 - Foundation, Excavation, and Demolition Contractor. [The scope of practice includes-] A contractor's scope of practice under this Subsection (2)(q) includes:

([a]i) 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;[-and]

([b]ii) 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; and

([e]iii) raising, cribbing, underpinning, moving, and removal of a building, structure, or matter appurtenant or incidental to any building or structure.

(r) S330 - Landscape and Recreation Contractor. [+This scope of practice includes the following construction, fabrication, and installation-]A contractor's scope of practice under this Subsection (2)(r) includes:

([a]i) grading and preparing land for architectural, horticultural, or decorative treatment[+].

([b]ii) arrangement, and planting of gardens, lawns, shrubs, vines, bushes, trees, or other decorative vegetation[+].

(iii) construction, fabrication, and installation of:

([e]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 [~~if water delivery for the system is~~] that are connected to the culinary water system but [and] separated from the culinary water system by a backflow prevention device, the contractor may connect the system to the backflow prevention device; [~~if the backflow prevention device is installed by an actively licensed plumber;~~]

~~([f]B) mechanical exhaust, fireplaces, and heat exchanger systems,~~
including the installation of venting and exhaust systems [~~provided~~] if the individual performing the installation is RMGA-certified;

([e]C) retaining walls except retaining walls [which] that are intended 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;

([f]D) pergolas, patios, patio areas, and decking, including the deck structure and substructure;

([g]E) hothouses, greenhouses, walks, and garden lighting of class two or class three power-limited circuits as defined in the National Electrical Code;

([h]F) flag poles, fences, guardrails, handrails, and barriers;

([i]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, [~~or~~] field, surface, or related components; this includes poles, standards, surface painting or coatings, floors, floor subsurface, wall surface, perimeter walls, perimeter fencing, scoreboards, or other equipment; and

([j]H) incidental concrete, excavation, or asphalt work related to [any Landscape and Recreation Contractor scope of practice] the scope of practice under Subsection (2)(r).

([k]iv) [This classification] A contractor's scope of practice under Subsection (2)(r) does not include any electrical or plumbing trade work. [~~but an S330 Landscape and Recreation Contractor may subcontract with a plumbing and electrical contractor for their projects.~~] A contractor under Subsection (2)(r) may hire or subcontract with a contractor licensed under Subsections (2)(g) or (2)(h) or (2)(j) or (2)(k) for their projects.

(v) A contractor's scope of practice under Subsection (2)(r) does not include any natural gas-related work. A contractor under Subsection (2)(r) may hire or subcontract with an RMGA-certified licensed contractor for any natural gas-related work for their projects.

(vi) A contractor's scope of practice under Subsection (2)(r) includes the installation of a backflow preventer device if during each renewal period after initial licensure, the licensee completes at least two of their six continuing education hours pursuant to Section R156-55a-303b in continuing education related to backflow installation.

(s) S350 - HVAC Contractor. [Fabrication] A contractor's scope of

practice under this Subsection (2)(s) includes the following:

(i) The fabrication and installation of complete warm air heating, air conditioning and ventilating systems. [~~This scope of practice includes~~]

(ii) The installation of refrigeration equipment, including built-in refrigerators, refrigerated rooms, insulated refrigerated spaces and [~~equipment related thereto~~] other related equipment. [~~The scope of practice does not include activities described under S354 Radon Mitigation Contractor unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the AARST-NRPP.~~]

(iii) [~~An HVAC Contractor~~] A contractor under Subsection (2)(s) [~~may~~] shall hire or subcontract with an RMGA-certified licensed contractor for any gas-related work.

(iv) [~~The~~] A contractor's scope of practice under Subsection (2)(s) does not include electrical or plumbing trade work. A contractor under Subsection (2)(s) may hire or subcontract with a contractor licensed under Subsections (2)(g) or (2)(h) for their projects.

