

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: 43422 Date filed: 12/6/2018
State Admin Rule Filing Id: _____ Time filed: _____

		Agency No.	Rule No.	Section No.
Utah Admin. Code Ref (R no.):	R	156	55b	-
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: _____
Steve Duncombe 801-530-6235 801-530-6511 sduncombe@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):

Electricians Licensing Act Rule

3. Type of notice:

New ____; Amendment XXXX Repeal ____; Repeal and Reenact ____

4. Purpose of the rule or reason for the change:

This filing is recommended by the Electricians Licensing Board and the Construction Services Commission to clarify current requirements and conform the rule to current practices in the industry. Additionally, this filing removes certain requirements that the Board and the Commission have found to be outdated and unnecessary arduous.

5. This change is a response to comments from the Administrative Rules Review Committee.

No XXXX Yes ____

6. Summary of the rule or change:

See attachment for proposed rule amendments.

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No ☐ ; Yes ☒ XXX

Most of these proposed changes update definitions and ensure that the rule encompasses current requirements and practices in the profession, and make formatting changes for clarity. Accordingly, none of these amendments will impact state government revenues or expenditures. The amendments to Section R156-55b-302b that extend the 25-day waiting period after a failed exam to a 30-day waiting period are not expected to impact existing state practices or procedures and will therefore have no impact on state government revenues or expenditures. The amendments to Section R156-55b-302b that delete the requirement that an applicant pass all exams within a one-year period (the one-year "rolling clock" requirement), are not expected to impact state government revenues or expenditures as the examinee may still take each exam up to five times per year, and the changes will have no impact on state practices or procedures. No other fiscal impact to the state is expected, beyond a minimal cost to the Division of approximately \$75 to print and distribute the Electricians Licensing Act Rule once the amendments are made effective.

B) Local government:

Affected: No ☒ XXX Yes ☐

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

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

Affected: No ☐ ; Yes ☒ XXXX

The proposed changes that update definitions and ensure that the rule encompasses current requirements and practices in the profession, and make formatting changes for clarity, are not expected to impact small business as they will not change the quantity or number of exchanges between any persons. The amendments to Section R156-55b-302b that extend the 25-day waiting period after a failed exam to a 30-day waiting period are also not expected to impact small business as the examinee may still take each exam the same amount of times per year. The amendment to Section R156-55b-302b deleting the requirement that an applicant pass all exams within a one-year period (the one-year "rolling clock" requirement) is expected to create a fiscal benefit for the estimated 879 small businesses that may be impacted (NAICS 238212 & 238211). With this change, all applicants for licensure may seek licensure as soon as they have passed all of their exams, regardless of when they passed their exams. Currently, many of these applicants need to retake exams they have already passed because the date they took the exam is outside of the one-year rolling clock period. The applicants therefore experience a significant delay of weeks to months to even years in the ability to obtain their license. Other applicants, in particular apprentice electrician applicants who would like to achieve journeyman electrician status, often give up and never seek to increase their level of licensure because of the perceived difficulty and cost associated with trying to timely pass all of their electrician exams. Accordingly, this proposed amendment is expected to significantly reduce current delays in many individuals becoming licensed, and is also expected to encourage many individuals to become licensed at a higher level. Small businesses will therefore be able to more easily hire journeyman electricians, residential journeyman electricians, master electricians, and residential master electricians. Additionally, newly licensed master electricians may be able to create their own small businesses or serve as qualifiers for other small businesses. The Division estimates that this will result in an ongoing fiscal benefit for small business. However, the full impact cannot be estimated because it will depend on the unique licensing and employment choices made by each individual applicant, as well as on the characteristics of each small business, and this relevant data is unavailable and the cost of acquiring the data is prohibitively expensive.

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 ☒ XXXXX

The persons that may potentially be affected by these amendments will be Utah licensed master electricians, residential master electricians, journeyman electricians, residential journeyman electricians, and apprentice electricians engaged in electrical work, and applicants from other jurisdictions who wish to become licensed as residential journeyman electricians or higher in Utah. The proposed changes that update definitions and ensure that the rule encompasses current requirements and practices in the profession and that make formatting changes for clarity are not expected to impact these other persons as the changes will not change the quantity or number of exchanges between any persons. The amendments to Section R156-55b-302b that extend the 25-day waiting period after a failed exam to a 30-day waiting period are also not expected to impact these persons as any examinee may still take each exam the same amount of times per year. The amendment to Section R156-55b-302b deleting the requirement that an applicant pass all licensing exams within a one-year period (the one-year "rolling clock" requirement) is expected to create a fiscal benefit for many of these other persons if it results in their becoming licensed at a higher level, and/or eliminates the cost to them of retaking licensing exams that they have already passed and reduces a delay in their becoming licensed at a higher level. However, the full impact cannot be estimated because it will depend on the unique licensing and employment choices made by each individual person, and this relevant data is unavailable and the cost of acquiring the data is prohibitively expensive.

8. Compliance costs for affected persons:

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

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

These proposed amendments are recommended by the Electricians Licensing Board and the Construction Services Commission to clarify current requirements and conform the rule to current practices in the industry. Additionally, this filing removes certain requirements that the Board and the Commission have found to be outdated and unnecessarily onerous. Small Business: The proposed changes that update definitions and ensure that the rule encompasses current requirements and practices in the profession, and make formatting changes for clarity, are not expected to impact small business as they will not change the quantity or number of exchanges between any persons. The amendments to Section R156-55b-302b that extend the 25-day waiting period after a failed exam to a 30-day waiting period are also not expected to impact small business as the examinee may still take each exam the same amount of times per year. The amendment to Section R156-55b-302b deleting the requirement that an applicant pass all exams within a one-year period (the one-year "rolling clock" requirement) is expected to create a fiscal benefit for the estimated 879 small businesses that may be impacted (NAICS 238212 and 238211). With this change, all applicants for licensure may seek licensure as soon as they have passed all of their exams, regardless of when they passed their exams. Accordingly, this proposed amendment is expected to significantly reduce current delays in many individuals becoming licensed, and is also expected to encourage many individuals to become licensed at a higher level. Small businesses will therefore be able to more easily hire journeyman electricians, residential journeyman electricians, master electricians, and residential master electricians. Additionally, newly licensed master electricians may be able to create their own small businesses or serve as qualifiers for other small businesses. The Division estimates that this will result in an ongoing fiscal benefit for small business. However, the full impact cannot be estimated because it will depend on the unique licensing and employment choices made by each individual applicant, as well as on the characteristics of each small business, and this relevant data is unavailable. The cost of acquiring the referenced data is prohibitively expensive. The amendments to Section R156-55b-304 make formatting changes for clarity, including streamlining the rule by removing duplicative continuing education requirements that are already stated in R156-55a-303b. These amendments have no fiscal impact to small business. The amendments to Section R156-55b-401 clarify that an electrical contractor may contract with licensed professional employer organizations to employ one or more licensed electricians, and require an apprentice in the fifth and succeeding years of an apprenticeship to work under immediate supervision, in conformance with the requirements of Subsection 58-55-302(3)(j)(i). These amendments have no fiscal impact to small business. The amendments to R156-55b-501 which amend the definition of "unprofessional conduct" have no fiscal impact to small business. Non-small businesses: There are 26 non-small businesses in Utah in the electrical contracting industry in question (NAICS 238211 and NAICS 238212). The proposed rule changes are expected to have the same fiscal impacts, or lack thereof, as described above in the fiscal impacts for small businesses.

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)

Subsection 58-55-308(1)

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

	First Incorporation	Second Incorporation
Official Title of Materials Incorporated (from title page)		
Publisher		
Date Issued		
Issue, or version		
ISBN Number (optional)		
ISSN Number (optional)		
Cost of Incorporated Reference		
Action: Adds, updates, or removes		
(If this rule incorporates more than two items by reference, please attach additional pages)		

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

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

01/31/2019

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

On (mm/dd/yyyy):

01/30/2019

At (hh:mm AM/PM):

9:00 AM

At (place):

160 East 300 South, Conference Room 474
(4th floor), Salt Lake City, Utah

- 13 This rule change may become effective on (mm/dd/yyyy):

02/07/2019

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

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

occupational licensing

licensing

contractors

electricians

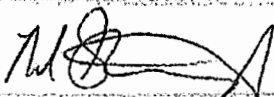
- 15 Attach an RTF document containing the text of this rule change (filename):

R156-55b.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)

: 12/5/2018

eRules v. 2: ProposedRule.doc 09/03/2009 (<http://www.rules.utah.gov/agencyresources/forms/ProposedRule.doc>)

R156-55b - Electricians Licensing Act Rule

Box 6 - Summary of the rule or change:

Section R156-55b-102: The amendments to Subsection (1) clarify the definition of "electrical work", including a non-substantive change to update the citation to Section 58-55-102 and simplifying the description of low voltage cable-type wiring. The amendments to Subsection (2) are formatting changes for clarity. The amendments to Subsection (3) clarify that the definition of "minor electrical work" includes HVAC equipment, and that wiring may extend no more than ten feet from an existing outlet or disconnect intended specifically for the piece of equipment, appliance, or machinery. New Subsection (4) clarifies that "Premises Wiring" means the same as defined in Title 15A, State Construction and Fire Codes Act. The amendments to Subsection (7)(formerly Subsection 6) simplify and update the definition of "work commonly done by unskilled labor" by deleting references to specific tasks and substituting in their place a reference to work performed by "unlicensed persons".

Section R156-55b-302a: The amendments to this Section make non-substantive formatting changes to clarify all of the current education and experience requirements for the respective license classifications. This includes describing in Subsection (5) the programs approved by the Electricians Licensing Board prior to January 1, 2009.

