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WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992



ENROLLED

Com. Sub. For

HOUSE BILL No. *H231*

(By Delegates *Love and Brum*)



Passed *March 6,* 1992

In Effect *Ninety Days From* Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4231
(By DELEGATES LOVE AND BRUM)

[Passed March 6, 1992; in effect ninety days from passage.]

AN ACT to amend and reenact sections two, three, four, five, six and eight, article three-b, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the supervision of electricians; changing the structure of electrician licensing requirements; reciprocity; and providing for specialty electrician licenses.

Be it enacted by the Legislature of West Virginia:

That sections two, three, four, five, six and eight, article three-b, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3B. SUPERVISION OF ELECTRICIANS.

§29-3B-2. Necessity of license; definitions.

1 After the effective date of this article, no electrical
2 work may be performed, offered or engaged in for
3 compensation or hire within the state of West Virginia
4 by any person, firm or corporation unless such person,
5 firm or corporation possesses a license and a certificate
6 therefor issued by the state fire marshal in accordance
7 with this article, and a copy of such license is posted on

8 any job in which electrical work is being performed for
9 hire.

10 As used in this article:

11 (a) "Apprentice electrician" means a person with
12 interest in and an aptitude for performing electrical
13 work but who alone is not capable of installing wires,
14 conduits, apparatus, equipment, fixtures and other
15 appliances.

16 (b) "Electrical contractor" means a person, firm or
17 corporation who engages in the business of electrical
18 work or employs master electricians, electricians,
19 apprentice electricians or helpers for the construction,
20 alteration or repair of any electrical wiring, equipment
21 or systems for the purposes of controlling or furnishing
22 heat, light or power.

23 (c) "Electrical work" means the installation of wires,
24 conduits, apparatus, fixtures, other appliances, equip-
25 ment or systems for transmitting, carrying, controlling
26 or using electricity for light, heat or power purposes.

27 (d) "Journeyman electrician" means a person quali-
28 fied by at least four years of electrical work experience
29 to do any work installing wires, conduits, apparatus,
30 equipment, fixtures and other appliances subject to
31 supervision by a master electrician.

32 (e) "License" means a valid and current certificate of
33 competency issued by the state fire marshal.

34 (f) "Master electrician" means a person with at least
35 five years of electrical work experience, including
36 experience in all phases of electrical wiring and
37 installation, who is competent to instruct and supervise
38 the electrical work of journeyman electricians and
39 apprentice electricians.

40 (g) "Specialty electrician" means a person qualified to
41 perform electrical work in a limited or specialized
42 area.

§29-3B-3. Exemptions; nonapplicability of license requirements.

1 This article does not apply to and no license may be
2 required for (a) a person who performs electrical work
3 with respect to any property owned or leased by such
4 person; (b) a person who performs electrical work at any
5 manufacturing plant or other industrial establishment
6 as an employee of the person, firm or corporation
7 operating such plant or establishment; (c) a person who
8 performs electrical work while employed by an em-
9 ployer who engages in the business of selling appliances
10 at retail, so long as such electrical work is performed
11 incident to the installation or repair of appliances sold
12 by the employer; (d) a person who, while employed by
13 a public utility or its affiliate, performs electrical work
14 in connection with the furnishing of public utility
15 service; or (e) any government employee performing
16 electrical work on government property.

**§29-3B-4. Licenses; classes of licenses; issuance of licenses
by commissioner; qualifications required for
license; nontransferability and nonassigna-
bility of licenses; expiration of license; rene-
wal; reciprocity.**

1 (a) The following four classes of license may be issued
2 by the state fire marshal: "Master electrician license,"
3 "journeyman electrician's license," "apprentice electri-
4 cian license" and "temporary electrician license."
5 Additional classes of specialty electrician license may be
6 issued by the fire marshal.

7 (b) The state fire marshal shall issue the appropriate
8 class of license to a person, firm or corporation upon a
9 finding that such person, firm or corporation possesses
10 the qualifications for the class of license to be issued.

11 (c) The qualifications for each class of license to be
12 issued are as follows:

13 (1) For a "master electrician license" a person must
14 have five years of experience in electrical work of such
15 breadth, independence and quality that such work
16 indicates that the applicant is competent to perform all
17 types of electrical work and can direct and instruct
18 journeyman electricians and apprentice electricians in
19 the performance of electrical work. Such applicant, or

20 a member of a firm or an officer of a corporation if the
21 applicant be a firm or corporation, must also pass the
22 master electrician examination given by the state fire
23 marshal with a grade of eighty percent correct or better;

24 (2) For a "journeyman electrician's license," a person
25 must have at least four years of experience in perform-
26 ing electrical work under the direction or instruction of
27 a master electrician or must have completed a formal
28 apprentice program, or an electrical vocational educa-
29 tion program of at least one thousand eighty hours in
30 length and approved by the state board of education or
31 its successor, providing actual electrical work expe-
32 rience and training conducted by one or more master
33 electricians. Such applicant must also pass the journey-
34 man electrician's examination given by the state fire
35 marshal with a grade of eighty percent correct or better;

36 (3) For an "apprentice electrician license," a person
37 must pass the apprentice electrician's examination given
38 by the state fire marshal with a grade of eighty percent
39 correct or better or be enrolled in an electrical apprent-
40 ice program approved by the fire marshal.

