

House Bill 1381

By: Representatives Warren of the 122nd, Porter of the 143rd, Murphy of the 120th, Smyre of the 132nd, Orrock of the 58th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions, so as
2 to enact the "Georgia Journeyman Electrician Licensing Act"; to provide for definitions; to
3 provide for qualifications for licensure and for renewal of licenses; to provide for the
4 expiration of licenses; to provide for examination; to provide for apprenticeship programs;
5 to provide for reciprocity under certain conditions; to provide for practical experience
6 training; to provide for the liability of a journeyman or master electrician for unprofessional
7 conduct; to provide for exemptions; to provide for the licensure of certain persons without
8 examination; to provide for the suspension or revocation of licenses under certain
9 circumstances; to provide for the powers and duties of the Division of Electrical Contractors;
10 to provide for enforcement of the chapter; to provide a penalty; to provide for other matters
11 relative to the foregoing; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Title 43 of the Official Code of Georgia Annotated, relating to professions, is amended by
15 adding immediately following Chapter 14 a new Chapter 14A to read as follows:

16 "CHAPTER 14A

17 43-14A-1.

18 This chapter shall be known and may be cited as the 'Georgia Journeyman Electrician
19 Licensing Act.'

20 43-14A-2.

21 As used in this chapter, the term:

22 (1) 'Apprentice electrician' means a person licensed under this chapter as an apprentice
23 electrician who is learning the electrical trade under the approved supervision of a

1 licensed journeyman electrician and is enrolled in a federal or state approved educational
2 training program.

3 (2) 'Approved supervision' means the immediate supervision of apprentices by qualified
4 licensed electricians as a part of a planned program of training.

5 (3) 'Board' means the State Construction Industry Licensing Board.

6 (4) 'Contractor' means any person, firm, partnership, corporation, association, or other
7 organization or any combination thereof who for compensation other than wages as an
8 employee undertakes any work in the electrical trade for which licensure is required
9 under this chapter and includes any person who represents himself or herself to be a
10 contractor by advertising or any other means.

11 (5) 'Division' means the Division of Electrical Contractors.

12 (6) 'Electrical trade' means the performance of any electrical work involved in the
13 installation, construction, alteration, change, repair, removal, or maintenance of facilities,
14 buildings, appendages, or appurtenances. Electrical trade does not include such activities
15 as:

16 (A) Transporting or handling electrical materials; and

17 (B) Installations under the exclusive control of electrical utilities.

18 For purposes of this paragraph, no more than one unlicensed person may be employed
19 unless more than three licensed electricians are employed by a company or electrical
20 contractor and no company or electrical contractor may employ unlicensed persons in
21 excess of the ratio of three licensed electricians to one unlicensed person permitted by
22 this paragraph.

23 (7) 'Employee' means an individual as defined by rule by the division, giving
24 consideration to the definition adopted by the federal Internal Revenue Service.

25 (8) 'Engage in the electrical trade' means to:

26 (A) Engage in, represent oneself to be engaged in, or advertise oneself as being
27 engaged in an electrical trade; or

28 (B) Use the name 'electrician' or 'electrical journeyman' or in any other way lead a
29 reasonable person to believe one is or will act as a journeyman electrician.

30 (9) 'Immediate supervision' means reasonable direction, oversight, inspection, and
31 evaluation of the work of a person, in or out of the immediate presence of the supervising
32 person, so as to ensure that the end result complies with applicable standards.

33 (10) 'Individual' means a natural person.

34 (11) 'Journeyman electrician' means a person licensed under this chapter as a journeyman
35 electrician having the qualifications, training, experience, and knowledge to wire, install,
36 and repair electrical apparatus and equipment for light, heat, power, and other purposes,
37 as defined by the National Electrical Code.

(12) 'License' means a valid and current certificate of registration issued by a division of the board, which certificate shall give the named person to whom it is issued authority to engage in the activity prescribed thereon.

(13) 'Unskilled labor' means ancillary work not restricted by the performance of an electrical trade.

43-14A-3.

