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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 254      Session of  
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INTRODUCED BY GODSHALL, BELFANTI, CAPPELLI, CARROLL, COHEN,  
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STURLA, SURRA AND WALKO, FEBRUARY 6, 2007

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,  
FEBRUARY 6, 2007

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AN ACT

1 Providing for licensure of electricians; establishing the State  
2 Board of Licensed Electricians; providing for powers and  
3 duties of the board; establishing fees, fines and civil  
4 penalties; and making an appropriation.

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18 The General Assembly of the Commonwealth of Pennsylvania  
19 hereby enacts as follows:

20 CHAPTER 1

21 PRELIMINARY PROVISIONS

22 Section 101. Short title.

23 This act shall be known and may be cited as the Electricians  
24 Licensure Act.

25 Section 102. Definitions.

26 The following words and phrases when used in this act shall  
27 have the meanings given to them in this section unless the  
28 context clearly indicates otherwise:

29 "Board." The State Board of Licensed Electricians.

30 "Commissioner." The Commissioner of Professional and

1 Occupational Affairs within the Department of State.

2 "Conviction." The term includes a judgment, an admission of  
3 guilt or a plea of nolo contendere.

4 "Department." The Department of State of the Commonwealth.

5 "Director." The Director of the Bureau of Consumer  
6 Protection in the Office of Attorney General or a designee.

7 "Electrical services." The installation, erection, repair,  
8 removal, maintenance, demolition or alteration of electrical  
9 equipment and systems in structures and premises for the  
10 generation, transmission and utilization of electrical energy  
11 for remuneration. The term does not include the installation,  
12 erection, repair, removal, maintenance, demolition or alteration  
13 of electrical equipment and systems in structures and premises  
14 for the generation, transmission and utilization of electrical  
15 energy without remuneration.

16 "Licensed apprentice electrician." An individual who is  
17 registered as an apprentice under the act of July 14, 1961  
18 (P.L.604, No.304), known as The Apprenticeship and Training Act,  
19 and who is licensed by the State Board of Licensed Electricians  
20 as an individual whose principal occupation is learning and  
21 assisting in the performance of electrical services.

22 "Licensed journeyman electrician." An individual who is  
23 licensed by the State Board of Licensed Electricians and who is  
24 authorized to perform electrical services.

### 25 CHAPTER 3

### 26 BOARD

27 Section 301. State Board of Licensed Electricians.

28 (a) Establishment.--There is hereby established the State  
29 Board of Licensed Electricians within the department.

30 (b) Composition.--The board shall consist of the following:

1 (1) The commissioner.

2 (2) The director.

3 (3) Two public members.

4 (4) One electrical inspector with a minimum of five  
5 years' experience inspecting electrical services.

6 (5) Six professional members. The professional members  
7 shall have been actively engaged in providing electrical  
8 services in this Commonwealth for at least ten years  
9 immediately preceding appointment. Three professional members  
10 shall be subject to collective bargaining agreements. Three  
11 professional members shall not be subject to collective  
12 bargaining agreements. Except as set forth in subsection (e),  
13 professional members shall be licensed under this act as  
14 licensed journeyman electricians.

15 (c) Meeting.--The board shall meet within 30 days after the  
16 appointment of its first members and shall set up operating  
17 procedures and develop application forms for licensure. It shall  
18 be the responsibility of the board to circulate the forms and  
19 educate the public regarding the requirements of this act and  
20 providing electrical services in this Commonwealth.

21 (d) Term of membership.--Except for the commissioner and the  
22 director or a designee, the following apply to members of the  
23 board:

24 (1) Members shall be appointed by the Governor with the  
25 advice and consent of the Senate.

26 (2) Members shall be citizens of the United States and  
27 residents of this Commonwealth.

28 (3) Except as provided in paragraph (4), members shall  
29 serve a term of four years or until a successor has been  
30 appointed and qualified, but in no event longer than six

1 months beyond the four-year period. In the event that a  
2 member dies or resigns or otherwise is disqualified during  
3 the term of office, a successor shall be appointed in the  
4 same way and with the same qualifications and shall hold  
5 office for an unexpired term. A member shall not be eligible  
6 to hold more than two consecutive terms.

7 (4) Members first appointed to the board pursuant to  
8 this act shall serve terms of office as follows:

9 (i) Five members shall serve for terms of four  
10 years.

