

HOUSE BILL 87

C2

01r0128

(PRE-FILED)

By: **Chair, Economic Matters Committee (By Request – Departmental – State Police)**

Requested: November 2, 2009

Introduced and read first time: January 13, 2010

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Fire Marshal – Nongovernmental Electrical Inspectors**

3 FOR the purpose of requiring the State Fire Marshal to administer and enforce this
4 Act; authorizing the State Fire Marshal to adopt certain regulations and use
5 certain staff to carry out and enforce this Act; providing that this Act does not
6 supersede certain local laws or ordinances; removing the exemption for certain
7 counties; requiring certain electrical inspectors to obtain county approval or
8 certification under certain circumstances; requiring certain electrical
9 installations to have a permit and be inspected; requiring certain utilities to
10 receive a certain certificate before the utility authorizes electrical current to be
11 turned on; requiring certain electrical installations be certified within a certain
12 period of time after final completion; requiring a person to be certified as a
13 nongovernmental electrical inspector by the State Fire Marshal before
14 inspecting or certifying an electrical installation; requiring that applicants for a
15 nongovernmental electrical inspector certificate meet certain minimum
16 qualifications and pass a certain written examination; authorizing the State
17 Fire Marshal to adopt certain regulations to establish certain alternate
18 qualifications for applicants; requiring an applicant to submit an application
19 and certain documents and pay a certain application fee; requiring the
20 application to contain a certain statement; requiring the State Fire Marshal to
21 issue a certificate under certain circumstances; requiring a certificate holder to
22 give notice of a change of address; providing for certain procedures relating to
23 renewal of a certificate; authorizing the State Fire Marshal to deny, refuse to
24 renew, or suspend or revoke a certain certificate, reprimand a certificate holder,
25 or impose a civil penalty under certain circumstances and subject to certain
26 hearing requirements; providing for review of the State Fire Marshal's hearing
27 determinations; providing for certain criminal penalties; making stylistic
28 changes; providing for the application of this Act; repealing a certain definition;
29 defining a certain term; altering a certain definition; and generally relating to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the authority of the State Fire Marshal and the certification of
2 nongovernmental electrical inspectors.

3 BY repealing and reenacting, with amendments,
4 Article – Public Safety
5 Section 12–601 through 12–603, 12–606, and 12–607
6 Annotated Code of Maryland
7 (2003 Volume and 2009 Supplement)

8 BY repealing
9 Article – Public Safety
10 Section 12–604 and 12–605
11 Annotated Code of Maryland
12 (2003 Volume and 2009 Supplement)

13 BY adding to
14 Article – Public Safety
15 Section 12–604 through 12–614
16 Annotated Code of Maryland
17 (2003 Volume and 2009 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Public Safety**

21 12–601.

22 (a) In this subtitle the following words have the meanings indicated.

23 [(b) “Authorized electrical inspection agency” means a nongovernmental
24 organization approved by the State Fire Marshal to inspect electrical installations for
25 conformity with the National Electrical Code or a local code.]

26 **(B) “CERTIFIED NONGOVERNMENTAL ELECTRICAL INSPECTOR” MEANS**
27 **AN INDIVIDUAL CERTIFIED BY THE STATE FIRE MARSHAL TO INSPECT**
28 **ELECTRICAL INSTALLATIONS FOR CONFORMITY WITH THE NATIONAL**
29 **ELECTRICAL CODE OR ANY ADOPTED LOCAL ELECTRICAL CODE OR**
30 **AMENDMENTS.**

31 (c) “Electrical installation” means any installed:

32 (1) electrical wires or conductors that transmit electric current for
33 electric light, heat, or power purposes;

34 (2) **CABLE**, molding, duct, raceway, or conduit for the reception or
35 protection of wires or conductors; or

1 (3) electrical machinery, apparatus, device, or fixture.

2 12-602.

3 [(a) This subtitle does not apply to Baltimore County, Carroll County,
4 Frederick County, or Montgomery County.]

