

16 The following words, terms and phrases, when used in this Chapter shall have the
17 meanings ascribed to them under this section, except where the context clearly indicates a different
18 meaning:

19 (1) 'Board' shall mean the State Board of Electrical Examiners established in this Chapter.

20 (2) 'Cut-in-card' shall mean the approval certificate sent to the power company by the
21 inspection agency after an inspection has been completed, which authorizes the power company to turn on
22 the electricity at the property.

23 (3) 'Dwelling' shall mean, for purposes of this Chapter, any enclosure that affords
24 habitable living space for a human being(s).

25 (4) 'Division' shall mean the State Division of Professional Regulation.

26 (5) 'Electrical inspection agency' shall mean the agency responsible for the oversight
27 and the issuing of certificates of inspection for all electrical work performed in this State.

28 (6) 'Excessive use or abuse of drugs' shall mean any use of narcotics, controlled
29 substances, or illegal drugs without a prescription from a licensed physician, or the abuse of alcoholic
30 beverage such that it impairs his or her ability to perform the work of an electrician.

31 (7) 'Full-time employee' shall mean an individual, who is added to the company payroll
32 and who has on file with the employer a W-4 form authorizing the employer to withhold taxes and who
33 receives a wage or salary and who is under the supervision of a licensed electrician.

34 (8) 'Homeowner' shall mean, for purposes of this Chapter, an individual who both owns
35 and lives in his or her home or dwelling.

36 (9) 'License' shall mean the certificate issued by the Board that is evidence that the
37 holder has met the requirements of this Chapter.

38 (10) 'Limited Electrician' shall mean a person licensed by the Board to plan, estimate,
39 layout, perform, or supervise the installation, erection, or repair of any electrical conductor, molding,
40 duct, raceway, conduit, machinery, apparatus, device, or fixture, for the purpose of lighting, heating, or
41 power, in any structure which contains four or fewer dwelling units, as determined by the applicable
42 building code.

43 (11) 'Limited Electrician Special' shall mean a person licensed by the Board to plan,
44 estimate, layout, perform, or supervise the installation, erection, or repair of any electrical conductor,
45 molding, duct, raceway, conduit, machinery, apparatus, device, or fixture, for any of the following
46 purposes: elevators, swimming pools, air conditioning, heating, and oil burners, in any structure which
47 contains four or fewer dwelling units, as determined by the applicable building code.

48 (12) 'Master Electrician' shall mean a person, licensed by the Board, to plan, estimate,
49 layout, perform, or supervise the installation, erection, or repair of any electrical conductor, molding,
50 duct, raceway, conduit, machinery, apparatus, device, or fixture for the purpose of lighting, heating, or
51 power in any structure.

52 (13) 'Master Electrician Special' shall mean a person, licensed by the Board, to plan,
53 estimate, layout, perform, or supervise the installation, erection, or repair of any electrical conductor,
54 molding, duct, raceway, conduit, machinery, apparatus, device or fixture for any one of the following
55 purposes: elevators, swimming pools, electric signs, air conditioning, heating, refrigeration, and oil
56 burners, and overhead and underground primary distribution systems.

57 (14) 'Person' shall mean an individual, firm, partnership, corporation, association, joint
58 stock company, limited partnership, limited liability company, and any other legal entity and includes a
59 legal successor of those entities.

60 (15) 'Service' shall mean, for purposes of this Chapter, to repair or replace in kind.

61 (16) 'State' shall mean the State of Delaware.

62 (17) 'Supervision' shall mean that a licensed electrician shall be fully responsible for all
63 electrical work performed under his or her license.

64 (18) 'Unlicensed practitioner' shall mean any person, who engages in the occupational
65 practices as defined in subsections (10), (11), (12), or (13) of this section, and who has not been granted a
66 license or a homeowner's permit by the Board.

67 §1403. Board of Electrical Examiners; appointments; composition; qualifications; term;
68 vacancies; suspension or removal; unexcused absences; compensation.

69 (a) There is created a State Board of Electrical Examiners, which shall administer and
70 enforce this Chapter.

71 (b) The Board shall consist of nine members, appointed by the Governor, who are
72 residents of this state: Five shall be electricians licensed under this Chapter, one of whom may be a
73 registered professional engineer with at least six years' experience in electrical planning and design, and
74 four public members. The public members shall not be, nor ever have been, licensed electricians, nor
75 members of the immediate family of a licensed electrician; shall not have been employed by an electrician
76 or electrical contractor; shall not have a material interest in the providing of goods and services to
77 electricians; nor have been engaged in an activity directly related to the electrical business. The public
78 members shall be accessible to inquiries, comments and suggestions from the general public.

