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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 883 Session of  
2017

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INTRODUCED BY TAYLOR, W. KELLER, MURT, GODSHALL, GALLOWAY,  
NEILSON AND D. COSTA, MARCH 17, 2017

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 17, 2017

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AN ACT

1 Providing for licensure of electrical contractors, electricians  
2 and apprentice electricians; establishing the State Board of  
3 Electrical Licensure; providing for powers and duties of the  
4 board; establishing fees, fines and penalties; and making an  
5 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 Electrical  
24 Contractor, Electrician and Apprentice Electrician Licensure  
25 Act.

26 Section 102. Definitions.

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

30 "Board." The State Board of Electrical Licensure.

1 "Commissioner." The Commissioner of Professional and  
2 Occupational Affairs within the Department of State.

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

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

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

8 "Electrical services." The installation, erection, repair,  
9 removal, maintenance, demolition or alteration of a component of  
10 a premises wiring system as defined in the National Electrical  
11 Code, including work performed on all components of electrical  
12 equipment and systems in buildings and structures and on  
13 premises, on a temporary basis or permanently, for the  
14 generation, transmission, distribution and utilization of  
15 electrical energy. The term does not include installations under  
16 the exclusive control of an electric utility for the purpose of  
17 communications, metering, generation, control, transformation or  
18 distribution of electrical energy on the line side of the  
19 service point.

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

26 "Licensed electrical contractor." An individual who is  
27 licensed by the State Board of Electrical Licensure and engages  
28 in the business of contracting to perform electrical services.

29 "Licensed electrician." An individual who is licensed by the  
30 State Board of Electrical Licensure and is authorized to perform

1 electrical services.

2 "Premises wiring system." As follows:

3 (1) Interior and exterior wiring, including power,  
4 lighting, control and signal circuit wiring together with all  
5 associated hardware, fittings and wiring devices, both  
6 permanently and temporarily installed, including:

7 (i) Wiring from the service point or power source to  
8 the outlets, including all electrical raceways, cable  
9 assemblies, enclosures, conductors, generation equipment,  
10 utilization/distribution equipment, hangers, supports,  
11 devices and all other parts and components used in  
12 systems to transmit electricity in or on buildings,  
13 structures or on premises.

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

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

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

21 CHAPTER 3

22 STATE BOARD OF ELECTRICAL LICENSURE

23 Section 301. Board.

24 (a) Establishment.--The State Board of Electrical Licensure  
25 is established within the department.

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

27 (1) The commissioner.

28 (2) The director.

29 (3) Two public members.

30 (4) One electrical inspector with a minimum of five

1 years' experience inspecting electrical services.

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

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

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

20 (2) Develop application forms for licensure.

21 (3) Circulate application forms.

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

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

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

30 (2) Members must be citizens of the United States and

1 residents of this Commonwealth.

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

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

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

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

17 (iii) Two members shall serve for terms of two  
18 years.

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

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

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

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

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

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

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

28 Section 302. Powers and duties of board.

29 The board shall have the following powers and duties:

30 (1) To provide for and regulate the licensing of

1 individuals engaged in the provision of electrical services.

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

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

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

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

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

28 (7) To keep minutes and records of all transactions and  
29 proceedings.

30 (8) To keep and maintain a registry of individuals



1 licensed by the board. The board shall provide access to the  
2 registry to the public, including making the registry  
3 available via electronic means.

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

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

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

20 CHAPTER 5

21 LICENSURE

22 Section 501. Licensure.

23 (a) General rule.--Except as provided in subsections (d) and  
24 (g), no individual may provide electrical services, offer  
25 himself for employment as an individual who may provide  
26 electrical services or hold himself out as an individual  
27 authorized to provide electrical services unless licensed as a  
28 licensed electrician by the board.

29 (b) Business entities.--Subject to subsection (g), no  
30 individual, corporation, partnership, firm or other entity may:

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

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

9           (3) Employ an individual to provide electrical services  
10 or direct an individual to provide electrical services unless  
11 the individual is licensed under this act.