5 [(b)] (A) This subtitle does not apply to:

6 (1) public utilities, their affiliated companies, and electrical appliances
7 and devices used in their work;

8 (2) **THE INSPECTION OR CERTIFICATION OF AN ELECTRICAL**
9 **INSTALLATION BY A UNIT OF A COUNTY GOVERNMENT THAT IS AUTHORIZED TO**
10 **CONDUCT ELECTRICAL INSPECTIONS; OR**

11 (3) **AN ELECTRICAL INSTALLATION OF THE STATE OR FEDERAL**
12 **GOVERNMENT IF THE ELECTRICAL INSTALLATION IS NECESSARY FOR THE**
13 **PUBLIC WELFARE AS A RESULT OF AN EMERGENCY.**

14 (B) (1) **THIS SUBTITLE DOES NOT SUPERSEDE ANY LOCAL LAW OR**
15 **ORDINANCE OF A COUNTY THAT ESTABLISHES STANDARDS OR QUALIFICATIONS**
16 **FOR ELECTRICAL INSPECTIONS WITHIN THAT COUNTY.**

17 (2) **A CERTIFIED NONGOVERNMENTAL ELECTRICAL INSPECTOR**
18 **SHALL OBTAIN COUNTY APPROVAL OR CERTIFICATION AS MAY BE REQUIRED BY**
19 **LOCAL LAW OR ORDINANCE.**

20 12-603.

21 Each electrical installation in the State shall conform to:

22 (1) the National Electrical Code; or

23 (2) the electrical code **AND AMENDMENTS** adopted by the county in
24 which the electrical installation is done.

25 [12-604.

26 Within 15 days after completion, each electrical installation shall be certified by
27 an authorized electrical inspection agency or a governmental unit that is qualified to
28 issue electrical inspection certificates.]

29 12-604.

1 **(A) THE STATE FIRE MARSHAL SHALL ADMINISTER AND ENFORCE THIS**
2 **SUBTITLE.**

3 **(B) THE STATE FIRE MARSHAL MAY:**

4 **(1) ADOPT REGULATIONS NECESSARY TO CARRY OUT THIS**
5 **SUBTITLE; AND**

6 **(2) USE ANY MEMBER OF THE OFFICE OF THE STATE FIRE**
7 **MARSHAL, AS NECESSARY, TO CARRY OUT AND ENFORCE THIS SUBTITLE.**

8 **[12-605.**

9 (a) (1) This subsection does not apply in a county that has a board or
10 department of electrical inspections.

11 (2) The State Fire Marshal may test and issue a qualification
12 certificate to a nongovernmental organization that seeks to qualify as an authorized
13 electrical inspection agency.

14 (b) An authorized electrical inspection agency may inspect electrical
15 installations for conformity with the National Electrical Code or a local electrical code.

16 (c) The State Fire Marshal shall regulate the quality and performance of
17 inspections by authorized electrical inspection agencies.]

18 **12-605.**

19 **(A) EACH ELECTRICAL INSTALLATION THAT REQUIRES ELECTRICAL**
20 **CURRENT FOR ITS POWER SOURCE MUST HAVE A PERMIT ISSUED BY AN**
21 **AUTHORIZED GOVERNMENTAL UNIT FOR THE INSTALLATION AND MUST BE**
22 **INSPECTED BY A CERTIFIED NONGOVERNMENTAL ELECTRICAL INSPECTOR OR**
23 **GOVERNMENTAL UNIT THAT IS QUALIFIED TO ISSUE ELECTRICAL INSPECTION**
24 **CERTIFICATES.**

25 **(B) BEFORE A UTILITY AUTHORIZES ELECTRICAL CURRENT TO BE**
26 **TURNED ON FOR A PREMISE OR STRUCTURE, THE UTILITY MUST RECEIVE A**
27 **CUT-IN CERTIFICATE FROM A CERTIFIED NONGOVERNMENTAL ELECTRICAL**
28 **INSPECTOR OR GOVERNMENTAL UNIT THAT IS QUALIFIED TO ISSUE**
29 **ELECTRICAL INSPECTION CERTIFICATES.**

30 **(C) WITHIN 15 DAYS AFTER COMPLETION, EACH ELECTRICAL**
31 **INSTALLATION SHALL BE CERTIFIED BY A CERTIFIED NONGOVERNMENTAL**

1 ELECTRICAL INSPECTOR OR A GOVERNMENTAL UNIT THAT IS QUALIFIED TO
2 ISSUE ELECTRICAL INSPECTION CERTIFICATES.

3 **12-606.**

4 A PERSON SHALL BE CERTIFIED BY THE STATE FIRE MARSHAL AS A
5 NONGOVERNMENTAL ELECTRICAL INSPECTOR BEFORE THE PERSON INSPECTS
6 OR CERTIFIES AN ELECTRICAL INSTALLATION.

