

# HOUSE BILL 87

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(PRE-FILED)

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By: **Chair, Economic Matters Committee (By Request – Departmental – State Police)**

Requested: November 2, 2009

Introduced and read first time: January 13, 2010

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 24, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Fire Marshal – Nongovernmental Electrical Inspectors**

3 FOR the purpose of requiring the State Fire Marshal to administer and enforce this  
4 Act; authorizing the State Fire Marshal to adopt certain regulations and use  
5 certain staff to carry out and enforce this Act; providing that this Act does not  
6 supersede certain local laws or ordinances; removing the exemption for certain  
7 counties; requiring certain electrical inspectors to obtain county approval or  
8 certification under certain circumstances; ~~requiring certain electrical~~  
9 ~~installations to have a permit and be inspected;~~ requiring certain utilities to  
10 receive a certain certificate before the utility authorizes electrical current to be  
11 turned on; requiring certain electrical installations be certified within a certain  
12 period of time after final completion; requiring a person to be certified as a  
13 nongovernmental electrical inspector by the State Fire Marshal before  
14 inspecting or certifying an electrical installation; requiring that applicants for a  
15 nongovernmental electrical inspector certificate meet certain minimum  
16 qualifications and pass a certain written examination; authorizing the State  
17 Fire Marshal to adopt certain regulations to establish certain alternate  
18 qualifications for applicants; requiring an applicant to submit an application  
19 and certain documents and pay a certain application fee; requiring the  
20 application to contain a certain statement; requiring the State Fire Marshal to  
21 issue a certificate under certain circumstances; requiring a certificate holder to  
22 give notice of a change of address; providing for certain procedures relating to  
23 renewal of a certificate; authorizing the State Fire Marshal to deny, refuse to

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 renew, or suspend or revoke a certain certificate, reprimand a certificate holder,  
 2 or impose a civil penalty under certain circumstances and subject to certain  
 3 hearing requirements; providing for review of the State Fire Marshal's hearing  
 4 determinations; providing for certain criminal penalties; making stylistic  
 5 changes; providing for the application of this Act; repealing a certain definition;  
 6 defining a certain term; altering a certain definition; and generally relating to  
 7 the authority of the State Fire Marshal and the certification of  
 8 nongovernmental electrical inspectors.

9 BY repealing and reenacting, with amendments,  
 10 Article – Public Safety  
 11 Section 12–601 through 12–603, 12–606, and 12–607  
 12 Annotated Code of Maryland  
 13 (2003 Volume and 2009 Supplement)

14 BY repealing  
 15 Article – Public Safety  
 16 Section 12–604 and 12–605  
 17 Annotated Code of Maryland  
 18 (2003 Volume and 2009 Supplement)

19 BY adding to  
 20 Article – Public Safety  
 21 Section 12–604 through 12–614  
 22 Annotated Code of Maryland  
 23 (2003 Volume and 2009 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article – Public Safety**

27 12–601.

28 (a) In this subtitle the following words have the meanings indicated.

29 [(b) “Authorized electrical inspection agency” means a nongovernmental  
 30 organization approved by the State Fire Marshal to inspect electrical installations for  
 31 conformity with the National Electrical Code or a local code.]

32 **(B) “CERTIFIED NONGOVERNMENTAL ELECTRICAL INSPECTOR” MEANS**  
 33 **AN INDIVIDUAL CERTIFIED BY THE STATE FIRE MARSHAL TO INSPECT**  
 34 **ELECTRICAL INSTALLATIONS FOR CONFORMITY WITH THE NATIONAL**  
 35 **ELECTRICAL CODE OR ANY ADOPTED LOCAL ELECTRICAL CODE OR**  
 36 **AMENDMENTS.**

37 (c) “Electrical installation” means any installed:

1 (1) electrical wires or conductors that transmit electric current for  
2 electric light, heat, or power purposes;

3 (2) **CABLE**, molding, duct, raceway, or conduit for the reception or  
4 protection of wires or conductors; or

5 (3) electrical machinery, apparatus, device, or fixture.