An applicant may apply for a license in one or more classifications or subclassifications. A license shall be granted in each classification or subclassification for which the applicant qualifies. A separate application and fee must be submitted for each license classification or subclassification.

43-14A-4.

(a) Each applicant for a license under this chapter shall:

(1) Submit an application prescribed by the division;

(2) Pay a fee as determined by the board;

(3) Pass an examination approved by the division in collaboration with the board, except for the classifications of apprentice electrician and residential trainee electrician for which no examination is required. The individual qualifier must pass the required examination if the applicant is a business entity; and

(4) Identify the proposed supervisor of the apprentice if the applicant is an apprentice.

(b) Each applicant for a license renewal under this chapter shall:

(1) Submit an application prescribed by the division;

(2) Pay a fee as determined by the board;

(3) Submit proof of continuing education for the hours required for renewal from an approved educational facility as determined by the division. Such continuing education should be a minimum of ten hours per year; and

(4) Identify the proposed supervisor of the apprentice, if the applicant is an apprentice.

(c) A journeyman electrician license applicant shall produce satisfactory evidence that such applicant:

(1) Has successfully completed at least four years of full-time training and instruction as a licensed apprentice electrician under direct supervision of a journeyman electrician and in accordance with a planned program of training approved by the division;

(2) Has eight years of practical experience in wiring, installing, and repairing electrical apparatus and equipment for light, heat, and power under the supervision of a licensed journeyman electrician; or

(3) Meets qualifications determined by the division to be equivalent to the qualifications otherwise required under this subsection.

(d) A residential journeyman electrician applicant shall produce satisfactory evidence that such applicant either:

(1) Has successfully completed two years of training in an electrical training program approved by the division; or

(2) Has four years of practical experience in wiring, installing, and repairing electrical apparatus and equipment for light, heat, and power under the supervision of a licensed journeyman or residential journeyman electrician.

(e) The conduct of licensed apprentice electricians, residential trainee electricians, and their licensed supervisors shall be in accordance with the following:

(1) A licensed apprentice electrician or residential trainee electrician shall be under the immediate supervision of a licensed journeyman or residential journeyman electrician.

An apprentice in the fourth year of training may work without supervision for a period not to exceed eight hours in any 24 hour period;

(2) A licensed journeyman or residential journeyman electrician may have under his or her immediate supervision on a residential project up to three licensed apprentice or residential trainee electricians; and

(3) A licensed journeyman electrician may have under his or her immediate supervision on nonresidential projects only one licensed apprentice electrician.

43-14A-5.

Each journeyman electrician license and apprentice electrician license issued under this chapter shall expire on July 31 of each odd-numbered year, and each residential journeyman electrician license and residential trainee electrician license issued under this chapter shall expire on July 31 of each even-numbered year.

43-14A-6.

(a) Each applicant for licensure as an apprentice electrician or as a residential trainee electrician shall submit an application prescribed by the division, and the date upon which the applicant is approved for licensure by the division shall be the beginning date of the apprenticeship or training period.

(b) Applicants who have commenced an electrical apprentice or residential trainee program in another state may request that the division give them credit for that portion of the apprenticeship or training completed in the other state upon a finding by the division that the program in the other state is equal to the apprenticeship or training program required in this state.

(c) The burden for demonstrating equivalency of the out-of-state apprenticeship or training program lies with the applicant. Equivalency may be demonstrated by documentation of the curriculum and training which is required as a part of the program of the other state.

43-14A-7.

Each applicant for licensure as a journeyman electrician shall submit an application prescribed by the division on which is clearly indicated the following:

(1) Satisfactory completion of an apprenticeship or experience as required for licensure as a journeyman electrician; and

(2) Successful completion of the journeyman electrician's examination established by the division in collaboration with the board.

43-14A-8.

Each applicant for licensure as a residential journeyman electrician shall submit an application prescribed by the division on which is clearly indicated the following:

(1) Satisfactory completion of a training program or experience as required for licensure as a residential journeyman electrician; and

(2) Successful completion of the residential journeyman electrician's examination established by the division in collaboration with the board.

43-14A-9.

