

LICENSURE CHANGES

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Schultz

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies the Utah Construction Trades Licensing Act (the act).

Highlighted Provisions:

This bill:

- ▶ defines terms related to certain electrical contractors, plumbing contractors, and prelicensure course providers under the act;
- ▶ modifies the testing and work experience requirements for licensure as a specialty contractor under the act;
- ▶ modifies continuing education requirements for certain contractors; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-55-102, as last amended by Laws of Utah 2016, Chapter 268

58-55-301, as last amended by Laws of Utah 2010, Chapter 227

58-55-302, as last amended by Laws of Utah 2016, Chapters 238 and 268

58-55-302.5, as last amended by Laws of Utah 2016, Chapter 260

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

30 Section 1. Section **58-55-102** is amended to read:

31 **58-55-102. Definitions.**

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

33 (1) (a) "Alarm business or company" means a person engaged in the sale, installation,
34 maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system, except
35 as provided in Subsection (1)(b).

36 (b) "Alarm business or company" does not include:

37 (i) a person engaged in the manufacture or sale of alarm systems unless:

38 (A) that person is also engaged in the installation, maintenance, alteration, repair,
39 replacement, servicing, or monitoring of alarm systems;

40 (B) the manufacture or sale occurs at a location other than a place of business
41 established by the person engaged in the manufacture or sale; or

42 (C) the manufacture or sale involves site visits at the place or intended place of
43 installation of an alarm system; or

44 (ii) an owner of an alarm system, or an employee of the owner of an alarm system who
45 is engaged in installation, maintenance, alteration, repair, replacement, servicing, or monitoring
46 of the alarm system owned by that owner.

47 (2) "Alarm company agent":

48 (a) except as provided in Subsection (2)(b), means any individual employed within this
49 state by an alarm business; and

50 (b) does not include an individual who:

51 (i) is not engaged in the sale, installation, maintenance, alteration, repair, replacement,
52 servicing, or monitoring of an alarm system; and

53 (ii) does not, during the normal course of the individual's employment with an alarm
54 business, use or have access to sensitive alarm system information.

55 (3) "Alarm system" means equipment and devices assembled for the purpose of:

56 (a) detecting and signaling unauthorized intrusion or entry into or onto certain premises;

57 or

58 (b) signaling a robbery or attempted robbery on protected premises.

59 (4) "Apprentice electrician" means a person licensed under this chapter as an apprentice
60 electrician who is learning the electrical trade under the immediate supervision of a master
61 electrician, residential master electrician, a journeyman electrician, or a residential journeyman
62 electrician.

63 (5) "Apprentice plumber" means a person licensed under this chapter as an apprentice
64 plumber who is learning the plumbing trade under the immediate supervision of a master
65 plumber, residential master plumber, journeyman plumber, or a residential journeyman plumber.

66 (6) "Approved continuing education" means instruction provided through courses under
67 a program established under Subsection [58-55-302.5\(2\)](#).

68 (7) (a) "Approved prelicensure course provider" means a provider that is approved by
69 the commission with the concurrence of the director, and that meets the requirements
70 established by rule by the commission with the concurrence of the director, to teach the 25-hour
71 course described in Subsection [58-55-302\(1\)\(e\)\(iii\)](#).

72 (b) "Approved prelicensure course provider" may only include a provider that, in
73 addition to any other locations, offers the 25-hour course described in Subsection
74 [58-55-302\(1\)\(e\)\(iii\)](#) at least six times each year in one or more counties other than Salt Lake
75 County, Utah County, Davis County, or Weber County.

76 [~~7~~] (8) "Board" means the Electrician Licensing Board, Alarm System Security and
77 Licensing Board, or Plumbers Licensing Board created in Section [58-55-201](#).

78 [~~8~~] (9) "Combustion system" means an assembly consisting of:

79 (a) piping and components with a means for conveying, either continuously or
80 intermittently, natural gas from the outlet of the natural gas provider's meter to the burner of the
81 appliance;

82 (b) the electric control and combustion air supply and venting systems, including air
83 ducts; and

84 (c) components intended to achieve control of quantity, flow, and pressure.

85 [~~9~~] (10) "Commission" means the Construction Services Commission created under

86 Section [58-55-103](#).

87 ~~[(10)]~~ (11) "Construction trade" means any trade or occupation involving:

88 (a) (i) construction, alteration, remodeling, repairing, wrecking or demolition, addition
89 to, or improvement of any building, highway, road, railroad, dam, bridge, structure, excavation
90 or other project, development, or improvement to other than personal property; and

91 (ii) constructing, remodeling, or repairing a manufactured home or mobile home as
92 defined in Section [15A-1-302](#); or

93 (b) installation or repair of a residential or commercial natural gas appliance or
94 combustion system.

95 ~~[(11)]~~ (12) "Construction trades instructor" means a person licensed under this chapter
96 to teach one or more construction trades in both a classroom and project environment, where a
97 project is intended for sale to or use by the public and is completed under the direction of the
98 instructor, who has no economic interest in the project.

