

CHAPTER 119**(HB 115)**

AN ACT relating to electrical workers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. KRS CHAPTER 227A IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 14 of this Act unless the context otherwise requires:

- (1) *"Authorized local licensing program" means any city, county, urban-county, charter county, or consolidated local government electrician and electrical contractor licensing program established by local ordinance for the purpose of licensing electrical workers. "Authorized local licensing program" shall include a licensing program established through a cooperative agreement between two (2) or more counties;*
- (2) *"Department" means the Department of Housing, Buildings and Construction;*
- (3) *"Electrical contractor" means any licensed individual, partnership, or corporation that is licensed to engage in, offers to engage in, or advertises or holds itself out to be qualified to engage in designing, planning, superintending, contracting of, or assuming responsibility for the installation, alteration, or repair of any electrical wiring used for the purpose of furnishing heat, light, or power, and employs electrical workers to engage in this practice. If the electrical contractor is not a master electrician, the electrical contractor shall employ at least one (1) full-time master electrician;*
- (4) *"Electrical" pertains to the installation, alteration, or repair of wires and conduits for the purpose of transmitting electricity, and the installation of fixtures and equipment in connection therewith;*
- (5) *"Master electrician" means any individual licensed to assume responsible charge, supervision, or direction of an electrician engaged in the construction, installation, alteration, or repair of electrical wiring used to furnish heat, light, or power;*
- (6) *"Maintenance worker or maintenance engineer" means a person who is a regular, bona fide employee or agent of a property owner, property lessor, property management company, or firm that is not in the electrical business but has jurisdiction over the property where the routine maintenance of electrical systems is being performed;*
- (7) *"Routine maintenance of electrical systems" means the routine and periodic servicing of electrical systems, including cleaning, inspecting, and making adjustments to ensure the proper operation and the removal or replacement of component parts. "Routine maintenance of electrical systems" does not include the installation of complete electrical systems;*
- (8) *"Electrician" means any person licensed by the department who is employed by an electrical contractor and is engaged in the construction, alteration, or repair of any electrical wiring used for the purpose of furnishing heat, light, or power; and*
- (9) *"Committee" means the Electrical Advisory Committee as described in KRS 227.530.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 227A IS CREATED TO READ AS FOLLOWS:

- (1) *A person who is not licensed as an electrical contractor shall not represent himself or herself to the public as an electrical contractor or use any terms, titles, or abbreviations which express or imply that the person is a licensed electrical contractor.*
- (2) *A person who is not licensed as a master electrician shall not represent himself or herself to the public as a master electrician or use any terms, titles, or abbreviations which express or imply that the person is a licensed master electrician.*
- (3) *A person who is not licensed as an electrician shall not represent himself or herself to the public as an electrician or use any terms, titles, or abbreviations which express or imply that the person is a licensed electrician.*
- (4) *A person who is not licensed as an electrical contractor, electrician, or master electrician shall not engage in any activities or perform any of the duties usually performed by an electrical contractor, electrician, or master electrician unless the unlicensed person is under the direct supervision of a licensed electrician or master electrician who is present on the site where the work is being performed.*
- (5) *An authorized local licensing program in existence on the effective date of this Act may contract with the department to become an agent of the department for purposes of the issuance and renewal of licenses issued pursuant to Sections 1 to 14 of this Act. The department may also contract with local governments that want to become authorized licensing programs.*
- (6) *Sections 1 to 14 of this Act shall supersede all ordinances or regulations regulating electricians, master electricians, and electrical contractors of any city, county, urban-county, charter county, or consolidated local government. This provision shall not affect city, county, urban-county, charter county, or consolidated local government regulations relating to zoning requirements or occupational payroll taxes pertaining to electricians, master electricians, and electrical contractors.*

SECTION 3. A NEW SECTION OF KRS CHAPTER 227A IS CREATED TO READ AS FOLLOWS:

- (1) *The provisions of Sections 1 to 14 of this Act shall not apply to installations under the exclusive control of electric utilities for the purpose of communication, metering, or for the generation, control, transformation, transmission, and distribution of electric energy located in buildings used exclusively by utilities for those purposes or located outdoors on property owned or leased by the utility or on public highways, streets, or roads, or outdoors by established rights on private property.*
- (2) *Nothing in Sections 1 to 14 of this Act shall require that a maintenance worker or maintenance engineer performing routine maintenance of electrical systems be licensed.*
- (3) *Nothing in Sections 1 to 14 of this Act shall prohibit or interfere with the ability of a homeowner or farmer to install or repair electrical wiring on his or her real property.*
- (4) *Nothing in Sections 1 to 14 of this Act shall require that a retailer or its agent engaged in making installations of an appliance purchased at a retail establishment be licensed.*
- (5) *Nothing in Sections 1 to 14 of this Act shall be construed to require persons making installations exempt by KRS 227.460 to be licensed or to work for a licensed person.*
- (6) *Nothing in Sections 1 to 14 of this Act shall preclude the use of unlicensed, nonresident electricians in temporary, emergency, or industrial shutdown situations. Those unlicensed, nonresident electricians shall apply for an electrician's license or a master*

electrician's license after they are employed and engaged in electrical work in the Commonwealth of Kentucky for a period of thirty (30) days. The license shall be obtained by the temporary, unlicensed, nonresident electricians within sixty (60) days of securing employment.

- (7) *Nothing in Sections 1 to 14 of this Act shall apply to a person performing work at a surface or underground coal mine or at a coal preparation plant.*
- (8) *Nothing in Sections 1 to 14 of this Act shall apply to a person performing work for a telecommunications company for which the voltage is fifty (50) volts or less.*
- (9) *Nothing in Sections 1 to 14 of this Act shall prohibit a factory-authorized representative from the installation, maintenance, or service of a medical equipment device. This exemption does not include work providing electrical feeds into the power distribution unit or installation of conduits and raceways. This exemption covers only those factory engineers or third-party service companies with equivalent training who are qualified to perform such service.*

SECTION 4. A NEW SECTION OF KRS CHAPTER 227A IS CREATED TO READ AS FOLLOWS:

- (1) *The department, with assistance from the Electrical Advisory Committee, shall administer and enforce the provisions of Sections 1 to 14 of this Act and shall evaluate the qualifications of applicants for licensure.*
- (2) *The department may issue subpoenas, examine witnesses, pay appropriate witness fees, administer oaths, and investigate allegations of practices violating the provisions of Sections 1 to 14 of this Act or the administrative regulations promulgated under Sections 1 to 14 of this Act and KRS Chapter 13A.*
- (3) *The department shall conduct hearings under KRS Chapter 13B and keep records and minutes necessary to carry out the function of Sections 1 to 14 of this Act.*
- (4) *The department, with assistance from the Electrical Advisory Committee, shall evaluate the qualifications of applicants and issue licenses to qualified candidates.*
- (5) *The department shall renew licenses.*
- (6) *The department may:*
 - (a) *Refuse to issue or renew a license;*
 - (b) *Suspend or revoke a license;*
 - (c) *Impose supervisory or probationary conditions upon a licensee;*
 - (d) *Impose administrative disciplinary fines;*
 - (e) *Issue written reprimands or admonishments; and*
 - (f) *Take any combination of the actions permitted in this subsection.*
- (7) *The department may seek injunctive relief in the Circuit Court of Franklin County, in the county in which the violation occurred, or in the county where the business of the accused is located to stop any unlawful practice in Sections 1 to 14 of this Act and administrative regulations promulgated thereunder. The department may also seek injunctive relief for unlicensed persons who inappropriately use the title "electrical contractor," "electrician," or "master electrician."*