(t) S354 - Radon Mitigation Contractor. [~~Layout~~] A contractor's scope of practice under this Subsection (2)(t) includes the layout, fabrication, and installation of a radon mitigation system. [~~Work performed under this classification shall be performed under the immediate supervision of an employee who holds a current certificate issued by the NRSB or the AARST-NRPP.~~] [~~The~~] A contractor's scope of practice under this Subsection (2)(t) does not include:

([a]i) work on heat recovery ventilation or makeup air components that must be performed by [~~an HVAC Contractor~~] a contractor under Subsection (2)(s); or

([b]ii) electrical trade work that must be performed by [~~an Electrical Contractor~~] a contractor licensed under Subsections (2)(g) or (2)(h).

(u) S370 - Fire Suppression Systems Contractor. [~~Layout~~] A contractor's scope of practice under this Subsection (2)(u) includes the layout, fabrication, and installation of fire protection systems using water, steam, gas, or chemicals. [~~When~~] If a potable sanitary water supply system is used as the source of supply, connection to the water system [~~must~~] shall be accomplished by a [~~licensed plumbing contractor~~] contractor under Subsections (2)(j) or (2)(k). [~~Excluded from this classification are persons engaged in the~~] The scope of practice does not include installation of fire suppression systems in hoods above cooking appliances. (v) S410 - Boiler, Pipeline, Waste Water, and Water Conditioner Contractor. [~~The scope of practice includes the~~] A contractor's scope of practice under this Subsection (2)(v) includes the following:

(i) the fabrication, construction, and installation of:

([a]A) pipes, conduit, or cables for the conveyance and transmission from one station to another of such products as water, steam, gases except for natural gas which requires an RMGA certificate holder to conduct the work, 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]B) installation of above and below ground [~~petroleum and petro-~~

~~chemical]~~ storage tanks, piping, dispensing equipment, monitoring equipment, and associated ~~[petroleum and petro-chemical]~~ 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 to conduct the work, or other substances ~~[including excavation, backfilling, concrete and asphalt]~~;

(~~[e]~~C) insulation of pipes, ducts, and conduits;

(~~[d]~~D) excavation, cabling, horizontal boring, grading, trenching, and backfilling necessary for construction of any work related to the ~~[Boiler, Pipeline, Waste Water, and Water Conditioner Contractor]~~ scope of practice under Subsection (2)(v);

(~~[e]~~E) fire-tube and water-tube power boilers and hot water heating boilers, including ~~[all]~~ fittings and piping, valves, gauges, pumps, radiators, converters, fuel oil tanks, fuel lines, chimney flues, heat insulation and ~~[all]~~ 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; ~~[. If water delivery for the system is connected to the culinary water system and separated from the culinary water system by a backflow prevention device, a S410 Boiler, Pipeline, Waste Water, and Water Conditioner Contractor may connect the system to the backflow prevention device, but the device must be installed by an actively licensed plumber;]~~

(~~[f]~~F) 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;

(~~[g]~~G) sewer, sewer lines, sewage disposal, septic tank, and drainage including excavation and grading with respect thereto, and the construction of sewage disposal plants and appurtenances thereto; and

(~~[h]~~H) incidental excavation, backfill, concrete ~~[ement]~~ or asphalt work related to the ~~[Boiler, Pipeline, Waste Water, and Water Conditioner Contractor]~~ scope of practice under Subsection (2)(v).

(ii) A contractor under Subsection (2)(v) shall hire or subcontract with an RMGA-certified licensed contractor for any natural gas-related work.

(iii) The installation of a backflow preventer device if during each renewal period after initial licensure, the licensee completes at least two of their six continuing education hours pursuant to Section R156-55a-303b in continuing education directly related to backflow installation.

(w) S440 - Sign Installation Contractor. ~~[Installation]~~ A contractor's scope of practice under this Subsection (2)(w) includes installation of electrical or non-electrical signs and graphic displays ~~[which]~~ that require installation permits or permission as issued by state or local governmental jurisdictions, subject to the following:

(~~[a]~~i) "Signs and graphic displays" ~~[includes signs of all types,]~~ means any type of sign, including both lighted and unlighted, a permanent highway marker ~~[signs, illuminated awnings, electronic message centers, sculptures or graphic representations including logos and trademarks]~~ sign, an illuminated awning, an electronic message center, a sculpture or a graphic representation including a logo and trademark intended 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]~~ii) "Non-electrical signs and graphics displays" means ~~[outdoor advertising signs that do]~~ an outdoor sign that does not have electrical lighting or other electrical requirements, and that are fabricated, installed, and erected in accordance with professionally engineered specifications.

