
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1585 Session of
2013

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CALTAGIRONE, AUGUST 8, 2013

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, AUGUST 8, 2013

AN ACT

1 Providing for licensure of electrical contractors, journeyman
2 electricians and apprentice electricians; establishing the
3 State Board of Licensed Electrical Contractors, Journeyman
4 Electricians and Apprentice Electricians; providing for
5 powers and duties of the board; establishing fees, fines and
6 civil penalties; and making an appropriation.

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20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 CHAPTER 1

23 PRELIMINARY PROVISIONS

24 Section 101. Short title of act.

25 This act shall be known and may be cited as the Electrical
26 Contractor, Journeyman Electricians and Apprentice Electricians
27 Licensure Act.

28 Section 102. Definitions.

29 The following words and phrases when used in this act shall
30 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Board." The State Board of Licensed Electrical Contractors,
3 Journeyman Electricians and Apprentice Electricians.

4 "Commissioner." The Commissioner of Professional and
5 Occupational Affairs within the Department of State.

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

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

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

11 "Electrical services." The installation, erection, repair,
12 removal, maintenance, demolition or alteration of electrical
13 equipment and systems in buildings and structures and on
14 premises, on a temporary basis or permanently, for the
15 generation, transmission, distribution and utilization of
16 electrical energy. The term does not include installations under
17 the exclusive control of an electric utility for the purpose of
18 communications, metering, generation, control, transformation or
19 distribution of electrical energy on the line side of the
20 service point.

21 "Licensed apprentice electrician." An individual who is
22 registered as an apprentice under the act of July 14, 1961
23 (P.L.604, No.304), known as The Apprenticeship and Training Act,
24 and who is licensed by the State Board of Licensed Electrical
25 Contractors, Journeyman Electricians and Apprentice Electricians
26 as an individual whose principal occupation is learning and
27 assisting in the performance of electrical services.

28 "Licensed electrical contractor." An individual who is
29 licensed by the State Board of Licensed Electrical Contractors,
30 Journeyman Electricians and Apprentice Electricians who engages

1 in the business of contracting to perform electrical services.

2 "Licensed journeyman electrician." An individual who is
3 licensed by the State Board of Licensed Electrical Contractors,
4 Journeyman Electricians and Apprentice Electricians and who is
5 authorized to perform electrical services.

6 "Premises wiring system."

7 (1) Interior and exterior wiring, including power,
8 lighting, control and signal circuit wiring together with all
9 associated hardware, fittings and wiring devices, both
10 permanently and temporarily installed, including:

11 (i) Wiring from the service point or power source to
12 the outlets.

13 (ii) Wiring from and including the power source to
14 the outlets where there is no service point.

15 (2) Wiring under paragraph (1) does not include wiring
16 internal to appliances, luminaries, motors, controllers,
17 motor control centers and similar equipment.

18 "Service point." The point of connection between the
19 facilities of the serving utility and the premises wiring
20 system.

21 CHAPTER 3

22 STATE BOARD OF LICENSED ELECTRICAL CONTRACTORS, JOURNEYMAN
23 ELECTRICIANS AND APPRENTICE ELECTIRCIANS

24 Section 301. Board.

25 (a) Establishment.--There is established the State Board of
26 Licensed Electrical Contractors, Journeyman Electricians and
27 Apprentice Electricians within the department.

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

29 (1) The commissioner.

30 (2) The director.

1 (3) Two public members.

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

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

17 (c) Meeting.--The board shall meet within 30 days after the
18 appointment of its initial members and shall:

19 (1) Establish procedures for the board's operation and
20 administration of this act.

21 (2) Develop application forms for licensure.

22 (3) Circulate application forms.

23 (4) Educate the public regarding the requirements of
24 this act and the provision of electrical services in this
25 Commonwealth.

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

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

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

3 (3) Except as provided in paragraph (4), members shall
4 serve a term of four years or until a successor has been
5 appointed and qualified, but in no event longer than six
6 months beyond the four-year period. In the event that a
7 member dies or resigns or otherwise is disqualified during
8 the term of office, a successor shall be appointed in the
9 same way and with the same qualifications and shall hold
10 office for an unexpired term. A member shall not be eligible
11 to serve more than two consecutive terms.

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

14 (i) Five members shall serve for terms of four
15 years.

16 (ii) Four members shall serve for terms of three
17 years.

