

LIMITED LICENSED ELECTRICIANS

Title 62, Professions, Business and Trades Chapter 6, General Contractors

PART 1 General Provisions

62-6-101. Short title.

This chapter shall be known and may be cited as the "Contractors Licensing Act of 1994."

Limited Licensed Electrician – Excerpts from Part 1

62-6-102. Chapter Definitions

- (6) "**Limited licensed electrician**" means any person or entity that performs any electrical work that has a total cost of less than twenty-five thousand dollars (\$25,000) and that is required to be registered under § 68-102-150;
- (7) "Prime contractor" is one who contracts directly with the owner; and
- (8) "Residential contractor" means one whose services are limited to construction, remodeling, repair or improvement of one (1), two (2), three (3) or four (4) family unit residences not exceeding three (3) stories in height and accessory use structures in connection with the residences.

62-6-103. License requirement - Recovery of expenses by unlicensed contractor.

- (a) (1) Any person, firm or corporation engaged in contracting in this state shall be required to submit evidence of qualification to engage in contracting, and shall be licensed as provided in this part. It is unlawful for any person, firm or corporation to engage in or offer to engage in contracting in the state, unless the person, firm or corporation has been duly licensed under this part. Any person, firm or corporation engaged in contracting, including a person, firm or corporation that engages in the construction of residences or dwellings constructed on private property for the purpose of resale, lease, rent or any other similar purpose, shall be required to submit evidence of qualification to engage in contracting and shall be licensed. It is unlawful for any person, firm or corporation to engage in, or offer to engage in, contracting as described in this subdivision (a)(1) unless the person, firm or corporation has been duly licensed under this part.
- (2) (A) Notwithstanding subdivision (a)(1), any person, firm or church that owns property and constructs on the property single residences, farm buildings or other buildings for individual use, and not for resale, lease, rent or other similar purpose, is exempt from the requirements of this part.
- (B) Except in counties with a population of not less than seven hundred seventy-seven thousand one hundred thirteen (777,113), according to the 1980 federal census or any subsequent federal census, a person or firm specified in subdivision (a)(2)(A) shall not make more than one (1) application for a permit to construct a single residence or shall not construct more than one (1) single residence within a period of two (2) years. There shall be a rebuttable presumption that the person or firm intends to construct for the purpose of resale, lease, rent or any other similar purpose if more than one (1) application is made for a permit to construct a single residence or if

more than one (1) single residence is constructed within a period of two (2) years. This subdivision (a)(2)(B) shall not be construed to alter the definition of "contractor" as defined in § 62-6-102.

(3) Notwithstanding subdivisions (a)(1) and (2), the license requirements and restrictions contained in this subsection (a) shall not apply to single residences constructed by:

(A) Nonprofit charitable or religious corporations, associations and organizations that are exempt from federal income taxation under § 501(c)(3) of the Internal Revenue Code of 1986, compiled in 26 U.S.C. § 501(c)(3); or

(B) Students enrolled in educational institutions who construct the residences under the direct supervision of faculty as part of the curriculum of the institution.

(4) The exemption provisions of subdivisions (a)(2) and (3) concerning licensure shall apply to **limited licensed electricians**.

(5) Notwithstanding subdivision (a)(1), any single residence homeowner is exempt from the **limited licensed electrician** requirements of this part for purposes of performing electrical work on the homeowner's own residence

62-6-111. License and examination - Transfer of license

(a) (1) (A) Anyone desiring to be licensed as a contractor for this state shall make written application to the board on forms prescribed by the board and shall furnish the board with an affidavit stating that the applicant is not currently performing any construction work and has not offered to engage in any construction work where the amount of the applicant's contract exceeds twenty-five thousand dollars (\$25,000) or, in the case of a **limited licensed electrician**, where the amount of the applicant's contract is less than twenty-five thousand dollars (\$25,000).

(B) (i) Anyone desiring to be licensed as a contractor for this state who resides in a state that does not practice reciprocity with licensees of the Tennessee board for licensing contractors shall make written application on forms prescribed by the board and shall attach an affidavit to the application stating that the applicant is not currently performing any construction work and has not offered to engage in any construction work in this state in which the amount of the applicant's contract exceeds two thousand five hundred dollars (\$2,500) or, in the case of a **limited licensed electrician**, in which the amount of the applicant's contract exceeds twenty-five thousand dollars (\$25,000). The application shall be accompanied by an application fee as set by the board. The application shall also be accompanied by evidence of the applicant's current workers' compensation insurance coverage. Failure to provide the evidence of insurance coverage shall make the applicant ineligible for licensure by the board until the evidence of insurance coverage is provided. Any application for initial licensure or for renewal of licensure also shall be accompanied by an affidavit affirming that the applicant maintains general liability insurance and workers' compensation insurance and specifying the amount of the insurance as well as any other information the board may require.

(2) Anyone desiring to be licensed as a contractor in this state shall take a written examination to determine the applicant's qualifications. This examination may be given orally at the discretion of the board if a written examination is precluded by reason of disability. Each applicant shall pay an examination fee for each written or oral examination. If the results of the examination constitute a passing score, then the applicant shall make a written application to the board in accordance with subdivision (a)(1).

(3) If the results of the examination of any applicant are satisfactory to the board, then it shall issue to the applicant a certificate authorizing the applicant to operate as a contractor in this state. The board shall state the construction classifications in which the applicant is qualified to engage as a contractor and for each classification shall list the monetary limitations on the classification as determined by the board.

