

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

- * The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- * Please address questions regarding information on this notice to the agency.
- * The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- * The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
State Admin Rule Filing Id:		Time filed:	
	Agency No.	Rule No.	Section No.
Utah Admin. Code Ref (R no.):	R 156	- 55a	-
Changed to Admin. Code Ref. (R no.):	R	-	-

1.	Agency:	Commerce/Division of Occupational and Professional Licensing		
	Room no.:			
	Building:	Heber M. Wells Building		
	Street address 1:	160 East 300 South		
	Street address 2:			
	City, state, zip:	Salt Lake City UT 84111-2316		
	Mailing address 1:	PO Box 146741		
	Mailing address 2:			
	City, state, zip:	Salt Lake City UT 84114-6741		
	Contact person(s):			
	Name:	Phone:	Fax:	E-mail:
	Dan S. Jones	801-530-6720	801-530-6511	dansjones@utah.gov

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

2.	Title of rule or section (catchline):	Utah Construction Trades Licensing Act Rule		
3.	Type of notice:	New ___; Amendment XXXX; Repeal ___; Repeal and Reenact ___		
4.	Purpose of the rule or reason for the change:	<p>Note for clarification: Many of these proposed rule changes were previously recommended by the Construction Services Commission and submitted and published in the State Bulletin in DAR File No. 39081. That proposed rule change was abandoned because of the passage of House Bill 193 (2015 Legislative Session) that was passed while the prior rule was open for public comment. The legislation made further changes necessary to the rule on continuing education. The purpose of this rule filing is to: 1. make changes to the contractor experience requirements as a result of change in the statute made by Senate Bill 102 passed in 2013; 2. clarify the liability insurance requirement for contractors; 3. clarify details of the pre-licensure education requirement for contractors; 4. update continuing education requirements for contractors as a result in change in the statute made by House Bill 193 passed in 2015; 5. clarify details of continuing education requirements for contractors; 6. add failure to comply with certain insurance requirements to unprofessional conduct for contractors; and 7. make a technical correction.</p>		
5.	This change is a response to comments from the Administrative Rules Review Committee.	No XXX; Yes ___		
6.	Summary of the rule or change:			

R156-55a-302b(1): This change deletes requirements that experience be directly related to the classification of licensure applied for. Senate Bill 102 passed in 2013 provides that experience may be in any area of the construction trades. R156-55a-302d(2): This change clarifies that a public liability insurance policy shall not exclude coverage for any type of work that a contractor performs. R156-55a-302e(2)(ii): This change makes a technical correction to update a reference to a section of rule that has been changed. R156-55a-302f(3)(b): This change allows an association with less than 250 members to be considered by the Commission to be a pre-license education course provider. R156-55a-302f(6)(h). This change allows a pre-license education course to be taught by live broadcast if certain criteria is met. R156-55a-302f(12)(c). This change specifies the time frame applicable to this exemption. R156-55a-302b(1): This change requires at least three hours of the total of six hours of the continuing education must in live seminars. The prior rule allows all of the continuing education be obtained through distance learning. R156-55a-302b(1)(a), (b) and (c): These changes add "job site safety" and "finance and bookkeeping" to core continuing education, deletes "finance and bookkeeping" from professional continuing education, and adds "business motivation" as an unacceptable subject for continuing education. R156-55a-302b(2)(b) and (6): This deletes the prior list of allowed continuing education providers and references Subsection 58-55-302.5(2)(b), where the new list of providers is specified in statute. R156-55a-302b(2)(g): This change adds additional tracking requirements for continuing education providers who offer distance learning.. R156-55a-302b (10)(b)(iii) This change is a grammatical correction. R156-55a-501(2) and (3)). This change adds failure to comply with certain insurance requirements to the definition of unprofessional conduct for contractors.

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No ___; Yes XXX

This proposed rule change will not affect the state budget other than the cost to republish the rule of approximately \$75.00 once proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

B) Local government:

Affected: No XXX; Yes ___

The proposed amendments apply only to licensed contractors, applicants for licensure in that classification and construction trade continuing education providers. As a result, the proposed amendments do not apply to local governments.

