
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1002 Session of
2005

INTRODUCED BY LaGROTTA, BELFANTI, BUNT, CALTAGIRONE, CAPPELLI,
CRAHALLA, CURRY, GOOD, GOODMAN, MCGEEHAN, PISTELLA, ROEBUCK,
SURRA, THOMAS, WALKO AND WASHINGTON, MARCH 16, 2005

REFERRED TO COMMITTEE ON LABOR RELATIONS, MARCH 16, 2005

AN ACT

1 Regulating the licensure of electrical contractors; providing
2 for licensure by the Department of Labor and Industry and for
3 its powers and duties; establishing the State-licensed
4 Electrical Contractors Advisory Committee; providing
5 penalties; and making an appropriation.

6 TABLE OF CONTENTS

- 7 Section 1. Short title.
- 8 Section 2. Definitions.
- 9 Section 3. Powers and duties of department.
- 10 Section 4. State-licensed Electrical Contractors Advisory
11 Committee.
- 12 Section 5. Powers and duties of committee.
- 13 Section 6. Licensure required.
- 14 Section 7. Qualifications for licensure.
- 15 Section 8. Examination required.
- 16 Section 9. Reciprocity.
- 17 Section 10. Continuing education.
- 18 Section 11. Refusal, suspension and revocation of license.
- 19 Section 12. Reinstatement of license.

1 Section 13. Reporting of multiple licensure.
2 Section 14. Surrender of suspended or revoked license.
3 Section 15. Delegation permitted.
4 Section 16. Transferability of license.
5 Section 17. Powers of municipalities.
6 Section 18. Local rulemaking.
7 Section 19. License renewal, records and fees.
8 Section 20. Subpoenas.
9 Section 21. Unlawful practice.
10 Section 22. Penalties.
11 Section 23. Severability.
12 Section 24. Effective date.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Short title.

16 This act shall be known and may be cited as the Electrical
17 Contractors Licensure Act.

18 Section 2. Definitions.

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

22 "Committee." The State-licensed Electrical Contractors
23 Advisory Committee established by this act.

24 "Department." The Department of Labor and Industry of the
25 Commonwealth.

26 "Electrical services." The installation, erection, repair or
27 alteration of electrical equipment for the generation,
28 transmission or utilization of electricity. The term shall not
29 include work done by or for an electrical public utility,
30 electric cooperative or a municipal electrical system which work

1 is performed on a plant or equipment used in the generation,
2 transmission and distribution of electricity to the public up to
3 the point of attachment or the provision of the communications
4 or telecommunications services.

5 "State-licensed electrical contractor." An individual
6 holding a current license under this act issued by the
7 Department of Labor and Industry.

8 Section 3. Powers and duties of department.

9 The department shall have the following powers:

10 (1) To pass upon the qualifications and fitness of
11 applicants for certification and reciprocal certification and
12 to adopt and revise rules and regulations requiring
13 applicants to pass examinations relating to their
14 qualifications as a prerequisite to the issuance of a
15 certificate.

16 (2) To adopt and, from time to time, revise those rules
17 and regulations as may be necessary to carry into effect
18 provisions of this act. The regulations shall include, but
19 shall not be limited to, standards of professional practice
20 and conduct for certification under this act.

21 (3) To examine for, deny, approve, issue, revoke,
22 suspend or renew certification authorized pursuant to this
23 act and to conduct hearings in connection therewith.

24 (4) To conduct hearings upon complaints concerning
25 violations of this act and the rules and regulations adopted
26 pursuant to this act and to seek the prosecution and
27 enjoinder of all such violations.

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

30 (6) To waive examination and to grant a license in cases

1 deemed exceptional by the department and in accordance with
2 regulations promulgated by the department.

3 Section 4. State-licensed Electrical Contractors Advisory
4 Committee.

5 (a) Establishment.--There is hereby established the State-
6 licensed Electrical Contractors Advisory Committee which shall
7 be an advisory committee in the Department of Labor and
8 Industry. The committee shall consist of seven members who are
9 citizens of the United States and who have been residents of
10 this Commonwealth for a two-year period, six of whom shall be
11 qualified electrical contractors with experience of not less
12 than ten years as an electrical contractor and one of whom shall
13 be a qualified electrical inspector with experience of not less
14 than five years as an electrical inspector. Three of the
15 electrical contractor members shall be signatories to collective
16 bargaining agreements and the remaining three shall be
17 nonsignatories.

