WEST VIRGINIA LEGISLATURE

ENROLLED

SENATE BILL NO. 509

(By Senator Snyder)

PASSED April 12, 2001

In Effect 90 days from Passage
ENROLLED

Senate Bill No. 509

(BY SENATOR SNYDER)

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

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

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

The state fire commission shall propose rules, for legislative approval, providing for the certification of electrical inspectors in accordance with the provisions of article three, chapter twenty-nine-a of this code. The rules shall provide standards and procedures for certification, including definitions; receipt of application for certification; examination; fee schedules; standards, qualifications and experience; receipt of complaints; and revocation and suspension. The procedures established in the rules are subject to applicable provisions of article one, chapter thirty of this code: Provided, That the board of examination and registration for certified electrical inspectors is designated to be the state fire marshal. The initial fee for certification as an electrical inspector is one hundred dollars. Thereafter, certification, renewal and incidental fees may be set by the rules.

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

(a) As used in this article, the term “certified electrical inspector” means a person in good standing with the requirements of this article who is certified by the state fire marshal as qualified to perform electrical inspections. The term “electrical inspection” means any inspection required by this code and any inspection of a building to which electrical service is connected, wherein the inspector certifies that the electrical system in the building is in compliance with the national electrical code, state fire code and the state building code. As used in this article, “electrical inspector” does not include an inspector employed by the office of miners' health, safety and
training pursuant to the provisions of section eleven, article one, chapter twenty-two-a of this code.

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

(1) The state fire marshal shall deny certification to any applicant who fails to pass the required examination or who fails to establish that he or she holds any other required qualification for certification established pursuant to the rules.

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

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

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

(1) The certification was granted upon an application, or upon documents supporting the application, that materially misstated the applicant’s qualifications or experience;

(2) The certified electrical inspector knowingly subscribed to or vouched for a misstatement by an applicant for certification;

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

(4) The certified electrical inspector failed to comply with a material provision of this article or any rule of the
state fire commission duly promulgated in furtherance of this article.

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

(c) An electrical inspector may not inspect any electrical installation for which he or she has performed any part of the work. A person may not perform an electrical inspection of any work furnished by a private contractor that employs him or her on a full-time, part-time or incidental basis, nor commit a conflict of interest under West Virginia law: Provided, That an employee of a contractor performing electrical installation may inspect electrical work performed by other employees of the same employer, so long as the inspection is not intended to be relied on by any person other than the employer and so long as the electrical inspector does not certify to an electric utility or to any person that the work is in compliance with applicable building codes, electrical codes or other standards.

§29-3C-5. Noncompliance with article; failure to obtain certification; penalty.

(a) Any person performing electrical inspections as defined in this article without obtaining the required certification is, for the first offense, guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred fifty nor more than two hundred dollars or confined in the county or regional jail for not more than ninety days, or both fined and confined. For a second offense and each subsequent offense, the penalty is
a fine of not less than three hundred dollars nor more than
eight hundred dollars or confined in the county or regional
jail for not more than ninety days, or both fined and
confined.

(b) Any person performing electrical inspection without
the required certification 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 the inspection is per-
formed for an injunction against the person. A circuit
court by mandatory or prohibitory injunction may compel
compliance with this article, with the lawful order 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 magistrate court by the
prosecuting attorney of the county and in the circuit court
by the prosecuting attorney, the attorney general or his or
her assistants.

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

All fees or other moneys received as a result of actions
under this article shall be paid to the state fire marshal
and deposited to a special account in the state treasury
and used for the purposes of this article and article three,
chapter twenty-nine of this code.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

[Signature]

Chairman House Committee

[Signature]

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

[Signature]

Clerk of the House of Delegates

[Signature]

President of the Senate

[Signature]

Speaker House of Delegates

[Signature]

The within .............. bill .............. this the 2

Governor

[Signature]
PRESENTED TO THE

GOVERNOR

Date 2/16/61

Time 11:15 AM