18 (iii) Two members shall serve for a term of two
19 years.

20 (e) Professional members and initial appointments.--Within
21 180 days of the effective date of this section, the Governor
22 shall nominate 11 members to initial terms pursuant to
23 subsection (d) (4). A professional member first appointed to the
24 board pursuant to this act need not be licensed at the time of
25 appointment but must have satisfied eligibility requirements for
26 licensure as provided in this act.

27 (f) Quorum.--A majority of the current members of the board
28 shall constitute a quorum. Except for temporary and automatic
29 suspensions under section 705, a member may not be counted as
30 part of a quorum or vote on any issue unless the member is

1 physically in attendance at the meeting.

2 (g) Chairperson.--The board shall annually select a
3 chairperson from among its members.

4 (h) Expenses.--With the exception of the commissioner and
5 the director, each member of the board shall receive \$60 per
6 diem when actually attending to the work of the board. A member
7 shall also receive the amount of reasonable travel, hotel and
8 other necessary expenses incurred in the performance of the
9 member's duties in accordance with Commonwealth regulations.

10 (i) Forfeiture.--Except for the commissioner and the
11 director, a member who fails to attend three consecutive
12 meetings shall forfeit the member's seat unless the
13 commissioner, upon written request from the member, finds the
14 member should be excused from a meeting because of illness or
15 the death of a family member.

16 (j) Training seminars.--Except for the commissioner and the
17 director, a member who fails to attend two consecutive
18 statutorily mandated training seminars in accordance with
19 section 813(e) of the act of April 9, 1929 (P.L.177, No.175),
20 known as The Administrative Code of 1929, shall forfeit the
21 member's seat unless the commissioner, upon written request from
22 the member, finds that the member should be excused from a
23 meeting because of illness, the death of a family member or
24 another legitimate reason acceptable to the commissioner.

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

29 Section 302. Powers and duties of board.

30 The board shall have the following powers and duties:

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

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

5 (3) To administer and enforce the provisions of this
6 act.

7 (4) To contract with a professional testing organization
8 to administer tests to qualified applicants seeking to be
9 licensed as licensed electrical contractors, journeyman
10 electricians or apprentice electricians as provided in this
11 act. Written, oral or practical examinations shall be
12 prepared and administered by a qualified and approved
13 professional testing organization in the manner prescribed
14 for written examinations by section 812.1 of the act of April
15 9, 1929 (P.L.177, No.175), known as The Administrative Code
16 of 1929.

17 (5) To investigate applications for licensure and to
18 determine the eligibility of an individual applying for
19 licensure.

20 (6) To promulgate and enforce regulations, not
21 inconsistent with this act, as necessary only to carry into
22 effect the provisions of this act. This paragraph includes
23 the setting of fees and setting the amount of professional
24 liability insurance required by licensed electrical
25 contractors. Regulations shall be adopted in conformity with
26 the provisions of the act of July 31, 1968 (P.L.769, No.240),
27 referred to as the Commonwealth Documents Law, and the act of
28 June 25, 1982 (P.L.633, No.181), known as the Regulatory
29 Review Act.

30 (7) To keep minutes and records of all transactions and

1 proceedings.

2 (8) To keep and maintain a registry of individuals
3 licensed by the board. The board shall provide access to the
4 registry to the public, including making the registry
5 available via electronic means.

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

9 (10) To submit annually a report to the Consumer
10 Protection and Professional Licensure Committee of the Senate
11 and the Professional Licensure Committee of the House of
12 Representatives. The report shall include a description of
13 the types of complaints reviewed, status of cases, the action
14 which has been taken and the length of time from initial
15 complaint to final resolution.

16 (11) To submit annually to the Appropriations Committee
17 of the Senate and the Appropriations Committee of the House
18 of Representatives, 15 days after the Governor has submitted
19 a budget to the General Assembly, a copy of the budget
20 request for the upcoming fiscal year which the board
21 previously submitted to the department.

22 CHAPTER 5

23 LICENSURE

24 Section 501. Licensure.

25 (a) General rule.--Except as provided in subsections (d) and
26 (g), an individual may not provide electrical services, offer
27 himself for employment as an individual who may provide
28 electrical services or hold himself out as an individual
29 authorized to provide electrical services unless licensed as a
30 licensed journeyman electrician by the board.

