

Mark-up Copy. Stricken language would be deleted from and underlined language would be added to the regulations as effective April 21, 2016.

**ADMINISTRATIVE REGULATIONS OF
THE BOARD OF ELECTRICAL EXAMINERS,
STATE OF ARKANSAS**

**010.13 Administrative Regulations of the Board of Electrical Examiners of the State of
Arkansas**

Amendment 1. Amend Rule 010.13-008 (A) and (B), dealing with the National Electrical Code, to read as follows:

010.13-008 The National Electrical Code

A. The Board hereby adopts and incorporates herein the National Electrical Code, ~~2014~~ 2017 edition of the National Fire Protection Association.

B. The National Electrical Code, ~~2014~~ 2017, shall be the standard for the construction, installation, repair, and maintenance of electrical facilities and the performance of electrical work.

1. Notwithstanding the provisions of the ~~2014~~ 2017 National Electrical Code, arc fault circuit interrupters shall not be required in kitchens and laundry rooms.

Amendment 2. Amend Rule 010.13-023 to read as follows:

010.13-023 Effective Date, Repealer and History.

A. Effective June 1, 2008 all previous regulations promulgated by the Board are hereby repealed.

B. The effective date of these regulations is June 1, 2008.

C. History

1. The Board of Electrical Examiners first promulgated regulations effective September 12, 1979. These regulations were amended effective October 15, 1987.

2. All previous rules and regulations of the Board were repealed and new rules and regulations were adopted effective January 1, 1992. These regulations were amended effective January 19, 1993; September 29, 1993; January 15, 1996; June 1, 1999; and July 1, 1999

3. All previous rules and regulations of the Board were repealed and new rules and regulations were adopted effective September 1, 1999. These regulations were amended effective August 20, 2001; January 1, 2002; April 1, 2002; April 1, 2004; November 1, 2004; October 1, 2005; and June 1, 2006.

4. All previous rules and regulations of the Board of Electrical Examiners were repealed and new rules and regulations were adopted effective June 1, 2008. [Note: Rule 010.13-019 was amended effective September 1, 2008 by adding subsection (E)].

5. Regulations 010.13-009, 010.13-011, and 010.13-012 pertaining to Specialist Sign Electricians and examination fees were amended by emergency regulation effective July 31, 2009. These changes were adopted as permanent regulations effective February 1, 2010. Regulation 010.13-012(H)(5) was also added by the permanent regulation.

6. Effective September 15, 2011 the following Rules were amended: Rule 010.13-008(B)(to update the National Electrical Code to the 2011 edition).

7. Regulation 010.13-021 pertaining to the licensure of electrical inspectors, was adopted with an effective date of February 10, 2014.

8. Effective November 21, 2014, Rule 010.13-008 was amended to update the National Electrical Code to the 2014 edition, with certain exceptions (dealing with arc fault circuit interrupters in kitchen and laundry rooms).

9. Effective January 1, 2016, the following Rules were amended: Rule 010.13-002 (Information for public guidance); Rule 010.13-004 (Rule-making); Rule 010.13-005 (Emergency rule-making); Rule 010.13-009 (Definitions); and Rule 010.13-013 (Licenses). A new rule was adopted effective January 1, 2016, Rule 010.13-022 (Active duty service members, returning military veterans, and spouses).

10. Effective June 1, 2017, Rule 010.13-008 was amended to adopt Article 691, Large-Scale Photovoltaic (PV) Power Production Facility, 2017 edition of the National Electrical Code as an emergency rule.

11. Effective December 15, 2017, Rule 010.13-008 was amended to update to the 2017 edition of the National Electrical Code, with certain exceptions (dealing with arc fault circuit interrupters in kitchen and laundry rooms).

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Labor

DIVISION Board of Electrical Examiners

PERSON COMPLETING THIS STATEMENT Denise P. Oxley, General Counsel

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To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Rule 010.13-008 The National Electrical Code

1. Does this proposed, amended, or repealed rule have a financial impact? Yes ☒ No ☐
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes ☒ No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☐ No ☒

If an agency is proposing a more costly rule, please state the following:

(a) How the additional benefits of the more costly rule justify its additional cost;
The National Electrical Code is the industry standard nationally. It is updated every three (3) years to reflect new technologies and best practices for public safety, in terms of life and property. The Board has determined that the costs are outweighed by the benefits of increased safety and standardization. The least costly option would be to continue operating under the 2014 Code.

(b) The reason for adoption of the more costly rule;
See answer above.

(c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;
See answer above.

(d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.
The Board is required by statute to consider updates and new editions to the National Electrical Code as they are available. See Ark. Code Ann. § 20-31-104.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
Federal Funds _____

Next Fiscal Year

General Revenue _____
Federal Funds _____

Cash Funds	_____
Special Revenue	_____
Other (Identify)	_____
 Total	 _____

Cash Funds	_____
Special Revenue	_____
Other (Identify)	_____
 Total	 _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue	_____
Federal Funds	_____
Cash Funds	_____
Special Revenue	_____
Other (Identify)	_____
 Total	 -0-

Next Fiscal Year

General Revenue	_____
Federal Funds	_____
Cash Funds	_____
Special Revenue	_____
Other (Identify)	_____
 Total	 -0-

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

The cost will vary depending on the nature and design of any particular construction project. This is particularly true for non-residential construction. Further, many of the large electrical contractors are already complying with the changes due to industry practice, client needs, contract requirements, or liability issues.

For residential construction, the cost estimate is under \$150 per residence based on average construction. Specifically, this is itemized as follows:

- a. If the new residence is to have lighting outlet(s) in a crawl space under the home, new requirements would increase costs less than \$50.
- b. There is a new requirement for a minimum 20 amp branch circuit for residential garage receptacles that would increase costs less than \$100 if applicable.

Note: The 2014 National Electrical Code (NEC) would have required AFCI protection in the kitchen and laundry areas. This was specifically amended out of the 2014 NEC as adopted in Arkansas for statewide standards. Adoption of the 2017 NEC would continue these two exceptions, so that AFCI is not required in the kitchen and laundry.

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

The costs will be the same for any public sector entity as for a private sector entity.

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☒

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

AGENCY #010.13

Attachment A

**SUMMARY OF PROPOSED AMENDMENTS TO THE
RULES OF THE BOARD OF ELECTRICAL EXAMINERS,
STATE OF ARKANSAS**

Arkansas Department of Labor
July 24, 2017

Rule 010.13-008. This Rule would be amended to update the National Electrical Code from the 2014 edition to the 2017 edition, with the continued exception that arc fault circuit interrupters will not be required in the kitchen and laundry room.

Rule 010.13-023. The Rule reflecting the history and effective dates of the Board's rules would be amended to include the foregoing with an effective date of December 15, 2017.