

NORTH CAROLINA GENERAL ASSEMBLY  
1969 SESSION

CHAPTER 669  
SENATE BILL 496

1 AN ACT TO REWRITE ARTICLE 4 OF CHAPTER 87 OF THE GENERAL STATUTES OF  
2 NORTH CAROLINA PERTAINING TO THE STATE BOARD OF EXAMINERS OF  
3 ELECTRICAL CONTRACTORS AND TO REGULATIONS FOR THE REDUCTION OF  
4 FIRE HAZARDS AND FOR PROTECTION OF LIFE AND PROPERTY.  
5

6 The General Assembly of North Carolina do enact:  
7

8 **Section 1.** Article 4 of Chapter 87 of the General Statutes of North Carolina is  
9 rewritten to read as follows:

10 "Article 4. Electrical Contractors.

11 **Sec. 87-39. BOARD OF EXAMINERS; APPOINTMENT; TERMS; CHAIRMAN;  
12 MEETINGS; QUORUM; PRINCIPAL OFFICE; COMPENSATION; OATH.**

13 The State Board of Examiners of Electrical Contractors shall continue as the State agency  
14 responsible for the licensing of persons engaging in electrical contracting within this State, and  
15 shall from the effective date of this enactment consist of a representative from the North  
16 Carolina Department of Insurance to be designated by the Commissioner of Insurance, the  
17 Secretary or other representative of the North Carolina Association of Electrical Contractors to  
18 be designated by the governing body of that organization, and three other members to be  
19 appointed by the Governor as follows: One from the faculty of the Greater University of North  
20 Carolina who shall be a person who teaches or does research in the field of electrical  
21 engineering; one person who is serving as chief electrical inspector of a municipality or county  
22 in the State of North Carolina; and one person who holds a license classification under G.S.  
23 87-43.3, and who represents a sole proprietorship, partnership, or corporation located in the  
24 State of North Carolina which is actively engaged in the business of electrical contracting. The  
25 terms of the present appointed members of the Board shall be continued and shall end with the  
26 expiration dates established with their said appointments. All members shall serve for a term of  
27 three years and until their respective successors are appointed and qualified. Any vacancy  
28 occurring in an appointed membership of the Board shall be filled by appointment of the  
29 Governor for the unexpired term.

30 The Board shall hold regular meetings quarterly and may hold meetings on call of the  
31 Chairman. The Chairman shall be required to call a special meeting upon written request by  
32 two members of the Board. The Board shall, at the first meeting following appointment of the  
33 new member in each year, meet and elect from its membership a Chairman and Vice Chairman,  
34 each to serve for one year. Three members of the Board shall constitute a quorum. The  
35 principal office of the Board shall be at such place as shall be designated by a majority of the  
36 members thereof.

37 Each member of the Board shall receive as compensation for his services the sum often  
38 dollars (\$10.00) for each day actually devoted to the performance of his duties under this  
39 Article, and in addition shall be reimbursed for all necessary expenses incurred in the  
40 performance of his duties under this Article. Before entering upon the performance of his duties  
41 hereunder, each member of the Board shall take and file with the Secretary of State an oath in  
42 writing to properly perform the duties of his office as a member of said Board, and to uphold  
43 the Constitution of North Carolina and the Constitution of the United States.

1 **Sec. 87-40. SECRETARY-TREASURER.** - The State Board of Examiners of Electrical  
2 Contractors shall at its first meeting following appointment of the new member in each year  
3 appoint a secretary-treasurer for a period of one year. The secretary-treasurer need not be a  
4 member of the Board, and the Board is authorized to employ a full-time secretary-treasurer and  
5 such other assistants and to make such other expenditures as may be necessary to the proper  
6 performance of the duties of the Board under this Article. The compensation and the duties of  
7 the secretary treasurer shall be fixed by the Board, and the secretary-treasurer shall give bond in  
8 such sum and form as the Board shall require for the faithful performance of his duties. The  
9 secretary-treasurer shall keep a record of the proceedings of said Board and shall receive and  
10 account for all monies derived from the operations of the Board under this Article.

