

**WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1973**

**ENROLLED**

**SENATE BILL NO. 2031**

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

PASSED April 13, 1973

In Effect 90 Days from Passage



FILED IN THE OFFICE  
EDGAR F. HEISKELL III  
SECRETARY OF STATE  
THIS DATE 5/4/73

2031

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**Senate Bill No. 2031**

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

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

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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,

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.**

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

15 (b) As used in this section, "electrical contractor" means  
16 any person who engages in the business of or employs  
17 others for the construction, alteration or repair of any  
18 electrical wiring used for the purpose of furnishing heat,  
19 light or power; "electrician" means any individual who either  
20 on his own or as an employee of an electrical contractor  
21 is engaged in the construction, alteration or repair of any  
22 electrical wiring used for the purpose of furnishing heat,  
23 light or power; and "electrical" pertains to the installa-  
24 tion of wires and conduits for the purpose of transmitting  
25 electricity, the installation of fixtures and equipment in  
26 connection therewith, or both: *Provided*, That the terms  
27 "electrical contractor" and "electrician" shall not be constru-  
28 ed so as to apply to (1) any electrician who performs  
29 electrical work with respect to any property owned or  
30 rented by him, (2) any electrician who performs electrical

31 work at any manufacturing plant or other industrial establish-  
32 ment as an employee of the person operating such plant  
33 or establishment, (3) any electrician who, while employed  
34 by a person engaged in the business of selling appliances  
35 at retail, performs electrical work with respect to installation  
36 and repair of appliances as part of his regular duties or  
37 (4) any electrician who, while employed by a public  
38 utility or any of its affiliates, performs electrical work in  
39 connection with the furnishing of public utility service.

40 (c) The state fire marshal is hereby empowered and  
41 authorized, and directed if any municipality adopts an  
42 ordinance in accordance with the provisions of subsection  
43 (a) of this section, to prepare and arrange for the giving  
44 of an examination, at least four times each year, to all  
45 applicants for certification as a master electrician, journeyman  
46 electrician or helper electrician. Such examination shall be  
47 based upon the national electric code published from time  
48 to time by the national fire protection association. In  
49 preparing such examination, the state fire marshal shall  
50 include questions covering each article of the national  
51 electric code, but he shall prepare a different level of  
52 examination, depending upon whether the applicant desires  
53 to be certified as a master electrician, journeyman electrician  
54 or helper electrician. A passing grade of at least eighty  
55 percent shall be necessary for certification of an applicant  
56 by the state fire marshal. Each applicant for examination  
57 shall pay an original certification fee of ten dollars, no part  
58 of which shall be returned even if a passing grade is not  
59 obtained. Any applicant who shall pass the examination in  
60 the classification level tested shall be issued a certificate  
61 of competency as a master electrician, journeyman electrician  
62 or helper electrician, as the case may be. A certificate of  
63 competency must be renewed each year upon the payment of  
64 a renewal fee of four dollars. All certificates of competency  
65 shall expire on the thirtieth day of June following their  
66 issuance or renewal, as the case may be. The state fire  
67 marshal is hereby authorized and empowered to promulgate  
68 rules and regulations, pursuant to the provisions of chapter  
69 twenty-nine-a of this code, to implement the provisions of  
70 this section. Notwithstanding the foregoing provisions of this  
71 subsection, any applicant for a certificate of competency  
72 who shall, within six months from the effective date of this  
73 section, furnish to the state fire marshal evidence satis-

74 factory to him that such applicant is working as an  
75 electrician in this state on the effective date of this  
76 section and who has been so working for a period of one  
77 year immediately prior thereto shall be granted, without  
78 examination, a certificate of competency in the classification  
79 level in which qualification is established, upon payment  
80 of an original certification fee of ten dollars, and, if at  
81 the time of application, any such applicant holds an unexpired  
82 municipal electrician's license issued by any municipality  
83 within this state, the classification level shown on such  
84 municipal electrician's license shall be conclusive evidence  
85 of the qualification of such applicant for a certificate of  
86 competency at the same classification level. All fees required  
87 to be paid by the provisions of this section shall be paid  
88 to the state fire marshal and thereafter deposited by him  
89 with the state treasurer for deposit in the general revenue  
90 fund of this state.

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

99 (e) Every municipality which enacts an ordinance pursuant  
100 to the provisions of subsection (a) of this section shall have  
101 plenary power to take such action as is necessary to make  
102 certain there is full compliance with the provisions of  
103 this section.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

N. Darrel Darby  
Chairman Senate Committee

Clarence C. Christensen Jr.  
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Hawaii W. Carson  
Clerk of the Senate

C. Blankenship  
Clerk of the House of Delegates

W. T. Brotherton Jr.  
President of the Senate

Levi A. McPhee  
Speaker House of Delegates

The within approved this the 21th  
April  
day of \_\_\_\_\_, 1973.  
Luha A. Mahe Jr.  
Governor

PRESENTED TO THE  
GOVERNOR

Date 4/27/73

Time 2:05 p.m.