

State of Utah
Administrative Rule Analysis
Revised October 2019

09R File ID #: 52311

Filed 11-5-2019

NOTICE OF PROPOSED RULE

TYPE OF RULE: New ___; Amendment XXX; Repeal ___; Repeal and Reenact ___

Title No. - Rule No. - Section No.

Utah Admin. Code Ref (R no.): R156-55c

Filing No. (Office Use Only)

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: 160 East 300 South
City, state: Salt Lake City UT 84111-2316
Mailing address: PO Box 146741
City, state, zip: Salt Lake City UT 84114-6741
Contact person(s):
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Please address questions regarding information on this notice to the agency.

Title Information

2. **Rule or section catchline:**

Plumber Licensing Act Rule

3. **Purpose of the new rule or reason for the change** (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?):

In response to 2019 H.B. 187 and 2019 H.B. 226, this filing is recommended by the Plumbers Licensing Board and the Construction Services Commission to clarify current requirements, conform the rule to current practices in the industry, and remove certain requirements that the Board and the Commission have found to be outdated and unnecessarily arduous.

4. **Summary of the new rule or change:**

Section R156-55c-102: The amendments to Subsection (1) clarify the definition of "Immediate supervision", for non-residential plumbing work and require the supervising plumber, on residential projects to provide direction, oversight, inspection, and evaluation of the apprentice's work when not physically present. Section R156-55c-302a: The amendments to this Section make non-substantive formatting changes to clarify all of the current education and experience requirements for the respective license classifications. Amendments to this section also include the removal of the minimum hour requirements for work process previously required and referred to in Tables I, and II. Section R156-55c-302b: The amendments to this Section: (1) make non-substantive formatting changes to clarify the current examination requirements for the respective license classifications; (2) extend the 25-day waiting period after a failed exam to a 30-day waiting period, to alleviate confusion and create parity among the standards for all contractor professions; and (3) delete the requirement that an applicant pass all exams within a one-year period (the one-year "rolling clock" requirement), as this restriction was deemed unnecessary and onerous. Section R156-55c-302c: This new section creates opportunities for expedited licensure and the appropriate placement of apprentice plumbers seeking education in an approved program. Section R156-55c-303: This new section requires all licensees to renew their license in an online form approved by the Division, except as permitted by the Division in writing. Section R156-55c-304: The amendments to this Section make formatting changes for clarity, including streamlining the rule by removing duplicative continuing education requirements that are already stated in R156-55a-303b. Section R156-55c-401: The amendments to Subsection (1) clarify that a plumbing contractor may contract with licensed professional employer organizations to employ one or more licensed plumbers and Subsection (2) clarifies the number of apprentice plumbers a supervisor may have on non-residential and residential projects. Section R156-55c-501: The amendments to this section update the definition of "unprofessional conduct" to reflect a new standard being implemented across all construction trades professions - instead of the licensee being required to carry a copy of their current license at all times, the licensee must provide the license or license number upon request. These amendments also delete as "unprofessional conduct" "failing as a plumbing contractor to certify a plumber's hours and breakdown of work experience by category when requested by a plumber who is or has been an employee" as this is a conduct specific to a contractor and will be included as unprofessional conduct in Section R156-55a-501.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

Most of these proposed changes update definitions and ensure that the rule encompasses current requirements and practices in the profession, and make formatting changes for clarity. Accordingly, none of these amendments will impact state government revenues or expenditures.

The amendments to Section R156-55c-302b that extend the 25-day waiting period after a failed exam to a 30-day waiting period are not expected to impact existing state practices or procedures and will therefore have no impact on state government revenues or expenditures.

The amendments to Section R156-55c-302b that delete the requirement that an applicant pass all exams within a one-year period (the one-year "rolling clock" requirement), are not expected to impact state government revenues or expenditures as the examinee may still take each exam up to five times per year, and the changes will have no impact on state practices or procedures.

No other fiscal impact to the state is expected, beyond a minimal cost to the Division of approximately \$75 to print and distribute the Plumbers Licensing Act Rule once the amendments are made effective.

B) Local governments:

The proposed amendments are not expected to change existing local government practices or procedures, and will therefore have no impact on local government revenues or expenditures.

