

1 **State of Arkansas**

2 **79th General Assembly**

3 **Regular Session, 1993**

4 **By: Representatives Dietz, Mitchell, Landers, and Wingfield**

5

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7

## **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; AND FOR OTHER PURPOSES."

13

14

## **Subtitle**

15 "AN ACT TO PROVIDE FOR MANDATORY LICENSING OF  
16 ELECTRICIANS."

17

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

19

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

22 "17-25-101. Definitions. As used in this chapter, unless the context  
23 otherwise requires:

24 (1) \_Board\_ means the Board of Electrical Examiners of the State of  
25 Arkansas;

26 (2) \_Department\_ means the Arkansas Department of Labor;

27 (3) \_Director\_ means the Director of the Arkansas Department of Labor;

28 (4) \_Electrical apprentice\_ means any person whose principal occupation  
29 is the learning of and assisting in the installation of electrical work under  
30 the direct supervision of a licensed journeyman electrician or master  
31 electrician;

32 (5) \_Electrical Contractor\_ means any individual, firm, partnership, or  
33 corporation in the business of installing, repairing, maintaining, or  
34 renovating electrical facilities or contracting or furnishing labor or labor  
35 and materials for the installation, repair, maintenance or renovation of

1 electrical facilities according to the provisions of this chapter;

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

6       (7) Electrical work means

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

11           (B) Installations of conductors that connect to the supply of  
12 electricity;

13           (C) Installations of other outside conductors on the premises;

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

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

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

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

33       (12) Residential journeyman electrician means the classification by  
34 which the licenses and electrical work of journeyman electricians may be  
35 limited to the installation, alteration, repair, maintenance or renovation of

1 electrical facilities for one and two family dwellings;

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

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

11

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

14       "17-25-102. Construction and Exemptions.

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

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

21               (2) telephone and telegraph companies;

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

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

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

34       (b) Nothing in this chapter shall be construed to require an  
35 individual to hold a license before doing electrical work on his primary

1 residence except as otherwise required by state law, regulations, or local  
2 ordinances. The exemption from compliance with the licensing standards shall  
3 not be referred to in any way, and shall not be any evidence of the lack of  
4 negligence or the exercise of due care by a party at a trial of any civil  
5 action to recover damages by any party.

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

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

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

19 (f) *No person shall be required to be licensed under this chapter*  
20 *before performing electrical work where the cost of labor and materials does*  
21 *not exceed two hundred and fifty dollars (\$250).*

22 (g) *No person shall be required to be licensed under this chapter*  
23 *before installing a product sold by the person or his employer when the*  
24 *installation is performed in the course of business and the cost of*  
25 *installation does not exceed two hundred and fifty dollars (\$250)."*

26

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

29 "17-25-103. Local Regulatory Authority -- Exceptions -- Electrical  
30 inspectors.

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

34 (b) Any city or town may by ordinance, rules, regulations, or contract  
35 prescribe rules, regulations and standards for the materials used in the

1 construction, installation and inspection of all electrical work in such city  
2 or county, provided such rules, regulations or standards are not in conflict  
3 with the standards prescribed by the board pursuant to the authority of  
4 Arkansas Code 17-25-202 and 20-31-104. Provided, that a city or county may by  
5 ordinance require a person, before doing electrical work on his primary  
6 residence, to demonstrate a technical competency to comply with the city or  
7 county standards. If the city has adopted an ordinance to exercise their  
8 territorial planning jurisdiction and if the city and county agree to  
9 authorize such, a city may exercise jurisdiction over the construction,  
10 installation and inspection of electrical work within the city's territorial  
11 jurisdiction for planning authorized under Arkansas Code 14-56-413.

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

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

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

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

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

25 (2) The inspections and certifications required above shall be  
26 completed in duplicate on forms designed and supplied by the Department. One  
27 (1) copy of the form shall be returned to the Department which shall retain  
28 the form for their records and one (1) shall be retained by the property owner  
29 to supply to the person, firm, corporation, or utility connecting the  
30 electrical power."

31

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

34 "17-25-104. Disposition of funds. All funds received by the board  
35 under the provisions of this chapter shall be deposited as special revenues in

1 the State Treasury to the credit of the Board of Electrical Examiners Fund,  
2 there to be used for operating expenses of the board in carrying out the  
3 functions, powers, and duties as set out in this chapter and Arkansas Code 20-  
4 31-101 et seq."