12           (4) Use the terms "licensed electrician" or "licensed  
13 electrical contractor" or another derivative in connection  
14 with the entity unless at least one employee or the owner of  
15 the entity is licensed as a licensed electrician or licensed  
16 electrical contractor in accordance with this act.

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

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

26           (2) A licensed electrician, or a licensed electrician  
27 who is maintained on inactive status under section 506(b),  
28 shall have the right to use the title "licensed electrician"  
29 and the abbreviation "L.E." No other individual shall use the  
30 title "licensed electrician" or the abbreviation "L.E."

1           (3) A licensed apprentice electrician or a licensed  
2 apprentice electrician who is maintained on inactive status  
3 under section 506(b) shall have the right to use the title  
4 "licensed apprentice electrician" and the abbreviation  
5 "L.A.E." No other individual shall use the title "licensed  
6 apprentice electrician" or the abbreviation "L.A.E."

7           (d) Apprentice.--A licensed apprentice electrician may hold  
8 himself out as being authorized to provide electrical services  
9 if the licensed apprentice electrician works under the direct  
10 onsite supervision of a licensed electrician, including a  
11 licensed electrical contractor.

12          (e) Responsibility.--A licensed electrical contractor shall  
13 be responsible for inspecting and supervising electrical  
14 services performed by licensed electricians and licensed  
15 apprentice electricians employed to execute the contract.

16          (f) Public notice of licensure.--

17           (1) A licensed electrical contractor shall prominently  
18 display its license number to the public on its official  
19 advertisements, contracts and proposals, letterhead and  
20 vehicles and via any other reasonable means determined by the  
21 board.

22           (2) An individual licensed under this act shall be  
23 required to carry proof of licensure at all times while  
24 performing electrical services. Such proof of licensure shall  
25 be presented to any code official, emergency responder or law  
26 enforcement official upon request.

27           (3) The manner and means by which the license  
28 information must be displayed and furnished shall be  
29 established by regulation of the board.

30          (g) Exceptions to licensure.--This act shall not apply to

1 and a license shall not be required for the following:

2 (1) The replacement of lamps and fuses.

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

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

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

13 (5) The installation, erection, repair, maintenance,  
14 removal, demolition or alteration of electrical equipment or  
15 electrical systems for the generation, transmission,  
16 distribution or utilization of electrical energy of less than  
17 10 volts.

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

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

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

29 (iii) is located on property owned or leased by the  
30 public utility or electrical cooperative corporation for

1 the purpose of communications, metering, generation,  
2 control, transformation, transmission or distribution of  
3 electric energy.

4 Section 502. Qualifications.

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

8 (1) Be of good moral character.

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

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

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

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

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

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

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

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

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

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

30 (1) Be of good moral character.

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

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

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

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

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

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

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

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

16 (1) Be of good moral character.

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

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

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

23 (d) Renewal of license of licensed apprentice electrician.--

24 (1) In the case of a licensed apprentice electrician  
25 applying for renewal of a license where registration under  
26 subsection (c) (3) has expired or otherwise lapsed before the  
27 biennial renewal cycle will expire, the licensed apprentice  
28 electrician shall submit evidence satisfactory to the board  
29 that the licensed apprentice electrician has renewed  
30 registration.

1           (2) Failure to notify the board within 30 days that  
2 registration has expired or otherwise lapsed shall subject  
3 the licensed apprentice electrician to disciplinary action.  
4 In the case of a licensed apprentice electrician whose  
5 registration has expired or otherwise lapsed, the license  
6 shall immediately be placed on inactive status by the board.

7           (3) The board shall promulgate regulations in order to  
8 carry out the provisions of this subsection, including  
9 regulations specifying the evidence necessary to demonstrate  
10 renewal of registration.