41 (4) A one time temporary master or journeyman
42 electrician license of ninety-days duration may be issued
43 to an applicant providing the applicant has completed
44 a United States department of labor/bureau of apprent-
45 iceship and training registered electrical apprenticeship
46 program, or an electrical vocational education program
47 of at least one thousand eighty hours in length and
48 approved by the state board of education or its succes-
49 sor, and have at least four years of experience in
50 performing electrical work and furnishes the state fire
51 marshal with satisfactory evidence of electrical work.

52 (5) Other specialty electrician license may be issued
53 by the state fire marshal which limits the work in a
54 limited area of expertise. Such applicant must pass the
55 specialty electrician's examination given by the state
56 fire marshal with a grade of eighty percent correct or
57 better.

58 (d) (1) Certificates of license for a master electrician's
59 license issued by the state fire marshal shall specify the

60 name of the person, firm or corporation so qualifying
61 and the name of the person, who in the case of a firm
62 shall be one of its members and in the case of a
63 corporation shall be one of its officers, passing the
64 master electrician examination.

65 (2) Licenses issued to electricians shall specify the
66 name of the person who is thereby authorized to perform
67 electrical work or, in the case of apprentice electricians,
68 to work with other classes of electricians to perform
69 electrical work.

70 (e) No license issued under this article is assignable
71 or transferable.

72 (f) All licenses issued by the state fire marshal shall
73 expire on the thirtieth day of June following the year
74 of issue or renewal.

75 (g) (1) Each expiring license may be renewed without
76 need for examination and without limit as to the number
77 of times renewed, for the same class of license previously
78 issued and for the same person, firm or corporation to
79 whom it was originally issued upon payment to the state
80 fire marshal of a renewal fee of fifty dollars if such
81 application for renewal and payment of such fee is made
82 before the date of expiration of the license.

83 (2) In the case of a failure to renew a license on or
84 before the thirtieth day of June the person named in the
85 license may, upon payment of the renewal fee and an
86 additional fee of fifteen dollars, receive from the state
87 fire marshal a deferred renewal of such license which
88 shall expire on the thirtieth day of June in the ensuing
89 year. No person, firm or corporation may perform
90 electrical work upon expiration of such person's, firm's
91 or corporation's license until a deferred renewal for such
92 license is issued by the state fire marshal even if such
93 person, firm or corporation has applied for the deferred
94 renewal of such license.

95 (h) To the extent that other jurisdictions provide for
96 the licensing of electricians, the state fire marshal may
97 grant the same or equivalent classification of license
98 without written examination upon satisfactory proof

99 furnished to the state fire marshal that the qualifica-
100 tions of such applicant are equal to the qualifications
101 required by this article and upon payment of the re-
102 quired fee: *Provided*, That as a condition to reciprocity,
103 the other jurisdictions must extend to licensed electri-
104 cians of this state, the same or equivalent classification.

§29-3B-5. Rules; applications and examinations; fees.

1 (a) The state fire marshal shall promulgate necessary
2 rules pursuant to the provisions of chapter twenty-nine-
3 a of this code to implement the provisions of this article.
4 Rules adopted by the state fire marshal and presently
5 in effect shall remain in effect until and unless the state
6 fire marshal adopts new rules, and the state fire
7 marshal may adopt any or all of the rules presently in
8 effect.

9 (b) The state fire marshal shall prepare and arrange
10 for the receipt of applications from those who intend to
11 perform electrical work in the state of West Virginia.
12 Such application shall be sufficiently detailed to enable
13 the state fire marshal to determine the presence or
14 absence of an applicant's qualifications for a license of
15 a particular class. The state fire marshal may, if he
16 considers it necessary, require applicants to supply
17 affidavits or other documents attesting to the applicant's
18 qualifications from past employers, other electricians,
19 engineers and others with knowledge of the applicant's
20 qualifications. The state fire marshal may make such
21 other inquiries as he considers necessary to determine
22 the qualifications of the applicant. An applicant
23 expressly consents to such inquiries by the state fire
24 marshal by his application.