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

Affected: No ___; Yes XXX

The change in experience requirements in Section R156-55a-302b will not have any impact beyond the impact from the statutory change through Senate Bill 102. The proposed rules on continuing education will disqualify existing continuing education providers who are not listed in House Bill 193. This rule change does not have any cost impact beyond the impact of House Bill 193. Licensees who are required to attend live seminars for half of the six-hour requirement rather than distance seminars may pay additional costs to attend live seminars. Such additional costs cannot be estimated. Courses could be more difficult to obtain for contractors who are located in rural areas. Continuing education providers who provide distance learning may be required to pay additional costs to comply with the additional tracking provided for under this rule. These costs cannot be estimated.

D) Persons other than small businesses, businesses, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

Affected: No ___; Yes XXX

The change in experience requirements in Section R156-55a-302b will not have any impact beyond the impact from the statutory change through Senate Bill 102. The proposed rules on continuing education will disqualify existing continuing education providers who are not listed in House Bill 193. This rule change does not have any cost impact beyond the impact of House Bill 193. Licensees who are required to attend live seminars for half of the six-hour requirement rather than distance seminars may pay additional costs to attend live seminars. Such additional costs cannot be estimated. Courses could be more difficult to obtain for contractors who are located in rural areas. Continuing education providers who provide distance learning may be required to pay additional costs to comply with the additional tracking provided for under this rule. These costs cannot be estimated.

8. Compliance costs for affected persons:

The change in experience requirements in Section R156-55a-302b will not have any impact beyond the impact from the statutory change through Senate Bill 102. The proposed rules on continuing education will disqualify existing continuing education providers who are not listed in House Bill 193. This rule change does not have any cost impact beyond the impact of House Bill 193. Licensees who are required to attend live seminars for half of the six-hour requirement rather than distance seminars may pay additional costs to attend live seminars. Such additional costs cannot be estimated. Courses could be more difficult to obtain for contractors who are located in rural areas. Continuing education providers who provide distance learning may be required to pay additional costs to comply with the additional tracking provided for under this rule. These costs cannot be estimated.

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

As explained in the rule analysis, this comprehensive filing responds to legislative action (S.B. 102, 2013 Legislative Session and H.B. 193, 2015 Legislative Session), which made it necessary to amend the rules governing the experience and education requirements for the contractor license. No fiscal impact to businesses is anticipated beyond that considered by the Legislature in determining to modify the license requirements. In addition, this filing mandates that at least part of the continuing education requirement be completed through live courses, which might result in travel and lodging costs for some licensees. It is not anticipated that such costs will affect businesses. Finally, the filing establishes that failure to maintain certain insurance coverage is a basis for disciplinary action. The attendant costs will affect businesses that operate in the construction trades. Those costs will vary and cannot be estimated.

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

Francine A. Giani, Executive Director

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :

Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)
Section 58-55-101	Subsection 58-55-308(1)(a)
Subsection 58-55-102(39)(a)	

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

	First Incorporation	Second Incorporation
Official Title of Materials Incorporated (from title page)		
Publisher		
Date Issued		
Issue, or version		
ISBN Number (optional)		
ISSN Number (optional)		
Cost of Incorporated Reference		
Action: Adds, updates, or removes		

(If this rule incorporates more than two items by reference, please attach additional pages)

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

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy): 08/14/2015

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

On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
07/29/2015	9:00 AM	160 East 300 South, Conference Room 474 (4th floor), Salt Lake City, Utah

13.	This rule change may become effective on (mm/dd/yyyy):	08/21/2015	
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.			
14.	Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")); may not include the name of the agency:		
	contractors	occupational licensing	
	licensing		
15.	Attach an RTF document containing the text of this rule change (filename):	R156-55a.pro	
To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.			
AGENCY AUTHORIZATION			
Agency head or designee, and title:	W. Ray Walker, Acting Director	Date (mm/dd/yyyy):	06/23/2015

R156. Commerce, Occupational and Professional Licensing.
R156-55a. Utah Construction Trades Licensing Act Rule.
R156-55a-302b. Qualifications for Licensure - Experience Requirements.