11 (ii) Three members shall serve terms of three years.

12 (iii) One member shall serve for a term of two  
13 years.

14 (e) Professional members and first appointments.--A  
15 professional member first appointed to the board pursuant to  
16 this act need not be licensed at the time of appointment but  
17 must have satisfied eligibility requirements for licensure as  
18 provided in this act.

19 (f) Quorum.--A majority of the members of the board shall  
20 constitute a quorum. Except for temporary and automatic  
21 suspensions under section 705, a member may not be counted as  
22 part of a quorum or vote on any issue unless the member is  
23 physically in attendance at the meeting.

24 (g) Chairman.--The board shall annually select a chairman  
25 from among its members.

26 (h) Expenses.--With the exception of the commissioner and  
27 the director, each member of the board shall receive \$60 per  
28 diem when actually attending to the work of the board. A member  
29 shall also receive the amount of reasonable travel, hotel and  
30 other necessary expenses incurred in the performance of the

1 member's duties in accordance with Commonwealth regulations.

2 (i) Forfeiture.--Except for the commissioner and the  
3 director, a member who fails to attend three consecutive  
4 meetings shall forfeit the member's seat unless the  
5 commissioner, upon written request from the member, finds the  
6 member should be excused from a meeting because of illness or  
7 the death of a family member.

8 (j) Training seminars.--Except for the commissioner and the  
9 director, a member who fails to attend two consecutive  
10 statutorily mandated training seminars in accordance with  
11 section 813(e) of the act of April 9, 1929 (P.L.177, No.175),  
12 known as The Administrative Code of 1929, shall forfeit the  
13 member's seat unless the commissioner, upon written request from  
14 the member, finds that the member should be excused from a  
15 meeting because of illness or the death of a family member.

16 (k) Frequency of meetings.--The board shall meet at least  
17 four times a year in the City of Harrisburg and at such  
18 additional times as may be necessary to conduct the business of  
19 the board.

20 Section 302. Powers and duties of board.

21 The board shall have the following powers and duties:

22 (1) To provide for and regulate the licensing of  
23 individuals engaged in the provision of electrical services.

24 (2) To issue, renew, reinstate, fail to renew, suspend  
25 and revoke licenses as provided for in this act.

26 (3) To administer and enforce the provisions of this  
27 act.

28 (4) To contract with a professional testing organization  
29 to administer tests to qualified applicants seeking to be  
30 licensed as licensed journeyman electricians as provided in

1 this act. Written, oral or practical examinations shall be  
2 prepared and administered by a qualified and approved  
3 professional testing organization in the manner prescribed  
4 for written examinations by section 812.1 of the act of April  
5 9, 1929 (P.L.177, No.175), known as The Administrative Code  
6 of 1929.

7 (5) To investigate applications for licensure and to  
8 determine the eligibility of an individual applying for  
9 licensure.

10 (6) To promulgate and enforce regulations, not  
11 inconsistent with this act, as necessary only to carry into  
12 effect the provisions of this act. This paragraph includes  
13 the setting of fees and setting the amount of professional  
14 liability insurance required by licensed journeyman  
15 electricians who contract or intend to contract to provide  
16 electrical services. Regulations shall be adopted in  
17 conformity with the provisions of the act of July 31, 1968  
18 (P.L.769, No.240), referred to as the Commonwealth Documents  
19 Law, and the act of June 25, 1982 (P.L.633, No.181), known as  
20 the Regulatory Review Act.

21 (7) To keep minutes and records of all transactions and  
22 proceedings.

23 (8) To keep and maintain a registry of individuals  
24 licensed by the board. The board shall provide access to the  
25 registry to the public, including making the registry  
26 available via electronic means.

27 (9) To submit annually to the department an estimate of  
28 financial requirements of the board for its administrative,  
29 legal and other expenses.

30 (10) To submit annually a report to the Consumer

1 Protection and Professional Licensure Committee of the Senate  
2 and the Professional Licensure Committee of the House of  
3 Representatives. The report shall include a description of  
4 the types of complaints received, status of cases, the action  
5 which has been taken and the length of time from initial  
6 complaint to final resolution.

7 (11) To submit annually to the Appropriations Committee  
8 of the Senate and the Appropriations Committee of the House  
9 of Representatives, 15 days after the Governor has submitted  
10 a budget to the General Assembly, a copy of the budget  
11 request for the upcoming fiscal year which the board  
12 previously submitted to the department.

