

State of Utah  
Administrative Rule Analysis  
Revised October 2019

DAR File ID#: 52310

Filed: November 5, 2019

**NOTICE OF PROPOSED RULE**

TYPE OF RULE: New \_\_\_; Amendment XXX; Repeal \_\_\_; Repeal and Reenact \_\_\_

Title No. - Rule No. - Section No.

Utah Admin. Code Ref (R no.):

R156-55b

Filing No. (Office Use Only)

Changed to Admin. Code Ref. (R no.): R

1. **Agency:** Commerce/Division of Occupational and Professional Licensing  
**Room no.:**  
**Building:** Heber M. Wells Building  
**Street address:** 160 East 300 South  
**City, state:** Salt Lake City UT 84111-2316  
**Mailing address:** PO Box 146741  
**City, state, zip:** Salt Lake City UT 84114-6741  
**Contact person(s):**  
**Name:** Steve Duncombe  
**Phone:** 801-530-6235  
**Email:** sduncombe@utah.gov

Please address questions regarding information on this notice to the agency.

**Title Information**

2. **Rule or section catchline:**

Electricians Licensing Act Rule

3. **Purpose of the new rule or reason for the change** (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?):

In response to 2019 H.B. 187 and 2019 H.B. 226, this filing is recommended by the Electricians Licensing Board and the Construction Services Commission to clarify current requirements, conform the rule to current practices in the industry, and remove certain requirements that the Board and the Commission have found to be outdated and unnecessarily arduous.

4. **Summary of the new rule or change:**

Section R156-55b-102: The amendments to Subsection (1) clarify the definition of "electrical work", including a non-substantive change to update the citation to Section 58-55-102 and clarifying the description of what is not considered electrical work to reflect current practice and industry standards. The amendments to Subsection (2) are formatting changes for clarity. The amendments to Subsection (3) clarify that the definition of "minor electrical work" includes HVAC equipment, and that wiring may extend no more than ten feet from an existing outlet or disconnect intended specifically for the piece of equipment, appliance, or machinery. New Subsection (4) clarifies that "Premises Wiring" means the same as defined in Title 15A, State Construction and Fire Codes Act. The amendments to Subsection (7)(formerly Subsection 6) simplify and update the definition of "work commonly done by unskilled labor" by deleting references to specific tasks and substituting in their place a reference to work performed by "unlicensed persons". Section R156-55b-302a: The amendments to this Section make non-substantive formatting changes to clarify all of the current education and experience requirements for the respective license classifications. This includes describing in Subsection (5) the programs approved by the Electricians Licensing Board prior to January 1, 2009. Section R156-55b-302b: The amendments to this Section: (1) make non-substantive formatting changes to clarify the current examination requirements for the respective license classifications; (2) extend the 25-day waiting period after a failed exam to a 30-day waiting period, to alleviate confusion and create parity among the standards for all contractor professions; and (3) delete the requirement that an applicant pass all exams within a one-year period (the one-year "rolling clock" requirement), as this restriction was deemed unnecessary and onerous. Section R156-55b-302c: This new section creates opportunities for expedited licensure and appropriate placement of apprentice electricians seeking education in an approved program. Section R156-355b-303: This new section requires all licensees to renew their license in an online form approved by the Division, except as permitted by the Division in writing. Section R156-55b-304: The amendments to this Section make formatting changes for clarity, including streamlining the rule by removing duplicative continuing education requirements that are already stated in R156-55a-303b. Section R156-55b-401: The amendments to Subsection (1) clarify that an electrical contractor may contract with licensed professional employer organizations to employ one or more licensed electricians. The amendments to Subsection (2) clarifies the number of apprentice electricians a licensed supervisor may have on non-residential and residential projects. Section R156-55b-501: The amendments to this section update the definition of "unprofessional conduct" to reflect a new standard being implemented across all construction trades professions - instead of the licensee being required to carry a copy of their current license at all times, the licensee must provide the license or license number upon request. These amendments also delete as "unprofessional conduct" "failing as an electrical contractor to certify an electrician's hours and breakdown of work experience by category when requested by an electrician who is or has been an employee" as this is a conduct specific to a contractor and will be included as unprofessional conduct in Section R156-55a-501.

### **Fiscal Information**

#### **5. Aggregate anticipated cost or savings to:**

##### **A) State budget:**

Most of these proposed changes update definitions and ensure that the rule encompasses current requirements and practices in the profession, and make formatting changes for clarity. Accordingly, none of these amendments will impact state government revenues or expenditures. The amendments to Section R156-55b-302b that extend the 25-day waiting period after a failed exam to a 30-day waiting period are not expected to impact existing state practices or procedures and will therefore have no impact on state government revenues or expenditures. The amendments to Section R156-55b-302b that delete the requirement that an applicant pass all exams within a one-year period (the one-year "rolling clock" requirement) are not expected to impact state government practices or procedures, as the examinee may still take each exam up to five times per year. The changes will therefore have no impact on state government revenues or expenditures. New Section R156-55b-302c that creates opportunities for expedited licensure and appropriate placement of apprentice electricians seeking education in an approved program is not expected to impact existing state practices or procedures, and will therefore have no impact on state government revenues or expenditures. No other fiscal impact to the state is expected, beyond a minimal cost to the Division of approximately \$75 to print and distribute the Electricians Licensing Act Rule once the amendments are made effective.

##### **B) Local governments:**

The proposed amendments are not expected to change existing local government practices or procedures, and will therefore have no impact on local government revenues or expenditures.

