

1 OCCUPATIONS AND PROFESSIONS

2 AMENDMENTS

3 2010 GENERAL SESSION

4 STATE OF UTAH

5 Chief Sponsor: Rebecca D. Lockhart

6 Senate Sponsor: John L. Valentine

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7

8 LONG TITLE

9 General Description:

10 This bill amends provisions of Title 58, Occupations and Professions.

11 Highlighted Provisions:

12 This bill:

- 13 ▶ clarifies provisions related to the Division of Occupational and Professional  
14 Licensing's access to Bureau of Criminal Identification records;
- 15 ▶ modifies language related to the issuing of reprimands by the division;
- 16 ▶ provides for the resolution of problems with the division through a stipulated  
17 agreement;
- 18 ▶ modifies definition provisions in the Utah Controlled Substances Act and the  
19 Uniform Building Standards Act administered by the division;
- 20 ▶ provides for the reporting of certain information by a trust that has applied to the  
21 division for an alarm company contractor license; and
- 22 ▶ makes certain technical changes.

23 Monies Appropriated in this Bill:

24 None

25 Other Special Clauses:

26 None

27 Utah Code Sections Affected:

28 AMENDS:

29 58-1-301.5, as last amended by Laws of Utah 2008, Chapter 211

- 30 **58-1-401**, as last amended by Laws of Utah 1996, Chapter 175
- 31 **58-31b-201**, as last amended by Laws of Utah 2005, Chapter 50
- 32 **58-37-7.5**, as last amended by Laws of Utah 2009, Chapter 41
- 33 **58-55-302**, as last amended by Laws of Utah 2009, Chapter 183
- 34 **58-56-3**, as last amended by Laws of Utah 2009, Chapter 339
- 35 **58-56-4**, as last amended by Laws of Utah 2009, Chapter 339

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

38 Section 1. Section **58-1-301.5** is amended to read:

39 **58-1-301.5. Division access to Bureau of Criminal Identification records.**

40 (1) The division shall have direct access to criminal background information  
41 maintained by the Bureau of Criminal Identification under Title 53, Chapter 10, Part 2,  
42 Bureau of Criminal Identification, for background screening of licensure applicants as  
43 required in:

- 44 (a) Section 58-17b-307 of Title 58, Chapter 17b, Pharmacy Practice Act;
- 45 [~~(a)~~] (b) Section 58-31b-302 of Title 58, Chapter 31b, Nurse Practice Act;
- 46 [~~(b)~~] (c) Section 58-47b-302 of Title 58, Chapter 47b, Massage Therapy Practice Act;
- 47 [~~(c)~~] (d) Section 58-55-302 of Title 58, Chapter 55, Utah Construction Trades  
48 Licensing Act, as it applies to alarm companies and alarm company agents;
- 49 [~~(d)~~] (e) Section 58-63-302 of Title 58, Chapter 63, Security Personnel Licensing Act;
- 50 and
- 51 [~~(e)~~] (f) Section 58-64-302 of Title 58, Chapter 64, Deception Detection Examiners  
52 Licensing Act.

53 (2) The division access under Subsection (1) shall be:

- 54 (a) in accordance with Section 53-10-108[-]; and
- 55 (b) to all convictions, pleas of nolo contendere, pleas of guilty or nolo contendere held  
56 in abeyance, all dismissed charges, and charges without a known disposition.

57 Section 2. Section **58-1-401** is amended to read:

58           **58-1-401. Grounds for denial of license -- Disciplinary proceedings -- Time**  
59 **limitations -- Sanctions.**

60           (1) The division shall refuse to issue a license to an applicant and shall refuse to renew  
61 or shall revoke, suspend, restrict, place on probation, or otherwise act upon the license of a  
62 licensee who does not meet the qualifications for licensure under this title.

63           (2) The division may refuse to issue a license to an applicant and may refuse to renew  
64 or may revoke, suspend, restrict, place on probation, issue a public [~~or private~~] reprimand to,  
65 or otherwise act upon the license of any licensee in any of the following cases:

66           (a) the applicant or licensee has engaged in unprofessional conduct, as defined by  
67 statute or rule under this title;

68           (b) the applicant or licensee has engaged in unlawful conduct as defined by statute  
69 under this title;

70           (c) the applicant or licensee has been determined to be mentally incompetent for any  
71 reason by a court of competent jurisdiction; or

72           (d) the applicant or licensee is unable to practice the occupation or profession with  
73 reasonable skill and safety because of illness, drunkenness, excessive use of drugs, narcotics,  
74 chemicals, or any other type of material, or as a result of any other mental or physical  
75 condition, when the licensee's condition demonstrates a threat or potential threat to the public  
76 health, safety, or welfare.

77           (3) Any licensee whose license to practice an occupation or profession regulated by  
78 this title has been suspended, revoked, or restricted may apply for reinstatement of the license  
79 at reasonable intervals and upon compliance with any conditions imposed upon the licensee by  
80 statute, rule, or terms of the license suspension, revocation, or restriction.

81           (4) The division may issue cease and desist orders to:

82           (a) [~~to~~] a licensee or applicant who may be disciplined under Subsection (1) or (2);

83           (b) [~~to~~] any person who engages in or represents himself to be engaged in an  
84 occupation or profession regulated under this title; and

85           (c) [~~to~~] any person who otherwise violates this title or any rules adopted under this

86 title.

87 (5) (a) The division may not take disciplinary action against any person for  
88 unprofessional or unlawful conduct under this title, unless the division enters into a stipulated  
89 agreement or initiates an adjudicative proceeding regarding the conduct within four years after  
90 the conduct is reported to the division, except under Subsection (5)(b).

91 (b) The division may not take disciplinary action against any person for  
92 unprofessional or unlawful conduct more than 10 years after the occurrence of the conduct,  
93 unless the proceeding is in response to a civil or criminal judgment or settlement and the  
94 proceeding is initiated within one year following the judgment or settlement.

