

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

AGENCY: Department of Labor and Training

DIVISION:

RULE IDENTIFIER: 260-RICR-30-15-7

REGULATION TITLE: Board of Examiners of Electricians

RULEMAKING ACTION: Proposed Rulemaking

TYPE OF FILING: Amendment

TIMETABLE FOR ACTION ON THE PROPOSED RULE:

Public notice date of: May 18, 2018

Comment period ends: June 18, 2018

SUMMARY OF PROPOSED RULE: To provide minimum requirements for the licensure of electricians.

COMMENTS INVITED:

All interested parties are invited to submit written or oral comments concerning the proposed regulations by June 18, 2018 to the addresses listed below.

ADDRESSES FOR PUBLIC COMMENT SUBMISSIONS:

Mailing Address: Sean M. Fontes, Executive Counsel, Department of Labor and Training, 1511 Pontiac Avenue, Cranston, RI 02920

Email Address: sean.fontes@dlt.ri.gov

WHERE COMMENTS MAY BE INSPECTED:

Mailing Address: Department of Labor and Training, 1511 Pontiac Avenue, Cranston, RI, 02920.

PUBLIC HEARING INFORMATION:

Public Hearing Date & Time: June 12, 2018 @ 3:00 PM

Public Hearing Location: Department of Labor & Training 1511 Pontiac Ave, 73-1, Cranston, RI 02920

The place of the public hearing is accessible to individuals who are handicapped. If communication assistance (readers/interpreters/captioners) is needed or any other accommodation to ensure equal participation, please call 462-8897 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

FOR FUTHER INFORMATION CONTACT:

Sean M. Fontes, Executive Counsel, Department of Labor and Training, 1511 Pontiac Avenue, Cranston, RI 02920, 462-8890, sean.fontes@dlt.ri.gov

SUPPLEMENTARY INFORMATION:

Regulatory Analysis Summary and Supporting Documentation:

It is beneficial for the public to have electricians meet minimum requirements for licensure.

Authority for This Rulemaking: 5-6-6

Regulatory Findings:

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

The Proposed Adoption:

Department of Labor and Training proposes to adopt the proposed rule as follows below:

260-RICR-30-15-7

TITLE 260-DEPARTMENT OF LABOR AND TRAINING

CHAPTER 30- WORKFORCE REGULATION AND SAFETY

SUBCHAPTER 15- PROFESSIONAL REGULATION

PART 7- BOARD OF EXAMINERS OF ELECTRICIANS

7.1 Authority

This regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws Chapter 5-6.

7.2 Purpose

To provide the procedures used by the Board of Examiners of Electricians for licensing and examinations.

7.3 Definitions

A. For the purpose of this regulation:

1. ~~The term "Electric light and power company"~~ shall mean: Any means any public utility doing business as an electric utility in the State of Rhode Island and whose business is directly regulated by the Rhode Island Public Utilities Commission pursuant to R.I. Gen. Laws G.L. Title 39 Title 39 of the Rhode Island General Laws.
2. "Premise" when used in reference to a Limited Premise License, Certificate C and Limited Maintenance License, Certificate D, shall mean an existing building and premises. It shall not mean new construction and/or an addition to an existing building. Limited Premise License/Class C and Limited Maintenance License/Class D:
 - a. ~~All limited premise and limited maintenance licenses issued by the Department of Labor and Training/Division of Professional Regulation shall include a description of the existing property and the content for the existing equipment therein.~~
 - b. ~~The word premises as used shall mean an existing building and premises. It shall not mean new construction and/or an addition to an existing building.~~

7.4 Elections

~~At the February meeting, the Board shall elect a Chairman and Secretary who shall serve for a period of one (1) year.~~

7.4 Adoption of National Electric Code

~~Under the provisions of Pursuant to R.I. Gen. Laws G.L. § 5-6-26, section 26 of Chapter 5-6 of the General Laws of 1956 (as amended)~~ the Division of Professional Regulation does hereby adopt and specify the provisions of the National Electrical Code adopted by the Rhode Island State Building Commission as its official rules and requirements for performance of electrical work. A copy of the ~~said~~ National Electrical Code, plus any amendments ~~thereto~~, which the division may adopt from time to time, shall, when filed in the office of the Secretary of State be deemed to be official.

