

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

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

DAR file no:

43747

Date filed:

5-30-2019

State Admin Rule Filing Id:

Time filed:

	Agency No.	Rule No.	Section No.
Utah Admin. Code Ref (R no.):	R 156	- 55a	-
Changed to Admin. Code Ref. (R no.):	R	-	-

1. **Agency:** Commerce/Division of Occupational and Professional Licensing

Room no.:

Building: Heber M. Wells Building

Street address 1: 160 East 300 South

Street address 2:

City, state, zip: Salt Lake City UT 84111-2316

Mailing address 1: PO Box 146741

Mailing address 2:

City, state, zip: Salt Lake City UT 84114-6741

Contact person(s):

Name:	Phone:	Fax:	E-mail:
Chris Rogers	801-530-6720	801-530-6511	crogers@utah.gov

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

2. **Title of rule or section (catchline):**
Utah Construction Trades Licensing Act Rule
3. **Type of notice:**
New ___; Amendment XXXX Repeal ___; Repeal and Reenact ___
4. **Purpose of the rule or reason for the change:**
The purpose of this rule filing is to comply with the changes established by H.B. 187 (2019) and to make substantive and other technical changes as approved by the Construction Services Commission.
5. **This change is a response to comments from the Administrative Rules Review Committee.**
No XXXX Yes ___
6. **Summary of the rule or change:**
See separate attachment for summary of proposed changes

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No ; Yes

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. Accordingly, this rule is not expected to impact the state beyond a minimal cost to the Division of approximately \$75 to print and distribute the rule once the proposed amendments are made effective.

B) Local government:

Affected: No Yes

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 cost or savings to local government are anticipated.

C) Small businesses ("small business" means a business employing fewer than 50 persons):

Affected: No ; Yes

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 actual practice in the expanded or clarified scope beyond their current work. Second, small businesses may be impacted by consolidated classification and expanded scope of practice which may reduce the number of potential fines for practicing beyond the scope of licensure. However, since it is impossible to determine whether the consolidation of classifications or expanded scope 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. Third, small businesses may be required to take the additional 5-hour pre-licensure class as required by H.B. 187 (2019). An average of 11,000 contractors apply for licensure every year. This figure includes non-small and small businesses. It is estimated that the additional 5-hour pre-licensure course will cost an additional \$60 per applicant. It is estimated that the contractors needing the 5-hour pre-licensure course are doing so to increase the scope of licensure and thus increase their economic benefit, opportunities, and productivity. The economic benefit from taking the extra 5-hour pre-licensure course will be at least \$60 or greater for the licensed contractors and especially when considering the benefit over the lifetime of the license. Of note, the fiscal note for H.B. 187 indicated that no cost increase was attributed to any individuals or business, including small businesses.

D) Persons other than small businesses, businesses, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

Affected: No Yes

With respect to the changes that are grammatical or non-substantive, those changes will have no impact on other persons. With respect to the other changes, there is no perceivable impact of these rule amendments on other persons. Based on the fiscal note for H.B. 187, no cost increase was attributed to any individuals or businesses, including small businesses.

8. Compliance costs for affected persons:

With respect to the changes that are grammatical or nonsubstantive, those changes will have no impact on affected persons. With respect to other changes, there are no individual impacts based on these rule amendments because contractor licenses are issued only to small and non-small business entities, and not individuals. As a result, any individual impacts are reflected in the impacts to small and non-small businesses. Based on the fiscal note for H.B. 187, no cost increase was attributed to any individuals or businesses.

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

See separate attachment for Department Head comments

B) Name and title of department head commenting on the fiscal impacts:

Francine A. Gian, Executive Director

10 This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV):

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

11 This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; if none, leave blank):

	First Incorporation	Second Incorporation
Official Title of Materials Incorporated (from title page)		
Publisher		
Date Issued		
Issue, or version		
ISBN Number (optional)		
ISSN Number (optional)		
Cost of Incorporated Reference		
Action: Adds, updates, or removes		

(If this rule incorporates more than two items by reference, please attach additional pages)

12 The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy): 07/15/2019

B) A public hearing (optional) will be held:

On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
06/26/2019	9:00 AM	160 East 300 South, Conference Room 474 (4th floor), Salt Lake City, Utah

13 This rule change may become effective on (mm/dd/yyyy): 07/22/2019

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

14 Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")); may not include the name of the agency:

contractors

occupational licensing

licensing

15 Attach an RTF document containing the text of this rule change (filename):

R156-55a.pro

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

AGENCY AUTHORIZATION

Agency head or designee, and title:



Date
(mm/dd/yyyy)
:5/30/2019

R156-55a - Utah Construction Trades Licensing Act Rule

Box 6 - Summary of rule or change:

Section R156-55a-301: Technical changes to the classification scope of practices, including elimination of superfluous language, clarifying scope of practice, and correction of cross-references. More substantive changes are detailed as follows:

E202 Solar Photovoltaic classification is renamed the S202 Solar Photovoltaic classification.

I101 General Engineering Trades Instruction Facility, I102 General Building Trades Instruction Facility, I103 Electrical Trades Instruction Facility, and I104 Plumbing Trades Instruction Facility, and I105 Mechanical Trades Instruction Facility classification are eliminated based on the changes to Section R156-55a-302e.

P202 Boiler Installation Contractor, P204 Industrial Piping Contractor, P205 Water Conditioning Equipment Contractor, P206 Solar Thermal Systems Contractor, P207 Residential Sewer Connection and Septic Tank Contractor, S390 Sewer and Waste Water Pipeline Contractor, S450 Mechanical Insulation Contractor, S470 Petroleum Systems Contractor classifications are consolidated into the S410 Boiler, Pipeline, Waste Water, and Water Conditioner Contractor classification.

P203 Irrigation Sprinkling Contractor classification is consolidated into the S330 Landscaping & Recreation Contractor classification.

S220 Carpentry Contractor classification is renamed the S220 Carpentry & Flooring Contractor classification. S221 Cabinet, Millwork and Countertop Installation Contractor, S222 Overhead and Garage Door contractor, S320 Steel Erection Contractor, S321 Steel Reinforcing Contractor, S322 Metal Building Erection Contractor, S323 Structural Stud Erection Contractor, S490 Flooring Contractor, and S491 Laminate Floor Installation Contractor classifications are consolidated into the S220 Carpentry & Flooring Contractor classification. The S220 Carpentry & Flooring Contractor classification scope of practice is expanded to include insulation of pipes and incidental concrete work.

S230 Siding and Rain Gutter Contractor classification is renamed the S230 Masonry, Siding, Stucco, Glass, and Rain Gutter Contractor classification. S231 Rain Gutter Installation Contractor, S240 Glass and Glazing Contractor, S290 General Masonry Contractor, S291 Stone Masonry Contractor, S292 Terrazzo Contractor, S293 Marble, Tile and Ceramic Contractor, S294 Cultured Marble and S600 General Stucco Contractor are consolidated into S230 Masonry, Siding, Stucco, Glass, and Rain Gutter Contractor classification.

