

CHAPTER 237  
SB 226 – FINAL VERSION

01/18/12 0203s  
15May2012... 1629h  
06/06/12 2425CofC

2012 SESSION

12-2855  
10/01

SENATE BILL **226**

AN ACT transferring the administration of the electricians' board to the joint board for licensure and certification, and changing the administrative fine authority of the board of accountancy.

SPONSORS: Sen. D'Allesandro, Dist 20; Rep. Hawkins, Hills 18; Rep. Chandler, Carr 1

COMMITTEE: Executive Departments and Administration

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AMENDED ANALYSIS

This bill transfers the administration of the electricians' board from the department of safety to the joint board for licensure and certification. The bill also expands the authority for the board of accountancy to impose administrative fines for violations of the New Hampshire accountancy act.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twelve*

AN ACT                    transferring the administration of the electricians' board to the joint board for licensure and certification, and changing the administrative fine authority of the board of accountancy.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            237:1 Joint Board; Electricians' Board Added. Amend RSA 310-A:1 to read as follows:

2            310-A:1 Joint Board Established. There shall be a joint board of licensure and certification for  
3 professional engineers, architects, land surveyors, foresters, professional geologists, natural scientists,  
4 landscape architects, court reporters, home inspectors, accountants, manufactured housing installers,  
5 ~~and~~ real estate appraisers, **and electricians**, and the board of manufactured housing, consisting of  
6 each of the members of the board of professional engineers, board of architects, state board of licensure  
7 for land surveyors, foresters' board, board of professional geologists, the board of natural scientists, the  
8 board of landscape architects, the board of court reporters, the board of home inspectors, the board of  
9 accountancy, the real estate appraiser board, **the electricians' board**, the manufactured housing  
10 installation standards board, and the board of manufactured housing.

11            237:2 Electricians' Board; Administration. RSA 319-C:4, IV is repealed and reenacted to read as  
12 follows:

13            IV. All administrative, clerical, and business processing functions, and personnel and equipment  
14 of the board shall be transferred to the joint board of licensure and certification, established in RSA 310-  
15 A:1, on July 1, 2013.

16            237:3 Employment of Inspectors. Amend RSA 319-C:5, I to read as follows:

17            I. The ~~[state fire marshal and the]~~ board~~[, with the approval of the commissioner of safety,]~~  
18 shall be empowered to appoint such inspectors as may be necessary to carry out the purposes of this  
19 chapter. Any person so employed shall be under the administration and supervisory direction of the  
20 ~~[state fire marshal]~~ **board**.

21            237:4 Fees. Amend RSA 319-C:6-b to read as follows:

22            319-C:6-b Fees. The board~~[, with the approval of the commissioner of safety,]~~ shall establish  
23 application fees for examination of applicants, fees for licensure, for renewal, and for late renewal of  
24 licenses to practice under this chapter, and for transcribing and transferring records and other  
25 services. The fee for examination shall not include fees charged by and paid to an examination entity  
26 approved by the board. The fees established by the board shall be sufficient to produce estimated

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1 revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal  
2 year. Fees collected shall be deposited in the [~~fire standards and training and emergency medical~~  
3 ~~services fund, established in RSA 21-P:12 d, and used for the purposes of operating expenses of the~~  
4 ~~electricians' board. Fees collected in excess of actual operating expenses shall be deposited in the]~~  
5 general fund as unrestricted revenue.

6 237:5 Rulemaking Authority. Amend the introductory paragraph of RSA 319-C:6-a to read as  
7 follows:

8 319-C:6-a Rulemaking Authority. [~~Notwithstanding RSA 21-G:9,~~] The board, with an  
9 affirmative vote of at least 3 of the 5 appointed board members [~~and with the approval of the~~  
10 ~~commissioner of safety~~], shall adopt rules, pursuant to RSA 541-A, relative to:

11 237:6 New Section; Electricians' Board; Continuing Education. Amend RSA 319-C by inserting  
12 after section 6-b the following new section:

13 319-C:6-c Continuing Education, NFPA 70 Changes. The board shall adopt rules relative to  
14 continuing education applicable to all licensees for training and compliance with the latest published  
15 edition of the NFPA 70, National Electrical Code, as published by the National Fire Protection  
16 Association. Each licensee shall show proof of completion of continuing education requirements  
17 adopted under this section within 12 months from the January 1 following the publication date of the  
18 latest version of the NFPA 70. Proof of completion shall be furnished to the board by the continuing  
19 education provider. Failure to complete the continuing education shall render the electrician's  
20 license invalid until the licensee demonstrates to the board that he or she has completed the  
21 requisite number of continuing education hours.

