
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1326 Session of
2024

INTRODUCED BY ROBINSON, BARTOLOTTA, COSTA, PENNYCUICK AND
CULVER, SEPTEMBER 27, 2024

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
SEPTEMBER 27, 2024

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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19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 CHAPTER 1

22 PRELIMINARY PROVISIONS

23 Section 101. Short title.

24 This act shall be known and may be cited as the Electrical
25 Contractor, Electrician and Apprentice Electrician Licensure
26 Act.

27 Section 102. Definitions.

28 The following words and phrases when used in this act shall
29 have the meanings given to them in this section unless the
30 context clearly indicates otherwise:

1 "Board." The State Board of Electrical Licensure established
2 under section 301(a).

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

5 "Conviction." Includes a judgment, an admission of guilt or
6 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." As follows:

11 (1) The installation, erection, repair, removal,
12 maintenance, demolition or alteration of a component of a
13 premises wiring system as defined in the National Electrical
14 Code, including work performed on all components of
15 electrical equipment and systems in buildings and structures
16 and on premises, on a temporary basis or permanently, for the
17 generation, transmission, distribution and utilization of
18 electrical energy.

19 (2) The term does not include installations under the
20 exclusive control of an electric utility for the purpose of
21 communications, metering, generation, control, transformation
22 or distribution of electrical energy on the line side of the
23 service point.

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

30 "Licensed electrical contractor." An individual who is

1 licensed by the State Board of Electrical Licensure and engages
2 in the business of contracting to perform electrical services.

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

6 "Premises wiring system." As follows:

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

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

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

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

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

25 CHAPTER 3

26 STATE BOARD OF ELECTRICAL LICENSURE

27 Section 301. Board.

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

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

- 1 (1) The commissioner.
- 2 (2) The director.
- 3 (3) Two public members.
- 4 (4) One electrical inspector with a minimum of five
5 years' experience inspecting electrical services.
- 6 (5) Eight professional members as follows:
 - 7 (i) Two professional members must be electrical
8 contractors subject to collective bargaining agreements.
 - 9 (ii) Two professional members must be electricians
10 not subject to collective bargaining agreements.
 - 11 (iii) Two professional members must be electrical
12 contractors not subject to collective bargaining
13 agreements.
 - 14 (iv) Two professional members must be electricians
15 subject to collective bargaining agreements.
 - 16 (v) The professional members must have been actively
17 engaged in providing electrical services in this
18 Commonwealth for at least 10 years immediately preceding
19 appointment.
 - 20 (vi) Except as specified in subsection (e),
21 professional members must be licensed under this act as
22 an electrical contractor or electrician.
- 23 (c) Meeting.--The board shall meet within 30 days after the
24 appointment of the board's initial members and shall:
 - 25 (1) Establish procedures for the board's operation and
26 administration of this act.
 - 27 (2) Develop application forms for licensure.
 - 28 (3) Circulate application forms.
 - 29 (4) Educate the public regarding the requirements of
30 this act and providing electrical services in this

1 Commonwealth.

2 (d) Term of membership.--Except for the commissioner and the
3 director or a designee, the following apply to members of the
4 board:

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

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

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

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

21 (i) Five members shall serve for terms of four
22 years.

23 (ii) Four members shall serve for terms of three
24 years.

25 (iii) Two members shall serve for terms of two
26 years.

27 (e) Professional members and initial appointments.--Within
28 180 days of the effective date of this subsection, the Governor
29 shall nominate eleven members to initial terms under subsection
30 (d) (4). A professional member first appointed to the board under

1 this act need not be licensed at the time of appointment but
2 must satisfy eligibility requirements for licensure as provided
3 in this act.

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

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

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

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

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

1 another legitimate reason acceptable to the commissioner.

2 (k) Frequency of meetings.--The board shall meet at least
3 four times a year in the City of Harrisburg and at other
4 additional times as may be necessary to conduct the business of
5 the board.

