

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/3/03
A Bill

HOUSE BILL 1598

5 By: Representatives Bradford, Childers
6 By: Senator Broadway
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9 **For An Act To Be Entitled**

10 AN ACT TO PROVIDE PENALTIES FOR VIOLATING THE
11 STATE ELECTRICAL CODE AND THE PROVISIONS
12 CONCERNING THE EXAMINATION AND LICENSING OF
13 ELECTRICIANS; AND FOR OTHER PURPOSES.
14

15 **Subtitle**

16 AN ACT TO PROVIDE PENALTIES FOR
17 VIOLATING THE STATE ELECTRICAL CODE AND
18 THE PROVISIONS CONCERNING THE
19 EXAMINATION AND LICENSING OF
20 ELECTRICIANS.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 *SECTION 1. Arkansas Code § 17-28-309 is amended to read as follows:*

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*~~
29 ~~*a misdemeanor and upon conviction shall be punished by a fine of not less*~~
30 ~~*than fifty dollars (\$50.00) and not more than five hundred dollars (\$500) or*~~
31 ~~*by imprisonment for not more than thirty (30) days, or both fine and*~~
32 ~~*imprisonment. Each day during which a violation continues shall be a*~~
33 ~~*separate offense.*~~

34 ~~*(b)(a) In addition to the penalties in subsection (a) of this section,*~~
35 ~~*the The Director of the Department of Labor is authorized to petition any*~~
36 ~~*court of competent jurisdiction to enjoin or restrain any person who performs*~~



1 electrical work without a license, or who otherwise violates the provisions
2 of this chapter.

3 (b)(1) A civil penalty may be assessed by the Board of Electrical
4 Examiners on any person, firm, or corporation, if after a hearing according
5 to the Administrative Procedure Act, it is determined that the person, firm,
6 or corporation has violated any:

7 (A) Provision of this chapter;

8 (B) Provision in §§ 20-31-101 through 20-31-105;

9 (C) Rule, regulation, or order issued or promulgated by
10 the board; or

11 (D) Any condition of a license, certificate, or
12 registration issued by the board.

13 (2) For each violation, the penalty shall not exceed the
14 following:

15 (A) Two hundred fifty dollars (\$250.00) for a first
16 offense;

17 (B) Seven hundred fifty dollars (\$750.00) for a second
18 offense; or

19 (C) One thousand dollars (\$1000.00) for a third offense.

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

22 (4) Assessment of a civil penalty by the board shall be made no
23 later than two (2) years after the date of the occurrence of the violation.

24 (5) If any person, firm, or corporation against whom a civil
25 penalty has been imposed fails to pay the penalty within sixty (60) days of
26 the board's decision, the Director of the Arkansas Department of Labor may
27 file an action in a court of competent jurisdiction to collect the civil
28 penalty, without paying costs or giving bond for costs.

29 (6) Any penalties collected under this section, shall be
30 deposited as special revenues in the State Treasury to the credit of the
31 Department of Labor Special Fund, there to be used by the Department of Labor
32 in carrying out the functions, powers, and duties of in this chapter.

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34 /s/ Bradford, et al
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