

Senate Bill 580

By: Senator Reed of the 35th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 14 of Title 43 of the Official Code of Georgia Annotated, relating to electrical contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility contractors, so as to provide for new provisions relating to the licensing of such professionals; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 14 of Title 43 of the Official Code of Georgia Annotated, relating to electrical contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility contractors, is amended by striking Code Section 43-14-1, relating to declaration of purpose, and inserting in its place a new Code section to read as follows:

"43-14-1.

This chapter is enacted for the purpose of safeguarding homeowners, other property owners, tenants, and the general public against faulty, inadequate, inefficient, or unsafe electrical, plumbing, low-voltage wiring, utility contracting, or conditioned air installations and fraudulent business practices. The practice of electrical contracting, plumbing contracting, installing, or repairing, low-voltage contracting, utility contracting, and conditioned air contracting are declared to be businesses or professions affecting the public interest; and this chapter shall be liberally construed so as to accomplish the purposes stated in this Code section and so shall be designed as to promote and enforce education of the tradespeople in their respective trades, workplace safety, and workplace health."

SECTION 2.

Said chapter is further amended by striking Code Section 43-14-2, relating to definitions, and inserting in its place a new Code section to read as follows:

1 "43-14-2.

2 As used in this chapter, the term:

3 ~~(1)~~(1) 'Alarm system' means any device or combination of devices used to detect a
4 situation, causing an alarm in the event of a burglary, fire, robbery, medical emergency,
5 or equipment failure, or on the occurrence of any other predetermined event.

6 ~~(1)~~(2) 'Board' means the State Construction Industry Licensing Board.

7 (3) 'Business' means a person, company, partnership, or corporation that has a legal
8 name, a legal address, and a legal registered agent that is registered with the Secretary of
9 State.

10 ~~(2)~~(4) 'Certificate of competency' means a valid and current certificate issued by the
11 Division of Electrical Contractors created in Code Section 43-14-3, which certificate shall
12 give the ~~named electrical contractor~~ person to which it is issued authority to engage in
13 ~~electrical~~ contracting of the kind described therein. ~~Certificates of competency shall be~~
14 ~~of two kinds, Class I and Class II, according to the classification of license held by the~~
15 ~~electrical contractor.~~

16 ~~(3)~~(5) 'Conditioned air contracting' means the installation, repair, or service of
17 conditioned air systems or conditioned air equipment. Service to or installation of the
18 electrical connection between the electrical disconnect and conditioned air equipment is
19 considered to be installation, repair, or service of conditioned air equipment or the
20 conditioned air system. Service to or installation of the electrical circuit from the
21 electrical distribution panel to the conditioned air equipment where the electrical service
22 to the building or site is a single-phase electrical circuit not exceeding 200 amperes is
23 considered to be installation, repair, or service of conditioned air equipment or the
24 conditioned air system.

25 ~~(4)~~(6) 'Conditioned air contractor' means an individual who is engaged in conditioned
26 air contracting under express or implied contract or who bids for, offers to perform,
27 purports to have the capacity to perform, or does perform conditioned air contracting
28 services under express or implied contract. The term 'conditioned air contractor' shall not
29 include a person who is an employee of a conditioned air contractor and who receives
30 only a salary or hourly wage for performing conditioned air contracting work.

31 ~~(5)~~(7) 'Conditioned air equipment' means heating and air-conditioning equipment
32 covered under state codes and the natural gas piping system on the outlet side of the gas
33 meter.

34 ~~(6)~~(8) 'Electrical contracting' means the installation, maintenance, alteration, or repair
35 of any electrical equipment, apparatus, control system, ~~or electrical wiring device which~~
36 ~~is attached to or incorporated into any building or structure in this state but shall not~~
37 ~~include low-voltage contracting, or equipment which is used for light, heat, or power and~~

installing and maintaining remote control, signaling, power limited, or communication circuits or systems which are attached to or incorporated into any building or structure in this state.

~~(7)~~(9) 'Electrical contractor' means ~~any person who engages in the business of electrical contracting under express or implied contract or who bids for, offers to perform, purports to have the capacity to perform, or does perform electrical contracting services under express or implied contract. The term 'electrical contractor' shall not include a person who is an employee of an electrical contractor and who receives only a salary or hourly wage for performing electrical contracting work~~ any person, firm, partnership, company, corporation, or other entity that offers to undertake, undertakes, submits a bid for, express or implied, or does the work of installing or maintaining fixtures, appurtenances, electrical wires, electrical wiring systems, or equipment that conveys electrical current.