1 (b) Business entities.--Subject to subsection (g), an
2 individual, corporation, partnership, firm or other entity shall
3 not:

4 (1) Contract to provide electrical services unless the
5 individual, corporation, partnership, firm or other entity is
6 licensed as a licensed electrical contractor in accordance
7 with this act.

8 (2) Enter into a contract for the provision of
9 electrical services with an individual, corporation,
10 partnership, firm or other entity that is not licensed as a
11 licensed electrical contractor under this act.

12 (3) Employ an individual to provide electrical services
13 or direct an individual to provide electrical services unless
14 the individual is licensed under this act.

15 (4) Use the terms "licensed journeyman electrician,"
16 "licensed electrician," "licensed electrical contractor" or
17 another derivative in connection with the entity unless at
18 least one employee or the owner of the entity is licensed as
19 a licensed journeyman electrician or licensed electrical
20 contractor in accordance with this act.

21 (c) Title.--An individual, corporation, partnership, firm or
22 other entity who holds a license as:

23 (1) A licensed electrical contractor or a licensed
24 electrical contractor who is maintained on inactive status
25 pursuant to section 506(b) shall have the right to use the
26 title "licensed electrical contractor" and the abbreviation
27 "L.E.C." No other individual, corporation, partnership, firm
28 or other entity shall use the title "licensed electrical
29 contractor" or the abbreviation "L.E.C."

30 (2) A licensed journeyman electrician or a licensed

1 journeyman electrician who is maintained on inactive status
2 pursuant to subsection 506(b) shall have the right to use the
3 title "licensed journeyman electrician" and the abbreviation
4 "L.J.E." No other individual shall use the title "licensed
5 journeyman electrician" or the abbreviation "L.J.E."

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

12 (d) Apprentice.--A licensed apprentice electrician may hold
13 himself out as being authorized to provide electrical services
14 if the licensed apprentice electrician works under the direct
15 onsite supervision of a licensed journeyman electrician,
16 including a licensed electrical contractor.

17 (e) Responsibility.--A licensed electrical contractor shall
18 be responsible for inspecting and supervising electrical
19 services performed by licensed journeyman electricians and
20 licensed apprentice electricians employed to execute the
21 contract.

22 (f) Public notice of licensure.--A licensed electrical
23 contractor shall prominently display its license number to the
24 public on its official advertisements, contracts and proposals,
25 letterhead and vehicles and via any other reasonable means
26 determined by the board. The manner and means by which the
27 license number must be displayed shall be established by
28 regulation of the board.

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

1 (1) The replacement of lamps and fuses.

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

4 (3) The installation, erection, repair, maintenance,
5 removal, demolition or alteration of electrical equipment or
6 electrical systems for generation, transmission, distribution
7 and utilization of electrical energy in structures,
8 facilities, buildings or premises owned or operated by a
9 railway or the Federal 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,
15 distribution or utilization of electrical energy of less than
16 ten volts.

17 (6) The installation, erection, repair, maintenance,
18 removal, demolition or alteration of electrical equipment
19 under the exclusive control of a public utility or electrical
20 cooperative corporation where such equipment:

21 (i) consists of service drops or service laterals
22 and associated metering;

23 (ii) is located in legally established easements or
24 rights-of-way designated by or recognized by public
25 service commissions, utility commissions, political
26 subdivisions or other regulatory agencies having
27 jurisdiction for such installations; or

28 (iii) is located on property owned or leased by the
29 public utility or electrical cooperative corporation for
30 the purpose of communications, metering, generation,

1 control, transformation, transmission or distribution of
2 electric energy.

3 Section 502. Qualifications.

4 (a) Licensed electrical contractor.--To be eligible for
5 licensure as a licensed electrical contractor, an applicant must
6 fulfill the following requirements:

7 (1) Be of good moral character.

8 (2) Be at least 22 years of age.

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

11 (i) Successfully completed a program as a licensed
12 apprentice electrician.

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

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

18 (4) Pay the fee set by the board.

19 (5) Pass the examination provided by the board.

20 (6) Submit satisfactory proof to the board that the
21 applicant has at least 10,000 hours worked in electrical
22 construction.

23 (7) Submit proof satisfactory to the board of the
24 acquisition of professional liability insurance in an amount
25 set by the board.

26 (b) Licensed journeyman electrician.--To be eligible for
27 licensure as a licensed journeyman electrician, an applicant
28 must:

29 (1) Be of good moral character.

