

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Wilson**

A Bill

SENATE BILL 186

For An Act To Be Entitled

8 "AN ACT TO AMEND CHAPTER 25 OF TITLE 17 OF THE ARKANSAS
9 CODE OF 1987, ANNOTATED TO PROVIDE FOR MANDATORY LICENSING
10 OF ELECTRICIANS; TO AUTHORIZE LOCAL ELECTRICAL INSPECTIONS
11 PRIOR TO CONNECTING ELECTRICAL POWER TO ANY BUILDING OR
12 STRUCTURE; TO AUTHORIZE THE BOARD OF ELECTRICAL EXAMINERS
13 TO ESTABLISH STANDARDS FOR THE PERFORMANCE OF ELECTRICAL
14 WORK IN ARKANSAS; AND FOR OTHER PURPOSES."

15

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

17

18 SECTION 1. Arkansas Code 17-25-101 is hereby amended to read as
19 follows:

20 "17-25-101. Definitions. As used in this chapter, unless the context
21 otherwise requires:

22 (1) 'Board' means the Board of Electrical Examiners of the State of
23 Arkansas;

24 (2) 'Department' means the Arkansas Department of Labor;

25 (3) 'Director' means the Director of the Arkansas Department of Labor;

26 (4) 'Electrical apprentice' means any person whose principal
27 occupation is the learning of and assisting in the installation of electrical
28 work under the direct supervision of a licensed journeyman electrician or
29 master electrician;

30 (5) 'Electrical contractor' means any individual, firm, partnership, or
31 corporation in the business of installing, repairing, maintaining, or
32 renovating electrical facilities or contracting or furnishing labor or labor
33 and materials for the installation, repair, maintenance or renovation of
34 electrical facilities according to the provisions of this chapter;

35 (6) 'Electrical facilities' means all wiring fixtures, appurtenances,

1 and appliances for, and in connection with a supply of electricity within or
2 adjacent to any building, structure, or conveyance, but not including the
3 connection with a power supply meter or other power supply source;

4 (7) 'Electrical work' means:

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

9 (B) Installations of conductors that connect to the supply of
10 electricity;

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

12 (8) 'Industrial maintenance electrician' means any individual who
13 possesses the necessary qualifications, training, and technical knowledge and
14 skills to maintain and extend electrical conductors and equipment for
15 electrical power and control systems on or within industrial, manufacturing,
16 or similar-type facilities and is capable of doing such work in accordance
17 with the laws, rules and regulations governing such work;

18 (9) 'Journeyman electrician' means any individual other than a master
19 electrician who possesses the necessary qualifications, training, and
20 technical knowledge and skills to install, alter, repair, maintain, or
21 renovate electrical facilities, in accordance with plans and specifications
22 furnished him and in compliance with the laws, rules, and regulations
23 governing such work, unless specifically exempted by the provision of this
24 chapter;

25 (10) 'Master electrician' means any individual who possesses the
26 necessary qualifications, training, and technical knowledge and skills to
27 plan, lay out, and supervise the installation, maintenance, and extension of
28 electrical facilities and who is familiar with the laws, rules, and
29 regulations governing such work, according to the provisions of this chapter;

30 (11) 'Primary residence' means a single-family dwelling used as the
31 person's primary place of residence;

32 (12) 'Residential journeyman electrician' means the classification by
33 which the licenses and electrical work of journeyman electricians may be
34 limited to the installation, alteration, repair, maintenance or renovation of
35 electrical facilities for one and two family dwellings;

1 (13) 'Residential master electrician' means the classification by
2 which the licenses and electrical work of master electricians may be limited
3 to planning and supervising the installation, maintenance and extension of
4 electrical facilities for one and two family dwellings;

5 (14) 'Air conditioning electrician' means any individual who is limited
6 to a license classification possessing the necessary qualifications, training,
7 and technical knowledge for the installation, maintenance, and extension of
8 electrical conductors and equipment solely for the purpose of supplying
9 heating and air conditioning and refrigeration units."

10

11 SECTION 2. Arkansas Code 17-25-102 is hereby amended to read as
12 follows:

13 "17-25-102. Construction and Exemptions.

14 (a) The provisions of this chapter shall not apply to:

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

20 (2) telephone and telegraph companies;

21 (3) the construction, installation, maintenance, repair and
22 renovation of telephone equipment, computer systems, or satellite systems by a
23 person, firm, or corporation engaged in the telecommunications or information
24 systems industry when such activities involve low-voltage work exclusively for
25 communication of data, voice, or for other signaling purposes; including fire
26 alarm systems, security systems and environmental control systems that are not
27 an integral part of a telecommunications system;

28 (4) the construction, installation, maintenance, repair or
29 renovation of any nonresidential farm building or structure; or

30 (5) the construction and manufacture of manufactured homes
31 covered by the federal Manufactured Home Construction and Safety Standards
32 Act, 42 U.S.C. §§ 4501 et seq.

