

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 943 Session of
2003

INTRODUCED BY GODSHALL, BELFANTI, CAPPELLI, CRAHALLA, DeLUCA,
FICHTER, HERSHEY, LaGROTTA, NAILOR, SHANER, TIGUE AND
WASHINGTON, MARCH 20, 2003

AS AMENDED, COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, JUNE 15, 2004

AN ACT

1 Regulating the licensure of electrical contractors, JOURNEYMAN <—
2 ELECTRICIANS AND REGISTERED APPRENTICES; establishing the
3 State Board of Examiners of Electrical Contractors and
4 providing for its powers and duties; providing penalties; and
5 making an appropriation.

6 TABLE OF CONTENTS

- 7 Section 1. Short title.
8 Section 2. Definitions.
9 Section 3. State Board of Examiners of Electrical Contractors.
10 Section 4. Powers and functions of board.
11 Section 5. License required.
12 Section 6. Qualifications for license.
13 Section 7. Apprenticeship permit.
14 Section 8. Examination required.
15 Section 9. Reciprocity.
16 Section 10. Continuing education.
17 Section 11. Refusal, suspension and revocation of license.
18 Section 12. Reinstatement of license.

1 Section 13. Reporting of multiple licensure.
2 Section 14. Surrender of suspended or revoked license.
3 Section 15. Death or disability of State-licensed electrical
4 contractor.
5 Section 16. Transferability of license.
6 Section 17. Powers of municipalities.
7 Section 18. Local rulemaking.
8 Section 19. License renewal; records and fees.
9 Section 20. Subpoenas.
10 Section 21. Unlawful practice.
11 Section 22. Penalties.
12 Section 23. Exemption.
13 Section 24. Appropriation.
14 Section 25. Severability.
15 Section 26. Effective date.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. Short title.

19 This act shall be known and may be cited as the Electrical
20 Contractors Licensing Act.

21 Section 2. Definitions.

22 The following words and phrases when used in this act shall
23 have the meanings given to them in this section unless the
24 context clearly indicates otherwise.

25 "Board." The State Board of Examiners of Electrical
26 Contractors under the Bureau of Professional and Occupational
27 Affairs within the Department of State.

28 "Board-approved program." A program of educational
29 preparation and training in electrical contracting services
30 approved by the Department of Labor and Industry.

1 "Commissioner." The Commissioner of Professional and
2 Occupational Affairs.

3 "Electrical contractor." A person who engages in the
4 business of contracting to install, erect, repair, REMOVE, <—
5 DEMOLISH or alter electrical equipment ~~for the generation,~~ <—
6 ~~transmission or~~ AND SYSTEMS IN STRUCTURES AND PREMISES FOR THE <—
7 GENERATION, TRANSMISSION, utilization of electrical energy, <—
8 INCLUDING INTELLIGENCE, COMMUNICATION AND LIGHT, THROUGH
9 CONDUCTORS OR OPTICAL FIBER.

10 "Employ," "employed," "employee" and "employment." These
11 terms shall apply to the relationship of independent contractor
12 as well as to the relationship of employment.

13 "Journeyman electrician." An individual employed by an
14 electrical contractor to perform electrical construction and
15 installation services.

16 "Person." A natural person, firm, corporation or other legal
17 entity.

18 "Practice of electrical contracting." Holding oneself out to
19 the public by any title or description of services incorporating
20 the term "licensed electrical contractor" or using any words or
21 symbols indicating or tending to indicate that the person is a
22 licensed electrical contractor and, under such description,
23 offering to contract or contracting to install, erect, repair, <—
24 MAINTAIN, REMOVE, DEMOLISH or alter electrical equipment ~~for the~~ <—
25 ~~generation, transmission or~~ AND SYSTEMS IN STRUCTURES AND <—
26 PREMISES FOR THE GENERATION, TRANSMISSION, utilization of
27 electrical energy, INCLUDING INTELLIGENCE, COMMUNICATION AND <—
28 LIGHT, THROUGH CONDUCTORS OR OPTICAL FIBER.

