

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: 43279 Date filed: 10-16-2019  
 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 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 XXX Yes \_\_\_

6. Summary of the rule or change:  
See attachment for summary of proposed amendments

**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

Since most of the changes are grammatical or non-substantive, those changes will have no impact on Small Business. 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 business and 9,781 small business in Utah. 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 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. Second, Small business may be impacted by required online renewal. These impacts are impossible to determine because the online renewal requirement may result in some increased cost to the licensee because of technology requirements or other logistics reasons but it will also result in cost savings, licensee efficiencies of time, faster renewal processing, decreased delay in licensure renewal, and increased customer service. Third, Small businesses may be impacted by additional provisions of unprofessional conduct. However, since there is no fine authority attached to these additional unprofessional conduct provisions, there is no direct cost attributable except that the provisions may be used in future disciplinary matters for justification for disciplinary action. Additionally, future violations of unprofessional conduct cannot be quantified. Fourth, Small businesses may be impacted by the Utah Home Builders Association of Utah providing Natural Gas Technician training. These impacts may have no net positive or negative effect because additional options for training will now be available but will most likely be at similar costs to the licensees or prospective licensees, resulting in no additional financial cost or benefit.

**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

Since most of the changes are grammatical or non-substantive, those changes will have no impact on Other Persons and will have similar impacts to small business. With respect to the other changes, there is no perceivable impact of these rule amendments on Other Persons and will have similar impacts to small business, other than those noted above.

**8. Compliance costs for affected persons:**

Since most of the changes are grammatical or non-substantive, those changes will have no compliance costs for any affected persons and will have similar impacts to small business. With respect to the other changes, there is no perceivable compliance cost from these rule amendments for any affected persons and will have similar impacts to small business, other than those noted above.

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

See attachment for comments from Department Head

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

Francine A. Giani, 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 58-1-106(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
<b>Official Title of Materials Incorporated (from title page)</b>		
<b>Publisher</b>		
<b>Date Issued</b>		
<b>Issue, or version</b>		
<b>ISBN Number (optional)</b>		
<b>ISSN Number (optional)</b>		
<b>Cost of Incorporated Reference</b>		
<b>Action: Adds, updates, or removes</b>		

(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):** 12/17/2018

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

<b>On (mm/dd/yyyy):</b>	<b>At (hh:mm AM/PM):</b>	<b>At (place):</b>
11/28/2018	9:15 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):** 12/24/2018

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

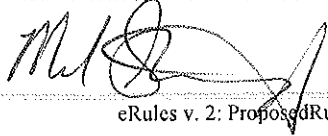
15 Attach an RTF document containing the text of this rule change (filename):

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)  
: 10/16/2018

## **R156-55a Utah Construction Trades Licensing Act Rule**

### **Box 6 - Summary of the filing:**

Section R156-55a-102: These technical changes simplify the applicable cross-references to certain acronyms.

Section R156-55a-103: These changes clarify the other profession-specific statute from which rule authority is derived.

Section R156-55a-301: Technical and grammatical 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:

B100 General Building Contractor classification scope of practice has been clarified that it includes the scope of practice of every specialty contractor except for E202 and S354.

R101 Residential and Small Commercial Non Structural Remodeling and Repair classification is clarified to reflect that the \$50,000 total cost includes labor and materials.

E202 Solar Photovoltaic scope of practice is modified eliminating the distinction between E202 Solar Photovoltaic Contractors who obtained that classification between January 1, 2009 and April 25, 2011 and treats those similar to other E202 classification holders.

P200 General Plumbing Contractor classification scope of practice is clarified to reflect that the scope includes from the building to the main water, sewer, or gas line.

S220 Carpentry Contractor classification is clarified to include metal and metal products.

S230 Siding Contractor, which already includes the S231 Rain Gutter classification, is clarified to include rain gutters, roof flashing, gravel stops, and metal ridges.

S240 Glass and Glazing Contractor classification scope of practice is clarified to eliminate mirrors within the scope of practice as that is exempt and clarify that glass substitutes are included.

S260 General Concrete Contractor classification scope of practice is clarified to include injecting, spraying, resurfacing, and sealing of concrete, grouting, coatings, and sealants.

S280 General Roofing Contractor classification scope of practice is clarified to include non-electrical skylights and electrical skylights provided that the electrical connection is performed by a licensed electrical contractor.

S330 Landscaping Contractor classification scope of practice is clarified to include closed culinary systems or closed-loop systems provided a backflow preventer is installed by licensed plumber; and expands scope of practice to include decks and incidental concrete work.

S380 Swimming Pool and Spa Contractor classification scope of practice is clarified to reflect that it does not include plumbing or electrical work but that the S380 contractor may subcontract for the plumbing and electrical for their projects; and that their scope of practice includes closed culinary systems or closed-loop systems provided a backflow preventer is installed by licensed plumber.

S460 Wrecking and Demolition Contractor classification scope of practice is clarified to include matters appurtenant or incidental to any building or structure.

S490 Wood Flooring Contractor classification is renamed to Flooring Contractor and is expanded to include laminate, tile, and wood product flooring.

S700 Specialty License Contractor is renamed to Limited Scope License classification and is clarified to require an explanation from the applicant why the requested scope of practice is not included in any other current classification or not otherwise exempt.

Subsection (3)(a) is clarified that specialty contractors are confined to the field and scope of work as outlined by the Division and Subsection (b) clarified to reflect that a specialty contractor may subcontract with a specialty contractor that holds the same classification.

Subsection (4)(a) is clarified to reflect that an R101 Residential and Small Commercial Non-Structural Remodeling and Repair contractor may not have any other specialty classifications.

Subsection (6) is clarified to reflect that a licensee with a primary classification may subcontract with a licensee with an included subclassification.

Subsection (7) is clarified to reflect that low voltage electrical is 49 volts or less; and that a utility shed or gazebo that is not attached to a residential or commercial building or a foundation is exempt from licensure;

Subsection (7) is also clarified to expand the exemptions from licensure: to include installation or removal of weather-stripping that does not include moisture vapor barriers; installation and removal of mirrors; installation of awnings and canopies; pallet racking or metal shelving; and seismic strapping.

