

1 RCNY §35-01

CHAPTER 35 ELECTRICAL INSPECTION

§35-01 Designation of Private Agencies to Perform Electrical Inspections in the City of New York.

(a) *Grounds for certification and renewal of certification.* The commissioner may grant and each January thereafter renew certification of private electrical inspection agencies, provided:

(1) the agency applying for certification certifies in writing that each of the inspectors it shall employ to conduct the inspections permitted by §27-3005(2)(b) of the Administrative Code shall possess five years experience as an electrician or inspector of electrical installation; or three years of experience as an electrician or inspector of electrical installation plus two years of education at an accredited college technical school in a program emphasizing courses in electrical installations or education toward a baccalaureate degree in Electrical Engineering or Engineering Technology with an emphasis on electrical installation or repair. Two of the requisite years of working experience as an electrician or inspector of electrical installation shall be experience in the installation of lighting, heating and power. Experience and education must be acceptable to the Department of Buildings and is subject to the Commissioner's Review and approval; and

(2) the agency possesses

(i) a general liability insurance policy in excess of \$5 million, and

(ii) worker's compensation insurance for its employees and submits copies of the Insurance Certificates to the Commissioner; and

(3) the agency furnishes the names of its inspectors and documentation supporting the experience required by §35-01(a)(1) hereof, and thereafter promptly advises the commissioner of any changes in personnel affecting the inspection permitted; and

(4) the agency prohibits its inspectors and other employees from accepting any gratuities or other benefit for work performed pursuant to these regulations and §27-3005(2)(b) of the Administrative Code; and

(5) the agency does not conduct an inspection pursuant to §27-3005(2)(b) of the Administrative Code of any work performed by any of its own officers, employees, or any other persons associated with the agency; and

(6) the agency has a legal place of business within the City of New York (P.O. Box not acceptable).

(b) *Right to deny or revoke certification.*

(1) The commissioner or his designee may deny or revoke certification where investigation reveals any of the following:

(i) the agency has failed to comply with any of the provisions enumerated in §35-01(a) of these rules and regulations;

(ii) the agency has knowingly made false or misleading statements, or knowingly falsified or allowed to be falsified any certificate, form, signed statement, application, or report filed with the department, or failed to file a report required by law or the department or willfully impeded or obstructed such filing, or induced another person to do so;

(iii) the agency engages in any other conduct evidencing a willful or grossly negligent failure to comply with provisions of state or local law, or rules or regulations promulgated pursuant to statutory authority; or

(iv) the agency engages in any other conduct evidencing a departure from the standard or good character applicable to the trade of licensed electrician.

(2) Where the commissioner or his designee, in his or her discretion, deems the certification of the agency shall be revoked, the agency shall be entitled to a hearing before the Office of Administrative Trials and Hearings as provided by rules promulgated by the department.

(3) Where the commissioner or his designee, in his or her discretion, deems that continued certification of the agency would be likely to create a condition of imminent peril to public safety, the revocation determination shall be effective immediately. In such an instance, the agency shall be entitled to a hearing pursuant to §35-01(b)(2) of the rules at the next available scheduled hearing session before the Office of Administrative Trials and Hearings.

(c) *Contractual obligation.*

(1) A contractual agreement between the agency and the City of New York is required in order for the agency to perform electrical inspections for the City of New York.

(2) Certification by the Commissioner is a prerequisite for participation in the contracting process.