**C) Small businesses** ("small business" means a business employing 1-49 persons):

The proposed changes that update definitions and ensure that the rule encompasses current requirements and practices in the profession, and make formatting changes for clarity, are not expected to impact small business as they will not change the quantity or number of exchanges between any persons. The amendments to Section R156-55b-302b that extend the 25-day waiting period after a failed exam to a 30-day waiting period are also not expected to impact small business as the examinee may still take each exam the same amount of times per year. The amendment to Section R156-55b-302b deleting the requirement that an applicant pass all exams within a one-year period (the one-year "rolling clock" requirement), and the new Section R156-55b-302c that creates expedited licensure requirements, are expected to create a significant fiscal benefit for the estimated 879 small businesses that may be impacted in the electrical industry (NAICS 238212 & 238211). First, per the changes to R156-55b-302b all applicants for licensure may seek licensure as soon as they have passed all of their exams, regardless of when they passed their exams. Currently, many applicants need to retake exams they have already passed because the date they took the exam is outside of the one-year "rolling clock" period. The applicants therefore experience a delay of weeks to months to even years in the ability to obtain their license. Other applicants, in particular apprentice electrician applicants who would like to achieve journeyman electrician status, often give up and never seek to increase their level of licensure because of the perceived difficulty and cost associated with trying to timely pass all of their electrician exams. Second, new Section R156-55b-302c that creates an expedited licensure pathway for applicants seeking licensure as a journeyman electrician or residential journeyman electrician, will give these individuals the opportunity to obtain a journeyman license after approximately two and a half years, as opposed to the traditional four-year licensure track. This may reduce their time-based experience requirement by as much as one and a half years. Additionally, these individuals may obtain a residential journeyman license after one and a half years, reducing their time-based experience requirement by as much as six months. Accordingly, these proposed amendments are expected to significantly reduce current delays in many individuals becoming licensed, and to encourage many individuals to become licensed at a higher level. Small businesses will therefore be able to more easily hire journeyman electricians, residential journeyman electricians, master electricians, and residential master electricians. Additionally, newly licensed master electricians may be able to create their own small businesses or serve as qualifiers for other small businesses. However, the full impact of these expected significant fiscal benefits to small business cannot be estimated because they will depend on the unique licensing, education, and employment choices made by each individual applicant, as well as on the characteristics of each small business. This relevant data is unavailable and the cost of acquiring the data is prohibitively expensive.

**D) Non-small businesses** ("non-small business" means a business employing 50 or more persons):

There are 26 non-small businesses in Utah in the electrical contracting industry in question (NAICS 238211, and NAICS 238212). The proposed changes that update definitions and ensure that the rule encompasses current requirements and practices in the profession, and make formatting changes for clarity, are not expected to impact these non-small businesses as they will not change the quantity or number of exchanges between any persons. The amendments to Section R156-55b-302b that extend the 25-day waiting period after a failed exam to a 30-day waiting period are also not expected to impact these non-small businesses as examinees may still take each exam the same amount of times per year. The amendment to Section R156-55b-302b deleting the requirement that an applicant pass all exams within a one-year period (the one-year "rolling clock" requirement) and the new section R156-55b-302c creating expedited licensure requirements are expected to create a fiscal benefit for such non-small businesses. First, per the changes to R156-55b-302b all applicants for licensure may seek licensure as soon as they have passed all of their exams, regardless of when they passed their exams. Currently, many applicants need to retake exams they have already passed because the date they took the exam is outside of the one-year "rolling clock" period. The applicants therefore experience a delay of weeks to months to even years in the ability to obtain their license. Other applicants, in particular apprentice electrician applicants who would like to achieve journeyman electrician status, often give up and never seek to increase their level of licensure because of the perceived difficulty and cost associated with trying to timely pass all of their electrician exams. Second, new Section R156-55b-302c that creates an expedited licensure pathway for applicants seeking licensure as a journeyman electrician or residential journeyman electrician, will give these individuals the opportunity to obtain a journeyman license after approximately two and a half years, as opposed to the traditional four-year licensure track. This may reduce their time-based experience requirement by as much as one and a half years. Additionally, these individuals may obtain a residential journeyman license after one and a half years, reducing their time-based experience requirement by as much as six months. Accordingly, these proposed amendments are expected to significantly reduce current delays in many individuals becoming licensed, and to encourage many individuals to become licensed at a higher level. Non-small businesses will therefore be able to more easily hire journeyman electricians, residential journeyman electricians, master electricians, and residential master electricians. Additionally, newly licensed master electricians may be able to create their own non-small businesses or serve as qualifiers for other non-small businesses. However, the full impact of these expected significant fiscal benefits to non-small business cannot be estimated because they will depend on the unique licensing, education, and employment choices made by each individual applicant, as well as on the characteristics of each non-small business. This relevant data is unavailable and the cost of acquiring the data is prohibitively expensive. Finally, because the Division estimates approximately 12 individual apprentices per year will experience a one-time savings of approximately \$1,500 from a reduction in their cost of tuition and materials to attend an approved apprenticeship program, the Division expects that there may be a corresponding loss to non-small businesses conducting approved apprenticeship programs.