30 (2) Be at least 20 years of age.

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

3 (i) Successfully completed a program as a licensed
4 apprentice electrician.

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

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

10 (4) Pay the fee set by the board.

11 (5) Pass the examination provided by the board.

12 (c) Licensed apprentice electrician.--To be eligible for
13 licensure as a licensed apprentice electrician, an applicant
14 must:

15 (1) Be of good moral character.

16 (2) Be at least 16 years of age.

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

21 (4) Pay the fee set by the board.

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

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

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

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

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

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

21 (4) For an individual applying for a license as a
22 licensed electrical contractor under this subsection, the
23 individual submits proof satisfactory to the board of being a
24 current holder of an electrical contractor license issued by
25 a municipality or subdivision of this Commonwealth.

26 (f) Convictions prohibited.--The board shall not issue a
27 license to an individual who has been convicted of a felonious
28 act prohibited by the act of April 14, 1972 (P.L.233, No.64),
29 known as The Controlled Substance, Drug, Device and Cosmetic
30 Act, or convicted of a felony related to a controlled substance

1 in a court of law of the United States or any other state,
2 territory or country unless:

3 (1) At least ten years have elapsed from the date of
4 conviction.

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

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

17 (g) Death or disability of licensed electrical contractor
18 and continuance of business.--No person shall be denied the
19 privilege of continuing business as an electrical contractor in
20 the event of death, illness or other physical disability of the
21 individual who qualified the business as a licensed electrical
22 contractor for at least six months following the date of the
23 death, illness or other physical disability as long as the
24 business is conducted under such qualified supervision as the
25 board deems adequate.

26 Section 503. Continuing education.

27 (a) Regulations.--The board shall adopt, promulgate and
28 enforce rules and regulations consistent with the provisions of
29 this act establishing continuing education to be met by
30 individuals licensed as electrical contractors and journeyman

1 electricians under this act. Regulations shall include any fees
2 necessary for the board to carry out its responsibilities under
3 this section. The board may waive all or part of the continuing
4 education requirement for an individual who shows evidence
5 satisfactory to the board that the individual was unable to
6 complete the requirement due to illness, emergency, military
7 service or other hardship. All courses, materials, locations and
8 instructors shall be approved by the board. No credit shall be
9 given for a course in office management or practice building.

10 (b) Requirement.--Beginning with the licensure period
11 designated by regulation:

12 (1) An individual applying for renewal of a license as a
13 licensed electrical contractor shall be required to obtain 16
14 hours of continuing education during the two calendar years
15 immediately preceding the application for renewal.

16 (2) An individual applying for renewal of a license as a
17 licensed journeyman electrician shall be required to obtain
18 eight hours of continuing education during the two calendar
19 years immediately preceding the application for renewal.

20 Section 504. Liability insurance.

21 As a condition of biennial renewal, a licensed electrical
22 contractor shall submit proof satisfactory to the board of the
23 acquisition and maintenance of professional liability insurance
24 in the amount set by the board. In the case of the insurance
25 being revoked, canceled or otherwise lapsing, the electrical
26 contractor shall notify the board in writing within 30 days. In
27 such a case, the board shall immediately place the license of a
28 licensed electrical contractor on inactive status. Failure to
29 notify the board in writing within 30 days shall subject the
30 licensed electrical contractor to disciplinary action.

1 Section 505. Licensed electrical contractors and journeyman
2 electricians in other states.

3 (a) Reciprocity established.--Subject to subsection (b), the
4 board may issue a license without examination to an individual
5 who is licensed as an electrical contractor or journeyman
6 electrician in any other state, territory or possession of the
7 United States if all of the following requirements are met:

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

10 (2) The individual pays the required fee.

11 (3) The standards for licensure in the other state,
12 territory or possession meet or exceed the standards set
13 forth in this act.

14 (b) Requirement.--For an individual to be eligible to apply
15 for a license as a licensed electrical contractor or licensed
16 journeyman electrician under subsection (a), the other state,
17 territory or possession of the United States must provide an
18 opportunity for reciprocal licensure which is substantially
19 similar to the opportunity provided by the Commonwealth under
20 this section.

