

LOCAL LAW NO. 12 OF 2012**COUNTY OF ROCKLAND****STATE OF NEW YORK**

(Sponsor: Hon. Alden H. Wolfe)

Mr. Grant offered the following Local Law, which was seconded by Mr. Earl and unanimously adopted:

A local law amending local law number 11 of 1967 as amended by local law number 16 of 1967, local law number 5 of 1968, local law number 2 of 1983, local law number 2 of 1996, local law number 5 of 2000, local law number 3 of 2005, and local law number 8 of 2007, (chapter 250 of the laws of Rockland county) relating to the licensing of master electricians in Rockland county.

Be it enacted by the legislature of the county of Rockland as follows:

Section 1.

Local law number 11 of 1967 as amended by local law number 16 of 1967, local law number 5 of 1968, local law number 2 of 1983, local law number 2 of 1996, local law number 5 of 2000, local law number 3 of 2005, and local law number 8 of 2007, (chapter 250 of the laws of Rockland county) relating to the licensing of electrical contractors in Rockland county is amended as follows:

250-1. Purpose; limitation.

The Legislature of the County of Rockland hereby finds that there is a danger to life and property inherent in the use of electrical energy, that the loss of life and property can be caused by the defective installation and repair of electrical wiring and that such loss of life and property can be prevented if the installation and repair of electrical wiring is undertaken by persons with experienced training in the business of installing, altering or repairing wiring and appliances for electric light, heat, power or signaling systems.

250-2. Definitions: Word Usage.

As used in this chapter, the following terms shall have the meanings indicated:

APPLICANT –The qualifying individual applying for the license.

BOARD – The Board of Electrical Examiners created by this chapter.

ELECTRICAL CONTRACTOR – Includes any person, partnership, limited partnership, limited liability company, or corporation which engages in or carries on the business of installing, erecting, altering or repairing, for the public at large, 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 fifty (50) volts or more under the supervision of a master electrician.

MASTER ELECTRICIAN – A person who has met all the requirements of the Board of Electrical Examiners including a passing grade on the master electrician exam.

PERSON – An individual. All references to the masculine gender shall be interpreted to include the feminine gender.

SECRETARY – An employee of the Board of Electrical Examiners.

EXAMINER – A person employed by the county and designated by the Board to exercise or to discharge, as directed by the Board the authority or the duties established by this chapter or by the Board pursuant to this chapter.

SHELVE – The voluntary placement by an individual of his County of Rockland master electrician license in an inactive status. An individual with a shelved license shall be unlicensed. This individual shall not maintain, conduct, operate, advertise, engage in or transact a business as a master electrician in the County of Rockland.

SUPERVISOR OF WORK – A master electrician (1) who is an electrical contractor, or (2) who is a partner in a partnership that is an electrical contractor, or a general partner in a limited partnership that is an electrical contractor, or a managing member of a limited liability company that is an electrical contractor, or an officer of a corporation that is an electrical contractor, or (3) who is a bona fide employee of such electrical contractor. The Supervisor of the Work must be available to inspect the work of his employees.

ELECTRICAL CONTRACT – A written agreement between a contractor and an owner or between a contractor and a tenant for the performance of electric work, which includes all labor, services and materials to be furnished and performed thereunder.

ELECTRICAL CONTRACTING ESTABLISHMENT – Any shop, establishment, place or premises where the electrical business is carried on.

LICENSEE – A person permitted to engage in the electrical contracting business under the provisions of this chapter.

HOMEOWNER – Any homeowner, tenant or any other person who orders, contracts for or purchases the electrical services of a contractor, or the person entitled to the performance of the work of a contractor pursuant to an electrical contract.

DIRECTOR – The Director of Consumer Protection.

THE CODE – The title of this Code shall be NFPA 70, National Electrical Code® Of the National Fire Protection Association. The short title of this Code shall be the NEC® in its most current edition.

250-3. License required.

On or after the effective date of this chapter, no person shall engage in, carry on or conduct the business of an electrical contractor within the County of Rockland unless licensed therefor pursuant to this chapter or unless employed by a person so licensed. On or after the effective date of this chapter, no partnership, limited partnership, limited liability company, or corporation shall engage in, carry on, or conduct the business of an electrical contractor within the County of Rockland unless it is specified as the “holder of the license” of a master electrician pursuant to section 250-6., of this chapter; in the case of a partnership, the partnership shall be evidenced by a written partnership agreement. On or after the effective date of this chapter, no persons or other entities may participate in a joint venture involving the business of an electrical contractor in Rockland County unless each participant in the joint venture is, pursuant to this chapter, licensed or specified as a holder of a license.

250-4. Board of Electrical Examiners.

A. There is hereby created a board of electrical examiners consisting of eleven (11) members, hereinafter referred to as the “Board.” The members of such Board shall be residents of the county and shall be appointed by the County Executive subject to confirmation by the Rockland County Legislature, and shall serve at the pleasure of the County Executive. The members so appointed, shall be persons with experienced training in the field of electrical installations.

B. The membership of the board shall at all times provide for representation by at least one (1) residents of each of the several towns in Rockland County, and five (5) members at large, exclusive of the legislative member.

C. The Chairman of the Legislature of the County of Rockland shall designate a member of the Board of Electrical Examiners to act as Chairman thereof, or, on failure so to do, the Board shall elect a Chairman from its own members.

D. A majority of the Board shall constitute a quorum for the transaction of business.

E. Compensation to be paid to the members of the Board of Electrical Examiners, if any, shall be determined by the County Legislature.

F. Members of the Board shall be required to attend sixty percent (60%) of all regular meetings scheduled by the Board in the calendar year, failure to do so may result in the Board submitting a letter to the County Executive recommending the member be removed for failure to attend regularly scheduled Board meetings.