7.5 Procedures for Examinations

- A. All examinations shall be conducted and completed in writing and may include written and/or practical demonstrations, and the provisions shall be based ~~upon some definite~~ the edition of the National Electrical Code adopted by the Rhode Island Building Code Commission at the time of the examination, e and amendments thereto. Notice of the time and place of examinations will be mailed to each applicant. Only applicants approved to take the examination will be admitted.
- B. All examinations shall be in writing except as hereinafter provided for by the Division of Professional Regulation ~~/~~ Rules and Regulations.
- C. All answers to written examination questions will be in ink, unless otherwise specified. Any person found referring to notes or books during an examination, except ~~by~~ by permission by the board will be disqualified from that examination. Applicants for examination will be required to obtain an average of at least 70% in order to obtain a license. Applicants for examination will be required to obtain an average of at least 60% in order to review the said examination with the members of the board.
- D. Applications are made by filing for the type of license/certificate sought. The application forms are available at the Office of the Division of Professional Regulation. Applications for examinations must be received 15 working days prior to the examination date.

7.6 Types of Licenses

- A. Below is a list of license types and corresponding certificates as listed in R.I. Gen. Laws §§ 5-6-7 and 5-6-11.

<u>Type of License</u>	<u>Certificate</u>
<u>Electrical contractor's license</u>	<u>A</u>
<u>Journeyman electrician's license</u>	<u>B</u>
<u>Limited-premises license</u>	<u>C</u>

<u>Burner contractor's license</u>	<u>E</u>
<u>Burnerperson's license</u>	<u>F</u>
<u>Fire alarm contractor's license</u>	<u>AF</u>
<u>Fire alarm installer's license</u>	<u>BF</u>
<u>Electrical sign contractor's license</u>	<u>SCF</u>
<u>Electrical sign installer's license</u>	<u>CF</u>
<u>Limited-maintenance license</u>	<u>D</u>
<u>Limited-maintenance journeyperson license</u>	<u>M</u>
<u>Lightning-protection contractor</u>	<u>LPC</u>
<u>Lightning-protection installer</u>	<u>LPI</u>
<u>Sign renovation electrical license</u>	<u>LPR</u>
<u>Renewable energy professional</u>	<u>REP</u>

B. Electrical Contractor's/Master's License.

1. The officer whom is the holder of the contractors' license, Class-Certificate A, E, AF, LPC or SCF, must present certified documentation, from the Rhode Island Office of the Secretary of State, to the Department of Labor and Training/Division of Professional Regulation which certifies that the licensed electrical contractor is a duly elected officer of said corporation.
2. If a contractor holding Certificate A, AF, E, LPC or SCF wishes to conduct business under a firm or corporation name, the Division of Professional Regulation will issue a certificate stating such, upon payment of the fee of One Hundred (\$100.00) Dollars.
 - a. A license holder may obtain only one (1) firm or corporate certificate and his/her license shall be restricted to the identifying corporation.
 - b. The firm or corporate certificate will comprise both the original electrical contractor's number and the electrical corporation's license number.
 - c. The original electrical contractor's license shall not be utilized by said electrical contractor independent of the firm or corporate certificate.
 - d. Upon the termination of the firm or corporate certificate in the name of the electrical contractor, the electrical contractor may obtain his/her individual license.

- e. The renewal fee for the electrical contractor's license and the electrical firm or corporate certificate shall become due and payable on the birthday of the holder of the electrical contractor's license.

C. General contractors that are not licensed electrical contractors, with the Rhode Island Department of Labor and Training, shall not bid, solicit, or advertise for electrical work. They may solicit bids from Rhode Island Licensed Electrical Contractors.

