PUBLIC PROTECTION CABINET
Department of Housing, Buildings and Construction
Division of Electrical
(Amendment)

815 KAR 35:060. Licensing of electrical contractors, master electricians, and electricians.

RELATES TO: KRS 164.772(3), 227A.010, 227A.060, 227A.100, 339.230, 29 C.F.R. 570

STATUTORY AUTHORITY: KRS 227A.040(1), (8), 227A.060, 227A.100(9)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 227A.040(1) requires the Department of Housing, Buildings and Construction to administer and enforce KRS 227A.010 to 227A.140 and evaluate the qualifications of applicants for electrical licensure. KRS 227A.040(8) authorizes the Department of Housing, Buildings and Construction to promulgate administrative regulations to establish procedures governing the licensure of electrical contractors, master electricians, and electricians. KRS 227A.060(4)(b) requires the department to promulgate administrative regulations pursuant to KRS Chapter 13A that establish an application form for the use of military experience to apply toward electrical licensure. KRS 227A.100(9) authorizes the department to promulgate administrative regulations governing an inactive license. This administrative regulation establishes the eligibility requirements and application procedures for the licensing of electrical contractors, master electricians, and electricians.

Section 1. Initial Application Requirements.

(1) Filing the application.

(a) Electrical contractor. An applicant seeking an electrical contractor's license shall submit to the department:

1. A completed Electrical Contractor's License Application, Form EL-2;
2. An application fee of $400~~[$200]~~ for a biennial~~[twelve (12) month]~~ license;
3. The name and license number of the master electrician affiliated with the applicant; and
4. Proof of insurance as required by KRS 227A.060(1)(c).

(b) Master Electrician. An applicant seeking a master electrician license shall submit to the department:

1. A completed Electrical License Application, Form EL-3;
2. An application fee of $200~~[$100]~~ for a biennial~~[twelve (12) month]~~ license; and
3. Proof of the applicant's experience as established by KRS 227A.060(2)(b) and this administrative regulation.

(c) Electrician. An applicant seeking an electrician license shall submit to the department:

1. A completed Electrical License Application, Form EL-3;
2. An application fee of $100~~[fifty (50) dollars]~~ for a biennial~~[twelve (12) month]~~ license; and
3. Proof of the applicant's experience as established by KRS 227A.060(3)(b) and this administrative regulation.

(d) The application fees may be prorated for not less than thirteen (13)~~[seven (7) months or more than eighteen (18)]~~ months and shall expire on the final day of the applicant's birth month.

(2) Photograph requirement. All electrical license applicants shall submit a passport-sized color photograph of the applicant taken within the past six (6) months.

(3) Voiding of application.

(a) The initial application shall remain pending until all requirements are met, up to a period of one (1) year after the date the application is submitted.

(b) At the end of the one (1) year, the application shall be void.

Section 2. Reciprocity. An applicant for reciprocity shall:

(1) Comply with:

(a) The requirements established in the reciprocity agreement between Kentucky and the state in which the applicant is licensed;

(b) The general application requirements in Section 1(2) of this administrative regulation;

(2) Provide:

(a) A copy of the applicant's license from the participating jurisdiction~~[state]~~;

(b) A letter of good standing from the licensing authority of the jurisdiction~~[state]~~ in which the applicant is currently licensed; and

(3) If applying for an electrical contractor's license, proof of insurance as required by KRS 227A.060(1)(c).

Section 3. Verification of Experience.

(1) Records of experience. Proof of experience shall be provided by:

(a) Tax returns or other official tax documents that indicate the applicant's occupation or the nature of the applicant's business activities, including Federal Schedule C, Form 1040, Form 1099, or local occupational tax returns;

(b) A copy of a business license issued by a county or municipal government that did not issue electrical contractor's, master electrician's, or electrician's licenses prior to June 24, 2003, if the business license indicates the applicant operated as an electrical contractor or worker;

(c) A sworn affidavit, on the affiant's letterhead, certifying that the affiant has personal knowledge that the applicant has engaged in electrical work under the scope of the National Electrical Code, NFPA 70~~[, incorporated by reference in 815 KAR 7:120 and 815 KAR 7:125,]~~ from at least one (1) of the following:

1. An electrical workers union;

2. A licensed electrical contractor and licensed master electrician the applicant was or currently is employed by; or

3. An industrial manufacturing facility or natural gas pipeline facility the applicant was or currently is employed by; or

4. An electrical training program that has been approved by the department pursuant to 815 KAR 35:090 and is an apprenticeship program registered in accordance with 787 KAR 3:010.