250-5. Powers and duties of Board.

The Board shall have the following powers and duties in addition to those elsewhere prescribed in this chapter:

A. To hold meetings at the call of the Chairman and at such other times as the Board may determine when necessary or desirable for the efficient discharge of the business of the board, but not less than quarterly. All meetings of such Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof and every decision or determination of the board shall immediately be filed in the office of the Clerk to the Legislature of the County of Rockland and shall be a public record.

B. To examine the qualifications and fitness of applicants for licenses under this chapter or of the representatives of such applicants designated for such purpose.

C. To grant and issue licenses as master electricians to applicants possessing the requisite qualifications. Licenses shall be signed by the Chairman and Secretary of the Board.

D. To suspend or revoke licenses for cause as prescribed in this chapter.

E. To keep records of all licenses issued, suspended or revoked by it and to make such records available for public inspections, the same to be filed in the office of the Clerk to the Legislature of the County of Rockland and with the Secretary.

F. To prepare a manual of its rules and regulations for the conduct of examination and qualifications and to furnish copies thereof to persons desiring the same upon payment of a fee as set by the Board.

G. To adopt rules and regulations in respect to procedure before it and in respect to any subject matter over which it has jurisdiction under this chapter or any other law, after a public hearing by the board and subject to approval of the Rockland County Legislature Upon adoption and approval of such rules and regulations, they shall be duly filed with the Clerk of the Rockland County Legislature and the Director.

H. The Board shall employ experts, clerks and a secretary, subject to the appropriations that may be made therefore by the Rockland County Legislature. Said employees shall report to the Director on a day-to-day operational basis. The Rockland County Legislature is hereby authorized and empowered to make such appropriation as it may see fit for such expenses; the amount of the appropriation shall be the estimated charges and expenses, less fees, if any, collected pursuant to the licensing required by this chapter.

250-6. Licenses; [term;] renewal; fees.

- A. The Board may issue and renew a master electrician's license. Such license shall permit the licensee to engage in the business of electrical contractor or as an employee or partner or officer of an electrical contracting business within the County of Rockland for the period of one (1) year from the date on which it was issued. A master electrician will only be entitled to possess one (1) valid master electrician's license pursuant to this chapter for any given year. A master electrician shall supply the Board with a passport photograph every year at the time of and as a condition of the renewal the master electrician's license. The Board shall issue each master electrician a new identification card every three (3) years.
- B. The fee for such license shall be set forth in the rules and regulations.
- C. Each licensed master electrician shall receive from the Board one (1) decal with his license without charge. Additional decals may be purchased for a fee to be set forth in the rules and regulations. Every electrical van, truck, utility body, bucket truck, or other vehicle used in any form of electrical contracting activity shall at all times have affixed to its back bumper a decal, which shall be so affixed immediately upon receipt from the Board.
- D. There shall be an application fee which shall be set forth in the rules and regulations for administration of tests required by the Board for persons seeking permission to do electrical work on non-attached personally owned primary residences.
- E. Every electrical van, truck, utility body, bucket truck, or other vehicle used in any form of electrical contracting activity shall at all times also have affixed to each side a sign bearing the full name of the business and either the full address or full telephone number of the business. Sign lettering and numbering shall be at least three inches (3) in height.

250-7. Application for licenses and certificates.

- A. Every person desiring a license as a master electrician under this chapter shall make application therefore to the Board in such form and detail as the Board may prescribe and shall be accompanied by the required fee set forth in the rules and regulations. Such application shall state, among other things, the name and address of the applicant who will take the examination for the license and who will act as supervisor of the work to be done under the license, if granted.
- B. Every master electrician desiring certificate as an electrical contractor under this chapter shall make application therefore to the Board in such form and detail as the Board may prescribe, accompanied by the appropriate fee set forth in the rules and regulations. Such application shall state, among other things, the name, address and license number of the supervisor of work who shall be a County of Rockland licensed master electrician.

250-8. Examinations; bond and insurance.

- A. Examinations shall be in writing as the Board may determine. A complete record of every examination given shall be kept on file until three (3) years after the date of the examination. Examinations shall be held at such times and places as the Board may fix.
- B. The applicant shall present himself for examination at the time and place specified in a notice to be given by the Board.
- C. An applicant who has failed in his first examination shall not be eligible for reexamination until three (3) months from the date of such failure. One who fails twice or more shall not be eligible for further reexamination until at least six (6) months have elapsed from the date of such second or subsequent failure.
- D. No license for a master electrician shall be granted and held by any person unless he shall prove to the satisfaction of the board that he is competent and qualified to perform work. The Board may, as a condition to the granting of a license, establish a rule or regulation requiring that the applicant must have a certain number of years of experience performing work before the date of application.
- E. Any person applying for a license within one (1) year after the effective date of this chapter who shall hold a current valid license or who shall have been continuously engaged in the business and work of an electrician in the County of Rockland for a period of five (5) years or more preceding such effective date shall be entitled to receive a license without examination upon payment of the fee prescribed by this chapter.
- F. The Board may require an application for a license or a renewal application to be accompanied by a bond, approved as to form by the County Attorney, executed by a bonding or surety company authorized to do business in the state of New York, or cash security in an amount to be set by the Board, conditioned upon the assurance that during the term of such license the licensee will continue to comply with the provisions of this chapter, to assure that upon default in the performance of any contract, the advance payments made thereon, less the reasonable value of services actually rendered to the date of such default, or the reasonable costs of completion of the contract in the event of no completion thereof, will be refunded to the purchaser, owner or lessee with whom such contract was made. Such bond shall run to the County of Rockland for the use and benefit of any person or persons intended to be protected thereby. The filing of the required bond in the Office of the Director, pre-approved as to form by the County Attorney, shall be deemed sufficient compliance with this section. The Board may require a bond at any time during the term of the license based on the licensee's performance during such term.