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

The proposed changes that update definitions and ensure that the rule encompasses current requirements and practices in the profession, and make formatting changes for clarity, are not expected to impact small business as they will not change the quantity or number of exchanges between any persons. The amendments to Section R156-55c-302b that extend the 25-day waiting period after a failed exam to a 30-day waiting period are also not expected to impact small business as the examinee may still take each exam the same amount of times per year. The amendment to Section R156-55c-302b deleting the requirement that an applicant pass all exams within a one-year period (the one-year "rolling clock" requirement), and the creation of R156-55c-302c are expected to create a fiscal benefit for the estimated 1,139 small businesses that may be impacted in the plumbing industry (NAICS 238221 & 238222). First, per the changes to R156-55c-302b all applicants for licensure may seek licensure as soon as they have passed all of their exams, regardless of when they passed their exams. Currently, many applicants need to retake exams they have already passed because the date they took the exam is outside of the one-year "rolling clock" period. The applicants therefore experience a delay of weeks to months to even years in the ability to obtain their license. Other applicants, in particular apprentice plumber applicants who would like to achieve journeyman plumber status, often give up and never seek to increase their level of licensure because of the perceived difficulty and cost associated with trying to timely pass all of their plumber exams. Second, new Section R156-55c-302c that creates an expedited licensure pathway for applicants seeking licensure as a journeyman plumber or residential journeyman plumber, will give these individuals the opportunity to obtain a journeyman license after approximately two and a half years, as opposed to the traditional four-year licensure track. This may reduce their time-based experience requirement by as much as one and a half years. Additionally, these individuals may obtain a residential journeyman license after one and a half years, reducing their time-based experience requirement by as much as six months. Accordingly, these proposed amendments are expected to significantly reduce current delays in many individuals becoming licensed, and to encourage many individuals to become licensed at a higher level. Small businesses will therefore be able to more easily hire journeyman plumbers, residential journeyman plumbers, master plumbers, and residential master plumbers. Additionally, newly licensed master plumbers may be able to create their own small businesses or serve as qualifiers for other small businesses. However, the full impact of these expected significant fiscal benefits to small business cannot be estimated because they will depend on the unique licensing, education, and employment choices made by each individual applicant, as well as on the characteristics of each small business. This relevant data is unavailable and the cost of acquiring the data is prohibitively expensive.

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

There are 42 non-small businesses in Utah in the plumbing contractor industry in question (NAICS 238221, and NAICS 238222). The proposed changes that update definitions and ensure that the rule encompasses current requirements and practices in the profession, and make formatting changes for clarity, are not expected to impact these non-small businesses as they will not change the quantity or number of exchanges between any persons. The amendments to Section R156-55c-302b that extend the 25-day waiting period after a failed exam to a 30-day waiting period are also not expected to impact non-small business as examinees may still take each exam the same amount of times per year. The amendment to Section R156-55c-302b deleting the requirement that an applicant pass all exams within a one-year period (the one-year "rolling clock" requirement) and the new section R156-55c-302c creating expedited licensure requirements are expected to create a fiscal benefit for such non-small businesses. First, per the changes to R156-55c-302b all applicants for licensure may seek licensure as soon as they have passed all of their exams, regardless of when they passed their exams. Currently, many applicants need to retake exams they have already passed because the date they took the exam is outside of the one-year "rolling clock" period. The applicants therefore experience a delay of weeks to months to even years in the ability to obtain their license. Other applicants, in particular apprentice plumber applicants who would like to achieve journeyman plumber status, often give up and never seek to increase their level of licensure because of the perceived difficulty and cost associated with trying to timely pass all of their plumber exams. Second, new Section R156-55c-302c that creates an expedited licensure pathway for applicants seeking licensure as a journeyman plumber or residential journeyman plumber, will give these individuals the opportunity to obtain a journeyman license after approximately two and a half years, as opposed to the traditional four-year licensure track. This may reduce their time-based experience requirement by as much as one and a half years. Additionally, these individuals may obtain a residential journeyman license after one and a half years, reducing their time-based experience requirement by as much as six months. Accordingly, these proposed amendments are expected to significantly reduce current delays in many individuals becoming licensed, and to encourage many individuals to become licensed at a higher level. Non-small businesses will therefore be able to more easily hire journeyman plumbers, residential journeyman plumbers, master plumbers, and residential master plumbers. Additionally, newly licensed master plumbers may be able to create their own non-small businesses or serve as qualifiers for other non-small businesses. However, the full impact of these expected significant fiscal benefits to non-small business cannot be estimated because they will depend on the unique licensing, education, and employment choices made by each individual applicant, as well as on the characteristics of each non-small business. This relevant data is unavailable and the cost of acquiring the data is prohibitively expensive. Finally, because the Division estimates approximately four individual apprentices per year will experience a one-time savings of approximately \$1,500 from a reduction in their cost of tuition and materials to attend an approved apprenticeship program, the Division expects that there may be a corresponding loss to non-small businesses conducting approved apprenticeship programs.

