

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Alabama Board of Electrical Contractors
Rule No. 303-X-1-.02
Rule Title: Definitions
 New X Amend _____ Repeal _____ Adopt by Reference _____

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? No

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer  _____

Date: March 22, 2021

(DATE FILED) REC'D & FILED
MAR 22 2021

APA-2
11/96

Alabama Board of Electrical Contractors

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Electrical Contractors

RULE NO. & TITLE: 303-X-1-.02 Definitions

INTENDED ACTION: Amend

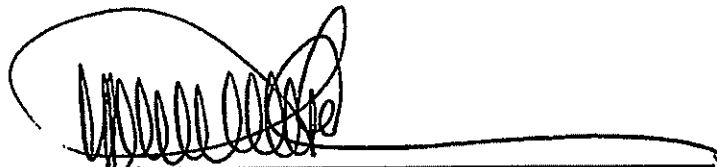
SUBSTANCE OF PROPOSED ACTION: The Board proposes to further define the employee in relation to a licensed Electrical Contractor. Defining an individual employee performing services for a properly licensed electrical contractor for the purposed of the laws and rules of the Board of Electrical Contractors.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written comments will be received by the Board until 4:00 p.m. on Wednesday, May 5, 2021. Comments should be directed to Keith E. Warren, *Executive Director*, 2777 Zelda Road, Montgomery, AL 36106 or via electronic mail at keith@alstateboard.com or via telephone at 334-420-7232.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Wednesday, May 5, 2020.

CONTACT PERSON AT AGENCY:

Keith E. Warren
Executive Director
2777 Zelda Road
Montgomery, AL 36106
(334) 420-7232



Keith E. Warren, *Executive Director*
Alabama Board of Electrical Contractors

**ALABAMA BOARD OF ELECTRICAL CONTRACTORS
ADMINISTRATIVE CODE**

**CHAPTER 303-X-1
COMPOSITION AND OPERATIONS OF THE BOARD**

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303-X-1-.01 Name

The name of this Board shall be the "Alabama Board of Electrical Contractors", hereinafter referred to as the Board.

Authority: Code of Alabama 1975, §34-36-1, et seq.

History: Repealed and New Rule: Filed February 11, 2011

Author: Hendon B. Coody

303-X-1-.02 Definitions

The following terms shall have the meanings respectively ascribed to them, for the purposes of these rules and regulations, unless the context clearly requires a different meaning:

- (1) Board. The Alabama Board of Electrical Contractors.
- (2) Character. Satisfaction of the Board that the applicant possesses such good character and willingness to serve the public and conserve the public health and safety as to be entitled to a license as an electrical contractor or journeyman electrician.
- (3) Electrical Contracting. The act of performing any job or project in the State of Alabama wherein the electrical contractor proposes to bid, install, maintain, alter, or repair any electric wiring devices, equipment or electrical systems.
- (4) Electrical Contractor. Any person, firm, or corporation who is engaged in the business of soliciting and installing electrical power or control systems; maintaining, altering, or repairing electrical power or control systems, any electrical wiring devices, equipment or any other electrical apparatus. A person who possesses the necessary qualifications, training, and technical knowledge to plan, lay out and supervise the installation of electrical wiring, apparatus, or equipment for lighting, heating, power, or controls.
- (5) Employee. ~~A person who is hired to perform work or to provide services for an employer where the employer gives direction regarding what is to be done and how it is to be done and the work and/or services is not provided as part of an independent business.~~ An individual employed to perform services in exchange for valuable consideration by an individual, organization, or corporate employer, so long as that employer's business is at all times affiliated with a properly licensed electrical contractor. An employee for the purposes of the Alabama Electrical Contractor's laws and rules must not be an independent contractor. The valuable consideration paid to the employee must be evidenced by a current W2 filed with

the Internal Revenue Service and the employer agrees to provide the board with such W2 evidence upon request.

(6) Executive Director. The Executive Director of the State Board of Electrical Contractors.

(7) Journeyman Electrician. A person who possesses necessary qualifications, training, and technical knowledge to install electrical wiring, apparatus, equipment, lighting, heating, power or control, covered by this chapter. He or she shall work under a master or state certified electrical contractor, and shall be capable of doing work according to plans and specifications furnished to him or her and in accordance with standard rules and regulations governing such work.

(8) License. A valid and current certificate of registration issued by the Executive Director on behalf of the Board which shall give the named person to whom it is issued authority to engage in the activity prescribed thereon.

(9) Licensee. Any person holding a license pursuant to Code of Alabama 1975 § 34-36-1 et seq.

(10) Person. A human person, not a legal entity.

Authority: Code of Alabama 1975, §34-36-3, et seq.

History: Repealed and New Rule: Filed February 11, 2011. Amended: Filed March 22, 2021;

Author: Hendon B. Coody

303-X-1-.03 Office of the Board

The office of the Board may be located at the office of the Executive Director. The Executive Director may provide the necessary administrative, legal, investigative, clerical, secretarial, accounting, administrative facilities and office space necessary to house the staff and records at a reasonable rate approved by the Board.

Authority: Code of Alabama 1975, §§34-36-4, et seq.

History: Repealed and New Rule: Filed February 11, 2011

Author: Hendon B. Coody

303-X-1-.04 Financial Operation

The Board shall have the power to set amounts to be collected, to cause all monies to be collected and deposited with the State Treasurer, to cause expenses to be paid out of such funds by voucher and to requisition in accordance with state law.

Authority: Code of Alabama 1975, §§34-36-4, et seq.