

**ADOPTED REGULATION OF THE DIVISION OF INDUSTRIAL
RELATIONS OF THE DEPARTMENT OF
BUSINESS AND INDUSTRY**

LCB File No. R116-06

Effective November 13, 2006

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-12, NRS 618.918.

A REGULATION relating to photovoltaic installers; providing requirements for licensure of photovoltaic installers; providing procedures for appealing a fine or the suspension or revocation of a license; and providing other matters properly relating thereto.

Section 1. Chapter 618 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 11, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Licensee” means any person who is licensed by the Division pursuant to sections 2 to 11, inclusive, of this regulation.*

Sec. 4. *“Photovoltaic installer” has the meaning ascribed to it in NRS 618.912.*

Sec. 5. *For the purposes of NRS 618.922, an examination which is approved by the Enforcement Section must test a person’s knowledge on subjects which are consistent with the guidelines, standards and training suggested by the Interstate Renewable Energy Council, the North American Board of Certified Energy Practitioners or any other nationally recognized*

organization involved in developing guidelines, standards and training to improve the quality of services provided by photovoltaic installers.

Sec. 6. 1. *A person applying for a license as a photovoltaic installer must:*

(a) Comply with the requirements set forth in NRS 618.922 and 618.924; and

(b) Pay an application fee of \$25.

2. *An applicant must notify the Enforcement Section of a change in his mailing address within 15 working days after the change occurs.*

Sec. 7. *The Enforcement Section may deny an application for a license on the following grounds:*

1. *Failure to comply with any of the requirements, procedures or standards provided in this chapter or chapter 618 of NRS; or*

2. *Use of fraudulent or deceptive means in procuring a license as a photovoltaic installer.*

Sec. 8. *To renew his license as a photovoltaic installer, a licensee must, on or before the date on which his license expires:*

1. *Comply with the requirements set forth in NRS 618.926; and*

2. *Pay a renewal fee of \$25.*

Sec. 9. *If the Enforcement Section intends to impose an administrative fine pursuant to NRS 618.930, it will notify the person of its intention by:*

1. *Delivering a notice of violation to the person by certified mail;*

2. *Enclosing with the notice of violation:*

(a) A statement indicating the Enforcement Section's legal authority and jurisdiction to impose an administrative fine;

(b) A statement of the reasons for the imposition of the administrative fine, including a citation of the applicable regulations supporting the imposition of the fine; and

(c) A statement of the amount of the administrative fine; and

3. Stating the effective date of the imposition of the proposed administrative fine upon failure to appeal and the procedures for bringing an appeal.

Sec. 10. *1. A person may appeal the imposition of an administrative fine by filing an appeal with the Chief within 30 days after the receipt of the notice of violation.*

2. An appeal filed pursuant to this section stays the imposition of the administrative fine.

3. An appeal filed pursuant to this section:

(a) Must be in writing and describe in particular the matters to be appealed. If it is alleged that the Enforcement Section does not have the jurisdiction or legal authority to act with regard to the imposition of an administrative fine, it must be indicated in the appeal documents.

(b) Must be accompanied by:

(1) Any documents applicable to the appeal;

(2) The names of any witnesses who may be called at the hearing on the appeal; and

(3) The expected time needed to present the appeal.

4. The Chief or his designee shall set a date for hearing an appeal within 10 days after the receipt of a written appeal.

5. The Chief or his designee shall hear all appeals made pursuant to this section and give all parties thereto notice of the hearing and a fair opportunity to participate at the hearing. The Chief or his designee shall issue a written decision within a reasonable time after the conclusion of the hearing.

Sec. 11. 1. *If the Enforcement Section notifies a licensee that it intends to suspend or revoke his license pursuant to NRS 618.932, the licensee may file a request for a hearing within 30 days after the receipt of the notice of intention to suspend or revoke.*

2. A request filed pursuant to this section:

(a) Must be in writing and describe in particular the matters to be heard. If it is alleged that the Enforcement Section does not have the jurisdiction or legal authority to act with regard to the suspension or revocation, it must be indicated in the filed documents.