79 (c) Except as provided in subsection (d) of this section, each member shall serve a term
80 of three years, and may succeed himself or herself for one additional term; provided, however, that where
81 a member was initially appointed to fill a vacancy, such member may succeed himself or herself for only
82 one additional full term. Any person appointed to fill a vacancy on the Board shall hold office for the
83 remainder of the unexpired term of the former member. Each term of office shall expire on the date
84 specified in the appointment; however, the Board member shall remain eligible to participate in Board
85 proceedings unless and until replaced by the Governor.

86 (d) A person, who has never served on the Board, may be appointed to the Board for two
87 consecutive terms; but no such person shall thereafter be eligible for two consecutive appointments. No
88 person, who has been twice appointed to the Board or who has served on the Board for six years within
89 any nine-year period, shall again be appointed to the Board until an interim period of at least one term has
90 expired since such person last served.

91 (e) Any act or vote by a person appointed in violation of this section shall be invalid. An
92 amendment or revision of this Chapter is not sufficient cause for any appointment or attempted
93 appointment in violation of subsection (d) of this section, unless such an amendment or revision amends
94 this section to permit such an appointment.

95 (f) A member of the Board shall be suspended or removed by the Governor for
96 misfeasance, nonfeasance, malfeasance, misconduct, incompetency, or neglect of duty. A member
97 subject to disciplinary hearing shall be disqualified from Board business until the charge is adjudicated or
98 the matter is otherwise concluded. A Board member may appeal any suspension or removal to the
99 Superior Court.

100 (g) No member of the Board, while serving on the Board, shall hold elective office in any
101 professional association of electricians; this includes a prohibition against serving as head of the
102 professional association's Political Action Committee (PAC).

103 (h) The provisions set forth in Chapter 58 of Title 29 of the Delaware Code shall apply to
104 all members of the Board.

105 (i) Any member, who is absent without adequate reason for three consecutive meetings,
106 or who fails to attend at least half of all regular business meetings during any calendar year, shall be
107 guilty of neglect of duty.

108 (j) Each member of the Board shall be reimbursed for all expenses involved in each
109 meeting, including travel, according to Division policy, and, in addition, shall receive not more than \$50
110 for each meeting attended but not more than \$500 in any calendar year. After 10 meetings have been
111 attended, the member shall not be compensated for any subsequent meetings attended in that year.

112 §1404. Organization; meetings; officers; quorum.

113 (a) The Board shall hold regularly scheduled business meetings at least once in each
114 quarter of a calendar year, and at such times as the President deems necessary, or, at the request of a
115 majority of Board members.

116 (b) The Board annually shall elect a President, Vice-President, Secretary, a complaint
117 officer and an education officer. Each officer shall serve for one year and shall not succeed himself or
118 herself for more than two consecutive terms.

119 (c) A majority of the members shall constitute a quorum for the purpose of transacting
120 business. No disciplinary action shall be taken without the affirmative vote of at least five members of
121 the Board.

122 (d) Minutes of all meetings shall be recorded and the Division shall maintain copies of
123 the minutes. At any hearing where evidence is presented, a record from which a verbatim transcript can
124 be prepared shall be made. The person requesting the transcript shall incur the cost of preparing any
125 transcript.

126 §1405. Records.

127 The Division shall keep a register of all approved applications for license as a limited
128 electrician, limited electrician special, master electrician, and master electrician special, and complete
129 records relating to meetings of the Board, examinations, rosters, changes and additions to the Board's
130 rules and regulations, complaints, hearings and such other matters as the Board shall determine. Such
131 records shall be prima facie evidence of the proceedings of the Board.

132 §1406. Powers and duties.

133 (a) The Board of Electrical Examiners shall have authority to:

134 (1) Formulate rules and regulations, with appropriate notice to those affected; all
135 rules and regulations shall be promulgated in accordance with the procedures specified in the
136 Administrative Procedures Act of this State. Each rule or regulation shall implement or clarify a
137 specific section of this Chapter.

138 (2) Designate the application form to be used by all applicants and process all
139 applications;

140 (3) Designate the written, standardized examination, approved by the Division,
141 and administered and graded by the testing service, to be taken by all persons applying for
142 licensure; except applicants who qualify for licensure by reciprocity;

143 (4) Evaluate the credentials of all persons applying for a license as limited
144 electrician, limited electrician special, master electrician, and master electrician special, in this
145 State, in order to determine whether such persons meet the qualifications for licensing set forth in
146 this Chapter.

