

## DEPARTMENT OF REGULATORY AGENCIES

### State Electrical Board

## STATE ELECTRICAL BOARD RULES AND REGULATIONS

### 3 CCR 710-1

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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#### 1.0 STATEMENT OF BASIS AND PURPOSE

- 1.1 Following are the adopted changes to the Rules and Regulations of the Colorado State Electrical Board ("the Board") for general clarification, for efficient management and expeditious procedures of the Board, and for the safeguarding of the general public in compliance with Title 12, Article 23, of the Colorado Revised Statutes.
- 1.2 The Board adopts the following rules pursuant to the authority granted to the Board by § 12-23-104(2)(a), C.R.S. and hereby repeals all previous rules with the same number.
- 1.3 These Rules shall be binding on every person and legal entity authorized to practice, offer to practice, or perform electrical or electrical contracting in Colorado. All licensees and registrants under Title 12, Article 23 of the Colorado Revised Statutes are charged with having knowledge of the existence of these rules and shall be deemed to be familiar with their provisions and to understand the rules. In these Rules, the word "licensee" shall mean any person holding a master electrician license, journeyman electrician license, or residential wireman license. In these Rules, the word "registrant" shall mean any person registered as an electrical apprentice and any person or legal entity registered with the Board as an electrical contractor.

These Rules are severable. If one rule or portion of a rule is found to be invalid, all other rules or portions of rules that can be enforced without the invalid rules shall be enforced and shall remain valid.

#### 2.0 STANDARDS

- 2.1 The Board hereby adopts the National Fire Protection Association standard number 70, hereafter known as the National Electrical Code, 2017 Edition, and as may be amended by the Board. These standards are adopted as the minimum standards governing the planning, laying out, and installing or the making of additions, alterations, and repairs in the installation of wiring apparatus and equipment for electric light, heat, and power in this state. This rule does not include later amendments to or editions of the National Electrical Code, 2017 Edition. The effective date shall be July 1, 2017.
- 2.2 A copy of the provisions of the National Electrical Code, 2017 edition is available for public inspection during regular business hours at the Board office at the Division of Professions and Occupations, Department of Regulatory Agencies, 1560 Broadway, Suite 110, Denver, Colorado, 80202, and at any state publications depository library. For further information regarding how this material can be obtained or examined, contact the Program Director for the Board ("Program Director") at 1560 Broadway, Suite 110, Denver, Colorado, 80202, (303) 894-2300. The National Electric Code, 2017 Edition, is available directly from the National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy MA 02169-7471, phone 1-800-344-3555. Copies are also available from the NFPA website at NFPA.org, as well as most online and retail book vendors.

### 3.0 APPRENTICE REGISTRATION AND RECORDKEEPING

#### 3.1 Registration

- 3.1.1 The Board may require the employer of an electrical apprentice to provide information verifying the apprentice's record of employment and practical experience, including but not limited to a written attestation from the responsible master electrician verifying that the apprentice has been performing electrical work during any period the apprentice was not registered. Employers of apprentices shall cooperate with any request from the Board pursuant to this rule and furnish such information or assistance as the Board may request.
- 3.1.2 An individual that holds an active residential electrician's license and is working on a commercial job site must be registered as an apprentice.
- 3.1.3 An employer who fails to timely register an apprentice as required by § 12-23-110.5(3)(a), C.R.S. and this rule shall be subject to disciplinary action pursuant to § 12-23-118, C.R.S.
- 3.1.4 An employer who fails to remove an apprentice from their company's registration within 30 days of termination of employment shall be subject to the same disciplinary action as Board Rule 3.1.3 above.

#### 3.2 **Recordkeeping.** Electrical Contractors shall maintain employment records or work reports for their apprentices in order to provide experience verification. Such records or reports should accurately document the type of work by the number of hours and months the apprentice performed electrical work as defined by § 12-23-101, C.R.S. and should specifically reflect:

- A. Exact dates of employment;
  - B. Number of hours and months of residential electrical experience; and,
  - C. Number of hours and months of commercial, industrial, or substantially similar electrical experience.
- 3.2.1 Contractors shall provide such employment records indicated in Board Rule 3.2 above upon termination or resignation of an apprentice.
  - 3.2.2 Contractors who did not provide information as indicated in Board Rule 3.2.1 above, shall provide the information upon request from any apprentice formerly employed by that contractor.

### 4.0 APPLICATION TO TEST FOR LICENSURE

- 4.1 All applications for exams shall be submitted to the Division of Professions and Occupations in a form and manner approved by the Board.

#### 4.2 **Experience.**

- 4.2.1 Applicants cannot verify their own experience.
- 4.2.2 **General Documentation Requirements.** Applicants shall provide documented written evidence of all in state and out of state experience on experience verification forms prepared and furnished by the Board which shall include all of the following:
  - A. Exact dates of employment.

- B. Breakdown of electrical work performed in:
  - 1. Commercial, residential, industrial and/or maintenance/service; and,
  - 2. Increments of hours and months.
- C. Signature of the master electrician for, or a signatory authority of, the electrical contractor or employer.
- D. "Supervising" as used in 12-23-106(1)(III) means the supervision of registered apprentices by a licensed journeyman.

**4.2.3 Maintenance Experience.** Maintenance experience shall be submitted for evaluation on experience verification forms prepared and furnished by the Board.

4.2.3.1 A maximum of two (2) years experience credit may be granted for work performed under the supervision, and verified by, a Colorado (or equivalent) licensed electrician.

4.2.3.2 A maximum of one (1) year of experience credit may be granted for work not required to be performed under the supervision of a licensed electrician, and verified by the employer.

**4.2.4 Foreign Experience**

4.2.4.1 Applicants shall have one (1) year of in-country electrical construction experience and familiarity with the National Electrical Code.

4.2.4.2 A maximum of three (3) years of out-of-country experience may be applied towards credit for a journeyman license.