- G. All persons licensed pursuant to this chapter shall be required to secure liability insurance to protect all persons from personal injury and property damage that could occur, directly or indirectly, during or as a result of their work licensed by this chapter. Such liability insurance must include proof of personal liability and property damage coverage (with no exclusions for product-completed operations coverage) in such form and amount, and with such other kinds of coverage, as may from time to time be set forth in or required by the rules and regulations, along with proof of workers' compensation and disability insurance in such form and amount as may from time to time be set forth in or required by the rules and regulations. Such liability insurance shall be occurrence-based.
- H. 1. The Director or his designee, upon receipt of evidence that any bond required of any licensee by 260-8 (F.) or any liability, disability, or workers' compensation insurance required of any licensee by 250-8(G) or the rules and regulations is not in effect, the Director or his designee shall promptly issue an order suspending the license of such licensee and shall promptly mail a copy of such order by regular first class mail and by certified mail to the licensee at the licensee's address provided in accordance with this law or the rules and regulations.
2. The suspension shall take effect on the date specified in the order and shall remain in effect for a period of time equal to the time from the date that the bond or insurance, as the case may be, was not in effect to the date on which a subsequent insurance, as the case may be, became or will have become in effect.
3. No order suspending any license shall be issued, or, if such order has been issued, it shall be terminated, if the Director or his designee shall determine either that the bond or insurance, as the case may be, had been erroneously determined not to have been continuously in effect or that both:
- (a) The licensee was not aware of the fact that the bond or insurance, as the case may be, was not in effect; and
 - (b) The failure to have such bond or insurance in effect was caused solely by the negligence or malfeasance of a person other than such licensee. The burden of proving that the bond or insurance had been erroneously determined not to have been continuously in effect, or that the licensee did not know that the bond or insurance was not in effect and that such failure to have the bond or insurance in effect resulted solely from the negligence or malfeasance of another, shall be upon the licensee seeking to avoid suspension action. Such facts shall be established by clear and convincing evidence, either by the submission of affidavits or at a hearing called in the discretion of the Board. The Board may, as justice may require, terminate or modify any order suspending any license.
4. No order issued, and no action taken or not taken, by the Director or his designee pursuant to this subsection 250-8(h) shall be subject to appeal to the Board or to the appeal procedures specified in 250-20 but, rather, shall be deemed an administratively final determination for purposes of judicial review.

5. Nothing in this subsection shall prohibit the Board from further suspending or revoking such license pursuant to 250-9 of this law or prohibit the Director of the others specified in 250-24 from proceeding further to enforce this law as provided in 250-24.

250-9. Refusal, suspension or revocation of license.

1. Any license issued hereunder may be suspended or revoked, at the discretion of the Board, after public hearing, upon due notice held, upon charges given to the licensee and an opportunity to be heard in his defense, in person or by an attorney, if the Board is satisfied that the holder of such license or any of his or its officers or employees willfully, or by reason of incompetence, have violated any provision of this chapter, any other law, ordinance, local law, resolution or building code governing electric work or requiring permits therefore or any requirement contained in the rules and regulations of the Board and any revisions thereof. The Board shall cause the proceedings of such hearing to be electronically or otherwise recorded verbatim and permanently preserved.
2. Any revocation under subsection 2 of this section shall be for not less than one (1) year unless otherwise specified by the appeals board pursuant to 250-20 of this chapter.
3. A license to conduct, operate, engage in and transact an electrical contracting business as an electrical contractor may be refused, suspended or revoked by the Board for any one (1) or more of the following causes:
 - A. Fraud, misrepresentation or bribery in securing a license.
 - B. The making of any false statement as to material matter in any application for a license or in any proceeding with respect to the refusal, suspension, or revocation of a license, or in any response to any order, demand, or inquiry by the Board or by the Director of his designee with respect to a license or with respect to any electrical contract..
 - C. The person or the management personnel of the contractor are untrustworthy or not of good character.
 - D. The business transactions of the contractor have been marked by a practice of failure to perform its contracts or the manipulation of assets or accounts by fraud or bad faith.
 - E. Failure to display the license as provided in this chapter.
 - F. Violation of any provision of this chapter or of any rule or regulation adopted hereunder.

G. The institution of federal bankruptcy proceedings (voluntary or involuntary), or of proceedings in any court to appoint a receiver, with respect to the person or any management personnel of the contractor; or the making of an assignment by the person or any management personnel of the contractor for the benefit of creditors whose claims arise under or are related to any electrical contract with the person or management personnel of the contractor; or failure to notify the Board of the institution of such proceedings or the making of such assignment.

H. License holder and/or electrical contractor having been convicted of a felony involving another person or property.

I. Failure to display the license sticker, which is issued by the County of Rockland.

J. Violation of any provision of this chapter or of any rule or regulation adopted hereunder of any other law or ordinance pertaining to electricians.

K. Maintaining, conducting, operating, advertising, engaging in or transacting a business as a master electrician in the County of Rockland with a shelved license.

L. Employing an unlicensed subcontractor or subcontractors to perform electrical work or any combination thereof in the County of Rockland.

M. Failure to renew master electrician license on or before expiration date.

N. Filing for electrical contracting work which the contractor did not contract to perform, or taking over and filing through a certified electrical inspection company for electrical contracting work begun by a person not licensed pursuant to this chapter prior to approval of the Board of Electrical Examiners.

