**COUNTY COUNCIL**

**OF**

**TALBOT COUNTY, MARYLAND**

2022 Legislative Session, Legislative Day No.: May 10, 2022

Bill No.: 1499

Expiration Date: July 14, 2022

Introduced by: Mr. Callahan, Mr. Divilio, Mr. Lesher, Ms. Price

**A BILL TO AMEND CHAPTER 56 (ELECTRICAL STANDARDS) OF THE TALBOT COUNTY CODE FOR THE PURPOSES OF INCORPORATING AMENDMENTS TO THE MARYLAND ELECTRICIANS ACT ENACTED BY THE MARYLAND GENERAL ASSEMBLY PURSUANT TO SENATE BILL 762 – CHAPTER 708, ACTS OF 2021 AND INCORPORATING THE NATIONAL ELECTRICAL CODE, AS UPDATED FROM TIME TO TIME, AS THE MINIMUM STANDARD FOR ELECTRICAL WORK IN TALBOT COUNTY, MARYLAND**

By the Council: May 10, 2022

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, June 14, 2022 at 6:30 p.m. at the Bradley Meeting Room, Talbot County Courthouse, South Wing, 11 North Washington Street, Easton, Maryland 21601.

By Order: Susan W. Moran
Susan W. Moran, Secretary

**A BILL TO AMEND CHAPTER 56 (ELECTRICAL STANDARDS) OF THE TALBOT COUNTY CODE FOR THE PURPOSES OF INCORPORATING AMENDMENTS TO THE MARYLAND ELECTRICIANS ACT ENACTED BY THE MARYLAND GENERAL ASSEMBLY PURSUANT TO SENATE BILL 762 – CHAPTER 708, ACTS OF 2021 AND INCORPORATING THE NATIONAL ELECTRICAL CODE, AS UPDATED FROM TIME TO TIME, AS THE MINIMUM STANDARD FOR ELECTRICAL WORK IN TALBOT COUNTY, MARYLAND**

**WHEREAS**, pursuant to Md. Code Ann., Business Occupations and Professions ("Bus. Occ. & Prof.") § 6-301(a), as amended pursuant to Senate Bill 762 – Chapter 708, Acts of 2021 ("SB 762"), the County Council of Talbot County (the "County Council") is required to adopt regulations that have qualifications that are at least as stringent as the qualifications under Bus. Occ. & Prof. § 6-304 to provide for the regulation and registration of master electricians, journeyperson electricians, or apprentice electricians in Talbot County, Maryland (the "County") and register such electricians in the manner prescribed under Bus. Occ. & Prof. § 6-103 or require a State license for providing electrical services as a master electrician, journeyperson electrician, or apprentice electrician and enforce the provisions of Bus. Occ. & Prof. § 6-101, et seq.; and

**WHEREAS**, pursuant to Chapter 56 (Electrical Standards) of the Talbot County Code (the "County Code"), the County Council has enacted an electrical code for the County, including licensing and registration requirements for electricians performing electrical work therein; and

**WHEREAS**, Section 56-2 of Chapter 56 of the County Code currently provides that the 2008 edition of the National Electrical Code, as published by the National Fire Protection Association, is adopted as the minimum standard for electrical work in the County; and

**WHEREAS**, the County Council is desirous of incorporating the relevant provisions of SB 762 into Chapter 56 of the County Code and updating the minimum standard for electrical work in the County to the most current edition of the National Electrical Code.

**NOW, THERFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND** that:

**SECTION ONE:** Chapter 56 (Electrical Standards) of the Talbot County Code shall be and is hereby amended as follows:

**KEY**

**Boldface**.....Heading or defined term
Underlining.....Added to law by Bill
~~Strikethrough~~.....Deleted from law by Bill
* * * ..... Existing law unaffected

* * *

**§ 56-2. Adoption of standards.**

The ~~2008 edition of the~~ National Electrical Code, as published by the National Fire Protection Association, and as updated from time to time, is hereby adopted as the minimum standard for electrical work in Talbot County, Maryland.