4.2.4.3 A maximum of four (4) years out-of-country experience may be applied towards credit for a master license.

4.2.4.4 Applicants who have electrical experience from a foreign country for which they wish to receive experience credit are required to submit the documentation accompanied by an English language translation and a certification signed by the translator that must be printed legibly or typed. Such certification must include a statement that the translator is competent to translate the document, and that the translation is true and accurate to the best of the translator's abilities.

4.2.4.4.1 This evaluation will be performed at the applicant's expense and the applicant will be responsible for submitting all the necessary information to the evaluating institution.

**4.2.5 Calculating Years of Experience.** This rule is intended to clarify the term "years" of experience earned as referenced in the statutes and does not negate any other requirement set forth in the Board's rules or statutes for requirements for licensure.

4.2.5.1 When evaluating experience earned by an applicant pursuant to § 12-23-106, C.R.S., the minimum practice experience required for examination is calculated in "years" as follows:

- A. Residential Wireman – 4,000 hours earned in no less than 2 years.

- B. Journeyman Electrician – 8,000 hours earned in no less than 4 years.
- C. Master Electrician – 10,000 hours earned in no less than 5 years.

#### 4.3 Education

4.3.1 **Community College Degree.** Applicants that are graduates from an accredited community college shall hold a degree in the electrical field to receive credit pursuant to § 12-23-106, C.R.S.

#### 4.3.2 Trade School

4.3.2.1 Apprenticeship training programs are not equivalent to trade schools.

4.3.2.2 A trade school shall meet the following criteria:

- A. Provide training in the following areas as it relates to the electrical trade:
  - 1. Maintenance and new construction wiring in residential and commercial buildings;
  - 2. Basic math related to the electrical industry;
  - 3. Basic use of hand tools and materials;
  - 4. Basic electrical resistive theory, wire sizing, circuit construction, and troubleshooting;
  - 5. Basic to advanced study in motor control, motor theory and maintenance, installation and maintenance of equipment, designing electrical systems, blueprint reading, estimating, and electrical codes;
  - 6. Electrical theory and practical application; and,
  - 7. OSHA curriculum based safety training.
- B. Provide official transcripts noting credit hours.
  - 1. Graduate must obtain no less than 165 credit hours.
  - 2. Each credit hour shall represent no less than 19 classroom hours.

4.3.3 **Transcripts.** Applicants providing documentation of education must submit an official transcript from the school with the application. The transcript must be provided with the application in an official envelope sealed by the granting institution.

#### 4.3.4 Foreign Education

4.3.4.1 Applicants who have an electrical engineering degree or electrical engineering courses from foreign colleges, universities, or their equivalents for which they wish to receive educational credit are required to have the transcripts evaluated by an electrical engineering department in an accredited university to determine if the curriculum is substantially equivalent.

4.3.4.2 This evaluation will be performed at the applicant's expense and the applicant will be responsible for submitting all the necessary information to the evaluating institution.

4.3.4.3 Applicants providing documentation of education must submit the evaluation from the evaluating institution with the application.

4.3.5 **Other Education Credit.** Applicants for licensure with electrical apprenticeship training, other electrical training, non-accredited electrical education, or other electrical education not addressed in statute or Board Rules may be granted a maximum of one (1) year of experience credit provided the applicant meets and provides the following documentation:

A. Course curriculum with the number of classroom hours completed; and,

B. Certification of completed hours.

4.3.5.1. Credit may be awarded as follows:

A. Credit for the successful completion of non-accredited electrical courses or program shall be credited one (1) month of experience for two (2) months of schooling up to a maximum of one (1) year.

B. Education without a certificate of completion may replace actual field experience under a licensed master at the rate of one (1) month credit for every six (6) months training or experience up to maximum of one (1) year.

#### 4.4 Training

4.4.1 **Apprenticeship Training Requirements.** Persons who, on or after January 1, 2011, either, enter an apprenticeship program or register as an apprentice, must comply with the following requirements. Pursuant to § 12-23-106(2)(a)(III) C.R.S., during the last four (4) years of apprenticeship, an applicant for a journeyman electrician's license shall provide documented written evidence of at least two hundred eighty-eight (288) hours of electrical training conducted in compliance with rules promulgated by the Board.

4.4.1.1 One (1) hour of approved training shall consist of not less than fifty (50) minutes of instruction, presentation, or activity spent in structured education.

4.4.1.2 The 288 hours of approved training is in addition to any stipulated on-the-job training requirement and shall include technical and professional subjects related to the practice of electrical work which the Board deems necessary to safeguard the public. Such subjects include:

A. Grounding/bonding;

- B. National Electrical Code changes;
- C. Wiring methods;
- D. Theory/calculations; and,
- E. A minimum of ten (10) and a maximum of forty (40) hours of OSHA curriculum based safety training.

4.4.1.3 **288 Hours Training Criteria.** To qualify for credit, training activities must be structured educational efforts meeting all of the following criteria:

- A. Include technical and practical applications which impact criteria listed in Board Rule 4.4.1.2;
- B. Be current and presented by qualified and technically competent instructors; and,
- C. Provide certificates of completion or other documentation for the apprentice electrician and maintain records of attendance.

4.4.1.4 **No Pre-Approval of 288 Hours Training Activities.** The Board will not pre-approve courses or programs. It is within the discretion of the Board to deny credit for any activity that does not meet the training criteria in Board Rule 4.4.1.3.

4.4.1.5 **Acceptable 288 Hours Training Activities.** The Board deems the following types of activities to be acceptable. On-line delivery and participation in Board Rule 4.4.1 may be acceptable if in compliance with these rules, including but not limited to Board Rule 6.4.8

- A. Not-for-credit academic course;
- B. For-credit academic course; and,
- C. Industry training programs.

4.4.1.6 **Non-Acceptable 288 Hours Training Activities.** The Board deems the following types of activities not acceptable training for this requirement:

- A. Serving on federal, state, or municipal boards or commissions;
- B. Rendering pro bono services;
- C. Faculty at college, university, or other educational institution shall not receive credit for teaching their regularly-assigned courses beyond the initial class;
- D. Participation on a public, professional, or technical society board;
- E. Attendance at licensing or registration board meetings or any other professionally relevant board or committee meeting; and,
- F. Participating in or attending exhibit poster sessions or trade shows.