Section R156-55b-302b: The amendments to this Section: (1) make non-substantive formatting changes to clarify the current examination requirements for the respective license classifications; (2) extend the 25-day waiting period after a failed exam to a 30-day waiting period, to alleviate confusion and create parity among the standards for all contractor professions; and (3) delete the requirement that an applicant pass all exams within a one-year period (the one-year "rolling clock" requirement), as this restriction was deemed unnecessary and onerous.

Section R156-55b-304: The amendments to this Section make formatting changes for clarity, including streamlining the rule by removing duplicative continuing education requirements that are already stated in R156-55a-303b.

Section R156-55b-401: The amendments to Subsection (1) clarify that an electrical contractor may contract with licensed professional employer organizations to employ one or more licensed electricians. The amendments to Subsection (2) require an apprentice in the fifth and succeeding years of an apprenticeship to work under immediate supervision, in conformance with the requirements of Subsection 58-55-302(3)(j)(i).

Section R156-55b-501: The amendments to this section update the definition of "unprofessional conduct" to reflect a new standard being implemented across all contractor professions - instead of the licensee being required to carry a copy of their current license at all times, the licensee must provide the license or license number upon request. These amendments also delete as "unprofessional conduct" "failing as an electrical contractor to certify an electrician's hours and breakdown of work experience by category when requested by an electrician who is or has been an employee," as this is a conduct specific to a contractor and will be included as unprofessional conduct in Section R156-55a-501.

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
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses (50 or more employees)

There are 26 non-small businesses in Utah in the electrical contracting industry in question (NAICS 238211, and NAICS 238212). The proposed changes that update definitions and ensure that the rule encompasses current requirements and practices in the profession, and make formatting changes for clarity, are not expected to impact these non-small businesses as they will not change the quantity or number of exchanges between any persons. The amendments to Section R156-55b-302b that extend the 25-day waiting period after a failed exam to a 30-day waiting period are also not expected to impact non-small business as examinees may still take each exam the same amount of times per year. The amendment to Section R156-55b-302b deleting the requirement that an applicant pass all exams within a one-year period (the one-year "rolling clock" requirement) is expected to create a fiscal benefit for these non-small businesses. With this change, all applicants for licensure may seek licensure as soon as they have passed all of their exams, regardless of when they passed their exams. Currently, many of these applicants need to retake exams they have already passed because the date

they took the exam is outside of the one-year rolling clock period. The applicants therefore experience a significant delay of weeks to months to even years in the ability to obtain their license. Other applicants, in particular apprentice electrician applicants who would like to achieve journeyman electrician status, often give up and never seek to increase their level of licensure because of the perceived difficulty and cost associated with trying to timely pass all of their electrician exams. Accordingly, this proposed amendment is expected to significantly reduce current delays in many individuals becoming licensed, and is also expected to encourage many individuals to become licensed at a higher level. Non-small businesses will therefore be able to more easily hire journeyman electricians, residential journeyman electricians, master electricians, and residential master electricians. Additionally, newly licensed master electricians may be able to create their own non-small businesses or serve as qualifiers for other non-small businesses. The Division estimates that this will result in an ongoing fiscal benefit for non-small business. However, the full impact cannot be estimated because it will depend on the unique licensing and employment choices made by each individual applicant, as well as on the characteristics of each non-small business, and this relevant data is unavailable and the cost of acquiring the data is prohibitively expensive.

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.

R156-55b. Electricians Licensing Act Rule.

R156-55b-102. Definitions.

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

(1)(a) "Electrical work" as used in Subsection 58-55-102(14)(a) and in this rule means:

(i) installation, fabrication or assembly of equipment or systems included in ~~[*] Premises Wiring~~ ~~["as defined by Title 15A, State Construction and Fire Codes Act."]~~;

(ii) ~~[Electrical work includes]~~ installation of raceway systems used for any electrical purpose~~[7]~~; and

(iii) installation of field-assembled systems such as ice and snow melting, pipe-tracing, or manufactured wiring systems~~[7 and the like]~~.

(b) "Electrical work" does not include:

(i) installation of factory-assembled appliances or machinery that are not part of the ~~[p] Premises~~ ~~[w] Wiring~~, unless wiring interconnections external to the equipment are required in the field~~[7]~~; and ~~[does not include]~~

(ii) low voltage cable-type wiring less than 50 volts that does not pose a hazard from a shock or fire initiation standpoint as defined by Title 15A, State Construction and Fire Codes Act. ~~["Wiring covered by the National Electrical Code that does not pose a hazard as described above includes Class 2 wiring as defined in Article 725, Power Limited circuits as defined in Article 760 and wiring methods covered by Chapter 8. All other wiring is subject to licensing requirements."]~~

(2) "Immediate supervision" as used in Subsection 58-55-102(26) and this rule means~~["the following"]~~:

(a) for industrial and commercial electrical work, the apprentice and the supervising electrician are physically present on the same project or jobsite, but ~~[are]~~ not required to maintain a direct line of sight ~~[be within sight of one another]~~; and

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

(3)(a) "Minor electrical work incidental to a mechanical or service installation", as used in Subsection 58-55-305(1)(n), means the electrical work involved in installation, replacement, or repair of HVAC equipment, appliances, or machinery that [utilize] use electrical power, when wiring is extended no more than ten feet from an existing outlet or disconnect intended specifically for the piece of equipment, appliance, or machinery.

(b) Minor electrical work does not include:

(i) modification or repair of ~~[*] Premises Wiring~~ ~~["as defined in the National Electrical Code, and does not include"]~~; or

~~(ii) installation of a disconnecting means or outlet. [Electrical work is minor and incidental only when wiring is extended no more than ten feet in length from an outlet or disconnect provided specifically for the piece of equipment.]~~

~~(4) "Premises Wiring" means the same as defined in Title 15A, State Construction and Fire Codes Act.~~

~~([4]5) "Residential project" as used in Subsection 58-55-302(3)(j)(ii) [pertains]pertaining to supervision, [and]means electrical work performed in one_ or two-family dwellings, including townhouses, as determined by Title 15A, State Construction and Fire Codes Act.~~

~~([5]6) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 55, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-55b-501.~~

~~([6]7) "Work commonly done by unskilled labor" as used in Subsection 58-55-102(14)(b)(iii) means work performed by unlicensed persons and includes assisting or handling wire[such as digging, sweeping, hammering, carrying, drilling holes, or other tasks that do not directly involve the installation of raceways, conductors, cables, wiring devices, overcurrent devices, or distribution equipment. Unlicensed persons may handle wire on] large wire pulls involving conduit of two inches or larger [or assist in moving heavy electrical equipment]when the task is performed under[in] the immediate [presence of and supervised]supervision of a [by_]properly licensed master_or_[7] journeyman[, residential master or residential journeyman] electrician[s] acting within the scope of [their]the licensee's licenses.~~

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

~~[(1) In accordance with Subsection 58-55-302(3)(i)(i), the approved electrical training program for licensure as a residential journeyman electrician consists of:~~

~~(a) a program of electrical study approved by the Utah Board of Regents, Utah System of Technical Colleges Board of Trustees or other out of state program that is deemed substantially equivalent as determined by the Electricians Licensing Board. Programs approved by the Electricians Licensing Board prior to January 1, 2009 remain approved programs, and~~

~~(b) at least two years of work experience as a licensed apprentice consistent with Section R156-55b-302b.~~

~~(2) In accordance with Subsection 58-55-302(3)(h)(i), the approved four year planned training program for licensure as a journeyman electrician consists of:~~

~~(a) a program of electrical study approved by the Utah Board of Regents, Utah System of Technical Colleges Board of Trustees or other out of state program that is deemed substantially equivalent as determined by the Electricians Licensing Board. Programs approved by the Electricians Licensing Board prior to January 1, 2009 remain approved programs, and~~

~~(b) at least four years of work experience as a licensed apprentice consistent with Section R156-55b-302b.~~

~~(3) A semester of school shall include at least 81 hours of classroom instruction time. A student shall attend a minimum of 72 hours to receive credit for the semester.~~

~~(4) A competency exam shall be given to each student at the end of each semester with the exception of the fourth year second semester. A student, to continue to the next semester, shall achieve a score of 75% or higher on the competency exam. A student who scores below 75% may retake the test one time.~~

~~(5) The applicant shall pass each class with a minimum score of 75%.~~

~~(6) Competency test results shall be provided to the Board at the Board meeting immediately following the semester in a format approved by the Board.~~

~~(7) An applicant for a master electrician license, applying pursuant to Subsection 58-55-302(3)(f)(i) shall be a graduate of an electrical program accredited by the Engineering Accreditation Commission/Accreditation Board for Engineering and Technology (EAC/ABET).~~

~~(8) An applicant shall provide documentation that all education and experience meets the requirements of this rule.]~~

The training and instruction requirements for licensure in Subsection 58-55-302(3) are defined, clarified, or established as follows:

(1) Master Electrician:

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

(i) hold a bachelor's or master's degree in electrical engineering from an electrical program accredited by the Engineering Accreditation Commission/Accreditation Board for Engineering and Technology (EAC/ABET); and

(ii) have at least 2,000 hours (one year) of work experience as a licensed Apprentice Electrician.

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

(i) hold an associate's degree in applied science from an electrical trade school course of study that meets the requirements of Subsection (5); and

(ii) have at least 4,000 hours (two years) of work experience as a licensed Journeyman Electrician.

(c) An applicant under Subsection 58-55-302(3)(f)(iii) shall have at least 8,000 hours (four years) of work experience as a licensed Journeyman Electrician.