29 "Registered apprentice." A State-licensed individual who is
30 employed by an electrical contractor and who meets the

1 requirements of this act AND THE PENNSYLVANIA BUREAU OF
2 APPRENTICESHIP TRAINING to be issued an apprenticeship permit.

3 "SERVICE POINT." THE POINT OF CONNECTION BETWEEN THE
4 FACILITIES OF THE SERVING UTILITY AND THE PREMISES' WIRING.

5 "State-licensed electrical contractor." An electrical
6 contractor who holds a current license under this act and who
7 engages in the practice of electrical contracting.

8 "State-licensed journeyman electrician." An individual
9 employed by a State-licensed electrical contractor who holds a
10 current license under this act to perform electrical
11 construction and installation services.

12 Section 3. State Board of Examiners of Electrical Contractors.

13 (a) Establishment.--There is hereby established the State
14 Board of Examiners of Electrical Contractors, a departmental
15 administrative board in the Department of State. The board shall
16 consist of 11 members who are citizens of the United States and
17 who have been residents of this Commonwealth for a two-year
18 period, two of whom shall be public members, six of whom shall
19 be qualified electrical contractors with experience of not less
20 than ten years as an electrical contractor, one of whom shall be
21 a qualified electrical inspector with experience of not less
22 than five years as an electrical inspector, one of whom shall be
23 the Commissioner of the Bureau of Professional and Occupational
24 Affairs, and one of whom shall be the Director of the Bureau of
25 Consumer Protection in the Office of Attorney General, or his
26 designee. Three of the electrical contractor members shall be
27 signatories to collective bargaining agreements and the
28 remaining three shall be nonsignatories.

29 (b) Terms of office.--The members shall serve for four-year
30 terms, except as provided in subsection (c).~~and shall be~~

1 ~~appointed by the Governor and with the advice and consent of a~~
2 ~~majority of the members elected to the Senate.~~

3 (c) Initial appointments.--Within 90 days of the effective
4 date of this act, the Governor shall nominate two electrical
5 contractors and one public member to serve four-year terms; two
6 electrical contractors and one electrical inspector to serve
7 three-year terms; and two electrical contractors and one public
8 member to serve two-year terms.

9 (d) Continuation in office.--Each board member shall
10 continue in office until a successor is duly appointed and
11 qualified but no longer than six months after the expiration of
12 the term. In the event that a board member dies, resigns or
13 otherwise becomes disqualified during the term of office, a
14 successor shall be appointed in the same way and with the same
15 qualifications as set forth in this section and shall hold
16 office for the unexpired portion of the unexpired term.

17 (e) Limit on terms.--No board member shall be eligible for
18 appointment to serve more than two consecutive four-year terms.

19 (f) Forfeiture of membership.--A board member who fails to
20 attend three consecutive meetings shall forfeit that member's
21 seat unless the commissioner, upon written request from the
22 member, finds that the member shall be excused from a meeting
23 because of illness or the death of a family member.

24 (g) Compensation.--Each member of the board, except the
25 commissioner, and the Director of the Bureau of Consumer
26 Protection, shall receive \$60 per diem when actually attending
27 to the work of the board. Members shall also receive reasonable
28 traveling, hotel and other necessary expenses incurred in the
29 performance of their duties in accordance with Commonwealth
30 regulations.

1 (h) Forfeiture for nonattendance.--A public member who fails
2 to attend two consecutive statutorily mandated training seminars
3 in accordance with section 813(e) of the act of April 9, 1929
4 (P.L.177, No.175), known as The Administrative Code of 1929,
5 shall forfeit that public member's seat unless the commissioner,
6 upon written request from the public member, finds that the
7 public member should be excused from a meeting because of
8 illness or the death of a family member.

9 (i) Quorum.--A majority of the members serving in accordance
10 with law shall constitute a quorum for purposes of conducting
11 the business of the board. Except for temporary and automatic
12 suspensions, a member may not be counted as part of a quorum or
13 vote on any issue unless that member is physically in attendance
14 at the meeting.

