

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 1983

By: Representative Cozart
By: Senator B. Pierce

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS LAW CONCERNING THE LICENSURE
OF ELECTRICAL INSPECTORS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND ARKANSAS LAW CONCERNING THE
LICENSURE OF ELECTRICAL INSPECTORS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 17-28-202 is amended to read as follows:

17-28-202. Duties of ~~board~~ Board of Electrical Examiners of the State of Arkansas and Department of Labor.

(a) It shall be the duty of the Board of Electrical Examiners of the State of Arkansas to:

(1) Adopt rules ~~and regulations~~ necessary for the implementation of this chapter and § 17-55-101 et seq.;

(2) At least every six (6) months, conduct examinations of persons who apply for an electrician's license and grant licenses to qualifying applicants who have paid the prescribed fee; ~~and~~

(3) Grant licenses to qualifying applicants for an electrical inspector's license under § 17-55-101 et seq.; and

~~(3)~~(4) Revoke or suspend the license of any licensee or the certification of any electrical apprentice for cause.

(b)(1) It shall be the duty of the Department of Labor to administer and enforce the provisions of this chapter.

(2) For the enforcement of this chapter, the Director of the



Department of Labor or his or her designated employees shall have the authority to enter, during normal business hours, upon any private or public premises with right of access, ingress, and egress for the purpose of ascertaining whether a person has performed electrical work or installed or repaired electrical facilities ~~thereon~~ in accordance with ~~the provisions of~~ this chapter, § 20-31-101 et seq., and the regulations and standards adopted pursuant thereto.

SECTION 2. Arkansas Code § 17-28-301(b), concerning the expiration and renewal of electrician's licenses, is amended to add an additional subdivision to read as follows:

(6) If a person simultaneously holds an electrical inspector license and a license as a master electrician or a journeyman electrician, the person, when renewing his or her master electrician or journeyman electrician license, shall be exempt from the:

(1) Renewal fee under this section; and

(2) Continuing education requirements for master electricians and journeyman electricians under § 17-28-311.

SECTION 3. Arkansas Code § 17-28-305 is amended to read as follows:

17-28-305. Local regulatory authority – Exceptions — ~~Electrical inspectors.~~

(a) Any individual licensed or registered under ~~the provisions of~~ this chapter shall not be subject to examination or licensing by any city or county in order to perform electrical work.

(b) Any city or town may by ordinance, rules, regulations, or contract prescribe rules, regulations, and standards for the materials used in the construction, installation, and inspection of all electrical work in the city or county, provided the rules, regulations, or standards are not in conflict with the standards prescribed by the Board of Electrical Examiners of the State of Arkansas ~~pursuant to~~ under the authority of ~~§§~~ § 17-28-202, § 17-55-101 et seq., and § 20-31-104. Provided, that a city or county may by ordinance require a person, before doing electrical work on his or her primary residence, to demonstrate a technical competency to comply with the city or county standards. If the city has adopted an ordinance to exercise its territorial planning jurisdiction and if the city and county agree to

authorize such, a city may exercise jurisdiction over the construction, installation, and inspection of electrical work within the city's territorial jurisdiction for planning authorized under § 14-56-413.

(c) Any city or county may establish by ordinance, rules, and regulations a system of permits and inspections for the installation, repair, and maintenance of electrical facilities and electrical work.

(d) An electrical inspector shall be licensed by the Board of Electrical Examiners of the State of Arkansas under § 17-55-101 et seq.

SECTION 4. Arkansas Code Title 17 is amended to add an additional chapter to read as follows:

Chapter 55

Electrical Inspectors

17-55-101. Licensure of electrical inspectors.

(a) A person employed as an electrical inspector in the State of Arkansas shall hold an electrical inspector license issued by the Board of Electrical Examiners of the State of Arkansas.

(b)(1) A person shall apply for licensure as an electrical inspector on a form approved by the Board of Electrical Examiners of the State of Arkansas within thirty (30) days of employment as an electrical inspector.

(2) Applications shall be made to the board and shall contain:

(A) Proof of employment with the state or a political subdivision of the state as an electrical inspector in the State of Arkansas;

(B)(i) Verification of work experience as required by rule of the board.

(ii) Work experience shall include without limitation demonstrated knowledge of:

(a) The standard materials and methods used in the installation of electric equipment;

(b) Approved methods of construction to ensure the safety of persons and property; and

(c) The requirements of the statewide standards for the construction, installation, and maintenance of electrical facilities and the performance of electrical work under § 20-31-104; and

(C) Payment of a license fee as established by rule of the

board that shall not exceed fifty dollars (\$50.00).

(c) An electrical inspector license:

(1) Shall expire on January 1 of each year; and

(2) May be renewed upon application to the board and submission of the following information:

(A) Proof of continued employment as an electrical inspector in the State of Arkansas;

(B) Payment of a renewal fee as established by rule of the board that shall not exceed fifty dollars (\$50.00); and

(C)(i) Proof of completion of at least sixteen (16) hours of continuing education.