O. Prior to the revocation or suspension of a master electrician license, the licensee shall receive, in writing, all the particulars of the alleged violation and shall have an opportunity to present his defense at a public hearing either in person or by his attorney.

250-1[1]0. Prohibited acts.

A. The following acts are prohibited.

(1) Abandonment or willful failure to perform, without justification, any electrical contract or project engaged in or undertaken by a contractor, or willful deviation from or disregard of plans or specifications in any material respect without the consent of the owner.

(2) Making any substantial misrepresentation in an electrical contract or in the procurement of an electrical contract or making any false promise likely to influence, persuade or induce

(3) Any fraud in the execution of or in the material alteration of any contract, mortgage, promissory note or other document incident to an electrical transaction.

(4) Preparing or accepting any mortgage, promissory note or other evidence of indebtedness upon the obligations of an electrical transaction with knowledge that it recites a greater monetary obligation than the agreed consideration for the electrical work.

(5) Directly or indirectly publishing any advertisement relating to electrical work which contains an assertion, representation or statement of fact which is false, deceptive or misleading, provided that any advertisement, which is subject to and complies with then existing rules, regulations or guides of the Federal Trade Commission shall not be deemed false, deceptive or misleading; or any means of advertising or purporting to offer the general public any electrical work with the intent not to accept contracts for the particular work or the price, which is advertised or offered to the public.

(6) Willful or deliberate disregard and violation of the building, sanitary and health laws of this state or any political or municipal subdivision thereof.

(7) Willful failure to notify the Board of any change or control in ownership, management, business name, location or person whose qualifications were the subject of review and approval by the board as designee of a contractor.

(8) Conducting an electrical contracting business in any name other than the one in which the contractor is licensed.

(9) Willful failure to comply with any order, demand or requirement made by the Board pursuant to provisions of this chapter, or the willful making of any false statement as to a material matter in any proceeding with respect to the refusal, suspension, or revocation of a license, or in any response to any order, demand, or inquiry by the Board of by the Director of his designee with respect to a license or with respect to any electrical contract.

(10) Willful or other refusal, failure, or neglect to pay or comply with any judgment in favor of any owner, supplier, vendor, material man, subcontractor, independent contractor, employee, or other person arising out of any electric contract or electrical contracting activity entered in any court of competent jurisdiction, within sixty (60) days after the entry of such judgment, or within sixty (60) days after the disposition of any appeal from it, or within sixty (60) days after the expiration of any period during which an appeal or further appeal may be taken from it, whichever is later.

(11) Willful refusal or failure to make any payment, when due, to any supplier, vendor, material man, subcontractor, independent contractor, employee, or other person for any labor or materials in connection with any electrical contract, or any willful act or omission that may expose any owner to the imposition of any lien or to any civil or other liability or penalty.

B. As part of or in connection with the inducement to make an electrical contract, no person shall promise or offer to pay credit charges or allow to a buyer any compensation or reward for the procurement of an electrical contract with others.

C. No contractor shall offer or pay a loan as an inducement to enter into an electrical contract.

D. No acts, agreements or statements of a buyer under an electrical contract shall constitute a waiver of any provisions of this chapter intended for the benefit or protection of the buyer.

E. No person shall advertise or hold themselves out as being qualified to perform electric work, as defined in this chapter, in Rockland County unless licensed as herein provided, and the license number shall appear in all such advertising.

F. No contractor shall employ an unlicensed subcontractor or subcontractors.

250-11. Exceptions.

A. No contractors' license shall be required of any person when acting in the particular capacity or particular type of transaction set forth in this section:

1. An individual who performs labor or services as a bona-fide employee for a Rockland County licensed electrical contractor for wages or salary.
2. Any retail clerk, clerical, administrative or other employee of a licensed contractor as to a transaction on the premises of the contractor.

B. This chapter shall not apply to an electrical contract otherwise within the purview of this chapter, which is made prior to the effective date of the respective provisions of this chapter governing such contracts.

250-12. Installation standards.

All installations of electrical work, all extensions thereto and all alterations thereof within the County of Rockland shall be in conformity with the provisions of this chapter and of any other applicable statute, local law, resolution, ordinance or building code pertaining thereto and shall also be in conformity with approved standards for safety to life and property. In every case where no specific type or class of material or no specific standards are prescribed by law, conformity with the regulations and requirements contained in the National Electrical Code, 2008 edition, and any revisions thereof shall be prima facie evidence of conformity with approved standards for safety to life and property.

250-13. Evidence of proper installation.

The inspections made and the certificates of approval or permits issued by any local municipality approved inspection agency for any electrical installation in the county of Rockland shall be deemed by the Board as evidence of proper installations.

250-14. Contract Requirements.

Every electrical contract, where the total aggregate cost exceeds two hundred fifty dollars (\$250) shall be subject to the provisions of this section. Every contract and any changes in the contract subject to the provisions of this section shall be in writing, shall be signed by all parties to the contract, and the writing shall contain the following:

A. The name, address, license number and federal employer identification number, if any, of the contractor.

B. The approximate dates when the work will begin and on which all construction is to be completed.

C. A description of all work to be done, the materials or material allowances and equipment to be used, the agreed consideration for the work and whether any other work is required to be performed to comply with any other law, ordinance, local law, resolution or building code governing electrical work or requiring permits therefore or any requirement contained in the rules and regulations of the Board and any revisions thereof.