5

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

8 "17-25-201. Creation - Members.

9 (a) There is created a Board of Electrical Examiners of the State of  
10 Arkansas.

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

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

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

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

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

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

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

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

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

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

35 (d) The Director of Labor or his authorized representative shall serve

1 at the pleasure of the Governor, and all other members shall be appointed for  
2 a term of four (4) years or until a successor is appointed.

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

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

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

10 (h) Each appointed member shall receive the sum of fifty-five dollars  
11 (\$55.00) for each day during which he has attended a meeting of the board and  
12 shall be reimbursed for all expenses in attending meetings, in accordance with  
13 the current travel policies and procedures established by the Department.

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

16

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

19 "17-25-202. Duties of board and Department of Labor.

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

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

23 (2) At least every six (6) months, conduct examinations of  
24 persons who apply for and qualify for examination for an electrician's  
25 license;

26 (3) Revoke or suspend the license of any electrical contractor,  
27 master electrician, journeyman electrician, industrial maintenance  
28 electrician, residential master electrician, residential journeyman  
29 electrician or air conditioning electrician for cause;

30 (4) Revoke or suspend the certification of any electrical  
31 apprentice for cause;

32 (5) Review and approve applications for examination;

33 (6) Establish fees for the proper administration of the  
34 requirements of this chapter;

35 (7) Conduct hearings on all matters related to the licensing and

1 inspection of electrical work;

2 (8) Adopt rules and regulations to establish minimum requirements  
3 to qualify for each class of examination; and

4 (9) Adopt rules and regulations to establish standards for the  
5 employment of electrical apprentices.

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

8 (2) For the enforcement of this chapter, the Director or his  
9 designated employees shall have the authority to enter, during normal business  
10 hours, upon any private or public premises with right of access, ingress, and  
11 egress for the purpose of ascertaining whether a person has performed  
12 electrical work or installed or repaired electrical facilities thereon in  
13 accordance with the provisions of this chapter, Arkansas Code 20-31-101 et  
14 seq., and the regulations and standards adopted pursuant thereto.

15 (3) Upon the basis of such inspections, if the board finds that  
16 applicable laws, rules, or standards have not been complied with, the board  
17 may take action to suspend or revoke the license of any licensee found not to  
18 be performing electrical work in compliance with this chapter, Arkansas Code  
19 20-31-101 et seq. and the regulations and standards adopted pursuant thereto."

20

21 SECTION 7. Arkansas Code 17-25-203 is hereby amended to read as  
22 follows:

23 "17-25-203. Examinations - Fees.

24 (a) The board shall conduct examinations of persons applying for and  
25 otherwise qualifying for a license as a master electrician, journeyman  
26 electrician, industrial maintenance electrician, residential master  
27 electrician, air conditioning electrician, or residential journeyman  
28 electrician. Such persons shall pay a fee established by the board, but in no  
29 event shall such examination fees exceed the following:

- 30 (1) Master Electrician. . . . . \$100.00
- 31 (2) Journeyman electrician. . . . . \$100.00
- 32 (3) Residential master electrician. . . . \$100.00
- 33 (4) Residential journeyman electrician. . . \$100.00
- 34 (5) Industrial maintenance electrician... \$ 50.00
- 35 (6) Air conditioning electrician . . . . \$100.00



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

4

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

7 "17-25-204. All hearings conducted by the board and all appeals taken  
8 from the decisions of the board shall comply with the Arkansas Administrative  
9 Procedures Act, Arkansas Code 25-15-201, et seq."

10

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

13 "17-25-301. License Requirement.

14 (a) Beginning July 1, 1994, no person shall perform electrical work in  
15 this state or display or use any title, sign, card advertisement or other  
16 device to indicate that the person performs electrical work or is an  
17 electrician unless the person has first obtained a license to perform  
18 electrical work pursuant to the provisions of this chapter or the individual  
19 is exempted from licensing pursuant to the provisions of this chapter.

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

22

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

25 "17-25-302. Penalties.

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

34 (b) In addition to the penalties in subdivision (a) of this section,  
35 the director is authorized to petition any court of competent jurisdiction to

1 enjoin or restrain any person who performs electrical work without a license,  
2 or who otherwise violates the provisions of this chapter."

