

Electrical Licensing

Chapter 103, ELECTRICAL LICENSING

[HISTORY: Adopted by the County Legislature of the County of Sullivan 6-20-2002 by L.L. No. 5- 2002.EN Amendments noted where applicable.]

ARTICLE I, Purpose and Definitions

§ 103-1. Purpose.

The Sullivan County Legislature does hereby find that the installation, repair and improvement of electrical services and wiring in residential and commercial structures is a unique occupation requiring experience and special skill. The improper installation, repair and improvement of electrical wiring may create hazardous conditions for the occupants and community. The County Legislature finds the licensing of electricians is an appropriate method to insure that qualified persons practice the electrical trade in Sullivan County in order to protect the public.

§ 103-2. Definitions.

As used in this chapter, the following terms shall have the following meaning unless the context requires otherwise:

BOARD -- The Board of Electrical Licenses of the County of Sullivan established by this chapter.

CHAIRMAN -- The Chairman of the Board of Electrical Licenses of the County of Sullivan.

COUNTY -- The County of Sullivan.

COUNTY LEGISLATURE -- The County Legislature of the County of Sullivan.

ELECTRICAL CODE-- Then current adopted electrical code as specified in the New York State Uniform Fire Prevention and Building Code, unless the municipality where the work is being performed has adopted a more restrictive code and filed such with the New York State Secretary of State, in which case the code would be according to the more restrictive code.

ELECTRICAL INSPECTOR -- New York State Electrical Inspector or Electrical Inspection firm that has been approved by the Board from a list of such individuals or firms obtained by the County pursuant to a request for proposals. The approved list of Electrical Inspectors shall be provided to each municipal code enforcement officer for their use.

HOMEOWNER -- Any person who owns land upon which there is a one-family dwelling unit occupied by such person and/or where there may also be nonresidential buildings used solely for the private use of such person, and the title thereto being in the name of such person, and/or his or her spouse, individually or jointly.

INVESTIGATOR -- A person who is either an approved Electrical Inspector or a Master Electrician designated by the Board to investigate complaints.

LICENSEE -- A person licensed by this chapter.

LIMITED ELECTRICIAN -- Any person who engages in or carries on the business of repairing electrical wire controls and servicing oil burners, gasoline and oil pumps, domestic water pumps, and oil, gas and air conditioning units, and/or installing or repairing electrical signs and billboards and any person who contracts to do any of the foregoing.

JOURNEYMAN ELECTRICIAN -- Any person who has, or not less than 5 years, carries on the business of installing, erecting, altering or repairing electrical wiring, apparatus, fixtures, devices, appliances and equipment utilized or designed for the utilization of electricity for light, heat or power purposes, or for signaling systems operating on 50 volts or more and any person who performs or supervises the performance of work done in connection with the installation, erection, alteration, extension or repair of electrical wiring, apparatus, fixtures, devices, appliances and equipment for light, heat or power purposes or for signaling systems operating on 50 volts or more under the supervisions of a Master Electrician and who at the expiration of such a period has been certified by both a Master Electrician and an Electrical Inspector to function as an Journeyman Electrician. Unlike a Master Electrician, a Journeyman Electrician may not hire other persons who do not have an electrical license to perform electrical work and may not supervise other persons who do not have an electrical license. However a Journeyman Electrician is not authorized to work independent of a Master Electrician

MASTER ELECTRICIAN -- Any person who engages in or carries on the business of installing, erecting, altering or repairing electrical wiring, apparatus, fixtures, devices, appliances and equipment utilized or designed for the utilization of electricity for light, heat or power purposes, or for signaling systems operating on 50 volts or more and any person who performs or supervises the performance of work done in connection with the installation, erection, alteration, extension or repair of electrical wiring, apparatus, fixtures, devices, appliances and equipment for light, heat or power purposes or for signaling systems operating on 50 volts or more and any person who contracts to do any of the foregoing.

PERSON -- An individual, firm, partnership, corporation or other legal entity, whether or not organized for profit.