11       (e) Waiver of examination.--Notwithstanding the provisions  
12 of subsections (a) (5) and (b) (5), the board may grant a license  
13 to an individual applying for a license under this act without  
14 examination if:

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

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

19           (3) For an individual applying for a license as a  
20 licensed electrician under this subsection, the individual  
21 either:

22           (i) submits proof satisfactory to the board of being  
23 a current holder of an electrician license issued by a  
24 municipality of this Commonwealth, provided that the  
25 licensing requirements of the municipality are not less  
26 restrictive than this act or regulation of the board; or

27           (ii) submits proof satisfactory to the board of at  
28 least five years of prior experience providing electrical  
29 services.

30           (4) For an individual applying for a license as a

1 licensed electrical contractor under this subsection, the  
2 individual submits proof satisfactory to the board of  
3 currently holding an electrical contractor license issued by  
4 a municipality of this Commonwealth.

5 (f) Convictions prohibited.--The board may not issue a  
6 license to an individual who has been convicted of a felonious  
7 act prohibited by the act of April 14, 1972 (P.L.233, No.64),  
8 known as The Controlled Substance, Drug, Device and Cosmetic  
9 Act, or convicted of a felony related to a controlled substance  
10 in a court of law of the United States or any other state,  
11 territory or country unless:

12 (1) At least 10 years have elapsed from the date of  
13 conviction.

14 (2) The individual satisfactorily demonstrates to the  
15 board that the individual has made significant progress in  
16 personal rehabilitation since the conviction such that  
17 licensure of the individual should not be expected to create  
18 a substantial risk of harm to the health and safety of the  
19 public or a substantial risk of further criminal violations.

20 (3) The individual otherwise satisfies the  
21 qualifications provided in this act. An individual's  
22 statement on the application declaring the absence of a  
23 conviction shall be deemed satisfactory evidence of the  
24 absence of a conviction unless the board has evidence to the  
25 contrary.

26 (g) Death or disability of licensed electrical contractor  
27 and continuance of business.--In the event of the death, illness  
28 or other physical disability of a licensee who qualified a  
29 business as a licensed electrical contractor, a person may  
30 continue to conduct the business as an electrical contractor for



1 at least six months following the date of the licensee's death,  
2 illness or other physical disability as long as the business is  
3 conducted under qualified supervision as the board deems  
4 adequate.

5 Section 503. Continuing education.

6 (a) Regulations.--

7 (1) The board shall adopt, promulgate and enforce rules  
8 and regulations consistent with the provisions of this act  
9 establishing continuing education to be met by individuals  
10 licensed as electrical contractors and electricians under  
11 this act. Regulations shall include any fees necessary for  
12 the board to carry out its responsibilities under this  
13 section.

14 (2) The board may waive all or part of the continuing  
15 education requirement for an individual who submits evidence  
16 satisfactory to the board that the individual was unable to  
17 complete the requirement due to illness, emergency, military  
18 service or other hardship.

19 (3) All courses, materials, locations and instructors  
20 shall be approved by the board.

21 (4) No credit shall be given for a course in office  
22 management or practice building.

23 (b) Requirement.--Beginning with the licensure period  
24 designated by regulation:

25 (1) An individual applying for renewal of a license as a  
26 licensed electrical contractor must obtain 24 hours of  
27 continuing education during the three calendar years  
28 immediately preceding the application for renewal.

29 (2) An individual applying for renewal of a license as a  
30 licensed electrician must obtain 12 hours of continuing

1 education during the three calendar years immediately  
2 preceding the application for renewal.

3 Section 504. Liability insurance.

4 (a) General rule.--As a condition of triennial renewal, a  
5 licensed electrical contractor shall submit evidence  
6 satisfactory to the board of the acquisition and maintenance of  
7 professional liability insurance in the amount set by the board.

8 (b) Inactive status.--

9 (1) In the case of the insurance being revoked, canceled  
10 or otherwise lapsing, the electrical contractor shall notify  
11 the board in writing within 30 days. In such a case, the  
12 board shall immediately place the license of a licensed  
13 electrical contractor on inactive status.

14 (2) Failure to notify the board in writing within 30  
15 days as required under paragraph (1) shall subject the  
16 licensed electrical contractor to disciplinary action.

