

**ARKANSAS  
BOARD OF  
ELECTRICAL EXAMINERS**

**Laws**

**November 2014**

**STATE OF ARKANSAS  
EXECUTIVE DEPARTMENT  
PROCLAMATION  
EX. NO. 79-4  
EXECUTIVE ORDER**

WHEREAS, Act 870 of Acts of Arkansas 1979 created the Arkansas Board of Electrical Examiners; and

WHEREAS, Said Act 870 of 1979 provided for the Board to consist of eight members, including seven members to be appointed by the Governor of the State with advice and consent of the Senate, and the Director of the Department of Labor, or his authorized Representative, which Board has the duty of administering and enforcing the provisions of the Act (870 of 1979); formulating the rules and procedures for the implementation of the Act; conducting examinations of persons applying for licenses covered by the Act and issuing such licenses in accordance thereto; and revoking or suspending such licenses; and

WHEREAS, Act 870 of 1979 did not provide for an appropriation of funds to employ clerical or other support personnel to carry out the day-to-day operations necessary to the function of the Board; nor did Act 870, 1979 provide for a sponsoring agency for the Board; and

WHEREAS, the efficient operation of the Board necessitates certain clerical and support personnel, and it would be in the interest of efficiency to place this Board under the sponsorship of an existing state agency whose function relates to the task of the Board and which agency is suitable and capable of providing adequate support operations; and

WHEREAS, the functions of the Department of Labor clearly relates to the function of the Board of Electrical Examiners, and said Department is suitable and capable of providing the support needed for the Board;

NOW THEREFORE, I, Bill Clinton, Governor of the State of Arkansas, do hereby declare that the Department of Labor will be the sponsoring agency for the Arkansas Board of Electrical Examiners, effective immediately.

The Department of Labor, through its Director, shall provide for clerical and other technical assistance pertinent to the functioning of the Board.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed at the Capitol in Little Rock on this 30th day of May in the year of our Lord nineteen hundred seventy-nine.

**BILL CLINTON, Governor**

**PAUL REVIERE, Secretary of State**

**Arkansas Board of Electrical Examiners**

**Danny King**

**Rusty Mullen**

**Robert Unwer**

**Bob Robinson**

**Todd Hopwood**

**Charlotte Bradley**

**Corrie Wylie**

**Bill Hegeman**

**Leon Jones, Jr., Director of Labor**

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### **17-28-101. Definitions**

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

(1) "Air conditioning electrician" means an individual who is limited to a license classification possessing the necessary qualifications, training, and technical knowledge for the installation, maintenance, and extension of electrical conductors and equipment solely for the purpose of supplying heating and air conditioning and refrigeration units;

(2) "Electrical apprentice" means a person whose principal occupation is the learning of and assisting in the installation of electrical work under the direct supervision of a licensed journeyman electrician or master electrician;

(3) "Electrical contractor" means a person, member, or employee of a firm, partnership, or corporation engaged in the business of installing, erecting, repairing, or contracting to install, erect, or repair electrical wires or conductors to be used for the transmission of electric light, heat, power, or signaling purposes, or to install or repair moulding, ducts, raceways, or conduits, for the reception or protection of such wires or conduits, or any electrical machinery, apparatus, or systems to be used for electrical light, heat, power, or signaling purposes;

(4) "Electrical work" means:

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

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

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

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

(6) "Journeyman electrician" means an individual who possesses the necessary qualifications, training, and technical knowledge to install, maintain, and extend electrical conductors and equipment. He or she shall be capable of doing such work in accordance with plans and specifications furnished him or her in accordance with standard rules governing the work;

(7) "Master electrician" means an individual who possesses the necessary qualifications, training, and technical knowledge to plan, layout, and supervise the installation, maintenance, and extension of electrical conductors and equipment;

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

(9) "Residential journeyman electrician" means the classification by which the licenses and electrical work of journeyman electricians may be limited to the installation, alteration, repair, maintenance or renovation of electrical facilities for one and two-family dwellings;

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

(11) "Specialist sign electrician" means an individual who is limited to a license classification possessing the necessary qualifications, training, and technical knowledge for:

(A) Installing, maintaining, and repairing electrically illuminated or electrically operated signs and gaseous tubing for illumination; and

(B) Making all connections to an approved outlet of sufficient capacity within twenty-five (25) feet of the sign to be connected.