(d) A completed form ELM-1, Military Experience for Electrical Licensure, and documentation in accordance with KRS 227A.060(4) for military experience applicable towards electrical licensure. ~~[Records of a branch of the United States Armed Forces that indicate the applicant performed a function that primarily involved electrical work. Experience gained while in the military shall be deemed to have been earned in Kentucky.]~~

(2) An applicant for a master electrician license or electrician license attending an accepted electrical training program in accordance with 815 KAR 35:090 shall provide with his or her application:

(a) An affidavit from the director or authorized agent of the electrical training program confirming the applicant's participation in the electrical training program; and

(b) Documentation that the applicant has completed the required number of hours in accordance with 815 KAR 35:090.

(3) Additional proof of experience shall be requested by the department, prior to or after licensing, if the department has reason to believe that the experience shown is insufficient

or nonexistent.

(4) Except for military experience, experience applicable towards electrical licensure shall consist of electric work under the scope of the National Electrical Code, NFPA 70. ~~[One (1) year of electrical experience shall consist minimally of 1,600 hours of electrical work under the scope of the National Electrical Code, NFPA 70, incorporated by reference in 815 KAR 7:120 and 815 KAR 7:125, in a continuous twelve (12) month period.]~~

Section 4. Examinations.

(1) An applicant for an electrical contractor's license, master electrician's license, or electrician's license shall pass, with a minimum score of seventy (70) percent, an examination administered by an approved examination provider.

(2) A passing score shall be valid for a period of three (3) years.

(3) Reasonable accommodations shall be made to provide accessibility to disabled applicants, upon request.

(4) For an electrical contractor's license, an applicant that is a business entity shall designate a person to take the examination on behalf of the applicant. The designee shall be:

(a) An owner of the applicant's business;

(b) An officer of the applicant's business;

(c) A director of the applicant's business; or

(d) A full-time employee of the applicant's business.

(5) Upon application by a testing agency, a national code group, or by an applicant for licensure, the department may recognize another examination as equivalent to an examination administered by an approved examination provider. The person or group submitting the examination shall demonstrate that the examination covers the same material and requires the same level of knowledge as the approved examinations.

Section 5. Appeal Procedure.

(1) An applicant denied a license may appeal the decision to the commissioner of the department. The applicant shall submit written notice of the appeal to the department within ten (10) business days of receiving notice that the license application has been denied.

(2) The appeal shall be conducted pursuant to KRS Chapter 13B by a hearing officer appointed by the commissioner of the department.

Section 6. Proof of Insurance.

(1) An electrical contractor's insurance policy shall name the department as the certificate holder.

(2) The applicant shall provide proof of workers' compensation insurance by providing:

(a) An insurance certificate from an insurance provider approved by the Kentucky Department of Insurance; or

(b) A notarized statement that the applicant is not required to obtain workers' compensation coverage and the reason why the coverage is not required.

(3) Each electrical contractor shall require the contractor's liability and workers' compensation insurers to provide notice to the department if a policy:

(a) Is cancelled, terminated, or not renewed; or

(b) Limit is lowered.

(4) An electrical contractor shall advise the department of:

(a) A change in the contractor's insurance coverage, including cancellation or termination of any policy;

(b) A change in the insurer providing the coverage; or

(c) Changed circumstances that require the contractor to obtain coverage.

Section 7. Inactive License Status.

(1) A licensee may request that a license be placed in inactive status.

(2) An electrical contractor whose license is in inactive status shall not be required to maintain liability insurance or provide proof to the department of compliance with workers' compensation laws.

(3) A certified electrical inspector may be licensed as an electrical contractor, master electrician, or electrician, but shall maintain that license as inactive while having an active electrical inspector certification.

