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2001 MAY -2 P 11: 26

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2001



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 2371

(By Delegates Michael and Mezzatesta)



Passed April 12, 2001

In Effect Ninety Days from Passage

FILED

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FOR

H. B. 2371

(BY DELEGATES MICHAEL AND MEZZATESTA)

[Passed April 12, 2001; in effect ninety days from passage.]

AN ACT to repeal section six, article three-b, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections two, three, four, five, seven, eight and ten of said article, all relating to the licensing of electricians; permitting equivalent licensing of certain former residents; authorizing legislative rules; and increasing fines.

Be it enacted by the Legislature of West Virginia:

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article three-b, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that sections two, three, four, five, seven, eight and ten of said article, be amended and reenacted, all to read as follows:

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

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

8 As used in this article:

9 (a) "Apprentice electrician" means a person with interest in
10 and an aptitude for performing electrical work but who alone is
11 not capable of performing electrical work unless directly
12 supervised by a higher license classification.

13 (b) "Electrical contractor" means a person, firm or corpora-
14 tion who engages in the business of electrical work and
15 employs master electricians, journeyman electricians, appren-
16 tice electricians or other related workers for the construction,
17 alteration or repair of any electrical wiring, equipment or
18 systems as defined in the scope of the national electric code.

19 (c) "Electrical work" means the installation of wires,
20 conduits, apparatus, fixtures, other appliances, equipment or
21 systems for transmitting, carrying, controlling or using electric-
22 ity as defined in the scope of the national electric code.

23 (d) "Journeyman electrician" means a person qualified by
24 at least four years of electrical work experience to do any work
25 installing wires, conduits, apparatus, equipment, fixtures and
26 other appliances, provided that this classification is not autho-
27 rized to design electrical systems.

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

30 (f) "Master electrician" means a person with at least five

31 years of electrical work experience, including experience in all
32 phases of electrical wiring and installation, who is competent to
33 design electrical systems, and to instruct and supervise the
34 electrical work of journeyman electricians, apprentice electricians,
35 and other related workers.

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

§29-3B-3. Exemptions; nonapplicability of license requirements; legislative rules for limited reciprocity.

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

15 (b)(1) Notwithstanding any other provision of this article to
16 the contrary, a journeyman or master electrician license may be
17 issued for a person who is a former resident of this state, who
18 formerly held an electrician's license issued by this state, who
19 has obtained an equivalent electrician license from another
20 state, and who returns to this state as a permanent resident,
21 without requiring the person to meet the application or examination
22 requirements that would otherwise be imposed on the
23 person by the requirements of this article when the issuance of

24 the license is permitted by legislative rules promulgated
25 pursuant to the provisions of this subsection.

26 (2) The state fire marshal shall propose rules for legislative
27 approval in accordance with the provisions of article three,
28 chapter twenty-nine-a of this code to provide for the licensing
29 of electricians with equivalent qualifications described in
30 subdivision (1) of this subsection. Notwithstanding any other
31 provision of this code to the contrary, the legislative rules
32 described in this subsection may not be filed as emergency
33 rules.

**§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.**

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

6 (b) The state fire marshal shall issue the appropriate class
7 of license upon a finding that the applicant possesses the
8 qualifications for the class of license to be issued.

9 (c) The state fire marshal shall propose rules for legislative
10 approval regarding qualifications for testing, issuance of
11 licenses, and renewal in accordance with the provisions of
12 article three, chapter twenty-nine-a of this code.

13 (d) To the extent that other jurisdictions provide for the
14 licensing of electricians, the state fire marshal may grant the
15 same or equivalent classification of license without written
16 examination upon satisfactory proof furnished to the state fire
17 marshal that the qualifications of the applicant are equal to the

18 qualifications required by this article and upon payment of the
19 required fee: *Provided*, That as a condition to reciprocity, the
20 other jurisdictions must extend to licensed electricians of this
21 state, the same or equivalent classification.

22 (e) In addition to any other information required, the
23 applicant's social security number shall be recorded on any
24 application for a license submitted pursuant to the provisions of
25 this section.

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

1 (a) The state fire marshal shall propose rules for legislative
2 approval in accordance with the provisions of article three,
3 chapter twenty-nine-a of this code to implement the provisions
4 of this article. Rules adopted by the state fire marshal and
5 presently in effect will remain in effect until and unless the state
6 fire marshal adopts new rules, and the state fire marshal may
7 adopt any or all of the rules presently in effect.