**E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

The persons that may potentially be affected by these amendments will be Utah licensed master electricians, residential master electricians, journeyman electricians, residential journeyman electricians, and apprentice electricians engaged in electrical work, and applicants from other jurisdictions who wish to become licensed as residential journeyman electricians or higher in Utah. The proposed changes that update definitions and ensure that the rule encompasses current requirements and practices in the profession and that make formatting changes for clarity are not expected to impact these other persons as the changes will not change the quantity or number of exchanges between any persons. The amendments to Section R156-55b-302b that extend the 25-day waiting period after a failed exam to a 30-day waiting period are also not expected to impact these persons as any examinee may still take each exam the same amount of times per year. The amendment to Section R156-55b-302b deleting the requirement that an applicant pass all licensing exams within a one-year period (the one-year "rolling clock" requirement) will create a fiscal benefit for many of these other persons if it results in their becoming licensed at a higher level, and/or eliminates the cost to them of retaking licensing exams that they have already passed and reduces a delay in their becoming licensed at a higher level. However, the full impact cannot be estimated because it will depend on the unique licensing and employment choices made by each individual person and this relevant data is unavailable. New section R156-55b-302c that creates an expedited licensure pathway will apply to apprentice electricians, and to other applicants seeking licensure as a journeyman electrician or residential journeyman electrician. These individuals will now have the opportunity to obtain a journeyman license after approximately two and a half years, as opposed to the traditional four-year licensure track. This may reduce their time-based experience requirement by as much as one and a half years. Additionally, an individual may obtain a residential journeyman license after one and a half years, thereby reducing their time-based experience requirement by as much as six months. Although the full impact from new Section R156-55b-302c will depend on the unique licensing and employment choices made by each individual person, the Division estimates that approximately 12 individuals per year may be able to proceed more quickly towards licensure using the new expedited licensure pathway. This will result in significant fiscal benefits for such persons. For example, without any formal training or education, an individual seeking employment with an electrical contractor in the designated starting position of "apprentice" can expect a wage of \$11.00 to \$21.00 an hour, whereas an experienced employee who holds the position of "journeyman" can expect a much higher hourly wage ranging from \$25.00 to \$35.00 for residential and non-residential work. Accordingly, the Division estimates that an apprentice electrician who is able to obtain licensure as a journeyman by means of expedited licensure could experience, on average, a potential earnings increase of \$9.75 per hour, or approximately \$19,500 per year, over a four year period. Second, the Division expects an individual apprentice may experience a one-time savings of approximately \$1,500 resulting from a reduction in their cost of tuition and materials to attend an approved apprenticeship program. The average cost of tuition and materials to attend a program is approximately \$520 per semester, equating to \$4,160 for the four years (eight semesters) of required education. By completing the education in two and a half years, potentially avoiding the cost of tuition and materials for the additional one and a half years, an individual apprentice could see, in theory, a one-time savings of these costs.

**F) Compliance costs for affected persons:**

As described above for other persons, the Division does not anticipate any compliance costs for any affected persons from these proposed amendments because the amendments will result in no fiscal impact or in a fiscal benefit.

**G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

**Regulatory Impact Summary Table**

<b>Fiscal Costs</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
State Government	\$75	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$18,000	\$18,000	\$18,000
Other Person	\$0	\$0	\$0
<b>Total Fiscal Costs:</b>	<b>\$18,075</b>	<b>\$18,000</b>	<b>\$18,000</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$252,000	\$252,000	\$252,000
<b>Total Fiscal Benefits:</b>	<b>\$252,000</b>	<b>\$252,000</b>	<b>\$252,000</b>
<b>Net Fiscal Benefits:</b>	<b>\$233,925</b>	<b>\$234,000</b>	<b>\$234,000</b>

**H) Department head sign-off on regulatory impact:**

The head of the Department of Commerce, Francine Gianì, has reviewed and approved this fiscal analysis.

**6. A) Comments by the department head on the fiscal impact this rule may have on businesses:**

By recommendation from the Electricians Licensing Board and the Construction Service Commission, in response to 2019 H.B. 187 and 2019 H.B. 226, the Division proposes these amendments to clarify the rule and conform it to current practices in the industry that have been found to be outdated and needlessly onerous by the Board and Commission. The changes to rules R156-55b-102, R156-55b-302a, R156-55b-304, R156-55b-401, R156-55b-501 are non-substantive amendments to add clarity to definitions, remove the needless "rolling clock" for completing requirements for licensure, or streamlining the rule by removing redundancies accomplished in other rules. The new rules, R156-55b-302c and R156-55b-303, are added to accommodate expedited licensure as well as online form requirements. In essence, the rule amendments clarify and update requirements for licensure as an electrician in the State of Utah.

**Small Businesses (less than 50 employees):** The proposed changes are an update for definitions in the practices of the profession and make formatting changes for clarity. These changes are not expected to impact small business. The amendments to Section R156-55b-302b extend the 25-day waiting period after a failed exam to a 30-day waiting period; are also not expected to impact small business as the examinee may still take each exam the same amount of times per year. The amendment to Section R156-55b-302b deleting the requirement that an applicant pass all exams within a one-year period (the one-year "rolling clock" requirement), and the new Section R156-55b-302c that creates expedited licensure requirements, are expected to create a significant fiscal benefit for the estimated 879 small businesses that may be impacted in the electrical industry (NAICS 238212 & 238211). Accordingly, these proposed amendments are expected to significantly reduce current delays in many individuals becoming licensed, and to encourage many individuals to become licensed at a higher level. Small businesses will therefore be able to more easily hire journeyman electricians, residential journeyman electricians, master electricians, and residential master electricians. Additionally, newly licensed master electricians may be able to create their own small businesses or serve as qualifiers for other small businesses. However, the full impact of these expected significant fiscal benefits to small business cannot be estimated because they will depend on the unique licensing, education, and employment choices made by each individual applicant, as well as on the characteristics of each small business. This relevant data is unavailable and the cost of acquiring the data is prohibitively expensive.