SPECIAL ELECTRICIAN -- Any person who is in the exclusive employ of a publicly held corporation, or the owner, lessee or manager of a building or plant structure and whose employment consists wholly or partly of the work of maintaining or repairing electrical wiring, apparatus, fixtures, devices, appliances and equipment utilized or designed for the utilization of electricity for light, heat or power purposes, or for the signaling systems operating on 50 volts or more solely on the premises of said business or corporation. **[Amended June 21, 2007 by L.L. No. 5-2007]**

ARTICLE II, Board of Electrical Licenses
§ 103-3. Membership.

A. There is hereby established in and for the County of Sullivan a board known as the "Board of Electrical Licensing of the County of Sullivan" consisting of seven (7) voting members and two (2) non-voting member, as follows:

B. The following shall constitute the voting members of the Board of Electrical Licensing:

- 1) A representative of the New York State Electric and Gas Company (NYSEG), or any successor local electrical utility company in the event NYSEG should sell, transfer or merge its business.
- 2) One (1) Electrical Inspector
- 3) Two (2) active Master Licensed Electricians licensed in Sullivan County.
- 4) One (1) Code Enforcement Officer/Building Inspector.
- 5) The County Manager or his/her designee.
- 6) One (1) individual representing the County Legislature.

C. The following shall be non-voting members of the Board of Electrical Licensing:

- 1) One (1) representative from the IBEW (International Brotherhood of Electrical Workers).
- 2) A recording secretary – administrative person working for the County of Sullivan.

D. The Board shall have the authority to consult with professionals and/or advisors as needed.

E. All members of the Board of Electrical Licensing shall serve in such positions without compensation except for the recording secretary.

F. All appointments to the Board of Electrical Licensing, other than the County Manager or his/her designee who shall be a member by virtue of his/her office, shall be made by the County Legislature.

G. The Board of Electrical Licensing shall be subject to the legislative oversight of the Public Safety and Law Enforcement Committee of The County Legislature. [Amended 1-23-2003 by L.L. No.23-2003] [Amended June 21, 2007 by L.L. No. 5-2007]

H. Terms of Office

Members of the Board, except the County Manager or their designee, shall be appointed by the County Legislature. Of the members first appointed, one shall be appointed for a term of one (1) year; two for a term of two (2) years; two for a term of three (3) years. Members may continue until their successors have been appointed and confirmed. The success of all members of the Board where after shall be appointed for terms of four (4) years, subject to the Legislature Policy on Members of Boards continuing in office.

I. The Board shall elect a chairman and a vice-chairman from its membership annually. The recording secretary shall be an employee of the County of Sullivan.

§ 103-4. Powers of Board.

The Board of Electrical Licenses shall:

- A Hold regular quarterly meetings and special meetings as often as necessary or required; at least forty-eight (48) hours' written or electronic notice of a special meeting shall be given to the members of the Board.
- B Adopt bylaws and such rules and regulations as may be necessary to implement this chapter, including licensing standards not inconsistent herewith, and to file a certified copy thereof prior to the effective date with the Clerk of the County Legislature.
- C Review qualifications and fitness of applicants for licenses under this chapter that have been denied or accepted by the Director of Human Resources or his/her designee. The Board, by a majority vote of its membership, can overrule the Director of Human Resources or his/her designees decision denying an applicant the opportunity to take the exam.
- D Issue licenses as authorized by this chapter to applicants possessing the requisite qualifications. Licenses shall be signed by the Chairman. The Board shall keep records of all proceedings and licenses issued pursuant to this chapter.
- E Hear complaints of alleged violations of this chapter, suspend or revoke licenses and impose and collect fines and penalties for violations of the current Sullivan County Electrical Law, Sullivan County Ethics Code and/or the National Electrical Code after due notice and hearing as hereinafter provided, institute suits in the name of the County of Sullivan, subject to the approval of the County Attorney.
- F Charge application and license fees as the Board may determine from time to time.
[Amended June 21, 2007 by L.L. No. 5-2007]
- G. The Board has the Authority to administer oath to witnesses.

§ 103-5. Quorum.

A majority of the Board shall constitute a quorum for the transaction of business at any meeting. Officers shall serve at the pleasure of the Board. **[Amended June 21, 2007 by L.L. No. 5-2007]**

ARTICLE III, Licenses; Exemptions

§ 103-6. License required.