6 Section 302. Powers and duties of board.

7 The board shall have the following powers and duties:

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

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

12 (3) To administer and enforce the provisions of this
13 act.

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

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

26 (6) To promulgate and enforce regulations, not
27 inconsistent with this act, as necessary only to carry into
28 effect the provisions of this act. This paragraph includes
29 the setting of fees and the amount of professional liability
30 insurance required by licensed electrical contractors.

1 Regulations shall be adopted in conformity with the
2 provisions of the act of July 31, 1968 (P.L.769, No.240),
3 referred to as the Commonwealth Documents Law, and the act of
4 June 25, 1982 (P.L.633, No.181), known as the Regulatory
5 Review Act.

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

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

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

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

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

28 CHAPTER 5

29 LICENSURE

30 Section 501. Licensure.

1 (a) General rule.--Except as provided in subsections (d) and
2 (g), an individual may not provide electrical services, offer
3 the individual for employment as someone who may provide
4 electrical services or hold the individual out as someone
5 authorized to provide electrical services unless licensed as a
6 licensed electrician by the board.

7 (b) Business entities.--Subject to subsection (g), any
8 individual, corporation, partnership, firm or other entity may
9 not:

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

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

18 (3) Employ an individual to provide electrical services
19 or direct an individual to provide electrical services unless
20 the individual is licensed under this act.

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

26 (c) Title.--An individual, corporation, partnership, firm or
27 other entity that holds a license as:

28 (1) A licensed electrical contractor, or a licensed
29 electrical contractor who is maintained on inactive status
30 under section 506(b), shall have the right to use the title

1 "licensed electrical contractor" and the abbreviation
2 "L.E.C." No other individual, corporation, partnership, firm
3 or other entity may use the title "licensed electrical
4 contractor" or the abbreviation "L.E.C."

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

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

16 (d) Apprentice.--An individual who is a licensed apprentice
17 electrician may hold the individual out as being authorized to
18 provide electrical services if the individual works under the
19 direct onsite supervision of a licensed electrician, including a
20 licensed electrical contractor.

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

25 (f) Public notice of licensure.--

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

1 (2) An individual licensed under this act shall be
2 required to carry proof of licensure at all times while
3 performing electrical services. Proof of licensure shall be
4 presented to any code official, emergency responder or law
5 enforcement official upon request.

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

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

11 (1) The replacement of lamps and fuses.

12 (2) The connection of portable electronic appliances to
13 permanently installed receptacles.

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

20 (4) Commercial radio and television transmission
21 equipment.

22 (5) The installation, erection, repair, maintenance,
23 removal, demolition or alteration of electrical equipment or
24 electrical systems for the generation, transmission,
25 distribution or utilization of electrical energy of less than
26 10 volts.

27 (6) The installation, erection, repair, maintenance,
28 removal, demolition or alteration of electrical equipment
29 under the exclusive control of a public utility or electrical
30 cooperative corporation if the equipment:

1 (i) consists of service drops or service laterals
2 and associated metering;

3 (ii) is located in legally established easements or
4 rights-of-way designated or recognized by public service
5 commissions, utility commissions, political subdivisions
6 or other regulatory agencies having jurisdiction for the
7 installations; or

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

13 Section 502. Qualifications.

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

17 (1) Be of good moral character.

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

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

21 (i) Successfully completed a program as a licensed
22 apprentice electrician.

23 (ii) Successfully completed a program recognized by
24 the board that trains individuals to provide electrical
25 services.

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

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

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

1 (6) Submit satisfactory proof to the board that the
2 applicant has worked at least 10,000 hours in electrical
3 construction.

4 (7) Submit satisfactory proof to the board of the
5 acquisition of professional liability insurance in an amount
6 set by the board.

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

10 (1) Be of good moral character.

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

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

14 (i) Successfully completed a program as a licensed
15 apprentice electrician.

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

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

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

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

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

26 (1) Be of good moral character.

