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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1110 Session of  
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APRIL 6, 2021

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, APRIL 6, 2021

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AN ACT

1 Providing for licensure of electrical contractors, electricians  
2 and apprentice electricians; establishing the State Board of  
3 Electrical Licensure; providing for powers and duties of the  
4 board; establishing fees, fines and penalties; and making an  
5 appropriation.

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1 context clearly indicates otherwise:

2 "Board." The State Board of Electrical Licensure.

3 "Commissioner." The Commissioner of Professional and  
4 Occupational Affairs within the department.

5 "Conviction." The term includes a judgment, an admission of  
6 guilt or a plea of nolo contendere.

7 "Department." The Department of State of the Commonwealth.

8 "Director." The Director of the Bureau of Consumer  
9 Protection in the Office of Attorney General or a designee.

10 "Electrical services." The installation, erection, repair,  
11 removal, maintenance, demolition or alteration of a component of  
12 a premises wiring system as defined in the National Electrical  
13 Code, including work performed on all components of electrical  
14 equipment and systems in buildings and structures and on  
15 premises, on a temporary basis or permanently, for the  
16 generation, transmission, distribution and utilization of  
17 electrical energy. The term does not include installations under  
18 the exclusive control of an electric utility for the purpose of  
19 communications, metering, generation, control, transformation or  
20 distribution of electrical energy on the line side of the  
21 service point.

22 "Licensed apprentice electrician." An individual who is  
23 registered as an apprentice under the act of July 14, 1961  
24 (P.L.604, No.304), known as The Apprenticeship and Training Act,  
25 and licensed by the State Board of Electrical Licensure as an  
26 individual whose principal occupation is learning and assisting  
27 in the performance of electrical services.

28 "Licensed electrical contractor." An individual who is  
29 licensed by the State Board of Electrical Licensure and engages  
30 in the business of contracting to perform electrical services.

1 "Licensed electrician." An individual who is licensed by the  
2 State Board of Electrical Licensure and is authorized to perform  
3 electrical services.

4 "Premises wiring system." As follows:

5 (1) Interior and exterior wiring, including power,  
6 lighting, control and signal circuit wiring together with all  
7 associated hardware, fittings and wiring devices, both  
8 permanently and temporarily installed, including:

9 (i) Wiring from the service point or power source to  
10 the outlets, including all electrical raceways, cable  
11 assemblies, enclosures, conductors, generation equipment,  
12 utilization/distribution equipment, hangers, supports,  
13 devices and all other parts and components used in  
14 systems to transmit electricity in or on buildings,  
15 structures or on premises.

16 (ii) Wiring from and including the power source to  
17 the outlets where there is no service point.

18 (2) Wiring under paragraph (1) does not include wiring  
19 internal to appliances, luminaries, motors, controllers,  
20 motor control centers and similar equipment.

21 "Service point." The point of connection between the  
22 facilities of a serving utility and a premises wiring system.

### 23 CHAPTER 3

#### 24 STATE BOARD OF ELECTRICAL LICENSURE

25 Section 301. Board.

26 (a) Establishment.--The State Board of Electrical Licensure  
27 is established within the department.

28 (b) Composition.--The board shall consist of the following:

29 (1) The commissioner.

30 (2) The director.

1 (3) Two public members.

2 (4) One electrical inspector with a minimum of five  
3 years' experience inspecting electrical services.

4 (5) Eight professional members as follows:

5 (i) Two professional members must be electrical  
6 contractors subject to collective bargaining agreements.

7 (ii) Two professional members must be electricians  
8 not subject to collective bargaining agreements.

9 (iii) Two professional members must be electrical  
10 contractors not subject to collective bargaining  
11 agreements.

12 (iv) Two professional members must be electricians  
13 subject to collective bargaining agreements.

14 (v) The professional members must have been actively  
15 engaged in providing electrical services in this  
16 Commonwealth for at least 10 years immediately preceding  
17 appointment.

18 (vi) Except as specified in subsection (e),  
19 professional members must be licensed under this act as  
20 an electrical contractor or electrician.

21 (c) Meeting.--The board shall meet within 30 days after the  
22 appointment of the board's initial members and shall:

23 (1) Establish procedures for the board's operation and  
24 administration of this act.

25 (2) Develop application forms for licensure.

26 (3) Circulate application forms.

27 (4) Educate the public regarding the requirements of  
28 this act and providing electrical services in this  
29 Commonwealth.

30 (d) Term of membership.--Except for the commissioner and the

1 director or a designee, the following apply to members of the  
2 board:

3 (1) Members shall be appointed by the Governor with the  
4 advice and consent of the Senate.

5 (2) Members must be citizens of the United States and  
6 residents of this Commonwealth.

7 (3) Except as provided in paragraph (4), members shall  
8 serve a term of four years or until a successor has been  
9 appointed and qualified, but in no event longer than six  
10 months beyond the four-year period. In the event that a  
11 member dies or resigns or otherwise is disqualified during  
12 the term of office, a successor shall be appointed in the  
13 same manner and with the same qualifications as the former  
14 member and shall hold office for the remainder of the  
15 unexpired term. A member shall not be eligible to hold more  
16 than two consecutive terms.