(~~[e]~~iii) Signs and graphic displays ~~[must]~~ shall be fabricated, installed and erected in accordance with professionally engineered specifications and wiring in accordance with the National Electrical Code (NEC).

(~~[d]~~iv) The scope of practice under Subsection (2)(w) does not include electrical trade work. A contractor under this Subsection (2)(w) may hire or subcontract with a contractor licensed under Subsection (2)(g) for their projects. ~~[, but an S440 Sign Installation Contractor may subcontract with an electrical contractor for their projects.]~~

(x) S510 - Elevator Contractor. ~~[Erecting]~~ A contractor's scope of practice under this Subsection (2)(x) includes erecting, constructing, installing, altering, servicing, repairing or maintaining an elevator.

(y) S700 - Limited Scope License Contractor. [

~~—(a)]~~ A contractor's limited scope license under this Subsection (2)(y) is a license that confines the scope of the allowable contracting work to a specialized area of construction ~~[, which the Division grants].~~

(i) The Division may grant a license under Subsection (2)(y) on a case-by-case basis.

(~~[b]~~ii) When applying for a ~~[limited scope license, an applicant, if requested,]~~ license under Subsection (2)(y), an applicant shall submit to the Division the following:

(~~[+]~~A) a detailed statement of the type and scope of contracting work that the applicant proposes to perform and an explanation why the scope of practice is not included in any other current classification; and

(~~[+]~~B) any brochures, catalogs, photographs, diagrams, or other material to further clarify the scope of the work that the applicant proposes to perform.

(3)(a) A specialty license contractor, as defined in Subsection 58-55-102(45), shall be 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]~~ a contractor under Subsection (2)(e) may not have any other specialty classifications.

(b) A licensee may change classifications at any time by surrendering a [license]classification, and by applying for any [license]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:

(a) [~~Contractor licenses that have~~] A contractor license that has the following contractor classification[s] shall be converted to the corresponding classification[s] in Table 1:

TABLE 1

Current Classification	Converted To
P202	S410
P204	S410
P205	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~~] A contractor's scope of practice for the following primary classifications includes the scope of practice stated in the descriptions for the following subclassifications and a licensee with the following primary classification may hire or subcontract with a licensee with an included subclassification:

TABLE 2

Primary Classification	Included subclassifications
B100	B200, R200
E200	E201, S202
P200	P201
S350	S354
S420	S421
S440	S441
-----	-----

(7) The following activities are determined to not significantly impact the public health, safety and welfare and therefore do not require a contractors 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, [of communication cables] including for phone, internet, [and cable] 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 [which] 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 [and blind installation];
- (m) welding on personal property [which] that is not attached;
- (n) chimney sweepers other than repairing masonry;
- (o) carpet, [and] vinyl sheet tile, or vinyl plank floor installation;
- (p) artificial turf installation;
- (q) general cleanup of a construction site [which] 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; [-and]
- (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 trade work; [-and]
- (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 or a building or structure;
- (aa) installation of standalone solar systems that do not tie into premises wiring or into the electrical utility; and

(8) The following activities are ~~[these]~~ determined to not significantly impact the public health, safety and welfare beyond the regulations by other agencies, and therefore do not require a contractors 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-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 trades", and includes experience obtained:

- (a) ~~[Experience]~~ in the construction industry regardless if paid as a W-2, or as an owner, and regardless of whether licensed or exempt ~~[]~~;
- (b) ~~[Experience]~~ while performing construction activities in the military or for a railroad corporation; or ~~[]~~
- (c) ~~[Experience obtained]~~ under the supervision of a construction trades instructor as a part of an educational program ~~[is qualifying experience for a contractor's license]~~.