(2) Residential Master Electrician:

(a) An applicant under Subsection 58-55-302(3)(g)(i) shall have at least 4,000 hours (two years) of work experience as a licensed Residential Journeyman Electrician.

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

(i) hold a bachelor's or master's degree in electrical engineering from an electrical program accredited by the Engineering Accreditation

Commission/Accreditation Board for Engineering and Technology (EAC/ABET); and

(ii) have a least 2,000 hours (one year) of work experience as a licensed Apprentice Electrician.

(3) Journeyman Electrician:

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

(i) have successfully completed at least 576 hours (four years, 144 hours per year) of a program of electrical study that meets the requirements of Subsection (5); and

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

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

(4) Residential Journeyman Electrician:

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

(i) have successfully completed at least 288 hours (two years, 144 hours per year) of a program of electrical study that meets the requirements of Subsection (5); and

(ii) have at least 4,000 hours (two years) of full-time work experience as a licensed Apprentice Electrician.

(b) An applicant under Subsection 58-55-302(3)(i)(ii) shall have at least 8,000 hours (four years) of full-time work experience as a licensed Apprentice Electrician.

(5) In accordance with Subsection 58-55-302(3)(f), (h), and (i), an electrical trade school "course of study" and the planned electrical "training program" approved by the Division, mean a program of electrical study that includes measures of competency and achievement level for each student and:

(a) is approved by the:

(i) Utah Board of Regents;

(ii) Utah System of Technical Colleges Board of Trustees; or

(iii) Electricians Licensing Board when the program is out-of-state and includes at least 81 hours of classroom instruction per semester;

(b) Programs approved by the Electricians Licensing Board include the:

(i) Independent Electrical Contractors of Utah ("IEC"); and

(ii) Utah Electrical Training Alliance, ("IBEW Local 354").

(6) "Successful completion" of a training program of electrical study means that the applicant:

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

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

(7) As used in Subsection 58-55-302(3) and this rule, "practical electrical experience", "practical experience", "full-time training", and "full-time experience" all mean electrical work experience lawfully performed preceding the date of application, in accordance with supervision

requirements and the terms and conditions of Subsections R156-55a-302b(2)(a)(i) through (iii), (b), and (c).

~~[R156-55b-302b. Qualifications for Licensure — Work Experience — Residential Journeyman and Journeyman Electricians.~~

~~(1) In order to satisfy Subsections 58-55-302(3)(h) and (i), an applicant for a license as a residential journeyman electrician or journeyman electrician shall document the following on-the-job work experience:~~

~~(a) Residential Journeyman Electrician:~~

~~(i) at least 600 hours in boxes and fittings, conduit, wireways and cableways and associated fittings;~~

~~(ii) at least 3000 hours in wire and cable, individual conductors and multi-conductors cables, and non-metallic sheathed cable;~~

~~(iii) at least 300 hours in distribution and utilization equipment, transformers, control panels, disconnects, motor starters, lighting fixtures, heaters, appliances, motor and other distribution or utilization equipment; and~~

~~(iv) at least 300 hours in specialized work including grounding, wiring of systems for sound, data, communication, alarms, automated systems, generators, batteries and computer equipment.~~

~~(b) Journeyman electrician:~~

~~(i) at least 4000 hours in raceways, boxes and fittings, conduit, wireways, cableways and other raceways and associated fittings, and non-metallic sheathed cable;~~

~~(ii) at least 800 hours in wire and cable, individual conductors and multi-conductor cables;~~

~~(iii) at least 400 hours in distribution and utilization equipment including transformers, panel boards, switchboards, control panels, disconnects, motor starters, lighting fixtures, heaters, appliances, motors and other distribution and utilization equipment; and~~

~~(iv) at least 400 hours in specialized work including grounding, wiring of systems for sound, data, communication, alarms, automated systems, generators, batteries and computer equipment.~~

~~(2) No more than 2000 hours of work experience may be credited for each 12-month period.~~

~~(3) No credit will be given for work experience performed illegally.]~~

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

[~~(1)~~] In accordance with Subsection 58-55-302(1)(c)(i) [~~, an applicant for licensure under this rule shall pass the appropriate examinations that are approved by the Board, each of which shall consist of a theory part, a code part and a practical part as follows~~] the examination requirements for licensure are established as follows:

[(a) 1] [Utah Electrical Licensing Examination for Master Electricians,] Master Electrician applicants shall pass:

(a) the Utah Master Electrician Code Exam and Theory Exam; and

(b) the Utah Electrician Practical Exam.

[(b) 2] [Utah Electrical Licensing Examination for Master Residential Electricians,] Residential Master Electrician applicants shall pass:

(a) the Utah Residential Master Electrician Code Exam and Theory Exam; and

(b) the Utah Residential Electrician Practical Exam.

[(c) 3] [Utah Electrical Licensing Examination for Journeyman Electricians, and] Journeyman Electrician applicants shall pass:

(a) the Utah Journeyman Electrician Code Exam and Theory Exam; and

(b) the Utah Electrician Practical Exam.

[(d) 4] [Utah Electrical Licensing Examination for Residential Journeyman Electricians,] Residential Journeyman Electrician applicants shall pass:

(a) the Utah Residential Journeyman Electrician Code Exam and Theory Exam; and

(b) the Utah Residential Electrician Practical Exam.

[(2) 5] Admission to the exam[ination]s is permitted after:

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

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

(i) the [apprentice education] program of electrical study [set forth in Subsection R156-55b-302a]; and

(ii) [not less than] at least 6,000 hours of the required full-time work experience [-required under Subsection R156-55b-302b]; or

(c) the residential journeyman applicant under Subsection R156-55b-302a(4) (a) has completed:

(i) the [apprentice education] program of electrical study [set forth in Subsection R156-55b-302a]; and

(ii) [not less than] at least 3,000 hours of the required full-time work experience [-required under Subsection R156-55b-302b].

[(3) 6] [The] An applicant shall obtain:

(a) a "pass" grade on the Practical Exam; [practical part of the examination,]

(b) a score of at least 75% on the Theory Exam; [theory part] and

(c) a score of at least 75% on the Code Exam [code part of the examination].

[(4) (a) If an applicant fails one or more parts of the examination, the applicant shall retake any part of the examination failed.

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

(5) If an applicant passes any part of the examination but does not pass the entire examination, the passing score on any part of the examination shall be valid for one year from the date the part of the examination was passed. Thereafter, the applicant shall retake any previously passed part of the examination.]

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

- #
- (a) no sooner than 30 days following any failure, up to three failures; and
 - (b) no sooner than 120 days following any failure thereafter.

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

Standards for continuing education shall be in accordance with R156-55a-303b(1)(e) and (2) through (10), except as otherwise provided in this section.

(1) Required Hours. Pursuant to Sections 58-55-302.7 and 58-55-303, each licensee shall complete at least 16 hours of continuing education during each two-year [two-year] license term. ~~[A minimum of]~~ At least 12 hours shall be core education. The remaining four hours may be professional or core education.

(2) "Core continuing education" is defined as education covering the National Electrical Code as adopted or proposed for adoption.

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

(a) National Fire Protection Association 70E (NFPA 70E), Occupational Safety and Health Administration (OSHA), or Mine Safety and Health Administration (MSHA);

(b) electrical motors and motor controls;

(c) ~~[,]~~ electrical tool usage; ~~[and]~~ or

~~[[c]~~ d) supervision skills related to the electrical trade.

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

~~(a) mechanical office and business skills, such as typing, speed reading, memory improvement and report writing;~~

~~(b) physical well-being or personal development, such as personal motivation, stress management, time management, or dress for success;~~

~~(c) presentations by a supplier or a supplier representative to promote a particular product or line of products; and~~

~~(d) meetings held in conjunction with the general business of the licensee or employer.]~~

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

(a) ~~[waive the continuing education requirements for a licensee that is]~~ an instructor of a ~~[n-approved apprenticeship]~~ program of electrical study under R156-55b-302a(5); [-or]

(b) a board member who regularly attends Electricians Licensing Board meetings; and

(c) any licensee [-waive or defer the continuing education requirements] as provided in Section R156-1-308d.

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

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

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

([i]a) a recognized accredited college or university;

([i]b) a state or federal agency;

([i]c) a professional association or organization involved in the construction trades; or

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

([c]6) Content. ~~[The]~~Course content ~~[of the course]~~ shall be relevant to the practice of the electrical trade and consistent with ~~[the]~~Utah laws and rules~~[of this state]~~.

~~[(d) Objectives. The learning objectives of the course shall be reasonably and clearly stated.]~~

~~[(e) Teaching Methods. The course shall be presented in a competent, well organized and sequential manner consistent with the stated purpose and objective of the program.]~~

~~[(f) Faculty. The course shall be prepared and presented by individuals who are qualified by education, training and experience.]~~

~~[(g) Distance learning. A course may be recognized for continuing education that is provided through internet or home study courses provided that the course verifies registration and participation in the course by means of a passing a test demonstrating that the participant has learned the material presented. Test questions shall be randomized for each participant.]~~

~~[(h) Documentation. The course provider shall have a competent method of registration of individuals who actually completed the course, shall maintain records of attendance that are available for review by the Division and shall provide to individuals completing the course a certificate which contains the following information:]~~

~~[(i) the date of the course;~~

~~[(ii) the name of the course provider;~~

~~[(iii) the name of the instructor;~~

~~[(iv) the course title;~~

~~[(v) the hours of continuing education credit;~~

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

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

~~[(viii) the signature of the course provider.]~~

~~[(7) On a random basis, the Division may assign monitors at no charge to attend a course for the purpose of evaluating the course and the instructor.]~~

~~[(8) Each licensee shall maintain adequate documentation as proof of compliance with this section, such as certificates of completion, course handouts and materials. The licensee shall retain this proof for a period of three years from the end of the renewal period for which the continuing education is due. Each licensee shall assure that the course provider has submitted the verification of attendance to the continuing education registry on behalf of the licensee as specified in Subsection (11). Alternatively,~~

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

~~(9) Licensees who lecture in approved continuing education courses shall receive two hours of continuing education for each hour spent lecturing. However, no lecturing or teaching credit is available for participation in a panel discussion.~~

~~(10) A course provider shall submit continuing education courses for approval to the continuing education registry and shall submit verification of attendance and completion on behalf of licensees attending and completing the program directly to the continuing education registry in the format required by the continuing education registry.~~

~~(11) 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.~~

~~(12) Continuing Education Registry.~~

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

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

~~(i) through its internet site electronically receive applications from continuing education course providers and shall submit the application for course approval to the Division for review and approval of only those programs which meet the standards set forth under this section;~~

~~(ii) publish on its website listings of continuing education programs which 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. The Continuing Education Registry may charge a reasonable fee to continuing education providers or licensees for services provided for review and approval of continuing education programs.]~~

R156-55b-401. Conduct of Apprentice and Supervising Electrician.

