
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1284 Session of
2015

INTRODUCED BY TAYLOR, DAVIS, GODSHALL, MUSTIO, COHEN, O'BRIEN,
McNEILL, W. KELLER, GERGELY, MARSHALL, MURT, WATSON AND
MILNE, JUNE 5, 2015

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JUNE 5, 2015

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

20 CHAPTER 1

21 PRELIMINARY PROVISIONS

22 Section 101. Short title.

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

26 Section 102. Definitions.

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

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

1 "Commissioner." The Commissioner of Professional and
2 Occupational Affairs within the Department of State.

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

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

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

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

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

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

29 "Licensed electrician." An individual who is licensed by the
30 State Board of Electrical Licensure and who is authorized to

1 perform electrical services.

2 "Premises wiring system." As follows:

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

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

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

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

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

22 CHAPTER 3

23 STATE BOARD OF ELECTRICAL LICENSURE

24 Section 301. Board.

25 (a) Establishment.--There is hereby established the State
26 Board of Electrical Licensure within the department.

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

28 (1) The commissioner.

29 (2) The director.

30 (3) Two public members.

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

3 (5) Eight professional members. The professional members
4 shall have been actively engaged in providing electrical
5 services in this Commonwealth for at least 10 years
6 immediately preceding appointment. Two professional members
7 shall be electrical contractors subject to collective
8 bargaining agreements. Two professional members shall be
9 electrical contractors not subject to collective bargaining
10 agreements. Two professional members shall be electricians
11 subject to collective bargaining agreements. Two professional
12 members shall be electricians not subject to collective
13 bargaining agreements. Except as set forth in subsection (e),
14 professional members shall be licensed under this act as
15 licensed electrical contractors or licensed electricians,
16 respectively.

17 (c) Meeting.--The board shall meet within 30 days after the
18 appointment of its initial members and shall:

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

21 (2) Develop application forms for licensure.

22 (3) Circulate application forms.

23 (4) Educate the public regarding the requirements of
24 this act and providing electrical services in this
25 Commonwealth.

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

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

1 (2) Members shall be citizens of the United States and
2 residents of this Commonwealth.

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

12 (4) Members first appointed to the board pursuant to
13 this act shall serve terms of office as follows:

14 (i) Five members shall serve for terms of four
15 years.

16 (ii) Four members shall serve for terms of three
17 years.

18 (iii) Two members shall serve for terms of two
19 years.

20 (e) Professional members and initial appointments.--Within
21 180 days of the effective date of this section, the Governor
22 shall nominate eleven members to initial terms pursuant to
23 subsection (d) (4). A professional member first appointed to the
24 board pursuant to this act need not be licensed at the time of
25 appointment but must have satisfied eligibility requirements for
26 licensure as provided in this act.

27 (f) Quorum.--A majority of the current members of the board
28 shall constitute a quorum. Except for temporary and automatic
29 suspensions under section 705, a member may not be counted as
30 part of a quorum or vote on any issue unless the member is

1 physically in attendance at the meeting.

2 (g) Chairperson.--The board shall annually select a
3 chairperson from among its members.

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

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

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

25 (k) Frequency of meetings.--The board shall meet at least
26 four times a year in the City of Harrisburg and at such
27 additional times as may be necessary to conduct the business of
28 the board.

29 Section 302. Powers and duties of board.

30 The board shall have the following powers and duties:

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

3 (2) To issue, renew, reinstate, fail to renew, suspend
4 and revoke licenses as provided for in this act.

5 (3) To administer and enforce the provisions of this
6 act.

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

16 (5) To investigate applications for licensure and to
17 determine the eligibility of an individual applying for
18 licensure.

