
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 688 Session of
2019

INTRODUCED BY NEILSON, MURT, McNEILL, HILL-EVANS, CALTAGIRONE,
DRISCOLL AND DeLUCA, MARCH 5, 2019

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 5, 2019

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.

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 as follows:

3 (i) Two professional members must be electrical
4 contractors subject to collective bargaining agreements.

5 (ii) Two professional members must be electricians
6 not subject to collective bargaining agreements.

7 (iii) Two professional members must be electrical
8 contractors not subject to collective bargaining
9 agreements.

10 (iv) Two professional members must be electricians
11 subject to collective bargaining agreements.

12 (v) The professional members must have been actively
13 engaged in providing electrical services in this
14 Commonwealth for at least 10 years immediately preceding
15 appointment.

16 (vi) Except as set forth in subsection (e),
17 professional members must be licensed under this act as
18 an electrical contractor or electrician.

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

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

23 (2) Develop application forms for licensure.

24 (3) Circulate application forms.

25 (4) Educate the public regarding the requirements of
26 this act and providing electrical services in this
27 Commonwealth.

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

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

3 (2) Members must be citizens of the United States and
4 residents of this Commonwealth.

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

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

16 (i) Five members shall serve for terms of four
17 years.

18 (ii) Four members shall serve for terms of three
19 years.

20 (iii) Two members shall serve for terms of two
21 years.

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

29 (f) Quorum.--A majority of the current members of the board
30 shall constitute a quorum. Except for temporary and automatic

1 suspensions under section 705, a member may not be counted as
2 part of a quorum or vote on any issue unless the member is
3 physically in attendance at the meeting.

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

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

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

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

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

1 Section 302. Powers and duties of board.

2 The board shall have the following powers and duties:

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

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

7 (3) To administer and enforce the provisions of this
8 act.

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

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

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

1 (7) To keep minutes and records of all transactions and
2 proceedings.

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

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

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

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

23 CHAPTER 5

24 LICENSURE

25 Section 501. Licensure.

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

1 licensed electrician by the board.

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

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 electrician" or "licensed
16 electrical contractor" or another derivative in connection
17 with the entity unless at least one employee or the owner of
18 the entity is licensed as a licensed electrician or licensed
19 electrical contractor in accordance with this act.

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

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

29 (2) A licensed electrician, or a licensed electrician
30 who is maintained on inactive status under section 506(b),

1 shall have the right to use the title "licensed electrician"
2 and the abbreviation "L.E." No other individual may use the
3 title "licensed electrician" or the abbreviation "L.E."

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

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

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

19 (f) Public notice of licensure.--

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

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

30 (3) The manner and means by which the license

1 information must be displayed and furnished shall be
2 established by regulation of the board.

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

5 (1) The replacement of lamps and fuses.

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

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

14 (4) Commercial radio and television transmission
15 equipment.

16 (5) The installation, erection, repair, maintenance,
17 removal, demolition or alteration of electrical equipment or
18 electrical systems for the generation, transmission,
19 distribution or utilization of electrical energy of less than
20 10 volts.

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

25 (i) consists of service drops or service laterals
26 and associated metering;

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

1 installations; or

2 (iii) is located on property owned or leased by the
3 public utility or electrical cooperative corporation for
4 the purpose of communications, metering, generation,
5 control, transformation, transmission or distribution of
6 electrical energy.

7 Section 502. Qualifications.

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

11 (1) Be of good moral character.

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

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

15 (i) Successfully completed a program as a licensed
16 apprentice electrician.

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

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

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

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

24 (6) Submit satisfactory proof to the board that the
25 applicant has worked at least 10,000 hours in electrical
26 construction.

27 (7) Submit satisfactory proof to the board of the
28 acquisition of professional liability insurance in an amount
29 set by the board.

30 (b) Licensed electrician.--To be eligible for licensure as a

1 licensed electrician, an applicant must fulfill the following
2 requirements:

3 (1) Be of good moral character.

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

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

7 (i) Successfully completed a program as a licensed
8 apprentice electrician.

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

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

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

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

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

19 (1) Be of good moral character.

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

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

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

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

27 (1) In the case of a licensed apprentice electrician
28 applying for renewal of a license where registration under
29 subsection (c) (3) has expired or otherwise lapsed before the
30 biennial renewal cycle will expire, the licensed apprentice

1 electrician shall submit evidence satisfactory to the board
2 that the licensed apprentice electrician has renewed
3 registration.

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

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

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

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

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

22 (3) For an individual applying for a license as a
23 licensed electrician under this subsection, the individual
24 either:

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

30 (ii) submits proof satisfactory to the board of at

1 least five years of prior experience providing electrical
2 services.

3 (4) For an individual applying for a license as a
4 licensed electrical contractor under this subsection, the
5 individual submits proof satisfactory to the board of
6 currently holding an electrical contractor license issued by
7 a municipality of this Commonwealth.

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

15 (1) At least 10 years have elapsed from the date of
16 conviction.