33 (b) Nothing in this chapter shall be construed to require an individual
34 to hold a license before doing electrical work on his primary residence except
35 as otherwise required by state law, regulations, or local ordinances. The

1 exemption from compliance with the licensing standards shall not be referred
2 to in any way, and shall not be any evidence of the lack of negligence or the
3 exercise of due care by a party at a trial of any civil action to recover
4 damages by any party.

5 (c) Any holder of a state-issued heating, ventilation, air conditioning
6 and refrigeration or HVACR license may run line voltage power wiring, in
7 compliance with the state electric code, from a disconnect box to an outdoor
8 HVACR unit within a distance not to exceed six (6) feet from any point of the
9 HVACR equipment without obtaining an electrician's license as required by this
10 chapter.

11 (d) Nothing in this chapter shall be construed as repealing, modifying,
12 or affecting in any way the provisions of Title 17, Chapter 22.

13 (e) *Nothing in this chapter shall be construed to require an employee*
14 *of a hospital to hold a license in order to perform minor repairs or make*
15 *minor alterations to existing electrical facilities during the normal*
16 *performance of his duties with a hospital licensed by the Arkansas Department*
17 *of Health."*

18

19 SECTION 3. Subchapter 1 of Chapter 25 of Title 17 of the Arkansas Code
20 is hereby amended to add a new Section 17-25-103 to read as follows:

21 "17-25-103. Local Regulatory Authority -- Exceptions -- Electrical
22 inspectors.

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

26 (b) Any city or county may by ordinance, rules, regulations, or
27 contract prescribe rules, regulations and standards for the materials used in
28 the construction, installation and inspection of all electrical work in such
29 city or county, provided such rules, regulations or standards are not in
30 conflict with the standards prescribed by the board. Provided, that a city or
31 county may by ordinance require a person, before doing electrical work on his
32 primary residence, to demonstrate a technical competency to comply with the
33 city or county standards. If the city has adopted an ordinance to exercise
34 their territorial planning jurisdiction and if the city and county agree to
35 authorize such, a city may exercise jurisdiction over the construction,

1 installation and inspection of electrical work within the city's territorial
2 jurisdiction for planning authorized under Arkansas Code 14-56-413.

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

6 (d)(1) No person, firm, corporation or utility shall connect electric
7 power to any building, structure, or conveyance until such building,
8 structure, or conveyance has been:

9 (A) inspected and approved by an electrical inspector
10 employed by the city or county in which the premises are located; or

11 (B) certified by a master electrician or master residential
12 electrician that all electrical work performed was in compliance with the
13 board's established standards for the performance of electrical work; or

14 (C) certified by the owner of the residence that he or she
15 performed the electrical work on his or her primary residence.

16 (2) The inspections and certifications required above shall be
17 completed in duplicate on forms designed and supplied by the Department. One
18 (1) copy of the form shall be returned to the Department which shall retain
19 the form for their records and one (1) shall be retained by the property owner
20 to supply to the person, firm, corporation, or utility connecting the
21 electrical power."
22

23 SECTION 4. Subchapter 1 of Chapter 25 of Title 17 of the Arkansas Code
24 is hereby amended to add a new Section 17-25-104 to read as follows:

25 "17-25-104. Disposition of funds. All funds received by the board
26 under the provisions of this chapter shall be deposited as special revenues in
27 the State Treasury to the credit of the Board of Electrical Examiners Fund,
28 there to be used for operating expenses of the board in carrying out the
29 functions, powers, and duties as set out in this chapter."
30

31 SECTION 5. Arkansas Code 17-25-201 is hereby amended to read as
32 follows:

33 "17-25-201. Creation - Members.

34 (a) There is created a Board of Electrical Examiners of the State of
35 Arkansas.

1 (b) The board shall consist of the Director of the Department of Labor
2 or his authorized representative and eight (8) other members who shall be
3 residents of this state appointed by the Governor with the advice and consent
4 of the Senate.