17 Section 505. Licensed electrical contractors and electricians  
18 in other states.

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

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

26 (2) The individual pays the required fee.

27 (3) The standards for licensure in the other state,  
28 territory or possession meet or exceed the standards  
29 specified in this act.

30 (b) Requirement.--For an individual to be eligible to apply

1 for a license as a licensed electrical contractor or licensed  
2 electrician under subsection (a), the other state, territory or  
3 possession of the United States must provide an opportunity for  
4 reciprocal licensure which is substantially similar to the  
5 opportunity provided by the Commonwealth under this section.

6 Section 506. Duration of license.

7 (a) Duration of license.--

8 (1) A license issued under this act shall be on a  
9 triennial basis. The triennial expiration date shall be  
10 established by regulation of the board.

11 (2) Application for renewal of a license shall  
12 triennially be forwarded to an individual holding a current  
13 license prior to the expiration date of the current  
14 triennium.

15 (3) For individuals applying for licensure or renewal of  
16 licensure as a licensed apprentice electrician, the  
17 application form must indicate whether registration as an  
18 apprentice under the act of July 14, 1961 (P.L.604, No.304),  
19 known as The Apprenticeship and Training Act, has expired or  
20 otherwise lapsed before the triennial renewal cycle will  
21 expire.

22 (b) Inactive status.--

23 (1) An individual licensed under this act may request an  
24 application for inactive status. The application form may be  
25 completed and returned to the board.

26 (2) Upon receipt of an application, the individual shall  
27 be maintained on inactive status without fee and shall be  
28 entitled to apply for a licensure renewal at any time.

29 (3) An individual who requests the board to activate the  
30 individual's license and has been on inactive status shall,

1 prior to receiving an active license, satisfy the  
2 requirements of the board's regulations regarding continuing  
3 education and remit the required fee.

4 (4) In the case of a licensed apprentice electrician who  
5 is placed on inactive status under section 502(d), the  
6 licensed apprentice electrician shall provide evidence to the  
7 board of renewal of registration before the board may  
8 activate the license.

9 (5) The board shall promulgate regulations to carry into  
10 effect the provisions of this subsection.

11 Section 507. Reporting of multiple licensure.

12 (a) Duty to report.--A licensee who is licensed as an  
13 electrical contractor or electrician in another state,  
14 territory, possession of the United States or country shall  
15 report this information to the board on the triennial  
16 registration application. Disciplinary action taken in another  
17 state, territory, possession of the United States or country  
18 shall be reported to the board on the triennial registration  
19 application or within 90 days of final disposition, whichever is  
20 sooner.

21 (b) Notice to other states.--Multiple licensure shall be  
22 noted by the board on the individual's record and the state,  
23 territory, possession of the United States or country shall be  
24 notified by the board of disciplinary action taken against the  
25 licensee in this Commonwealth.

## 26 CHAPTER 7

### 27 ADMINISTRATION AND ENFORCEMENT

28 Section 701. Fees, fines and civil penalties.

29 (a) Fees.--

30 (1) Fees required under this act shall be fixed by the

1 board by regulation and shall be subject to the act of June  
2 25, 1982 (P.L.633, No.181), known as the Regulatory Review  
3 Act.

4 (2) If the revenues raised by the fees, fines and civil  
5 penalties imposed under this act are insufficient to meet  
6 expenditures over a three-year period, the board shall  
7 increase those fees by regulation so that projected revenues  
8 will meet or exceed projected expenditures.

9 (b) Fee increase.--If the Bureau of Professional and  
10 Occupational Affairs determines that the fees established by the  
11 board under subsection (a) are insufficient to meet the minimum  
12 enforcement efforts required by this act, the bureau, after  
13 consultation with the board and subject to the Regulatory Review  
14 Act, shall increase the fees by regulation in an amount such  
15 that adequate revenues are raised to meet the required  
16 enforcement effort.

