

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 303
Department or Agency: Alabama State Board of Electrical Contractors
Rule No.: 303-X-2-.01
Rule Title: Qualifications For An Electrical Contractor's License
Intended Action: Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? No

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? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

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

Keith E. Warren

Keith E. Warren

Date

Monday, August 21, 2023

REC'D & FILED

AUG 21 2023

LEGISLATIVE SVC AGENCY

ALABAMA STATE BOARD OF ELECTRICAL CONTRACTORS

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 303-X-2-.01 Qualifications For An Electrical Contractor's License

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Board proposes to repeal the provisional license outlined in this section and promulgate a new rule to sunset the provisional electrical license as of June 30, 2024. The Board proposes to offer all continuous provisional licensees a free examination to obtain a state-wide electrical contractors license and not be bound by their current jurisdictional boundaries. The initial intent for the provisional license was for an examination to be administered every year until passed to obtain an electrical contractors license. The provisiona licenses will not have this opportunity through June 30, 2024.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written comments will be received by the Board until 4:00 p.m.. on Monday, November 6, 2023. Comments should be directed to Keith E. Warren, Executive Director, 2777 Zelda Road, Montgomery, AL 36106

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, November 3, 2023

CONTACT PERSON AT AGENCY:

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

Keith E. Warren

Keith E. Warren

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

Qualifications For An Electrical Contractor's License.

The Board shall have the power to determine the requirements for licensing a person to be an electrical contractor.

(1) All applicants for licensure must submit a completed application, application fee, personal identification and supportive documents before taking an examination approved by the Board. After reviewing the documents submitted, the Board may approve or deny an applicant's request to sit for the examination. The Board shall examine applicants at least once every three (3) months according to the method deemed by it to be the most appropriate to test the qualifications of applicants.

(2) The scope of licensing for an electrical contractor includes installation, design, plan, lay-out and directly supervising electrical construction activities. This work supervised must be commercial, industrial, or residential.

(3) An electrical contractors' license in the state of Alabama is unlimited in voltage and bid requirements.

(4) An applicant for state wide electrical contractor license must document to the Board's satisfaction a minimum of eight thousand (8,000) hours of experience in the overall design, planning, lay-out, and direct supervision of electrical construction activities and the soliciting and installing of electrical power or control systems. This requirement may be satisfied with the documentation of eight thousand (8,000) hours of experience as a journeyman electrician in charge of jobs.

(5) The applicant's electrical construction experience and activities must be truthfully, clearly and sufficiently documented on the application where indicated.

(6) The applicant for an electrical contractor's license may substitute (1) year of education consisting of two (2) full time semesters or three (3) full time quarters in an approved electrical curriculum or one (1) year of an approved apprenticeship program for one thousand (1,000) hours of electrical experience. A maximum of two thousand (2,000) hours of the eight thousand (8,000) hours total requirement can be met with the substituted hours. The applicant must provide appropriate documentation of the substituted hours in an electrical curriculum or

apprenticeship program, subject to the approval of the Board.

(7) All applications submitted to the Board to qualify to sit for the electrical contractor's examination expire in two years from the approval date if the applicant has not successfully passed the requisite examination and fulfilled the requirements for licensing by the Board. If an applicant seeks to be qualified to take an examination to be licensed as an electrical contractor after the expiration date, a new application must be submitted to the Board.

(8) An applicant for an electrical contractor license that has passed any national standardized examination proctored by an independent third party within the State of Alabama which the Board shall approve as substantially similar to the examination required to be licensed under this chapter shall be deemed to be in compliance with the testing requirement set forth by the Board for licensure as an electrical contractor. Individuals meeting this qualification shall also be required to complete all other qualifications set forth by this chapter and the Board prior to the issuance of a license. Applicants affected by this provision shall have until August 31, 2012 for licensure without any further examination requirements.

(9) All licenses shall expire annually or at other times designated by the Board.

(10) No electrical contractor license shall be issued except in compliance with this act and none shall be issued except to a person or a person in a firm, partnership, association or corporation.

(11) The Board may recognize a license issued by any other reciprocating state that, in the Board's opinion, has standards of practice or licensure equal to or greater than those required by this state. A list of the approved reciprocal states is maintained at the Board office. The Executive Director shall review and approve or deny all applicants for a reciprocal license.

~~(12) A provisional license may be issued by the Board and authorizes a local licensee to engage or offer to engage in the business of electrical contracting only in the limited geographical boundaries of the county or municipality that issued the local license. A provisional license is only valid within the local licensing area and only for a period of twelve months from the date of issuance by the Board. Applicants affected by this provision shall have until June~~

~~30, 2013 for licensure without any further examination requirements. This license is established pursuant to Section 34-26-16, Code of Ala. 1975.~~

~~(13) An applicant for an electrical contractor's license that holds a valid professional engineer's license registered in the state of Alabama is qualified to sit for the requisite examination.~~

(13) No provisional license will be renewed after June 30, 2024. A person who currently holds an active provisional license issued by the board, and has held that license for at least 10 (ten) years, continuously, may apply to take a nationally standardized proctored examination approved by the board before the current provisional license expires. The board will pay for the first examination for each provisional licensee; if the provisional licensee does not appear for the exam after registering or fails the first exam, they will be responsible for the costs of successive exams. Every provisional licensee must be registered to take the examination no later than January 1, 2024 and must have passed the examination no later than June 30, 2024 to continue to practice electrical contracting after June 30, 2024. All provisional licenses will expire on June 30, 2024. If the provisional licensee passes the board's examination at a rate of at least 75%, he or she is entitled to receive a state electrical contractor's license from the board upon payment of the license fee. Practicing electrical contracting in this state without a license issued by the board is a violation of Ala. Code §34-36-16(b).

Author: Hendon B. Coody

Statutory Authority: Code of Ala. 1975, §§34-36-5, et seq.

History: Filed March 7, 1986. **Repealed and New Rule:** Filed February 11, 2011; effective March 18, 2011. **Amended:** Filed June 29, 2012; effective August 3, 2012. **Amended:** Filed April 5, 2013; effective May 10, 2013. **Amended:** Filed August 21, 2023;