## 13 CHAPTER 5

## 14 LICENSURE

### 15 Section 501. Licensure.

16 (a) General rule.--Except as provided in subsection (d) and  
17 subject to subsection (f), an individual may not provide  
18 electrical services, offer himself for employment as an  
19 individual who may provide electrical services or hold himself  
20 out as an individual authorized to provide electrical services  
21 unless licensed as a licensed journeyman electrician by the  
22 board.

23 (b) Business entities.--Subject to subsection (f), an  
24 individual, corporation, partnership, firm or other entity shall  
25 not:

26 (1) Employ an individual to provide electrical services  
27 or direct an individual to provide electrical services unless  
28 the individual is licensed under this act.

29 (2) Use the term "licensed journeyman electrician" or  
30 "licensed electrician" or another derivative in connection



1 with the entity unless at least one employee or the owner of  
2 the entity is licensed as a licensed journeyman electrician  
3 in accordance with this act.

4 (c) Title.--An individual who holds a license as:

5 (1) A licensed journeyman electrician or a licensed  
6 journeyman electrician who is maintained on inactive status  
7 pursuant to section 506(b) shall have the right to use the  
8 title "licensed journeyman electrician" and the abbreviation  
9 "L.J.E." No other individual shall use the title "licensed  
10 journeyman electrician" or the abbreviation "L.J.E."

11 (2) A licensed apprentice electrician or a licensed  
12 apprentice electrician who is maintained on inactive status  
13 pursuant to section 506(b) shall have the right to use the  
14 title "licensed apprentice electrician" and the abbreviation  
15 "L.A.E." No other individual shall use the title "licensed  
16 apprentice electrician" or the abbreviation "L.A.E."

17 (d) Apprentice.--A licensed apprentice electrician may hold  
18 himself out as being authorized to provide electrical services  
19 if the licensed apprentice electrician works under the direct  
20 onsite supervision of a licensed journeyman electrician,  
21 including a licensed journeyman electrician who contracts to  
22 perform electrical services.

23 (e) Responsibility.--A licensed journeyman electrician who  
24 contracts to perform electrical services shall be responsible  
25 for inspecting and supervising electrical services performed by  
26 a licensed apprentice electrician and a licensed journeyman  
27 electrician employed to execute the contract.

28 (f) Exceptions to licensure.--This act shall not apply to  
29 and a license shall not be required for the following:

30 (1) The replacement of lamps and fuses.

1           (2) The connection of portable electrical appliances to  
2 permanently installed receptacles.

3           (3) The installation, erection, repair, maintenance,  
4 removal, demolition or alteration of electrical equipment or  
5 electrical systems for generation, transmission and  
6 utilization of electrical energy owned or operated by a  
7 political subdivision, public utility, electrical cooperative  
8 corporation, school district, a railway or the Federal  
9 Government.

10          (4) Commercial radio and television transmission  
11 equipment.

12          (5) The installation, erection, repair, maintenance,  
13 removal, demolition or alteration of electrical equipment or  
14 electrical systems for the generation, transmission or  
15 utilization of electrical energy of less than ten volts.

16          (6) The installation, erection, repair, maintenance,  
17 removal, demolition or alteration of electrical equipment and  
18 systems for the generation, transmission and utilization of  
19 electrical energy in structures, facilities, buildings or  
20 premises owned or operated by the Federal Government.

21 Section 502. Qualifications.

22          (a) Licensed journeyman electrician.--To be eligible for  
23 licensure as a licensed journeyman electrician, an applicant  
24 must fulfill the following requirements:

25           (1) Be of good moral character.

26           (2) Be at least 18 years of age.

27           (3) Submit satisfactory proof to the board that the  
28 applicant has done one of the following:

29           (i) Successfully completed a program as a licensed  
30 apprentice electrician.

(ii) Completed a program recognized by the board which trains individuals to provide electrical services.

(iii) Acquired training and experience equivalent to that set forth in subparagraph (i) or (ii), as determined by regulation of the board.

(4) Pay the fee set by the board.

(5) Pass the examination provided by the board.

(6) In the case of a licensed journeyman electrician who contracts or intends to contract with a person to provide electrical services, submit proof satisfactory to the board of the acquisition of professional liability insurance in an amount set by the board.