(2)(a) "Two years full-time paid employment", as defined in Subsection 58-55-302~~[910]~~ (1)(e)(ii)(A), shall be 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's degree in Construction Management; or
- (iii) a Utah professional engineer license. [

~~(3) Requirements for S202 Solar Photovoltaic Contractor. In addition to the requirements of Subsections (1) and (2), an applicant shall hold a current certificate by the NABCEP.~~

~~(4) Requirements for S354 Radon Mitigation Contractor. In addition to the requirements of Subsections (1) and (2), an applicant shall hold a current certificate issued by the NRSB or the AARST NRPP.]~~

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

In accordance with ~~[the provisions of]~~ Subsection 58-55-302(2)(b), an applicant ~~[who is approved]~~ for licensure shall submit proof of liability

insurance ~~[which]~~ by means of a certificate of insurance naming the Division as a certificate holder, that:

- (1) provides coverage for the scope of work performed~~[7]~~;
- (2) is in force for the entire duration of active licensure~~[7]~~; and
- (3) [in] coverage amounts of at least \$100,000 for each incident and \$300,000 in total~~[by means of a certificate of insurance naming the Division as a certificate holder]~~.

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

~~-----~~
In accordance with Subsection 58-55-302(1)(f), a~~[ny]~~ school that provides instruction to students by engaging in the construction trade for the public as part of the instruction ~~[is required to]~~ shall be a Utah licensed contractor with ~~[the]~~ classification in the scope of practice in which the students are being instructed.

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

~~[Qualifier Education Requirement.]~~ 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 Subsection 58-55-302(1)(e)(iii) and (iv).

(b) Any approved 25-hour pre-license 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-license course requirements in Subsection 58-55-302(1)(e)(iii) and (iv).

~~[Content of the 25-hour course.]~~ 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~~[(employee leasing)]~~

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 laws;~~
- (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) ~~[Content of the five-hour course.]~~ 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) ~~[Program Schedule.]~~

~~(a)~~ An approved pre-licensure course provider shall offer the 25-hour and five-hour course:

- ~~(i)~~ a) at least 12 times per year; ~~and~~
- ~~(ii)~~ b) shall comply with Subsection 58-55-102(7)(b); and ~~(c)~~

~~(b)~~ An approved pre-licensure course provider

~~(c)~~ is not obligated to provide a course if the provider determines ~~the~~ enrollment is not sufficient to ~~reach~~ breakeven on cost.

(5) ~~[Program Instruction Requirements.]~~ The pre-licensure course shall meet the following standards:

(a) ~~[Time.]~~ 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) ~~[Learning Objectives.]~~ The learning objectives of the pre-licensure course shall be reasonably and clearly stated.

(c) ~~[Teaching Methods.]~~ 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 ~~[must]~~ shall demonstrate knowledge of the course material.

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

(e) ~~[Distance Learning.]~~ Distance learning, internet courses, and home study courses are not allowed to meet pre-licensure course requirements.

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

(g) ~~[Education Curriculum and Study/Resource Guide.]~~ The provider shall ~~[be responsible to]~~ provide or develop a pre-licensure course curriculum and study ~~[-resource]~~ guide for the pre-licensure course, and have them pre-approved ~~[that must be pre-approved]~~ by the Commission and

the Division prior to use [~~by the provider~~].

(h) [~~Live Broadcast.~~] 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) [~~Certificates of Completion.~~] The pre-licensure course provider shall provide individuals completing the pre-licensure course a

~~certificate that contains the following information:~~

(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) [~~Reporting of Program Completion.~~] 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 [~~provided~~] approved by the Division.

(8) [~~Program Monitoring.~~] On a random basis, the Division or Commission may assign monitors at no charge to attend a pre-licensure course for the purpose of evaluating the course and the instructor [~~(+s)~~].