**§ 56-3. Board of Electrical Examiners.**

The County Council of Talbot County, Maryland, hereinafter referred to as the "County Council," shall appoint the Board of Electrical Examiners of Talbot County, Maryland, hereinafter referred to as the "Board," which shall be established in accordance with the following provisions:

A. The Board shall be authorized to define criteria for qualifications, registration, and licensing of various classifications of electricians permitted to perform electrical work in Talbot County, Maryland to the extent authorized by Md. Code Ann., Business Occupations and Professions § 6-301, et seq., as amended from time to time; to define the duties and powers of electrical inspectors qualified and authorized to inspect and approve electrical work performed in Talbot County, Maryland; and to enforce penalties for violation of provisions of the code, for the purpose of enforcing the National Electrical Code, as the minimum standard for electrical work in Talbot County.

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**§ 56-7. Rules and regulations; Official Seal.**

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C. In carrying out the provisions of the code, the Board, under the hand of its Chairman and the Official Seal of the Board, may subpoena witnesses for the purpose of obtaining depositions and/or testimony. The Board may also require the production of written information, papers, documents, or other items pertaining to the investigation of any case involving the revocation of any license or registration to perform electrical work in Talbot County, Maryland, or the investigation of any person, persons, or corporations engaged in the practice of electrical work, or the offer to practice electrical work, without license or registration to perform electrical work, or in violation of the code provisions.

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**§ 56-9. Registration and Licensing.**

No person, firm, or corporation shall install, repair, maintain, or erect any kind of electrical wiring, conduits, motors, fixtures, signs, electrically operated or controlled heating, ventilation, cooling or refrigeration equipment, air conditioners, elevators, or any other electrically operated apparatus or device in or about any premises in Talbot County, Maryland, including the incorporated municipalities within Talbot County, Maryland, without having first obtained a Talbot County certificate of registration or license, as applicable, ~~hereinafter referred to as "license,"~~ to perform

electrical work~~,~~ as required by the provisions of the code, except as specifically exempt under § 56-10 of this chapter and without having first obtained any required State licensing as set forth in Md. Code Ann., Business Occupations and Professions § 6-301, et seq., as amended from time to time.

**§ 56-10. Exceptions.**

The following exceptions to § 56-9 of this chapter are permissible, to the extent they do not conflict with any State licensing requirements:

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**§ 56-11. Application.**

Application for a license or registration, as applicable, to perform electrical work in Talbot County, Maryland may be processed through the responsible agency of the County government as assigned by the County Council. The applicants must state that they are applying for one of the following classifications ~~of registration~~:

A. "Master electrician" ~~means any person engaged in, or publicly available to be engaged in, the business of installing, erecting, repairing, or contracting to install, erect, or repair, electric conductors to be used for the transmission of electric current for electric light, heat, ventilation, cooling, refrigeration, or power purposes, or moldings, ducts, raceways, or conduits for the reception of such conductors, or electrical machinery, apparatus, devices, or fixtures to be used for electric light, heat, ventilation, cooling, refrigeration, or power purposes, or planning, estimating, laying out, or supervising of such electrical work~~ shall have the meaning set forth in Md. Code Ann., Business Occupations and Professions § 6-101(j), as amended from time to time.

B. ~~"Electrician general" means any person engaged only in residential wiring, limited to a dwelling containing no more than four family units, and commercial wiring limited to a circuit of not more than 60 amperes, three-phase, in an existing commercial structure. No license in this category and no certificate of registration for reciprocity under § 56-17 may be issued upon any application filed on or after August 1, 2009. However, licenses issued before August 1, 2009, may continue to be renewed in accordance with the provisions of § 56-15B, as amended.~~

~~C.~~ "Electrician limited" means any person who limits electrical work to the installation of the maintenance and control wiring in not more than two of the following categories of electrically operated equipment, systems, or devices:

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**§ 56-12. Qualifications.**

If not applying for an electrician limited license under the provisions of reciprocity~~,~~ in accordance with § 56-17 herein, applicants shall submit validation of qualifications for the license or registration ~~classification~~ requested. At a minimum, the application shall be supported by the following documentation:

A. Master electrician. An applicant for a Talbot County ~~license~~ registration as master electrician shall hold a valid master electrician's license issued by the State Board of Electricians and shall ~~have~~ be~~en~~ regularly and principally employed or engaged in electrical construction, maintenance, installation, and repair of all types of electrical equipment and apparatus~~, in accordance with the criteria as stipulated in § 56-11A, for not less than seven years preceding~~ as of the date of application~~, under the direction and supervision of a master electrician, three years during which the applicant supervised, or was actively in charge of, electrical installation work. The Board may credit not more than three years for formal course study or professional training in electrical installation if, in the opinion of the Board, the study or training provided comparable experience and training otherwise attainable under the supervision of a master electrician, or while employed by certain companies, agencies, commissions, or government organizations exempt under § 56-10~~.

B. ~~Electrician general. An applicant for a Talbot County license as electrician general shall have had at least three years of practical experience in the fields of work outlined for electrician general in § 56-11B. Training in a technical school or college, in a related field of electrical installation, may be substituted for not more than one year of this experience requirement.~~

~~C.~~ Electrician limited. An applicant for a Talbot County license as electrician limited shall have had at least two years of practical experience related to each of the particular categories of equipment, under § 56-11~~C~~B, for which they are applying.

**§ 56-13. Examinations.**

The Board is required to verify that applicants for a Talbot County license as an electrician limited have the knowledge and skills required to perform the duties thereof ~~the various classifications of registered electricians~~. If not applying for an electrician limited license under provisions of reciprocity, in accordance with § 56-17, applicants shall be tested by the Board through written examination, based on the current issue of the National Electrical Code, to verify qualifications for ~~the~~ such license ~~classification for which they are applying~~. Examinations shall be conducted under the following rules:

A. ~~A separate examination shall be given for each of the electrician classifications defined in § 56-11.~~

~~B.~~ Examinations shall be conducted at such dates, times, and locations as scheduled by the Board, in accordance with the Rules of Procedure of the Board.

~~C.~~ B. Applicants requiring testing shall pay the appropriate registration fee, as approved by the Board, prior to sitting for the examination.

~~D.~~ C. At least three members of the Board shall be present during examination sessions.

~~E.~~ D. The use of the National Electrical Code book by the applicant will be permitted during the examination.

~~F.~~ E. An examination score of at least 70% correct will be deemed a passing grade.

~~G.~~ F. Applicants failing an examination may, upon request, be permitted to review their corrected testing papers in the presence of two Board members. Retesting shall be permitted upon reapplication and approval by the Board.

**§ 56-14. Fees.**

The Board shall establish a schedule of fees for a~~ll licenses~~ Talbot County registration as a master electrician or a Talbot County license as an electrician limited as required under the code, subject to the approval of the County Council. Such fee schedule may be altered or amended at the discretion of the Board, subject to the approval of the County Council.

**§ 56-15. Issuance and renewal.**

A. Any person, firm, or corporation in the business of electrical contracting in Talbot County, Maryland, or holding a valid license or registration to perform electrical work in Talbot County, Maryland, may not undertake any electrical work within Talbot County, Maryland, unless they carry, or are covered by, general liability insurance in the minimum amount of $300,000 and property damage insurance in the minimum amount of $100,000, or a combined policy in the minimum amount of $400,000, or, for holders of a Talbot County registration as a master electrician, such other amount(s) as required by Md. Code Ann., Business Occupations and Professions § 6-101, et seq. Proof and certification of current insurance shall be submitted with applications for registration or license renewal, regardless of classification. Insurance shall be validated prior to the issuance or renewal of any registration or license. Notice of cancellation of general liability insurance or property damage insurance, or any change in the insured status, shall be forwarded to the Board within 10 calendar days of the effective date of the insurance cancellation or status change. Inactive ~~license~~ holders are exempt from the insurance requirements, provided that the inactive ~~license~~ status is established as required under § 56-15~~D~~C.