147 (5) Grant licenses to and renew licenses of all persons who meet the
148 qualifications for licensure;

- 149 (6) Delegate authority to the Division to grant homeowners' permits to persons
150 who qualify for such permits;
- 151 (7) Establish by rule and regulation continuing education standards required for
152 license renewal;
- 153 (8) Evaluate certified records to determine whether an applicant for licensure,
154 who previously has been licensed, certified, or registered in another jurisdiction as an electrician,
155 has engaged in any act or offense that would be grounds for disciplinary action under this
156 Chapter, and whether there are disciplinary proceedings or unresolved complaints pending against
157 such applicant for such acts or offenses;
- 158 (9) Refer all complaints from licensees and the public concerning licensed
159 electricians, or concerning practices of the Board, or of the profession, to the Division for
160 investigation pursuant to §8807 of Title 29 of the Delaware Code; and assign a member of the
161 Board to assist the Division in an advisory capacity with the investigation of the technical aspects
162 of the complaint;
- 163 (10) Conduct hearings and issue orders in accordance with the Administrative
164 Procedures Act, Chapter 101 of Title 29 of the Delaware Code.
- 165 (11) Grant a license to, and renew the license of, a non-practicing licensee, as
166 defined in the Board's rules and regulations, provided the individual does not use the license to
167 perform electrical installations or file inspections, and who in addition, submits proof of
168 completion of biennial continuing education requirements.
- 169 (12) Require, if necessary, that a licensed electrician take over the work done by
170 an unlicensed practitioner, or if the work is completed, that the work be inspected by a Board-
171 licensed inspection agency; such work shall be inspected by the inspection agency within five
172 working days after receipt of the Board's request.
- 173 (13) Designate and impose the appropriate sanction or penalty, after time for
174 appeal has lapsed, when the Board determined after a hearing, that penalties or sanctions should
175 be imposed.

176 Subchapter II. License.

177 §1407. License required.

178 (a) No person shall engage in the practice of providing electrical services or hold himself
179 or herself out to the public in this State as being qualified to act as a licensed electrician; or use in
180 connection with his or her name, or otherwise assume or use, any title or description conveying or tending
181 to convey the impression that he or she is qualified to act as a licensed electrician, unless such person has
182 been duly licensed under this Chapter.

183 (b) Whenever a license to practice as an electrician in this State has expired or been
184 suspended or revoked, it shall be unlawful for the person to act as an electrician in this state.

185 §1408. Qualifications of applicant.

186 (a) An applicant, who is applying for licensure as an electrician under this Chapter, shall
187 submit evidence, verified by oath and satisfactory to the Board, that such person:

188 (1) For master electrician shall have:

189 a. Six years' full-time experience under the supervision of a licensed
190 master electrician; or

191 b. Eight thousand (8,000) hours of full-time experience under the
192 supervision of a licensed master electrician, plus 576 hours of related instruction,
193 or other approved training verified by a certificate of completion of
194 apprenticeship from any bona fide, registered apprenticeship program of another
195 state; or

196 c. Four years' full-time experience under the supervision of a licensed
197 master electrician and two years' of technical training.

198 (2) For licensure as limited electrician shall have knowledge of electricity in the
199 residential area, and in addition shall have:

200 a. Three years' full-time experience under the supervision of a licensed
201 electrician, master or limited; or

202 b. Four thousand (4,000) hours of full-time experience under the
203 supervision of a licensed electrician, master or limited, plus 288 hours of related
204 instruction, or other approved training verified by a certificate of completion of
205 apprenticeship from any bona fide, registered apprenticeship program of another
206 state.

207 (3) For licensure as master electrician special shall have knowledge of electricity
208 as it relates to the particular type(s) of specialty, and in addition shall have:

209 a. Six years' full-time experience under the supervision of a licensed
210 master electrician, or master electrician special in the applicable specialty; or

211 b. Eight thousand (8,000) hours of full-time experience under the
212 supervision of a licensed master electrician or master electrician, or other
213 approved training in the applicable specialty verified by a certificate of
214 completion of apprenticeship from any bona fide, registered apprenticeship
215 program of another state.

216 (4) For licensure as limited electrician special shall have knowledge of electricity
217 as it relates to the particular type(s) of specialty, and in addition shall have:

218 a. Three years' full-time experience under the supervision of a licensed
219 master electrician special or limited electrician special in the applicable specialty;

220 or

221 b. Four thousand (4,000) hours of full-time experience under the
222 supervision of a licensed master electrician or limited electrician in the applicable
223 specialty, plus successful completion of 288 hours of related instruction, or other
224 approved training in a specialty verified by a certificate of completion of
225 apprenticeship from any bona fide, registered apprenticeship program of another
226 state.