**Regulatory Impact to Non-Small Businesses (50 or more employees):** There are 26 non-small businesses in Utah in the electrical contracting industry in question (NAICS 238211, and NAICS 238212). The proposed changes that update definitions and ensure that the rule encompasses current requirements in the profession and making formatting changes for clarity, are not expected to impact non-small businesses. The proposed amendments are not expected to result in any measurable fiscal impact for non-small business for the same reasons as described above for small business. These costs are either inestimable, for the reasons stated, or there is no fiscal impact.

**B) Name and title of department head commenting on the fiscal impacts:**

Francine A. Giani, Executive Director

**Citation Information**

7. **This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):**

Subsection 58-1-106(1)(a)

Subsection 58-1-202(1)(a)

Subsection 58-55-308(1)

**Incorporations by Reference Information**

(If this rule incorporates more than two items by reference, please include additional tables)

8. **A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; if none, leave blank):**

**First Incorporation**

**Official Title of Materials  
Incorporated (from title page)**

**Publisher**

**Date Issued**  
**Issue, or version**

**B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; if none, leave blank):**

**Second Incorporation**

**Official Title of Materials  
Incorporated (from title page)**  
**Publisher**  
**Date Issued**  
**Issue, or version**

**Public Notice Information**

9. **The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

**A) Comments will be accepted until (mm/dd/yyyy):** 12/31/2019

**B) A public hearing (optional) will be held:**

**On (mm/dd/yyyy):**

12/18/2019

**At (hh:mm AM/PM):**

9:00 AM

**At (place):**

160 East 300 South, North Conference  
Room (1st floor), Salt Lake City, Utah

10. This rule change MAY\* become effective on (mm/dd/yyyy): 01/07/2020

\*NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

**Agency Authorization Information**

**To the agency:** Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

**AGENCY AUTHORIZATION**

Agency head or designee, and title:

A handwritten signature in black ink, appearing to be 'A. H. ...', written over a horizontal line.

Date (mm/dd/yyyy):  
11/4/2019

**R156. Commerce, Occupational and Professional Licensing.**

**R156-55b. Electricians Licensing Act Rule.**

**R156-55b-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 55, as used in Title 58, Chapter 55 or this rule:

(1) (a) "Electrical work" as used in Subsection 58-55-102(14) (a) and in this rule means:

(i) installation, fabrication or assembly of equipment or systems included in [~~u~~]Premises Wiring [~~u~~ as defined by Title 15A, State Construction and Fire Codes Act.];

(ii) [~~Electrical work includes~~] installation of raceway systems used for any electrical purpose [~~u~~]; and

(iii) installation of field-assembled systems such as ice and snow melting, pipe-tracing, or manufactured wiring systems [~~u~~ and the like].

(b) "Electrical work" does not include:

(i) installation of factory-assembled appliances or machinery that are not part of the [~~p~~]Premises [~~w~~]Wiring, unless wiring interconnections external to the equipment are required in the field [~~u~~ and does not include cable type wiring that does not pose a hazard from a shock or fire initiation standpoint as defined by Title 15A, State Construction and Fire Codes Act. Wiring covered by the National Electrical Code that does not pose a hazard as described above includes Class 2 wiring as defined in Article 725, Power Limited circuits as defined in Article 760 and wiring methods covered by Chapter 8. All other wiring is subject to licensing requirements].

(2) "Immediate supervision" as used in Subsection 58-55-102(26) and this rule means [~~the following~~]:

(a) for [~~industrial and commercial~~]non-residential electrical work, the apprentice and the supervising electrician are physically present on the same project or jobsite, but [~~are~~]not required maintain a direct line of [~~to be within~~] sight [~~of one another~~]; and

(b) for residential electrical work, the supervising electrician, when not physically present on the same project or jobsite as the apprentice, is available to provide [~~reasonable~~]direction, oversight, inspection, and evaluation of the apprentice's work [~~of an apprentice~~]so as to ensure that the end result complies with applicable standards.

(3) (a) "Minor electrical work incidental to a mechanical or service installation", as used in Subsection 58-55-305(1) (n), means the electrical work involved in installation, replacement, or repair of HVAC equipment, appliances, or machinery that utilize use electrical power, when wiring is extended no more than ten feet from an existing outlet or disconnect intended specifically for the piece of equipment, appliance, or machinery.

(b) Minor electrical work does not include:

(i) modification or repair of [~~u~~]Premises Wiring [~~u~~ as defined in the National Electrical Code, and does not include]; or

(ii) installation of a disconnecting means or outlet. [~~Electrical work is minor and incidental only when wiring is extended no more than ten feet in length from an outlet or disconnect provided specifically for the piece of equipment.~~]

(4) "Premises Wiring" means the same as defined in Title 15A, State Construction and Fire Codes Act.

(~~[4]~~5) "Residential project" as used in Subsection 58-55-302(3)(j) (~~[ii]~~iv) [~~pertains~~] pertaining to supervision, [~~and~~] means electrical work performed in a one- or two-family dwelling [~~s~~], including townhouses, as determined by Title 15A, State Construction and Fire Codes Act.

(~~[5]~~6) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 55, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-55b-501.