D. If the payment schedule contained in the contract provides for a down payment to be paid to the contractor by the owner before the commencement of work, such down payment shall not exceed one thousand dollars (\$1,000) or fifteen percent (15%) of the contract price, excluding finance charges, whichever is the lesser. However, this subsection D shall not be construed to prohibit any contractor from demanding or receiving from any owner at any time during the performance of any contract advance payment for any materials that are necessary for the owners specific project, provided:

(1.) that the contractor has become or may become, for any reason, irrevocably committed to purchase such materials from any supplier, vendor, material man, or other person; or

(2.) that the contractor has become or may become, for any reason, contractually liable to pay any supplier, vendor, material man, or other person for such materials; or

(3.) such materials have become irreversibly customized for the owners specific project and may not feasibly, without undo hardship to the contractor, be salvageable by the contractor from the owner specific project; and provided, further, that the contract shall contain in bold 12-point or larger print, immediately above the signature of the owner, the following language, which shall be separately initialed by the owner: "At any time during the performance of this contract, the contractor may demand and shall be entitled to receive in full from the owner advance payment for any materials that are necessary to perform this contract."

E. A schedule of payments showing the amount of each payment as a sum in dollars and cents. In no event shall the payment schedule provide for the contractor to receive, nor shall the contractor actually receive, payments in excess of one hundred percent (100%) of the value of the work performed on the project at any time, excluding finance charges, except that the contractor may receive an initial down payment and any advance payments authorized by subsection D. The schedule of payments shall be stated in dollars and cents and shall be specifically referenced to the amount of work to be performed and to any materials and equipment to be supplied.

- F. The contract shall state that, upon satisfactory payment being made for any portion of the work performed, the contractor shall, prior to any further payment being made, furnish to the person contracting for the work a full and unconditional release from any claim of a mechanics lien by the contractor or by a person entitled to enforce a mechanics lien for that portion of the work for which payment has been made.
- G. The requirements of subsections D, E and F shall not apply when the contract provides for the contractor to furnish a performance and payment bond, lien and completion bond, or a bond equivalent approved by the Board, covering full performance and completion of the contract and such bonds are furnished by the contractor or when the parties agree for full payment to be made upon or for a schedule of payments to commence after satisfactory completion of the project. The contract shall contain in close proximity to the signature of the owner a notice in at least ten-point type stating that such owner has the right to require the contractor to have a performance and payment bond.
- H. No additional work shall be performed without prior written authorization of the person contracting for the electrical work. Any such authorization shall be on a contract change-order form, showing the agreed terms and reasons for such changes and shall be approved by both parties in writing. Any such change-order forms shall be incorporated in, and become part of, the contract.
- I. The writing shall be legible and shall be in such form as to clearly describe any other document, which is to be incorporated into the contract, and before any work is done, the owner shall be furnished a copy of the written agreement, signed by the contractor.
- J. The contract shall contain not less than a one-year warranty guaranteeing the quality of workmanship.
- K. The contract shall require the contractor to obtain any necessary permits and inspections and provide to the owner a electrical final inspection for work performed. Should the contract indicate that the homeowner is to obtain any necessary permits and certificate of occupancy, same shall be set forth in not less than ten-point bold lettering.
- L. The writing may also contain other matters agreed to by the parties to the contract.
- M. At the time a contract is signed by the parties, the contractor shall deliver a legible copy of such contract to the person contracting for the electrical contracting work.
- N. Each electrical contractor shall maintain books of account, copies of all contracts with buyers and such other records as shall properly and completely reflect all transactions involving the electrical contracting business. These records shall be maintained for six (6) years or the length of time of the contract guaranty, whichever is longer.
- O. A notice to the owner that, in addition to any right to otherwise revoke an offer, the owner may cancel the electrical contract until midnight of the third business day after the day on which the owner has signed an agreement or offer to purchase relating to such contract. Cancellation occurs when written notice of cancellation is given to the electrical contractor. Notice of cancellation, if given by mail, shall be deemed given when deposited in a mailbox properly addressed and postage prepaid. Notice of cancellation shall be sufficient if it indicates the intention of the owner not to be bound. Notwithstanding the foregoing, this subsection shall not apply to a transaction

in which the owner has initiated the contact and the electric work is needed to meet a bona fide emergency of the owner, and the owner furnishes the electrical contractor with a separate dated and signed personal statement in the owner's handwriting describing the situation requiring immediate remedy and expressly acknowledging and waiving the right to cancel the electrical contract within three business days. For the purposes of this subsection, the term owner shall mean an owner or any representative of an owner.

250-15. Contract funds.

An electrical contractor must treat all funds received from a customer pursuant to a electrical contract as trust funds to be applied solely to the payment of expenses directly related to the electrical contract. Such funds may not be applied to the payment of expenses unrelated to the electrical contract unless and until the electrical contract is completed and all the expenses for direct labor, material and subcontractors related thereto have been paid by the contractor.

250-16. Disposition of fees.

All fees derived by the Board from the operation of this chapter shall be turned over to the Commissioner of Finance by the Board within ten (10) days after they are received.

250-17. Liability for damage.

This chapter shall not be construed to relieve from nor lessen the responsibility of any electrical contractor for any loss of life or damage to person or property, nor shall the County of Rockland be deemed to have assumed any such liability by reason of any license issued pursuant to this chapter.

250-18. Other licenses; powers of municipalities.

(A). A license issued pursuant to this chapter may not be construed to authorize the licensee to perform any particular type of work or kind of business, which is reserved to qualified licensees under separate provisions of state or local law, nor shall any license or authority other than as is issued or permitted pursuant to this chapter authorize engaging in the business of electrical contracting.

(B). Nothing in this chapter shall be construed to limit or restrict the power of a town or village to regulate the quality, performance or character of the work of contractors, including a system of permits and inspections, which are designed to secure compliance with and aid in the enforcement of applicable state and local building laws or to enforce other laws necessary for the protection of the public health and safety.

(C). Nothing in this chapter limits the power of a town or village to adopt any system of permits requiring submission to and approval by the town or village of plans and specifications for an installation prior to the commencement of construction of the installation or of inspection of work done.