S260 Concrete Contractor classification is renamed the S260 Asphalt and Concrete Contractor classification. S261 Concrete Form Setting and Shoring Contractor, S262 Gunnite and Pressure Grouting Contractor, and S263 Cementitious Coating Systems Resurfacing and Sealing Contractor, and S400 Asphalt Paving Contractor are consolidated into the S260 Asphalt and Concrete Contractor classification.

S270 General Drywall and Plastering Contractor classification is renamed the S270 Drywall, Paint, and Plastering Contractor. S250 Insulation Contractor, S272 Ceiling Grid Systems, Ceiling Tile, and Panel Systems Contractor, S273 Light-weight Metal and Non-Bearing, and S300 General Painting Contractor classifications are consolidated into the S270 Drywall, Paint, and Plastering Contractor classification.

S280 General Roofing Contractor classification is renamed the S280 Roofing Contractor. The scope of practice for the S280 Roofing Contractor is expanded to include insulating media.

S310 Excavation and Grading Contractor is renamed the S310 Foundation, Excavation, and Demolition Contractor. The S460 Wrecking and Demolition Contractor and S480 Piers and Foundations Contractor classifications are consolidated into the S310 Foundation, Excavation, and Demolition Contractor classification.

S330 Landscaping Contractor classification is renamed the S330 Landscape & Recreation Contractor classification. P203 Irrigation Sprinkling Contractor, S380 Swimming Pool and Spa Contractor, S420 General Fencing, Ornamental Iron and Guardrail Contractor, S421 Residential Fencing Contractor, S430 Metal Firebox and Fuel Burning Stove Installer, and S500 Sports and Athletic Courts, Running Tracks, and Playground Installation Contractor classifications are consolidated into the S330 Landscape & Recreation Contractor classification. The S330 Landscape & Recreation Contractor scope of practice is expanded to include authority to subcontract with plumbing and electrical contractors, and includes incidental asphalt work for their projects within the scope of practice.

S351 Refrigerated Air Conditioning Contractor, S352 Evaporative Cooling Contractor, S353 Warm Air Heating Contractor, S360 Refrigeration Contractor, and I105 Mechanical Trades Instruction Facility classifications are consolidated into the S350 HVAC Contractor classification.

S410 Pipeline and Conduit Contractor classification is renamed the S410 Boiler, Pipeline, Waste Water, and Water Conditioner Contractor classification. The S410 Boiler, Pipeline, Waste Water, and Water Conditioner Contractor classification scope of practice is expanded to include incidental asphalt and concrete work.

S441 Non-Electrical Outdoor Advertising Sign Contractor classification is consolidated into the S440 Sign Installation Contractor classification. Expands the S440 Sign Installation Contractor classification to permit subcontracting with electrical contractors for their projects.

An effective date of July 22, 2019 is established to convert all current licensees to their consolidated classification. Previous classification conversion language is deleted.

Subsection 6 is clarified to eliminate subclassifications that no longer exist after the effective date of the rule based on the consolidation of the classifications.

Subsection 7 is amended based on H.B. 187 (2019) to clarify that installation of class two or class three power-limited circuits is exempt from contractor licensing.

Section R156-55a-302a: Eliminates the requirement for the trade exam for the B100, R100, or E100 classifications based on H.B. 187 (2019).

Section R156-55a-302b: Clarifies the definition of “experience in the construction industry” pursuant to Subsection 58-55-302(1)(e)(ii) as more broad in scope than the definition of “construction trades” and clarifies that this experience includes paid experience regardless if as an owner, W-2 or 1099 individuals, and regardless of licensure. The experience requirement is amended to include experience in the military and experience obtained in an educational program.

“Two years of full-time paid employment” as defined in Subsection 58-55-302(1)(e)(ii)(A) is clarified to mean 4,000 hours of paid employment. Clarifies that a passing score on the NASCLA (National Association of State Contractor Licensing Agencies) Accredited Examination for Commercial General Building Contractors shall satisfy the experience requirement in Subsection 58-55-302(1)(e)(ii)(A). It is also clarified that a person holding a four-year bachelors degree or a two-year associates degree in Construction Management and a person holding a Utah professional engineer license satisfy the experience requirement in Subsection 58-55-302(1)(e)(ii)(A).

Section R156-55a-302c: Deleted in its entirety based on the amendments in Section R156-55a-302e.

Section R156-55a-302e: Amends and clarifies that any school that provides instruction to students by engaging in the construction trade for the public as part of the instruction is required to be a Utah licensed contractor with the classification in the scope of practice in which the students are being instructed. No other license is required.

Section R156-55a-302f: Amends rule to include 5-hour pre-licensure course for general contractors as required by H.B. 187 (2019). Clarifies exemption for pre-licensure course to include those that are qualifiers on active licenses and qualifiers without disciplinary action. Amends the rule to clarify that the 5-hour pre-license class is not required for any qualifier that has taken the 25-hour pre-license course prior to July 1, 2019 as mandated by H.B. 187 (2019).

Establishes that the 5-hour pre-licensure course shall include 5 hours of training on test preparation for the topics covered in the Utah Contractors Business and Law examination.

Section R156-55a-303b: Clarifies that for all contractors with a renewal cycle that ends after January 1, 2020, at least one of the six hours of continuing education for contractors shall include energy conservation. Provides that the energy conservation credit shall be “core continuing education.”

Section R156-55a-304: Deletes inapplicable provision based on Section R156-55a-302e.

Section R156-55a-308a: Deleted provision based on Section R156-55a-302e.

Box 9A - Department Head comments:

The purpose of this rule filing is to comply with the changes established by H.B. 187 (2019) and to make substantive and other technical changes as approved by the Construction Services Commission.

Section R156-55a-301: Technical changes to the classification scope of practices, including elimination of superfluous language, clarifying scope of practice, and correction of cross-references.

An effective date of July 22, 2019 is established to convert all current licensees to their consolidated classification. Previous classification conversion language is deleted.

Subsection 6 is clarified to eliminate subclassifications that no longer exist after the effective date of the rule based on the consolidation of the classifications.

Subsection 7 is amended based on H.B. 187 (2019) to clarify that installation of class two or class three power-limited circuits is exempt from contractor licensing.

Section R156-55a-302a: Eliminates the requirement for the trade exam for the B100, R100, or E100 classifications based on H.B. 187 (2019).

Section R156-55a-302b: Clarifies the definition of “experience in the construction industry” pursuant to Subsection 58-55-302(1)(e)(ii) as more broad in scope than the definition of “construction trades” and clarifies that this experience includes paid experience regardless if as an owner, W-2 or 1099 individuals, and regardless of licensure. The experience requirement is amended to include experience in the military and experience obtained in an educational program.