21 Section 506. Duration of license.

22 (a) Duration of license.--A license issued pursuant to this
23 act shall be on a biennial basis. The biennial expiration date
24 shall be established by regulation of the board. Application for
25 renewal of a license shall biennially be forwarded to an
26 individual holding a current license prior to the expiration
27 date of the current biennium. For individuals applying for
28 licensure or renewal of licensure as a licensed apprentice
29 electrician, the application form must indicate whether
30 registration as an apprentice under the act of July 14, 1961

1 (P.L.604, No.304), known as The Apprenticeship and Training Act,
2 has expired or otherwise lapsed before the biennial renewal
3 cycle will expire.

4 (b) Inactive status.--An individual licensed under this act
5 may request an application for inactive status. The application
6 form may be completed and returned to the board. Upon receipt of
7 an application, the individual shall be maintained on inactive
8 status without fee and shall be entitled to apply for a
9 licensure renewal at any time. An individual who requests the
10 board to activate the individual's license and who has been on
11 inactive status shall, prior to receiving an active license,
12 satisfy the requirements of the board's regulations regarding
13 continuing education and remit the required fee. In the case of
14 a licensed apprentice electrician who is placed on inactive
15 status pursuant to section 502(d), the licensed apprentice
16 electrician shall provide evidence to the board of renewal of
17 registration before the board may activate the license. The
18 board shall promulgate regulations to carry into effect the
19 provisions of this subsection.

20 Section 507. Reporting of multiple licensure.

21 A licensee who is licensed as an electrical contractor or
22 journeyman electrician in any other state, territory, possession
23 of the United States or country shall report this information to
24 the board on the biennial registration application. Any
25 disciplinary action taken in another state, territory,
26 possession of the United States or country shall be reported to
27 the board on the biennial registration application or within 90
28 days of final disposition, whichever is sooner. Multiple
29 licensure shall be noted by the board on the individual's
30 record, and the state, territory, possession of the United

1 States or country shall be notified by the board of any
2 disciplinary action taken against the licensee in this
3 Commonwealth.

4 CHAPTER 7

5 ADMINISTRATION AND ENFORCEMENT

6 Section 701. Fees, fines and civil penalties.

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

15 (b) Fee increase.--If the Bureau of Professional and
16 Occupational Affairs determines that the fees established by the
17 board under subsection (a) are inadequate to meet the minimum
18 enforcement efforts required by this act, then the bureau, after
19 consultation with the board and subject to the Regulatory Review
20 Act, shall increase the fees by regulation in an amount such
21 that adequate revenues are raised to meet the required
22 enforcement effort.

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

29 (d) Renewal fee.--The board may charge a fee, as set by the
30 board by regulation, for licensure, for renewing licensure and

1 for other services of the board as permitted by this act or by
2 regulation.

3 Section 702. Violations.

4 (a) General rule.--An individual or the responsible officer
5 or employee of a corporation, partnership, firm or other entity
6 violating a provision of this act or a regulation of the board
7 commits a misdemeanor of the third degree and, upon conviction,
8 shall be sentenced to pay a fine of not more than \$2,000 or to
9 imprisonment for not more than six months for the first
10 violation. For the second and each subsequent conviction, the
11 person convicted shall be sentenced to pay a fine of not less
12 than \$2,000 nor more than \$5,000, or to imprisonment for not
13 less than six months nor more than one year, or both.

14 (b) Civil penalty.--In addition to any other civil remedy or
15 criminal penalty provided for in this act, the board by a vote
16 of the majority of the maximum number of the authorized
17 membership of the board as provided by law or by a vote of the
18 majority of the qualified and confirmed membership or a minimum
19 of five members, whichever is greater, may levy a civil penalty
20 up to \$10,000 for any of the following:

21 (1) A licensee who violates a provision of this act or
22 regulation of the board.

23 (2) An individual who performs or contracts to perform
24 electrical services in violation of this act.

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

28 (4) The responsible officers or employees of a
29 corporation, partnership, firm or other entity violating a
30 provision of this act.

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

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

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

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

10 (2) The licensee is unable to perform electrical
11 services with reasonable skill and safety by reason of mental
12 or physical illness or condition or physiological or
13 psychological dependence upon alcohol, hallucinogenic or
14 narcotic drugs or other drugs which tend to impair judgment
15 or coordination, as long as the dependence continues. In
16 enforcing this paragraph, the board shall, upon probable
17 cause, have authority to compel a licensee to submit to a
18 mental or physical examination as designated by the board.
19 After notice, hearing, adjudication and appeal, failure of a
20 licensee to submit to the examination when directed shall
21 constitute an admission of the allegations unless failure is
22 due to circumstances beyond the licensee's control,
23 consequent upon which a default and final order may be
24 entered without the taking of testimony or presentation of
25 evidence. An individual affected under this paragraph shall
26 at reasonable intervals be afforded the opportunity to
27 demonstrate that the individual can resume competent, safe
28 and skillful performance of electrical services.