4.4.1.7 **Recordkeeping.** The applicant shall track and document training hour requirements in a process approved by the Board. The applicant shall retain the documentation for a minimum of three (3) years following completion of the activity. Documentation shall contain, at a minimum, the following information:

- A. Apprentice electrician name;
- B. Activity type;
- C. Activity location and date(s);
- D. Activity title and description of content and objectives;
- E. Name and contact information of the sponsor or training provider (e.g. organization, institution, association, employer, vendor, or publication);
- F. Instructor or speaker name(s), as applicable;
- G. Name and contact information of the monitor, facilitator, or mentor, as applicable;
- H. Certificate of completion; and,
- I. Number of classroom hours.

4.4.1.8 Training earned under this requirement shall not qualify for any other education, training, or experience credit.

#### **4.5 License by Endorsement**

4.5.1 Applicants may qualify for licensure by endorsement, providing that the applicant has:

- A. An active residential wireman's license, journeyman electrician's license, or master electrician's license in another state, respective to the license the applicant is applying for;
- B. Successfully completed a state or federally-approved apprenticeship program, or obtained the required years and type of experience for the comparable license; and,
- C. Successfully completed a comparable written state electrical examination based on the current edition of the National Electrical Code in effect at the time the application is submitted to the Board.

4.5.2 Proof of successful completion of the requirements in Board Rule 4.5 shall be submitted on the verification forms prepared and furnished by the Board, as part of the application for endorsement.

4.5.3 Qualification may be accumulated in multiple states, provided the qualifications meet the requirements of Board Rule 4.5.1.

#### **4.6 License by Reciprocity**

4.6.1 Conditions for reciprocity for a Colorado journeyman electrician's license. Applicants must:

- 4.6.1.1 Hold, from the licensing state, a journeyman license or a master electrician license, that allows the individual to work as a journeyman electrician, that is current, active, and in good standing;
  - 4.6.1.2 Possess a journeyman electrician's license, or master electrician's license from a state that is a member in good standing of the National Electrical Reciprocal Alliance (NERA), or from any entity or jurisdiction that has a reciprocity agreement with the Board.
- 4.6.2 Applicants will not be granted a reciprocal license where the license in the licensing state was granted by grandfathering without having passed a state-administered examination.
- 4.6.3 A Colorado master electrician's license may not be granted by reciprocity.
- 4.7 **Military.** Education, training, or service gained in military services outlined in § 24-34-102(8.5), C.R.S. to be accepted and applied towards receiving a license, must be substantially equivalent, as determined by the Board, to the qualifications otherwise applicable at the time of receipt of application. It is the applicant's responsibility to provide timely and complete evidence for review and consideration. Satisfactory evidence of such education, training, or service will be assessed on a case by case basis.
- 4.8 **Reconsideration.** An applicant requesting reconsideration of a Board action or requesting a personal interview before the Board, shall submit the request in writing, accompanied by additional information or documentation not made available to the Board prior to a previous ruling. This request shall be submitted within forty-five (45) days of the date on which the Board made the decision. Any request filed after forty-five (45) days will not be considered by the Board.
- 4.9 **Temporary Work Permits**
  - 4.9.1 Pursuant to § 12-23-110, C.R.S., a temporary work permit may be issued at the time of approval for an examination. The temporary permit will be valid for a period of no more than thirty (30) days after the date of approval or as otherwise limited in § 12-23-110, C.R.S.
  - 4.9.2 A temporary work permit shall not be accepted to meet the requirements for obtaining a new electrical contractor registration.
    - 4.9.2.1 A temporary master electrician work permit may be issued to a qualified applicant of an existing electrical contractor pursuant to § 12-23-110, C.R.S.
- 4.10 **Application Retention**
  - 4.10.1 **Incomplete Applications.** An application for a license by examination or endorsement submitted without all required fees and documentation will be considered incomplete. Incomplete applications will be retained for one (1) year from the date originally submitted, after which applicants shall begin the process again including payment of the application fee.
  - 4.10.2 **Approved Applications without Activity.** Effective November 30, 2012, an approved applicant for licensure by examination who does not take the examination within three (3) years from the date of the original approval date will be required to begin the application process again including payment of the application fee.



- 4.10.3 **Approved Applications with Activity.** Effective November 30, 2012, an approved applicant for licensure by examination who takes the examination but does not pass the examination within five (5) years from the date of the original approval date will be required to begin the application process again including payment of the application fee.

## **5.0 EXAMINATIONS**

- 5.1 The candidate must present positive photo identification in order to be admitted to the examination area.
- 5.2 **Proprietary Information.** The content and answers to examinations and assessments for licensure or renewal administered by the Board are proprietary property. Licensees and registrants shall not disclose, or offer to disclose any portion of the examinations or assessment to others. Licensees and registrants may be subject to disciplinary action by the Board should they disclose, or offer to disclose, sell or otherwise distribute the content and/or answers for any examinations or assessments administered by the Board.
- 5.3 Examination results will be provided in writing to each examinee in a pass or fail format. Results will not be given in any other manner.
- 5.4 Examinations shall not be subject to review by candidates.

## **6.0 RENEWAL AND REINSTATEMENT (repealed on August 1, 2017 - Rule 6.0 Replaced in its entirety by Rule 11.0 effective January 1, 2018, with exception of Rule 6.4)**

## **7.0 PERMITS, INSPECTIONS, AND VERIFICATION OF LICENSES AND REGISTRATIONS**

### **7.1 Permits**

- 7.1.1 Wiring permit applications shall be issued in the name of the qualified applicant (see § 12-23-111 (2), C.R.S.) or registered electrical contractor performing the electrical work. The qualified applicant is defined as a homeowner performing work in accordance with statutory requirements.
- 7.1.2 A permit shall be required for all systems supplying power that may normally be supplied by an electrical utility, such as, but not limited to, solar, wind, hydroelectric and other generated sources. (The Board or its administrative officer may revoke a permit that was issued in error or on the basis of incorrect information supplied by the applicant.)
- 7.1.3 Any permit issued as a result of fraudulent or incorrect information supplied on the application shall be cancelled.
- 7.1.4 An electrical contractor shall not purchase a permit for use by another company or individual.
- 7.1.5 A contractor shall not perform any electrical work under a homeowner's permit or prior electrical contractor's permit but shall secure a new electrical permit in the name of the contractor performing the work.
- Exception:** A project where subcontractors may be needed to perform work under the direction and existing permit of the prime electrical contractor.
- 7.1.6 Any work commencing prior to the purchase of a permit is subject to twice the prescribed permit fee.