250-19. Nonapplicability.

A. The provisions of this chapter shall not apply to:

- (1) Persons engaged solely in selling or solely in the attachment of ordinary electric appliances to existing circuits where no jointing or splicing of electrical conductors is required.
- (2) The installation, maintenance or repair of elevators, dumbwaiters and escalators.
- (3) The repair of heating systems.
- (4) Any work involved in the manufacture, assembly, test or repair of electrical machinery, apparatus, materials and equipment by a person, firm or corporation engaged in electrical manufacturing as his principal business.
- (5) The work in connection with the erection, construction, maintenance or repair of lines and facilities for the generation, transmission and distribution of electricity from the source of supply to the service connection on the premises where used by electric corporations, as defined by the Transportation Corporations Law of this state, excluding however, the construction or erection of plants and substations for the generation and distribution of electricity.
- (6) Municipal plants authorized to generate or sell electricity.
- (7) The work of such companies or plants in installing, maintaining and repairing, on the consumer's premises, of service connections, meters and other apparatus and appliances remaining the property of such companies or plants after installation.
- (8) Emergency repairs of wiring and appliances, on the consumer's premises, necessary for the protection of life or property.
- (9) Electrical work performed by or pursuant to contract with any federal or state government or any agencies thereof.

B. This section in providing that this chapter shall not apply to designated persons shall in no way be construed by inference to expand the scope of the definition of "master electrician" contained in §250-2 of this chapter.

250-20. Appeals.

A. Any person aggrieved by the action of the board in refusing to issue a license or renewal thereof or shelving of a license or renewal thereof or reactivation of a shelved license or suspending or revoking a license or making any decision or determination may take an appeal therefrom to the legislature within thirty (30) days after the same has been filed with the Clerk of the Rockland County Legislature as required herein. Such appeal shall be taken by filing with the Board and the Rockland County Legislature a notice of appeal, specifying the grounds therefore.

B. The Board shall forthwith transmit to the Clerk of the Rockland County Legislature and shall by personal delivery or by first class mail serve upon the appellant a copy of the recorded proceedings and a copy of all the papers constituting the record upon which the action appealed from was taken.

C. An appeal, except from an action of the Board in refusing to issue a license or renewal thereof, stays all proceedings in furtherance of the action appealed from, unless the Board certifies to the Rockland County Legislature, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Rockland County Legislature.

D. The County Executive, subject to confirmation by the County Legislature, may designate three (3) members of the Legislature, as an appellate panel to hear the appeal.

E. A time shall be fixed for the hearing of the appeal, and notices of the hearing shall be mailed to the appellant and the Board at least twenty (20) days before the hearing. Upon the hearing any party may appear in person or by agent or by attorney. The appellate panel may reverse or affirm, wholly or partly, or may modify the decision or determination or action appealed from and shall make such decision or determination as, in its opinion, ought to be made in the premises and to that end shall have the powers of the Board from which the appeal is taken.

F. Any person or persons aggrieved by any decision made upon an appeal may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules, provided that the proceeding is commenced within thirty (30) days after filing the decision in the Office of the Clerk to the Legislature.

G. Said appeals shall be hearing de novo at which the proceedings of and the evidence presented at the hearing before the Board shall be considered, together with such other evidence offered by the appellant or the Board that the three (3) members of the Legislature hearing the appeal deem relevant to the issues decided by the Board.

H. All exhibits proposed by the appellant or the Board to be submitted as evidence at the hearing of the appeal shall be filed with the Clerk to the Legislature and by personal delivery or by first class mail served upon the other party at least seven (7) days prior to said hearing.

250-21. Construal of provisions.

Nothing herein shall be construed to obviate the necessity of procuring a permit for work whenever required by statute, local law, resolution, building code or ordinance of the municipality wherein such work is to be performed.

250-22. Penalties for offenses.

- A. Any willful or negligent failure by any person to comply with the provisions of section 250-3 hereof shall constitute a class A misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000) or imprisonment for a period not exceeding one (1) year, or by both such fine and imprisonment. The continuation of any offense shall constitute a separate and distinct misdemeanor hereunder for each day the offense is continued.
- B. Any person who, with intent to defraud or deceive, knowingly makes a false statement in an electrical contract, or in connection with the inducement to make a electrical contract, or in securing a license, or in any proceeding with respect to the refusal, suspension, or revocation of a license, or in any response to any order, demand, or inquiry by the Board or by the Director or his designee with respect to a license or with respect to any electrical contract shall be guilty of a class A misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000) or imprisonment for a period not exceeding one (1) year, or by both such fine and imprisonment.
- C. Any willful or negligent failure by any person to comply with the other sections of this chapter shall constitute a violation and shall be punishable by a fine not exceeding one thousand dollars (\$1000) or imprisonment for a period not exceeding fifteen (15) days, or by both such fine and imprisonment. The continuation of an offense shall constitute a separate and distinct violation hereunder for each day the offense is continued.
- D. The Director as designated herein, and his employees shall have the power to issue appearance tickets as the same are defined in article 150 of the Criminal Procedure Law.
- E. In addition to any criminal penalties provided in the preceding subsections A, B, and C of this section 250-22 which may be imposed by a court of competent jurisdiction, an administrative notice of violation assessing a civil penalty not to exceed five thousand dollars (\$5000) for any willful or negligent failure by any person to comply with any provision of this chapter may be issued by the Director, as designated herein, and his designees and sent by certified, registered, or ordinary mail to the person who has failed to comply. Each failure to comply with one or more separate and distinct provisions of this chapter shall constitute a separate and distinct failure to comply, for each of which the Director or his designees may issue a separate and distinct administrative notice of violation assessing a civil penalty not to exceed five thousand dollars (\$5000). The continuation of any failure to comply shall constitute a separate and distinct failure to comply for each day the failure is continued. Any person aggrieved by the assessment of any civil penalty by the Director or his designees may, within thirty (30) days after the mailing of the notice of violation appeal the assessment to the Board. The Director may, with the consent of the County Executive, commence a civil action in any court of competent jurisdiction to collect any civil

penalty assessed pursuant to this subsection that remains unpaid for more than thirty (30) days after the mailing of the notice of violation or, if an appeal is taken to the Board or if a further appeal is taken from the Board to the Legislature, more than thirty (30) days after the determination by the Board or the appellate panel, as the case may be.

