

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Statutory Authority: 24 Delaware Code, Section 1406(a)(1) (24 **Del.C.** §1406(a)(1))
24 **DE Admin. Code** 1400

FINAL

ORDER

1400 Board of Electrical Examiners

Pursuant to 29 **Del.C.** §10118 and 24 **Del.C.** §1406(a)(1), the Delaware Board of Electrical Examiners issues this Order adopting proposed amendments to the Board's Rules. The Board proposed to define electrical work more broadly to include any work covered by the National Electrical Code and specifically adding solar, generators and windmills to the list of work that is considered electrical services or electrical work. The rule change will also add the continuing education credits required for licensed Journeypersons and Apprentices and exempt Journeypersons and Apprentices from rules that do not apply to them.

Following notice and a public hearing on September 5, 2012 and October 3, 2012, the Board makes the following findings and conclusions:

SUMMARY OF THE EVIDENCE

1. The Board posted public notice of the proposed amendments in the August 1, 2012, *Register of Regulations* and in the *Delaware News Journal* marked as **Board Exhibit 1** and *Delaware State News* marked as **Board Exhibit 2**.

2. The Board received the following public and written comments during the September 5, 2012 and October 3, 2012 public hearings.

Josh Young of the Chemical Industry Council of Delaware submitted both public and written comments. Mr. Young requested that the rules allow for exemptions to protect the chemical industry by exempting multi craft mechanics, electrical engineers, manufacturer trained service representatives and in house electrical engineers from performing electrical services.

Richard Honolulu representing the American Chemical Panel also requested that electrical engineers should be exempt from performing electrical services.

Tonya Deco of the Dow Chemical Company also believes that the current exemption language does not cover the chemical industry and their engineers sufficiently. She believes without further language exempting their engineers, they could be prosecuted for practicing electrical services without a license.

Robert Smith of First State Inspections suggested that the language in the rule should be the same as the statute by including the language for roadway lighting and signaling.

Paul Nicotra asked the Board if working on robotics was within the definition of electrical services.

David Smart stated that he believes that Delaware needs an electrical license just for elevator repair.

Richard Kearey of Ken Corr believes that the wording of the definition of electrical services would allow for all licensed electricians to work on elevators which would be a risk to the public.

Matt Donovan asked the Board if switching breakers would be covered under the definition of electrical services.

Walter Brittingham suggested that the exemption for factory trained and authorized representatives should be clearer by adding "and/or" in the language.

Dover Electric Supply provided a written comment marked as **Board Exhibit 3**. The letter complained about the impact of HB 180 on small electrical contractors. The letter also stated that the Board should cease implementation of the measure.

Cushman and Wakefield provided a written comment marked as **Board Exhibit 4**. The letter provided several questions for the Board about whether certain acts constitute electrical services.

Dupont Engineering provided a written comment marked as **Board Exhibit 5**. The letter addressed two main issues. First, the letter stated that the definition of electrical services is too broad. Second, they believe that the current proposed rules would require a professional engineer, master electrician, journeyperson or apprentice electrician to troubleshoot their equipment.

The Office of Management and Budget provided a written comment marked as **Board Exhibit 6**. The letter proposed two changes to the proposed rules. First, was to include in the exemption for the Department of Transportation language that would include traffic signals, traffic signs and highway lighting. The second proposed addition to the rules would be an exception for trade mechanics working under a licensed electrician.

Josh Young of the Chemical Industry Council of Delaware provided a written comment marked as **Board Exhibit 7**. These are the same comments as the public comments of Mr. Young at the September 5, 2012 meeting.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

4. The public was given notice and an opportunity to provide the Board with comments in writing and by testimony at the public hearing on the proposed amendments to the Board's Rules. The board received both public and written comments to the proposed amendments to the Board's Rules.

5. In regard to Josh Young's comments, the Board believes that the Engineering statute under 28 **Del.C.** §2803(24) which provides:

"Practice of engineering" or practice engineering" includes any professional service performed for the general public such as consultation, investigation, evaluation, planning, design, or responsible supervision of construction or operation in connection with any public or private buildings, structures, utilities, machines, equipment, processes, works, or projects wherein the public welfare or the safeguarding of life, health or property is concerned or involved when such professional service requires the application of engineering principles and date, but it does not include the work ordinarily performed by persons who operate or maintain machinery or equipment, neither does it include engineering services performed by an employee of a firm or corporation that does not offer professional engineering services to the general public.

The Board believes that this definition provides the protection that Josh Young, Tonya Deya, Richard Holub and DuPont are concerned about by not including work done by persons who operate or maintain equipment as part of the practice of engineering. With this, the Board believes that the exemption concerning engineers is sufficient without the proposed language by Mr. Young. The Board is not persuaded that the comments require any change to the regulations on exemptions as proposed.

In regard to Paul Nicatras public comment, the Board believes that equipment such as robotics are not covered by the National Electric Code, but it would be electric work to perform work on the wiring leading up to the piece of equipment.

In regard to David Smart's public comments, The Board believes that having an elevator electricians license would require a statutory change and not a rule change. With that, the Board is not persuaded that the comments require any change to the regulations as proposed.

