ENROLLED

SENATE BILL NO. 2031

(By Mr. Brooks, and Mr. Runnels)

PASSED ______ April 13, ______ 1973

In Effect ______ Days from Passage

FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 5/4/73
ENROLLED
Senate Bill No. 2031

(By Mr. Brotherton, Mr. President, and Mr. Palumbo)

[Passed April 13, 1973; in effect ninety days from passage]

AN ACT to amend article twelve, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section fourteen-a, relating to general and specific powers, duties and allied relations of municipalities, governing bodies and municipal officers and employees; authorizing the governing body of any municipality to provide by ordinance that no electrical work may be performed within the jurisdictional limits of such municipality by an electrical contractor or electrician unless such electrical work is performed by an electrician holding an unexpired certificate of competency issued by the state fire marshal; providing for copy of any such ordinance to be furnished to state fire marshal; defining terms; requiring examinations by state fire marshal of applicants for such certificates; providing that such examinations shall be based upon the national electric code; setting levels of examinations and passing grade; expiration and renewal of certificates of competency; requiring certification fees and renewal fees; authorizing state fire marshal to promulgate rules and regulations; providing for certification of certain electricians without examination; requiring fees to be paid by such electricians; deposit and disposition of all fees paid under section; providing that no municipality may require any electrician holding an unexpired certificate of competency to obtain a municipal electrician's license or charge any fee therefor; and authorizing action to insure compliance with section.

Be it enacted by the Legislature of West Virginia:

That article twelve, chapter eight of the code of West Virginia,
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one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section fourteen-a, to read as follows:

ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.

§8-12-14a. Certification of electricians may be required; definitions; examinations; fees; expiration and renewal; rules and regulations; certification without examination; deposit of fees; section exclusive; compliance action.

(a) The governing body of every municipality shall have plenary power and authority by ordinance to provide that no electrical work may be performed within the jurisdictional limits of such municipality by an electrical contractor or electrician, as those terms are defined in subsection (b) of this section, unless such electrical work is performed by an electrician holding an unexpired certificate of competency for the level of electrical work in question issued by the state fire marshal in accordance with the provisions of subsection (c) of this section. Upon the enactment of any such ordinance the recorder of such municipality shall forward a copy of the same to the state fire marshal so that he may be advised that the examinations provided for in subsection (c) of this section shall be required.

(b) As used in this section, "electrical contractor" means any person who engages in the business of or employs others for the construction, alteration or repair of any electrical wiring used for the purpose of furnishing heat, light or power; "electrician" means any individual who either on his own or as an employee of an electrical contractor is engaged in the construction, alteration or repair of any electrical wiring used for the purpose of furnishing heat, light or power; and "electrical" pertains to the installation of wires and conduits for the purpose of transmitting electricity, the installation of fixtures and equipment in connection therewith, or both: Provided, That the terms "electrical contractor" and "electrician" shall not be construed so as to apply to (1) any electrician who performs electrical work with respect to any property owned or rented by him, (2) any electrician who performs electrical
work at any manufacturing plant or other industrial establish-
ment as an employee of the person operating such plant
or establishment, (3) any electrician who, while employed
by a person engaged in the business of selling appliances
at retail, performs electrical work with respect to installation
and repair of appliances as part of his regular duties or
(4) any electrician who, while employed by a public
utility or any of its affiliates, performs electrical work in
connection with the furnishing of public utility service.

(c) The state fire marshal is hereby empowered and
authorized, and directed if any municipality adopts an
ordinance in accordance with the provisions of subsection
(a) of this section, to prepare and arrange for the giving
of an examination, at least four times each year, to all
applicants for certification as a master electrician, journeyman
electrician or helper electrician. Such examination shall be
based upon the national electric code published from time
to time by the national fire protection association. In
preparing such examination, the state fire marshal shall
include questions covering each article of the national
electric code, but he shall prepare a different level of
examination, depending upon whether the applicant desires
to be certified as a master electrician, journeyman electrician
or helper electrician. A passing grade of at least eighty
percent shall be necessary for certification of an applicant
by the state fire marshal. Each applicant for examination
shall pay an original certification fee of ten dollars, no part
of which shall be returned even if a passing grade is not
obtained. Any applicant who shall pass the examination in
the classification level tested shall be issued a certificate
of competency as a master electrician, journeyman electrician
or helper electrician, as the case may be. A certificate of
competency must be renewed each year upon the payment of
a renewal fee of four dollars. All certificates of competency
shall expire on the thirtieth day of June following their
issuance or renewal, as the case may be. The state fire
marshal is hereby authorized and empowered to promulgate
rules and regulations, pursuant to the provisions of chapter
twenty-nine-a of this code, to implement the provisions of
this section. Notwithstanding the foregoing provisions of this
subsection, any applicant for a certificate of competency
who shall, within six months from the effective date of this
section, furnish to the state fire marshal evidence satis-
factory to him that such applicant is working as an 
electrician in this state on the effective date of this 
section and who has been so working for a period of one 
year immediately prior thereto shall be granted, without 
examination, a certificate of competency in the classification 
level in which qualification is established, upon payment 
of an original certification fee of ten dollars, and, if at 
the time of application, any such applicant holds an unexpired 
municipal electrician's license issued by any municipality 
within this state, the classification level shown on such 
municipal electrician's license shall be conclusive evidence 
of the qualification of such applicant for a certificate of 
competency at the same classification level. All fees required 
to be paid by the provisions of this section shall be paid 
to the state fire marshal and thereafter deposited by him 
with the state treasurer for deposit in the general revenue 
fund of this state.

(d) Notwithstanding any other provision of law, charter 
or ordinance to the contrary, on and after the effective 
date of this section, no municipality may require any 
electrician holding an unexpired certificate of competency 
to obtain any type of municipal electrician's license as a 
condition precedent to performing electrical work within the 
jurisdictional limits of such municipality or charge any license 
fee therefor.

(e) Every municipality which enacts an ordinance pursuant 
to the provisions of subsection (a) of this section shall have 
plenary power to take such action as is necessary to make 
certain there is full compliance with the provisions of 
this section.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 22th day of April, 1973.

Governor
PRESENTED TO THE GOVERNOR

Date 4/27/73
Time 2:05 p.m.