(b) Must be accompanied by:

(1) Any documents applicable to the suspension or revocation;

(2) The names of any witnesses who may be called at the hearing; and

(3) The expected time needed for the hearing.

3. The Chief or his designee shall hold a hearing within 10 days after the receipt of a written request for a hearing.

4. The Chief or his designee shall hear all requests filed pursuant to this section and give all parties thereto notice of the hearing and a fair opportunity to participate at the hearing. The Chief or his designee shall issue a written decision within a reasonable time after the conclusion of the hearing.

Sec. 12. NAC 618.008 is hereby amended to read as follows:

618.008 “Enforcement Section” means the Occupational Safety and Health ~~Enforcement Section~~ *Administration* of the Division.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R116-06**

The Division of Industrial Relations of the Department of Business and Industry adopted regulations assigned LCB File No. R116-06 which pertain to chapter 618 of the Nevada Administrative Code on October 18, 2006.

Notice date: 8/25/2006
Hearing date: 9/29/2006

Date of adoption by agency: 10/18/2006
Filing date: 11/13/2006

**IN THE MATTER OF ADOPTION OF
NEW REGULATIONS FOR THE LICENSING
OF PHOTOVOLTAIC INSTALLERS.**

INFORMATIONAL STATEMENT

The Occupational Safety and Health Administration, the Division of Industrial Relations, Department of Business and Industry, State of Nevada, (the Division), conducted public hearings on proposed permanent regulation concerning requirements related to the licensing of photovoltaic installers pursuant to NRS 618.918.

1. A description of how comments were solicited from the public and affected businesses, a summary of response from the public and affected business and an explanation of how other interested persons may obtain a copy of the summary.

On June 30, 2005, the Notice of Public Workshop to solicit comments on proposed photovoltaic installer licensing regulation of the Division of Industrial Relations was posted or deposited in the mail for posting in the main branch of every county library, the State Library, and the Henderson, Reno, and Carson City offices of the Division of Industrial Relations. On June 30, 2005, 28 copies of the Notice of Workshop to Solicit Comments on Proposed Regulations of the Division of Industrial Relations were mailed to affected employers, labor organizations, and other interested persons that were identified as working in the solar-voltaic industry. The notice advised the public of the time and place of the workshop on the proposed regulation and indicated that the public could prior to the public workshops, make written comments to John F. Wiles, Division Counsel of the Division of Industrial Relations for consideration.

On July 11, 2005 the Division met with affected business representatives and union representatives to review training programs, accreditation requirements, and to tour an installed photovoltaic system at the Southern Nevada Electrical Joint Apprentice Training Center.

On July 25, 2005, the Division of Industrial Relations held public workshops in Las Vegas, and Carson City; these two workshops were connected by video conference. The workshops were to solicit comments, data and views on regulations necessary to implement Assembly Bill 3, Section 8.1 to Section 8.8, photovoltaic installer licensure.

On July 25, 2005 the public workshop comments are as follows:

Madison Burnett – Director of Electrical Joint Apprenticeship Committee, Las Vegas

Comment: A few qualifications that a photovoltaic installer (PVI) should have:

- (a) Concept of key terms
- (b) Understand Ohms Law and AC/DC theory as it relates to voltage and current
- (c) Hazard recognition as it relates to all photovoltaic (PV) operations
- (d) Understand the use of personal protective equipment as it relates (PV) installation and maintenance
- (e) Acquire this knowledge thru State registered apprenticeship programs or thru State college and universities.

Vern Edmondson – Eagle Electric, Las Vegas

Comment: Mr. Edmondson has a long history in PV installations. This will be good business for electrical contractors and consumers. The installation of a PV system is regulated by the Contractors Board under a C2 license. The National Electric Code has PV regulations, and City and County ordinances have license requirements. The designation of PV installer should be in conjunction with the requirement of being an apprentice electrician or a journeyman electrician.

Timothy Biedinger – 21st Century Tech of Nevada, Las Vegas

Comment: The installation of a PV system involves the understanding of DC and AC concepts that an electrician does not normally work with therefore the PVI designation is good to have for an electrician.