(a) An applicant for licensure in this state as a journeyman electrician or residential journeyman electrician who is currently licensed by any other state, district, or territory of the United States in the same classification for which he or she is applying for licensure in this state may apply for licensure in this state without taking the required examination if the applicant has completed an apprenticeship or training program or has obtained the experience required under the laws of this state satisfactory to the division and the applicant has obtained his or her license in any other state, district, or territory of the United States by passing an examination in that state, district, or territory which examination is determined by the division and the board to be equivalent to the examination in this state.

(b) The burden for demonstrating equivalency of apprenticeship, training, experience, and examination from another state, district, or territory of the United States with that required in this state lies with the applicant. The fact that an applicant is recognized by any other jurisdiction or the presentation of evidence that the applicant has practiced in an electrical trade for any length of time shall not be the criteria by which the division and the board shall determine if the applicant may be exempted from taking the Georgia examination.

Such determination shall be made only on a finding of equivalency of the apprenticeship, training program, or experience and the examination by which the applicant obtained licensure in another jurisdiction with the requirements of this state.

43-14A-10.

(a) It shall be unlawful for any person to engage in an electrical trade in this state unless that person is currently licensed in the state as an apprentice electrician, residential trainee electrician, residential journeyman electrician, or journeyman electrician.

(b) No partnership, limited liability company, or corporation shall have the right to engage in the electrical trade unless there is regularly connected with such partnership, limited liability company, or corporation a person or persons actually engaged in the performance of such business on a full-time basis who have valid licenses issued to them as provided for in this chapter.

43-14A-11.

An apprentice electrician program to be approved by the division shall consist of both a formal program of classroom related instruction and on-the-job training in accordance with the following:

(1) Applicants for licensure, except those exempted under this chapter, shall be required to successfully complete an examination according to the following standards:

<u>Journeyman Electrician Exam</u>	<u>Passing Score</u>
(a) Theory	70 Percent
(b) Code	70 Percent
(c) Practical	Pass
<u>Residential Journeyman Electrician Exam</u>	<u>Passing Score</u>
(a) Theory	70 Percent
(b) Code	70 Percent
(c) Practical	Pass;

(2) Prior to taking an examination, the applicant shall have completed the apprenticeship, training, or experience required for licensure under this chapter;

(3) Admission to the examination shall be made by filing an application in accordance with current publications of the division;

(4) If an examinee passes any portion of an examination and fails any one or more of the other portions, the examinee need only retake the portion of the examination failed;

(5) Examinations shall be given bimonthly or as often as necessary to meet the demand of licensing applications as determined by the division. Applicants who fail the

1 examination shall be required to take the examination at each consecutive examination
2 period up to the maximum number of times allowed by law or until the examination is
3 passed;

4 (6) If an applicant fails to appear for an examination for which he or she has been
5 approved without providing a written excuse to the division prior to the examination, the
6 unexcused absence shall be considered as if the applicant had taken the examination and
7 failed; and

8 (7) Apprentices who have been approved for the journeyman examination may take the
9 examination a maximum of six consecutive times.

10 43-14A-12.

11 (a) Each apprentice shall register with the division.

12 (b) The classroom related instruction shall be conducted by an approved local education
13 agency apprenticeship program or such other program that has been approved by the
14 division. The division, with the concurrence of the board, shall approve the accreditation
15 of the local education agency or such other program and the curriculum for electricians.
16 Apprenticeship programs in electrical construction that are registered with the federal
17 Bureau of Apprenticeship and Training shall be approved programs of training.

18 (c) An apprentice electrician shall successfully complete 576 hours of approved classroom
19 related instruction or accomplish competencies and mastery of related instruction by
20 demonstrations or tests to measure the student's achievement level. Classroom hours may
21 be attributed to the level of competency based on a determination by the division as to how
22 much time an individual should require to master the related training tasks.

23 (d) A residential trainee electrician shall complete 288 hours of approved classroom
24 related instruction or accomplish competencies and mastery of related instruction by
25 demonstrations or tests to measure the student's achievement level. Classroom hours may
26 be attributed to the level of competency based on the division's determination of how long
27 it takes an individual to master the related training tasks.