In regard to Richard Kearey's public comments, the Board believes that the electrical statute under 24 **Del.C.** §1408(4) satisfies his concerns in that and individual has to be licensed in his or her specialty. The board is not persuaded that the comments require any change to the regulations as proposed.

In regard to Matt Donovan's public comments, the Board believes that switching breakers does not constitute electrical work.

In regard to Walter Brittingham's public comment, the Board believes the current language in the proposed rule change is correct and they do not want to include "and/or" language in the rules instead of Factory trained and authorized representatives. The Board is not persuaded that the comments require any change to the regulations as proposed.

In regard to Dover Electric's written comments, the Board believes that the comments have no relevance to the proposed rule change, but is a complaint about HB 180. The Board is not persuaded that the comments require any change to the regulations as proposed.

In regard to Cushman and Wakefield's written comments, the Board answered no to all of the questions presented to the Board in the letter concerning what constituted electrical services.

In regard to the Office of Management and Budget's written comment, the Board believes that their proposed addition of "including traffic signal, traffic signs and highway lighting" should be included at a later date to be consistent with the statute. However, the Board does not believe that trade mechanics should be exempt because the work they do is within the definition of electrical services and that for the protection of the public, that work should be done by a licensed electrician. The Board is not persuaded that the comments require any change to the regulations as proposed.

In regard to DuPont's written comments, the Board believes that their concern that the definition of electrical services is too broad is misplaced. The Board finds that the proposed language "which may include but is not limited to" in the definition is to allow for future change in the electrical field without changing the rules. As to DuPont's second and third comments concerning electrical engineers, the Board believes that 28 **Del.C.** §2803(24) provides the protection DuPont is looking for as discussed in Josh Young's comments. The Board is not persuaded that the comments require any change to the regulations as proposed.

6. Having considered the public and written comments, the Board makes no changes to the proposed regulations. Pursuant to 24 **Del.C.** §1406 the Board has statutory authority to promulgate rules and regulations to clarify or implement sections of its statute. The definition of electrical services is broadened in section 1.0 to reflect changes in the electrical trade such as solar, generators and windmills. The definition also clarified that any work covered by the National Electrical Code is considered electrical work. The amendments also correct a non substantive clerical error in Rule 1.2 by correctly using the full name as the Delaware Fire Prevention Commission. The amendments also exempt Journeypersons and Apprentice electricians from having to display the words "Licensed Electricians" on their vehicles. which was a rule

intended for Master Electricians in Rule 1.3. The amendments also clearly define what is solar electrical work in Rule 1.4 since solar work is now included in the definition of electrical services in Rule 1.0. The amendments also exempt Journeypersons and Apprentice electricians from maintaining general liability insurance under Rule 6.1 since the Master Electrician they work under is required to maintain that insurance. The amendments require Journeypersons and Apprentice Electricians to complete 5 hours of continuing education credits each renewal period under Rule 8.4 to protect the public and uphold the standards of the profession. The amendments implemented further exemptions under Rule 10.0 since every person who performs electrical services must be licensed under the new statute requiring the licensing of Journeyperson and Apprentice Electricians. Lastly, the amendments under Rule 12.1 exempt Journeypersons and Apprentice Electricians from applying for an inspection since it will be the Master Electrician obtaining the inspection who the Journeyperson or Apprentice Electrician is working for.

7. The effective date of this Order will be ten (10) days from the publication of this Order in the *Register of Regulations* on December 1, 2012.

IT IS SO ORDERED, this day of November, 2012.

BOARD OF ELECTRICAL EXAMINERS OF THE STATE OF DELAWARE

Robert MacLennan, President
Daniel Creedon, Vice President
Richard Millar
Thomas Hartley
Frank Beebe
W. Donald Poore

1400 Board of Electrical Examiners

1.0 License Required

- 1.1 To perform “electrical services” or “electrical work” means to ~~plan, estimate, layout,~~ perform, maintain, troubleshoot or supervise any electrical work covered by the National Electrical Code (NEC) as adopted by the Delaware State Fire Prevention Commission which may include but is not limited to the installation, erection, or repair of any electrical conductor, molding, duct, raceway, conduit, machinery, apparatus, device, or fixture for the purpose of lighting, heating, or power in or on any structure or for elevators, swimming pools, hot tubs, electric signs, air conditioning, heating, refrigeration, oil burners, solar electrical work, generators, windmills and overhead and underground primary distribution systems.
- 1.2 A licensee under this chapter shall perform all electrical services or electrical work in accordance with the standards established in the National Electric Code (NEC) as adopted by the Delaware Fire Prevention Commission and in any applicable local building code. The version of the NEC applicable to a particular project is determined by the Delaware Fire Prevention Commission.
- 1.3 Every individual who receives a license with the exception of Journeypersons and Apprentice Electricians shall prominently display the words “Licensed Electrician” and the license number on the exterior of all vehicles used for work in not less than three inch letters and numbers. This section is satisfied by any abbreviation readily understood to mean “Licensed Electrician” such as “Lic. Elec.” along with the license number.
- 1.4 Solar Electrical Services means to install, erect, repair any electrical conductor, duct, conduit, or array which is used for grounding and bonding of the array or any part thereof, which generate, transmit, transform, disconnect, or utilize electrical energy in any form or for any purpose.
- 1.45 Licensees shall notify the Board of a change of address. Change of address notifications shall be sent by certified mail within 60 days of date the address change.

