

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

SENATE BILL 629

4
5 By: Senator Bradford
6 By: Representatives Wallis, Stalnaker, and Pappas

For An Act To Be Entitled

9 "AN ACT TO AMEND CHAPTER 28 OF TITLE 17 OF THE ARKANSAS
10 CODE OF 1987, ANNOTATED TO PROVIDE FOR MANDATORY LICENSING
11 OF ELECTRICIANS; TO AUTHORIZE LOCAL ELECTRICAL
12 INSPECTIONS; AND FOR OTHER PURPOSES."

Subtitle

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

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

19
20 SECTION 1. Arkansas Code 17-28-101 is hereby amended to read as
21 follows:

22 "17-28-101. Definitions.

23 As used in this chapter, unless the context otherwise requires:

24 (1) 'Electrical contractor' means any person, member, or employee of a
25 firm, partnership, or corporation engaged in the business of installing,
26 erecting, repairing, or contracting to install, erect, or repair electrical
27 wires or conductors to be used for the transmission of electric light, heat,
28 power, or signalling purposes, or to install or repair moulding, ducts,
29 raceways, or conduits, for the reception or protection of such wires or
30 conduits, or any electrical machinery, apparatus, or systems to be used for
31 electrical light, heat, power, or signalling purposes;

32 (2) 'Master electrician' means any individual who possesses the
33 necessary qualifications, training, and technical knowledge to plan, lay out,
34 and supervise the installation, maintenance, and extension of electrical
35 conductors and equipment;

36 (3) 'Journeyman electrician' means any individual who possesses the

1 necessary qualifications, training, and technical knowledge to install,
 2 maintain, and extend electrical conductors and equipment. He shall be capable
 3 of doing such work in accordance with plans and specifications furnished him
 4 in accordance with standard rules and regulations governing the work; ~~and~~

5 (4) 'Industrial maintenance electrician' means any individual who
 6 possesses the necessary qualifications, training, and technical knowledge to
 7 maintain and extend electrical conductors and equipment for electrical power
 8 and control systems on or within industrial, manufacturing, or similar type
 9 facilities. He shall be capable of doing such work in accordance with
 10 standard rules and regulations governing that work- ;

11 (5) 'Electrical apprentice' means any person whose principal occupation
 12 is the learning of and assisting in the installation of electrical work under
 13 the direct supervision of a licensed journeyman electrician or master
 14 electrician;

15 (6) 'Electrical work' means:

16 (A) Installations of electric conductors and equipment within or
 17 on public and private buildings or other structures, including recreational
 18 vehicles, and floating buildings; and other premises such as yards, carnivals,
 19 parking and other lots, and industrial substations;

20 (B) Installations of conductors that connect to the supply of
 21 electricity;

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

23 (7) 'Primary residence' means an unattached single-family dwelling used
 24 as the person's primary place of residence;

25 (8) 'Residential journeyman electrician' means the classification by
 26 which the licenses and electrical work of journeyman electricians may be
 27 limited to the installation, alteration, repair, maintenance or renovation of
 28 electrical facilities for one and two family dwellings;

29 (9) 'Residential master electrician' means the classification by which
 30 the licenses and electrical work of master electricians may be limited to
 31 planning and supervising the installation, maintenance and extension of
 32 electrical facilities for one and two family dwellings; and

33 (10) 'Air conditioning electrician' means any individual who is limited
 34 to a license classification possessing the necessary qualifications, training,
 35 and technical knowledge for the installation, maintenance, and extension of
 36 electrical conductors and equipment solely for the purpose of supplying

1 heating and air conditioning and refrigeration units."

2

3 SECTION 2. Arkansas Code 17-28-102 is hereby amended to read as
4 follows:

5 "17-28-102. Construction and Exemptions.