(b) Licensed apprentice electrician.--To be eligible for licensure as a licensed apprentice electrician, an applicant must fulfill the following requirements:

(1) Be of good moral character.

(2) Be at least 16 years of age.

(3) Register with the Department of Labor and Industry as set forth in the act of July 14, 1961 (P.L.604, No.304), known as The Apprenticeship and Training Act. The applicant shall submit proof of current registration to the board.

(4) Pay the fee set by the board.

(c) Renewal of license of licensed apprentice electrician.--In the case of a licensed apprentice electrician applying for renewal of a license where registration under subsection (b)(3) has expired or otherwise lapsed before the biennial renewal cycle will expire, the licensed apprentice electrician shall submit evidence satisfactory to the board that the licensed apprentice electrician has renewed registration. Failure to notify the board within 30 days that registration has expired or

1 otherwise lapsed shall subject the licensed apprentice  
2 electrician to disciplinary action. In the case of a licensed  
3 apprentice electrician whose registration has expired or  
4 otherwise lapsed, the license shall immediately be placed on  
5 inactive status by the board. The board shall promulgate  
6 regulations in order to carry out the provisions of this  
7 subsection, including regulations setting forth the evidence  
8 necessary to demonstrate renewal of registration.

9 (d) Waiver of examination.--Notwithstanding the provisions  
10 of subsection (a)(5), the board may grant a license to an  
11 individual applying to become a licensed journeyman electrician  
12 without examination if:

13 (1) The individual applies within one year of the  
14 effective date of section 501.

15 (2) The individual meets the requirements of age and  
16 character and pays the required fee.

17 (3) For an individual applying for a license as a  
18 licensed journeyman electrician under this subsection, the  
19 individual submits proof satisfactory to the board of at  
20 least five years of prior experience providing electrical  
21 services within this Commonwealth.

22 (e) Convictions prohibited.--The board shall not issue a  
23 license to an individual who has been convicted of a felonious  
24 act prohibited by the act of April 14, 1972 (P.L.233, No.64),  
25 known as The Controlled Substance, Drug, Device and Cosmetic  
26 Act, or convicted of a felony relating to a controlled substance  
27 in a court of law of the United States or any other state,  
28 territory or country unless:

29 (1) At least ten years have elapsed from the date of  
30 conviction.

1           (2) The individual satisfactorily demonstrates to the  
2 board that the individual has made significant progress in  
3 personal rehabilitation since the conviction such that  
4 licensure of the individual should not be expected to create  
5 a substantial risk of harm to the health and safety of the  
6 public or a substantial risk of further criminal violations.

7           (3) The individual otherwise satisfies the  
8 qualifications provided in this act. An individual's  
9 statement on the application declaring the absence of a  
10 conviction shall be deemed satisfactory evidence of the  
11 absence of a conviction unless the board has some evidence to  
12 the contrary.

13 Section 503. Continuing education.

14       (a) Regulations.--The board shall adopt, promulgate and  
15 enforce rules and regulations consistent with the provisions of  
16 this act establishing continuing education to be met by  
17 individuals licensed as licensed journeyman electricians under  
18 this act. Regulations shall include any fees necessary for the  
19 board to carry out its responsibilities under this section. The  
20 board may waive all or part of the continuing education  
21 requirement for an individual who shows evidence satisfactory to  
22 the board that the individual was unable to complete the  
23 requirement due to illness, emergency, military service or other  
24 hardship. All courses, materials, locations and instructors  
25 shall be approved by the board. No credit shall be given for a  
26 course in office management or practice building.

27       (b) Requirement.--Beginning with the licensure period  
28 designated by regulation, an individual applying for renewal of  
29 a license as a licensed journeyman electrician shall be required  
30 to obtain eight hours of continuing education during the two

1 calendar years immediately preceding the application for  
2 renewal.

3 Section 504. Liability insurance.

4 As a condition of biennial renewal, a licensed journeyman  
5 electrician who contracts or intends to contract to provide  
6 electrical services shall submit proof satisfactory to the board  
7 of the acquisition and maintenance of professional liability  
8 insurance in the amount set by the board. In the case of the  
9 insurance being revoked, canceled or otherwise lapsing, the  
10 licensed journeyman electrician shall notify the board in  
11 writing within 30 days. In such a case, the board shall  
12 immediately place the license of a licensed journeyman  
13 electrician on inactive status. Failure to notify the board in  
14 writing within 30 days shall subject the licensed journeyman  
15 electrician to disciplinary action.