7 DE Reg. 1167 (3/1/04)

9 DE Reg. 260 (8/1/05)

12 DE Reg. 73 (7/1/08)

2.0 Applications

- 2.1 Applications may be obtained in person during regular business hours or by mail from the Division of Professional Regulation (“Division”). Applications must be made in the name of the individual, not a company. The Board shall approve the application form to insure that it contains all of the information necessary to satisfy the statutory requirements for licensure.
- 2.2 Applications which are incomplete shall be retained for one year to allow an applicant the opportunity to supplement the application. After one year, incomplete applications are destroyed. Thereafter, an applicant must resubmit a new application with the appropriate fee.

- 2.3 Applications approved for testing will be valid for two years. If the test is not taken, the application is destroyed. Thereafter, an applicant must resubmit a current application with the appropriate fee.

12 DE Reg. 73 (7/1/08)

3.0 Qualifications

- 3.1 An applicant shall submit proof of qualifications verified by affidavit on a form approved by the Board. Proof of experience requires an affidavit from the supervising licensed electrician describing the nature of the experience. If an applicant cannot obtain the required affidavit from the supervising licensed electrician, W-2 tax forms showing full-time employment may be substituted at the discretion of the Board. The required experience and training must be completed prior to taking the licensure exam.
- 3.2 Applicants relying on military training and experience must submit official documentation from the supervising officials showing type and approximate hours of work experience. Other official military documentation that reliably verifies military training and experience may be accepted when supervisory officials are not available or cannot be located.
- 3.3 The requirement of two years of technical training under 24 **Del.C.** §1408 (a)(1)(c) can be met by successful completion of two years of technical training related to electrical technology in a vocational/technical high school or by completion of 48 credit hours in technical training related to electrical technology at an accredited post-secondary school.
- 3.4 The experience necessary under 24 **Del.C.** §1408 to qualify for a particular license must relate to the activity authorized by such a license as defined in 24 **Del.C.** §1402(10) - (13).

4 DE Reg. 1788 (5/1/01)

6 DE Reg. 1495 (5/1/01)

12 DE Reg. 73 (7/1/08)

4.0 Examinations

- 4.1 As a condition of licensure, applicants shall obtain a grade of 75% on the Division-approved test. Only the National Electrical Code Book can be used during the test as a reference. Applicants should submit a completed application with all necessary credentials for Board approval at least 45 days before the test is given. As long as the credentials have been approved, a license may issue from the Division of Professional Regulation upon proof of obtaining a passing score on the test, proof of insurance, and payment of the fee as provided herein. A member of the State Board of Electrical Examiners may attend the examination. All scores will be presented to the Board at the first meeting after the examination results are available. The roster of persons qualified for licensure will appear in the minutes.
- 4.2 Applicants who fail two consecutive times with a grade of less than 50% each time must wait one year before retesting.

4 DE Reg. 1788 (5/1/01)

5.0 [Reserved]

6.0 License and Insurance

- 6.1 Licensees with the exception of Journeypersons and Apprentice Electricians shall maintain general liability insurance of at least \$300,000.00. Master Special Elevator Electricians do not need general liability insurance if the contractor has general liability insurance. Proof of insurance must be submitted with licensure applications and maintenance of the required insurance shall be attested to in the course of each licensure renewal.
- 6.2 The insurance requirement is satisfied for a licensee who is performing work as an employee as long as the employer is insured for the risk on the work performed as required under these regulations. A licensee who also works independently from his employer must maintain separate insurance for that risk as provided under these regulations.

4 DE Reg. 1788 (05/01/01)

10 DE Reg. 1329 (02/01/07)

12 DE Reg. 73 (7/1/08)

7.0 Expiration and Renewal

- 7.1 The licenses granted by the Board must be renewed by June 30th of each even numbered year, otherwise, they expire as of July 1st.