(~~[6]~~7) "Work commonly done by unskilled labor" as used in Subsection 58-55-102(14)(b)(iii) means work performed by unlicensed persons and includes assisting or handling [~~such as digging, sweeping, hammering, carrying, drilling holes, or other tasks that do not directly involve the installation of raceways, conductors, cables, wiring devices, overcurrent devices, or distribution equipment. Unlicensed persons may handle~~] wire on large wire pulls involving conduit of two inches or larger, [~~or assist in moving heavy electrical equipment~~] when the task is performed under [~~in~~] the immediate [~~presence of and supervised~~] supervision of a [~~by~~] properly licensed master, or journeyman [~~, residential master or residential journeyman~~] electrician [~~s~~] acting within the scope of their license [~~s~~].

#### **R156-55b-302a. Qualifications for Licensure - Education and Experience Requirements.**

~~— (1) In accordance with Subsection 58-55-302(3)(i)(i), the approved electrical training program for licensure as a residential journeyman electrician consists of:~~

~~— (a) a program of electrical study approved by the Utah Board of Regents, Utah System of Technical Colleges Board of Trustees or other out of state program that is deemed substantially equivalent as determined by the Electricians Licensing Board. Programs approved by the Electricians Licensing Board prior to January 1, 2009 remain approved programs; and~~

~~— (b) at least two years of work experience as a licensed apprentice consistent with Section R156-55b-302b.~~

~~— (2) In accordance with Subsection 58-55-302(3)(h)(i), the approved four year planned training program for licensure as a journeyman electrician consists of:~~

~~— (a) a program of electrical study approved by the Utah Board of Regents, Utah System of Technical Colleges Board of Trustees or other out of state program that is deemed substantially equivalent as determined by the Electricians Licensing Board. Programs approved by the Electricians Licensing Board prior to January 1, 2009 remain approved programs; and~~

~~\_\_\_\_\_ (b) at least four years of work experience as a licensed apprentice consistent with Section R156-55b-302b.~~

~~\_\_\_\_\_ (3) A semester of school shall include at least 81 hours of classroom instruction time. A student shall attend a minimum of 72 hours to receive credit for the semester.~~

~~\_\_\_\_\_ (4) A competency exam shall be given to each student at the end of each semester with the exception of the fourth year second semester. A student, to continue to the next semester, shall achieve a score of 75% or higher on the competency exam. A student who scores below 75% may retake the test one time.~~

~~\_\_\_\_\_ (5) The applicant shall pass each class with a minimum score of 75%.~~

~~\_\_\_\_\_ (6) Competency test results shall be provided to the Board at the Board meeting immediately following the semester in a format approved by the Board.~~

~~\_\_\_\_\_ (7) An applicant for a master electrician license, applying pursuant to Subsection 58-55-302(3)(f)(i) shall be a graduate of an electrical program accredited by the Engineering Accreditation Commission/Accreditation Board for Engineering and Technology (EAC/ABET).~~

~~\_\_\_\_\_ (8) An applicant shall provide documentation that all education and experience meets the requirements of this rule.]~~

The education and experience requirements for licensure in Subsection 58-55-302(3) are defined, clarified, or established as follows:

(1) Master Electrician:

(a) An applicant under Subsection 58-55-302(3)(f)(i) shall:

(i) hold a bachelor's or master's degree in electrical engineering from an electrical program accredited by the Engineering Accreditation Commission/Accreditation Board for Engineering and Technology (EAC/ABET); and

(ii) have at least 2,000 hours of work experience as a licensed Apprentice Electrician.

(b) An applicant under Subsection 58-55-302(3)(f)(ii) shall:

(i) hold an associate's degree in applied science from an electrical trade school course of study that meets the requirements of Subsection (5); and

(ii) have at least 4,000 hours of work experience as a licensed Journeyman Electrician.

(c) An applicant under Subsection 58-55-302(3)(f)(iii) shall have at least 8,000 hours of work experience as a licensed Journeyman Electrician.

(2) Residential Master Electrician:

(a) An applicant under Subsection 58-55-302(3)(g)(i) shall have at least 4,000 hours of work experience as a licensed Residential Journeyman Electrician.

(b) An applicant under Subsection 58-55-302(3)(g)(ii) shall:

(i) hold a bachelor's or master's degree in electrical engineering from an electrical program accredited by the Engineering

Accreditation Commission/Accreditation Board for Engineering and Technology (EAC/ABET); and

(ii) have at least 2,000 hours of work experience as a licensed Apprentice Electrician.

(3) Journeyman Electrician:

(a) An applicant under Subsection 58-55-302(3)(h)(i) shall:

(i) have completed at least 576 hours (four years, 144 hours per year) of a program of electrical study that meets the requirements of Subsection (5); and

(ii) have at least 8,000 hours of full-time work experience as a licensed Apprentice Electrician.

(b) An applicant under Subsection 58-55-302(3)(h)(ii) shall have at least 16,000 hours of full-time work experience as a licensed Apprentice Electrician.

(4) Residential Journeyman Electrician:

(a) An applicant under Subsection 58-55-302(3)(i)(i) shall:

(i) have completed at least 288 hours (two years, 144 hours per year) of a program of electrical study that meets the requirements of Subsection (5); and

(ii) have at least 4,000 hours of full-time work experience as a licensed Apprentice Electrician.

(b) An applicant under Subsection 58-55-302(3)(i)(ii) shall have at least 8,000 hours of full-time work experience as a licensed Apprentice Electrician.

(5) In accordance with Subsections 58-55-302(3)(f), (h), and (i), an electrical trade school "course of study" and the planned electrical "training program" approved by the Division, mean a program of electrical study that includes measures of competency and achievement level for each student and:

(a) is approved by the:

(i) Utah Board of Regents;

(ii) Utah System of Technical Colleges Board of Trustees; or

(iii) Electricians Licensing Board, when the program is out-of-state and includes at least 81 hours of classroom instruction per semester.