Section R156-55a-302a: Clarifies that the National Association of State Contractors Licensing Agencies (NASCLA) Contractor Exam, which was already approved by the Construction Services Commission as substantially equivalent to the Utah exam, satisfies the exam requirement for the B100 or R100.

Section R156-55a-302b: These changes eliminate the 10-year look-back period from which the two years of experience must be obtained. These changes also clarify that qualifying experience does not include exempt or unlicensed activities, is not qualifying if the person is incarcerated, and that qualifying experience includes military experience regardless of licensure.

Section R156-55a-302c: These grammatical changes clarify that instructors in electrical and plumbing trades facilities must have master or residential licensure.

Section R156-55a-302d: These changes clarify that the liability insurance must be in effect for the entire duration of active licensure and eliminate the requirement to list the Division as the certificate holder.

Section R156-55a-303a: These changes require all contractors to renew their license online unless permitted otherwise by the Division in writing.

Section R156-55a-303b: These are grammatical, non-substantive changes for correctness, readability, and comprehension.

Section R156-55a-304: These changes clarify that qualifiers are subject to limitations on the number of classifications that they may hold.

Section R156-55a-305: These are grammatical, non-substantive changes for correctness, readability, and comprehension.

Section R156-55a-305a: This change corrects a statutory cross-reference.

Section R156-55a-306: These technical changes clarify that the financial responsibility of the qualifier is included along with the owner, licensee, and applicant; and also clarifies that the tri-merged credit report is not solely required from the National Association of Credit Management (NACM).

Section R156-55a-308a: These are grammatical, non-substantive changes for correctness, readability, and comprehension.

Section R156-55a-308b: In subsection (2), the changes clarify and add that the Rocky Mountain Gas Association and the Home Builders Association of Utah are additional approved education providers for the Natural Gas Technician training. The other changes are grammatical, non-substantive changes for correctness, readability, and comprehension and correct cross-references.

Section R156-55a-309: These changes delete this section as unnecessary.

Section R156-55a-311: These are grammatical, non-substantive changes for correctness, readability, and comprehension.

Section R156-55a-312: These changes remove the 6-year time limit on inactive status and make other grammatical, non-substantive changes for correctness, readability, and comprehension.

Section R156-55a-401: These changes delete this section as unnecessary.

Section R156-55a-501: Unprofessional Conduct is expanded to include: failing to notify the Division within 10 days of any change of the name, address, phone number or email address of the qualifiers or owners; within 30 days of a request, failing to provide documents to the Division or a person that has reasonable basis to make a claim with proof of the licensee's insurance policy and information; failing to provide license number when requested; failing within 30 days after requested by the Division to provide documents requested to determine compliance with any section under Title 58, Chapter 1 and Chapter 55; failure of electrical or plumbing contractors to timely and accurately certify the hours of work experience for employees; failure of a contractor to timely and accurately verify work experience for a contractor application requested by a current or former employee; failure of qualifier, owner, applicant, or licensee to be knowledgeable of the laws and rules of their profession; licensees failing to carry a copy of their current license or license number while performing work; failure of owner, qualifier, or licensee who advises a person or applicant concerning an exam, unless the person is an instructor at a certain institution and is disclosed and approved by the Commission; using, hiring, or contracting with a professional employer organization that is not licensed with the Utah Insurance Department.

Section R156-55a-504: These changes eliminate superfluous language and are non-substantive.

Section R156-55a-602: These technical changes clarify that the financial responsibility of the qualifier is included for bond requirements.

**Box 9A - Department Head comments:**

The purpose of this rule filing is to make extensive technical and substantive changes in the rule as approved by the Construction Services Commission. These changes affect a broad range of sections as follows:

Section R156-55a-102: These technical changes simplify the applicable cross-references to certain acronyms.

Section R156-55a-103: This change clarifies the other profession-specific statute from which rule authority is derived.

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

Section R156-55a-302a: Clarifies that the NASCLA Contractor Exam (which was already approved by the Construction Services Commission as substantially equivalent to the Utah exam), satisfies the exam requirement for the B100 or R100 classifications.

Section R156-55a-302b: These changes eliminate the 10-year look-back period in which the two years of experience must be obtained. These changes also clarify that qualifying experience does not include exempt or unlicensed activities, is not qualifying if the person is incarcerated and that qualifying experience includes military experience, regardless of licensure.



Section R156-55a-302c: These grammatical changes clarify that instructors in electrical and plumbing trades facilities must have master or residential licensure.

Section R156-55a-302d: These changes clarify that liability insurance must be in effect for the entire duration of active licensure and eliminate the requirement to list the Division as the certificate holder.

Section R156-55a-303a: These changes require all contractors to renew their license online unless permitted otherwise by the Division in writing.

Section R156-55a-303b, Section R156-55a-305, Section R156-55a-308a and Section R156-55a-311: These are grammatical, non-substantive changes for correctness, readability and comprehension.

Section R156-55a-304: These changes clarify that qualifiers are subject to limitations on the number of classifications that they may hold.

Section R156-55a-305a: This change corrects a statutory cross-reference.

Section R156-55a-306: These technical changes clarify that the financial responsibility of the qualifier is included along with the owner, licensee and applicant; and also clarifies that the tri-merged credit report is not solely required from NACM.

Section R156-55a-308b: In subsection (2), the changes clarify and add that the Rocky Mountain Gas Association and the Home Builders Association of Utah are additional approved education providers for the Natural Gas Technician training. The other changes are grammatical, non-substantive changes for correctness, readability and comprehension, and correct cross-references.

Section R156-55a-309 and Section R156-55a-401: These changes delete these two sections as unnecessary.

Section R156-55a-312: These changes remove the 6-year time limit on inactive status and make other grammatical, non-substantive changes for correctness, readability and comprehension.

Section R156-55a-501: The definition of Unprofessional Conduct is expanded to include: failing to notify the Division within 10 days of any change of the name, address, phone number or email address of the qualifiers or owners; within 30 days of a request, failing to provide documents to the Division or a person that has a reasonable basis to make a claim with proof of the licensee's insurance policy and information; failing to provide license number when requested; failing within 30 days after requested by the Division to provide documents requested to determine compliance with any section under Title 58, Chapter 1 and Chapter 55; failure of an electrical or plumbing contractor to timely and accurately certify the hours of work experience for employees; failure of a contractor to timely and accurately verify work experience for a contractor application requested by a current or former employee; failure of qualifier, owner, applicant or licensee to be knowledgeable of the laws and rules of their profession; licensee failing to carry a copy of their current license or

license number while performing work; failure of owner, qualifier or licensee who advises a person or applicant concerning an exam, unless the person is an instructor at a certain institution and is disclosed and approved by the Commission; using, hiring or contracting with a professional employer organization that is not licensed with the Utah Insurance Department.