18 (b) Terms of office.--The members shall serve for four-year
19 terms except as provided in subsection (c) and shall be
20 appointed by the Governor and with the advice and consent of a
21 majority of the members elected to the Senate.

22 (c) Initial appointments.--Within 90 days of the effective
23 date of this section, the Governor shall nominate two electrical
24 contractors to serve four-year terms; two electrical contractors
25 and one electrical inspector to serve three-year terms; and two
26 electrical contractors to serve two-year terms.

27 (d) Continuation in office.--Each committee members shall
28 continue in office until a successor is duly appointed and
29 qualified but no longer than six months after the expiration of
30 the term. In the event that a committee member dies, resigns or

1 otherwise becomes disqualified during the term of office, a
2 successor shall be appointed in the same way and with the same
3 qualifications as set forth in this section and shall hold
4 office for the unexpired term.

5 (e) Limit on terms.--No committee member shall be eligible
6 for appointment to serve more than two consecutive four-year
7 terms.

8 (f) Forfeiture of membership.--A committee member who fails
9 to attend three consecutive meetings shall forfeit that member's
10 seat unless the Secretary of Labor and Industry, upon written
11 request from the member, finds that the member shall be excused
12 from a meeting because of illness or the death of a family
13 member.

14 (g) Compensation.--Each member of the committee shall
15 receive \$60 per diem when actually attending to the work of the
16 committee. Members shall also receive reasonable traveling,
17 hotel and other necessary expenses incurred in the performance
18 of their duties in accordance with the rules and regulations of
19 the Executive Board of the Commonwealth.

20 (h) Quorum.--A majority of the members serving in accordance
21 with law shall constitute a quorum for purposes of conducting
22 the business of the committee. Except for temporary and
23 automatic suspensions, a member may not be counted as part of a
24 quorum or vote on any issue unless that member is physically in
25 attendance at the meeting.

26 (i) Meetings.--The board shall meet at least four times a
27 year in Harrisburg.

28 (j) Notice.--Reasonable notice of all meetings shall be
29 given in conformity with 65 Pa.C.S. Ch. 7 (relating to open
30 meetings).

1 Section 5. Powers and duties of committee.

2 The committee shall advise the department on the following:

3 (1) Qualifications and fitness of applicants for
4 licenses and reciprocal licenses.

5 (2) Standards of professional practice and conduct for
6 licenses and registrations issued under this act.

7 (3) Examinations.

8 (4) Complaints and violations of this act.

9 (5) Waiver of examination and granting of a license in
10 cases deemed exceptional by the department and in accordance
11 with regulations promulgated by the department.

12 Section 6. Licensure required.

13 It shall be unlawful for any person to hold himself forth as
14 a State-licensed electrical contractor unless that person shall
15 first have obtained a license in accordance with this act. The
16 State-licensed electrical contractor shall assume full
17 responsibility for inspection and supervision of all electrical
18 services to be performed in accordance with recognized safety
19 standards adopted by regulation of the department.

20 Section 7. Qualifications for licensure.

21 No person shall be granted licensing as a State-licensed
22 electrical contractor under this act or hold himself out as a
23 State-licensed electrical contractor unless that person submits
24 proof satisfactory to the department of the following:

25 (1) The person has performed electrical services for a
26 period of not less four years preceding the time of the
27 application or shall otherwise demonstrate, pursuant to
28 regulations of the department, that the person is qualified
29 to take the examination for licensing.

30 (2) Payment of the appropriate fees.

1 (3) Passage of the required examination.

2 Section 8. Examination required.

3 (a) General rule.--The department may require an applicant
4 for a licensure to take and pass an examination based on the
5 electrical code to the satisfaction of the department. The
6 department shall contract with a professional testing service
7 for the preparation, development, administration and grading of
8 the examination. Written, oral and practical examinations shall
9 be prepared and administered by a qualified and approved
10 professional testing organization.

11 (b) Exemption from examination.--The requirements of
12 subsection (a) shall not apply and a license shall be issued
13 without examination to a person:

14 (1) Who submits an application for licensure,
15 accompanied by the required fee, within two years of the
16 effective date of this section.

17 (2) Is a resident of this Commonwealth.