**7.1.7 Stop Work Order**

- 7.1.7.1 Notice to owner. Upon notice from the electrical inspector that work on any building or structure is being installed contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work, or posted at the job site and shall state the conditions under which work will be permitted to resume.
- 7.1.7.2 Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by this article.
- 7.1.7.3 Additions, alterations or repairs may be made to any electrical system and equipment without requiring the existing electrical system and equipment to comply with all the requirements of the Board standards, provided that the addition, alteration or repair conforms to that required for a new electrical system and equipment, and provided further that no hazard to life, health or safety will be created by such additions, alterations or repairs.
- 7.1.7.4 Existing electrical wiring systems may continue to be energized provided that they were lawfully installed and that they present no hazard to life, health or property.
- 7.1.7.5 Services to moved buildings shall comply with the standards of the Board for new installations. The existing electrical wiring may be re-energized provided that a registered electrical contractor gives written verification to the Board that the existing electrical installation presents no hazard to life, health or property. Permits and inspections shall be required.

**7.2 Inspections**

- 7.2.1 An inspection request will only be accepted from the permit owner or their agent.
- 7.2.2 An individual requesting an electrical inspection shall provide reasonable access to the inspection area during the normal working hours of the Board office.
- 7.2.3 Article 110.2, "Approval", in the National Electrical Code, provides that conductors and equipment required or permitted by this code shall be acceptable only when "approved". The Board will accept conductors and equipment that have been tested and approved by a recognized testing agency such as Underwriters Laboratories, Inc., or field-evaluated by a certified Field Evaluation Body (FEB) in accordance with NFPA 790 and 791. FEB certification is to be provided by International Accreditation Service (IAS) or equal. The Board reserves the right of its inspectors to reject any conductors or equipment that in their opinion may be unsafe or injurious to life or property.
- 7.2.4 An incorporated town or city, county, city and county, or qualified state institution of higher education shall ensure that its inspections are performed by inspectors who possess the qualifications required under § 12-23-115, C.R.S. Failure to do so may be deemed a failure to meet the minimum requirements of this article under § 12-23-104(2)(k), C.R.S.

- 7.2.5 **Reinspection Fees.** A reinspection fee may be assessed at the discretion of the inspector for reasons including, but not limited to, the following:
- 7.2.5.1 The job is not ready for an inspection and an extra trip is required for the inspector (a job with multiple code violations may be considered “not ready” by the inspector).
  - 7.2.5.2 Corrections have not been made to all code violations cited from previous inspection.
  - 7.2.5.3 No access to the job site for reasons including but not limited to; locked gate or door, snow not plowed, no escort into an occupied structure, etc. (inspectors may not enter an occupied residence without an escort at least 18 years or older).
  - 7.2.5.4 Hazardous construction site as determined by the inspector or OSHA guidelines (may include loose dogs, etc.).
  - 7.2.5.5 Address not posted so as to be visible from the street or road.
  - 7.2.5.6 Improper directions to jobsite given on permit or inspection requests.
  - 7.2.5.7 A reinspection shall not be performed until the reinspection fee has been paid.
  - 7.2.5.8 A final inspection shall not be performed until a permanent electrical load consistent with the type of structure is connected.
  - 7.2.5.9 As used in § 12-23-118(1)(c), C.R.S., the term “reasonable time” shall mean thirty (30) calendar days, unless the licensee or registrant appeals to the Board for a hearing on the matter, in which case the thirty (30) calendar day time period shall be extended by the Board until the Board rules on the appeal. The thirty (30) calendar day time period shall restart after the Board issues a ruling on the appeal.

**7.3 License and Registration verification**

- 7.3.1 An inspector shall, based on that inspector’s familiarity with the installer, require each individual doing electrical work as defined by § 12-23-101 DEFINITIONS C.R.S. to produce documentation showing they are a currently licensed Colorado state electrician or registered apprentice.
- 7.3.2 Such documentation must either be on their person or may be on the job site where it is readily attainable for presentation to the inspector upon request.

**8.0 ENFORCEMENT**

- 8.1 **Cooperation with Board Investigations.** Licensees and registrants having knowledge of, and/or involvement in, any alleged violation of Title 12, Article 23, and/or Board rules, shall cooperate with any investigation initiated by the Board and timely furnish such information or assistance as may be requested.
- 8.2 **Report Convictions, Judgments, and Administrative Proceedings**
  - 8.2.1 A licensee or registrant shall inform the Board, in a manner set forth by the Board, within forty-five (45) days of any of the following occurrences: the

conviction of the registrant or licensee of a felony under the laws of any State or of the United States.

8.2.2 A licensee or registrant convicted of a felony under the laws of any State or of the United States is grounds for discipline pursuant to § 12-23-118, C.R.S.

8.2.3 For purposes of this rule, a “conviction” includes:

- A. A guilty verdict;
- B. A plea of guilty accepted by the court; or
- C. A plea of nolo contendere (no contest) accepted by the court.

8.2.4 The notice to the Board shall include the following information:

- A. The court;
- B. The jurisdiction;
- C. The case name;
- D. The case number; and,
- E. A description of the matter or copy of the indictment or charges.

8.2.5 The licensee or registrant shall inform the Board of the following information within forty-five (45) days of each such occurrence:

- A. The imposition of a sentence for a felony conviction; and,
- B. The completion of all terms of a sentence for a felony conviction.

8.2.6 The licensee or registrant notifying the Board may submit a written statement with any notice under this rule to be included in the registrant or licensee records.