6 12-602.

7 [(a) This subtitle does not apply to Baltimore County, Carroll County,  
8 Frederick County, or Montgomery County.]

9 [(b)] (A) This subtitle does not apply to:

10 (1) public utilities, their affiliated companies, and electrical appliances  
11 and devices used in their work;

12 (2) **THE INSPECTION OR CERTIFICATION OF AN ELECTRICAL**  
13 **INSTALLATION BY A UNIT OF A COUNTY GOVERNMENT THAT IS AUTHORIZED TO**  
14 **CONDUCT ELECTRICAL INSPECTIONS; OR**

15 (3) **AN ELECTRICAL INSTALLATION OF THE STATE OR FEDERAL**  
16 **GOVERNMENT DURING AN EMERGENCY IF THE ELECTRICAL INSTALLATION IS**  
17 **NECESSARY FOR THE PUBLIC WELFARE AS A RESULT OF ~~AN~~ THE EMERGENCY.**

18 (B) (1) **THIS SUBTITLE DOES NOT SUPERSEDE ANY LOCAL LAW OR**  
19 **ORDINANCE OF A ~~COUNTY~~ LOCAL JURISDICTION THAT ESTABLISHES**  
20 **STANDARDS OR QUALIFICATIONS FOR ELECTRICAL INSPECTORS AND**  
21 **INSPECTIONS WITHIN THAT ~~COUNTY~~ LOCAL JURISDICTION.**

22 (2) **A CERTIFIED NONGOVERNMENTAL ELECTRICAL INSPECTOR**  
23 **SHALL OBTAIN COUNTY APPROVAL OR CERTIFICATION AS MAY BE REQUIRED BY**  
24 **LOCAL LAW OR ORDINANCE.**

25 12-603.

26 Each electrical installation in the State shall conform to:

27 (1) the National Electrical Code; or

28 (2) the electrical code **AND AMENDMENTS** adopted by the county in  
29 which the electrical installation is done.

30 [12-604.

1           Within 15 days after completion, each electrical installation shall be certified by  
 2 an authorized electrical inspection agency or a governmental unit that is qualified to  
 3 issue electrical inspection certificates.]

4   **12-604.**

5           **(A) THE STATE FIRE MARSHAL SHALL ADMINISTER AND ENFORCE THIS**  
 6 **SUBTITLE.**

7           **(B) THE STATE FIRE MARSHAL MAY:**

8                   **(1) ADOPT REGULATIONS NECESSARY TO CARRY OUT THIS**  
 9 **SUBTITLE; AND**

10                   **(2) USE ANY MEMBER OF THE OFFICE OF THE STATE FIRE**  
 11 **MARSHAL, AS NECESSARY, TO CARRY OUT AND ENFORCE THIS SUBTITLE.**

12   **[12-605.**

13           (a) (1) This subsection does not apply in a county that has a board or  
 14 department of electrical inspections.

15                   (2) The State Fire Marshal may test and issue a qualification  
 16 certificate to a nongovernmental organization that seeks to qualify as an authorized  
 17 electrical inspection agency.

18           (b) An authorized electrical inspection agency may inspect electrical  
 19 installations for conformity with the National Electrical Code or a local electrical code.

20           (c) The State Fire Marshal shall regulate the quality and performance of  
 21 inspections by authorized electrical inspection agencies.]

22   **12-605.**

23           ~~**(A) EACH ELECTRICAL INSTALLATION THAT REQUIRES ELECTRICAL**~~  
 24 ~~**CURRENT FOR ITS POWER SOURCE MUST HAVE A PERMIT ISSUED BY AN**~~  
 25 ~~**AUTHORIZED GOVERNMENTAL UNIT FOR THE INSTALLATION AND MUST BE**~~  
 26 ~~**INSPECTED BY A CERTIFIED NONGOVERNMENTAL ELECTRICAL INSPECTOR OR**~~  
 27 ~~**GOVERNMENTAL UNIT THAT IS QUALIFIED TO ISSUE ELECTRICAL INSPECTION**~~  
 28 ~~**CERTIFICATES.**~~