(10) 'Electrical contractors license' means a valid and current certificate of registration issued by the Division of Electrical Contractors, which certificate shall give the named person to whom it is issued authority to engage in the activity prescribed thereon.

~~(8)~~(11) 'Executive director' means the executive director of the State Construction Industry Licensing Board.

~~(8.1)~~(12) 'General system' means any electrical system, other than an alarm or telecommunication system, involving low-voltage wiring.

(13) 'Journeyman electrician' means a holder of a valid and current certificate of registration issued by the Division of Electrical Contractors, which certificate shall give the named person to whom it is issued authority to engage in the activity prescribed thereon.

~~(9)~~(14) 'Journeyman plumber' means any person other than a master plumber who has practical knowledge of the installation of plumbing and installs plumbing under the direction of a master plumber.

~~(10)~~(15) '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.

~~(10.1)~~(16) 'Low-voltage contracting' means the installation, alteration, service, or repair of a telecommunication system, alarm system, or general system involving low-voltage wiring.

~~(10.2)~~(17) 'Low-voltage contractor' means an individual who is engaged in low-voltage contracting under express or implied contract or who bids for, offers to perform, purports to have the capacity to perform, or does perform low-voltage contracting services under express or implied contract. An employee of a low-voltage contractor who receives only a salary or hourly wage for performing low-voltage contracting work shall not be

1 required to be licensed under this chapter, except that those employees upon whom the
2 qualification of a partnership, limited liability company, or corporation rests as outlined
3 in subsection (b) of Code Section 43-14-8.1 shall be licensed.

4 ~~(10.3)~~(18) 'Low-voltage wiring' means:

5 (A) Wiring systems of 50 volts or less and control circuits directly associated
6 therewith;

7 (B) Wiring systems having a voltage in excess of 50 volts, provided such systems
8 consist solely of power limited circuits meeting the definition of a Class II and Class
9 III wiring system as defined in Article 725 of the National Electrical Code; or

10 (C) Line voltage wiring having a voltage not in excess of 300 volts to ground and
11 installed from the load-side terminals of a suitable disconnecting means which has been
12 installed for the specific purpose of supplying the low-voltage wiring system involved
13 or installed from a suitable junction box which has been installed for such specific
14 purpose.

15 ~~(11)~~(19) 'Master plumber' means any individual engaging in the business of plumbing
16 under express or implied contract or who bids for, offers to perform, purports to have the
17 capacity to perform, or does perform plumbing contracting services under express or
18 implied contract.

19 ~~(12)~~(20) 'Plumbing' means the practice of installing, maintaining, altering, or repairing
20 piping fixtures, appliances, and appurtenances in connection with sanitary drainage or
21 storm drainage facilities, venting systems, medical gas piping systems, natural gas piping
22 systems on the outlet side of gas meters, or public or private water supply systems within
23 or adjacent to any building, structure, or conveyance; provided, however, that after July
24 1, 1997, only master plumbers and journeyman plumbers who have been certified by the
25 Division of Master Plumbers and Journeyman Plumbers to perform such tasks shall be
26 authorized to install, maintain, alter, or repair medical gas piping systems. The term
27 'plumbing' also includes the practice of and materials used in installing, maintaining,
28 extending, or altering the natural gas, storm-water, sewerage, and water supply systems
29 of any premises to their connection with any point of public disposal or other acceptable
30 terminal; provided, however, that licensure under this chapter shall not be required for
31 a contractor certified by the Department of Human Resources to make the connection to
32 any on-site waste-water management system from the stub out exiting the structure to an
33 on-site waste-water management system. Notwithstanding any other provision of this
34 chapter, any person who holds a valid master plumbing license or any company which
35 holds a valid utility contractor license shall be qualified to construct, alter, or repair any
36 plumbing system which extends from the property line up to but not within five feet of

any building, structure, or conveyance, regardless of the cost or depth of any such plumbing system.

~~(12.1)~~(21) 'Telecommunication system' means a switching system and associated apparatus which performs the basic function of two-way voice or data service, or both, and which can be a commonly controlled system capable of being administered both locally and remotely via secured access.

(22) 'Trainee' means one who is actively seeking to learn the trade as a journeyman electrician and performs work under the direct supervision of a journeyman electrician.

~~(13)~~(23) 'Utility contracting' means undertaking to construct, erect, alter, or repair or have constructed, erected, altered, or repaired any utility system.

