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2 89th General Assembly
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4

A Bill

HOUSE BILL 1983

5 By: Representative Cozart
6 By: Senator B. Pierce
7

For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS LAW CONCERNING THE LICENSURE
10 OF ELECTRICAL INSPECTORS; AND FOR OTHER PURPOSES.
11

Subtitle

14 TO AMEND ARKANSAS LAW CONCERNING THE
15 LICENSURE OF ELECTRICAL INSPECTORS.
16

17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

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

21 17-28-202. Duties of ~~board~~ Board of Electrical Examiners of the State
22 of Arkansas and Department of Labor.

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

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

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

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

32 ~~(3)(4)~~ (4) Revoke or suspend the license of any licensee or the
33 certification of any electrical apprentice for cause.

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

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



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

8
 9 SECTION 2. Arkansas Code § 17-28-301(b), concerning the expiration and
 10 renewal of electrician's licenses, is amended to add an additional
 11 subdivision to read as follows:

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

16 (1) Renewal fee under this section; and

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

19
 20 SECTION 3. Arkansas Code § 17-28-305 is amended to read as follows:

21 17-28-305. 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 or licensing by any city or
 25 county in order to perform electrical work.

26 (b) Any city or town may by ordinance, rules, regulations, or contract
 27 prescribe rules, regulations, and standards for the materials used in the
 28 construction, installation, and inspection of all electrical work in the city
 29 or county, provided the rules, regulations, or standards are not in conflict
 30 with the standards prescribed by the Board of Electrical Examiners of the
 31 State of Arkansas ~~pursuant to~~ under the authority of ~~§§~~ § 17-28-202, § 17-55-
 32 101 et seq., and § 20-31-104. Provided, that a city or county may by
 33 ordinance require a person, before doing electrical work on his or her
 34 primary residence, to demonstrate a technical competency to comply with the
 35 city or county standards. If the city has adopted an ordinance to exercise
 36 its territorial planning jurisdiction and if the city and county agree to

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

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

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

9
 10 SECTION 4. Arkansas Code Title 17 is amended to add an additional
 11 chapter to read as follows:

12 Chapter 55

13 Electrical Inspectors

14
 15 17-55-101. Licensure of electrical inspectors.

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

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

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

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

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

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

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

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

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

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

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

2 (c) An electrical inspector license:

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

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

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

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

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

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

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

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

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

27 (i) Provision of this chapter;

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

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

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

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

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

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

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

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

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

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

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

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

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

24
 25 17-55-102. Provisions applicable to electrical inspectors.

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

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

31 (B) The exemption from compliance with the licensing
 32 standards shall not be referred to in any way and shall not be evidence of
 33 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.

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

1 (1) Installed; or

2 (2) Supervised.

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

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

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

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

16
 17 17-55-103. Persons employed as electrical inspectors as of the
 18 effective date of this act.

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

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

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

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

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

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

32
 33 17-55-104. Disposition of funds.

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

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

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8 17-55-105. Authority to charge fees for continuing education.

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

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

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14 17-55-106. Rules.

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

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APPROVED: 04/04/2013

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