Except as provided in § 103-7, no person shall engage in, carry on or conduct the business of or do, perform, offer, undertake, contract to do or perform the work of a Journeyman Electrician, Master Electrician, Limited Electrician or Special Electrician, as herein defined, within the County of Sullivan or hold himself/herself out to the public, directly or indirectly, as being able to do so unless licensed pursuant to this chapter or unless employed by and working under the direction of a licensee or employed by a business and working under the direction of a licensed electrician employed by such business.

§ 103-7. Exemptions from license requirement.

The following persons shall be exempt from the requirement to obtain a license:

- A. Persons engaged solely in selling and attaching ordinary electrical appliances to existing circuits where no joining or splicing of electrical wires is required.
- B. Persons engaged solely in the electrical manufacturing business.
- C. Persons employed by public service companies authorized to do business in the State of New York.
- D. Persons engaged in the transmission of intelligence by electricity and in installing, repairing and/or maintaining wires or other fixtures or appliances in connection therewith operating on less than 50 volts.
- E. Homeowners engaged in the installation, maintenance, replacement and improvement of electrical work on and in their property and the title thereto being in the name of such person. Such work must be inspected by an APPROVED QUALIFIED ELECTRICAL INSPECTOR.

ARTICLE IV, License Applications and Qualifications

§ 103-8. Applications.

Every natural person who requires a license under this chapter and who meets the requirements set forth herein shall apply for such license on the form and in the manner prescribed by the Board.

§ 103-9. Minimum qualifications.

No person shall apply for a license unless, prior to the administration of a written examination, such person shall have satisfied the minimum qualifications for the specified type of license for which the application is made.

§ 103-10. Qualifications for Master Electrician License.

The minimum qualifications for a license as a Master Electrician are:

- A. Either graduation from an accredited trade school and completion of at least three (3) years of qualified work experience; or completion of at least six (6) years of qualified work experience; and
- B. Certification in writing by the employer or employees of such person of the performance of qualified work experience based on regular over-site of the employer.

§ 103-11. Qualifications for Limited Electrician License and Special Electrician License. The minimum qualifications for a license as a Limited Electrician and Special Electrician are:

- A. Completion of at least three (3) years of qualified work experience; and
- B. Certification in writing by the employer or employers of such person of the performance of the qualified work experience based on regular over-site of the employer.

§ 103-12. Qualified Work Experience.

- A. As used in this chapter, "qualified work experience" shall mean work as a mechanic and installer of electrical wire, service, parts and equipment performed under the supervision of a person licensed under this chapter and otherwise legally engaged in such work, and the work performed was reasonably related to the scope of work to be performed under the type of license for which application is made.
- B. A year of qualified work experience shall be credited if such person was employed in a part-time capacity and the qualified work experience was completed within a period of 24 consecutive months.

§ 103-13. Information required.

The application for any license shall request only the following information:

- A. Name and home address of applicant.
- B. Business address.
- C. Telephone number.

- D. The last four (4) digits of the applicants social security number and employer identification number(s).
- E. Valid photo identification.
- F. A statement of all qualified work experience and education, setting forth names, addresses and descriptions of work performed or degrees attained, and date of employment or attendance.
- G. A statement of whether the applicant was licensed under any other law, whether such license is currently valid, whether such license was ever suspended, revoked or other action taken and, if so, the disposition thereof.
- H. A statement of whether the applicant was ever convicted of a felony or misdemeanor, and if so, the disposition thereof.
- I. A statement that the Director of Human Resources or his/her designee is authorized to investigate the facts set forth in the application.
- J. A statement that such application is made under the penalties of perjury. **[Amended June 21, 2007 by L.L. No. 5-2007]**

§ 103-14. Filing of application; additional information.

An application shall be deemed filed only when the properly completed application and all fees are received by the Chairman. Applications must be filed at least two weeks before the date set for the exam. An applicant may provide such additional information as the applicant deems appropriate, including references from prior employers, customers and teachers. **[Amended June 21, 2007 by L.L. No. 5-2007]**

ARTICLE V, Written Examinations; Types of Licenses; Insurance

§ 103-15. Examinations; when given.