- F. Nothing herein contained shall prevent the Director, as designated herein, his designees, the Board, or other employees of the County designated by the Board from proceeding to enforce the requirements of this chapter by any one or any combination, successively or simultaneously, of the following: criminal proceedings as provided in subsections A, B, C, and D of this section; civil penalty as provided in subsection E of this section; or civil action for injunctive, declaratory, monetary, or other relief.
- G. The Director may refuse to issue a license or a renewal thereof to any person who has failed to pay any fine or civil penalty imposed pursuant to this chapter. Any person aggrieved by the refusal by the Director to issue a license or a renewal thereof pursuant to this subsection may, within thirty (30) days after the mailing of the notice of such refusal, appeal the refusal to the Board. The Board may suspend or revoke the license of, or refuse to issue a license or a renewal thereof to, any person who has failed to pay any fine or civil penalty imposed pursuant to this chapter.
- H. Impoundment.
In addition to the criminal and civil penalties, the Rockland County Department of Consumer Protection having enforcement powers may, in its discretion, impound the equipment used during the violation of 250-3 as follows:
1. Any police officer or authorized officer, employee or agent of the Office of Consumer Protection, upon service on the operator of a vehicle and/or person in possession of tools or implements of a notice of violation for operating without a license required by 250-3 of this chapter, may seize and impound any vehicle, tool or other implement, which such officer has reasonable cause to believe is being used in connection with such violation. If stopping the work and impounding any vehicle, tools or implements shall result in rendering the premises being worked on uninhabitable or unsecured, the police officer or authorized officer, employee or agent of the Office of Consumer Protection issuing the notice of violation shall have the discretion to permit the worker or workers to either complete the work or in some manner render the premises temporarily habitable and secure prior to impounding any vehicle, tools or other implements. Any vehicle, tool or implement seized pursuant to this subsection shall remain in the custody of the department or agency of the police officer or authorized officer, employee or agent who impounded the vehicle, tools or other implements.
 2. A person from whom a vehicle, tool or implement has been seized and impounded pursuant to this subsection shall receive notice at the time of such seizure and by overnight mail, as soon thereafter as practical, informing such person how and when the vehicle, tool or implement may be reclaimed. In the event that the person from whom the vehicle was seized is not the registered owner of the vehicle, separate notice shall be provided by overnight mail to the registered owner of the vehicle.

3. The Director or the designee of the Director shall hold a hearing in accordance with the provisions of 250-24 of the Laws of Rockland County not otherwise in conflict with this subsection, to adjudicate the violation of 250-3 of this chapter underlying the seizure and impoundment within five (5) business days after the date of such seizure and impoundment and shall render his or her determination immediately following the conclusion of such hearing. Such determination shall also include a finding as to whether or not such vehicle, tool or other implement was used in connection with such violation and, if necessary, an additional finding as to whether the owner of such property, if not the person served with a notice of violation pursuant to 250-22.E., permitted the use of such property under circumstances evincing that such owner knew or should have known that such property would be used for the conduct that was the basis for the seizure of the property. There shall be a rebuttal presumption that such owner knew or should have known that such property would be used for the conduct that was the basis for the seizure of the property, if such owner was the employer, corporate owner or partner, parent, legal guardian or spouse of the person served with a notice of violation pursuant to 250-22 at the time of the seizure. In the event that the property impounded is released to the owner of said property pursuant to Subsection H(4) of this subsection, the hearing may be rescheduled to a later date within a reasonable time period.
4. A vehicle, tool or other implement seized and impounded pursuant to this subsection may be released to the owner of such property prior to the hearing provided in Subsection H (3) of this subsection upon the posting of an all-cash bond in a form satisfactory to the Director in an amount sufficient to cover:
 - a. the maximum civil penalties, which may be imposed for the violation of 250-3 of this chapter underlying the seizure and impoundment; and
 - b. all reasonable costs for removal and storage of such vehicle, tool or implement. Release to a person claiming such property shall be conditioned on presentation of, in the case of
 - i. a vehicle, proof of ownership or authorization from the owner of the vehicle as ownership is defined by 388 of the Vehicle and Traffic Law, or
 - ii. in the case of a tool or other implement or equipment, proof of ownership or authorization by the owner satisfactory to the Director. The owner of said vehicle, tool or other implement seized is entitled, within 48 hours of a written request, to a hearing before an independent hearing examiner to determine if there was reasonable cause to seize and impound said vehicle, tool or other implement. In the event the independent hearing examiner determines that there was not reasonable cause to seize said vehicle, tool or other implement, said vehicle, tool or other implement shall promptly be released to its owner upon written demand and proof of ownership as provided above.