99 ~~[(12)]~~ (13) (a) "Contractor" means any person who for compensation other than wages
100 as an employee undertakes any work in the construction, plumbing, or electrical trade for which
101 licensure is required under this chapter and includes:

102 (i) a person who builds any structure on the person's own property for the purpose of
103 sale or who builds any structure intended for public use on the person's own property;

104 (ii) any person who represents that the person is a contractor, or will perform a service
105 described in this Subsection ~~[(12)]~~ (13), by advertising on a website or social media, or any
106 other means;

107 (iii) any person engaged as a maintenance person, other than an employee, who
108 regularly engages in activities set forth under the definition of "construction trade";

109 (iv) any person engaged in, or offering to engage in, any construction trade for which
110 licensure is required under this chapter; or

111 (v) a construction manager, construction consultant, construction assistant, or any other
112 person who, for a fee:

113 (A) performs or offers to perform construction consulting;

114 (B) performs or offers to perform management of construction subcontractors;
115 (C) provides or offers to provide a list of subcontractors or suppliers; or
116 (D) provides or offers to provide management or counseling services on a construction
117 project.

118 (b) "Contractor" does not include:
119 (i) an alarm company or alarm company agent; or
120 (ii) a material supplier who provides consulting to customers regarding the design and
121 installation of the material supplier's products.

122 ~~[(13)]~~ (14) (a) "Electrical trade" means the performance of any electrical work involved
123 in the installation, construction, alteration, change, repair, removal, or maintenance of facilities,
124 buildings, or appendages or appurtenances.

125 (b) "Electrical trade" does not include:
126 (i) transporting or handling electrical materials;
127 (ii) preparing clearance for raceways for wiring; or
128 (iii) work commonly done by unskilled labor on any installations under the exclusive
129 control of electrical utilities.

130 (c) For purposes of Subsection ~~[(13)]~~ (14)(b):
131 (i) no more than one unlicensed person may be so employed unless more than five
132 licensed electricians are employed by the shop; and
133 (ii) a shop may not employ unlicensed persons in excess of the five-to-one ratio
134 permitted by this Subsection ~~[(13)]~~ (14)(c).

135 ~~[(14)]~~ (15) "Elevator" means the same as that term is defined in Section [34A-7-202](#),
136 except that for purposes of this chapter it does not mean a stair chair, a vertical platform lift, or
137 an incline platform lift.

138 ~~[(15)]~~ (16) "Elevator contractor" means a sole proprietor, firm, or corporation licensed
139 under this chapter that is engaged in the business of erecting, constructing, installing, altering,
140 servicing, repairing, or maintaining an elevator.

141 ~~[(16)]~~ (17) "Elevator mechanic" means an individual who is licensed under this chapter

142 as an elevator mechanic and who is engaged in erecting, constructing, installing, altering,
143 servicing, repairing, or maintaining an elevator under the immediate supervision of an elevator
144 contractor.

145 ~~[(17)]~~ (18) "Employee" means an individual as defined by the division by rule giving
146 consideration to the definition adopted by the Internal Revenue Service and the Department of
147 Workforce Services.

148 ~~[(18)]~~ (19) "Engage in a construction trade" means to:

149 (a) engage in, represent oneself to be engaged in, or advertise oneself as being engaged
150 in a construction trade; or

151 (b) use the name "contractor" or "builder" or in any other way lead a reasonable person
152 to believe one is or will act as a contractor.

153 ~~[(19)]~~ (20) (a) "Financial responsibility" means a demonstration of a current and
154 expected future condition of financial solvency evidencing a reasonable expectation to the
155 division and the board that an applicant or licensee can successfully engage in business as a
156 contractor without jeopardy to the public health, safety, and welfare.

157 (b) Financial responsibility may be determined by an evaluation of the total history
158 concerning the licensee or applicant including past, present, and expected condition and record
159 of financial solvency and business conduct.

160 ~~[(20)]~~ (21) "Gas appliance" means any device that uses natural gas to produce light,
161 heat, power, steam, hot water, refrigeration, or air conditioning.

162 ~~[(21)]~~ (22) (a) "General building contractor" means a person licensed under this chapter
163 as a general building contractor qualified by education, training, experience, and knowledge to
164 perform or superintend construction of structures for the support, shelter, and enclosure of
165 persons, animals, chattels, or movable property of any kind or any of the components of that
166 construction except plumbing, electrical work, mechanical work, work related to the operating
167 integrity of an elevator, and manufactured housing installation, for which the general building
168 contractor shall employ the services of a contractor licensed in the particular specialty, except
169 that a general building contractor engaged in the construction of single-family and multifamily

170 residences up to four units may perform the mechanical work and hire a licensed plumber or
171 electrician as an employee.

172 (b) The division may by rule exclude general building contractors from engaging in the
173 performance of other construction specialties in which there is represented a substantial risk to
174 the public health, safety, and welfare, and for which a license is required unless that general
175 building contractor holds a valid license in that specialty classification.

176 (23) (a) "General electrical contractor" means a person licensed under this chapter as a
177 general electrical contractor qualified by education, training, experience, and knowledge to
178 perform the fabrication, construction, and installation of generators, transformers, conduits,
179 raceways, panels, switch gear, electrical wires, fixtures, appliances, or apparatus that uses
180 electrical energy.

181 (b) The scope of work of a general electrical contractor may be further defined by rules
182 made by the commission, with the concurrence of the director, in accordance with Title 63G,
183 Chapter 3, Utah Administrative Rulemaking Act.

184 [~~22~~] (24) (a) "General engineering contractor" means a person licensed under this
185 chapter as a general engineering contractor qualified by education, training, experience, and
186 knowledge to perform construction of fixed works in any of the following: irrigation, drainage,
187 water, power, water supply, flood control, inland waterways, harbors, railroads, highways,
188 tunnels, airports and runways, sewers and bridges, refineries, pipelines, chemical and industrial
189 plants requiring specialized engineering knowledge and skill, piers, and foundations, or any of
190 the components of those works.