Section R156-55a-504: These changes eliminate superfluous language and are non-substantive.

Section R156-55a-602: These technical changes clarify that the financial responsibility of the qualifier is included for bond requirements.

Small business fiscal impact: The many grammatical and non-substantive changes will have no impact on small businesses. 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 and 238992. Department of Workforce Services (DWS) Firm Find was referenced in compiling this information. DWS Firm Find indicates that a total of 9,781 small business in Utah will be impacted by these changes. Notwithstanding the number of small businesses based on the NAICS codes, the analysis herein does not change with regard to the grammatical and non-substantive changes.

With respect to the substantive changes in the rule:

First, small businesses may be impacted by the expanded or clarified scope of practice for 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.

Second, small businesses may be impacted by required online renewal. These impacts are impossible to determine because the online renewal requirement may result in some increased cost to the licensee because of technology requirements or other logistical reasons, but it will also result in cost savings, licensee efficiencies of time, faster renewal processing, decreased delay in licensure renewal and increased customer service.

Third, small businesses may be impacted by additional provisions of unprofessional conduct. However, since there is no fine authority attached to these additional unprofessional conduct provisions, there is no direct cost attributable except that the provisions may be used in future disciplinary matters for justification for disciplinary action. Additionally, future violations of unprofessional conduct cannot be quantified. Only businesses that are in violation of the rule will be impacted.

Fourth, small businesses may be impacted by the Utah Home Builders Association of Utah providing Natural Gas Technician training. These impacts may have no net positive or negative effect because additional options for training will now be available but will most likely be at similar costs to the

licensees or prospective licensees, resulting in no additional financial cost or benefit.

Non-small business fiscal impact: The DWS Firm Find search indicates that a total of 216 non-small businesses will be affected by these rule changes. The fiscal impact analysis as to non-small businesses is the same as provided above with regard to small businesses.

**Appendix 1: Regulatory Impact Summary Table\***

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
<b>Total Fiscal Costs:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\*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 (50 or more employees)**

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 business and 9,781 small business in Utah. This proposed rule change is not expected to have any significant fiscal impacts on large businesses revenues or expenditures, because most of the changes are grammatical or non-substantive. 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.

Agency sign off: The head of the Department of Commerce, Francine A. Giani, has reviewed and approved this fiscal analysis.

**R156. Commerce, Occupational and Professional Licensing.**

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

**R156-55a-102. Definitions.**

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

(1) "AARST-NRPP" means the National Radon Proficiency Program.

([±]2) "Construction trades instructor", as used in Subsection 58-55-301(2) ([p]t) is clarified to mean the education facility which is issued the license as a construction trades instructor. It does not mean individuals employed by the facility who may teach classes.

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

([3]4) "Employee", as used in Subsections 58-55-102(13) and 58-55-102(18), means a person providing labor services in the construction trades who works for a licensed contractor, or the substantial equivalent of a licensed contractor as determined by the Division, for compensation who has federal and state taxes withheld and workers' compensation and unemployment insurance provided by the person's employer.

([4]5) "Incidental", as used in Subsection 58-55-102(45), means work which:

(a) can be safely and competently performed by [the]a specialty contractor; [~~and~~]

(b) arises from, and is directly related to, work performed in the licensed specialty classification; [~~and~~]

(c) does not exceed 10 percent of the overall contract; and

(d) does not include performance of any electrical or plumbing work [~~unless specifically included in the specialty classification description under Subsection R156-55a-301(2)].~~

([5]6) "Maintenance" means the repair, replacement and refinishing of any component of an existing structure; but, does not include alteration or modification to the existing weight-bearing structural components.

([6]7) "Mechanical", as used in Subsections 58-55-102(22) and 58-55-102(35), means the work which may be performed by a S350 HVAC Contractor under Section R156-55a-301.

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

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

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

([7]11) "Personal property" means, as it relates to Title 58, Chapter 56, factory built housing and modular construction, a structure which is titled by the Motor Vehicles Division, state of Utah, and taxed as personal property.

(~~8~~12) "Qualifier", as used in Title 58, Chapter 55 and this rule, means the individual who demonstrates competence for a contractor or construction trades instruction facility license by satisfying the requirements to obtain the contractor or construction trades instruction facility license.

(13) "RMGA" means the Rocky Mountain Gas Association.

(~~9~~14) "School" means a Utah school district, [applied technology]technical college, or accredited college. [

~~(10) "Unprofessional conduct" defined in Title 58, Chapters 1 and 55, is further defined in accordance with Section 58-1-203 in Section R156-55a-501.]~~

#### **R156-55a-103. Authority.**

This rule is adopted by the Division under the authority of Subsections 58-1-106(1)(a) and 58-55-103(1)(b)(i) to enable the Division to administer Title 58, Chapter 55.

#### **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 [~~construction trades or specialty~~]contractor classifications listed are those determined to significantly impact the public health, safety, and welfare. A person [~~who is~~]engaged in work [~~which is~~]included [~~in the items listed~~]in Subsections R156-55a-301(~~4~~7) and (~~5~~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 [~~General Engineering contractor is a~~]contractor licensed to perform work as defined in Subsection 58-55-102(24).