Except as provided in § 103-21, the Director of Human Resources or his/her designee shall conduct written examinations for each type of license authorized by this chapter. The examination shall be administered within 30 days of an approved application but no more than frequently than quarterly. An application to take an exam shall be filed with the Chairman. The Board may hire an outside testing agency to administer and grade the exams. The agency would have to be approved by the County. The fee for the exam shall be paid for by the applicant in addition to the application fee **[Amended June 21, 2007 by L.L. No. 5-2007]**

§ 103-16. Place and time of examinations.

All written examinations shall be supervised and administered by the Director of Human Resources, or his or her designee, at the County Government Center, Monticello, New York, during regular business hours. **[Amended June 21, 2007 by L.L. No. 5-2007]**

§ 103-17. Content of examinations.

All written examinations shall be in standard form and shall test, for each type of license authorized by this chapter, the applicant's:

- A. The proper application and use of materials, equipment and tools.
- B. Basic knowledge of the then current adopted edition of the National Electrical Code.
- C. Basic knowledge of electricity.

§ 103-18. Grading of examinations.

A. Each written examination shall have prepared, prior to administration, an answer key setting forth the correct answers and, when applicable, alternative correct solutions. The examination and answers to the examination taken by the applicant shall be available, for review, to the applicant on a date to be determined by the Board, within 20 days after administration of the examination upon written request without cost. No examination shall be graded solely by a person licensed pursuant to this chapter. If the outside agency administers the exam and grades it, their policies will be followed.

B. The Director of Human Resources or his/her designee, or an outside testing agency shall grade the exams and report the results to the Chairman. Exams shall be graded within five (5) business days of date they were taken. **[Amended June 21, 2007 by L.L. No. 5-2007]**

§ 103-19. Approval or denial of license.

Failure to pass the exam or to meet the necessary qualifications as required by §§ 103-10 or 103-11 shall be summary grounds for denial of a license under this chapter. Failure of two (2) exams within one year, the applicant must wait one year from the last exam before re-applying.

§ 103-20. Denial of licenses; hearings.

If the Director of Human Resources or his/her designee or the outside agency shall deny a license, the Board shall set forth the reasons for such denial, in writing, and mail the same to the applicant. Failure of the written examination shall be grounds for summary denial of a license. Within 20 days after the date of mailing such notice of denial, the applicant may, by written request, seek review of such determination before the Board, to hear the evidence presented by the applicant and may call witnesses.

After such hearing before the Board, the Board shall determine whether to sustain the denial or issue the license. The Board may allow oral argument. The Board shall decide the matter within 10 business days after the hearing and notify the applicant of its decision in writing. No application shall be denied on the grounds that the applicant was convicted of a crime, except in accordance with Article 23A of the Corrections Law. **[Amended June 21, 2007 by L.L. No. 5-2007]**

§ 103-21. Exemption from examination.

A written examination shall be dispensed with in the following circumstances:

- A. If a person is performing electrical work for the state, municipalities or school districts pursuant to a written contract requiring a performance bond, and/or is under architectural or engineering supervision. Such person will be issued a one job temporary license for such contracted work.

- B. If a person is performing electrical work pursuant to a written contract in the County of Sullivan in any single-contract job, and which contract job shall have as its consideration for electrical work, a sum of money in the amount of \$250,000 or more. Such person will be issued a one job temporary license for such contracted work. This provision shall not apply to housing developments.

- C. Where a person is currently licensed by another jurisdiction outside of Sullivan County, pursuant to a valid reciprocal licensing agreement pursuant to § 103-24. **[Amended June 21, 2007 by L.L. No. 5-2007]**

§ 103-22. Permanent licenses.

Any person who has completed the requirements for any category of license as defined herein and has been issued such license.

§ 103-23. Temporary licenses.

The Board shall issue a Temporary License for a single job for a period ending December 31st, renewable on request for additional one-year periods or until the job shall be completed, whichever period is shorter, to an applicant who shall be exempt from examination pursuant to § 103-21.

§ 103-24. Reciprocal licenses.

