

**APPRENTICESHIP UTILIZATION ACT**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: David P. Hinkins**

House Sponsor: \_\_\_\_\_

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**LONG TITLE****General Description:**

This bill enacts provisions related to labor for public works projects provided by an apprentice.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
  - ▶ for certain public works projects:
    - requires that at least a specified amount of labor be performed by an apprentice;
- and
- establishes other requirements for a contract between a government entity and a contractor related to apprentices; and
  - ▶ provides exceptions to the minimum amount of labor for a public works project that is required to be performed by an apprentice.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**34-30-201**, Utah Code Annotated 1953

34-30-202, Utah Code Annotated 1953

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

Section 1. Section 34-30-201 is enacted to read:

**Part 2. Apprenticeships**

**34-30-201. Definitions.**

As used in this part:

(1) "Apprentice" means the same as that term is defined in Section [35A-6-102](#).

(2) "Apprenticeship utilization requirement" means a requirement related to the amount of labor performed by an apprentice.

(3) "Government entity" means:

(a) a political subdivision; or

(b) the state.

(4) (a) "Labor hour" means an hour of work on the site of a public works project performed by an individual receiving an hourly wage to provide construction work on the site, including:

(i) an individual employed by the contractor; or

(ii) an individual employed by a subcontractor.

(b) "Labor hour" does not include an hour of work performed by:

(i) a foreman;

(ii) a superintendent; or

(iii) the company owner of a general contractor or subcontractor.

(5) "Political subdivision" means the same as that term is defined in Section [34-30-14](#).

(6) "Public works" or "public works project" means the same as that term is defined in Section [34-30-14](#).

Section 2. Section 34-30-202 is enacted to read:

**34-30-202. Labor provided by an apprentice.**

(1) A government entity is subject to Subsection (2) for each public works project:

(a) for which the government entity enters into a contract on or after July 1, 2020; and

(b) that is estimated to cost \$500,000 or more.

(2) For a public works project described in Subsection (1), a government entity shall

require in a contract for the public works project that:

(a) except as provided in Subsection (3)(a), apprentices complete at least 15% of:

(i) the total labor hours performed by workers from each trade; and

(ii) the total labor hours performed by each contractor and subcontractor; and

(b) each contractor and subcontractor provide to the government entity a payroll report at least monthly that certifies, for each worker performing one or more labor hours, the worker's:

(i) name;

(ii) trade;

(iii) number of hours worked; and

(iv) whether the worker is a journey-level worker or an apprentice.

(3) A government entity is exempt from:

(a) the requirements described in Subsection (2)(a) for a specific public works project if:

(i) the site of the public works projects is in a geographic area in which there is a lack of available apprentices;

(ii) the public works project meets the cost threshold described in Subsection (1)(b) due to high materials costs, but requires limited labor hours; or

(iii) the government entity demonstrates a good faith effort to comply with the requirements described in this section; and

(b) the requirements described in this section, if the government entity has an apprenticeship utilization requirement for a public works project that is equal to or exceeds the apprenticeship utilization requirement described in this section.