

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-.08

Rule Title: License Exemptions

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

Tuesday, December 19, 2023

REC'D & FILED
DEC 19, 2023
LEGISLATIVE SVC AGENCY

ALABAMA STATE BOARD OF ELECTRICAL CONTRACTORS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Electrical Contractors

RULE NO. & TITLE: 303-X-2-.08 License Exemptions

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Board intends to clarify exemptions to licensure requirements.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written comments will be received by the Board until 4:00 p.m. on Friday, February 2, 2024. Comments should be directed to Keith E. Warren, Executive Director, 2777 Zelda Road, Montgomery, AL 36106 or by email at keith@alstateboard.com.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, February 2, 2024

CONTACT PERSON AT AGENCY:

Keith E. Warren, Executive
Director, 2777 Zelda Road,
Montgomery, AL 36106 or by email
at keith@alstateboard.com.

Keith E. Warren

Keith E. Warren

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

303-X-2-.08

License Exemptions.

- (1) The Board shall not apply the provisions of this act:
- (a) to installation, construction or maintenance of power systems for the generation and secondary distribution of electrical currents constructed under the provisions of the national electrical safety code which regulates the safety requirements of utilities;
 - (b) to the installation, construction, maintenance or repair of telephone or signal systems by or for public utilities or their corporate affiliates, when such work pertains to the services furnished by such utilities;
 - (c) to any technician employed by a municipal franchised CATV system;
 - (d) to any journeyman electrician employed by a state licensee of the Board or a licensee of a county or municipality where the contract work is being performed;
 - (e) to ~~persons engaging in the electrical contracting business or working as a master electrician or journeyman electrician where there is no governing ordinance or laws requiring a license;~~
 - ~~(f)~~ (f) to the owner of any premises or any employee of any such owner when performing electrical work or installing, constructing, maintaining, altering or repairing electrical wiring, equipment or apparatus on such premises;
 - ~~(g)~~ (f) to an employee or an electric utility when installing or repairing electric appliance and equipment for a customer;
 - ~~(h)~~ (g) to any retail merchant, or its employees making the direct replacement of or the repair or maintenance on any appliance that the merchant has sold, or to any modular or manufacturer of the housing industry within the state which is regulated by state and federal governments;
 - ~~(i)~~ (h) to the installation, construction or maintenance of systems that operate on 25 volts or less.
 - ~~(j)~~ (i) To the installation, construction or maintenance of direct broadcast satellite services.

(2) A licensee who holds an electrical contractor's license affiliated with an entity described in (1)(a), above, may apply for and be granted a secondary electrical contractor's license to allow the licensee to work at his or her own company when not working for the primary entity, provided that the licensee owns majority interest and has complete responsibility for the operations of the secondary company.

Author: Hendon B. Coody

Statutory Authority: Code of Ala. 1975, §§34-36-13, et seq.

History: Filed March 7, 1986. **Amended:** Filed June 10, 1988.

Repealed and New Rule: Filed February 11, 2011; effective March 18, 2011. **Amended:** Filed December 19, 2023;

303-X-2-.08

License Exemptions.

- (1) The Board shall not apply the provisions of this act:
- (a) to installation, construction or maintenance of power systems for the generation and secondary distribution of electrical currents constructed under the provisions of the national electrical safety code which regulates the safety requirements of utilities;
 - (b) to the installation, construction, maintenance or repair of telephone or signal systems by or for public utilities or their corporate affiliates, when such work pertains to the services furnished by such utilities;
 - (c) to any technician employed by a municipal franchised CATV system;
 - (d) to any journeyman electrician employed by a state licensee of the Board or a licensee of a county or municipality where the contract work is being performed;
 - (e) to ~~persons engaging in the electrical contracting business or working as a master electrician or journeyman electrician where there is no governing ordinance or laws requiring a license;~~
 - ~~(f)~~ to the owner of any premises or any employee of any such owner when performing electrical work or installing, constructing, maintaining, altering or repairing electrical wiring, equipment or apparatus on such premises;
 - ~~(g)~~ (f) to an employee or an electric utility when installing or repairing electric appliance and equipment for a customer;
 - ~~(h)~~ (g) to any retail merchant, or its employees making the direct replacement of or the repair or maintenance on any appliance that the merchant has sold, or to any modular or manufacturer of the housing industry within the state which is regulated by state and federal governments;
 - ~~(i)~~ (h) to the installation, construction or maintenance of systems that operate on 25 volts or less.
 - ~~(j)~~ (i) To the installation, construction or maintenance of direct broadcast satellite services.

(2) A licensee who holds an electrical contractor's license affiliated with an entity described in (1)(a), above, may apply for and be granted a secondary electrical contractor's license to allow the licensee to work at his or her own company when not working for the primary entity, provided that the licensee owns majority interest and has complete responsibility for the operations of the secondary company.

Author: Hendon B. Coody

Statutory Authority: Code of Ala. 1975, §§34-36-13, et seq.

History: Filed March 7, 1986. **Amended:** Filed June 10, 1988.

Repealed and New Rule: Filed February 11, 2011; effective March 18, 2011. **Amended:** Published ; effective .