(b) Programs approved by the Electricians Licensing Board include the:

(i) Independent Electrical Contractors of Utah ("IEC"); and

(ii) Utah Electrical Training Alliance ("IBEW Local 354").

(6) "Completion" of a training program of electrical study means that the applicant:

(a) attended a minimum of 72 classroom instruction hours each semester; and

(b) passed each class with a score of at least 75%.

(7) On the job training and instruction shall include measurements of the apprentice's performance in the electrical trade.

(8) No more than 3,000 hours of work experience may be credited for each 12 month period.

(9) As used in Subsection 58-55-302(3) and this rule, "practical electrical experience", "practical experience", "full-time

training", and "full-time experience" all mean electrical work experience lawfully performed preceding the date of application.

[  
~~R156-55b-302b. Qualifications for Licensure - Work Experience - Residential Journeyman and Journeyman Electricians.~~

~~(1) In order to satisfy Subsections 58-55-302(3)(h) and (i), an applicant for a license as a residential journeyman electrician or journeyman electrician shall document the following on the job work experience:~~

~~(a) Residential Journeyman Electrician:~~

~~(i) at least 600 hours in boxes and fittings, conduit, wireways and cableways and associated fittings;~~

~~(ii) at least 3000 hours in wire and cable, individual conductors and multi-conductors cables, and non-metallic sheathed cable;~~

~~(iii) at least 300 hours in distribution and utilization equipment, transformers, control panels, disconnects, motor starters, lighting fixtures, heaters, appliances, motor and other distribution or utilization equipment; and~~

~~(iv) at least 300 hours in specialized work including grounding, wiring of systems for sound, data, communication, alarms, automated systems, generators, batteries and computer equipment.~~

~~(b) Journeyman electrician:~~

~~(i) at least 4000 hours in raceways, boxes and fittings, conduit, wireways, cableways and other raceways and associated fittings, and non-metallic sheathed cable;~~

~~(ii) at least 800 hours in wire and cable, individual conductors and multi-conductor cables;~~

~~(iii) at least 400 hours in distribution and utilization equipment including transformers, panel boards, switchboards, control panels, disconnects, motor starters, lighting fixtures, heaters, appliances, motors and other distribution and utilization equipment; and~~

~~(iv) at least 400 hours in specialized work including grounding, wiring of systems for sound, data, communication, alarms, automated systems, generators, batteries and computer equipment.~~

~~(2) No more than 2000 hours of work experience may be credited for each 12 month period.~~

~~(3) No credit will be given for work experience performed illegally.]~~

**R156-55b-302[e]b. Qualifications for Licensure - Examination Requirements.**

~~[(1)]~~ In accordance with Subsection 58-55-302(1)(c)(i), [an applicant for licensure under this rule shall pass the appropriate examinations that are approved by the Board, each of which shall consist of a theory part, a code part and a practical part as follows] the exam requirements for licensure are established as follows:

~~[(a)]~~ 1) [Utah Electrical Licensing Examination for] Master Electrician[s] applicants shall pass:

(a) the Utah Master Electrician Code Exam;

(b) the Utah Master Electrician Theory Exam; and

(c) the Utah Electrician Practical Exam. [7]

~~( [b]2) [Utah Electrical Licensing Examination for Master  
]Residential Master Electrician[s] applicants shall pass:~~

~~(a) the Utah Residential Master Electrician Code Exam;~~

~~(b) the Utah Residential Master Electrician Theory Exam; and~~

~~(c) the Utah Residential Electrician Practical Exam. [7]~~

~~( [e]3) [Utah Electrical Licensing Examination for ]Journeyman  
Electrician[s] applicant shall pass: [7] and]~~

~~(a) the Utah Journeyman Electrician Code Exam;~~

~~(b) the Utah Journeyman Electrician Theory Exam; and~~

~~(c) the Utah Electrician Practical Exam.~~

~~( [d]4) [Utah Electrical Licensing Examination for] Residential  
Journeyman Electrician[s] applicants shall pass:~~

~~(a) the Utah Residential Journeyman Electrician Code Exam;~~

~~(b) the Utah Residential Journeyman Electrician Theory Exam; and~~

~~(c) the Utah Residential Electrician Practical Exam.~~

~~( [2]5) Admission to the [examinations] exams is permitted after:~~

~~(a) the applicant has completed all requirements for licensure  
[set forth] in Section[s] R156-55b-302a [and R156-55b-302b]; or~~

~~(b) the journeyman applicant, under Subsection R156-55b-  
302a(3)(a) has completed:~~

~~(i) the [apprentice education] program of electrical study [set  
forth in Subsection R156-55b-302a]; and~~

~~(ii) [not less than] at least 6,000 hours of the required full-  
time work experience [required under Subsection R156-55b-302b]; or~~

~~(c) the residential journeyman applicant, under Subsection R156-  
55b-302a(4)(a) has completed:~~

~~(i) the [apprentice education] program of electrical study [set  
forth in Subsection R156-55b-302a]; and~~

~~(ii) [not less than] at least 3,000 hours of the required full-  
time work experience [required under Subsection R156-55b-302b].~~

~~( [3]6) [The] An applicant shall obtain:~~

~~(a) a "pass" grade on the Practical Exam; [practical part of the  
examination,]~~

~~(b) a score of at least 75% on the Theory Exam; [theory part] and~~

~~(c) a score of at least 75% on the Code Exam [code part of the  
examination].~~

~~[ (4)(a) If an applicant fails one or more parts of the examination,  
the applicant shall retake any part of the examination failed.~~

~~(b) An applicant shall wait at least 25 days between the first  
two retakes and thereafter shall wait 120 days between retakes.~~

~~(5) If an applicant passes any part of the examination but does  
not pass the entire examination, the passing score on any part of the  
examination shall be valid for one year from the date the part of the  
examination was passed. Thereafter, the applicant shall retake any  
previously passed part of the examination.]~~

~~(7) An applicant who fails an exam may retake that exam:~~

~~(a) no sooner than 30 days following any failure, up to three  
failures; and~~

(b) no sooner than 120 days following any failure thereafter.