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

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

29 (g) Death or disability of licensed electrical contractor
30 and continuance of business.--In the event of the death, illness

1 or other physical disability of a licensee who qualified a
2 business as a licensed electrical contractor, a person may
3 continue to conduct the business as an electrical contractor for
4 at least six months following the date of the licensee's death,
5 illness or other physical disability as long as the business is
6 conducted under qualified supervision as the board deems
7 adequate.

8 Section 503. Continuing education.

9 (a) Regulations.--

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

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

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

24 (4) No credit may be given for a course in office
25 management or practice building.

26 (b) Requirement.--Beginning with the licensure period
27 designated by regulation:

28 (1) An individual applying for renewal of a license as a
29 licensed electrical contractor must obtain 24 hours of
30 continuing education during the three calendar years

1 immediately preceding the application for renewal.

2 (2) An individual applying for renewal of a license as a
3 licensed electrician must obtain 12 hours of continuing
4 education during the three calendar years immediately
5 preceding the application for renewal.

6 Section 504. Liability insurance.

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

11 (b) Inactive status.--

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

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

20 Section 505. Licensed electrical contractors and electricians
21 in other states.

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

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

29 (2) The individual pays the required fee.

30 (3) The standards for licensure in the other state,

1 territory or possession meet or exceed the standards
2 specified in this act.

3 (b) Requirement.--For an individual to be eligible to apply
4 for a license as a licensed electrical contractor or licensed
5 electrician under subsection (a), the other state, territory or
6 possession of the United States must provide an opportunity for
7 reciprocal licensure which is substantially similar to the
8 opportunity provided by the Commonwealth under this section.
9 Section 506. Duration of license.

10 (a) Duration of license.--

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

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

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

25 (b) Inactive status.--

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

29 (2) Upon receipt of an application, the individual shall
30 be maintained on inactive status without fee and shall be

1 entitled to apply for a licensure renewal at any time.

2 (3) An individual who requests the board to activate the
3 individual's license and has been on inactive status shall,
4 prior to receiving an active license, satisfy the
5 requirements of the board's regulations regarding continuing
6 education and remit the required fee.

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

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

14 Section 507. Reporting of multiple licensure.

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

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

29 CHAPTER 7

30 ADMINISTRATION AND ENFORCEMENT

1 Section 701. Fees, fines and civil penalties.

2 (a) Fees.--

3 (1) Fees required under this act shall be fixed by the
4 board by regulation and shall be subject to the act of June
5 25, 1982 (P.L.633, No.181), known as the Regulatory Review
6 Act.

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

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

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

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

29 Section 702. Violations.

30 (a) General rule.--An individual or the responsible officer

1 or employee of a corporation, partnership, firm or other entity
2 who violates a provision of this act or a regulation of the
3 board commits a misdemeanor of the third degree and shall, upon
4 conviction, be sentenced to pay a fine of not more than \$2,000
5 or to imprisonment for not more than six months for the first
6 violation. For the second and each subsequent conviction, the
7 person convicted shall be sentenced to pay a fine of not less
8 than \$2,000 nor more than \$5,000 or to imprisonment for not less
9 than six months nor more than one year, or both.

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

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

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

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

24 (4) The responsible officers or employees of a
25 corporation, partnership, firm or other entity violating a
26 provision of this act.

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

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

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

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

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

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

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

28 (i) the performance of electrical services; or

29 (ii) securing licensure.

30 (5) The licensee has been convicted of a felony or a

1 crime of moral turpitude or been convicted of a misdemeanor
2 related to providing electrical services or received
3 probation without verdict, disposition in lieu of trial or an
4 Accelerated Rehabilitative Disposition in the disposition of
5 felony charges in the courts of this Commonwealth, the United
6 States another state, territory or possession of the United
7 States or another country.

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

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

17 (8) The licensed electrical contractor failed to
18 properly direct and supervise licensed electricians and
19 licensed apprentice electricians who perform under a
20 contract.

21 (9) In the case of a licensed electrician responsible
22 for the direct onsite supervision of a licensed apprentice
23 electrician, the licensed electrician failed to provide the
24 proper supervision.

25 (10) The licensee possessed, used, acquired or
26 distributed a controlled substance.

27 (11) The licensee has been guilty of unprofessional
28 conduct, including, but not limited to, departure from or
29 failing to conform to operating practices or professional
30 standards embraced by the licensed electricians' community in

1 this Commonwealth and failing to conform to recognized
2 electrical safety standards, including the National
3 Electrical Code in effect in this Commonwealth, and
4 applicable municipal ordinances related to health and safety.
5 In a proceeding based on this paragraph, actual injury to a
6 person or damage to property need not be established.

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

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

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

17 (1) Deny the application for a license.

18 (2) Impose a fine.

19 (3) Administer a public reprimand.

20 (4) Suspend, revoke, limit or otherwise restrict a
21 license.