A. The Sullivan County Legislature may, by resolution, authorize the County Manager to enter into formal reciprocal licensing agreements between Sullivan County and individual municipalities or other States. **[Amended June 21, 2007 by L.L. No. 5-2007]**

B. Pursuant to such formalized reciprocal license agreements, the Board shall be authorized to issue reciprocal licenses upon such terms and conditions as are applicable to the individual reciprocating municipalities. Said licenses may be granted without examination upon application to the Board, and upon payment of all applicable fees.

§ 103-25. License form and term; renewal.

A. Licenses shall not be assignable or transferable.

B. The form and content of such license issued shall be prescribed by said Board in such manner as to properly identify each licensee.

C. All permanent licenses must be renewed every January. Such renewal shall include proof of insurance (general liability and workers compensation), proof of 6 hours of continuing education per calendar year and payment of the fee to the County of Sullivan Electrical Licensing Board and directed to the Secretary of the Board.

D. Each license shall at all times be kept conspicuously displayed in the place of business or employment, and vehicle(s) the case may be, of the licensee.

E. Each Journeyman Electrician, Limited Electrician, and Master Electrician shall list his/her license number in each advertisement, estimate, bill, building permit application or contract setting forth the license number and such other information as the Board shall direct by regulation.

§ 103- 26. Lapse.

A. Any licensee may surrender their license providing that the licensee pay the yearly fees and takes 6 hours of continuing education per year. Such licensee may reactive their license at any time in accordance with this chapter.

B. If a licensee has changed his/her status to an electrical inspector, the license is placed on hold and the yearly fee must be paid until such time they deem to reactive it.

C. Failure to reactive within five years will require such licensee to qualify for a license in accordance with the requirements of this chapter and an appearance to the Board for a review.

D. Failure to maintain 6 hours of continuing education per year is an automatic revocation of your license.

§ 103-27. Licenses; insurance requirements.

Every person licensed pursuant to this chapter shall maintain appropriate insurance issued by an insurance company licensed to do business in the State of New York in a single limit of liability of not less than \$500,000 for each act of negligence or other injury to persons or property. Each person licensed pursuant to this chapter shall file with the Board annually, or upon any change of insurance carrier, a certificate of insurance showing the maintenance and existence of such insurance coverage. The failure to maintain such insurance policy or file proof of coverage shall be grounds for the summary suspension of such person's license under this chapter, which suspension shall continue in effect until coverage is obtained or reinstated. The provisions of § 103-28D shall apply to a violation of this section of this chapter.

ARTICLE VI, Penalties for Offenses

§ 103-28. Civil offenses.

- A. No person shall directly or indirectly engage in or work in the business of Journeyman Electrician, Limited Electrician, Master Electrician, or Special Electrician in the County of Sullivan without a valid license, unless such person shall be exempted from licensing as herein provided in § 103-7.
- B. No person shall employ or contract with a person who is required to be licensed by this chapter to perform any electrical work in the County of Sullivan unless such employee or contractor shall have a valid license.
- C. Except as hereinafter provided, no person who is licensed by this chapter and engaged in the business of a Journeyman Electrician, Limited Electrician, Master Electrician, or Special Electrician shall inspect any electrical work in the County of Sullivan, nor shall such person prepare, submit or offer, or attempt to prepare, submit or offer, a certificate of inspection of any electrical work to any governmental authority or any other person who properly requires a certificate of inspection of electrical work upon which certificate of inspection such governmental authority or other person will reasonably rely.
- D. No licensee shall violate any provision of this chapter or the regulations adopted by the Board.
- E. No licensee shall violate any local law, ordinance or resolution regulating the installation of electrical service, wiring and apparatus adopted by any municipality in which this chapter shall be effective.
- F. No licensee shall violate any applicable provisions of the National Electrical Code governing the work being performed and/or the electrical section of the then current adopted New York State Uniform Fire Prevention and Building Code.
- G. Any person licensed as a Special Electrician may not work under such license for the public generally.
- H. Failure to comply with the provisions of this local law shall constitute a violation.

§ 103- 29 Injunctive relief.

A violation of this chapter may be enjoined. The County Attorney may seek an injunction on behalf of the Board in his discretion, upon the written request of the Board, in the Supreme Court, Sullivan County.

§ 103- 30. Hearing; penalty.