(9) [~~Documentation Retention.~~] Each provider shall for a period of four years maintain adequate documentation as proof of compliance with this section and shall, upon request, make such documentation available for review by the Division or the Commission. Documentation shall include:

(a) the dates of [~~all~~] 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) Disciplinary Proceedings. As provided in Section 58-1-401 and Subsection 58-55-302(1)(c)(iii), 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 pre-licensure course provider, if the pre-licensure course provider fails to meet any of the requirements of this section or the provider has engaged in other unlawful or unprofessional conduct.]~~

(~~11~~) 10 [~~Exemptions.~~] In accordance with Subsections 58-55-302(1)(e)(iii) and (iv), the following persons are not required to complete the pre-licensure course program requirements:

(a) a person holding a four-year bachelor degree or a two-year associate degree in Construction Management from an accredited program;

(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) 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, Utah Construction Trades Licensing Act, is established by rule in Section R156-1-308a(1).

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

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 set forth in Section R156-55a-303b.

(4) ~~[All contractors]~~ 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) ~~[Required Hours.—]~~ Pursuant to ~~S[ub]s~~ection 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 ~~[e]~~Commission member on the Construction Services Commission shall satisfy the member's continuing education requirements under Section 58-55-302.5.

(b) ~~[For an HVAC contractor licensee]~~ A contractor under Subsection R156-55a-301(2)(s) shall complete ~~[,]~~ at least three of ~~[the]~~ their six continuing education hours ~~[described in Subsection (1) shall include]~~ in continuing education directly related to the installation, repair, or replacement of a heating, ventilation, or air conditioning system.

(c) A contractor under Subsections R156-55a-301(2)(r) or R156-55a-301(2)(v) 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.

~~[e]~~d) ~~[For all e]~~ Contractors with a renewal cycle that ends after January 1, 2020, shall complete at least one of ~~[the]~~ their six continuing education hours ~~[described in Subsection (1) shall include]~~ in energy conservation.

~~[d]~~e) "Core continuing education" ~~[is defined as]~~ 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.

~~[e]~~f) "Professional continuing education" ~~[is defined as]~~ 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.

(~~f~~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.

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

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

(a) [~~Time.—~~]Each hour of continuing education course 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) [~~Provider.—~~]The course provider shall be among those specified in Subsection 58-55-302.5(2).

(c) [~~Content.—~~]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) [~~Objectives.—~~]The learning objectives of the course shall be reasonably and clearly stated.

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

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

(g) [~~Distance learning.—~~]A course that is provided through Internet or home study may be recognized for continuing education if the course verifies registration and participation in the course by means of a test demonstrating that the participant has learned the material presented. 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) ~~[all of the]~~ student's test scores.

(h) [~~Documentation.—~~]The course provider shall:

(i) have a competent method of registration of individuals who actually completed the course~~[7]~~;

(ii) ~~[shall]~~ maintain records of attendance that are available for review by the Division; and

(iii) ~~[shall]~~ provide individuals completing the course a certificate that contains the following information:

- (~~[i]~~A) [~~the~~] date of the course;
- (~~[ii]~~B) [~~the~~] name of the course provider;
- (~~[iii]~~C) [~~the~~] name of the instructor;
- (~~[iv]~~D) [~~the~~] course title;
- (~~[v]~~E) [~~the~~] hours of continuing education credit and type of credit (core or professional);
- (~~[vi]~~F) [~~the~~] attendee's name; and
- (~~[v]~~G) [~~the~~] signature of the course provider.

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

(3) ~~[On a random basis, the]~~ The Division may assign monitors at no charge to attend a course for the purpose of 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 a period of three years from the end of the renewal period for which the continuing education is due.