- 7.2 Renewal. It is the responsibility of the licensee to file a renewal application with the Board. The Board is not required to notify licensees of expiration dates. Renewal may be accomplished online at www.dpr.delaware.gov.
- 7.2.1 Renewal applications will be randomly audited by the Board to ensure their accuracy. Licensees selected for random audit will be notified of that selection within 60 days after the renewal deadline. Licensees must then submit verification of their receipt of the notification of audit within 10 days.
- 7.2.2 As a condition of renewal, applicants must attest to completion of continuing education (CE) as required by Regulation 8.0 and list all CE course names and approval numbers. Applicants must also attest to maintenance of the liability insurance required by Regulation 6.0 and indicate the name of their insurer and their policy number. Attestation may be completed electronically if renewal is accomplished online. Alternatively, paper renewal documents containing the CE and insurance attestations may be submitted. Licensees selected for random audit will be required to supplement their attestations with documentation of CE attendance and maintenance of insurance coverage.
- 7.3 A licensee may renew an expired license within one year after the renewal deadline by meeting all requirements and paying a late fee set by the Division. All late renewals will be audited for compliance with the CE and insurance renewal requirements.
- 7.4 A licensee with a valid license may request in writing to be placed on inactive status. Inactive status can be renewed biennially by application to the Division upon proof of 10 hours of CE. Inactive licenses may be reactivated by the Board upon written request with proof of insurance and payment of a prorated fee set by the Division.
- 7.5 A licensee is not authorized to work as a licensed electrician in this State during the period of inactive status.
- 7.6 An individual whose license has expired for more than one year must reapply as a new applicant. Any prior training and experience can be used to satisfy the requirements under 24 Del.C. §1408(a). However, the applicant must take the examination required by §1408(5) and achieve a passing score unless he or she previously passed an approved licensure test that covered the National Electric Code that is the standard in Delaware at the time of the new application.

4 DE Reg. 1788 (05/01/01)

9 DE Reg. 260 (08/01/05)

10 DE Reg. 1329 (02/01/07)

11 DE Reg. 812 (12/01/07)

12 DE Reg. 73 (7/1/08)

8.0 Continuing Education

- 8.1 Continuing education (CE) is required of all licensees and shall be completed by June 30 of any year in which a license is to be renewed. Extra continuing education hours do not carry over to the next licensing period. Licensees will only get CE credit for their first attendance of CE courses during each licensing period. Licensees may retake a CE course in the same licensing period but will not receive additional CE credit.
- 8.2 Courses must be approved by the Board in order to qualify as CE. Approved courses appear on the website of the Division of Professional Regulation at www.dpr.delaware.gov. Licensees may also contact the Administrative Assistant of the Board at the Division of Professional Regulation to determine whether particular courses have been approved.
- 8.2.1 Courses shall be designed to maintain and enhance the knowledge and skills of licensees related to providing electrical services.
- 8.2.2 Sponsors or licensees can obtain Board approval of courses at any time by completing a form approved by the Board and including a course outline with the number of classroom hours and the curriculum vitae or resume of the instructor.
- 8.2.3 Sponsors or licensees seeking pre-approval should submit the request as provided in 8.1.2 at least 60 days before the CE course is being offered.
- 8.2.4 Approval of CE automatically expires on September 1, 2002 and every three years thereafter on each September 1. A sponsor or licensee must reapply for approval as provided in 8.2.2.
- 8.3 Licensees shall complete 10 hours of approved CE during each renewal period with the following exceptions - a person licensed less than one year does not need to complete CE at the first renewal; a person licensed one year but less than two years must submit 5 CE hours at the first renewal. Beginning with the licensee's second renewal, 5 of the 10 CE hours required for renewal must be related to the National Electrical Code.
- 8.4 Journeypersons and Apprentice Electricians shall complete 5 hours of approved CE during each renewal period with the following exceptions – a person licensed less than one year does not need to complete CE at

the first renewal; a person licensed one year but less than two years must submit 2 CE hours at the first renewal. Apprenticeship training will count towards CE hours during that licensure period.

- 8.45 The Board may consider a waiver of CE requirements or acceptance of partial fulfillment based on the Board's review of a written request with supporting documentation of hardship.

4 DE Reg. 1788 (05/01/01)

9 DE Reg. 1252 (02/01/06)

10 DE Reg. 1329 (02/01/07)

9.0 Loss Of License Holder

- 9.1 A procedure permitting temporary practice after loss of a licensee to avoid business interruption is provided in 24 **Del.C.** §1418 and is necessary only where there is no currently employed licensee to assume the duties of the former license holder.
- 9.2 The notification must include documentation of the business relationship with the former license holder.

10.0 Exceptions.

- 10.1 No license is required for performing electrical work by the following persons or entities:
- 10.1.1 ~~persons working under the supervision of a Delaware licensed master or limited electrician;~~
 - 10.1.2 ~~persons under the supervision of a licensed electrician who is the owner or full-time employee of a company performing electrical work;~~
 - 10.1.31 a professional engineer in a manufacturing or industrial plant having six years experience in electrical planning and design who is registered with the Board and who is licensed and listed on the Delaware Association of Professional Engineers as the person responsible for the plant repairs, maintenance, and electrical additions;
 - 10.1.42 the Department of Transportation, or a contractor, for work performed by or under the supervision of the Department for the installation erection, construction, reconstruction and/or maintenance of drawbridges and traffic control devices
 - 10.1.53 persons working beyond the main breaker or fuse of 200 amps or less in a structure used exclusively for agriculture;
 - 10.1.64 persons performing the work of any light or power company, electric or steam railway company, telegraph, high voltage certified testing agency or telephone company when the work is part of the plant or service used in rendering authorized service to the public such as power delivery by an electric company. This exception ends at the point of service, termination box, or demarcation point;
 - 10.1.75 a homeowner who has obtained a homeowner's permit provided by law.
 - 10.1.6 A communication and low voltage contractor that installs, services and maintains all types of communication and low voltage systems which are energy limited. These systems include, but are not limited to telephone systems, sound systems, cable television systems, closed circuit video systems, satellite dish antennas, instrumentation and temperature controls, and low voltage landscape lighting, directional boring, networking systems, communication systems, security and burglar systems. Low voltage fire alarm systems are specifically not included in this section.
 - 10.1.7 Fire Alarm Signaling Licensees issued by the Office of the State Fire Marshal.
 - 10.1.8 Persons working for the organization Habitat for Humanity or on USDA Rural Development Self Help Housing Projects. The work still needs to be inspected by a licensed electrician.
 - 10.1.9 Factory trained and authorized Representatives.