28 (e) Successful completion of the formal classroom related instruction and on-the-job
29 training shall be evidenced by a competency examination. An apprentice shall receive a
30 passing grade as a condition for completing the apprenticeship.

31 43-14A-13.

32 (a) On-the-job training shall be provided under the direct supervision of a licensed
33 journeyman electrician or a licensed master electrician.

34 (b) On-the-job training for an apprentice electrician shall be not less than 8,000 hours of
35 supervised work experience, or the sponsor may recommend the apprentice for journeyman

status based on demonstrated competency and mastery of the trade in accordance with requirements established by the division.

(c) Training for a residential trainee electrician shall be not less than 4,000 hours of supervised work experience, or the sponsor may recommend the apprentice for journeyman status based on demonstrated competency and mastery of the trade in accordance with requirements established by the division.

(d) Competencies and mastery of on-the-job training can be accomplished by demonstrations or tests to measure the apprentice's achievement level. On-the-job training hours may be attributed to the level of competency based on the determination of the division.

(e) All on-the-job training shall be under circumstances in which the ratio of apprentices to supervisors is in accordance with a ratio of one apprentice to one supervisor on nonresidential work and up to three apprentices to one supervisor on residential projects.

43-14A-14.

The work experience needed to qualify an applicant for licensure, as approved by the division, shall consist of on-the-job training in the following categories and approximate amounts:

(1) Work Experience I:

WORK EXPERIENCE I

<u>Work Process</u>	<u>Approximate Hours</u>
RESIDENTIAL - wiring of residences, duplexes, small apartment buildings, and necessary shop work and preparation	500
COMMERCIAL - wiring of public and commercial, school, and hospital buildings; the installation and repair of all equipment therein; and necessary shop work and preparation	3,500
INDUSTRIAL - wiring of all industrial buildings and equipment; the maintenance, repair, and alteration of the same; and the necessary shop work and preparation	3,000

1	SPECIALIZED SYSTEMS - wiring of systems	1,000
2	which include sound, data transmission,	
3	telephone, fire alarm, fiber optics, energy	
4	management, closed circuit television,	
5	programmable controllers, and nurse call	
6	systems	
7	TOTAL HOURS	8,000;

8 (2) Work Experience II:

9 WORK EXPERIENCE II

10	<u>Work Process</u>	<u>Approximate Hours</u>
11	RESIDENTIAL INSTALLATIONS - rigid	1,100
12	conduit and EMT (thin wall); flexible conduit	
13	and cable; connecting and testing; service and	
14	distribution; and signal systems	
15	RESIDENTIAL MAINTENANCE AND	1,400
16	REPAIR - adding circuits; trouble-shooting;	
17	and signal systems	
18	COMMERCIAL INSTALLATIONS - exposed	1,900
19	rigid conduit and EMT; concealed rigid conduit	
20	and EMT; surface raceways; wire and cables,	
21	wiring devices, fixtures; and panelboards	
22	INDUSTRIAL INSTALLATION AND	1,200
23	CONNECTIONS - conductor; distribution	
24	panels; and switchboard	
25	MAINTENANCE AND REPAIR - industrial	1,400
26	and commercial	
27	SPECIALIZED WORK - temperature and	1,000
28	refrigeration controls; specialized fixtures and	
29	welding automatic controls; signal systems;	
30	and grounding	
31	TOTAL HOURS	8,000; or

(3) Work Experience III:

WORK EXPERIENCE III

<u>Work Process</u>	<u>Approximate Percentages</u>
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RACEWAYS, BOXES, AND	40-60 percent
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FITTINGS - conduit, wireways,
cableways and other raceways and
associated fittings

WIRE AND CABLE - individual	15-25 percent
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conductors and multiconductor
cables

DISTRIBUTION AND	10-20 percent
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UTILIZATION EQUIPMENT -
transformers, panel boards,
switchboards, control panels,
disconnects, motor starters, lighting
fixtures, heaters, appliances, motors,
and other distribution and utilization
equipment

SPECIALIZED WORK - grounding	5-15 percent
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and wiring of systems for sound,
data, communications, alarms,
automated systems, generators,
batteries, and computer equipment

The above are percentages of a total of 8,000 hours.

