

State of Utah  
Administrative Rule Analysis

## 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.

DAR file no:

40762

Date filed:

9-13-2016

State Admin Rule Filing Id:

Time filed:

	Agency No.	Rule No.	Section No.
Utah Admin. Code Ref (R no.):	R 156	- 55b	-
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 1:** 160 East 300 South

**Street address 2:**

**City, state, zip:** Salt Lake City UT 84111-2316

**Mailing address 1:** PO Box 146741

**Mailing address 2:**

**City, state, zip:** Salt Lake City UT 84114-6741

**Contact person(s):**

Name:	Phone:	Fax:	E-mail:
Steve Duncombe	801-530-6235	801-530-6511	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):**

Electricians Licensing Act Rule

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 promote the progression of licensure and protect public health, safety and welfare. This change will benefit the apprentice who has completed the required education to sit for the respective journeyman exams while the course material is most germane and they are actively completing the remaining hours needed to fulfill the experience requirement.

5. **This change is a response to comments from the Administrative Rules Review Committee.**

No XXX; Yes \_\_\_

**6. Summary of the rule or change:**

Section R156-55b- 302c: Language is added under Subsection (2) allowing apprentice electricians who have completed the apprentice education program set forth in Subsection R156-55b- 302a, and not less than 6,000 hours of the experience required under Subsection R156-55b-302b, to sit for the journeyman examinations. Likewise, this change will allow apprentice electricians who have completed the apprentice education program set forth in Subsection R156-55b-302a, and not less than 3,000 hours of the experience required under Subsection R156-55b- 302b, to sit for the residential journeyman examinations.

**7. Aggregate anticipated cost or savings to:**

**A) State budget:**

**Affected:** No \_\_\_; Yes XXXX

The Division will incur minimal costs of approximately \$75 to reprint 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 XXX; Yes \_\_\_

The proposed amendments do not apply to local governments. The proposed amendments only apply to applicants seeking licensure as a journeyman electrician or residential journeyman electrician.

**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. The apprentice electrician that previously had to wait until all of the education and experience requirements were met in order to sit for the appropriate exams will now have the ability to sit for the exams after completing the education requirement and a majority of the required experience hours. It is anticipated that allowing applicants to sit for the examinations as proposed will improve the opportunity for licensure progression, promote industry growth, and encourage corresponding wage increases as the licensee becomes more serviceable to current and potential employers. The aggregate impact cannot be estimated as it will vary depending on the experience and aptitude of the apprentice electrician.

**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 apprentice electricians who have completed the apprentice education program set forth in Subsection R156-55b- 302a. It is expected that allowing applicants to sit for the examinations as proposed should have a similar impact for applicable large business. The aggregate impact cannot be estimated as it will vary depending on the experience and aptitude of the apprentice electrician.

**8. Compliance costs for affected persons:**

The Division anticipates the amendment will impact apprentice electricians who have met the education and experience requirements of this proposal and seek licensure as a journeyman electrician or residential journeyman electrician. In addition to promoting the timely progression of licensure, it is expected that this amendment will assist adequately prepared applicants with passing the required licensure examinations. Similarly, an applicant should experience a cost savings, resulting from fewer failed attempts and the subsequent necessary retakes. However, the Division is not able to estimate the individual impact as it will vary depending on the experience and aptitude of the apprentice electrician.

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

This amended rule permits apprentice electricians to sit for the journeyman examination and the residential journeyman examination at an earlier date. The amended rule will likely result in a cost savings to apprentice electricians. An indeterminate cost increase could be experienced by small business, if the earlier taking of the examinations results in wage increases for apprentices who demonstrate that they are more serviceable to current and potential employers.

**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):

First Incorporation

Second Incorporation

Official Title of Materials  
Incorporated (from title page)

Publisher

Date Issued

Issue, or version

ISBN Number (optional)

ISSN Number (optional)

Cost of Incorporated Reference

Action: Adds, updates, or removes

(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):

10/31/2016

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

On (mm/dd/yyyy):

At (hh:mm AM/PM):

At (place):

10/20/2016

9:00 AM

160 East 300 South, Conference Room  
474, Salt Lake City, Utah

13 This rule change may become effective on (mm/dd/yyyy):

11/07/2016

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.

14 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

licensing

contractors

electricians

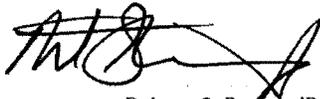
15 Attach an RTF document containing the text of this rule change (filename):

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:**



**Date**  
(mm/dd/yyyy)  
: 9/13/2016

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

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

**R156-55b-302c. 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:

(a) Utah Electrical Licensing Examination for Master Electricians;

(b) Utah Electrical Licensing Examination for Master Residential Electricians;

(c) Utah Electrical Licensing Examination for Journeyman Electricians; and

(d) Utah Electrical Licensing Examination for Residential Journeyman Electricians.

(2) Admission to the examinations is permitted after:

(a) the applicant has completed all requirements for licensure set forth in Sections R156-55b-302a and R156-55b-302b; or

(b) the journeyman applicant has completed:

(i) the apprentice education program set forth in Subsection R156-55b-302a; and

(ii) not less than 6,000 hours of the experience required under Subsection R156-55b-302b;

(c) the residential journeyman applicant has completed:

(i) the apprentice education program set forth in Subsection R156-55b-302a; and

(ii) not less than 3,000 hours of the experience required under Subsection R156-55b-302b.

(3) The applicant shall obtain a "pass" grade on the practical part of the examination, a score of at least 75% on the theory part and a score of at least 75% on the 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.

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

**Date of Enactment or Last Substantive Amendment: ~~[August 21, 2014]~~ 2016**

**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)**