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

(1) Requirements for all license classifications:

(a) Unless otherwise provided in this rule, two years of experience shall be lawfully performed within the 10-year period preceding the date of application under the general supervision of a contractor [~~licensed in the classification applied for or a substantially equivalent classification~~], and shall be subject to the following:

(i) If the experience was completed in Utah, it shall be:

(A) completed while a W-2 employee of a licensed contractor;

or

(B) completed while working as an owner of a licensed contractor, which has for all periods of experience claimed, employed a qualifier who performed the duties and served in the capacities specified in Subsection 58-55-304(4) and in Subsection R156-55a-304.

(ii) If the experience was completed outside of the state of Utah, it shall be:

(A) completed in compliance with the laws of the jurisdiction in which the experience is completed; and

(B) completed with supervision that is substantially equivalent to the supervision that is required in Utah.

(iii) Experience may be determined to be substantially equivalent if lawfully obtained in a setting which has supervision of qualified persons and an equivalent scope of work, such as performing construction activities in the military where licensure is not required. [

~~(b) Unless otherwise provided in this rule, all experience shall be directly related to the scope of practice set forth in Section R156-55a-301 of the classification the applicant is applying for, as determined by the Division.]~~

([e]b) One year of work experience means 2000 hours.

([d]c) No more than 2000 hours of experience during any 12 month period may be claimed.

([e]d) Except as described in Subsection (2)b, experience obtained under the supervision of a construction trades instructor as a part of an educational program is not qualifying experience for a contractors license.

([f]e) If the applicant's qualifying experience is outdated but has previously been approved in the state of Utah, a passing score on the trade examination and the laws and rules examination obtained within the one-year period preceding the date of application will requalify the applicant's experience.

(2) Requirements for E100 General Engineering, B100 General

Building, R100 Residential and Small Commercial Building license classifications:

(a) One of the required two years of experience shall be in a supervisory or managerial position.

(b) A person holding a four year bachelors degree or a two year associates degree in Construction Management may have one year of experience credited towards the supervisory or managerial experience requirement.

(c) A person holding a Utah professional engineer license may be credited with satisfying one year toward the supervisory or managerial experience required for E100 contractor license.

(3) Requirements for I101 General Engineering Trades Instruction Facility, I102 General Building Trades Instruction Facility, I103 Electrical Trades Instruction Facility, I104 Plumbing Trades Instruction Facility, I105 Mechanical Trades Instruction Facility license classifications:

An applicant for construction trades instruction facility license shall have the same experience that is required for the license classifications for the construction trade they will instruct.

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

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

R156-55a-302d. Qualifications for Licensure - Proof of Insurance and Registrations.

(1) In accordance with the provisions of Subsection 58-55-302(2)(b), an applicant who is approved for licensure shall submit proof of public liability insurance in coverage amounts of at least \$100,000 for each incident and \$300,000 in total by means of a certificate of insurance naming the Division as a certificate holder.

(2) The public liability insurance coverage required under Subsection 58-55-302(2)(b), and Subsection (1) above, shall not exempt from coverage any area of construction within the scope of the work performed.

R156-55a-302e. Additional Requirements for Construction Trades Instructor Classifications.

In accordance with Subsection 58-55-302(1)(f), the following additional requirements for licensure are established:

(1) Any school that provides instruction to students by building houses for sale to the public is required to become a Utah licensed contractor with a B100 General Building Contractor or R100 Residential and Small Commercial Building Contractor classification or both.

(2) Any school that provides instruction to students by building houses for sale to the public is also required to be licensed in the appropriate instructor classification.

(a) Before being licensed in a construction trades instruction facility classification, the school shall submit the name of an individual person who acts as the qualifier in each of the construction trades instructor classifications in accordance with Section R156-55a-304. The applicant for licensure as a construction trades instructor shall:

(i) provide evidence that the qualifier has passed the required examinations established in Section R156-55a-302a; and

(ii) provide evidence that the qualifier meets the experience requirement established in Subsection R156-55a-302b([4]3).