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

The persons that may potentially be affected by these amendments will be Utah licensed master plumbers, residential master plumbers, journeyman plumbers, residential journeyman plumbers, and apprentice plumbers engaged in plumbing work, and applicants from other jurisdictions who wish to become licensed as residential journeyman plumbers or higher in Utah. The proposed changes that update definitions and ensure that the rule encompasses current requirements and practices in the profession and that make formatting changes for clarity are not expected to impact these other persons as the changes will not change the quantity or number of exchanges between any persons. The amendments to Section R156-55c-302b that extend the 25-day waiting period after a failed exam to a 30-day waiting period are also not expected to impact these persons as any examinee may still take each exam the same amount of times per year. The amendment to Section R156-55c-302b deleting the requirement that an applicant pass all licensing exams within a one-year period (the one-year "rolling clock" requirement) and the new section R156-55c-302c creating expedited licensure requirements are expected to create a fiscal benefit for many of these other persons if it results in their becoming licensed at a higher level, and/or eliminates the cost to them of retaking licensing exams that they have already passed and reduces a delay in their becoming licensed at a higher level. However, the full impact cannot be estimated because it will depend on the unique licensing and employment choices made by each individual person and this relevant data is unavailable. New section R156-55c-302c that creates an expedited licensure pathway will apply to apprentice plumbers, and to other applicants seeking licensure as a journeyman plumber or residential journeyman plumber. These individuals will now have the opportunity to obtain a journeyman license after approximately two and a half years, as opposed to the traditional four-year licensure track. This may reduce their time-based experience requirement by as much as one and a half years. Additionally, an individual may obtain a residential journeyman license after one and a half years, thereby reducing their time-based experience requirement by as much as six months. Although the full impact from new Section R156-55c-302c will depend on the unique licensing and employment choices made by each individual person, the Division estimates that approximately 4 individuals per year may be able to proceed more quickly towards licensure using the new expedited licensure pathway. This will result in significant fiscal benefits for such persons. For example, without any formal training or education, an individual seeking employment with a plumbing contractor in the designated starting position of "apprentice" can expect a wage of \$14.00 to \$23.00 an hour, whereas an experienced employee who holds the position of "journeyman" can expect a much higher hourly wage ranging from \$25.00 to \$36.00 for residential and non-residential work. Accordingly, the Division estimates that an apprentice plumber who is able to obtain licensure as a journeyman by means of expedited licensure could experience, on average, a potential earnings increase of \$14.50 per hour, or approximately \$29,000 per year, over a four year period. Second, the Division expects an individual apprentice may experience a one-time savings of approximately \$1,500 resulting from a reduction in their cost of tuition and materials to attend an approved apprenticeship program. The average cost of tuition and materials to attend a program is approximately \$520 per semester, equating to \$4,160 for the four years (eight semesters) of required education. By completing the education in two and a half years, potentially avoiding the cost of tuition and materials for the additional one and a half years, an individual apprentice could see, in theory, a one-time savings of these costs.

F) Compliance costs for affected persons:

As described above for other persons, the Division does not anticipate any compliance costs for any affected persons from these proposed amendments because the amendments will result either in no fiscal impact or in a fiscal benefit.

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

Regulatory Impact Summary Table

Fiscal Costs	FY 2020	FY 2021	FY 2022
State Government	\$75	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$6,000	\$6,000	\$6,000
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$6,075	\$6,000	\$6,000
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$116,000	\$116,000	\$116,000
Total Fiscal Benefits:	\$116,000	\$116,000	\$116,000
Net Fiscal Benefits:	\$109,925	\$110,000	\$110,000

H) Department head sign-off on regulatory impact:

The head of the Department of Commerce, Francine Gianì, has reviewed and approved this fiscal analysis.