17 (c) Account.--Fees, fines and civil penalties imposed in  
18 accordance with this act shall be paid into the Professional  
19 Licensure Augmentation Account established under and for use in  
20 accordance with the act of July 1, 1978 (P.L.700, No.124), known  
21 as the Bureau of Professional and Occupational Affairs Fee Act.

22 (d) Renewal fee.--The board may charge a fee, as set by the  
23 board by regulation, for licensure, for renewing licensure and  
24 for other services of the board as permitted by this act or by  
25 regulation.

26 Section 702. Violations.

27 (a) General rule.--An individual or the responsible officer  
28 or employee of a corporation, partnership, firm or other entity  
29 who violates a provision of this act or a regulation of the  
30 board commits a misdemeanor of the third degree and shall, upon

1 conviction, be sentenced to pay a fine of not more than \$2,000  
2 or to imprisonment for not more than six months for the first  
3 violation. For the second and each subsequent conviction, the  
4 person convicted shall be sentenced to pay a fine of not less  
5 than \$2,000 nor more than \$5,000 or to imprisonment for not less  
6 than six months nor more than one year, or both.

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

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

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

18 (3) An individual who holds himself out as an individual  
19 authorized to perform electrical services without being  
20 properly licensed as provided for in this act.

21 (4) The responsible officers or employees of a  
22 corporation, partnership, firm or other entity violating a  
23 provision of this act.

24 (c) Procedure.--The board shall levy the civil penalty  
25 specified in subsection (b) only after affording the accused the  
26 opportunity for a hearing as provided for in 2 Pa.C.S. (relating  
27 to administrative law and procedure).

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

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

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

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

22           (3) The licensee has violated a provision of this act or  
23 a regulation of the board.

- 24           (4) The licensee has committed fraud or deceit in:
- 25           (i) the performance of electrical services; or
  - 26           (ii) securing licensure.

27           (5) The licensee has been convicted of a felony or a  
28 crime of moral turpitude or been convicted of a misdemeanor  
29 related to providing electrical services or received  
30 probation without verdict, disposition in lieu of trial or an

1 Accelerated Rehabilitative Disposition in the disposition of  
2 felony charges, in the courts of this Commonwealth, the  
3 United States, or another state, territory, possession of the  
4 United States or country.

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

10 (7) With respect to the provision of electrical  
11 services, the licensee has acted in such a manner as to  
12 present an immediate and clear danger to health, safety or  
13 property.

14 (8) The licensed electrical contractor failed to  
15 properly direct and supervise licensed electricians and  
16 licensed apprentice electricians who perform under a  
17 contract.

18 (9) In the case of a licensed electrician responsible  
19 for the direct onsite supervision of a licensed apprentice  
20 electrician, the licensed electrician failed to provide the  
21 proper supervision.

22 (10) The licensee possessed, used, acquired or  
23 distributed a controlled substance.

24 (11) The licensee has been guilty of unprofessional  
25 conduct, including, but not limited to, departure from or  
26 failing to conform to operating practices or professional  
27 standards embraced by the licensed electricians' community in  
28 this Commonwealth and failing to conform to recognized  
29 electrical safety standards, including the National  
30 Electrical Code in effect in this Commonwealth, and



1 applicable municipal ordinances related to health and safety.  
2 In a proceeding based on this paragraph, actual injury to a  
3 person or damage to property need not be established.

4 (12) The licensee falsely advertised or made misleading,  
5 deceptive, untrue or fraudulent material representations  
6 regarding licensure or in the performance of electrical  
7 services.

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

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

14 (1) Deny the application for a license.

15 (2) Impose a fine.

16 (3) Administer a public reprimand.

17 (4) Suspend, revoke, limit or otherwise restrict a  
18 license.

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

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

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

28 Section 704. Suspensions and revocations.

29 A suspension or revocation shall be made only in accordance  
30 with the regulations of the board and only by majority vote of

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

9 Section 705. Temporary and automatic suspensions.

10 (a) Procedure.--

11 (1) A license issued under this act may be temporarily  
12 suspended under circumstances determined by the board to be  
13 an immediate and clear danger to public health, safety or  
14 property. The board shall issue an order of temporary  
15 suspension without a hearing, but upon due notice, to the  
16 licensee concerned at the licensee's last known address,  
17 which shall include a written statement of all allegations  
18 against the licensee. The provisions of section 704 shall not  
19 apply to temporary suspension.