227 (5) After fulfilling the applicable experience and/or training requirements of this
228 section, shall have achieved the passing score on the written, standardized examination

229 for licensure, with a passing score as determined by the Board in rules and regulations,
230 and which is approved by the Division;

231 (6) Shall not have been the recipient of any administrative penalties regarding his
232 or her practice as an electrician, including, but not limited, to fines, formal reprimands,
233 license suspensions or revocation, (except for license revocations for nonpayment of
234 license renewal fees), probationary limitations, and/or has not entered into any 'consent
235 agreements' which contain conditions placed by a Board on his or her professional
236 conduct and practice, including any voluntary surrender of a license. The Board may
237 determine after a hearing whether such administrative penalty is grounds to deny
238 licensure.

239 (7) Shall not have any impairment related to drugs or alcohol that would limit the
240 applicant's ability to act as an electrician in a manner consistent with the safety of the
241 public;

242 (8) Shall not have been convicted of a felony;

243 (9) Shall not have a criminal conviction record, nor pending criminal charge
244 relating to an offense, the circumstances of which substantially relate to providing
245 electrical services. Applicants who have criminal conviction records or pending criminal
246 charges shall request appropriate authorities to provide information about the record or
247 charge directly to the Board in sufficient specificity to enable the Board to make a
248 determination whether the record or charge is substantially related to providing electrical
249 services.

250 (10) Shall have no disciplinary proceedings or unresolved complaints pending
251 against him or her in any jurisdiction where the applicant has previously been or currently
252 is licensed or registered.

253 (b) All evidence of experience shall be submitted on written affidavit forms provided by
254 the Board.

255 (c) All evidence of education shall be submitted by written certification from the
256 educational institution attended.

257 (d) Where the Board has found to its satisfaction that an applicant has been intentionally
258 fraudulent, or that false information has been intentionally supplied, it shall report its findings to the
259 Attorney General for further action.

260 (e) Where the application of a person has been refused or rejected and such applicant
261 feels that the Board has acted without justification; has imposed higher or different standards for him or
262 her than for other applicants or licensees; or has in some other manner contributed to or caused the failure
263 of such application, the applicant may appeal to the Superior Court.

264 (f) An applicant may elect to postpone submitting his or her licensure fee and proof of
265 general liability insurance after successfully completing the examination for licensure; but such
266 postponement shall not exceed 12 months. If the applicant fails to activate his or her license within 12
267 months of passing the examination, the Board shall require that the applicant retake the examination.

268 §1409. Reciprocity.

269 (a) Upon payment of the appropriate fee and submission and acceptance of a written
270 application on forms provided by the Board, the Board shall grant a license to each applicant, who shall
271 present proof of current licensure in 'good standing' in another state, the District of Columbia, or territory
272 of the United States, whose standards for licensure are substantially similar to those of this State. A
273 license in 'good standing' is defined in §1408(a) (6), (7), (8), (9), and (10) of this Chapter.

274 (b) An applicant, who is licensed in a state whose standards are not substantially similar
275 to those of this state, shall have practiced for a minimum of five years after licensure; provided however,
276 that he or she meets all other qualifications for reciprocity in this section.

277 §1410. Fees.

278 The amount to be charged for each fee imposed under this Chapter shall approximate and
279 reasonably reflect all costs necessary to defray the expenses of the Board, as well as the proportional
280 expenses incurred by the Division in its service on behalf of the Board. There shall be a separate fee
281 charged for each service or activity, but no fee shall be charged for a purpose not specified in this

282 Chapter. The application fee shall not be combined with any other fee or charge. At the beginning of
283 each licensure biennium, the Division, or any other state agency acting in its behalf, shall compute, for
284 each separate service or activity, the appropriate Board fees for the licensure biennium.

285 §1411. Issuance and renewal of licenses.

286 (a) The Board shall issue a license to each applicant, who meets all of the requirements of
287 this Chapter for licensure as an electrician, in the category applied for, and who pays the fee established
288 under §1410 of this Chapter, and submits proof of general liability insurance as required by the Board.

289 (b) Each license shall be renewed biennially, in such manner as is determined by the
290 Division, and upon payment of the appropriate fee and submission of a renewal form provided by the
291 Division, proof of general liability insurance as required by the Board, and proof that the licensee has met
292 the continuing education requirements established by the Board.

293 (c) The Board, in its rules and regulations, shall determine the period of time within
294 which a licensed electrician may still renew his or her license, notwithstanding the fact that such licensee
295 has failed to renew on or before the renewal date.