7.7 Application for Licensure

A. Applicants filing for Certificate A, E, AF, LPC or SCF Certificates must be at least twenty-one (21) years of age. Applicants for other licenses must be at least eighteen (18) years of age. The years of experience for a journeyman or contractor will only pertain to new applicants received in the division as of the effective date of acceptance of these rules and regulations.

B. No licensee shall engage in business under any name other than that stated on his license, except the holder of Certificate A, AF, SCF, LPC or E pursuant to § 7.6(B) of this Part.

C. Applicants for a ~~Class Certificate~~ B must submit a notarized letter from employers, and in the case of military, verification from proper officials of an applicant's former military unit, stating the type and extent of experience which the applicant has had in the type of work for which a license is being sought. Those applying for Journeymen's ~~Class Certificate~~ B License must have at least 8,000 hours (4 years) experience as a registered apprentice.

D. Applicants for Contractor's Certificate A must have had at least 12,000 hours (6 years) experience and have held a Rhode Island ~~Certificate B license~~ for two years. ~~Out-of~~ state applicants who hold a contractor's license or journeyman's license will be allowed to take the Rhode Island journeyman's exam. ~~Out-Out-of~~ state applicants who hold a contractor's license and a Rhode Island journeyman's license for two years and have 12,000 hours (6 years) experience will be allowed to take the Rhode Island contractor's exam.

E. Applicants for a Limited Maintenance journeymen's ~~Class Certificate~~ M license must have fulfilled the application requirements and conditions set forth in R.I. Gen. Laws ~~RIGL~~ § 5-6-24 (c).

F. Applicants for a Limited Journeyman license ~~Class Certificate~~ BF, F or CF shall be required to work a minimum of four thousand (4,000) hours over a period of not less than two (2) years as a registered limited apprentice and submit a notarized letter from their employer indicating hours worked.

G. Any person applying to take the examination for the Lightning Protection Installer's License (Certificate LPI) as per R.I. Gen. Laws ~~GL~~ G.L. §§ 5-6-11(d) and § 5-6-24(d) must provide the Department of Labor and Training with an affidavit or a notarized letter from a current and/or prior employer(s) evidencing that said applicant has worked for a recognized lightning protection company for a minimum of four thousand (4000) hours over a period of not less than two (2) years.

- ~~G. Applicants filing for Class A, E, AF, LPC or SCF Certificates must be at least twenty-one (21) years of age. Applicants for other licenses must be at least eighteen (18) years of age. The years of experience for a journey person or contractor will only pertain to new applicants received in the division as of the effective date of acceptance of these rules and regulations.~~
- H. All Limited Premise, Class Certificate C, and Limited Maintenance, Class Certificate D, licenses issued by the Department of Labor and Training, Division of Professional Regulation, shall include a description of the existing premise and the content for the existing equipment therein.
- I. Limited Premises and Limited Maintenance Licenses shall authorize a person, firm or corporation the right to repair and/or maintain existing electric wires, devices, appliances and equipment on the premises. An individual Limited Premise and/or Limited Maintenance License is required for each address.
- J. Limited Premises or Limited Maintenance License, as provided in R.I.G.L §§ 5-6-10, 5-6-10., and 5-6-14 shall authorize municipalities, schools, hospitals, colleges, or other non-manufacturing firms or entities, who regularly employ one (1) or more licensed electricians (journey person/Certificate B), the right to repair and/or maintain existing electric wires, devices, appliances and equipment on said premise.

7.8 Military License

In the case of military service personnel, who are licensees prior to their entry into the military, shall have their licenses renewed without further examination, provided, however, they seek renewal within four (4) years and four (4) months of their enlistment date and upon the payment of the prescribed fee.