(3) Each individual employed by a school licensed as a construction trades instruction facility and working with students on a job site shall meet any teacher certification, or other teacher requirements imposed by the school district or college, and be qualified to teach the construction trades instruction facility classification as determined by the qualifier.

R156-55a-302f. Pre-licensure Education - Standards.

(1) Qualifier Education Requirement. The 20-hour pre-licensure education program required by Subsection 58-55-302(1)(e)(iii) shall be completed by the qualifier for a contractor applicant.

(2) Program Pre-Approval. A pre-licensure education provider shall submit an application for approval as a provider on the form provided by the Division. The applicant shall demonstrate compliance with Section R156-55a-302f.

(3) Eligible Providers. The following may be approved to provide pre-licensure education:

(a) a nationally or regionally recognized accredited college or university having a physical campus located within the State of Utah; or

(b) a non-profit Utah construction trades association involved in the construction trades in the State of Utah:

(i) representing multiple construction trade classifications;

(ii) with ~~whose~~ membership ~~includes~~ of:

(A) at least 250 contractors licensed in Utah; or

(B) less than 250 members, if the association is:

(I) competent, as determined by the Commission and the

Director according to their sole discretion; and

(II) compliant with all other standards of this rule; and
(iii) having five years of experience providing education to
contractors in Utah.

(4) Content. The 20-hour program shall include the following topics and hours of education relevant to the practice of the construction trades consistent with the laws and rules of this state:

(a) ten hours of financial responsibility instruction that includes the following:

(i) record keeping and financial statements;

(ii) payroll, including:

(A) payroll taxes;

(B) worker compensation insurance requirements;

(C) unemployment insurance requirements;

(D) professional employer organization (employee leasing)

alternatives;

(E) prohibitions regarding paying employees on 1099 forms as independent contractors, unless licensed or exempted;

(F) employee benefits; and

(G) Fair Labor Standard Act;

(iii) cash flow;

(iv) insurance requirements including auto, liability, and health; and

(v) independent contractor licensure and exemption requirements;

(b) six hours of construction business practices that includes the following:

(i) estimating and bidding;

(ii) contracts;

(iii) project management;

(iv) subcontractors; and

(v) suppliers;

(c) two hours of regulatory requirements that includes the following:

(i) licensing laws;

(ii) Occupational Safety and Health Administration (OSHA);

(iii) Environmental Protection Agency (EPA); and

(iv) consumer protection laws; and

(d) two hours of mechanic lien fundamentals that include the State Construction Registry.

(5) Program Schedule.

(a) A pre-licensure education provider shall offer programs at least 12 times per year.

(b) The pre-licensure education provider is not obligated to provide a course if the provider determines the enrollment is not sufficient to reach breakeven on cost.

(6) Program Instruction Requirements: The pre-licensure education shall meet the following standards:

(a) Time. Each hour of pre-licensure education credit shall

consist of 60 minutes of education in the form of live lectures or training sessions. Time allowed for lunches or breaks may not be counted as part of the education time for which education credit is issued.

(b) Learning Objectives. The learning objectives of the pre-licensure education shall be reasonably and clearly stated.

(c) Teaching Methods. The pre-licensure education shall be presented in a competent and well organized manner consistent with the stated purpose and objective of the program. The student must demonstrate knowledge of the course material and must be given a pass/fail grade.

(d) Faculty. The pre-licensure education shall be prepared and presented by individuals who are qualified by education, training or experience.

(e) Distance Learning. Distance learning, internet courses, and home study courses are not allowed to meet pre-licensure education requirements.

(f) Registration and Attendance. The provider shall have a competent method of registration and verification of attendance of individuals who complete the pre-licensure education.

(g) Education Curriculum and Study/Resource Guide. The provider shall be responsible to provide or develop pre-licensure education curriculum and study/resource guide for the pre-licensure education that must be pre-approved by the Commission and the Division prior to use by the provider.

