WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 1992

ENROLLED
Com. Sub. For
HOUSE BILL No. H311

(By Delegate 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 work may be performed, offered or engaged in for compensation or hire within the state of West Virginia by any person, firm or corporation unless such person, firm or corporation possesses a license and a certificate therefor issued by the state fire marshal in accordance with this article, and a copy of such license is posted on
any job in which electrical work is being performed for hire.

As used in this article:

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

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

(c) “Electrical work” means the installation of wires, conduits, apparatus, fixtures, other appliances, equipment or systems for transmitting, carrying, controlling or using electricity for light, heat or power purposes.

(d) “Journeyman electrician” means a person qualified by at least four years of electrical work experience to do any work installing wires, conduits, apparatus, equipment, fixtures and other appliances subject to supervision by a master electrician.

(e) “License” means a valid and current certificate of competency issued by the state fire marshal.

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

(g) “Specialty electrician” means a person qualified to perform electrical work in a limited or specialized area.

§29-3B-3. Exemptions; nonapplicability of license requirements.
This article does not apply to and no license may be required for (a) a person who performs electrical work with respect to any property owned or leased by such person; (b) a person who performs electrical work at any manufacturing plant or other industrial establishment as an employee of the person, firm or corporation operating such plant or establishment; (c) a person who performs electrical work while employed by an employer who engages in the business of selling appliances at retail, so long as such electrical work is performed incident to the installation or repair of appliances sold by the employer; (d) a person who, while employed by a public utility or its affiliate, performs electrical work in connection with the furnishing of public utility service; or (e) any government employee performing electrical work on government property.

§29-3B-4. Licenses; classes of licenses; issuance of licenses by commissioner; qualifications required for license; nontransferability and nonassignability of licenses; expiration of license; renewal; reciprocity.

(a) The following four classes of license may be issued by the state fire marshal: "Master electrician license," "journeyman electrician's license," "apprentice electrician license" and "temporary electrician license." Additional classes of specialty electrician license may be issued by the fire marshal.

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

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

(1) For a "master electrician license" a person must have five years of experience in electrical work of such breadth, independence and quality that such work indicates that the applicant is competent to perform all types of electrical work and can direct and instruct journeyman electricians and apprentice electricians in the performance of electrical work. Such applicant, or
a member of a firm or an officer of a corporation if the applicant be a firm or corporation, must also pass the master electrician examination given by the state fire marshal with a grade of eighty percent correct or better;

(2) For a “journeyman electrician’s license,” a person must have at least four years of experience in performing electrical work under the direction or instruction of a master electrician or must have completed a formal apprentice program, or an electrical vocational education program of at least one thousand eighty hours in length and approved by the state board of education or its successor, providing actual electrical work experience and training conducted by one or more master electricians. Such applicant must also pass the journeyman electrician’s examination given by the state fire marshal with a grade of eighty percent correct or better;

(3) For an “apprentice electrician license,” a person must pass the apprentice electrician’s examination given by the state fire marshal with a grade of eighty percent correct or better or be enrolled in an electrical apprenticeship program approved by the fire marshal.

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

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

(d) (1) Certificates of license for a master electrician’s license issued by the state fire marshal shall specify the
name of the person, firm or corporation so qualifying
and the name of the person, who in the case of a firm
shall be one of its members and in the case of a
corporation shall be one of its officers, passing the
master electrician examination.

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

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

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

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

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

(h) To the extent that other jurisdictions provide for
the licensing of electricians, the state fire marshall may
grant the same or equivalent classification of license
without written examination upon satisfactory proof
furnished to the state fire marshall that the qualifications of such applicant are equal to the qualifications required by this article and upon payment of the required fee: Provided, That as a condition to reciprocity, the other jurisdictions must extend to licensed electricians of this state, the same or equivalent classification.

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

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

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

(c) The state fire marshal shall prepare and arrange for the giving of examinations to all applicants for licensure. There shall be a separate and different examination for each class of license, appropriate in subject matter, difficulty and depth of understanding for each class. All examinations shall be based on and derived from the national electric code as promulgated from time to time by the national fire protection association. A minimum grade of eighty percent correct
for all examinations is necessary for licensure by the state fire marshal. The examinations shall be given at least four times each year. The places, dates and times of such examinations shall be made known by public notice issued by the state fire marshal. The state fire marshal may contract with the bureau of vocational, technical and adult education, state department of education, to perform such examinations.

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

(e) An applicant who fails to make the required passing score on any examination or who lacks qualifications for the class of license desired may retake the examination or change his application to request a license of a lesser class upon the payment to the state fire marshal of a fee of ten dollars together with a new application. Any reexamination may be taken or new application may be submitted as many times as the applicant desires, but each such examination or application requires the payment of the additional fee of ten dollars and the making of a new application to the state fire marshal. When the examination is successfully passed and the requisite qualifications are established by the applicant, the state fire marshal shall issue the appropriate license as provided above.

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

(a) An applicant who is enrolled in a formal electrical apprenticeship program and registered with the United States department of labor/bureau of apprenticeship and training or enrolled in an electrical vocational education program of at least one thousand eighty hours
in length and approved by the state board of education
or its successor shall not be required to take the
apprentice examination described in section five of this
article for one hundred eighty days, provided a one time
temporary license shall be issued for one hundred eighty
days. Such applicant is required to submit a completed
application on forms prescribed by the state fire
marshal accompanied by the appropriate license fee.

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

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

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

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

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

Any electrical work performed by a person, firm or
corporation which is determined by the state fire
marshal to constitute a safety or health hazard to
members of the public or any electrical work of an
extensive nature being performed by any person without
the required license or otherwise in noncompliance with
the requirements of this article or contrary to an order
or rule promulgated lawfully by the state fire marshal,
is subject to being issued a citation or a civil action in
the name of the state in the circuit court of the county
where such work is being performed for an injunction
against such person, firm or corporation, enjoining such
work or violation. A circuit court by mandatory or
prohibitory injunction may compel compliance with the
provisions of this article, with the lawful orders of the
state fire marshal and with any final decision of the
state fire marshal or state fire commission. The state
fire marshal shall be represented in all such proceedings
by the attorney general or his assistants.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

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

Governor
PRESENTED TO THE
GOVERNOR
Date 3/5/92
Time 11:40 am