17 (4) Members first appointed to the board under this act  
18 shall serve terms of office as follows:

19 (i) Five members shall serve for terms of four  
20 years.

21 (ii) Four members shall serve for terms of three  
22 years.

23 (iii) Two members shall serve for terms of two  
24 years.

25 (e) Professional members and initial appointments.--Within  
26 180 days of the effective date of this section, the Governor  
27 shall nominate eleven members to initial terms under subsection  
28 (d) (4). A professional member first appointed to the board under  
29 this act need not be licensed at the time of appointment but  
30 must satisfy eligibility requirements for licensure as provided

1 in this act.

2 (f) Quorum.--A majority of the current members of the board  
3 shall constitute a quorum. Except for temporary and automatic  
4 suspensions under section 705, a member may not be counted as  
5 part of a quorum or vote on any issue unless the member is  
6 physically in attendance at the meeting.

7 (g) Chairperson.--The board shall annually select a  
8 chairperson from among the board's members.

9 (h) Expenses.--With the exception of the commissioner and  
10 the director, each member of the board shall receive \$60 per  
11 diem when actually attending to the work of the board. A member  
12 shall also receive the amount of reasonable travel, hotel and  
13 other necessary expenses incurred in the performance of the  
14 member's duties in accordance with Commonwealth regulations.

15 (i) Forfeiture.--Except for the commissioner and the  
16 director, a member who fails to attend three consecutive  
17 meetings shall forfeit the member's seat unless the  
18 commissioner, upon written request from the member, finds the  
19 member should be excused from a meeting because of illness or  
20 the death of a family member.

21 (j) Training seminars.--Except for the commissioner and the  
22 director, a member who fails to attend two consecutive  
23 statutorily mandated training seminars in accordance with  
24 section 813(e) of the act of April 9, 1929 (P.L.177, No.175),  
25 known as The Administrative Code of 1929, shall forfeit the  
26 member's seat unless the commissioner, upon written request from  
27 the member, finds that the member should be excused from a  
28 meeting because of illness, the death of a family member or  
29 another legitimate reason acceptable to the commissioner.

30 (k) Frequency of meetings.--The board shall meet at least

1 four times a year in the City of Harrisburg and at such  
2 additional times as may be necessary to conduct the business of  
3 the board.

4 Section 302. Powers and duties of board.

5 The board shall have the following powers and duties:

6 (1) To provide for and regulate the licensing of  
7 individuals engaged in the provision of electrical services.

8 (2) To issue, renew, reinstate, refuse to renew, suspend  
9 and revoke licenses as provided for in this act.

10 (3) To administer and enforce the provisions of this  
11 act.

12 (4) To contract with a professional testing organization  
13 to administer tests to qualified applicants seeking to be  
14 licensed as licensed electrical contractors, electricians or  
15 apprentice electricians as provided in this act. Written,  
16 oral or practical examinations shall be prepared and  
17 administered by a qualified and approved professional testing  
18 organization in the manner prescribed for written  
19 examinations in section 812.1 of the act of April 9, 1929  
20 (P.L.177, No.175), known as The Administrative Code of 1929.

21 (5) To investigate applications for licensure and to  
22 determine the eligibility of an individual applying for  
23 licensure.

24 (6) To promulgate and enforce regulations, not  
25 inconsistent with this act, as necessary only to carry into  
26 effect the provisions of this act. This paragraph includes  
27 the setting of fees and the amount of professional liability  
28 insurance required by licensed electrical contractors.  
29 Regulations shall be adopted in conformity with the  
30 provisions of the act of July 31, 1968 (P.L.769, No.240),



1 referred to as the Commonwealth Documents Law, and the act of  
2 June 25, 1982 (P.L.633, No.181), known as the Regulatory  
3 Review Act.

4 (7) To keep minutes and records of all transactions and  
5 proceedings.

6 (8) To keep and maintain a registry of individuals  
7 licensed by the board. The board shall provide access to the  
8 registry to the public, including making the registry  
9 available via electronic means.

10 (9) To submit annually to the department an estimate of  
11 financial requirements of the board for administrative, legal  
12 and other expenses.

13 (10) To annually submit a report to the Consumer  
14 Protection and Professional Licensure Committee of the Senate  
15 and the Professional Licensure Committee of the House of  
16 Representatives. The report shall include a description of  
17 the types of complaints reviewed, the status of cases, the  
18 action which has been taken and the length of time from  
19 initial complaint to final resolution.

20 (11) To submit annually to the Appropriations Committee  
21 of the Senate and the Appropriations Committee of the House  
22 of Representatives, 15 days after the Governor has submitted  
23 a budget to the General Assembly, a copy of the budget  
24 request for the upcoming fiscal year that the board  
25 previously submitted to the department.