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

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

2 (i) the performance of electrical services; or

3 (ii) securing licensure.

4 (5) The licensee has been convicted of a felony or a
5 crime of moral turpitude or been convicted of a misdemeanor
6 related to providing electrical services or received
7 probation without verdict, disposition in lieu of trial or an
8 Accelerated Rehabilitative Disposition in the disposition of
9 felony charges, in the courts of this Commonwealth, the
10 United States, another state, territory, possession of the
11 United States or country.

12 (6) The licensee has had the licensee's license to
13 practice as an electrician or electrical contractor suspended
14 or revoked or has received other disciplinary action by the
15 proper licensing authority in another state, territory,
16 possession of the United States or country.

17 (7) With respect to the provision of electrical
18 services, the licensee has acted in such a manner as to
19 present an immediate and clear danger to health, safety or
20 property.

21 (8) The licensed electrical contractor failed to
22 properly direct and supervise licensed journeyman
23 electricians and licensed apprentice electricians who are
24 executing the contract.

25 (9) In the case of a licensed journeyman electrician
26 responsible for the direct onsite supervision of a licensed
27 apprentice electrician, the licensed journeyman electrician
28 failed to provide the proper supervision.

29 (10) The licensee possessed, used, acquired or
30 distributed a controlled substance.

1 (11) The licensee has been guilty of unprofessional
2 conduct. Unprofessional conduct shall include departure from
3 or failing to conform to operating practices or professional
4 standards embraced by the licensed journeyman electricians'
5 community in this Commonwealth. In addition, unprofessional
6 conduct shall include failing to conform to recognized
7 electrical safety standards, including the National
8 Electrical Code in effect in this Commonwealth, and
9 applicable municipal ordinances related to health and safety.
10 In a proceeding based on this paragraph, actual injury to a
11 person or damage to property need not be established.

12 (12) The licensee falsely advertised or made misleading,
13 deceptive, untrue or fraudulent material representations
14 regarding licensure or in the performance of electrical
15 services.

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

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

22 (1) Deny the application for a license.

23 (2) Impose a fine.

24 (3) Administer a public reprimand.

25 (4) Suspend, revoke, limit or otherwise restrict a
26 license.

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

30 (6) Suspend enforcement of its finding and place a

1 licensee on probation with the right to vacate the
2 probationary order for noncompliance.

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

6 Section 704. Suspensions and revocations.

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

17 Section 705. Temporary and automatic suspensions.

18 (a) General rule.--A license issued under this act may be
19 temporarily suspended under circumstances determined by the
20 board to be an immediate and clear danger to public health,
21 safety or property. The board shall issue an order to that
22 effect without a hearing, but upon due notice, to the licensee
23 concerned at the licensee's last known address, which notice
24 shall include a written statement of all allegations against the
25 licensee. The provisions of section 704 shall not apply to
26 temporary suspension. The board shall commence formal action to
27 suspend, revoke or restrict the license of the individual as
28 otherwise provided for in this act. All actions shall be taken
29 promptly and without delay. Within 30 days following the
30 issuance of an order temporarily suspending a license, the board

1 shall conduct or cause to be conducted a preliminary hearing to
2 determine if there is a prima facie case supporting the
3 suspension. The individual whose license has been temporarily
4 suspended may be present at the preliminary hearing and may be
5 represented by counsel, cross-examine witnesses, inspect
6 physical evidence, call witnesses, offer evidence and testimony
7 and make a record of the proceedings. If it is determined that
8 there is not a prima facie case, the suspended license shall be
9 immediately restored. The temporary suspension shall remain in
10 effect until vacated by the board, but in no event longer than
11 180 days.