- ~~B. No licensee shall engage in business under any name other than that stated on his license, except the holder of Certificate A, AF, SCF, LPC or E pursuant to rule No. 6.~~

7.9 License Renewal

- A. All certificates and/or licenses issued by the division of professional regulation shall be renewable on the birthday of the licensee. A certificate and/or license shall not be renewable if a penalty and/or fine is outstanding with the Department of Labor and training, Division of Professional Regulation, until such time as restitution has been made.
- B. Applications for renewal of Class Certificate "A", Class Certificate "E", Class Certificate "SCF", Class Certificate "LPC" or Class Certificate "AF" licenses shall be signed, in the case of firms and corporations, by the same member or officer who was originally granted a license or passed the examination by which said firm or corporation was authorized, or re-authorized, to enter upon or engage in business as provided in R.I. Gen. Laws Chapter 5-6 of the General Laws of 1956 (as amended).

7.10 Appeals

AB. Persons, firms or corporations aggrieved by a decision of the Director of Labor and Training, upon recommendation of the Board, on any questions relative to examinations may petition for a hearing before the Director of Labor and Training and Board. Request for such a hearing must be made in writing to the Secretary of the Board, within thirty (30) days of notice of such decision. Said decision of the Director of Labor and Training, upon recommendation of the Board, regarding any person, firm or corporation shall be mailed to the aggrieved and records kept on file.

BC. All requests for interpretations by the Board shall be submitted in writing to the Department of Labor and Training.

~~General contractors that are not licensed electrical contractors, with the Rhode Island Department of Labor and Training, shall not bid, solicit, or advertise for electrical work. They may solicit bids from Rhode Island Licensed Electrical Contractors.~~

~~Persons and work exempt ---- The term "electric light and power company" shall mean any public utility doing business as an electric utility in the State of Rhode Island and whose business is directly regulated by the Rhode Island Public Utilities Commission pursuant to Title 39 of the Rhode Island General Laws.~~

~~A. --- Limited Premises and Limited Maintenance Licenses shall authorize a person, firm or corporation the right to repair and/or maintain existing electric wires, devices, appliances and equipment on the premises. An individual Limited Premise and/or Limited Maintenance License is required for each address.~~

~~B. --- Limited Premises or Limited Maintenance License, as provided in R.I., Gen. Laws R.I.G.L. §§ Chapters 5-6-10, 5-6-10.1, and 5-6-14 of the General Laws, shall authorize municipalities, schools, hospitals, colleges, or other non-manufacturing firms or entities, who regularly employ one (1) or more licensed electricians (journeyperson/Class B), the right to repair and/or maintain existing electric wires, devices, appliances and equipment on said premise.~~

7.11 License Premises License

A. ~~Under R.I. Gen. Laws § 5-6-10, Aa~~ Certificate C permit shall be issued to the Department of Administration, Division of Facilities Management as the coordinated facilities management agent for all State agencies pursuant to Executive Order 04-04. The Division of Facilities Management is comparable to the Rhode Island Department of Transportation and Rhode Island Airport Corporation in that it regularly employs licensed electricians and is responsible for and capable of performing electrical maintenance and installation work on State owned premises. The Division of Facilities Management shall be subject to the application requirements as outlined in R.I. Gen. Laws § 5-6-10.

B. A Class Certificate C certificate issued to the Division of Facilities Management shall be valid for electrical maintenance and renovation projects not in excess of two thousand (2,000) square feet undertaken by the Division of Facilities

Management, regardless of whether the renovation projects are internal or external. The foregoing limitation shall not apply to the Rhode Island Department of Transportation, Rhode Island Airport Corporation, and the other entities covered by R.I. Gen. Laws § 5-6-10, whether as owners or occupiers of said premises. These entities shall be subject to the scope limitations as set forth in R.I. Gen. Laws § 5-6-14 only.

7.12 Restricted Licenses

Licenses of ~~Oilburner-Burner~~ Contractor's license/~~Master (Class-Certificate E) and Oilburner Journey~~person's license (~~Class-Certificate F~~) ~~—Class E and Class F Licenses~~ are restricted to domestic oil and gas heating equipment for installation and servicing of domestic home heating plants, also defined as central heating plants. The performance of electrical work on commercial oil and gas burners burning No. 2, 3, 4, 5, or 6 fuel oil requires an Electrical Contractor's License (~~Class-Certificate A~~) and ~~Electrical~~ Journeyperson's Electrician's License (~~Class-Certificate B~~).