26 CHAPTER 5

27 LICENSURE

28 Section 501. Licensure.

29 (a) General rule.--Except as provided in subsections (d) and  
30 (g), no individual may provide electrical services, offer

1 himself for employment as an individual who may provide  
2 electrical services or hold himself or herself out as an  
3 individual authorized to provide electrical services unless  
4 licensed as a licensed electrician by the board.

5 (b) Business entities.--Subject to subsection (g), no  
6 individual, corporation, partnership, firm or other entity may:

7 (1) Contract to provide electrical services unless the  
8 individual, corporation, partnership, firm or other entity is  
9 licensed as a licensed electrical contractor in accordance  
10 with this act.

11 (2) Enter into a contract for the provision of  
12 electrical services with an individual, corporation,  
13 partnership, firm or other entity that is not licensed as a  
14 licensed electrical contractor under this act.

15 (3) Employ an individual to provide electrical services  
16 or direct an individual to provide electrical services unless  
17 the individual is licensed under this act.

18 (4) Use the terms "licensed electrician" or "licensed  
19 electrical contractor" or another derivative in connection  
20 with the entity unless at least one employee or the owner of  
21 the entity is licensed as a licensed electrician or licensed  
22 electrical contractor in accordance with this act.

23 (c) Title.--An individual, corporation, partnership, firm or  
24 other entity who holds a license as:

25 (1) A licensed electrical contractor, or a licensed  
26 electrical contractor who is maintained on inactive status  
27 under section 506(b), shall have the right to use the title  
28 "licensed electrical contractor" and the abbreviation  
29 "L.E.C." No other individual, corporation, partnership, firm  
30 or other entity may use the title "licensed electrical

1 contractor" or the abbreviation "L.E.C."

2 (2) A licensed electrician, or a licensed electrician  
3 who is maintained on inactive status under section 506(b),  
4 shall have the right to use the title "licensed electrician"  
5 and the abbreviation "L.E." No other individual may use the  
6 title "licensed electrician" or the abbreviation "L.E."

7 (3) A licensed apprentice electrician or a licensed  
8 apprentice electrician who is maintained on inactive status  
9 under section 506(b) shall have the right to use the title  
10 "licensed apprentice electrician" and the abbreviation  
11 "L.A.E." No other individual may use the title "licensed  
12 apprentice electrician" or the abbreviation "L.A.E."

13 (d) Apprentice.--A licensed apprentice electrician may hold  
14 himself out as being authorized to provide electrical services  
15 if the licensed apprentice electrician works under the direct  
16 onsite supervision of a licensed electrician, including a  
17 licensed electrical contractor.

18 (e) Responsibility.--A licensed electrical contractor shall  
19 be responsible for inspecting and supervising electrical  
20 services performed by licensed electricians and licensed  
21 apprentice electricians employed to execute the contract.

22 (f) Public notice of licensure.--

23 (1) A licensed electrical contractor shall prominently  
24 display the license number to the public on the official  
25 advertisements, contracts and proposals, letterhead and  
26 vehicles and via any other reasonable means determined by the  
27 board.

28 (2) An individual licensed under this act shall be  
29 required to carry proof of licensure at all times while  
30 performing electrical services. Proof of licensure shall be

1 presented to any code official, emergency responder or law  
2 enforcement official upon request.

3 (3) The manner and means by which the license  
4 information must be displayed and furnished shall be  
5 established by regulation of the board.

6 (g) Exceptions to licensure.--This act shall not apply to  
7 and a license shall not be required for the following:

8 (1) The replacement of lamps and fuses.

9 (2) The connection of portable electronic appliances to  
10 permanently installed receptacles.

11 (3) The installation, erection, repair, maintenance,  
12 removal, demolition or alteration of electrical equipment or  
13 electrical systems for generation, transmission, distribution  
14 or utilization of electrical energy in structures,  
15 facilities, buildings or premises owned or operated by a  
16 railway or the Federal Government.

17 (4) Commercial radio and television transmission  
18 equipment.

19 (5) The installation, erection, repair, maintenance,  
20 removal, demolition or alteration of electrical equipment or  
21 electrical systems for the generation, transmission,  
22 distribution or utilization of electrical energy of less than  
23 10 volts.

24 (6) The installation, erection, repair, maintenance,  
25 removal, demolition or alteration of electrical equipment  
26 under the exclusive control of a public utility or electrical  
27 cooperative corporation where the equipment:

28 (i) consists of service drops or service laterals  
29 and associated metering;

30 (ii) is located in legally established easements or

1 rights-of-way designated or recognized by public service  
2 commissions, utility commissions, political subdivisions  
3 or other regulatory agencies having jurisdiction for such  
4 installations; or

5 (iii) is located on property owned or leased by the  
6 public utility or electrical cooperative corporation for  
7 the purpose of communications, metering, generation,  
8 control, transformation, transmission or distribution of  
9 electrical energy.

10 Section 502. Qualifications.

11 (a) Licensed electrical contractor.--To be eligible for  
12 licensure as a licensed electrical contractor, an applicant must  
13 fulfill the following requirements:

14 (1) Be of good moral character.

