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**RULE PROPOSALS**

**LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS**

*41 N.J.R. 2615(a)*

**Proposed Amendment: *N.J.A.C. 13:31-5.1***

[Click here to view Interested Persons Statement](#)

**Registration as Qualified Journeyman Electrician**

Authorized By: Board of Examiners of Electrical Contractors, Lawrence DeMarzo, Deputy Director.

Authority: *N.J.S.A. 45:5A-6; 45:5A-11.1* through 11.6; 45:1-15.1.

Calendar Reference: See Summary below for explanation of exception to calendar requirements.

Proposal Number: PRN 2009-189.

Submit comments by September 4, 2009 to:  
Lawrence DeMarzo, Deputy Director  
Board of Examiners of Electrical Contractors  
124 Halsey Street  
P.O. Box 45006  
Newark, New Jersey 07101

The agency proposal follows:

**Summary**

Pursuant to its general rulemaking authority set forth at *N.J.S.A. 45:5A-6*, the New Jersey Board of Examiners of Electrical Contractors (the Board) is proposing to amend *N.J.A.C. 13:31-5.1*, concerning the registration of qualified journeyman electricians, which became effective on December 15, 2008. *N.J.A.C. 13:31-5.1* requires a person to

register [page=2616] as a qualified journeyman electrician by December 15, 2009, in order to engage in the activities set forth in *N.J.S.A. 45:5A-18(k)* of the Electrical Contractors Licensing Act, and, if the person is not a licensee, in order to supervise the performance of electrical work pursuant to *N.J.A.C. 13:31-3.4*. *N.J.A.C. 13:31-5.1(a)2* provides, in part, that an applicant may qualify for registration if he or she has acquired 8,000 hours of practical experience working with tools in the installation, alteration or repair of wiring for electric light, heat or power. The Board is proposing to amend paragraph (a)2 in order to clarify that an applicant's 8,000 hours of work performed must have been done in compliance with the National Electrical Code.

The Board notes that *N.J.A.C. 13:31-2.1(a)3*, which establishes qualifications for licensure as an electrical contractor and upon which the requirements in *N.J.A.C. 13:31-5.1(a)2* were modeled, provides that all practical hands-on experience shall have been done in compliance with the National Electrical Code. Because the National Electrical Code embodies industry performance and safety standards that all registrants are expected to know and utilize in the performance of their work, as is evidenced by the fact that 10 hours of continuing education in the National Electrical Code are statutorily mandated for qualified journeyman electricians pursuant to *N.J.S.A. 45:5A-11.4*, the Board is proposing to amend *N.J.A.C. 13:31-5.1(a)2* to expressly require that the work performed by applicants for registration as qualified journeyman electricians be done consistent with National Electrical Code standards.

The Board has provided a 60-day comment period for this notice of proposal. Therefore, this notice is excepted from the rulemaking calendar requirement pursuant to *N.J.A.C. 1:30-3.3(a)5*.

### **Social Impact**

The Board believes that the proposed amendment will have a positive impact upon applicants for registration as qualified journeyman electricians and upon members of the general public. The proposed amendment will help to ensure that only those individuals who have sufficient knowledge and experience working under the standards of the National Electrical Code will be registered as qualified journeyman electricians, and be permitted to perform electrical work on firm or corporation premises pursuant to *N.J.S.A. 45:5A-18(k)*, and to supervise the provision of electrical work at job sites throughout the State pursuant to *N.J.A.C. 13:31-3.4*.

### **Economic Impact**

The proposed amendment may have an economic impact upon applicants for registration as qualified journeyman electricians to the extent that applicants who have obtained practical work experience that was not done in compliance with the National Electrical Code will be unable to qualify for registration absent obtaining additional work experience consistent with National Electrical Code standards. The Board believes that the costs that may be borne by applicants for registration as a result of the proposed amendment are outweighed by the benefit to members of the general public in ensuring that only those individuals who have been trained under National Electrical Code standards are permitted to become registered qualified journeyman electricians and to provide electrical contracting services.

### **Federal Standards Statement**

A Federal standards analysis is not required because the proposed amendment is governed by *N.J.S.A. 45:5A-1* et seq., and is not subject to any Federal standards or requirements.

### **Jobs Impact**

The Board does not believe that the proposed amendment will result in an increase or decrease in the number of jobs in the State.

### **Agriculture Industry Impact**

The proposed amendment will have no impact on the agriculture industry in the State.

### **Regulatory Flexibility Analysis**

Currently, the Board licenses approximately 8,300 active electrical contractors and approximately 6,300 electrical contracting business permit holders. The number of qualified journeyman electricians who will register with the Board is not known at this time. Those persons currently registered with the Board as qualified journeyman electricians and those who will become registered with the Board in order to perform electrical work under the statutory exemption set forth at *N.J.S.A. 45:5A-18(k)* are not considered "small businesses" within the meaning of the Regulatory Flexibility Act, *N.J.S.A. 52:14B-16*, et seq., because they are firm or corporation employees and, therefore, no regulatory flexibility analysis applies to this class of registrants. Applicants for registration as qualified journeyman electricians who are employed as supervisors by Board licensees or permit holders also are not considered "small businesses" within the meaning of the Act because they are employed by electrical contracting businesses and, therefore, no regulatory flexibility analysis applies to this class of registrants. If electrical contracting business permit holders are considered "small businesses," within the meaning of the Act, however, then the following analysis applies. The proposed amendment does not impose any reporting, recordkeeping or compliance requirements upon electrical contracting business permit holders.

No additional professional services will be needed to comply with the proposed amendment. The cost of compliance with the proposed amendment is discussed in the Economic Impact statement above. The Board believes that the proposed amendment should be uniformly applied to all applicants for qualified journeyman electrician registration in order to ensure the health, safety and welfare of the general public in the performance of electrical work by such individuals and, therefore, no differing compliance requirements for any businesses are provided based upon size.

### **Smart Growth Impact**

The Board does not believe that the proposed amendment will have any impact upon the achievement of smart growth or upon the implementation of the State Development and Redevelopment Plan.

### **Housing Affordability Impact**

The proposed amendment will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the regulation would evoke a change in the average costs associated with housing because the proposed amendment concerns the provision of electrical contracting services.

### **Smart Growth Development Impact**

The proposed amendment will have an insignificant impact on smart growth and there is an extreme unlikelihood that the regulation would evoke a change in housing production in Planning Areas 1 or 2 or within designated centers under the State Development and Redevelopment Plan in New Jersey because the proposed amendment concerns the provision of electrical contracting services.

**Full text** of the proposal follows (addition indicated in boldface **thus**):

13:31-5.1 Registration as qualified journeyman electrician

(a) A person shall register as a qualified journeyman electrician by December 15, 2009, in order to engage in the activities set forth in *N.J.S.A. 45:5A-18(k)*, and, if the person is not a licensee, in order to supervise the performance of electrical work pursuant to *N.J.A.C. 13:31-3.4*. In order to register as a qualified journeyman electrician, an applicant shall submit the registration fee set forth at *N.J.A.C. 13:31-1.6* and shall submit a completed application that establishes

that the applicant:

1. (No change.)

2. Has acquired 8,000 hours of practical experience working with tools in the installation, alteration or repair of wiring for electric light, heat or power, **which work shall have been done in compliance with the National Electrical Code**, and who has had a minimum of 576 classroom hours of related instruction. The requirement of practical experience shall not include time spent in supervising, engineering, estimating and other managerial tasks. At least 4,000 hours of the practical experience shall have been obtained within five years of the date of application; or

3. (No change.)

(b) (No change.)