

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 09-1136

BY REPRESENTATIVE(S) Soper, Apuan, Casso, Fischer, Frangas, Green, Hullinghorst, Labuda, Looper, McGihon, Pace, Peniston, Primavera, Ryden, Vigil;
also SENATOR(S) Tochtrop.

CONCERNING A PERSON'S COMPETENCY TO PERFORM ELECTRICAL WORK,
AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 12-23-101 (1.7), (2), and (3), Colorado Revised Statutes, are amended, and the said 12-23-101 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

12-23-101. Definitions. As used in this article, unless the context otherwise requires:

(1.3) "ELECTRIC LIGHT, HEAT, AND POWER" MEANS THE STANDARD TYPES OF ELECTRICITY THAT ARE SUPPLIED BY AN ELECTRIC UTILITY, REGARDLESS OF WHETHER THE SOURCE IS AN ELECTRIC UTILITY OR THE INVERTER OUTPUT CIRCUIT OF A PHOTOVOLTAIC SYSTEM OR A SIMILAR CIRCUIT FROM ANOTHER TYPE OF RENEWABLE ENERGY SYSTEM, AND USED AND CONSUMED IN A REAL ESTATE IMPROVEMENT OR REAL ESTATE FIXTURE.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(1.7) "Electrical work" means wiring for, installing, and repairing electrical apparatus and equipment for ELECTRIC light, heat, and power.

(2) "Journeyman electrician" means a person having the necessary qualifications, training, experience, and technical knowledge to wire for, install, and repair electrical apparatus and equipment for ELECTRIC light, heat, AND power, and FOR other purposes, in accordance with standard rules and regulations governing such work.

(3) "Master electrician" means a person having the necessary qualifications, training, experience, and technical knowledge to properly plan, lay out, and supervise the installation and repair of wiring apparatus and equipment for electric light, heat, AND power, and FOR other purposes, in accordance with standard rules and regulations governing such work, such as the national electrical code.

(3.2) "NATIONAL ELECTRICAL CODE" MEANS 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 SUCCESSOR ORGANIZATIONS.

SECTION 2. 12-23-104 (2) (f) and (2) (i), Colorado Revised Statutes, are amended to read:

12-23-104. Board powers and duties - repeal. (2) In addition to all other powers and duties conferred or imposed upon the board by this article, the board is authorized to:

(f) Inspect and approve or disapprove the installation ~~within this state~~ of electrical wiring, RENEWABLE ENERGY SYSTEMS, apparatus, or equipment for ~~electrical~~ ELECTRIC light, heat, ~~or~~ AND power according to the minimum standards in the national electrical code or AS prescribed in this article;

(i) Examine persons regulated by the board pursuant to this article for the renewal of a license or registration. Examination shall be by a brief multiple choice exam to be included in the renewal notice process and shall be an open book exam. THIS PARAGRAPH (i) IS REPEALED, EFFECTIVE

JANUARY 1, 2011.

SECTION 3. 12-23-106 (1) and (2) (a), Colorado Revised Statutes, are amended to read:

12-23-106. License requirements. (1) (a) An applicant for a master electrician's license shall furnish written evidence that:

(I) ~~He~~ THE APPLICANT is a graduate electrical engineer of an accredited college or university and has one year of practical electrical experience in the construction industry; ~~or that~~

(II) ~~He~~ THE APPLICANT is a graduate of an electrical trade school or community college and has at least four years of practical experience in electrical work; ~~or that~~

(III) ~~He~~ THE APPLICANT has had at least one year of practical experience in planning, laying out, supervising, and installing wiring, apparatus, or equipment for ~~electrical~~ ELECTRIC light, heat, and power beyond the practical experience requirements for the journeyman's license.

(b) Each applicant for a license as a master electrician shall file an application on forms prepared and furnished by the board, together with the examination fee provided in section 12-23-112 (1). The board, not less than thirty days prior to a scheduled written examination, shall notify each applicant that the evidence submitted with ~~his~~ THE application is sufficient to qualify ~~him~~ THE APPLICANT to take ~~such~~ THE written examination or that ~~such~~ THE evidence is insufficient and the application is rejected. In the event that the application is rejected, the board shall set forth the reasons ~~therefor~~ FOR THE REJECTION in the notice to the applicant and shall ~~forthwith~~ return ~~such~~ THE applicant's examination fee. The place of examination shall be designated in advance by the board, and examinations shall be held not less often than twice a PER CALENDAR year and at such other times as, in the opinion of the board, the number of applicants warrants.