15 (j) Meetings.--The board shall meet at least four times a
16 year in Harrisburg.

17 (k) Notice.--Reasonable notice of all meetings shall be
18 given in conformity with 65 Pa.C.S. Ch. 7 (relating to open
19 meetings).

20 (l) Operating procedures.--The board shall meet within 30
21 days after the appointment of initial members and set up
22 operating procedures and application forms for licensing
23 electrical contractors and journeyman electricians, and for
24 issuing registration permits to apprentices. It shall be the
25 responsibility of the board to circulate these forms and educate
26 the public to the requirements of licensing in order to hold
27 oneself out as a State-licensed electrical contractor OR A
28 STATE-LICENSED JOURNEYMAN ELECTRICIAN within this Commonwealth.
29 Section 4. Powers and functions of board.

30 The board shall have the following powers:

1 (1) To pass upon the qualifications and fitness of
2 applicants for licenses and reciprocal licenses and to adopt
3 and revise rules and regulations requiring applicants to pass
4 examinations relating to their qualifications as a
5 prerequisite to the issuance of a license.

6 (2) To adopt and, from time to time, revise those rules
7 and regulations as may be necessary to carry into effect
8 provisions of this act. The regulations shall include, but
9 shall not be limited to, standards of professional practice
10 and conduct for licenses and registrations issued under this
11 act.

12 (3) To examine for, deny, approve, issue, revoke,
13 suspend or renew licenses and registrations authorized
14 pursuant to this act and to conduct hearings in connection
15 therewith.

16 (4) To conduct hearings upon complaints concerning
17 violations of this act and the rules and regulations adopted
18 pursuant to this act and seek the prosecution and enjoinder
19 of all such violations.

20 (5) To expend moneys necessary to the proper carrying
21 out of its assigned duties.

22 (6) To waive examination and grant a license in cases
23 deemed exceptional by the board and in accordance with
24 regulations promulgated by the board.

25 (7) To submit annually a report, to the Consumer
26 Protection and Professional Licensure Committee of the Senate
27 and the Professional Licensure Committee of the House of
28 Representatives, containing a description of the complaints
29 received, status of the cases, board action which has been
30 taken and length of time from the initial complaint to final

board resolution.

(8) To submit annually to the Appropriation Committee of the Senate and the Appropriation Committee of the House of Representatives, 15 days after the Governor has submitted the budget to the General Assembly, a copy of the budget request for the upcoming fiscal year which the board previously submitted to the Department of State.

Section 5. License required.

(A) GENERAL RULE.--It shall be unlawful for any person to hold himself forth as a State-licensed electrical contractor unless that person shall first have obtained a license in accordance with this act. The licensee shall assume full responsibility for inspection and supervision of all electrical work to be performed in accordance with recognized safety standards adopted by regulation of the board.

(B) LICENSING OR REGISTRATION REQUIRED.--IT SHALL BE UNLAWFUL FOR A PERSON TO PERFORM WORK AS DESCRIBED IN THE DEFINITION OF "PRACTICE OF ELECTRICAL CONTRACTING" UNLESS THE PERSON IS A STATE-LICENSED ELECTRICAL CONTRACTOR, STATE-LICENSED JOURNEYMAN ELECTRICIAN OR REGISTERED APPRENTICE UNDER THIS ACT.

Section 6. Qualifications for license.

(a) Electrical contractor's license.--No person shall be granted an electrical contractor's license under this act or hold himself out as a State-licensed electrical contractor unless that person submits proof satisfactory to the board of the following:

(1) Good moral character.

(2) The person has been employed or engaged in the business of electrical construction and installation or has equivalent practical experience for a period of not less than

1 five years preceding the time of the application, or shall
2 otherwise demonstrate, pursuant to regulations of the board,
3 a combination of education and experience, which may include
4 the acquisition of a journeyman electrician's license, which
5 qualifies the person to take the examination for a license.

6 (3) Payment of the appropriate fees.

7 (4) Passage of the required examination.