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

7 (1) The construction, installation, maintenance, repair, or
8 renovation by any public utility, as that term is defined by Ark. Code Ann. §
9 23-1-101(4)(A)(1995 Supp.), by any rural electric association or cooperative,
10 or by any municipally-owned utility, of any transmission or distribution lines
11 or facilities incidental to their business and covered under other nationally
12 recognized safety standards, or to any other such activity when performed by
13 any duly authorized employee, agent, contractor, or subcontractor of any such
14 public utility, association, cooperative, or municipally-owned utility;

15 (2) The construction, installation, maintenance, repair and
16 renovation of telephone equipment, computer systems, or satellite systems by a
17 person, firm, or corporation engaged in the telecommunications or information
18 systems industry when such activities involve low-voltage work exclusively for
19 communication of data, voice, or for other signaling purposes; including fire
20 alarm systems, security systems and environmental control systems that are not
21 an integral part of a telecommunications system;

22 (3) The construction, installation, maintenance, repair or
23 renovation of any nonresidential farm building or structure;

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

27 (b) Nothing in this chapter shall be construed to require an individual
28 to hold a license before doing electrical work on his primary residence except
29 as otherwise required by state law, regulations, or local ordinances. The
30 exemption from compliance with the licensing standards shall not be referred
31 to in any way, and shall not be any evidence of the lack of negligence or the
32 exercise of due care by a party at a trial of any civil action to recover
33 damages by any party.

34 (c) Any holder of a state-issued heating, ventilation, air conditioning
35 and refrigeration or HVACR license may run line voltage power wiring, in
36 compliance with the state electric code, from a disconnect box to an outdoor

1 HVACR unit within a distance not to exceed ten (10) feet from any point of the
 2 HVACR equipment without obtaining an electrician's license as required by this
 3 chapter.

4 (d) Nothing in this chapter shall be construed as repealing, modifying,
 5 or affecting in any way the provisions of title 17, chapter 25.

6 (e) Nothing in this chapter shall be construed to require an employee
 7 of a hospital to hold a license in order to perform minor repairs or make
 8 minor alterations to existing electrical facilities during the normal
 9 performance of his duties with a hospital licensed by the Arkansas Department
 10 of Health."

11

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

14 "17-28-103. Disposition of funds.

15 All funds received by the board under the provisions of this chapter
 16 shall be deposited as special revenues in the State Treasury to the credit of
 17 the Board of Electrical Examiners Fund, there to be used for operating
 18 expenses of the board in carrying out the functions, powers, and duties as set
 19 out in this chapter and Arkansas Code 20-31-101 et seq."

20

21 SECTION 4. Arkansas Code 17-28-202 is hereby amended to read as
 22 follows:

23 "17-28-202. Duties of board and Department of Labor.

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

25 (1) ~~Formulate~~ Adopt rules and regulations necessary for the
 26 implementation of this chapter;

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) Revoke or suspend the license of any ~~electrical contractor,~~
 31 ~~master electrician, journeyman electrician, or industrial maintenance~~
 32 electrician licensee or the certification of any electrical apprentice for
 33 cause.

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

8
 9 SECTION 5. Subsection (a) of Arkansas Code 17-28-203 is hereby amended
 10 to read as follows:

11 "(a) The board is authorized to conduct examinations of persons
 12 applying for a license as a master electrician, journeyman electrician, ~~or~~
 13 industrial maintenance electrician, residential master electrician, air
 14 conditioning electrician, or residential journeyman electrician. Such persons
 15 shall pay fees established by the board, but in no event shall such
 16 examination fees exceed the following:

- 17 (1) Master Electrician \$100.00;
- 18 (2) Journeyman electrician \$100.00;
- 19 (3) Industrial maintenance electrician \$ 50.00- ;
- 20 (4) Residential master electrician \$100.00;
- 21 (5) Residential journeyman electrician \$100.00;
- 22 (6) Air conditioning electrician \$100.00."

23
 24 SECTION 6. Subchapter 2 of Chapter 28 of Title 17 of the Arkansas Code
 25 is amended to add a new Section 17-28-204 to read as follows:

26 "§ 17-28-204.
 27 All hearings conducted by the board and all appeals taken from the
 28 decisions of the board shall comply with the Arkansas Administrative
 29 Procedures Act, Arkansas Code 25-15-201, et seq."

30
 31 SECTION 7. Arkansas Code 17-28-301 is hereby amended to read as
 32 follows:

33 "17-28-301. Electrician's license - Issuance and renewal - Fees.

