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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1621 Session of  
1983

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INTRODUCED BY PERZEL, OCTOBER 24, 1983

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,  
OCTOBER 24, 1983

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AN ACT

1 Regulating electrical contractors by requiring the licensing  
2 thereof; establishing the State Board of Examiners of  
3 Electrical Contractors and providing for its powers and  
4 duties; establishing licensing requirements; providing for an  
5 examination; providing for enforcement powers of the board,  
6 for certain exemptions, for injunctive relief; and providing  
7 penalties.

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11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 Section 1. Short title.

14 This act shall be known and may be cited as the Electrical  
15 Contractors' Licensing Act.

16 Section 2. Definitions.

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

20 "Board." The State Board of Examiners of Electrical  
21 Contractors.

22 "Commissioner." The Commissioner of Professional and  
23 Occupational Affairs.

24 "Department." The Department of State.

25 "Electrical contractor." A person who engages in the  
26 business of contracting to install, erect, repair or alter  
27 electrical equipment for the generation, transmission or  
28 utilization of electrical energy.

29 Section 3. Board.

30 (a) Establishment.--There is hereby established the State

1 Board of Examiners of Electrical Contractors within the  
2 department.

3 (b) Appointment and terms.--The board shall consist of seven  
4 members appointed by the Governor, with the advice and consent  
5 of a majority of all the members elected to the Senate. Members  
6 shall serve a term of three years and until their successor is  
7 appointed and qualified. The Governor may fill any vacancy for  
8 the remainder of the unexpired term.

9 (c) Qualifications of members.--No more than four members of  
10 the board shall be members of the same political party. Three  
11 members of the board shall be qualified electrical contractors  
12 with experience of not less than ten years as an electrical  
13 contractor, one shall be a qualified electrical inspector with  
14 experience of not less than five years as an electrical  
15 inspector, one shall be a qualified journeyman employed in the  
16 electrical construction industry for not less than five years.  
17 One shall be a public member not associated with the electrical  
18 industry and one shall be a licensed professional engineer with  
19 experience of not less than five years in the electrical  
20 industry.

21 (d) Compensation and expenses.--Board members shall receive  
22 compensation of \$25 for each day of actual service and shall be  
23 reimbursed for all actual and necessary traveling expenses  
24 incurred while attending meetings or on other official business  
25 of the board.

26 Section 4. Organization of board.

27 The board shall annually elect one of their number as  
28 chairman, who shall preside at all meetings of the board and a  
29 secretary who need not be a member of the board. Vacancies in  
30 the office of chairman or secretary between regular appointments

1 shall be filled by the board, with the approval of the  
2 commissioner. The board is authorized to appoint, with the  
3 approval of the commissioner, such clerical assistants as may be  
4 required. The board, with the approval of the commissioner,  
5 shall fix the compensation of the secretary and the clerical  
6 assistants, within the limits of available appropriations and  
7 subject to applicable civil service provisions. The board shall  
8 be authorized to incur any other expenses, within available  
9 appropriations therefor, as may be required to carry out its  
10 purpose and function. All moneys received by the board shall be  
11 remitted to the State Treasury. Five members of the board shall  
12 constitute a quorum.

13 Section 5. Rules and regulations.

14 The board may, in the manner provided by law, promulgate the  
15 rules, regulations and forms reasonably necessary to carry out  
16 this act.

17 Section 6. Fees.

18 All application, examination and license fees under this act  
19 shall be as prescribed by the board and shall reasonably reflect  
20 the administrative costs of applications, examinations and  
21 licenses.

22 Section 7. Investigations.

23 The board may conduct such investigations as are necessary to  
24 fulfill its responsibilities under this act. The board under the  
25 hand of its chairman and the seal of the board may subpoena  
26 witnesses and compel their attendance and it also may require  
27 the production of papers, records or documents in any inquiry or  
28 proceedings which may be instituted by it or be pending before  
29 it. Any member of the board may administer oaths or affirmations  
30 to witnesses appearing before the board.

1 Section 8. Register.

2 The board shall keep a record of its proceedings and a  
3 register of all applications for licenses which register shall  
4 show:

5 (1) The name, age and residence of each applicant.

6 (2) The date of the application.

7 (3) The place of business of the applicant.

8 (4) The qualifications of the applicant.

9 (5) Whether or not an examination was required.

10 (6) Whether the applicant was rejected.

11 (7) Whether a license was granted.

12 (8) The date of the action of the board.

13 (9) Other information as may be deemed necessary by the  
14 board.

15 Section 9. License requirement.

16 (a) General rule.--

17 (1) On and after the effective date of this act, no  
18 person shall enter into, engage in or work in business as an  
19 electrical contractor, unless he has secured a license from  
20 the board in accordance with this act and the licensee shall  
21 assume full responsibility for inspection and supervision of  
22 all electrical work to be performed by any employee in  
23 compliance with recognized safety standards.

24 (2) Any single act or transaction shall constitute  
25 engaging in the business of electrical contracting within the  
26 meaning of this act.