19 (6) To promulgate and enforce regulations, not
20 inconsistent with this act, as necessary only to carry into
21 effect the provisions of this act. This paragraph includes
22 the setting of fees and setting the amount of professional
23 liability insurance required by licensed electrical
24 contractors. Regulations shall be adopted in conformity with
25 the provisions of the act of July 31, 1968 (P.L.769, No.240),
26 referred to as the Commonwealth Documents Law, and the act of
27 June 25, 1982 (P.L.633, No.181), known as the Regulatory
28 Review Act.

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

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

5 (9) To submit annually to the department an estimate of
6 financial requirements of the board for its administrative,
7 legal and other expenses.

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

15 (11) To submit annually to the Appropriations Committee
16 of the Senate and the Appropriations Committee of the House
17 of Representatives, 15 days after the Governor has submitted
18 a budget to the General Assembly, a copy of the budget
19 request for the upcoming fiscal year which the board
20 previously submitted to the department.

21 CHAPTER 5

22 LICENSURE

23 Section 501. Licensure.

24 (a) General rule.--Except as provided in subsections (d) and
25 (g), an individual may not provide electrical services, offer
26 himself for employment as an individual who may provide
27 electrical services or hold himself out as an individual
28 authorized to provide electrical services unless licensed as a
29 licensed electrician by the board.

30 (b) Business entities.--Subject to subsection (g), an

1 individual, corporation, partnership, firm or other entity shall
2 not:

3 (1) Contract to provide electrical services unless the
4 individual, corporation, partnership, firm or other entity is
5 licensed as a licensed electrical contractor in accordance
6 with this act.

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

11 (3) Employ an individual to provide electrical services
12 or direct an individual to provide electrical services unless
13 the individual is licensed under this act.

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

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

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

28 (2) A licensed electrician, or a licensed electrician
29 who is maintained on inactive status pursuant to section
30 506(b), shall have the right to use the title "licensed

1 electrician" and the abbreviation "L.E." No other individual
2 shall use the title "licensed electrician" or the
3 abbreviation "L.E."

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

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

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

19 (f) Public notice of licensure.--A licensed electrical
20 contractor shall prominently display its license number to the
21 public on its official advertisements, contracts and proposals,
22 letterhead and vehicles and via any other reasonable means
23 determined by the board. Any individual licensed under this act
24 shall be required to carry proof of licensure at all times while
25 performing electrical services. Such proof of licensure shall be
26 presented to any code official, emergency responder or law
27 enforcement official upon request. The manner and means by which
28 the license information must be displayed and furnished shall be
29 established by regulation of the board.

30 (g) Exceptions to licensure.--This act shall not apply to

1 and a license shall not be required for the following:

2 (1) The replacement of lamps and fuses.

3 (2) The connection of portable electronic appliances to
4 permanently installed receptacles.

5 (3) The installation, erection, repair, maintenance,
6 removal, demolition or alteration of electrical equipment or
7 electrical systems for generation, transmission, distribution
8 or utilization of electrical energy in structures,
9 facilities, buildings or premises owned or operated by a
10 railway or the Federal Government.

11 (4) Commercial radio and television transmission
12 equipment.

13 (5) The installation, erection, repair, maintenance,
14 removal, demolition or alteration of electrical equipment or
15 electrical systems for the generation, transmission,
16 distribution or utilization of electrical energy of less than
17 10 volts.

18 (6) The installation, erection, repair, maintenance,
19 removal, demolition or alteration of electrical equipment
20 under the exclusive control of a public utility or electrical
21 cooperative corporation where the equipment:

22 (i) consists of service drops or service laterals
23 and associated metering;

24 (ii) is located in legally established easements or
25 rights-of-way designated by or recognized by public
26 service commissions, utility commissions, political
27 subdivisions or other regulatory agencies having
28 jurisdiction for such installations; or

29 (iii) is located on property owned or leased by the
30 public utility or electrical cooperative corporation for

1 the purpose of communications, metering, generation,
2 control, transformation, transmission or distribution of
3 electric energy.

4 Section 502. Qualifications.

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

8 (1) Be of good moral character.

