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**General supervising electrician  
requirements**

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**Opportunity for public input:**

Those who would like to provide public testimony may attend a public hearing on May 19, 2009 at 9:30 a.m. The hearing will be located at the Building Codes Division, Conference Room A. Written comments may also be submitted to the contact below. The last day to submit written comments is 5:00 p.m. May 22, 2009.

**Live broadcast via the internet:**

To view the public hearing live, click on "[View live meetings](#)"

**Purpose of the rule:**

The proposed amendments clarify current responsibilities in rule for general supervising electricians. If adopted, the rule will clarify that general supervising electricians may not permit unlicensed individuals to perform work, either by allowing unlicensed individuals performing work or by failing to prevent it. A general supervising electrician who fails to comply with the rule – either through action or failure to act – may be subject to civil penalties, license suspension, revocation, or conditioning.

This proposed rule would become effective July 1, 2009.

**Citation:**

Amend: OAR 918-282-0140

**History:**

This proposed rule amendment arose out of an enforcement case that came before the Electrical and Elevator Board in September 2008. The administrative law judge hearing the case indicated that it was unclear that a penalty could be assessed against a general supervisor because it could not be established that the supervisor intended to allow an unlicensed individual to perform electrical work. As a result, the Electrical and Elevator Board requested that the division review OAR 918-282-0140, the General Supervising Electrician License rule, and if necessary, clarify the responsibility of general supervising electricians. The division presented draft amendments at the board's March 26, 2009 meeting. The board considered the proposed rules and approved the rules to go to public hearing.

**Contact:**

If you have questions or need further information, please contact Hearing Officer Aeron Teverbaugh at (503) 373-1354, or [Aeron.Teverbaugh@state.or.us](mailto:Aeron.Teverbaugh@state.or.us).



Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***  
A Statement of Need and Fiscal Impact accompanies this form.

Department of Consumer and Business Services, Building Codes Division	918
Agency and Division	Administrative Rules Chapter Number
Shauna M. Parker	PO Box 14470, Salem, OR 97309
Rules Coordinator	Address
	(503) 373-7438
	Telephone

**RULE CAPTION**

Clarifies that general supervising electricians may be penalized for failure to perform their responsibilities.

**Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.**

May 19, 2009	9:30 a.m.	1535 Edgewater Street NW, Salem, OR 97304	Aeron Teverbaugh
Hearing Date	Time	Location	Hearings Officer

*Auxiliary aids for persons with disabilities are available upon advance request.*

**RULEMAKING ACTION**

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

**ADOPT:**

**AMEND:** 918-282-0140

**REPEAL:**

**RENUMBER:**

**AMEND & RENUMBER:**

Stat. Auth.: ORS 455.117 & 479.730

Other Auth.:

Stats. Implemented: ORS 479.620 & 479.730

**RULE SUMMARY**

The proposed amendment does not create new responsibilities for signing supervisors. The proposed rule clarifies that signing supervising electricians may not allow, either actively or by failure to prevent, an electrician to perform work for which they are not properly licensed. The proposed amendment also clarifies that a signing supervisor may be subject to penalties including fines, license conditioning, suspension, and revocation, where they fail to meet their responsibilities under the rule.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

Friday, May 22, 2009 by 5:00 p.m.

**Last Day for Public Comment** (Last day to submit written comments to the Rules Coordinator)

Mark Long		
Signature	Printed name	Date

\*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15<sup>th</sup> day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Consumer and Business Services, Building Codes Division

918

Agency and Division

Administrative Rules Chapter Number

Clarifies that general supervising electricians may be penalized for failure to perform their responsibilities.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: Amending OAR 918-282-0140

Statutory Authority: ORS 455.117 & 479.730

Other Authority:

Stats. Implemented: ORS 479.620 & 479.730

Need for the Rule(s): Currently, the rule does not clearly state that the responsibilities of a general supervising electrician cannot be neglected by omission or failure to act. Therefore, the proposed rule clarifies that where a general supervising electrician does not meet their responsibilities under the rule, either through acting in a contrary way or by failing to prevent a violation, they may be subject to penalties.

