

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

- (1) Qualifier Education Requirement. The 20-hour pre-licensure education program required by Subsection 58-55-302(1)(e)(iii) shall be completed by the qualifier for a contractor applicant.
- (2) Program Pre-Approval. A pre-licensure education provider shall submit an application for approval as a 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 education:
  - (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 representing multiple construction trade classifications whose membership includes at least 250 contractors licensed in Utah.
- (4) Content. The 20-hour program 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) ten 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.
- (5) Program Schedule.
- (a) A pre-licensure education provider shall offer programs at least 12 times per year.
  - (b) The pre-licensure education provider is not obligated to provide a course if the provider determines the enrollment is not sufficient to reach breakeven on cost.
- (6) Program Instruction Requirements: The pre-licensure education shall meet the following standards:
- (a) Time. Each hour of pre-licensure education credit shall consist of 60 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 education time for which education credit is issued.
  - (b) Learning Objectives. The learning objectives of the pre-licensure education shall be reasonably and clearly stated.
  - (c) Teaching Methods. The pre-licensure education 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 and must be given a pass/fail grade.
  - (d) Faculty. The pre-licensure education 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 education 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 education curriculum and study/resource guide for the pre-licensure education that must be pre-approved by the Commission and the Division prior to use by the provider.
- (7) Certificates of Completion. The pre-licensure education provider shall provide individuals completing the pre-licensure education a certificate that contains the following information:
- (a) the date of the pre-licensure education;
  - (b) the name of the pre-licensure education provider;
  - (c) the attendee's name;

- (d) verification of completion of the 20-hour requirement; and
  - (e) the signature of the pre-licensure education provider.
- (8) Reporting of Program Completion. A pre-licensure education 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) Program Monitoring. On a random basis, the Division or Commission may assign monitors at no charge to attend a pre-licensure education course for the purpose of evaluating the education and the instructor(s).
- (10) 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 education courses that have been completed;
  - (b) registration and attendance logs of individuals who completed the prelicensure education;
  - (c) the name of instructors for each education course provided as a part of the program; and
  - (d) pre-licensure education handouts and materials.
- (11) 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 education provider, if the pre-licensure education provider fails to meet any of the requirements of this section or the provider has engaged in other unlawful or unprofessional conduct.
- (12) Exemptions. In accordance with Subsection 58-55-302(1)(e)(iii), the following persons are not required to complete the pre-licensure education 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 is a qualifier on an existing currently active and unrestricted contractor license, and who became the qualifier on the license on or before October 9, 2014 who is:
    - (i) applying to add additional contractor classifications to the license; or
    - (ii) applying to 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 a total of six hours of continuing education during each two year license term ~~[except that for the renewal term]~~. A minimum of three hours shall be core education. The remaining three hours are to be professional education. Additional core education hours beyond the required amount may be substituted for professional education hours. A minimum of three hours shall consist of live in-class attendance. The remaining three hours may consist of courses provided through distance learning.

(a) "Core continuing education" is defined as construction codes, construction laws, job site safety, including OSHA 10 or OSHA 30 safety training, governmental regulations pertaining to the construction trades and employee verification and payment practices, finance and bookkeeping.

(b) "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, ~~[finance and bookkeeping]~~, marketing techniques, servicing clients, personal and property protection for the licensee and the licensee's clients and similar topics.

(c) 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.

(d) 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 meet the requirements of this Section and shall be one of the following:

(i) a regionally or nationally recognized accredited college or university;

(ii) a state or federal agency;

(iii) a ~~[professional association or organization involved in the construction trades]~~ non-profit Utah construction trades association that has been actively involved in the construction trades in the state of Utah for five or more years and whose membership includes at least 25 contractors licensed in the state of Utah ;  
or

(iv) a commercial continuing education provider ~~[providing a program related to the construction trades]~~ with a permanent physical classroom or campus in the state of Utah.

(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 should be able to track the following:

(i) the amount of time a student has spent in the course;

(ii) what activities the student did or did not access;

(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.

(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 Subsection~~[s]~~ 58-55-302.7 ~~[and 58-55-303(6), which is completed by employee, licensee, or owner of a contractor]~~, 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 for approval 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.