~~(14)~~(24) 'Utility contractor' means a sole proprietorship, partnership, or corporation which is engaged in utility contracting under express or implied contract or which bids for, offers to perform, purports to have the capacity to perform, or does perform utility contracting under express or implied contract.

~~(15)~~(25) 'Utility foreman' means any individual who is employed by a licensed contractor to supervise the construction, erection, alteration, or repair of utility systems.

~~(16)~~(26) 'Utility manager' means any individual who is employed by a utility contractor to have oversight and charge of the construction, erection, alteration, or repair of utility systems.

~~(17)~~(27) 'Utility system' means:

(A) Any system at least five feet underground, when installed or accessed by trenching, open cut, cut and cover, or other similar construction methods which install or access the system from the ground surface, including, but not limited to, gas distribution systems, electrical distribution systems, communication systems, water supply systems, and sanitary sewerage and drainage systems; and

(B) Reservoirs and filtration plants, water and waste-water treatment plants, leachate collection and treatment systems associated with landfills, and pump stations, when the system distributes or collects a service, product, or commodity for which a fee or price is paid for said service, product, or commodity or for the disposal of said service, product, or commodity."

SECTION 3.

Said chapter is further amended by striking paragraphs (1) and (2) of subsection (a) of Code Section 43-14-6, relating to powers and duties of divisions, and inserting in their place new paragraphs (1) and (2) of subsection (a) to read as follows:

"(a) The Division of Electrical Contractors, with respect to applicants for a license to engage in or licensees engaging in the business of electrical contracting and journeyman

1 electricians; the Division of Master Plumbers and Journeyman Plumbers, with respect to
2 applicants for a license to engage in or licensees engaging in the business of plumbing as
3 master plumbers or journeyman plumbers; the Division of Low-voltage Contractors, with
4 respect to applicants for a license to engage in or licensees engaging in the business of
5 low-voltage contracting; the Division of Utility Contractors with respect to applicants for
6 a license to engage in or licensees engaging in the business of utility contracting and with
7 respect to applicants for a certificate to be a utility manager or utility foreman or holders
8 of a utility manager or utility foreman certificate; and the Division of Conditioned Air
9 Contractors, with respect to applicants for a license to engage in or licensees engaging in
10 the business of conditioned air contracting, shall:

11 (1) Approve examinations for all applicants for licenses or certificates, except for utility
12 contractor licenses and utility foreman certificates. The Division of Electrical Contractors
13 shall approve separate examinations for Class I and Class II licenses and journeyman
14 electrician licenses. Class I licenses shall be restricted to electrical contracting involving
15 single-phase electrical installations which do not exceed ~~200~~ 800 amperes at the service
16 drop or the service lateral, and Class II licenses shall be unrestricted. Journeyman
17 electrician licenses shall be limited to installations, maintenance, alterations, or repair of
18 any electrical equipment, apparatus, control system, or electrical devices and the
19 supervision of trainees. The Division of Master Plumbers and Journeyman Plumbers
20 shall approve separate examinations for Master Plumber Class I, Master Plumber Class
21 II, and Journeyman Plumbers. Master Plumber Class I licenses shall be restricted to
22 plumbing involving single-family dwellings and one-level dwellings designed for not
23 more than two families and commercial structures not to exceed 10,000 square feet in
24 area. Master Plumber Class II licenses shall be unrestricted. The Division of Conditioned
25 Air Contractors shall approve separate examinations for Class I and Class II licenses.
26 Class I licenses shall be restricted to the installation, repair, or service of conditioned air
27 systems or equipment not exceeding 175,000 BTU (net) of heating and five tons (60,000
28 BTU) of cooling. Class II licenses shall be unrestricted. The Division of Low-voltage
29 Contractors shall approve separate examinations for Low-voltage Contractor Class LV-A,
30 Low-voltage Contractor Class LV-T, Low-voltage Contractor Class LV-U, and
31 Low-voltage Contractor Class LV-G. Class LV-A licenses shall be restricted to alarm and
32 general system low-voltage contracting, Class LV-T licenses shall be restricted to
33 telecommunication and general system low-voltage contracting, Class LV-G licenses
34 shall be restricted to general system low-voltage contracting, and Class LV-U licenses
35 shall be unrestricted and permit the performance of alarm, telecommunication, and
36 general system low-voltage contracting;

(2) Register and license or grant a certificate and issue renewal licenses and renewal certificates biennially to all persons meeting the qualifications for a license or certificate.

