

1                                   **ALARM SYSTEM AMENDMENTS**

2   2011 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Lynn N. Hemingway**

5   Senate Sponsor: Patricia W. Jones

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7 **LONG TITLE**

8 **General Description:**

9                   This bill modifies a provision of the Utah Construction Trades Licensing Act relating to  
10 alarm companies and agents.

11 **Highlighted Provisions:**

12                   This bill:

13                   ▶ classifies as unprofessional conduct an alarm company or agent's failure to inform a  
14 potential customer about a local jurisdiction's policy on priority levels of responding  
15 to an alarm.

16 **Money Appropriated in this Bill:**

17                   None

18 **Other Special Clauses:**

19                   None

20 **Utah Code Sections Affected:**

21 AMENDS:

22                   **58-55-502**, as last amended by Laws of Utah 2001, Chapter 198

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

25                   Section 1. Section **58-55-502** is amended to read:

26                   **58-55-502. Unprofessional conduct.**

27                   Unprofessional conduct includes:

28                   (1) failing to establish, maintain, or demonstrate financial responsibility while licensed  
29 as a contractor under this chapter;

- 30 (2) disregarding or violating through gross negligence or a pattern of negligence:  
31 (a) the building or construction laws of this state or any political subdivision;  
32 (b) the safety and labor laws applicable to a project;  
33 (c) any provision of the health laws applicable to a project;  
34 (d) the workers' compensation insurance laws of this state applicable to a project;  
35 (e) the laws governing withholdings for employee state and federal income taxes,  
36 unemployment taxes, FICA, or other required withholdings; or  
37 (f) any reporting, notification, and filing laws of this state or the federal government;  
38 (3) any willful, fraudulent, or deceitful act by a licensee, caused by a licensee, or at a  
39 licensee's direction which causes material injury to another;  
40 (4) contract violations that pose a threat or potential threat to the public health, safety,  
41 and welfare including:  
42 (a) willful, deliberate, or grossly negligent departure from or disregard for plans or  
43 specifications, or abandonment or failure to complete a project without the consent of the  
44 owner or his duly authorized representative or the consent of any other person entitled to have  
45 the particular project completed in accordance with the plans, specifications, and contract  
46 terms;  
47 (b) failure to deposit funds to the benefit of an employee as required under any written  
48 contractual obligation the licensee has to the employee;  
49 (c) failure to maintain in full force and effect any health insurance benefit to an  
50 employee that was extended as a part of any written contractual obligation or representation by  
51 the licensee, unless the employee is given written notice of the licensee's intent to cancel or  
52 reduce the insurance benefit at least 45 days before the effective date of the cancellation or  
53 reduction;  
54 (d) failure to reimburse the Residence Lien Recovery Fund as required by Section  
55 38-11-207;  
56 (e) failure to provide, when applicable, the information required by Section 38-11-108;  
57 and

58 (f) willfully or deliberately misrepresenting or omitting a material fact in connection  
59 with an application to claim recovery from the Residence Lien Recovery Fund under Section  
60 38-11-204;

61 (5) failing as an alarm company to notify the division of the cessation of performance  
62 of its qualifying agent, or failing to replace its qualifying agent as required under Section  
63 58-55-304;

64 (6) failing as an alarm company agent to carry or display a copy of the licensee's  
65 license as required under Section 58-55-311; [~~or~~]

66 (7) failing to comply with operating standards established by rule in accordance with  
67 Section 58-55-308[-]; and

68 (8) the failure of an alarm company or alarm company agent to inform a potential  
69 customer, before the customer's purchase of an alarm system or alarm service from the alarm  
70 company, of the policy of the county, city, or town within which the customer resides relating  
71 to priority levels for responding to an alarm signal transmitted by the alarm system that the  
72 alarm company provides the customer.