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

By recommendation from the Plumbers Licensing Board and the Construction Service Commission, in response to 2019 H.B. 187 and 2019 H.B. 226, the Division proposes these amendments to clarify the rule and conform it to current practices in the industry that have been found to be outdated and needlessly onerous by the Board and Commission. The changes to rules R156-55c-102, R156-55c-302a, R156-55c-304, R156-55c-501, R156-55c-401 are non-substantive amendments to add clarity to definitions, remove the needless "rolling clock" for completing requirements for licensure, or streamlining the rule by removing redundancies accomplished in other rules. The new rules, R156-55c-302c and R156-55c-303, are added to accommodate expedited licensure as well as online form requirements. In essence, the rule amendments clarify and update requirements for licensure as a plumber in the State of Utah. Small Businesses (less than 50 employees): The proposed changes are an update for definitions in the practices of the profession and make formatting changes for clarity. These changes are not expected to impact small business. The amendments to Section R156-55c-302b extend the 25-day waiting period after a failed exam to a 30-day waiting period are also not expected to impact small business as the examinee may still take each exam the same amount of times per year. The amendment to Section R156-55c-302b deleting the requirement that an applicant pass all exams within a one-year period (the one-year "rolling clock" requirement), and the new Section R156-55c-302c that creates expedited licensure requirements, are expected to create a significant fiscal benefit for the estimated 1,139 small businesses that may be impacted in the plumbing industry (NAICS 238221 & 238222). Accordingly, these proposed amendments are expected to significantly reduce current delays in many individuals becoming licensed, and to encourage many individuals to become licensed at a higher level. Small businesses will therefore be able to more easily hire journeyman plumbers, residential journeyman plumbers, master plumbers, and residential master plumbers. Additionally, newly licensed master plumbers may be able to create their own small businesses or serve as qualifiers for other small businesses. However, the full impact of these expected significant fiscal benefits to small business cannot be estimated because they will depend on the unique licensing, education, and employment choices made by each individual applicant, as well as on the characteristics of each small business. This relevant data is unavailable and the cost of acquiring the data is prohibitively expensive. Regulatory Impact to Non-Small Businesses (50 or more employees): There are 42 non-small businesses in Utah in the plumbing contractor industry in question (NAICS 238221, and NAICS 238222). The proposed changes that update definitions and ensure that the rule encompasses current requirements in the profession and making formatting changes for clarity, are not expected to impact non-small businesses. The proposed amendments are not expected to result in any measurable fiscal impact for non-small business for the same reasons as described above for small business. These costs are either inestimable, for the reasons stated, or there is no fiscal impact.

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

Francine A. Giani, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-55-101
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Incorporations by Reference Information

(If this rule incorporates more than two items by reference, please include additional tables)

8. A) 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 Office of Administrative Rules; if none, leave blank):

First Incorporation

Official Title of Materials Incorporated (from title page)	Publisher
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Date Issued
Issue, or version

B) 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 Office of Administrative Rules; if none, leave blank):

Second Incorporation

Official Title of Materials
Incorporated (from title page)
Publisher
Date Issued
Issue, or version

Public Notice Information

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

A) Comments will be accepted until (mm/dd/yyyy): 12/31/2019

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

On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
12/18/2019	9:00 AM	160 East 300 South, North Conference Room (1st floor), Salt Lake City, Utah

10. This rule change MAY* become effective on (mm/dd/yyyy): 01/07/2020

*NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

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

AGENCY AUTHORIZATION

Agency head or
designee, and
title:



Date
(mm/dd/yyyy):
11/4/2019

R156. Commerce, Occupational and Professional Licensing.

R156-55c. Plumber Licensing Act Rule.

R156-55c-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 55, as used in Title 58, Chapters 1 and 55 or this rule:

(1) "Immediate supervision", as used in Subsections 58-55-102(5) and 58-55-102([23]26) and this rule, means:

(a) for non-residential plumbing work, the apprentice and the supervising plumber are physically present on the same project or jobsite [site] but are not required to maintain a direct line of [be within] sight; [of one another.]

(b) for residential plumbing work, the supervising plumber, when not physically present on the same project or jobsite as the apprentice, is available to provide direction, oversight, inspection, and evaluation of the apprentice's work as to ensure that the end result complies with applicable standards.

(2) "Minor plumbing work that is incidental", as used in Subsection 58-55-305(1)(k)(i) and this rule, means:

(a) installation, repair or replacement of the following residential type Plumbing Appliances:

- (i) dishwashers;
- (ii) refrigerators;
- (iii) freezers;
- (iv) ice makers;
- (v) stoves;
- (vi) ranges;
- (vii) clothes washers;
- (viii) clothes dryers; and

(b) repair or replacement of the following residential type Plumbing Appurtenances, Fixtures and Systems, when the cost of the repair or replacement does not exceed \$300 in total value, including all labor and materials, and including all changes or additions to the contracted or agreed upon work:

- (i) tub or shower trim;
- (ii) tub or shower valve;
- (iii) toilet flush valve;
- (iv) toilet removal and reset;
- (v) garbage disposal;
- (vi) kitchen or lavatory sink P-trap;
- (vii) kitchen or lavatory faucet rebuild and install;
- (viii) supply line replacement after the fixture valve; and

(3) "Minor plumbing work that is incidental", as used in Subsection 58-55-305(1)(k)(i), does not include installation or replacement of a water heater, or work to include the initial installation of Plumbing Appurtenances, Fixtures and Systems.

(4) Plumbing Appliances, Appurtenances, Fixtures, and Systems, as used in this rule, shall have the same meaning as defined by Title 15A, State Construction and Fire Codes Act.