### **17-28-102. Construction and exemptions.**

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

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

(2) The construction, installation, maintenance, repair or renovation by any industry, as that term is defined in subsection (f) of this section, of any electric conductors or equipment or facilities incidental to their business and covered under other nationally recognized safety standards or to any other such activity when performed by any duly authorized employee of any such industry;

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

(4) The construction, installation, maintenance, repair or renovation of any nonresidential farm building or structure; and

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

(6) Any industry, as that term is defined in subsection (f) of this section, or group of industries under common ownership or control, with assets in this state of one billion dollars (\$1,000,000,000) or more, provided that the exemption provided in this subdivision (a)(6) shall only apply to projects commenced between July 1, 2001, and December 31, 2003.

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

(c)(1) Any holder of a state-issued heating, ventilation, air conditioning and refrigeration or HVACR, license may run line voltage power wiring, in compliance with the state electric code from a disconnect box to an outdoor HVACR unit within a distance not to exceed ten feet (10') from any point of the HVACR equipment without obtaining an electrician's license as required by this chapter.

(2) Any person licensed by the Commission on Water Well Construction pursuant to the provisions of the Arkansas Water Well Construction Act, §17-50-101 et seq. and subject to that commission's regulations and to the National Electric Code may run power and control wiring from an existing disconnect box to water well equipment without obtaining an electrician's license as required by this chapter. Nothing in this subdivision (c)(2) shall be construed to allow a licensed water well installer or contractor to alter the existing electrical service to any building or structure.

(d) Nothing in this chapter shall be construed as repealing, modifying, or affecting in any way the provisions of §17-25-101 et. seq.

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

(f) For the purposes of this chapter, the term "industry" means manufacturing, processing and refining facilities, warehouses, distribution facilities, repair and maintenance facilities, agricultural facilities, and corporate and management offices located on industrial sites.

### **17-28-103. Disposition of funds.**

All funds received by the Board of Electrical Examiners of the State of Arkansas under the provisions of this chapter shall be deposited as special revenues in the State Treasury to the credit of the

Department of Labor Special Fund, there to be used by the Department of Labor in carrying out the functions, powers, and duties as set out in this chapter and to defray the costs of the maintenance, operation, and improvements required by the department in carrying out the functions, powers, and duties otherwise imposed by law on the department or the Director of the Department of Labor.

**17-28-201. Creation - Members.**

- (a) There is created a Board of Electrical Examiners of the State of Arkansas.
- (b) The board shall consist of the Director of the Department of Labor or his or her authorized representative and eight (8) other members who shall be residents of this state appointed by the Governor with the advice and consent of the Senate.
  - (1) One (1) member shall be the chief electrical inspector of a municipality within the state;
  - (2) One (1) member shall be a licensed professional engineer engaged primarily in the design or maintenance of electrical installations;
  - (3) One (1) member shall be an electrical contractor operating in this state;
  - (4) One (1) member shall be a master or supervising electrician;
  - (5) One (1) member shall be a representative of a public electric utility operating in this state;
  - (6) One (1) member shall be a representative of a private electric utility operating in this state.
  - (7) One (1) member shall represent the public and shall not be affiliated with any of the other groups represented on the board; and
  - (8) One (1) member shall represent the elderly, shall be sixty (60) years of age or older and not actively engaged as or retired as an electrician. This member shall be appointed from the state at large, subject to confirmation by the Senate, and shall be a full voting member but shall not participate in the grading of examinations.
- (c) The same person may not be both the public representative and the representative of the elderly.
- (d) Each appointment shall be for a term of four (4) years or until a successor is appointed.
- (e) In the event of a vacancy during a term, the Governor may appoint a replacement to fulfill the unexpired portion of the term.
- (f) The board shall elect one of its members to act as its chair for a term of one (1) year, and he or she shall have a vote on all matters before the board.
- (g) For cause and after a hearing, any appointed member may be removed from office by the Governor.
- (h) Each appointed member may receive expense reimbursement and stipends in accordance with §25-16-901 et seq.