8 (b) Journeyman electrician license.--An employee of a State-
9 licensed electrical contractor who performs ~~and~~ WORK WITHIN THE <—
10 DEFINITION OF "PRACTICE OF ELECTRICAL CONTRACTING" OR supervises
11 electrical construction and installation services and who does
12 not qualify OR DOES NOT DESIRE to take the ELECTRICAL CONTRACTOR <—
13 examination required under subsection (a) shall apply to the
14 board for a license as a journeyman electrician. A person may be
15 granted a license as a journeyman electrician if that person
16 submits proof satisfactory to the board of the following:

17 (1) Good moral character.

18 (2) The completion of a board-approved program or at
19 least four years' practical experience acceptable to the
20 board as a registered apprentice which qualifies him or her
21 to take the examination.

22 (3) Payment of the appropriate fees.

23 (4) Passage of the required examination.

24 Section 7. Apprenticeship permit.

25 (a) Permit required.--A person employed by a State-licensed
26 electrical contractor who does not qualify for AND OBTAIN the <—
27 journeyman license UNDER THIS ACT shall register with the board <—
28 AND THE PENNSYLVANIA BUREAU OF APPRENTICESHIP TRAINING and <—
29 obtain ~~the~~ AN apprenticeship permit. An apprenticeship permit <—
30 authorizes the holder to assist a State-licensed electrical

1 contractor or State-licensed journeyman electrician for purposes
2 of training and instruction.

3 (b) Requirement for permit.--State-licensed electrical
4 contractors shall submit annually to the board a report listing
5 the name, address, Social Security number and period of
6 employment of all apprentices in their employ. Work performed by
7 the holder of an apprenticeship permit shall be performed only
8 under the direct, onsite supervision of a State-licensed
9 electrical contractor or State-licensed journeyman electrician.
10 Application shall be made within 30 days of employment to
11 perform electrical work.

12 (c) Renewal and education.--Apprentices registered with the
13 board may enroll in a board-approved program of instruction
14 WHICH MEETS THE REQUIREMENTS OF THE PENNSYLVANIA BUREAU OF <—
15 APPRENTICESHIP TRAINING. Permits shall be renewed annually upon
16 payment of the required fee. State-licensed electrical
17 contractors shall document, pursuant to board regulations, that
18 registered apprentices in their employ receive instruction in
19 current requirements of the National Electrical Code.

20 Section 8. Examination required.

21 (a) General rule.--The board may require an applicant for a
22 license to take and pass an examination to the satisfaction of
23 the board. The board shall contract with a professional testing
24 service for the preparation, development, administration and
25 grading of the examination. Written, oral and practical
26 examinations shall be prepared and administered by a qualified
27 and approved professional testing organization in the manner
28 prescribed under section 812.1 of the act of April 9, 1929
29 (P.L.177, No.175), known as The Administrative Code of 1929.

30 (b) Exemption from examination.--The requirements of

1 subsection (a) shall not apply and a license shall be issued
2 without examination to an individual who submits an application
3 for license, accompanied by the required fee, within two years
4 of the effective date of this act, who is a resident of this
5 Commonwealth, who submits proof of being employed or engaged in
6 the business of electrical contracting within this Commonwealth
7 for a period of at least six years prior to the effective date
8 of this act and who demonstrates, to the satisfaction of the
9 board, that his or her principal business or employment, for at
10 least two years immediately preceding the date of application,
11 was that of an electrical contractor or a journeyman
12 electrician.

13 Section 9. Reciprocity.

14 The board shall have the power to grant a reciprocal license
15 to an applicant who is licensed or certified as an electrical
16 contractor or journeyman electrician in another state and who
17 demonstrates qualifications which equal or exceed those required
18 pursuant to this act in the determination of the board, provided
19 that no license shall be granted under this section to an
20 applicant unless the state in which the applicant is licensed
21 affords reciprocal treatment to persons who are residents of
22 this Commonwealth and who are licensed pursuant to this act.