15 (2) Be at least 22 years of age.

16 (3) Submit satisfactory proof to the board that the  
17 applicant has done one of the following:

18 (i) Successfully completed a program as a licensed  
19 apprentice electrician.

20 (ii) Successfully completed a program recognized by  
21 the board that trains individuals to provide electrical  
22 services.

23 (iii) Acquired training and experience equivalent to  
24 that specified in subparagraph (i) or (ii), as determined  
25 by regulation of the board.

26 (4) Pay the fee set by the board.

27 (5) Pass the examination provided by the board.

28 (6) Submit satisfactory proof to the board that the  
29 applicant has worked at least 10,000 hours in electrical  
30 construction.

1           (7) Submit satisfactory proof to the board of the  
2 acquisition of professional liability insurance in an amount  
3 set by the board.

4           (b) Licensed electrician.--To be eligible for licensure as a  
5 licensed electrician, an applicant must fulfill the following  
6 requirements:

7           (1) Be of good moral character.

8           (2) Be at least 20 years of age.

9           (3) Submit satisfactory proof to the board that the  
10 applicant has done one of the following:

11           (i) Successfully completed a program as a licensed  
12 apprentice electrician.

13           (ii) Completed a program recognized by the board  
14 that trains individuals to provide electrical services.

15           (iii) Acquired training and experience equivalent to  
16 that specified in subparagraph (i) or (ii), as determined  
17 by regulation of the board.

18           (4) Pay the fee set by the board.

19           (5) Pass the examination provided by the board.

20           (c) Licensed apprentice electrician.--To be eligible for  
21 licensure as a licensed apprentice electrician, an applicant  
22 must fulfill the following requirements:

23           (1) Be of good moral character.

24           (2) Be at least 16 years of age.

25           (3) Register with the Department of Labor and Industry  
26 as specified in the act of July 14, 1961 (P.L.604, No.304),  
27 known as The Apprenticeship and Training Act. The applicant  
28 shall submit proof of current registration to the board.

29           (4) Pay the fee set by the board.

30           (d) Renewal of license of licensed apprentice electrician.--

1           (1) In the case of a licensed apprentice electrician  
2 applying for renewal of a license where registration under  
3 subsection (c) (3) has expired or otherwise lapsed before the  
4 biennial renewal cycle will expire, the licensed apprentice  
5 electrician shall submit evidence satisfactory to the board  
6 that the licensed apprentice electrician has renewed  
7 registration.

8           (2) Failure to notify the board within 30 days that  
9 registration has expired or otherwise lapsed shall subject  
10 the licensed apprentice electrician to disciplinary action.  
11 In the case of a licensed apprentice electrician whose  
12 registration has expired or otherwise lapsed, the license  
13 shall immediately be placed on inactive status by the board.

14           (3) The board shall promulgate regulations in order to  
15 carry out the provisions of this subsection, including  
16 regulations specifying the evidence necessary to demonstrate  
17 renewal of registration.

18           (e) Waiver of examination.--Notwithstanding the provisions  
19 of subsections (a) (5) and (b) (5), the board may grant a license  
20 to an individual applying for a license under this act without  
21 examination if:

22           (1) The individual applies within one year of the  
23 effective date of section 501.

24           (2) The individual meets the requirement of age and  
25 character and pays the required fee.

26           (3) For an individual applying for a license as a  
27 licensed electrician under this subsection, the individual  
28 either:

29           (i) submits proof satisfactory to the board of being  
30 a current holder of an electrician license issued by a

1 municipality of this Commonwealth, provided that the  
2 licensing requirements of the municipality are not less  
3 restrictive than this act or regulation of the board; or

4 (ii) submits proof satisfactory to the board of at  
5 least five years of prior experience providing electrical  
6 services.

7 (4) For an individual applying for a license as a  
8 licensed electrical contractor under this subsection, the  
9 individual submits proof satisfactory to the board of  
10 currently holding an electrical contractor license issued by  
11 a municipality of this Commonwealth.

12 (f) Convictions prohibited.--The board may not issue a  
13 license to an individual who has been convicted of a felonious  
14 act prohibited by the act of April 14, 1972 (P.L.233, No.64),  
15 known as The Controlled Substance, Drug, Device and Cosmetic  
16 Act, or convicted of a felony related to a controlled substance  
17 in a court of law of the United States or any other state,  
18 territory or country unless:

19 (1) At least 10 years have elapsed from the date of  
20 conviction.

21 (2) The individual satisfactorily demonstrates to the  
22 board that the individual has made significant progress in  
23 personal rehabilitation since the conviction such that  
24 licensure of the individual should not be expected to create  
25 a substantial risk of harm to the health and safety of the  
26 public or a substantial risk of further criminal violations.

27 (3) The individual otherwise satisfies the  
28 qualifications provided in this act. An individual's  
29 statement on the application declaring the absence of a  
30 conviction shall be deemed satisfactory evidence of the



1 absence of a conviction unless the board has evidence to the  
2 contrary.