“Two years of full-time paid employment” as defined in Subsection 58-55-302(1)(e)(ii)(A) is clarified to mean 4,000 hours of paid employment. Clarifies that a passing score on the NASCLA (National Association of State Contractor Licensing Agencies) Accredited Examination for Commercial General Building Contractors shall satisfy the experience requirement in Subsection 58-55-302(1)(e)(ii)(A). It is also clarified that a person holding a four-year bachelors degree or a two-year associates degree in Construction Management and a person holding a Utah professional engineer license satisfy the experience requirement in Subsection 58-55-302(1)(e)(ii)(A).

Section R156-55a-302c: Deleted in its entirety based on the amendments in Section R156-55a-302e.

Section R156-55a-302e: Amends and clarifies that any school that provides instruction to students by engaging in the construction trade for the public as part of the instruction is required to be a Utah licensed contractor with the classification in the scope of practice in which the students are being instructed. No other license is required.

Section R156-55a-302f: Amends rule to include 5-hour pre-licensure course for general

contractors as required by H.B. 187 (2019). Clarifies exemption for pre-licensure course to include those that are qualifiers on active licenses and qualifiers without disciplinary action. Amends the rule to clarify that the 5-hour pre-license class is not required for any qualifier that has taken the 25-hour pre-license course prior to July 1, 2019 as mandated by H.B. 187 (2019).

Establishes that the 5-hour pre-licensure course shall include 5 hours of training on test preparation for the topics covered in the Utah Contractors Business and Law examination.

Section R156-55a-303b: Clarifies that for all contractors with a renewal cycle that ends after January 1, 2020, at least one of the six hours of continuing education for contractors shall include energy conservation. Provides that the energy conservation credit shall be “core continuing education.”

Section R156-55a-304: Deletes inapplicable provision based on Section R156-55a-302e.

Section R156-55a-308a: Deleted provision based on Section R156-55a-302e.

Small Business:

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 more than ten relevant NAICS codes were identified. For a complete listing of NAICS codes used in this analysis, please contact the agency. 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 changes. Notwithstanding the number of small businesses, based on the NAICS codes, the analysis herein does not change.

With respect to 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 practice in the expanded or clarified scope beyond their current work. Second, small businesses may be impacted by consolidated classification and expanded scope of practice which may reduce the number of potential fines for practicing beyond the scope of licensure. However, since it is impossible to determine whether the consolidation of classifications or expanded scope of practice will increase compliance with the unprofessional conduct provisions, there is no direct cost attributable except to these changes. Future violations of unprofessional conduct cannot be quantified.

The fiscal note for H.B. 187 provided that no cost increase was attributed to any individuals or business, including small businesses. The rule changes conform the rule to the statute and result in no fiscal impacts outside of the parameters of H.B. 187.

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$60	\$60	\$60
Non-Small Businesses	\$60	\$60	\$60
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$60	\$60	\$60
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$60	\$60	\$60
Non-Small Businesses	\$60	\$60	\$60
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$60	\$60	\$60
Net Fiscal Benefits:	\$0	\$0	\$0

*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 for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses

As the U.S. Census North American Industry Classification System (NAICS) was searched, 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 there are a total of 216 medium and large businesses and 9,781 small businesses in Utah covered by these changes. This proposed rule change is not expected to have any significant fiscal impacts on large business revenues or expenditures. An average of 11,000 contractors apply for licensure every year. This figure includes non-small and small businesses. It is estimated that the additional 5-hour pre-licensure course will cost an additional \$60 per

applicant. It is estimated that the contractors needing the 5-hour pre-licensure course are doing so to increase the scope of licensure and thus increase their economic benefit, opportunities, and productivity. The economic benefit from taking the extra 5-hour pre-licensure course will be at least \$60 or greater for the licensed contractors and especially when considering the benefit over the lifetime of the license. With respect to the other changes, they are not expected to have any significant fiscal impacts and the approximate fiscal impacts are impossible to determine because the changes do not necessarily result in a net increase or decrease of cost or value to the licensee, applicant, small business, or non-small business.

Include agency head sign-off here. The head of the Department of Commerce, Francine Giani, has reviewed and approved this fiscal analysis.

R156. Commerce, Occupational and Professional Licensing.

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

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 public health, safety, and welfare. A person engaged in work included in 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:

E100 - General Engineering Contractor. A contractor licensed to perform work as defined in Subsection 58-55-102(24).

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

(a) activities described in this Subsection under specialty classification [E]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.

B200 - Modular Unit Installation Contractor. Set up or installation of modular units as defined in Subsection 15A-1-302(8) and constructed in accordance with Section 15A-1-304. The scope of practice:

(a) 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) excludes installation of factory built housing and connection of required utilities.

R100 - Residential and Small Commercial Contractor. A contractor 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 [E]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 NRSEB 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.

R101 - Residential and Small Commercial Non Structural Remodeling and Repair. Remodeling and repair to any existing structure built for support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind with the restriction that:

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

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

R200 - Factory Built Housing Contractor. Disconnection, setup, installation, or removal of manufactured housing on a temporary or permanent basis. The scope of work:

(a) includes placing the manufactured housing on a permanent or temporary foundation, securing the units together if required, securing the manufactured housing to the foundation, and connecting the utilities from the near proximity, such as a meter, to the manufactured housing unit, and construction of foundations of less than four feet six inches in height;

(b) excludes preparation or finishing, excavation of the ground in the area where a foundation is to be constructed, back filling, and grading around the foundation, construction of foundations of more than four feet six inches in height, and 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. [

~~I101 - General Engineering Trades Instruction Facility. A construction trades instruction facility authorized to teach the construction trades and subject to the scope of practice defined in Subsection 58-55-102(24).~~

~~I102 - General Building Trades Instruction Facility. A construction trades instruction facility authorized to teach the construction trades and subject to the scope of practice defined in Subsections 58-55-102(22) or 58-55-102(35).~~

~~I103 - Electrical Trades Instruction Facility. A construction trades instruction facility authorized to teach the electrical trades and subject to the scope of practice defined in Subsection R156-55a-301(E200).~~

~~I104 - Plumbing Trades Instruction Facility. A construction trades instruction facility authorized to teach the plumbing trades and subject to the scope of practice defined in Subsection R156-55a-301(P200).~~

~~1105 - Mechanical Trades Instruction Facility. A construction trades instruction facility authorized to teach the mechanical trades and subject to the scope of practice defined in Subsection R156-55a-301(S350).]~~

E200 - General Electrical Contractor. A contractor 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.

E201 - Residential Electrical Contractor. A contractor 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 NRSB or the AARST-NRPP.

[E]§202 - Solar Photovoltaic Contractor. Fabrication, construction, installation, and replacement of photovoltaic modules and related components, subject to the following:

(a) An [E]§202 Solar Photovoltaic Contractor shall hold a current certificate issued by [~~NRSB or AARST-NRPP~~]NABCEP.

(b) 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.

(c) [E]§202 - 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) An [E]§202 Solar Photovoltaic Contractor may subcontract with an E200 General Electrical Contractor or E201 Residential Electrical Contractor for their projects.