296 (d) A licensee, upon written request, may be placed in an inactive status in accordance
297 with the Board's rules and regulations. The renewal fee of such person shall be prorated according to the
298 amount of time such person was inactive. Such person may reenter practice upon written request to the
299 Board of the intent to do so, and completion of continuing education, as required in the Board's rules and
300 regulations.

301 §1412. Grounds for discipline.

302 (a) A practitioner licensed under this Chapter shall be subject to disciplinary actions set
303 forth in §1414 of this Chapter, if, after a hearing, the Board finds that the practitioner:

304 (1) Has employed, or knowingly cooperated in, fraud or material deception in
305 order to acquire a license as an electrician; has impersonated another person holding a license, or
306 allowed another person to use his or her license, or aided or abetted a person not licensed as an
307 electrician to represent himself or herself as a licensed electrician;

308 (2) Has illegally, incompetently or negligently provided electrical services;

309 (3) Has performed electrical work in a category for which he or she is not
310 licensed;

311 (4) Has been convicted of a felony;

312 (5) Has been convicted of any offense, the circumstances of which substantially
313 relate to the performance of electrical work. A copy of the record of conviction certified by the
314 clerk of the court entering the conviction shall be conclusive evidence therefor;

315 (6) Has excessively used or abused drugs;

316 (7) Has engaged in an act of consumer fraud or deception of the public;

317 (8) Has violated a lawful provision of this Chapter, or any lawful rule or
318 regulation established thereunder;

319 (9) Has had his or her license as an electrician suspended or revoked, or other
320 disciplinary action taken by the appropriate licensing authority in another jurisdiction; provided,
321 however, that the underlying grounds for such action in another jurisdiction have been presented
322 to the Board by certified record; and the Board has determined that the facts found by the
323 appropriate authority in the other jurisdiction constitute one or more of the acts defined in this
324 Chapter. Every person licensed as an electrician in this State shall be deemed to have given
325 consent to the release of this information by the Board, or other comparable agencies in another
326 jurisdiction, and to waive all objections to the admissibility of previously adjudicated evidence of
327 such acts or offenses;

328 (10) Has failed to notify the Board that his or her license as an electrician in
329 another state has been subject to discipline, or has been surrendered, suspended, or revoked. A
330 certified copy of the record of disciplinary action, surrender, suspension, or revocation shall be
331 conclusive evidence thereof; or

332 (b) Subject to the provisions of Subchapter IV of Chapter 101 of Title 29 of the Delaware
333 Code, no license shall be restricted, suspended or revoked by the Board, and no practitioner's right to
334 practice as an electrician shall be limited by the Board until such practitioner has been given notice, and
335 an opportunity to be heard, in accordance with the Administrative Procedures Act.

336 §1413. Complaints.

337 (a) All complaints shall be received and investigated by the Division in accordance with
338 §8807 of Title 29 of the Delaware Code, and the Division shall be responsible for issuing a final written
339 report at the conclusion of its investigation.

340 (b) When it is determined that an individual, not currently licensed by the Board, is
341 engaging, or has engaged, in providing electrical services to the public, or is using the title ‘master
342 electrician’, ‘master electrician special’, ‘limited electrician’, limited electrician special’, or other title
343 implying that he or she is competent to provide electrical services, the Board shall apply to the Office of
344 the Attorney General to issue a cease and desist order.

345 §1414. Disciplinary sanctions.

346 (a) The Board may impose any of the following sanctions, singly or in combination,
347 when it finds that one of the conditions or violations set forth in §1412 of this Chapter applies to a
348 practitioner or licensee regulated by this Chapter:

349 (1) Issue a letter of reprimand;

350 (2) Censure a practitioner;

351 (3) Place a practitioner on probationary status, and require the practitioner to:

352 a. Report regularly to the Board upon the matters, which are the basis of
353 the probation;

354 b. Limit all practice and professional activities to those areas prescribed
355 by the Board;

356 (4) Suspend any practitioner's license;

357 (5) Revoke any practitioner's license;

358 (6) Impose a monetary penalty not to exceed \$500 for each violation.

359 (b) The Board may withdraw or reduce conditions of probation when it finds that the
360 deficiencies, which required such action have been remedied.

361 (c) By a decision of five members, the Board may suspend any license, prior to a hearing,
362 simultaneously with the scheduling of a hearing if it finds that the electrician continuing the practice,

363 which warrants this action, is an imminent danger to the public health and safety. The suspension shall
364 continue in effect until the conclusion of the proceedings, including judicial review thereof unless sooner
365 withdrawn by the Board or stayed by the Superior Court. The hearing shall be held no later than 30 days
366 from the date of service of the suspension order unless continued at the request of the licensee.