5 (1) One (1) member shall be the chief electrical inspector of a
6 municipality within the state;

7 (2) One (1) member shall be a licensed professional engineer
8 engaged primarily in the design or maintenance of electrical installations;

9 (3) One (1) member shall be an electrical contractor operating in
10 this state;

11 (4) One (1) member shall be a master or supervising electrician;

12 (5) One (1) member shall be a representative of a public electric
13 utility operating in this state;

14 (6) One (1) member shall be a representative of a private
15 electric utility operating in this state;

16 (7) One (1) member shall represent the public and shall not be
17 affiliated with any of the other groups represented on the board;

18 (8) One (1) member shall represent the elderly, shall be sixty
19 (60) years of age or older and not actively engaged as or retired as an
20 electrician. This member shall be appointed from the state at large, subject
21 to confirmation by the Senate, and shall be a full voting member but shall not
22 participate in the grading of examinations.

23 (c) The same person may not be both the public representative and the
24 representative of the elderly.

25 (d) The Director of Labor or his authorized representative shall serve
26 at the pleasure of the Governor, and all other members shall be appointed for
27 a term of four (4) years or until a successor is appointed.

28 (e) In the event of a vacancy during a term, the Governor may appoint a
29 replacement to fulfill the unexpired portion of the term.

30 (f) The board shall elect one (1) of its members to act as its chairman
31 for a term of one (1) year, and he shall have a vote on all matters before the
32 board.

33 (g) For cause and after a hearing, any appointed member may be removed
34 from office by the Governor.

35 (h) Each appointed member shall receive the sum of fifty dollars

1 (\$50.00) for each day during which he has attended a meeting of the board and
2 shall be reimbursed for all expenses in attending meetings in accordance with
3 the current travel policies and procedures established by the Department.

4 (i) A majority of the total membership of the board shall constitute a
5 quorum for the transaction of business."

6

7 SECTION 6. Arkansas Code 17-25-202 is hereby amended to read as
8 follows:

9 "17-25-202. Duties of board and Department of Labor.

10 (a) It shall be the duty of the board to:

11 (1) Adopt rules and regulations for the implementation,
12 administration, and enforcement of this chapter;

13 (2) Adopt rules and regulations to establish standards for the
14 performance of electrical work;

15 (3) At least every six (6) months, conduct examinations of
16 persons who apply for and qualify for examination for an electrician's
17 license;

18 (4) Revoke or suspend the license of any electrical contractor,
19 master electrician, journeyman electrician, industrial maintenance
20 electrician, residential master electrician, or residential journeyman
21 electrician for cause;

22 (5) Revoke or suspend the certification of any electrical
23 apprentice for cause;

24 (6) Review and approve applications for examination;

25 (7) Establish fees for the proper administration of the
26 requirements of this chapter;

27 (8) Conduct hearings on all matters related to the licensing and
28 inspection of electrical work;

29 (9) Adopt rules and regulations to establish minimum requirements
30 to qualify for each class of examination; and

31 (10) Adopt rules and regulations to establish standards for the
32 employment of electrical apprentices.

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

35 (2) For the enforcement of this chapter, the Director or his

1 designated employees shall have the authority to enter, during normal business
2 hours, upon any private or public premises with right of access, ingress, and
3 egress for the purpose of ascertaining whether a person has performed
4 electrical work or installed or repaired electrical facilities thereon in
5 accordance with the provisions of this chapter and the regulations and
6 standards adopted pursuant thereto.

7 (3) Upon the basis of such inspections, if the board finds that
8 applicable laws, rules, or standards have not been complied with, the board
9 may take action to suspend or revoke the license of any licensee found not to
10 be performing electrical work in compliance with this chapter and the
11 regulations and standards adopted pursuant thereto."

12
13 SECTION 7. Arkansas Code 17-25-203 is hereby amended to read as
14 follows:

15 "17-25-203. Examinations - Fees.

16 (a) The board shall conduct examinations of persons applying for and
17 otherwise qualifying for a license as a master electrician, journeyman
18 electrician, industrial maintenance electrician, residential master
19 electrician, *air conditioning electrician*, or residential journeyman
20 electrician. Such persons shall pay a fee established by the board, but in no
21 event shall such examination fees exceed the following:

- 22 (1) Master electrician \$75.00
- 23 (2) Journeyman electrician \$75.00
- 24 (3) Residential master electrician \$75.00
- 25 (4) Residential journeyman electrician . . . \$75.00
- 26 (5) Industrial maintenance electrician . . . \$40.00
- 27 (6) *Air conditioning electrician* \$75.00

28 (b) Any applicant who shall fail to pass the examination shall be
29 permitted to take the next scheduled examination upon payment of the required
30 fees."