3 (g) Death or disability of licensed electrical contractor  
4 and continuance of business.--In the event of the death, illness  
5 or other physical disability of a licensee who qualified a  
6 business as a licensed electrical contractor, a person may  
7 continue to conduct the business as an electrical contractor for  
8 at least six months following the date of the licensee's death,  
9 illness or other physical disability as long as the business is  
10 conducted under qualified supervision as the board deems  
11 adequate.

12 Section 503. Continuing education.

13 (a) Regulations.--

14 (1) The board shall adopt, promulgate and enforce rules  
15 and regulations consistent with the provisions of this act  
16 establishing continuing education to be met by individuals  
17 licensed as electrical contractors and electricians under  
18 this act. Regulations shall include any fees necessary for  
19 the board to carry out its responsibilities under this  
20 section.

21 (2) The board may waive all or part of the continuing  
22 education requirement for an individual who submits evidence  
23 satisfactory to the board that the individual was unable to  
24 complete the requirement due to illness, emergency, military  
25 service or other hardship.

26 (3) All courses, materials, locations and instructors  
27 shall be approved by the board.

28 (4) No credit may be given for a course in office  
29 management or practice building.

30 (b) Requirement.--Beginning with the licensure period

1 designated by regulation:

2 (1) An individual applying for renewal of a license as a  
3 licensed electrical contractor must obtain 24 hours of  
4 continuing education during the three calendar years  
5 immediately preceding the application for renewal.

6 (2) An individual applying for renewal of a license as a  
7 licensed electrician must obtain 12 hours of continuing  
8 education during the three calendar years immediately  
9 preceding the application for renewal.

10 Section 504. Liability insurance.

11 (a) General rule.--As a condition of triennial renewal, a  
12 licensed electrical contractor shall submit evidence  
13 satisfactory to the board of the acquisition and maintenance of  
14 professional liability insurance in the amount set by the board.

15 (b) Inactive status.--

16 (1) In the case of the insurance being revoked, canceled  
17 or otherwise lapsing, the licensed electrical contractor  
18 shall notify the board in writing within 30 days. In such a  
19 case, the board shall immediately place the license of a  
20 licensed electrical contractor on inactive status.

21 (2) Failure to notify the board in writing within 30  
22 days as required under paragraph (1) shall subject the  
23 licensed electrical contractor to disciplinary action.

24 Section 505. Licensed electrical contractors and electricians  
25 in other states.

26 (a) Reciprocity established.--Subject to subsection (b), the  
27 board may issue a license without examination to an individual  
28 who is licensed as an electrical contractor or electrician in  
29 any other state, territory or possession of the United States if  
30 all of the following requirements are met:

1           (1) The individual meets the requirements as to  
2 character, age and absence of convictions.

3           (2) The individual pays the required fee.

4           (3) The standards for licensure in the other state,  
5 territory or possession meet or exceed the standards  
6 specified in this act.

7           (b) Requirement.--For an individual to be eligible to apply  
8 for a license as a licensed electrical contractor or licensed  
9 electrician under subsection (a), the other state, territory or  
10 possession of the United States that licensed the individual  
11 must provide an opportunity for reciprocal licensure which is  
12 substantially similar to the opportunity provided by the  
13 Commonwealth under this section.

14 Section 506. Duration of license.

15           (a) Duration of license.--

16           (1) A license issued under this act shall be on a  
17 triennial basis. The triennial expiration date shall be  
18 established by regulation of the board.

19           (2) Application for renewal of a license shall  
20 triennially be forwarded to an individual holding a current  
21 license prior to the expiration date of the current  
22 triennium.

23           (3) For individuals applying for licensure or renewal of  
24 licensure as a licensed apprentice electrician, the  
25 application form must indicate whether registration as an  
26 apprentice under the act of July 14, 1961 (P.L.604, No.304),  
27 known as The Apprenticeship and Training Act, has expired or  
28 otherwise lapsed before the triennial renewal cycle will  
29 expire.

30           (b) Inactive status.--

1           (1) An individual licensed under this act may request an  
2 application for inactive status. The application form may be  
3 completed and returned to the board.

4           (2) Upon receipt of an application, the individual shall  
5 be maintained on inactive status without fee and shall be  
6 entitled to apply for a licensure renewal at any time.

7           (3) An individual who requests the board to activate the  
8 individual's license and has been on inactive status shall,  
9 prior to receiving an active license, satisfy the  
10 requirements of the board's regulations regarding continuing  
11 education and remit the required fee.

12           (4) In the case of a licensed apprentice electrician who  
13 is placed on inactive status under section 502(d), the  
14 licensed apprentice electrician shall provide evidence to the  
15 board of renewal of registration before the board may  
16 activate the license.

17           (5) The board shall promulgate regulations to carry into  
18 effect the provisions of this subsection.