(ii) The board shall promulgate rules to set standards for continuing education for licensees under subdivision (c)(1)(C)(i) of this section. The rules shall include without limitation continuing education on the statewide standards for the construction, installation, and maintenance of electrical facilities and the performance of electrical work under § 20-31-104.

(iii) The Department of Labor may conduct or sponsor continuing education classes for electrical inspectors.

(d)(1) The board may revoke or suspend an electrical inspector's license for just cause subject to appeal and hearing before the board according to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(2)(A)(i) A civil penalty may be assessed against an electrical inspector by the Department of Labor and subject to appeal and hearing before the board according to the Arkansas Administrative Procedure Act, § 25-15-201 et seq., if it is determined that the electrical inspector has violated a:

(i) Provision of this chapter;

(ii) Rule, regulation, or order issued or promulgated by the board; or

(iii) Condition of a license issued by the board.

(B) For each violation, the civil penalty shall not exceed the following:

(i) Two hundred fifty dollars (\$250) for a first offense;

(ii) Seven hundred fifty dollars (\$750) for a second offense; or

(iii) One thousand dollars (\$1000) for a third offense.

(C) Each day of a continuing violation is a separate violation for purposes of penalty assessment.

(D) Assessment of a civil penalty by the board shall be made no later than two (2) years after the date of the occurrence of the violation.

(E) If an electrical inspector against whom a civil penalty has been imposed fails to pay the penalty within sixty (60) days of the board's decision, the director may file an action in a court of competent jurisdiction to collect the civil penalty without paying costs or giving bond for costs.

(F) Any penalties collected under this section shall be deposited as special revenues into the State Treasury to the credit of the Department of Labor Special Fund, there to be used by the Department of Labor in carrying out the functions, powers, and duties of this chapter.

(e) If a person simultaneously holds an electrical inspector license and a license as a master electrician or a journeyman electrician, the person, when renewing his or her master electrician or journeyman electrician license, shall be exempt from the:

(1) Renewal fee under § 17-28-301; and

(2) Continuing education requirements for master electricians and journeyman electricians under § 17-28-311.

17-55-102. Provisions applicable to electrical inspectors.

(a)(1) Licensure as an electrical inspector does not qualify a person to act as an electrician under § 17-28-101 et seq.

(2)(A) This chapter shall not require an individual to hold a license before doing electrical work on his or her primary residence except as otherwise required by state law, rules, regulations, or local ordinances.

(B) The exemption from compliance with the licensing standards shall not be referred to in any way and shall not be evidence of the lack of negligence or the exercise of due care by a party at a trial of any civil action to recover damages by any party.

(b) A person licensed as an electrical inspector under this chapter shall not inspect electrical work that he or she:

(1) Installed; or

(2) Supervised.

(c)(1) Except as provided in subdivisions (c)(2) and (c)(3) of this section, a person licensed as an electrical inspector shall conduct inspections only within the political subdivision employing the inspector.

(2) If a person licensed as an electrical inspector is employed by more than one (1) political subdivision, he or she may conduct inspections within any of the political subdivisions employing the person as an electrical inspector.

(3) A person employed by the state as an electrical inspector may conduct inspections anywhere within the State of Arkansas.

(d) This act shall not prohibit a person licensed as an electrical inspector or an electrician from performing work free of charge on his or her own properties, properties of family members, or for a non-profit charity if the person holds the requisite license for the work performed free of charge.

17-55-103. Persons employed as electrical inspectors as of the effective date of this act.

(a) A person employed as an electrical inspector as of the effective date of this act shall be issued a temporary electrical inspector license upon submission of the following information to the Board of Electrical Examiners of the State of Arkansas:

(1) Proof of employment with the state or a political subdivision of the state as an electrical inspector in the State of Arkansas;

(2) Verification of work experience as required by rule of the board; and

(3) Payment of a license fee as required by rule of the board.

(b)(1) A temporary license issued under this section shall expire on January 1, 2014.

(2) A recipient of a temporary license shall be eligible to apply for an electrical inspector license under this chapter.

17-55-104. Disposition of funds.

All funds received by the Board of Electrical Examiners of the State of Arkansas under this chapter shall be deposited as special revenues into the State Treasury to the credit of the Department of Labor Special Fund, there

to be used by the Department of Labor in carrying out the functions, powers, and duties as set out in this chapter, § 17-28-101 et seq., and § 20-31-101 et seq. and to defray the costs of the maintenance, operation, and improvements required by the department in carrying out the functions, powers, and duties otherwise imposed by law on the Director of the Department of Labor.

17-55-105. Authority to charge fees for continuing education.

(a) The Department of Labor may charge fees for continuing education classes that it conducts or sponsors for electrical inspectors.

(b) Fees under subsection (a) of this section shall be established by rule of the Board of Electrical Examiners of the State of Arkansas.

17-55-106. Rules.

The Board of Electrical Examiners of the State of Arkansas may promulgate rules necessary to implement this chapter.