~~[(1) The conduct of licensed apprentice electricians and their licensed supervisors shall be in accordance with] The requirements of Subsections 58-55-302(3)(j) and 58-55-102(34) are clarified as follows: [, Sections 58-55-501, 58-55-502, and R156-55b-501.~~

~~(2) For the purposes of Subsections 58-55-102(31), 58-55-302(3)(j) and 58-55-501(12), one of the following shall apply:~~

~~(a) the supervisor and apprentice employees shall be employees of the same electrical contractor;~~

~~(b) the~~ (1) An electrical contractor may comply with supervision and ratio requirements by contracting~~[contract]~~ with a licensed professional employer organization to employ one or more licensed electricians~~[such persons]~~.

(~~[3]~~2) An apprentice in the fifth ~~[fourth through sixth year of training may work without supervision for a period not to exceed eight hours in any 24-hour period. In the seventh]~~ and succeeding years of training~~[the nonsupervision provision no longer applies and the apprentice]~~ shall be under immediate supervision~~[-as set forth in Subsection 58-55-302(3)(j)]~~.

R156-55b-501. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) failing ~~[as a licensee]~~ to comply with the supervision requirements established by Subsection 58-55-302(3)(j).

(2) failing ~~[as a licensee to carry a copy of a]~~ to timely provide upon request the licensee's current electrician license or license number~~[at all times]~~ when performing electrical work; or

(3) ~~[failing as an electrical contractor to certify an electrician's hours and breakdown of work experience by category when requested by an electrician who is or has been an employee, and~~

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

KEY: occupational licensing, licensing, contractors, electricians

Date of Enactment or Last Substantive Amendment: ~~[March 27, 2017]~~ 2019

Notice of Continuation: August 8, 2016

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

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: 43423 Date filed: 12/6/2018
State Admin Rule Filing Id: _____ Time filed: _____

	Agency No.	Rule No.	Section No.
Utah Admin. Code Ref (R no.):	R 156	- 55c	-
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: Steve Duncombe Phone: 801-530-6235 Fax: 801-530-6511 E-mail: sduncombe@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):

Plumber Licensing Act Rule

3. Type of notice:

New _____; Amendment XXX Repeal _____; Repeal and Recraft _____

4. Purpose of the rule or reason for the change:

This filing is recommended by the Plumbers Licensing Board and the Construction Services Commission to clarify current requirements and conform the rule to current practices in the industry. Additionally, this filing removes certain requirements that the Board and the Commission have found to be outdated and unnecessarily arduous.

5. This change is a response to comments from the Administrative Rules Review Committee.

No XXXX Yes _____

6. Summary of the rule or change:

Section R156-55c-102: The amendments to Subsection (1) clarify the definition of "Immediate supervision", to maintain a direct line of sight. Section R156-55c-302a: The amendments to this Section make non-substantive formatting changes to clarify all of the current education and experience requirements for the respective license classifications. Amendments to this section also include the removal of the minimum hour requirements for work process previously required and referred to in Tables I, and II. Section R156-55c-302b: The amendments to this Section: (1) make non-substantive formatting changes to clarify the current examination requirements for the respective license classifications; (2) extend the 25-day waiting period after a failed exam to a 30-day waiting period, to alleviate confusion and create parity among the standards for all contractor professions; and (3) delete the requirement that an applicant pass all exams within a one-year period (the one-year "rolling clock" requirement), as this restriction was deemed unnecessary and onerous. Section R156-55c-304: The amendments to this Section make formatting changes for clarity, including streamlining the rule by removing duplicative continuing education requirements that are already stated in R156-55a-303b. Section R156-55c-401: The amendments to Subsection (1) clarify that a plumbing contractor may contract with licensed professional employer organizations to employ one or more licensed plumbers. Section R156-55c-501: The amendments to this section update the definition of "unprofessional conduct" to reflect a new standard being implemented across all contractor professions - instead of the licensee being required to carry a copy of their current license at all times, the licensee must provide the license or license number upon request. These amendments also delete as "unprofessional conduct" "failing as a plumbing contractor to certify a plumber's hours and breakdown of work experience by category when requested by a plumber who is or has been an employee," as this is a conduct specific to a contractor and will be included as unprofessional conduct in Section R156-55a-501.

7. **Aggregate anticipated cost or savings to:**

A) State budget:

Affected: No ☐; Yes ☒ XXXX

Most of these proposed changes update definitions and ensure that the rule encompasses current requirements and practices in the profession, and make formatting changes for clarity. Accordingly, none of these amendments will impact state government revenues or expenditures. The amendments to Section R156-55c-302b that extend the 25-day waiting period after a failed exam to a 30-day waiting period are not expected to impact existing state practices or procedures and will therefore have no impact on state government revenues or expenditures. The amendments to Section R156-55c-302b that delete the requirement that an applicant pass all exams within a one-year period (the one-year "rolling clock" requirement), are not expected to impact state government revenues or expenditures as the examinee may still take each exam up to five times per year, and the changes will have no impact on state practices or procedures. No other fiscal impact to the state is expected, beyond a minimal cost to the Division of approximately \$75 to print and distribute the Plumbers Licensing Act Rule once the amendments are made effective.

B) Local government:

Affected: No ☒ XXXX Yes ☐

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

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

Affected: No ☐; Yes ☒ XXXX

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

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 XXXX

The persons that may potentially be affected by these amendments will be Utah licensed master plumbers, residential master plumbers, journeyman plumbers, residential journeyman plumbers, and apprentice plumbers engaged in plumbing work, and applicants from other jurisdictions who wish to become licensed as residential journeyman plumbers or higher in Utah. The proposed changes that update definitions and ensure that the rule encompasses current requirements and practices in the profession and that make formatting changes for clarity are not expected to impact these other persons as the changes will not change the quantity or number of exchanges between any persons. The amendments to Section R156-55c-302b that extend the 25-day waiting period after a failed exam to a 30-day waiting period are also not expected to impact these persons as any examinee may still take each exam the same amount of times per year. The amendment to Section R156-55c-302b deleting the requirement that an applicant pass all licensing exams within a one-year period (the one-year "rolling clock" requirement) is expected to create a fiscal benefit for many of these other persons if it results in their becoming licensed at a higher level, and/or eliminates the cost to them of retaking licensing exams that they have already passed and reduces a delay in their becoming licensed at a higher level. However, the full impact cannot be estimated because it will depend on the unique licensing and employment choices made by each individual person, and this relevant data is unavailable and the cost of acquiring the data is prohibitively expensive.

8. Compliance costs for affected persons:

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

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

These proposed amendments are recommended by the Plumbers Licensing Board and the Construction Services Commission to clarify current requirements and conform the rule to current practices in the industry. Additionally, this filing removes certain requirements that the Board and the Commission have found to be outdated and unnecessarily onerous. Small Business. The proposed changes that update definitions and ensure that the rule encompasses current requirements and practices in the profession, and make formatting changes for clarity, are not expected to impact small business as they will not change the quantity or number of exchanges between any persons.

The amendments to Section R156-55c-302b that extend the 25-day waiting period after a failed exam to a 30-day waiting period are also not expected to impact small business as the examinee may still take each exam the same amount of times per year. The amendment to Section R156-55c-302b deleting the requirement that an applicant pass all exams within a one-year period (the one-year "rolling clock" requirement) is expected to create a fiscal benefit for the estimated 1,139 small businesses that may be impacted (NAICS 238221 and 238222). With this change, all applicants for licensure may seek licensure as soon as they have passed all of their exams, regardless of when they passed their exams. Currently, many of these applicants need to retake exams they have already passed because the date they took the exam is outside of the one-year rolling clock period. Accordingly, this proposed amendment is expected to significantly reduce current delays in many individuals becoming licensed, and is also expected to encourage many individuals to become licensed at a higher level. Small businesses will therefore be able to more easily hire journeyman plumbers, residential journeyman plumbers, master plumbers, and residential master plumbers. Additionally, newly licensed master plumbers may be able to create their own small businesses or serve as qualifiers for other small businesses. The Division estimates that this will result in an ongoing fiscal benefit for small business. However, the full impact cannot be estimated because it will depend on the unique licensing and employment choices made by each individual applicant, as well as on the characteristics of each small business, and this relevant data is unavailable and the cost of acquiring the data is prohibitively expensive. The amendments to R156-55c-501 which amend the definition of "unprofessional conduct" have no fiscal impact to small business. Non-small businesses. There are 42 non-small businesses in Utah in the plumbing contractor industry in question (NAICS 238221 and NAICS 238222). The proposed rule changes are expected to have the same fiscal impacts, or lack thereof, as described above in the fiscal impacts for small businesses.