Documents Relied Upon, and where they are available: Electrical and Elevator Board meeting minutes from March 26, 2009 and draft rules are available from the division's rules coordinator, located at 1535 Edgewater St NW, Salem, OR 97304 and are available on the division's Web site at [www.bcd.oregon.gov](http://www.bcd.oregon.gov).

Fiscal and Economic Impact: Because the rule does not change substantive requirements, the division does not anticipate there will be an economic or fiscal impact.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

Because the substantive requirements of the rule will not be changed by the proposed amendment, the division estimates there will be no impact on state agencies, units of local government, or the public.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: The proposed clarification will not increase the cost of compliance for small business. There are approximately 1,203 electrical contracting businesses that are required to have at least one general signing supervising electrician that are subject to the rule.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: The proposed rule only clarifies existing requirements and will not change any reporting, recordkeeping, or administrative activities.

c. Equipment, supplies, labor and increased administration required for compliance: No additional equipment, supplies, or labor will be required for compliance.

How were small businesses involved in the development of this rule? Small businesses are represented on the Electrical and Elevator Board. The board reviewed and approved the proposed rule at its March 26, 2009 meeting.

Administrative Rule Advisory Committee consulted?: No

If not, why?: The Electrical and Elevator Board that reviewed and approved the proposed rule represents a wide segment of industry.

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Signature	Mark Long	Date
	Printed name	

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007

**General Supervising Electrician Rule**  
**Draft- 4/6/09**

**918-282-0140**

**General Supervising Electrician License**

(1) A general supervising electrician when working for or as an electrical contractor requiring a signing supervisor ~~may~~:

(a) ~~d~~**Directs**, **supervises**, **makes**, or **controls** the making of ~~any~~ electrical installations;

(b) **May** design, plan, and lay out work for the customers of the contractor with whom the supervising electrician is continuously employed; and

(c) Is the only individual authorized to direct, supervise, or control the installation or alteration of an electrical service.

(2) The general signing supervising electrician ~~shall~~ **must**:

(a) Sign all permits;

(b) Ensure all electrical installations meet minimum safety standards;

(c) Be continuously employed as a general supervising electrician on the electrical contractor's regular payroll and be available during working hours to carry out the duties of a supervising electrician under this section;

(d) Ensure proper electrical safety procedures are used;

(e) Ensure all electrical labels and permits required to perform electrical work are used and signed;

(f) Ensure electricians have proper licenses for the work performed, **and may not permit either by assent or by failure to prevent, an individual to perform work for which they are not properly licensed;**

(g) Comply with corrective notices issued by the inspecting authority;

(h) Notify the division in writing within five days if the signing supervising electrician terminates the relationship with the electrical contractor; and

(i) Shall not act as a supervising electrician for more than one employer.

**(3) Supervising electricians who fail to comply with the provisions of this rule through act or omission may be subject to penalties. Penalties include, but are not limited to, fines, license conditioning, suspension, and revocation.**

(34) If the general supervising electrician leaves the employment of the general electrical contractor or employer, electrical work which requires a general supervising electrician shall not be conducted until a replacement general supervising electrician is employed and written notice designating the supervising electrician is given to the division.

(-45) License and Equivalent Requirements:

(a) The licensing requirements for a general supervising electrician are set out in ORS 479.630.

(b) To comply with the experience requirements, a non-journeyman applicant relying on equivalent experience shall provide proof that applicant had:

(A) Qualifying experience to become a journeyman electrician, that is at least 8,000 hours of work experience with sufficient minimum hours in each area set out in OAR 918-282-0170; and

(B) Additional qualifying experience as a journeyman, that is at least 8,000 hours of work experience that is equivalent to journeyman work.

(c) A licensed journeyman only needs to document 8,000 hours of experience as a journeyman.

Stat. Auth.: ORS ~~455.117~~ & 479.730

Stats. Implemented: ORS ~~479.620~~ & 479.730

Hist.: DC 15-1987, f. & ef. 5-15-87; Renumbered from 814-022-0880; BCA 28-1989, f. & ef. 12-7-89; BCD 8-1996(Temp), f. & cert. ef. 6-14-96; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-320-0090