20 (2) The board shall commence formal action to suspend,  
21 revoke or restrict the license of the individual as otherwise  
22 provided for in this act.

23 (3) All actions shall be taken promptly and without  
24 delay.

25 (4) Within 30 days following the issuance of an order  
26 temporarily suspending a license, the board shall conduct or  
27 cause to be conducted a preliminary hearing to determine if  
28 there is a prima facie case supporting the suspension. The  
29 individual whose license has been temporarily suspended may  
30 be present at the preliminary hearing and may be represented

1 by counsel, cross-examine witnesses, inspect physical  
2 evidence, call witnesses, offer evidence and testimony and  
3 make a record of the proceedings.

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

8 (b) Commitment of licensee.--

9 (1) A license issued under this act shall automatically  
10 be suspended upon the legal commitment of a licensee to an  
11 institution because of mental incompetence from any cause  
12 upon filing with the board a certified copy of such  
13 commitment, conviction of a felony under the act of April 14,  
14 1972 (P.L.233, No.64), known as The Controlled Substance,  
15 Drug, Device and Cosmetic Act, or conviction of an offense  
16 under the laws of another jurisdiction, which, if committed  
17 in this Commonwealth, would be a felony under The Controlled  
18 Substance, Drug, Device and Cosmetic Act.

19 (2) Automatic suspension under this subsection shall not  
20 be stayed pending an appeal of a conviction.

21 (3) Restoration of the license shall be made as provided  
22 in the case of revocation or suspension of a license.

23 Section 706. Reinstatement of license.

24 Unless ordered to do so by Commonwealth Court or an appeal  
25 therefrom, the board may not reinstate an individual's license  
26 that has been revoked. An individual whose license has been  
27 revoked may reapply for a license, after a period of at least  
28 five years, but must meet all of the licensing requirements of  
29 this act.

30 Section 707. Surrender of suspended or revoked license.

1 An individual whose license has been suspended or revoked  
2 shall return the license in such manner as the board directs.  
3 Failure to do so, and upon conviction thereof, shall be a  
4 misdemeanor of the third degree.

5 Section 708. Injunction.

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

16 Section 709. Subpoenas and oaths.

17 (a) Authority granted.--

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

27 (2) The board may apply to Commonwealth Court to enforce  
28 its subpoenas.

29 (3) The court may impose limitations in the scope of the  
30 subpoena as is necessary to prevent unnecessary intrusion

1 into client confidential information.

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

8 Section 710. Municipalities.

9 (a) Municipal license prohibited.--

10 (1) Licensure under this act shall be acceptable to a  
11 municipality in this Commonwealth as proof of competence to  
12 perform electrical services, and no municipality may require  
13 an individual licensed under this act to obtain an additional  
14 license to perform electrical services.

15 (2) Unless otherwise provided in this act, a local  
16 ordinance or regulation concerning the qualifications,  
17 fitness and competence of individuals to perform electrical  
18 services is preempted and superseded.

19 (b) Certain powers preserved.--Nothing in this act shall be  
20 construed to prevent a municipality from:

21 (1) levying lawful taxes and fees;

22 (2) requiring the purchase of a business privilege  
23 license that is unrelated to demonstrating competence in the  
24 performance of electrical services;

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

28 (4) enforcing ordinances related to health and safety;

29 or

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. Appropriation.

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 board and for other costs associated with  
10 this act. The appropriation shall be repaid by the board within  
11 three years of the beginning of issuance of licenses by the  
12 board.

13 Section 2102. Regulations.

14 Within 18 months of the effective date of this section, the  
15 board shall promulgate regulations to administer this act.

16 Section 2103. Effective date.

17 This act shall take effect as follows:

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