191 (b) A general engineering contractor may not perform construction of structures built
192 primarily for the support, shelter, and enclosure of persons, animals, and chattels.

193 (25) (a) "General plumbing contractor" means a person licensed under this chapter as a
194 general plumbing contractor qualified by education, training, experience, and knowledge to
195 perform the fabrication or installation of material and fixtures to create and maintain sanitary
196 conditions in a building by providing permanent means for a supply of safe and pure water, a
197 means for the timely and complete removal from the premises of all used or contaminated

198 water, fluid and semi-fluid organic wastes and other impurities incidental to life and the
199 occupation of such premises, and a safe and adequate supply of gases for lighting, heating, and
200 industrial purposes.

201 (b) The scope of work of a general plumbing contractor may be further defined by rules
202 made by the commission, with the concurrence of the director, in accordance with Title 63G,
203 Chapter 3, Utah Administrative Rulemaking Act.

204 ~~[(23)]~~ (26) "Immediate supervision" means reasonable direction, oversight, inspection,
205 and evaluation of the work of a person:

206 (a) as the division specifies in rule;

207 (b) by, as applicable, a qualified electrician or plumber;

208 (c) as part of a planned program of training; and

209 (d) to ensure that the end result complies with applicable standards.

210 ~~[(24)]~~ (27) "Individual" means a natural person.

211 ~~[(25)]~~ (28) "Journeyman electrician" means a person licensed under this chapter as a
212 journeyman electrician having the qualifications, training, experience, and knowledge to wire,
213 install, and repair electrical apparatus and equipment for light, heat, power, and other purposes.

214 ~~[(26)]~~ (29) "Journeyman plumber" means a person licensed under this chapter as a
215 journeyman plumber having the qualifications, training, experience, and technical knowledge to
216 engage in the plumbing trade.

217 ~~[(27)]~~ (30) "Master electrician" means a person licensed under this chapter as a master
218 electrician having the qualifications, training, experience, and knowledge to properly plan,
219 layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment
220 for light, heat, power, and other purposes.

221 ~~[(28)]~~ (31) "Master plumber" means a person licensed under this chapter as a master
222 plumber having the qualifications, training, experience, and knowledge to properly plan and
223 layout projects and supervise persons in the plumbing trade.

224 ~~[(29)]~~ (32) "Person" means a natural person, sole proprietorship, joint venture,
225 corporation, limited liability company, association, or organization of any type.

226 [~~(30)~~] (33) (a) "Plumbing trade" means the performance of any mechanical work
227 pertaining to the installation, alteration, change, repair, removal, maintenance, or use in
228 buildings, or within three feet beyond the outside walls of buildings, of pipes, fixtures, and
229 fittings for the:

- 230 (i) delivery of the water supply;
- 231 (ii) discharge of liquid and water carried waste; [~~or~~]
- 232 (iii) [~~the~~] building drainage system within the walls of the building[-]; and
- 233 (iv) delivery of gases for lighting, heating, and industrial purposes.

234 (b) "Plumbing trade" includes work pertaining to the water supply, distribution pipes,
235 fixtures and fixture traps, soil, waste and vent pipes, [~~and~~] the building drain and roof drains,
236 and the safe and adequate supply of gases, together with their devices, appurtenances, and
237 connections where installed within the outside walls of the building.

238 [~~(31)~~] (34) (a) "Ratio of apprentices" means, for the purpose of determining compliance
239 with the requirements for planned programs of training and electrician apprentice licensing
240 applications, the shop ratio of apprentice electricians to journeyman or master electricians shall
241 be one journeyman or master electrician to one apprentice on industrial and commercial work,
242 and one journeyman or master electrician to three apprentices on residential work.

243 (b) On-the-job training shall be under circumstances in which the ratio of apprentices to
244 supervisors is in accordance with a ratio of one-to-one on nonresidential work and up to three
245 apprentices to one supervisor on residential projects.

246 [~~(32)~~] (35) "Residential and small commercial contractor" means a person licensed
247 under this chapter as a residential and small commercial contractor qualified by education,
248 training, experience, and knowledge to perform or superintend the construction of single-family
249 residences, multifamily residences up to four units, and commercial construction of not more
250 than three stories above ground and not more than 20,000 square feet, or any of the
251 components of that construction except plumbing, electrical work, mechanical work, and
252 manufactured housing installation, for which the residential and small commercial contractor
253 shall employ the services of a contractor licensed in the particular specialty, except that a

254 residential and small commercial contractor engaged in the construction of single-family and
255 multifamily residences up to four units may perform the mechanical work and hire a licensed
256 plumber or electrician as an employee.

257 ~~[(33)]~~ (36) "Residential building," as it relates to the license classification of residential
258 journeyman plumber and residential master plumber, means a single or multiple family dwelling
259 of up to four units.

260 (37) (a) "Residential electrical contractor" means a person licensed under this chapter as
261 a residential electrical contractor qualified by education, training, experience, and knowledge to
262 perform the fabrication, construction, and installation of services, disconnecting means,
263 grounding devices, panels, conductors, load centers, lighting and plug circuits, appliances, and
264 fixtures in a residential unit.