16 Section 505. Licensed electricians in other states.

17 (a) Reciprocity established.--Subject to subsection (b), the  
18 board may issue a license without examination to an individual  
19 who is licensed as an electrician in any other state, territory  
20 or possession of the United States if all of the following  
21 requirements are met:

22 (1) The individual meets the requirements as to  
23 character, age and absence of convictions.

24 (2) The individual pays the required fee.

25 (3) The standards for licensure in the other state,  
26 territory or possession meet or exceed the standards set  
27 forth in this act.

28 (b) Requirement.--For an individual to be eligible to apply  
29 for a license as a licensed journeyman electrician under  
30 subsection (a), the other state, territory or possession of the

1 United States must provide an opportunity for reciprocal  
2 licensure which is substantially similar to the opportunity  
3 provided by the Commonwealth under this section.

4 Section 506. Duration of license.

5 (a) Duration of license.--A license issued pursuant to this  
6 act shall be on a biennial basis. The biennial expiration date  
7 shall be established by regulation of the board. Application for  
8 renewal of a license shall biennially be forwarded to an  
9 individual holding a current license prior to the expiration  
10 date of the current biennium. For individuals applying for  
11 licensure or renewal of licensure as a licensed apprentice  
12 electrician, the application form must indicate whether  
13 registration as an apprentice under the act of July 14, 1961  
14 (P.L.604, No.304), known as The Apprenticeship and Training Act,  
15 has expired or otherwise lapsed before the biennial renewal  
16 cycle will expire.

17 (b) Inactive status.--An individual licensed under this act  
18 may request an application for inactive status. The application  
19 form may be completed and returned to the board. Upon receipt of  
20 an application, the individual shall be maintained on inactive  
21 status without fee and shall be entitled to apply for a  
22 licensure renewal at any time. An individual who requests the  
23 board to activate the individual's license and who has been on  
24 inactive status shall, prior to receiving an active license,  
25 satisfy the requirements of the board's regulations regarding  
26 continuing education and remit the required fee. In the case of  
27 a licensed apprentice electrician who is placed on inactive  
28 status pursuant to section 502(c), the licensed apprentice  
29 electrician shall provide evidence to the board of renewal of  
30 registration before the board may activate the license. The

1 board shall promulgate regulations to carry into effect the  
2 provisions of this subsection.

3 Section 507. Reporting of multiple licensure.

4 A licensee who is licensed as an electrician in any other  
5 state, territory, possession of the United States or country  
6 shall report this information to the board on the biennial  
7 registration application. Any disciplinary action taken in  
8 another state, territory, possession of the United States or  
9 country shall be reported to the board on the biennial  
10 registration application or within 90 days of final disposition,  
11 whichever is sooner. Multiple licensure shall be noted by the  
12 board on the individual's record, and such state, territory,  
13 possession of the United States or country shall be notified by  
14 the board of any disciplinary action taken against the licensee  
15 in this Commonwealth.

16 CHAPTER 7

17 ADMINISTRATION AND ENFORCEMENT

18 Section 701. Fees, fines and civil penalties.

19 (a) Fees.--All fees required under this act shall be fixed  
20 by the board by regulation and shall be subject to the act of  
21 June 25, 1982 (P.L.633, No.181), known as the Regulatory Review  
22 Act. If the revenues raised by the fees, fines and civil  
23 penalties imposed under this act are not sufficient to meet  
24 expenditures over a two-year period, the board shall increase  
25 those fees by regulation so that projected revenues will meet or  
26 exceed projected expenditures.

27 (b) Fee increase.--If the Bureau of Professional and  
28 Occupational Affairs determines that the fees established by the  
29 board under subsection (a) are inadequate to meet the minimum  
30 enforcement efforts required by this act, then the bureau, after



1 consultation with the board and subject to the Regulatory Review  
2 Act, shall increase the fees by regulation in an amount such  
3 that adequate revenues are raised to meet the required  
4 enforcement effort.

5 (c) Account.--All fees, fines and civil penalties imposed in  
6 accordance with this act shall be paid into the Professional  
7 Licensure Augmentation Account established pursuant to and for  
8 use in accordance with the act of July 1, 1978 (P.L.700,  
9 No.124), known as the Bureau of Professional and Occupational  
10 Affairs Fee Act.