23 Section 10. Continuing education.

24 The board may promulgate regulations establishing continuing
25 education to be met by individuals seeking to renew licenses
26 issued under this act. State-licensed electrical contractors and
27 State-licensed journeymen electricians shall, during the two-
28 year period immediately preceding biennial renewal of licenses
29 issued under this act, complete a AN EIGHT-HOUR program of
30 continuing education in the requirements of the National

<—

1 Electrical Code, as defined by and acceptable to the board,
2 except that no credit may be given for courses in office
3 management or practice building.

4 Section 11. Refusal, suspension and revocation of license.

5 (a) Grounds.--The board may refuse, suspend, revoke, limit
6 or restrict a license or issue a public reprimand for any of the
7 following:

8 (1) Securing a license by fraud, deceit or
9 misrepresentation.

10 (2) Being unfit or unable to engage in electrical
11 contracting by reason of illness, drunkenness, excessive use
12 of drugs, narcotics, chemicals or any other type of material,
13 or as a result of any mental or physical condition. In
14 enforcing this paragraph, the board shall, upon probable
15 cause, have authority to compel a licensee to submit to a
16 mental or physical examination by a physician approved by the
17 board. Failure to submit to such examination when directed by
18 the board, unless such failure is due to circumstances beyond
19 the control of the licensee, shall constitute an admission of
20 the allegations against the licensee, consequent upon which a
21 default and final order may be entered without the taking of
22 testimony or presentation of evidence. A licensee affected
23 under this paragraph shall at reasonable intervals, as
24 determined by the board, be afforded an opportunity to
25 demonstrate that the licensee can resume the competent
26 practice of electrical contracting with reasonable skill and
27 safety.

28 (3) Engaging in false, deceptive or fraudulent business
29 activities or in misleading advertising.

30 (4) Violating a provision of this act or regulations of

1 the board.

2 (5) Committing an act of negligence or incompetence or
3 authorizing such an act by an employee.

4 (6) Failing to properly supervise employees in
5 accordance with this act ~~and~~, with recognized electrical <—
6 safety standards ~~of~~, AND WITH the National Electrical Code in <—
7 effect at the time an act is committed, or authorizing an
8 unlicensed individual to assume responsibility for
9 supervisory work.

10 (7) Failing to secure an inspection of electrical
11 construction as required by law.

12 (8) Failing to perform electrical construction in
13 conformance with standards in effect in the municipality
14 wherein the services were performed or, in the absence of
15 such standards, in conformance with standards of the National
16 Electrical Code.

17 (9) Failing to comply with a municipal ordinance
18 concerning the inspection of electrical work and services, or
19 the manner in which the municipality requires electrical work
20 to be performed.

21 (10) Being convicted of a felony ~~in the courts of any~~ <—
22 ~~jurisdiction, or being convicted of a~~ OR misdemeanor related <—
23 to electrical contracting in any jurisdiction. As used in
24 this section, the term "convicted" includes a finding or
25 verdict of guilt, an admission of guilt or a plea of nolo
26 contendere, or receiving probation without verdict,
27 disposition in lieu of trial or an accelerated rehabilitative
28 disposition in the disposition of felony charges.

29 (11) Having a license to perform electrical contracting
30 or electrical construction services suspended, revoked or

1 refused or receiving other disciplinary action by the proper
2 licensing authority of any other state, territory, possession
3 or country.

4 (b) Board action.--When the board finds that the license or
5 application for license of any person may be refused, revoked,
6 restricted or suspended under the terms of subsection (a), the
7 board may:

8 (1) Deny the application for a license.

9 (2) Administer a public reprimand.

10 (3) Revoke, suspend, limit or otherwise restrict a
11 license as determined by the board.

12 (4) Suspend enforcement of its findings thereof and
13 place a licensee on probation with the right to vacate the
14 probationary order for noncompliance.

15 (5) Restore a suspended license and impose any
16 disciplinary or corrective measure which it might originally
17 have imposed.

18 (c) Hearing.--All actions of the board shall be taken
19 subject to the right of notice, hearing and adjudication and the
20 right of appeal therefrom in accordance with 2 Pa.C.S. (relating
21 to administrative law and procedure).