11.0 Reciprocity

- 11.1 An applicant for licensure by reciprocity shall complete an application approved by the Board and cause a certificate of good standing to be sent to the Board from the licensing agencies of all jurisdictions where the applicant is or has been licensed. Upon request an applicant for licensure under this provision must submit to the Board a copy of reciprocal state's current licensure requirements.
- 11.2 If the reciprocal state's requirements are not substantially similar to those of this State, as determined by the Board, the applicant shall submit proof of practice for at least five years after licensure. Proof of practice requires an employer's affidavit describing the nature of the applicant's experience. If an applicant cannot obtain an affidavit from the employer, tax W-2 forms showing full-time employment may be substituted at the discretion of the Board. A self-employed applicant may submit tax form Schedule C as proof of practice.

6 DE Reg. 1495 (5/1/03)

12.0 Required Inspection.

- 12.1 Every licensee, with the exception of Journeypersons and Apprentice Electricians, shall file an application for an inspection by a licensed inspection agency no later than five working days after the commencement of electrical work. The inspection agency shall perform an inspection no later than five working days after the inspection has been requested. It shall be beyond the scope of a Journeyperson or Apprentice Electrician to file for an inspection for electrical work.
- 12.2 An application for an inspection shall be filed with the inspection agency on a form, signed by the licensee, or person authorized under Rules 12.7, 12.8, or 12.9, containing at least the following information:
 - 12.2.1 Full names of the licensee and any job foreman
 - 12.2.2 License number, type (T-1, T-2, or Specialty) and expiration date
 - 12.2.3 Date inspection requested
 - 12.2.3 Location of work to be inspected
 - 12.2.4 Permit numbers, if applicable
 - 12.2.5 Applicant's name and contact information, if other than the licensee
 - 12.2.6 A detailed description of the work to be inspected including any devices or equipment
 - 12.2.7 Signature of the licensee
- 12.3 A licensee who signs an application for inspection form is deemed to have authorized and shall be responsible for the work described in the form.
- 12.4 An inspection agency shall not conduct an inspection of work performed until it has received a request made in compliance with Rule 12.2.
- 12.5 An inspection agency is responsible to ensure that the standards for its inspection are those established in the National Electric Code as adopted by the Delaware Fire Commission and in any applicable local building code. The version of the Code applicable to a particular project is determined by the Delaware Fire Commission.
- 12.6 An inspection report shall be recorded legibly on a form containing at least the following information:
 - 12.6.1 Full name of the licensee
 - 12.6.2 License number, type (T-1, T-2, or Specialty) and expiration date
 - 12.6.3 Location of work to be inspected
 - 12.6.4 Permit numbers
 - 12.6.5 Inspector's full name
 - 12.6.6 A detailed description of the work inspected
 - 12.6.7 Deficiencies noted, any applicable NEC section, and inspection dates
 - 12.6.8 Signature of inspector
 - 12.6.9 Date inspection completed.
- 12.7 Any professional engineer excepted from licensure shall at least annually file with the Board a certificate of inspection by a licensed inspection agency and a letter stating that all repairs, maintenance, and additions to a manufacturing or industrial plant meet the Standards of the National Electrical Code. The annual inspection should include a representative sampling of the work performed by the authority of the responsible professional engineer.
- 12.8 Any person performing electrical work on agricultural structures excepted from licensure shall nevertheless obtain a certificate of inspection from a licensed inspection agency for new installations.
- 12.9 Any person authorized to perform work by a homeowner's permit shall obtain a final inspection as provided in Rule 12.0 by an inspection agency licensed by the Board.
- 12.10 Fire Alarm Signaling Licensees installing conductors covered under the licensing requirements of the Office of the State Fire Marshal shall nevertheless obtain a certificate of inspection from a licensed inspection agency for new installations prior to filing for a final inspection from the Office of the State Fire Marshal. This rule will be effective 12/31/2012.

