

State of Utah
Administrative Rule Analysis
Revised June 2022

OAR File No. 55326

Date Filed: 4-13-2023

NOTICE OF PROPOSED RULE

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

Title No. - Rule No. - Section No.

Rule or Section Number:

R156-55c

Filing ID: Office Use Only

Agency Information

1. Department:	Department of Commerce	
Agency:	Division of Professional Licensing	
Room number:		
Building:	Heber M. Wells Building	
Street address:	160 East 300 South	
City, state and zip:	Salt Lake City UT 84111-2316	
Mailing address:	PO Box 146741	
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Contact persons:		
Name:	Phone:	Email:
Steve Duncombe	801-530-6628	sduncombe@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:
Plumber Licensing Act Rule
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
This filing is made by the Division in collaboration with the Plumbers Licensing Board and the Construction Services Commission in accordance with Executive Orders 2021-1 and 2021-12, to elucidate the educational planned program of training requirements and make formatting changes to update and simplify the rule using logical, understandable, and concise language consistent with OAR's current Rule Writing Manual.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
Subsection R156-55c-102(2) removes laborious and unnecessary language that is currently defined in Title 15A, State Construction and Fire Codes Act, and appropriately provides minor plumbing work to include residential type plumbing appurtenances and fixtures in addition to appliances.
Subsection R156-55c-302a(5) is amended pursuant to 58-1-203, to include the language "reputable and in good standing." This amendment makes clear the board's authority to consider and recommend to the Division out-of-state plumbing training programs that meet Utah's minimum standards.
Subsection R145-55c-302b(1) amends the examination requirements for master and residential master plumbers by removing antiquated theory exam and replacing it with the more apt "Law and Rule Exam." In order to maintain dialectal consistency with other exams, subsection (2) renames the journeyman and residential journeyman theory exam to the journeyman and residential journeyman written exam. Additionally, subsection (4) amends the time in which an applicant may retake an exam after a failed attempt from 90 to 120 days.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The proposed changes are not expected to have any fiscal impact on state government revenues or expenditures. The requested changes reflect current industry standards as approved by the Plumber Licensing Board and Construction Services Commission, and will continue to ensure that the minimum required standards have been met.

B) Local governments:

The proposed changes are not expected to have any fiscal impact on local government revenues or expenditures. This rule has been amended to provide technical, conforming, and stylistic changes in accordance with the Rule Writing Manual for Utah and current industry standards as approved by the Plumber Licensing Board and Construction Services Commission, and will continue to ensure that the minimum required standards have been met. None of these changes substantively change the processes so there is no fiscal impact.

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

The proposed changes are not expected to have any fiscal impact on small business revenues or expenditures. This rule has been amended to provide technical, conforming, and stylistic changes in accordance with the Rule Writing Manual for Utah and current industry standards as approved by the Plumber Licensing Board and Construction Services Commission, and will continue to ensure that the minimum required standards have been met. None of these changes substantively change the processes so there is no fiscal impact.

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

The proposed changes are not expected to have any fiscal impact on non-small business revenues or expenditures. This rule has been amended to provide technical, conforming, and stylistic changes in accordance with the Rule Writing Manual for Utah and current industry standards as approved by the Plumber Licensing Board and Construction Services Commission, and will continue to ensure that the minimum required standards have been met. None of these changes substantively change the processes so there is no fiscal impact.

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 proposed changes are not expected to have any fiscal impact on affected persons. This rule has been amended to provide technical, conforming, and stylistic changes in accordance with the Rule Writing Manual for Utah and current industry standards as approved by the Plumber Licensing Board and Construction Services Commission, and will continue to ensure that the minimum required standards have been met. None of these changes substantively change the processes for affected persons, so there is no fiscal impact.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

As described above in Box 5.E for other persons, the proposed changes are not expected to have any compliance costs for affected persons.

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

Regulatory Impact Table

Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Commerce, Margaret W. Busse, has reviewed and approved this fiscal analysis.