3

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

6 "17-25-303. Change of Address - Notice.

7 Any holder of a license or certification issued in accordance with the  
8 provisions of this chapter shall promptly notify the board of any change of  
9 address."

10

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

13 "17-25-304. Electrician - Issuance and renewal-Fees.

14 (a) Individuals passing the master, journeyman, residential master,  
15 residential journeyman, air conditioning electrician, or industrial  
16 maintenance electrician's examination as specified in 17-25-203 shall be  
17 issued a license of the same class as that of the examination upon payment of  
18 the following fees:

- 19 (1) Master electrician . . . . . \$50.00
- 20 (2) Journeyman electrician . . . . . \$25.00
- 21 (3) Residential master electrician . . . . . \$50.00
- 22 (4) Residential journeyman electrician . . . . \$25.00
- 23 (5) Industrial maintenance electrician . . . . \$25.00
- 24 (6) Air conditioning electrician . . . . . \$25.00

25 (b)(1) Licenses shall expire on the date indicated on the licenses.  
26 Licenses shall expire on the last day of the month, one (1) year following the  
27 date of the original license.

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

- 30 (A) Master electrician..... \$50.00 per year
- 31 (B) Journeyman electrician. . . . . \$25.00 per year
- 32 (C) Residential master electrician. . . \$50.00 per year
- 33 (D) Residential journeyman electrician. \$25.00 per year
- 34 (E) Industrial maintenance electrician. \$25.00 per year
- 35 (F) Air conditioning electrician . . . . \$25.00 per year

1           (3) Those holding master, journeyman, residential master,  
2 residential journeyman, air conditioning electrician, or industrial  
3 maintenance electrician's licenses may renew their license within six (6)  
4 months following the expiration date on the license by paying the renewal fee  
5 as indicated in subdivision (b) (2) of this section.

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

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

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

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

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

27           (1) a temporary license fee in the amount established by 17-25-  
28 304(a);

29           (2) a completed application on a form furnished and approved by  
30 the board; and

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

33

34           SECTION 13. Arkansas Code 17-25-305 is hereby amended to read as  
35 follows:

1 "17-25-305. Electrical apprentice-Registration and Qualifications.

2 The Director shall, upon proper application and payment of fee, register  
3 as an electrical apprentice and issue a certificate of such registration to  
4 any person who furnishes satisfactory proof that the applicant is enrolled in  
5 a school or training course for electrical apprentices recognized by the  
6 board, or has arranged for employment as an electrical apprentice under the  
7 supervision of a licensed electrician."

8

9 SECTION 14. Arkansas Code 17-25-306 is hereby amended and shall read as  
10 follows:

11 "17-25-306. Electrical contractor license.

12 Any person, member, or employee of a firm, partnership, or corporation  
13 desiring to engage in the business of electrical contractor may apply for and  
14 be issued a license upon satisfying the board that he or it is either a master  
15 electrician or employs a master electrician as its superintendent or manager  
16 and shall pay a license fee in the amount of one hundred dollars (\$100.00) per  
17 year."

18

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

21 "17-25-307. Grounds for refusal to issue, suspend or revoke.

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

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

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

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

33 (4) refused to permit access to or entry on a premise for inspection as  
34 authorized by this chapter;

35 (5) violated any provisions of this chapter, any rule or regulation of

1 the board, or any local ordinance or regulation for the installation of  
2 electrical facilities."

3

4 SECTION 16. Subchapter 3 of Chapter 25 of Title 17 of the Arkansas Code  
5 is hereby amended to add a new Section 17-25-308 to read as follows:

6 "17-25-308. Reciprocity.

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

13

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

16 "17-25-309. Grandfather Clause.

17 (a) Applicants for a license pursuant to the provisions of this chapter  
18 shall be exempt from the examination requirement of 17-25-203, provided the  
19 applicant:

20 (1) is qualified by experience requirements to take the  
21 examination for a particular license classification under the provisions of  
22 this chapter and the regulations of the board;

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

25 (3) submits the appropriate fee; and

26 (4) applies for a license prior to September 1, 1993.

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

30

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

34

35 SECTION 19. If any provision of this Act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect  
2 other provisions or applications of the Act which can be given effect without  
3 the invalid provision or application, and to this end the provisions of this  
4 Act are declared to be severable.

5

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

8

9

10 /s/J. Dietz, et al

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