18 (3) Submits proof of performing electrical services
19 within this Commonwealth for a period of at least four years
20 prior to the effective date of this section.

21 (4) Demonstrates to the satisfaction of the department
22 that the person has passed an examination for licensure based
23 upon the National Electrical Code or other similar code
24 acceptable to the department.

25 Section 9. Reciprocity.

26 The department shall have the power to grant a reciprocal
27 license to an applicant who is licensed as an electrical
28 contractor in another state and who demonstrates qualifications
29 which equal or exceed those required, provided that no license
30 shall be granted under this section to an applicant unless the

1 state in which the applicant is licensed affords reciprocal
2 treatment to persons who are residents of this Commonwealth and
3 who are licensed pursuant to this act.

4 Section 10. Continuing education.

5 The department may promulgate regulations establishing
6 continuing education to be met by individuals seeking to renew
7 licenses issued under this act. State-certified electrical
8 contractors shall during the two-year period immediately
9 preceding biennial renewal of licenses issued under this act
10 complete a program of continuing education in the requirements
11 of the National Electrical Code, as defined by and acceptable to
12 the department, except that no credit may be given for courses
13 in office management or practice building.

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

15 (a) Grounds.--The department may refuse, suspend, revoke,
16 limit or restrict a license or issue a public reprimand for any
17 of the following:

18 (1) Securing a license by fraud, deceit or
19 misrepresentation.

20 (2) Being unfit or unable to perform electrical services
21 by reason of illness, drunkenness, excessive use of drugs,
22 narcotics, chemicals or any other type of material,
23 bankruptcy or as a result of any mental or physical
24 condition.

25 (3) Engaging in false, deceptive or fraudulent business
26 activities or in misleading advertising.

27 (4) Violating a provision of this act or regulations of
28 the department.

29 (5) Committing an act of negligence or incompetence or
30 authorizing such an act by an employee.

1 (6) Failing to properly supervise employees in
2 accordance with this act and with recognized electrical
3 safety standards of the National Electrical Code in effect at
4 the time an act is committed or authorizing an unqualified
5 individual to assume responsibility for supervisory work.

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

8 (8) Failing to perform electrical services in
9 conformance with standards in effect in the municipality
10 wherein the services were performed or, in the absence of
11 such standards, in conformance with standards of the National
12 Electrical Code.

13 (9) Failing to comply with a municipal ordinance
14 concerning the inspection of electrical work and services, or
15 with the manner in which the municipality requires electrical
16 work to be performed.

17 (10) Being convicted of a felony in a court of any
18 jurisdiction. As used in this paragraph, the term "convicted"
19 includes a finding or verdict of guilt, an admission of guilt
20 or a plea of nolo contendere or receiving probation without
21 verdict, disposition in lieu of trial or an Accelerated
22 Rehabilitative Disposition in the disposition of felony
23 charges.

24 (11) Having a license to perform electrical services
25 suspended, revoked or refused or receiving other disciplinary
26 action by the proper licensing authority or any other state,
27 territory, possession or country.

28 (b) Department action.--When the department finds that the
29 license or application for license of any person should be
30 refused, revoked, restricted or suspended under the terms of

1 subsection (a), the department may:

2 (1) Deny the application for a license.

3 (2) Administer a public reprimand.

4 (3) Revoke, suspend, limit or otherwise restrict a
5 license as determined by the department.

6 (4) Suspend enforcement of its findings thereof and
7 place a State-licensed electrical contractor on probation
8 with the right to vacate the probationary order for
9 noncompliance.

10 (5) Restore the suspended license and impose any
11 disciplinary or corrective measure which it might originally
12 have imposed.

13 (c) Hearing.--All actions of the department shall be taken
14 subject to the right of notice, hearing and adjudication and the
15 right of appeal therefrom in accordance with 2 Pa.C.S. (relating
16 to administrative law and procedure).

17 (d) Temporary suspension.--

18 (1) The department shall temporarily suspend a license
19 under circumstances as determined by the department to be an
20 immediate and clear danger to the public health and safety.
21 The department shall issue an order to that effect without a
22 hearing but upon due notice to the State-licensed electrical
23 contractor concerned at his last known address, which shall
24 include a written statement of all allegations against the
25 individual. The provisions of subsection (c) shall not apply
26 to temporary suspension.