(h) Live Broadcast. The pre-licensure education course may be taught by live broadcast if:

(i) the student and the instructor are able to see and hear each other; and

(ii) a representative of the provider is at any remote location to monitor registration and attendance at the course.

(7) Certificates of Completion. The pre-licensure education provider shall provide individuals completing the pre-licensure education a certificate that contains the following information:

(a) the date of the pre-licensure education;

(b) the name of the pre-licensure education provider;

(c) the attendee's name;

(d) verification of completion of the 20-hour requirement; and

(e) the signature of the pre-licensure education provider.

(8) Reporting of Program Completion. A pre-licensure education provider shall, within seven calendar days, submit directly to the Division verification of attendance and completion on behalf of persons attending and completing the program. This verification shall be submitted on forms provided by the Division.

(9) Program Monitoring. On a random basis, the Division or Commission may assign monitors at no charge to attend a pre-licensure education course for the purpose of evaluating the education and the instructor(s).

(10) Documentation Retention. Each provider shall for a

period of four years maintain adequate documentation as proof of compliance with this section and shall, upon request, make such documentation available for review by the Division or the Commission. Documentation shall include:

- (a) the dates of all pre-licensure education courses that have been completed;
- (b) registration and attendance logs of individuals who completed the pre-licensure education;
- (c) the name of instructors for each education course provided as a part of the program; and
- (d) pre-licensure education handouts and materials.

(11) Disciplinary Proceedings. As provided in Section 58-1-401 and Subsection 58-55-302(1)(e)(iii), the Division may refuse to renew or may revoke, suspend, restrict, place on probation, issue a public reprimand to, or otherwise act upon the approval of any pre-licensure education provider, if the pre-licensure education provider fails to meet any of the requirements of this section or the provider has engaged in other unlawful or unprofessional conduct.

(12) Exemptions. In accordance with Subsection 58-55-302(1)(e)(iii), the following persons are not required to complete the pre-licensure education program requirements:

(a) a person holding a four-year bachelor degree or a two-year associate degree in Construction Management from an accredited program;

(b) a person holding an active and unrestricted Utah professional engineer license who is applying for the E100 contractor license classification; or

(c) a person who:

(i) is a qualifier on an [existing] active and unrestricted contractor license[-who is:];

(ii) became the qualifier on the license on or before October 9, 2014; and

(iii) is applying to:

([+]A) [applying to] add additional contractor classifications to the license; or

([+]B) [applying to] become a qualifier on a new entity that is applying for initial licensure.

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

(1) Required Hours. Pursuant to Subsection 58-55-302.5, each licensee shall complete a total of six hours of continuing education during each two year license term~~[-except that for the renewal term]~~. A minimum of three hours shall be core education. The remaining three hours are to be professional education. Additional core education hours beyond the required amount may be substituted for professional education hours. A minimum of three hours shall consist of live in-class attendance. The remaining three hours may consist of courses provided through distance learning.

(a) "Core continuing education" is defined as construction codes, construction laws, job site safety, OSHA 10 or OSHA 30 safety training, governmental regulations pertaining to the construction trades and employee verification and payment practices, finance and bookkeeping.

(b) "Professional continuing education" is defined as substantive subjects dealing with the practice of the construction trades, including land development, land use, planning and zoning, energy conservation, professional development, arbitration practices, estimating, [~~finance and bookkeeping,~~] marketing techniques, servicing clients, personal and property protection for the licensee and the licensee's clients and similar topics.

(c) The following course subject matter is not acceptable as core education or professional education hours: mechanical office and business skills, such as typing, speed reading, memory improvement and report writing; physical well-being or personal development, such as personal and business motivation, stress management, time management, dress for success, or similar subjects; presentations by a supplier or a supplier representative to promote a particular product or line of products; and meetings held in conjunction with the general business of the licensee or employer.

(d) The Division may defer or waive the continuing education requirements as provided in Section R156-1-308d.