7 **12-607.**

8 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN
9 APPLICANT FOR A NONGOVERNMENTAL ELECTRICAL INSPECTOR CERTIFICATE
10 SHALL MEET THE FOLLOWING MINIMUM QUALIFICATIONS:

11 (1) COMPLETE AN APPRENTICESHIP AS AN ELECTRICIAN;

12 (2) COMPLETE AT LEAST 5 YEARS OF DOCUMENTED
13 PROGRESSIVE EXPERIENCE IN THE ELECTRICAL TRADE; AND

14 (3) PASS A WRITTEN EXAMINATION ADMINISTERED BY THE STATE
15 FIRE MARSHAL.

16 (B) IN LIEU OF THE MINIMUM ELIGIBILITY REQUIREMENTS REQUIRED
17 IN SUBSECTION (A)(1) AND (2) OF THIS SECTION, THE STATE FIRE MARSHAL
18 MAY ADOPT REGULATIONS THAT ALLOW AN APPLICANT TO SUBSTITUTE AN
19 ELECTRICAL ENGINEERING DEGREE OR ACCUMULATED CREDITS TOWARD AN
20 ELECTRICAL ENGINEERING DEGREE IN COMBINATION WITH EDUCATION,
21 TRAINING, AND EXPERIENCE TO MEET THE QUALIFICATIONS.

22 **12-608.**

23 (A) AN APPLICANT FOR A CERTIFICATE SHALL:

24 (1) SUBMIT TO THE STATE FIRE MARSHAL AN APPLICATION ON
25 THE FORM THE STATE FIRE MARSHAL PROVIDES;

26 (2) SUBMIT ALL DOCUMENTS THAT THE STATE FIRE MARSHAL
27 REQUIRES; AND

28 (3) PAY TO THE STATE FIRE MARSHAL AN APPLICATION FEE OF
29 \$100.

1 **(B) THE APPLICATION FORM PROVIDED BY THE STATE FIRE MARSHAL**
2 **SHALL CONTAIN A STATEMENT ADVISING THE APPLICANT THAT WILLFULLY**
3 **MAKING A FALSE STATEMENT ON AN APPLICATION IS A MISDEMEANOR,**
4 **SUBJECT TO A FINE OR IMPRISONMENT OR BOTH, AS PROVIDED IN § 12-616 OF**
5 **THIS SUBTITLE.**

6 **12-609.**

7 **(A) THE STATE FIRE MARSHAL SHALL ISSUE A CERTIFICATE TO EACH**
8 **APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.**

9 **(B) THE CERTIFICATE SHALL INCLUDE:**

10 **(1) THE FULL NAME OF THE CERTIFICATE HOLDER;**

11 **(2) THE DATE OF ISSUANCE; AND**

12 **(3) THE DATE ON WHICH THE CERTIFICATE EXPIRES.**

13 **(C) EACH CERTIFICATE HOLDER SHALL GIVE THE STATE FIRE**
14 **MARSHAL WRITTEN NOTICE OF CHANGE OF ADDRESS WITHIN 10 BUSINESS DAYS**
15 **AFTER THE CHANGE.**

16 **12-610.**

17 **WHILE A CERTIFICATE FOR A NONGOVERNMENTAL ELECTRICAL**
18 **INSPECTOR IS IN EFFECT, IT AUTHORIZES THE CERTIFICATE HOLDER TO**
19 **INSPECT ELECTRICAL INSTALLATIONS FOR CONFORMITY WITH THE NATIONAL**
20 **ELECTRICAL CODE OR A LOCAL CODE AS AMENDED.**

21 **12-611.**

22 **(A) (1) UNLESS A CERTIFICATE IS RENEWED FOR A 3-YEAR TERM AS**
23 **PROVIDED IN THIS SECTION, THE CERTIFICATION EXPIRES ON THE DATE SET BY**
24 **THE STATE FIRE MARSHAL.**

25 **(2) THE STATE FIRE MARSHAL MAY DETERMINE THAT**
26 **CERTIFICATES ISSUED UNDER THIS SUBTITLE SHALL EXPIRE ON A STAGGERED**
27 **BASIS.**

28 **(B) AT LEAST 45 DAYS BEFORE A CERTIFICATE EXPIRES, THE STATE**
29 **FIRE MARSHAL SHALL MAIL TO THE CERTIFICATE HOLDER, AT THE LAST**
30 **KNOWN ADDRESS OF THE CERTIFICATE HOLDER:**

1 **(1) A RENEWAL APPLICATION FORM; AND**

2 **(2) A NOTICE THAT STATES:**

3 **(I) THE DATE ON WHICH THE CURRENT CERTIFICATE**
4 **EXPIRES;**

5 **(II) THAT THE STATE FIRE MARSHAL MUST RECEIVE THE**
6 **RENEWAL APPLICATION AT LEAST 15 DAYS BEFORE THE CERTIFICATE**
7 **EXPIRATION DATE FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE**
8 **CERTIFICATE EXPIRES;**

