

RULES AND REGULATIONS
OF THE ALABAMA BOARD
OF ELECTRICAL CONTRACTORS

PREAMBLE

Rules and Regulations of the Alabama Board of Electrical Contractors for testing and licensing are affected by the Alabama Electrical Contractors Act #85-921 passed September 25, 1985 and amended under Act # 88-129 of the 1988 Regular Session of the Alabama Legislature and Act #2010-540 of the 2010 Regular Session of the Alabama Legislature.

**ALABAMA BOARD OF ELECTRICAL CONTRACTORS
ADMINISTRATIVE CODE**

**CHAPTER 303-X-1
COMPOSITION AND OPERATIONS OF THE BOARD**

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303-X-1-01 Name

The name of this Board shall be the “Alabama Board of Electrical Contractors”, hereinafter referred to as the Board.

Authority: Code of Alabama 1975, §34-36-1, et seq.

History:

Author: Hendon B. Coody

303-X-1-02 Definitions

The following terms shall have the meanings respectively ascribed to them, for the purposes of these rules and regulations, unless the context clearly requires a different meaning:

- (1) Board. The Alabama Board of Electrical Contractors.
- (2) Character. Satisfaction of the Board that the applicant possesses such good character and willingness to serve the public and conserve the public health and safety as to be entitled to a license as an electrical contractor or journeyman electrician.
- (3) Electrical Contracting. The act of performing any job or project in the State of Alabama wherein the electrical contractor proposes to bid, install, maintain, alter, or repair any electric wiring devices, equipment or electrical systems.
- (4) Electrical Contractor. Any person, firm, or corporation who is engaged in the business of soliciting and installing electrical power or control systems; maintaining, altering, or repairing electrical power or control systems, any electrical wiring devices, equipment or any other electrical apparatus. A person who possesses the necessary qualifications, training, and technical knowledge to plan, lay out and supervise the installation of electrical wiring, apparatus, or equipment for lighting, heating, power, or controls.
- (5) Employee. A person who is hired to perform work or to provide services for an employer where the employer gives direction regarding what is to be done and how it is to be done and the work and/or services is not provided as part of an independent business.
- (6) Executive Director. The Executive Director of the State Board of Electrical Contractors.
- (7) Journeyman Electrician. A person who possesses necessary qualifications, training, and technical knowledge to install electrical wiring, apparatus, equipment, lighting, heating, power or control, covered by

this chapter. He or she shall work under a master or state certified electrical contractor, and shall be capable of doing work according to plans and specifications furnished to him or her and in accordance with standard rules and regulations governing such work.

(8) License. A valid and current certificate of registration issued by the Executive Director on behalf of the Board which shall give the named person to whom it is issued authority to engage in the activity prescribed thereon.

(9) Licensee. Any person holding a license pursuant to Code of Alabama 1975 § 34-36-1 et seq.

(10) Person. A human person, not a legal entity.

Authority: Code of Alabama 1975, §34-36-3, et seq.

History: Repealed February 11, 2011; Filed February 11, 2011

Author: Hendon B. Coody

303-X-1.03 Office of the Board

The office of the Board may be located at the office of the Executive Director. The Executive Director may provide the necessary administrative, legal, investigative, clerical, secretarial, accounting, administrative facilities and office space necessary to house the staff and records at a reasonable rate approved by the Board.

Authority: Code of Alabama 1975, §§34-36-4, et seq.

History: Repealed February 11, 2011; Filed February 11, 2011

Author: Hendon B. Coody

303-X-1.04 Financial Operation

The Board shall have the power to set amounts to be collected, to cause all monies to be collected and deposited with the State Treasurer, to cause expenses to be paid out of such funds by voucher and to requisition in accordance with state law.

Authority: Code of Alabama 1975, §§34-36-4, et seq.

History: Repealed February 11, 2011; Filed February 11, 2011

Author: Hendon B. Coody

303-X-1.05 Board Seal

The Board's seal is a double spherical design, with the words "The Alabama Board of Electrical Contractors" written in the outer sphere and the map of the state of Alabama in the inner sphere. The seal is to be used only

by the Board in its official capacity and may not be reproduced without permission of the Board.