29           ~~**(B)**~~ **(A) BEFORE A UTILITY AUTHORIZES ELECTRICAL CURRENT TO BE**  
 30 **TURNED ON FOR A PREMISE OR STRUCTURE, THE UTILITY MUST RECEIVE A**  
 31 **CUT-IN CERTIFICATE FROM A CERTIFIED NONGOVERNMENTAL ELECTRICAL**

1 INSPECTOR OR GOVERNMENTAL UNIT THAT IS QUALIFIED TO ISSUE  
2 ELECTRICAL INSPECTION CERTIFICATES.

3 ~~(C)~~ (B) WITHIN 15 DAYS AFTER COMPLETION, EACH ELECTRICAL  
4 INSTALLATION SHALL BE CERTIFIED BY A CERTIFIED NONGOVERNMENTAL  
5 ELECTRICAL INSPECTOR OR A GOVERNMENTAL UNIT THAT IS QUALIFIED TO  
6 ISSUE ELECTRICAL INSPECTION CERTIFICATES.

7 12-606.

8 A PERSON SHALL BE CERTIFIED BY THE STATE FIRE MARSHAL AS A  
9 NONGOVERNMENTAL ELECTRICAL INSPECTOR BEFORE THE PERSON INSPECTS  
10 OR CERTIFIES AN ELECTRICAL INSTALLATION.

11 12-607.

12 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN  
13 APPLICANT FOR A NONGOVERNMENTAL ELECTRICAL INSPECTOR CERTIFICATE  
14 SHALL MEET THE FOLLOWING MINIMUM QUALIFICATIONS:

15 (1) COMPLETE AN APPRENTICESHIP AS AN ELECTRICIAN;

16 (2) COMPLETE AT LEAST 5 YEARS OF DOCUMENTED  
17 PROGRESSIVE EXPERIENCE IN THE ELECTRICAL TRADE; AND

18 (3) PASS A WRITTEN EXAMINATION ADMINISTERED BY THE STATE  
19 FIRE MARSHAL.

20 (B) IN LIEU OF THE MINIMUM ELIGIBILITY REQUIREMENTS REQUIRED  
21 IN SUBSECTION (A)(1) AND (2) OF THIS SECTION, THE STATE FIRE MARSHAL  
22 MAY ADOPT REGULATIONS THAT ALLOW AN APPLICANT TO SUBSTITUTE AN  
23 ELECTRICAL ENGINEERING DEGREE OR ACCUMULATED CREDITS TOWARD AN  
24 ELECTRICAL ENGINEERING DEGREE IN COMBINATION WITH EDUCATION,  
25 TRAINING, AND EXPERIENCE TO MEET THE QUALIFICATIONS.

26 12-608.

27 (A) AN APPLICANT FOR A CERTIFICATE SHALL:

28 (1) SUBMIT TO THE STATE FIRE MARSHAL AN APPLICATION ON  
29 THE FORM THE STATE FIRE MARSHAL PROVIDES;

30 (2) SUBMIT ALL DOCUMENTS THAT THE STATE FIRE MARSHAL  
31 REQUIRES; AND

1           **(3) PAY TO THE STATE FIRE MARSHAL AN APPLICATION FEE OF**  
2 **\$100.**

3           **(B) THE APPLICATION FORM PROVIDED BY THE STATE FIRE MARSHAL**  
4 **SHALL CONTAIN A STATEMENT ADVISING THE APPLICANT THAT WILLFULLY**  
5 **MAKING A FALSE STATEMENT ON AN APPLICATION IS A MISDEMEANOR,**  
6 **SUBJECT TO A FINE OR IMPRISONMENT OR BOTH, AS PROVIDED IN § 12-616 OF**  
7 **THIS SUBTITLE.**

8 **12-609.**

9           **(A) THE STATE FIRE MARSHAL SHALL ISSUE A CERTIFICATE TO EACH**  
10 **APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.**