22 237:7 Repeal. The following are repealed:

23 I. RSA 319-C:11, relative to disposition of funds.

24 II. RSA 21-P:12, VI, relative to the bureau of electrical safety and licensing within the  
25 division of fire safety.

26 III. RSA 6:12, I(b)(201), relative to the electricians' board account.

27 237:8 New Hampshire Accountancy Act; Enforcement; Disciplinary Action. Amend RSA 309-  
28 B:10, I to read as follows:

29 I. After notice and hearing pursuant to RSA 309-B:12, the board may [~~revoke any certificate,~~  
30 ~~permit, or registration issued under RSA 309-B:7, 309-B:8 or 309-B:9 or corresponding provisions of~~  
31 ~~prior laws; suspend any such certificate, permit, or registration; or refuse to renew any such~~  
32 ~~certificate, permit, or registration for a period of not more than 5 years. The board may reprimand,~~  
33 ~~ensure, or limit the scope of practice of any licensee; impose an administrative fine not exceeding~~  
34 ~~\$1,000; or place any licensee on probation, all with or without terms, conditions, and limitations, for~~  
35 ~~any one or more of the following reasons]~~ **take disciplinary action in any one or more of the**  
36 **following ways:**

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1           (a) *By written reprimand or censure.*

2           (b) *By suspension or refusal to renew for a period of not more than 5 years, any*  
3 *such certificate, permit, or registration.*

4           (c) *By limiting the scope of practice of any licensee or placing a licensee on*  
5 *probation, with or without terms, conditions, and limitations.*

6           (d) *By revocation of any certificate, permit, or registration issued under RSA*  
7 *309-B:7, 309-B:8, or 309-B:9 or corresponding provisions of prior laws.*

8           (e) *By assessing administrative fines, after notification and due process, in*  
9 *amounts established by the board which shall not exceed \$2,000 per offense or, in the case*  
10 *of continuing offenses, \$200 for each day the violation continues, whichever is greater.*

11           ***I-a. Misconduct sufficient to support disciplinary proceedings under this section***  
12 ***shall include:***

13           (a) Fraud or deceit in obtaining a certificate, permit, or registration.

14           (b) Cancellation, revocation, suspension, or refusal to renew a license or practice rights  
15 by any other state, including possessions of the United States, for any cause involving disciplinary  
16 reasons.

17           (c) Failure, on the part of a holder of a certificate under RSA 309-B:7 or permit under  
18 RSA 309-B:8 or registration under RSA 309-B:9, to maintain compliance with the requirements for  
19 issuance or renewal of such certificate, permit, or registration or to report changes to the board  
20 under RSA 309-B:7, VI and 309-B:8, VI.

21           (d) Revocation or suspension of the right to practice before any state, including  
22 possessions of the United States, or federal agency for disciplinary reasons.

23           (e) Dishonesty, fraud, or gross negligence in the performance of services as a licensee or  
24 in the filing or failure to file the licensee's own income or employment tax returns or the payment of  
25 the licensee's income or employment tax liability.

26           (f) Violation of any provision of this chapter or rule adopted by the board under this  
27 chapter or violation of professional standards.

28           (g) Violation of any rule of professional conduct adopted by the board under RSA 309-  
29 B:4, VIII(d).

30           (h) Conviction of a felony, or of any crime an element of which is dishonesty or fraud,  
31 under the laws of the United States, of this state, or of any other state, of any possessions of the  
32 United States, or of any other country if the acts involved would have constituted a crime under the  
33 laws of this state.

34           (i) Performance of any fraudulent act while holding a certificate, registration, or permit  
35 issued under this chapter or prior law.

36           (j) Any conduct reflecting adversely upon the licensee's fitness to perform services as a

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1 licensee.

2 (k) Making any false or misleading statement or verification, in support of an application  
3 for a certificate, registration, or permit filed by another.

4 237:9 New Hampshire Accountancy Act; Rulemaking. Amend RSA 309-B:4, VIII(i) to read as  
5 follows:

6 (i) ***The establishment of administrative fines for violations of this chapter.***

7 (j) Such other rules as the board may deem necessary or appropriate for implementing  
8 the provisions and purposes of this chapter.

9 237:10 Effective Date.

10 I. Section 6 of this act shall take effect January 1, 2014.

11 II. Sections 8 and 9 of this act shall take effect July 1, 2012.

12 III. The remainder of this act shall take effect July 1, 2013.

13 Approved: June 18, 2012

14 Effective Date: I. Section 6 shall take effect January 1, 2014.

15 II. Sections 8 and 9 shall take effect July 1, 2012.

16 III. Remainder shall take effect July 1, 2013.