265 (b) The scope of work of a residential electrical contractor may be further defined by
266 rules made by the commission, with the concurrence of the director, in accordance with Title
267 63G, Chapter 3, Utah Administrative Rulemaking Act.

268 ~~[(34)]~~ (38) "Residential journeyman electrician" means a person licensed under this
269 chapter as a residential journeyman electrician having the qualifications, training, experience,
270 and knowledge to wire, install, and repair electrical apparatus and equipment for light, heat,
271 power, and other purposes on buildings using primarily nonmetallic sheath cable.

272 ~~[(35)]~~ (39) "Residential journeyman plumber" means a person licensed under this
273 chapter as a residential journeyman plumber having the qualifications, training, experience, and
274 knowledge to engage in the plumbing trade as limited to the plumbing of residential buildings.

275 ~~[(36)]~~ (40) "Residential master electrician" means a person licensed under this chapter
276 as a residential master electrician having the qualifications, training, experience, and knowledge
277 to properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus
278 and equipment for light, heat, power, and other purposes on residential projects.

279 ~~[(37)]~~ (41) "Residential master plumber" means a person licensed under this chapter as
280 a residential master plumber having the qualifications, training, experience, and knowledge to
281 properly plan and layout projects and supervise persons in the plumbing trade as limited to the

282 plumbing of residential buildings.

283 (42) (a) "Residential plumbing contractor" means a person licensed under this chapter
284 as a general plumbing contractor qualified by education, training, experience, and knowledge to
285 perform the fabrication or installation of material and fixtures to create and maintain sanitary
286 conditions in residential buildings by providing permanent means for a supply of safe and pure
287 water, a means for the timely and complete removal from the premises of all used or
288 contaminated water, fluid and semi-fluid organic wastes and other impurities incidental to life
289 and the occupation of such premises, and a safe and adequate supply of gases for lighting,
290 heating, and industrial purposes.

291 (b) The scope of work of a residential plumbing contractor may be further defined by
292 rules made by the commission, with the concurrence of the director, in accordance with Title
293 63G, Chapter 3, Utah Administrative Rulemaking Act.

294 [~~38~~] (43) "Residential project," as it relates to an electrician or electrical contractor,
295 means buildings primarily wired with nonmetallic sheathed cable, in accordance with standard
296 rules and regulations governing this work, including the National Electrical Code, and in which
297 the voltage does not exceed 250 volts line to line and 125 volts to ground.

298 [~~39~~] (44) "Sensitive alarm system information" means:

299 (a) a pass code or other code used in the operation of an alarm system;

300 (b) information on the location of alarm system components at the premises of a
301 customer of the alarm business providing the alarm system;

302 (c) information that would allow the circumvention, bypass, deactivation, or other
303 compromise of an alarm system of a customer of the alarm business providing the alarm system;
304 and

305 (d) any other similar information that the division by rule determines to be information
306 that an individual employed by an alarm business should use or have access to only if the
307 individual is licensed as provided in this chapter.

308 [~~40~~] (45) (a) "Specialty contractor" means a person licensed under this chapter under
309 a specialty contractor classification established by rule, who is qualified by education, training,

310 experience, and knowledge to perform those construction trades and crafts requiring specialized
311 skill, the regulation of which are determined by the division to be in the best interest of the
312 public health, safety, and welfare.

313 (b) A specialty contractor may perform work in crafts or trades other than those in
314 which the specialty contractor is licensed if they are incidental to the performance of the
315 specialty contractor's licensed craft or trade.

316 [~~(41)~~] (46) "Unincorporated entity" means an entity that is not:

- 317 (a) an individual;
- 318 (b) a corporation; or
- 319 (c) publicly traded.

320 [~~(42)~~] (47) "Unlawful conduct" means the same as that term is defined in Sections
321 58-1-501 and 58-55-501.

322 [~~(43)~~] (48) "Unprofessional conduct" means the same as that term is defined in Sections
323 58-1-501 and 58-55-502 and as may be further defined by rule.

324 [~~(44)~~] (49) "Wages" means amounts due to an employee for labor or services whether
325 the amount is fixed or ascertained on a time, task, piece, commission, or other basis for
326 calculating the amount.

327 Section 2. Section 58-55-301 is amended to read:

328 **58-55-301. License required -- License classifications.**

329 (1) (a) A person engaged in the construction trades licensed under this chapter, as a
330 contractor regulated under this chapter, as an alarm business or company, or as an alarm
331 company agent, shall become licensed under this chapter before engaging in that trade or
332 contracting activity in this state unless specifically exempted from licensure under Section
333 58-1-307 or 58-55-305.

334 (b) The license issued under this chapter and the business license issued by the local
335 jurisdiction in which the licensee has its principal place of business shall be the only licenses
336 required for the licensee to engage in a trade licensed by this chapter, within the state.

337 (c) Neither the state nor any of its political subdivisions may require of a licensee any

338 additional business licenses, registrations, certifications, contributions, donations, or anything
339 else established for the purpose of qualifying a licensee under this chapter to do business in that
340 local jurisdiction, except for contract prequalification procedures required by state agencies, or
341 the payment of any fee for the license, registration, or certification established as a condition to
342 do business in that local jurisdiction.