I have reviewed the proposed filing for the above-referenced rule and considered the fiscal impact that the rule may have on businesses. I direct that my comments about the rule's fiscal impact on businesses be inserted at

the appropriate place on the notice form to be filed with the Division of Administrative Rules for publication of this rulemaking action.

Comments:

The Division of Professional Licensing ("Division"), in collaboration with the Plumbers Licensing Board and the Construction Services Commission, propose amendments to Rule R156-55c to update the rule to redefine the details of training relating to fire codes, allows out-of-state reciprocity, and amends the master plumber exam. Also, the Division has made formatting conformities throughout the rule to align with the Office of Administrative Rules' Formatting Manual in accordance with Executive Orders 2021-1 and 2021-12.

Small Businesses (less than 50 employees):

The proposed changes are not expected to have any fiscal impact on small businesses in the State of Utah. The amendments are minor updates to keep the rule current with industry standards as approved by the Plumber Licensing Board and Construction Services Commission. Further, the Division does not foresee any negative impact on small businesses from the grammar since the new rule was drafted to comport to the Office of Administrative Rules *Rule Writing Manual*.

Regulatory Impact to Non-Small Businesses (50 or more employees)

The Division finds that the non-small businesses in the Utah will not suffer a negative fiscal impact from the proposed changes for the same rationale as described above for small businesses. Further, any of these costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-55-101

Incorporations by Reference Information

7. Incorporations by Reference (if this rule incorporates more than two items by reference, please include additional tables):

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):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
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):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

Public Notice Information

8. 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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	05/31/2023
B) A public hearing (optional) will be held:	

On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
05/05/2023	9:00 am	160 East 300 South, Salt Lake City, Utah - Conference Room 474 and also electronically via Google Meet. Note Google Meet link will be provided in rule hearing posting for May 5, 2023 on the Public Meeting Notice website.

9. This rule change MAY become effective on: 06/07/2023
 NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

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

Agency head or designee and title:	Mark B. Steinagel, Division Director	Date:	04/13/2023
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R156. Commerce, [~~Occupational and~~] Professional Licensing.

R156-55c. Plumber Licensing Act Rule.

R156-55c-102. Definitions.

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

(1) "Immediate supervision" as used in Subsections 58-55-102(5) and (26) means:

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

(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 to ensure that the end result complies with applicable standards.

(2) (a) "Minor plumbing work that is incidental" as used in Subsection 58-55-305(1) (k) (i) means [+

~~—(a)—~~ repair or replacement of [~~the following—~~] residential type Plumbing Appurtenances, Fixtures, or Appliances, provided that no modification is made to:

(i) existing culinary water, soil, waste, or vent piping; or

(ii) a gas appliance or combustion system. [+

~~—(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 labor and materials, and including 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 replacement;~~

~~—(viii) supply line replacement after the fixture valve; and]~~

([3]b) "Minor plumbing work that is incidental[~~7~~]" as used in Subsection 58-55-305(1) (k) (i) [~~7~~] does not include:

(i) installation or replacement of a water heater[~~7~~]; or

(ii) work to include the initial installation of Plumbing Appurtenances, Fixtures, and Systems.

([4]3) "Plumbing Appliances, Appurtenances, Fixtures, and Systems" means the same as defined in Title 15A, State Construction and Fire Codes Act.

([5]4) "Unprofessional conduct" as defined in Title 58, Chapter 1, Division of Professional Licensing Act and Title 58, Chapter 55, Utah Construction Trades Licensing Act is further defined in accordance with Subsection 58-1-203(1)(e), in Section R156-55c-501.

R156-55c-302a. Qualification for Licensure - Education and Experience Requirements.