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

(a) 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 NRSB or the AARST-NRPP.

P201 - Residential Plumbing Contractor. A contractor 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 NRSB or the AARST-NRPP. [

~~P202 - Boiler Installation Contractor. Fabrication and/or installation of 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 closed system not connected to the culinary water system. If water delivery for the closed system is connected to the culinary water system and separated from the culinary water system by a backflow prevention device, a P202 Boiler Installation Contractor may connect the closed system to the backflow prevention device, but the device must be installed by an actively licensed plumber.~~

~~P203 - Irrigation Sprinkling Contractor. Layout, fabrication, and/or installation of water distribution systems for artificial watering or irrigation.~~

~~P204 - Industrial Piping Contractor. Fabrication and/or installation of pipes and piping for the conveyance or transmission of steam, gases, chemicals, and other substances including excavating, trenching, and back-filling related to such work. This classification includes the above work for geo thermal systems.~~

~~P205 - Water Conditioning Equipment Contractor. Fabrication and/or installation of 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.~~

~~P206 - Solar Thermal Systems Contractor. Construction, repair and/or installation of solar thermal systems up to the system shut off valve or where the system interfaces with any other plumbing system.~~

~~P207 - Residential Sewer Connection and Septic Tank Contractor. Construction of residential sewer lines including connection to the public sewer line, and excavation and grading related thereto. Excavation, installation and grading of residential septic tanks and their drainage.]~~

S220 - Carpentry & Flooring Contractor. The scope of practice includes the construction, fabrication, installation, placing, tying, welding, or repair:

(a) [Fabrication for structural and finish purposes in a structure or building] using wood, wood products, metal, metal products, metal studs, vinyl materials, plastic, fiberglass, countertops, cabinets, millwork, garage doors, doors, tub liners, wall systems, partitions, or other wood/plastic/metal composites as is by custom and usage accepted in the building industry as carpentry for structural, non-structural, and finish purposes; [Incidental work includes the installation of tub liners and wall systems.]

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

(c) metal structural studs and bearing walls, reinforcing bars, erecting shapes, plates of any profile, perimeter cross-section that are used in structures, including riveting, welding, and rigging;

(d) incidental concrete work and footings, grading, and surface preparation related to any Carpentry & Flooring Contractor scope of work;

(e) 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) mechanical insulation of pipes, ducts, or conduits.
[— S221 - Cabinet, Millwork and Countertop Installation Contractor. On-site construction and/or installation of milled wood products or countertops.

— S222 - Overhead and Garage Door Contractor. Installation of overhead and garage doors and door openers.]

S230 - Masonry, Siding, Stucco, Glass, & Rain Gutter Contractor. The scope of practice includes the construction fabrication, and installation of:

(a) [Fabrication, construction, and/or installation of] siding, stucco, stucco to lathe, plaster, glass, glass substitutes, glass-holding members, [or] rain gutters, drains, roof flashings, gravel stops, and metal ridges;

(b) 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;

(c) shower pans. [

— S231 - Rain Gutter Installation Contractor. On-site fabrication and/or installation of rain gutters and drains, roof flashings, gravel stops and metal ridges.

— S240 - Glass and Glazing Contractor. Fabrication, construction, installation, and/or removal of all types and sizes of glass, glass substitutes, glass-holding members, frames, and hardware.

— S250 - Insulation Contractor. Installation of any insulating media in buildings and structures for the sole purpose of temperature control, sound control, or fireproofing, but shall not include mechanical insulation of pipes, ducts, or conduits.]

S260 - [General] Asphalt and Concrete Contractor. Fabrication, construction, mixing, batching, injecting, spraying, resurfacing, sealing, and/or 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 scope of practice includes:

(a) excavation, grading, compacting, and laying of fill or base-related thereto;

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

(c) fabrication, construction, and/or installation of forms and shoring material.

~~— S261 - Concrete Form Setting and Shoring Contractor. —
Fabrication, construction, and/or installation of forms and shoring material, but does not include the placement of concrete, finishing of concrete, or embedded items such as metal reinforcement bars or mesh.~~

~~— S262 - Gunnite and Pressure Grouting Contractor. —
Installation of a concrete product either injected or sprayed under pressure.~~

~~— S263 - Cementitious Coating Systems Resurfacing and Sealing Contractor. —
Fabrication, construction, mixing, batching and installation of cementitious coating systems or sealants limited to the resurfacing or sealing of existing surfaces, including the preparation or patching of the surface to be covered or sealed.]~~

S270 - [General] Drywall, Paint, and Plastering Contractor. The scope of practice includes the construction, installation, fabrication, and application of:

(a) [Fabrication, construction, and installation of]drywall, gypsum, wallboard panels and assemblies, lightweight metal and non-bearing wall partitions, ceiling tile and panels, and the grid system required for placement. [—Preparation of drywall or plaster surfaces for suitable painting or finishing. Application to surfaces of coatings made of plaster, including the preparation of the surface and the provision of a base. This does not include applying]

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

(c) stucco, stucco to lathe, plaster, and other surfaces; and

(d) paints, varnishes, shellacs, stains, waxes and other coatings or pigments. [—Exempted is the plastering of foundations.]

~~— S272 - Ceiling Grid Systems, Ceiling Tile, and Panel Systems Contractor. —
Fabrication and/or installation of wood, mineral, fiber, and other types of ceiling tile and panels and the grid systems required for placement.~~

~~— S273 - Light-weight Metal and Non-bearing Wall Partitions. Contractor. —
Fabrication and/or installation of light-weight metal and other non-bearing wall partitions.]~~

S280 - [General] Roofing Contractor. Application and [or] installation of asphalt, pitch, tar, felt, flax, shakes,

shingles, roof tile, slate, and any other material or materials, or any combination of the above which use and custom has established as usable for, or which 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 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. Incidental work includes the installation of roof clamp ring to the roof drain.]

~~S290 - General Masonry Contractor. Construction by cutting, and/or laying of all of the following brick, block, or forms: architectural, industrial, and refractory brick, all brick substitutes, clay and concrete blocks, terra-cotta, thin set or structural quarry tile, glazed structural tile, gypsum tile, glass block, clay tile, copings, natural stone, plastic refractories, and castables and any incidental works, including the installation of shower pans, as required in construction of the masonry work.~~

~~S291 - Stone Masonry Contractor. Construction using natural or artificial stone, either rough or cut and dressed, laid at random, with or without mortar. Incidental work includes the installation of shower pans.~~

~~S292 - Terrazzo Contractor. Construction by fabrication, grinding, and polishing of terrazzo by the setting of chips of marble, stone, or other material in an irregular pattern with the use of cement, polyester, epoxy or other common binders. Incidental work includes the installation of shower pans.~~

~~S293 - Marble, Tile and Ceramic Contractor. Preparation, fabrication, construction, and installation of artificial marble, burned clay tile, ceramic, encaustic, faience, quarry, semi-vitreous, and other tile, excluding hollow or structural partition tile. Incidental work includes the installation of shower pans.~~