(5) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 55, is further defined in accordance with Subsection 58-1-203(1)(e), in Subsection R156-55c-501.

R156-55c-302a. Qualification for Licensure - ~~[Training]~~Education and [Instruction] Experience Requirements.

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

(1) Master Plumber:

(a) An applicant under Subsection 58-55-302(3)(a)(i)(A) shall have at least 4,000 hours of work experience and at least 4,000 hours of supervisory experience as a licensed Journeyman Plumber.

(b) An applicant under Subsection 58-55-302(3)(a)(i)(B) shall:

(i) hold at least an associate of applied science degree or a similar degree, from an institution recognized by the Council for Higher Education Accreditation (CHEA); and

(ii) have at least 2,000 hours of supervisory experience as a licensed Journeyman Plumber.

(2) Residential Master Plumber:

(a) An applicant under Subsection 58-55-302(3)(b)(i) shall have at least 4,000 hours of work experience and at least 4,000 hours of supervisory experience as a licensed Residential Journeyman Plumber.

(b) An applicant under Subsection 58-55-302(3)(b)(ii) shall:

(i) hold at least an associate of applied science degree or a similar degree, from an institution recognized by the Council for Higher Education Accreditation (CHEA); and

(ii) have at least 2,000 hours of supervisory experience as a licensed Residential Journeyman Plumber.

(3) Journeyman Plumber:

(a) An applicant under Subsection 58-55-302(3)(c)(i) shall have completed:

(i) at least 576 hours of a planned program of training that meets the requirements of Subsection (5); and

(ii) at least 8,000 hours of full-time work experience as a licensed Apprentice Plumber.

(b) An applicant under Subsection 58-55-302(3)(c)(ii) shall have completed at least 16,000 hours of full-time work experience as a licensed Apprentice Plumber.

(c) An applicant licensed as a Residential Journeyman Plumber shall have completed:

(i) at least 2,000 hours of full-time work experience in non-residential plumbing while licensed as an Apprentice Plumber; and

(ii) the fourth year (144 hours) of a planned program of training that meets the requirements of Subsection (5).

(4) Residential Journeyman Plumber:

(a) An applicant under Subsection 58-55-302(3)(d)(i) shall have completed:

(i) at least 432 hours of a planned program of training that meets the requirements of Subsection (5); and

(ii) at least 6,000 hours of full-time work experience as a licensed Apprentice Plumber.

(b) An applicant under Subsection 58-55-302(3)(d)(ii) shall produce satisfactory evidence, using a form provided by the Division, that the applicant:

(i) has completed at least 12,000 hours of full-time work experience in a maintenance or repair trade; and

(ii) at least 9,000 of the required 12,000 hours directly involve the plumbing trade.

(5)(a) The "planned program of training approved by the Division" pursuant to Subsections 58-55-302(3)(c)(i) and (d)(i), shall consist of formal classroom education in the plumbing trade that:

(i) includes measures of competency and achievement level for each student;

(ii) is conducted by competent qualified staff;

(iii) is conducted by an entity approved by:

(A) the Utah Board of Regents;

(B) the Utah System of Technical Colleges Board of Trustees; or

(C) the Plumbers Licensing Board when the program is out-of-state; and

(iv) includes at least 81 hours of classroom instruction per semester.

(b) "Completion" of a planned program of training under Subsections 58-55-302(3)(c) and (d) and this rule, means that the applicant:

(i) attended a minimum of 72 classroom instruction hours each semester; and

(ii) passed each class with a score of at least 75%.

(6) On the job training and instruction shall include measurements of the apprentice's performance in the plumbing trade.

(7) No more than 3,000 hours may be earned during any 12-month period.

(8) As used in Subsection 58-55-302(3)(c) and (d) and this rule, "full-time training", "full-time experience", "work experience", and "full-time work experience" mean work experience that is lawfully performed preceding the date of application, in accordance with all licensing and supervision requirements.