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

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

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

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

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

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

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

21 (6) Submit satisfactory proof to the board that the
22 applicant has worked at least 10,000 hours in electrical
23 construction.

24 (7) Submit satisfactory proof to the board of the
25 acquisition of professional liability insurance in an amount
26 set by the board.

27 (b) Licensed electrician.--To be eligible for licensure as a
28 licensed electrician, an applicant must fulfill the following
29 requirement:

30 (1) Be of good moral character.

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

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

4 (i) Successfully completed a program as a licensed
5 apprentice electrician.

6 (ii) Completed a program recognized by the board
7 which trains individuals to provide electrical services.

8 (iii) Acquired training and experience equivalent to
9 that set forth in subparagraph (i) or (ii), as determined
10 by regulation of the board.

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

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

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

16 (1) Be of good moral character.

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

18 (3) Register with the Department of Labor and Industry
19 as set forth in the act of July 14, 1961 (P.L.604, No.304),
20 known as The Apprenticeship and Training Act. The applicant
21 shall submit proof of current registration to the board.

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

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

24 In the case of a licensed apprentice electrician applying for
25 renewal of a license where registration under subsection (c) (3)

26 has expired or otherwise lapsed before the biennial renewal
27 cycle will expire, the licensed apprentice electrician shall

28 submit evidence satisfactory to the board that the licensed

29 apprentice electrician has renewed registration. Failure to

30 notify the board within 30 days that registration has expired or

1 otherwise lapsed shall subject the licensed apprentice
2 electrician to disciplinary action. In the case of a licensed
3 apprentice electrician whose registration has expired or
4 otherwise lapsed, the license shall immediately be placed on
5 inactive status by the board. The board shall promulgate
6 regulations in order to carry out the provisions of this
7 subsection, including regulations setting forth the evidence
8 necessary to demonstrate renewal of registration.

9 (e) Waiver of examination.--Notwithstanding the provisions
10 of subsections (a) (5) and (b) (5), the board may grant a license
11 to an individual applying to become licensed under this act
12 without examination if:

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

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

17 (3) For an individual applying for a license as a
18 licensed electrician under this subsection, the individual
19 either:

20 (i) submits proof satisfactory to the board of being
21 a current holder of an electrician license issued by a
22 municipality of this Commonwealth, provided that the
23 licensing requirements of the municipality are not less
24 restrictive than this act or regulation of the board; or

25 (ii) submits proof satisfactory to the board of at
26 least five years of prior experience providing electrical
27 services.

28 (4) For an individual applying for a license as a
29 licensed electrical contractor under this subsection, the
30 individual submits proof satisfactory to the board of being a

1 current holder of an electrical contractor license issued by
2 a municipality of this Commonwealth.

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

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

12 (2) The individual satisfactorily demonstrates to the
13 board that the individual has made significant progress in
14 personal rehabilitation since the conviction such that
15 licensure of the individual should not be expected to create
16 a substantial risk of harm to the health and safety of the
17 public or a substantial risk of further criminal violations.

18 (3) The individual otherwise satisfies the
19 qualifications provided in this act. An individual's
20 statement on the application declaring the absence of a
21 conviction shall be deemed satisfactory evidence of the
22 absence of a conviction unless the board has some evidence to
23 the contrary.

24 (g) Death or disability of licensed electrical contractor
25 and continuance of business.--In the event of the death, illness
26 or other physical disability of a licensee who qualified a
27 business as a licensed electrical contractor, a person may
28 continue to conduct the business as an electrical contractor for
29 at least six months following the date of the licensee's death,
30 illness or other physical disability as long as the business is

1 conducted under qualified supervision as the board deems
2 adequate.

