

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Representative Stalnaker and Wallis

A Bill

HOUSE BILL 1831

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."

Subtitle

15 "TO PROVIDE FOR MANDATORY LICENSING OF
16 ELECTRICIANS AND AUTHORIZE LOCAL
17 GOVERNMENTS TO DO ELECTRICAL
18 INSPECTIONS."

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

22 SECTION 1. Arkansas Code § 17-25-101 is amended to read as follows:

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

25 (1) Board means the Board of Electrical Examiners of the State of
26 Arkansas;

27 (2) Department means the Arkansas Department of Labor;

28 (3) Director means the Director of the Arkansas Department of Labor;

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

33 (5) Electrical Contractor means any individual, firm, partnership,
34 or corporation in the business of installing, repairing, maintaining, or
35 renovating electrical facilities or contracting or furnishing labor or labor

1 and materials for the installation, repair, maintenance or renovation of
2 electrical facilities according to the provisions of this chapter;

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

7 (7) Electrical work means:

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

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

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

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

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

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

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

34 (12) Residential journeyman electrician means the classification by
35 which the licenses and electrical work of journeyman electricians may be

1 limited to the installation, alteration, repair, maintenance or renovation of
2 electrical facilities for one and two family dwellings;

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

7 (14) Air conditioning electrician means any individual who is
8 limited to a license classification possessing the necessary qualifications,
9 training, and technical knowledge for the installation, maintenance, and
10 extension of electrical conductors and equipment solely for the purpose of
11 supplying heating and air conditioning and refrigeration units."
12

13 SECTION 2. Arkansas Code § 17-25-102 is amended to read as 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, or
17 renovation by public utility regulated by the Public Service Commission, by a
18 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
24 a person, firm, or corporation engaged in the telecommunications or
25 information systems industry when such activities involve low-voltage work
26 exclusively for communication of data, voice, or for other signaling
27 purposes; including fire alarm systems, security systems and environmental
28 control systems that are not 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 ten (10) 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

20 SECTION 3. Subchapter 1 of Chapter 25 of Title 17 of the Arkansas Code
21 of 1987 Annotated is amended to add a new Section 17-25-103 to read as
22 follows:

23 "17-25-103. Local Regulatory Authority - Exceptions - Electrical
24 inspectors.

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

28 (b) Any city or town may by ordinance, rules, regulations, or contract
29 prescribe rules, regulations and standards for the materials used in the
30 construction, installation and inspection of all electrical work in such city
31 or county, provided such rules, regulations or standards are not in conflict
32 with the standards prescribed by the board pursuant to the authority of
33 Arkansas Code § 17-25-202 and § 20-31-104. Provided, that a city or county
34 may by ordinance require a person, before doing electrical work on his
35 primary residence, to demonstrate a technical competency to comply with the

1 city or county standards. If the city has adopted an ordinance to exercise
2 their territorial planning jurisdiction and if the city and county agree to
3 authorize such, a city may exercise jurisdiction over the construction,
4 installation and inspection of electrical work within the city's territorial
5 jurisdiction for planning authorized under Arkansas Code 14-56-413.

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

9 (d) No person, firm, corporation or utility shall connect electric
10 power to any building, structure, or conveyance until such building,
11 structure, or conveyance has been *inspected and approved by an electrical*
12 *inspector employed by the city or county in which the premises are located,*
13 *when the city or county ordinance requires an inspection."*

14

15 SECTION 4. Subchapter 1 of Chapter 25 of Title 17 of the Arkansas Code
16 of 1987 Annotated is amended to add a new Section 17-25-104 to read as
17 follows:

18 "17-25-104. Disposition of funds.

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

24

25 SECTION 5. Arkansas Code § 17-25-202 is amended to read as follows:

26 "17-25-202. Duties of board and Department of Labor.

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

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

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

33 (3) Revoke or suspend the license of any licensee or the
34 certification of any electrical apprentice for cause;

35 (b)(1) It shall be the duty of the Arkansas Department of Labor to

1 administer and enforce the provisions of this chapter.

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

10 (3) Upon the basis of such inspections, if the board finds that
11 applicable laws, rules, or standards have not been complied with, the board
12 may take action to suspend or revoke the license of any licensee found not to
13 be performing electrical work in compliance with this chapter, Arkansas Code
14 §§ 20-31-101 et seq. and the regulations and standards adopted pursuant
15 thereto."

16

17 SECTION 6. Subsection (a) of Arkansas Code § 17-25-203 is amended to
18 read as follows:

19 "(a) The board is authorized to conduct examinations of persons
20 applying for and otherwise qualifying for a license as master electrician,
21 journeyman electrician, industrial maintenance electrician, residential
22 master electrician, air conditioning electrician, or residential journeyman
23 electrician. Such persons shall pay fees established by the board, but in
24 no event shall such examination fees exceed the following:

- 25 (1) Master electrician \$100.00
- 26 (2) Journeyman electrician \$100.00
- 27 (3) Residential master electrician \$100.00
- 28 (4) Residential journeyman electrician \$100.00
- 29 (5) Industrial maintenance electrician \$ 50.00
- 30 (6) Air conditioning electrician \$100.00"

31

32 SECTION 7. Subchapter 2 of Chapter 25 of Title 17 of the Arkansas Code
33 of 1987 is amended to add a new Section 17-25-204 to read as follows:

34 "17-25-204. Hearings.