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

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

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

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

~~(iv) the apprenticeship shall include on the job training and instruction in nine of the 11 work process areas listed in Table I; and~~

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

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

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

~~(iii) the hours shall include on the job training and instruction in nine of the 11 work process areas listed in Table I; and~~

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

~~TABLE I
Training and Instruction~~

Work Process	Minimum Hours
A. Use of hand tools, equipment and pipe machinery	200
B. Installation of piping for waste, soil, sewer and vent lines	2,000
C. Installation of hot and cold water for domestic purposes	1,400
D. Installation and setting of plumbing appliances and fixtures	1,200
E. Maintenance and repair of plumbing	600
F. General pipe work including process and industrial hours	600
G. Gas piping or service piping	400
H. Welding, soldering and brazing as it applies to the trade	100
I. Service and maintenance of gas controls and equipment	100
J. Hydronics piping and equipment installation	300
K. Fire suppression system installation	100

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

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

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

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

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

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

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

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

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

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

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

TABLE II
Training and Instruction

Work Process	Minimum Hours
A. Use of hand tools, equipment and pipe machinery	100
B. Installation of piping for waste, soil, sewer and vent lines	1,600
C. Installation of hot and cold water for domestic purposes	1,200
D. Installation and setting of plumbing appliances and fixtures	800
E. Maintenance and repair of plumbing	600
F. Gas piping or service piping	400

C. Service and maintenance of gas controls and equipment	100
H. Welding, soldering and brazing as it applies to the trade	100
I. Hydronics piping and equipment installation	300
J. Fire suppression system installation	100

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

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

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

~~(a) instruction shall be conducted by an entity approved by the Utah Board of Regents, Utah System of Technical Colleges Board of Trustees or by another similar out of state body that approves formal plumbing educational programs; and~~

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

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

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

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

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

R156-55c-302b. Qualifications for Licensure - Examination Requirements.

In accordance with Subsection[s ~~58-1-203(2) and 58-1-301(3)~~] 58-55-302(1)(c)(i), the examination requirements for licensure [~~in Subsection 58-55-302(1)(e)(i)~~] are established as follows:

(1) [~~The applicant shall obtain a minimum score of 70% on the Utah Plumbers Licensing Examination that shall consist of a written section and practical section.~~] Master Plumber applicants shall pass:

(a) the Utah Master Plumber Theory Exam; and

(b) the Utah Plumber Practical Exam.

(2) Residential Master Plumber applicants shall pass:

(a) the Utah Residential Master Plumber Theory Exam; and

(b) the Utah Residential Plumber Practical Exam.

(3) Journeyman Plumber applicants shall pass:

(a) the Utah Journeyman Plumber Theory Exam; and

(b) the Utah Plumber Practical Exam.

(4) Residential Journeyman Plumber applicants shall pass:

(a) the Utah Residential Journeyman Plumber Theory Exam; and

(b) the Utah Residential Plumber Practical Exam.

([2]5) Admission to the [examinations]exams is permitted after:

(a) the applicant has completed all requirements for licensure [set forth in this section and]in Section[s] R156-55c-302a[and R156-55e-302e]; or

(b) the Journeyman Plumber applicant under Subsection R156-55c-302a(3)(a) has completed:

(i) the first semester of the fourth year of the [apprentice education]planned program of training[set forth in Subsection R156-55e-302a(1)(a)(ii)]; and

(ii) at least 6,000 hours of the required full-time work experience [not less than 6,000 hours of the experience required under Subsection R156-55e-302a(1)(a)(i)].

~~_____ (3) (a) If an applicant fails any section of the examination, the applicant shall retake that section.~~

~~_____ (b) An applicant shall wait at least 25 days for the first two retakes, and thereafter shall wait 120 days between retakes.~~

~~_____ (4) If an applicant passes any section of the examination but does not pass the entire examination, the passing score for that section shall be valid for one year from the pass date. After one year the applicant shall retake any previously passed section to support any subsequent application for licensure.]~~

(6) An applicant shall obtain:

(a) a score of at least 70% on the Utah Plumber Practical Exam;

and

(b) a score of at least 70% on the Utah Plumber Theory Exam.

(7) An applicant who fails an exam may retake that exam:

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

(b) no sooner than 120 days following any failure thereafter.

~~**[R156-55e-302e. Qualifications for Licensure - Master Supervisory Experience and Education Requirements.**~~

~~_____ In accordance with Subsections 58-55-302(3)(a)(i)(A) and 58-55-302(3)(b)(i), the minimum supervisory experience qualifications for licensure as a master plumber and residential master plumber are established as follows:~~

~~_____ (1) An applicant shall demonstrate successful completion of 4000 hours of supervisory experience that includes each of the following categories and minimum number of hours:~~

~~(a) supervising employees: 700 hours;~~
~~(b) supervising construction projects: 700 hours;~~
~~(c) cost/price management: 300 hours; and~~
~~(d) miscellaneous construction experience: 300 hours in any one or more of the following: accounting/financial principles, contract negotiations, conflict resolutions, marketing, human resources and government regulation pertaining to business and the construction trades.~~

~~(2) The following, or the substantial equivalent thereof, as determined by the Board in collaboration with the Commission, shall apply to the minimum supervisory experience qualifications established in Subsection (1):~~