95 Section 3. Section **58-31b-201** is amended to read:

96 **58-31b-201. Board.**

97 (1) There is created the Board of Nursing that consists of the following 11 members:

98 (a) nine nurses in a manner as may be further defined in division rule; and

99 (b) two members of the public.

100 (2) The board shall be appointed and serve in accordance with Section 58-1-201.

101 (3) The board shall carry out the duties and responsibilities in Sections 58-1-202 and  
102 58-1-203 and shall:

103 (a) (i) recommend to the division minimum standards for educational programs  
104 qualifying a person for licensure or certification under this chapter;

105 (ii) recommend to the division denial, approval, or withdrawal of approval regarding  
106 educational programs that meet or fail to meet the established minimum standards; and

107 (iii) designate one of its members on a permanent or rotating basis to:

108 (A) assist the division in reviewing complaints concerning the unlawful or  
109 unprofessional conduct of a licensee; and

110 (B) advise the division in its investigation of these complaints.

111 (b) A board member who has, under Subsection (3)(a)(iii), reviewed a complaint or  
112 advised in its investigation may be disqualified from participating with the board when the  
113 board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

114 (4) (a) The director shall appoint an individual to serve [~~as the executive administrator~~  
115 ~~of the Board of Nursing. Except when the board serves as a presiding officer in an~~  
116 ~~adjudicative procedure, the executive administrator shall serve as an ex officio member of the~~  
117 ~~board and shall~~] as an ex officio member of the Board of Nursing to represent the position of  
118 the division in matters considered by the board.

119 (b) The [~~executive administrator~~] ex officio member shall be a licensed registered  
120 nurse, shall have earned a masters degree in nursing, and shall have a minimum of five years  
121 of experience working in nursing administration or nursing education.

122 Section 4. Section **58-37-7.5** is amended to read:

123 **58-37-7.5. Controlled substance database -- Pharmacy reporting requirements --**  
124 **Access -- Penalties.**

125 (1) As used in this section:

126 (a) "Board" means the Utah State Board of Pharmacy created in Section 58-17b-201.

127 (b) "Database" means the controlled substance database created in this section.

128 [~~(c) "Database manager" means the person responsible for operating the database, or~~  
129 ~~the person's designee.~~]

130 [~~(d)~~] (c) "Division" means the Division of Occupational and Professional Licensing  
131 created in Section 58-1-103.

132 [~~(e)~~] (d) "Health care facility" is as defined in Section 26-21-2.

133 [~~(f)~~] (e) "Mental health therapist" is as defined in Section 58-60-102.

134 [~~(g)~~] (f) "Pharmacy" or "pharmaceutical facility" is as defined in Section 58-17b-102.

135 [~~(h)~~] (g) "Prospective patient" means a person who:

136 (i) is seeking medical advice, medical treatment, or medical services from a  
137 practitioner; and

138 (ii) the practitioner described in Subsection (1)[~~(h)~~](g)(i) is considering accepting as a  
139 patient.

140 [~~(i)~~] (h) "Substance abuse treatment program" is as defined in Section 62A-2-101.

141 (2) (a) There is created within the division a controlled substance database.

142 (b) (i) The division shall administer and direct the functioning of the database in  
143 accordance with this section.

144 (ii) The division may under state procurement laws contract with another state agency  
145 or private entity to establish, operate, or maintain the database.

146 (iii) The division in collaboration with the board shall determine whether to operate  
147 the database within the division or contract with another entity to operate the database, based  
148 on an analysis of costs and benefits.

149 (c) The purpose of the database is to contain data as described in this section  
150 regarding every prescription for a controlled substance dispensed in the state to any person  
151 other than an inpatient in a licensed health care facility.

152 (d) Data required by this section shall be submitted in compliance with this section to  
153 the ~~[manager of the database]~~ division by the pharmacist in charge of the drug outlet where the  
154 controlled substance is dispensed.

155 (3) The board shall advise the division regarding:

156 (a) establishing, maintaining, and operating the database;

157 (b) access to the database and how access is obtained; and

158 (c) control of information contained in the database.

159 (4) The pharmacist in charge shall, regarding each controlled substance dispensed by a  
160 pharmacist under the pharmacist's supervision other than those dispensed for an inpatient at a  
161 health care facility, submit to the ~~[manager of the database]~~ division the following  
162 information, by a procedure and in a format established by the division:

163 (a) name of the prescribing practitioner;

164 (b) date of the prescription;

165 (c) date the prescription was filled;

166 (d) name of the person for whom the prescription was written;

167 (e) positive identification of the person receiving the prescription, including the type  
168 of identification and any identifying numbers on the identification;

169 (f) name of the controlled substance;

- 170 (g) quantity of controlled substance prescribed;
  - 171 (h) strength of controlled substance;
  - 172 (i) quantity of controlled substance dispensed;
  - 173 (j) dosage quantity and frequency as prescribed;
  - 174 (k) name of drug outlet dispensing the controlled substance;
  - 175 (l) name of pharmacist dispensing the controlled substance; and
  - 176 (m) other relevant information as required by division rule.
- 177 (5) The division shall maintain the database in an electronic file or by other means
- 178 established by the division to facilitate use of the database for identification of:
- 179 (a) prescribing practices and patterns of prescribing and dispensing controlled
  - 180 substances;
  - 181 (b) practitioners prescribing controlled substances in an unprofessional or unlawful
  - 182 manner;
  - 183 (c) individuals receiving prescriptions for controlled substances from licensed
  - 184 practitioners, and who subsequently obtain dispensed controlled substances from a drug outlet
  - 185 in quantities or with a frequency inconsistent with generally recognized standards of dosage
  - 186 for that controlled substance; and
  - 187 (d) individuals presenting forged or otherwise false or altered prescriptions for
  - 188 controlled substances to a pharmacy.
- 189 (6) (a) The division shall by rule establish the electronic format in which the
- 190 information required under this section shall be submitted to the [~~administrator of the~~
- 191 ~~database~~] division.
- 192 (b) The division shall ensure the database system records and maintains for reference:
  - 193 (i) identification of each person who requests or receives information from the
  - 194 database;
  - 195 (ii) the information provided to each person; and
  - 196 (iii) the date and time the information is requested or provided.
- 197 (7) The division shall make rules to:

198 (a) effectively enforce the limitations on access to the database as described in  
199 Subsection (8); and

200 (b) establish standards and procedures to ensure accurate identification of individuals  
201 requesting information or receiving information without request from the database.