7 DE Reg. 1167 (3/1/04)

13.0 Organization of the Board

- 13.1 Election of Officers
Annually during the July meeting, the Board shall elect officers to serve for a one year term from September 1-August 31.
- 13.2 Duties of the Officers

- 13.2.1 President - The president shall preside at all meetings, designate subordinates when provided by law, sign correspondence on behalf of the Board, and perform other functions inherent in the position. In conducting meetings or hearings, the President may limit or exclude evidence as provided under the Administrative Procedures Act unless overruled by a majority of the Board.
 - 13.2.2 Vice President - The Vice President assumes the duties and powers of the President when the President is unavailable.
 - 13.2.3 Secretary - The Secretary assumes the duties and powers of the President when neither the President nor the Vice President is available.
 - 13.2.4 Complaint officer - The complaint officer shall be a member who works with the investigator of the Division of Professional Regulation when complaints are investigated pursuant to 29 **Del.C.** §8807. The complaint officer shall report to the Board when complaints are closed and recuse himself or herself from participating in disciplinary hearings involving matters that have been reviewed in his or her capacity as complaint officer.
 - 13.2.5 Education officer - The education officer may review courses submitted for continuing education approval and makes recommendations to the Board.
- 13.3 Meeting Minutes
The minutes of each meeting are taken by the Administrative Assistant from the Division of Professional Regulation and approved by the Board.

4 DE Reg. 1788 (5/1/01)

14.0 Homeowners Permits

- 14.1 The Division of Professional Regulation is authorized to issue homeowners' permits pursuant to an application process approved by the Board. Only owner-occupants who perform the work themselves qualify for homeowners' permits.
- 14.2 Homeowners' permits are required for new construction, renovation, and any work that requires a building permit. Generally, homeowners' permits are not required for replacement in kind.
- 14.3 A homeowner shall not be permitted to install his or her own internal wiring, electrical work or equipment associated with a hot tub or a swimming pool.
- 14.4 A homeowner's permit issued for a mobile home on a leased lot authorizes feeder installation for the mobile home itself and it does not include the installation or repair of service equipment.
- 14.5 A homeowner's permit is not authorized until a dwelling is on the site or under construction.
- 14.6 For the purposes of this section, evidence of homeownership can be a:
 - 14.6.1 deed to the property;
 - 14.6.2 a long term lease, e.g. 99 years, if the site of the dwelling is part of a community where title to the land is not conveyed by deed to the homeowner.
 - 14.6.3 the title to a mobile home;
 - 14.6.4 a written contract of sale, signed by the parties, for a mobile home that includes the names of the buyer, seller, contract price, date of sale, and identification number of the mobile home.
- 14.7 If a homeowner's permit is approved for a dwelling on a lot, other structures on the same lot, such as a non-commercial garage, are also covered unless otherwise prohibited under this section.

4 DE Reg. 1788 (5/1/01)

9 DE Reg. 260 (8/1/05)

15.0 Inspection agencies

- 15.1 Inspection agencies shall be licensed in accord with the provisions of 24 **Del.C.** §1421 in order to operate in Delaware. An application on a form approved by the Board must be filed at the Division of Professional Regulation. Licenses must be renewed annually on June 30 by completing the renewal form and paying the fee determined by the Division.
- 15.2 No inspection agency will be approved until it produces proof of general liability insurance in the amount of at least \$1,000,000.00 and errors and omissions insurance in the amount of at least \$1,000,000.00.
- 15.3 Inspection agencies must submit, to the Division of Professional Regulation, the names of its employees who are inspectors and proof of compliance with the statutory requirements for inspectors. Inspectors must have seven years of experience in residential, commercial, or industrial wiring. Proof of experience shall be submitted by affidavit of the named employer, a tax form W-2, or tax Schedule C. The experience requirement for an inspector employed by an approved inspection agency on July 20, 1999 is satisfied with seven years of inspection experience. Each inspector shall also submit a passing score for the Electrical one and two family

dwelling and the Electrical General examinations within 18 months of employment and the Electrical Plan Review examination within 24 months of employment. For inspectors employed by the inspection agency on July 20, 1999, the time for taking said examinations shall run from the date these regulations become effective and not the date first employed.

- 15.4 An employee of an inspection agency shall confirm that the person who has filed for an inspection is a licensee under this chapter, a homeowner having a permit, or a person who has performed work allowed under an exception to licensure. Licensure verification is available online, free of charge at www.dpr.delaware.gov.
- 15.5 If a violation found in an inspection is not corrected within 15 days as provided in 24 **Del.C.** §1421(g), the inspection agency shall notify the Board in writing and include a copy of the notice of violation. The Division of Professional Regulation will send, on behalf of the Board, the notice of violation to the other inspection agencies and to any local building inspector having jurisdiction over the structure.
- 15.6 An inspection agency shall notify the Board in writing within 10 days when an employee leaves the agency or when a new employee is hired by the agency. This notification shall include the full name and address of the inspector. The date a new employee is hired by an inspection agency marks the beginning of the period in which the inspection examinations in Rule 15.3 must be successfully completed.
- 15.7 As used in 24 **Del.C.** §1421(j), “**salary**” means compensation of employees at a set figure with installments paid weekly, monthly, or other fixed period or compensation based on time worked, i.e. paid by the hour. “**Salary**” does not include compensation based on the number of inspections performed. Inspectors may not be compensated based on the number of inspections performed or given any other incentive to increase the speed at which they perform inspections.