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

28 (3) Register with the Department of Labor and Industry
29 as specified in the act of July 14, 1961 (P.L.604, No.304),
30 known as The Apprenticeship and Training Act. The applicant

1 shall submit proof of current registration to the board.

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

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

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

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

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

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

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

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

29 (3) For an individual applying for a license as a
30 licensed electrician under this subsection, the individual

1 either:

2 (i) submits proof satisfactory to the board of being
3 a current holder of an electrician license issued by a
4 municipality of this Commonwealth, provided that the
5 licensing requirements of the municipality are not less
6 restrictive than this act or regulation of the board; or

7 (ii) submits proof satisfactory to the board of at
8 least five years of prior experience providing electrical
9 services.

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

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

22 (1) At least 10 years have elapsed from the date of
23 conviction.

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

30 (3) The individual otherwise satisfies the

1 qualifications provided in this act. An individual's
2 statement on the application declaring the absence of a
3 conviction shall be deemed satisfactory evidence of the
4 absence of a conviction unless the board has evidence to the
5 contrary.

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

15 Section 503. Continuing education.

16 (a) Regulations.--

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

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

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

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

3 (b) Requirement.--Beginning with the licensure period
4 designated by regulation:

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

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

13 Section 504. Liability insurance.

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

18 (b) Inactive status.--

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

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

27 Section 505. Licensed electrical contractors and electricians
28 in other states.

29 (a) Reciprocity established.--Subject to subsection (b), the
30 board may issue a license without examination to an individual

1 who is licensed as an electrical contractor or electrician in
2 any other state, territory or possession of the United States if
3 all of the following requirements are met:

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

6 (2) The individual pays the required fee.

7 (3) The standards for licensure in the other state,
8 territory or possession meet or exceed the standards
9 specified in this act.

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

17 Section 506. Duration of license.

18 (a) Duration of license.--

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

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

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

1 otherwise lapsed before the triennial renewal cycle will
2 expire.

3 (b) Inactive status.--

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

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

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

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

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

22 Section 507. Reporting of multiple licensure.

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

1 whichever is sooner.

2 (b) Notice to other states.--Multiple licensure shall be
3 noted by the board on the individual's record and the state,
4 territory, or possession of the United States or another country
5 that licensed the individual shall be notified by the board of
6 disciplinary action taken against the licensee in this
7 Commonwealth.

8 CHAPTER 7

9 ADMINISTRATION AND ENFORCEMENT

10 Section 701. Fees, fines and civil penalties.

11 (a) Fees.--

12 (1) Fees required under this act shall be fixed by the
13 board by regulation and shall be subject to the act of June
14 25, 1982 (P.L.633, No.181), known as the Regulatory Review
15 Act.

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

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

29 (c) Account.--Fees, fines and civil penalties imposed in
30 accordance with this act shall be paid into the Professional

1 Licensure Augmentation Account established under and for use in
2 accordance with the act of July 1, 1978 (P.L.700, No.124), known
3 as the Bureau of Professional and Occupational Affairs Fee Act.

4 (d) Permitted fees.--The board may charge a fee, as set by
5 the board by regulation, for licensure, for renewing licensure
6 and for other services of the board as permitted by this act or
7 by regulation.

8 Section 702. Violations.

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

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

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

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

30 (3) An individual who holds the individual out as

1 someone authorized to perform electrical services without
2 being properly licensed as provided for in this act.

3 (4) The responsible officers or employees of a
4 corporation, partnership, firm or other entity violating a
5 provision of this act.

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

10 Section 703. Suspension, revocation or refusal to issue
11 license.

12 (a) General authority.--The board may refuse to issue,
13 suspend or revoke a license if the board finds:

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

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

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

26 (ii) After notice, hearing, adjudication and appeal,
27 failure of a licensee to submit to an examination when
28 directed shall constitute an admission of the allegations
29 unless failure is due to circumstances beyond the
30 licensee's control, consequent upon which a default and

1 final order may be entered without the taking of
2 testimony or presentation of evidence.