(1) A Master Plumber applicant:

(a) 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; or

(b) 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) A Residential Master Plumber applicant:

(a) 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; or

(b) 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 CHEA; and

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

(3) A Journeyman Plumber applicant:

(a) under Subsection 58-55-302(3)(c)(i), shall have completed at least:

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

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

(b) under Subsection 58-55-302(3)(c)(ii), shall have completed at least 16,000 hours of lawful full-time work experience as an Apprentice Plumber; or

(c) under Subsection 58-55-302(3)(c)(iii), if 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) A Residential Journeyman Plumber applicant:

(a) under Subsection 58-55-302(3)(d)(i), shall have completed at least:

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

(ii) 6,000 hours of full-time work experience as a licensed Apprentice Plumber; or

(b) 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) that at least 9,000 of the required 12,000 hours directly involved the plumbing trade.

(5) ~~[(a)]~~ Under Subsection 58-1-203(1)(a) and Subsections 58-55-302(3)(c)(ii) and (d)(i), the ~~[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]~~ means a program of plumbing study that:

~~[(i)]~~ a 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:]~~

~~(b) is approved by]~~

~~(A)]~~ the Utah Board of Higher Education, ~~[+] or~~

~~(B)]~~ if the program is out of state, is determined by the Division in collaboration with the Plumbers Licensing Board [when the program is out of state] to be a reputable training program; and

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

(c) is listed on the Division's website at dopl.utah.gov/pl.

~~[(b)]~~ 6 "Completion" of a planned program of training under Subsections 58-55-302(3)(c) and (d) and this rule, means that the applicant:

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

~~[(ii)]~~ b passed each class with a score of at least 75%.

~~[(6)]~~ 7 On the job training and instruction shall include measurements of the apprentice's performance in the plumbing trade.

~~[(7)]~~ 8 An applicant may earn up to 3,000 hours during a 12-month period.

~~[(8)]~~ 9 As used in Subsections 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 applicable licensing and supervision requirements, and may include work experience obtained while exempt from licensure.

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

~~[(1)]~~ Under Subsection 58-55-302(1)(c), the exam requirements for licensure are established as follows:

~~(1) a Master Plumber or Residential Master Plumber applicant~~~~[-or Journeyman Plumber applicant]~~ shall pass ~~[have obtained a passing score on:~~

~~----- (a)]~~ the Utah Plumber ~~[Theory]~~ Law and Rule Exam with a score of at least 75% ~~[, and~~

~~----- (b) the Utah Plumber Practical Exam].~~ [

~~----- (2) Under Subsection 58-55-302(1)(c), a Residential Master Plumber applicant or Residential Journeyman Plumber applicant shall have obtained a passing score on:~~

~~----- (a) the Utah Residential Plumber Theory Exam; and~~

~~----- (b) the Utah Plumber Practical Exam.]~~

~~----- (2) a Journeyman Plumber applicant shall pass:~~

~~----- (a) the Utah Journeyman Plumber Written Exam with a score of at least 70%; and~~

~~----- (b) the Utah Plumber Practical Exam with a score of least 70%.~~

~~----- (3) a Residential Journeyman Plumber applicant shall pass:~~

~~----- (a) the Utah Residential Journeyman Plumber Written Exam with a score of at least 70%; and~~

~~----- (b) the Utah Plumber Practical Exam with a score of at least 70%.~~

~~----- ([3]4) Admission to the exams is permitted after:~~

~~----- (a) the applicant has completed all requirements for licensure in Section R156-55c-302a; 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 planned program of training; and~~

~~----- (ii) at least 6,000 hours of the required full-time work experience.~~ [

~~----- (4) The passing score for each of the following exams is a minimum of 70%:~~

~~----- (a) the Utah Plumber Practical Exam;~~

~~----- (b) the Utah Plumber Theory Exam; and~~

~~----- (c) the Utah Residential Plumber Theory Exam.]~~

~~----- (5) An applicant who fails an exam may retake that exam:~~

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

~~----- (b) no sooner than [90]120 days following any failure thereafter.~~

KEY: occupational licensing, licensing, plumbers, plumbing

Date of Enactment or Last Substantive Amendment: [July 14, 2022] 2023

Notice of Continuation: July 8, 2021

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