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

Francine A. Gianl, 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

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

	First Incorporation	Second Incorporation
Official Title of Materials Incorporated (from title page)		
Publisher		
Date Issued		
Issue, or version		
ISBN Number (optional)		
ISSN Number (optional)		
Cost of Incorporated Reference		
Action: Adds, updates, or removes		
(If this rule incorporates more than two items by reference, please attach additional pages)		

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

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

01/31/2019

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

On (mm/dd/yyyy):

01/30/2019

At (hh:mm AM/PM):

9:00 AM

At (place):

160 East 300 South, Conference Room 474
(4th floor), Salt Lake City, Utah

- 13 This rule change may become effective on (mm/dd/yyyy):

02/07/2019

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

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

occupational licensing

licensing

plumbers

plumbing

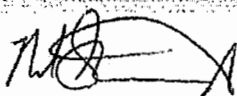
- 15 Attach an RTF document containing the text of this rule change (filename):

R156-55c.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)

12/5/2018

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
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses (50 or more employees)

There are 42 non-small businesses in Utah in the plumbing contractor industry in question (NAICS 238221, and NAICS 238222). The proposed changes that update definitions and ensure that the rule encompasses current requirements and practices in the profession, and make formatting changes for clarity, are not expected to impact these non-small businesses as they will not change the quantity or number of exchanges between any persons. The amendments to Section R156-55c-302b that extend the 25-day waiting period after a failed exam to a 30-day waiting period are also not expected to impact non-small business as examinees may still take each exam the same amount of times per year. The amendment to Section R156-55c-302b deleting the requirement that an applicant pass all exams within a one-year period (the one-year "rolling clock" requirement) is expected to create a fiscal benefit for these non-small businesses. With this change, all applicants for licensure may seek licensure as soon as they have passed all of their exams, regardless of when they passed their exams. Currently, many of these

applicants need to retake exams they have already passed because the date they took the exam is outside of the one-year rolling clock period. The applicants therefore experience a significant delay of weeks to months to even years in the ability to obtain their license. Other applicants, in particular apprentice plumber applicants who would like to achieve journeyman plumber status, often give up and never seek to increase their level of licensure because of the perceived difficulty and cost associated with trying to timely pass all of their plumbing exams. Accordingly, this proposed amendment is expected to significantly reduce current delays in many individuals becoming licensed, and is also expected to encourage many individuals to become licensed at a higher level. Non-small businesses will therefore be able to more easily hire journeyman plumbers, residential journeyman plumbers, master plumbers, and residential master plumbers. Additionally, newly licensed master plumbers may be able to create their own non-small businesses or serve as qualifiers for other non-small businesses. The Division estimates that this will result in an ongoing fiscal benefit for non-small business. However, the full impact cannot be estimated because it will depend on the unique licensing and employment choices made by each individual applicant, as well as on the characteristics of each non-small business, and this relevant data is unavailable and the cost of acquiring the data is prohibitively expensive.

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.

R156-55c. Plumber Licensing Act Rule.

R156-55c-102. Definitions.

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

(1) "Immediate supervision", as used in Subsections 58-55-102(5) and 58-55-102(23) and this rule, means the apprentice and the supervising plumber are physically present on the same project or job site but are not required to maintain a direct line of sight ~~[be within sight of one another]~~.

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

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

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

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

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

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

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

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

R156-55c-103. Authority - Purpose.

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

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

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

(1) Master Plumber:

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

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

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

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

(2) Residential Master Plumber:

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

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

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

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

(3) Journeyman Plumber:

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

(i) at least 576 hours (four years, 144 hours per year) of a planned program of training that meets the requirements of Subsection (5); and

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

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

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

(i) at least one year (2,000 hours) of full-time work experience in industrial or commercial plumbing while licensed as an Apprentice Plumber; and

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

(4) Residential Journeyman Plumber:

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

(i) at least 432 hours (three years, 144 hours per year) of a planned program of training that meets the requirements of Subsection (5); and

(ii) at least 6,000 hours (three years) of work experience as a licensed Apprentice Plumber.

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

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

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

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

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

(ii) is conducted by competent qualified staff;

(iii) is conducted by an entity approved by:

(A) the Utah Board of Regents;

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

(C) a similar out-of-state body that approves formal classroom education in plumbing; and

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

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

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

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

(6) As used in Subsections 58-55-302(3)(c) and (d) and this rule, "full-time training", "full-time experience", "work experience", and "full-time work experience" mean work experience that is lawfully performed preceding the date of application, in accordance with all licensing and supervision requirements and the terms and conditions of Subsection R156-55a-302b(2)(a)(i) through (iii), (2)(b), and (2)(c).

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

(8) As used in Subsections 58-55-302(3)(c) and (d) and this rule, "supervisory experience" means experience supervising a licensed plumber that is lawfully performed preceding the date of application, in accordance with all licensing and supervision requirements and the terms and conditions of Subsections R156-55a-302b(2)(a)(i) through (iii), (2)(b), and (2)(c).

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

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

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

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

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

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

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

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

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

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

~~TABLE I~~

~~Training and Instruction~~

Work Process	Minimum Hours
A. Use of hand tools, equipment and pipe machinery	200
B. Installation of piping for waste, soil, sewer and vent lines	2,000
C. Installation of hot and cold water for domestic purposes	1,400
D. Installation and setting of plumbing appliances and fixtures	1,200
E. Maintenance and repair of plumbing	600
F. General pipe work including process and industrial hours	600
G. Gas piping or service piping	400
H. Welding, soldering and brazing	

as it applies to the trade

I. Service and maintenance of gas

controls and equipment

J. Hydraulics piping and equipment

installation

K. Fire suppression system installation

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

(a) (i) 6,000 hours of training and instruction in not less than three years that meets the requirements of subsections R156-55c-302a(4) and (6); (ii) the 6,000 hours shall include 432 clock hours of related classroom instruction that meets the requirements of subsection R156-55c-302a(5);

(iii) the 6,000 hours shall be obtained while licensed as an

apprentice plumber;

(iv) the apprenticeship shall include on the job training and

instruction in eight of the ten work process areas listed in Table II, and

(v) the hours obtained in any work process area shall include at

least the number of hours listed in Table II.

(b) (i) 12,000 hours of experience in not less than six years which

has been documented using a form provided by the Division;

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

plumber;

(iii) at least 9,000 hours of experience shall be directly involved

in the plumbing trade;

(iv) the hours shall be in eight of the ten work process areas listed

in Table II, and

(v) the hours obtained in any work process area shall include at

least the number of hours listed in Table II.

TABLE II

Training and Instruction

Minimum

Work Process

A. Use of hand tools, equipment and

pipe machinery

B. Installation of piping for waste,

soil, sewer and vent lines

C. Installation of hot and cold water for domestic purposes	1,200
D. Installation and setting of plumbing appliances and fixtures	800
E. Maintenance and repair of plumbing	600
F. Gas piping or service piping	400
G. Service and maintenance of gas controls and equipment	100
H. Welding, soldering and brazing as it applies to the trade	100
I. Hydronics piping and equipment installation	300
J. Fire suppression system installation	100

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

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

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

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

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

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

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

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

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

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

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

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

(1) a Master Plumber applicant shall pass:

(a) the Utah Master Plumber Theory Exam; and

(b) the Utah Master Plumber Practical Exam.

(2) a Residential Master Plumber applicant shall pass:

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

(b) the Utah Residential Master Plumber Practical Exam.

(3) a Journeyman Plumber applicant shall pass:

(a) the Utah Journeyman Plumber Theory Exam; and

(b) the Utah Journeyman Plumber Practical Exam.

(4) a Residential Journeyman Plumber applicant shall pass:

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

(b) the Utah Residential Journeyman Plumber Practical Exam.

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

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

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

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

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

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

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

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

(6) An applicant shall obtain:

(a) a "pass" grade on the Practical Exam; and

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

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

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

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

[R156-55c-302c. Qualifications for Licensure - Master Supervisory Experience and Education Requirements:

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

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

(a) supervising employees: 700 hours;

(b) supervising construction projects: 700 hours;

(c) cost/price management: 300 hours; and

(d) miscellaneous construction experience: 300 hours in any one or more of the following: accounting/financial principles, contract negotiations, conflict resolutions, marketing, human resources and government regulation pertaining to business and the construction trades.

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

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

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

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

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

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

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

(i) Middle States Association of Colleges and Schools;

(ii) New England Association of Colleges and Schools;

(iii) North Central Association of Colleges and Schools;

(iv) Northwest Commission on Colleges and Universities;

(v) Southern Association of Colleges and Schools; or

- ~~(vi) Western Association of Schools and Colleges.~~
- ~~(b) The degree shall be in one of the following courses of study:~~
- ~~(i) accounting,~~
- ~~(ii) apprenticeship,~~
- ~~(iii) business management,~~
- ~~(iv) communications,~~
- ~~(v) computer systems and computer information systems,~~
- ~~(vi) construction management,~~
- ~~(vii) engineering,~~
- ~~(viii) environmental technology,~~
- ~~(ix) finance,~~
- ~~(x) human resources, or~~
- ~~(xi) marketing.]~~

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

Standards for continuing education shall be in accordance with R156-55a-303b(1)(e) and (2) through (10), except as otherwise provided in this section.

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

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

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

(b) the Americans with Disability Act;

(c) medical gas, National Fire Protection Association 13D and 54; [
and] or

(d) hydronics and waste water treatment.