~~(a) supervisory experience shall be obtained while licensed in the proper license classification as either a journeyman plumber or a residential journeyman plumber;~~

~~(b) supervisory experience shall be obtained as an employee of a licensed plumbing contractor, whose employer covers the applicant with workers compensation and unemployment insurances and deducts federal and state taxes from the applicant's compensation;~~

~~(c) all supervisory experience shall be under the immediate supervision of the applicant's employer; and~~

~~(d) no more than 2000 hours of experience may be earned during any 12-month period.~~

~~(3) An associate of applied science or similar or higher educational degree, in accordance with Subsection 58-55-302(3)(a)(i)(B), shall fulfill 2000 hours of the 4000-hour supervisory experience requirement. Such an applicant shall complete the remaining minimum 2000-hour supervisory experience listed above in Subsection R156-55c-302c(1).~~

~~(a) The degree shall be accredited by one of the following:~~

~~(i) Middle States Association of Colleges and Schools;~~

~~(ii) New England Association of Colleges and Schools;~~

~~(iii) North Central Association of Colleges and Schools;~~

~~(iv) Northwest Commission on Colleges and Universities;~~

~~(v) Southern Association of Colleges and Schools; or~~

~~(vi) Western Association of Schools and Colleges.~~

~~(b) The degree shall be in one of the following courses of study:~~

~~(i) accounting;~~

~~(ii) apprenticeship;~~

~~(iii) business management;~~

~~(iv) communications;~~

~~(v) computer systems and computer information systems;~~

~~(vi) construction management;~~

~~(vii) engineering;~~

~~(viii) environmental technology;~~

~~(ix) finance;~~

~~(x) human resources; or~~

~~(xi) marketing.]~~

R156-55c-302c. Qualifications - Expedited Licensure.

In accordance with Subsections 58-1-203(2) and 58-1-301(3), the requirements for expedited licensure pursuant to Subsections 58-55-302(3)(c)(iii) and 58-55-302(3)(d)(iii) are as follows:

(1) A licensed apprentice plumber may take the approved competency exams, in sequence beginning with 1A and continuing through 4B, to either satisfy the education requirement, or determine placement in a planned program of training approved by the Division.

(2) Division pre-approval is not required to sit for any competency exam.

(3) An applicant may register directly with the Division's approved exam provider to sit for a competency exam.

(4) An applicant may attempt each competency exam one time.

(5) Admission to the subsequent competency exam is permitted after obtaining a minimum score of 70%.

(6) Placement in a planned program of training is determined when the applicant scores below 70% on the corresponding competency exam.

(7) Upon completion of all qualifying competency exams, the applicant may sit for the Utah journeyman or residential journeyman plumber exams.

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

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

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

(3) In accordance with Subsection 58-1-308(3)(b)(i), there is established a continuing education requirement for license renewal. Each licensee shall comply with the continuing education requirements set forth in Section R156-55c-304.

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

R156-55c-304. Continuing Education - Standards.

Standards for continuing education shall be in accordance with Subsections R156-55a-303b(2) through (10), except as otherwise provided in this section:

(1) Required Hours. Pursuant to Sections 58-55-302.7 and 58-55-303, each licensee shall complete at least 12 hours of continuing education during each two-year license term. [A minimum of] At least eight hours shall be core education. The remaining four hours may be professional or core education.

(2) "Core continuing education" is defined as education covering:

(a) International Building, Mechanical, Plumbing, and International Energy Conservation Codes and Utah building code amendments as adopted or proposed for adoption;

- (b) the Americans with Disability Act;
- (c) medical gas, National Fire Protection Association 13D and 54; [~~and~~]
- (d) hydronics and waste water treatment; or
- (e) Occupational Safety and Health Administration (OSHA)

training.

(3) "Professional continuing education" is defined as education covering:

- (a) energy conservation[~~7~~];
 - (b) management training[~~7~~];
 - (c) new technology[~~7~~];
 - (d) plan reading; [~~and~~]
 - (~~[b]~~e) lien laws and Utah construction registry; or
 - [~~—~~(e) ~~Occupational Safety and Health Administration (OSHA)~~
- training; and]
- (~~[d]~~f) government regulations.

[~~—~~(4) ~~Non-acceptable course subject matter includes the following types of courses and other similar courses:~~

- ~~—(a) mechanical office and business skills, such as typing, speed reading, memory improvement, and report writing;~~
- ~~—(b) physical well-being or personal development, such as personal motivation, stress management, time management, or dress for success;~~
- ~~—(c) presentations by a supplier or a supplier representative to promote a particular product or line of products; and~~
- ~~—(d) meetings held in conjunction with the general business of the licensee or employer.]~~

(~~[5]~~4) The Division may defer or waive continuing education requirements for:

- (a) [~~waive the continuing education requirements for a licensee that is~~]an instructor of [~~an approved education apprenticeship~~]a planned program of training under Subsection R156-55c-302a(5); [~~or~~]
- (b) [~~waive or defer the continuing education requirements~~]a board member who regularly attends the Plumber Licensing Board meetings; or
- (c) any licensee as provided in Section R156-1-308d.