12 (b) Commitment of licensee.--A license issued under this act
13 shall automatically be suspended upon the legal commitment of a
14 licensee to an institution because of mental incompetence from
15 any cause upon filing with the board a certified copy of the
16 commitment, conviction of a felony under the act of April 14,
17 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,
18 Device and Cosmetic Act, or conviction of an offense under the
19 laws of another jurisdiction which, if committed in this
20 Commonwealth, would be a felony under The Controlled Substance,
21 Drug, Device and Cosmetic Act. Automatic suspension under this
22 subsection shall not be stayed pending an appeal of a
23 conviction. Restoration of the license shall be made as provided
24 in the case of revocation or suspension of a license.

25 Section 706. Reinstatement of license.

26 Unless ordered to do so by Commonwealth Court or an appeal
27 from an order, the board shall not reinstate the license of an
28 individual which has been revoked. An individual whose license
29 has been revoked may reapply for a license, after a period of at
30 least five years, but must meet all of the licensing

1 requirements of this act.

2 Section 707. Surrender of suspended or revoked license.

3 The board shall require an individual whose license has been
4 suspended or revoked to return the license in the manner
5 directed by the board. Failure to do so, and upon conviction
6 thereof, shall be a misdemeanor of the third degree.

7 Section 708. Injunction.

8 Whenever, in the judgment of the board, a person has engaged
9 in an act or practice which constitutes or will constitute a
10 violation of this act, the board or its agents may make
11 application to the appropriate court for an order enjoining the
12 act or practice. Upon a showing by the board that the person has
13 engaged or is about to engage in the act or practice, an
14 injunction, restraining order or other order as may be
15 appropriate shall be granted by the court. The remedy by
16 injunction is in addition to any other civil or criminal
17 prosecution and punishment.

18 Section 709. Subpoenas and oaths.

19 (a) Authority granted.--The board shall have the authority
20 to issue subpoenas, upon application of an attorney responsible
21 for representing the Commonwealth in disciplinary matters before
22 the board, for the purpose of investigating alleged violations
23 of this act or regulation of the board. The board shall have the
24 power to subpoena witnesses, to administer oaths, to examine
25 witnesses and to take the testimony or compel the production of
26 the books, records, papers and documents as it may deem
27 necessary or proper in and pertinent to any proceeding,
28 investigation or hearing held or had by it. The board is
29 authorized to apply to Commonwealth Court to enforce its
30 subpoenas. The court may impose limitations in the scope of the

1 subpoena as is necessary to prevent unnecessary intrusion into
2 confidential client information.

3 (b) Disciplinary matters.--An attorney responsible for
4 representing the Commonwealth in disciplinary matters before the
5 board shall maintain current records of all reported alleged
6 violations and shall periodically review the records for the
7 purpose of determining that each alleged violation has been
8 resolved in a timely manner.

9 Section 710. Municipalities.

10 (a) Municipal license prohibited.--Licensure under this act
11 shall be acceptable to a municipality in this Commonwealth as
12 proof of competence to perform electrical services, and no
13 municipality may require an individual licensed under this act
14 to obtain an additional license to perform electrical services.
15 Unless otherwise provided in this act, any local ordinance or
16 regulation concerning the qualifications, fitness and competence
17 of individuals to perform electrical services is preempted and
18 superseded.

19 (b) Certain powers preserved.--Nothing in this act shall be
20 construed to prevent a municipality from doing any of the
21 following:

22 (1) Levying lawful taxes and fees.

23 (2) Requiring the purchase of a business privilege
24 license that is unrelated to demonstrating competence in the
25 performance of electrical services.

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

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

30 (5) Pursuant to an ordinance, inspecting or regulating

1 the manner in which electrical services are performed.

2 CHAPTER 21

3 MISCELLANEOUS PROVISIONS

4 Section 2101. Appropriations.

5 The sum of \$85,000 or as much as may be necessary is
6 appropriated from the Professional Licensure Augmentation
7 Account to the Department of State for the payment of costs
8 associated with processing licenses and renewing licenses, for
9 the operation of the State Board of Licensed Electrical
10 Contractors, Journeyman Electricians and Apprentice Electricians
11 and for other costs associated with this act. The appropriation
12 shall be repaid by the board within three years of the beginning
13 of issuance of licenses by the board.

14 Section 2102. Regulations.

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

17 Section 2103. Effective date.

18 This act shall take effect as follows:

- 19 (1) This section shall take effect immediately.
20 (2) Sections 501, 505 and 702 shall take effect in two
21 years.
22 (3) The remainder of this act shall take effect in 60
23 days.