11 (d) Renewal fee.--The board may charge a fee, as set by the  
12 board by regulation, for licensure, for renewing licensure and  
13 for other services of the board as permitted by this act or by  
14 regulation.

15 Section 702. Violations.

16 (a) General rule.--An individual or the responsible officer  
17 or employee of a corporation, partnership, firm or other entity  
18 violating a provision of this act or a regulation of the board  
19 commits a misdemeanor and, upon conviction, shall be sentenced  
20 to pay a fine of not more than \$1,000 or undergo imprisonment  
21 for not more than six months for the first violation. For the  
22 second and each subsequent conviction, the person convicted  
23 shall be sentenced to pay a fine of not more than \$2,000 or  
24 imprisonment of not less than six months or more than one year,  
25 or both.

26 (b) Civil penalty.--In addition to any other civil remedy or  
27 criminal penalty provided for in this act, the board by a vote  
28 of the majority of the maximum number of the authorized  
29 membership of the board as provided by law or by a vote of the  
30 majority of the duly qualified and confirmed membership or a

1 minimum of five members, whichever is greater, may levy a civil  
2 penalty up to \$1,000 for any of the following:

3 (1) A licensee who violates a provision of this act.

4 (2) An individual who performs electrical services in  
5 violation of this act.

6 (3) An individual who holds himself out as an individual  
7 authorized to perform electrical services without being  
8 properly licensed as provided in this act.

9 (4) The responsible officers or employees of a  
10 corporation, partnership, firm or other entity violating a  
11 provision of this act.

12 (c) Procedure.--The board shall levy the civil penalty set  
13 forth in subsection (b) only after affording the accused the  
14 opportunity for a hearing as provided in 2 Pa.C.S. (relating to  
15 administrative law and procedure).

16 Section 703. Refusal to issue, suspend or revoke license.

17 (a) General rule.--The board may refuse to issue, suspend or  
18 revoke a license in a case where the board finds:

19 (1) The licensee is negligent or incompetent in the  
20 performance of electrical services.

21 (2) The licensee is unable to perform electrical  
22 services with reasonable skill and safety by reason of mental  
23 or physical illness or condition or physiological or  
24 psychological dependence upon alcohol, hallucinogenic or  
25 narcotic drugs or other drugs which tend to impair judgment  
26 or coordination, so long as such dependence shall continue.  
27 In enforcing this paragraph, the board shall, upon probable  
28 cause, have authority to compel a licensee to submit to a  
29 mental or physical examination as designated by it. After  
30 notice, hearing, adjudication and appeal, failure of a

1 licensee to submit to such examination when directed shall  
2 constitute an admission of the allegations unless failure is  
3 due to circumstances beyond the licensee's control,  
4 consequent upon which a default and final order may be  
5 entered without the taking of testimony or presentation of  
6 evidence. An individual affected under this paragraph shall  
7 at reasonable intervals be afforded the opportunity to  
8 demonstrate that the individual can resume competent, safe  
9 and skillful performance of electrical services.

10 (3) The licensee has violated any of the provisions of  
11 this act or a regulation of the board.

12 (4) The licensee has committed fraud or deceit in:

13 (i) the performance of electrical services; or

14 (ii) securing licensure.

15 (5) The licensee has been convicted of a felony or a  
16 crime of moral turpitude or been convicted of a misdemeanor  
17 related to providing electrical services or received  
18 probation without verdict, disposition in lieu of trial or an  
19 Accelerated Rehabilitative Disposition in the disposition of  
20 felony charges, in the courts of this Commonwealth, the  
21 United States, another state, territory, possession of the  
22 United States or country.

23 (6) The licensee has had the licensee's license to  
24 practice as an electrician suspended or revoked or has  
25 received other disciplinary action by the proper licensing  
26 authority in another state, territory, possession of the  
27 United States or country.

28 (7) With respect to the provision of electrical  
29 services, the licensee has acted in such a manner as to  
30 present an immediate and clear danger to health, safety or

1 property.

2 (8) In the case of a licensed journeyman electrician who  
3 contracts to provide electrical services, the licensed  
4 journeyman electrician failed to properly direct and  
5 supervise licensed apprentice electricians and licensed  
6 journeyman electricians who are executing the contract.