3 Section 503. Continuing education.

4 (a) Regulations.--The board shall adopt, promulgate and
5 enforce rules and regulations consistent with the provisions of
6 this act establishing continuing education to be met by
7 individuals licensed as electrical contractors and electricians
8 under this act. Regulations shall include any fees necessary for
9 the board to carry out its responsibilities under this section.
10 The board may waive all or part of the continuing education
11 requirement for an individual who shows evidence satisfactory to
12 the board that the individual was unable to complete the
13 requirement due to illness, emergency, military service or other
14 hardship. All courses, materials, locations and instructors
15 shall be approved by the board. No credit shall be given for a
16 course in office management or practice building.

17 (b) Requirement.--Beginning with the licensure period
18 designated by regulation:

19 (1) An individual applying for renewal of a license as a
20 licensed electrical contractor shall be required to obtain 24
21 hours of continuing education during the three calendar years
22 immediately preceding the application for renewal.

23 (2) An individual applying for renewal of a license as a
24 licensed electrician shall be required to obtain 12 hours of
25 continuing education during the three calendar years
26 immediately preceding the application for renewal.

27 Section 504. Liability insurance.

28 As a condition of triennial renewal, a licensed electrical
29 contractor shall submit proof satisfactory to the board of the
30 acquisition and maintenance of professional liability insurance

1 in the amount set by the board. In the case of the insurance
2 being revoked, canceled or otherwise lapsing, the electrical
3 contractor shall notify the board in writing within 30 days. In
4 such a case, the board shall immediately place the license of a
5 licensed electrical contractor on inactive status. Failure to
6 notify the board in writing within 30 days shall subject the
7 licensed electrical contractor to disciplinary action.

8 Section 505. Licensed electrical contractors and electricians
9 in other states.

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

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

17 (2) The individual pays the required fee.

18 (3) The standards for licensure in the other state,
19 territory or possession meet or exceed the standards set
20 forth in this act.

21 (b) Requirement.--For an individual to be eligible to apply
22 for a license as a licensed electrical contractor or licensed
23 electrician under subsection (a), the other state, territory or
24 possession of the United States must provide an opportunity for
25 reciprocal licensure which is substantially similar to the
26 opportunity provided by the Commonwealth under this section.

27 Section 506. Duration of license.

28 (a) Duration of license.--A license issued under this act
29 shall be on a triennial basis. The triennial expiration date
30 shall be established by regulation of the board. Application for

1 renewal of a license shall triennially be forwarded to an
2 individual holding a current license prior to the expiration
3 date of the current triennium. For individuals applying for
4 licensure or renewal of licensure as a licensed apprentice
5 electrician, the application form must indicate whether
6 registration as an apprentice under the act of July 14, 1961
7 (P.L.604, No.304), known as The Apprenticeship and Training Act,
8 has expired or otherwise lapsed before the triennial renewal
9 cycle will expire.

10 (b) Inactive status.--An individual licensed under this act
11 may request an application for inactive status. The application
12 form may be completed and returned to the board. Upon receipt of
13 an application, the individual shall be maintained on inactive
14 status without fee and shall be entitled to apply for a
15 licensure renewal at any time. An individual who requests the
16 board to activate the individual's license and who has been on
17 inactive status shall, prior to receiving an active license,
18 satisfy the requirements of the board's regulations regarding
19 continuing education and remit the required fee. In the case of
20 a licensed apprentice electrician who is placed on inactive
21 status pursuant to section 502(d), the licensed apprentice
22 electrician shall provide evidence to the board of renewal of
23 registration before the board may activate the license. The
24 board shall promulgate regulations to carry into effect the
25 provisions of this subsection.

26 Section 507. Reporting of multiple licensure.

27 A licensee who is licensed as an electrical contractor or
28 electrician in any other state, territory, possession of the
29 United States or country shall report this information to the
30 board on the triennial registration application. Any

1 disciplinary action taken in another state, territory,
2 possession of the United States or country shall be reported to
3 the board on the triennial registration application or within 90
4 days of final disposition, whichever is sooner. Multiple
5 licensure shall be noted by the board on the individual's record
6 and the state, territory, possession of the United States or
7 country shall be notified by the board of any disciplinary
8 action taken against the licensee in this Commonwealth.

