

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:

40903

Date filed:

10-24-2016

State Admin Rule Filing Id:

Time filed:

	Agency No.	Rule No.	Section No.
Utah Admin. Code Ref (R no.):	R 156	- 55c	-
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:
Steve Duncombe	801-530-6235	801-530-6511	sduncombe@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):**  
Plumber Licensing Act Rule
3. **Type of notice:**  
New \_\_\_; Amendment XXX; Repeal \_\_\_; Repeal and Reenact \_\_\_
4. **Purpose of the rule or reason for the change:**

This filing is recommended by the Plumbers Licensing Board and the Construction Services Commission to address issues the Board and Commission believe will better protect public health, safety, and welfare. First, this filing will authorize apprentice plumbers who have successfully completed the first semester of the fourth year of their apprentice education program to sit for their journeyman exams. This will allow apprentice students to take their exams while the course material is most germane and easily recalled. It will also allow the students, especially those who fail one or more sections of the exams, to obtain instructor support and resources while still enrolled in the apprentice education program. The Board and the Commission anticipate that allowing apprentice plumbers to sit for the examinations as proposed will improve the opportunity for licensure progression, promote industry growth, and encourage corresponding wage increases as the apprentice becomes more serviceable to current and potential employers. Second, this filing adds language requested by the plumbing industry to include additional subjects that qualify for the core and professional continuing education requirements. Finally, this filing makes minor formatting changes to the language of the rule.

**5. This change is a response to comments from the Administrative Rules Review Committee.**

No XXX; Yes \_\_\_

**6. Summary of the rule or change:**

Section 302b: Language is added to Subsection (2)(b)(i) allowing the apprentice plumber to sit for the appropriate plumbing examinations after successful completion of the first semester of the fourth year of the apprentice education program. Minor formatting changes are made throughout. Section 304: Education covering the International Energy Conservation Code is included as core continuing education. Education covering Occupational Safety and Health Administration (OSHA) training and government regulations is included as professional continuing education. Minor formatting changes are made throughout.

**7. Aggregate anticipated cost or savings to:**

**A) State budget:**

Affected: No \_\_\_; Yes XXXX

The Division will incur minimal costs of approximately \$75.00 to print and distribute the rule once the 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 plumbers and applicants for licensure in those classifications. 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 proposed amendments may apply to small business. The apprentice plumber that previously had to wait until all of the education and experience requirements were met in order to sit for the appropriate exams, will now have the ability to sit for the exams after completing the first semester of the last year of the education requirement and a majority of the required experience hours. It is anticipated that allowing applicants to sit for the examinations, as proposed, will improve the opportunity for licensure progression, promote industry growth, and encourage corresponding wage increases as the licensee becomes more serviceable to current and potential employers. The impact cannot be estimated as it will vary depending on the experience and aptitude of the apprentice applicant.

**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 XXXX

The proposed amendments will only affect apprentice plumbers who are completing the apprentice education program set forth in Subsection R156-55c- 302a. The costs or savings associated with this amendment cannot be estimated as it will vary depending on the experience and aptitude of the apprentice applicant.

**8. Compliance costs for affected persons:**

The proposed amendments will impact apprentice plumbers who meet the education and experience requirements of this proposal and seek licensure as a journeyman plumber or residential journeyman plumber. The Division estimates that this amendment will help adequately prepared applicants pass the required licensure exams, and promote the timely progression of licensure. An applicant should experience a cost savings resulting from fewer failed exam attempts with corresponding retakes. Applicants who pass the exams and obtain licensure should be eligible for corresponding wage increases. However, the Division is not able to estimate the individual impact as it will vary depending on the experience and aptitude of the apprentice plumber.

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

These rule changes accelerate the time when an apprentice plumber may sit for their journeyman exam, require additional subjects for the core and professional continuing education requirements, and make minor formatting changes to the language of the rules. A negligible fiscal impact to businesses is anticipated.

**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

**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
<b>Official Title of Materials Incorporated (from title page)</b>		
<b>Publisher</b>		
<b>Date Issued</b>		
<b>Issue, or version</b>		
<b>ISBN Number (optional)</b>		
<b>ISSN Number (optional)</b>		
<b>Cost of Incorporated Reference</b>		
<b>Action: Adds, updates, or removes</b>		

(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):** 12/15/2016

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

**On (mm/dd/yyyy):**

12/7/2016

**At (hh:mm AM/PM):**

9:00 AM

**At (place):**

160 East 300 South, Conference Room 464 (4th floor), Salt Lake City, Utah

13 This rule change may become effective on (mm/dd/yyyy): 12/22/2016

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:

occupational licensing

licensing

plumbers

plumbing

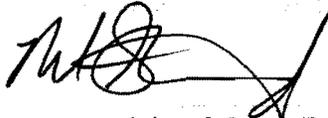
15 Attach an RTF document containing the text of this rule change R156-55c.pro

(filename):

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 *Utah State Bulletin*, and delaying the first possible effective date.