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

(a) energy conservation[7];

(b) management training[7];

(c) new technology[7];

(d) plan reading; [~~and~~]

([b]e) lien laws and Utah construction registry;

([c]f) Occupational Safety and Health Administration (OSHA) training;
[and] or

([d]g) government regulations.

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

~~(a) mechanical office and business skills, such as typing, speed reading, memory improvement, and report writing,~~

~~(b) physical well-being or personal development, such as personal motivation, stress management, time management, or dress for success,~~

~~— (c) presentations by a supplier or a supplier representative to promote a particular product or line of products, and~~

~~— (d) meetings held in conjunction with the general business of the licensee or employer.]~~

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

(a) [waive the continuing education requirements for a licensee that is] an instructor of [an approved education apprenticeship] a planned program of training under Subsection R156-55c-302a(5); [-or]

(b) a board member who regularly attends Plumbers Licensing Board meetings; and

([b]c) any licensee [waive or defer the continuing education requirements] as provided in Section R156-1-308d.

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

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

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

([i]a) a recognized accredited college or university;

([ii]b) a state or federal agency;

([iii]c) a professional association or organization involved in the construction trades; or

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

([c]6) Content. [The]Course content [of the course] shall be relevant to the practice of the plumbing trade and consistent with [the]Utah laws and rules [-of this state].

~~— (d) Objectives. The learning objectives of the course shall be reasonably and clearly stated.~~

~~— (e) Teaching Methods. The course shall be presented in a competent, well organized and sequential manner consistent with the stated purpose and objective of the program.~~

~~— (f) Faculty. The course shall be prepared and presented by individuals who are qualified by education, training, and experience.~~

~~— (g) Distance learning. A course that is provided through internet or home study courses may be recognized for continuing education if the course verifies registration and participation in the course by means of a passing a test demonstrating that the participant has learned the material presented. Test questions shall be randomized for each participant.~~

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

~~(1) the date of the course;~~
~~(11) the name of the course provider;~~
~~(111) the name of the instructor;~~
~~(1V) the course title;~~
~~(V) the hours of continuing education credit;~~
~~(VI) the attendee's name;~~
~~(VII) the attendee's license number; and~~
~~(VIII) the signature of the course provider.~~
~~(7) On a random basis, the Division may assign monitors at no charge to attend a course for the purpose of evaluating the course and the instructor.~~
~~(8) Each licensee shall maintain adequate documentation as proof of compliance with this section, such as certificates of completion, course handouts, and materials. The licensee shall retain this proof for a period of three years from the end of the renewal period for which the continuing education is due. Each licensee shall assure that the course provider has submitted the verification of attendance to the continuing education registry on behalf of the licensee as specified in subsection (10).~~
~~Alternatively, the licensee may submit the course for approval and pay any course approval fees and attendance recording fees.~~
~~(9) Licensees who lecture in approved continuing education courses shall receive two hours of continuing education for each hour spent lecturing. However, no lecturing or teaching credit is available for participation in a panel discussion.~~
~~(10) A course provider shall submit to the continuing education registry, in the format required by the continuing education registry:~~
~~(a) applications for approval of continuing education courses; and~~
~~(b) on behalf of each licensee, verification of the licensee's attendance and completion of a continuing education course.~~
~~(11) The Division shall review continuing education courses which have been submitted through the continuing education registry and approve only those courses that meet the standards set forth under this section.~~
~~(12) Continuing Education Registry.~~
~~(a) The Division shall designate an entity to act as the continuing Education Registry under this rule.~~
~~(b) The Continuing Education Registry, in consultation with the Division and the Commission, shall:~~
~~(1) through its internet site electronically receive applications for course approval from continuing education course providers, and submit to the Division for review and approval only those courses which meet the standards set forth under this section;~~
~~(11) publish on its website listings of continuing education courses approved by the Division, which meet the standards for continuing education credit under this rule;~~
~~(111) maintain accurate records of approved qualified continuing education courses;~~

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

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

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

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

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

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

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

~~(b) the]A plumbing contractor may comply with the supervision and ratio requirements of Subsection 58-55-302(3)(e) and 58-55-501(12) by contracting[contract] with a licensed professional employer organization to employ one or more licensed plumbers[such persons].~~

R156-55c-501. Unprofessional Conduct.

"Unprofessional conduct" includes:

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

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

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

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

KEY: occupational licensing, licensing, plumbers, plumbing

Date of Enactment or Last Substantive Amendment: ~~[April 10, 2017]~~ 2019

Notice of Continuation: August 8, 2016

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

DAMAGE TO UNDERGROUND FACILITIES AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts and amends provisions related to the damage of underground utility facilities in the Public Utilities Code.

Highlighted Provisions:

This bill:

- defines duties and liabilities between an operator and excavator in the damage of an underground utility facility;
- establishes required deadlines and procedures related to arbitration in the damage of an underground utility facility;
- makes changes to the membership of the Underground Facilities Damage Dispute Board; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

54-8a-6, as last amended by Laws of Utah 2011, Chapter 426

54-8a-8, as last amended by Laws of Utah 2011, Chapter 426



28 **54-8a-13**, as last amended by Laws of Utah 2010, Chapter 286

29 ENACTS:

30 **54-8a-6.5**, Utah Code Annotated 1953

31

32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **54-8a-6** is amended to read:

34 **54-8a-6. Duties and liabilities of an excavator.**

35 (1) Damage to an underground facility by an excavator who excavates but fails to
36 comply with Section 54-8a-4, is prima facie evidence that the excavator is liable for any
37 damage caused by the negligence of that excavator.

38 (2) (a) An excavator is not liable for a civil penalty under this chapter if the excavator
39 has:

40 (i) given proper notice of the proposed excavation as required in this chapter;

41 (ii) marked the area of the proposed excavation as required in Section 54-8a-4;

42 (iii) complied with Section 54-8a-5.5; and

43 (iv) complied with Section 54-8a-7.

44 (b) An excavator is liable for damage incurred by an operator if:

45 (i) the operator complies with Section 54-8a-5; and

46 (ii) the damage occurs within 24 inches of the operator's markings or the physical
47 presence of an above ground facility, including a manhole, meter, or junction box.

48 (3) A person licensed under Title 58, Chapter 55, Utah Construction Trades Licensing
49 Act, that violates this chapter shall be considered to have engaged in unlawful conduct as
50 defined in Subsection 58-55-501(16)(a).

51 Section 2. Section **54-8a-6.5** is enacted to read:

52 **54-8a-6.5. Duties and liabilities of an operator.**

53 An operator is liable for damage incurred by an excavator if:

54 (1) the excavator complies with this chapter; and

55 (2) the operator fails to comply with this chapter.

56 Section 3. Section **54-8a-8** is amended to read:

57 **54-8a-8. Civil penalty for damage -- Exceptions -- Other remedies.**

58 (1) A civil penalty may be imposed for a violation of this chapter as provided in this

59 section.

60 (2) A civil penalty under this section may be imposed on:

61 (a) any person who violates this chapter in an amount no greater than \$5,000 for each
62 violation with a maximum civil penalty of \$100,000 per excavation; or

63 (b) an excavator who fails to provide notice of an excavation in accordance with
64 Section 54-8a-4 in an amount no greater than \$500 in addition to the amount under Subsection
65 (2)(a).

66 (3) Notwithstanding Subsection (2)(a), a penalty under this chapter may not be
67 imposed on an excavator or operator unless the excavator or operator fails to comply with this
68 chapter and damages an underground facility.

69 (4) The amount of a civil penalty under this section shall be made taking into
70 consideration the following:

71 (a) the excavator's or operator's history of any prior violation or penalty;

72 (b) the seriousness of the violation;

73 (c) any discharge or pollution resulting from the damage;

74 (d) the hazard to the health or safety of the public;

75 (e) the degree of culpability and willfulness of the violation;

76 (f) any good faith of the excavator or operator; and

77 (g) any other factor considered relevant, including the number of past excavations
78 conducted by the excavator, the number of location requests made by the excavator and the
79 number of location markings made for the excavator or by the operator.

80 (5) "Good faith," as used in Subsection (4)(f), includes actions taken before the filing
81 of an action for civil penalty under this section to:

82 (a) remedy, in whole or in part, a violation of this chapter; or

83 (b) mitigate the consequences and damages resulting from a violation of this chapter.

84 (6) (a) A civil penalty may not be imposed on an excavator if the damage to an
85 underground facility results from an operator's:

86 (i) failure to mark; or

87 (ii) inaccurate marking or locating of the operator's underground facilities.

88 (b) In addition to or in lieu of part of or all of a civil penalty, the excavator or operator
89 may be required to undertake actions that are designed to prevent future violations of this

chapter, including attending safety and compliance training, improving internal monitoring and compliance processes and procedures, or any other action that may result in compliance with this chapter.

(7) Subsection (1) does not apply to an excavation made:

(a) during an emergency, if reasonable precautions are taken to protect any underground facility;

(b) in agricultural operations;

(c) for the purpose of finding or extracting natural resources; or

(d) with hand tools on property owned or occupied by the excavator.

(8) (a) A civil penalty under this section is in addition to any damages that an operator or an excavator may seek to recover.

(b) In an action brought under this section, the prevailing party shall be awarded its costs and attorney fees as determined by the court.

(9) As a condition precedent to an operator or excavator seeking compensation from the other for damages, arising from a violation of this chapter, not including personal injury damages, the aggrieved party shall:

(a) give written notice to the party allegedly at fault within 45 days of the date the aggrieved party became aware of the occurrence of said damages notifying the party allegedly at fault of the nature of the damages, if known;

(b) send the party allegedly at fault a bill for the alleged damages within 180 days from the notice set forth in Subsection (9)(a); and

(c) commence an action against the party allegedly at fault by demanding arbitration under Section 54-8a-13 or as otherwise allowed by law within one year from the later of:

(i) the bill being sent under Subsection (9)(b); or

(ii) 60 days after the repairs are completed and invoiced.