202 (8) The [~~manager of the database~~] division shall make information in the database  
203 available only to the following persons, in accordance with the requirements of this section  
204 and division rules:

205 (a) personnel of the division specifically assigned to conduct investigations related to  
206 controlled substances laws under the jurisdiction of the division;

207 (b) authorized division personnel engaged in analysis of controlled substance  
208 prescription information as a part of the assigned duties and responsibilities of their  
209 employment;

210 (c) employees of the Department of Health whom the director of the Department of  
211 Health assigns to conduct scientific studies regarding the use or abuse of controlled  
212 substances, provided that the identity of the individuals and pharmacies in the database are  
213 confidential and are not disclosed in any manner to any individual who is not directly involved  
214 in the scientific studies;

215 (d) a licensed practitioner having authority to prescribe controlled substances, to the  
216 extent the information:

217 (i) (A) relates specifically to a current or prospective patient of the practitioner; and  
218 (B) is sought by the practitioner for the purpose of:

219 (I) prescribing or considering prescribing any controlled substance to the current or  
220 prospective patient;

221 (II) diagnosing the current or prospective patient;

222 (III) providing medical treatment or medical advice to the current or prospective  
223 patient; or

224 (IV) determining whether the current or prospective patient:

225 (Aa) is attempting to fraudulently obtain a controlled substance from the practitioner;

226 or

227 (Bb) has fraudulently obtained, or attempted to fraudulently obtain, a controlled  
228 substance from the practitioner;

229 (ii) (A) relates specifically to a former patient of the practitioner; and

230 (B) is sought by the practitioner for the purpose of determining whether the former  
231 patient has fraudulently obtained, or has attempted to fraudulently obtain, a controlled  
232 substance from the practitioner;

233 (iii) relates specifically to an individual who has access to the practitioner's Drug  
234 Enforcement Administration number, and the practitioner suspects that the individual may  
235 have used the practitioner's Drug Enforcement Administration identification number to  
236 fraudulently acquire or prescribe a controlled substance;

237 (iv) relates to the practitioner's own prescribing practices, except when specifically  
238 prohibited by the division by administrative rule;

239 (v) relates to the use of the controlled substance database by an employee of the  
240 practitioner, described in Subsection (8)(e); or

241 (vi) relates to any use of the practitioner's Drug Enforcement Administration  
242 identification number to obtain, attempt to obtain, prescribe, or attempt to prescribe, a  
243 controlled substance;

244 (e) in accordance with Subsection (17), an employee of a practitioner described in  
245 Subsection (8)(d), for a purpose described in Subsection (8)(d)(i) or (ii), if:

246 (i) the employee is designated by the practitioner as a person authorized to access the  
247 information on behalf of the practitioner;

248 (ii) the practitioner provides written notice to the division of the identity of the  
249 employee; and

250 (iii) the division:

251 (A) grants the employee access to the database; and

252 (B) provides the employee with a password that is unique to that employee to access  
253 the database in order to permit the division to comply with the requirements of Subsection

254 (6)(b) with respect to the employee;

255 (f) a licensed pharmacist having authority to dispense controlled substances to the  
256 extent the information is sought for the purpose of:

257 (i) dispensing or considering dispensing any controlled substance; or  
258 (ii) determining whether a person:

259 (A) is attempting to fraudulently obtain a controlled substance from the pharmacist; or  
260 (B) has fraudulently obtained, or attempted to fraudulently obtain, a controlled  
261 substance from the pharmacist;

262 (g) federal, state, and local law enforcement authorities, and state and local  
263 prosecutors, engaged as a specified duty of their employment in enforcing laws:

264 (i) regulating controlled substances; or  
265 (ii) investigating insurance fraud, Medicaid fraud, or Medicare fraud;

266 (h) a mental health therapist, if:

267 (i) the information relates to a patient who is:  
268 (A) enrolled in a licensed substance abuse treatment program; and  
269 (B) receiving treatment from, or under the direction of, the mental health therapist as  
270 part of the patient's participation in the licensed substance abuse treatment program described  
271 in Subsection (8)(h)(i)(A);

272 (ii) the information is sought for the purpose of determining whether the patient is  
273 using a controlled substance while the patient is enrolled in the licensed substance abuse  
274 treatment program described in Subsection (8)(h)(i)(A); and

275 (iii) the licensed substance abuse treatment program described in Subsection  
276 (8)(h)(i)(A) is associated with a practitioner who:

277 (A) is a physician, a physician assistant, an advance practice registered nurse, or a  
278 pharmacist; and

279 (B) is available to consult with the mental health therapist regarding the information  
280 obtained by the mental health therapist, under this Subsection (8)(h), from the database; and

281 (i) an individual who is the recipient of a controlled substance prescription entered

282 into the database, upon providing evidence satisfactory to the database manager that the  
283 individual requesting the information is in fact the person about whom the data entry was  
284 made.

285 (9) ~~[Any]~~ A person who knowingly and intentionally releases any information in the  
286 database in violation of the limitations under Subsection (8) is guilty of a third degree felony.

287 (10) (a) ~~[Any]~~ A person who obtains or attempts to obtain information from the  
288 database by misrepresentation or fraud is guilty of a third degree felony.

289 (b) ~~[Any]~~ A person who obtains or attempts to obtain information from the database  
290 for a purpose other than a purpose authorized by this section or by rule is guilty of a third  
291 degree felony.

292 (11) (a) (i) Except as provided in Subsection (11)(d), a person may not knowingly and  
293 intentionally use, release, publish, or otherwise make available to any other person or entity  
294 ~~[any]~~ information obtained from the database for ~~[any]~~ a purpose other than ~~[those]~~ a purpose  
295 specified in Subsection (8).