9 **(III) THE AMOUNT OF THE RENEWAL FEE;**

10 **(IV) THAT AN INDIVIDUAL MAY NOT BE ISSUED A**
11 **CERTIFICATE UNDER THIS SUBTITLE UNTIL ALL OUTSTANDING OBLIGATIONS**
12 **ARE SATISFIED WITH THE STATE FIRE MARSHAL; AND**

13 **(V) THAT THE SUBMISSION OF A FALSE STATEMENT IN THE**
14 **RENEWAL APPLICATION OR THE SUBMISSION OF ALTERED OR FALSE**
15 **DOCUMENTS THAT ARE OTHERWISE REQUIRED IS CAUSE FOR REVOCATION OF**
16 **THE CERTIFICATION.**

17 **(C) A CERTIFIED NONGOVERNMENTAL ELECTRICAL INSPECTOR MAY**
18 **RENEW THE CERTIFICATION FOR A 3-YEAR TERM IF THE CERTIFICATE HOLDER:**

19 **(1) OTHERWISE IS ENTITLED TO BE CERTIFIED; AND**

20 **(2) SUBMITS TO THE STATE FIRE MARSHAL:**

21 **(I) A RENEWAL APPLICATION ON THE FORM THE STATE**
22 **FIRE MARSHAL PROVIDES;**

23 **(II) A RENEWAL FEE OF \$50; AND**

24 **(III) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY**
25 **OTHER REQUIREMENTS UNDER THIS SECTION FOR RENEWAL OF**
26 **CERTIFICATION.**

27 **(D) CERTIFICATE HOLDERS WHO FAIL TO RENEW WITHIN 90 DAYS FROM**
28 **THE DATE OF EXPIRATION SHALL BE REQUIRED TO SUBMIT AN INITIAL**
29 **APPLICATION AND SUCCESSFULLY PASS THE WRITTEN EXAMINATION.**

1 **(E) THE STATE FIRE MARSHAL SHALL RENEW THE CERTIFICATION OF**
2 **EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SECTION.**

3 **12-612.**

4 **(A) SUBJECT TO THE HEARING PROVISIONS OF § 12-613 OF THIS**
5 **SUBTITLE, THE STATE FIRE MARSHAL MAY DENY A CERTIFICATE TO AN**
6 **APPLICANT, REFUSE TO RENEW A CERTIFICATE, REPRIMAND A CERTIFICATE**
7 **HOLDER, SUSPEND OR REVOKE A CERTIFICATE, OR IMPOSE A CIVIL PENALTY**
8 **NOT EXCEEDING \$1,000 IF THE APPLICANT OR CERTIFICATE HOLDER:**

9 **(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO**
10 **OBTAIN A CERTIFICATE FOR THE APPLICANT OR ANOTHER;**

11 **(2) FRAUDULENTLY OR DECEPTIVELY USES THE CERTIFICATE;**

12 **(3) ENGAGES IN AN UNFAIR OR DECEPTIVE TRADE PRACTICE, AS**
13 **DEFINED IN § 13-301 OF THE COMMERCIAL LAW ARTICLE;**

14 **(4) WILLFULLY OR DELIBERATELY DISREGARDS OR VIOLATES A**
15 **BUILDING CODE, ELECTRICAL CODE, OR LAW OF THE STATE OR A LOCAL**
16 **JURISDICTION;**

17 **(5) WHILE NOT CERTIFIED, SOLICITS TO ENGAGE IN OR**
18 **WILLFULLY ENGAGES IN PROVIDING ELECTRICAL INSPECTION SERVICES;**

19 **(6) WHILE NOT CERTIFIED, WILLFULLY ADVERTISES AS A**
20 **CERTIFIED NONGOVERNMENTAL ELECTRICAL INSPECTOR;**

21 **(7) WILLFULLY MAKES A FALSE STATEMENT OR**
22 **MISREPRESENTATION IN ANY RENEWAL APPLICATION OR IN ANY OTHER**
23 **DOCUMENT THAT THE STATE FIRE MARSHAL REQUIRES TO BE SUBMITTED; OR**

24 **(8) VIOLATES ANY OTHER PROVISION OF THIS SUBTITLE OR ANY**
25 **REGULATION ADOPTED BY THE STATE FIRE MARSHAL UNDER THIS SUBTITLE.**