9 CHAPTER 7

10 ADMINISTRATION AND ENFORCEMENT

11 Section 701. Fees, fines and civil penalties.

12 (a) Fees.--All fees required under this act shall be fixed
13 by the board by regulation and shall be subject to the act of
14 June 25, 1982 (P.L.633, No.181), known as the Regulatory Review
15 Act. If the revenues raised by the fees, fines and civil
16 penalties imposed under this act are not sufficient to meet
17 expenditures over a three-year period, the board shall increase
18 those fees by regulation so that projected revenues will meet or
19 exceed projected expenditures.

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

28 (c) Account.--All fees, fines and civil penalties imposed in
29 accordance with this act shall be paid into the Professional
30 Licensure Augmentation Account established pursuant to and for

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

4 (d) Renewal fee.--The board may charge a fee, as set by the
5 board by regulation, for licensure, for renewing licensure and
6 for other services of the board as permitted by this act or by
7 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 violating a provision of this act or a regulation of the board
12 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 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 himself out as an individual

1 authorized to perform electrical services without being
2 properly licensed as provided 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 set
7 forth in subsection (b) only after affording the accused the
8 opportunity for a hearing as provided in 2 Pa.C.S. (relating to
9 administrative law and procedure).

10 Section 703. Refusal to issue, suspend or revoke license.

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

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

15 (2) The licensee is unable to perform electrical
16 services with reasonable skill and safety by reason of mental
17 or physical illness or condition or physiological or
18 psychological dependence upon alcohol, hallucinogenic or
19 narcotic drugs or other drugs which tend to impair judgment
20 or coordination, as long as the dependence continues. In
21 enforcing this paragraph, the board shall, upon probable
22 cause, have authority to compel a licensee to submit to a
23 mental or physical examination as designated by the board.
24 After notice, hearing, adjudication and appeal, failure of a
25 licensee to submit to an examination when directed shall
26 constitute an admission of the allegations unless failure is
27 due to circumstances beyond the licensee's control,
28 consequent upon which a default and final order may be
29 entered without the taking of testimony or presentation of
30 evidence. An individual affected under this paragraph shall

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

4 (3) The licensee has violated any of the provisions of
5 this act or 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
15 United States, another state, territory, possession of the
16 United States or 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,
21 possession of the United States or 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 are executing the
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. Unprofessional conduct shall include departure from
8 or failing to conform to operating practices or professional
9 standards embraced by the licensed electricians' community in
10 this Commonwealth. In addition, unprofessional conduct shall
11 also include failing to conform to recognized electrical
12 safety standards, including the National Electrical Code in
13 effect in this Commonwealth, and applicable municipal
14 ordinances related to health and safety. In a proceeding
15 based on this paragraph, actual injury to a person or damage
16 to property need not be established.

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

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

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

27 (1) Deny the application for a license.

28 (2) Impose a fine.

29 (3) Administer a public reprimand.

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

1 license.

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

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

8 (7) Restore or reissue, in its discretion, a suspended
9 license and impose any disciplinary or corrective measure
10 which it might originally have imposed.

11 Section 704. Suspensions and revocations.

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

22 Section 705. Temporary and automatic suspensions.

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

1 temporary suspension. The board shall commence formal action to
2 suspend, revoke or restrict the license of the individual as
3 otherwise provided for in this act. All actions shall be taken
4 promptly and without delay. Within 30 days following the
5 issuance of an order temporarily suspending a license, the board
6 shall conduct or cause to be conducted a preliminary hearing to
7 determine if there is a prima facie case supporting the
8 suspension. The individual whose license has been temporarily
9 suspended may be present at the preliminary hearing and may be
10 represented by counsel, cross-examine witnesses, inspect
11 physical evidence, call witnesses, offer evidence and testimony
12 and make a record of the proceedings. If it is determined that
13 there is not a prima facie case, the suspended license shall be
14 immediately restored. The temporary suspension shall remain in
15 effect until vacated by the board, but in no event longer than
16 180 days.