5. Following an adjudication that has resulted in a determination that the vehicle, tool or other implement was used in connection with unlicensed activity in violation 250-3 of this chapter, release of such vehicle, tool or other implement to the owner of such property may be obtained upon payment of:
 - a. All civil penalties for the violation of 250-3 of this chapter underlying the seizure and impoundment; and
 - b. All reasonable costs for removal and storage of such vehicle, tool or implement and proof of ownership as provided in Subsection H(4) of this subsection.
6. No person shall obtain release of a vehicle, tool or other implement pursuant to Subsections H(4) and (5) of this subsection, unless and until such person submits an application for a electrical license, or reinstatement of such a license, as appropriate, to the Director in the form and containing the information required by the Director. Notwithstanding the provisions of this subsection, in the event that the owner of the vehicle, tool or other implement was not the person who was served with a notice of violation alleging a violation of the provisions of 250-3 of this chapter or found to be in violation of the provisions of 250-3 of this chapter, the owner may obtain release upon payment of all reasonable costs of removal and storage as provided herein and upon execution of a sworn statement, subject to the provisions of the Penal Law relative to false statements and satisfactory to the Director that he or she will not permit the person who is alleged to have violated or found to have violated such provisions to operate or possess the vehicle, tool or other implement in violation of 250-3 of this chapter.
7. After adjudication of the violation underlying the seizure in accordance with Subsection H(3) of this subsection, if the Director or the designee of the Director finds that the vehicle, tool or other implement has not been used in connection with unlicensed activity under the provisions of 250-3 of this chapter, the Office of Consumer Protection shall promptly cause such vehicle, tool or other implement to be released to its lawful owner upon written demand of the owner. If applicable, the Department of Consumer Protection shall also promptly return any cash bond posted pursuant to Subsection H(4) of this subsection in accordance with the determination of the Director or the designee of the Director pursuant to Subsection H(3) of this subsection.
8. In the event that property impounded pursuant to this subsection is not released to its owner due to the owner's failure to respond to the notice of violation and appear at three hearing dates scheduled at least one month apart, said property will be considered lost and abandoned property, the disposition of which is governed by New York State law under Personal Property Law 253.

250-23. Nontransferability of license; designation and termination of supervisor; name change; display of license.

A. No license issued hereunder shall be assignable or transferable.

B. Each electrical contractor's certificate issued hereunder shall specify the name and street address or post office address of the person, partnership, limited partnership, limited liability company, or corporation, who or which shall be known as the "holder of the license". There shall be only one "holder of the license" with respect to any license at any given time. The certificate of an electrical contractor shall specify the name and street address or post office address of the person who is the master electrician, and such person shall be designated in the electrical contractor's certificate as the supervisor of work with respect to all electrical contracting business engaged in or carried on by the electrical contractor named as "holder of the license". It shall be the affirmative duty of every applicant for a license, every master electrician, and every "holder of the license" to notify the Board of any change of his or its address or post office box number, in writing and within fifteen (15) calendar days after such change. Service of official notices and communications upon the applicant, master electrician, or "holder of the license", as the case may be, by first class mail to such street address or post office address shall be considered sufficient for all purposes under this chapter.

C. In the event that the supervisor of work ceases to be a partner in a partnership that is an electrical contractor, or a general partner in a limited partnership that is an electrical contractor, or a managing member of a limited liability company that is an electrical contractor, or an officer of a corporation that is an electrical contractor, or a bona fide employee of such electrical contractor, or in the event that the electrical contractor ceases to be liable with respect to all actions taken by such partner, general partner, managing member, officer, or employee, the supervisor of work shall notify the Board of such fact forthwith and upon notification the license holder shall no longer be a "holder of the license" of the supervisor of work and shall no longer be permitted to engage in or carry on the business of an electrical contractor pursuant to this chapter.

D. The application fee for the certificate of an electrical contractor shall be set forth in the rules and regulations.

E. All licenses and certificates shall be numbered in the order in which they are issued and shall be in such form and of such color and shall contain such information as may be prescribed by the Board.

F. Each license and certificate shall at all times be kept conspicuously displayed in the place of business of the licensee.

250-24. Director's powers.

- A. The Director and his designees may conduct initial investigations of complaints filed with his office with regard to violation(s) of this chapter or of rules and regulation adopted hereunder.
- B. The Director and his designees may conduct initial hearings or hearings for the purpose of taking testimony, reporting findings of fact, recommendations and decisions as a hearing officer concerning any investigation, inquiries or violations of this section or rule or regulation adopted hereunder.
- C. Any person or person aggrieved by the action of the Director's or his designees' recommendations and decisions may take an appeal therefrom to the Board within thirty (30) days after the same has been filed with the Board.

250-25. Severability.

If any part of this local law, or the application thereof to any person or circumstance shall be judged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the parts of the provision directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this law or the application thereof to any other persons or circumstances.

Section 2. Effective date.

This local law shall take effect immediately upon filing in the office of the secretary of state pursuant to section 27 of the municipal home rule law.

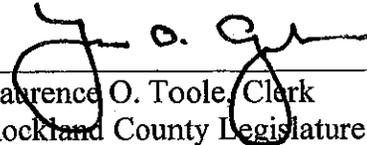
STATE OF NEW YORK)
) ss.:
COUNTY OF ROCKLAND)

I, the undersigned, Clerk to the Legislature of the County of Rockland DO HEREBY CERTIFY that the attached is an original Local Law of such Legislature, duly adopted on the 18th day of December 2012 by a majority of the members elected to the Legislature while such Legislature was in regular session with a duly constituted quorum of members present and voting.

I FURTHER CERTIFY that at the time said Local Law was adopted said Legislature was comprised of seventeen members.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Legislature this 19th day of December 2012.

Date sent to the County Executive:
December 19, 2012



Laurence O. Toole, Clerk
Rockland County Legislature



Certified or Approved
C. SCOTT VANDERHOEF
County Executive, County of Rockland

12/19/12

(date)

LOCAL LAW NO. 12 OF 2012