296 (ii) Each separate violation of this Subsection (11) is a third degree felony and is also  
297 subject to a civil penalty not to exceed \$5,000.

298 (b) The procedure for determining a civil violation of this Subsection (11) shall be in  
299 accordance with Section 58-1-108, regarding adjudicative proceedings within the division.

300 (c) Civil penalties assessed under this Subsection (11) shall be deposited in the  
301 General Fund as a dedicated credit to be used by the division under Subsection 58-37-7.7(1).

302 (d) Nothing in this Subsection (11) prohibits a person who obtains information from  
303 the database under Subsection (8)(d) or (e) from:

304 (i) including the information in the person's medical chart or file for access by a  
305 person authorized to review the medical chart or file; or

306 (ii) providing the information to a person in accordance with the requirements of the  
307 Health Insurance Portability and Accountability Act of 1996.

308 (12) (a) The failure of a pharmacist in charge to submit information to the database as  
309 required under this section after the division has submitted a specific written request for the

310 information or when the division determines the individual has a demonstrable pattern of  
311 failing to submit the information as required is grounds for the division to take the following  
312 actions in accordance with Section 58-1-401:

- 313 (i) refuse to issue a license to the individual;
- 314 (ii) refuse to renew the individual's license;
- 315 (iii) revoke, suspend, restrict, or place on probation the license;
- 316 (iv) issue a public or private reprimand to the individual;
- 317 (v) issue a cease and desist order; and
- 318 (vi) impose a civil penalty of not more than \$1,000 for each dispensed prescription  
319 regarding which the required information is not submitted.

320 (b) Civil penalties assessed under Subsection (12)(a)(vi) shall be deposited in the  
321 General Fund as a dedicated credit to be used by the division under Subsection 58-37-7.7(1).

322 (c) The procedure for determining a civil violation of this Subsection (12) shall be in  
323 accordance with Section 58-1-108, regarding adjudicative proceedings within the division.

324 (13) An individual who has submitted information to the database in accordance with  
325 this section may not be held civilly liable for having submitted the information.

326 (14) All department and the division costs necessary to establish and operate the  
327 database shall be funded by appropriations from:

- 328 (a) the Commerce Service Fund; and
- 329 (b) the General Fund.

330 (15) All costs associated with recording and submitting data as required in this section  
331 shall be assumed by the submitting pharmacy.

332 (16) (a) Except as provided in Subsection (16)(b), data provided to, maintained in, or  
333 accessed from the database that may be identified to, or with, a particular person is not subject  
334 to discovery, subpoena, or similar compulsory process in ~~any~~ a civil, judicial, administrative,  
335 or legislative proceeding, nor shall ~~any~~ an individual or organization with lawful access to  
336 the data be compelled to testify with regard to the data.

337 (b) The restrictions in Subsection (16)(a) do not apply to:

338 (i) a criminal proceeding; or  
339 (ii) a civil, judicial, or administrative action brought to enforce the provisions of this  
340 section, Section 58-37-7.7, or Section 58-37-7.8.

341 (17) (a) A practitioner described in Subsection (8)(d) may designate up to three  
342 employees to access information from the database under Subsection (8)(e).

343 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah  
344 Administrative Rulemaking Act, to establish background check procedures to determine  
345 whether an employee designated under Subsection (8)(e)(i) should be granted access to the  
346 database.

347 (c) The division shall grant an employee designated under Subsection (8)(e)(i) access  
348 to the database, unless the division determines, based on a background check, that the  
349 employee poses a security risk to the information contained in the database.

350 (d) The division may impose a fee, in accordance with Section 63J-1-504, on a  
351 practitioner who designates an employee under Subsection (8)(e)(i), to pay for the costs  
352 incurred by the division to conduct the background check and make the determination  
353 described in Subsection (17)(c).

354 (18) (a) A person who is granted access to the database based on the fact that the  
355 person is a licensed practitioner or a mental health therapist shall be denied access to the  
356 database when the person is no longer licensed.

357 (b) A person who is granted access to the database based on the fact that the person is  
358 a designated employee of a licensed practitioner shall be denied access to the database when  
359 the practitioner is no longer licensed.

360 (19) A person who is a relative of a deceased individual is not entitled to access  
361 information from the database relating to the deceased individual based on the fact or claim  
362 that the person is:

- 363 (a) related to the deceased individual; or
- 364 (b) subrogated to the rights of the deceased individual.

365 Section 5. Section **58-55-302** is amended to read:

366 **58-55-302. Qualifications for licensure.**

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

368 (a) submit an application prescribed by the division;

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

370 (c) (i) meet the examination requirements established by rule by the commission with  
371 the concurrence of the director, except for the classifications of apprentice plumber and  
372 apprentice electrician for whom no examination is required; or

373 (ii) if required in Section 58-55-304, the individual qualifier must pass the required  
374 examination if the applicant is a business entity;

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

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

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

379 (ii) produce satisfactory evidence of knowledge and experience in the construction  
380 industry and knowledge of the principles of the conduct of business as a contractor, reasonably  
381 necessary for the protection of the public health, safety, and welfare; and

382 (iii) be a licensed master electrician if an applicant for an electrical contractor's license  
383 or a licensed master residential electrician if an applicant for a residential electrical  
384 contractor's license; or

385 (iv) be a licensed master plumber if an applicant for a plumbing contractor's license or  
386 a licensed master residential plumber if an applicant for a residential plumbing contractor's  
387 license; and

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

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

393 (a) proof of workers' compensation insurance which covers employees of the applicant

394 in accordance with applicable Utah law;

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

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

399 (i) Utah Department of Commerce;

400 (ii) Division of Corporations and Commercial Code;

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

403 (iv) State Tax Commission; and

404 (v) Internal Revenue Service.

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

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

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

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

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

416 (ii) An individual holding a valid Utah license as a journeyman plumber, based on at  
417 least four years of practical experience as a licensed apprentice under the supervision of a  
418 licensed journeyman plumber and four years as a licensed journeyman plumber, in effect  
419 immediately prior to May 5, 2008, is on and after May 5, 2008, considered to hold a current  
420 master plumber license under this chapter, and satisfies the requirements of this Subsection  
421 (3)(a) for the purpose of renewal or reinstatement of that license under Section 58-55-303.