Authority: Code of Alabama 1975, §§34-36-4, et seq.

History: Repealed February 11, 2011; Filed February 11, 2011

Author: Hendon B. Coody

303-X-1-06 Board Members

The Board shall consist of nine (9) members to be appointed by the Governor of the State of Alabama. One (1) shall be appointed from each congressional district, and there shall be two (2) at-large members who shall be appointed from any location within the state and shall be members of the Alabama State Electrical Workers Association. The membership of the Board should be inclusive and should reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. All Board members shall be appointed for terms of three (3) years. Each term shall expire on June 30 of the last year of such term, and no member shall serve more than two consecutive three-year terms. Vacancies on the Board for any cause shall be filled by appointment by the Governor for the balance of the unexpired term. Members shall serve until their successors are appointed.

Authority: Code of Alabama 1975, §§34-36-4, et seq.

History: February 11, 2011; Filed February 11, 2011

Author: Hendon B. Coody

303-X-1-07 Powers and Duties of the Board

(1) The Board is authorized to:

- (a) establish the Board's rules and regulations in accordance with Code of Alabama 1975, §§ 34-36-1, et seq. and §§ 41-22-1, et seq.;
- (b) determine the qualifications of electrical contractors to engage in the business of electrical contracting;
- (c) determine the qualifications of journeyman electricians to engage in electrical work;
- (d) provide for the investigation of written complaints filed with the Board concerning alleged violations of Code of Alabama, 1975 §§ 34-36-1, et seq. and any rules or regulations adopted by the Board;
- (e) issue a license or renewal of a license to qualified electrical contractors or qualified journeyman electricians in the state; qualifications to be determined by the Board;
- (f) suspend, revoke, or refuse to issue or renew a license after notice and opportunity for a hearing pursuant to the Administrative Procedures Act;

- (g) provide for the investigation of activities of licensed and unlicensed contractors;
 - (h) impose a reinstatement fee for the issuance of a license to those electrical contractors whose license has expired;
 - (i) impose a civil penalty against a licensee in an amount not to exceed five thousand dollars (\$5,000) per violation, after notice and opportunity for a hearing pursuant to the Administrative Procedures Act;
 - (j) commence and maintain proceedings to restrain the unlicensed practice of electrical contractors;
 - (k) prepare, administer and/or approve all examinations for licensing of electrical contractors and journeyman electricians in this state;
 - (l) keep complete minutes of all Board proceedings;
 - (m) provide personnel necessary to administer and enforce the provisions of Code of Alabama 1975 §§ 34-36-1, et seq. relating to the Board, including but not limited to, an executive director, an investigator, and attorneys.
- (2) Each Board member shall make an effort to attend all meetings of the Board. A Board member may be removed at the request of the Board after failing to attend three (3) consecutive Board meetings.
- (3) Board members are charged with safeguarding homeowners, other property owners and tenants against faulty, inadequate, inefficient, or unsafe electrical installations, and to protect the life, health and property of homeowners, other property owners and tenants in the State of Alabama.
- (4) Absent negligence, wantonness, recklessness, or deliberate misconduct, members of the Board are immune from liability for all good faith acts performed in the execution of their Board duties.

Authority: Code of Alabama 1975, §34-36-4, et seq.

History: Repealed February 11, 2011; Filed February 11, 2011

Author: Hendon B. Coody

303-X-1-08 Compensation of Board Members

The members of the Board shall receive up to three hundred dollars (\$300) per day, with a limit of fifteen (15) days per year while performing their official duties, in addition to the same per diem and mileage as provided to state employees.

Authority: Code of Alabama 1975, §34-36-5, et seq.

History: Repealed February 11, 2011; Filed February 11, 2011

Author: Hendon B. Coody

303-X-1-09 Meetings, Quorum and Order of Business

(1) The Board shall meet quarterly, and as often as necessary. Special meetings may be called by the Executive Director, the Chairman or by written request of five other members of the Board to the Executive Director.

(2) At least five (5) members of the Board shall constitute a quorum and as such, shall be competent to act. Every decision by the Board shall be by a majority vote of those present.