B100 - General Building Contractor. A [~~General Building contractor is 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 [~~and pursuant to Subsection 58-55-102(22)(b) is clarified as follows~~]:

(a) [~~The General Building Contractor scope of practice does not include~~]activities described in this Subsection under specialty classification E202 - 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 [~~North American Board of Certified Energy Practitioners.~~]

(b) [~~The General Building Contractor scope of practice does not include~~]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

~~[National Radon Safety Board ( ) NRSB ( )]~~ or the ~~[National Radon Proficiency Program ( ) 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: ~~[the work permitted under this classification]~~

(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 [Work excluded from this classification includes]~~

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

R100 - Residential and Small Commercial Contractor. A ~~[Residential and Small Commercial contractor is a]~~ contractor licensed to perform work as defined in Subsection 58-55-102(35). The scope of practice does not include: ~~[and pursuant to Subsection 58-55-102(35) is clarified as follows:~~

~~— (a) The Residential and Small Commercial Contractor scope of practice does not include]~~

(a) activities described in this Subsection under specialty classification E202 - 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 [North American Board of Certified Energy Practitioners.]~~

(b) ~~[The Residential and Small Commercial Contractor scope of practice does not include]~~ 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 ~~[National Radon Safety Board ( ) NRSB ( )]~~ or the ~~[National Radon Proficiency Program ( ) 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 ~~[the]~~ work:

(a) ~~[-permitted under this classification-]~~ includes ~~[placement of]~~ placing the manufactured housing on a permanent or temporary foundation, securing the units together if required, securing the manufactured housing to the foundation, and ~~[connection of]~~ 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) ~~[Work excluded from this classification includes site]~~ 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 ~~[General Engineering Trades Instruction Facility is a]~~ construction trades instruction facility authorized to teach the construction trades and ~~[is]~~ subject to the scope of practice defined in Subsection 58-55-102(24).

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

I103 - Electrical Trades Instruction Facility. A ~~[n Electrical Trades Instruction Facility is 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 ~~[Plumbing Trades Instruction Facility is 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).

I105 - Mechanical Trades Instruction Facility. A ~~[Mechanical Trades Instruction Facility is 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 ~~[General Electrical Contractor is a]~~ contractor licensed to perform work as defined in Subsection 58-55-102(23). The ~~[General Electrical 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 [~~National Radon Safety Board~~]NRSB[+] or the [~~National Radon Proficiency Program~~]AARST-NRPP[+].

E201 - Residential Electrical Contractor. A [~~Residential Electrical Contractor is a~~]contractor licensed to perform work as defined in Subsection 58-55-102(37). The [~~Residential Electrical 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 [~~National Radon Safety Board~~]NRSB[+] or the [~~National Radon Proficiency Program~~]AARST-NRPP[+].

E202 - Solar Photovoltaic Contractor. Fabrication, construction, installation, and replacement of photovoltaic modules and related components, subject to the following:

(a) An E202 Solar Photovoltaic Contractor shall hold a current certificate issued by NRSB or AARST-NRPP.

(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) E202 Solar Photovoltaic Contractor licensure~~[—This classification]~~ is not required to install stand~~[—]~~alone solar systems that do not tie into premises wiring or into the electrical utility, such as signage or street or parking lighting.

(d) An E202 Solar Photovoltaic Contractor may subcontract with an E200 General Electrical Contractor or E201 Residential Electrical Contractor for their projects.

~~[—A contractor who obtained this classification of licensure between January 1, 2009 and April 25, 2011 and who holds an active license may, in addition to the above, perform the following activities as part of the scope of practice under this subsection: fabrication, construction, installation, and repair of photovoltaic cell panels and related components including battery storage systems, distribution panels, switch gear, electrical wires, inverters, and other electrical apparatus for solar photovoltaic systems. Work excluded from this classification includes work on any alternating current system or system component.]~~

P200 - General Plumbing Contractor. A [~~General Plumbing Contractor is a~~]contractor licensed to perform work as defined in Subsection 58-55-102(25). The [~~General Plumbing Contractor~~]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 [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 [~~National Radon Safety Board~~] NRSB [✓] or the [~~National Radon Proficiency Program~~] AARST-NRPP [✓].

P201 - Residential Plumbing Contractor. A [~~Residential Plumbing Contractor is 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 [~~National Radon Safety Board~~] NRSB [✓] or the [~~National Radon Proficiency Program~~] 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. [~~Notwithstanding the foregoing, where~~] 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 [~~contractor licensed under this subsection~~] may connect the closed system to the backflow prevention device, but the device [~~which~~] 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 Contractor. Fabrication for structural and finish purposes in a structure or building using wood, wood products, metal, metal products, metal studs, vinyl materials, or other wood/plastic/metal composites as is by custom and usage accepted in the building industry as carpentry. Incidental work includes the installation of tub liners and wall systems.

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. [~~The installation~~]Installation of overhead and garage doors and door openers.

S230 - Siding & Rain Gutter Contractor. Fabrication, construction, and/or installation of siding or rain gutters, roof flashings, gravel stops, and metal ridges.

S231 - [~~Raingutter~~]Rain Gutter Installation Contractor. On-site fabrication and/or installation of [~~raingutters~~]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, [~~mirrors, substitutes for~~]glass substitutes, glass-holding members, frames, and hardware [~~, and other incidental related work~~].

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 Concrete Contractor. Fabrication, construction, mixing, batching, injecting, spraying, resurfacing, sealing, and/or installation of concrete, 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 [~~steel~~]bars for reinforcing and application of plaster and other cement-related products.

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 and Plastering Contractor. Fabrication, construction, and installation of drywall, gypsum,

wallboard panels and assemblies. 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 stucco to lathe, plaster, and other surfaces. 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 ~~[any thereof]~~ 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. 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, falence, 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 - Excavation and Grading Contractor. Moving 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.

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 Contractor[-]:

(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) construction of small decorative pools, tanks, fountains, ~~hothouses, greenhouses, fences, walks, garden lighting of 50 volts or less, or~~ sprinkler systems, 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) construction of retaining walls except retaining walls which are intended to hold vehicles, structures, equipment or other ~~[non-natural]~~ 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]~~ non-natural fill materials are located; ~~[-or]~~

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

(f) construction of hothouses, greenhouses, fences, walks, and garden lighting of 49 volts or less; and

(g) performing incidental concrete work related to any Landscaping Contractor scope of practice.

~~[(i) no decking designed to support humans or structures shall be included, and~~

~~(ii) no concrete work designed to support structures to be placed upon the patio shall be included.]~~

([f]h) This classification does not include any electrical or plumbing trade work ~~[or installing gas lines to any appliance]~~.