- (8) *The department, with advice from the Electrical Advisory Committee, may promulgate administrative regulations to create a code of ethics and procedures governing the licensure of electrical contractors, electricians, and master electricians.*
- (9) *The department may enter into reciprocal agreements with other states having licensure, certification, or registration qualifications and requirements substantially equal to those of this state.*

SECTION 5. A NEW SECTION OF KRS CHAPTER 227A IS CREATED TO READ AS FOLLOWS:

- (1) *All fees and other moneys received by the department under the provisions of Sections 1 to 14 of this Act shall be deposited in the State Treasury to the credit of a revolving fund for use by the department in administering the provisions of Sections 1 to 14 of this Act.*
- (2) *No part of this revolving fund shall revert to the general funds of the Commonwealth.*
- (3) *An authorized local licensing program under Sections 1 to 14 of this Act shall negotiate with the department the amount of the fees to be retained by the authorized local licensing program.*
- (4) *Funds for the initial administration of Sections 1 to 14 of this Act, following the effective date of this Act and to the extent fee income is insufficient to meet actual costs as determined by the chief budget officer for the department, shall be borrowed from surplus trust and agency accounts of the department and repaid without interest over no more than the succeeding two (2) fiscal years.*

SECTION 6. A NEW SECTION OF KRS CHAPTER 227A IS CREATED TO READ AS FOLLOWS:

- (1) *The department shall issue a license as an "electrical contractor" to an applicant who meets the following requirements:*
 - (a) *Has paid to the department the application fee not to exceed two hundred dollars (\$200) and the appropriate examination fee, which shall not exceed the actual cost of examination;*
 - (b) *Has achieved a passing score, as set by the department, on all portions of the examination required by the department. The department shall promulgate administrative regulations to specify who shall take the examination if the applicant is a business entity; and*
 - (c) *Has submitted proof that he or she has complied with workers' compensation and unemployment insurance laws and administrative regulations and has obtained a general liability insurance policy of not less than five hundred thousand dollars (\$500,000).*
- (2) *The department shall issue a license as a "master electrician" to an applicant who meets the following requirements:*
 - (a) *Has paid to the department the application fee not to exceed one hundred dollars (\$100) and the appropriate examination fee not to exceed the actual cost of the examination;*
 - (b) *Has completed:*
 1. *Six (6) years of verifiable experience in the electrical trade; and*

2. *A training course on electrical work, acceptable to the department, or an additional two (2) years of verifiable experience in the electrical trade; and*
 - (c) *Has achieved a passing score, as set by the department, on all portions of the examination required by the department.*
- (3) *The department shall issue a license as an "electrician" to an applicant who meets the following requirements:*
- (a) *Has paid to the department the application fee not to exceed fifty dollars (\$50) and the appropriate examination fee not to exceed the actual cost of the examination;*
 - (b) *Has completed:*
 1. *Four (4) years of verifiable experience in the electrical trade; and*
 2. *A training course on electrical work, acceptable to the department, or an additional two (2) years of verifiable experience in the electrical trade; and*
 - (c) *Has achieved a passing score, as set by the department, on all portions of the examination required by the department.*

SECTION 7. A NEW SECTION OF KRS CHAPTER 227A IS CREATED TO READ AS FOLLOWS:

Upon application to the department and payment of all applicable fees, the department shall license by endorsement an applicant who is registered, licensed, or certified in another state if the requirements for registration, licensing, or certification in the issuing state are substantially equal to the requirements for licensing in the Commonwealth of Kentucky and the applicant is in good standing in the issuing state. The department shall license an applicant by endorsement only if the issuing state extends similar reciprocity to Kentucky citizens licensed under Sections 1 to 14 of this Act.