- A. Any person found to have violated any provision of this chapter may be penalized by the Board for violations shown after a hearing by the Board, upon due notice, held upon written charges given to the alleged violator. The alleged violator may call witnesses and be represented by an attorney. If the Board determines that the alleged violator or any supervisor/employee violated any provision of this chapter or of any other applicable law, it may impose a fine not exceeding \$1,000 per day.

- B. In addition, any license issued hereunder may be suspended or revoked or other penalty imposed by the Board for any violation after a hearing by the Board, upon due notice, held upon written charges given to the alleged violator. Furthermore, the Board may, in such case as it may determine, impose a probationary term not to exceed one year, during which the licensee shall perform work and have same inspected upon such conditions as the Board shall deem appropriate.

§ 103- 31. Violations defined.

As used in this chapter, each day that a violation shall continue shall constitute a separate and distinct violation.

§ 103 – 32. Conflict of interest.

No member of the Board who is licensed pursuant to this chapter shall hear any complaint brought before the Board which involves such person.

§ 103- 33. (RESERVED) [Amended June 21, 2007 by L.L. No. 5-2007]

ARTICLE VII, Court Review

§ 103- 34. Review of action of Board.

Any action of the Board may be reviewed by any person aggrieved thereby in the Supreme Court, Sullivan County, by a proceeding instituted under the provisions of Article 78 of the Civil Practice Law and Rules within 90 days of the act sought to be reviewed.

ARTICLE VIII, Miscellaneous Provisions

§ 103- 35. Disposition of moneys derived from chapter.

All fees, fines and penalties imposed in accordance with this chapter shall be paid directly to the Sullivan County Treasurer.

§ 103- 36. Liability for damages.

This chapter shall not be construed to relieve, limit or reduce the responsibility of any person owning, operating, controlling or installing any electrical wiring, devices, appliances or equipment for loss of life or damage to person or property caused by any defect therein, nor shall

the County of Sullivan be deemed to have assumed any such liability for a license issued pursuant to this chapter, or for any work performed by such licensees.

§ 103- 37. Geographic scope.

This chapter shall have no effect in any town or village in the County of Sullivan which shall have heretofore or shall hereinafter enact any local laws or ordinances regulating the licensing of Journeyman Electricians, Limited Electricians, Master Electricians, and Special Electricians.

§ 103- 38. Title.

This chapter may be referred to and cited as the "Electrical Licensing Law". [Amended June 21, 2007 by L.L. No. 5-2007]

§ 103-39. Enforcement

If there are any violations or alleged violations of any portion of this Electrical Licensing Law by any person or entity the County Manager, or designee will be responsible for enforcement as follows:

A. All complaints alleging a violation of the Electrical Licensing Law, in whatever manner they are received, shall be sent to:

- 1) The County Manager or designee;
- 2) Code Enforcement Officer/Building Inspector of jurisdiction;
- 3) and the Board

B. Upon receipt of a complaint the County Manager, designee or the Board shall initiate an investigation and generate a preliminary report indicating what, if any, further investigation or inquiry is required. If the County Manager or designee determines that no further investigation is necessary, then the preliminary report shall be deemed a final report and a copy of the report shall be sent to the Code Enforcement Officer/Building Inspector of jurisdiction.

C. If the preliminary report indicates that further investigation or inquiry is necessary, the County Manager or designee shall be authorized to hire investigators he/she deems appropriate. Said investigators shall report their findings directly to the County Manager or designee, the Board and the Code Enforcement Officer/Building Inspector of jurisdiction.

D. Upon review of the investigator's findings and all other information available to him/her the County Manager or designee and the Board shall recommend a method of remediation.

E. Upon completion of remediation a final report shall be issued to the Board.

F. The County Manager or designee, shall send the final report to the Board and any official(s), agency(s) or authority(s) that they deem appropriate. The County Manager or designee is authorized to request that the appropriate official commence an enforcement action, including but not limited to a legal proceeding. **[Amended June 21, 2007 by L.L. No. 5-2007]**

Effective Date

This Local Law shall be effective upon filing with the Secretary of State. **[Amended June 21, 2007 by L.L. No. 5-2007]**