22 (d) Temporary suspension.--

23 (1) The board shall temporarily suspend a license under
24 circumstances as determined by the board to be an immediate
25 and clear danger to the public health and safety. The board
26 shall issue an order to that effect without a hearing, but
27 upon due notice to the licensee concerned at the licensee's
28 last known address, which shall include a written statement
29 of all allegations against the licensee. The provisions of
30 subsection (c) shall not apply to temporary suspension.

1 (2) The board shall thereupon commence formal action to
2 suspend, revoke or restrict the license of the person
3 concerned as otherwise provided for in this act. All actions
4 shall be taken promptly and without delay.

5 (3) Within 30 days following the issuance of an order
6 temporarily suspending a license, the board shall conduct, or
7 cause to be conducted, a preliminary hearing to determine if
8 there is a prima facie case supporting the suspension. The
9 licensee whose license has been temporarily suspended may be
10 present at the preliminary hearing and may be represented by
11 counsel, cross-examine witnesses, inspect physical evidence,
12 call witnesses, offer evidence and testimony and make a
13 record of the proceedings.

14 (4) If it is determined that there is not a prima facie
15 case, the suspended license shall be immediately restored.
16 The temporary suspension shall remain in effect until vacated
17 by the board but in no event longer than 180 days.

18 (e) Automatic suspension.--A license issued under this act
19 shall automatically be suspended upon the legal commitment of a
20 licensee to an institution because of mental incompetence from
21 any cause upon filing with the board a certified copy of the
22 commitment, conviction of a felony under the act of April 14,
23 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,
24 Device and Cosmetic Act, or conviction of an offense under the
25 laws of another jurisdiction, which, if committed in this
26 Commonwealth, would be a felony under The Controlled Substance,
27 Drug, Device and Cosmetic Act. As used in this section, the term
28 "conviction" shall include a judgment, an admission of guilt or
29 a plea of nolo contendere. Automatic suspension under this
30 section shall not be stayed pending an appeal of conviction.

1 Restoration of the license shall be made as provided in this act
2 for revocation or suspension of the license.

3 Section 12. Reinstatement of license.

4 Unless otherwise ordered to do so by Commonwealth Court or an
5 appeal therefrom, the board shall not reinstate the revoked
6 license of a person to practice as a State-licensed electrical
7 contractor or State-licensed journeyman electrician pursuant to
8 this act. Any person whose license has been revoked may apply
9 for reinstatement, after a period of at least five years, but
10 must meet all of the licensing qualifications of this act,
11 including the examination requirement, if the person desires to
12 practice as a State-licensed electrical contractor or State-
13 licensed journeyman electrician pursuant to this act at any time
14 after the revocation.

15 Section 13. Reporting of multiple licensure.

16 Any State-licensed electrical contractor or State-licensed
17 journeyman electrician in this Commonwealth who is also licensed
18 in any other state, territory or country shall report this
19 information to the board on the biennial renewal application.
20 Any disciplinary action taken in any other state, territory or
21 country shall be reported to the board on the biennial renewal
22 application, or within 90 days of disposition, whichever is
23 sooner. Multiple licensure shall be noted by the board on the
24 licensee's record, and the state, territory or country shall be
25 notified by the board of any disciplinary actions taken against
26 the licensee in this Commonwealth.

27 Section 14. Surrender of suspended or revoked license.

28 The board shall require a person whose license has been
29 suspended or revoked to return the license in a manner as the
30 board directs. Failure to do so shall be a misdemeanor of the

1 third degree.

2 Section 15. Death or disability of State-licensed electrical
3 contractor.

4 A ~~licensed~~ STATE-LICENSED journeyman shall be permitted to <—
5 perform electrical services necessary to complete any jobs in
6 progress at the time of the death or disability of an electrical
7 contractor. The board shall promulgate regulations establishing
8 conditions under which contracted electrical services may be
9 provided by an electrical contractor business in the event of
10 the death, illness or disability of the State-licensed
11 electrical contractor in responsible charge of the services
12 provided by the business.