S340 - Sheet Metal Contractor. Layout, fabrication, and installation of air handling and ventilating systems. All architectural sheet metal such as cornices, marquees, metal soffits, ~~[gutters,]~~ 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. The ~~[HVAC 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 ~~[National Radon Safety Board (NRSB)]~~ or the ~~[National Radon Proficiency Program (AARST-NRPP)]~~. An HVAC Contractor may hire or subcontract an RMGA-certified licensed contractor for any gas-related work. The scope of ~~[permitted work]~~ 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 ~~[permitted work]~~ 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 ~~[permitted work]~~ 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. ~~[This classification does not include work on heat recovery ventilation or makeup air components which must be performed by an HVAC Contractor and does not include electrical trade work which must be performed by an Electrical Contractor.]~~ Work performed under this classification shall be performed under the immediate supervision of an employee who holds a current certificate issued by the ~~[National Radon Safety Board (NRSB)]~~ or the ~~[National~~

Radon Proficiency Program (~~]~~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 [~~but not limited to,~~] built-in refrigerators, refrigerated rooms, insulated refrigerated spaces and equipment related thereto. The [~~but, the~~] scope of [permitted work] 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. [~~On-site fabrication~~] Fabrication, construction, and installation of swimming pools, prefabricated pools, spas, and tubs. The scope of [permitted work does not include plumbing or electrical trade work] 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, [~~which will include but will not be limited to,~~] 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) [~~Also included is the~~] excavation, grading, compacting, and laying of fill or base-related thereto; and



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

S410 - Pipeline and Conduit Contractor. Fabrication, construction, and installation of pipes, conduit, or cables for the conveyance and transmission from one station to another of such products as water, steam, gases, chemicals, slurries, data or communications. [~~Included are~~] The scope of practice includes the excavation, cabling, horizontal boring, grading, and backfilling necessary for construction of the system.

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 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" [~~shall~~] 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 [his ]product, building trim or lighting with neon or decorative fixtures, [~~or~~] and any other animated, moving or stationary device used for advertising or identification purposes.

(b) 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) The scope of [~~permitted work~~] practice does not include electrical trade work.

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 [~~Signs~~] and graphic displays" [~~shall include~~] means outdoor advertising signs [~~which~~] 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. ~~[The raising]~~Raising, cribbing, underpinning, moving, and removal of a building, [and] structure[s], 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. ~~[The e]~~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 - ~~[Wood]~~Flooring Contractor. Installation of laminate, tile, wood or wood product flooring, including prefinished and unfinished material, sanding, staining and finishing of new and existing ~~[wood]~~flooring[-], the underlayment, and~~[Underlayments,]~~ non-structural subfloors~~[and other incidental related work]~~.

S491 - Laminate Floor Installation Contractor. Installation of laminate floors including the underlayment[s], 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 ~~[but not limited to]~~ tennis courts, racquetball courts, handball courts, basketball courts, running tracks, playgrounds, or any combination. Includes non-structural floor subsurface[s], nonstructural wall surface[s], perimeter walls, and perimeter fencing. Includes ~~[the]~~ 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 - ~~[Specialty]~~Limited Scope License Contractor.

(a) A ~~[specialty]~~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 ~~[specialty]~~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.

~~(c)3~~(a) A specialty license contractor, as defined in Subsection 58-55-102(45), [issued a specialty license] shall be confined ~~[the contractor's activities]~~ to the field and scope of ~~[operations]~~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.

~~(3)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 ~~[this]~~ Subsection ~~(3)4~~(a).

~~(4)5~~ Effective November 7, 2017:

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

- (i) primary classification listed in Subsection ~~(5)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 ~~(4)5~~(a)(ii), an application for renewal or reinstatement of a license with a subclassification listed in Subsection ~~(5)6~~ shall be converted to the corresponding primary classification.

~~(5)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:

Primary Classification	Included subclassifications
E200	E201, E202
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

([6]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 low voltage electrical that is 49 volts or less ~~[as described in R156-55b-102(1)]~~;
- (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; ~~[-and]~~
- (r) ~~[work that would otherwise be limited to individuals holding the S260, S261, S262, S263, S290, S310, S330, S380, S420, S421 and S500 specialty classifications if the work is within the \$1,000 or \$3,000 labor and material limit as specified in the handyman exemption in Subsection 58-55-305(1)(h)]~~ 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.

([5]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:

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

(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 (2) and the P200, P201, E200, and E201 classifications.

(2) A [~~n approved~~] 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[

~~I105 - Mechanical 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.

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

[~~(4) Qualifications to sit for examination.~~

~~(a) An applicant applying to take any examination specified in this Section must sign an affidavit verifying that an~~

applicant has completed the experience required under Subsection R156-55a-302b.

~~(5) "Approved contractor classification examination" means a contractor classification examination:~~

~~(a) given, currently or in the past, by the Division's contractor examination provider; or~~

~~(b) given by another state if the Division has determined the examination to be substantially equivalent.]~~

([6]5) An applicant [for licensure] 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.**

In accordance with Subsection 58-55-302(1)(e)(ii), the minimum experience requirements are established as follows:

(1) No experience is required for any contractor classification except those [classifications] 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 [shall be] lawfully performed [within the 10-year period] preceding the date of application under the general supervision of a contractor, and [shall be] 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 [be]:

(A) be completed in compliance with the laws of the jurisdiction in which the experience is completed; [and]

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

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

(iii) Experience while performing construction activities in the 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 [~~7 such as performing construction activities in the military where licensure is not required~~].

(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) 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.

(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) Except as described in Subsection (2)b, experience obtained under the supervision of a construction trades instructor as a part of an educational program is not qualifying experience for a contractors license.]~~

(e)d) If the applicant is unable to provide sufficient evidence of qualifying experience and the applicant's qualifying experience [is outdated but has] was previously [been] 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) Requirements for E202 Solar Photovoltaic Contractor. In addition to the requirements of Subsection (2), an applicant shall hold a current certificate by the [~~North American Board of Certified Energy Practitioners~~] NABCEP.

(6) Requirements for S354 Radon Mitigation Contractor. In addition to the requirements of Subsection (2), an applicant

shall hold a current certificate issued by the [~~National Radon Safety Board ( )NRSB ( )~~] or the [~~National Radon Proficiency Program ( )AARST-NRPP ( )~~]. [~~Experience completed prior to the effective date of this rule does not need to be performed under the supervision of a licensed contractor. Experience completed after the effective date of this rule must be performed under the supervision of a licensed contractor who has authority to practice radon mitigation.~~]

**R156-55a-302c. Qualifications for Licensure Requiring Licensure in a Prerequisite Classification.**

(1) [~~Beginning at the effective date of this rule, each new~~] 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) [~~Beginning at the effective date of this rule, each new~~] 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-302d. Qualifications for Licensure - Proof of Insurance and Registrations.**

In accordance with the provisions of Subsection 58-55-302(2)(b), an applicant who is approved for licensure shall submit proof of [~~public~~]liability insurance which provides coverage for the scope of work performed, in force for the entire duration of active licensure, and in coverage amounts of at least \$100,000 for each incident and \$300,000 in total by means of a certificate of insurance naming the Division as a certificate holder.