11           **(B) THE CERTIFICATE SHALL INCLUDE:**

12                   **(1) THE FULL NAME OF THE CERTIFICATE HOLDER;**

13                   **(2) THE DATE OF ISSUANCE; AND**

14                   **(3) THE DATE ON WHICH THE CERTIFICATE EXPIRES.**

15           **(C) EACH CERTIFICATE HOLDER SHALL GIVE THE STATE FIRE**  
16 **MARSHAL WRITTEN NOTICE OF CHANGE OF ADDRESS WITHIN 10 BUSINESS DAYS**  
17 **AFTER THE CHANGE.**

18 **12-610.**

19           **WHILE A CERTIFICATE FOR A NONGOVERNMENTAL ELECTRICAL**  
20 **INSPECTOR IS IN EFFECT, IT AUTHORIZES THE CERTIFICATE HOLDER TO**  
21 **INSPECT ELECTRICAL INSTALLATIONS FOR CONFORMITY WITH THE NATIONAL**  
22 **ELECTRICAL CODE OR A LOCAL CODE AS AMENDED.**

23 **12-611.**

24           **(A) (1) UNLESS A CERTIFICATE IS RENEWED FOR A 3-YEAR TERM AS**  
25 **PROVIDED IN THIS SECTION, THE CERTIFICATION EXPIRES ON THE DATE SET BY**  
26 **THE STATE FIRE MARSHAL.**

27                   **(2) THE STATE FIRE MARSHAL MAY DETERMINE THAT**  
28 **CERTIFICATES ISSUED UNDER THIS SUBTITLE SHALL EXPIRE ON A STAGGERED**  
29 **BASIS.**

1           **(B) AT LEAST 45 DAYS BEFORE A CERTIFICATE EXPIRES, THE STATE**  
2 **FIRE MARSHAL SHALL MAIL TO THE CERTIFICATE HOLDER, AT THE LAST**  
3 **KNOWN ADDRESS OF THE CERTIFICATE HOLDER:**

4           **(1) A RENEWAL APPLICATION FORM; AND**

5           **(2) A NOTICE THAT STATES:**

6                   **(I) THE DATE ON WHICH THE CURRENT CERTIFICATE**  
7 **EXPIRES;**

8                   **(II) THAT THE STATE FIRE MARSHAL MUST RECEIVE THE**  
9 **RENEWAL APPLICATION AT LEAST 15 DAYS BEFORE THE CERTIFICATE**  
10 **EXPIRATION DATE FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE**  
11 **CERTIFICATE EXPIRES;**

12                   **(III) THE AMOUNT OF THE RENEWAL FEE;**

13                   **(IV) THAT AN INDIVIDUAL MAY NOT BE ISSUED A**  
14 **CERTIFICATE UNDER THIS SUBTITLE UNTIL ALL OUTSTANDING OBLIGATIONS**  
15 **ARE SATISFIED WITH THE STATE FIRE MARSHAL; AND**

16                   **(V) THAT THE SUBMISSION OF A FALSE STATEMENT IN THE**  
17 **RENEWAL APPLICATION OR THE SUBMISSION OF ALTERED OR FALSE**  
18 **DOCUMENTS THAT ARE OTHERWISE REQUIRED IS CAUSE FOR REVOCATION OF**  
19 **THE CERTIFICATION.**

20           **(C) A CERTIFIED NONGOVERNMENTAL ELECTRICAL INSPECTOR MAY**  
21 **RENEW THE CERTIFICATION FOR A 3-YEAR TERM IF THE CERTIFICATE HOLDER:**

22           **(1) OTHERWISE IS ENTITLED TO BE CERTIFIED; AND**

23           **(2) SUBMITS TO THE STATE FIRE MARSHAL:**

24                   **(I) A RENEWAL APPLICATION ON THE FORM THE STATE**  
25 **FIRE MARSHAL PROVIDES;**

26                   **(II) A RENEWAL FEE OF \$50; AND**

27                   **(III) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY**  
28 **OTHER REQUIREMENTS UNDER THIS SECTION FOR RENEWAL OF**  
29 **CERTIFICATION.**





