

STATE BOARD OF ELECTRICITY

Proposed Permanent Rules Relating to Licenses, Inspections, Qualifications for Electrician Licenses

Statement of Need and Reasonableness

MINNESOTA RULE PARTS 3800.3500 THROUGH 3800.3810

All new material.

The Minnesota Electrical Act requires that electricians be licensed and that electrical installations be inspected for compliance with acceptable standards for safety to life and property. Minn. Stat. §§ 326.242-.243 (1988). It also makes provision for unlicensed persons to perform electrical work under the supervision of a licensed electrician. Neither the Act nor existing rules of the Board of Electricity define the level of supervision which the Act requires. Minn. Stat. § 326.242, subd. 5 (1986). Minn. Rules pt. 3800.0900 (1987).

The Board has learned from numerous electrical contractors that they have had difficulty competing with or are unable to bid competitively against other electrical contractors because they employ fewer licensed electricians and more unlicensed individuals. The Board is concerned and has a great deal of evidence that those unlicensed individuals are performing electrical work without the level of supervision contemplated by the Act or the Board's rules. Minn. Stat. § 326.242, subd. 5 (1986). Minn. Rules pt. 3800.0900 (1987). This raises concerns as to the quality of the electrical work being performed by unlicensed individuals and the safety hazards such work may present to the public.

The Board is restructuring all the material in its administrative rules so they are more readable and accessible to the users. All old rule numbers are repealed.

3800.3500 DEFINITIONS.

Subp. 3. **Employee.** This section was added so electrical contractors would not be permitted to subcontract with unlicensed and unqualified people to do electrical work. Students of vocational schools would be considered employees while performing work on projects on school premises.

Subp. 8. **Maintaining and repairing electrical wiring, apparatus, and equipment.** This section is clarified to point out that maintaining electrical work does not include the installation of new wiring, apparatus or equipment.

Subp. 10. **Minor repair work.** This section was clarified so that maintenance electricians may replace outlets and minor switches for lighting controls.

Subp. 12. **Signaling circuit.** The designation of signaling circuit was added to clarify that it does not include any device that controls electrical equipment other than the signaling devices.

3800.3530 REQUIREMENTS FOR SECURING AND MAINTAINING AN ELECTRICAL CONTRACTOR'S LICENSE.

Subpart 1. **Information required to be provided by applicants.**

Subp. 2. **Information required where the applicant has employees.**

Because of a continuing problem with unscrupulous contractors, it was necessary for the Board to require that applicants for an electrical contractor's license supply a telephone number, exclusive of answering services, as listed under the contractor's or person's name in telephone directories, and the mailing address and street address of each partner, owner or corporate officer and each location from which the applicant's electrical contracting business will be conducted and the requirement to furnish the Board on request the employment records of all persons who are or will be performing electrical work for the applicant so that the Board can identify and locate electrical contractors who are the subject of complaints received from the public.

Subp. 3. **Applicants in states not contiguous with Minnesota.** The Board has found it necessary to require that out-of-state contractors in states not contiguous with Minnesota have a business address and telephone number within the state so that the Board can locate electrical contractors who are the subject of complaints received from the public.

Subp. 4. **Duty to keep information current.** The Board has experienced contractors moving and telephones disconnected and has found it necessary to require them to keep all information current so that the Board can locate electrical contractors who are the subject of complaints received from the public.

3800.3540 DESIGNATION OF RESPONSIBLE MASTER ELECTRICIAN ON CONTRACTOR'S LICENSE APPLICATION. Where the master electrician is not an owner or officer of the corporation of the electrical contractor, the Board has found many instances where unlicensed and unqualified persons were performing electrical work for the public. This new part will require the contractor applicant and the master electrician to provide evidence to the Board that its operation will conform.

3800.3550 DESIGNATION OF RESPONSIBLE MASTER ELECTRICIAN, LICENSED MAINTENANCE ELECTRICIAN, OR ELECTRICAL ENGINEER BY AN EMPLOYER.

Subpart 1. **Employees required to be licensed.** The Board has found when contractors employ their own electricians, the Board has no record that there are licensed, qualified persons doing electrical work. This will require the responsible licensed employee to submit to the Board a certificate of employment.

Subp. 3. **Notification of termination of employment.** The designated responsible person on the certificate of employment shall notify the Board in writing of termination of employment so the Board is aware that properly licensed employees are doing the electrical work.

Subp. 4. **Evidence of compliance.** The Board may require that the employer or designated responsible person provide evidence of how they will comply with the Minnesota Electrical Act so that all electrical work is installed in conformance with safety standards.

3800.3560 **ADVERTISING RESTRICTIONS.** The Board has found that many electrical contractors advertising to do work for the public do not advertise under the name on their contractor's license. This should give the public an opportunity to know the name of the contractor and check with the Board whether they are in fact licensed. This rule will also make it easier for the Board to identify the contractor and determine its license status in the event that a complaint is filed by the public.

3800.3570 **MARKING OF ELECTRICAL CONTRACTOR'S VEHICLES.** The marking of electrical contractor's vehicles will allow the Board's inspectors the ability to police illegal wiring.

3800.3590 **LICENSES; EXPIRATION AND FEES.**

Subp. 7. **License service charge.** Due to the cost to the Board of reissuing contractor licenses due to name, structural or classification changes, the Board is now charging a service charge of \$10.

3800.3600 **SERVICE CHARGES.** Due to the time and cost of searching files and providing copies of documents, the Board will now charge a service charge for the costs of making copies and for postage.

3800.3620 **APPROVAL OF ELECTRICAL EQUIPMENT.** The Board has found all types of electrical equipment, material and fittings that are being sold in the market that do not meet the minimum safety standards. Where there is a national standard, this equipment will be required to be listed by a qualified electrical testing laboratory for the protection of public health.

3800.3690 **DISCONNECTION OF UNCOMPLETED OR UNINSPECTED INSTALLATIONS.** The Board has had great difficulty in completing the electrical inspections for compliance with minimum safety standards on many properties. Once the electrical service has been connected, the owners or occupants have not cooperated in completing the electrical installation. This rule will allow the Board to take action to ensure compliance with minimum safety standards.

3800.3750 **HEARING AND REVIEW.** This section was updated to comply with other Minnesota Statutes.

3800.3780 **REQUEST FOR INSPECTION CERTIFICATES EXPIRATION.** This section is outdated with today's construction industry. The Board has increased its minimum filing fee on installations in excess of \$1,000 to a minimum filing fee of \$500.

3800.3790 **PRORATED FEE FOR INSPECTION OF CERTAIN INSTALLATIONS.** This section was outdated, and the total amounts were increased.

SMALL BUSINESS CONSIDERATIONS IN RULEMAKING.

Most of the businesses regulated by the Board of Electricity are small businesses. The Board estimates that 80 percent of all licensed electrical contractors are small business as defined by Minn. Stat. § 14.115 (1986). The Board has framed all of these regulations considering the needs of small business by making the regulations easy to understand and comply with.

a) The compliance and reporting requirements under Minn. Rules pt. 3800.0900 (1987) were framed for the needs of small business in mind.

b) The compliance and reporting requirements contained in amendments to this rule were drafted with the needs of small business in mind. The Board will notify all contractors concerning the amended rule so that small businesses will not have to monitor the laws or research the requirements.

c) The language was condensed and reorganized in the rule to be easily understood.

d) This requirement is inapplicable to these requirements.

e) It is not possible to exempt small business from this rule since it would compromise safety standards if 80 percent of the Board's licensees were exempt from the rules.