SECTION 8. A NEW SECTION OF KRS CHAPTER 227A IS CREATED TO READ AS FOLLOWS:

- (1) *Upon payment of all applicable fees, an applicant for licensure as a master electrician under Section 6 of this Act making application to the department prior to July 15, 2004, may be licensed by the department without completing the licensure requirements as established in Section 6 of this Act if:*
 - (a) *The applicant is currently licensed by a city, county, urban-county, consolidated local government, or the state of Kentucky; or*
 - (b) *The applicant is currently licensed, certified, or registered as a master electrician in another state whose standards are substantially equal to those in Section 6 of this Act.*
- (2) *Prior to July 15, 2004, an applicant who does not qualify for licensure under subsection (1) of this section or Section 6 of this Act may qualify for licensure by the following:*
 - (a) *An applicant for licensure as an electrical contractor shall qualify by showing a minimum of two (2) years of verifiable experience engaging in the work of an electrical contractor in this state;*
 - (b) *An applicant for licensure as a master electrician shall qualify by showing a minimum of six (6) years of verifiable experience as an electrical worker in this state; and*

- (c) *An applicant for licensure as an electrician shall qualify by showing a minimum of four (4) years of verifiable experience as an electrical worker in this state.*

Under this subsection, any individual who is currently engaged in the work of an electrical contractor, electrician, or master electrician but who has not been licensed by the state or any locality may qualify for licensure in lieu of requirements in Section 6 of this Act by documenting the appropriate years of experience in his or her respective area.

- (3) *After July 15, 2004, licensure under this section shall cease.*

SECTION 9. A NEW SECTION OF KRS CHAPTER 227A IS CREATED TO READ AS FOLLOWS:

- (1) *The department, with advice from the Electrical Advisory Committee, shall select and approve an examination to be used in determining the competency of persons to be licensed under Sections 1 to 14 of this Act. Examinations selected and approved for each level of licensing shall be nationally recognized examinations which have been determined through proper validation techniques to measure successfully an individual's competency to perform the licensed practice.*
- (2) *The department shall offer the examinations on a regularly scheduled basis in localities determined by the committee. The department shall offer the examinations through any authorized local licensing program.*
- (3) *The department may contract with an outside entity or testing service for the administration of examinations required for licensure.*

SECTION 10. A NEW SECTION OF KRS CHAPTER 227A IS CREATED TO READ AS FOLLOWS:

- (1) *Each licensee licensed under the provisions of Sections 1 to 14 of this Act shall annually, on or before the anniversary date of the license, pay to the department a renewal fee as established in administrative regulations promulgated by the department.*
- (2) *A sixty (60) day grace period shall be allowed after the anniversary date of the license during which time a licensee may continue to practice and may renew his or her license upon payment of the renewal fee plus a late renewal fee as promulgated by administrative regulation of the department.*
- (3) *A license not renewed before the end of the sixty (60) day grace period shall terminate based on the failure of the licensee to renew in a timely manner. Upon termination, the licensee is no longer eligible to practice in the Commonwealth.*
- (4) *After the sixty (60) day grace period, a former licensee with a terminated license may have the license reinstated upon payment of the renewal fee plus a reinstatement fee as promulgated by administrative regulation of the department. An applicant for reinstatement after termination of the license shall not be required to submit to any examination as a condition for reinstatement, if the reinstatement application is made within three (3) years from the date of termination.*
- (5) *A suspended license is subject to expiration and termination and shall be renewed as provided in this section. Renewal shall not entitle the licensee to engage in the practice until the suspension has ended or is otherwise removed by the department and the right to practice is restored by the department.*

- (6) *A revoked license is subject to expiration or termination but may not be renewed. If it is reinstated, the former licensee shall pay the reinstatement fee as promulgated by administrative regulations under subsection (4) of this section and the renewal fee as promulgated by administrative regulations under subsection (1) of this section.*
- (7) *The department shall require an applicant for renewal or reinstatement of a license to show evidence of completing at least six (6) hours of continuing education provided by the National Electrical Contractors Association, the Associated Builders and Contractors, the International Brotherhood of Electrical Workers, the Associated General Contractors, the International Association of Electrical Inspectors, the Independent Electrical Contractors Association, the Kentucky Department of Housing, Buildings and Construction, or other provider of instruction approved by the department. The department shall promulgate administrative regulations establishing the content of the programs and the qualifications of the providers.*
- (8) *The department shall require, where applicable, that an applicant for renewal or reinstatement of a license submit proof that the applicant has complied with workers' compensation and unemployment insurance laws and regulations and has obtained a general liability insurance policy of not less than five hundred thousand dollars (\$500,000).*