~~S294 - Cultured Marble Contractor. Preparation, fabrication and installation of slab and sheet manmade synthetic products including cultured marble, onyx, granite, onice, corian, and corian type products. Incidental work includes the installation of shower pans.~~

~~S300 - General Painting Contractor. Preparation of surface and/or the application of all paints, varnishes, shellacs, stains, waxes and other coatings or pigments.]~~

S310 - Foundation, Excavation, and Demolition [and Grading] Contractor. The scope of practice includes:

(a) m[M]oving of the earth's surface 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, or

combination thereof as they are generally practiced in the construction trade; and

(b) 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

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

~~S320 - Steel Erection Contractor. Construction by fabrication, placing, and tying or welding of steel reinforcing bars or erecting structural steel shapes, plates of any profile, perimeter or cross-section that are used to reinforce concrete or as structural members, including riveting, welding, and rigging.~~

~~S321 - Steel Reinforcing Contractor. Fabricating, placing, tying, or mechanically welding of reinforcing bars of any profile that are used to reinforce concrete buildings or structures.~~

~~S322 - Metal Building Erection Contractor. Erection of pre-fabricated metal structures including concrete foundation and footings, grading, and surface preparation.~~

~~S323 - Structural Stud Erection Contractor. Fabrication and installation of metal structural studs and bearing walls.]~~

S330 - [~~Landscaping~~] Landscape & Recreation Contractor: This scope of practice includes the following construction, fabrication, and installation:

(a) grading and preparing land for architectural, horticultural, or decorative treatment;

(b) arrangement, and planting of gardens, lawns, shrubs, vines, bushes, trees, or other decorative vegetation;

(c) swimming pools, prefabricated pools, spas, [~~construction of small~~] decorative pools, tanks, fountains, sprinkler systems, water distribution systems for artificial watering or irrigation, for [~~closed~~] systems not connected to the culinary water system, or, if water delivery for the [~~closed~~] system is connected to the culinary water system and separated from the culinary water system by a backflow prevention device, the contractor may connect the [~~closed~~] system to the backflow prevention device, if the backflow prevention device is installed by an actively licensed plumber;

(d) metal fireboxes, fireplaces, and wood or coal-burning stoves, including the installation of venting and exhaust systems, provided the individual performing the installation is RMGA-certified;

([d]e) [~~construction of~~] retaining walls except retaining walls which 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;

(~~[e]~~f) [~~construction of~~]patios, patio areas, and decking, including the deck structure and substructure;

(~~[f]~~g) [~~construction of~~]hothouses, greenhouses, [~~fences,~~]walks, and garden lighting of class two or class three power-limited circuits as defined in the National Electrical Code; [of 49 volts or less, and]

(h) fences, guardrails, handrails, and barriers;

(i) sports and athletic courts and fields including football fields, tennis courts, racquetball courts, handball courts, basketball courts, running tracks, playgrounds, or any similar court or field; this includes poles, standards, surface painting or coatings, floors, floor subsurface, wall surface, perimeter walls, perimeter fencing, or other equipment; and

(~~[g]~~j) [~~performing~~]incidental concrete or asphalt work related to any [~~landscaping~~] Landscape & Recreation Contractor scope of practice.

(~~[h]~~k) This classification does not include any electrical or plumbing trade work, but an S330 Landscape & Recreation Contractor may subcontract with a plumbing and electrical contractor for their projects. [

~~— S340 - Sheet Metal Contractor. Layout, fabrication, and installation of air handling and ventilating systems. All architectural sheet metal such as cornices, marquees, metal soffits, flashings, and skylights and skydomes including both plastic and fiberglass.]~~

S350 - HVAC Contractor. Fabrication and installation of complete warm air heating, air conditioning and ventilating systems. This scope of practice includes installation of refrigeration equipment, including built-in refrigerators, refrigerated rooms, insulated refrigerated spaces and equipment related thereto. 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 NRSB or the AARST-NRPP. An HVAC Contractor may hire or subcontract an RMGA-certified licensed contractor for any gas-related work. The scope of practice does not include electrical trade work. [

~~— S351 - Refrigerated Air Conditioning Contractor. Fabrication and installation of air conditioning ventilating systems to control air temperatures below 50 degrees. The scope of practice does not include electrical trade work.~~

~~— S352 - Evaporative Cooling Contractor. Fabrication and installation of devices, machinery, and units to cool the air temperature employing evaporation of liquid. The scope of practice does not include electrical trade work.~~

~~— S353 - Warm Air Heating Contractor. Layout, fabrication, and installation of such sheet metal, gas piping, and furnace equipment as necessary for a complete warm air heating and~~

~~ventilating system. The scope of permitted work does not include electrical trade work.]~~

S354 - Radon Mitigation Contractor. 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 scope of practice does not include:

- (a) work on heat recovery ventilation or makeup air components that must be performed by an HVAC Contractor; or
- (b) electrical trade work that must be performed by an Electrical Contractor. [

~~S360 - Refrigeration Contractor. Construction and/or installation of refrigeration equipment, including built-in refrigerators, refrigerated rooms, insulated refrigerated spaces and equipment related thereto. The scope of practice does not include the installation of gas fuel or electrical trade work.]~~

S370 - Fire Suppression Systems Contractor. Layout, fabrication, and installation of fire protection systems using water, steam, gas, or chemicals. When a potable sanitary water supply system is used as the source of supply, connection to the water system must be accomplished by a licensed plumbing contractor. Excluded from this classification are persons engaged in the installation of fire suppression systems in hoods above cooking appliances. [

~~S380 - Swimming Pool and Spa Contractor. Fabrication, construction, and installation of swimming pools, prefabricated pools, spas, and tubs. The scope of practice:~~

~~(a) does not include plumbing or electrical trade work, but an S380 Swimming Pool and Spa Contractor may subcontract with a plumbing and electrical contractor for their projects;~~

~~(b) includes a closed system not connected to a culinary water system; and~~

~~(c) includes, if water delivery for a closed system is connected to a culinary water system and separated from the culinary water system by a backflow prevention device, connection of the closed system to the backflow prevention device (however, the backflow prevention device must be installed by an actively licensed plumber).~~

~~S390 - Sewer and Waste Water Pipeline Contractor. Construction of sewer lines, sewage disposal and sewage drain facilities including excavation and grading with respect thereto, and the construction of sewage disposal plants and appurtenances thereto.~~

~~S400 - Asphalt Paving Contractor. Construction of asphalt highways, roadways, driveways, parking lots or other asphalt surfaces, including asphalt overlay, chip seal, fog seal and rejuvenation, micro surfacing, plant mix sealcoat, slurry seal, and the removal of asphalt surfaces by milling. The scope of practice includes:~~

~~(a) excavation, grading, compacting, and laying of fill or base-related thereto, and~~

~~(b) painting on asphalt surfaces, including striping, directional, and other types of symbols or words.]~~

S410 - Boiler, Pipeline, Waste Water, and Water Conditioner ~~[Conduit] Contractor. [Fabrication]~~ The scope of practice includes the fabrication, construction, and installation of:

(a) pipes, conduit, or cables for the conveyance and transmission from one station to another of such products as water, steam, gases, chemicals, slurries, other substances, data or communications, geo-thermal systems, or solar thermal systems up to where the system interfaces with any other plumbing system; [The scope of practice includes the]

(b) installation of above and below ground petroleum and petro-chemical storage tanks, piping, dispensing equipment, monitoring equipment, and associated petroleum and petro-chemical equipment including excavation, backfilling, concrete and asphalt;

(c) insulation of pipes, ducts, and conduits;

(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; [the system.]