4 DE Reg. 1788 (05/01/01)

6 DE Reg. 1495 (05/01/03)

7 DE Reg. 1167 (03/01/04)

10 DE Reg. 1329 (02/01/07)

12 DE Reg. 73 (07/01/08)

16.0 Voluntary Treatment Option For Chemically Dependent Or Impaired Professionals.

A voluntary treatment option is available for chemically dependent or impaired professionals as provided in 29 **Del.C.** §8807(n) who are reported to the Board or Division using the following procedures:

- 16.1 If the report is received by the president of the Board, that president shall immediately notify the Director of Professional regulation or his/her designate of the report. If the Director of Professional Regulation receives the report, he/she shall immediately notify the president of the Board, or that president’s designate or designates.
- 16.2 The president of the Board or that president’s designate or designates shall, within seven (7) days of receipt of the report, contact the individual in question and inform him/her in writing of the report, provide the individual written information describing the Voluntary Treatment Option, and give him/her the opportunity to enter the Voluntary Treatment Option.
- 16.3 In order for the individual to participate in the Voluntary Treatment Option, he/she shall agree to submit to a voluntary drug and alcohol screening and evaluation at a specified laboratory or health care facility. This initial evaluation and screen shall take place within thirty (30) days following notification to the professional by the participating Board president or that president’s designate(s).
- 16.4 A regulated professional with chemical dependency or impairment due to addiction to drugs or alcohol may enter into the Voluntary Treatment Option and continue to practice, subject to any limitations on practice the participating Board president or that president’s designate or designates or the Director of the Division of Professional Regulation or his/her designate may, in consultation with the with the treating professional, deem necessary, only if such action will not endanger the public health, welfare or safety, and the regulated professional enters into an agreement with the Director of Professional Regulation or his/her designate and the president of the Board or that president’s designate for a treatment plan and progresses satisfactorily in such treatment program and complies with all terms of that agreement. Treatment programs may be operated by professional Committees and Associations or other similar professional groups with the approval of the Director of Professional Regulation and the President of the Board.
- 16.5 Failure to cooperate fully with the Board president or that president’s designate or designates or the Director of the Division of Professional Regulation or his/ her designate in regard to the Voluntary Treatment Option or to comply with their requests for evaluations and screens may disqualify the regulated professional from the provisions of the Voluntary Treatment Option and the Board president or that president’s designate or designates shall cause to be activated an immediate investigation and institution of disciplinary proceedings, if appropriate, as outlined in 29 **Del.C.** §8807(h).

- 16.6 The Voluntary Treatment Option may require a regulated professional to enter into an agreement which includes, but is not limited to the following provisions:
- 16.6.1 Entry of the regulated professional into a treatment program approved by the Board. Board approval shall not require that the regulated professional be identified to the Board. Treatment and evaluation functions must be performed by separate agencies to assure an unbiased assessment of the regulated professional's progress.
 - 16.6.2 Consent to the treating professional of the approved treatment program to report on the progress of the regulated professional to the president of the Board or to that president's designate or designates or to the Director of the Division of Professional Regulation or his/her designate at such intervals as required by the president of the Board or that president's designate or designates or the Director of the Division of Professional Regulation or his/her designate, and such person making such report will not be liable when such reports are made in good faith and without malice.
 - 16.6.3 Consent of the regulated professional, in accordance with applicable law, to the release of any treatment information from anyone within the approved treatment program.
 - 16.6.4 Agreement by the regulated professional to be personally responsible for all costs and charges associated with the Voluntary Treatment Option and treatment program(s). In addition, the Division of Professional Regulation may assess a fee to be paid by the regulated professional to cover administrative costs associated with the Voluntary Treatment Option. The amount of the fee imposed under this paragraph shall approximate and reasonably reflect the costs necessary to defray the expenses of the Board, as well as the proportional expenses incurred by the Division of Professional Regulation in its services on behalf of the Board in addition to the administrative costs associated with the Voluntary Treatment Option.
 - 16.6.5 Agreement by the regulated professional that failure to satisfactorily progress in such treatment program shall be reported to the Board's president, or his/her designate or designates or to the Director of the Division of Professional Regulation or his/her designate by the treating professional who shall be immune from any liability for such reporting made in good faith and without malice.
- 16.7 The regulated professional's records of participation in the Voluntary Treatment Option will not reflect disciplinary action and shall not be considered public records open to public inspection. However, the participating Board may consider such records in setting a disciplinary sanction in any future matter in which the regulated professional's chemical dependency or impairment is an issue.
- 16.8 The Board's president, his/her designate or designates or the Director of the Division of Professional Regulation or his/her designate may, in consultation with the treating professional at any time during the Voluntary Treatment Option, restrict the practice of a chemically dependent or impaired professional if such action is deemed necessary to protect the public health, welfare or safety.
- 16.9 If practice is restricted, the regulated professional may apply for unrestricted licensure upon completion of the program.
- 16.10 Failure to enter into such agreement or to comply with the terms and make satisfactory progress in the treatment program shall disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the Board shall be notified and cause to be activated an immediate investigation and disciplinary proceedings as appropriate.
- 16.11 Any person who reports pursuant to this section in good faith and without malice shall be immune from any civil, criminal or disciplinary liability arising from such reports, and shall have his/her confidentiality protected if the matter is handled in a non-disciplinary matter.
- 16.12 Any regulated professional who complies with all of the terms and completes the Voluntary Treatment Option shall have his/her confidentiality protected.

17.0 Crimes substantially related to work of an Electrician.

- 17.1 Conviction of any of the following crimes, or of the attempt to commit or of a conspiracy to commit or conceal or the solicitation to commit any of the following crimes, is deemed to be a crime substantially related to the work of an electrician in the State of Delaware without regard to the place of conviction:
- 17.1.1 Reckless endangering in the first degree. 11 **Del.C.** §604
 - 17.1.2 Assault in the second degree. 11 **Del.C.** §612
 - 17.1.3 Assault in the first degree. 11 **Del.C.** §613
 - 17.1.4 Manslaughter. 11 **Del.C.** §632
 - 17.1.5 Murder by abuse or neglect in the second degree. 11 **Del.C.** §633
 - 17.1.6 Murder by abuse or neglect in the first degree. 11 **Del.C.** §634
 - 17.1.7 Murder in the second degree. 11 **Del.C.** §635

- 17.1.8 Murder in the first degree. 11 **Del.C.**§636
- 17.1.9 Unlawful sexual contact in the second degree. 11 **Del.C.** §768
- 17.1.10 Unlawful sexual contact in the first degree. 11 **Del.C.** §769
- 17.1.11 Rape in the fourth degree. 11 **Del.C.**§770
- 17.1.12 Rape in the third degree. 11 **Del.C.**§771
- 17.1.13 Rape in the second degree. 11 **Del.C.**§772
- 17.1.14 Rape in the first degree. 11 **Del.C.** §773
- 17.1.15 Sexual extortion. 11 **Del.C.** §776
- 17.1.16 Continuous sexual abuse of a child. 11 **Del.C.** §778
- 17.1.17 Dangerous crimes against a child. 11 **Del.C.** §779
- 17.1.18 Kidnapping in the second degree. 11 **Del.C.** §783
- 17.1.19 Kidnapping in the first degree.11 **Del.C.** §783A
- 17.1.20 Arson in the second degree.11 **Del.C.** §802
- 17.1.21 Arson in the first degree.11 **Del.C.** §803
- 17.1.22 Criminal mischief. 11 **Del.C.** §811
- 17.1.23 Burglary in the third degree. 11 **Del.C.** §824
- 17.1.24 Burglary in the second degree.11 **Del.C.** §825
- 17.1.25 Burglary in the first degree.11 **Del.C.** §826
- 17.1.26 Robbery in the second degree. 11 **Del.C.** §831
- 17.1.27 Robbery in the first degree. 11 **Del.C.** §832
- 17.1.28 Theft of services. 11 **Del.C.** §845
- 17.1.29 Extortion. 11 **Del.C.** §846
- 17.1.30 Identity theft. 11 **Del.C.** §854
- 17.1.31 Forgery. 11 **Del.C.** §861
- 17.1.32 Unlawful use of credit card. 11 **Del.C.** §903
- 17.1.33 Criminal impersonation of a police officer. 11 **Del.C.** §907B
- 17.1.34 Insurance fraud. 11 **Del.C.** §913
- 17.1.34 Home improvement fraud. 11 **Del.C.** §916
- 17.1.36 New home construction fraud. 11 **Del.C.** §917
- 17.1.37 Dealing in children. 11 **Del.C.** §1100
- 17.1.38 Sexual exploitation of a child. 11 **Del.C.** §1108
- 17.1.39 Unlawful dealing in child pornography. 11 **Del.C.** §1109
- 17.1.40 Sexual solicitation of a child. 11 **Del.C.** §1112A
- 17.1.41 Perjury in the second degree. 11 **Del.C.** §1222
- 17.1.42 Perjury in the first degree. 11 **Del.C.** §1223
- 17.1.43 Aggravated harassment. 11 **Del.C.** §1312
- 17.1.44 Adulteration. 11 **Del.C.** §1339
- 17.1.45 Possession of a firearm during a felony. 11 **Del.C.** §1447
- 17.1.46 Theft of a firearm.11 **Del.C.** §1451
- 17.1.47 Organized crime and racketeering. 11 **Del.C.** §1503
- 17.1.48 Breaking and entering, etc. to place or remove equipment. 11 **Del.C.** §2410
- 17.1.49 Unlicensed practice as an Electrician 24 **Del.C.** §§1407, 1422
- 17.2 Crimes substantially related to the work of an electrician shall be deemed to include any crimes under any federal law, state law, or valid town, city or county ordinance, that are substantially similar to the crimes identified in this rule.

8 DE Reg. 998 (1/1/05)

12 DE Reg. 73 (7/1/08)

14 DE Reg. 1208 (05/01/11)

15 DE Reg. 370 (09/01/11)

16 DE Reg. 648 (12/01/12) (Final)