**R156-55a-303a. Renewal Cycle - Procedures.**

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two year renewal cycle applicable to licensees under Title 58, Chapter 55 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 Subsections 58-55-501(21) and 58-1-308(3)(b)(i), there is established a continuing education requirement for license renewal. Each licensee, or the licensee's qualifier, or an officer, director, or supervising individual, as designated by the licensee, shall comply with the continuing education requirements set forth in Section R156-55a-303b.

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



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

(1) Required Hours. Pursuant to Subsection 58-55-302.5, each licensee shall complete ~~[a total of]~~ six hours of continuing education during each two-~~[ ]~~year license term. A minimum of three hours shall be core education; ~~[. . . ]~~ the remaining three hours ~~[are to]~~ may be professional education or ~~[. . . 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 distance learning courses ~~[provided through distance learning]~~.

(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) "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, and construction business practices.

(d) "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.

(e) 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.

(f) 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.

([e]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.

([2]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-305. Compliance Agency Reporting of Sole Owner Building Permits Issued.**

In accordance with Subsection 58-55-305(2), a [††] compliance [agencies] agency that issues building permits to sole owners of property [must] shall submit, within 30 days of issuance, the following information concerning each building permit issued in its [their] jurisdiction, [within 30 days of the issuance, with the building permit number, date issued, name, address and phone number of the issuing compliance agency, sole owner's full name, home address, phone number, and subdivision and lot number of the building site,] to a Division-designated fax number, email address, or written mailing address [~~designated by the Division.~~]:

(1) building permit number;

(2) date issued;

(3) issuing compliance agency's name, address, and phone number;

(4) sole owner's full name, home address, and phone number;

(5) building site subdivision and lot number.

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

(1) Initial affirmation. In accordance with Subsection 58-55-305(1)(h)(ii) ([F]H), any person claiming exemption under Subsection 58-55-305(1)(h) for projects with a value greater than \$1,000 but less than \$3,000 shall file a registration of exemption with the Division which includes:

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

(b) a statement signed by the registrant verifying:

(i) that the person has [~~public~~] liability insurance in force which includes the Division being named as a certificate holder, the policy number, the expiration date of the policy, the insurance company name and contact information, and coverage amounts of at least \$100,000 for each incident and \$300,000 in total; and

(ii) that the person has workers compensation insurance in force which names the Division as a certificate holder, includes

the policy number, the expiration date of the policy, the insurance company name and contact information; or

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

(2) Periodic reaffirmations required. The affirmation required under Subsection (1) shall be reaffirmed on or before November 30 of each odd numbered year.

**R156-55a-306. Contractor Financial Responsibility - Division Audit.**

In accordance with Subsections 58-55-302(10)(c), 58-55-306[~~(5)~~], [~~58-55-306(4)(b)~~], and 58-55-102(20), the Division may consider various relevant factors in conducting a financial responsibility audit of an applicant, licensee, qualifier, or any owner, including:

(1)(a) judgments, tax liens, collection actions, bankruptcy schedules and a history of late payments to creditors, including documentation showing the resolution of each of the above actions;

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

(c) an acceptable current credit report that meets the following requirements:

(i) for individuals:

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

(B) a tri-merged credit report of the agencies identified in Subsection (A) [~~prepared by the National Association of Credit Managers (NACM)~~]; or

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

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

(e) any of the factors listed in Subsection R156-1-302 that may relate to failure to maintain financial responsibility;

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

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

(h) any history of prior entities owned or operated by the applicant, [~~the~~] licensee, qualifier, or any owner that have failed to maintain financial responsibility.

**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, ~~[they shall]~~ 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.

#### **R156-55a-308b. Natural Gas Technician Certification.**

(1) In accordance with Subsection 58-55-308(1), the scope of practice defined in Subsection 58-55-308(2)(a) requiring certification is further defined as the installation, modification~~[s]~~, maintenance, cleaning, repair or replacement of the gas piping, combustion air vents, exhaust venting system or derating of gas input for altitude of a residential or commercial gas appliance.

(2) An approved training program shall include the following course content:

- (a) general gas appliance installation codes;
- (b) venting requirements;
- (c) combustion air requirements;
- (d) gas line sizing codes;
- (e) gas line approved materials requirements;
- (f) gas line installation codes; and
- (g) methods of derating gas appliances for elevation.

(3) In accordance with Subsection 58-55-308(2)(c)(i), the following programs are approved to provide natural gas technician training, and to issue certificates or documentation of exemption from certification:

- (a) Federal Bureau of Apprenticeship Training;
- (b) Utah college apprenticeship program; ~~[-and]~~
- (c) Trade union apprenticeship program;
- (d) Rocky Mountain Gas Association; and
- (e) Home Builders Association of Utah.

(4) In accordance with Subsection 58-55-308(3), the approved programs set forth in paragraphs (~~[2]~~3)(b), ~~[-and (2)]~~(c), (d), and (e) herein shall require program participants to pass the ~~[Rocky Mountain Gas Association]~~RMGA Gas Appliance Installers Certification Exam, or ~~[approved]~~approved by the Commission established or adopted by a training program, with a minimum passing score of 80%.

(5) In accordance with Subsection 58-55-308(3), a person who has not completed an approved training program, but has passed the [~~Rocky Mountain Gas Association~~] RMGA Gas Exam or approved equivalent exam established or adopted by an approved training program, with a minimum passing score of 80%, or the Utah licensed Journeyman or Residential Journeyman Plumber Exam, with a minimum passing score of 70%, shall be exempt from the certification requirement set forth in Subsection 58-55-308(2)(c)(i).