The following licenses or certificates shall be issued by the divisions:

(A) Electrical Contractor Class I;

(B) Electrical Contractor Class II;

(C) Journeyman Electrician;

~~(C)~~(D) Master Plumber Class I;

~~(D)~~(E) Master Plumber Class II;

~~(E)~~(F) Journeyman Plumber;

~~(F)~~(G) Conditioned Air Contractor Class I;

~~(G)~~(H) Conditioned Air Contractor Class II;

~~(H)~~(I) Low-voltage Contractor Class LV-A;

~~(I)~~(J) Low-voltage Contractor Class LV-T;

~~(J)~~(K) Low-voltage Contractor Class LV-G;

~~(K)~~(L) Low-voltage Contractor Class LV-U;

~~(L)~~(M) Utility Contractor; Class A;

~~(M)~~(N) Utility Contractor; Class B;

~~(N)~~(O) Utility Contractor; Class U;

~~(O)~~(P) Utility Manager (certificate); and

~~(P)~~(Q) Utility Foreman (certificate);"

SECTION 4.

Said chapter is further amended by striking paragraph (1) of subsection (e) of Code Section 43-14-6, relating to powers and duties of divisions, and inserting in its place a paragraph (1) of subsection (e) to read as follows:

"(e)(1) With respect to Electrical Contractor Class I and Class II licenses and journeyman electrician licenses, the Division of Electrical Contractors shall be authorized to require persons seeking renewal of licenses to complete board approved continuing education of not more than ~~four~~ eight hours annually. 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 and electrical installations 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 subsection. Continuing education courses or programs conducted by manufacturers specifically to promote their products shall not be approved."

SECTION 5.

Said chapter is further amended by striking subsection (a) of Code Section 43-14-8, relating to licensing required for electrical, plumbing, or conditioned air contracting, businesses conducted by partnerships, limited liability companies, and corporations, applications, and review courses, and inserting in its place a new subsection (a) to read as follows:

"(a)(1) No person shall engage in the electrical contracting business as an electrical contractor or journeyman electrician unless such person has a valid license from the Division of Electrical Contractors and a certificate of competency, if such certificates are issued by the division pursuant to subsection (b) of Code Section 43-14-6.

(2) No person shall engage in the business of electrical installations, repairs, or modifications unless such person has a journeyman electrician license issued by the Division of Electrical Contractors.

(3) No person shall engage in the business of electrical installations, repairs, or modifications as a trainee unless such person is under the direct supervision of a journeyman licensed electrician.

(4) No partnership, limited liability company, corporation, or person shall have the right to engage in the business of electrical contracting unless those employed have a valid license from the Division of Electrical Contractors or those in training."

SECTION 6.

Said chapter is further amended by adding a new subsection (d.1) of Code Section 43-14-8, relating to licensing required for electrical, plumbing, or conditioned air contracting, businesses conducted by partnerships, limited liability companies, and corporations, applications, and review courses, to read as follows:

"(d.1)(1) Prior to and including July 1, 2006, any individual desiring to qualify under the provisions stated in this subsection shall be issued a journeyman electrician license by the Division of Electrical Contractors of the State Construction Industry Licensing Board, provided that such individual submits proper application and pays or has paid the required fees and is not otherwise in violation of this chapter.

(2) In order to qualify for a journeyman electrician license, an individual shall successfully and efficiently engage in such vocation for a period of five consecutive years immediately prior to the time of application. To prove that he or she has successfully engaged in said vocation, the individual shall only be required to give evidence of five year work history. Such applicant shall swear before a notary public that such evidence is true and accurate prior to its submission to the division."

SECTION 7.

Said chapter is further amended by striking subsection (l) of Code Section 43-14-13, relating to applicability of the chapter, and inserting in its place a new subsection (l) to read as follows:

"(l) Any person qualified by the Department of Transportation to perform work for the department shall not be required to be licensed under Code Section 43-14-8.2 or certified under Code Sections 43-14-8.3 and 43-14-8.4 in order to perform work for the department. Any person qualified by the Department of Transportation to perform work for the department shall not be required to be licensed under Code Section 43-14-8.2 or certified under Code Sections 43-14-8.3 and 43-14-8.4 in order to perform work for a county, municipality, authority, or other political subdivision when such work is of the same nature as that for which the person is qualified when performing department work; provided, however, that such work is not performed on a utility system as defined in paragraph ~~(17)~~ (27) of Code Section 43-14-2 for which the person receives compensation."

SECTION 8.

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