(4) A licensee shall not perform electrical work while the license is inactive. Performing electrical work that requires a license while holding an inactive license shall be grounds for revocation or suspension of all electrical licenses and certifications held by the licensee.

Section 8. Renewal Requirements.

(1) A license shall be valid for two (2) years[~~one (1) year~~] and shall be renewed on or before the last day of the licensee's birth month in the second year. For electrical contractor licenses issued to corporations, partnerships, or business entities without a birth month, the renewal shall occur on or before the last day of the month the license was issued in the second year.

(2) Filing for renewal. An electrical contractor, a master electrician, or an electrician shall submit to the department:

(a) A completed form DHBC L-1, Licensing Renewal Application;

(b) A renewal fee of:

1. $400 [~~$200~~] for an electrical contractor;
2. $200 [~~$100~~] for a master electrician; and
3. $100 [~~Fifty (50) dollars~~] for an electrician;

(c) Proof of [~~annual~~]continuing education in accordance with KRS 227A.100(7) and 815 KAR 2:010; and

(d) Proof of insurance as required by KRS 227A.060(1)(c) and this administrative regulation for an electrical contractor.

(3)

(a) A licensee who is in inactive status shall be exempt from biennial[~~annual~~] renewal.

(b) An inactive license shall be reactivated upon payment of the biennial[~~annual~~] renewal fee, the reactivation fee, and upon compliance with the continuing education requirements established in 815 KAR 2:010.

Section 9. Reinstatement and Late Fees.

(1) Application, renewal, reinstatement, and late fees shall not be refundable.

(2) The reinstatement fee for a terminated license pursuant to KRS 227A.100(4) shall be equal to the license renewal fee and shall be paid in addition to the license renewal fee.

(3) The late renewal fee shall be fifty (50) dollars. If all documents required to be submitted for renewal are postmarked on or before the last day of the renewal month, the filing shall be considered timely, and a late fee shall not be assessed.

Section 10. Change of information.

(1) An electrical contractor and a master electrician shall notify the department of any change to the name of the electrical contractor's or master electrician's business and its address, employer, and the employer's address each time a change of information is made.

(2)

(a) Except as stated in subsection (3) of this section, if an electrical contractor designated by an entity as established in Section 4(4) of this administrative regulation

leaves the employment or no longer maintains an interest in that entity, the entity shall designate another person who either:

1. Has passed the electrical contractor's examination; or
2. Successfully passes the electrical contractor's examination within thirty (30) days.

(b) Failure to have a designee that has passed the examination shall render the licensee no longer qualified to be licensed.

(3) Death of an electrical contractor or master electrician.

(a) If the electrical contractor or master electrician representing a company dies, the company shall notify the department within ten (10) days of the electrical contractor's or master electrician's death.

(b) The 180-day interim period established in KRS 227.480 and KRS 227A.140 shall begin on the date the electrical contractor or master electrician dies.

(c) The company shall not be required to renew the deceased's electrical contractor or master electrician license if the license renewal date falls within the 180-day interim period.

(d) The company shall not use the deceased electrical contractor's or master electrician's license after the expiration date of the interim period.

(e) The company shall notify the department when the company has a replacement electrical contractor or master electrician to represent the company on or before the expiration date of the interim period.

Section 11. Provisional License.

(1) Application. An applicant seeking a provisional electrician license shall submit to the department:

(a) A completed Provisional Electrical License Application Form, EL-14;

(b) An application fee of fifty (50) dollars;

(c) A passport-sized color photograph of the applicant taken within the past six (6) months; and

(d) Proof of the applicant's experience as established by KRS 227A.060(5)(a) ~~[227A.060(4)(a)2]~~.

(e) The Proof requested in paragraph (d) of this subsection shall be satisfied with the documents listed in Section 3(1) of this administrative regulation.

(2) Responsibilities. A provisional electrician license holder shall have the same rights and responsibilities as an electrician licensed pursuant to KRS 227A.060(3) and this administrative regulation.

(3) Termination.