(10) Either party is excused from the notice requirements set forth in Subsection (9) if the other party fails to comply with the requirements of this chapter.

Section 4. Section **54-8a-13** is amended to read:

54-8a-13. Underground Facilities Damage Dispute Board -- Arbitration -- Relationship with Public Service Commission.

(1) There is created within the commission the Underground Facilities Damage

- 121 Dispute Board to arbitrate a dispute arising from:
- 122 (a) an operator's or excavator's violation of this chapter; and
- 123 (b) damage caused by excavation during an emergency.
- 124 (2) The board consists of ~~[five]~~ seven members appointed by the governor as follows:
- 125 (a) ~~[one member]~~ two members from a list of names provided to the governor by [a
- 126 ~~group~~] the association established under Section 54-8a-9 representing operators;
- 127 (b) one member from a list of names provided to the governor by the Associated
- 128 Builders and Contractors;
- 129 ~~[(b)]~~ (c) one member from a list of names provided to the governor by the Associated
- 130 General Contractors;
- 131 ~~[(c)]~~ (d) one member from a list of names provided to the governor by Blue Stakes of
- 132 Utah;
- 133 ~~[(d)]~~ (e) one member from a list of names provided to the governor by the Utah Home
- 134 Builders Association; and
- 135 ~~[(e)]~~ (f) one member from the Division of Public Utilities.
- 136 (3) (a) A member of the board:
- 137 (i) shall be appointed for a three-year term; and
- 138 (ii) may continue to serve until the member's successor takes office.
- 139 (b) At the time of appointment, the governor shall stagger the terms of the members to
- 140 ensure that approximately 1/3 of the members of the board are reappointed each year.
- 141 (c) A vacancy in the board shall be filled:
- 142 (i) for the unexpired term; and
- 143 (ii) in the same manner as the board member is initially appointed.
- 144 (d) The board shall select an alternate for a specific board member to serve on a
- 145 specific case if it becomes necessary to replace a member who has a conflict of interest because
- 146 a dispute involves that member or that member's employer.
- 147 (4) ~~[Three]~~ Four members of the board constitute a quorum.
- 148 (5) The board may, upon agreement of the disputing parties, arbitrate a dispute
- 149 regarding damages, not including personal injury damages, arising between:
- 150 (a) an operator;
- 151 (b) an excavator;

152 (c) a property owner; or

153 (d) any other interested party.

154 [~~(6)~~ At least four members of the board shall be present and vote on an arbitration
155 decision.]

156 [~~(7)~~ (6) An arbitration before the board shall be consistent with Title 78B, Chapter 11,
157 Utah Uniform Arbitration Act.

158 [~~(8)~~ (7) The prevailing party in an arbitration conducted under this section shall be
159 awarded its costs and attorney fees in an amount determined by the board.

160 [~~(9)~~ (8) A member may not receive compensation or benefits for the member's service,
161 but may receive per diem and travel expenses in accordance with:

162 (a) Section 63A-3-106;

163 (b) Section 63A-3-107; and

164 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
165 63A-3-107.

166 [~~(10)~~ (9) The commission shall provide administrative support to the board.

OCCUPATIONAL LICENSING MODIFICATIONS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Eric K. Hutchings

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Division of Occupational and Professional Licensing (DOPL) Act.

Highlighted Provisions:

This bill:

- provides for an individual with a criminal conviction to apply to the Division of Occupational and Professional Licensing for a determination of whether the individual's criminal history would disqualify the individual from receiving a specific occupational or professional license if all other requirements were met;
- describes the contents of such an application; and
- describes DOPL's responsibilities in responding to such an application.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

58-1-310, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:



28 Section 1. Section **58-1-310** is enacted to read:

29 **58-1-310. Application for division determination regarding criminal conviction.**

30 (1) An individual with a criminal record may apply to the division at any time for a
31 determination of whether the individual's criminal record would disqualify the individual from
32 obtaining a license in an occupation or profession regulated by this title if the individual has
33 completed or were to complete all other licensing requirements for the occupation or
34 profession.

35 (2) To receive a determination, the individual shall submit the application described in
36 this section in a form prescribed by the division and shall include information regarding:

- 37 (a) the individual's complete criminal conviction history;
38 (b) what occupational or professional license the individual is interested in seeking;
39 (c) what licensing requirements have been met by the individual;
40 (d) what licensing requirements have not yet been met by the individual; and
41 (e) any other information required by the division as established by division rule made
42 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

43 (3) The division may charge the individual a fee, established in accordance with
44 Section 63J-1-504, to submit an application under this section.

45 (4) Within 30 days of the day on which the division receives a completed application
46 from an individual for a determination under this section, based on the statutory authority and
47 administrative rules governing the occupation or profession at the time of the application, the
48 division shall provide a written determination to the individual of whether the individual's
49 criminal record would disqualify the individual from obtaining a license in an occupation or
50 profession regulated by this title if the individual were to complete all other licensing
51 requirements.

52 (5) If the individual's criminal record would disqualify the individual from obtaining a
53 license in an occupation or profession regulated by this title, the written determination
54 described in Subsection (4) may also include information regarding additional steps the
55 individual could take to qualify for licensure.

PROFESSIONAL LICENSING AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Schultz

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill modifies provisions of the Utah Construction Trades Licensing Act.

Highlighted Provisions:

This bill:

- modifies testing, course work, and experience requirements for certain contractor licenses.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:****58-55-302**, as last amended by Laws of Utah 2017, Chapter 411

*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **58-55-302** is amended to read:**58-55-302. Qualifications for licensure.**

(1) Each applicant for a license under this chapter shall:

(a) submit an application prescribed by the division;

(b) pay a fee as determined by the department under Section 63J-1-504;



(c) ~~[(f)]~~ meet the examination requirements established by this section and by rule by the commission with the concurrence of the director, [except that no examination, other than an examination as part of a 25-hour course described in Subsection (1)(e)(iii), is required for licensure as an apprentice electrician, apprentice plumber, or specialty contractor; or] which requirements include:

(i) for licensure as an apprentice electrician, apprentice plumber, or specialty contractor, no division-administered examination is required;

(ii) for licensure as a general building contractor, general engineering contractor, residential and small commercial contractor, general plumbing contractor, residential plumbing contractor, general electrical contractor, or residential electrical contractor, the only required division-administered examination is a division-administered examination that covers information from the 25-hour course described in Subsection (1)(e)(iii), which course may have been previously completed as part of applying for any other license under this chapter, and the five-hour business law course described in Subsection (1)(e)(iv); and

~~[(f)]~~ (iii) if required in Section 58-55-304, ~~[the]~~ an individual qualifier must pass the required division-administered examination if the applicant is a business entity;

(d) if an apprentice, identify the proposed supervisor of the apprenticeship;

(e) if an applicant for a contractor's license:

(i) produce satisfactory evidence of financial responsibility, except for a construction trades instructor for whom evidence of financial responsibility is not required;

(ii) produce satisfactory evidence of:

(A) except as provided in Subsection (2)(a), and except that no employment experience is required for licensure as a specialty contractor, two years full-time paid employment experience in the construction industry, which employment experience ~~[may be related to any contracting classification unless more specifically described in this section]~~, unless more specifically described in this section, may be related to any contracting classification and does not have to include supervisory experience; and

(B) knowledge of the principles of the conduct of business as a contractor, reasonably necessary for the protection of the public health, safety, and welfare;

(iii) except as otherwise provided by rule by the commission with the concurrence of the director, complete a 25-hour course established by rule by the commission with the

59 concurrence of the director, which is taught by an approved prelicensure course provider, and
60 which course may include:

61 (A) construction business practices;

62 (B) bookkeeping fundamentals;

63 (C) mechanics lien fundamentals;

64 (D) other aspects of business and construction principles considered important by the
65 commission with the concurrence of the director; and

66 (E) for no additional fee, ~~[an]~~ a provider-administered examination at the end of the
67 25-hour course;

68 (iv) complete a five-hour business and law course established by rule by the
69 commission with the concurrence of the director, which is taught by an approved prelicensure
70 course provider, if an applicant for licensure as a general building contractor, general
71 engineering contractor, residential and small commercial contractor, general plumbing
72 contractor, residential plumbing contractor, general electrical contractor, or residential
73 electrical contractor;

74 ~~[(iv)]~~ (v) (A) be a licensed master electrician if an applicant for an electrical
75 contractor's license or a licensed master residential electrician if an applicant for a residential
76 electrical contractor's license;

77 (B) be a licensed master plumber if an applicant for a plumbing contractor's license or
78 a licensed master residential plumber if an applicant for a residential plumbing contractor's
79 license; or

80 (C) be a licensed elevator mechanic and produce satisfactory evidence of three years
81 experience as an elevator mechanic if an applicant for an elevator contractor's license; and

82 ~~[(v)]~~ (vi) when the applicant is an unincorporated entity, provide a list of the one or
83 more individuals who hold an ownership interest in the applicant as of the day on which the
84 application is filed that includes for each individual:

85 (A) the individual's name, address, birth date, and social security number; and

86 (B) whether the individual will engage in a construction trade; and

87 (f) if an applicant for a construction trades instructor license, satisfy any additional
88 requirements established by rule.

89 (2) (a) If the applicant for a contractor's license described in Subsection (1) is a

building inspector, the applicant may satisfy Subsection (1)(e)(ii)(A) by producing satisfactory evidence of two years full-time paid employment experience as a building inspector, which shall include at least one year full-time experience as a licensed combination inspector.