27 (2) The department shall then commence formal action to
28 suspend, revoke or restrict the license of the person
29 concerned as otherwise provided for in this act. All actions
30 shall be taken promptly and without delay.

1 (3) Within 30 days following issuance of an order
2 temporarily suspending a license, the department shall
3 conduct or cause to be conducted a preliminary hearing to
4 determine if there is a prima facie case supporting the
5 suspension.

6 (4) The individual whose license has been temporarily
7 suspended may be present at the preliminary hearing and may
8 be represented by counsel, cross-examine witnesses, inspect
9 physical evidence, call witnesses, offer evidence and
10 testimony and make a record of the proceedings.

11 (5) If it is determined that there is not a prima facie
12 case, the suspended license shall be immediately restored.
13 The temporary suspension shall remain in effect until vacated
14 by the department but in no event longer than 180 days.

15 (e) Automatic suspension.--

16 (1) A license issued under this act shall automatically
17 be suspended upon the legal commitment of a State-licensed
18 electrical contractor to an institution because of mental
19 incompetence from any cause upon filing with the department a
20 certified copy of the commitment; conviction of a felony
21 under the act of April 14, 1972 (P.L.233, No.64), known as
22 The Controlled Substance, Drug, Device and Cosmetic Act; or
23 conviction of a felony offense under the laws of another
24 jurisdiction, which, if committed in this Commonwealth, would
25 be a felony under The Controlled Substance, Drug, Device and
26 Cosmetic Act.

27 (2) An automatic suspension under this subsection shall
28 not be stayed pending an appeal of conviction. Restoration of
29 the license shall be made as provided in this act for
30 revocation or suspension of the license.

1 Section 12. Reinstatement of license.

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

12 Section 13. Reporting of multiple licensure.

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

24 Section 14. Surrender of suspended or revoked license.

25 The department shall require a person whose license has been
26 suspended or revoked to return the license in a manner as the
27 department directs. Failure to do so shall be a misdemeanor of
28 the third degree.

29 Section 15. Delegation permitted.

30 Nothing in this act shall prohibit a State-licensed

1 electrical contractor from delegating the performance of
2 electrical services to a person under the State-licensed
3 electrical contractor's supervision who is not licensed under
4 this act, provided the State-licensed electrical contractor
5 program is responsible for the performance of all electrical
6 services and any required inspections.

7 Section 16. Transferability of license.

8 No license issued under this act shall be assignable or
9 transferable. No person licensed under this act shall permit any
10 other person to use that license for any purpose inconsistent
11 with this act. A violation of this section shall be grounds for
12 license revocation.

13 Section 17. Powers of municipalities.

14 (a) Municipal ordinances preserved.--

15 (1) Nothing in this act shall be construed to supersede
16 the power of a municipality to:

17 (i) Inspect electrical work or equipment or to
18 regulate the manner in which electrical work shall be
19 performed.

20 (ii) Levy lawful taxes and fees.

21 (iii) Require the purchase of a business privilege
22 license that is unrelated to competence in the license or
23 in the performance of electrical services.

24 (2) No municipality shall require a State-licensed
25 electrical contractor to obtain a municipal license to
26 perform electrical services in the municipality.

27 (3) Nothing in this act shall be construed to preclude
28 municipalities from denying or revoking local permits for
29 failure to comply with local ordinances not inconsistent with
30 this act or regulations of the department.

1 (b) Failure to comply with local ordinance.--A State-
2 licensed electrical contractor who fails to comply with a
3 municipal ordinance concerning the inspection of electrical work
4 and services or with the manner in which the municipality
5 requires electrical work to be performed shall be subject to
6 disciplinary proceedings under this act.

7 Section 18. Local rulemaking.

8 Licensure under this act shall be acceptable to any
9 municipality in this Commonwealth as proof of competence to
10 perform electrical services. No municipality may require a
11 State-licensed electrical contractor to obtain an additional
12 license as an electrical contractor issued by that municipality
13 prior to contracting to perform services in the municipality.

14 Section 19. License renewal, records and fees.

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

17 (b) Records.--A record of all persons licensed to practice
18 as State-licensed electrical contractors in this Commonwealth
19 shall be kept in the department and shall be open to public
20 inspection and copying upon payment of a nominal fee for copying
21 the record.