34 (a) Individuals passing the master, journeyman, residential master,
 35 residential journeyman, air conditioning electrician, or industrial
 36 maintenance electrician's examination as specified in §17-28-203 shall be

1 issued a license of the same class as that of the examination upon payment of
2 the following fees:

3	(1) Master electrician	\$50.00;
4	(2) Journeyman electrician	\$25.00;
5	(3) Industrial maintenance electrician	\$25.00- ;
6	<u>(4) Residential master electrician</u>	<u>\$50.00;</u>
7	<u>(5) Residential journeyman electrician</u>	<u>\$25.00;</u>
8	<u>(6) Air conditioning electrician</u>	<u>\$25.00.</u>

9 (b)(1) Licenses shall expire on the date indicated on the licenses.
10 Licenses shall expire on the last day of the month, one (1) year following the
11 date of the original license, ~~when issued to individuals:~~ .

12 ~~_____ (A) Successfully passing the master, journeyman, or~~
13 ~~industrial maintenance electrician's examination; or~~

14 ~~_____ (B) Through provisions of this chapter, after the date of~~
15 ~~adoption of this provision.~~

16 ~~_____ (2) All licenses originally issued prior to the adoption of this~~
17 ~~provision shall continue to expire on June 30 of the year indicated on the~~
18 ~~license, except as may be changed by the board.~~

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

21	(A) Master electrician	\$50.00 per year;
22	(B) Journeyman electrician	\$25.00 per year;
23	(C) Industrial maintenance electrician	\$25.00 per year- ;
24	<u>(D) Residential master electrician</u>	<u>\$50.00 per year;</u>
25	<u>(E) Residential journeyman electrician</u>	<u>\$25.00 per year;</u>
26	<u>(F) Air conditioning electrician</u>	<u>\$25.00 per year.</u>

27 ~~_____ (4) (3) Those holding master, journeyman, or industrial~~
28 ~~maintenance electrician's licenses Any licensee may renew their license within~~
29 ~~six (6) months following the expiration date on the license by paying the~~
30 ~~renewal fee as indicated in subdivision (b) ~~(3)~~(2) of this section.~~

31 ~~_____ (5) (4) If a licensee shall fail to renew his or her license~~
32 ~~within six (6) months after the expiration date on the license, the licensee~~
33 ~~may renew his or her license by paying a penalty of ten dollars (\$10.00) for a~~
34 ~~journeyman or residential journeyman electrician, ten dollars (\$10.00) for an~~
35 ~~industrial maintenance electrician or air conditioning electrician, and twenty~~
36 ~~dollars (\$20.00) for a master electrician or a residential master electrician,~~

1 in addition to the regular renewal fees.

2 — ~~(6)~~ (5) If the license is not renewed within one (1) year after
3 the expiration date on the license, the licensee shall be required to take
4 another examination as administered by the board.

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

9 (d) The Board shall be authorized to issue a temporary license as a
10 master electrician, journeyman electrician, residential master electrician,
11 and residential journeyman electrician, which shall be valid for no more than
12 six (6) months, provided the applicant has not previously been issued a
13 temporary license, and upon submission by the applicant of the following:

14 (1) A temporary license fee in the amount established by 17-25-
15 304(a);

16 (2) A completed application on a form furnished and approved by
17 the board; and

18 (3) Evidence that the applicant holds a current license of the
19 same classification issued by another state."

20

21 SECTION 8. Arkansas Code 17-28-304 is hereby amended to read as
22 follows:

23 "17-28-304. ~~State license optional.~~ License requirements.

24 — ~~(a) Nothing in this chapter shall be construed as requiring any~~
25 ~~individual to secure a state electrician's license or to have a state~~
26 ~~contractor's license as described in this chapter. However, those possessing~~
27 ~~such licenses shall be privileged to work anywhere within this state without~~
28 ~~having to secure additional licenses.~~

29 — ~~(b) Notwithstanding the provisions of subsection (a) of this section,~~
30 ~~no person shall perform electrical work on a public works project covered by~~
31 ~~the provisions of ~~AA~~ 22-9-201 - 22-9-211 unless such person is licensed~~
32 ~~pursuant to the provisions of this chapter or is employed as a bona fide~~
33 ~~electrician's apprentice working under the direct supervision of a licensed~~
34 ~~electrician.~~

35 — ~~(c) Nothing in this chapter shall be applicable to any construction,~~
36 ~~installation, maintenance, repair, or renovation by a public utility regulated~~

1 ~~by the Arkansas Public Service Commission, by a rural electric association or~~
 2 ~~cooperative, or by a municipal utility, or any transmission or distribution~~
 3 ~~lines or facilities incidental to their business and covered under other~~
 4 ~~nationally recognized safety standards.~~ Beginning July 1, 1998, no person
 5 shall perform electrical work in this state or display or use any title, sign,
 6 card, advertisement or other device to indicate that the person performs
 7 electrical work or is an electrician unless the person has first obtained a
 8 license to perform electrical work pursuant to the provisions of this chapter,
 9 or the individual is exempted from licensing pursuant to the provisions of
 10 this chapter."