There are aspects of a PV installation such as setting footings and installing racks that do not require an electrician. These are non-electrical tasks, that can be done by other contractors, such as a roofing contractor which should not require a PVI license.

Another concern with AB3, refer to page 10 line 33 of the bill, with regard to the maintenance of a PV system, implies that a (PVI) electrician would be required to do maintenance such as cleaning panels which is a non-electrical task.

Robert McKinney – Nevada Power Company, Carson City

Comment: As licensing is concerned, the Contractors Board C2 license with a C2-H or C2-G photovoltaic designation already covers PV installation and the issues of non-electrical installations. This is also covered by the C2/C2G license.

Roger Bremner – Administrator, Division of Industrial Relations

Question: Does that mean in your opinion that any licensing required by this statute would be a duplication of the effort?

Robert McKinney

Answer: I believe it would be, yes.

Tom Czehowski – Chief Administrative Officer, Occupational Safety and Health Administration

Comment: Yes, you are correct that a contractor would be required to have a C2/c2G license, but an installer would only be required to have a PVI license with the Division of Industrial Relations, whereas a contractor doing the installation would be required to have both licenses from each agency. I would not consider this to be dual licensing.

Roger Bremner

Question: I would like to ask the audience, what type of educational opportunities are presently available?

Tom Czehowski

Answer: We as an agency have looked into the available training providers such as the Southern Nevada, Joint Apprenticeship Training Center, the Solar Living Institute and the Institute of Sustainable Power for guidance on setting up PVI training programs.

Madison Burnett

Comment: In southern and northern Nevada, we offer PVI training. On staff we have two certified JATC instructors and one trainer certified with the North American Board of Certified Energy Practitioners.

Robert Buntjer – Assistant Training Director, JATC, Las Vegas

Comment: A person who is also a contractor doing installations would have to have the C2 license to perform as a contractor, and the PVI license to do the actual work. It is important through licensing to assure the credibility of the installer and to assure that they understand the whole process of PV installation from start to finish.

Vern Edmondson

Comment: Up to this point with each unit, the PV manufacturer provides instructional modules and training, along with the occasional manufacturer's seminar. Sacramento Utility Company has been certifying PVIs for years.

Jeanette Bells – Associated General Contractors, Carson City

Question: I need a clarification on what I think I heard. On the issues of dual licensing, does a person have to have a contractor's license as well as a PVI license?

Tom Czehowski

Answer: As an installer, you would only need the PVI license. As a contractor and installer, the contractor would need the C2/C2G and the PVI licenses.

Jeanette Bells

Comment: I would defer any comments until the attorneys review the language in AB3 (page 7, Section 8.2). Will there be another workshop and public hearing?

Tom Czehowski

Comment: Yes, there will be another scheduled public hearing. We will be taking comments on this workshop up to 10 days after this workshop. Yes, you are correct that a contractor would be required to have a C2/C2G license but an installer would only be required to have a PVI license with the Division of Industrial Relations, whereas a contractor doing the installation would be required to have both licenses from each agency.

Roger Bremner

Question: Does anyone know how many PV installers there are in the State of Nevada?

Chris Brooks – Bombard Electric

Comment: I would like to comment on what a PV system entails. All mounting hardware and attachments are engineered as one unit, delivered as a kit from the manufacturer. There have been comments about non-electric work versus electric work on a PV installation. Every component on the system should be installed by an electrical contractor and licensed PVI to assure proper installation. It is important for manufacturer's warranty coverage that the unit is properly installed.

Mickey Miles – International Brotherhood of Electrical Workers

Comment: I commend the Legislature for their action here. There should be a designation between a contractor and an installer. The PVI license should not be based on just an attendance training certificate but should also be based on taking an appropriate test.

Russ Cartwright – Independent Power Corporation

Comment: There is another PVI training provider, "Edacom" out of Sacramento, CA. The training for a PVI is important. The concern is that too much will be required to work as a PVI. On the job training could be an alternative; a qualified licensed PVI could train and maintain oversight on non-qualified people working on the installation.

