

August 12, 2021**CSLB #21-14**

CSLB Announces Contractor Classifications Authorized to Install Battery Energy Storage Systems

On July 27, 2021, the Contractors State License Board (CSLB or Board) held a public meeting to review, discuss, and take action on the June 30, 2021 [Battery Energy Storage Systems License Classification Report](#) issued by the University of California (UC) Berkeley. As part of the public meeting and consistent with Open Meeting Act requirements, the Board afforded members of the public an opportunity to comment on UC Berkeley's report prior to taking any action.

In response to the data compiled in the report by UC Berkeley as to the appropriate classification to install Battery Energy Storage Systems (BESS), the Board motioned and voted by majority decision, to take the following actions:

- Accept the UC Berkeley recommendation to preclude the C-46 Solar license classification from installing BESS.
- Rescind all prior staff opinions that BESS can be installed by a C-46 Solar license classification as "incidental and supplemental" work when the BESS is paired with a solar photovoltaic (PV) system. You may find the regulatory definition of incidental and supplemental [here](#).
- Provide a 90-day grace period to educate the industry on the Board's decision to adopt UC Berkeley's recommendation to preclude the C-46 Solar license from BESS installation and assist C-46 Solar contractors in obtaining a C-10 Electrical classification. As highlighted in the report, there are currently 447 dual C-10 and C-46 license holders.
- The Board's July 27, 2021, decision does not impact the "A" General Engineering Contractor, "B" General Building Contractor or C-10 Electrical Contractor to install BESS with their respective classifications.

The July 27, 2021, Board Meeting materials are published [here](#). The webcast of the full July 27, 2021, Board Meeting is viewable [here](#).

Obtaining a C-10 Classification

- Contractors with experience installing electrical devices who believe they may qualify for a C-10 Electrical contractor's license should contact the Classification Deputy at classifications@cslb.ca.gov for assistance with the CSLB application process.
- Board staff will provide an expedited review of any existing C-46 contractor application seeking to add a C-10 classification if the Board receives the application no later than November 1, 2021.
- CSLB will host a workshop for those who are interested in applying for a C-10 Electrical Contractor license.

Department Of Industrial Relations Electrician Certification Requirement

Labor Code Provisions

Labor Code section 108, subdivision (c), statutorily defines “electricians” as:

[A]ll persons who engage in the connection of electrical devices for electrical contractors licensed pursuant to Section 7058 of the Business and Professions Code, specifically, contractors classified as electrical contractors in the Contractors' State License Board Rules and Regulations.

You may find the regulatory definition of an “electrical contractor” here: [16 CCR § 832.10](#).

In addition, Labor Code section [108.2](#) provides in relevant part:

(a) Persons who perform work as electricians shall become certified pursuant to Section 108. Uncertified persons shall not perform electrical work for which certification is required.

(b) (1) Certification is required only for those persons who perform work as electricians for contractors licensed as class C-10 electrical contractors under the Contractors' State License Board Rules and Regulations.

(2) Certification is not required for persons performing work for contractors licensed as class C-7 low voltage systems or class C-45 electric sign contractors as long as the work performed is within the scope of the class C-7 or class C-45 license, including incidental and supplemental work as defined in Section 7059 of the Business and Professions Code, and regardless of whether the same contractor is also licensed as a class C-10 contractor.

However, under Labor Code section 108.2, subdivision (g), “the qualifying person for a class C-10 electrical contractor license issued by the Contractors State License Board need not also be certified pursuant to Section 108 to perform electrical work for that licensed contractor or to supervise an uncertified person employed by that licensed contractor pursuant to Section 108.4.”

Contractors are encouraged to review Labor Code sections 108 and 108.2 for other enumerated statutory exemptions from the Department of Industrial Relations' (DIR)

electrician certification requirement. Presently, there is no statutory exemption for the C-46 solar license.

Contractors should also be aware that failure to comply with DIR's Labor Code provisions may result in CSLB taking future disciplinary action against the contractor pursuant to Labor Code section 108.2, subdivision (h).

The DIR's Division of Labor Standards and Enforcement maintains minimum standards for the competency and training of certified electricians in California. Additional information for the California's Electrician Certification Program is here: [Division of Labor Standards Enforcement - Electrician certification program](#))

Additional Information

- Specialty contractors, including the C-46 solar license, are subject to the Board's regulatory requirements concerning Classification Policy and Limitation of Classification, that can be found at Title 16 California Code of Regulations sections [830\(b\)](#) and [834\(c\)](#).
- CSLB will not take any retroactive enforcement action against a licensee as a result of the Board's July 27, 2021, decision to rescind all prior staff opinions concerning incidental and supplemental work performed by a C-46 solar license. Any enforcement action will be prospective, effective November 1, 2021. Projects entered into after this date will be subject to the electrician certification requirement unless such work is statutorily exempted under Labor Code sections 108 or 108.2.
- Again, please refer to the following useful information to determine whether certification is required or whether a contractor is exempted from the statutory electrician certification requirements:
 - (1) DLSE's electrician certification website; [Division of Labor Standards Enforcement - Electrician certification program](#)
 - (2) Labor Code sections 108 and 108.2 outlining specified exemptions; and
 - (3) California Code of Regulations, title 16, section 832.10, defining the scope of work for an electrical contractor.

If you have questions on enforcement of electrician certification requirements, please email classifications@cslb.ca.gov and provide a **phone number where you can be reached**. CSLB staff will return calls in the order received.