

BEFORE THE MONTANA STATE ELECTRICAL BOARD
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the petition)
for declaratory ruling on the)
clarification of low voltage) DECLARATORY RULING
electrical communication or)
signal equipment, whether)
parking lot or street lighting)
are covered by electrical code)
and which electrical code is)
applicable)

TO: All Concerned Persons

1. On September 7, 2000, the Montana State Electrical Board published a Petition for Declaratory Ruling in the above entitled matter at page 2433, 2000 Montana Administrative Register, issue number 17.

2. Hearing on the matter was held October 11, 2000 before F. Lon Mitchell, Hearing Examiner. The time for allowing additional comments was extended until November 10, 2000 by Notice published at page 2780, 2000 Montana Administrative Register, issue number 20.

3. At its regularly scheduled board meeting on January 4-5, 2001, the Board considered all submitted and written comments as well as formal testimony, then issued its Declaratory Ruling.

4. Written comments were received from 48 persons and 29 persons testified at the hearing.

ISSUE I

5. Clarification of low voltage electrical communication or signal equipment.

SUMMARY OF COMMENTS

COMMENT NO. 1: All comments received were opposed to requiring persons who install low-voltage wiring to be licensed. Testimony was received that "fiber-optic, data wiring and other low-voltage wiring does not fall within the intent of the law and rules."

COMMENT NO. 2: One commentor stated that granting the Petition for Declaratory Ruling would have a detrimental effect on the telecommunications industry in Montana and suggested that a task group be put together to look at licensure for telecommunications contractors or workers.

COMMENT NO. 3: One commentor stated that alarm systems are low voltage and their installation does not present any safety

hazard. The commentor strongly objected to the inclusion of alarm systems under the authority of the electrical board as security system installers are already licensed under the Board of Private Security Patrol Officers and Investigators.

COMMENT NO. 4: One commentor stated that low voltage wiring regulation would adversely affect many livelihoods and create a serious adverse effect on the public because much could not be done in out-lying areas where licensed electricians are not that prevalent. The commentor was concerned that heating and cooling system installation, telephone and computer installations, satellite systems and even appliance installation would be affected. The commentor stated that this work represents very little risk to the public and any improvement to the public is not justified by the additional financial burden that would be placed on the public and the businesses engaged in this work.

COMMENT NO. 5: One commentor stated that the National Electrical Code and the Occupational Safety and Health Administration as well as other standards address low voltage wiring and establish guidelines that licensed electrical technicians are not normally required when working with voltages that do not exceed nominal 50 volts direct current or nominal 30 volts alternating current.

COMMENT NO. 6: One commentor stated that school systems would be adversely affected if this petition is granted as many school systems perform their own data connections and wiring.

ANALYSIS

6. Pursuant to Section 2-4-501, MCA, the Board is authorized to issue Declaratory Rulings "as to the applicability of any statutory provision."

7. The Petition for Declaratory Ruling was filed in accordance with Section 2-4-501, MCA, and appeared at page 2433, 2000 Montana Administrative Register, Issue No. 17.

DECLARATORY RULING

8. The Montana State Electrical Board has no authority to issue a low voltage license. This includes the individuals who are involved in telecommunications. The Board determined that low voltage is considered to be 90 volts or less. Low voltage installers also have the right to run raceways incidental to their installation to be used strictly as a physical protector to the wires therein.

ISSUE II

9. Whether parking lot or street lighting are covered by electrical code.

SUMMARY OF COMMENTS

COMMENT NO. 7: A representative from Montana Power Company stated that this declaratory ruling process did not apply to signal equipment and stated that parking lot or street lighting are covered by the National Electrical Code because this issue has already been resolved in a "complaint process."

COMMENT NO. 8: A representative from the Montana Department of Transportation testified that the "installation, alteration, or repair of electric signal equipment" has been exempt from licensure requirements and that the Department of Transportation is in conformance with all applicable sections of the National Electrical Code.

COMMENT NO. 9: Several commentors stated that street lighting and parking lot lighting operated by a public utility must be covered by licensure.

COMMENT NO. 10: One commentor stated that "only licensed journeyman electricians should do signal equipment, street lighting and parking lot lighting."

COMMENT NO. 11: One commentor stated that "a graded approach should be taken." Parking lot and street lighting should be covered and as regards low-voltage, each type of system should be graded.

ANALYSIS

10. Pursuant to Section 2-4-501, MCA, the Board is authorized to issue Declaratory Rulings "as to the applicability of any statutory provision."

11. The Petition for Declaratory Ruling was filed in accordance with Section 2-4-501, MCA, and appeared at page 2433, 2000 Montana Administrative Register, Issue No. 17.

DECLARATORY RULING

12. The installation or repair of traffic control lights, highway lights or street lights owned by the State of Montana or a municipality would be exempt under Section 37-68-103(1), MCA. However, the electrical service of these installations requires licensure as an unlimited contractor, which requires a master electrician of record.

ISSUE III

13. Which electrical code is applicable?

SUMMARY OF COMMENTS

COMMENT NO. 12: Several comments were received stating that the Board should regulate all electrical work under the auspices of the National Electrical Code.

ANALYSIS

14. Pursuant to Section 2-4-501, MCA, the Board is authorized to issue Declaratory Rulings "as to the applicability of any statutory provision."

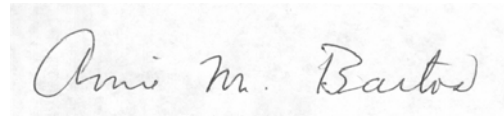
15. The Petition for Declaratory Ruling was filed in accordance with Section 2-4-501, MCA, and appeared at page 2433, 2000 Montana Administrative Register, Issue No. 17.

DECLARATORY RULING

16. The only electrical code that the Montana State Electrical Board operates under is the National Electrical Code and is the code that is referred to in the Board's statutes and rules. The National Electrical Code is the only code that the Board uses to regulate the industry.

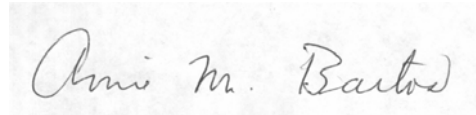
MONTANA STATE ELECTRICAL BOARD
TODD STODDARD, CHAIRMAN

By:



ANNIE M. BARTOS, CHIEF COUNSEL
DEPARTMENT OF COMMERCE

By:



ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, March 26, 2001.