11 **Sec. 87-41. SEAL OF BOARD.** - The Board shall adopt a seal for its own use, and the  
12 secretary-treasurer shall have charge and custody thereof. The seal shall have inscribed thereon  
13 the words "Board of Examiners of Electrical Contractors, State of North Carolina."

14 **Sec. 87-42. DUTIES AND POWERS OF BOARD.** - In order to protect the life, health and  
15 property of the public, the State Board of Examiners of Electrical Contractors shall provide for  
16 the examination of all applicants for a license as an Electrical Contractor. The Board shall  
17 receive all applications for licenses to be issued under this Article, shall examine all applicants  
18 to determine that each shall be qualified and shall also discharge those duties enumerated in  
19 G.S. 87-47. Individual applicants must be at least 21 years of age, and shall be required to  
20 demonstrate to the satisfaction of the Board evidence of good character and adequate technical  
21 and practical knowledge concerning the safe and proper installation of electrical work and  
22 equipment. The examination to be given for this purpose shall include, but not be limited to, the  
23 appropriate provisions of the National Electrical Code and the North Carolina State Building  
24 Code, the analysis of electrical plans and specifications, estimating of electrical installations,  
25 and the fundamentals of installation of electrical work and equipment. The Board shall  
26 prescribe the standards of knowledge, experience and proficiency to be required of licensees,  
27 which may vary for the various classifications of licenses. The Board shall have power to make  
28 rules and regulations necessary to the performance of its duties and for the effective  
29 implementation of the provisions of this Article. The Board shall issue licenses to all applicants  
30 meeting the requirements of the Board upon the receipt of the fees herein prescribed. The  
31 Board shall keep minutes of all its proceedings, and shall keep an accurate record of receipts  
32 and disbursements which shall be audited at the close of each fiscal year by a certified public  
33 accountant and filed with the State of North Carolina in accordance with Chapter 93B of the  
34 General Statutes.

35 **Sec. 87-43. ELECTRICAL CONTRACTING DEFINED; LICENSES.** - Electrical  
36 contracting shall be defined as engaging or offering to engage in the business of installing,  
37 maintaining, altering or repairing any electric work, wiring, devices, appliances or equipment.  
38 No person, firm or corporation shall engage, or offer to engage, in the business of electrical  
39 contracting within the State of North Carolina without having received a license from the State  
40 Board of Examiners of Electrical Contractors in compliance with the provisions of this Article.  
41 In each separate place of business operated by an electrical contractor at least one person must  
42 be regularly on active duty who has passed the examination required by this Act and who has  
43 the specific duty and authority to supervise and direct all electrical wiring or electrical  
44 installation work done or made by such separate place of business. Every person, firm or  
45 corporation engaging in the business of electrical contracting shall display a current certificate  
46 of license in his principal place of business and in each branch place of business which he  
47 operates. Licenses issued hereunder shall be signed by the chairman and the secretary-treasurer  
48 of the Board, under the seal of the Board. A registry of all licenses issued to electrical  
49 contractors shall be kept by the secretary-treasurer of the Board, and said registry shall be open  
50 for public inspection during ordinary business hours.

51 **Sec. 87-43.1. EXCEPTIONS.** - The provisions of this Article shall not apply:

- 1           (1) To the installation, construction or maintenance of facilities for providing  
2           electric service to the public ahead of the point of delivery of electric service  
3           to the customer;
- 4           (2) To the installation, construction, maintenance, or repair of telephone,  
5           telegraph, or signal systems, by public utilities, or their corporate affiliates,  
6           when said work pertains to the services furnished by said public utilities;
- 7           (3) To any mechanic employed by a licensee of this Board;
- 8           (4) To the installation, construction or maintenance of electrical equipment and  
9           wiring for temporary use by contractors in connection with the work of  
10          construction;
- 11          (5) To the installation, construction, maintenance, or repair of electrical wiring,  
12          devices, appliances, or equipment by persons, firms or corporations, upon  
13          their own property, who regularly employ one or more electricians or  
14          mechanics for the purpose of installing, maintaining or repairing of electrical  
15          wiring, devices or equipment used for the conducting of the business of said  
16          persons, firms or corporations;
- 17          (6) To the installation, construction, maintenance or repair of electrical wiring,  
18          devices, appliances or equipment by State institutions and private  
19          educational institutions which maintain a private electrical department;
- 20          (7) To the replacement of lamps and fuses and to the installation and servicing  
21          of appliances and equipment connected by means of attachment plug-in  
22          devices to suitable receptacles which have been permanently installed.

23 **Sec. 87-43.2. CORPORATE OR PARTNERSHIP PRACTICE OF ELECTRICAL**  
24 **CONTRACTING.** - A corporation or partnership shall be eligible to be licensed as an  
25 electrical contractor, and to have such license renewed, provided:

- 26          (1) At least one person who has qualified under the provisions of this Article  
27          shall be regularly employed by the applicant at each separate place of  
28          business, such person to have the specific duty and authority to provide  
29          direct supervision of all installation, maintenance, alteration or repair of any  
30          electrical wiring, devices, appliances or equipment done in the name of the  
31          licensee;
- 32          (2) An application is filed with the Board which contains a statement of  
33          ownership, states the names and official positions of employees currently  
34          qualified under this Article, and provides such other information as the  
35          Board may reasonably require;
- 36          (3) The applicant, through an authorized officer or owner, shall agree in writing  
37          that the corporation or partnership will report to the Board within five days  
38          any additions to or loss of the employment of qualified individuals as  
39          described in sub-sections (1) and (2) above;
- 40          (4) A license issued to a corporation or partnership shall indicate the names and  
41          classifications of qualified individuals as described in sub-sections (1) and  
42          (2) above;
- 43          (5) A license issued to a corporation or partnership shall be canceled if at any  
44          time no person who has qualified under the provisions of this Article shall be  
45          regularly employed by the corporation or partnership as provided by  
46          sub-section (1) above; provided, that work begun prior to such cancellation  
47          may be completed under such conditions as the Board shall direct; provided  
48          further that no work for which a license is required under this Article shall  
49          be bid for, contracted for or initiated subsequent to such cancellation until  
50          said license is reinstated by the Board.

1 **Sec. 87-43.3. CLASSIFICATION OF LICENSES.** - An Electrical Contractor's license shall  
2 be issued in one of three classifications: Limited, under which a licensee shall be permitted to  
3 engage in a single electrical contracting project of a value not in excess of five thousand dollars  
4 (\$5,000.00) and on which the equipment or installation in the contract is rated at not more than  
5 600 volts; Intermediate, under which a licensee shall be permitted to engage in a single  
6 electrical contracting project of a value not in excess of fifty thousand dollars (\$50,000.00); and  
7 Unlimited, under which a licensee shall be permitted to engage in any electrical contracting  
8 project regardless of value. The Board may establish appropriate standards for each  
9 classification, such standards not to be inconsistent with the provisions of G.S. 87-42.

10 **Sec. 87-44. LICENSE FEES; TERM; REVOCATION.** - The Board shall collect a fee from  
11 each applicant before granting or renewing a license under the provisions of this Article; the  
12 annual license fee for the Limited classification shall not be in excess of twenty dollars  
13 (\$20.00) for each principal and each branch place of business; the annual license fee for the  
14 Intermediate classification shall not be in excess of fifty dollars (\$50 00) for each principal and  
15 each branch place of business; the annual license fee for the Unlimited classification shall not  
16 be in excess of one hundred dollars (\$100.00) for each principal and each branch place of  
17 business.