422 (iii) An individual holding a valid plumbing contractor's license or residential  
423 plumbing contractor's license, in effect immediately prior to May 5, 2008, is on or after May  
424 5, 2008:

425 (A) considered to hold a current master plumber license under this chapter if licensed  
426 as a plumbing contractor and a journeyman plumber, and satisfies the requirements of this  
427 Subsection (3)(a) for purposes of renewal or reinstatement of that license under Section  
428 58-55-303; and

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

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

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

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

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

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

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

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

449 (d) A residential journeyman plumber shall produce satisfactory evidence of:

450 (i) completion of the equivalent of at least three years of full-time training and  
451 instruction as a licensed apprentice plumber under the supervision of a licensed residential  
452 master plumber, licensed residential journeyman plumber, or licensed journeyman plumber in  
453 accordance with a planned program of training approved by the division;

454 (ii) completion of at least six years of full-time experience in a maintenance or repair  
455 trade involving substantial plumbing work; or

456 (iii) meeting the qualifications determined by the board to be equivalent to Subsection  
457 (3)(d)(i) or (d)(ii).

458 (e) The conduct of licensed apprentice plumbers and their licensed supervisors shall be  
459 in accordance with the following:

460 (i) while engaging in the trade of plumbing, a licensed apprentice plumber shall be  
461 under the immediate supervision of a licensed master plumber, licensed residential master  
462 plumber, licensed journeyman plumber, or a licensed residential journeyman plumber; and

463 (ii) a licensed apprentice plumber in the fourth through tenth year of training may  
464 work without supervision for a period not to exceed eight hours in any 24-hour period, but if  
465 the apprentice does not become a licensed journeyman plumber or licensed residential  
466 journeyman plumber by the end of the tenth year of apprenticeship, this nonsupervision  
467 provision no longer applies.

468 (f) A master electrician applicant shall produce satisfactory evidence that the  
469 applicant:

470 (i) is a graduate electrical engineer of an accredited college or university approved by  
471 the division and has one year of practical electrical experience as a licensed apprentice  
472 electrician;

473 (ii) is a graduate of an electrical trade school, having received an associate of applied  
474 sciences degree following successful completion of a course of study approved by the division,  
475 and has two years of practical experience as a licensed journeyman electrician;

476 (iii) has four years of practical experience as a journeyman electrician; or

477 (iv) meets the qualifications determined by the board to be equivalent to Subsection

478 (3)(f)(i), (ii), or (iii).

479 (g) A master residential electrician applicant shall produce satisfactory evidence that  
480 the applicant:

481 (i) has at least two years of practical experience as a residential journeyman  
482 electrician; or

483 (ii) meets the qualifications determined by the board to be equivalent to this practical  
484 experience.

485 (h) A journeyman electrician applicant shall produce satisfactory evidence that the  
486 applicant:

487 (i) has successfully completed at least four years of full-time training and instruction  
488 as a licensed apprentice electrician under the supervision of a master electrician or journeyman  
489 electrician and in accordance with a planned training program approved by the division;

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

492 (iii) meets the qualifications determined by the board to be equivalent to Subsection  
493 (3)(h)(i) or (ii).

494 (i) A residential journeyman electrician applicant shall produce satisfactory evidence  
495 that the applicant:

496 (i) has successfully completed two years of training in an electrical training program  
497 approved by the division;

498 (ii) has four years of practical experience in wiring, installing, and repairing electrical  
499 apparatus and equipment for light, heat, and power under the supervision of a licensed master,  
500 journeyman, residential master, or residential journeyman electrician; or

501 (iii) meets the qualifications determined by the division and applicable board to be  
502 equivalent to Subsection (3)(i)(i) or (ii).

503 (j) The conduct of licensed apprentice electricians and their licensed supervisors shall  
504 be in accordance with the following:

505 (i) A licensed apprentice electrician shall be under the immediate supervision of a

506 licensed master, journeyman, residential master, or residential journeyman electrician. An  
507 apprentice in the fourth year of training may work without supervision for a period not to  
508 exceed eight hours in any 24-hour period.

509 (ii) A licensed master, journeyman, residential master, or residential journeyman  
510 electrician may have under immediate supervision on a residential project up to three licensed  
511 apprentice electricians.

512 (iii) A licensed master or journeyman electrician may have under immediate  
513 supervision on nonresidential projects only one licensed apprentice electrician.

514 (k) An alarm company applicant shall:

515 (i) have a qualifying agent who is an officer, director, partner, proprietor, or manager  
516 of the applicant who:

517 (A) demonstrates 6,000 hours of experience in the alarm company business;

518 (B) demonstrates 2,000 hours of experience as a manager or administrator in the alarm  
519 company business or in a construction business; and

520 (C) passes an examination component established by rule by the commission with the  
521 concurrence of the director;

522 (ii) if a corporation, provide:

523 (A) the names, addresses, dates of birth, Social Security numbers, and fingerprint  
524 cards of all corporate officers, directors, and those responsible management personnel  
525 employed within the state or having direct responsibility for managing operations of the  
526 applicant within the state; and

527 (B) the names, addresses, dates of birth, Social Security numbers, and fingerprint  
528 cards of all shareholders owning 5% or more of the outstanding shares of the corporation,  
529 except this shall not be required if the stock is publicly listed and traded;

530 (iii) if a limited liability company, provide:

531 (A) the names, addresses, dates of birth, Social Security numbers, and fingerprint  
532 cards of all company officers, and those responsible management personnel employed within  
533 the state or having direct responsibility for managing operations of the applicant within the

534 state; and

535 (B) the names, addresses, dates of birth, Social Security numbers, and fingerprint  
536 cards of all individuals owning 5% or more of the equity of the company;

537 (iv) if a partnership, provide the names, addresses, dates of birth, Social Security  
538 numbers, and fingerprint cards of all general partners, and those responsible management  
539 personnel employed within the state or having direct responsibility for managing operations of  
540 the applicant within the state;