**R156-55b-302c. Qualifications - Expedited Licensure.**

In accordance with Subsection 58-1-203(2) and 58-1-301(3), the requirements for expedited licensure pursuant to Subsections 58-55-302(3)(h)(iii) and 58-55-302(3)(i)(iii) are as follows:

(1) A licensed apprentice electrician may take the approved competency exams, in sequence beginning with 1A and continuing through 4B, to either satisfy the education requirement, or determine placement in a planned program of training approved by the Division.

(2) Division pre-approval is not required to sit for any competency exam.

(3) An applicant shall register directly with the Division's approved exam provider to sit for a competency exam.

(4) An applicant may attempt each competency exam one time.

(5) Admission to the subsequent competency exam is permitted after obtaining a minimum score of 75%.

(6) Placement in a planned program of training is determined when the applicant scores below 75% on the corresponding competency exam.

(7) Upon completion of all qualifying competency exams, the applicant may sit for the Utah journeyman or residential journeyman electrician exams.

**R156-55b-303. Renewal Cycle - Procedures.**

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 55 is established by rule in Section R156-1-308a.

(2) Renewal procedures shall be in accordance with Section R156-1-308c.

(3) Pursuant to Subsection 58-1-308(3)(b)(i), there is established a continuing education requirement for license renewal. Each licensee shall comply with the continuing education requirements in Section R156-55b-304.

(4) All licensees shall renew their license in an online form approved by the Division, except as permitted by the Division in writing.

**R156-55b-304. Continuing Education - Standards.**

Standards for continuing education shall be in accordance with Subsections R156-55a-303b(1)(e) and (2) through (10), except as otherwise provided in this section.

(1) Required Hours. Pursuant to Sections 58-55-302.7 and 58-55-303, each licensee shall complete at least 16 hours of continuing education during each two-[-]year license term. [A minimum of -]At least 12 hours shall be core education. The remaining four hours may be professional or core education.

(2) "Core continuing education" is defined as eight hours of education covering the National Electrical Code as adopted or proposed for adoption, and four hours of education covering the National Fire Protection Association 70E (NFPA 70E).

(3) "Professional continuing education" is defined as education covering:

(a) ~~[National Fire Protection Association 70E (NFPA 70E), ]Occupational Safety and Health Administration (OSHA), or Mine Safety and Health Administration (MSHA);~~

(b) ~~electrical motors and motor controls[7];~~

(c) ~~electrical tool usage; [and]or~~

(~~[e]~~d) ~~supervision skills related to the electrical trade.~~

~~[(4) Non-acceptable course subject matter includes the following types of courses and other similar courses:~~

~~(a) mechanical office and business skills, such as typing, speed reading, memory improvement and report writing;~~

~~(b) physical well-being or personal development, such as personal motivation, stress management, time management, or dress for success;~~

~~(c) presentations by a supplier or a supplier representative to promote a particular product or line of products; and~~

~~(d) meetings held in conjunction with the general business of the licensee or employer.]~~

(~~[5]~~4) The Division may defer or waive continuing education requirements for:

(a) ~~[waive the continuing education requirements for a licensee that is an instructor of an approved apprenticeship program]an instructor of a program of electrical study under Subsection R156-55b-302a(5); [~~or~~]~~

(b) a board member who regularly attends the Electricians Licensing Board meetings; or

(c) ~~[waive or defer the continuing education requirements]~~ any licensee as provided in Section R156-1-308d.

~~[(6) A continuing education course shall meet the following standards:~~

~~(a) Time. Each hour of continuing education course credit shall consist of at least 50 minutes of education in the form of seminars, lectures, conferences, training sessions or distance learning modules. The remaining ten minutes may be used for breaks.]~~

(~~[b]~~5) Provider. [The]A course provider need not be listed in Subsection 58-55-302.5(2), but shall meet the other requirements of this section and [shall-]be [~~one of the following~~]:

(~~[i]~~a) a recognized accredited college or university;

(~~[ii]~~b) a state or federal agency;

(~~[iii]~~c) a professional association or organization involved in the construction trades; or

(~~[iv]~~d) a commercial continuing education provider providing a program related to the electrical trade.

(~~[e]~~6) Content. Course[The] content [of the course-]shall be relevant to the practice of the electrical trade and consistent with [the]Utah laws and rules[~~of this state~~].