8.2.7 This rule shall apply to any conviction or plea as described in Board Rule 8.2.3.

### **8.3 Citations**

8.3.1 The citation form shall be completed by the state electrical inspector. Citations will be served by certified mail or in person by a state electrical inspector. Completed, served citation forms will be mailed to the Board for review. The Board maintains the discretion to dismiss the citation at any time.

8.3.2 The citation form shall direct the recipient to respond in one of the following ways within ten (10) working days after service of the citation:

- A. Pay the fine; or
- B. Submit a written request to negotiate a stipulated settlement agreement with the Program Director; or
- C. Submit a written request for a formal administrative hearing.

**8.3.3 Fines**

8.3.3.1 If one of the following actions has not been taken by the citation recipient within ten (10) working days following the service of the citation, the citation shall become a final Board action:

- A. Full payment of the fine;
- B. Written request for negotiation of a stipulated settlement agreement;
- C. Written request for a formal administrative hearing; or
- D. Written request, demonstrating good cause, to the Board for a hearing on the citation.

8.3.3.2 In any action to collect a fine, the Board shall seek reasonable attorney fees and costs.

**8.3.4 Negotiations**

8.3.4.1 A written request and explanation for negotiation of a stipulated settlement agreement shall be submitted to the Program Director or designee and may include information in mitigation of the violation. The date the request for negotiation of a stipulated agreement is received by the Program Director constitutes the submittal date. After reviewing the requested settlement information, the Program Director has the option to authorize the following actions:

- A. Issue a letter of admonition;
- B. Dismiss the citation;
- C. Reduce the fine;
- D. Arrange a payment schedule;
- E. Permit a personal appearance before the Board; and/or,
- F. Refer the matter for a formal administrative hearing.

8.3.4.2 Negotiations may terminate for reasons including but not limited to:

- A. The recipient admits to committing the violation;
- B. The recipient does not conduct settlement negotiations timely and in writing;
- C. The recipient does not present reasonable mitigating or extenuating information in writing;
- D. The Program Director determines the settlement negotiations are not being conducted in good faith or are being conducted for the purpose of delay;
- E. It appears unlikely the parties will reach a negotiated resolution; and/or,

F. The recipient has prior violations that need to be brought to the Board's attention prior to attempting settlement negotiations.

8.3.4.3 A stipulated settlement agreement shall be considered a violation for the purpose of determining the fine amount in subsequent violations. The stipulated settlement agreement may contain an admission of the violation(s). A stipulated settlement agreement shall be signed and dated by both the Program Director or Board chair or designee and the citation recipient. A stipulated settlement agreement shall be approved by the Board in order to become a final agency order.

8.3.4.4 A written request from the citation recipient to proceed to a formal hearing may be submitted at any time during settlement negotiations. If the negotiations are subsequently deemed futile, the citation recipient shall be notified that payment of the fine or request a formal administrative hearing shall be submitted within ten (10) calendar days. Written settlement information may be used against the licensee, registrant, applicant or respondent at the hearing when unsuccessful settlement negotiations proceed to a formal hearing.

8.3.4.5 When the citation recipient retains an attorney for assistance during stipulated settlement negotiations, the Board or Program Director may request the Attorney General to assist with settlement negotiations.

8.3.4.6 Hearings. Hearings shall be conducted in accordance with the Administrative Procedure Act. The hearings shall be conducted by an administrative law judge at the Office of Administrative Courts. The citation recipient may be represented by counsel of his or her choosing.

8.3.4.6.1 At the formal administrative hearing, the Board may pursue the award of the maximum fine allowed by statute. At the formal administrative hearing, the Board may also pursue the award of any other disciplinary sanctions such as revocation, suspension or probation. The Board shall review the entire citation history of a licensee, as found in the Board's records, in any disciplinary action against a licensee.

8.3.4.7 Inspectors shall not negotiate settlements or accept payment of fines.

8.4 **Fine Schedule.** The following is the current fine schedule adopted by the Board pursuant to § 12-23-118(5)(a), C.R.S.

Violation	Statutory Provision	1st Offense	2nd Offense	Subsequent Offense
Engaging in the business, trade, or calling of a journeyman electrician without a license	12-23-105(1)	\$225	\$600	Up to \$2,000 per day
Engaging in the business, trade, or calling of a master electrician without a license	12-23-105(1)	\$300	\$600	Up to \$2,000 per day
Engaging in the business, trade, or calling of a residential wireman without a license	12-23-105(2)	\$150	\$375	Up to \$2,000 per day
Performing electrical work beyond the authorization of a residential wireman license	12-23-105(1)	\$375	\$750	Up to \$2,000 per day

<b>Violation</b>	<b>Statutory Provision</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>Subsequent Offense</b>
Failure of an electrical contractor to register an apprentice	12-23-110.5(3) 12-23-118(1)(a)	\$225	\$600	Up to \$2,000 per day
Failure of a licensee or registered apprentice to produce a license or registration as required by Rule 7.3	12-23-118(1)(b)	\$50	\$200	Up to \$2,000 per day
Employment by an electrical contractor of unlicensed persons doing electrical work	12-23-118(1)(k)	\$300	\$600	Up to \$2,000 per day
Engaging in the business of an electrical contractor without obtaining registration from the Board	12-23-106(5)(a)	\$750	\$1,500	Up to \$2,000 per day
Failure of a licensed electrician to supervise an apprentice	12-23-110.5(1), 12-23-110.5(3)(b) 12-23-118(1)(j)	\$375	\$600	Up to \$2,000 per day
Failure of an electrical contractor to maintain a supervisory ratio of one licensed electrician to three apprentices	12-23-110.5(1)	\$375	\$600	Up to \$2,000 per day
Failure to obtain a permit and/or failure to obtain an inspection	12-23-116 12-23-118(1)(a)	\$375	\$900	Up to \$2,000 per day
Failure to remove a cause for disapproval of any electrical installation within a reasonable time	12-23-118(1)(c)	\$450	\$900	Up to \$2,000 per day
Advertising by a licensee or registrant which is false or misleading	12-23-118(1)(h)	\$375	\$750	Up to \$2,000 per day
Deception, misrepresentation or fraud in obtaining or attempting to obtain a license (includes loaning a license)	12-23-118(1)(i)	\$1,000	\$2,000	Up to \$2,000 per day
Failure to comply with other state or federal law (safety, health, insurance, tax)	12-23-118(1)(p)	\$375	\$750	Up to \$2,000 per day
Other violations of the state electrical statutes, rules, or Board orders.	12-23-118(1)	Up to \$1,000	Up to \$2,000	Up to \$2,000 per day

**8.5 Compliance.** Payment of a fine assessed from a citation does not relieve the receiver of the citation from correcting the situation, installation, statute or code violation noted in the citation.