Chris Brooks

Comment: On PVI training, emphasis should be made on electrical safety and high voltage DC systems. A PVI should know all aspects of installation safety.

On September 29, 2006, the Division of Industrial Relations held a public hearing for adopted amendments to Chapter 618 of the Nevada Administrative Code (NAC) pursuant to NRS 618.918. **The public hearing comments are as follows:**

Chris Brooks – Bombard Electric

Comment: There is a concern about NRS 618.912, the definition for “photovoltaic installer”. The concern is that unskilled labor would be used to install mounting systems that require proper grounding as required by the National Electric Code; improper grounding of a mounting system would result in an unsafe installation.

Mr. Brooks supports the North American Board of Certified Energy Practitioners as the lead agency in certifying competent photovoltaic installers.

Madison Burnett – Director of Electrical Joint Apprenticeship Committee, Las Vegas

Question: Will there be any continuing education requirements for the renewal of photovoltaic installer licensing?

Tom Czehowski – Chief Administrative Officer, Nevada OSHA

Answer: There are no provisions in NRS 618 language that requires any continuing education requirements for renewal of photovoltaic installer license.

Copies of this informational summary can be obtained at the Nevada OSHA offices: 1301 N. Green Valley Parkway, Suite 200, Henderson, NV 89074, telephone number (702)486-9020; or 4600 Kietzke Lane, Suite F-153, Reno, NV 89502, telephone number (775)824-4600.

2. The number of persons who attended the hearing and workshop, testified at each hearing and workshop, and submitted written statements to the agency.

On July 25, 2005, the Division of Industrial Relations held a public workshop on the proposed regulation to license photovoltaic installers. The workshop was connected via video conference between Carson City and Las Vegas. Approximately 30 people attended the workshop. There were 9 people who came forward to make public comments on the proposed regulation. On August 3, 2005, there was one written comment submitted to the Division of Industrial Relations located in Henderson.

On September 29, 2006, the Division held a public hearing on proposed regulation to license photovoltaic installers. The hearing was connected via video conference between Carson City and Las Vegas. There were 6 people in attendance for the hearing. There were two people who came forward to make public comments on the proposed regulation. There were no written comments submitted.

3. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without changes.

Based on input from affected businesses and other interested parties during the public workshop, the Division of Industrial Relations developed a proposed regulation which was submitted to the Legislative Counsel Bureau (LCB). After LCB revised the regulation, the Division held a public hearing. During the public hearing of an affected business expressed its concern about the statutory definition of “photovoltaic installer”. The Division considered this comment but could not create a regulatory definition which would conflict with the statutory definition.

4. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public.

- (a) **On regulated businesses:** The Division believes there are no immediate or long term adverse effects anticipated that would negatively impact business. Businesses would benefit by getting qualified photovoltaic installers who have passed a nationally recognized exam
- (b) **On the general public:** The Division believes there are no immediate or long term adverse effects anticipated that would negatively impact the general public. The general public would benefit by getting qualified photovoltaic installers that would provide better overall installation, and maintenance services.

5. The estimated cost to the agency for enforcement of the adopted regulation.

The approximate yearly cost to administer photovoltaic installation licensing services for both north and south Nevada would be approximately \$22,000 for salaries and benefits for two administrative assistants, and two supervisors; this is based on processing 1000 licenses, taking 20 minutes to process each license. The cost for printing license cards \$1000, and the cost of paper/coping/telephones \$1000.

6. A description of any regulations of state or government agencies which proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The Division of Industrial Relations is not aware of any other state or other government agency regulations or proposed regulations that would overlap or duplicate this regulation.

7. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

The Division of Industrial Relations is not aware of any Federal regulations which regulate the licensing of photovoltaic installers.

8. If the regulation provides a new fee or increase in existing fees, the total annual amount the agency expects to collect and the manner in which the money will be used.

There will be a \$25.00 yearly fee for each person licensed as a photovoltaic installer; if the Division processes 1000 licenses, that would generate \$25,000. This money will be used to defray costs (\$24,000) associated with the licensing process.