**NOTICE OF PROPOSED RULE**

* The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
* Please address questions regarding information on this notice to the agency.
* The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
* The full text of all rule filings may also be inspected at the Division of Administrative Rules.

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<th>41261</th>
<th>1-31-2017</th>
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<th>Utah Admin. Code Ref (R no.):</th>
<th>Agency No.</th>
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<td>R 156 - 55b</td>
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1. **Agency:** Commerce/Division of Occupational and Professional Licensing
   
   **Room no.:**
   
   **Building:** Heber M. Wells Building
   
   **Street address 1:** 160 East 300 South
   
   **City, state, zip:** Salt Lake City UT 84111-2316
   
   **Mailing address 1:** PO Box 146741
   
   **Mailing address 2:** Salt Lake City UT 84114-6741
   
   **Contact person(s):**
   
   **Name:** Steve Duncombe
   
   **Phone:** 801-530-6235
   
   **Fax:** 801-530-6511
   
   **E-mail:** sduncombe@utah.gov

   (Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

2. **Title of rule or section (catchline):** Definitions

3. **Type of notice:** New ___; Amendment XXX; Repeal ___; Repeal and Reenact ___

4. **Purpose of the rule or reason for the change:**
This filing is recommended by the Electricians Licensing Board and the Construction Services Commission to redefine the immediate supervision requirement for residential electrical work. Current rules impose an immediate supervision requirement for both residential electrical work and industrial and commercial electrical work, requiring the apprentice electrician and the supervising electrician to be physically present on the same project or jobsite. This filing modifies the supervision requirement for residential electrical work so that the supervising electrician need not be physically present on the same residential project or jobsite as the apprentice requiring supervision. No other changes are made to residential electrical supervision requirements; the supervising electrician on residential work will still need to maintain the ratio of one master or journeyman electrician to three apprentices. No changes are made to the supervision requirements for industrial and commercial electrical work. This filing also makes minor technical changes, replacing references to the National Electrical Code with Title 15A, State Construction and Fire Codes Act, and more clearly defining the scope of residential electrical work as it pertains to supervision.

5. This change is a response to comments from the Administrative Rules Review Committee.
   No XXX; Yes ___

6. Summary of the rule or change:
   The amendments to Subsection (1) replace the code reference with a reference to Title 15A, State Construction and Fire Codes Act. The amendments to Subsection (2) modify the definition of “Immediate supervision” for residential electrical work. The amendments to Subsection (4) clarify the definition of "Residential project".

7. Aggregate anticipated cost or savings to:
   A) State budget:
      Affected: No ___; Yes XXX
      The Division will incur minimal costs of approximately $75 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

   B) Local government:
      Affected: No XXXX; Yes ___
      The proposed amendments do not apply to local governments. The amendments only apply to electrical contractors, supervising master or journeyman electricians, and to apprentice electricians requiring supervision while engaged in residential electrical projects.

   C) Small businesses ("small business" means a business employing fewer than 50 persons)
      Affected: No ___; Yes XXX
      The proposed amendments may apply to small business. It is anticipated that electrical contractors who own or operate small businesses and handle residential electrical work will be able to operate more efficiently and increase revenue, as their apprentices who need supervision will not need to have the supervising electrician physically present on the same project or jobsite. It is also anticipated that allowing apprentice electricians to continue working on projects or jobsites while the supervising electrician is not physically present will not conflict with the supervising electrician's responsibility to ensure that the end result complies with applicable standards. The aggregate savings cannot be estimated as it will vary depending on circumstances, including the volume of residential work to be completed, and the experience and aptitude of the apprentice electricians.

   D) Persons other than small businesses, businesses, 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):
      Affected: No ___; Yes XXX
      The proposed amendments will only affect electricians engaged in electrical work specific to residential projects. The aggregate impact on these persons cannot be estimated, as it will vary depending on circumstances, including the volume of residential work to be completed, and the experience and aptitude of the apprentice electricians.

8. Compliance costs for affected persons:
The individuals affected by these amendments will be electrical contractors engaging in residential electrical work, supervising master electricians or supervising journeyman electricians, and apprentice electricians who require supervision while engaged in electrical work on residential projects. The Division does not anticipate any compliance costs for these affected individuals.

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

The proposed amendments to R156-55b-102 replace the code references to the National Electrical Code with references to Title 15, State Construction and Fire Codes Act, modify the definition of "immediate supervision" for residential electrical work and clarify the definition of "residential project". The practical consequence of these changes is that it will no longer be necessary for the supervising electrician to be physically present on the same residential project or jobsite as the apprentice requiring supervision. This change will provide a cost savings to electrician businesses, permitting such businesses to work more efficiently. An exact computation of the cost savings will depend in various factors, depending on the circumstances of the business and the projects involved.

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

Francine A. Giani, Executive Director

10 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) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV):

Subsection 58-1-106(1)(a) Subsection 58-1-202(1)(a) Subsection 58-55-308(1)

11 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 Division of Administrative Rules; if none, leave blank):

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(If this rule incorporates more than two items by reference, please attach additional pages)

12 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 5:00 p.m. on (mm/dd/yyyy): 03/17/2017

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

On (mm/dd/yyyy): 02/22/2017
At (hh:mm AM/PM): 9:00 AM
At (place): 160 East 300 South, Conference Room 474, Salt Lake City, Utah
This rule change may become effective on (mm/dd/yyyy): 03/24/2017

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 12(A) above, the agency must submit a Notice of Effective Date to the Division 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.

Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid"); may not include the name of the agency:

occupational licensing
contractors
licensing
electricians

Attach an RTF document containing the text of this rule change (filename): R156-55b.pro

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: [Signature]
Date (mm/dd/yyyy): 03/24/2017
R156. Commerce, Occupational and Professional Licensing.

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

(1) "Electrical work" as used in Subsection 58-55-102(13)(a) and in this rule means installation, fabrication or assembly of equipment or systems included in "Premises Wiring" as defined [in the edition of the National Electrical Code, as adopted in the State Construction Code Adoption Act and State Construction and Fire Codes Act] by Title 15A, State Construction and Fire Codes Act. Electrical work includes installation of raceway systems used for any electrical purpose, and installation of field-assembled systems such as ice and snow melting, pipe-tracing, manufactured wiring systems, and the like. Electrical work does not include installation of factory-assembled appliances or machinery that are not part of the premises wiring unless wiring interconnections external to the equipment are required in the field, and does not include cable-type wiring that does not pose a hazard from a shock or fire initiation standpoint as defined [in the National Electrical Code] 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(23) and this rule means the following:
(a) for industrial and commercial electrical work, [that] the apprentice and the supervising electrician are physically present on the same project or jobsite but are not required 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 work of an apprentice so as to ensure that the end result complies with applicable standards.

(3) "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 appliances or machinery that utilize electrical power. Minor electrical work does not include modification or repair of "Premises Wiring" as defined in the National Electrical Code, and does not include 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) "Residential project" as used in Subsection 58-55-302(3)(j)(ii) pertains to supervision and means electrical work performed in [residential dwellings of up to three stories and will include single and multi family]
dwellings] one or two-family dwellings, including townhouses, as determined by Title 15A, State Construction and Fire Codes Act.

(5) "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) "Work commonly done by unskilled labor" as used in Subsection 58-55-102(13)(b)(iii) means work 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 in the immediate presence of and supervised by properly licensed master, journeyman, residential master or residential journeyman electricians acting within the scope of their licenses.

KEY: occupational licensing, licensing, contractors, electricians
Date of Enactment or Last Substantive Amendment: [November 7, 2016] 2017
Notice of Continuation: August 8, 2016
Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-55-308(1)