

1.0 STATEMENT OF BASIS AND PURPOSE

1.1 Following are the adopted changes in the Rules and Regulations of the Colorado State Electrical Board, for general clarification, for efficient management and expeditious procedures of the Board and for the safeguard of the general public, in compliance with Title 12, Article 23, of the Colorado Revised Statutes: Accepted through formal public hearing and approved by the Attorney General.

1.2 The Board adopts the following rules pursuant to the authority granted to the Board by section 12-23-104(2)(a) and hereby repeals all previous, rules with the same number.

2.0 STANDARDS

2.1 The Colorado State Electrical Board hereby adopts the National Fire Protection Association standard number 70, hereafter known as the National Electrical Code, 2005 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, 2005 Edition. The effective date shall be July 1, 2005.

2.2 The administrative office of the State Electrical Board maintains a certified copy of the National Electrical Code, 2005 Edition, available for public inspection during regular business hours. For information on examining certified copies of the National Electrical Code, 2005 Edition, or information on how to obtain a copy, contact:

Program Director
State Electrical Board
1580 Logan Street, Suite 550
Denver, Colorado 80203-1941
Phone: 303-894-2300
Website: <http://www.dora.state.co.us/electrical>

A copy of the National Electrical Code, 2005 Edition, which has been incorporated herein by reference, may also be obtained or examined by contacting the State Publications Depository Libraries.

The downtown Denver Branch can be reached at:
201 E. Colfax, Room 314, Denver, Colorado 80203
Phone: 303-866-6725
Website: <http://www.cde.state.co.us/stateinfo/index.htm>

2.3 The National Electrical Code may be examined at any state publications depository library.

3.0 EXAMINATIONS AND APPLICATIONS

3.1 Applications for all examinations and requests for re-examination shall be submitted to:

DIVISION OF REGISTRATIONS
1560 BROADWAY SUITE 1350
DENVER, CO. 80202

3.2 The applicant must present positive photo identification in order to be admitted to the examination area.

3.3 If an applicant wishes to submit a request for reconsideration of a board action, accompanied by additional information or documentation, or to request a personal interview before the Board, these requests must be submitted within 45 days of the date on which the Board made the decision. No requests for reconsideration or interviews will be considered by the Board if they are not filed within this time limit.

3.4 An approved applicant for licensure by examination who does not take the examination within twelve months from the date of the original approval date shall be required to submit an updated

application and application processing fee.

3.5 Delete

3.6 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 year from the date originally submitted, after which applicants must begin the process again including payment of the application fee.

3.7 License examinations and renewal examinations shall not be subject to review by applicants.

3.8 Delete

3.9 Any applicant who fails the license examination two times in succession, shall not be eligible to take the examination for six months after the second failure, unless verification is provided to show that the applicant has completed a minimum of 16 hours of National Electrical Code training. This code training must have been received after the second failure. Training classes shall be approved by the board.

3.10 Rule revised to become 9.1

3.11 Rule revised to become 9.3

3.12 Rule revised to become 9.4

3.13 Delete

3.14 Delete

4.0 TEMPORARY WORK PERMITS

4.1 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 30 days after the date of approval or as otherwise limited in §12-23-110, C.R.S.

(a) Temporary permits shall be valid for a period not to exceed fourteen calendar days, and will expire the day the applicant takes the examination.

4.2 A temporary work permit shall not be accepted to meet the requirements for contractor registration.

(a) Exception: A temporary master electrician work permit may be issued to a qualified applicant of an existing electrical contractor pursuant to 12-23-110.

5.0 QUALIFICATIONS FOR LICENSURE

5.1 Any applicant for the residential wireman's license must furnish evidence as to his training and experience to qualify for the examination by:

(a) A record of employment as an apprentice doing electrical work, dates so employed, and, at time of application, submission of documented written evidence, verified by the employer, of actual work performed.

(b) If training and experience were obtained outside the state of Colorado, the applicant must provide the Board with documented written evidence verified by the employer, of actual work performed.

- (c) If training includes school courses in residential electrical work from an accredited school, a transcript must be included with the application. If training is received from any other schools or programs, a course curriculum must be provided which includes the number of classroom hours. Certification of completed hours must also be submitted. Credit for successful completion of an electrical program shall be credited one month experience for two months of schooling up to a maximum of one year. Education without a certificate of completion will replace actual field experience under a licensed master as follows: one month for every six month's training or experience up to a maximum of one year. For both conditions, applicants shall have one year of electrical field experience in residential wiring.
- (d) Military training or experience in residential electrical work must be detailed and submitted with the application for evaluation. Such experience will replace actual field experience under a licensed master as follows: one-month credit for each month of training or experience up to maximum of two years.