31
32 SECTION 8. Subchapter 2 of Chapter 25 of Title 17 of the Arkansas Code
33 is amended to add a new Section 17-25-204 to read as follows:

34 "All hearings conducted by the board and all appeals taken from the
35 decisions of the board shall comply with the Arkansas Administrative Procedure

1 Act, Arkansas Code 25-15-201, et seq."

2

3 SECTION 9. Arkansas Code 17-25-301 is hereby amended to read as
4 follows:

5 "17-25-301. License Requirement.

6 (a) Beginning July 1, 1992, no person shall perform electrical work in
7 this state or display or use any title, sign, card advertisement or other
8 device to indicate that the person performs electrical work or is an
9 electrician unless the person has first obtained a license to perform
10 electrical work pursuant to the provisions of this chapter or the individual
11 is exempted from licensing pursuant to the provisions of this chapter.

12 (b) No license or apprentice certificate issued by the board shall be
13 assignable or transferable."

14

15 SECTION 10. Arkansas Code 17-25-302 is hereby amended to read as
16 follows:

17 "17-25-302. Penalties.

18 (a) Any person who performs electrical work in this state without an
19 exemption or the required license pursuant to the provisions of this chapter,
20 or who otherwise violates any provisions of this chapter, shall be guilty of a
21 misdemeanor and upon conviction shall be punished by a fine of not less than
22 fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00) or by
23 imprisonment for not more than thirty (30) days, or both fine and
24 imprisonment. Each day during which a violation continues shall be a separate
25 offense.

26 (b) In addition to the penalties in subsection (a) of this section, the
27 director is authorized to petition any court of competent jurisdiction to
28 enjoin or restrain any person who performs electrical work without a license,
29 or who otherwise violates the provisions of this chapter."

30

31 SECTION 11. Arkansas Code 17-25-303 is hereby amended to read as
32 follows:

33 "17-25-303. Change of Address - Notice.

34 Any holder of a license or certification issued in accordance with the
35 provisions of this chapter shall promptly notify the board of any change of

1 address."

2

3 SECTION 12. Arkansas Code 17-25-304 is hereby amended to read as
4 follows:

5 "17-25-304. Electrician - Issuance and renewal - Fees.

6 (a) Individuals passing the master, journeyman, residential master,
7 residential journeyman, *air conditioning electrician*, or industrial
8 maintenance electrician's examination as specified in 17-25-203 shall be
9 issued a license of the same class as that of the examination upon payment of
10 the following fees:

- 11 (1) Master electrician \$50.00
- 12 (2) Journeyman electrician \$25.00
- 13 (3) Residential master electrician \$50.00
- 14 (4) Residential journeyman electrician . . \$25.00
- 15 (5) Industrial maintenance electrician . . \$25.00
- 16 (6) *Air conditioning electrician* \$25.00

17 (b)(1) Licenses shall expire on the date indicated on the licenses.
18 Licenses shall expire on the last day of the month, one (1) year following the
19 date of the original license.

20 (2) The license may be renewed for a period of one (1), two (2),
21 or three (3) years with the fee to be as follows:

- 22 (A) Master electrician \$50.00 per year
- 23 (B) Journeyman electrician . . . \$25.00 per year (C)
- 24 Residential master
- 25 electrician \$50.00 per year
- 26 (D) Residential journeyman
- 27 electrician \$25.00 per year
- 28 (E) Industrial maintenance
- 29 electrician \$25.00 per year
- 30 (F) *Air conditioning*
- 31 electrician \$25.00 per year

32 (3) Those holding master, journeyman, residential master,
33 residential journeyman, *air conditioning electrician*, or industrial
34 maintenance electrician's licenses may renew their license within six (6)
35 months following the expiration date on the license by paying the renewal fee

1 as indicated in subdivision (b) (2) of this section.

2 (4) If a licensee shall fail to renew his or her license within
3 six (6) months after the expiration date on the license, the licensee may
4 renew his or her license by paying a penalty of ten dollars (\$10.00) for a
5 journeyman or residential journeyman electrician, ten dollars (\$10.00) for an
6 industrial maintenance electrician or *air conditioning electrician*, and twenty
7 dollars (\$20.00) for a master electrician, or residential master electrician,
8 in addition to the regular renewal fees.

9 (5) If the license is not renewed within one (1) year after the
10 expiration date on the license, the licensee shall be required to take another
11 examination as administered by the board.

12 (c) The registration fee for an electrical apprentice shall be ten
13 dollars (\$10.00) annually. Apprentice registration certificates shall expire
14 on the last day of the month, one (1) year following the date of original
15 registration.

16 (d) All applications for examination, license, or renewal of license
17 shall be made in writing to the Director on forms provided by the Director.