SECTION 11. A NEW SECTION OF KRS CHAPTER 227A IS CREATED TO READ AS FOLLOWS:

- (1) *The department may, following a hearing pursuant to KRS Chapter 13B, impose sanctions specified in Section 4 of this Act upon proof that the licensee has:*
 - (a) *Misrepresented or concealed a material fact in obtaining a license, or in the reinstatement thereof;*
 - (b) *Been incompetent or negligent in the practice of performing electrical work;*
 - (c) *Failed to comply with an order issued by the department or an assurance of voluntary compliance; or*
 - (d) *Violated any provisions of Sections 1 to 14 of this Act and administrative regulations promulgated thereunder.*
- (2) *One (1) year from the date of a revocation, any former licensee whose license has been revoked may petition the department for reinstatement. The department shall investigate the petition and may reinstate the license upon a finding that the applicant has complied with any terms prescribed by the department and is again able to competently engage in the practice of performing electrical work.*
- (3) *At any time during the investigative or hearing processes, the department may enter into an agreed order or accept an assurance of voluntary compliance with the license holder which effectively deals with the complaint.*
- (4) *The department may reconsider, modify, or reverse its probations, suspensions, or other disciplinary actions.*

SECTION 12. A NEW SECTION OF KRS CHAPTER 227A IS CREATED TO READ AS FOLLOWS:

Any party aggrieved by a disciplinary action of the department may bring an action in the Circuit Court of Franklin County under the provisions of KRS Chapter 13B.

SECTION 13. A NEW SECTION OF KRS CHAPTER 227A IS CREATED TO READ AS FOLLOWS:

Any person who violates or aids in the violation of any provision of Section 2 of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000), or sentenced to jail for not less than ten (10) nor more than one hundred eighty (180) days, or both.

SECTION 14. A NEW SECTION OF KRS CHAPTER 227A IS CREATED TO READ AS FOLLOWS:

- (1) *A master electrician who ceases to be associated with the electrical contractor and is the representative by which the licensed electrical contractor qualifies shall immediately report his or her disassociation to the department or the authorized local licensing program. The master electrician shall be responsible for all work done under his or her license until the department or the authorized local licensing program is notified by the master electrician that he or she is no longer associated with the electrical contractor.*
- (2) *If the holder of any electrical license ceases to be a part of the business relying upon the holder's license for its right to remain in business, the business shall employ a licensed person prior to the continuance of any business activity or within thirty (30) days, whichever comes first.*

Section 15. KRS 227.450 is amended to read as follows:

As used in KRS 227.450 to 227.500 unless the context otherwise requires:

- (1) "Electrical contractor" means any *licensed* individual, partnership, or corporation that *is licensed to engage in, offers to engage in, or advertises or holds itself out to be qualified to engage in designing, planning, superintending, contracting of, or assuming responsibility for the installation, alteration, or repair of any electrical wiring used for the purpose of furnishing heat, light, or power, and employs electrical workers to engage in this practice. If the electrical contractor is not a master electrician, the electrical contractor shall employ at least one (1) full-time master electrician*~~engages in the business of or employs others for the construction, alteration or repair of any electrical wiring used for the purpose of furnishing heat, light or power~~;
- (2) "Electrician" means any person *licensed by the department* who is employed by an electrical contractor and is engaged in the construction, alteration, or repair of any electrical wiring used for the purpose of furnishing heat, light, or power;
- (3) "Electrical" pertains to the installation, *alteration, or repair* of wires and conduits for the purpose of transmitting electricity, and the installation of fixtures and equipment in connection therewith;
- (4) "Electrical inspector" means any person certified by the commissioner of housing, buildings and construction pursuant to KRS 227.489 who, for compensation, inspects the construction and installation of electrical conductors, fittings, devices and fixtures for light, heat or power service equipment to ascertain the compliance with the National Electrical Code incorporated in the Uniform State Building Code promulgated pursuant to KRS 198B.050 or the standards of safety of the Commonwealth of Kentucky; and
- (5) "Department" means the Department of Housing, Buildings and Construction.