343 (2) The division shall issue licenses under this chapter to qualified persons in the
344 following classifications:

- 345 (a) general engineering contractor;
- 346 (b) general building contractor;
- 347 (c) residential and small commercial contractor;
- 348 (d) elevator contractor;
- 349 (e) general plumbing contractor;
- 350 (f) residential plumbing contractor;
- 351 (g) general electrical contractor;
- 352 (h) residential electrical contractor;
- 353 [~~e~~] (i) specialty contractor;
- 354 [~~f~~] (j) master plumber;
- 355 [~~g~~] (k) residential master plumber;
- 356 [~~h~~] (l) journeyman plumber;
- 357 [~~i~~] (m) apprentice plumber;
- 358 [~~j~~] (n) residential journeyman plumber;
- 359 [~~k~~] (o) master electrician;
- 360 [~~l~~] (p) residential master electrician;
- 361 [~~m~~] (q) journeyman electrician;
- 362 [~~n~~] (r) residential journeyman electrician;
- 363 [~~o~~] (s) apprentice electrician;
- 364 [~~p~~] (t) construction trades instructor;
- 365 (i) general engineering classification;

- 366 (ii) general building classification;
- 367 (iii) electrical classification;
- 368 (iv) plumbing classification; and
- 369 (v) mechanical classification;
- 370 [~~(t)~~] (u) alarm company;
- 371 [~~(r)~~] (v) alarm company agent; and
- 372 [~~(s)~~] (w) elevator mechanic.

373 (3) (a) An applicant may apply for a license in one or more classification or specialty
374 contractor subclassification.

375 (b) A license shall be granted in each classification or subclassification for which the
376 applicant qualifies.

377 (c) A separate application and fee must be submitted for each license classification or
378 subclassification.

379 Section 3. Section **58-55-302** is amended to read:

380 **58-55-302. Qualifications for licensure.**

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

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

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

384 (c) (i) meet the examination requirements established by rule by the commission with
385 the concurrence of the director, except [~~for the classifications of apprentice plumber and~~
386 ~~apprentice electrician for whom no examination is required~~] that no examination, other than an
387 examination as part of a 25-hour course described in Subsection (1)(e)(iii), is required for
388 licensure as an apprentice electrician, apprentice plumber, or specialty contractor; or

389 (ii) if required in Section [58-55-304](#), the individual qualifier must pass the required
390 examination if the applicant is a business entity;

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

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

393 (i) produce satisfactory evidence of financial responsibility, except for a construction

394 trades instructor for whom evidence of financial responsibility is not required;

395 (ii) produce satisfactory evidence of:

396 (A) except as provided in Subsection (2)(a), and except that no employment experience
397 is required for licensure as a specialty contractor, two years full-time paid employment
398 experience in the construction industry, which [~~experience, unless more specifically described in~~
399 ~~this section;~~] employment experience may be related to any contracting classification unless
400 more specifically described in this section; and

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

403 (iii) except as otherwise provided by rule by the commission with the concurrence of
404 the director, complete a [~~20-hour~~] 25-hour course established by rule by the commission with
405 the concurrence of the director, which is taught by an approved prelicensure course provider,
406 and which course may include:

407 (A) construction business practices;

408 (B) bookkeeping fundamentals;

409 (C) mechanics lien fundamentals; [~~and~~]

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

412 (E) for no additional fee, an examination at the end of the 25-hour course;

413 (iv) (A) be a licensed master electrician if an applicant for an electrical contractor's
414 license or a licensed master residential electrician if an applicant for a residential electrical
415 contractor's license;

416 (B) be a licensed master plumber if an applicant for a plumbing contractor's license or a
417 licensed master residential plumber if an applicant for a residential plumbing contractor's license;
418 or

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

421 (v) when the applicant is an unincorporated entity, provide a list of the one or more

422 individuals who hold an ownership interest in the applicant as of the day on which the
423 application is filed that includes for each individual:

- 424 (A) the individual's name, address, birth date, and social security number; and
- 425 (B) whether the individual will engage in a construction trade; and
- 426 (f) if an applicant for a construction trades instructor license, satisfy any additional
427 requirements established by rule.

428 (2) (a) If the applicant for a contractor's license described in Subsection (1) is a building
429 inspector, the applicant may satisfy Subsection (1)(e)(ii)(A) by producing satisfactory evidence
430 of two years full-time paid employment experience as a building inspector, which shall include
431 at least one year full-time experience as a licensed combination inspector.

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

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

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

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

441 (A) Department of Commerce;

442 (B) Division of Corporations and Commercial Code;

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

445 (D) State Tax Commission; and

446 (E) Internal Revenue Service.

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

450 (a) (i) A master plumber shall produce satisfactory evidence that the applicant:
451 (A) has been a licensed journeyman plumber for at least two years and had two years of
452 supervisory experience as a licensed journeyman plumber in accordance with division rule;
453 (B) has received at least an associate of applied science degree or similar degree
454 following the completion of a course of study approved by the division and had one year of
455 supervisory experience as a licensed journeyman plumber in accordance with division rule; or
456 (C) meets the qualifications determined by the division in collaboration with the board
457 to be equivalent to Subsection (3)(a)(i)(A) or (B).
458 (ii) An individual holding a valid Utah license as a journeyman plumber, based on at
459 least four years of practical experience as a licensed apprentice under the supervision of a
460 licensed journeyman plumber and four years as a licensed journeyman plumber, in effect
461 immediately prior to May 5, 2008, is on and after May 5, 2008, considered to hold a current
462 master plumber license under this chapter, and satisfies the requirements of this Subsection
463 (3)(a) for the purpose of renewal or reinstatement of that license under Section 58-55-303.
464 (iii) An individual holding a valid plumbing contractor's license or residential plumbing
465 contractor's license, in effect immediately prior to May 5, 2008, is on or after May 5, 2008:
466 (A) considered to hold a current master plumber license under this chapter if licensed as
467 a plumbing contractor and a journeyman plumber, and satisfies the requirements of this
468 Subsection (3)(a) for purposes of renewal or reinstatement of that license under Section
469 58-55-303; and
470 (B) considered to hold a current residential master plumber license under this chapter if
471 licensed as a residential plumbing contractor and a residential journeyman plumber, and satisfies
472 the requirements of this Subsection (3)(a) for purposes of renewal or reinstatement of that
473 license under Section 58-55-303.
474 (b) A master residential plumber applicant shall produce satisfactory evidence that the
475 applicant:
476 (i) has been a licensed residential journeyman plumber for at least two years and had
477 two years of supervisory experience as a licensed residential journeyman plumber in accordance