35 All hearings conducted by the board and all appeals taken from the

1 decisions of the board shall comply with the Arkansas Administrative
2 Procedure Act, Arkansas Code §§ 25-15-201, et seq."

3

4 SECTION 8. Arkansas Code § 17-25-301 is amended to read as follows:

5 "17-25-301. Electrician's license - 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
19 the 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
- 24 (C) Residential master electrician \$50.00 per year
- 25 (D) Residential journeyman electrician \$25.00 per year
- 26 (E) Industrial maintenance electrician \$25.00 per year
- 27 (F) Air conditioning electrician \$25.00 per year

28 (3) Any licensee may renew their license within six (6) months
29 following the expiration date on the license by paying the renewal fee as
30 indicated in subdivision (b) (2) of this section.

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

1 a master electrician or a residential master electrician, in addition to the
2 regular renewal fees.

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

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

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

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

17 (1) a temporary license fee in the amount established by
18 17-25-304(a);

19 (2) a completed application on a form furnished and approved by
20 the board; and

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

23

24 SECTION 9. Arkansas Code § 17-25-303 is amended to read as follows:

25 "17-25-303. License nontransferable.

26 (a) No license or certificates issued by the board shall be assignable
27 or transferable.

28 (b) Any holder of a license or certification issued in accordance with
29 the provisions of this chapter shall promptly notify the board of any change
30 of address."

31

32 SECTION 10. Arkansas Code § 17-25-304 is amended to read as follows:

33 "17-25-304. License Requirements.

34 *Beginning July 1, 1996, no person shall perform electrical work in this*
35 *state or display or use any title, sign, card, advertisement or other device*

1 to indicate that the person performs electrical work or is an electrician
2 unless the person has first obtained a license to perform electrical work
3 pursuant to the provisions of this chapter or the individual is exempted from
4 licensing pursuant to the provisions of this chapter."
5

6 SECTION 11. Arkansas Code § 17-25-305 is amended to read as follows:

7 "17-25-305. Electrical Apprentices.

8 The Director shall, upon proper application and payment of fee,
9 register as an electrical apprentice and issue a certificate of such
10 registration to any person who furnishes satisfactory proof that the
11 applicant is enrolled in a school or training course for electrical
12 apprentices recognized by the board, or has arranged for employment as an
13 electrical apprentice under the supervision of a licensed electrician."
14

15 SECTION 12. Arkansas Code § 17-25-306 is amended to read as follows:

16 "17-25-306. Reciprocity.

17 The board shall be authorized to issue licenses to those applicants
18 holding equivalent licenses in other states, upon payment of the required
19 fees and submission of proof of license in that state, provided that an
20 agreement has been reached with that state to recognize the electrical
21 licenses held by Arkansas residents."
22

23 SECTION 13. Subchapter 3 of Chapter 25 of Title 17 of the Arkansas
24 Code of 1987 Annotated is amended to add a new Section 17-25-307 to read as
25 follows:

26 "17-25-307. Grounds for refusal to issue, suspend or revoke.

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

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

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

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

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

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

8

9 SECTION 14. Subchapter 3 of Chapter 25 of Title 17 of the Arkansas
10 Code of 1987 Annotated is amended to add a new section 17-25-308 to read as
11 follows:

12 "17-25-308. Penalties.

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

21 (b) In addition to the penalties in subdivision (a) of this section,
22 the director is authorized to petition any court of competent jurisdiction to
23 enjoin or restrain any person who performs electrical work without a license,
24 or who otherwise violates the provisions of this chapter."

25

26 SECTION 15. Subchapter 3 of Chapter 25 of Title 17 of the Arkansas
27 Code of 1987 Annotated is amended to add a new Section 17-25-309 to read as
28 follows:

29 "17-25-309. Grandfather Clause.

30 Applicants for a license pursuant to the provisions of this chapter
31 shall be exempt from the examination requirement of 17-25-203, provided the
32 applicant:

33 (1) has a current license of the same class issued by an Arkansas
34 municipality prior to April 1, 1993;

35 (2) has not had a municipal electrician's license or a state

1 electrician's license suspended or revoked for cause;

2 (3) submits the appropriate fees; and

3 (4) applies for a license prior to July 1, 1996."

4

5 SECTION 16. All provisions of this act of a general and permanent
6 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
7 Code Revision Commission shall incorporate the same in the Code.

8

9 SECTION 17. If any provision of this Act or the application thereof to
10 any person or circumstance is held invalid, such invalidity shall not affect
11 other provisions or applications of the Act which can be given effect without
12 the invalid provision or application, and to this end the provisions of this
13 Act are declared to be severable.

14

15 SECTION 18. All laws and parts of laws in conflict with this act are
16 hereby repealed.

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18 */s/Rep. Stalnaker, et al*

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