(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. 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) 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) 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) incidental cement or asphalt work related to the Boiler, Pipeline, Waste Water, and Water Conditioner Contractor scope of practice.

~~[S420 - General Fencing, Ornamental Iron and Guardrail Contractor. Fabrication, construction, and installation of fences, guardrails, handrails, and barriers.]~~

~~S421 - Residential Fencing Contractor. Fabrication and installation of residential fencing up to and including a height of six feet.~~

~~S430 - Metal Firebox and Fuel Burning Stove Installer. Fabrication, construction, and installation of metal fireboxes, fireplaces, and wood or coal-burning stoves, including the installation of venting and exhaust systems, provided the individual performing the installation is RMGA-certified.]~~

S440 - Sign Installation Contractor. Installation of electrical or non-electrical signs and graphic displays which require installation permits or permission as issued by state or local governmental jurisdictions, subject to the following:

(a) "Signs and graphic displays" includes signs of all types, both lighted and unlighted, permanent highway marker signs, illuminated awnings, electronic message centers, sculptures or graphic representations including logos and trademarks 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) "Non-electrical signs and graphics displays" means outdoor advertising signs that do not have electrical lighting or other electrical requirements, and that are fabricated, installed, and erected in accordance with professionally engineered specifications.

([b]c) Signs and graphic displays must be fabricated, installed and erected in accordance with professionally engineered specifications and wiring in accordance with the National Electrical Code;

([c]d) The scope of practice does not include electrical trade work, but an S440 Sign Installation Contractor may subcontract with an electrical contractor for their projects. [

~~S441 - Non-Electrical Outdoor Advertising Sign Contractor. Installation of non-electric signs and graphic displays which require installation permits or permission as issued by state and local governmental jurisdictions. "Non-electrical signs and graphic displays" means outdoor advertising signs that do not have electrical lighting or other electrical requirements, and that are fabricated, installed, and erected in accordance with professionally engineered specifications.~~

~~S450 - Mechanical Insulation Contractor. Fabrication, application, and installation of insulation materials to pipes, ducts and conduits.~~

~~S460 - Wrecking and Demolition Contractor. Raising, cribbing, underpinning, moving, and removal of a building, structure, or matter appurtenant or incidental to any building or structure.~~

~~S470 - Petroleum Systems Contractor. Installation of above and below ground petroleum and petro-chemical storage tanks, piping, dispensing equipment, monitoring equipment, and~~

~~associated petroleum and petro-chemical equipment including excavation, backfilling, concrete and asphalt.~~

~~S480 - Piers and Foundations Contractor. 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.~~

~~S490 - Flooring Contractor. Installation of laminate, tile, wood or wood product flooring, including prefinished and unfinished material, sanding, staining and finishing of new and existing flooring, the underlayment, and non-structural subfloors.~~

~~S491 - Laminate Floor Installation Contractor. Installation of laminate floors including the underlayment, non-structural subfloors, and other incidental related work, but does not include the installation of solid wood flooring.~~

~~S500 - Sports and Athletic Courts, Running Tracks, and Playground Installation Contractor. Installation of sports and athletic courts including tennis courts, racquetball courts, handball courts, basketball courts, running tracks, playgrounds, or any combination. Includes non-structural floor subsurface, nonstructural wall surface, perimeter walls, and perimeter fencing. Includes installation and attachment of equipment such as poles, basketball standards, or other equipment.]~~

S510 - Elevator Contractor. Erecting, constructing, installing, altering, servicing, repairing or maintaining an elevator. [

~~S600 - General Stucco Contractor. Applying stucco to lathe, plaster, and other surfaces.]~~

S700 - Limited Scope License Contractor.

(a) A limited scope license is a license that confines the scope of the allowable contracting work to a specialized area of construction, which the Division grants on a case-by-case basis.

(b) When applying for a limited scope license, an applicant, if requested, shall submit to the Division the following:

(i) 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

(ii) 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 subcontract with a specialty license contractor that holds the same classification as the hiring contractor.

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

(b) A licensee may change classifications at any time by surrendering a license, and by applying for any license 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 November 7, 2017:~~

~~(a) Contractor licenses shall only be issued to applicants or licensees in:~~

~~(i) primary classification listed in Subsection(6); or~~

~~(ii) primary or subclassifications of B200, R101, R200, E201, E202, P201, P202, P203, P204, P205, P206, P207, S240, S250, S280, S300, S310, S330, S340, S354, S360, S370, S380, S390, S400, S410, S430, S450, S460, S470, S480, S500, S510, S600, S700, or~~

~~(iii) a general contractor or facility classification listed in Subsection R156-55a-302a(2).~~

~~(b) Except for subclassifications listed in Subsection (5)(a)(ii), an application for renewal or reinstatement of a license with a subclassification listed in Subsection (6) shall be converted to the corresponding primary classification.]~~

(5) Effective July 22, 2019:

(a) Contractor licenses that have the following contractor classifications shall be converted to the corresponding classifications in Table 1:

TABLE 1

<u>Current Classification</u>	<u>Converted To</u>
<u>P202</u>	<u>S410</u>
<u>P204</u>	<u>S410</u>
<u>P205</u>	<u>S410</u>
<u>P206</u>	<u>S410</u>
<u>P207</u>	<u>S410</u>
<u>P203</u>	<u>S330</u>
<u>E202</u>	<u>S202</u>
<u>S221, S222</u>	<u>S220</u>
<u>S231</u>	<u>S230</u>
<u>S240</u>	<u>S230</u>
<u>S250</u>	<u>S270</u>
<u>S261, S262, S263</u>	<u>S260</u>
<u>S272, S273</u>	<u>S270</u>
<u>S290, S291, S292, S293, S294</u>	<u>S230</u>

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 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 subcontract with a licensee with an included subclassification:

TABLE [F] 2

Primary Classification	Included subclassifications
E200	E201, [E]S202
P200	P201[, P202, P203, P204, P205, P206, P207
S220	S221, S222
S230	S231
S260	S261, S262, S263
S270	S272, S273
S290	S291, S292, S293, S294
S320	S321, S322, S323]
S350	[S351, S352, S353, -] S354
S420	S421
S440	S441
S490	S491

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

- (a) sandblasting;
- (b) pumping services;
- (c) tree stump or tree removal;
- (d) installation within a building of communication cables including phone and cable television;
- (e) installation of class two or class three power-limited circuits as defined in the National Electrical Code~~[low voltage electrical that is 49 volts or less]~~;
- (f) construction of utility sheds, gazebos, or other similar items which are personal property and not attached to:
 - (i) a residential or commercial building; or
 - (ii) a foundation;
- (g) building and window washing, including power washing;
- (h) central vacuum systems installation;
- (i) concrete cutting;
- (j) interior decorating;
- (k) wall paper hanging;
- (l) drapery and blind installation;
- (m) welding on personal property which is not attached;
- (n) chimney sweepers other than repairing masonry;
- (o) carpet and vinyl floor installation;
- (p) artificial turf installation;
- (q) general cleanup of a construction site which 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 or metal shelving, whether attached or detached to the structure; and
- (v) seismic strapping for pipes, appliances, and water heaters.