478 with division rule; or

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

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

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

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

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

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

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

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

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

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

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

504 (ii) a licensed apprentice plumber in the fourth through tenth year of training may work
505 without supervision for a period not to exceed eight hours in any 24-hour period, but if the

506 apprentice does not become a licensed journeyman plumber or licensed residential journeyman
507 plumber by the end of the tenth year of apprenticeship, this nonsupervision provision no longer
508 applies.

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

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

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

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

517 (iv) meets the qualifications determined by the board to be equivalent to Subsection
518 (3)(f)(i), (ii), or (iii).

519 (g) A master residential electrician applicant shall produce satisfactory evidence that the
520 applicant:

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

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

525 (h) A journeyman electrician applicant shall produce satisfactory evidence that the
526 applicant:

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

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

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

534 (i) A residential journeyman electrician applicant shall produce satisfactory evidence
535 that the applicant:

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

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

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

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

545 (i) A licensed apprentice electrician shall be under the immediate supervision of a
546 licensed master, journeyman, residential master, or residential journeyman electrician. An
547 apprentice in the fourth year of training may work without supervision for a period not to
548 exceed eight hours in any 24-hour period.

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

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

554 (k) An alarm company applicant shall:

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

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

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

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

562 (ii) if a corporation, provide:

563 (A) the names, addresses, dates of birth, social security numbers, and fingerprint cards
564 of all corporate officers, directors, and those responsible management personnel employed
565 within the state or having direct responsibility for managing operations of the applicant within
566 the state; and

567 (B) the names, addresses, dates of birth, social security numbers, and fingerprint cards
568 of all shareholders owning 5% or more of the outstanding shares of the corporation, except this
569 shall not be required if the stock is publicly listed and traded;

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

571 (A) the names, addresses, dates of birth, social security numbers, and fingerprint cards
572 of all company officers, and those responsible management personnel employed within the state
573 or having direct responsibility for managing operations of the applicant within the state; and

574 (B) the names, addresses, dates of birth, social security numbers, and fingerprint cards
575 of all individuals owning 5% or more of the equity of the company;

576 (iv) if a partnership, provide the names, addresses, dates of birth, social security
577 numbers, and fingerprint cards of all general partners, and those responsible management
578 personnel employed within the state or having direct responsibility for managing operations of
579 the applicant within the state;

580 (v) if a proprietorship, provide the names, addresses, dates of birth, social security
581 numbers, and fingerprint cards of the proprietor, and those responsible management personnel
582 employed within the state or having direct responsibility for managing operations of the
583 applicant within the state;

584 (vi) if a trust, provide the names, addresses, dates of birth, social security numbers, and
585 fingerprint cards of the trustee, and those responsible management personnel employed within
586 the state or having direct responsibility for managing operations of the applicant within the
587 state;

588 (vii) be of good moral character in that officers, directors, shareholders described in
589 Subsection (3)(k)(ii)(B), partners, proprietors, trustees, and responsible management personnel

590 have not been convicted of a felony, a misdemeanor involving moral turpitude, or any other
591 crime that when considered with the duties and responsibilities of an alarm company is
592 considered by the board to indicate that the best interests of the public are served by granting
593 the applicant a license;

594 (viii) document that none of the applicant's officers, directors, shareholders described in
595 Subsection (3)(k)(ii)(B), partners, proprietors, trustees, and responsible management personnel
596 have been declared by any court of competent jurisdiction incompetent by reason of mental
597 defect or disease and not been restored;

598 (ix) document that none of the applicant's officers, directors, shareholders described in
599 Subsection (3)(k)(ii)(B), partners, proprietors, and responsible management personnel are
600 currently suffering from habitual drunkenness or from drug addiction or dependence;

601 (x) file and maintain with the division evidence of:

602 (A) comprehensive general liability insurance in form and in amounts to be established
603 by rule by the commission with the concurrence of the director;

604 (B) workers' compensation insurance that covers employees of the applicant in
605 accordance with applicable Utah law; and

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

607 (I) Division of Corporations and Commercial Code;

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

610 (III) State Tax Commission; and

611 (IV) Internal Revenue Service; and

612 (xi) meet with the division and board.