367 §1415. Hearing procedures.

368 (a) If a complaint is filed with the Board pursuant to §8807 of Title 29 of the Delaware
369 Code, alleging violation of §1412 of this Chapter, the Board shall set a time and place to conduct a
370 hearing on the complaint. Notice of the hearing shall be given and the hearing shall be conducted in
371 accordance with the Administrative Procedures Act, Chapter 101 of Title 29 of the Delaware Code.

372 (b) All hearings shall be informal without use of rules of evidence. If the Board finds, by
373 a majority vote of all members, that the complaint has merit, the Board shall take such action permitted
374 under this Chapter, as it deems necessary. The Board's decision shall be in writing and shall include its
375 reasons for such decision. The Board's decision shall be mailed immediately to the practitioner.

376 (c) Where the practitioner is in disagreement with the action of the Board, he or she may
377 appeal the Board's decision to the Superior Court within 30 days of service, or of the postmarked date of
378 the copy of the decision mailed to him or her. Upon such appeal the Court shall hear the evidence on the
379 record. Stays shall be granted in accordance with §10144 of Title 29 of the Delaware Code.

380 §1416. Reinstatement of a suspended license; removal from probationary status; replacement of
381 license.

382 (a) As a condition to reinstatement of a suspended license, or removal from probationary
383 status, the Board may reinstate such license if, after a hearing, the Board is satisfied that the licensee has
384 taken the prescribed corrective actions and otherwise satisfied all of the conditions of the suspension
385 and/or the probation.

386 (b) Applicants for reinstatement must pay the appropriate fees and submit documentation
387 required by the Board as evidence that all the conditions of a suspension and/or probation have been met.
388 Proof that the applicant has met the continuing education requirements of this Chapter may also be
389 required, as appropriate.

390 (c) A new license to replace any license lost, destroyed or mutilated may be issued
391 subject to the rules of the Board. A charge shall be made for such issuance.

392 Subchapter III. Other Provisions

393 §1417. Homeowner's Permits.

394 (a) Any person, who plans to install his or her own internal wiring, electrical work, or
395 equipment, including the main breaker or fuse, in or about his or her own home, that is not for sale nor
396 any part for rent, excluding swimming pools and hot tubs, shall obtain a homeowner's permit. Permits
397 shall be valid for one year. Failure of the homeowner to obtain a final inspection of his or her work shall
398 be cause for the Board to cancel the homeowner's permit.

399 (b) Persons applying for a homeowner's permit shall submit a photo identification, copy
400 of the deed to the home, and title or contract of sale for the mobile home (if applicable).

401 (c) Application for a homeowner's permit shall be available at the Board office in Dover,
402 or by mail. The Division shall issue the permit only to those persons who fulfill the requirements of this
403 section.

404 §1418. Partnership, firm or corporation; loss of license holder.

405 (a) If a partnership, firm, or corporation suffers a loss of a license holder, the partnership,
406 firm or corporation shall notify the Board in writing with supporting documentation within seven days of
407 the loss of a license holder.

408 (b) The Board shall schedule an emergency meeting within ten days during which time
409 the partnership, firm, or corporation may continue to operate without a license holder provided the
410 partnership, firm, or corporation continues to employ the same personnel with the exception of the license
411 holder.

412 (c) A person associated with the partnership, firm, or corporation shall submit an
413 application for a license to the Board, before the emergency meeting, for consideration by the Board at
414 such meeting. At the emergency meeting the Board may issue a temporary license valid for 100 days
415 dated from the date of notification by the partnership, firm, or corporation.

416 (d) If approved at the emergency meeting, the applicant shall be scheduled for the next
417 available examination.

418 (e) Regardless of the provisions of subsection (c) of this section, a temporary license shall
419 expire when the Board receives notification of the results of the examination.

420 (f) If the partnership, firm, or corporation allows the 100-day temporary license to expire
421 without having a person obtain a license or having in their employ a person with a license, then said
422 partnership, firm or corporation shall cease and desist immediately from all electrical work for which a
423 license is required under this Chapter.

424 §1419. Exceptions.

425 (a) Nothing in this Chapter shall be construed to prevent the performing of electrical
426 work by:

427 (1) Persons working under the supervision of a Delaware-licensed master or
428 limited electrician; such licensed electrician shall be responsible for the activities of the
429 unlicensed person performing electrical work in this State.

430 (2) Any employee of any person engaged in the performance of electrical work
431 while under the supervision of any electrician licensed under this Chapter, who is either the
432 owner or a full-time employee of the company performing the work.