541 (v) if a proprietorship, provide the names, addresses, dates of birth, Social Security  
542 numbers, and fingerprint cards of the proprietor, and those responsible management personnel  
543 employed within the state or having direct responsibility for managing operations of the  
544 applicant within the state;

545 (vi) if a trust, provide the names, addresses, dates of birth, Social Security numbers,  
546 and fingerprint cards of the trustee, and those responsible management personnel employed  
547 within the state or having direct responsibility for managing operations of the applicant within  
548 the state;

549 [~~(vi)~~] (vii) be of good moral character in that officers, directors, shareholders  
550 described in Subsection (3)(k)(ii)(B), partners, proprietors, trustees, and responsible  
551 management personnel have not been convicted of a felony, a misdemeanor involving moral  
552 turpitude, or any other crime that when considered with the duties and responsibilities of an  
553 alarm company is considered by the board to indicate that the best interests of the public are  
554 served by granting the applicant a license;

555 [~~(vii)~~] (viii) document that none of the applicant's officers, directors, shareholders  
556 described in Subsection (3)(k)(ii)(B), partners, proprietors, trustees, and responsible  
557 management personnel have been declared by any court of competent jurisdiction incompetent  
558 by reason of mental defect or disease and not been restored;

559 [~~(viii)~~] (ix) document that none of the applicant's officers, directors, shareholders  
560 described in Subsection (3)(k)(ii)(B), partners, proprietors, and responsible management  
561 personnel are currently suffering from habitual drunkenness or from drug addiction or

562 dependence;

563        [~~(ix)~~] (x) file and maintain with the division evidence of:

564        (A) comprehensive general liability insurance in form and in amounts to be

565 established by rule by the commission with the concurrence of the director;

566        (B) workers' compensation insurance that covers employees of the applicant in

567 accordance with applicable Utah law; and

568        (C) registration as is required by applicable law with the:

569        (I) Division of Corporations and Commercial Code;

570        (II) Unemployment Insurance Division in the Department of Workforce Services, for

571 purposes of Title 35A, Chapter 4, Employment Security Act;

572        (III) State Tax Commission; and

573        (IV) Internal Revenue Service; and

574        [~~(x)~~] (xi) meet with the division and board.

575        (l) Each applicant for licensure as an alarm company agent shall:

576        (i) submit an application in a form prescribed by the division accompanied by

577 fingerprint cards;

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

579        (iii) be of good moral character in that the applicant has not been convicted of a

580 felony, a misdemeanor involving moral turpitude, or any other crime that when considered

581 with the duties and responsibilities of an alarm company agent is considered by the board to

582 indicate that the best interests of the public are served by granting the applicant a license;

583        (iv) not have been declared by any court of competent jurisdiction incompetent by

584 reason of mental defect or disease and not been restored;

585        (v) not be currently suffering from habitual drunkenness or from drug addiction or

586 dependence; and

587        (vi) meet with the division and board if requested by the division or the board.

588        (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

589 the division may make rules establishing when Federal Bureau of Investigation records shall

590 be checked for applicants as an alarm company or alarm company agent.

591 (5) To determine if an applicant meets the qualifications of Subsections (3)(k)~~(vi)~~  
592 (vii) and (3)(l)(iii), the division shall provide an appropriate number of copies of fingerprint  
593 cards to the Department of Public Safety with the division's request to:

594 (a) conduct a search of records of the Department of Public Safety for criminal history  
595 information relating to each applicant for licensure as an alarm company or alarm company  
596 agent and each applicant's officers, directors, shareholders described in Subsection  
597 (3)(k)(ii)(B), partners, proprietors, and responsible management personnel; and

598 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant  
599 requiring a check of records of the F.B.I. for criminal history information under this section.

600 (6) The Department of Public Safety shall send to the division:

601 (a) a written record of criminal history, or certification of no criminal history record,  
602 as contained in the records of the Department of Public Safety in a timely manner after receipt  
603 of a fingerprint card from the division and a request for review of Department of Public Safety  
604 records; and

605 (b) the results of the F.B.I. review concerning an applicant in a timely manner after  
606 receipt of information from the F.B.I.

607 (7) (a) The division shall charge each applicant for licensure as an alarm company or  
608 alarm company agent a fee, in accordance with Section 63J-1-504, equal to the cost of  
609 performing the records reviews under this section.

610 (b) The division shall pay the Department of Public Safety the costs of all records  
611 reviews, and the Department of Public Safety shall pay the F.B.I. the costs of records reviews  
612 under this section.

613 (8) Information obtained by the division from the reviews of criminal history records  
614 of the Department of Public Safety and the F.B.I. shall be used or disseminated by the division  
615 only for the purpose of determining if an applicant for licensure as an alarm company or alarm  
616 company agent is qualified for licensure.

617 (9) (a) An application for licensure under this chapter shall be denied if:

618 (i) the applicant has had a previous license, which was issued under this chapter,  
619 suspended or revoked within one year prior to the date of the applicant's application;

620 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and  
621 (B) any corporate officer, director, shareholder holding 25% or more of the stock in  
622 the applicant, partner, member, agent acting as a qualifier, or any person occupying a similar  
623 status, performing similar functions, or directly or indirectly controlling the applicant has  
624 served in any similar capacity with any person or entity which has had a previous license,  
625 which was issued under this chapter, suspended or revoked within one year prior to the date of  
626 the applicant's application; or

627 (iii) (A) the applicant is an individual or sole proprietorship; and  
628 (B) any owner or agent acting as a qualifier has served in any capacity listed in  
629 Subsection (9)(a)(ii)(B) in any entity which has had a previous license, which was issued  
630 under this chapter, suspended or revoked within one year prior to the date of the applicant's  
631 application.