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**9.0 DECLARATORY ORDERS**

- 9.1 Any person may petition the Board for a declaratory order to terminate controversies or to remove uncertainties as to the applicability to the petitioner of any statutory provision or of any rule or order of the Board.
- 9.2 The Board will determine, in its discretion and without notice to the petitioner, whether to rule upon any such petition. If the Board determines that it will not rule upon such a petition, the Board shall promptly notify the petitioner of its action and state the reasons for such action.
- 9.3 The Board shall consider the following matters, among others in determining whether to rule upon a petition filed pursuant to this rule:
- A. If a rule on the petition will terminate a controversy or remove uncertainties as to the applicability to petitioner of any statutory provision or rule or order of the Board.
  - B. If the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation currently pending before the Board or a court involving one or more of the petitioners.
  - C. If the petition involves any subject, question or issue that is the subject of a formal or informal matter of investigation currently pending before the Board or a court but not involving any petitioner.
  - D. If the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.
  - E. If the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to Rule 57, Colo. R. Civ.P., that will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule or order in question.
- 9.4 A petition filed pursuant to this rule shall set forth the following:
- A. The name and address of the petitioner and whether the petitioner is licensed pursuant to the organic act.
  - B. The statute, rule or order to which the petition relates; and,
  - C. A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner.
- 9.5 If the Board determines that it will rule on the petition, the following procedures shall apply:
- A. The Board may rule upon the petition based solely upon the facts presented in the petition. In such a case:
    - 1. Any ruling of the Board will apply only to the extent of the facts presented in the petition and any amendment to the petition.
    - 2. The Board may order the petitioner to file a written brief, memorandum or statement of position.



3. The Board may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.
  4. The Board may dispose of the petition on the sole basis of the matters set forth in the petition.
  5. The Board may request the petitioner to submit additional facts, in writing. In such event, such additional facts will be considered as an amendment to the petition.
  6. The Board may take administrative notice of facts pursuant to the Administrative Procedure Act (§ 24-4-105[8], C.R.S.) and may utilize its experience, technical competence and specialized knowledge in the disposition. If the Board rules upon the petition without a hearing, it shall promptly notify the petitioner of its decision.
- B. The Board may, in its discretion, set the petition for hearing upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The notice to the petitioner setting such hearing shall set forth, to the extent known, the factual or other matters into which the Board intends to inquire. For the purpose of such a hearing, to the extent necessary, the petitioner shall have the burden of proving all of the facts stated in the petition, all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Board to consider.
- 9.6 The parties to any proceeding pursuant to this rule shall be the Board and the petitioner. Any other person may seek leave of the Board to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Board. A petition to intervene shall set forth the same matters as required by section 7.4. Any reference to a "petitioner" in this rule also refers to any person who has been granted leave to intervene by the Board.
- 9.7 A declaratory order or other order disposing of a petition pursuant to this rule shall constitute agency action subject to judicial review pursuant to § 24-4-106, C.R.S.

## 10.0 ELECTRICAL INSPECTOR QUALIFICATIONS

- 10.1 **Applicant.** All applicants for the position of state electrical inspector must possess a current journeyman or master electrician license issued by the State of Colorado.
- 10.2 **Electrician License.** Electrical inspectors must maintain a current Colorado journeyman or master electrician license.
- 10.3 **Residential inspector training.** Persons who are undergoing their two year practical electrical inspection experience training pursuant to § 12-23-115(1)(a)(I)(B), C.R.S. (1 year being the equivalent of 2,000 hours):
1. Shall be accompanied at all times by a Colorado licensed electrician who is employed as an electrical inspector by the same jurisdictional authority;
  2. Shall complete all of the two year practical training in the field, under actual electrical inspection situations;
  3. Shall not provide any electrical inspections without being accompanied by a Colorado licensed electrical inspector;

4. Shall not sign off any electrical inspections; and
  5. Shall not release any electrical meter sets to any electrical utility.
- 10.4 **Registration with the state.** Persons qualifying as residential electrical inspectors pursuant to § 12-23-115(1)(a)(I)(B), C.R.S. shall, when registering with the state pursuant to § 12-23-115(1)(a)(II)(b) prior to assumption of their duties, furnish satisfactory evidence of their two year practical experience in the electrical inspection of residential dwellings to include.
1. Beginning and ending dates;
  2. Instructor name(s); and
  3. Jurisdiction in which training was conducted
- 11.0 **RENEWAL AND REINSTATEMENT (Effective August 1, 2017 Replacing Rule 6.0 in its entirety, excepting Rule 11.3)**
- 11.1 **Renewal.** Board issued licenses and electrical contractor registrations shall be renewed every three (3) years to correspond with the Board's adoption of the National Electrical Code.
- 11.1.1 A licensee or registrant shall have a sixty (60) day grace period to renew such license or registration without the imposition of a disciplinary sanction for practicing on an expired license or registration. During this grace period, a delinquency fee shall be charged for late renewal.
- 11.1.2 A licensee or registrant who does not renew such license or registration within the sixty (60) day grace period shall be deemed as having an expired license or registration and shall be ineligible to practice until such license or registration is reinstated. If the licensee or registrant practices with an expired license or registration, the Board may impose disciplinary actions.
- 11.2 **Reinstatement.** An expired license may be reinstated by submitting a reinstatement application, paying the current reinstatement fee, and meeting the appropriate requirements below.
- 11.2.1 **Expired for More Than Sixty (60) Days But Less Than Two (2) Years.** To reinstate a license that has been expired for more than sixty (60) days but less than two (2) years, the applicant must provide evidence of completion, since applicant's most recent licensing event (original license, renewal or reinstatement) preceding the application for reinstatement, of twenty-four (24) hours of continuing education, as defined in Board Rule 11.3.
- 11.2.2 **Expired for More Than Two (2) Years.** If the license has been expired for more than two (2) years, pursuant to § 24-34-102(8)(d)(II), C.R.S. the applicant must demonstrate competency to practice by any of the following:
- A. Satisfactorily pass the state electrical examination;
  - B. Provide verification of an active license with a state where a reciprocal agreement for an equivalent license exists;
  - C. Provide verification of active licensure in a non-reciprocal state as follows:

