

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)

[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,

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

Lawrence C. Christian, Jr.
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Hawaii W. Carson
Clerk of the Senate

C. A. 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 *27th*
day of *April*, 1973.

Luia A. Paare, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 4/27/73

Time 2:05 p.m.