

VETO 509

FILED

2001 MAY -2 P 11: 40

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE



ENROLLED

SENATE BILL NO. 509

(By Senator Snyder)



PASSED April 12, 2001

In Effect 90 days from Passage

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Senate Bill No. 509

(BY SENATOR SNYDER)

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

AN ACT to amend chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article three-c, relating to certification of electrical inspectors by the state fire commission; promulgation of rules; guidelines; definitions; prohibited acts; providing for enforcement of article by the state fire marshal; suspension or revocation of certification; and criminal penalties.

Be it enacted by the Legislature of West Virginia:

That chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article three-c, to read as follows:

ARTICLE 3C. CERTIFICATION OF ELECTRICAL INSPECTORS.

§29-3C-1. Purpose.

1 This article is intended to protect the health, safety and
2 welfare of the public and to protect public and private
3 property by assuring the competence of persons who
4 perform electrical inspections of dwellings and other
5 structures through certification by the state fire marshal.

§29-3C-2. Requiring rules; procedures; fees.

1 The state fire commission shall propose rules, for
2 legislative approval, providing for the certification of
3 electrical inspectors in accordance with the provisions of
4 article three, chapter twenty-nine-a of this code. The rules
5 shall provide standards and procedures for certification,
6 including definitions; receipt of application for certifica-
7 tion; examination; fee schedules; standards, qualifications
8 and experience; receipt of complaints; and revocation and
9 suspension. The procedures established in the rules are
10 subject to applicable provisions of article one, chapter
11 thirty of this code: *Provided*, That the board of examina-
12 tion and registration for certified electrical inspectors is
13 designated to be the state fire marshal. The initial fee for
14 certification as an electrical inspector is one hundred
15 dollars. Thereafter, certification, renewal and incidental
16 fees may be set by the rules.

**§29-3C-3. Definitions; guidelines for standards, qualification
and experience.**

1 (a) As used in this article, the term "certified electrical
2 inspector" means a person in good standing with the
3 requirements of this article who is certified by the state
4 fire marshal as qualified to perform electrical inspections.
5 The term "electrical inspection" means any inspection
6 required by this code and any inspection of a building to
7 which electrical service is connected, wherein the inspec-
8 tor certifies that the electrical system in the building is in
9 compliance with the national electrical code, state fire
10 code and the state building code. As used in this article,
11 "electrical inspector" does not include an inspector
12 employed by the office of miners' health, safety and

13 training pursuant to the provisions of section eleven,
14 article one, chapter twenty-two-a of this code.

15 (b) The standards, qualification and experience required
16 to be certified as an electrical inspector are subject to the
17 following guidelines:

18 (1) The state fire marshal shall deny certification to any
19 applicant who fails to pass the required examination or
20 who fails to establish that he or she holds any other
21 required qualification for certification established pursu-
22 ant to the rules.

23 (2) On and after the first day of July, two thousand one,
24 an applicant for initial certification or renewal of certifi-
25 cation must be a licensed master electrician in order to
26 qualify as a certified electrical inspector pursuant to the
27 rule promulgated in accordance with section two of this
28 article.

§29-3C-4. Suspension or revocation of certification; prohibited acts.

1 (a) The state fire marshal may, upon complaint, upon a
2 request or referral by the public service commission, or
3 upon his or her own inquiry, subject to the provisions of
4 article one, chapter thirty of this code, suspend or revoke
5 the certification of any person upon a finding that:

6 (1) The certification was granted upon an application, or
7 upon documents supporting the application, that materi-
8 ally misstated the applicant's qualifications or experience;

9 (2) The certified electrical inspector knowingly sub-
10 scribed to or vouched for a misstatement by an applicant
11 for certification;

12 (3) The certified electrical inspector incompetently
13 performed an electrical inspection; or

14 (4) The certified electrical inspector failed to comply
15 with a material provision of this article or any rule of the

16 state fire commission duly promulgated in furtherance of
17 this article.

18 (b) An electrical inspector may neither approve nor
19 disapprove work of which he or she does not have personal
20 knowledge. He or she shall refrain from engaging in
21 misrepresentation of his or her authority or responsibility.
22 He or she may not use his or her certification as an electri-
23 cal inspector to secure special favors or treatment. If he or
24 she has knowledge of violations of the rules of the state
25 fire marshal or state fire commission or of this code, he or
26 she shall submit the information, together with available
27 evidence, to the state fire marshal.

28 (c) An electrical inspector may not inspect any electrical
29 installation for which he or she has performed any part of
30 the work. A person may not perform an electrical inspec-
31 tion of any work furnished by a private contractor that
32 employs him or her on a full-time, part-time or incidental
33 basis, nor commit a conflict of interest under West Vir-
34 ginia law: *Provided*, That an employee of a contractor
35 performing electrical installation may inspect electrical
36 work performed by other employees of the same employer,
37 so long as the inspection is not intended to be relied on by
38 any person other than the employer and so long as the
39 electrical inspector does not certify to an electric utility or
40 to any person that the work is in compliance with applica-
41 ble building codes, electrical codes or other standards.

**§29-3C-5. Noncompliance with article; failure to obtain certifi-
cation; penalty.**

1 (a) Any person performing electrical inspections as
2 defined in this article without obtaining the required
3 certification is, for the first offense, guilty of a misde-
4 meanor and, upon conviction thereof, shall be fined not
5 less than one hundred fifty nor more than two hundred
6 dollars or confined in the county or regional jail for not
7 more than ninety days, or both fined and confined. For a
8 second offense and each subsequent offense, the penalty is

9 a fine of not less than three hundred dollars nor more than
10 eight hundred dollars or confined in the county or regional
11 jail for not more than ninety days, or both fined and
12 confined.

13 (b) Any person performing electrical inspection without
14 the required certification is subject to being issued a
15 citation or a civil action, in the name of the state, in the
16 circuit court of the county where the inspection is per-
17 formed for an injunction against the person. A circuit
18 court by mandatory or prohibitory injunction may compel
19 compliance with this article, with the lawful order of the
20 state fire marshal, and with any final decision of the state
21 fire marshal or state fire commission. The state fire
22 marshal shall be represented in magistrate court by the
23 prosecuting attorney of the county and in the circuit court
24 by the prosecuting attorney, the attorney general or his or
25 her assistants.

§29-3C-6. Disposition of fees and other receipts.

1 All fees or other moneys received as a result of actions
2 under this article shall be paid to the state fire marshal
3 and deposited to a special account in the state treasury
4 and used for the purposes of this article and article three,
5 chapter twenty-nine of this code.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within disapproved bill this the 2

Day of May, 2001.

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/24/01

Time 11:15 am