5.2 Any applicant for a journeyman electrician's license must provide documented written evidence that they have obtained experience and training in commercial and industrial wiring as specified in Title 12, Article 23, 106(2). This may be done by:

- (a) A record of employment as an apprentice doing commercial and industrial work and the dates so employed, at time of application, submission of documented written evidence, verified by the employer, of actual work performed.
- (b) If commercial and industrial experience and training were obtained outside the state of Colorado, the applicant shall provide the Board with documented written evidence verified by the employer, of actual work performed.
- (c) If training includes school courses in electrical work from an accredited school, a transcript must be included with the application. If training is received from any other schools or programs, a course curriculum must be provided which includes the number of classroom hours. A certificate of completion must also be submitted. A maximum of one year experience credit may be granted for this type of academic training.
- (d) Military training or experience in electrical work must be detailed and submitted with the application for evaluation. Up to four years experience credit may be granted for military experience meeting the definition of electrical work as defined in §12-23-101(1.7) toward a license.

5.3 Applications for electrical contractor registration must be submitted at least ten days prior to the registration effective date.

5.4 Maintenance experience must be submitted for evaluation with the application. Experience gained under the supervision of a licensed electrician (Colorado licensed or equivalent), must be detailed, and should include the name of the licensed individual. Up to two years experience credit may be granted for working under the supervision of a licensed electrician. Work experience gained in the electrical maintenance field that is not required to be performed under the direct supervision of a licensed electrician must be detailed as to specific types of installations. A maximum of one year experience credit may be granted for work not under the supervision of a licensed electrician.

5.5. Foreign experience: Foreign electrical engineering courses shall be reviewed by an electrical engineering department in an accredited university to determine if the curriculum is substantially equivalent. Applicants with foreign experience shall have one year of in country electrical construction experience and familiarity with the National Electrical Code. A maximum of three

years of out of country experience may be applied towards a license for a journeyman. A maximum of four years out of country experience may be applied towards a master license.

5.6 Licensees from another state shall be eligible for licensure by endorsement providing that the applicant meets the requirements of 12 23 109, and all of the following conditions:

- (a) Completion of a state or federally approved apprenticeship program, or completion of the required years and type of experience for the comparable license.
- (a) Successful completion of a comparable written state electrical examination, based on the current or immediately previous edition of the National Electrical Code in effect at the time of the application.

6.0 MISCELLANEOUS

6.1 Licensees from another state shall be eligible for licensure by endorsement providing that the applicant meets the requirements of 12-23-109, and all of the following conditions:

- (a) Completion of a state or federally approved apprenticeship program, or completion of the required years and type of experience for the comparable license.
- (b) Successful completion of a comparable written state electrical examination, based on the current or immediately previous edition of the National Electrical Code in effect at the time of application.

6.2 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 which have been tested and approved by a recognized testing agency such as Underwriters Laboratories, Inc. The Board reserves the right of its inspectors to reject any conductors or equipment which in their opinion may be unsafe or injurious to life or property.

6.3 Persons working as electricians, shall be required to carry on their person, their license, permit or registration.

6.4 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.

6.5 Persons requesting an electrical inspection shall provide reasonable access to the inspection area during the normal working hours of the Board.

6.6 Reinspections shall not be performed until after the reinspection fees have been received by the Board.

6.7 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 State Electrical 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.

6.8 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.

6.9 Services to temporary and moved buildings shall comply with the standards of the State Electrical 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.

- 6.10 All systems supplying power that may normally be supplied by an electrical utility, such as, but not limited to, solar, wind, hydro and other generated sources, require a permit and inspection.
- 6.11 A final inspection shall not be performed until a permanent electrical load consistent with the type of structure is connected.
- 6.12 Any individual who has acquired both master and journeyman licenses by examination issued by the state of Colorado, and who has dropped the journeyman license and holds the master license, may renew the journeyman license after passing the most recent renewal examination.
- 6.13 Any electrical contractor who loses the services of his master electrician for any reason, will be allowed twenty days in which to hire a new master electrician. If a new master has not been found during that period, the electrical contractor registration will be placed into a lapsed status until such time as a master has been hired, and the appropriate fee paid.
- 6.14 Wiring permit applications shall be issued in the name of the qualified applicant or registered electrical contractor performing the electrical work. The qualified applicant is defined as a homeowner performing his/her own work in accordance with other statutory requirements.