13 Section 16. Transferability of license.

14 No license or registration issued under this act shall be
15 assignable or transferable. No person licensed or registered
16 under this act shall permit any other person to use such license
17 or registration for any purpose inconsistent with this act. A
18 finding by the board that a person licensed or registered under
19 this act has allowed any other person to use such license or
20 registration to perform electrical work, acquire a permit to
21 perform electrical work, or otherwise hold himself out as a
22 person licensed or registered under this act shall be grounds
23 for revocation.

24 Section 17. Powers of municipalities.

25 (a) Municipal ordinances preserved.--

26 (1) Nothing in this act shall be construed to supersede
27 the power of a municipality to inspect electrical work or
28 equipment ~~or to~~, regulate the manner in which electrical work <—
29 shall be performed ~~to~~, DEVELOP AND ENFORCE LOCAL CODES, levy <—
30 lawful taxes and fees, ~~and to~~ AND require the purchase of a <—

1 business privilege license unrelated to competence in the
2 practice of electrical contracting.

3 (2) No municipality shall require a licensee licensed
4 under this act to obtain a municipal license to engage in
5 electrical contracting in the municipality.

6 (3) Nothing in this act shall be construed to preclude
7 municipalities from denying or revoking local permits for
8 failure to comply with local ordinances not inconsistent with
9 this act or regulations of the board.

10 (b) Failure to comply with local ordinance.--A licensee who
11 fails to comply with a municipal ordinance concerning the
12 inspection of electrical work and services or the manner in
13 which the municipality requires electrical work to be performed
14 shall be subject to disciplinary proceedings under this act.

15 Section 18. Local rulemaking.

16 Licensure under this act shall be acceptable to any
17 municipality in this Commonwealth as proof of competence to
18 perform electrical contracting services. No municipality may
19 require a licensee licensed under this act to obtain an
20 additional license as an electrical contractor issued by that
21 municipality prior to contracting to perform services in any
22 municipality.

23 Section 19. License renewal; records and fees.

24 (a) Renewal term.--The renewal of a license shall be on a
25 biennial basis.

26 (b) Records.--A record of all persons licensed to practice
27 as State-licensed electrical contractors or State-licensed
28 journeyman electricians in this Commonwealth shall be kept in
29 the office of the board and shall be open to public inspection
30 and copying upon payment of a nominal fee for copying the

1 record.

2 (c) Fees.--

3 (1) All fees required pursuant to this act shall be
4 fixed by the board by regulation and shall be subject to the
5 act of June 25, 1982 (P.L.633, No.181), known as the
6 Regulatory Review Act. If the revenues raised by fees, fines
7 and civil penalties imposed pursuant to this act are not
8 sufficient to meet expenditures over a two-year period, the
9 board shall increase those fees by regulation so that the
10 projected revenues will meet or exceed projected
11 expenditures.

12 (2) If the Bureau of Professional and Occupational
13 Affairs determines that the fees established by the board
14 pursuant to paragraph (1) are inadequate to meet the minimum
15 enforcement efforts required by this act, then the bureau,
16 after consultation with the board and subject to the
17 Regulatory Review Act, shall increase the fees by regulation
18 in an amount so that adequate revenues are raised to meet the
19 required enforcement effort.

20 Section 20. Subpoenas.

21 (a) Power to issue.--The board shall have the authority to
22 issue subpoenas, upon application of an attorney responsible for
23 representing the Commonwealth in disciplinary matters before the
24 board, for the purpose of investigating alleged violations of
25 disciplinary provisions administered by the board. The board
26 shall have the power to subpoena witnesses, to administer oaths,
27 to examine witnesses and to take testimony or compel the
28 production of those books, records, papers and documents as it
29 may deem necessary or proper in, and pertinent to, any
30 proceeding, investigation or hearing held or had by it. Client

1 records may not be subpoenaed without consent of the client or
2 without order of a court of competent jurisdiction on a showing
3 that the records are reasonably necessary for the conduct of the
4 investigation. The court may impose such limitations on the
5 scope of the subpoena as are necessary to prevent unnecessary
6 intrusion into client confidential information. The board may
7 apply to Commonwealth Court to enforce its subpoenas.