B. ~~License renewal for all classifications~~ Renewal of an electrician limited license shall be required every two years during the month of July. ~~Beginning in July 2009, approximately 1/2 of all license renewals shall be for one year, and 1/2 for two years; thereafter, license renewals shall be staggered so that approximately 1/2 shall be renewed each July for a two-year period.~~ Renewal of a master electrician registration shall be required prior to expiration of the master electrician's license issued by the State Board of Electricians. Renewal ~~of licenses~~ in good standing shall be approved upon compliance with requirements for certification of insurance

under § 56-15A, and payment of the fee according to the fee schedule in effect. Failure to timely renew ~~the license~~ as required by this section shall not deprive any registrant or licensee of the right of renewal. However, the fee to be paid for ~~the license~~ untimely renewal ~~after the month of July~~ shall be ~~assessed~~ an additional $2 for each calendar day, or fraction thereof, that payment of the renewal fee is delayed, up to 90 days, at which time the registration or license will be subject to revocation at the discretion of the Board.

C. ~~Should any person holding an active master electrician's license desire to represent another applicant or registrant as their master electrician, said master electrician shall deposit his/her license with the Board, with a written request for such action by the Board, before he/she is duly registered under the license of the represented party. Should the said master electrician cease at any time to represent another applicant or registrant under their license, the master electrician's license so deposited will be returned, upon written notification and request to the Board, provided the Rules of Procedure of the Board have not been violated. Any master electrician holding a license deposited with the Board, under the representative procedure, shall be granted a renewal of said license, provided that application and payment for renewal is made to the Board, in accordance with § 56-15B.~~

~~D.~~ Any applicant or registrant can be licensed or registered under inactive status upon written request to the Board and payment of any additional fee in effect for this action. ~~Registrants licensed under inactive status~~ Inactive license holders or registrants may maintain and renew their license or registration, upon payment of the renewal fee in effect, without insurance coverage as specified in § 56-15A, provided the Rules of Procedure of the Board, or provisions of the code, have not been violated. ~~Registrants licensed under inactive status~~ Inactive license holders or registrants shall not be permitted to perform or represent electrical work in Talbot County, Maryland.

~~E.~~ D. Any applicant or registrant applying for or holding a registration or license under the provisions of the code is responsible for notifying the Secretary of the Board of any change of residence, business address, place of employment, or telephone contact within 30 calendar days of the effective date of said change.

~~F.~~ E. No registration or license ~~for any classification of registration of electrician,~~ issued according to the provisions herein~~,~~ may be used by anyone other than the ~~registrant~~ individual to whom the registration or license is issued, for purposes of transferring or representing the authority to inspect or perform electrical work in Talbot County, Maryland, or to seek registration or licensing in another ~~licensing~~ jurisdiction under provisions of reciprocity.

**§ 56-16. Inspections.**

All classified electrical work and electrical installations performed in Talbot County, Maryland, except the installation of one single-phase, twenty-ampere (or less), electrical circuit, shall be inspected and certified for compliance with the provisions of the code. Applications for electrical inspection, inspections, and certifications of compliance shall be administered by an authorized person, firm, corporation, commission, or agency, hereinafter referred to as the "Electrical

Inspector." The authority and procedure for electrical inspection in Talbot County, Maryland, shall be as follows:

A. The Electrical Inspector shall be certified and ~~licensed~~ registered by the Board to perform inspections in Talbot County, Maryland, in accordance with the provisions for registration of electricians, as stipulated herein. Electrical Inspectors shall be insured in the minimum amount of $1,000,000 professional liability coverage, as required by the Board.

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**§ 56-17. Reciprocity.**

Upon receipt of an application with payment of the required fee and certification of insurance, and without examination and requirement of verification of experience and knowledge, the Board shall issue ~~a certificate of registration as master electrician, electrician general, or~~ an electrician limited license to any person who holds a current certificate of qualification, license, or registration~~,~~ for ~~like~~ a similar classification, issued by the proper authorities of the State of Maryland~~,~~ or of a commissioned or chartered subdivision of the State of Maryland, provided that the requirements of the aforesaid prior qualification, license, or registration do not conflict with the provisions of the code and are of a standard not lower than that specified by the code, and further provided that the same rights of reciprocity are afforded, as applicable, to registrants of Talbot County, Maryland.