433 (3) A professional engineer registered under Chapter 28 of this Title to practice
434 electrical engineering, employed by any manufacturing or industrial establishment, who has at
435 least six years' experience in electrical planning and design. Such engineer may inspect the
436 establishment's repairs, maintenance, and electrical additions if he or she is responsible for, and
437 in continuing charge of, such work at the site; in addition such engineer shall be registered with
438 the Board as the responsible person for such work, and shall file with the Board at least annually
439 a certificate of inspection, authorized by a certified inspection agency; such engineer shall file a
440 letter with the Board stating that all repairs, maintenance, and additions for which he or she is
441 responsible meet the minimum standards of the National Electrical Code, or any revision thereof;

442 (4) The Department of Transportation, its agencies, offices, and divisions, for all
443 work performed by the Department, or under its supervision, and which is approved by the
444 Department, for the installation, erection, construction, reconstruction, and/or maintenance of
445 drawbridges and traffic-control devices, including traffic signals, traffic signs and highway
446 lighting;

447 (5) Persons working beyond the main breaker or fuse of 200 amps or less on
448 structures used exclusively for agricultural purposes, except that the provisions of §1420 of this
449 Chapter regarding certificates of inspection shall apply where new installations are involved.

450 (6) Any electric light or power company, electric railway company, steam
451 railway company, diesel railway company, telegraph or telephone company, or any person
452 performing the electrical work of such company, when such work is a part of the plant or services
453 used by the company in rendering its authorized service to the public, as further defined in rules
454 and regulations of the Board.

455 (7) Any homeowner(s) who complies with the mandates of §1417 of this
456 Chapter.

457 (b) Nothing in this chapter shall restrict any person from servicing equipment in the fields
458 of heating, air conditioning, refrigeration or appliances.

459 §1420. Certificate of Inspection required; 'cut-in-card'.

460 (a) All electrical work performed in this state, unless specifically exempt, shall receive a
461 certificate of inspection issued by a Board-licensed inspection agency.

462 (b) All applications for inspections shall be filed with the inspection agency within five
463 working days of the commencement of electrical work.

464 (c) Inspection agencies shall make all inspections within five working days of receipt of
465 the application for inspection.

466 (d) No power company shall connect any current, light, or power, to any property without
467 first obtaining from an inspection agency a permanent or temporary 'cut-in-card,' except in case of
468 emergency when service may be restored by a licensed electrician prior to obtaining a 'cut-in-card.' The

469 inspection agency shall issue a 'cut-in-card' only for electrical work performed by a licensed electrician,
470 except for work being done or which has been done by persons who are not required to obtain licenses
471 under this Chapter.

472 §1421. Electrical Inspection Agencies.

473 (a) All agencies, who intend to conduct electrical inspections in this State, shall apply for
474 a license as an approved electrical inspection agency, complete a Board-approved application, and submit
475 to the Board proof of the following:

476 (1) Name(s), address(es), and telephone number(s) for all office facilities located
477 in this State, at least one office of which shall service all three counties;

478 (2) For all electrical inspectors employed by the inspection agency, proof of at
479 least seven years of experience in residential, commercial, or industrial wiring;

480 (3) The passing grade obtained by each inspector on the following examinations,
481 administered by a nationally recognized testing agency and approved by the Division: Electrical
482 one- and two-family dwelling; Electrical General administered within 18 months of employment
483 as an inspector, and Electrical Plan Review, administered within 24 months of such employment.

484 (b) The Board may grant conditional approval of the inspection agency, not to exceed six
485 months, after reviewing the credentials of the agency, evidence of general liability insurance and errors
486 and omission insurance, as required by the Board's rules and regulations, and payment of the fee
487 established by the Division. No electrical inspection agency shall conduct any electrical inspection in this
488 State until it has at least one full-time, nationally-certified inspector on its payroll, who will conduct
489 electrical inspections in this State.

490 (c) The Board may deny an application for licensure as an inspection agency; such denial
491 shall be in writing and state the reason(s) for such denial; and shall be provided by the Board to the
492 inspection agency within 10 days of the decision. The inspection agency may appeal all denials of
493 licensure to the Superior Court.

494 (d) After the Board has granted a conditional approval for the inspection agency and such
495 approval has been in effect for at least three months, the Board may grant a license to the inspection
496 agency, upon submission of certified proof of the following:

497 (1) All employees, officers, or stockholders of the inspection agency shall not
498 have any proprietary or pecuniary interest in any electrical contracting business located in this
499 State;

500 (2) All employees, officers, or stockholders of the inspection agency shall not
501 have any proprietary or pecuniary interest in any manufacturer or seller of electrical appliances,
502 machinery, wiring, electrical hardware, or other electrical apparatus.