(2) A continuing education course shall meet the following standards:

(a) Time. Each hour of continuing education course credit shall consist of 50 minutes of education in the form of seminars, lectures, conferences, training sessions or distance learning modules. The remaining ten minutes is to allow for breaks.

(b) Provider. The course provider shall be among those specified in Subsection 58-55-302.5(2)(b). [~~meet the requirements of this Section and shall be one of the following:~~

~~(i) a recognized accredited college or university;~~

~~(ii) a state or federal agency;~~

~~(iii) a professional association or organization involved in the construction trades; or~~

~~(iv) a commercial continuing education provider providing a program related to the construction trades.]~~

(c) Content. The content of the course shall be relevant to the practice of the construction trades and consistent with the laws and rules of this state.

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

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

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

(g) Distance learning. A course that is provided through

Internet or home study may be recognized for continuing education if the course verifies registration and participation in the course by means of a test demonstrating that the participant has learned the material presented. Test questions shall be randomized for each participant. A home study course shall include no fewer than five variations of the final examination, distributed randomly to participants. Home study courses, including the five exam variations, shall be submitted in their entirety to the Division for review. Providers shall track the following:

- (i) the amount of time each student has spent in the course;
- (ii) what activities the student did or did not access; and
- (iii) all of the student's test scores.

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

- (i) the date of the course;
- (ii) the name of the course provider;
- (iii) the name of the instructor;
- (iv) the course title;
- (v) the hours of continuing education credit and type of credit (core or professional);
- (vi) the attendee's name; and
- (v) the signature of the course provider.

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

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

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

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

(6) The continuing education requirement for electricians, plumbers and elevator mechanics as established in Subsections 58-55-302.7 [~~and 58-55-303(6), which is completed by an employee or owner of a contractor~~], if offered by a provider specified in Subsection 58-55-302.5(2)(b), shall satisfy the continuing education requirement for contractors as established in Subsection 58-55-302.5

and implemented herein. The contractor licensee shall assure that the course provider has submitted the verification of the electrician's, plumber's or elevator mechanic's attendance on behalf of the licensee to the continuing education registry as specified in Subsection (8).

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

(8) The Division shall review continuing education courses which have been submitted through the continuing education registry and approve only those courses which meet the standards set forth under this Section.

(9) As provided in Section 58-1-401 and Subsections 58-55-302.5(2) and 58-55-302.7(4) (a), the Division may refuse to renew or may revoke, suspend, restrict, place on probation, issue a public reprimand to, or otherwise act upon the approval of any course or provider, if the course or provider fails to meet any of the requirements of this section or the provider has engaged in unlawful or unprofessional conduct.

(10) Continuing Education Registry.

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

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

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

(ii) publish on their website listings of continuing education programs that have been approved by the Division, and which meet the standards for continuing education credit under this rule;

(iii) maintain accurate records of qualified continuing education approved;

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

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

(c) Fees. A continuing education registry may charge a reasonable fee to continuing education providers or licensees for services provided for review and approval of continuing education programs.

R156-55a-501. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) failing to notify the Division with respect to any matter for which notification is required under this rule or Title 58, Chapter 55, the Construction Trades Licensing Act, including a change in qualifier. Such failure shall be considered by the Division and the Commission as grounds for immediate suspension of the contractors license;

(2) failing to continuously maintain insurance and registration as required by Subsection 58-55-302(2) and Section R156-55a-302d~~[in coverage amounts and form as implemented by this chapter]~~; and

(3) failing, ~~[upon]~~within 30 days of a request ~~[by]~~from the Division or an upper tier contractor, to provide:

(a) proof of insurance coverage~~[-within 30 days.]~~;

(b) copy of the licensee's public insurance policy; or

(c) any exclusions included in the licensee's public insurance policy.

KEY: contractors, occupational licensing, licensing

Date of Enactment or Last Substantive Amendment: ~~[October 9, 2014]~~2015

Notice of Continuation: October 4, 2011

Authorizing, and Implemented or Interpreted Law: 58-1-106(1) (a); 58-1-202(1) (a); 58-55-101; 58-55-308(1) (a); 58-55-102(39) (a)