**§ 56-18. Revocation and suspension.**

A. The Board may revoke or suspend the application, registration, or license of any applicant, ~~or~~ registrant, or license holder, as applicable, who the Board determines to be involved in any of the following types of conduct, or other acts not specifically identified herein, but contrary to the intent and purpose of the electrician's licensing and registration program, or in violation of applicable local, state, or federal law:

(1) The act, or acts, of fraud, deceit, or perjury in applying for, obtaining, or renewing a certificate of registration or license to perform electrical work.

(2) The act, or acts, of any willful or gross negligence, incompetence, or misconduct in supplying electrical equipment, appliances, or material, or performing services as a registered and/or licensed electrician in violation of the provisions of the code.

(3) Permitting, approving, or causing the installation of defective electrical work, or failure to satisfactorily respond to a notice from the Board to correct such defective electrical work. Such notice shall require correction within 15 calendar days from certified receipt, or as otherwise directed at the discretion of the Board, in accordance with § 56-19B.

(4) Supervising work for which the owner of the work, or the contractor performing the work, is not the applicant, ~~or the~~ registrant, or license holder or the employer or representative thereof ~~the applicant or the registrant, or for whom the applicant or registrant is not a representative, in accordance with § 56-15C~~.

(5) Engaging in any activity constituting unlawful transfer and use of the authority of a registration or license~~,~~ issued according to the provisions herein.

B. Any person may ~~p~~refer charges of fraud, deceit, gross negligence, incompetence, or misconduct to the Board against any applicant, ~~or~~ registrant, or license holder ~~for licensing~~. Such charges shall be filed, in writing, to the Secretary of the Board, and shall be duly dated, notarized or attested to, and suitably verified by the complainant. All such charges, unless dismissed by the Board as unfounded, unsupported, arbitrary, capricious, trivial, or illegal, shall be reviewed by the Board, through a hearing process, within 90 calendar days after the date on which they were filed. The date, time, and place for the hearing shall be determined by the Board, and a copy of the charges, with a summons for hearing, shall be forwarded through certified delivery to the currently known address of the applicant, ~~or~~ registrant, or license holder at least 30 calendar days prior to the date of the hearing. The hearing shall afford due process to the defendant, or the defendant's representative, for questioning the complainant or the complainant's witnesses appearing against the defendant, and to produce evidence, documentation, witness testimony, or other suitable materials or information presented in defense of the charges being heard. The Board shall act, after the process of such hearing, on the vote of three or more members of the Board, to revoke, suspend, or reinstate the status of the license, registration, or application. During the process of investigation and hearing of charges, and prior to the final vote of the Board, the status of the applicant, ~~or~~ registrant, or license holder shall be suspended at the discretion of the Board.

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**§ 56-20. Appeals.**

Any person aggrieved by any action of the Board in processing, denying, revoking, suspending, or failing to reissue a certificate of registration or license, or by any action of the Board, or authorized representative or employee of the Board, in administering and enforcing any provision of the code, may appeal therefrom, within 30 calendar days, to the Talbot County Board of Appeals, in accordance with the procedure of the Board of Appeals, as authorized by the Talbot County Charter. The decision of the Board in any matter of appeal shall be prima facie correct, and the burden of proof shall be on the appellant to show before the Board of Appeals that the Board acted contrary to law, fraudulently, arbitrarily, or capriciously, in carrying out the aggrieved action.

**SECTION TWO**: AND BE IT FURTHER ENACTED, that if any provision of this Bill or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Bill which can be given effect without the invalid provision or application, and for this purpose the provisions of this Bill are declared severable.

**SECTION THREE**: AND BE IT FURTHER ENACTED, that the Talbot County Office of Law, in consultation with and subject to the approval of the County Manager, may make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation included in this Bill, as finally adopted, that are incorrect or obsolete, with no further action required by the County Council. All such corrections shall be adequately referenced and described in an editor's note following the section affected.

**SECTION FOUR:** AND BE IT FURTHER ENACTED, that this Bill shall take effect sixty (60) days from the date of its passage.

**PUBLIC HEARING**

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. _ having been published, a public hearing was held on _____ at _____p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

**BY THE COUNCIL**

Read the third time.

ENACTED: _____

By Order _____
Susan W. Moran, Secretary

Callahan -

Divilio -

Lesher -

Price -

Pack -

EFFECTIVE DATE: _____