25 (c) The state fire marshal shall prepare and arrange
26 for the giving of examinations to all applicants for
27 licensure. There shall be a separate and different
28 examination for each class of license, appropriate in
29 subject matter, difficulty and depth of understanding
30 for each class. All examinations shall be based on and
31 derived from the national electric code as promulgated
32 from time to time by the national fire protection
33 association. A minimum grade of eighty percent correct

34 for all examinations is necessary for licensure by the
35 state fire marshal. The examinations shall be given at
36 least four times each year. The places, dates and times
37 of such examinations shall be made known by public
38 notice issued by the state fire marshal. The state fire
39 marshal may contract with the bureau of vocational,
40 technical and adult education, state department of
41 education, to perform such examinations.

42 (d) Each person desiring to take an examination shall
43 make written application therefor at the time desig-
44 nated by and on forms prescribed by the state fire
45 marshal. The applicant shall specify the class of license
46 for which he seeks licensure. The application shall be
47 accompanied by an examination fee of twenty-five
48 dollars for licenses for master electrician or journeyman
49 electrician, or by an examination fee of ten dollars for
50 an apprentice electrician license applicant or twenty-
51 five dollars for a specialty license. The fee is not
52 returnable.

53 (e) An applicant who fails to make the required
54 passing score on any examination or who lacks qualifi-
55 cations for the class of license desired may retake the
56 examination or change his application to request a
57 license of a lesser class upon the payment to the state
58 fire marshal of a fee of ten dollars together with a new
59 application. Any reexamination may be taken or new
60 application may be submitted as many times as the
61 applicant desires, but each such examination or appli-
62 cation requires the payment of the additional fee of ten
63 dollars and the making of a new application to the state
64 fire marshal. When the examination is successfully
65 passed and the requisite qualifications are established
66 by the applicant, the state fire marshal shall issue the
67 appropriate license as provided above.

§29-3B-6. License without examination; fees.

1 (a) An applicant who is enrolled in a formal electrical
2 apprenticeship program and registered with the United
3 States department of labor/bureau of apprenticeship
4 and training or enrolled in an electrical vocational
5 education program of at least one thousand eighty hours

6 in length and approved by the state board of education
7 or its successor shall not be required to take the
8 apprentice examination described in section five of this
9 article for one hundred eighty days, provided a one time
10 temporary license shall be issued for one hundred eighty
11 days. Such applicant is required to submit a completed
12 application on forms prescribed by the state fire
13 marshal accompanied by the appropriate license fee.

14 (b) Such applicant who is exempt from testing is
15 nevertheless required to submit a complete application
16 on forms prescribed by the state fire marshal accompan-
17 ied by a license fee of twenty-five dollars.

18 (c) Such license issued by the state fire marshal upon
19 application without examination expires and is eligible
20 for renewal as provided in section four of this article.

**§29-3B-8. Effect of noncompliance with article; failure to
obtain license.**

1 Any person, firm, corporation or employee thereof, or
2 any representative, member or officer of such firm or
3 corporation, individually, entering upon or engaging in
4 the business of performing any electrical work as
5 defined in this article, without obtaining the required
6 license or otherwise complying with this article, is for
7 the first offense guilty of a misdemeanor, and, upon
8 conviction thereof, shall be fined not more than one
9 hundred dollars. For a second and each subsequent
10 offense, the penalty and punishment is a fine of not less
11 than one hundred dollars nor more than five hundred
12 dollars.

13 Each day during which such electrical work is
14 performed without the required license or while in
15 noncompliance with any of the provisions of this article,
16 after official notice that such work is unlawful, is a
17 separate offense.

18 Any electrical work performed by a person, firm or
19 corporation which is determined by the state fire
20 marshal to constitute a safety or health hazard to
21 members of the public or any electrical work of an
22 extensive nature being performed by any person without

23 the required license or otherwise in noncompliance with
24 the requirements of this article or contrary to an order
25 or rule promulgated lawfully by the state fire marshal,
26 is subject to being issued a citation or a civil action in
27 the name of the state in the circuit court of the county
28 where such work is being performed for an injunction
29 against such person, firm or corporation, enjoining such
30 work or violation. A circuit court by mandatory or
31 prohibitory injunction may compel compliance with the
32 provisions of this article, with the lawful orders of the
33 state fire marshal and with any final decision of the
34 state fire marshal or state fire commission. The state
35 fire marshal shall be represented in all such proceedings
36 by the attorney general or his assistants.

Enr. Com. Sub. for H. B. 4231] 10

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

Somer Leck

Chairman Senate Committee

Ernest C. Moore

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Russell A. Holmes

Clerk of the Senate

Donald L. Vopp

Clerk of the House of Delegates

Keith Buntline

President of the Senate

Robert Cole

Speaker of the House of Delegates

The within is approved this the 31st day of March 1992.

Yaston Caperton

Governor

PRESENTED TO THE

GOVERNOR

Date 3/25/92

Time 11:40 am