(a) A provisional electrician license shall be valid for one (1) year from the date of issuance. The provisional electrician license shall immediately terminate on the date of the one (1) year anniversary of the issuance of the provisional electrician license.

(b) The provisional electrician license holder shall no longer have the rights and responsibilities of an electrician licensed pursuant to KRS 227A.060(3) and this administrative regulation. The provisional electrician license holder shall revert to the individual's unlicensed status before the issuance of the provisional license.

Section 12. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Electrical Contractor's License Application", Form EL-2, October 2024~~[May 2020]~~;

(b) "Electrical License Application", Form EL-3, October 2024~~[May 2020]~~;

(c) ~~[(d)]~~ ~~[]~~ "Licensing Renewal Application", Form DHBC L-1, October 2024;~~[April 2023.]~~

(d) "Military Experience for Electrical Licensure", Form ELM-1, October 2024; and

(e) [(c)] "Provisional Electrical License Application", Form EL-14, October 2024. [May 2020; and]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings, and Construction, Electrical Licensing, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and is available online at http://dhbc.ky.gov/Pages/default.aspx.

RAY A. PERRY, Secretary
JONATHON M. FULLER, Commissioner

APPROVED BY AGENCY: October 9, 2024
FILED WITH LRC: October 10, 2024 at 9:35 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 26, 2024, at 10:00 a.m., eastern time, in the Department of Housing, Buildings and Construction, 500 Mero Street, First Floor, Frankfort, Kentucky 40601. Individuals interest in being heard at this hearing shall notify this agency in writing by five working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2024, at 11:59 p.m., eastern time. Send written notification of the intent to be heard at the public hearing or written comments on the proposed administrative regulation by the above date to the contact person below:

CONTACT PERSON: Jonathon M. Fuller, Commissioner, Department of Housing, Buildings and Construction, 500 Mero Street, 1st Floor, Frankfort, Kentucky 40601, phone (502) 782-0617, fax (502) 573-1057, email max.fuller@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Jonathon M. Fuller

(1) Provide a brief summary of:

(a) What this administrative regulation does:
This administrative regulation establishes the licensure requirements for electrical contractors, master electricians, and electricians.

(b) The necessity of this administrative regulation:
KRS 227A.040(1) requires the Department of Housing, Buildings and Construction to administer and enforce KRS 227A.010 to 227A.140 and evaluate the qualifications of applicants for electrical licensure. KRS 227A.040(8) authorizes the Department of Housing, Buildings and Construction to promulgate administrative regulations to establish procedures governing the licensure of electrical contractors, master electricians, and electricians. KRS 227A.100(9) authorizes the department to promulgate administrative regulations governing an inactive license. KRS 227A.060(4)(b) requires the department to promulgate administrative regulations pursuant to KRS Chapter 13A that establish an application form for the use of military experience to apply toward electrical licensure. This administrative regulation establishes the eligibility requirements and application procedures for the licensing of electrical contractors, master electricians, and electricians.

(c) How this administrative regulation conforms to the content of the authorizing statutes:
KRS 227A.040(8) authorizes the Department of Housing, Buildings and Construction to promulgate administrative regulations to establish procedures governing the licensure of electrical contractors, master electricians, and electricians. KRS 227A.100(9) authorizes the department to promulgate administrative regulations governing an inactive license. This administrative regulation establishes the eligibility requirements and application procedures for the licensing of electrical contractors, master electricians, and electricians.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:
KRS 227A.040(1) requires the Department of Housing, Buildings and Construction to administer and enforce KRS 227A.010 to 227A.140 and evaluate the qualifications of applicants for electrical licensure. This administrative regulation establishes the eligibility requirements and application procedures for the licensing of electrical contractors, master electricians, and electricians, which is authorized by KRS 227A.040(8) and KRS 227A.100(9).

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:
This amendment changes expiration dates, fees, and experience requirements to reflect the changes of 2024 RS HB 444.

(b) The necessity of the amendment to this administrative regulation:
This amendment is necessary in order to align the administrative regulation with the changes to KRS Chapter 227A found in 2024 RS HB 444.

