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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2002

ENROLLED

SENATE BILL NO. 123

(By Senator Snyder)

PASSED March 6, 2002

In Effect ninety days from Passage

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Senate Bill No. 123

(BY SENATOR SNYDER)

[Passed March 6, 2002; in effect ninety days from passage.]

AN ACT to amend chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article three-c, relating to certification of electrical inspectors; providing for promulgation of rules; providing definitions; prohibiting certain acts; providing for enforcement of article; providing for suspension or revocation of certification; and providing civil and criminal penalties.

Be it enacted by the Legislature of West Virginia:

That chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article three-c, to read as follows:

ARTICLE 3C. CERTIFICATION OF ELECTRICAL INSPECTORS.

§29-3C-1. Purpose.

1 This article is intended to protect the health, safety and
2 welfare of the public and to protect public and private
3 property by assuring the competence of persons who
4 perform electrical inspections of dwellings and other
5 structures through certification by the state fire marshal.

§29-3C-2. Definitions.

1 (a) As used in this article, the terms:

2 (1) "Certified electrical inspector" means a person who
3 is certified by the state fire marshal as qualified to per-
4 form electrical inspections. "Electrical inspector" does not
5 include an inspector employed by the office of miners'
6 health, safety and training pursuant to the provisions of
7 section eleven, article one, chapter twenty-two-a of this
8 code.

9 (2) "Electrical inspection" means any inspection re-
10 quired by this code and any inspection of a building to
11 which electrical service is connected, wherein the inspec-
12 tor certifies that the electrical system in the building is in
13 compliance with the national electrical code, state fire
14 code and the state building code.

§29-3C-3. Certification of electrical inspectors required.

1 After the first day of January, two thousand three, no
2 electrical inspections may be performed, offered or
3 engaged in for compensation or hire within the state of
4 West Virginia by any person who is not certified pursuant
5 to this article: *Provided*, That any person who is employed
6 by this state or any subdivision of this state and who in the
7 normal course of his or her business conducts electrical
8 inspections may perform electrical inspections as within
9 the scope of his or her employment without certification
10 pursuant to this article.

**§29-3C-4. Certification program; duties of the state fire mar-
shal; rulemaking.**

1 (a) The state fire marshal shall propose rules for legisla-
2 tive approval in accordance with the provisions of article
3 three, chapter twenty-nine-a of this code to establish a
4 program for the certification of electrical inspectors.
5 Proposed rules shall provide: Standards and procedures
6 for certification, including applications, examinations,
7 fees, qualifications, procedures for investigating com-
8 plaints, revoking or suspending certifications and for
9 renewing licenses. The state fire marshal is also autho-
10 rized to propose emergency rules to implement the provi-
11 sions of this article: *Provided*, That the emergency rules
12 specify an initial certification fee of fifty dollars.

13 (b) The state fire marshal shall certify an electrical
14 inspector upon a finding that the applicant possesses the
15 requisite qualifications.

**§29-3C-5. Denial of license; suspension and revocation of
license.**

1 The state fire marshal shall deny certification to any
2 applicant who:

3 (1) Fails to establish that he or she holds any other
4 required qualifications for certification established
5 pursuant to rules promulgated pursuant to section four of
6 this article; or

7 (2) Is not a licensed master electrician in accordance
8 with rules promulgated pursuant to section four of this
9 article.

§29-3C-6. Suspension or revocation of certification.

1 The state fire marshal may, upon complaint, upon a
2 request or referral, or upon his or her own inquiry suspend
3 or revoke the certification of any person upon a finding
4 that:

5 (1) The certification was granted upon an application, or
6 upon documents supporting the application, that materi-
7 ally misstated the applicant's qualifications or experience;

8 (2) The certified electrical inspector knowingly sub-
9 scribed to or vouched for a misstatement by an applicant
10 for certification;

11 (3) The certified electrical inspector incompetently
12 performed an electrical inspection;

13 (4) The certified electrical inspector failed to comply
14 with a provision of this article, or any rule promulgated
15 pursuant to section four of this article; or

16 (5) The certified electrical inspector failed to comply
17 with the reporting requirements of section eight of this
18 article.

§29-3C-7. Prohibited acts.

1 A certified electrical inspector may not:

2 (1) Approve nor disapprove work of which he or she does
3 not have personal knowledge;

4 (2) Misrepresent his or her authority or responsibility; or

5 (3) Use his or her certification as an electrical inspector
6 to secure special favors or treatment;

7 (4) Inspect any electrical installation for which he or she
8 has performed any part of the work; or

9 (5) Perform an electrical inspection of any work fur-
10 nished by a private contractor that employs him or her on
11 a full-time, part-time or incidental basis: *Provided*, That
12 an employee of a contractor performing electrical installa-
13 tion may inspect electrical work performed by other
14 employees of the same employer, as long as the inspection
15 is not intended to be relied on by any person other than the
16 employer, and the electrical inspector does not certify to
17 an electric utility or to any person that the work is in
18 compliance with applicable building codes, electrical
19 codes or other standards.

§29-3C-8. Required reporting of violations.

1 Any certified electrical inspector having knowledge of
2 violations of this code or rules promulgated pursuant to
3 this code by the fire marshal or the fire commission shall
4 submit the information, together with available evidence,
5 to the state fire marshal.

§29-3C-9. Noncompliance with article; failure to obtain certification; penalty.

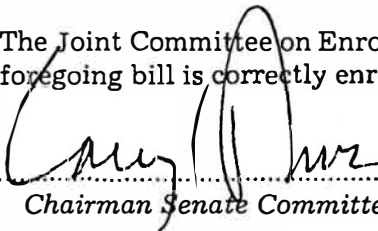
1 (a) Any person performing electrical inspections without
2 being certified pursuant to this article is guilty of a
3 misdemeanor and, upon conviction thereof, shall be fined
4 not less than one hundred fifty nor more than five hundred
5 dollars, or confined in the county or regional jail for not
6 more than ninety days, or both; and upon conviction of a
7 second or subsequent offense, shall be fined not less than
8 five hundred dollars nor more than one thousand dollars,
9 or confined in the county or regional jail for not more than
10 ninety days, or both.


11 (b) Any person who conducts an electrical inspection
12 without the required certification is subject to being issued
13 a citation or a civil action in the name of the state in the
14 circuit court of the county where the inspection was or is
15 being performed for an injunction. A circuit court by
16 mandatory or prohibitory injunction may compel compliance
17 with the provisions of this article, with the lawful
18 orders of the state fire marshal and with any final decision
19 of the state fire marshal or state fire commission. The
20 state fire marshal shall be represented in all proceedings
21 instituted pursuant to this subsection by the attorney
22 general or his or her assistants.

§29-3C-10. Disposition of fees and other receipts.

1 All fees or moneys received as a result of actions under
2 this article shall be deposited in the special account
3 created pursuant to section twelve-b, article three of this
4 chapter. Expenditures from the fund shall be for the
5 purposes set forth in this article and article three of said
6 chapter.

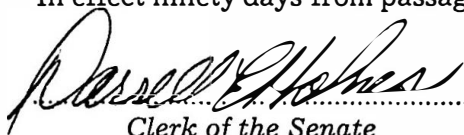
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

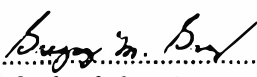

Chairman Senate Committee


Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within is approved this the 18th
Day of March, 2002.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/12/02

Time 10:35am