3 (iii) An individual affected under this paragraph
4 shall at reasonable intervals be afforded the opportunity
5 to demonstrate that the individual can resume competent,
6 safe and skillful performance of electrical services.

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

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

10 (i) the performance of electrical services; or

11 (ii) securing licensure.

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

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

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

29 (8) The licensed electrical contractor failed to
30 properly direct and supervise licensed electricians and

1 licensed apprentice electricians who perform under a
2 contract.

3 (9) In the case of a licensed electrician responsible
4 for the direct onsite supervision of a licensed apprentice
5 electrician, the licensed electrician failed to provide the
6 proper supervision.

7 (10) The licensee possessed, used, acquired or
8 distributed a controlled substance.

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

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

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

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

29 (1) Deny the application for a license.

30 (2) Impose a fine.

1 (3) Administer a public reprimand.

2 (4) Suspend, revoke, limit or otherwise restrict a
3 license.

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

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

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

13 Section 704. Suspensions and revocations.

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

24 Section 705. Temporary and automatic suspensions.

25 (a) Procedure.--

26 (1) A license issued under this act may be temporarily
27 suspended under circumstances determined by the board to be
28 an immediate and clear danger to public health, safety or
29 property. The board shall issue an order of temporary
30 suspension without a hearing, but upon due notice, to the

1 licensee concerned at the licensee's last known address,
2 which shall include a written statement of all allegations
3 against the licensee. The provisions of section 704 shall not
4 apply to temporary suspension.

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

8 (3) All actions shall be taken promptly and without
9 delay.

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

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

23 (b) Commitment of licensee.--

24 (1) A license issued under this act shall automatically
25 be suspended upon:

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

30 (ii) conviction of a felony under the act of April

1 14, 1972 (P.L.233, No.64), known as The Controlled
2 Substance, Drug, Device and Cosmetic Act; or
3 (iii) conviction of an offense under the laws of
4 another jurisdiction, which, if committed in this
5 Commonwealth, would be a felony under The Controlled
6 Substance, Drug, Device and Cosmetic Act.

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

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

11 Section 706. Reinstatement of license.

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

18 Section 707. Surrender of suspended or revoked license.

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

23 Section 708. Injunction.

24 When, in the judgment of the board, a person has engaged in
25 an act or practice that constitutes or will constitute a
26 violation of this act, the board or its agents may make
27 application to the appropriate court for an order enjoining the
28 act or practice. Upon a showing by the board that the person has
29 engaged or is about to engage in the act or practice, an
30 injunction, restraining order or other order as may be

1 appropriate shall be granted by the court. The remedy by
2 injunction is in addition to any other civil or criminal
3 prosecution and punishment.

4 Section 709. Subpoenas and oaths.

5 (a) Authority granted.--

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

16 (2) The board may apply to Commonwealth Court to enforce
17 any subpoena of the board.

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

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

27 Section 710. Municipalities.

28 (a) Municipal license prohibited.--

29 (1) Licensure under this act shall be acceptable to a
30 municipality in this Commonwealth as proof of competence to

1 perform electrical services, and no municipality may require
2 an individual licensed under this act to obtain an additional
3 license to perform electrical services.

4 (2) Unless otherwise provided in this act, a local
5 ordinance or regulation concerning the qualifications,
6 fitness and competence of individuals to perform electrical
7 services is preempted and superseded.

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

10 (1) levying lawful taxes and fees;

11 (2) requiring the purchase of a business privilege
12 license that is unrelated to demonstrating competence in the
13 performance of electrical services;

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

17 (4) enforcing ordinances related to health and safety;

18 or

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

21 CHAPTER 21

22 MISCELLANEOUS PROVISIONS

23 Section 2101. Appropriation.

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

1 Section 2102. Regulations.

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

4 Section 2103. Effective date.

5 This act shall take effect as follows:

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

8 (2) This section shall take effect immediately.

9 (3) The remainder of this act shall take effect in 60
10 days.