19 Section 507. Reporting of multiple licensure.

20           (a) Duty to report.--A licensee who is licensed as an  
21 electrical contractor or electrician in another state,  
22 territory, or possession of the United States or another country  
23 shall report this information to the board on the triennial  
24 registration application. Disciplinary action taken in another  
25 state, territory, or possession of the United States or another  
26 country shall be reported to the board on the triennial  
27 registration application or within 90 days of final disposition,  
28 whichever is sooner.

29           (b) Notice to other states.--Multiple licensure shall be  
30 noted by the board on the individual's record and the state,

1 territory, or possession of the United States or another country  
2 that licensed the individual shall be notified by the board of  
3 disciplinary action taken against the licensee in this  
4 Commonwealth.

5 CHAPTER 7

6 ADMINISTRATION AND ENFORCEMENT

7 Section 701. Fees, fines and civil penalties.

8 (a) Fees.--

9 (1) Fees required under this act shall be fixed by the  
10 board by regulation and shall be subject to the act of June  
11 25, 1982 (P.L.633, No.181), known as the Regulatory Review  
12 Act.

13 (2) If the revenues raised by the fees, fines and civil  
14 penalties imposed under this act are insufficient to meet  
15 expenditures over a three-year period, the board shall  
16 increase those fees by regulation so that projected revenues  
17 will meet or exceed projected expenditures.

18 (b) Fee increase.--If the Bureau of Professional and  
19 Occupational Affairs determines that the fees established by the  
20 board under subsection (a) are insufficient to meet the minimum  
21 enforcement efforts required by this act, the Bureau of  
22 Professional and Occupational Affairs, after consultation with  
23 the board and subject to the Regulatory Review Act, shall  
24 increase the fees by regulation in an amount such that adequate  
25 revenues are raised to meet the required enforcement effort.

26 (c) Account.--Fees, fines and civil penalties imposed in  
27 accordance with this act shall be paid into the Professional  
28 Licensure Augmentation Account established under and for use in  
29 accordance with the act of July 1, 1978 (P.L.700, No.124), known  
30 as the Bureau of Professional and Occupational Affairs Fee Act.

1 (d) Renewal fee.--The board may charge a fee, as set by the  
2 board by regulation, for licensure, for renewing licensure and  
3 for other services of the board as permitted by this act or by  
4 regulation.

5 Section 702. Violations.

6 (a) General rule.--An individual or the responsible officer  
7 or employee of a corporation, partnership, firm or other entity  
8 who violates a provision of this act or a regulation of the  
9 board commits a misdemeanor of the third degree and shall, upon  
10 conviction, be sentenced to pay a fine of not more than \$2,000  
11 or to imprisonment for not more than six months for the first  
12 violation. For the second and each subsequent conviction, the  
13 person convicted shall be sentenced to pay a fine of not less  
14 than \$2,000 nor more than \$5,000 or to imprisonment for not less  
15 than six months nor more than one year, or both.

16 (b) Civil penalty.--In addition to any other civil remedy or  
17 criminal penalty provided for in this act, the board by a vote  
18 of the majority of the maximum number of the authorized  
19 membership of the board as provided by law or by a vote of the  
20 majority of the qualified and confirmed membership or a minimum  
21 of five members, whichever is greater, may levy a civil penalty  
22 of up to \$10,000 for any of the following:

23 (1) A licensee who violates a provision of this act or  
24 regulation of the board.

25 (2) An individual who performs or contracts to perform  
26 electrical services in violation of this act.

27 (3) An individual who holds himself or herself out as an  
28 individual authorized to perform electrical services without  
29 being properly licensed as provided for in this act.

30 (4) The responsible officers or employees of a

1 corporation, partnership, firm or other entity violating a  
2 provision of this act.

3 (c) Procedure.--The board shall levy the civil penalty  
4 specified in subsection (b) only after affording the accused the  
5 opportunity for a hearing as provided for in 2 Pa.C.S. (relating  
6 to administrative law and procedure).

7 Section 703. Suspension, revocation or refusal to issue  
8 license.

9 (a) General rule.--The board may refuse to issue, suspend or  
10 revoke a license in a case where the board finds:

11 (1) The licensee is negligent or incompetent in the  
12 performance of electrical services.

13 (2) The licensee is unable to perform electrical  
14 services with reasonable skill and safety by reason of mental  
15 or physical illness or condition or physiological or  
16 psychological dependence upon alcohol, hallucinogenic or  
17 narcotic drugs or other drugs which tend to impair judgment  
18 or coordination, as long as the dependence continues. The  
19 following apply:

20 (i) In enforcing this paragraph, the board may, upon  
21 probable cause, compel a licensee to submit to a mental  
22 or physical examination as designated by the board.

23 (ii) After notice, hearing, adjudication and appeal,  
24 failure of a licensee to submit to an examination when  
25 directed shall constitute an admission of the allegations  
26 unless failure is due to circumstances beyond the  
27 licensee's control, consequent upon which a default and  
28 final order may be entered without the taking of  
29 testimony or presentation of evidence.

30 (iii) An individual affected under this paragraph

1 shall at reasonable intervals be afforded the opportunity  
2 to demonstrate that the individual can resume competent,  
3 safe and skillful performance of electrical services.