18 Each license issued under the provisions of this Article shall expire on June 30 following  
19 the date of its issuance, and shall be renewed by the Board upon receipt and evaluation of a  
20 renewal application from a licensee and the payment of the required fee. The application shall  
21 be upon a form provided by the Board and shall furnish such information as the Board may  
22 require. Renewal applications and fees shall be due thirty days prior to the license expiration  
23 date; applications received after this time may, in the discretion of the Board, be subject to a  
24 penalty not exceeding ten percent (10%) of the license fee. No license issued in accordance  
25 with the provisions of this Article shall be assignable or transferable.

26 **Sec. 87-45. FUNDS.** - The fees collected for examinations and licenses under this Article shall  
27 be used for the expenses of the State Board of Examiners of Electrical Contractors in carrying  
28 out the provisions of this Article. No expenses of the Board or compensation of any member or  
29 employee of the Board shall be payable out of the treasury of the State of North Carolina; and  
30 neither the Board nor any member or employee thereof shall have any power or authority to  
31 make or incur any expense, debt or other financial obligation binding upon the State of North  
32 Carolina. Any funds remaining in the hands of the secretary-treasurer to the credit of the Board  
33 after all expenses of the Board for the current fiscal year have been fully provided for shall be  
34 paid over to the North Carolina Engineering Foundation, Inc. for the benefit of the electrical  
35 engineering department of the Greater University of North Carolina. Provided, however, the  
36 Board shall have the right to maintain an amount, the cumulative total of which shall not  
37 exceed twenty percent (20%) of gross receipts for the previous fiscal year of its operation as a  
38 maximum contingency or emergency fund.

39 **Sec. 87-46. RESPONSIBILITY OF LICENSEE; NONLIABILITY OF BOARD.** Nothing  
40 in this Article shall relieve the holder or holders of licenses issued under the provisions hereof  
41 from complying with the building or electrical codes or statutes or ordinances of the State of  
42 North Carolina, or of any county or municipality thereof now in force or hereafter enacted.  
43 Nothing in this Article shall be construed as relieving the holder of any license issued  
44 hereunder from responsibility or liability for negligent acts on the part of such holder in  
45 connection with electrical contracting work; nor shall the State Board of Examiners of  
46 Electrical Contractors be accountable in damages, or otherwise for the negligent act or acts of  
47 any holder of such license.

48 **Sec. 87-47. JURISDICTION OF BOARD OVER LICENSEES.** - In the interest of  
49 protecting the public, the Board shall have jurisdiction to hear and determine on its own motion  
50 or upon written complaint, all complaints, allegations of charges of malpractice, unethical  
51 conduct, fraud, deceit, gross negligence, gross incompetence or gross misconduct in the

1 practice of electrical contracting, or fraud or deceit in obtaining a license under this Article,  
2 made against any licensee under this Article; and the Board may administer to licensees any  
3 one or more of the following penalties:

- 4 (1) Reprimand;
- 5 (2) Suspension from practice for a period not to exceed twelve months;
- 6 (3) Revocation of license; and
- 7 (4) Probationary revocation of license upon conditions set by the Board as the  
8 case shall in their judgment warrant with revocation of license upon failure  
9 to comply.

10 The Board shall, in accordance with Chapter 150 of the General Statutes, formulate rules of  
11 procedure governing the hearings of charges against licensees. Any person may prefer charges  
12 against any licensee, and such charges must be sworn to by the complainant and submitted in  
13 writing to the Board. Charges shall be heard and determined by the Board, and may be  
14 dismissed without notice to the accused licensee if unfounded or trivial. In conducting hearings  
15 of charges against licensees, the Board may remove the same to any county in which the  
16 offense, or any part thereof, was committed if in the opinion of the Board the ends of justice or  
17 the convenience of witnesses require such removal.

18 The Board may reissue a license to any person, firm or corporation after having revoked  
19 such license, provided; that one year has elapsed from revocation until reissuance, and the vote  
20 of the Board is by a majority of its members.