(b) Each licensee shall assure 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 ~~[se]~~ 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 established for electricians, plumbers, and elevator mechanics ~~[as established]~~ in ~~[Subsections]~~ 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 ~~[for contractors as established in]~~ of S[ub]section 58-55-302.5 and ~~[implemented herein]~~ 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 ~~[which]~~ that have been submitted through the continuing education registry and shall approve only those courses ~~[which]~~ that meet the standards ~~[set forth under]~~ of this [S] 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) ~~[Continuing Education Registry.~~

~~—(a)—~~ The Division shall designate an entity to act as the Continuing Education Registry ~~[under this rule.~~

~~—(b)—~~ ~~The~~ and the Continuing Education Registry, in consultation with the Division and the Commission, shall:

(~~+~~~~i~~)~~a~~) through its internet site electronically receive applications from continuing education course providers, and ~~[shall—]submit [the application for course approval to the Division for review and approval.~~ ~~[ef—]only those applications from programs that meet the standards [set forth under—] of this [S]section;~~

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

(~~+~~~~iii~~)~~c~~) maintain accurate records of approved qualified continuing education~~[-approved];~~

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

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

(~~e~~)~~11~~) ~~[Fees. A continuing education registry]~~ 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) ~~[is clarified as follows]~~ includes the following:

(a) Except as allowed in Subsection (1)(b), the qualifier ~~[must]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 ~~[must]shall~~ be in the form of W-2 wages.

(b) The 12 hour minimum in Subsection (1)(a) may be reduced if the total ~~[of all—]hours~~ worked by ~~[all]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 ~~[general contractor classifications, except that an R101 Residential and Small Commercial Non-Structural Remodeling and Repair qualifier]~~ classification under Subsection 58-55-301(2)(a) through (c) and Subsection 58-55-301(2)(e) through (h), except that a qualifier under Subsection R156-55a-301(2)(e) 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

(b) the Commission and the Division grant written approval [~~is granted by the Commission and the Division~~].

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

(1) [~~Initial affirmation.—~~] In accordance with Subsection 58-55-305(1)(h)(ii)(H), a[ny] 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 [~~whieh~~]that includes:

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

(b) answers to qualifying questions; and

(~~b~~)c) a statement signed by the registrant verifying:

(i) that the person has liability insurance in force [~~whieh~~]that includes the Division being named as a certificate holder, 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)(A) that the person has workers compensation insurance in force [~~whieh~~]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

(~~iii~~)B) that the person does not hire employees and is therefore exempt from the requirement to have workers compensation insurance.

(2) [~~Periodic reaffirmations required.—~~]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.

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

(1) [~~a~~] 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 [each of the above actions]any factor under this Subsection (1);

(~~b~~)2) financial statements and tax returns, including the ability to prepare or have prepared competent and current financial statements and tax returns;

(~~e~~)3) a [~~n acceptable~~] current credit report acceptable to the Division; [~~that meets the following requirements:~~

~~(i) for individuals:~~

~~(A) a credit report from each of the three national reporting agencies, Trans Union, Experian, and Equifax; or~~

~~(B) a tri-merged credit report of the agencies identified in Subsection (A); or~~

~~(ii) for entities, a business credit report such as an Experian Business Credit Report or a Dun and Bradstreet Report;~~

([d]4) an explanation of the reasons for any financial difficulties and how the financial difficulties were resolved;

([e]5) any of the factors listed in this Subsection (1) that may relate to failure to maintain financial responsibility;

([f]6) each of the factors listed in this Subsection (1) regarding the financial history of the owners of the applicant or licensee;

([g]7) any guaranty agreements provided for the applicant or licensee and any owners; and

([h]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) In accordance with Subsection 58-55-308(1), the scope of practice defined 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) In accordance with 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]trade union apprenticeship program;
- (d) Rocky Mountain Gas Association; and
- (e) Home Builders Association of Utah.

(4) In accordance with Subsection 58-55-308(3), the approved programs [set forth] in paragraphs (3)(b) [,(c), (d), and] through (3)(e) [herein] 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) In accordance with 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%, shall be exempt from the certification requirement [~~set forth~~] in Subsection 58-55-308(2)(c)(i).

(6) [~~Content of certificates of completion.~~] An approved program shall issue a certificate, including a wallet certificate, to persons who successfully complete their training program containing the following information:

- (a) name of the program provider;
- ~~(b) name of the approved program;~~
- (c) name of the certificate holder;
- (d) [~~the~~] date the certification was completed; and
- (e) signature of an authorized representative of the program

provider.