4 (3) The licensee has violated a provision of this act or  
5 a regulation of the board.

6 (4) The licensee has committed fraud or deceit in:

7 (i) the performance of electrical services; or

8 (ii) securing licensure.

9 (5) The licensee has been convicted of a felony or a  
10 crime of moral turpitude or been convicted of a misdemeanor  
11 related to providing electrical services or received  
12 probation without verdict, disposition in lieu of trial or an  
13 Accelerated Rehabilitative Disposition in the disposition of  
14 felony charges in the courts of this Commonwealth, the United  
15 States, another state, territory or possession of the United  
16 States or another country.

17 (6) The licensee has had the licensee's license to  
18 practice as an electrician or electrical contractor suspended  
19 or revoked or has received other disciplinary action by the  
20 proper licensing authority in another state, territory or  
21 possession of the United States or another country.

22 (7) With respect to the provision of electrical  
23 services, the licensee has acted in such a manner as to  
24 present an immediate and clear danger to health, safety or  
25 property.

26 (8) The licensed electrical contractor failed to  
27 properly direct and supervise licensed electricians and  
28 licensed apprentice electricians who perform under a  
29 contract.

30 (9) In the case of a licensed electrician responsible



1 for the direct onsite supervision of a licensed apprentice  
2 electrician, the licensed electrician failed to provide the  
3 proper supervision.

4 (10) The licensee possessed, used, acquired or  
5 distributed a controlled substance.

6 (11) The licensee has been guilty of unprofessional  
7 conduct, including departure from or failing to conform to  
8 operating practices or professional standards embraced by the  
9 licensed electricians' community in this Commonwealth and  
10 failing to conform to recognized electrical safety standards,  
11 including the National Electrical Code in effect in this  
12 Commonwealth, and applicable municipal ordinances related to  
13 health and safety. In a proceeding based on this paragraph,  
14 actual injury to a person or damage to property need not be  
15 established.

16 (12) The licensee falsely advertised or made misleading,  
17 deceptive, untrue or fraudulent material representations  
18 regarding licensure or in the performance of electrical  
19 services.

20 (13) Unless waived by the board in accordance with  
21 section 503, the licensee failed to satisfy the continuing  
22 education requirements of this act.

23 (b) Acts authorized.--When the board finds that the license  
24 of an individual may be refused, suspended or revoked under  
25 subsection (a), the board may:

26 (1) Deny the application for a license.

27 (2) Impose a fine.

28 (3) Administer a public reprimand.

29 (4) Suspend, revoke, limit or otherwise restrict a  
30 license.

1           (5) Require a licensee to submit to the care, counseling  
2 or treatment of a physician or a psychologist designated by  
3 the board.

4           (6) Suspend enforcement of the board's finding and place  
5 a licensee on probation with the right to vacate the  
6 probationary order for noncompliance.

7           (7) Restore or reissue, at the board's discretion, a  
8 suspended license and impose any disciplinary or corrective  
9 measure which the board might originally have imposed.

10 Section 704. Suspensions and revocations.

11       A suspension or revocation shall be made only in accordance  
12 with the regulations of the board and only by majority vote of  
13 the members of the board after a hearing. An action of the board  
14 shall be taken subject to the right of notice, hearing and  
15 adjudication and the right of appeal, in accordance with the  
16 provisions of 2 Pa.C.S. (relating to administrative law and  
17 procedure). The board, by majority action and in accordance with  
18 the board's regulations, may reissue a license which has been  
19 suspended. If a license has been revoked, the board shall  
20 reissue a license only in accordance with section 706.

21 Section 705. Temporary and automatic suspensions.

22       (a) Procedure.--

23           (1) A license issued under this act may be temporarily  
24 suspended under circumstances determined by the board to be  
25 an immediate and clear danger to public health, safety or  
26 property. The board shall issue an order of temporary  
27 suspension without a hearing, but upon due notice, to the  
28 licensee concerned at the licensee's last known address,  
29 which shall include a written statement of all allegations  
30 against the licensee. The provisions of section 704 shall not

1 apply to temporary suspension.

2 (2) The board shall commence formal action to suspend,  
3 revoke or restrict the license of the individual as otherwise  
4 provided for in this act.

5 (3) All actions shall be taken promptly and without  
6 delay.

7 (4) Within 30 days following the issuance of an order  
8 temporarily suspending a license, the board shall conduct or  
9 cause to be conducted a preliminary hearing to determine if  
10 there is a prima facie case supporting the suspension. The  
11 individual whose license has been temporarily suspended may  
12 be present at the preliminary hearing and may be represented  
13 by counsel, cross-examine witnesses, inspect physical  
14 evidence, call witnesses, offer evidence and testimony and  
15 make a record of the proceedings.

16 (5) If it is determined that there is not a prima facie  
17 case, the suspended license shall be immediately restored.  
18 The temporary suspension shall remain in effect until vacated  
19 by the board, but in no event longer than 180 days.