18 (e) The board shall be authorized to issue a temporary license as a
19 master electrician, journeyman electrician, residential master electrician and
20 residential journeyman electrician, which shall be valid for no more than six
21 (6) months, provided the applicant has not previously been issued a temporary
22 license, and upon submission by the applicant of the following:

23 (1) a temporary license fee in the amount established by 17-25-
24 304(a);

25 (2) a completed application on a form furnished and approved by
26 the board; and

27 (3) evidence that the applicant holds a current license of the
28 same classification issued by another state."

29
30 SECTION 13. Arkansas Code 17-25-305 is hereby amended to read as
31 follows:

32 "17-25-305. Electrical apprentice-Registration and Qualifications.

33 The Director shall, upon proper application and payment of fee, register
34 as an electrical apprentice and issue a certificate of such registration to
35 any person who furnishes satisfactory proof that the applicant is enrolled in

1 a school or training course for electrical apprentices recognized by the
2 board, or has arranged for employment as an electrical apprentice under the
3 supervision of a licensed electrician."

4
5 SECTION 14. Arkansas Code 17-25-306 is hereby amended to read as
6 follows:

7 "17-25-306. Electrical contractor license.

8 Any person, member, or employee of a firm, partnership, or corporation
9 desiring to engage in the business of electrical contractor may apply for and
10 be issued a license upon satisfying the board that he or it is either a master
11 electrician or employs a master electrician as its superintendent or manager
12 and shall pay a license fee in the amount of one hundred dollars (\$100) per
13 year."

14
15 SECTION 15. Subchapter 3 of Chapter 25 of Title 17 of the Arkansas Code
16 is hereby amended to add a new Section 17-25-307 to read as follows:

17 "17-25-307. Grounds for refusal to issue, suspend or revoke.

18 The board may, upon its own motion or upon written complaint,
19 investigate, conduct hearings and refuse to issue, suspend or revoke any
20 license or registration certificate, if the board finds that the applicant,
21 licensee, or electrical apprentice has:

22 (1) made a material misstatement in the application for a license,
23 registration, or renewal thereof;

24 (2) loaned a license or registration certificate or allowed its use by
25 a third party, except as allowed by the provisions of this chapter or
26 regulation of the board;

27 (3) demonstrated incompetency to act as an electrician of the
28 classification for which the license was issued;

29 (4) refused to permit access to or entry on a premises for inspection
30 as authorized by this chapter;

31 (5) violated any provisions of this chapter, any rule or regulation of
32 the board, or any local ordinance or regulation for the installation of
33 electrical facilities."

34
35 SECTION 16. Subchapter 3 of Chapter 25 of Title 17 of the Arkansas Code

1 is hereby amended to add a new Section 17-25-308 to read as follows:

2 "17-25-308. Reciprocity.

3 The board shall be authorized to issue master and journeyman
4 electrician's licenses and master residential and journeyman residential
5 electrician's licenses to those applicants holding equivalent licenses in
6 other states, upon payment of the required fees and submission of proof of
7 license in that state, provided that an agreement has been reached with that
8 state to recognize the electrical licenses held by Arkansas residents."

9

10 SECTION 17. Subchapter 3 of Chapter 25 of Title 17 of the Arkansas Code
11 is hereby amended to add a new Section 17-25-309 to read as follows:

12 "17-25-309. Grandfather Clause.

13 (a) *Applicants for a license pursuant to the provisions of this chapter*
14 *shall be exempt from the examination requirement of §17-25-203, provided the*
15 *applicant:*

16 (1) *is qualified by experience requirements to take the*
17 *examination for a particular license classification under the provisions of*
18 *this chapter and the regulations of the board;*

19 (2) *has not had a municipal electrician's license or a state*
20 *electrician's license of any classification revoked or suspended for cause;*

21 (3) *submits the appropriate fee; and*

22 (4) *applies for a license prior to September 1, 1991.*

23 (b) Individuals currently licensed by the board shall be entitled to
24 renew such license upon payment of the appropriate renewal fee without further
25 examination."

26

27 SECTION 18. All provisions of this act of a general and permanent
28 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
29 Code Revision Commission shall incorporate the same in the Code.

30

31 SECTION 19. If any provision of this Act or the application thereof to
32 any person or circumstance is held invalid, such invalidity shall not affect
33 other provisions or applications of the Act which can be given effect without
34 the invalid provision or application, and to this end the provisions of this
35 Act are declared to be severable.

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SECTION 20. All laws and parts of laws in conflict with this act are hereby repealed.

/s/Wilson