632 (b) An application for licensure under this chapter shall be reviewed by the  
633 appropriate licensing board prior to approval if:

634 (i) the applicant has had a previous license, which was issued under this chapter,  
635 suspended or revoked more than one year prior to the date of the applicant's application;

636 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and  
637 (B) any corporate officer, director, shareholder holding 25% or more of the stock in  
638 the applicant, partner, member, agent acting as a qualifier, or any person occupying a similar  
639 status, performing similar functions, or directly or indirectly controlling the applicant has  
640 served in any similar capacity with any person or entity which has had a previous license,  
641 which was issued under this chapter, suspended or revoked more than one year prior to the  
642 date of the applicant's application; or

643 (iii) (A) the applicant is an individual or sole proprietorship; and  
644 (B) any owner or agent acting as a qualifier has served in any capacity listed in  
645 Subsection (9)(b)(ii)(B) in any entity which has had a previous license, which was issued

646 under this chapter, suspended or revoked more than one year prior to the date of the applicant's  
647 application.

648 Section 6. Section **58-56-3** is amended to read:

649 **58-56-3. Definitions.**

650 In addition to the definitions in Section 58-1-102, as used in this chapter:

651 (1) (a) "Adopted code" means:

652 (i) (A) a new edition of or amendment to an existing code, including the standards and  
653 specifications contained in the code, adopted by the Legislature under Section 58-56-7; and

654 (B) administered by the division under Section 58-56-6; and

655 (ii) adopted by a nationally recognized code authority, including:

656 (A) a building code;

657 (B) the National Electrical Code promulgated by the National Fire Protection

658 Association;

659 (C) a residential one and two family dwelling code;

660 (D) a plumbing code;

661 (E) a mechanical code;

662 (F) a fuel gas code;

663 (G) an energy conservation code; and

664 (H) a manufactured housing installation standard code.

665 (b) "Adopted code" includes:

666 (i) a fire code administered by the Fire Prevention Board under Section 53-7-204; and

667 (ii) a code listed in Subsection (1)(a)(ii) that was adopted or amended by the division

668 and Uniform Building Code Commission or the Fire Protection Board before May 12, 2009.

669 (2) "Agricultural use" means a use that relates to the tilling of soil and raising of crops,  
670 or keeping or raising domestic animals.

671 [~~2~~] (3) (a) (i) "Approved code" means a code, including the standards and

672 specifications contained in the code, approved by the division under Section 58-56-4 for use

673 by a compliance agency; and

674 (ii) administered by the division under Section 58-56-6.  
675 (b) "Approved code" does not include an adopted code listed under Subsection (1)(b).  
676 [~~(3)~~] (4) "Board" means the Fire Prevention Board created in Section 53-7-203.  
677 [~~(4)~~] (5) "Building" means a structure used or intended for supporting or sheltering  
678 any use or occupancy and any improvements attached to it.  
679 [~~(5)~~] (6) "Commission" means the Uniform Building Code Commission created under  
680 this chapter.  
681 [~~(6)~~] (7) "Compliance agency" means:  
682 (a) an agency of the state or any of its political subdivisions which issues permits for  
683 construction regulated under the codes;  
684 (b) any other agency of the state or its political subdivisions specifically empowered to  
685 enforce compliance with the codes; or  
686 (c) any other state agency which chooses to enforce codes adopted under this chapter  
687 by authority given the agency under a title other than Title 58, Occupations and Professions.  
688 [~~(7)~~] (8) "Factory built housing" means manufactured homes or mobile homes.  
689 [~~(8)~~] (9) (a) "Factory built housing set-up contractor" means an individual licensed by  
690 the division to set up or install factory built housing on a temporary or permanent basis.  
691 (b) The scope of the work included under the license includes the placement or  
692 securing, or both placement and securing, of the factory built housing on a permanent or  
693 temporary foundation, securing the units together if required, and connection of the utilities to  
694 the factory built housing unit, but does not include site preparation, construction of a  
695 permanent foundation, and construction of utility services to the near proximity of the factory  
696 built housing unit.  
697 (c) If a dealer is not licensed as a factory built housing set-up contractor, that  
698 individual must subcontract the connection services to individuals who are licensed by the  
699 division to perform those specific functions under Title 58, Chapter 55, Utah Construction  
700 Trades Licensing Act.  
701 [~~(9)~~] (10) "HUD code" means the National Manufactured Housing Construction and

702 Safety Standards Act, 42 U.S.C. Sec. 5401 et seq.

703 ~~[(10)]~~ (11) "Legislative action" means the Legislature's:

704 (a) adoption of a new adopted code;

705 (b) adoption of an amendment to an existing adopted code;

706 (c) repeal of an adopted code; or

707 (d) repeal of a provision of an adopted code.

708 ~~[(11)]~~ (12) "Local regulator" means each political subdivision of the state which is  
709 empowered to engage in the regulation of construction, alteration, remodeling, building,  
710 repair, and other activities subject to the codes.

711 ~~[(12)]~~ (13) (a) "Manufactured home" means a transportable factory built housing unit  
712 constructed on or after June 15, 1976, according to the HUD Code, in one or more sections,  
713 which:

714 (i) in the traveling mode, is eight body feet or more in width or 40 body feet or more in  
715 length, or when erected on site, is 400 or more square feet; and

716 (ii) is built on a permanent chassis and designed to be used as a dwelling with or  
717 without a permanent foundation when connected to the required utilities, and includes the  
718 plumbing, heating, air-conditioning, and electrical systems.

719 (b) Manufactured homes constructed on or after June 15, 1976, shall be identifiable by  
720 the manufacturer's data plate bearing the date the unit was manufactured and a HUD label  
721 attached to the exterior of the home certifying the home was manufactured to HUD standards.

722 ~~[(13)]~~ (14) "Mobile home" means a transportable factory built housing unit built prior  
723 to June 15, 1976, in accordance with a state mobile home code which existed prior to the  
724 HUD Code.

725 ~~[(14)]~~ (15) "Modular unit" means a structure built from sections which are  
726 manufactured in accordance with the construction standards adopted pursuant to Section  
727 58-56-4 and transported to a building site, the purpose of which is for human habitation,  
728 occupancy, or use.