20 (b) Commitment of licensee.--

21 (1) A license issued under this act shall automatically  
22 be suspended upon:

23 (i) the legal commitment of a licensee to an  
24 institution because of mental incapacity from any cause  
25 upon filing with the board a certified copy of the legal  
26 commitment;

27 (ii) conviction of a felony under the act of April  
28 14, 1972 (P.L.233, No.64), known as The Controlled  
29 Substance, Drug, Device and Cosmetic Act; or

30 (iii) conviction of an offense under the laws of

1 another jurisdiction, which, if committed in this  
2 Commonwealth, would be a felony under The Controlled  
3 Substance, Drug, Device and Cosmetic Act.

4 (2) Automatic suspension under this subsection may not  
5 be stayed pending an appeal of a conviction.

6 (3) Restoration of the license shall be made as provided  
7 in the case of revocation or suspension of a license.

8 Section 706. Reinstatement of license.

9 Unless ordered to do so by Commonwealth Court or an appeal  
10 therefrom, the board may not reinstate an individual's license  
11 that has been revoked. An individual whose license has been  
12 revoked may reapply for a license after a period of at least  
13 five years but must meet all of the licensing requirements of  
14 this act.

15 Section 707. Surrender of suspended or revoked license.

16 An individual whose license has been suspended or revoked  
17 shall return the license in such manner as the board directs.  
18 Failure to surrender the license, shall be a misdemeanor of the  
19 third degree.

20 Section 708. Injunction.

21 Whenever, in the judgment of the board, a person has engaged  
22 in an act or practice that constitutes or will constitute a  
23 violation of this act, the board or its agents may make  
24 application to the appropriate court for an order enjoining the  
25 act or practice. Upon a showing by the board that the person has  
26 engaged or is about to engage in the act or practice, an  
27 injunction, restraining order or such order as may be  
28 appropriate shall be granted by the court. The remedy by  
29 injunction is in addition to any other civil or criminal  
30 prosecution and punishment.

1 Section 709. Subpoenas and oaths.

2 (a) Authority granted.--

3 (1) The board may issue subpoenas, upon application of  
4 an attorney responsible for representing the Commonwealth in  
5 disciplinary matters before the board, for the purpose of  
6 investigating alleged violations of this act or regulation of  
7 the board. The board may subpoena witnesses, administer  
8 oaths, examine witnesses and take such testimony or compel  
9 the production of such books, records, papers and documents  
10 as the board may deem necessary or proper in and pertinent to  
11 any proceeding, investigation or hearing held or had by it.

12 (2) The board may apply to Commonwealth Court to enforce  
13 its subpoenas.

14 (3) The court may impose limitations in the scope of the  
15 subpoena as is necessary to prevent unnecessary intrusion  
16 into client confidential information.

17 (b) Disciplinary matters.--An attorney authorized to  
18 represent the Commonwealth in disciplinary matters before the  
19 board shall maintain current records of all reported alleged  
20 violations and shall periodically review the records for the  
21 purpose of determining that each alleged violation has been  
22 resolved in a timely manner.

23 Section 710. Municipalities.

24 (a) Municipal license prohibited.--

25 (1) Licensure under this act shall be acceptable to a  
26 municipality in this Commonwealth as proof of competence to  
27 perform electrical services, and no municipality may require  
28 an individual licensed under this act to obtain an additional  
29 license to perform electrical services.

30 (2) Unless otherwise provided in this act, a local

1 ordinance or regulation concerning the qualifications,  
2 fitness and competence of individuals to perform electrical  
3 services is preempted and superseded.

4 (b) Certain powers preserved.--Nothing in this act may be  
5 construed to prevent a municipality from:

6 (1) levying lawful taxes and fees;

7 (2) requiring the purchase of a business privilege  
8 license that is unrelated to demonstrating competence in the  
9 performance of electrical services;

10 (3) denying or revoking permits for failing to comply  
11 with ordinances that are not inconsistent with this act or  
12 regulation of the board;

13 (4) enforcing ordinances related to health and safety;  
14 or

15 (5) pursuant to an ordinance, inspecting or regulating  
16 the manner in which electrical services are performed.

## 17 CHAPTER 21

### 18 MISCELLANEOUS PROVISIONS

19 Section 2101. Appropriation.

20 The sum of \$85,000, or as much thereof as may be necessary,  
21 is appropriated from the Professional Licensure Augmentation  
22 Account to the department for the payment of costs associated  
23 with processing licenses and renewing licenses, for the  
24 operation of the board and for other costs associated with this  
25 act. The appropriation shall be repaid by the board within three  
26 years of the beginning of issuance of licenses by the board.

27 Section 2102. Regulations.

28 Within 18 months of the effective date of this section, the  
29 board shall promulgate regulations to administer this act.

30 Section 2103. Effective date.

1 This act shall take effect as follows:

2 (1) Sections 501, 505 and 702 shall take effect in two  
3 years.

4 (2) This section shall take effect immediately.

5 (3) The remainder of this act shall take effect in 60  
6 days.