(8) The following activities are those 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-302a. Qualifications for Licensure - Examinations.

(1) In accordance with Subsection 58-55-302(1)(c), no examination is required for the qualifier of an applicant for

licensure as a contractor [~~or construction trades instruction facility~~] except for [~~-~~

~~(a) an examination may be required as part of a 25-hour course described in Subsection 58-55-302(1)(e)(iii);~~

~~(b) an approved contractor classification examination required for the classifications listed in Subsection (2); and~~

~~(c)] the Utah Contractor Business and Law Examination for the classifications listed in Subsection 58-55-302(1)(c)(ii) [(2) and the P200, P201, E200, and E201 classifications.~~

~~(2) A contractor classification examination, given currently or in the past by the Division, or determined by the Division to be substantially equivalent, is required for the following contractor license classifications:~~

~~E100 - General Engineering Contractor~~

~~B100 - General Building Contractor~~

~~R100 - Residential and Small Commercial Contractor~~

~~I101 - General Engineering Trades Instruction Facility~~

~~I102 - General Building Trades Instruction Facility~~

~~(3) For the B100 or R100 classifications, a passing score on the NASCLA Accredited Examination for Commercial General Building Contractors shall satisfy the examination requirement.~~

~~(4) Except for the NASCLA exam described in Subsection (3), the passing score for all examinations is 70%].~~

~~([5]2) An applicant who fails an examination may retake the failed examination as follows:~~

~~(a) no sooner than 30 days following any failure, up to three failures; and~~

~~(b) no sooner than six months following any failure thereafter.~~

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

~~(1) "Experience in the construction industry" as defined in [In accordance with] Subsection 58-55-302(1)(e)(ii) is more broad in scope than the definition of "construction trades" and includes: [, the minimum experience requirements are established as follows:]~~

~~([1]a) Experience in the construction industry regardless if paid as a W-2, or as an owner, and regardless of whether licensed or exempt. [No experience is required for any contractor classification except those listed in Subsection R156-55a-302a(2)].~~

~~(2) The experience requirements for all contractor license classifications listed in Subsection R156-55a-302a(2) are:~~

~~(a) Unless otherwise provided in this rule, two years of experience lawfully performed preceding the date of application under the general supervision of a contractor, and subject to the following:~~

~~(i) If the experience was completed in Utah, it shall be:~~

~~— (A) completed while a W-2 employee of a licensed contractor, or~~

~~— (B) completed while working as an owner of a licensed contractor, which has for all periods of experience claimed, employed a qualifier who performed the duties and served in the capacities specified in Subsection 58-55-304(4) and in Subsection R156-55a-304.~~

~~— (ii) If the experience was completed outside of the state of Utah, it shall:~~

~~— (A) be completed in compliance with the laws of the jurisdiction in which the experience is completed;~~

~~— (B) not be considered qualifying experience if the construction activities in the other jurisdiction would be exempt from licensure in Utah; and~~

~~— (C) be completed with supervision that is substantially equivalent to the supervision required in Utah.]~~

~~— ([iii]b) Experience while performing construction activities in the military. [military, regardless of licensure or Subsection (2) (a) (v), may be determined to be substantially equivalent if lawfully obtained in a setting which has supervision of qualified persons and an equivalent scope of work.~~

~~— (iv) Experience obtained while incarcerated is not qualifying experience.~~

~~— (v) Experience obtained while exempt from licensure under Subsection 58-55-305(1) is not qualifying experience.]~~

~~— ([vi]c) Experience obtained under the supervision of a construction trades instructor as a part of an educational program is [not] qualifying experience for a contractor's license.~~

(2) (a) "Two years full-time paid employment", as defined in Subsection 58-55-302910(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.

~~— (b) One year of work experience means 2,000 hours.~~

~~— (c) No more than 2,000 hours of experience during any 12 month period may be claimed.~~

~~— (d) If the applicant is unable to provide sufficient evidence of qualifying experience and the applicant's qualifying experience was previously approved in the state of Utah, a passing score on the contractor examination and the laws and rules examination obtained within the one-year period preceding the date of application will requalify the applicant's experience.~~

~~———— (3) Requirements for E100 General Engineering, B100 General Building, R100 Residential and Small Commercial Building license classifications:~~

~~———— (a) One of the required two years of experience shall be in a supervisory or managerial position.~~

~~———— (b) A person holding a four-year bachelors degree or a two-year associates degree in Construction Management may have one year of experience credited towards the supervisory or managerial experience requirement.~~

~~———— (c) A person holding a Utah professional engineer license may be credited with satisfying one year toward the supervisory or managerial experience required for E100 contractor license.~~

~~———— (4) Requirements for I101 General Engineering Trades Instruction Facility, I102 General Building Trades Instruction Facility, I103 Electrical Trades Instruction Facility, I104 Plumbing Trades Instruction Facility, I105 Mechanical Trades Instruction Facility license classifications:~~

~~———— An applicant for construction trades instruction facility license shall have the same experience that is required for the license classifications for the construction trade they will instruct.]~~

~~[[5]3) Requirements for [E]S202 Solar Photovoltaic Contractor. In addition to the requirements of Subsections (1) and (2), an applicant shall hold a current certificate by the NABCEP.~~

~~[[6]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-302c. Qualifications for Licensure Requiring Licensure in a Prerequisite Classification:**~~

~~———— (1) An applicant as a qualifier for licensure as a I103 Electrical Trades Instruction Facility shall also be licensed as a master electrician or a residential master electrician.~~

~~———— (2) An applicant as a qualifier for licensure as a I104 Plumbing Trades Instruction Facility shall also be licensed as a master plumber or a residential master plumber.]~~

~~**R156-55a-302e. [Additional] Requirements for Construction Trades Instructors, Schools and Colleges [Classifications].**~~

~~In accordance with Subsection 58-55-302(1)(f), [the following additional requirements for licensure are established:~~