(d) A contractor may bid on a contract requiring work in a classification or classifications other than the one in which the contractor is licensed if and only if the contractor has a commercial building contractor's license or if the contractor's license will permit the contractor to perform at least sixty percent (60%) of the bid amount or price of the work for the project being bid or priced; however, the contractor may not actually perform any work in excess of twenty-five thousand dollars (\$25,000) or, in the case of a **limited licensed electrician**, where the amount of work is less than twenty-five thousand dollars (\$25,000) in any classification unless the contractor has a license to perform work in that classification.

(j) (1) Notwithstanding any law to the contrary, the board may issue a license as a **limited licensed electrician** to any individual without an examination as required by this part, except as provided in subdivision (j)(3), if the individual makes an application to the board in which the following information is provided:

(A) On September 1, 2000, the applicant was registered in accordance with § 68-102-150; and

(B) Evidence that all fees and taxes relative to the operation of the applicant's electrical work have been paid to the appropriate agencies when the application is filed under this subsection (j); or

(C) A current license or certificate issued by any county or municipality of this state prior to September 1, 2000, that is evidence that the applicant had by examination by an official of the county or municipality demonstrated the qualifications required to perform the electrical contract work within its jurisdiction and was actively engaged in that business on September 1, 2000.

(2) An application for a license under subdivision (j)(1)(A), (j)(1)(B) or (j)(1)(C) shall be filed with the board by July 1, 2001. If a license issued to a **limited licensed electrician** pursuant to subdivision (j)(1)(A), (j)(1)(B) or (j)(1)(C) is not periodically renewed as provided by this part, then the **limited licensed electrician** shall be eligible for a license only after the satisfactory completion of the examination required by the board for initial applications.

(3) Any individual who is licensed as a **limited licensed electrician** under subdivisions (j)(1)(A) and (B) shall be required to have satisfactorily completed the examination of the board to engage in business as a **limited licensed electrician** in any county or municipality that is within subdivision (j)(1)(C).

(4) Any person who performs electrical work and who is subject to licensure as a **limited licensed electrician** shall apply to the board for a license. To receive a license, the applicant shall pay a fee as set by the board for the license and shall pass an examination prescribed by the board. The board may administer the examination or may contract for the administration of the examination.

(5) Notwithstanding any provision of this part to the contrary, a license as a **limited licensed electrician** shall not be required in any municipality or county that issues licenses to persons who perform electrical work in the municipality or county.

- (6) Any **limited licensed electrician** requesting an electrical inspection must first have a license from the board for licensing contractors as required by § 62-6-103
- (7) Any person with knowledge of faulty electrical work performed by a **limited licensed electrician** must report the electrician to the state board for licensing contractors, which may initiate proceedings against the electrician for the faulty work.
- (8) The board for licensing contractors may revoke or suspend the license of a **limited licensed electrician** for faulty electrical work performed by the licensee.
- (9) The Uniform Administrative Procedures Act, compiled in title 4, chapter 5, governs all matters and procedures respecting the hearing and judicial review of any contested case arising under this section.
- (10) The state fire marshal and board for licensing contractors shall formulate a system for inspectors to report to the board any problems they may encounter with the workmanship of a **limited licensed electrician**.
- (11) Any person who holds a current, unexpired license as a **limited licensed electrician** issued by the board shall be deemed to have met the registration requirements of § 68-102-150.

62-6-120. Penalties

(b) Any person, firm or corporation that accepts a bid in excess of twenty-five thousand dollars (\$25,000) from a contractor who is not licensed, with appropriate classifications and sufficient monetary limitations, or in the case of a **limited licensed electrician** where the amount is less than twenty-five thousand dollars (\$25,000), in accordance with this part, commits a Class A misdemeanor.

62-6-130. Limited licensed electricians not contractors.

Nothing in this chapter shall be construed to provide that a **limited licensed electrician** is a contractor. It is the intent of this chapter to provide that a **limited licensed electrician** is subject to the jurisdiction of the board solely for the purposes of licensure and disciplinary proceedings. No **limited licensed electrician** shall be authorized to use the appellation "contractor" or any other designation that gives or is designed to give the impression that a **limited licensed electrician** is a contractor unless the **limited licensed electrician** also holds a valid contractor's license issued by the board.

62-6-131. Bonds - Expiration of licenses – Fees.

- (a) No person shall be required to post a bond, provide a financial statement or a letter of reference in order to obtain a license as a **limited licensed electrician**.
- (b) All **limited licensed electrician** licenses shall expire biennially on the month of their issuance.
- (c) The board shall prescribe fees for the issuance and renewal of licenses of **limited licensed electricians**. Such fees shall be in an amount that provides for the cost of administering the licensing and regulation of **limited licensed electricians**. Fees shall be adjusted as necessary to provide that the licensing of **limited licensed electricians** is fiscally self-sufficient and that revenues from fees do not exceed necessary and required expenditures.
- (d) In no event shall the fee for an initial **limited licensed electrician** license exceed seventy-five dollars (\$75.00) per year nor shall the fee for a renewal of such license exceed fifty dollars (\$50.00) per year.

62-6-132. Inspection of temporary electrical service.

No person is required to register with the state fire marshal nor obtain a license from the board for licensing contractors to inspect temporary electrical service.