17 (b) Commitment of licensee.--A license issued under this act
18 shall automatically be suspended upon the legal commitment of a
19 licensee to an institution because of mental incompetence from
20 any cause upon filing with the board a certified copy of such
21 commitment, conviction of a felony under the act of April 14,
22 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,
23 Device and Cosmetic Act, or conviction of an offense under the
24 laws of another jurisdiction, which, if committed in this
25 Commonwealth, would be a felony under The Controlled Substance,
26 Drug, Device and Cosmetic Act. Automatic suspension under this
27 subsection shall not be stayed pending an appeal of a
28 conviction. Restoration of the license shall be made as provided
29 in the case of revocation or suspension of a license.
30 Section 706. Reinstatement of license.

1 Unless ordered to do so by Commonwealth Court or an appeal
2 therefrom, the board shall not reinstate the individual's
3 license which has been revoked. An individual whose license has
4 been revoked may reapply for a license, after a period of at
5 least five years, but must meet all of the licensing
6 requirements of this act.

7 Section 707. Surrender of suspended or revoked license.

8 The board shall require an individual whose license has been
9 suspended or revoked to return the license in such manner as the
10 board directs. Failure to do so, and upon conviction thereof,
11 shall be a misdemeanor of the third degree.

12 Section 708. Injunction.

13 Whenever, in the judgment of the board, a person has engaged
14 in an act or practice which constitutes or will constitute a
15 violation of this act, the board or its agents may make
16 application to the appropriate court for an order enjoining such
17 act or practice. Upon a showing by the board that the person has
18 engaged or is about to engage in such act or practice, an
19 injunction, restraining order or such order as may be
20 appropriate shall be granted by the court. The remedy by
21 injunction is in addition to any other civil or criminal
22 prosecution and punishment.

23 Section 709. Subpoenas and oaths.

24 (a) Authority granted.--The board shall have the authority
25 to issue subpoenas, upon application of an attorney responsible
26 for representing the Commonwealth in disciplinary matters before
27 the board, for the purpose of investigating alleged violations
28 of this act or regulation of the board. The board shall have the
29 power to subpoena witnesses, to administer oaths, to examine
30 witnesses and to take such testimony or compel the production of

1 such books, records, papers and documents as it may deem
2 necessary or proper in and pertinent to any proceeding,
3 investigation or hearing held or had by it. The board is
4 authorized to apply to Commonwealth Court to enforce its
5 subpoenas. The court may impose limitations in the scope of the
6 subpoena as is necessary to prevent unnecessary intrusion into
7 client confidential information.

8 (b) Disciplinary matters.--An attorney responsible for
9 representing the Commonwealth in disciplinary matters before the
10 board shall maintain current records of all reported alleged
11 violations and shall periodically review the records for the
12 purpose of determining that each alleged violation has been
13 resolved in a timely manner.

14 Section 710. Municipalities.

15 (a) Municipal license prohibited.--Licensure under this act
16 shall be acceptable to a municipality in this Commonwealth as
17 proof of competence to perform electrical services, and no
18 municipality may require an individual licensed under this act
19 to obtain an additional license to perform electrical services.
20 Unless otherwise provided in this act, any local ordinance or
21 regulation concerning the qualifications, fitness and competence
22 of individuals to perform electrical services is preempted and
23 superseded.

24 (b) Certain powers preserved.--Nothing in this act shall be
25 construed to prevent a municipality from doing any of the
26 following:

27 (1) Levying lawful taxes and fees.

28 (2) Requiring the purchase of a business privilege
29 license that is unrelated to demonstrating competence in the
30 performance of electrical services.