~~———— (1) Any school that provides instruction to students by engaging in the construction trade for the public as part of the instruction is required to be a Utah licensed contractor with the classification in the scope of practice in which the students are being instructed. [building houses for sale to the public is required to become a Utah licensed contractor with a B100 General~~

~~Building Contractor or R100 Residential and Small Commercial Building Contractor classification or both.~~

~~(2) Any school that provides instruction to students by building houses for sale to the public is also required to be licensed in the appropriate instructor classification.~~

~~(a) Before being licensed in a construction trades instruction facility classification, the school shall submit the name of an individual person who acts as the qualifier in each of the construction trades instructor classifications in accordance with Section R156-55a-304. The applicant for licensure as a construction trades instructor shall:~~

~~(i) provide evidence that the qualifier has passed the required examinations established in Section R156-55a-302a; and~~

~~(ii) provide evidence that the qualifier meets the experience requirement established in Subsection R156-55a-302b(4).~~

~~(3) Each individual employed by a school licensed as a construction trades instruction facility and working with students on a job site shall meet any teacher certification, or other teacher requirements imposed by the school district or college, and be qualified to teach the construction trades instruction facility classification as determined by the qualifier.]~~

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

(1) 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 [applicant]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).

~~(2) Program Pre-Approval. A pre-licensure course provider shall submit an application for approval as an approved pre-licensure course provider on the form provided by the Division. The applicant shall demonstrate compliance with Section R156-55a-302f.~~

~~(3) Eligible Providers. The following may be approved to provide pre-licensure courses:~~

~~(a) a nationally or regionally recognized accredited college or university having a physical campus located within the State of Utah; or~~

~~(b) a non-profit Utah construction trades association involved in the construction trades in the State of Utah:~~
~~(i) representing multiple construction classifications;~~
~~(ii) with membership of:~~
~~(A) at least 250 contractors licensed in Utah; or~~
~~(B) less than 250 members, if the association is:~~
~~(I) competent, as determined by the Commission and the Director according to their sole discretion; and~~
~~(II) compliant with all other standards of this rule; and~~
~~(iii) having five years of experience providing education to contractors in Utah.]~~

([4]2) Content of the 25-hour course. The 25-hour course may include a[n] 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 Administration (OSHA);

(iii) Environmental Protection Agency (EPA); and

(iv) consumer protection laws; and

(d) two hours of mechanic lien fundamentals that include the State Construction Registry.

(3) 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.

([5]4) Program Schedule.

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

(i) at least 12 times per year; and

(ii) comply with Subsection 58-55-102(7)(b).

(b) An approved pre-licensure course provider is not obligated to provide a course if the provider determines the enrollment is not sufficient to reach breakeven on cost.

([6]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 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 pre-licensure course curriculum and study/resource guide for the pre-licensure course 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.

([7]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~~[-of the 25-hour requirement]~~; and

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

(~~8~~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 by the Division.

(~~9~~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).

(~~10~~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 name of instructors for each course provided as a part of the program; and

(d) pre-licensure course handouts and materials.

(~~11~~10) Disciplinary Proceedings. As provided in Section 58-1-401 and Subsection 58-55-302(1)(e)(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.

(~~12~~11) 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~~[-who is applying for the E100 contractor license classification]; [-or]~~

(c) a person who~~[-~~
~~-----~~(i)~~]~~ is or has been a qualifier on an active and unrestricted contractor license within the past five years.~~[-~~
~~-----~~(ii)~~]~~ became the qualifier on the license on or before October 9, 2014, and

~~(iii) is applying to:~~

~~(A) add additional contractor classifications to the license, or~~

~~(B) become a qualifier on a new entity that is applying for initial licensure.]~~

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

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

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

(b) For an HVAC contractor licensee, at least three of the six hours described in Subsection (1) shall include continuing education directly related to the installation, repair, or replacement of a heating, ventilation, or air conditioning system.

(c) For all contractors with a renewal cycle that ends after January 1, 2020, at least one of the six hours described in Subsection (1) shall include energy conservation.

~~(d)~~ "Core continuing education" is defined as 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)~~ "Professional continuing education" is defined as substantive subjects dealing with the practice of the construction trades, including land development, land use, planning and zoning, ~~[energy conservation,]~~ 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)~~ The following course subject matter is not acceptable as core education or professional education hours: mechanical office and business skills, such as typing, speed reading, memory improvement and report writing; physical well-being or personal development, such as personal and business motivation, stress management, time management, dress for success, or similar subjects; presentations by a supplier or a supplier representative to promote a particular product or line of products; and meetings held in conjunction with the general business of the licensee or employer.

~~(g)~~ 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 have a competent method of registration of individuals who actually completed the course, shall maintain records of attendance that are available for review by the Division and shall provide individuals completing the course a certificate that contains the following information:

(i) the date of the course;

(ii) the name of the course provider;

(iii) the name of the instructor;

(iv) the course title;

(v) the hours of continuing education credit and type of credit (core or professional);

(vi) the attendee's name; and

(v) 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 student and the instructor are able to see and hear each other.

(3) On a random basis, the Division may assign monitors at no charge to attend a course for the purpose of evaluating the course and the instructor.

(4) 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. 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 for approval and pay any course approval fees and attendance recording fees.

(5) Licensees who lecture in continuing education courses meeting these requirements 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) The continuing education requirement for electricians, plumbers and elevator mechanics as established in Subsections 58-55-302.7, if offered by a provider specified in Subsection 58-55-302.5(2), shall satisfy the continuing education requirement for contractors as established in Subsection 58-55-302.5 and implemented herein. 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 have been submitted through the continuing education registry and approve only those courses which meet the standards set forth under this Section.

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

(10) Continuing Education Registry.

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

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

(i) 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 of only those programs that meet the standards set forth under this Section;

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

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

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

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

(c) Fees. A 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:

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

(b) The 12 hour minimum in Subsection (a) may be reduced if the total of all hours worked by all 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 may not have any other specialty classifications.

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

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

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

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

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

~~(4) Construction Trades Instruction Facility Qualifier. In accordance with Subsection 58-55-302(1)(f), the contractor license qualifier requirements in Section 58-55-304 shall also apply to construction trades instruction facilities.]~~

~~[R156-55a-308a. Operating Standards for Schools or Colleges Licensed as Contractors.~~

~~(1) Each school licensed as a B100 General Building Contractor or a R100 Residential and Small Commercial Contractor or both shall obtain all required building permits for homes built for resale to the public as part of an educational training program.~~

~~(2) Each employee that works as a teacher for a school licensed as a construction trades instruction facility shall:~~

~~(a) have on their person a school photo ID card with the trade they are authorized to teach printed on the card, and~~

~~(b) if instructing in the plumbing or electrical trades, also carry on their person their Utah journeyman or residential journeyman plumber license or Utah journeyman, residential journeyman, master, or residential master electrician license.~~

~~(3) Each school licensed as a construction trades instruction facility shall not allow any teacher or student to work on any portion of the project subcontracted to a licensed contractor unless the teacher or student are lawful employees of the subcontractor.]~~

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