43-14A-15.

It shall be the responsibility of the journeyman or master electrician who is licensed by the division to ensure that the work installed by him or her as well as by any apprentice under his or her supervision is properly installed. Proper and safe installations shall be the responsibility of the supervising party or parties. Improper or unsafe installations in violation of law shall result in action being taken against the responsible party or parties for unprofessional conduct.

43-14A-16.

The provisions of this chapter shall not apply to the following:

(1) The construction, installation, maintenance, repair, or renovation by any rural electric association or cooperative or by any municipally owned utility of any transmission or distribution lines or facilities incidental to their business and covered under other nationally recognized safety standards or any other such activity when performed by any duly authorized employee of any such public utility, association, cooperative, or municipally owned utility;

(2) The construction and manufacture of manufactured homes covered by the federal National Manufactured Home Construction and Safety Standards;

(3) Any individual doing electrical work on his or her own property or residence if all such electrical work, except for maintenance, repair, or alteration of existing facilities, is inspected as provided in this chapter; if, however, such property or residence is intended for sale or resale by a person engaged in the business of constructing or remodeling such facilities or structures or such property is rental property which is occupied or is to be occupied by tenants for lodging, either transient or permanent, or is generally open to the public, the owners shall be responsible for, and the property shall be subject to, all of the provisions of this chapter pertaining to inspection and licensing, unless specifically exempted in this chapter;

(4) Any holder of a state issued heating, ventilation, air-conditioning, and refrigeration or heating, ventilation, and air-conditioning license may run line voltage power wiring, in compliance with the state electric code, from the disconnect box to an outdoor heating, ventilation, and air-conditioning unit within a distance not to exceed ten feet from a point of the heating, ventilation, and air-conditioning equipment;

(5) Any employee of a hospital performing minor repairs or making minor alterations to existing electrical facilities during the normal performance of his or her duties with a hospital licensed by the Department of Human Resources;

(6) Any industrial electrical manufacturer; and

(7) Any employee of any company, which company's business is not to provide electrical work or electrical maintenance work for others, who is employed to perform the electrical work necessary to repair and maintain the equipment and the premises of that company or to install new equipment on the premises of that company.

43-14A-17.

Those persons employed in the electrical trade who meet the requirements as specified in this chapter for any license examination shall have until January 1, 2007, to provide

1 documentation to the board substantiating their entitlement to any license, as proposed,
2 without having to stand for examination.

3 43-14A-18.

4 (a) The division shall:

5 (1) In collaboration with the board, approve examinations for all applicants for licenses;

6 (2) Register and license or issue renewal licenses to all persons meeting the
7 qualifications for a license;

8 (3) Investigate, with the aid of the division director, alleged violations of this chapter or
9 other laws and rules and regulations of the board or division relating to the profession;

10 (4) After notice and hearing, have the power to reprimand any person or licensee or to
11 suspend, revoke, or cancel the license or refuse to grant, renew, or restore a license to any
12 person or licensee upon any one of the following grounds:

13 (A) The commission of any false, fraudulent, or deceitful act or the use of any forged,
14 false, or fraudulent document in connection with the license requirements of this
15 chapter or the rules and regulations of the board or division;

16 (B) Failure at any time to comply with the requirements for a license under this chapter
17 or the rules and regulations of the board or division;

18 (C) Habitual intemperance in the use of alcoholic spirits, narcotics, or stimulants to
19 such an extent as to render the licensee unsafe or unfit to practice any profession
20 licensed under this chapter;

21 (D) Engaging in any dishonorable or unethical conduct likely to deceive, defraud, or
22 harm the public;

23 (E) Knowingly performing any act which in any way assists an unlicensed person to
24 practice such profession;

25 (F) Violating, directly or indirectly, or assisting in or abetting any violation of any
26 provision of this chapter or any rule or regulation of the board or division; or