1. Verify an active residential wireman's license, journeyman electrician's license, or master electrician's license in non-reciprocal state, respective to the license being reinstated; and,
2. Evidence of completing 24 continuing education hours pursuant to Board Rule 11.3 since applicant's most recent licensing event (original license, renewal or reinstatement) preceding the application for reinstatement.

D. By other means approved by the Board.

### **11.3 Continuing Education Requirements**

**11.3.1 Statutory Basis.** Pursuant to § 12-23-106(4)(d)(II), C.R.S., the Board shall adopt rules establishing continuing education requirements and standards that a licensee shall demonstrate in order to renew a license on or after January 1, 2018. Such requirements and standards must include course work related to the National Electrical Code, including core competencies as determined by the board.

**11.3.2. Basis of Requirements.** As established by the Colorado General Assembly, the regulatory authority of the Board is to establish continuing education standards to renew, reinstate or reactivate a license and the documentation necessary to demonstrate compliance.

#### **11.3.3 Definitions**

**11.3.3.1 Core Competencies:** Core Competencies are technical and professional subjects, related to the practice of electrical work, which the Board deems necessary to safeguard the public.

**11.3.3.2 Continuing Education Pre-Approval Guide:** An instructional manual detailing the pre-approval process of providers, courses and instructors. This manual will instruct providers how to obtain Board pre-approval as a provider and for courses and instructors.

**11.3.3.3 Inactive Status:** A licensee is not required to comply with continuing education requirements to renew a license in inactive status. An individual whose license is in inactive status is prohibited by law from practicing as a licensed electrician.

**11.3.3.4 National Electrical Code:** The National Electrical Code shall refer to the code for the safe installation of electrical wiring and equipment, as amended, published by the National Fire Protection Association and approved by the American National Standards Institute, or its successor organization.

**11.3.3.5 Pre-approved list:** A publically available list containing providers and courses that have been pre-approved by the Board. Credit will be earned by a licensee if completing a course on this pre-approved list.

#### 11.3.4 Requirements

11.3.4.1 Each renewal cycle following the 2017 renewal of a license, a licensee in active status shall complete 24 hours of continuing education in order to renew a license to perform electrical work in Colorado. The continuing education hours must be selected from among the four Core Competencies below in any combination, except that a minimum of 4 continuing education hours must be related to National Electrical Code changes and a maximum of 4 hours must be related to safety training:

- A. Grounding and Bonding
- B. National Electrical Code changes
- C. Wiring methods
- D. Theory and calculations
- E. Safety related to the electrical industry.

11.3.4.2 Continuing education credits will only apply to one 3-year renewal period.

11.3.4.3 Licensees shall cooperate with the Board to determine compliance with continuing education requirements.

11.3.4.4 The requirements stated in Rule 11.3 shall apply to:

11.3.4.4.1 All original electrical licenses granted after August 1, 2017;

11.3.4.4.2 All electrical licenses upon completion of 2017 renewal.

11.3.4.5 All electricians are subject to Rule 6.0 until either his/her 2017 renewal is completed, or until December 31, 2017.

11.3.5 **Pre-Approval of Continuing Education.** Continuing education providers, courses and instructors must be pre-approved by the Board before a licensee can earn continuing education credit toward the continuing education requirement as described in Board Rule 11.3. Pre-approval of providers, courses and instructors shall expire on December 31st of the final year of the current code cycle.

11.3.5.1 The Board has sole discretion to approve providers, courses and instructors.

11.3.5.2 **Providers:** Providers will be considered approved if they have a course approved by the Board.

11.3.5.2.1 Each Provider will be issued a unique Provider Approval Number, which must be included on all course or instructor approval submissions.

11.3.5.2.2 If the content of a course is changed before the approval expires, the Provider must re-submit the course for pre-approval.

11.3.5.2.3 As proof of course completion, the Board will accept a certificate of completion from the course provider.

11.3.5.2.4 Certificates of completion shall not be issued to attendees unless the course is successfully completed. Certificates of completion shall include all of the following elements:

- A. Name of attendee;
- B. Attendee's Colorado electrician's license number;
- C. Date of course
- D. Provider name and approval number;
- E. Course title and approval number;
- F. Instructor name and approval number; and
- G. Number hours of continuing education credit earned.

11.3.5.3 **Courses:** Criteria for approval of a course shall include the following:

11.3.5.3.1 Each course shall cover one of four core competencies, as listed in Board Rule 11.3.4.1. Course credit will apply to only one core competency per course.

11.3.5.3.2 All online courses or webinars shall be interactive. Each course must have capabilities in place to ensure active participation and demonstrate comprehension a minimum of once per hour, and fast forward must be disabled.

11.3.5.3.3 After approval, each course will be issued a unique Course Approval Number, which must be included on all course or instructor approval submissions.

11.3.5.4 **Instructors:** Courses must be taught by instructors with the following qualifications:

11.3.5.4.1 Instructors must be sponsored by a Colorado approved Provider.

11.3.5.4.2 Instructor's background and experience must meet at least one of the following criteria.

- A. Graduate electrical engineer licensed as an electrician;
- B. Hold a minimum of a Colorado journeyman electrician's license (or equivalent) plus a minimum of 1 year of journeyman electrician field experience;
- C. Community college or vo-tech instructor as approved by the Board; or
- D. Electrical continuing education instructor from other areas as approved by the Board.
- E. Instructor shall provide documentation of background and experience as requested by the Board.

