

1                   **CONSTRUCTION TRADES LICENSING AMENDMENTS**

2                                   2019 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: Karen Mayne**

5                           House Sponsor: Mike Schultz

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7   **LONG TITLE**

8   **General Description:**

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

10 **Highlighted Provisions:**

11       This bill:

- 12           ▶ creates a certification for fire sprinkler fitting granted by the Division of
- 13 Occupational and Professional Licensing;
- 14           ▶ describes the requirements to receive a certification in fire sprinkler fitting; and
- 15           ▶ makes technical changes.

16 **Money Appropriated in this Bill:**

17       None

18 **Other Special Clauses:**

19       None

20 **Utah Code Sections Affected:**

21 AMENDS:

22           **58-55-308**, as last amended by Laws of Utah 2008, Chapter 382

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

25       Section 1. Section **58-55-308** is amended to read:

26           **58-55-308. Scope of practice -- Installation, repair, maintenance, or replacement**  
27 **of gas appliance, combustion system, or automatic five sprinkler system -- Rules.**

28       (1) (a) The commission, with the concurrence of the director, may adopt reasonable

29 rules pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to define and  
30 limit the scope of practice and operating standards of the classifications and subclassifications  
31 licensed under this chapter in a manner consistent with established practice in the relevant  
32 industry.

33 (b) The commission and the director may limit the field and scope of operations of a  
34 licensee under this chapter in accordance with the rules and the public health, safety, and  
35 welfare, based on the licensee's education, training, experience, knowledge, and financial  
36 responsibility.

37 (2) (a) The work and scope of practice covered by this Subsection (2) and Subsection  
38 (3) is the installation, repair, maintenance, cleaning, or replacement of a residential or  
39 commercial gas appliance or combustion system.

40 (b) The provisions of this Subsection (2) apply to any:

41 (i) licensee under this chapter whose license authorizes the licensee to perform the  
42 work described in Subsection (2)(a); and

43 (ii) person exempt from licensure under Subsection 58-55-305(1)(h).

44 (c) Any person described in Subsection (2)(b) that performs work described in  
45 Subsection (2)(a):

46 (i) must first receive training and certification as specified in rules adopted by [~~the~~  
47 ~~division~~] the commission, with the concurrence of the director, in accordance with Title 63G,  
48 Chapter 3, Utah Administrative Rulemaking Act; and

49 (ii) shall ensure that any employee authorized under other provisions of this chapter to  
50 perform work described in Subsection (2)(a) has first received training and certification as  
51 specified in rules adopted by the division.

52 (d) The division may exempt from the training requirements adopted under Subsection  
53 (2)(c) a person that has adequate experience, as determined by the division.

54 (3) The division may exempt the following individuals from the certification  
55 requirements adopted under Subsection (2)(c):

56 (a) a person who has passed a test equivalent to the level of testing required by the  
57 division for certification, or has completed an apprenticeship program that teaches the  
58 installation of gas line appliances and is approved by the Federal Bureau of Apprenticeship  
59 Training; and

60 (b) a person working under the immediate one-to-one supervision of a certified natural  
61 gas technician or a person exempt from certification.

62 (4) (a) The work and scope of practice covered by this Subsection (4) is the  
63 installation, repair, maintenance, or replacement of an automatic fire sprinkler system.

64 (b) The provisions of this Subsection (4) apply to an individual acting as a qualifier for  
65 a business entity in accordance with Section 58-55-304, where the business entity seeks to  
66 perform the work described in Subsection (4)(a).

67 (c) Before a business entity described in Subsection (4)(b) may perform the work  
68 described in Subsection (4)(a), the qualifier for the business entity shall:

69 (i) be a licensed general building contractor; or

70 (ii) obtain a certification in fire sprinkler fitting from the division by providing  
71 evidence to the division that the qualifier has met the following requirements:

72 (A) completing a Department of Labor federally approved apprentice training program  
73 or completing two-years experience under the immediate supervision of a licensee who has  
74 obtained a certification in fire sprinkler fitting; and

75 (B) passing the Star fire sprinklerfitting mastery examination offered by the National  
76 Inspection Testing and Certification Corporation or an equivalent examination approved by the  
77 division.

78 (d) The division may also issue a certification in fire sprinkler fitting to a qualifier for a  
79 business entity who has received training and experience equivalent to the requirements of  
80 Subsection (4)(c), as specified in rules adopted by the commission, with the concurrence of the  
81 director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

82 [~~4~~] (5) This section does not prohibit a licensed specialty contractor from accepting

83 and entering into a contract involving the use of two or more crafts or trades if the performance  
84 of the work in the crafts or trades, other than that in which the contractor is licensed, is  
85 incidental and supplemental to the work for which the contractor is licensed.