(c) How the amendment conforms to the content of the authorizing statutes:

KRS 227A.040(8) authorizes the Department of Housing, Buildings and Construction to promulgate administrative regulations to establish procedures governing the licensure of electrical contractors, master electricians, and electricians. KRS 227A.060(4)(b) requires the department to promulgate administrative regulations pursuant to KRS Chapter 13A that establish an application form for the use of military experience to apply toward electrical licensure.

(d) How the amendment will assist in the effective administration of the statutes:
KRS 227A.040(1) requires the Department of Housing, Buildings and Construction to administer and enforce KRS 227A.010 to 227A.140 and evaluate the qualifications of applicants for electrical licensure. KRS 227A.040(8) authorizes the Department of Housing, Buildings and Construction to promulgate administrative regulations to establish procedures governing the licensure of electrical contractors, master electricians, and electricians. KRS 227A.100(9) authorizes the department to promulgate administrative regulations governing an inactive license. This amendment updates electrical licensing requirements to align with 2024 RS HB 444.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:
Any electrical contractor, master electrician, or electrician license applicant or current licensee and the Department of Housing, Buildings and Construction.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:
Applicants and licensees will now be issued biennial licenses and will have to renew their licensees every other year. Applicants applying with military experience will now have a supplemental form to utilize for their electrical licensing application.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):
This amendment alters fees to reflect the changes made in HB 444 to KRS 227A.100.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):
Electrical licensees will now be issued biennial licenses and applicants applying with military experience will have a supplemental form to utilize for their electrical licensing application.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:
This amendment will not result in additional cost to the agency initially.

(b) On a continuing basis:
This amendment will not result in additional cost to the agency on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

Any costs associated with the implementation and enforcement of this administrative regulation will be met with existing agency funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

Any costs associated with the implementation and enforcement of this administrative regulation will be met with existing agency funds.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This amendment alters fees to reflect the changes made in HB 444 to KRS 227A.100.

(9) TIERING: Is tiering applied?

Tiering is not applied as all regulated entities are subject to the same amended requirements.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 227A.040(1) requires the Department of Housing, Buildings and Construction to administer and enforce KRS 227A.010 to 227A.140 and evaluate the qualifications of applicants for electrical licensure. KRS 227A.040(8) authorizes the Department of Housing, Buildings and Construction to promulgate administrative regulations to establish procedures governing the licensure of electrical contractors, master electricians, and electricians. KRS 227A.100(9) authorizes the department to promulgate administrative regulations governing an inactive license. KRS 227A.060(4)(b) requires the department to promulgate administrative regulations pursuant to KRS Chapter 13A that establish an application form for the use of military experience to apply toward electrical licensure.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

Department of Housing, Buildings and Construction

(a) Estimate the following for the first year:

Expenditures:Neutral

Revenues:Neutral

Cost Savings:Neutral

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

Expenditures, revenues, or cost savings will not differ in subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

Local entities that employ electrical licensees and cover the cost of electrical licensure renewal for the employees.

(a) Estimate the following for the first year:

Expenditures:Neutral

Revenues:Neutral

Cost Savings:Neutral

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

Expenditures, revenues, or cost savings will not differ in subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3):

Electrical licensees

(a) Estimate the following for the first year:

Expenditures:Neutral

Revenues:Neutral

Cost Savings:Neutral

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

Expenditures, revenues, or cost savings will not differ in subsequent years.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

There is no anticipated fiscal impact to this amendment. This amendment aligns the administrative regulation with the changes to KRS Chapter 227A found in HB 444. Electrical license fees have been amended in the administrative regulation to reflect biennial licensure.

(b) Methodology and resources used to determine the fiscal impact:

Budget and licensing staff confirmed that electrical licensing going to a two year-renewal cycle will not have an impact and be budget neutral expenditures as the renewal fees are adjusted for the two-year renewal.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate)

This administrative regulation will not have an overall negative or adverse major economic impact to the entities identified in questions (2) – (4).

(b) The methodology and resources used to reach this conclusion:

Budget and licensing staff confirmed that this amendment is budget neutral as renewal fees are adjusted for the two-year renewal.