(3) All meetings of the Board, not including any part relating to the good name or character of an individual, shall be open to the public. All reports of investigations, documents subpoenaed by the Board, reports of any investigative committee appointed by the Board, memoranda of the Board's counsel or investigator relating to investigations, statements of persons interviewed by the Board or any committee of the Board, all information, interviews, reports, statements or memoranda of any kind furnished to the Board or any committee of the Board, and any findings, conclusions or recommendations resulting from proceedings of the Board or its committee, unless presented as evidence at a public hearing, shall be privileged and confidential and shall be used only in the exercise of the proper functions of the Board and shall not be public records.

(4) Meetings of the Board shall be conducted according to Robert's Rules of Order, unless otherwise required by law. The order of business at Board meetings shall be established by the Chairman and the Executive Director.

(5) The Executive Director or his designee shall keep a record of all meetings. The place of each meeting, names of the members present, all official acts of the Board, and the votes shall be recorded in the minutes. The minutes shall be presented for approval or amendment at the next regular meeting, which upon approval will be signed and each page initialed by the Chairman. The minutes, not including any section related to the good name and character of an individual, shall be open to public inspection at the Board's office.

(6) Any member of the Board or duly appointed hearing officer designated by the Board may administer oaths and take testimony concerning all matters within the jurisdiction of the Board.

Authority: Code of Alabama 1975, §34-36-4, et seq.

History: Repealed February 11, 2011; Filed February 11, 2011

Author: Hendon B. Coody

303-X-1-10 Election of Officers

The Board shall meet annually to elect a Chairman and a Vice Chairman from its membership, whose initial terms shall expire on June 30 of the following year.

Authority: Code of Alabama 1975, §34-36-4, et seq.

History: Repealed February 11, 2011; Filed February 11, 2011

Author: Hendon B. Coody

303-X-1-11 Chairman and Vice Chairman

The Chairman shall exercise general supervision of the Board's affairs, shall preside at all meetings when present, shall appoint all committees, shall sign all vouchers (or with approval of the Board, may delegate this duty to the Executive Director), and shall perform all other duties pertaining to this office. The Vice Chairman, in the absence of the Chairman, shall perform all the duties of the Chairman. Following Robert's Rules of Order, the Chairman may cast a tying vote or may cast the vote to break a tie in a vote that has been taken; in either case, the Chairman may vote one time only.

Authority: Code of Alabama 1975, §34-36-4, et seq.

History: Repealed February 11, 2011; Filed February 11, 2011

Author: Hendon B. Coody

303-X-1-12 Executive Director

- (1) The Executive Director shall be an administrative officer of the Board.
- (2) The Executive Director shall:
 - (a) supervise the day-to-day operations of the Board;
 - (b) act as its recording and corresponding secretary;
 - (c) have custody of and safeguard and keep in good order all property and records of the Board;
 - (d) cause written minutes of every meeting of the Board to be kept in the Book of Minutes of the Board;
 - (e) sign all instruments and matters that require approval of the Board;
 - (f) act as Treasurer and receive and deposit all funds to the credit of the "Board of Electrical Contractor's Fund" in the State Treasury;
 - (g) sign all bills before requesting the State Comptroller to make payment of any account.

(3) The Board may, from time to time, direct that the Executive Director perform, execute or carry out specific duties on behalf of the Board.

Authority: Code of Alabama 1975, §34-36-4, et seq.

History: Repealed February 11, 2011; Filed February 11, 2011

Author: Hendon B. Coody

303-X-1-.13 Employees and Contract Agreements

(1)The Board, or the Executive Director with the concurrence of the Board, may employ or contract for any clerks, experts, attorneys, and others, as may be necessary for the operation of the Board. The Board shall also have the power to make contract agreements in accordance with state law.

(2) The duties, responsibilities, and compensation for each such employee or contractor shall be set by the Board or the Executive Director with the concurrence of the Board.

(3) The Board shall not employ electrical inspectors nor provide for any electrical inspections.

Authority: Code of Alabama 1975, §34-36-4, et seq.

History: Repealed February 11, 2011; Filed February 11, 2011

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