22 (c) Fees.--

23 (1) All fees collected pursuant to this section shall be
24 deposited into the restricted revenue account established in
25 the State Treasury under section 7(c) of the act of December
26 19, 1990 (P.L.805, No.194), known as the Asbestos Occupations
27 Accreditation and Certification Act.

28 (2) Moneys deposited in the account shall be nonlapsing
29 and are hereby appropriated on a continuing basis and upon
30 approval of the Governor to the department to carry out the

1 purposes of this act, the Asbestos Occupations Accreditation
2 and Certification Act and the act of July 6, 1995 (P.L.291,
3 No.44), known as the Lead Certification Act.

4 (3) Notwithstanding the provisions of section (7)(c) of
5 the Asbestos Occupations Accreditation and Certification Act
6 regarding the deposit and use of fees, moneys in this account
7 shall be used for expenses related to the development,
8 implementation and operation of programs under this act, the
9 Asbestos Occupations Accreditation and Certification Act and
10 the Lead Certification Act and of programs, as approved by
11 the department, developed in relation to these acts and
12 carried out by other administrative agencies.

13 (4) All fees required pursuant to this act shall be
14 fixed by regulation and shall be subject to the act of June
15 25, 1982 (P.L.633, No.181), known as the Regulatory Review
16 Act.

17 Section 20. Subpoenas.

18 (a) Power to issue.--

19 (1) The department shall have the authority to issue
20 subpoenas for witnesses upon application of the attorney
21 responsible for representing the Commonwealth in disciplinary
22 matters before the department for the purpose of
23 investigating alleged violations of this act, to administer
24 oaths, to examine witnesses and to take testimony or compel
25 the production of those books, records, papers and documents
26 as it may deem necessary or proper in and pertinent to any
27 proceeding, investigation or hearing held or had by it.

28 (2) Client records may not be subpoenaed without consent
29 of the client or without order of a court of competent
30 jurisdiction on a showing that the records are reasonably

1 necessary for the conduct of the investigation. The court may
2 impose such limitations on the scope of the subpoena as are
3 necessary to prevent unnecessary intrusion into client
4 confidential information.

5 (3) The department may apply to Commonwealth Court to
6 enforce its subpoenas.

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

15 Section 21. Unlawful practice.

16 (a) General rule.--It shall be unlawful for any person to
17 hold himself out as a State-licensed electrical contractor
18 without possessing a valid, unexpired, unrevoked and unsuspended
19 license issued under this act. It shall be unlawful for any
20 business, firm, corporation or other entity to use the term
21 "State-licensed electrical contractor" or any title or
22 designation implying or connoting accreditation by the
23 Commonwealth unless at least one employee or owner is licensed
24 under this act.

25 (b) Injunction.--Unlawful practice may be enjoined by the
26 courts upon petition of the department. In any proceeding under
27 this section, it shall not be necessary to show that any person
28 is individually injured by the complained of actions. If the
29 court finds that the respondent has violated this section, it
30 shall enjoin the respondent from so practicing until the

1 respondent has been duly licensed. The procedure in such cases
2 shall be the same as in any other injunction suit.

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

6 Section 22. Penalties.

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

11 (b) Civil penalty.--In addition to any other civil remedy or
12 criminal penalty provided for in this act, the department may
13 levy a civil penalty of \$1,000 or less per incident on a State-
14 licensed electrical contractor who violates any provision of
15 this act or any person who holds himself out as a State-licensed
16 electrical contractor without being so licensed pursuant to this
17 act. The department shall levy this penalty only after affording
18 the accused party the opportunity for a hearing, as provided in
19 2 Pa.C.S. (relating to administrative law and procedure).

20 (c) Disposition.--All fees, fines and civil penalties
21 collected under this act shall be deposited in the separate
22 restricted account in the State Treasury identified in section
23 19(c) (relating to license renewal, records and fees). All
24 moneys in this account are hereby appropriated to the department
25 on a continuing basis to carry out the purposes of this act.

26 Section 23. Severability.

27 The provisions of this act are severable. If any provision of
28 this act or its application to any person or circumstance is
29 held invalid, the invalidity shall not affect other provisions
30 or applications of this act which can be given effect without

1 the invalid provision or application.

2 Section 24. Effective date.

3 This act shall take effect as follows:

4 (1) Section 6 shall take effect in 24 months.

5 (2) The remainder of this act shall take effect in 90
6 days.