7.0 Declaratory Orders

- 7.1. Any person¹ 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.

¹Refer to existing definition of "person" in APA, rules or statute, if any.

- 7.2. 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.
- 7.3. In determining whether to rule upon a petition filed pursuant to this rule, the board will consider the following matters, among others:
 - a. Whether 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. Whether 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. Whether the petition involves any subject, question or issue which 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. Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.
 - e. Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to rule 57, Colo. R. Civ.P., which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule or order in question.

7.4. Any 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.
- 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.

7.5. 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 (C.R.S. 1973, 24-4-105[8]) 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.
- 7.6. 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 4 of this rule. Any reference to a "petitioner" in this rule also refers to any person who has been granted leave to intervene by the board.
- 7.7. Any declaratory order or other order disposing of a petition pursuant to this rule shall constitute

agency action subject to judicial review pursuant to C.R.S., 24-4-106.

(1) Refer to existing definition of “person” in APA, rules or statute, if any.

8.0 CITATIONS

8.1 Statement of Basis and Purpose. These rules implement the citation program established by §12-23-118.

8.2 State electrical inspectors will completely fill out the citation form. Citations will be served by certified mail, in person by a state electrical inspector, or by waiver of personal service. Personal service by an electrical inspector shall be verified by affidavit. Completed, served citation forms will be mailed to the State Electrical Board for review and approval. The Electrical Board maintains the discretion to dismiss the citation at any time.

8.3 Citations will be completely filled out in conformity with the citation form adopted in these Rules. Citations will advise the recipient of the following options:

- (a) payment of the fine within ten working days after service of the citation
- (b) request in writing within ten working days after service of the citation to negotiate a stipulated settlement agreement with the Electrical Board Program Administrator
- (c) request in writing within ten working days after service of the citation a formal administrative hearing

8.4 Fines. Payment of less than the full amount of the fine will constitute failure to comply with the citation. Payment of the fine more than ten working days after service of the citation will constitute failure to comply with the citation. If the recipient of a citation fails to give timely written notice requesting negotiations for a stipulated settlement agreement or requesting a formal administrative hearing, then the fine becomes final. In any action to collect a fine, the Electrical Board will seek reasonable attorney fees and costs. Only for the limited purpose of computing the amount of the fine, a citation offense that is more than four years old will not be considered by the Electrical Board.

8.5 **Negotiations** . A request to negotiate a stipulated settlement agreement must be made in writing to the Electrical Board Program Director. The written request must contain an explanation of the reasons for a stipulated settlement agreement, including information in mitigation of the violation. A request to negotiate a stipulated settlement agreement is considered made on the date when postmarked or received by the Electrical Board Program Administrator. After consideration of the written settlement information, the Program Director may decide to issue a letter of admonition, dismiss the citation, reduce the fine, arrange a payment schedule, permit a personal appearance before the Board, or refer the matter to a formal administrative hearing. The negotiations may be deemed futile for any of the following reasons, which are not intended to be all-inclusive:

After consideration of the written settlement information, the Program Administrator may decide to dismiss the citation, reduce the fine, arrange a payment schedule, permit a personal appearance before the Board, or refer the matter to a formal administrative hearing. The negotiations may be deemed futile for any of the following reasons, which are not intended to be all-inclusive:

- 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 Administrator determines the settlement negotiations are not being conducted in good faith or for the purpose of delay
- e. it appears unlikely the parties will reach a negotiated resolution
- f. the recipient has prior violations

A formal written stipulated settlement agreement must be signed and dated by both the Program Administrator and the recipient of the citation. All stipulated settlement agreements must be approved by the Board in order to become final. Stipulated settlement agreements should contain an admission of a violation(s). Stipulated settlement agreements will be considered to be a violation for purposes of determining the amount of the fine in subsequent violations.

The recipient of a citation may, at any time during settlement negotiations, request in writing that the matter proceed to a formal hearing. If the negotiations are deemed futile, the recipient of the citation will be notified that he must pay the fine or request a formal administrative hearing within ten calendar days. If the settlement negotiations are not successful and the matter proceeds to a formal administrative proceeding, all written settlement information may be used against the licensee, registrant or applicant at the hearing.