7 (9) In the case of a licensed journeyman electrician  
8 responsible for the direct onsite supervision of a licensed  
9 apprentice electrician, the licensed journeyman electrician  
10 failed to provide the proper supervision.

11 (10) The licensee possessed, used, acquired or  
12 distributed a controlled substance.

13 (11) The licensee has been guilty of unprofessional  
14 conduct. Unprofessional conduct shall include departure from  
15 or failing to conform to operating practices or professional  
16 standards embraced by the licensed journeyman electricians'  
17 community in this Commonwealth. In addition, unprofessional  
18 conduct shall also include failing to conform to recognized  
19 electrical safety standards, including the National  
20 Electrical Code in effect in this Commonwealth, and  
21 applicable municipal ordinances related to health and safety.  
22 In a proceeding based on this paragraph, actual injury to a  
23 person or damage to property need not be established.

24 (12) The licensee falsely advertised or made misleading,  
25 deceptive, untrue or fraudulent material representations  
26 regarding licensure or in the performance of electrical  
27 services.

28 (13) Unless waived by the board in accordance with  
29 section 503, the licensee failed to satisfy the continuing  
30 education requirements of this act.

(b) Acts authorized.--When the board finds that the license of an individual may be refused, suspended or revoked pursuant to subsection (a), the board may:

(1) Deny the application for a license.

(2) Administer a public reprimand.

(3) Suspend, revoke, limit or otherwise restrict a license.

(4) Require a licensee to submit to the care, counseling or treatment of a physician or a psychologist designated by the board.

(5) Suspend enforcement of its finding and place a licensee on probation with the right to vacate the probationary order for noncompliance.

(6) Restore or reissue, in its discretion, a suspended license and impose any disciplinary or corrective measure which it might originally have imposed.

#### Section 704. Suspensions and revocations.

A suspension or revocation shall be made only in accordance with the regulations of the board and only by majority vote of the members of the board after a hearing. An action of the board shall be taken subject to the right of notice, hearing and adjudication, and the right of appeal, in accordance with the provisions of 2 Pa.C.S. (relating to administrative law and procedure). The board, by majority action and in accordance with its regulations, may reissue a license which has been suspended. If a license has been revoked, the board shall reissue a license only in accordance with section 706.

#### Section 705. Temporary and automatic suspensions.

(a) General rule.--A license issued under this act may be temporarily suspended under circumstances determined by the

1 board to be an immediate and clear danger to public health,  
2 safety or property. The board shall issue an order to that  
3 effect without a hearing, but upon due notice, to the licensee  
4 concerned at the licensee's last known address, which shall  
5 include a written statement of all allegations against the  
6 licensee. The provisions of section 704 shall not apply to  
7 temporary suspension. The board shall commence formal action to  
8 suspend, revoke or restrict the license of the individual as  
9 otherwise provided for in this act. All actions shall be taken  
10 promptly and without delay. Within 30 days following the  
11 issuance of an order temporarily suspending a license, the board  
12 shall conduct or cause to be conducted a preliminary hearing to  
13 determine if there is a prima facie case supporting the  
14 suspension. The individual whose license has been temporarily  
15 suspended may be present at the preliminary hearing and may be  
16 represented by counsel, cross-examine witnesses, inspect  
17 physical evidence, call witnesses, offer evidence and testimony  
18 and make a record of the proceedings. If it is determined that  
19 there is not a prima facie case, the suspended license shall be  
20 immediately restored. The temporary suspension shall remain in  
21 effect until vacated by the board, but in no event longer than  
22 180 days.

23 (b) Commitment of licensee.--A license issued under this act  
24 shall automatically be suspended upon the legal commitment of a  
25 licensee to an institution because of mental incompetence from  
26 any cause upon filing with the board a certified copy of such  
27 commitment, conviction of a felony under the act of April 14,  
28 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,  
29 Device and Cosmetic Act, or conviction of an offense under the  
30 laws of another jurisdiction, which, if committed in this

1 Commonwealth, would be a felony under The Controlled Substance,  
2 Drug, Device and Cosmetic Act. Automatic suspension under this  
3 subsection shall not be stayed pending an appeal of a  
4 conviction. Restoration of the license shall be made as provided  
5 in the case of revocation or suspension of a license.

