



## Construction Craft Training Center

### Senate Bill 1362 Certification Enforcement Bill FAQs

**Q: What is SB 1362?**

*A: Senate Bill 1362 bill authorizes specified disciplinary action for failure to comply with existing law related to the certification of electricians.*

**Q: What are the penalties?**

*A: A C-10 contractor who is found in violation could have his or her contractors' license suspended or revoked by the Contractors State License Board.*

**Q: What constitutes a "violation?"**

*A: If your electricians are not certified and are not trainees working under supervision of a certified electrician, you are potentially in violation. If your trainees are not properly supervised, you are potentially in violation. If you are using apprentices and they are not properly supervised, you are potentially in violation.*

**Q: What is proper supervision?**

*A: Existing law requires a 1:1 supervision ratio for trainee; supervision ratios for apprentices are set by the prevailing wage determination.*

**Q: When do I have to comply?**

*A: The penalties go into effect on **July 1, 2009**.*

**Q: Why the delay? Hasn't the law been around since 1999?**

*A: The bill's effective date was delayed to provide the CSLB and Department of Industrial Relations time to develop data sharing so that CSLB will know who is certified and who is a registered trainee.*



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**Q: Are you saying that if I have two trainees on the job and only one certified electrician, I will lose my license?**

*A: The specifics of how strictly CSLB will enforce supervision will be determined in the coming months. Our experience with CSLB suggests that contractors who are largely compliant will be given some latitude – particularly early in the enforcement cycle. But the law requires proper supervision so you and your foremen need to be aware of who is on the job and how are they being supervised.*

**Q: We have heard some building inspectors who are union members are demanding to see certification cards when doing an inspection. Can they enforce this requirement?**

*A: We have heard similar rumors but it is our understanding that neither building inspectors nor Cal-OSHA can enforce electrician certification.*

**Q: Does every job associated with my electrical contract have to be performed by a certified electrician or trainee?**

*A: Labor code 3099(c) defines “electricians” as someone “who engage[s] in the connection of electrical devices for electrical contractors.” Recently, the DAS amended CCR 291.1 to attempt to clarify who must be certified. The regulation states “[a] certification category describes the type of work that is performed by that category of electrician, **but certification may not be required for all the work within the category.**”*

**Q: Does this law apply to General contractors or other specialty contractors?**

*A: No. The original certification law passed in 1999 ONLY applied to electricians employed by C-10 contractors.*

**Q: Does this make any sense? Isn't the public put at risk from the work of a non-certified electrician performing work for a GC or other specialty contractor?**

*A: No and yes – in that order. SB 1362 does not address this issue, only the enforcement of the original law that applies to C-10 contractors only. The issue of applying certification to general contractors is something we hope will be addressed in the near future.*



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**Q: Can the penalties included in SB 1362 be applied retroactively to contractors who were not in compliance prior to the law's effective date of July 1, 2009?**

**A:** *No, the law cannot be enforced retroactively. The California Constitution (Art 1 Sec 9) prohibits, among other things, "ex post facto law". The Supreme Court defined ex post facto as "[e]very law that changes the punishment, and inflicts a greater punishment, than the law annexed to the crime, when committed". Therefore, the law can only be applied prospectively to violations that take place after its effective date.*

**Q: Isn't a License revocation an overly harsh penalty for violating the certification law?**

**A:** *CSLB has general authority to suspend the license of any contractor who is in violation of state law, so this is consistent with other types of violations. CSLB can and does "stay" a suspension or revocation order to allow a contractor to come into compliance. The requirement has been in effect for nine years so the Legislature concluded it was time to start enforcing the law.*

**Q: Who supported this change?**

**A:** *Western Electrical Contractors Association (WECA-IEC)  
Associated Builders and Contractors (ABC)  
National Electrical Contractors Association, California Chapter (NECA)  
State Association of Electrical Workers*

**Q: Isn't it unusual for these groups to all agree?**

**A:** *Yes, this legislation was introduced to create enforcement for a law that was introduced in 1999 in an effort to increase safety and the quality of training in the electrical industry – something they all agreed upon. Many contractors are currently complying with the original electrician certification law, but a significant segment is not. This legislation will help increase safety and training as well as benefit the contractors who are already in compliance. It will also help electricians who are not currently being appropriately supervised on the job.*



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**Q: Isn't it very expensive to train my electricians and difficult to become certified or register as a trainee?**

**A:** *No, it's not. In fact, CCTC has very cost effective training available – including options that are available over the internet. The state has made it very simple to register as a trainee – you can call a CCTC customer care representative at (510) 785-2282 or visit our website at [www.cctc.edu](http://www.cctc.edu) for more information.*

**Q: Who can I call if I have additional questions or concerns?**

**A:** *If you have questions about SB 1362 and how it will impact your business and employees, please contact CCTC's Executive Director, Chris Floethe at (510) 785-2282.*