27 (G) The performance of any faulty, inadequate, inefficient, or unsafe electrical work
28 likely to endanger life, health, or property. The performance of any work that does not
29 comply with the standards set by state codes or by local codes in jurisdictions where
30 such codes are adopted, provided that such local codes are as stringent as the state
31 codes, or by other codes or regulations which have been adopted by the board or
32 division, shall be prima-facie evidence of the faulty, inadequate, inefficient, or unsafe
33 character of such electrical work; provided, however, that the division, in its sole
34 discretion, for good cause shown and under such conditions as it may prescribe, may
35 restore a license to any person whose license has been suspended or revoked;

(5) Review amendments to or revisions in the state minimum standard codes as prepared pursuant to Article 1 of Chapter 2 of Title 8; and the Department of Community Affairs shall be required to provide to the division director a copy of any amendment to or revision in the state minimum standard codes at least 45 days prior to the adoption thereof; and

(6) Do all other things necessary and proper to exercise its powers and perform its duties in accordance with this chapter.

(b) The division may also provide, by rules and regulations, for the issuance of certificates of competency pertaining to financial responsibility and financial disclosure; provided, however, that such rules and regulations are adopted by the board. The division shall issue certificates of competency and renewal certificates to persons meeting the qualifications therefor.

(c) The division shall also hear appeals resulting from the suspension of licenses by an approved municipal or county licensing or inspection authority pursuant to Code Section 43-14A-22.

(d)(1) The division shall be authorized to require persons seeking renewal of licenses to complete board approved continuing education. The division shall be authorized to approve courses offered by institutions of higher learning, vocational-technical schools, and trade, technical, or professional organizations; provided, however, that continuing education courses or programs related to electrical contracting provided or conducted by public utilities, equipment manufacturers, or institutions under the State Board of Technical and Adult Education shall constitute acceptable continuing professional education programs for the purposes of this paragraph. Continuing education courses or programs conducted by manufacturers specifically to promote their products shall not be approved.

(2) The division shall be authorized to waive the continuing education requirements in cases of hardship, disability, or illness or under such other circumstances as the division deems appropriate.

43-14A-19.

(a) All orders and processes of the board and the division shall be signed and attested by the division director; and any notice or legal process necessary to be served upon the board or the division may be served upon the division director.

(b) The division director or his or her designee is vested with the power and authority to make such investigations in connection with the enforcement of this chapter and the rules and regulations of the board as the director, the board, the division, or any district attorney may deem necessary or advisable.

43-14A-20.

This chapter shall be administered in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

43-14A-21.

Whenever it shall appear to the division or to the division director or to a county or municipal inspection authority that any person is or has been violating this chapter or any of the lawful rules, regulations, or orders of the board or division, the division, the local inspection authority, or the appropriate prosecuting attorney may file a petition for an injunction in the proper superior court of this state against such person for the purpose of enjoining any such violation. It shall not be necessary to allege or prove that there is no adequate remedy at law. The right of injunction provided for in this Code section shall be in addition to any other legal remedy which the board has and shall be in addition to any right of criminal prosecution provided for by law.

43-14A-22.

(a) Any municipal or county inspection authority which meets the standards established by the division shall be authorized, after notice and hearing, to suspend the license of, or refuse to restore a license to, any person or licensee upon the grounds set out in paragraph (4) of subsection (a) of Code Section 43-14A-18; provided, however, that such suspension of a license by a local inspection authority shall be applicable only within the jurisdiction of such local authority. Any person aggrieved by an action of a local authority shall be entitled to an appeal to the division and shall be entitled to a hearing.

(b) This chapter shall not be construed to prohibit the governing authority of any county or municipality in the state from adopting and enforcing codes at the local level.

(c) No provision of this chapter shall be construed as prohibiting or preventing a municipality or county from fixing, charging, assessing, or collecting any license fee, registration fee, tax, or gross receipt tax on any related business or on anyone engaged in any related business governed by this chapter.

43-14A-23.

Any person who violates this chapter shall be guilty of a misdemeanor."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.