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

614 (i) submit an application in a form prescribed by the division accompanied by fingerprint
615 cards;

616 (ii) pay a fee determined by the department under Section [63J-1-504](#);

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

618 a misdemeanor involving moral turpitude, or any other crime that when considered with the
619 duties and responsibilities of an alarm company agent is considered by the board to indicate that
620 the best interests of the public are served by granting the applicant a license;

621 (iv) not have been declared by any court of competent jurisdiction incompetent by
622 reason of mental defect or disease and not been restored;

623 (v) not be currently suffering from habitual drunkenness or from drug addiction or
624 dependence; and

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

626 (m) (i) Each applicant for licensure as an elevator mechanic shall:

627 (A) provide documentation of experience and education credits of not less than three
628 years work experience in the elevator industry, in construction, maintenance, or service and
629 repair; and

630 (B) satisfactorily complete a written examination administered by the division
631 established by rule under Section 58-1-203; or

632 (C) provide certificates of completion of an apprenticeship program for elevator
633 mechanics, having standards substantially equal to those of this chapter and registered with the
634 United States Department of Labor Bureau Apprenticeship and Training or a state
635 apprenticeship council.

636 (ii) (A) If an elevator contractor licensed under this chapter cannot find a licensed
637 elevator mechanic to perform the work of erecting, constructing, installing, altering, servicing,
638 repairing, or maintaining an elevator, the contractor may:

639 (I) notify the division of the unavailability of licensed personnel; and

640 (II) request the division issue a temporary elevator mechanic license to an individual
641 certified by the contractor as having an acceptable combination of documented experience and
642 education to perform the work described in this Subsection (3)(m)(ii)(A).

643 (B) (I) The division may issue a temporary elevator mechanic license to an individual
644 certified under Subsection (3)(m)(ii)(A)(II) upon application by the individual, accompanied by
645 the appropriate fee as determined by the department under Section 63J-1-504.

646 (II) The division shall specify the time period for which the license is valid and may
647 renew the license for an additional time period upon its determination that a shortage of licensed
648 elevator mechanics continues to exist.

649 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
650 division may make rules establishing when Federal Bureau of Investigation records shall be
651 checked for applicants as an alarm company or alarm company agent.

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

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

659 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant
660 requiring a check of records of the Federal Bureau of Investigation for criminal history
661 information under this section.

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

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

667 (b) the results of the Federal Bureau of Investigation review concerning an applicant in
668 a timely manner after receipt of information from the Federal Bureau of Investigation.

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

672 (b) The division shall pay the Department of Public Safety the costs of all records
673 reviews, and the Department of Public Safety shall pay the Federal Bureau of Investigation the

674 costs of records reviews under this section.

675 (8) Information obtained by the division from the reviews of criminal history records of
676 the Department of Public Safety and the Federal Bureau of Investigation shall be used or
677 disseminated by the division only for the purpose of determining if an applicant for licensure as
678 an alarm company or alarm company agent is qualified for licensure.

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

680 (i) the applicant has had a previous license, which was issued under this chapter,
681 suspended or revoked within two years before the date of the applicant's application;

682 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and

683 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the
684 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar status,
685 performing similar functions, or directly or indirectly controlling the applicant has served in any
686 similar capacity with any person or entity which has had a previous license, which was issued
687 under this chapter, suspended or revoked within two years before the date of the applicant's
688 application;

689 (iii) (A) the applicant is an individual or sole proprietorship; and

690 (B) any owner or agent acting as a qualifier has served in any capacity listed in
691 Subsection (9)(a)(ii)(B) in any entity which has had a previous license, which was issued under
692 this chapter, suspended or revoked within two years before the date of the applicant's
693 application; or

694 (iv) (A) the applicant includes an individual who was an owner, director, or officer of
695 an unincorporated entity at the time the entity's license under this chapter was revoked; and

696 (B) the application for licensure is filed within 60 months after the revocation of the
697 unincorporated entity's license.

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

700 (i) the applicant has had a previous license, which was issued under this chapter,
701 suspended or revoked more than two years before the date of the applicant's application;

702 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and
703 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the
704 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar status,
705 performing similar functions, or directly or indirectly controlling the applicant has served in any
706 similar capacity with any person or entity which has had a previous license, which was issued
707 under this chapter, suspended or revoked more than two years before the date of the applicant's
708 application; or

709 (iii) (A) the applicant is an individual or sole proprietorship; and
710 (B) any owner or agent acting as a qualifier has served in any capacity listed in
711 Subsection (9)(b)(ii)(B) in any entity which has had a previous license, which was issued under
712 this chapter, suspended or revoked more than two years before the date of the applicant's
713 application.

714 (10) (a) (i) A licensee that is an unincorporated entity shall file an ownership status
715 report with the division every 30 days after the day on which the license is issued if the licensee
716 has more than five owners who are individuals who:

717 (A) own an interest in the contractor that is an unincorporated entity;
718 (B) own, directly or indirectly, less than an 8% interest, as defined by rule made by the
719 division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in the
720 unincorporated entity; and

721 (C) engage, or will engage, in a construction trade in the state as owners of the
722 contractor described in Subsection (10)(a)(i)(A).

723 (ii) If the licensee has five or fewer owners described in Subsection (10)(a)(i), the
724 licensee shall provide the ownership status report with an application for renewal of licensure.

725 (b) An ownership status report required under this Subsection (10) shall:

726 (i) specify each addition or deletion of an owner:

727 (A) for the first ownership status report, after the day on which the unincorporated
728 entity is licensed under this chapter; and

729 (B) for a subsequent ownership status report, after the day on which the previous

730 ownership status report is filed;

731 (ii) be in a format prescribed by the division that includes for each owner, regardless of

732 the owner's percentage ownership in the unincorporated entity, the information described in

733 Subsection(1)(e)(v);

734 (iii) list the name of:

735 (A) each officer or manager of the unincorporated entity; and

736 (B) each other individual involved in the operation, supervision, or management of the

737 unincorporated entity; and

738 (iv) be accompanied by a fee set by the division in accordance with Section 63J-1-504 if

739 the ownership status report indicates there is a change described in Subsection (10)(b)(i).