7.13 License or Certificate Renewal

~~Renewal of certificates and licenses—~~Pursuant to R.I. Gen. Laws § 5-6-20, All certificates and/or licenses issued by the division of professional regulation shall be renewable on the birthday of the licensee for a period of two (2) years. A certificate and/or license shall not be renewable if a penalty and/or fine is outstanding with the Department of Labor and training, Division of Professional Regulation, until such time as restitution has been made.

7.14 Mandatory Continuing Education

- ~~A.——Instructors or inspectors shall attend a preparation seminar held by Department of Labor and Training, Division of Professional Regulations, every three (3) years, prior to teaching a fifteen (15) hour course.~~
- ~~B.——Instructors or inspectors are required to teach a class during each and every code cycle.~~
- ~~C.——Instructors or inspectors are required to teach the current electrical code with necessary amendments to be forwarded to the student, upon adoption of the same.~~
- ~~D.——Instructors or inspectors are required to insure that any and all of their students are actually in attendance for the required fifteen (15) hours of continuing education. Providers (instructors or inspectors) shall issue an approved uniform certificate verifying the completion of the fifteen (15) hour course, to each student, in accordance with 5-6-20.1(f). As mandated in 5-6-15, any instructor or inspector who has provided a false statement, shall be subject to the penalties, prosecution and enforcement of chapter 5-6—(electricians).~~
- ~~E.——Instructors or inspectors are hereby required to provide the Department of Labor and Training/Division of Professional Regulation with copies of their fifteen (15)~~

~~hour mandatory continuing education course curriculum, class location and class schedules.~~

- ~~F. A minimum of 10 students per class, unless approved by the Department of Labor & Training.~~
- ~~G. Out of State Licensees, who do not have courses available to them may take an NFPA National Electrical Code course, and obtain a copy of the Rhode Island amendments from the Rhode Island Building Code Commission Office.~~
- ~~H. Any license holder desiring a variance on the requirements would have to appear before the board on a case by case basis.~~

7.14 Continuing Education Requirements

- A. Pursuant to R.I. Gen. Laws § 5-6-20.1(d), mandatory continuing education requirements established by the board are limited to Certificate A and Certificate B electricians.
- B. R. I. Gen. Laws § 5-6-20.1 requires licensees to complete at least fifteen hours of continuing education in a course of study approved by the board as a condition of licensure renewal.
- C. Out-of-state licensees who are residents of another state and cannot access board approved courses may take a National Electrical Code course, and obtain a copy of the Rhode Island amendments from the Rhode Island Building Code Commission Office.
- D. In addition to the continuing education requirements in R.I. Gen. Laws § 5-6-20.1, instructors and inspectors shall adhere to the following requirements set by the board:
 - 1. Instructors or inspectors shall attend a preparation seminar held by Department of Labor and Training, Division of Professional Regulations, every three (3) years, prior to teaching a fifteen (15) hour course.
 - 2. Instructors or inspectors are required to teach a class during each and every code cycle.
 - 3. Instructors or inspectors are required to teach the current electrical code with necessary amendments to be forwarded to the student, upon adoption of the same.
 - 4. Instructors or inspectors are required to ensure that any and all of their students are actually in attendance for the required fifteen (15) hours of continuing education. Instructors or inspectors shall issue an approved uniform certificate verifying the completion of the fifteen (15) hour course, to each student, pursuant to R.I. Gen. Laws § 5-6-20.1(f). Any instructor or inspector who has provided a false statement, shall be subject to the penalties, prosecution and enforcement of R.I. Gen. Laws Chapter 5-6.

5. Instructors or inspectors are hereby required to provide the Department of Labor and Training/Division of Professional Regulation with copies of their fifteen (15) hour mandatory continuing education course curriculum, class location and class schedules.
6. A minimum of ten (10) students per class is required, unless approved by the Department of Labor & Training.