(7) [~~Documentation of exemption from certification.~~] 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) [~~the~~] 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 as further defined in Subsection (1) herein, shall carry in their possession documentation of certification or exemption.

R156-55a-311. Reorganization - Conversion of Contractor Business Entity.

(1) A conversion from one form of entity to another form where "Articles of Conversion" are filed with and approved by the Utah Division of Corporations and Commercial Code shall 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.

R156-55a-312. Inactive License.

(1) The requirements for inactive licensure specified in Subsection

R156-1-305(3) shall also include certification that the licensee will not engage in the construction [~~trade(s)~~] trades for which the license was issued while on inactive status except to identify that licensee as an inactive licensee.

(2) A license on inactive status will not be required to meet the requirements of licensure in Subsections 58-55-302(1)(e)(i), 58-55-302.5 [~~(2)(a)~~] and 58-55-302(2)(b).

(3) The requirements for reactivation of an inactive license specified in Subsection R156-1-305(6) shall also include:

~~(a) documentation that the licensee meets the requirements of Section 58-55-302.5 and Subsections 58-55-302(1)(e)(i) [~~7, 58-55-302(2)(a)~~] and 58-55-302(2)(b); and~~

~~(b) documentation that the licensee has taken and passed the business and law examination and the contractor classification examination, if required, for the contractor classification for which activation is sought~~

~~([e]b) prior to a license being activated, a licensee shall complete the continuing education required under Section 58-55-302.5 unless the continuing education required was completed for the last renewal cycle [~~meet the requirements of renewal~~].~~

R156-55a-501. Unprofessional Conduct.

"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, the Construction Trades Licensing Act, including a change in qualifier[-] which [~~such~~] 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 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, [and] or other requested information to determine compliance with [any section under] Title 58, Chapter 55, Utah Construction Trades Licensing Act, or Title 58, Chapter 1, Division of Occupational and Professional Licensing Act [~~of the Utah Code~~];

(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 test, 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: [

~~_____ (a) the owner, qualifier, or licensee is an instructor for an accredited university, college, trade, or technical school; and~~

~~_____ (b)] the [Construction Services Commission] 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-503. Administrative Penalties.

~~[_____ (1) In accordance with Subsection 58-55-503, the following fine schedule shall apply to citations issued under Title 58, Chapter 55:~~

TABLE II

FINE SCHEDULE

FIRST OFFENSE

Violation	All Licenses Except	
	Electrical or Plumbing	Electrical or Plumbing
58-55-308(2)	\$ 500.00	N/A
58-55-501(1)	\$ 500.00	\$ 500.00
58-55-501(2)	\$ 500.00	\$ 800.00
58-55-501(3)	\$ 800.00	\$1,000.00
58-55-501(9)	\$ 500.00	\$ 500.00
58-55-501(10)	\$ 800.00	\$1,000.00
58-55-501(12)	N/A	\$ 500.00
58-55-501(14)	\$ 500.00	N/A
58-55-501(19)	\$ 500.00	N/A
58-55-501(21)	\$ 500.00	\$ 500.00
58-55-501(22)	\$ 500.00	N/A
58-55-501(23)	\$ 500.00	N/A
58-55-501(24)	\$ 500.00	N/A
58-55-501(25)	\$ 500.00	N/A
58-55-501(26)	\$ 500.00	N/A