Section 16. KRS 227.480 is amended to read as follows:

- (1) A city,~~or~~ county, **urban-county, or consolidated local government** shall, according to the Uniform State Building Code as it pertains to the plan review and inspection responsibilities of local governments, require any person to obtain permits before commencing construction, alteration, or repairs of any electrical wiring, and require such inspection as it deems necessary for the safety of life and property.
- (2) A city,~~or~~ county, **urban-county, or consolidated local government** or the state shall not issue a permit unless the applicant submits **proof of being licensed under Sections 1 to 14 of this Act**~~, through an affidavit or other means prescribed by the city, county or state, that he has complied with workers' compensation and unemployment insurance laws and regulations. The city or county shall also require the applicant to submit proof in the manner prescribed above that he has obtained a general liability insurance policy of not less than two hundred fifty thousand dollars (\$250,000) which is in effect. Failure to comply with this requirement shall be grounds for suspension or revocation of an electrical contractor license~~. However, the provisions of this subsection shall not apply to a homeowner or farmer who does construction, alteration, or repairs of any electrical wiring on **his or her**~~their~~ own premises.
- (3) A city,~~or~~ county, **urban-county, or consolidated local government shall**~~may~~ appoint and **may** fix the compensation of city,~~or~~ county, **urban-county, or consolidated local government** electrical inspectors, and may by ordinance fix reasonable fees and establish other requirements for the conduct of electrical inspections within its boundaries. All electrical inspectors must be certified under KRS 227.489.
- (4) Reasonable standards for the construction, alteration, and repair of any electrical wiring shall be those adopted in the Uniform State Building Code, as promulgated by the Board of Housing, Buildings and Construction, and shall have as a minimum standard the requirements of the National Electric Code. These standards shall be used by the electrical inspector in making his inspections.

Section 17. KRS 227.530 is amended to read as follows:

- (1) There is hereby created an Electrical Advisory Committee which shall be attached to the Department of Housing, Buildings and Construction for administrative purposes. The committee shall be constituted as follows:
 - (a) Two (2) members chosen from public utility companies;
 - (b) Two (2) members who are electricians;
 - (c) Two (2) members who are certified electrical inspectors, one (1) of whom shall be employed by a governmental entity and the other who shall be an independent contractor engaged in the business of inspecting electrical installations;
 - (d) Two (2) members who are licensed professional electrical engineers;~~and~~
 - (e) Two (2) members who are engaged in the business of electrical contracting; **and**
 - (f) **One (1) member who is engaged in the business of electrical contracting and who employs no more than five full-time employees when appointed.**
- (2) Committee members shall be appointed by the Governor for four (4) year terms. No committee member shall be appointed for more than one (1) successive term.

- (3) The committee shall meet at least quarterly or upon request of the department for the purpose of considering matters relating to electrical installations and electrical inspections. The committee shall make recommendations to and otherwise advise the department on these matters.
- (4) All committee members shall be compensated for expenses incurred in the conduct of Commonwealth business.

Section 18. Effective July 15, 2004, the following KRS sections are repealed:

227.490 Local examination -- Examining board -- Local license -- Disciplinary action.

227.4901 Examination for electrical contractors -- Issuance of electrical contractor examination certificate -- Reports on disciplinary actions against licensed contractors -- Administrative regulations.

Approved March 18, 2003