1           **(2) THE GOOD FAITH OF THE VIOLATOR;**

2           **(3) THE NUMBER AND GRAVITY OF PREVIOUS VIOLATIONS BY THE**  
3 **SAME VIOLATOR;**

4           **(4) THE HARM CAUSED TO THE COMPLAINANT, THE PUBLIC, AND**  
5 **THE ELECTRICAL INSPECTOR PROFESSION;**

6           **(5) THE ASSETS OF THE VIOLATOR; AND**

7           **(6) ANY OTHER FACTORS THAT THE STATE FIRE MARSHAL**  
8 **CONSIDERS RELEVANT.**

9 **12-613.**

10           **(A) BEFORE THE STATE FIRE MARSHAL TAKES ANY FINAL ACTION**  
11 **UNDER § 12-612 OF THIS SUBTITLE, THE STATE FIRE MARSHAL SHALL GIVE**  
12 **THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN**  
13 **OPPORTUNITY FOR A HEARING BEFORE THE STATE FIRE MARSHAL.**

14           **(B) THE STATE FIRE MARSHAL SHALL GIVE NOTICE AND HOLD THE**  
15 **HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE**  
16 **GOVERNMENT ARTICLE.**

17           **(C) THE HEARING NOTICE SHALL BE SENT BY CERTIFIED MAIL TO THE**  
18 **LAST KNOWN ADDRESS OF THE PERSON AT LEAST 10 BUSINESS DAYS BEFORE**  
19 **THE HEARING.**

20           **(D) THE STATE FIRE MARSHAL MAY ADMINISTER OATHS IN**  
21 **CONNECTION WITH ANY PROCEEDING UNDER THIS SECTION.**

22           **(E) THE PERSON MAY BE REPRESENTED AT THE HEARING BY COUNSEL.**

23           **(F) IF, AFTER DUE NOTICE, THE PERSON AGAINST WHOM THE ACTION IS**  
24 **CONTEMPLATED FAILS TO APPEAR FOR THE HEARING, THE STATE FIRE**  
25 **MARSHAL MAY HEAR AND DETERMINE THE MATTER.**

26 **12-614.**

27           **ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE STATE FIRE**  
28 **MARSHAL IN A CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE**  
29 **GOVERNMENT ARTICLE, IS ENTITLED TO APPEAL TO THE OFFICE OF**  
30 **ADMINISTRATIVE HEARINGS AND TO JUDICIAL REVIEW, AS PROVIDED IN THE**  
31 **ADMINISTRATIVE PROCEDURE ACT.**

1 **[12-606.] 12-615.**

2 (a) This section applies in Charles County and St. Mary's County.

3 (b) In a county subject to this section, a homeowner may install electrical  
4 wiring in a home that is to be used as the homeowner's residence subject to standards  
5 set by the county commissioners.6 (c) (1) The county commissioners of Charles County may adopt  
7 regulations to govern the issuance of permits to homeowners under this section.8 (2) The county commissioners of St. Mary's County shall adopt  
9 regulations to govern the issuance of permits to homeowners under this section.10 **[12-607.] 12-616.**11 (a) **[A] EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A person**  
12 **may not [violate this subtitle] INSPECT OR CERTIFY AN ELECTRICAL**  
13 **INSTALLATION UNLESS THE PERSON IS CERTIFIED BY THE STATE FIRE**  
14 **MARSHAL.**15 **(B) A PERSON MAY NOT WILLFULLY MAKE A FALSE STATEMENT ON AN**  
16 **APPLICATION SUBMITTED UNDER THIS SUBTITLE.**17 **[(b)] (C)** A person who violates this **[section] SUBTITLE** is guilty of a  
18 misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or  
19 a fine not exceeding \$500 or both.20 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the  
21 General Assembly that inspectors certified by the State Fire Marshal prior to the  
22 effective date of this Act are not subject to requirements to take an examination or pay  
23 the initial application fee but shall only pay the renewal fee with a renewal application  
24 on expiration of the certificate.25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2010.