21 The Board shall immediately notify the Secretary of State and the Electrical Inspectors  
22 within the licensee's county of residence upon the revocation of a license or the reissuance of a  
23 license which had been revoked.

24 **Sec. 87-48. PENALTY FOR VIOLATION OF ARTICLE; POWERS OF BOARD TO**  
25 **ENJOIN VIOLATION.** - (1) Any person, firm or corporation who shall violate any of the  
26 provisions of this Article, or who shall engage or undertake to engage in the business of  
27 installing, maintaining, altering or repairing within the State of North Carolina any electric  
28 wiring, devices, appliances or equipment without first having obtained a license under the  
29 provisions of this Article, shall be guilty of a misdemeanor and upon conviction thereof shall be  
30 subject to a fine of not less than twenty-five dollars (\$25.00) or more than fifty dollars (\$50.00)  
31 for each offense. Conviction of a violation of this Article on the part of a holder of a license  
32 issued hereunder shall automatically have the effect of suspending such license until such time  
33 as it shall have been reinstated by the State Board of Examiners of Electrical Contractors.

34 (2) Whenever it shall appear to the State Board of Examiners of Electrical Contractors  
35 that any person, firm or corporation has violated, threatens to violate, or is violating any  
36 provisions of this Article, the Board may apply to the courts of the State for a restraining order  
37 and injunction to restrain such practices. If upon such application the court finds that any  
38 provision of this Article is being violated, or a violation thereof is threatened, the court shall  
39 issue an order restraining and enjoining such violations, and such relief may be granted  
40 regardless of whether criminal prosecution is instituted under the provisions of this Article.

41 **Sec. 87-49. NO EXAMINATION REQUIRED OF LICENSED CONTRACTORS.** Any  
42 person, firm or corporation licensed in this State as a Class II electrical contractor on the  
43 effective date of this Act shall be entitled to be licensed, without examination, in the Limited  
44 classification upon payment of the required fee and may be licensed in the Intermediate or in  
45 the Unlimited classification without written examination upon satisfactory proof to the Board  
46 that such applicant is in fact qualified for such classification. Any person, firm or corporation  
47 licensed in this State as a Class I electrical contractor on the effective date of this Act shall be  
48 entitled to be licensed without examination in the Limited, Intermediate or Unlimited  
49 classification upon payment of the required fee. Provided, that any person who has been once  
50 duly licensed by the Board, whose license has expired solely because of failure to apply for  
51 renewal, may apply and have a license issued under the provisions of this Section if within a

1 period of twelve (12) months preceding such issuance the applicant shall have been primarily  
2 actively engaged as an electrical contractor or in an occupation which in the judgment of the  
3 Board is similar or equivalent to that of an electrical contractor.

4 **Sec. 87-50. LICENSE TO NONRESIDENTS; RECIPROCITY.** - To the extent that other  
5 states which provide for the licensing of electrical contractors provide for similar action, the  
6 Board may grant licenses of the same or equivalent classification to electrical contractors  
7 licensed by other states without written examination upon satisfactory proof furnished to the  
8 Board that the qualifications of such applicants are equal to the qualifications of holders of  
9 similar licenses in North Carolina and upon payment of the required fee.

10 **Sec. 87-51. SEVERABILITY OF PROVISIONS.** - If any provision of this Act or the  
11 application thereof to any person or circumstances is for any reason held invalid, such  
12 invalidity shall not affect other provisions or applications of the Act which can be given effect  
13 without the invalid provision or application, and to this end the provisions of this Act are  
14 declared to be severable."

15 **Sec. 2.** All laws and clauses of laws in conflict with this Act are repealed.

16 **Sec. 3.** This Act shall be in full force and effect from and after July 1, 1969, except  
17 that the provisions regarding classifications as defined in G.S. 87-43.3 shall not be effective  
18 until July 1, 1970.

19 In the General Assembly read three times and ratified, this the 2nd day of June,  
20 1969.