

**UTAH CONSTRUCTION TRADES  
LICENSING ACT RULE**

**R156-55a  
Utah Administrative Code  
Proposed May 28, 2013**

R156-55a-301(2) S202 update solar photovoltaic to comply with SB 208.

R156-55a-301(2) S211 update boiler scope of practice

R156-55a-302a(2) S211 update boiler to include trade examination

R156-55a-302b(3) S211 update boiler experience from 2 to 4 years

R156-55a-302b(5) update experience to require at least 2 years on all classification SB 102 – two  
classification previously only require a certification issued by third party

R156-55a-303b update continuing education requirements

R156-55a-602 update bond requirements resulting from SB 44

**R156-55a-301. License Classifications - Scope of Practice.**

- ...  
(2) Licenses shall be issued in the following primary classifications and subclassifications:

...  
S202 - Solar Photovoltaic Contractor. Fabrication, construction, installation, and replacement of photovoltaic cell panels and related components. Wiring, connections and wire methods as governed in the National Electrical Code and Subsection R156-55b-102(1) shall only be performed by an S200 General Electrical Contractor or S201 Residential Electrical Contractor. This classification is not required to install stand alone solar systems that do not tie into premises wiring or into the electrical utility, such as signage or street or parking lighting.

Except that as provided in 58-55-305(1)(o), a contractor issued this classification of licensure between January 1, 2009, and April 25, 2011, and for which the license is still active, may in addition to the above perform the following activities as part of their scope of practice under this subsection: fabrication, construction, installation, and repair of photovoltaic cell panels and related components including battery storage systems, distribution panels, switch gear, electrical wires, inverters, and other electrical apparatus for solar photovoltaic systems. Work excluded from this classification includes work on any alternating current system or system component.

...  
S211 - Boiler Installation Contractor. Fabrication and/or installation of fire-tube and water-tube power boilers and hot water heating boilers, including all fittings and piping, valves, gauges, pumps, radiators, converters, fuel oil tanks, fuel lines, chimney flues, heat insulation and all other devices, apparatus, and equipment related thereto in a closed system which is not connected to the culinary water system. Notwithstanding the foregoing, where water delivery for the closed system is connected to the culinary water system and separated from the culinary water system by a backflow prevention device, a contractor licensed under this subsection may connect the closed system to the backflow prevention device, which must be installed by an licensed plumber working for a licensed plumbing contractor.

...  
**R156-55a-302a. Qualifications for Licensure - Examinations.**

- ...  
(2) An approved trade classification specific examination is required for the following contractor license classifications:

S211 - Boiler Installation Contractor

...

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

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

...

- (3) Requirements for S211 Boiler Installation, S220 Carpentry, S280 General Roofing, S290 General Masonry, S320 Steel Erection, S350 Heating Ventilating and Air Conditioning, S360 Refrigeration and S370 Fire Suppression Systems license classifications:

In addition to the requirements of paragraph (1), the qualifier for an applicant for an S220, S280, S290, S320, S350, S360 and S370 license shall demonstrate the following experience:

- (a) a minimum of four years experience within the past 10 years; or
- (b) if the applicant's qualifier has previously been approved as a qualifier in the state of Utah, a passing score on the trade examination and the laws and rules examination taken within one year of the date of application to requalify the qualifier's experience.

...

- (5) Requirements for other license classifications:

~~Except as set forth in Subsections (6) and (7),~~ in addition to the requirements of paragraph (1), an applicant for contractor license classification not listed above shall demonstrate the following experience:

- (a) a minimum of two years experience within the past 10 years; or
- (b) if the applicant's qualifier has previously been approved as a qualifier in the state of Utah, a passing score on the trade examination and the laws and rules examination taken within one year of the date of application to requalify the qualifier's experience.

- (6) Requirements for S202 Solar Photovoltaic Contractor. In addition to the requirements of Subsections (1) and (5), an applicant shall hold a current certificate by the North American Board of Certified Energy Practitioners.

- (7) Requirements for S354 Radon Mitigation Contractor. In addition to the requirements of Subsections (1) and (5), an applicant shall hold a current certificate issued by the National Radon Safety Board (NRSB) or the National Radon Proficiency Program (NEHA-NRPP). Experience completed prior to the effective date of this rule does not need to be performed under the supervision of a licensed contractor. Experience completed after the effective date of this rule must be performed under the supervision of a licensed contractor who has authority to practice radon mitigation.