[~~—~~(6) ~~A continuing education course shall meet the following standards:~~

- ~~—(a) Time. Each hour of continuing education course credit shall consist of at least 50 minutes of education in the form of seminars, lectures, conferences, training sessions, or distance learning modules. The remaining ten minutes may be used for breaks.]~~

(~~[b]~~5) Provider. [~~The~~]A course provider need not be listed in Subsection 58-55-302.5(2), but shall meet the other requirements of this section and [~~shall~~]be [~~one of the following~~]:

- (~~[i]~~a) a recognized accredited college or university;
- (~~[ii]~~b) a state or federal agency;
- (~~[iii]~~c) a professional association or organization involved in the construction trades; or

(~~[iv]~~d) a commercial continuing education provider providing a program related to the plumbing trade.

(~~[e]~~6) Content. Course~~[The]~~ content ~~[of the course]~~ shall be relevant to the practice of the plumbing trade and consistent with ~~[the]~~ Utah 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 courses may be recognized for continuing education if the course verifies registration and participation in the course by means of a passing a test demonstrating that the participant has learned the material presented. Test questions shall be randomized for each participant.~~

~~-----~~ (~~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 to 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;

~~-----~~ (~~vi~~) the attendee's name;

~~-----~~ (~~vii~~) the attendee's license number; and

~~-----~~ (~~viii~~) the signature of the course provider.

~~-----~~ (7) 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.

~~-----~~ (8) 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 (10).~~

~~Alternatively, the licensee may submit the course for approval and pay any course approval fees and attendance recording fees.~~

~~-----~~ (9) Licensees who lecture in approved continuing education courses 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.

~~_____ (10) A course provider shall submit to the continuing education registry, in the format required by the continuing education registry;~~

~~_____ (a) applications for approval of continuing education courses; and~~

~~_____ (b) on behalf of each licensee, verification of the licensee's attendance and completion of a continuing education course.~~

~~_____ (11) The Division shall review continuing education courses which have been submitted through the continuing education registry and approve only those courses that meet the standards set forth under this section.~~

~~_____ (12) 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 for course approval from continuing education course providers, and submit to the Division for review and approval only those courses which meet the standards set forth under this section;~~

~~_____ (ii) publish on its website listings of continuing education courses approved by the Division, which meet the standards for continuing education credit under this rule;~~

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

~~_____ (iv) maintain accurate records of verification of attendance and completion for each 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.~~

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

R156-55c-401. Conduct of Apprentice and Supervising Plumber.

The requirements of Subsections 58-55-102(34) and 58-55-302(3)(e) are clarified and established as follows:

~~_____ (1) [The conduct of licensed apprentice plumbers and their licensed supervisors shall be in accordance with Subsections 58-55-302(3)(e), 58-55-501, 58-55-502 and R156-55c-501.~~

~~_____ (2) For the purposes of Subsections 58-55-302(3)(e) and 58-55-501(12), one of the following shall apply:~~

~~_____ (a) the supervisor and apprentice employees shall be employees of the same plumbing contractor; or~~

~~_____ (b) the]A plumbing contractor may comply with the supervision requirements of Subsection 58-55-501(12), by contracting[contraet] with a licensed professional employer organization to employ one or more licensed plumbers [such persons].~~

(2) A licensed supervisor may have up to:

(a) three licensed apprentice plumbers on non-residential projects; or

(b) three licensed apprentice plumbers on residential projects.

R156-55c-501. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) failing to comply with the supervision requirements established by Subsection 58-55-302(3)(e);

~~(2) failing [as a licensed plumber to carry a copy of his] to timely provide upon request, the licensee's current plumber [is] license, or license number [on his person or in close proximity to his person] when performing plumbing work [or to display that license upon request of a representative of the Division or any law enforcement officer];~~

~~(3) [failing as a plumbing contractor to certify work experience and supervisory hours when requested by a plumber who is or has been an employee of the plumbing contractor; and~~

~~----- (4)] failing [as a licensee] to provide proof of completed continuing education within 30 days of the Division's request; and~~

~~(4) failing to be knowledgeable of the plumber licensing laws and rules.~~

KEY: occupational licensing, licensing, plumbers, plumbing

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