~~[(d) Objectives. The learning objectives of the course shall be reasonably and clearly stated.]~~

~~\_\_\_\_\_ (c) Teaching Methods. The course shall be presented in a competent, well organized and sequential manner consistent with the stated purpose and objective of the program.~~

~~\_\_\_\_\_ (f) Faculty. The course shall be prepared and presented by individuals who are qualified by education, training and experience.~~

~~\_\_\_\_\_ (g) Distance learning. A course may be recognized for continuing education that is provided through internet or home study courses provided that the course verifies registration and participation in the course by means of a passing a test demonstrating that the participant has learned the material presented. Test questions shall be randomized for each participant.~~

~~\_\_\_\_\_ (h) Documentation. The course provider shall have a competent method of registration of individuals who actually completed the course, shall maintain records of attendance that are available for review by the Division and shall provide to individuals completing the course a certificate which contains the following information:~~

~~\_\_\_\_\_ (i) the date of the course;~~

~~\_\_\_\_\_ (ii) the name of the course provider;~~

~~\_\_\_\_\_ (iii) the name of the instructor;~~

~~\_\_\_\_\_ (iv) the course title;~~

~~\_\_\_\_\_ (v) the hours of continuing education credit;~~

~~\_\_\_\_\_ (vi) the attendee's name;~~

~~\_\_\_\_\_ (vii) the attendee's license number; and~~

~~\_\_\_\_\_ (viii) the signature of the course provider.~~

~~\_\_\_\_\_ (7) On a random basis, the Division may assign monitors at no charge to attend a course for the purpose of evaluating the course and the instructor.~~

~~\_\_\_\_\_ (8) Each licensee shall maintain adequate documentation as proof of compliance with this section, such as certificates of completion, course handouts and materials. The licensee shall retain this proof for a period of three years from the end of the renewal period for which the continuing education is due. Each licensee shall assure that the course provider has submitted the verification of attendance to the continuing education registry on behalf of the licensee as specified in Subsection (11). Alternatively, the licensee may submit the course for approval and pay any course approval fees and attendance recording fees.~~

~~\_\_\_\_\_ (9) Licensees who lecture in approved continuing education courses shall receive two hours of continuing education for each hour spent lecturing. However, no lecturing or teaching credit is available for participation in a panel discussion.~~

~~\_\_\_\_\_ (10) A course provider shall submit continuing education courses for approval to the continuing education registry and shall submit verification of attendance and completion on behalf of licensees attending and completing the program directly to the continuing education registry in the format required by the continuing education registry.~~

~~\_\_\_\_\_ (11) The Division shall review continuing education courses which have been submitted through the continuing education registry~~

and approve only those courses which meet the standards set forth under this section.

~~\_\_\_\_\_ (12) Continuing Education Registry.~~

~~\_\_\_\_\_ (a) The Division shall designate an entity to act as the Continuing Education Registry under this rule.~~

~~\_\_\_\_\_ (b) The Continuing Education Registry, in consultation with the Division and the Commission, shall:~~

~~\_\_\_\_\_ (i) through its internet site electronically receive applications from continuing education course providers and shall submit the application for course approval to the Division for review and approval of only those programs which meet the standards set forth under this section;~~

~~\_\_\_\_\_ (ii) publish on its website listings of continuing education programs which have been approved by the Division, and which meet the standards for continuing education credit under this rule;~~

~~\_\_\_\_\_ (iii) maintain accurate records of qualified continuing education approved;~~

~~\_\_\_\_\_ (iv) maintain accurate records of verification of attendance and completion, by individual licensee, which the licensee may review for compliance with this rule; and~~

~~\_\_\_\_\_ (v) make records of approved continuing education programs and attendance and completion available for audit by representatives of the Division.~~

~~\_\_\_\_\_ (c) Fees. The Continuing Education Registry may charge a reasonable fee to continuing education providers or licensees for services provided for review and approval of continuing education programs.]~~

#### **R156-55b-401. Conduct of Apprentice and Supervising Electrician.**

~~[(1) The conduct of licensed apprentice electricians and their licensed supervisors shall be in accordance with] The requirements of Subsections 58-55-102(34) and 58-55-302(3)(j) are clarified and established as follows: [~~Sections 58-55-501, 58-55-502, and R156-55b-501.~~~~

~~\_\_\_\_\_ (2) For the purposes of Subsections 58-55-102(31), 58-55-302(3)(j) and 58-55-501(12), one of the following shall apply:~~

~~\_\_\_\_\_ (a) the supervisor and apprentice employees shall be employees of the same electrical contractor;~~

~~\_\_\_\_\_ (b) the] (1) An electrical contractor may comply with supervision requirements by contracting [~~contract~~] with a licensed professional employer organization to employ one or more licensed electricians [~~such persons~~].~~

~~[(3) An apprentice in the fourth through sixth year of training may work without supervision for a period not to exceed eight hours in any 24-hour period. In the seventh and succeeding years of training, the nonsupervision provision no longer applies and the apprentice shall be under immediate supervision as set forth in Subsection 58-55-302(3)(j).]~~

(2) A licensed supervisor may have up to:

(a) two licensed apprentice electricians on a non-residential project; or

(b) three licensed apprentice electricians on a residential project.

**R156-55b-501. Unprofessional Conduct.**

"Unprofessional conduct" includes:

(1) ~~failing [as a licensee]~~to comply with the supervision requirements established by Subsection 58-55-302(3)(j) ~~[-]~~;

(2) ~~failing [as a licensee to carry a copy of a]~~to timely provide upon request, the licensee's current electrician license or license number [at all times] when performing electrical work;

(3) ~~[failing as an electrical contractor to certify an electrician's hours and breakdown of work experience by category when requested by an electrician who is or has been an employee; and~~

~~————(4)——]failing [as a licensee]~~to provide proof of completed continuing education within 30 days of the Division's request; or

(4) failing to be knowledgeable of the electrician licensing laws and rules.

**KEY: occupational licensing, licensing, contractors, electricians**

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