11.3.5.4.3 For tracking purposes, each approved Instructor will be issued a unique Instructor Approval Number, which must be included on all course or instructor approval submissions.

11.3.5.5 After approval by the Board, approved providers and courses will be placed on the Board's pre-approved list.

11.3.5.6 The Board has sole discretion to accept or reject any continuing education credit earned by a licensee that is not on the Board's pre-approved list.

11.3.5.7 The Board has discretion to remove providers, courses, and instructors from the pre-approved list.

#### **11.3.6 Recordkeeping**

11.3.6.1 The licensee shall track and document completed continuing education in a process approved by the Board.

11.3.6.2 The licensee shall retain documentation for a minimum of seven (7) years.

#### **11.3.7 Repealed**

#### **11.3.8 Audits**

11.3.8.1 The Board may conduct audits of continuing education for verification of compliance with these requirements at any time. The Board may, at its discretion, disallow any continuing education course completed by a licensee that was not on the Board's pre-approved list.

11.3.8.2 A licensee shall provide all documentation requested for audit within thirty (30) days of the request.

#### **11.3.9 Multiple Licenses**

11.3.9.1 A licensee holding multiple licenses issued by the Board shall complete continuing education requirements for the most advanced license held. Completion of continuing education requirements for the most advanced license shall satisfy the requirements for all lesser licenses.

### **11.4 Inactive License Status and Reactivation**

11.4.1 **Inactive License.** Pursuant to § 12-70-101, C.R.S., any licensee may apply to the Board to transfer his or her license to inactive status. Such application shall be in the form and manner designated by the Board. The holder of an inactive license shall not be required to comply with continuing education requirements for renewal so long the license remains inactive.

11.4.1.1 Each holder of an inactive license shall renew once every three (3) years with the Board in the same manner as active license holders and pay a fee pursuant to § 12-23-112, C.R.S.

11.4.1.2 During such time as a license remains in an inactive status, the licensee shall not perform any acts restricted to active licensed electricians. Such practice may be grounds for revocation.

**11.4.2 Reactivation of Inactive License.** An inactive license may be reactivated by submitting the proper application, paying the current reactivation fee, and meeting the appropriate requirements below.

**11.4.2.1 Inactive for Less Than Three (3) Years.** To reactivate a license that has been inactive for less than three (3) years, the applicant must provide evidence of completion, within the 3 years immediately preceding the application for reinstatement, of 24 hours of continuing education, as defined in Board Rule 11.3.

**11.4.2.2 Inactive for More Than Three (3) Years.** Pursuant to § 12-23-106(4)(c), C.R.S., a licensee whose license has been inactive for more than three (3) years must demonstrate education to practice by any of the following:

- A. Satisfactorily pass the state electrical examination;
- B. Provide verification of an active license with a state where a reciprocal agreement for an equivalent license exists;
- C. Provide verification of active licensure in a non-reciprocal state as follows:
  - 1. Verify an active residential wireman's license, journeyman electrician's license, or master electrician's license in non-reciprocal state, respective to the license you are reinstating; and,
  - 2. Evidence of completing 24 continuing education hours pursuant to Board Rule 11.3 in the 3 years immediately preceding the application for reinstatement.
- D. By other means approved by the Board.

**11.4.3 Practicing with an Inactive License.** Practicing electrical work with a license in inactive status shall constitute practice without an active license and, therefore, may be grounds for injunctive or disciplinary action, up to and including revocation.

**11.5 Loss of Responsible Master.** An electrical contractor who loses the services of the responsible master electrician, for any reason, will be allowed twenty (20) days in which to hire another master electrician. If the electrical contractor has not hired another master electrician during that period, the Board shall place the electrical contractor registration into inactive status until such time that the contractor submits evidence that a master electrician has been hired, and the appropriate fee has been paid.

**11.6** Any licensed or registered individual working as an electrician shall be required to carry on their person the appropriate license, temporary work permit, or registration.

**11.7 Personal Information Change**

**11.7.1** A licensee or registrant shall inform the Board in a clear, explicit, and unambiguous written statement of any name, address, telephone, or email change within thirty (30) days of the change. The Board will not change the licensee or registrant information without explicit written notification from the licensee or registrant. Notification by any manner approved by the Board is acceptable.

11.7.1.1 The Division of Professions and Occupations maintains one (1) contact address for each licensee or registrant, regardless of the number of licenses or registrations the licensee or registrant may hold.

11.7.1.2 Address change requests for some, but not all, communications or for confidential communications only are not accepted.

11.7.2 The Board requires one (1) of the following forms of documentation to change the name or social security number of a licensee or registrant:

11.7.2.1 Marriage license;

11.7.2.2 Divorce decree;

11.7.2.3 Court order; or

11.7.2.4 A driver's license or social security card with a second form of identification may be acceptable at the discretion of the Division of Professions and Occupations.

## **11.8 Contractor Registration and Advertising**

11.8.1 Registered Electrical Contractors shall not advertise in any manner, by any name, including DBAs, other than the registered company name on record with Department of Regulatory Agencies.

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### **Editor's Notes**

#### **History**

Entire rule eff. 08/01/2008.

Sections 3.7, 5.0-5.2, 9.0-10.0 eff. 08/01/2010.

Entire rule eff. 03/17/2011.

Sections 8.1, 9.7 m eff. 09/15/2011.

Sections 3.0-10.7 eff. 07/15/2012.

Entire rule eff. 07/01/2014.

Sections 2.2, 3.1, 4.4.1.2.B, 4.4.1.3.A eff. 01/30/2015.

Entire rule eff. 03/17/2017.

Section 2.0 eff. 06/01/2017.

Sections 6.0, 11.0 eff. 07/15/2017.

Sections 7.2.5.9, 8.3.3, 11.2 eff. 03/17/2018. Section 11.3.7 repealed eff. 03/17/2018.