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

- (1) Required Hours. Pursuant to Subsection 58-55-302.5, each licensee shall complete a total of six hours of continuing education during each two year license term ~~except that for the renewal term ending November 30, 2009, the continuing education must be completed between July 1, 2007 and November 30, 2009.~~ A

minimum of three hours shall be core education. The remaining three hours are to be professional education. Additional core education hours beyond the required amount may be substituted for professional education hours.

...

- (9) As provided in 58-1-401, the Division may refuse to renew or may revoke, suspend, restrict, place on probation, issue a public reprimand to, or otherwise act upon the approval of any course or provider, if the course or provider fails to meet any of the requirements of this section or the provider has engaged in unlawful or unprofessional conduct.

- (9)(10) Continuing Education Registry.

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

(1)

Pursuant to the provisions of Subsections 58-55-306(1)(b) and 58-55-306(4)(c) and 58-55-306(5)(b)(iii) and ~~except as provided in Subsection R156-55a-602(4)~~, a contractor shall provide a license bond issued by a surety acceptable to the Division in the amount, form and coverage as follows: of \$50,000 for the E100 or B100 classification of licensure, \$25,000 for the R100 classification of licensure, or \$15,000 for other classifications or such higher amount as may be determined by the Division and the Commission as provided for in Subsection R156-55a-602(3).

- (1) An acceptable surety is one that is listed in the Department of Treasury, Fiscal Service, Circular 570, entitled "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" at the date of the bond.
- (2) The coverage of the license bond shall include losses that may occur as the result of the contractor's violation of the unprofessional or unlawful provisions contained in Title 58, Chapters 1 and 55 and rules R156-1 and R156-55a including the failure to maintain financial responsibility, and the failure of the owners of an unincorporated entity to pay income taxes and self employment taxes on the gross distributions from the unincorporated entity to its owners.
- (3) The financial history of the applicant, licensee or any owner, as outlined in Section R156-55a-306 may be reviewed in determining the bond amount required under this section.
- (4) If the licensee is submitting a bond under 58-55-306(5)(b)(iii)(b), the amount of the bond shall be 20% of the annual gross distributions from the unincorporated entity to its owners and includes coverage for unpaid obligations incurred by the licensee contractor. As provided in 58-55-302(10)(c) the Division, in determining if financial responsibility has been demonstrated, may consider the total number of owners including new owners added as reported under the provisions of 58-55-302(10)(a)(1) in setting the amount of the bond required under this subsection.
- (5) If the licensee is submitting a bond under any subsection other than 58-55-306(5)(b)(iii)(b), the amount of the bond shall be \$50,000 for the E100 or B100 classification of licensure, \$25,000 for the R100 classification of licensure, or \$15,000 for other classifications or such higher amount as may be determined by the Division and the Commission as provided for in Subsection R156-55a-602(5).

- (3)(6) The amount of the bond specified under Subsection ~~R156-55a-602(1)~~ R156-55a-602(4) may be increased by an amount determined by the Commission and Division when the financial history of the applicant, licensee or any owner indicates the bond amount specified in R156-55a-602(1) is insufficient to reasonably cover risks to the public health, safety and welfare. The financial history of the applicant, licensee or any owner, as outlined in Section R156-55a-306 may be reviewed in determining the bond amount required.
- (4)(7) A contractor may provide a license bond issued by a surety acceptable to the Division in an amount less than the bond amount specified in ~~R156-55a-602(1)~~ R156-55a-602(4) if:
- (a) the contractor demonstrates by clear and convincing evidence that:
    - (i) the financial history of the applicant, licensee or any owner indicates the bond amount specified in R156-55a-602(1) is in excess of what is reasonably necessary to cover risks to the public health, safety and welfare;
    - (ii) the contractor's lack of financial responsibility is due to extraordinary circumstances that the contractor could not control as opposed to general financial challenges that all contractors experience; and
    - (iii) the contractor's scope of practice will be restricted commensurate with the degree of risk the contract presents to the public health, safety, and welfare; and
  - (b) the Commission and Division approve the amount.