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Winfield H. Strock, Chairman  
West Virginia Contractor Licensing Board  
319 Building No. 3, Capitol Complex  
Charleston, West Virginia 25305

Dear Mr. Strock:

You have requested a formal opinion of this office regarding the proper interpretation of West Virginia Code § 21-11-7(a) (Supp. 1991), which provides:

A person desiring to be licensed as a contractor under this article shall submit to the board a written application requesting licensure, providing such information as the board may require, on forms supplied by the board, and shall pay such license fee not to exceed one hundred fifty dollars: Provided, That electrical contractors already licensed under section four [§ 29-3B-4], article three-b, chapter twenty-nine of this code, shall pay no more than twenty dollars.

More specifically, you requested interpretation as to who qualifies for the twenty dollar reduced fee for electrical contractors specified in the last clause.

The West Virginia Contractor Licensing Act, W. Va. Code § 21-11-1, et seq., was enacted in the 1991 Legislative Session, requiring that after October 1, 1991 any person engaged as a contractor in the State of West Virginia must be licensed. W. Va. Code § 21-11-6(a). A "person" is defined as including an "individual, firm, sole proprietorship, partnership, corporation, association or other entity." W. Va. Code § 21-11-3(j).

Simply read, W. Va. Code § 21-11-7(a) requires that any person desiring licensure as a contractor must submit an application form, provide information required by the Contractor Licensing Board, and remit a fee not to exceed \$150. A fee reduction is created for electrical contractors who hold another type of license issued pursuant to W. Va. Code § 29-3B-4 by the State Fire Marshal, such that they can obtain their contractor license for a \$20 fee.

Interpretation requires reference to W. Va. Code § 29-3B-4, which relates to the supervision of electricians. Pursuant to that statutory section, the Fire Marshal may issue three classes of license: a master electrician license, a journeyman electrician license, and an apprentice electrician license. The journeyman electrician and apprentice electrician licenses are only issuable to persons. W. Va. Code § 29-3B-4(d)(2). The master electrician's license may be issued to either a "person, firm or corporation". § 29-3B-4(d)(1).

The term "person" is undefined by article 3B, chapter 29. "Generally the words of a statute are to be given their ordinary and familiar significance and meaning, and regard is to be had for their general and proper use." Syl. pt. 4, State v. General Daniel Morgan Post No. 548, V.F.W., 144 W. Va. 137, 107 S.E.2d 353 (1959). Given the statutory context that the term "person" is used in connection with, but in distinction to, the terms "firm" and "corporation," we conclude that the term "person" in § 29-3B-4 must be given its ordinary and familiar significance and meaning -- that of an "individual human being." Webster's Third New International Dictionary, at p. 1686 (G. & C. Merriam Co., 1966).

No electrician license of any class issued by the Fire Marshal is assignable or transferable. W. Va. Code § 29-3B-4(e). Furthermore, the journeyman electrician and apprentice electrician licenses issued by the Fire Marshal "shall specify the name of the person who is thereby authorized" to engage in electrical work. W. Va. Code § 21-3B-4(d)(2). The master electrician license issued by the fire marshal "shall specify the name of the person, firm or corporation so qualifying," as well as the name of the person who actually passed the examination. W. Va. Code § 21-3B-4(d)(1). The clear meaning of these provisions read together is that the electrician licenses are issued in the name, and for the sole use, of the person, firm or corporation making application and qualifying for the license.

For example, if a person applies and qualifies for a journeyman electrician license, that license shall run in the name of that person. If a corporation applies and qualifies for a master electrician license, that license runs in the name of the corporation (along with the name of the person passing the examination, since a corporation is not capable of taking an examination).

The requirement that the Fire Marshal's electrician license issued pursuant to W. Va. Code § 21-3B-4 be issued in the name, and for the sole use, of the person, firm or corporation to whom it was issued, must now be applied to the language of the Contractor Licensing Act at W. Va. Code § 21-11-7(a). Only an electrical

contractor licensed under W. Va. Code § 21-3B-4 qualifies for the reduced twenty dollar fee. Therefore, an electrical contractor, to qualify for the twenty dollar reduced fee under W. Va. Code § 21-11-7(a), must be the same entity as the person, firm or corporation to whom the electrician license was issued under W. Va. Code § 29-3B-4.

The following three examples will illustrate:

- 1) if an individual holds an electrician's license under W. Va. Code § 29-3B-4, and that individual applies for an electrical contractor license under W. Va. Code § 21-11-7(a), that individual will qualify for the reduced twenty dollar fee;
- 2) if a corporation holds an electrician's license under W. Va. Code § 29-3B-4, and that corporation applies for an electrical contractor license under W. Va. Code § 21-11-7(a), that corporation will qualify for the reduced twenty dollar fee; but
- 3) if an individual holds an electrician's license under W. Va. Code § 29-3B-4, and that individual applies on behalf of his or her corporation for an electrical contractor license under W. Va. Code § 21-11-7(a), that corporation would not qualify for the reduced twenty dollar fee, because it is not the same entity to whom the electrician license was issued under W. Va. Code § 29-3B-4.

SUMMARY

The West Virginia Contractor Licensing Act, W. Va. Code § 21-11-1, et seq., provides for a reduced application fee of twenty dollars for electrical contractors holding an electrician license issued by the State Fire Marshal pursuant to W. Va. Code § 29-3B-4. To qualify for the reduced fee, the electrical contractor license applicant must be the same entity to whom the electrician license was issued.

Sincerely,

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By: CHRIS QUASEBARTH  
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