11

12 SECTION 9. Arkansas Code 17-28-305 is hereby amended to read as
 13 follows:

14 ~~§17-28-305. Municipal right to license. Local Regulatory Authority --~~
 15 Exceptions -- Electrical inspectors.

16 ~~Nothing in this chapter shall prohibit any municipality from requiring~~
 17 ~~examinations, issuing licenses, and collecting fees for licenses and~~
 18 ~~examinations from those doing work within that municipality. No examination~~
 19 ~~shall be required of anyone possessing Arkansas state electrician's licenses~~
 20 ~~as described by this chapter who work within the scope of that license.~~

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

24 (b) Any city or town may by ordinance, rules, regulations, or contract
 25 prescribe rules, regulations and standards for the materials used in the
 26 construction, installation and inspection of all electrical work in such city
 27 or county, provided such rules, regulations or standards are not in conflict
 28 with the standards prescribed by the board pursuant to the authority of
 29 Arkansas Code 17-28-202 and 20-31-104. Provided, that a city or county may by
 30 ordinance require a person, before doing electrical work on his primary
 31 residence, to demonstrate a technical competency to comply with the city or
 32 county standards. If the city has adopted an ordinance to exercise their
 33 territorial planning jurisdiction and if the city and county agree to
 34 authorize such, a city may exercise jurisdiction over the construction,
 35 installation and inspection of electrical work within the city's territorial
 36 jurisdiction for planning authorized under Arkansas Code 14-56-413.

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

4
5 SECTION 10. Arkansas Code 17-28-306 is hereby amended to read as
6 follows:

7 "17-28-306. Reciprocity.

8 The board shall be authorized to issue ~~master and journeyman~~
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 an agreement has been reached with that state
12 to recognize the electrical licenses held by Arkansas residents."

13
14 SECTION 11. Subchapter 3 of Chapter 28 of Title 17 of the Arkansas Code
15 is hereby amended to add a new Section 17-28-308 to read as follows:

16 "17-25-308. Electrical apprentices.

17 The board shall, upon proper application and payment of fee, register as
18 an electrical apprentice and issue a certificate of such registration to any
19 person who furnishes satisfactory proof that the applicant is enrolled in a
20 school or training course for electrical apprentices certified by the U.S.
21 Department of Labor, Bureau of Apprenticeship and Training."

22
23 SECTION 12. Subchapter 3 of Chapter 28 of Title 17 of the Arkansas Code
24 is amended to add a new Section 17-28-309 to read as follows:

25 "17-28-309. Penalties.

26 (a) Any person who performs electrical work in the 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
36 enjoin or restrain any person who performs electrical work without a license,

1 or who otherwise violates the provisions of this chapter."

2

3 SECTION 13. Subchapter 3 of Chapter 28 of Title 17 of the Arkansas Code
4 is hereby amended to add a new Section 17-38-310 to read as follows:

5 "17-28-310. Grandfather clause.

6 (a) Applicants for a license pursuant to the provisions of this chapter
7 shall be exempt from the examination requirement of 17-28-203, provided the
8 applicant:

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

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

14 (3) submits the appropriate fee; and

15 (4) applies for a license prior to July 1, 1998.

16 (b) Notwithstanding any provision to the contrary, an applicant for a
17 license pursuant to this section shall be exempt from the journeyman
18 electrician examination requirement of 17-28-203 if he has completed
19 electrical apprenticeship training and education pursuant to a bona fide
20 apprenticeship program registered with the United States Department of Labor,
21 Employment and Training Administration, Bureau of Apprenticeship and Training
22 and he meets the requirements of subsection (a)(2) through (a)(4) above."

23

24 SECTION 14. All provisions of this act of a general and permanent
25 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
26 Code Revision Commission shall incorporate the same in the Code.

27

28 SECTION 15. 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.

33

34 SECTION 16. All laws and parts of laws in conflict with this act are
35 hereby repealed.