(2) (a) An applicant for a journeyman electrician's license shall furnish written evidence that the applicant has had THE FOLLOWING:

(I) At least four years' apprenticeship in the electrical trade or four

years' practical experience in wiring for, installing, and repairing electrical apparatus and equipment for ELECTRIC light, heat, and power; ~~and shall further establish that~~

(II) At least two of ~~such~~ THE APPLICANT'S years' experience REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) has been in commercial, industrial, or substantially similar work; AND

(III) EFFECTIVE JANUARY 1, 2011, DURING THE LAST FOUR YEARS OF TRAINING, APPRENTICESHIP, OR PRACTICAL EXPERIENCE IN WIRING FOR, INSTALLING, AND REPAIRING ELECTRICAL APPARATUS AND EQUIPMENT FOR ELECTRIC LIGHT, HEAT, AND POWER, AT LEAST TWO HUNDRED EIGHTY-EIGHT HOURS OF TRAINING IN SAFETY, THE NATIONAL ELECTRICAL CODE AND ITS APPLICATIONS, AND ANY OTHER TRAINING REQUIRED BY THE BOARD THAT IS PROVIDED BY AN ACCREDITED COLLEGE OR UNIVERSITY, AN ESTABLISHED INDUSTRY TRAINING PROGRAM, OR ANY OTHER PROVIDER WHOSE TRAINING IS CONDUCTED IN COMPLIANCE WITH RULES PROMULGATED BY THE BOARD, IN COLLABORATION WITH ESTABLISHED INDUSTRY TRAINING PROGRAMS AND INDUSTRY REPRESENTATIVES.

SECTION 4. 12-23-106 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12-23-106. License requirements - rules. (4) (d) (I) ON OR AFTER JANUARY 1, 2011, THE DEPARTMENT SHALL NOT RENEW A LICENSE UNLESS THE APPLICANT HAS DEMONSTRATED COMPETENCY THROUGH AN ASSESSMENT OF COMPETENCY, WHICH MAY BE PERFORMED BY PRIVATE ENTITIES IN ACCORDANCE WITH RULES PROMULGATED BY THE BOARD.

(II) THE BOARD, IN COLLABORATION WITH ESTABLISHED INDUSTRY TRAINING PROGRAMS AND INDUSTRY REPRESENTATIVES, SHALL ADOPT RULES ESTABLISHING CONTINUING COMPETENCY STANDARDS. THE RULES SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, THE FOLLOWING ELEMENTS:

(A) ASSESSMENT OF THE KNOWLEDGE AND SKILLS REQUIRED TO RENEW A LICENSE;

(B) THE METHODS TO OBTAIN THE REQUIRED KNOWLEDGE AND SKILLS; AND

(C) THE DOCUMENTATION NECESSARY TO DEMONSTRATE COMPLIANCE WITH THIS SUBPARAGRAPH (II).

(III) THE ASSESSMENT REQUIRED BY SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (d) SHALL PROVIDE SUFFICIENT INFORMATION TO EACH LICENSEE TO ALLOW THE LICENSEE TO ADDRESS ANY AREAS OF DEFICIENCY. IF THE LICENSEE FAILS TO DEMONSTRATE COMPETENCY, THE LICENSE MAY BE RENEWED IF THE LICENSEE PROVIDES EVIDENCE THAT THE LICENSEE HAS COMPLIED WITH THE REQUIREMENTS OF THE CONTINUING COMPETENCY PROGRAM.

SECTION 5. 12-23-109, Colorado Revised Statutes, is amended to read:

12-23-109. License by endorsement or reciprocity. (1) The board shall issue an electrical license by endorsement in this state to any person who is licensed to practice in another jurisdiction if such person presents proof satisfactory to the board that, at the time of application for a Colorado license by endorsement, the person possesses credentials and qualifications that are substantially equivalent to requirements in Colorado for licensure.

(2) The board shall issue an electrical license by reciprocity where a reciprocal agreement for an equivalent license exists, pursuant to section 12-23-104 (2) (j), between the board and the electrical board, or its equivalent, of the state or states where the applicant is licensed. THE BOARD SHALL STRIVE TO REDUCE BARRIERS FOR COLORADO LICENSEES TO BE LICENSED BY ENDORSEMENT OR THROUGH RECIPROCITY IN OTHER STATES.

(3) The board may specify by rule what shall constitute substantially equivalent credentials and qualifications.

SECTION 6. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (20) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for the establishment of rules to ensure the competency of electricians, for the fiscal year beginning July 1, 2009, the sum of ninety-nine thousand eight hundred ninety-four dollars (\$99,894) cash funds and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2009, the sum of eleven thousand two hundred sixty-five dollars (\$11,265) and 0.1 FTE, or so much thereof as may be necessary, for the provision of legal services to the department of regulatory agencies related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of regulatory agencies out of the appropriation made in subsection (1) of this section.

SECTION 7. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item,

section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO