

CHAPTER Saf-C 9100 BOARD OF ELECTRICIANS ORGANIZATIONAL RULES –  
RESERVED

Adopt PART Saf-C 9201, previously effective 05-01-00 (Document #7231) as PART Elec 201, and expired 05-01-08, cited and to read as follows:

CHAPTER Saf-C 9200 BOARD OF ELECTRICIANS PRACTICE AND PROCEDURAL RULES

PART Saf-C 9201 PURPOSE AND APPLICABILITY

Saf-C 9201.01 Purpose. The purpose of this chapter is to adopt rules of practice and procedure for adjudicative proceedings conducted by the board governing the conduct of administrative hearings. The provisions of these rules are intended to supplement the procedures established by RSA 541-A and RSA 319-C.

Saf-C 9201.02 Applicability. The rules in this chapter shall apply to any adjudicative proceeding conducted by the board.

Adopt PART Saf-C 9202, previously effective 05-01-00 (Document #7231) as PART Elec 202, and expired 05-01-08, to read as follows:

PART Saf-C 9202 DEFINITIONS

Saf-C 9202.01 “Appearance” means a written notification to the board that a party or a party’s representative intends to actively participate in a hearing.

Saf-C 9202.02 “Board” means “board” as defined in RSA 319-C:2, II.

Saf-C 9202.03 “Commissioner” means the commissioner of the department of safety.

Saf-C 9202.04 “Department” means the department of safety of the state of New Hampshire.

Saf-C 9202.05 “Hearing” means “adjudicative proceeding” as defined in RSA 541-A:1, I, namely, “the procedure to be followed in contested cases, as set forth in RSA 541-A:31 through RSA 541-A:36.”

Saf-C 9202.06 “Motion” means a request to the presiding officer for an order or ruling directing some act to be done in favor of the party making the motion, including a statement of justification or reasons for the request.

Saf-C 9202.07 “Party” means “party” as defined in RSA 541-A:1, XII, namely, “each person or agency named or admitted as a party, or properly seeking and entitled as a right to be admitted as a party.” The term “party” includes all intervenors in a hearing, subject to any limitations established pursuant to RSA 541-A:33, III.

Saf-C 9202.08 “Person” means “person” as defined in RSA 541-A:1, XIII, namely, “any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.”

Saf-C 9202.09 “Presiding officer” means “presiding officer” as defined in RSA 541-A:1, XIV, namely, “that individual to whom the board has delegated the authority to preside over a proceeding, if any; otherwise it shall mean the chairman of the board.”

Saf-C 9202.10 “Proof by a preponderance of the evidence” means a demonstration by admissible evidence that a fact or legal conclusion is more probable than not to be true.

Adopt PART Saf-C 9203 through PART Saf-C 9206, previously effective 05-01-00 (Document #7231) as PART Elec 203 through PART Elec 206, and expired 05-01-08, to read as follows:

**PART Saf-C 9203 PRESIDING OFFICER; WITHDRAWAL AND WAIVER OF RULES**

Saf-C 9203.01 Presiding Officer.

(a) All hearings shall be conducted by a member of the board appointed or authorized to serve as a presiding officer.

(b) A presiding officer shall have the authority to:

- (1) Regulate and control the course of a hearing;
- (2) Facilitate an informal resolution of a hearing;
- (3) Administer oaths and affirmations;
- (4) Receive relevant evidence and exclude irrelevant, immaterial or unduly repetitious evidence;
- (5) Rule on procedural requests, including adjournments or continuances, at the request of a party or on the presiding officer's own motion;
- (6) Interview and examine witnesses, as necessary;
- (7) Make a complete record of any hearing, as specified in RSA 541-A:31,VI, including all relevant matters; and
- (8) Take any other action consistent with applicable statutes, rules and case law necessary to conduct and complete the hearing in a fair and timely manner.

Saf-C 9203.02 Withdrawal of Presiding Officer or Board Member.

(a) A presiding officer or board member shall, upon his/her own initiative or upon the motion of any party, withdraw from a hearing for good cause.

(b) Good cause shall exist if a presiding officer or board member:

(1) Has a direct interest in the outcome of a hearing, as a result of a current or prior personal or business relationship with a party, witness or representative;

(2) Has made statements or engaged in behavior that objectively demonstrates that he/she has prejudged the facts of a case; or

(3) Personally believes that he/she cannot fairly judge the facts of a case.

(c) Mere knowledge of the issues by a party or any witness shall not constitute good cause for withdrawal.

Saf-C 9203.03 Waiver or Suspension of Rules. The board shall not permit a waiver of these rules.

#### PART Saf-C 9204 FILING, FORMAT AND DELIVERY OF DOCUMENTS

Saf-C 9204.01 Date of Issuance or Filing.

(a) The date noted on any document from the board shall be rebuttably presumed to be the date the document was issued by the board.

(b) The date stamp placed on any document by the board in the normal course of business shall be rebuttably presumed to be the date the document was filed with the board.

Saf-C 9204.02 Format of Documents.

(a) All correspondence, pleadings, motions or other documents shall:

(1) Include the title and docket number of the hearing, if known;

(2) Be typewritten or legibly printed on durable paper 8 ½ by 11 inches in size;

(3) Be signed by the party or the representative of the party; and

(4) Include a statement certifying that a copy of the document has been delivered to all parties in accordance with Saf-C 9204.03.

(b) The party or the representative's signature on a document filed with the board shall constitute certification that:

- (1) The signer has read the document;
- (2) The signer is authorized to file it;
- (3) There are sufficient grounds to support the document, to the best of the signer's knowledge, information and belief; and
- (4) The document has not been filed for purposes of delay.

Saf-C 9204.03 Delivery of Documents.

- (a) Copies of all pleadings, motions, exhibits, memoranda or other documents filed by any party to a hearing shall be delivered to all other parties.
- (b) All notices, orders, decisions or other documents issued by the presiding officer or board shall be delivered to all parties.
- (c) All documents relating to a hearing shall be made by personal delivery, by electronic transmission or by sending a copy of the document, through first class United States mail, postage prepaid addressed to the last address given to the board by the party.
- (d) When a party has a representative appearing on his/her behalf, delivery of a document to the address stated on the appearance filed by the representative shall constitute delivery to the party.

PART Saf-C 9205 TIME PERIODS

Saf-C 9205.01 Computation of Time.

- (a) Unless otherwise specified, all time periods referenced in these rules shall be calendar days.
- (b) Computation of any period of time shall begin on the day after the action that set the time period in motion, and shall include the last day of the period of time so computed.
- (c) If the last day of the period of time computed falls on a Saturday, Sunday or legal holiday, the period of time shall extend to the end of the next day that is not a Saturday, Sunday or legal holiday.

PART Saf-C 9206 MOTIONS

Saf-C 9206.01 Motions; Objections.

(a) Motions shall be in written form and filed with the presiding officer, unless made in response to a matter asserted for the first time at a hearing or on the basis of information that was not received in time to prepare a written motion.

(b) Oral motions and any objection to such motions shall be recorded in full in the transcript of the hearing. If the presiding officer finds that a motion requires additional information in order to be fully and fairly considered, the presiding officer shall direct the moving party to submit the motion in writing, with supporting information.

(c) Objections to written motions shall be filed within 30 days of the date of the motion.

(d) Failure to object to a motion shall not in and of itself constitute grounds for granting the motion.

(e) The presiding officer shall rule upon a motion after full consideration of any objection and other factors relevant to the motion.

Adopt Saf-C 9207.01 through Saf-C 9207.05, previously effective 05-01-00 (Document #7231) as Elec 207.01 through Elec 207.05, and expired 05-01-08, cited and to read as follows:

**PART Saf-C 9207 NOTICE OF HEARING; APPEARANCES; PRE-HEARING CONFERENCES; PUBLIC ACCESS; SETTLEMENT AGREEMENTS**

Saf-C 9207.01 Commencement of Hearing. A hearing shall be commenced when a notice of hearing is issued by the board in accordance with Saf-C 9207.03.

Saf-C 9207.02 Docket Numbers. A docket number shall be assigned to each matter to be heard which shall appear on the notice of hearing and all subsequent orders or decisions of the board.

Saf-C 9207.03 Notice of Hearing.

(a) A notice of hearing issued by the board shall include:

(1) The date, time, place and nature of the hearing;

(2) The legal authority pursuant to which a hearing is to be held;

(3) A reference to the particular statutes and rules involved;

(4) A short and plain statement of the issues presented;

(5) A statement that each party has the right to have an attorney represent the party at the party's own expense; and

- (6) A statement that each party has the right to have the board provide a certified shorthand court reporter at the party's expense and that any such request shall be submitted in writing no later than 10 days prior to the date of the scheduled hearing.

Saf-C 9207.04 Appearances and Representation.

- (a) A party or the party's representative shall file an appearance that includes the following:

- (1) A brief identification of the matter;
- (2) A statement as to whether or not the representative is an attorney and if so, whether the attorney is licensed to practice in New Hampshire; and
- (3) The party or representative's daytime address and telephone number.

- (b) A party may be represented:

- (1) Pro se;
- (2) By an attorney; or
- (3) Pursuant to RSA 311:1, by any citizen of good character.

Saf-C 9207.05 Prehearing Conference.

- (a) The presiding officer, upon his/her own initiative, or upon request of a party, shall schedule a prehearing conference to consider:

- (1) Offers of settlement;
- (2) Simplification of the issues;
- (3) By consent of the parties, stipulations or admissions as to issues of fact or proof;
- (4) Limitations on the number of witnesses;
- (5) By consent of the parties, changes to standard procedures requested during the hearing;
- (6) Consolidation of examination of witnesses; or
- (7) Any other matters that assist in the disposition of the hearing.

Adopt Saf-C 9207.06 and Saf-C 9207.07, to read as follows:

Saf-C 9207.06 Public Access. All hearings before the board shall be open to the public.

Saf-C 9207.07 Settlement Agreements.

(a) Parties may settle any case that is scheduled for a hearing before the board at any time prior to a decision on the merits.

(b) All settlement agreements shall be submitted, in writing, to the board for approval.

(c) The board may request parties to submit offers of proof or ask questions pertaining to the reasons for a potential settlement, if necessary, before approving any settlement agreement.

Adopt PART Saf-C 9208 through PART Saf-C 9211, previously effective 05-01-00 (Document #7231) as PART Elec 208 through PART Elec 211, and expired 05-08-08, to read as follows:

#### PART Saf-C 9208 ROLE OF DEPARTMENT STAFF

Saf-C 9208.01 Role of Department Staff in Hearings. Department staff who have been designated by the commissioner or the board to request a hearing and present the department's case shall fully participate in the hearing. Other department staff shall have no role in any hearing before the board, unless called as a witness or granted status as a party or intervenor.

#### PART Saf-C 9209 INTERVENTION

Saf-C 9209.01 Intervention.

(a) A non-party may intervene in a matter pending before the board under the provisions of RSA 541-A:32, by filing a petition that states facts demonstrating that the non-party's rights or other substantial interests might be affected by the proceeding or that the non-party qualifies as an intervenor under any provision of law.

(b) If the presiding officer determines that intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the hearing, the petition for intervention shall be granted.

(c) A person whose petition for intervention has been granted shall be admitted as a party.

#### PART Saf-C 9210 CONTINUANCES AND FAILURE TO APPEAR FOR HEARING

Saf-C 9210.01 Continuances.

(a) A request for continuance of a hearing may be made by any party.

(b) A continuance shall be granted by the presiding officer for good cause.

(c) Good cause shall include the following:

(1) A party, witness or representative of a party is unavailable for the hearing;

(2) There is a likelihood that the parties have reached a settlement; or

(3) Other circumstances have been demonstrated that necessitate a continuance.

(d) The presiding officer shall issue a written scheduling order stating the date, time and place of the continued hearing as soon as practicable or, if known at the time of the hearing, state the rescheduled date, time and place on the record.

Saf-C 9210.02 Failure to Appear.

(a) If any party to whom a notice of hearing has been given in accordance with Saf-C 9207.03 fails to appear for the hearing, the presiding officer shall:

(1) Dismiss the case, if the party who failed to appear has the burden of proof; or

(2) Hear the testimony and receive the evidence, if the party who has the burden of proof is present.

PART Saf-C 9211 REQUESTS FOR INFORMATION OR DOCUMENTS

Saf-C 9211.01 Voluntary Production of Information.

(a) Each party shall, in good faith, attempt to make a complete and timely response to requests for the voluntary production of information or documents relevant to the hearing.

(b) When there is a dispute between the parties concerning a request for the voluntary production of information or documents, any party may file a motion to compel the production of the requested information pursuant to Saf-C 9211.02.

Saf-C 9211.02 Motions to Compel Production of Information.

(a) Any party may file a motion requesting the presiding officer to compel the parties to comply with the production of information. The motion shall be filed at least 30 days prior to the date of the scheduled hearing, or as soon as possible after receipt of the notice of hearing if the notice was issued no later than 30 days prior to the date of the scheduled hearing.

(b) The motion shall:

(1) Set forth in detail the factors that justify the request for information; and

(2) List with specificity the requested information.

(c) If the presiding officer determines that requests for information are necessary for a full and fair presentation of the evidence at the hearing, the motion shall be granted.

Saf-C 9211.03 Mandatory Pre-Hearing Disclosure of Witnesses and Exhibits. The parties shall exchange a list of all witnesses along with a brief summary of their testimony, and copies of all documents or exhibits no later than 5 days prior to the date of the scheduled hearing .

Adopt Saf-C 9212.01 and Saf-C 9212.02, previously effective 05-01-00 (Document #7231) as Elec 212.01 and Elec 212.02, and expired 05-01-08, cited and to read as follows:

#### PART Saf-C 9212 RECORD, PROOF, EVIDENCE AND DECISIONS

Saf-C 9212.01 Record of the Hearing.

(a) The board shall record the hearing by tape recording or other method that will provide a verbatim record.

(b) The board shall retain hearing recordings for at least 90 days from the date of the final appeal.

(c) If any person requests a transcript of a hearing, the board shall provide copies of the transcript to the requesting party, upon receipt of payment for the cost of the transcript.

(d) A party may request that the board provide a certified shorthand court reporter at the party's expense. A request shall be submitted in writing no later than 10 days prior to the date of the scheduled hearing.

Saf-C 9212.02 Burden of Proof. Unless otherwise specified by law, the burden of proof shall be on the moving party.

Adopt Saf-C 9212.03, to read as follows:

Saf-C 9212.03 Standard of Proof. Unless otherwise specified by law, the standard of proof shall be by a preponderance of the evidence, as defined in Saf-C 9202.10.

Adopt Saf-C 9212.04 through Saf-C 9212.09, previously effective 05-01-00 (Document #7231) as Elec 212.03 through Elec 212.08, and expired 05-01-08, to read as follows:

Saf-C 9212.04 Testimony; Order of Proceeding.

(a) All testimony of parties and witnesses shall be made under oath or affirmation administered by the presiding officer.

(b) Any person or representative offering testimony, evidence or arguments shall state his/her name and role for the record.

(c) Testimony shall be offered in the following order:

(1) The party(s) bearing the burden of proof and such witnesses as the party may call; and

as (2) The party(s) opposing the party bearing the burden of proof and such witnesses the party may call.

Saf-C 9212.05 Evidence.

(a) Receipt of evidence shall be governed by the provisions of RSA 541-A:33.

(b) All documents, materials and objects offered as exhibits shall be admitted into evidence unless excluded by the presiding officer as irrelevant, immaterial, unduly repetitious or legally privileged.

(c) All objections to the admissibility of evidence shall be stated as early as possible in the hearing, but not later than the time when the evidence is offered.

(d) Transcripts of testimony and documents or other materials, admitted into evidence shall be public records unless the presiding officer determines that all or part of a transcript or document is exempt from disclosure under RSA 91-A:5 or applicable case law.

Saf-C 9212.06 Proposed Findings of Fact and Conclusions of Law.

(a) Any party may submit proposed findings of fact and conclusions of law to the presiding officer prior to or at the hearing.

(b) Upon request of any party, or if the presiding officer determines that proposed findings of fact and conclusions of law would serve to clarify the issues presented at the hearing, the presiding officer shall specify a date after the hearing for the submission of proposed findings of fact and conclusions of law.

(c) In any case in which proposed findings of fact and conclusions of law are submitted, the decision shall include rulings on the proposals.

Saf-C 9212.07 Closing the Record.

(a) After the conclusion of the hearing, the record shall be closed and no other evidence shall be received, except as allowed by paragraph (b), below and Saf-C 9212.08.

(b) Before the conclusion of the hearing, a party may request that the record be left open to allow the filing of specified evidence not available at the hearing. If the other parties to the hearing have no objection or if the presiding officer determines that such evidence is necessary to a full consideration of the issues raised at the hearing, the presiding officer shall keep the record open for the period of time necessary for the party to file the evidence.

Saf-C 9212.08 Reopening the Record. At any time prior to the issuance of a decision on the merits, the presiding officer, on the presiding officer's own initiative or on the motion of any party, shall reopen the record to receive relevant, material and non-duplicative testimony, evidence or arguments not previously received, if the presiding officer determines that such testimony, evidence or arguments are necessary to a full and fair consideration of the issues to be decided.

Saf-C 9212.09 Decisions.

(a) For the purpose of rendering a decision, 3 members of the board, one of whom is a public member, shall constitute a quorum, in accordance with RSA 319-C:6.

(b) A board member shall not participate in making a decision unless he/she personally heard the testimony in the case, unless the matter's disposition does not depend on the credibility of any witness and the record provides a reasonable basis for evaluating the testimony.

(c) If a presiding officer has been delegated the authority to conduct a hearing in the absence of a majority of the members of the board, the presiding officer shall submit to the board a written proposal for decision, which shall contain a statement of the reasons for the decision and findings of fact and rulings of law necessary to the proposed decision.

(d) If a proposal for decision in a matter not personally heard by the board is adverse to a party to the proceeding other than the board itself, the board shall serve a copy of the proposal for decision on each party to the proceeding and provide an opportunity to file exceptions and present briefs and oral arguments to the board.

(e) A proposal for decision shall become a final decision upon its approval by the board.

(f) All decisions shall be in writing and rendered within 45 days of the conclusion of the hearing.

(g) The board shall keep a decision on file in its records for at least 5 years following the date of the final decision or the date of the decision on any appeal, unless the director of the division of records management and archives of the department of state sets a different retention period pursuant to rules adopted under RSA 5:40.

Adopt PART Saf-C 9213, previously effective 05-01-00 (Document #7231) as PART Elec 213, and expired 05-01-08, to read as follows:

## PART Saf-C 9213 MOTION FOR REHEARING

Saf-C 9213.01 Purpose. The rules in this part are intended to supplement any statutory provisions that require or allow a person to request a rehearing of a decision of the board prior to filing an appeal of the decision.

Saf-C 9213.02 Applicability. The rules in this part shall apply whenever any person has a right under applicable law to request a rehearing of a decision prior to filing an appeal of the decision.

### Saf-C 9213.03 Filing and Content of Motion.

(a) A motion for rehearing shall be filed within 30 days of the date of the board decision or order.

(b) A motion for rehearing shall:

(1) Identify each error of fact, error of reasoning, or error of law that the moving party requests to have reconsidered;

(2) Describe how each error causes the board's decision to be:

a. Unlawful, unjust or unreasonable;

b. Illegal in respect to jurisdiction, authority or observance of the law;

c. An abuse of discretion; or

d. Arbitrary, unreasonable or capricious;

(3) State concisely the factual findings, reasoning or legal conclusion proposed by the moving party; and

(4) Include any argument or memorandum of law the moving party files.

### Saf-C 9213.04 Standard for Granting Motion for Rehearing.

(a) A motion for rehearing in a case subject to appeal pursuant to RSA 319-C:12-b shall be granted if it demonstrates that the board's decision is unlawful, unjust or unreasonable.

(b) A motion for rehearing in a case subject to appeal by petition for writ of certiorari shall be granted if it demonstrates that the board's decision is:

(1) Illegal in respect to jurisdiction, authority or observance of the law;

(2) An abuse of discretion; or

(3) Arbitrary, unreasonable or capricious.

Saf-C 9213.05 Decision on Motion for Rehearing. The board shall grant or deny a motion for rehearing, or suspend the order or decision pending further consideration at the next scheduled board meeting following the filing of the motion for rehearing.

Adopt Saf-C 9301.01 through Saf-C 9301.03, cited and to read as follows:

CHAPTER Saf-C 9300 BUREAU OF ELECTRICAL SAFETY AND LICENSING RULES

PART Saf-C 9301 APPLICATION PROCEDURE

Saf-C 9301.01 Forms.

(a) Whenever a person is required to complete a form, the following shall apply:

(1) Forms shall be filled out completely; and

(2) Forms shall be typewritten or completed in a legible manner.

Saf-C 9301.02 Incomplete Form.

(a) All forms shall be reviewed by the department in accordance with RSA 541-A:29.

(b) The submitting party shall be notified of any apparent errors or omissions and allowed to resubmit the form to the department.

Saf-C 9301.03 Failure to Comply with Statute or Rule.

(a) In the event an applicant fails to comply with an applicable statute or rule, the application shall not be processed.

(b) The applicant shall be notified of the reason(s) for the rejection.

Readopt with amendment and renumber Elec 301.01, effective 08-16-02 (Document #7744), as Saf-C 9301.04, to read as follows:

[Elec 301.01] Saf-C 9301.04 Application[s] Forms.

(a) Each applicant for a corporation/partnership, master, journeyman or high/medium voltage electrician license or apprentice or high/medium voltage trainee identification card shall make application[s] on [corporation/partnership, master, journeyman, high/medium voltage electrician or apprentice or high/medium voltage trainee] forms supplied by the board.

(b) Application forms may be obtained from the office of the state fire marshal, bureau of electrical safety and licensing, 110 Smokey Bear Boulevard, Concord, NH 03305, or electronically at [www.nh.gov/safety/divisions/firesafety](http://www.nh.gov/safety/divisions/firesafety).

(c) Completed application forms shall be mailed to the office of the state fire marshal, bureau of electrical safety and licensing, 33 Hazen Drive, Concord, NH 03305, or submitted in person to the address listed in (b) above.

[(b)] (d) Each corporation or partnership applicant shall [provide] furnish the following on the prescribed form:

(1) Name, address[,] and telephone number of the corporation or partnership;

(2) [Name, address, telephone number, title, status, duties and master or high/medium voltage electrician license number of] Information pertaining to the person directly in charge of the electrical business affairs of the corporation or [a member of the] partnership [in charge of its electrical business affairs], including[:] :

a. Name, address, telephone number and title;

b. Duties;

c. License number of master or high/medium voltage electrician; and

d. Status as full-time or part-time and average hours per week;

(3) Signature of the president or [a] director of the corporation or the other partner in [a] the partnership under the penalty of unsworn falsification and date signed;

(4) Signature of the master or high/medium voltage electrician [in] directly in charge of the electrical business affairs of the corporation or [a member of the] partnership [in charge of its electrical business affairs] under the penalty of unsworn falsification and date signed; and

(5) Certificate of good standing from the NH secretary of state's office for the corporation or partnership.

[(c)] (e) Each master or journeyman applicant shall [provide] furnish the following on the prescribed form:

(1) Name, address[, ] and telephone number;

(2) [Place of birth, c] City, state, place and date of birth;

(3) Information pertaining to the [E] electrical employers[, addresses, dates of employment, and nature of employers' business for employers] used for verification of on\_ the\_ job training in [(7)] (8) below, including[:] :

a. Name(s) and address(es);

b. Dates of employment; and

c. Nature of employer's business;

installations (4) A description of the duties as an employee pertaining to the electrical and date employment started;

[(5) Whether a state apprenticeship agency or state apprenticeship council or Bureau of Apprenticeship and Training of the U.S. Department of Labor program was completed and if one has, the name location and dates of the program;]

[(6)] (5) Names and addresses of 3 references of persons unrelated to the applicant [and] who have knowledge of the applicant's professional character;

(6) Whether the applicant has any felony criminal convictions that have not been annulled by the court and if so:

a. Date of conviction;

b. Nature of the offense;

c. The penalty imposed by the court, including any terms of probation; and

d. Any continuing court requirements;

(7) Whether the applicant's electrician license has been suspended, revoked or sanctioned in any jurisdiction and if so:

a. Name and location of the particular administrative licensing agency;

b. An explanation of the circumstances;

c. Date of administrative licensing agency's action or loss of electrician license; and

d. Reason for the administrative licensing agency's action, including whether it was a result of settlement;

[(7)] (8) Show a minimum total of 8000 hours of on- the- job training for journeyman and an additional 2000 hours for master with a certification for each place of employment in the electrical trade [indicating] , including:

a. Dates of employment;

b. Type of work performed; and

c. Signature of a licensed electrician;

[(8)] (9) [Names of schools, date of high school graduation, courses, degrees, and certificates] High school and higher education, including:

a. Name and location of school;

b. Date of high school graduation;

c. Courses and certificates obtained;

d. Major and degree awarded, if applicable; and

e. Dates attended;

[(9)] (10) [Recent p] Photograph of the applicant taken no more than 6 months prior to the [filing] date of the application; and

[(10)] (11) Applicant's signature under the penalty of unsworn falsification and date signed.

[(d)] (f) Each high/medium voltage electrician applicant shall [provide] furnish the following on the prescribed form:

(1) Name, address[, ] and telephone number;

(2) [Place of birth, c] City, state, place and date of birth;

(3) Information pertaining to the [H] high/medium voltage employers[, addresses, dates of employment, and nature of employers' business for employers] used for verification of on- the- job training [in (9)];

a. Name(s) and address(es);

b. Dates of employment; and

c. Nature of employment;

(4) A description of the duties as an employee pertaining to the electrical installations and date employment started;

[(5)] Whether a state apprenticeship agency or state apprenticeship council or Bureau of Apprenticeship and Training of the U.S. Department of Labor program was completed and if one has, the name location and dates of the program;]

[(6)] (5) Names and addresses of 3 references of persons[, excluding the immediate family,] unrelated to the applicant, who have knowledge of the applicant's professional character;

(6) Whether the applicant has any felony criminal convictions that have not been annulled by the court and if so:

a. Date of conviction;

b. Nature of the offense;

c. The penalty imposed by the court, including any terms of probation; and

d. Any continuing court requirements;

(7) Whether the applicant's electrician license has been suspended, revoked or sanctioned in any jurisdiction and if so:

a. Name and location of the particular administrative licensing agency;

b. An explanation of the circumstances;

c. Date of administrative licensing agency's action or loss of electrician license; and

d. Reason for the administrative licensing agency's action, including whether it was a result of settlement;

(8) High school and higher education, including:

a. Name and location of school;

b. Date of high school graduation;

c. Courses and certificates obtained;

d. Major and degree awarded, if applicable; and

e. Dates attended;

[(7)] (9) [Recent p] Photograph of the applicant taken no more than 6 months prior to the [filing] date of the application;

[(8)] (10) Certification[s] showing proof of:

a. Completion of a state, federal[,] or employer certification program approved by the [electricians] board; and

b. Signature of licensed master or high medium voltage electrician;] ; and

[(9) Names of schools, date of high school graduation, courses, degrees, and certificates; and]

[(10)] (11) Applicant's signature under the penalty of unsworn falsification and date signed.

[(e) The signature provided on the application shall mean the information in the application is true and correct. False statements shall be subject to the penalty as provided under RSA 641:3.]

[(f)] (g) Each apprentice [identification card] applicant shall [provide] furnish the following on the prescribed form:

- (1) Name, address and telephone number;
- (2) [Place of birth, c] City, state, place and date of birth;
- (3) Name and address of [Present] current employer, nature of employer's business, [address,] and date employment started;
- (4) Name and address of most recent former electrical employer;
- (5) Names and addresses of 3 references of persons unrelated to the applicant [and] who have knowledge of the applicant's professional character;

(6) Whether the applicant has any felony criminal convictions that have not been annulled by the court and if so:

- a. Date of conviction;
- b. Nature of the offense;
- c. The penalty imposed by the court, including any terms of probation; and
- d. Any continuing court requirements;

(7) Whether the applicant's right of apprenticeship has been suspended, revoked or sanctioned in any jurisdiction and if so:

- a. Name and location of the particular administrative agency;
- b. An explanation of the circumstances;
- c. Date of administrative agency's action; and
- d. Reason for the administrative agency's action, including whether it was a result of settlement;

(8) High school and higher education, including:

- a. Name and location of school;
- b. Date of high school graduation;
- c. Courses and certificates obtained;

d. Major and degree awarded, if applicable; and

e. Dates attended;

[(6) Names of schools, date of high school graduation, courses, degrees and certificates;]

[(7)] (9) [Recent p] Photograph of the applicant taken no more than 6 months prior to the [filing] date of the application;

[(8)] (10) If the applicant has been licensed as an electrician in another state, the name of that state;

[(9)] (11) Signature of supervising master electrician and his/her master electrician's license number; and

[(10)] (12) Applicant's signature under the penalty of unsworn falsification and date signed.

[(g)] (h) Each high/medium voltage trainee applicant shall [provide] furnish the following on the prescribed form:

(1) Name, address and telephone number;

(2) [Place of birth, c] City, state, place and date of birth;

(3) Name and address of [Present] current employer, nature of employer's business, [address,] and date employment started;

(4) Name and address of most recent former employer;

(5) Names and addresses of 3 references of persons[, excluding the immediate family,] who have knowledge of the applicant's professional character;

(6) Whether the applicant has any felony criminal convictions that have not been annulled by the court and if so:

a. Date of conviction;

b. Nature of the offense;

c. The penalty imposed by the court, including any terms of probation; and

d. Any continuing court requirements;

(7) Whether the applicant's electrician license or right to train as a high/medium voltage electrician has been suspended, revoked or sanctioned in any jurisdiction and if so:

a. Name and location of the particular administrative agency;

b. An explanation of the circumstances;

c. Date of administrative agency's action or loss of electrician license; and

d. Reason for the administrative agency's action, including whether it was a result of settlement;

(8) High school and higher education, including:

a. Name and location of school;

b. Date of high school graduation;

c. Courses and certificates obtained;

d. Major and degree awarded, if applicable; and

e. Dates attended;

[(6) Names of schools, date of high school graduation, courses, degrees, and certificates;]

[(7)] (9) [Recent p] Photograph of the applicant taken no more than 6 months prior to the [filing] date of the application;

[(8)] (10) If the applicant has been licensed as a high/medium voltage electrician in another state, the name of that state;

[(9)] (11) Signature of supervising high/medium voltage or master electrician and his/her high/medium voltage or master electrician's license number; and

[(10)] (12) Applicant's signature under the penalty of unsworn falsification and date signed.

(i) Pursuant to RSA 319-C:6-b, a fee of \$50.00 shall be submitted along with each initial application set forth in this section. Once an application is accepted by the department, no refund shall be granted.

Adopt PART Saf-C 9302, to read as follows:

PART Saf-C 9302 APPROVAL PROCESS

Saf-C 9302.01 Approval of Corporation or Partnership.

(a) A corporate or partnership license shall be issued when the applicant:

- C
- (1) Submits a completed application, along with the appropriate fee, pursuant to Saf-9301.04(d) and (i);
  - (2) Meets the qualification requirements of Saf-C 9303; and
  - (3) Submits a certificate of good standing from the NH secretary of state's office for the corporation or partnership.

(b) A corporation shall include limited liability companies. A partnership shall include limited liability partnerships and limited partnerships.

(c) All corporations and partnerships shall be registered with the NH secretary of state's office, including foreign corporations and partnerships doing business in NH.

(d) All corporations and partnerships doing electrical installations or high/medium voltage power distribution installations in which the master or high/medium voltage electrician, directly in charge of all aspects of the electrical installations, has a controlling interest, may be licensed as a corporation or partnership pursuant to RSA 319-C:10. All other corporations or partnerships doing electrical installations shall be licensed pursuant to RSA 319-C:10.

(e) Each corporation or partnership performing electrical installations shall have a currently licensed NH master electrician directly in charge of all aspects of its electrical installations.

(f) Each corporation or partnership performing high/medium voltage electrical installations shall have a currently licensed NH master or high/medium voltage electrician directly in charge of all aspects of its high/medium voltage electrical installations.

(g) The board shall issue a corporation/partnership identification card and license to the NH master electrician who is directly in charge of a corporation or partnership's electrical business affairs or the NH master or high/medium voltage electrician who is directly in charge of a corporation or partnership's high/medium voltage electrical business affairs.

(h) An applicant who has been denied a corporation or partnership license shall be provided an opportunity for an administrative hearing before the board in accordance with the requirements of Saf-C 9203.

(h) The initial fee for a corporation or partnership license shall be \$125.00.

Saf-C 9302.02 Approval of Master Electrician.

(a) A master electrician license shall be issued when the applicant:

- C
- (1) Submits a completed application, along with the appropriate fee, pursuant to Saf-9301.04(e) and (i);
  - (2) Meets the qualification requirements of Saf-C 9303.01;
  - (3) Meets the examination requirements of Saf-C 9304, as applicable;
  - (4) Has no disqualifying felony convictions pursuant to Saf-C 9301.04(e)(6); and
  - (5) Has not had his/her electrician's license suspended, revoked or sanctioned in any jurisdiction pursuant to Saf-C 9301.04(e)(7).

(b) For the purposes of (a)(4) above, a felony conviction shall be considered disqualifying if:

- (1) The date of conviction is 10 years old or less; and
- (2) The conviction involves theft, forgery, fraud or other purpose to deprive the property of another; or
- (3) The conviction involves perjury, unsworn falsification or other falsification of official matters; or
- (4) The conviction has a direct bearing on the applicant's ability to be licensed as an electrician.

(c) An applicant who has been denied a master electrician license shall be provided an opportunity for an administrative hearing before the board in accordance with the requirements of Saf-C 9203.

(d) The initial fee for a master electrician license shall be \$270.00 for a 3-year license.

Saf-C 9302.03 Approval of Journeyman Electrician.

(a) A journeyman electrician license shall be issued when the applicant:

- C
- (1) Submits a completed application, along with the appropriate fee, pursuant to Saf-9301.04(e) and (i);
  - (2) Meets the qualification requirements of Saf-C 9303.01;
  - (3) Meets the examination requirements of Saf-C 9304, as applicable;
  - (4) Has no disqualifying felony convictions pursuant to Saf-C 9301.04(e)(6); and

(5) Has not had his/her electrician's license suspended, revoked or sanctioned in any jurisdiction pursuant to Saf-C 9301.04(e)(7).

(b) For the purposes of (a)(4) above, a felony conviction shall be considered disqualifying if:

(1) The date of conviction is 10 years old or less; and

(2) The conviction involves theft, forgery, fraud or other purpose to deprive the property of another; or

(3) The conviction involves perjury, unsworn falsification or other falsification of official matters; or

(4) The conviction has a direct bearing on the applicant's ability to be licensed as an electrician.

(c) An applicant who has been denied a journeyman electrician license shall be provided an opportunity for an administrative hearing before the board in accordance with the requirements of Saf-C 9203.

(d) The initial fee for a journeyman electrician license shall be \$150.00 for a 3-year license.

Saf-C 9302.04 Approval of High/Medium Voltage Electrician.

(a) A high/medium voltage electrician license shall be issued when the applicant:

C (1) Submits a completed application, along with the appropriate fee, pursuant to Saf-9301.04(f) and (i);

(2) Meets the qualification requirements of Saf-C 9303.03;

(3) Has no disqualifying felony convictions pursuant to Saf-C 9301.04(f)(6); and

(4) Has not had his/her electrician's license electrician suspended, revoked or sanctioned in any jurisdiction pursuant to Saf-C 9301.04(f)(7).

(b) For the purposes of (a)(3) above, a felony conviction shall be considered disqualifying if:

(1) The date of conviction is 10 years old or less; and

(2) The conviction involves theft, forgery, fraud or other purpose to deprive the property of another; or

(3) The conviction involves perjury, unsworn falsification or other falsification of official matters; or

(4) The conviction has a direct bearing on the applicant's ability to be licensed as an electrician.

(c) An applicant who has been denied a high/medium voltage electrician license shall be provided an opportunity for an administrative hearing before the board in accordance with the requirements of Saf-C 9203.

(d) The initial fee for a high/medium voltage electrician license shall be \$270.00 for a 3-year license.

Saf-C 9302.05 Approval of Apprentice.

(a) An apprentice identification card shall be issued when the applicant:

C (1) Submits a completed application, along with the appropriate fee, pursuant to Saf-9301.04(g) and (i);

(2) Meets the qualification requirements of Saf-C 9303.02;

(3) Has no disqualifying felony convictions pursuant to Saf-C 9301.04(g)(6); and

(4) Has not had his/her rights of apprenticeship suspended, revoked or sanctioned in any jurisdiction pursuant to Saf-C 9301.04(g)(7).

(b) For the purposes of (a)(3) above, a felony conviction shall be considered disqualifying if:

(1) The date of conviction is 10 years old or less; and

(2) The conviction involves theft, forgery, fraud or other purpose to deprive the property of another; or

(3) The conviction involves perjury, unsworn falsification or other falsification of official matters; or

(4) The conviction has a direct bearing on the applicant's ability to be an apprentice.

(c) An applicant who has been denied an apprentice identification card shall be provided an opportunity for an administrative hearing before the board in accordance with the requirements of Saf-C 9203.

(d) The initial fee for an apprentice shall be \$30.00.

Saf-C 9302.06 Approval of High/Medium Voltage Trainee.

(a) A high/medium voltage trainee identification card shall be issued when the applicant:

- C
- (1) Submits a completed application, along with the appropriate fee, pursuant to Saf-9301.04(h) and (i);
  - (2) Meets the qualification requirements of Saf-C 9303.04;
  - (3) Has no disqualifying felony convictions pursuant to Saf-C 9301.04(h)(6); and
  - (4) Has not had his/her electrician's license or right to train as a high/medium voltage electrician suspended, revoked or sanctioned in any jurisdiction pursuant to Saf-C 9301.04(h)(7).

(b) For the purposes of (a)(3) above, a felony conviction shall be considered disqualifying if:

- (1) The date of conviction is 10 years old or less; and
- (2) The conviction involves theft, forgery, fraud or other purpose to deprive the property of another; or
- (3) The conviction involves perjury, unsworn falsification or other falsification of official matters; or
- (4) The conviction has a direct bearing on the applicant's ability to be licensed as an electrician.

(c) An applicant who has been denied a high/medium voltage trainee identification card shall be provided an opportunity for an administrative hearing before the board in accordance with the requirements of Saf-C 9203.

(d) The initial fee for a high/medium voltage trainee identification card shall be \$30.00.

Adopt Saf-C 9303.01, previously effective 05-01-00 (Document. #7231) as Elec 302.01, and expired 05-01-08, cited and to read as follows:

#### PART Saf-C 9303 QUALIFICATIONS

##### Saf-C 9303.01 Journeyman and Master Electrician Qualifications.

(a) For the purposes of this part, "practical experience" shall mean time accumulated while performing electrical installations in a classroom setting or in the field as part of a course curriculum in a school approved by the board.

(b) For the purposes of this part, "field experience" shall mean time accumulated while performing electrical installations in the field under the direction of a master electrician. The term

does not include time accumulated in a classroom setting or in the field as part of a course curriculum.

(c) Each applicant for a license as a journeyman electrician as defined in RSA 319-C:2, IV, shall:

(1) Obtain 8000 hours practical or field experience as an apprentice to a journeyman or master electrician licensed by the board; and

(2) At least one of the following:

a. After June 1, 2013, obtain 600 hours of electrical schooling, including a minimum of 24 hours on electrical safety:

1. Accomplished in blocks of 150 hours per year, including a minimum of 6 hours on electrical safety; or

2. Have an associate or higher degree in an electrical curriculum;

b. After June 1, 2010, have obtained 582 hours of electrical schooling, including a minimum of 6 hours on electrical safety;

c. After June 1, 2011, have obtained 588 hours of electrical schooling, including a minimum of 12 hours on electrical safety;

d. After June 1, 2012, have obtained 594 hours of electrical schooling, including a minimum of 18 hours on electrical safety;

e. Have 10 years of experience as a journeyman or master electrician licensed in another jurisdiction; or

f. Have previously taken the journeyman or master exam in NH.

(d) The board shall, with documentation specifying hours by certificate, transcript or official letter from the attending school, give credit for the documented amount of practical experience, not to exceed 2000 hours, towards the practical experience requirement for completion of prescribed courses in electrical installations at the following schools:

(1) All N.H. community technical colleges;

(2) N.H. Technical Institute, Concord;

(3) National Joint Apprenticeship Schools run by the International Brotherhood of Electrical Workers and the National Electrical Contractors' Association;

(4) Vocational training schools approved by the NH department of education; and

(5) Any out-of-state school approved by the board.

(e) Field experience may be accumulated by any student working part-time for a master electrician during his/her full-time post secondary education.

(f) Any student pursuant to (e) above, shall document field experience as follows:

(1) Dates of employment;

(2) Type of work performed; and

(3) Signature of the master electrician.

(g) Time credited towards practical and field experience pursuant to (d) and (e) above, shall not be accumulated concurrently.

(h) Each applicant for a license as a master electrician as defined in RSA 319-C:2, V, shall pass the journeyman examination and obtain 2000 hours of field experience as a journeyman in performing electrical installations as defined in RSA 319-C:2, III, prior to being allowed to take the master examination.

Readopt with amendment and renumber Elec 302.02, effective 02-14-02 (Document #7646), as amended effective 08-16-02 (Document #7744), as Saf-C 9303.02, to read as follows:

Saf-C 9303.02 Apprentice Qualifications.

(a) Each apprentice electrician shall be employed by a master electrician and shall obtain an identification card issued by the board. The apprentice electrician identification card shall be valid for a period of 12 months.

(b) Each apprentice applicant shall [possess] submit a copy of his/her high school diploma or a certificate of high school equivalent.

(c) The diploma requirement set forth in (b) above, shall be waived if the applicant is a registered student in a youth apprenticeship program for high school students recognized and approved by the board as [meeting the following requirements] follows:

(1) Students enrolled in an approved vocational electrical program shall be registered with the board;

(2) Teachers in an approved vocational electrical program shall be currently licensed as a NH [licensed] electrician[s], pursuant to RSA 319-C:3, IX-a;

- (3) Students shall be issued an apprentice identification card and [afforded] provided [all] the opportunit[ies] y to receive credit for a maximum of 144 hours of related classroom hours during the 2- year school program period;
- (4) Students shall [also] be provided the opportunity to accumulate up to [250] 500 credit hours of practical experience;
- (5) [Students] The sponsor/master shall record all accumulated schooling and [field] practical experience [hours] during the instructional program;
- (6) The secondary education vocational center shall serve the student apprentice as the initial sponsor/master;
- (7) [Additional on the job training hours] Field experience, not to exceed 1500 hours, shall be accumulated [when] if a student apprentice is employed with a second sponsor/master;
- (8) Any sponsor/master participating in the program shall not employ more than 10% of the students from any single school electrical program unless other employers are not available;
- (9) A school craft or advisory committee, [which] that meets the following requirements, shall be assigned to oversee the electrical program:
  - a. At least one member shall be a master electrician, assuming the master electrician responsibilities, to oversee the development of the electrical apprentice;
  - b. The designated master electrician shall be nominated to serve on the craft committee by the board, pursuant to RSA 319-C:3, IX-a; and
  - c. The master shall provide program progress reports [to the] before the school year begins, at the mid- year brea[d,] k and at the end of the school year[.] ;
- (10) Upon successful completion of the 2- year program and graduation from high school, [the] student apprentices shall be credited with 144 hours of related instruction;
- (11) Credit shall [also] be [recognized] given for all accumulated [on the job training hours] field experience, accompanied by certifications of completed field experience authenticated by the supervising master electrician; and
- (12) If [the] a student chooses to be employed part time by a sponsor/master, as [described under] set forth in (7) above, [under] no [circumstances shall] credit shall

be [recognized] given for accumulated field experience exceeding an additional 1500 hours before high school graduation.

(d) Apprentices shall satisfactorily complete a course of study of electrical schooling in an approved school, during each 12 month period pursuant to [Elec 302.01 ] Saf-C 9303.01 or [Elec 403.01(b)] Saf-C 9308.02(a).

(e) Upon receipt of a certificate, transcript[,] or official letter of enrollment in or completion of electrical schooling, as [referenced in Elec 302.02(d) ] set forth in (d) above, an identification card shall be issued for [another] an additional 12 months.

Readopt with amendment and renumber Elec 302.03 and Elec 302.04, effective 08-16-02 (Document #7744), as Saf-C 9303.03 and Saf-C 9303.04, to read as follows:

[Elec 302.03] Saf-C 9303.03 High/Medium Voltage Electrician Qualifications. Each applicant for a license as a high/medium voltage electrician shall have certification showing completion of a state, federal or employer certification program approved by the board.

[(a) Each applicant for licensure as a high/medium voltage electrician shall:

- (1) Have certification by a state, federal, employer certification program approved by the electricians board; or
- (2) Until January 1, 2003, provide proof of a minimum of 5 years experience as high/medium voltage electrician performing electrical installations as described in RSA 319-C III-a;
- (3) Provide a high school diploma or equivalent.]

[Elec 302.04] Saf-C 9303.04 High/Medium Voltage Trainee Qualifications.

(a) [All] Each high/medium voltage [electrician] trainee[s] shall:

- (1) Be employed by a high/medium voltage or master electrician; and
- (2) Obtain an identification card[s] issued by the board, which shall be valid for a period of 12 months.

[(b) High/medium voltage electrician trainee identification cards shall be effective for a period of 12 months.]

Readopt with amendment and renumber Elec 303.01, effective 02-10-05 (Document #8283), as Saf-C 9304.01, cited and to read as follows:

PART Elec [303] Saf-C 9304 EXAMINATIONS.

[Elec 303.01] Saf-C 9304.01 Format and Subject Matter.

(a) All questions on the National Electrical Code shall be based upon the 2008 National Electrical Code, copyrighted by the National Fire Protection Association, NFPA-70-2008.

[(a)] (b) The first section of [all] the journeyman and the master examination[s] shall consist of 50 questions based upon the [2002] National Electrical Code[, copyrighted by the National Fire Protection Association, NFPA-70-2002 and as of July 1, 2005 based on 2005 National Electrical Code, copyrighted by the National Fire Protection Association, NFPA-70-2005] as described in (a) above.

[(b)] (c) The second section of the journeyman and the master examination shall consist of 50 questions based upon [RSA 319-C, the board's administrative rules and on] practical electrical installations as defined in RSA 319-C:2, III.

(d) The third section of the journeyman examination shall consist of 10 questions based upon RSA 319-C and the administrative rules.

(e) The third section of the master examination shall consist of 25 questions based upon RSA 319-C and the administrative rules.

[(c)] The second section of the master examination shall consist of 50 questions based on practical electrical installations as defined in RSA 319-C:2, III.]

[(d)] (f) Practical questions shall be based upon the American Electricians Handbook published by McGraw-Hill, current edition.

[(e)] The master examination shall have a third section consisting of 25 questions based on RSA 319-C and the board's administrative rules.]

[(f)] (g) The relicensing examination shall consist of 20 questions based upon the National Electrical Code as described in [Elec 303.01(a)] (a) above.

[(g)] All questions on the National Electrical Code shall be based on the National Electrical Code as described in [Elec 303.01(a)].

Adopt Saf-C 9304.02, previously effective 05-01-00 (Document #7231) as Elec 303.02, and expired 05-01-08, to read as follows:

Saf-C 9304.02 Passing Grade. Applicants shall correctly answer at least 70% of the questions on each section of the licensing examination.

Readopt with amendment and renumber Elec 303.03, effective 02-10-05 (Document #8283) as Saf-C 9304.03, to read as follows:

[Elec 303.03] Saf-C 9304.03 Date and Notification.

(a) The master and journeyman examinations shall be held[, subject to availability, at Richard M. Flynn Fire Academy on the third week in January, April, July, and October of each calendar year, beginning at 9:00 a.m. The journeyman examination shall be on the third Monday and/or Tuesday and the master examination shall be on the third Wednesday and/or Thursday. Each applicant shall be notified confirming the time and place of the examination. Notification shall be to the address as submitted on the application] as follows:

(1) By appointment with a testing entity; or

(2) On a date determined by the board, at the Richard M. Flynn Fire Academy.

(b) Any applicant who fails to achieve the passing grade of 70% on all sections of the master or journeyman examination may, [sit for one reexamination and] upon reapplication and payment of the fee set forth in Saf-C 9304.04, retake only the section(s) failed [upon reapplication and payment of the fee established by Elec 305.05.] Thereafter, [each examination shall require] upon reapplication[, ] and payment of the fee [established by Elec 305.05] set forth in Saf-C 9304.04, the applicant shall be required to take [and shall consist of] the entire examination.

(c) The relicensing examination shall be held, [subject to availability,] by appointment, at the Richard M. Flynn Fire Academy or the electricians' board office[, by appointment. Each applicant shall be notified confirming the time and place of the examination. Notification shall be to the address as submitted on the application.]

(d) Each applicant shall be notified of the date, time and location of any examination, by mail, to the address listed on the application.

Adopt Saf-C 9304.04, previously effective 05-01-00 (Document #7231) as Elec 303.04, and expired 05-01-08, to read as follows:

Saf-C 9304.04 Examination Fees and Refunds.

(a) Examination fees shall be imposed as follows:

(1) \$50.00 for a journeyman or master examination held by the board;

(2) \$25.00 for a relicensing examination held by the board; and

- (3) As determined by the testing entity.
- (b) All fees received by the department shall be deposited with the treasurer, state of NH.
- (c) No refunds of examination fees shall be granted.

Readopt with amendment and renumber Elec 303.05, effective 02-14-02 (Document # 7646) as Saf-C 9304.05, to read as follows:

[Elec 303.05] Saf-C 9304.05 Destruction of Examinations. All examinations [papers] shall be destroyed [3 months] 60 days [from] after the date of the examination, provided there is no pending appeal. In the [case] event of an appeal, the examination [papers] shall be destroyed after resolution.

Adopt Saf-C 9304.06, to read as follows:

Saf-C 9304.06 Approval of Testing Entity.

(a) Each entity seeking approval of its testing program shall mail the following to the office of the state fire marshal, bureau of electrical safety and licensing, 33 Hazen Drive, Concord, NH 03305:

- (1) A short statement of the license(s) for which the entity requests the evaluation of its testing program;
- (2) The testing administrative procedure and the amount of the fees;
- (3) Documentation showing standards of examination integrity, including:
  - a. Validation of the tests by the testing entity to ensure reliability with current industry standards, to be done periodically but no less than every 2 years; and
  - b. The manner and method by which the security of the tests is maintained, both electronically and by hard copy;
- (4) Documentation of adequate proctoring of the tests, including:
  - a. Administration of the tests to only those candidates who meet all prerequisites of the particular test being administered, including approval the board;
  - b. The monitoring of the registration process;

from

- c. Proof of positive identification from the candidates, by means of a government-issued photo identification;
- d. Adequate and comfortable testing environment, including temperature, light and seating arrangements;
- e. The prevention of the use of electronic devices and other reference material that is not authorized by the board, except a non-programmable or non-electrical programmed calculator, if the test requires mathematical calculations;
- f. Administration of the test to ensure that candidates cannot readily view the tests of other candidates; and
- g. Alternate proctoring methods, such as the use of oral examinations, with proper justification and having the same integrity as other tests.

(b) Upon receipt of the information in (a) above, the office of the state fire marshal shall schedule a time for the entity to provide a presentation of its testing program to the commissioner or his/her designee, and the board.

(c) The commissioner shall approve the testing entity, upon the recommendation of the office of the state fire marshal and the board that the testing entity meets or exceeds the standards set forth in these rules.

Adopt Saf-C 9305.01, previously effective 05-01-00 (Document #7231), as Elec 305.01, and expired 05-01-08, cited and to read as follows:

#### PART Saf-C 9305 RENEWAL

Saf-C 9305.01 Renewal of Corporation/Partnership License. The annual renewal fee for a corporation or partnership license shall be \$125.00 due on the last day of the month of May.

Adopt Saf-C 9305.02, to read as follows:

Saf-C 9305.02 Renewal Years.

(a) Licensees with birthmonths of March, June, September and December shall renew by the last day of their birthmonth in the 1st year of the renewal cycle starting in the year 2008.

(b) Licensees with birthmonths of February, May, August and November shall renew by the last day of their birthmonth in the 2nd year of the renewal cycle starting in the year 2009.

(c) Licensees with birthmonths of January, April, July and October shall renew by the last day of their birthmonth in the 3<sup>rd</sup> year of the renewal cycle starting in the year 2010.

Readopt with amendment and renumber Elec 305.02 and Elec 305.03, effective 02-10-05 (Document #8284) as Saf-C 9305.03 and Saf-C 9305.04, to read as follows:

[Elec 305.02] Saf-C 9305.03 Renewal of Master Electrician License. The 3-year renewal fee for a master electrician license shall be \$270.00 due on the last day of the licensee's birthmonth in the year of the renewal cycle set forth in Saf-C 9305.02.

[(a) The initial license fee for a master electrician shall be \$75.00 until September 30, 2006. As of October 1, 2006 the initial license fee shall be \$105.00.

(b) The annual renewal fee for a master electrician shall be \$75.00 until December 31, 2006 due the last day of the month of the licensee's birth. As of January 1, 2007 the 3 year renewal fee for a master electrician shall be \$210.00 due the last day of the month of the licensee's birth in the year of the renewal cycle as described in Elec 401.01.]

[Elec 305.03] Saf-C 9305.04 Renewal of Journeyman Electrician License. The 3-year renewal fee for a journeyman electrician license shall be \$150.00 due on the last day of the licensee's birthmonth in the year of the renewal cycle set forth in Saf-C 9305.02.

[(a) The initial license fee for a journeyman electrician shall be \$30.00 until September 30, 2006. As of October 1, 2006 the initial license fee shall be \$45.00.

(b) The annual renewal fee for journeyman electrician shall be \$30.00 until December 31, 2006 due the last day of the month of the licensee's birth. As of January 1, 2007 the 3 year renewal fee for journeyman electrician shall be \$90.00 due the last day of the month of the licensee's birth in the year of the renewal cycle as described in Elec 401.01.]

Readopt with amendment and renumber Elec 305.04, effective 05-01-03 (Document #7826), as Saf-C 9305.05, to read as follows:

[Elec 305.04] Saf-C 9305.05 Renewal of Apprentice Identification Card. The annual fee for an apprentice identification card shall be \$30.00 due on the last day of the month in which the identification card expires.

[(a) The fee for an apprentice identification card shall be \$15.00.

(b) The annual renewal fee for the apprentice identification card shall be \$15.00 due by the last day of the month in which the card expires.]

Readopt with amendment and renumber Elec 305.05, effective 02-10-05 (Document #8284), as Saf-C 9305.06, to read as follows:

[Elec 305.05 ] Saf-C 9305.06 Renewal of High/Medium Voltage Electrician License. The annual renewal fee for a high/medium voltage electrician license shall be \$90.00 due on the last day of the licensee's birthmonth in the year of the renewal cycle set forth in Saf-C 9305.02.

[(a) The initial license fee for a high/medium voltage electrician shall be \$45.00 until September 30, 2006. As of October 1, 2006 the initial license fee shall be \$68.00.

(b) The annual renewal fee for high/medium voltage electrician shall be \$45.00 until December 31, 2006 due the last day of the month of the licensee's birth. As of January 1, 2007 the 3 year renewal fee for high/medium voltage electrician shall be \$135.00 due the last day of the month of the licensee's birth in the year of the renewal cycle as described in Elec 401.01.]

Readopt with amendment and renumber Elec 305.06, effective 08-16-02 (Document #7744), as Saf-C 9305.07, to read as follows:

[Elec 305.06] Saf-C 9305.07 High/Medium Voltage Trainee Identification Card. The annual renewal fee for a high/medium voltage trainee identification card shall be \$30.00 due on the last day of the trainee's birthmonth.

[(a) The fee for a high/medium voltage trainee identification card shall be \$10.00.

(b) The annual renewal fee for the high/medium voltage trainee identification card shall be \$10.00, and shall be due by the last day of the month of the trainee's birth.]

Adopt PART Saf-C 9306, to read as follows:

PART Saf-C 9306 ADDITIONAL FEES.

Saf-C 9306.01 Certified Copy of License. The fee for a certified copy or statement of a license shall be \$10.00 per copy or statement.

Saf-C 9306.02 Replacement Fee. The fee for a replacement of a license or identification card shall be \$10.00 each.

Saf-C 9306.03 Photocopy Fee. The fee for a photocopy shall be:

- (1) \$10.00 for the first page;
- (2) \$1.00 per page up to 25 pages; and
- (3) \$0.25 per page, after 25 pages.

Saf-C 9306.04 Late Fee. In addition to any renewal fee, the fee for any license that has expired for more than one month shall be \$50.00.

Saf-C 9306.05 Photocopy Fees for Videos and Digital Photographs.

- (a) The fee for a VHS video copy shall be \$50.00.
- (b) The fee for digital photographs on CD shall be \$15.00.

Repeal Elec 305.07, effective 05-01-03 (Document # 7744), as follows:

[Elec 305.07 Certified Copies and Replacement of License. The fee for a certified statement of licensure or replacement of lost I.D. cards or license parchments shall be \$10.00 each]

Repeal Elec 305.08, effective 08-16-02 (Document #7744), as follows:

[Elec 305.08 Photocopy Fees. The fees for photocopies shall be \$0.25 each.]

Repeal Elec 305.09 and Elec 305.10, effective 05-01-03 (Document #7826), as follows:

[Elec 305.09 Saf-C 9304.09 Exam Fees.

- (a) The fee for a journeyman electrician exam shall be \$50.00.
- (b) The fee for a master electrician exam shall be \$50.00.
- (c) The fee for a relicensing exam shall be \$50.00.

Elec 305.10 Late Fee. The late fee, in addition to the renewal fee, for licenses that have expired over one month shall be \$50.00.]

Repeal PART Elec 306, effective 08-16-02 (Document # 7744), as follows:

[PART Elec 306 CORPORATIONS AND PARTNERSHIPS

Elec 306.01 Corporations and Partnerships.

(a) Corporations shall include limited liability companies. Partnerships shall include limited liability partnerships and limited partnerships. All corporations and partnerships shall be registered with the NH secretary of state. Foreign corporations and partnerships shall be registered with the NH secretary of state as foreign corporations or partnerships doing business in NH.

(b) All corporations or partnerships registered with the NH secretary of state and doing electrical installations or high/medium voltage power distribution installations in which the master or high/medium voltage electrician, directly in charge of all aspects of the electrical installations, has controlling interest may be licensed as a corporation or partnership as required by RSA 319-C:10. All other corporations or partnerships registered with the NH secretary of state and doing electrical installations shall be licensed as a corporation or partnership as required by RSA 319-C:10. The corporation or partnership shall have a NH master or high/medium voltage electrician currently licensed in NH who is directly in charge of all aspects of its electrical installations.

Elec 306.02 Corporation or Partnership Registration.

- (a) The corporation or partnership shall provide a certificate of good standing from the NH secretary of state.
- (b) The corporation or partnership shall complete the application required in Elec 301.01(b).
- (c) The board shall issue a corporation/partnership ID card and parchment to the NH master electrician who is directly in charge of the corporation/partnership's electrical business affairs.

Elec 306.03 Change in Corporation or Partnership Status.

- (a) Within 30 days of dissolution, the master electrician or the president, director or partner on record for the corporation or partnership shall file, with the board, a copy of the dissolution forms filed with the NH secretary of state's office.
- (b) Within 30 days of a change in the name of the corporation or partnership, the master electrician or the president, director or partner on record for the corporation or partnership shall file, with the board, a copy of the change of name forms filed with the NH secretary of state's office.

Elec 306.04 Change in Master Electrician or High/Medium Voltage Electrician Responsible.  
If there is a change in the master or high/medium voltage electrician responsible for the electrical business affairs of the corporation or partnership the head of the corporation or partnership shall file within 30 days the following with the board:

- (a) A letter on company letterhead which states the reason(s) for and the effective date of the change;
- (b) The corporation or partnership ID card issued by the board; and
- (c) The corporation or partnership parchment issued by the board.]

Readopt with amendment and renumber Elec 401.01, effective 02-10-05 (Document #8283), as Saf-C 9307.01, cited and to read as follows:

[CHAPTER Elec 400 CONTINUED STATUS]

PART [Elec 401] Saf-C 9307 [RENEWAL] LAPSE OF LICENSE[Elec 401.01 ] Saf-C 9307.01 Time Limit.

(a) Any master or journeyman electrician whose license is not renewed within one year of the expiration date of the license shall [apply and pass a relicensing examination or apply as for an initial license.] :

(1) Meet the requirements of this section and pass the relicensing examination set forth in Saf-C 9304.01(g); or

(2) Apply to take the master or journeyman examination, as determined by the  
expired license.

(b) The applicant shall [provide the following on or with the application] submit the following:

(1) The information [and materials required pursuant to Elec 301.01] set forth in Saf-C 9301.04;

(2) A statement of previous licensure including dates [of licensure] and [previous] license number; and

(3) Proof of continuing education [as required by this section].

(c) A [relicensure applicant] master or journeyman electrician whose license has lapsed [between] over one year and up to 3 years from the expiration date of the license shall take a 15 hour course on the National Electrical Code as [described] set forth in [Elec 403.01] Saf-C 9308.01(a).

(d) A [relicensure applicant] master or journeyman electrician whose license has lapsed between [4] 3 and 6 years from the expiration date of the license shall meet the requirement in (c) above, and:

(1) Take a 45 hour course on the National Electrical Code as described in [Elec 303.01(a)] Saf-C 9304.01(a); or

(2) Show proof of working as an electrician, licensed as required, in another jurisdiction.

(e) A [relicensure applicant] master or journeyman electrician whose license has lapsed between [7] 6 and 10 years from the expiration date of the license shall meet the requirement in (c) above, and:

(1) Take a 90 hour course on the National Electrical Code as described in [Elec 303.01(a)] Saf-C 9304.01(a); or

(2) Show proof of working as an electrician, licensed as required, in another jurisdiction [and meet the requirement in (c)].

(f) A [relicensure applicant] master or journeyman electrician whose license has lapsed over 10 years from the date of expiration of the license shall [show proof of working as an electrician, licensed as required, in another jurisdiction and] meet the requirement in (c) above, and show proof of working as an electrician, licensed as required, in another jurisdiction.

Adopt Saf-C 9307.02, previously effective 05-01-00 (Document #7231), as Elec 401.02, and expired 05-01-08, to read as follows:

Saf-C 9307.02 Armed Forces Inactive Status.

(a) The board shall place a master or journeyman electrician on inactive status upon receipt of:

- (1) A written request; and
- (2) Proof of service in the Armed Forces of the United States.

(b) The board shall return a master or journeyman electrician to active status upon receipt of:

- (1) Payment of the renewal fee;
- (2) Proof of completion of the current continuing education requirements; and
- (3) Proof that the licensee has not been discharged from service in the Armed Forces of the United States for more than one year.

Readopt with amendment and renumber Elec 401.03, effective 08-16-02 (Document #7744) as Saf-C 9307.03, to read as follows:

[Elec 401.03 ] Saf-C 9307.03 Reinstatement of Revoked License.

(a) [To apply] In order to reinstate a revoked license, [the] a master or journeyman electrician shall, after the license has been revoked for 5 years, reapply and pass an examination for [a new] an initial license.

(b) [To apply] In order to reinstate a revoked license, [the] a high/medium voltage electrician shall, after the license has been revoked for 5 years, reapply with proof of current certification by a state, federal, private[,] or employer certification program approved by the [electricians licensing] board.

Repeal Elec 401.04, effective 02-10-05 (Document #8210), as follows:

[Elec 401.04 Renewal Years.

(a) Licensees with birthmonths of March, June, September and December shall renew by the last day of their birthmonth in the 1st year of the renewal cycle starting in the year 2008.

(b) Licensees with birthmonths of February, May, August and November shall renew by the last day of their birthmonth in the 2nd year of the renewal cycle starting in the year 2009.

(c) Licensees with birthmonths of January, April, July and October shall renew by the last day of their birthmonth in the 3<sup>rd</sup> year of the renewal cycle starting in the year 2010.

(d) Transition to 3 year renewals will begin in 2007 and be prorated as follows:

(1) Licensees with birthmonths of March, June, September and December shall renew for one year:

- a. The master electrician renewal fee shall be \$70.00; and
- b. The journeyman electrician fee shall be \$30.00.

(2) Licensees with birthmonths of February, May, August and November shall renew for 2 years:

- a. The master electrician renewal fee shall be \$140.00; and
- b. The journeyman electrician fee shall be \$60.00.

(3) Licensees with birthmonths of January, April, July and October shall renew for 3 years:

- a. The master electrician renewal fee shall be \$210.00; and
- b. The journeyman electrician fee shall be \$90.00.

(e) Renewal of licenses before the year 2007 will be renewed annually on the licensee's birthmonth.]

Adopt PART Saf-C 9308 and PART Saf-C 9309, to read as follows:

PART Saf-C 9308 CONTINUING EDUCATION

Saf-C 9308.01 Continuing Education for Licensees.

(a) Each journeyman or master electrician shall obtain 15 hours of instruction, which shall include instruction on:

- (1) The 2008 edition of the National Electrical Code, NFPA 70-2008;
- (2) RSA 319-C;
- (3) These rules; and
- (4) The most common deficiencies in electrical installations, as determined by the department.

(b) The 15 hours of instruction described in (a) above, shall be completed by a provider approved by the board, who shall submit proof of completion to the board before a journeyman or master electrician license can be renewed.

(c) Every code cycle, each continuing education provider shall furnish the board with the following:

- (1) The provider's resume;
- (2) A copy of the provider's electrician license;
- (3) If not licensed in New Hampshire, a certified letter from the licensing agency verifying that the provider has a valid license in good standing; and
- (4) An application provided by the board, which shall include:
  - a. A course outline with the significant changes made in the instruction set forth in (a) above;
  - b. Instructor's names; a copy of their electrician licenses and resumes;
  - c. Number of days and number of hours per day over which courses will be given;
  - d. The location(s) of the courses;

e. Types of audio and visual equipment utilized;

f. A course curriculum, which shall include the name of the program or the course material utilized; and

g. A certificate, which shall include:

1. Provider's name, business address and telephone number;
2. Year of the code change;
3. Name and electrician number of the electrician completing the course;
4. Date of code course completion;
5. Number of hours provided in the course; and
6. Provider's signature.

(d) Courses shall be reviewed by the board or a committee designated by the board who shall then make a recommendation to the board.

(e) The board shall approve courses that meet the requirements of (a) and (b), above.

Saf-C 9308.02 Continuing Education for Apprentices.

(a) Any apprentice with a current NH apprentice identification card who has completed the requirements set forth in Saf-C 9303.01(a)(2) but has not achieved a journeyman electrician license before the fifth renewal of the apprentice identification card shall successfully complete 30 hours of classroom instruction as set forth in Saf-C 9308.01 each year before the identification card shall be renewed. The 2 years of registration as an apprentice under Saf-C 9302.02(c) shall not count towards the 5 renewals.

(b) Education providers shall furnish the board, annually, with a course outline and instructor(s) qualifications, for supplemental education, which shall include:

- (1) Areas of deficiency identified by the board from the average of the most recent journeyman examination results;
- (2) Instructor's names and resumes;
- (3) Number of days and number of hours per day over which courses will be given;
- (4) The location(s) of the courses; and

(5) The most common deficiencies in electrical installations, as determined by the department.

(c) Courses shall be reviewed by the board or a committee designated by the board who shall then make a recommendation to the board.

(d) The board shall approve courses that meet the requirements of Saf-C 9308.01(a) and (b).

#### PART Saf-C 9309 GENERAL ADMINISTRATION

##### Saf-C 9309.01 Change of Corporate Name or Status.

(a) Within 30 days of dissolution, the master electrician or the president, director or partner of the corporation or partnership, shall furnish the board with a copy of the dissolution forms filed with the NH secretary of state's office.

(b) Within 30 days of a change in the name of the corporation or partnership, the master electrician or the president, director or partner of the corporation or partnership shall furnish the board with a copy of the change of name form filed with the NH secretary of state's office.

##### Saf-C 9309.02 Change in Master Electrician or High/Medium Voltage Electrician Responsible for a Corporation.

(a) Within 30 days of a change in the master electrician or high/medium voltage electrician responsible for the affairs of a corporation or partnership, the president, director or partner of the corporation or partnership shall furnish the following with the board:

(1) A letter on company letterhead that states the reason(s) for the change and the effective date of the change; and

(2) The corporation /partnership identification card and license issued by the board.

Saf-C 9309.03 Change of Address. Within 30 days of a change of address, any licensee, apprentice or high/medium voltage trainee shall notify the board, in writing, of the new address.

Saf-C 9309.04 Compliance with Electrical Code. All electrical installations performed by licensees or those who have been issued apprentice or high/medium voltage trainee identification cards shall comply with the requirements of RSA 155-A:1, IV.

##### Saf-C 9309.05 Supervision.

(a) Electrical and high/medium voltage power distribution system installations performed by an apprentice shall be directly supervised by a master or journeyman electrician at all times. The ratio of apprentice to licensed electrician shall not exceed one to one at the job site.

(b) Electrical and high/medium voltage power distribution system installations performed by a journeyman electrician shall be periodically inspected by the master electrician from whom he receives direction and supervision. The master electrician shall perform a final inspection of the journeyman's completed installation.

(c) High/medium voltage power distribution system installations performed by a high/medium voltage trainee shall be directly supervised by a high/medium voltage, master or journeyman electrician at all times at the job site.

(d) Any licensee who fails to supervise as required by this section shall be subject to disciplinary action by the board.

(e) Electrical installations made by an apprentice or high/medium voltage trainee who has an expired apprentice or high/medium voltage trainee identification card shall be recorded in the apprentice or high/medium voltage trainee's file for the board's consideration when he/she applies for a license.

(f) An apprentice or high medium voltage trainee shall refuse to make electrical installations without the direct supervision of a master or journeyman electrician and if requested to do so, shall report such a request to the bureau of electrical safety and licensing for investigation and potential disciplinary action against the master or journeyman electrician.

(g) Electrical installations made by an apprentice or high medium voltage trainee without the direct supervision of a master or journeyman electrician or failure to make a report pursuant to (f) above, shall be recorded in the apprentice or high/medium voltage trainee's file for the board's consideration when he/she applies for a license.

Adopt Saf-C 9310.01, previously effective 05-01-00 (Document #7231), as Elec 402.01, and expired 05-01-08, cited and to read as follows:

#### PART Saf-C 9310 DISCIPLINARY ACTION

##### Saf-C 9310.01 Unprofessional Conduct.

(a) Unprofessional conduct shall include but not be limited to the following:

- (1) Any violation of RSA 319-C:12, II;
- (2) Failure to comply with local requirements regulating electrical installations;
- (3) Negligent or willful acts that negatively affect the health or safety of employees or others;
- (4) Failure to cooperate with a bureau inspector or administrative investigation; or

(5) Failure to comply with a sanction from the board.

Adopt Saf-C 9310.02, as follows:

Saf-C 9310.02 Types of Disciplinary Action

- (a) A reprimand shall be a formal written reproof sent to the licensee.
- (b) Limitation of certification shall require the licensee to report, on a monthly basis, the locations of his/her jobs in NH and a list of employees, if any, with his/her license or apprentice or high/medium voltage electrician trainee ID numbers who are working on those jobs.
- (c) Restriction of certification shall include one of the following:
  - (1) The down grading of a license from a master to a journeyman for a licensee determined to be lacking in the responsibilities required of a master electrician;
  - (2) The down grading of a license from a journeyman to an apprentice for a licensee determined to be lacking in the responsibilities required of a journeyman electrician;  
or
  - (3) The down grading of a license from a high/medium voltage electrician to a high/medium voltage trainee for a license determined to be lacking in the responsibilities required of a high/medium voltage electrician.
- (d) Suspension of certification shall be a temporary loss of license.
- (e) Revocation of certification shall be a permanent loss of license.
- (f) A program of continuing education shall be required when there is lack of knowledge in a specific area.

Adopt Saf-C 9310.03, previously effective 05-01-00 (Document #7231) as Elec 402.02, and expired 05-01-08, to read as follows:

Saf-C 9310.03 Procedure for Disciplinary Action.

- (a) Disciplinary action against any license shall occur only after an administrative hearing before the board in accordance with the requirements of Saf-C 9200.
- (b) After a hearing, if a finding is made by the board that misconduct has occurred, the board shall impose one or more of the disciplinary actions set forth in Saf-C 9310.02.

(c) For the purposes of determining the length of a suspension pursuant to Saf-C 9310.02(d), the board shall impose the following:

- (1) For a first offense, up to a 6 month suspension, with all or a portion deferred for one year, with the limitation set forth in Saf-C 9310.02(b);
- (2) For a second offense, up to a one year suspension, with all or a portion deferred for 2 years, with the limitation set forth in Saf-C 9310.02(b); and
- (3) For a third offense, between a 2 and a 5 year suspension, with all or a portion deferred for 2 years, with the limitation set forth in Saf-C 9310.02(b).

(d) For an electrical licensee's failure to comply with Saf-C 9309.04, the board shall impose the following :

- (1) For a first offense, up to 48 hours of schooling on the current national electrical code, in the area where he/she is deficient;
- (2) For a second offense, up to 96 hours of schooling on the current national electrical code, in the area where he/she is deficient; and
- (3) For a third offense, up to a 5 year suspension and up to 144 hours of schooling on the current national electrical code, in the area where he/she is deficient.

(e) For the purposes of determining disciplinary action, multiple offenses that occur on one job site or in one incident shall be considered separate offenses.

(f) If misconduct occurs during a period of deferred time, a hearing shall be conducted by the board to determine if the period of deferred time shall be imposed, in addition to any disciplinary action taken by the board on the misconduct that occurred during that period.

(g) For the purposes of determining the level of an offense:

- (1) A first offense shall remain in effect for a period of 3 years; and
- (2) A second offense shall remain in effect for a period of 5 years.

(h) In imposing sanctions, the board shall consider the following mitigating factors in reducing a sanction:

- (1) The licensee's acknowledgment of his/her wrongdoing;
- (2) The licensee's willingness to cooperate with the investigation and the board;

- (3) Whether the licensee has committed prior offenses; and
- (4) The severity of the offense.

(i) In imposing sanctions, the board shall consider the following aggravating factors in increasing a sanction:

- (1) The creation of a hazard or failure to correct a known hazard to public safety by the licensee;
- (2) The licensee's lack of cooperation with the board's inspector(s) to correct the problem;
- (3) The licensee's lack of cooperation with the investigation or the board;
- (4) The licensee's has committed one or more prior offenses; and
- (5) The severity of the offense.

Repeal Elec 403.01, effective 02-10-05 (Document #8283), as follows:

[PART Elec 403 CONTINUING EDUCATION

Elec 403.01 Education for Licensees.

(a) Each journeyman or master electrician shall submit proof of 15 hours of classroom instruction on the 2005 edition of the National Electrical Code, NFPA-70-2005, for license renewal in 2006. Such proof shall be submitted with the licensee's renewal fee in 2006. Only courses completed on the 2005 edition of the National Electrical Code changes shall be recognized as meeting this requirement.

(b) Education providers shall supply the board with a code course outline and instructor(s) qualifications, for each code cycle, which include:

- (1) All of the significant changes made in the National Electrical Code NFPA-70;
- (2) Instructors names and resumes;
- (3) Number of days and number of hours per day over which courses will be given; and
- (4) The location(s) of the courses.

(c) Courses shall be reviewed by the board or a committee designated by the board who shall then make a recommendation to the board.

(d) The board shall approve courses meeting the requirements of Elec 403.01(a) and (b).]

Repeal Elec 403.02, effective 08-16-02 (Document #7744), as follows:

[Elec 403.02 Continuing Education for Apprentices.

(a) Commencing January 1, 2003, any apprentice with a current NH apprentice ID card who has completed the schooling requirements pursuant to Elec 302.01(a)(2) but has not achieved a journeyman electrician license before the fifth renewal of the apprentice ID card shall successfully complete 30 hours of classroom instruction as specified in Elec403.02(b)(1) each year before the ID card shall be renewed.

(b) Education providers shall supply the board with a course outline and instructor(s) qualifications, for supplemental education, annually, which include:

- (1) Areas of deficiency identified by the board from the average of the most recent journeyman exam results;
- (2) Instructors names and resumes;
- (3) Number of days and number of hours per day over which courses will be given; and
- (4) The location(s) of the courses.

(c) Courses shall be reviewed by the board or a committee designated by the board who shall then make a recommendation to the board.

(d) The board shall approve courses meeting the requirements of Elec 403.02(a) and (b).]

Repeal Elec 404.01, effective 12-10-05 (Document #8283), as follows:

[PART Elec 404 ONGOING REQUIREMENTS

Elec 404.01 Compliance with Electrical Code. All electrical installations, performed by persons licensed by or who have apprentice or trainee identification cards from the board shall comply with RSA 155-A:1 IV.

Repeal Elec 404.02 and 404.03, effective 08-16-02 (Document #7744), as follows:

[Elec 404.02 Change of Address. Any licensee, apprentice or high/medium voltage trainee whose address changes shall submit the new address to the board within 30 days of the address change.

Elec 404.03 Supervision.

(a) Electrical installations and high/medium voltage power distribution system installations performed by an apprentice electrician shall be directly supervised by a master or journeyman electrician at all times. The ratio of apprentice to licensed electrician shall not exceed one to one.

(b) Electrical installations and high/medium voltage power distribution system installations performed by a journeyman electrician shall be periodically inspected by the master electrician from whom he receives direction and supervision. The master electrician shall perform a final inspection of the journeyman's completed installation.

(c) High/medium voltage power distribution system installations performed by a high/medium voltage trainee shall be directly supervised by a high/medium voltage, master or journeyman electrician at all times.

(d) If there is a failure of supervision as required by (a), (b) or (c) above the board shall undertake disciplinary proceedings against the licensee(s).

(e) Electrical installations made without the direct supervision of a master or journeyman electrician by an apprentice or high/medium voltage trainee shall be recorded on the apprentice or high/medium voltage trainee's file regarding professional character for the board's consideration when they apply for a license.]

[CHAPTER Elec 500 ETHICAL STANDARDS

PART Elec 501 CODE OF ETHICS – RESERVED]