

1 **State of Arkansas**

2 **78th General Assembly**

3 **Regular Session, 1991**

4 **By: Representatives Jones and McCuiston**

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For An Act To Be Entitled

8 "AN ACT TO EMPOWER THE ARKANSAS BOARD OF ELECTRICAL
9 EXAMINERS TO PROMULGATE A STATEWIDE ELECTRICAL CODE; TO
10 PROVIDE THAT THE CODE SHALL APPLY TO ALL NEW CONSTRUCTION
11 AND NEW SINGLE AND MULTI-FAMILY RESIDENCES; TO PROVIDE
12 FOR THE ENFORCEMENT OF THIS ACT; AND FOR OTHER PURPOSES."

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

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16 SECTION 1. The act may be known and may be cited as the "Arkansas
17 Electrical Code Authority Act".

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19 SECTION 2. As used in this act, unless the context otherwise requires:

20 (1) "Board" means the Board of Electrical Examiners of the State of
21 Arkansas created by Arkansas Code §§ 17-25-101 et seq.;

22 (2) "Department" means the Arkansas Department of Labor;

23 (3) "Director" means the Director of the Arkansas Department of Labor;

24 (4) "Electrician" means any person, individual, member, or employee of
25 a firm, partnership, or corporation which is engaged in the business of, or
26 who for hire, :

27 (A) plans, lays out, and supervises the installation, maintenance,
28 and extension of electrical conductors and equipment; or

29 (B) installs, erects, repairs, or contracts to install, erect, or
30 repair;

31 (i) electrical wires or conductors to be used for the
32 transmission of electric light, heat, power, or signalling purposes, or

33 (ii) moulding, ducts, raceways or conduit for the reception
34 or protection of such wires or conduits, or

35 (iii) any electrical machinery, apparatus, or systems to be

1 used for electrical light, heat, power, or signalling purposes; or

2 (C) means an "electrical contractor", a "master electrician", a
3 "journeymen electrician" or an "industrial maintenance electrician" licensed
4 under Arkansas Code §§ 17-25-101 et seq.

5 (5) "Electrical facilities" means all wiring fixtures, appurtenances,
6 and appliances for, and in connection with a supply of electricity within or
7 adjacent to any building, structure, or conveyance, but not including the
8 connection with a power supply meter or other power supply source;

9 (6) "Electrical work" means:

10 (A) Installations of electric conductors and equipment within or
11 on public and private buildings or other structures, including recreational
12 vehicles, and floating buildings; and other premises such as yards, carnival,
13 parking and other lots, and industrial substations;

14 (B) Installations of conductors that connect to the supply of
15 electricity;

16 (C) Installations of other outside conductors on the premises.

17 (7) *"Primary residence" means an unattached single-family dwelling used*
18 *as the person's primary place of residence.*

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20 SECTION 3. (a) Beginning January 1, 1992, the Board of Electrical
21 Examiners of the State of Arkansas is hereby empowered to adopt rules and
22 regulations to establish statewide standards for the construction,
23 installation, and maintenance of electrical facilities and the performance of
24 electrical work.

25 (b) The Board shall adopt the National Electrical Code, 1990 edition,
26 of the National Fire Protection Association.

27 (c) In the event there are updates and new editions to the National
28 Electrical Code, the Board shall, after notice and public hearing, adopt such
29 changes and editions which it determines are necessary to insure the public
30 health and safety.

31 (d) The statewide standards shall guarantee a uniform minimum standard
32 for the construction, installation, and maintenance of electrical facilities
33 and for the performance of electrical work in:

34 (1) any new public, business, or commercial buildings or
35 structures constructed after the effective date of this act;

36 (2) any new educational institutions or buildings constructed

1 after the effective date of this act;

2 (3) any new single family or multi-family residence constructed
3 after the effective date of this act;

4 (4) any other type new construction undertaken in the State of
5 Arkansas not specifically exempted under this act.

6 (e) The term "new" or "new construction" as used in this section shall
7 apply to any new building or structure or any complete addition to or
8 renovation of a building or structure where electrical conductors within are
9 placed, added, or replaced in whole part. It shall not apply to the repair or
10 replacement of existing electrical conductors in existing buildings or
11 structures or to minor repairs consisting of repairing or replacing outlets or
12 minor working parts of electrical fixtures.

13 (f) It shall be the duty of the Arkansas Department of Labor to
14 administer and enforce the provisions of this act.

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16 SECTION 4. (a) The following types of construction and structures shall
17 be exempted from the provisions of this act:

18 (1) any construction, installation, maintenance, repair or
19 renovation by a public utility regulated by the Public Service Commission, by
20 a rural electric association or cooperative, or by a municipal utility of any
21 transmission or distribution lines or facilities incidental to their business
22 and covered under other nationally recognized safety standards;

23 (2) any construction, installation, maintenance, repair, or
24 renovation of any nonresidential farm building or structure;

25 (3) any construction or manufacture of manufactured homes covered
26 by the federal Manufactured Home Construction and Safety Standards Act, 42
27 U.S.C. §§ 4501 et seq.

28 (4) Primary residences, whether existing or under construction,
29 when the owner performs the electrical work thereon or the owner performs the
30 construction, maintenance or installation of electrical facilities thereon.

31 (b) The exemption from compliance with the standards promulgated
32 hereunder shall not be referred to in any way, and shall not be any evidence
33 of the lack of negligence or the exercise of due care by a party at a trial of
34 any civil action to recover damages by any party.

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1 SECTION 5. (a) *Beginning January 1, 1992, unless specifically exempted*
2 *under this Act, no person or electrician shall perform any construction,*
3 *installation, or maintenance of electrical facilities or perform electrical*
4 *work in this state except in compliance with the statewide standards*
5 *promulgated hereunder.*

6 (b) Any person or electrician who does any construction, installation,
7 and maintenance of electrical facilities or performs electrical work in this
8 state without an exemption and not in compliance with the provisions of this
9 act, shall be guilty of a misdemeanor and upon conviction shall be punished by
10 a fine of not less than fifty dollars (\$50.00) and not more than five hundred
11 dollars (\$500.00) or by imprisonment for not more than thirty (30) days, or
12 both fine and imprisonment.

13 (c) In addition to the penalties in subsection (b) of this section, the
14 Director is authorized:

15 (1) to petition any court of competent jurisdiction to enjoin or
16 restrain any person or electrician who does any construction, installation,
17 and maintenance of electrical facilities or performs electrical work, without
18 an exemption, or who otherwise violates the provisions of this act; and

19 (2) to seek the suspension or revocation by the board of any
20 "electrical contractor", a "master electrician", a "journeymen electrician" or
21 an "industrial maintenance electrician" licensed under Arkansas Code §§ 17-25-
22 101 et seq. who is found to be in violation of the provisions of this act.

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24 SECTION 6. All provisions of this act of a general and permanent nature
25 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
26 Revision Commission shall incorporate the same in the Code.

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28 SECTION 7. If any provision of this Act or the application thereof to
29 any person or circumstance is held invalid, such invalidity shall not affect
30 other provisions or applications of the Act which can be given effect without
31 the invalid provision or application, and to this end the provisions of this
32 Act are declared to be severable.

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34 SECTION 8. All laws and parts of laws in conflict with this act are
35 hereby repealed.

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/s/ Myra Jones et al