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

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

28 (7) Restore or reissue, at its discretion, a suspended
29 license and impose any disciplinary or corrective measure
30 which it might originally have imposed.

1 Section 704. Suspensions and revocations.

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

12 Section 705. Temporary and automatic suspensions.

13 (a) Procedure.--

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

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

26 (3) All actions shall be taken promptly and without
27 delay.

28 (4) Within 30 days following the issuance of an order
29 temporarily suspending a license, the board shall conduct or
30 cause to be conducted a preliminary hearing to determine if

1 there is a prima facie case supporting the suspension. The
2 individual whose license has been temporarily suspended may
3 be present at the preliminary hearing and may be represented
4 by counsel, cross-examine witnesses, inspect physical
5 evidence, call witnesses, offer evidence and testimony and
6 make a record of the proceedings.

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

11 (b) Commitment of licensee.--

12 (1) A license issued under this act shall automatically
13 be suspended upon:

14 (i) the legal commitment of a licensee to an
15 institution because of mental incompetence from any cause
16 upon filing with the board a certified copy of such
17 commitment;

18 (ii) conviction of a felony under the act of April
19 14, 1972 (P.L.233, No.64), known as The Controlled
20 Substance, Drug, Device and Cosmetic Act; or

21 (iii) conviction of an offense under the laws of
22 another jurisdiction, which, if committed in this
23 Commonwealth, would be a felony under The Controlled
24 Substance, Drug, Device and Cosmetic Act.

25 (2) Automatic suspension under this subsection may not
26 be stayed pending an appeal of a conviction.

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

29 Section 706. Reinstatement of license.

30 Unless ordered to do so by Commonwealth Court or an appeal

1 therefrom, the board may not reinstate an individual's license
2 that has been revoked. An individual whose license has been
3 revoked may reapply for a license after a period of at least
4 five years but must meet all of the licensing requirements of
5 this act.

6 Section 707. Surrender of suspended or revoked license.

7 An individual whose license has been suspended or revoked
8 shall return the license in such manner as the board directs.
9 Failure to surrender the license, shall be a misdemeanor of the
10 third degree.

11 Section 708. Injunction.

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

22 Section 709. Subpoenas and oaths.

23 (a) Authority granted.--

24 (1) The board may issue subpoenas, upon application of
25 an attorney responsible for representing the Commonwealth in
26 disciplinary matters before the board, for the purpose of
27 investigating alleged violations of this act or regulation of
28 the board. The board may subpoena witnesses, administer
29 oaths, examine witnesses and take such testimony or compel
30 the production of such books, records, papers and documents

1 as it may deem necessary or proper in and pertinent to any
2 proceeding, investigation or hearing held or had by it.

3 (2) The board may apply to Commonwealth Court to enforce
4 its subpoenas.

5 (3) The court may impose limitations in the scope of the
6 subpoena as is necessary to prevent unnecessary intrusion
7 into client confidential information.

8 (b) Disciplinary matters.--An attorney authorized to
9 represent the Commonwealth in disciplinary matters before the
10 board shall maintain current records of all reported alleged
11 violations and shall periodically review the records for the
12 purpose of determining that each alleged violation has been
13 resolved in a timely manner.

14 Section 710. Municipalities.

15 (a) Municipal license prohibited.--

16 (1) Licensure under this act shall be acceptable to a
17 municipality in this Commonwealth as proof of competence to
18 perform electrical services, and no municipality may require
19 an individual licensed under this act to obtain an additional
20 license to perform electrical services.

21 (2) Unless otherwise provided in this act, a local
22 ordinance or regulation concerning the qualifications,
23 fitness and competence of individuals to perform electrical
24 services is preempted and superseded.

25 (b) Certain powers preserved.--Nothing in this act may be
26 construed to prevent a municipality from:

27 (1) levying lawful taxes and fees;

28 (2) requiring the purchase of a business privilege
29 license that is unrelated to demonstrating competence in the
30 performance of electrical services;

1 (3) denying or revoking permits for failing to comply
2 with ordinances that are not inconsistent with this act or
3 regulation of the board;

4 (4) enforcing ordinances related to health and safety;
5 or

6 (5) pursuant to an ordinance, inspecting or regulating
7 the manner in which electrical services are performed.

8 CHAPTER 21

9 MISCELLANEOUS PROVISIONS

10 Section 2101. Appropriation.

11 The sum of \$85,000, or as much thereof as may be necessary,
12 is appropriated from the Professional Licensure Augmentation
13 Account to the department for the payment of costs associated
14 with processing licenses and renewing licenses, for the
15 operation of the board and for other costs associated with this
16 act. The appropriation shall be repaid by the board within three
17 years of the beginning of issuance of licenses by the board.

18 Section 2102. Regulations.

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

21 Section 2103. Effective date.

22 This act shall take effect as follows:

23 (1) Sections 501, 505 and 702 shall take effect in two
24 years.

25 (2) This section shall take effect immediately.

26 (3) The remainder of this act shall take effect in 60
27 days.