(b) After approval of an applicant for a contractor's license by the applicable board and the division, the applicant shall file the following with the division before the division issues the license:

(i) proof of workers' compensation insurance which covers employees of the applicant in accordance with applicable Utah law;

(ii) proof of public liability insurance in coverage amounts and form established by rule except for a construction trades instructor for whom public liability insurance is not required; and

(iii) proof of registration as required by applicable law with the:

(A) Department of Commerce;

(B) Division of Corporations and Commercial Code;

(C) Unemployment Insurance Division in the Department of Workforce Services, for purposes of Title 35A, Chapter 4, Employment Security Act;

(D) State Tax Commission; and

(E) Internal Revenue Service.

(3) In addition to the general requirements for each applicant in Subsection (1), applicants shall comply with the following requirements to be licensed in the following classifications:

(a) (i) A master plumber shall produce satisfactory evidence that the applicant:

(A) has been a licensed journeyman plumber for at least two years and had two years of supervisory experience as a licensed journeyman plumber in accordance with division rule;

(B) has received at least an associate of applied science degree or similar degree following the completion of a course of study approved by the division and had one year of supervisory experience as a licensed journeyman plumber in accordance with division rule; or

(C) meets the qualifications determined by the division in collaboration with the board to be equivalent to Subsection (3)(a)(i)(A) or (B).

(ii) An individual holding a valid Utah license as a journeyman plumber, based on at least four years of practical experience as a licensed apprentice under the supervision of a

licensed journeyman plumber and four years as a licensed journeyman plumber, in effect immediately prior to May 5, 2008, is on and after May 5, 2008, considered to hold a current master plumber license under this chapter, and satisfies the requirements of this Subsection (3)(a) for the purpose of renewal or reinstatement of that license under Section 58-55-303.

(iii) An individual holding a valid plumbing contractor's license or residential plumbing contractor's license, in effect immediately prior to May 5, 2008, is on or after May 5, 2008:

(A) considered to hold a current master plumber license under this chapter if licensed as a plumbing contractor and a journeyman plumber, and satisfies the requirements of this Subsection (3)(a) for purposes of renewal or reinstatement of that license under Section 58-55-303; and

(B) considered to hold a current residential master plumber license under this chapter if licensed as a residential plumbing contractor and a residential journeyman plumber, and satisfies the requirements of this Subsection (3)(a) for purposes of renewal or reinstatement of that license under Section 58-55-303.

(b) A master residential plumber applicant shall produce satisfactory evidence that the applicant:

(i) has been a licensed residential journeyman plumber for at least two years and had two years of supervisory experience as a licensed residential journeyman plumber in accordance with division rule; or

(ii) meets the qualifications determined by the division in collaboration with the board to be equivalent to Subsection (3)(b)(i).

(c) A journeyman plumber applicant shall produce satisfactory evidence of:

(i) successful completion of the equivalent of at least four years of full-time training and instruction as a licensed apprentice plumber under supervision of a licensed master plumber or journeyman plumber and in accordance with a planned program of training approved by the division;

(ii) at least eight years of full-time experience approved by the division in collaboration with the Plumbers Licensing Board; or

(iii) satisfactory evidence of meeting the qualifications determined by the board to be equivalent to Subsection (3)(c)(i) or (c)(ii).

Commission Report
December 2018

1/14/2019

	2015	2016	2017	2018	Dec-18
Administrative Filings	21	10	23	15	0
Referred to Bureau Manager for Informal Action	0	0	0	3	4
Administrative Denial Letters	0	0	0	16	0
Criminal Actions	24	7	13	24	0
Letter of Concern	26	31	19	5	2
Referred to Diversion	0	1	0	0	0
PR/Outreach	24	9	6	7	0
Cases Received	1229	1185	1373	1353	73
Case Assigned	1068	1026	1320	1344	73
Closed Cases	1249	1047	1438	1281	88
Citations Issued	753	698	714	783	44
Site Surveys	4629	4032	5210	5440	332
Building Inspectors	850	1239	1380	1173	110
MHRV Inspections	4	0	7	4	0
	2015	2016	2017	2018	Dec-18
Owner/Builder Permits Received	160	127	250	226	17
Owner/Builder Investigations	3	5	5	17	0

NOTES:

Administrative Action

Licensed Contractor has been paid \$118,000 for a project they were working on, but failed to pay 7 subcontractors. Money owed to the 7 subcontractors total \$52,692.05. The owner of the company stated that he is used to working with a bank that will hold the funds and then after they receive the invoices the bank would pay the bills. This project was different, where the Contractor received the money for the project, and it is up to him to keep the accounting of where the money was spent. One of the subcontractors is working with the Contractor attempting to help them get their books in order so they can the subcontractors. This case has been referred to Chris Rogers for Administrative Action.

Administrative Action

Licensed Contractor failed to take out the necessary Building Permits on a project for approximately 11 months. The homeowner stated the Contractor left the home a "mess", and the homeowner was awarded a Judgment against the Contractor for \$9,720. The Division received a second complaint against the Contractor where the homeowner stated she paid the Contractor \$20,000, but he only dug a hole, and in the process broke her sprinkler system. The homeowner's attorney told her it would cost her approximately \$20,000 to file with the Court. She had to pay to have another Contractor come to the project and finish the work. This case has been referred to Chris Rogers for Administrative Action.

Administrative Action

Licensed Contractor has failed to pay a supplier \$60,000 for materials. The Contractor stated that he is sitting on a home they cannot sale for a profit, therefore they cannot pay for the materials. During the investigation the Investigator found that the qualifier is living in Hawaii. The Investigator questioned the Contractor as to the involvement of the qualifier and was informed that they speak every day and the qualifier is up to date with everything that is going on. This case has been referred to Chris Rogers for Administrative Action.

Administrative Action

Licensed Contractor bid a project at \$36,000, and was given \$18,000. After the homeowner paid the Contractor, he also had to pay for the concrete. Approximately 2 weeks later, the homeowner was contacted by the supplier for the concrete forms and stated that the form rental had not been paid, and they were going to put a lien on the project. The homeowner tried to contact the Contractor, but was told that he went to Tonga. This case has been referred to Chris Rogers for Administrative Action.

Construction Trades Bureaus - Statistics FY2018-2019

FY Total Applications Processed
FY Total Audit Cases Opened
FY Total Audit Cases Closed
FY Total Disciplinary Actions
FY Total Fines Assessed

17,542
155
218
112
\$ 24,550.00

Prior Fiscal Year 2017-2018

FY	FY Total Applications Processed	FY Total Audit Cases Opened	FY Total Audit Cases Closed	FY Total Disciplinary Actions	FY Total Fines Assessed
2010	1,000	500	400	100	\$50,000
2011	1,200	600	500	120	\$60,000
2012	1,500	750	600	150	\$75,000
2013	1,800	900	700	180	\$90,000
2014	2,000	1,000	800	200	\$100,000
2015	2,200	1,100	900	220	\$110,000
2016	2,500	1,250	1,000	250	\$125,000
2017	2,800	1,400	1,100	280	\$140,000
2018	3,000	1,500	1,200	300	\$150,000
2019	3,200	1,600	1,300	320	\$160,000
2020	3,500	1,750	1,400	350	\$175,000
2021	3,800	1,900	1,500	380	\$190,000
2022	4,000	2,000	1,600	400	\$200,000
2023	4,200	2,100	1,700	420	\$210,000
2024	4,500	2,250	1,800	450	\$225,000
2025	4,800	2,400	1,900	480	\$240,000
2026	5,000	2,500	2,000	500	\$250,000
2027	5,200	2,600	2,100	520	\$260,000
2028	5,500	2,750	2,200	550	\$275,000
2029	5,800	2,900	2,300	580	\$290,000
2030	6,000	3,000	2,400	600	\$300,000

	37,428
	396
	407
	221
\$	149,750.00

		2018														20			
Disciplinary Action		July		August		September		October		November		December		January		February		March	
		Count	Amount	Count	Amount	Count	Amount	Count	Amount	Count	Amount	Count	Amount	Count	Amount	Count	Amount	Count	Amount
Undisputed	Default Sanctions	July CSC		40		1		14		12		December CSC							
	Default with Revocation	Cancelled		28		1		11		9		Cancelled							
	Defaults with Fines			14	\$ 8,000.00	1	\$ 1,000.00	4	\$ 2,000.00	3	\$ 2,000.00								
	Total Undisputed Fines				\$ 8,000.00		\$ 1,000.00		\$ 2,000.00		\$ 2,000.00								
Consented	Stipulations			14		5		6		11									
	Stipulations with Fines			6	\$ 2,250.00	0		4	\$ 1,300.00	4	\$ 5,500.00								
	Total Consented Fines				\$ 2,250.00				\$ 1,300.00		\$ 5,500.00								
Disputed	FOF/COL Order			3		1		2		3									
	Order with Fines			0		0		1	\$ 1,000.00	2	\$ 1,500.00								
	Order with Revocation			3		1		2		1									
	Total Disputed Fines								\$ 1,000.00		\$ 1,500.00								
	Total Disciplinary Actions	\$ -		57		7		22		26		\$ -		0		0		0	
	Total Fines	\$ -		\$ 10,250.00		\$ 1,000.00		\$ 4,300.00		\$ 9,000.00		\$ -		\$ -		\$ -		\$ -	
Dismissals	Dismissal Order			16		4		8		6		-							
Probation	Orders Ending Probation			7		2		4		5		-							
Reinstatement	Order Reinstating License			7		2		5		5		-							
	Audit Cases Opened	30		30		31		37		27									
	Audit Cases Closed	19		79		21		49		50									
	Applications Processed	1,553		1,772		1,876		4,722		7,619									