8 (b) Notification of board.--An attorney responsible for
9 representing the Commonwealth in disciplinary matters before the
10 board shall notify the board immediately upon receiving
11 notification of an alleged violation of this act. The board
12 shall maintain current records of all reports of alleged
13 violations and periodically review the records for the purpose
14 of determining that each alleged violation has been resolved in
15 a timely manner.

16 Section 21. Unlawful practice.

17 (a) Unlawful practice prohibited.--It shall be unlawful for
18 any person to hold himself out as a State-licensed electrical
19 contractor or State-licensed journeyman electrician without
20 possessing a valid, unexpired, unrevoked and unsuspended license
21 issued under this act.

22 (b) Injunction.--Unlawful practice may be enjoined by the
23 courts upon petition of the commissioner or the board. In any
24 proceeding under this section, it shall not be necessary to show
25 that any person is individually injured by the actions
26 complained of. If the court finds that the respondent has
27 violated this section, it shall enjoin the respondent from so
28 practicing until the respondent has been duly licensed.
29 Procedure in such cases shall be the same as in any other
30 injunction suit.

1 (c) Remedy cumulative.--The injunctive remedy provided in
2 this section shall be in addition to any other civil or criminal
3 prosecution and punishment.

4 Section 22. Penalties.

5 (a) Criminal penalty.--A person who violates this act
6 commits a misdemeanor of the third degree and shall, upon
7 conviction, be sentenced to pay a fine of up to \$1,000 or to
8 imprisonment for not more than 90 days, or both.

9 (b) Civil penalty.--In addition to any other civil remedy or
10 criminal penalty provided for in this act, the board, by a vote
11 of the majority of the maximum number of the authorized
12 membership of the board as provided by law, or by a vote of the
13 majority of the duly qualified and confirmed membership or a
14 minimum of three members, whichever is greater, may levy a civil
15 penalty of up to \$1,000 on any current licensee who violates any
16 provision of this act or on any person who holds himself out as
17 a State-licensed electrical contractor or State-licensed
18 journeyman electrician without being so licensed pursuant to
19 this act. The board shall levy this penalty only after affording
20 the accused party the opportunity for a hearing, as provided in
21 2 Pa.C.S. (relating to administrative law and procedure).

22 (c) Disposition.--All fines and civil penalties imposed in
23 accordance with this section shall be paid into the Professional
24 Licensure Augmentation Account.

25 Section 23. Exemption.

26 Electrical work done by or for an electric public utility, an
27 electric cooperative corporation or a municipal electric system
28 shall not be included within the practice of electrical
29 contracting when such work is performed on plant or equipment
30 used in the generation, transmission and distribution of

1 electricity, INCLUDING INTELLIGENCE, COMMUNICATION AND LIGHT <—
2 THROUGH CONDUCTORS OR OPTICAL FIBER, to the public up to the
3 SERVICE point ~~at which electrical current is metered for billing~~ <—
4 ~~purposes.~~

5 Section 24. Appropriation.

6 The sum of \$85,000, or as much thereof as may be necessary,
7 is hereby appropriated from the Professional Licensure
8 Augmentation Account within the General Fund to the Bureau of
9 Professional and Occupational Affairs in the Department of
10 State, for the payment of costs of processing licenses and
11 renewals, for the operation of the board and for other general
12 costs of the bureau operations relating to this act. The
13 appropriation granted shall be repaid by the board within three
14 years of the beginning of issuance of licenses by the board.

15 Section 25. Severability.

16 The provisions of this act are severable. If any provision of
17 this act or its application to any person or circumstance is
18 held invalid, the invalidity shall not affect other provisions
19 or applications of this act which can be given effect without
20 the invalid provision or application.

21 Section 26. Effective date.

22 This act shall take effect as follows:

- 23 (1) Sections 5 and 21 shall take effect in 24 months.
24 (2) The remainder of this act shall take effect in 90
25 days.