26 **(B) IN DETERMINING THE APPROPRIATE PENALTY TO BE IMPOSED**
27 **UNDER SUBSECTION (A) OF THIS SECTION, THE STATE FIRE MARSHAL SHALL**
28 **CONSIDER:**

29 **(1) THE GRAVITY OF THE VIOLATION;**

30 **(2) THE GOOD FAITH OF THE VIOLATOR;**

1 **(3) THE NUMBER AND GRAVITY OF PREVIOUS VIOLATIONS BY THE**
2 **SAME VIOLATOR;**

3 **(4) THE HARM CAUSED TO THE COMPLAINANT, THE PUBLIC, AND**
4 **THE ELECTRICAL INSPECTOR PROFESSION;**

5 **(5) THE ASSETS OF THE VIOLATOR; AND**

6 **(6) ANY OTHER FACTORS THAT THE STATE FIRE MARSHAL**
7 **CONSIDERS RELEVANT.**

8 **12-613.**

9 **(A) BEFORE THE STATE FIRE MARSHAL TAKES ANY FINAL ACTION**
10 **UNDER § 12-612 OF THIS SUBTITLE, THE STATE FIRE MARSHAL SHALL GIVE**
11 **THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN**
12 **OPPORTUNITY FOR A HEARING BEFORE THE STATE FIRE MARSHAL.**

13 **(B) THE STATE FIRE MARSHAL SHALL GIVE NOTICE AND HOLD THE**
14 **HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE**
15 **GOVERNMENT ARTICLE.**

16 **(C) THE HEARING NOTICE SHALL BE SENT BY CERTIFIED MAIL TO THE**
17 **LAST KNOWN ADDRESS OF THE PERSON AT LEAST 10 BUSINESS DAYS BEFORE**
18 **THE HEARING.**

19 **(D) THE STATE FIRE MARSHAL MAY ADMINISTER OATHS IN**
20 **CONNECTION WITH ANY PROCEEDING UNDER THIS SECTION.**

21 **(E) THE PERSON MAY BE REPRESENTED AT THE HEARING BY COUNSEL.**

22 **(F) IF, AFTER DUE NOTICE, THE PERSON AGAINST WHOM THE ACTION IS**
23 **CONTEMPLATED FAILS TO APPEAR FOR THE HEARING, THE STATE FIRE**
24 **MARSHAL MAY HEAR AND DETERMINE THE MATTER.**

25 **12-614.**

26 **ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE STATE FIRE**
27 **MARSHAL IN A CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE**
28 **GOVERNMENT ARTICLE, IS ENTITLED TO APPEAL TO THE OFFICE OF**
29 **ADMINISTRATIVE HEARINGS AND TO JUDICIAL REVIEW, AS PROVIDED IN THE**
30 **ADMINISTRATIVE PROCEDURE ACT.**

31 **[12-606.] 12-615.**

1 (a) This section applies in Charles County and St. Mary's County.

2 (b) In a county subject to this section, a homeowner may install electrical
3 wiring in a home that is to be used as the homeowner's residence subject to standards
4 set by the county commissioners.

5 (c) (1) The county commissioners of Charles County may adopt
6 regulations to govern the issuance of permits to homeowners under this section.

7 (2) The county commissioners of St. Mary's County shall adopt
8 regulations to govern the issuance of permits to homeowners under this section.

9 **[12-607.] 12-616.**

10 (a) **[A] EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A person**
11 **may not [violate this subtitle] INSPECT OR CERTIFY AN ELECTRICAL**
12 **INSTALLATION UNLESS THE PERSON IS CERTIFIED BY THE STATE FIRE**
13 **MARSHAL.**

14 **(B) A PERSON MAY NOT WILLFULLY MAKE A FALSE STATEMENT ON AN**
15 **APPLICATION SUBMITTED UNDER THIS SUBTITLE.**

16 **[(b)] (C)** A person who violates this **[section] SUBTITLE** is guilty of a
17 misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or
18 a fine not exceeding \$500 or both.

19 **SECTION 2. AND BE IT FURTHER ENACTED,** That it is the intent of the
20 General Assembly that inspectors certified by the State Fire Marshal prior to the
21 effective date of this Act are not subject to requirements to take an examination or pay
22 the initial application fee but shall only pay the renewal fee with a renewal application
23 on expiration of the certificate.

24 **SECTION 3. AND BE IT FURTHER ENACTED,** That this Act shall take effect
25 October 1, 2010.