### AGENCY AUTHORIZATION

Agency head or  
designee, and title:



Date  
(mm/dd/yyyy)

: 10/24/2016

**R156. Commerce, Occupational and Professional Licensing.**

**R156-55c. Plumber Licensing Act Rule.**

**R156-55c-302b. Qualifications for Licensure - Examination Requirements.**

In accordance with Subsections 58-1-203(2) and 58-1-301(3), the examination requirements for licensure in Subsection 58-55-302(1)(c)(i) are ~~[defined, clarified, or established]~~ as follows:

(1) The applicant shall obtain a minimum score of 70% on the Utah Plumbers Licensing Examination that shall consist of a written section and practical section.

(2) Admission to the examinations is permitted after:

(a) the applicant has completed all requirements for licensure set forth in this section and in Sections R156-55c-302a and R156-55c-302b; or

(b) the applicant has completed:

(i) the first semester of the fourth year of the apprentice education program set forth in Subsection R156-55c-302a(1)(a)(ii); and

(ii) not less than 6,000 hours of the experience required under Subsection R156-55c-302a(1)(a)(i).

(3) (a) If an applicant fails any section ~~[one or more sections]~~ of the examination, the applicant shall retake [any] that ~~[of the examination failed]~~.

(b) An applicant shall wait at least 25 days for the first two retakes, and thereafter shall wait 120 days between retakes.

(4) If an applicant passes any section of the examination but does not pass the entire examination, the passing score ~~[on any]~~ for that section ~~[of the examination]~~ shall be valid for one year from the pass date ~~[the section of the examination was passed]~~. ~~[Thereafter,]~~ After one year the applicant shall retake any previously passed section ~~[of the examination that is no longer valid]~~ to support any subsequent application for licensure.

**R156-55c-304. Continuing Education - Standards.**

(1) Required Hours. Pursuant to Sections 58-55-302.7 and 58-55-303, each licensee shall complete 12 hours of continuing education during each two-year license term. A minimum of eight hours shall be core education. The remaining four hours may be professional education.

(2) "Core continuing education" is defined as education covering:

(a) International Building, Mechanical, Plumbing, and International Energy Conservation Codes and Utah building code amendments as adopted or proposed for adoption;

(b) the Americans with Disability Act;

(c) medical gas, National Fire Protection Association 13D and 54; and

(d) hydronics and waste water treatment.

(3) "Professional continuing education" is defined as education covering:

(a) energy conservation, management training, new technology, plan reading; and

(b) lien laws and Utah construction registry

(c) Occupational Safety and Health Administration (OSHA) training;  
and

(d) government regulations.

(4) Non-acceptable course subject matter includes the following types of courses and other similar courses:

(a) mechanical office and business skills, such as typing, speed reading, memory improvement, and report writing;

(b) physical well-being or personal development, such as personal motivation, stress management, time management, or dress for success;

(c) presentations by a supplier or a supplier representative to promote a particular product or line of products; and

(d) meetings held in conjunction with the general business of the licensee or employer.

(5) The Division may:

(a) waive the continuing education requirements for a licensee that is an instructor of an approved education apprenticeship program; or

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

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

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

(b) Provider. The course provider shall 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 plumbing trade.

(c) Content. The content of the course shall be relevant to the practice of the plumbing trade 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 courses may be recognized for continuing education if the course verifies registration and participation in the course by means of a passing a test demonstrating that the participant has learned the material presented. Test questions shall be randomized for each participant.

(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 to 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;
- (vi) the attendee's name;
- (vii) the attendee's license number; and
- (viii) the signature of the course provider.

(7) 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.

(8) 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 (~~10~~ 10). Alternatively, the licensee may submit the course for approval and pay any course approval fees and attendance recording fees.

(9) Licensees who lecture in approved continuing education courses 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.

(10) ~~[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.]~~ A course provider shall submit to the continuing education registry, in the format required by the continuing education registry:

- (a) applications for approval of continuing education courses; and
- (b) on behalf of each licensee, verification of the licensee's attendance and completion of a continuing education course.

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

(12) 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 for

course approval from continuing education course providers, and ~~[shall]~~ submit ~~[the application for course approval]~~ to the Division for review and approval ~~[of]~~ only those ~~[programs]~~ courses which meet the standards set forth under this section;

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

(iii) maintain accurate records of approved qualified continuing education courses ~~[approved]~~;

(iv) maintain accurate records of verification of attendance and completion for each ~~[, 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. The 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.

**KEY: occupational licensing, licensing, plumbers, plumbing**

**Date of Enactment or Last Substantive Amendment: ~~[October 9, 2014]~~ 2016**

**Notice of Continuation: August 8, 2016**

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