503 (3) All employees, officers, or stockholders of the inspection agency shall not
504 have any proprietary or pecuniary interest in any electric utility or company, municipal electrical
505 department, or other utility or company, which supplies electrical energy for industrial,
506 residential, or commercial use.

507 (e) All licensed electrical inspection agencies in this State shall file, and keep up to date,
508 with the Board and keep open to public inspection at all times during normal business hours, and in each
509 office, the addresses and telephone numbers of all offices, time of regular business hours for all offices,
510 and a schedule with all rates and charges for services rendered by the agency.

511 (f) All licensed electrical inspection agencies in this State shall make inspections within
512 five days of receipt of an application for inspection and shall issue a certificate of approval within 15 days
513 after final inspection.

514 (g) All violations noted during an inspection shall be corrected within 15 days and
515 reinspected by the same inspection agency. If not corrected, the inspection agency shall notify the utility
516 concerned and the Board of such violations. The utility shall not provide service to the premises until the
517 violation is corrected.

518 (h) All records of the licensed electrical inspection agencies shall be available for
519 examination by the Division's investigators; the agency shall inform the Division of the location of all
520 records.

521 (i) All licensed electrical inspection agencies in this State shall carry general liability
522 insurance and errors and omission insurance of at least \$1,000,000 each for claims of property damage or
523 personal injury arising from faulty electrical work approved by the agency, or any of its employees, or
524 other acts or omissions performed by the agency or any of its employees.

525 (j) All employees of all licensed electrical inspection agencies in this State shall be
526 remunerated on a salary basis only and shall not be given commissions or other bonus incentives for
527 volume of work performed.

528 §1422. Penalty.

529 A person, not currently licensed as an electrician or exempt from licensure under this
530 Chapter, when guilty of performing electrical work, or using in connection with his or her name, or
531 otherwise assuming or using any title or description conveying, or tending to convey, the impression that
532 he or she is qualified to perform electrical work, such offender shall be guilty of a misdemeanor. Upon the
533 first offense, he or she shall be fined not less than \$500.00 nor more than \$1,000.00 for each offense. For
534 a second or subsequent conviction, the fine shall be not less than \$1,000.00 nor more than \$2,000.00 for
535 each offense. Justice of the Peace Courts shall have jurisdiction over all violations of this Chapter.”

536 Section 2. Rules and Regulations.

537 Rules and regulations in effect on the date of enactment of this Act shall remain valid to
538 the extent they are not inconsistent with this Act.

539 Section 3. Current Board members.

540 Members who are currently serving on the Board shall complete their terms of office.

SYNOPSIS

This Act would implement the recommendations for the Board of Electrical Examiners made by the Joint Sunset Committee in 1998. This is a major rewrite and update of the statute that governs electricians in this state. The major provisions are:

- 1) A customary statement of objectives has been added.
- 2) The definitions' section has been updated and precise wording defines the categories of licensed electricians; unlicensed practitioner is defined.
- 3) The Board membership is opened up to all electricians (10 years' experience requirement has been stricken); political affiliation has been stricken; conflict of interest language has been added; and coverage by Public Integrity Act has been added.

- 4) Division of Professional Regulation is given authority for records; complaint investigation; setting of fees.
- 5) The powers and duties have been updated and included in one specific section of the statute.
- 6) Qualifications of applicant have been updated and objective criteria have been added: experience and training hours are made clear for each category of licensee; usual wording common to other Boards has been added re criminal convictions. All licensees would have to obtain general liability insurance; the bonding requirement has been stricken.
- 7) Reciprocity language will permit those licensed in other states who meet this state's qualifications to obtain licensure, provided license is in 'good standing.'
- 8) Usual wording regarding issuance and renewal of license has been added.
- 9) Grounds for disciplinary action and disciplinary sanctions have been updated to conform to those of other boards. Board would be granted ability to make an emergency suspension of license if danger exists to public health and safety.
- 10) Hearing procedures and reinstatement of suspended license are updated.
- 11) Language re homeowners' permits has been rewritten and updated. Permits would be available in person or by mail upon presentation of copy of deed to home.
- 12) Procedure has been clarified when partnership, firm or corporation suffers loss of license holder. Temporary license would be valid for 100 days till licensed person is employed.
- 13) The exceptions from licensing mandate have not been changed.
- 14) A major change would require that inspectors employed by electrical inspection agencies have seven years' experience in residential, commercial, or industrial wiring, and in addition obtain a passing score on a nationally recognized test within specific time frames set in the statute. Criteria for electrical inspection agencies has also been rewritten and updated.

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