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

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

(7) Documentation of exemption from certification. The following shall constitute documentation of exemption from certification:

- (a) certification of completion of training issued by the Federal Bureau of Apprenticeship Training;
- (b) current Utah licensed Journeyman or Residential Journeyman plumber license; or
- (c) certification from the [~~Rocky Mountain Gas Association~~] RMGA or approved equivalent exam which shall include the following:
  - (i) name of the association, school, union, or other organization who administered the exam;
  - (ii) name of the person who passed the exam;
  - (iii) name of the exam;
  - (iv) the date the exam was passed; and
  - (v) signature of an authorized representative of the test administrator.

(8) Each person engaged in the scope of practice defined in Subsection 58-55-308(2)(a) and as further defined in Subsection (1) herein, shall carry in their possession documentation of certification or exemption.

[~~**R156-55a-309. Reinstatement Application Fee.**~~

~~The application fee for a contractor applicant who is applying for reinstatement more than two years after the expiration of licensure, who has been engaged in unauthorized practice of contracting following the expiration of the applicant's license, shall be the current license application fee normally required for a new application rather than the reinstatement fee provided under R156-1-308g(3)(d).]~~



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

(1) A conversion from one form of entity to another form where "Articles of Conversion" are filed with the Utah Division of Corporations and Commercial Code shall not require a new contractor application.

(2) Except as provided in Subsection (1), a [A] reorganization of the business [organization or] entity under which a licensed contractor is licensed shall require application for a new license under the new form of organization or business structure. The creation of a new legal entity constitutes a reorganization and includes a change to a new entity under the same form of business entity or a change of the form of business entity between proprietorship, partnership, whether limited or general, joint venture, corporation, or any other business form. [

~~Exception: A conversion from one form of entity to another form where "Articles of Conversion" are filed with the Utah Division of Corporations and Commercial Code shall not require a new contractor application.]~~

**R156-55a-312. Inactive License.**

(1) The requirements for inactive licensure specified in Subsection R156-1-305(3) shall also include certification that the licensee will not engage in the construction trade(s) for which [his]the license was issued while [his license is]on inactive status except to identify [himself]that licensee as an inactive licensee.

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

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

(a) documentation that the licensee meets the requirements of Subsections 58-55-302(1)(e)(i), 58-55-302(2)(a) and 58-55-302(2)(b); and

(b) documentation that the licensee has taken and passed the business and law examination and the contractor classification examination, if required, for the contractor classification for which activation is sought[~~except that the following exceptions shall apply to the reactivation examination requirement:~~

~~(i) No license shall be in an inactive status for more than six years.]~~

(~~ii~~)c) [P]prior to a license being activated, a licensee shall meet the requirements of renewal.

[

~~**R156-55a-401. Minimum Penalty for Failure to Maintain Insurance.**~~

~~(1) A minimum penalty is hereby established for the violation of Subsection R156-55a-501(2) as follows:~~

~~(a) For a violation the duration of which is less than 90 days, where the licensee at the time a penalty is imposed documents that the required liability and workers compensation insurance have been reacquired, and provided an insurable loss has not occurred while not insured, a minimum of a 30 day suspension of licensure, stayed indefinitely, automatically executable in addition to any other sanction imposed, upon any subsequent violations of Subsection R156-55a-501(2).~~

~~(b) For a violation the duration of which is 90 days or longer, or where insurable loss has occurred, where the licensee at the time a penalty is imposed documents that the required insurance have been reacquired, a minimum of 30 days suspension of licensure.~~

~~(c) For a violation of any duration, where the licensee at the time a penalty is imposed fails to document that the required insurance have been reacquired, a minimum of indefinite suspension. A license which is placed on indefinite suspension may not be reinstated any earlier than 30 days after the licensee documents the required insurance have been reacquired.~~

~~(d) If insurable loss has occurred and licensee has not paid the damages, the license may be suspended indefinitely until such loss is paid by the licensee.~~

~~(e) Nothing in this section shall be construed to restrict a presiding officer from imposing more than the minimum penalty for a violation of Subsection R156-55a-501(2) and (3). However, absent extraordinary cause, the presiding officer may not impose less than the minimum penalty.]~~

#### **R156-55a-501. Unprofessional Conduct.**

"Unprofessional conduct" includes:

(1) failing to notify the Division with respect to any matter for which notification is required under this rule or Title 58, Chapter 55, the Construction Trades Licensing Act, including a change in qualifier. Such failure shall be considered by the Division and the Commission as grounds for immediate suspension of the contractor's license;

(2) failing to notify the Division within 10 days of any change of the name, address, phone number, or email address of the qualifier or owners of a licensee;

~~([2]3) failing to continuously maintain insurance and registration as required by Subsection 58-55-302(2) and Section R156-55a-302d; [-and]~~

~~([3]4) failing to provide within 30 days of a request from the Division or from any person that has a reasonable basis to make a claim on the licensee's insurance policy [to provide]:~~

~~(a) proof of licensee's insurance coverage;~~

~~(b) the name of the licensee's insurance company, policy number, date of expiration, and insurance coverage limits;~~

~~([b]c) a copy of the licensee's [public-]insurance policy; [or]~~

(d) a copy of the licensee's worker compensation policy, if required to maintain worker compensation insurance under Utah law; or

([c]e) any exclusions included in the licensee's [public] insurance policy;

(5) failing to provide the Division, within 30 days of a request, documents and other requested information to determine compliance with any section under Title 58, Chapter 55 or Title 58, Chapter 1 of the Utah Code;

(6) refusing, as an electrical or plumbing contractor, to timely and accurately certify the hours of work experience when requested by an electrician or plumber who is or has been an employee;

(7) refusing, as a contractor, to timely and accurately certify the work experience for a contractor application when requested by a current or former employee;

(8) failure of a qualifier, owner, applicant, or licensee to be knowledgeable of the laws and rules applicable to their profession;

(9) failing to timely provide, upon request by any person, a copy of a current license or license number when performing construction trades work;

(10) an owner, qualifier, or licensee advising or instructing any person or applicant, for a fee, concerning an examination required under Title 58, Chapter 55 for which that owner, qualifier, or licensee was a subject-matter expert of the examination, unless:

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

(b) the Construction Services Commission approves in writing of the owner, qualifier, or licensee providing that instruction;

(11) using, hiring, or contracting with a professional employer organization that is not licensed with the Utah Insurance Department.