27 (b) Examination.--

28 (1) Except as otherwise provided in section 10, no  
29 person shall be granted an electrical contractor's license  
30 unless he shall first establish his qualifications therefor

1 and shall take and pass the examination for electrical  
2 contractors. An applicant for the examination shall have been  
3 employed or engaged in the business of electrical  
4 construction and installation or have equivalent practical  
5 experience for a period of not less than five years preceding  
6 the time of the application or shall otherwise establish to  
7 the satisfaction of the board that the applicant has the  
8 necessary educational background and experience to qualify to  
9 take the examination for a license.

10 (2) The examination shall be so designed as to establish  
11 the competence and qualification of the applicant to perform  
12 and supervise the various phases of electrical contracting  
13 work. Any applicant who shall fail to pass the examination  
14 shall not be eligible to retake an examination until six  
15 months from the date of the failure.

16 (c) Application.--An applicant for an examination for a  
17 license shall apply to the board for permission to take the  
18 examination upon forms provided by the board and shall provide  
19 the board with such information as shall be necessary to  
20 establish his qualifications to take the examination.

21 Section 10. License without examination.

22 Upon payment of the prescribed fee, any person who has been  
23 employed or engaged in the business of electrical contracting  
24 within this Commonwealth for a period of at least six years  
25 prior to the effective date of this act and whose principal  
26 business for at least two years immediately preceding making of  
27 application as herein provided shall have been that of  
28 electrical contractor shall be granted a license without  
29 examination; provided application should be made to the board on  
30 or before one year of the effective date of this act and

1 satisfactory proof is presented to the board of the applicant's  
2 fitness to engage in the business. The application shall consist  
3 of a sworn statement:

4 (1) Describing the experience of the applicant in the  
5 electrical contracting business.

6 (2) Listing representative electrical contracts  
7 performed by the applicant.

8 (3) Containing other information as may be required by  
9 the board.

10 Section 11. Issuance of licenses.

11 The board shall receive all applications for licenses filed  
12 by persons seeking to enter upon or continue in electrical  
13 contracting business within this Commonwealth and upon proper  
14 qualification of the applicant shall issue the license applied  
15 for.

16 Section 12. Examination.

17 The board shall give the examination to all persons who are,  
18 under the provisions of this act, required to take such  
19 examinations. The scope of the examination shall cover such  
20 matters as the provisions of nationally recognized electrical  
21 installation safety standards and the theoretical and practical  
22 application of the same encountered in electrical work. It shall  
23 hold a minimum of four examinations each year at such times and  
24 places within this Commonwealth as the board shall designate.  
25 Public notice shall be given of the time and place of all  
26 examinations. In the conduct of the examination the board shall  
27 prescribe a standard form which may be revised from time to time  
28 as circumstances require. The examinations shall give ample  
29 opportunity for all applicants to be thoroughly and carefully  
30 examined, may be written or practical, or both, and shall be

1 supervised by three or more of the examiners but no license  
2 shall be granted except by the board.

3 Section 13. Terms and renewals of licenses.

4 (a) Application.--A person seeking issuance or renewal of  
5 any license shall file with the board an application in writing  
6 upon forms prescribed by the board, containing such information  
7 as the board shall require to maintain the register provided for  
8 in section 8 and to establish the qualifications of the  
9 applicant. The application shall be signed and sworn to by the  
10 applicant and shall be accompanied by the proper fee.

11 (b) Term.--The license periods shall be from July 1 to June  
12 30 of the following year and licenses shall be renewed on or  
13 before July 1 of each year. Renewal shall be governed by the  
14 standards applicable to initial issuance. The board may require  
15 a reexamination upon failure to apply for a renewal within 30  
16 days of the date of the expiration of a license.

17 (c) Expiration of license of certain persons outside the  
18 United States.--Any license expiring while the holder thereof is  
19 outside the continental limits of the United States in  
20 connection with any project undertaken by the Government of the  
21 United States or while in the services of the armed forces of  
22 the United States shall be renewed without further examinations  
23 upon payment of the prescribed fee at any time within four  
24 months after the person's return to the United States or  
25 discharge from the armed forces.

26 Section 14. Transferability of license.

27 No license issued under this act shall be assigned or  
28 transferable.

29 Section 15. Enforcement powers.

30 (a) General rule.--The board may refuse to grant or may

1 suspend, revoke or refuse to renew any license if the holder  
2 has:

3 (1) Secured a license by misrepresentation.

4 (2) Failed to maintain the qualifications required by  
5 this act or demonstrated a level of competence manifestly  
6 inconsistent with retention of the license in question.

7 (3) Engaged in fraudulent business activities or in  
8 misleading advertising practices.

9 (4) Violated any provision of this act.

10 (5) Committed an act of gross negligence or condoned  
11 such an act by his employee.

12 (6) Failed to adequately and properly supervise  
13 employees in compliance with recognized safety standards.

14 (7) Failed to secure inspection of electrical  
15 construction by an inspection authority as provided by law.