If the recipient of a citation hires an attorney for assistance during stipulated settlement negotiations, the Electrical Board Program Administrator may request the Attorney General to assist with settlement negotiations.

- 8.6 Hearings. State Electrical Board hearings will be conducted in accordance with the provisions of § 24-4-105, C.R.S. The hearings may be conducted by an administrative law judge at the Division of Administrative Hearings. The recipient of a citation may be represented by his or her own counsel. All parties to the proceeding have the right to cross-examine witnesses who testify at the proceeding. The proceedings will be recorded. The administrative law judge will issue a written initial decision.

At the formal administrative hearing, the Electrical Board will pursue the award of the maximum allowable fine of one thousand dollars for the first offense and two thousand dollars for the second offense. At the formal administrative hearing, the Electrical Board may also pursue the award of disciplinary sanctions such as revocation, suspension or probation. The Electrical Board shall review the entire citation history of a licensee, as found in the Board's records, in any disciplinary action against a licensee.

- 8.7 Inspectors shall not negotiate settlements or accept payment of fines.

- 8.8 Good cause. For good cause and upon written request, the Board may extend the period of time in which a person who has been cited may request a hearing. Good cause may include, but is not limited to, health (documented by a doctor's verification), extended active military duty, or other extenuating circumstances.

COLORADO STATE ELECTRICAL BOARD CITATION FINE SCHEDULE EFFECTIVE JUNE 1, 199			
Violation	Statute or Rule Provision	1 st	2 nd
(A) Failure of a journeyman to be licensed while engaging in electrical work	12-23-105	\$150.00	\$300.00
(B) Failure of a master	12-23-105	\$200.00	\$400.00

electrician to be licensed while engaging in electrical work			
(C) Failure of a residential wireman to be licensed while engaging in electrical work	12-23-105	\$100.00	\$250.00
(D) Failure of an electrical contractor to register apprentice	12-23-110.5(3)	\$150.00	\$400.00
(E) Failure of an apprentice to work under the supervision of a licensed electrician	12-23-110.5(1)	\$25.00	\$100.00
(F) Employment by an electrical contractor of unlicensed persons doing electrical work	12-23-118(1)(k)	\$200.00	\$400.00
(G) Failure of an electrical contractor to register	12-23-106(5)(a)	\$500.00	\$1,000.00
(H) Failure to supervise an apprentice	12-23-110.5	\$250.00	\$400.00
(I) Failure of an electrical contractor to maintain a supervisory ratio of one licensed electrician to three apprentices	12-23-110.5	\$250.00	\$400.00
(J) Performing electrical work beyond the authorization of the electrical license or registration	12-23-105	\$250.00	\$500.00
(K) Failure to pull a permit and/or failure to have an inspection	12-23-116	\$250.00	\$600.00
(L) Failure to correct electrical code violations within a reasonable time (30 days)	12-23-116	\$300.00	\$600.00
(M) Providing false or misleading advertising	12-23-118(1)(h)	\$250.00	\$500.00
(N) Deception, misrepresentation or fraud in obtaining or	12-23-119	\$1,000.00	\$2,000.00

attempting to obtain a license (includes loaning a license)			
(O) Failure to comply with other state law (safety, health, insurance, tax)	12-23-119	\$250.00	\$500.00
(P) Other violations of the state electrical statute		Up to	Up to

9.0 RENEWALS AND REINSTATEMENTS

- 9.1 The multiple choice examination required by CRS 12 23 104(2)(i), will not exceed 25 questions, and will be a pass/fail exam. A renewal license will be issued after the applicant successfully completes the required examination, and submits the appropriate renewal fee.
- 9.2 A licensee shall have a sixty-day grace period after the expiration of his or her license to renew such license without the imposition of a disciplinary sanction for practicing on an expired license. During this grace period a delinquency fee will be charged for late renewals.
- 9.3 A licensee who does not renew his or her license within the sixty-day grace period shall be treated as having an expired license and shall be ineligible to practice until such license is reinstated. If the licensee practices with an expired license, the Board may impose disciplinary actions.
- 9.4 An expired license may be reinstated by submitting a reinstatement application, paying the current renewal fee plus a delinquency fee and successfully completing the multiple choice examination.
- (a) If the license has expired for more than two years, the licensee must demonstrate competency to practice by satisfactorily passing the State electrical examination.