#### **R156-55a-504. Crane Operator Certifications.**

In accordance with Subsection 58-55-504(2)(a) one of the following certifications is required to operate a crane on commercial construction projects:

(1) a certification issued by the National Commission for the Certification of Crane Operators;

(2) a certification issued by the Operating Engineers Certification Program [~~formerly known as the Southern California Crane and Hoisting Certification Program~~]; or

(3) a certification issued by the Crane Institute of America.

#### **R156-55a-602. Contractor License Bonds.**

Pursuant to the provisions of Subsections 58-55-306(1)(b) and 58-55-306(5)(b)(iii), a contractor shall provide a license bond issued by a surety acceptable to the Division in the amount, form, and coverage as follows:

(1) An acceptable surety is one that is listed in the Department of Treasury, Fiscal Service, Circular 570, entitled "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" at the date of the bond.

(2) The coverage of the license bond shall include losses that may occur as the result of the contractor's violation of the unprofessional or unlawful provisions contained in Title 58, Chapters 1 and 55 and rules R156-1 and R156-55a including the failure to maintain financial responsibility, the failure of the licensee to pay its obligations, and the failure of the owners or a licensed unincorporated entity to pay income taxes or self-employment taxes on the gross distributions from the unincorporated entity to its owners.

(3) The financial history of the applicant, licensee, qualifier, or any owner, as outlined in Section R156-55a-306, may be reviewed in determining the bond amount required under this section.

(4) If the licensee is submitting a bond under Subsection 58-55-306(5)(b)(iii)(B), the amount of the bond shall be 20% of the annual gross distributions from the unincorporated entity to its owners. As provided in Subsection 58-55-302(10)(c), the Division, in determining if financial responsibility has been demonstrated, may consider the total number of owners, including new owners added as reported under the provisions of Subsection 58-55-302(10)(a)(i), in setting the amount of the bond required under this subsection.

(5) If the licensee is submitting a bond under any subsection other than Subsection 58-55-306(5)(b)(iii)(B), the minimum amount of the bond shall be \$50,000 for the E100 or B100 classification of licensure; \$25,000 for the R100 classification of licensure; or \$15,000 for other classifications. A higher amount may be determined by the Division and the Commission as provided in Subsection R156-55a-602(6).

(6) The amount of the bond specified under Subsection R156-55a-602(5) may be increased by an amount determined by the Commission and Division when the financial history of the applicant, licensee or any owner indicates the bond amount specified in Subsection R156-55a-602(1) is insufficient to reasonably cover risks to the public health, safety and welfare. The financial history of the applicant, qualifier, licensee or any owner, as outlined in Section R156-55a-306 may be reviewed in determining the bond amount required.

(7) A contractor may provide a license bond issued by a surety acceptable to the Division in an amount less than the bond amount specified in Subsection R156-55a-602(5) if:

(a) the contractor demonstrates by clear and convincing evidence that:

(i) the financial history of the applicant, licensee or any owner indicates the bond amount specified in Subsection R156-55a-602(1) is in excess of what is reasonably necessary to cover risks to the public health, safety and welfare;

(ii) the contractor's lack of financial responsibility is due to extraordinary circumstances that the contractor could not control as opposed to general financial challenges that all contractors experience; and

(iii) the contractor's scope of practice will be restricted commensurate with the degree of risk the contract presents to the public health, safety, and welfare; and

(b) the Commission and Division approve the amount.

**KEY: contractors, occupational licensing, licensing**

**Date of Enactment or Last Substantive Amendment: [~~November 7,~~  
~~2017~~]2018**

**Notice of Continuation: August 4, 2016**

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

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November 14, 2018

Chris Rogers  
Bureau Manager  
Utah Department of Commerce  
Division of Occupational & Professional Licensing  
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Salt Lake City, UT 84114

Weber State University 25-Hour Contractors Pre-Licensure Course

Dear Mr. Rogers,

Weber State University requests an amendment to the October 2, 2018 *Order to Approve Weber State University as a 25-hour Pre-Licensure Course Provider* document. Our program would like full approval as a 25-hour provider and not just limited to in-person training that was stipulated to us in the October 2, 2018 *Order to Approve....*

The Commission recently ruled not to make any changes to the Distance Education rule and as a result, Weber State University is qualified to offer the course in a live, interactive setting as long as a proctor is there to take attendance and monitor the remote location.

Please consider this request as Weber State University is fully prepared and qualified to meet the needs of industry as it relates to the 25-hour Pre-Licensure course.

Sincerely,

Beth Rhoades  
Director of Program  
Division of Online & Continuing Education  
Weber State University



	2015	2016	2017	2018	Oct-18
Administrative Filings	21	10	23	10	0
Referred to Bureau Manager for Informal Action	0	0	0	3	0
Administrative Denial Letters	0	0	0	15	1
Criminal Actions	24	7	13	19	5
Letter of Concern	26	31	19	2	1
Referred to Diversion	0	1	0	0	0
PR/Outreach	24	9	6	6	1
Cases Received	1229	1185	1373	1113	122
Case Assigned	1068	1026	1320	1104	122
Closed Cases	1249	1047	1438	1032	126
Citations Issued	753	698	714	670	56
Site Surveys	4629	4032	5210	4635	458
Building Inspectors	850	1239	1380	1045	74
MHRV Inspections	4	0	7	4	0
	2015	2016	2017	2018	Oct-18
Owner/Builder Permits Received	160	127	250	196	18
Owner/Builder Investigations	3	5	5	17	0

**NOTES:**

Criminal Action

Unlicensed Contractor bid to install concrete for \$4,500. He collected the money from the homeowner and never returned to perform the job. This case has been screened with Sandy City Attorney's who is going to charge the Unlicensed Contractor with Theft by Deception a Third Degree Felony.

Criminal Action

Unlicensed Contractor accepted payment for a remodel job. He never paid the Sub-Contractor's and he never completed the project. This case has been screened with Millard County Attorney's Office.

Criminal Action

Unlicensed Contractor bid a job for \$38,000. The Subject was paid a total of \$33,000 and never finished the job. This is the Subject's 4th incident. This case has been screened with Santaquin City Attorney's Office.



October 2018

Criminal Action

Unlicensed Contractor collected \$2,000 for a job. He never returned to do the work. This case has been screened by West Valley City Attorney's Office.