58-55-501(27)	\$ 500.00	N/A
58-55-501(28)	\$ 500.00	N/A
58-55-501(29)	\$ 500.00	N/A
58-55-504(2)	\$ 500.00	N/A

~~SECOND OFFENSE~~

58-55-308(2)	\$1,000.00	N/A
58-55-501(1)	\$1,000.00	\$1,500.00
58-55-501(3)	\$1,600.00	\$2,000.00
58-55-501(9)	\$1,000.00	\$1,000.00
58-55-501(10)	\$1,600.00	\$2,000.00
58-55-501(12)	N/A	\$1,000.00
58-55-501(14)	\$1,000.00	N/A
58-55-501(19)	\$1,000.00	N/A
58-55-501(21)	\$1,000.00	\$1,000.00
58-55-501(22)	\$1,000.00	N/A
58-55-501(23)	\$1,000.00	N/A
58-55-501(24)	\$1,000.00	N/A
58-55-501(25)	\$1,000.00	N/A
58-55-501(26)	\$1,000.00	N/A
58-55-501(27)	\$1,000.00	N/A
58-55-501(28)	\$1,000.00	N/A
58-55-501(29)	\$1,000.00	N/A
58-55-504(2)	\$1,000.00	N/A

~~THIRD OFFENSE~~

~~Double the amount for a second offense with a maximum amount not to exceed the maximum fine allowed under Subsection 58-55-503(4)(h).~~

~~(2) Citations shall not be issued for third offenses, except in extraordinary circumstances approved by the investigative supervisor.]~~

~~([3]1) If multiple offenses are cited on the same citation, the fine shall be determined by evaluating the most serious offense.~~

~~([4]2) If multiple offenses are cited on separate citations, the fine shall be the maximum fine for each offense. [~~

~~(5) An investigative supervisor may authorize a deviation from the fine schedule based upon the aggravating or mitigating circumstances.]~~

~~([6]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.

In accordance with 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.

Pursuant to ~~[the provisions of]~~ 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 ~~Industry, Labor Services, Insurance and Construction Companies Licensing~~ 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 contained in Title 58, Chapters 1, Division of Occupational and Professional Licensing Act, and Title 58, Chapter 55, Utah Construction Trades Licensing Act and ~~[r]~~ Rules R156-1 and R156-55a, including:

(a) ~~[the]~~ failure to maintain financial responsibility~~[r]~~;

(b) ~~[the]~~ failure of the licensee to pay its obligations~~[r]~~; and

(c) ~~[the]~~ failure of the owners or 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, [may be reviewed] 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 ~~[the provisions of]~~ 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 ~~[under any subsection]~~ 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 ~~[the E100 or B100]~~ any general contractor classification ~~[of licensure]~~ except the R100 classification;

(B) \$25,000 for the R100 classification[~~-of licensure~~]; or

(C) \$15,000 for other classifications.

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

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

(~~6~~8) The amount of the bond specified under Subsection R156-55a-~~602(5)~~ may be increased by an amount determined by the Commission and Division [when]if the financial, criminal, or disciplinary history of the applicant, licensee, qualifier, or any owner indicates the bond amount [~~specified in Subsection R156-55a-602(1)~~]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, [~~may be reviewed~~]in determining the bond amount required.

(~~7~~9) A contractor may provide a license bond issued by a surety acceptable to the Division in an amount less than the bond amount specified 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 [~~in Subsection R156-55a-602(1)~~]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 [~~all~~]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.

Pursuant to Subsection 58-1-307(4)(g), the Division may issue emergency contractor licenses as follows:

(1) The Division may issue an emergency contractor's license for any classification to any person or entity, including an apprentice, journeyman, or master plumber or electrician license.

(2) The Division may issue an emergency contractor's license in any form approved by the Division.

(3) An emergency contractor license shall expire on the earlier of:

(a) 30 days after the expiration of the emergency declaration;

(b) 10 days after the Division provides notice to the licensee that the license shall expire; or

(c) as specified by the Division in a notice to the licensee, at any time and for any reason.

(4) The Division may institute or waive any contractor licensing requirement under Title 58, Chapter 1, Division of Occupational and Professional Licensing Act, and Chapter 55, Utah Construction Trades

Licensing Act, and Rules R156-1 and R156-55a in determining eligibility for an emergency contractor license.

KEY: contractors, occupational licensing, licensing

Date of Enactment or Last Substantive Amendment: [~~July 22, 2019~~] 2020

Notice of Continuation: August 4, 2016

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-55-101; 58-55-308(1)(a); 58-55-102(39)(a)