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

§29-3B-7. Denial of license; suspension and revocation of license.

1 (a) The state fire marshal may deny a license to any
2 applicant who fails to comply with the rules established by the
3 state fire marshal, or who lacks the necessary qualifications.

4 (b) The state fire marshal may upon complaint or upon his
5 or her own inquiry and, after notice to the licensee, suspend or
6 revoke a licensee's license if:

7 (1) The license was granted upon an application or docu-
8 ments supporting such application which materially misstated
9 the terms of the applicant's qualifications or experience;

10 (2) The licensee subscribed or vouched for a material
11 misstatement by an applicant;

12 (3) The licensee incompetently or unsafely performs
13 electrical work;

14 (4) The licensee violated any statute of the state of West
15 Virginia, any rule lawfully promulgated by an agency of the
16 state of West Virginia or any ordinance of any municipality or
17 county of the state of West Virginia which protects the con-
18 sumer or public against unfair, unsafe, unlawful or improper
19 business practices; or

20 (5) The licensee fails to comply with any rule of the state
21 fire marshal promulgated to fulfill his responsibilities under this
22 article.

23 (c) Any person aggrieved by an order or decision of the
24 state fire marshal under this article is entitled to judicial review
25 as provided by section eighteen, article three of this chapter and
26 by chapter twenty-nine-a of this code.

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

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

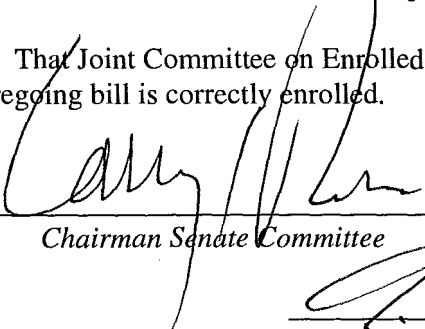
12 Each day during which such electrical work is performed
13 without the required license or while in noncompliance with
14 any of the provisions of this article, after official notice that
15 such work is unlawful, is a separate offense.

16 Any electrical work performed by a person, firm or
17 corporation which is determined by the state fire marshal to
18 constitute a safety or health hazard to members of the public or
19 any electrical work of an extensive nature being performed by
20 any person without the required license or otherwise in non-
21 compliance with the requirements of this article or contrary to
22 an order or rule promulgated lawfully by the state fire marshal,
23 is subject to being issued a citation or a civil action in the name
24 of the state in the circuit court of the county where such work
25 is being performed for an injunction against such person, firm
26 or corporation, enjoining such work or violation. A circuit court
27 by mandatory or prohibitory injunction may compel compliance
28 with the provisions of this article, with the lawful orders of the
29 state fire marshal and with any final decision of the state fire
30 marshal or state fire commission. The state fire marshal shall be
31 represented in all such proceedings by the attorney general or
32 his assistants.

§29-3B-10. Disposition of fees, fines and other receipts.

1 All fees shall be paid to the state fire marshal. All fines
2 shall be paid into the general revenue of the state. Such receipts
3 shall be deposited by him in a special account with the state
4 treasurer for the use of the state fire marshal as provided in
5 subsection (c), section twelve-b, article three of this chapter.

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



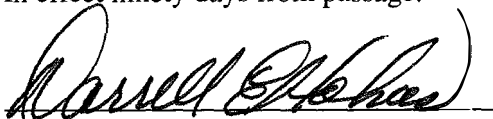
Chairman Senate Committee



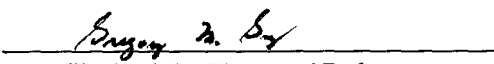
Chairman House Committee

Originating in the House.

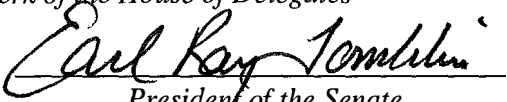
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

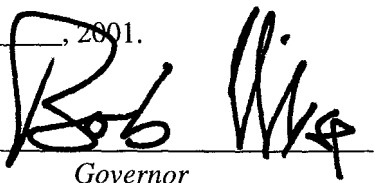


President of the Senate



Speaker of the House of Delegates

The within is approved this the 2nd
day of May, 2001.



Governor

PRESENTED TO THE

GOVERNOR

Date 4/21/01

Time 2:00 pm