729 (16) "Not for human occupancy" means use of a structure for purposes other than

730 protection or comfort of human beings, but allows people to enter the structure for:

731 (a) maintenance and repair; and

732 (b) the care of livestock, crops, or equipment intended for agricultural use which are  
733 kept there.

734 [(15)] (17) "Opinion" means a written, nonbinding, and advisory statement issued by  
735 the commission concerning an interpretation of the meaning of the codes or the application of  
736 the codes in a specific circumstance issued in response to a specific request by a party to the  
737 issue.

738 [(16)] (18) "State regulator" means an agency of the state which is empowered to  
739 engage in the regulation of construction, alteration, remodeling, building, repair, and other  
740 activities subject to the codes adopted pursuant to this chapter.

741 Section 7. Section 58-56-4 is amended to read:

742 **58-56-4. Definitions -- Adoption of building codes -- Amendments -- Approval of**  
743 **other codes -- Exemptions.**

744 (1) As used in this section[; (a) "agricultural use" means a use that relates to the tilling  
745 of soil and raising of crops, or keeping or raising domestic animals; (b) "not for human  
746 occupancy" means use of a structure for purposes other than protection or comfort of human  
747 beings, but allows people to enter the structure for: (i) maintenance and repair; and (ii) the  
748 care of livestock, crops, or equipment intended for agricultural use which are kept there; and  
749 (c)], "residential area" means land that is not used for an agricultural use and is:

750 [(i)-(A)] (a) (i) within the boundaries of a city or town; and

751 [(B)] (ii) less than five contiguous acres;

752 [(ii)-(A)] (b) (i) within a subdivision for which the county has approved a subdivision  
753 plat under Title 17, Chapter 27a, Part 6, Subdivisions; and

754 [(B)] (ii) less than two contiguous acres; or

755 [(iii)] (c) not located in whole or in part in an agricultural protection area created  
756 under Title 17, Chapter 41, Agriculture and Industrial Protection Areas.

757 (2) A person shall follow an adopted code when:

- 758 (a) new construction is involved; and
- 759 (b) the owner of an existing building, or the owner's agent, is voluntarily engaged in:
  - 760 (i) the repair, renovation, remodeling, alteration, enlargement, rehabilitation,
  - 761 conservation, or reconstruction of the building; or
  - 762 (ii) changing the character or use of the building in a manner which increases the
  - 763 occupancy loads, other demands, or safety risks of the building.

764 (3) (a) Beginning May 12, 2009, the board and commission shall, in accordance with  
765 Sections 53-7-204 and 58-56-5, make recommendations to the Business and Labor Interim  
766 Committee as to whether or not the Legislature should take legislative action.

767 (b) (i) If the Business and Labor Interim Committee decides to recommend legislative  
768 action to the Legislature, the Business and Labor Interim Committee shall prepare legislation  
769 for consideration by the Legislature in the next general session.

770 (ii) The legislation described in Subsection (3)(b)(i) shall direct:

771 (A) the division to administer an adopted code, excluding the fire code, in accordance  
772 with legislative action approved by the Legislature; and

773 (B) the board to administer an adopted fire code in accordance with legislative action  
774 approved by the Legislature.

775 (4) (a) Notwithstanding Subsection (3), the commission may, in accordance with Title  
776 63G, Chapter 3, Utah Administrative Rulemaking Act, adopt an adopted code, except the fire  
777 code, if the commission determines that waiting for legislative action in the next general  
778 legislative session under Subsection (3) would:

- 779 (i) cause an imminent peril to the public health, safety, or welfare; or
- 780 (ii) place a person in violation of federal or other state law.

781 (b) If the commission adopts an adopted code under Subsection (4)(a), the  
782 commission shall file with the division:

- 783 (i) the text of the adopted code; and
  - 784 (ii) an analysis that includes the specific reasons and justifications for its findings.
- 785 (c) The division shall, in accordance with Subsection (4)(b):

- 786 (i) publish the adopted code in accordance with Section 58-56-6; and  
787 (ii) notify the Business and Labor Interim Committee of the adoption, including a  
788 copy of the commission's analysis described in Subsection (5)(b).
- 789 (d) If not formally adopted by the Legislature at its next annual general session, an  
790 adopted code adopted under this Subsection (4) is repealed effective at midnight on the last  
791 day that the Legislature adjourns sine die at its next annual general session.
- 792 (5) (a) Notwithstanding Subsection (3), the board may, in accordance with Title 63G,  
793 Chapter 3, Utah Administrative Rulemaking Act, adopt a fire code, if the board determines  
794 that waiting for legislative action in the next general legislative session under Subsection (3)  
795 would:
- 796 (i) cause an imminent peril to the public health, safety, or welfare; or  
797 (ii) place a person in violation of federal or other state law.
- 798 (b) The board shall:
- 799 (i) publish the adopted fire code; and  
800 (ii) notify the Business and Labor Interim Committee of the adoption, including a  
801 copy of an analysis by the board identifying specific reasons and justifications for its findings.
- 802 (c) If not formally adopted by the Legislature at its next annual general session, a fire  
803 code adopted under this Subsection (5) is repealed effective at midnight on the last day that  
804 the Legislature adjourns sine die at its next annual general session.
- 805 (6) (a) The division, in consultation with the commission, has discretion to approve,  
806 without adopting, certain approved codes, including specific editions of the approved codes,  
807 for use by a compliance agency.
- 808 (b) Under Subsection (6)(a), a compliance agency has the discretion to:
- 809 (i) adopt an ordinance requiring removal, demolition, or repair of a building,  
810 according to an adopted code;
- 811 (ii) adopt, by ordinance or rule, a dangerous building code; or  
812 (iii) adopt, by ordinance or rule, a building rehabilitation code.
- 813 (7) (a) Except in a residential area, a structure used solely in conjunction with

814 agriculture use, and not for human occupancy, is exempted from the permit requirements of an  
815 adopted code.

816 (b) Notwithstanding Subsection (7)(a), unless otherwise exempted, plumbing,  
817 electrical, and mechanical permits may be required when that work is included in the  
818 structure.