

Department of Consumer Affairs
Title 16: Professional and Vocational Regulations
Division 8: Contractors State License Board

NOTICE OF PROPOSED RULEMAKING CONCERNING
BATTERY ENERGY STORAGE SYSTEMS (BESS)

NOTICE IS HEREBY GIVEN that the Contractors State License Board (Board or CSLB) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Person” in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or email to the addresses listed under “Contact Person” in this Notice, must be **received by the Board at its office no later than Monday, November 23, 2026**, or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Business and Professions Code (BPC) sections 7008 and 7059, and to implement, interpret, or make specific BPC sections 7058 and 7059, the Board is considering amending section 832.46 in Division 8 of Title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC section 7008 authorizes CSLB to adopt rules and regulations in accordance with the Administrative Procedure Act that are reasonably necessary to carry out the provisions of the Contractors State License Law (CSLL). Section 7058 establishes the specialty contractor license and defines “specialty contractor” as “a contractor whose operations involve the performance of construction work requiring special skill and

whose principal contracting business involves the use of specialized building trades or crafts.” Section 7059 authorizes the Board to adopt rules and regulations that are reasonably necessary to put into effect the classification of contractors in a manner consistent with established usage and procedure found in the construction business.

Consistent with that authority, the Board has defined by regulation 43 specialty license subclassifications in section 832 of Article 3 of Division 8, Title 16 of the CCR. This proposed regulation affects one of those specialty license classifications: section 832.46, “Class C-46 Solar Contractor.”

ANTICIPATED BENEFITS OF PROPOSAL

The Board has determined that this regulatory proposal will have the following anticipated benefits: the proposal preserves important distinctions between contractor license classifications by maintaining an 80 kWh rating limit for BESS installations, maintenance, and repair by a C-46 solar contractor. It also benefits the public by eliminating a temporal restriction on C-46 solar contractors performing BESS work on systems they install, but without sacrificing public safety. And it ensures that C-46 solar contractors can fulfill their contract and warranty obligations now, and in the future.

EVALUATION OF CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing this regulatory proposal, CSLB has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

INCOPORATION BY REFERENCE

There are no forms or documents incorporation by reference.

DISCLOSURES REGARDING THIS PROPOSED ACTION

FISCAL IMPACT ESTIMATES

FISCAL IMPACT ON PUBLIC AGENCIES INCLUDING COSTS OR SAVINGS TO STATE AGENCIES OR COSTS/SAVINGS IN FEDERAL FUNDING TO THE STATE:

None. The proposed regulations do not result in a fiscal impact to the state.

The amendments are intended to clarify existing regulations by defining BESS and scope of practice guidance and are not anticipated to result in additional costs to the state.

The regulations do not result in costs or savings in federal funding to the state.

NONDISCRETIONARY COSTS/SAVINGS TO LOCAL AGENCIES: None.

Cost to any Local Agency or School District for which Government Code Sections 17500 - 17630 Require Reimbursement: None.

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs: None.

Business Impact Estimates:

The Board has made the initial determination the proposed regulations would have no significant statewide adverse economic impact directly affecting businesses, including the inability of California businesses to compete with businesses in other states.

This initial determination is based on the following facts:

The Board has determined the only types of businesses that may be affected are licensed contractors who hold a C-46 solar contractor classification and no other license classification that authorizes the contractor to install BESS. This proposal is intended to better align the Board's regulations with current law and existing business practice.

The regulations do not result in additional workload or costs for businesses to comply with this proposal.

Cost Impact on Representative Private Person or Business

The Board estimates that there will be no significant increased costs for people or businesses to comply with the proposed regulations. This initial determination is based on the fact that the regulations provide direction to electrical and solar contractors, as well as the general public, battery energy storage systems.

The regulations do not result in additional workload or costs for individuals or businesses to comply with this proposal.

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

RESULTS OF ECONOMIC IMPACT ASSESSMENT / ANALYSIS

IMPACT ON JOBS/BUSINESSES

The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

This proposal is intended to better align the Board's regulations with current law and existing business practices. The regulations do not result in additional workload or costs for individuals or businesses to comply with this proposal.

Benefits of Regulation

The Board has determined this regulatory proposal will not affect the health and welfare of California residents because this proposal is intended to better align with the Board's regulations with current law and existing business practices.

The proposal preserves important distinctions between contractor license classifications by maintaining an 80 kWh rating limit for BESS installations, maintenance, and repair by a C-46 solar contractor.

The proposal will benefit worker safety because it ensures that only appropriately skilled workers install BESS.

This regulatory proposal does not affect the state's environment because it will not affect demand for photovoltaic solar energy systems or BESS.

Business Reporting Requirements

The regulatory action does not require businesses to file a report with the Board.

Effect on Small Business

The Board has determined that the proposed regulations will not affect small businesses. Although small businesses owned by licensees of the Board may be impacted, this proposal is intended to better align these provisions with current law and existing business practice.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed; would be as effective and less burdensome to affected private persons than the proposal described in this Notice; or

would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 9821 Business Park Drive, Sacramento, CA 95827 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board, at 9821 Business Park Drive, Sacramento, CA 95827.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the person designated in this Notice as the Contact Person and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Contact Person named below or by accessing the website listed below.

CONTACT PERSONS

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Tracy Brazil
Address: Contractors State License Board
9821 Business Park Drive
Sacramento, CA 95827
Telephone No.: (916) 255-4633
Fax No.: (916) 364-0130
E-Mail Address: Tracy.Brazil@cslb.ca.gov

The backup contact person is:

Name: Rebecca May
Address: Contractors State License Board
9821 Business Park Drive
Sacramento, CA 95827
Telephone No.: (916) 255-4115
Fax No.: (916) 364-0130
E-Mail Address: Rebecca.May@cslb.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the CSLB's website at cslb.ca.gov.