16 (8) Failed to perform electrical construction in  
17 conformance with standards of the National Electrical Code  
18 then in effect and the standards, if any, of the municipality  
19 wherein the work is performed.

20 (b) Complaints.--Any person may file a complaint as set  
21 forth in subsection (a) against any licensee. The complaint  
22 shall be in writing and shall be sworn to by the person making  
23 them and shall be filed with the secretary of the board. All  
24 complaints unless dismissed by the board as unfounded or trivial  
25 shall be heard by the board after completing any necessary  
26 investigation.

27 (c) Hearing.--The time and place for the hearing shall be  
28 fixed by the board and a copy of the charges together with a  
29 notice of the time and place of hearing shall be personally  
30 served on or mailed to the last known address of the licensee at

1 least 30 days before the date fixed for the hearing. Hearing  
2 procedure and appeals from decisions of the board shall be as  
3 provided in Title 2 of the Pennsylvania Consolidated Statutes  
4 (relating to administrative law and procedure).

5 (d) Eligibility following revocation.--An applicant whose  
6 license has been revoked may become eligible not earlier than 1  
7 year from the date of the revocation for a new license upon  
8 meeting all of the requirements of this act and upon the  
9 satisfactory completion of the examination as provided in this  
10 act.

11 Section 16. Construction of act.

12 (a) Municipal ordinances preserved.--This act shall not be  
13 construed to deny to any municipality the power to inspect  
14 electrical work or equipment or the power to regulate the  
15 standards and manner in which electrical work shall be done but  
16 no municipality shall require any business permit holder or  
17 electrical contractor licensed under this act to obtain a  
18 municipal license to engage in the business of electrical  
19 contracting in the municipality.

20 (b) Failure to comply with local ordinance.--Any licensee  
21 who willfully fails to comply with any municipal ordinance  
22 concerning the inspection of electrical work shall be deemed to  
23 be not in compliance with this act and may be subject to the  
24 sanctions provided in section 15.

25 Section 17. Exempt work or construction.

26 (a) Exemptions enumerated.--Electrical work or construction  
27 which is performed on the following facilities or which is by or  
28 for the following agencies shall not be included within the  
29 business of electrical contracting under this act:

30 (1) Minor repair work such as the replacement of lamps

1 and fuses.

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

4 (3) The testing, servicing or repairing of electrical  
5 equipment or apparatus.

6 (4) Electrical work in mines, on ships, railway cars,  
7 elevators, escalators or automotive equipment.

8 (5) Municipal plants or any public utility as defined in  
9 Title 66 of the Pennsylvania Consolidated Statutes (relating  
10 to public utilities), organized for the purpose of  
11 constructing, maintaining and operating works for the  
12 generation, supplying, transmission and distribution of  
13 electricity.

14 (6) A public utility subject to regulation, supervision  
15 or control by a Federal regulatory body, or a public utility  
16 operating under the laws of this Commonwealth, and engaged in  
17 the furnishing of communication or signal service, or both,  
18 to a public utility, or to the public, as an integral part of  
19 a communication or signal system, and any agency associated  
20 or affiliated with any public utility and engaged in research  
21 and development in the communications field.

22 (7) A railway utility in the exercise of its functions  
23 as a utility and located in or on buildings or premises used  
24 exclusively by the utility.

25 (8) Commercial radio and television transmission  
26 equipment.

27 (9) Construction by any branch of the Federal  
28 Government.

29 (10) Any work with a potential of less than 10 volts.

30 (11) Repair, manufacturing and maintenance work on

1 premises occupied by a firm or corporation, and installation  
2 work on premises occupied by a firm or corporation and  
3 performed by a regular employee who is a qualified journeyman  
4 electrician.

5 (12) Installation, repair or maintenance performed by  
6 regular employees of the Commonwealth, or of a political  
7 subdivision or municipal authority on the premises or  
8 property owned or occupied by the Commonwealth, political  
9 subdivision or authority.

10 (13) The maintaining, installing or connecting of  
11 automatic oil, gas or coal burning equipment, gasoline or  
12 diesel oil dispensing equipment and the lighting in  
13 connection therewith to a supply of adequate size at the load  
14 side of the distribution board.

15 (14) Work performed by a person on a dwelling that is  
16 occupied solely as a residence for himself or for a member or  
17 members of his immediate family.

18 (b) Other exemptions.--The board may also exempt from this  
19 act any other electrical activities of like character which in  
20 the board's opinion warrant such exclusion.

#### 21 Section 18. Penalties.

22 Any person who engages in the business of electrical  
23 contracting without having a valid license under this act  
24 commits a misdemeanor of the third degree.

#### 25 Section 19. Injunctive relief.

26 The Attorney General or any district attorney may bring an  
27 action in equity to enjoin violations of this act.

#### 28 Section 20. Transition provisions.

29 Initial appointments to the board shall be as follows:

30 (1) Three members for terms of one year.

1           (2) Two members for terms of two years.

2           (3) Three members for terms of three years.

3 Section 21. Effective date.

4       This act shall take effect in six months.