6 Section 706. Reinstatement of license.

7 Unless ordered to do so by Commonwealth Court or an appeal  
8 therefrom, the board shall not reinstate the license of an  
9 individual which has been revoked. An individual whose license  
10 has been revoked may reapply for a license, after a period of at  
11 least five years, but must meet all of the licensing  
12 requirements of this act.

13 Section 707. Surrender of suspended or revoked license.

14 The board shall require an individual whose license has been  
15 suspended or revoked to return the license in such manner as the  
16 board directs. Failure to do so, and upon conviction thereof,  
17 shall be a misdemeanor of the third degree.

18 Section 708. Injunction.

19 Whenever, in the judgment of the board, a person has engaged  
20 in an act or practice which constitutes or will constitute a  
21 violation of this act, the board or its agents may make  
22 application to the appropriate court for an order enjoining such  
23 act or practice. Upon a showing by the board that the person has  
24 engaged or is about to engage in such act or practice, an  
25 injunction, restraining order or such order as may be  
26 appropriate shall be granted by the court. The remedy by  
27 injunction is in addition to any other civil or criminal  
28 prosecution and punishment.

29 Section 709. Subpoenas and oaths.

30 (a) Authority granted.--The board shall have the authority

1 to issue subpoenas, upon application of an attorney responsible  
2 for representing the Commonwealth in disciplinary matters before  
3 the board, for the purpose of investigating alleged violations  
4 of this act or regulation of the board. The board shall have the  
5 power to subpoena witnesses, to administer oaths, to examine  
6 witnesses and to take such testimony or compel the production of  
7 such books, records, papers and documents as it may deem  
8 necessary or proper in and pertinent to any proceeding,  
9 investigation or hearing held or had by it. The board is  
10 authorized to apply to Commonwealth Court to enforce its  
11 subpoenas. The court may impose limitations in the scope of the  
12 subpoena as is necessary to prevent unnecessary intrusion into  
13 client confidential information.

14 (b) Disciplinary matters.--An attorney responsible for  
15 representing the Commonwealth in disciplinary matters before the  
16 board shall maintain current records of all reported alleged  
17 violations and shall periodically review the records for the  
18 purpose of determining that each alleged violation has been  
19 resolved in a timely manner.

20 Section 710. Municipalities.

21 (a) Municipal license prohibited.--Licensure under this act  
22 shall be acceptable to a municipality in this Commonwealth as  
23 proof of competence to perform electrical services, and no  
24 municipality may require an individual licensed under this act  
25 to obtain an additional license to perform electrical services.  
26 Unless otherwise provided in this act, any local ordinance or  
27 regulation concerning the qualifications, fitness and competence  
28 of individuals to perform electrical services is preempted and  
29 superseded.

30 (b) Certain powers preserved.--Nothing in this act shall be



1 construed to prevent a municipality from doing any of the  
2 following:

3 (1) Levying lawful taxes and fees.

4 (2) Requiring the purchase of a business privilege  
5 license that is unrelated to demonstrating competence in the  
6 performance of electrical services.

7 (3) Denying or revoking permits for failing to comply  
8 with ordinances which are not inconsistent with this act or  
9 regulation of the board.

10 (4) Enforcing ordinances related to health and safety.

11 (5) Pursuant to an ordinance, inspecting or regulating  
12 the manner in which electrical services are performed.

## 13 CHAPTER 21

### 14 MISCELLANEOUS PROVISIONS

15 Section 2101. Appropriation.

16 The sum of \$85,000 or as much as may be necessary is  
17 appropriated from the Professional Licensure Augmentation  
18 Account to the Department of State for the payment of costs  
19 associated with processing licenses and renewing licenses, for  
20 the operation of the State Board of Licensed Electricians and  
21 for other costs associated with this act. The appropriation  
22 shall be repaid by the board within three years of the beginning  
23 of issuance of licenses by the board.

24 Section 2102. Regulations.

25 Within 18 months of the effective date of this section, the  
26 board shall promulgate regulations to carry out this act.

27 Section 2103. Severability.

28 The provisions of this act are severable. If any provision of  
29 this act or its application to any person or circumstance is  
30 held invalid, the invalidity shall not affect other provisions

1 or applications of this act which can be given effect without  
2 the invalid provision or application.

3 Section 2104. Effective date.

4 This act shall take effect as follows:

5 (1) This section shall take effect immediately.

6 (2) Section 501 shall take effect in three years.

7 (3) The remainder of this act shall take effect in 60  
8 days.