740 (c) The division may, at any time, audit an ownership status report under this

741 Subsection (10):

742 (i) to determine if financial responsibility has been demonstrated or maintained as

743 required under Section 58-55-306; and

744 (ii) to determine compliance with Subsection 58-55-501(24), (25), or (27) or

745 Subsection 58-55-502(8) or (9).

746 (11) (a) An unincorporated entity that provides labor to an entity licensed under this

747 chapter by providing an individual who owns an interest in the unincorporated entity to engage

748 in a construction trade in Utah shall file with the division:

749 (i) before the individual who owns an interest in the unincorporated entity engages in a

750 construction trade in Utah, a current list of the one or more individuals who hold an ownership

751 interest in the unincorporated entity that includes for each individual:

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

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

754 (ii) every 30 days after the day on which the unincorporated entity provides the list

755 described in Subsection (11)(a)(i), an ownership status report containing the information that

756 would be required under Subsection (10) if the unincorporated entity were a licensed

757 contractor.

758 (b) When filing an ownership list described in Subsection (11)(a)(i) or an ownership
759 status report described in Subsection (11)(a)(ii), an unincorporated entity shall pay a fee set by
760 the division in accordance with Section 63J-1-504.

761 (12) This chapter may not be interpreted to create or support an express or implied
762 independent contractor relationship between an unincorporated entity described in Subsection
763 (10) or (11) and the owners of the unincorporated entity for any purpose, including income tax
764 withholding.

765 (13) A social security number provided under Subsection (1)(e)(v) is a private record
766 under Subsection 63G-2-302(1)(i).

767 Section 4. Section 58-55-302.5 is amended to read:

768 **58-55-302.5. Continuing education requirements for contractor licensees --**
769 **Continuing education courses.**

770 (1) Each contractor licensee under a license issued under this chapter shall complete six
771 hours of approved continuing education during each two-year renewal cycle established by rule
772 under Subsection 58-55-303(1).

773 (2) (a) The commission shall, with the concurrence of the division, establish by rule a
774 program of approved continuing education for contractor licensees.

775 (b) Except as provided in Subsection (2)(e), beginning on or after June 1, 2015, only
776 courses offered by any of the following may be included in the program of approved continuing
777 education for contractor licensees:

- 778 (i) the Associated General Contractors of Utah;
- 779 (ii) Associated Builders and Contractors, Utah Chapter;
- 780 (iii) the Home Builders Association of Utah;
- 781 (iv) the National Electrical Contractors Association Intermountain Chapter;
- 782 (v) the Utah Plumbing & Heating Contractors Association;
- 783 (vi) the Independent Electrical Contractors of Utah;
- 784 (vii) the Rocky Mountain Gas Association;
- 785 (viii) the Utah Mechanical Contractors Association;

786 (ix) the Sheet Metal Contractors Association;

787 (x) the Intermountain Electrical Association;

788 (xi) the Builders Bid Service of Utah; or

789 (xii) Utah Roofing Contractors Association.

790 (c) An approved continuing education program for a contractor licensee may include a
791 course approved by an entity described in Subsections (2)(b)(i) through (2)(b)(iii).

792 (d) (i) Except as provided in Subsections (2)(d)(ii) and (iii), an entity listed in
793 Subsections (2)(b)(iv) through (2)(b)(xii) may only offer and market continuing education
794 courses to a licensee who is a member of the entity.

795 (ii) An entity described in Subsection (2)(b)(iv), (vi), or (x) may offer and market a
796 continuing education course that the entity offers to satisfy the continuing education
797 requirement described in Subsection 58-55-302.7(2)(a) to a contractor in the electrical trade.

798 (iii) An entity described in Subsection (2)(b)(v) or (viii) may offer and market a
799 continuing education course that the entity offers to satisfy the continuing education
800 requirement described in Subsection 58-55-302.7(2)(b) to a contractor in the plumbing trade.

801 (e) On or after June 1, 2015, an approved continuing education program for a
802 contractor licensee may include a course offered and taught by:

803 (i) a state executive branch agency;

804 (ii) the Workers' Compensation Fund created in Section 31A-33-102; or

805 (iii) a nationally or regionally accredited college or university that has a physical campus
806 in the state.

807 (f) On or after June 1, 2017, for a contractor licensee that is licensed in the specialty
808 contractor classification of HVAC contractor, at least three of the six hours described in
809 Subsection (1) shall include continuing education directly related to the installation, repair, or
810 replacement of a heating, ventilation, or air conditioning system.

811 (3) The division may contract with a person to establish and maintain a continuing
812 education registry to include:

813 (a) a list of courses that the division has approved for inclusion in the program of

814 approved continuing education; and

815 (b) a list of courses that:

816 (i) a contractor licensee has completed under the program of approved continuing
817 education; and

818 (ii) the licensee may access to monitor the licensee's compliance with the continuing
819 education requirement established under Subsection (1).

820 (4) The division may charge a fee, as established by the division under Section
821 [63J-1-504](#), to administer the requirements of this section.