**17-28-202. Duties of board and Department of Labor.**

- (a) It shall be the duty of the Board of Electrical Examiners of the State of Arkansas to:
  - (1) Adopt rules and regulations necessary for the implementation of this chapter;
  - (2) At least every six (6) months, conduct examinations of persons who apply for an electrician's license and grant licenses to qualifying applicants who have paid the prescribed fee; and
  - (3) Revoke or suspend the license of any licensee or the certification of any electrical apprentice for cause.
- (b)(1) It shall be the duty of the Department of Labor to administer and enforce the provisions of this chapter.
- (2) For the enforcement of this chapter, the Director of the Department of Labor or his or her designated employees shall have the authority to enter, during normal business hours, upon any private or public premises with right of access, ingress, and egress for the purpose of ascertaining whether a person has performed electrical work or installed or repaired electrical facilities thereon in accordance with the provisions of this chapter, §20-31-101 et seq., and the regulations and standards adopted pursuant thereto.

**17-28-203. Examinations - Fees.**

(a) The Board of Electrical Examiners of the State of Arkansas is authorized to conduct examinations of persons applying for a license as a master electrician, journeyman electrician, industrial maintenance electrician, residential master electrician, air conditioning electrician, specialist sign electrician, or residential journeyman electrician. These persons shall pay fees established by the board, but in no event shall such examination fees exceed the following:

- (1) Master electrician .....\$100.00
- (2) Journeyman electrician.....\$100.00
- (3) Industrial maintenance electrician.....\$ 50.00
- (4) Residential master electrician.....\$100.00
- (5) Residential journeyman electrician .....\$100.00
- (6) Air conditioning electrician.....\$100.00
- (7) Specialist sign electrician.....\$100.00

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

**17-28-204. Hearing - Appeal.**

All hearings conducted by the Board of Electrical Examiners of the State of Arkansas and all appeals taken from the decisions of the board shall comply with the Arkansas Administrative Procedure Act, §25-15-201, et seq.

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

(a) Individuals passing the master, journeyman, residential master, residential journeyman, air conditioning electrician, specialist sign electrician, or industrial maintenance electrician's examination as specified in §17-28-203 shall be issued a license of the same class as that of the examination upon payment of the following fees:

- (1) Master electrician .....\$50.00
- (2) Journeyman electrician.....\$25.00
- (3) Industrial maintenance electrician.....\$25.00
- (4) Residential master electrician.....\$50.00
- (5) Residential journeyman electrician .....\$25.00
- (6) Air conditioning electrician.....\$25.00
- (7) Specialist sign electrician.....\$25.00.

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

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

- (A) Master electrician .....\$50.00 per year
- (B) Journeyman electrician.....\$25.00 per year
- (C) Industrial maintenance electrician.....\$25.00 per year
- (D) Residential master electrician.....\$50.00 per year
- (E) Residential journeyman electrician.....\$25.00per year
- (F) Air-conditioning electrician.....\$25.00 per year
- (G) Specialist sign electrician.....\$25.00 per year.

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

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

(5) If the license is not renewed within one (1) year after the expiration date on the license, the licensee shall be required to take another examination as administered by the Board of Electrical Examiners of the State of Arkansas.

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

(d) The board is authorized to issue a temporary license as a master electrician or journeyman electrician that is valid for no more than six (6) months and renewable one (1) time only for industry projects as defined in this chapter, upon submission by the applicant of the following:

- (1) A temporary license fee in the amount established by subsection (a) of this section;
- (2) A completed application on a form furnished and approved by the board; and
- (3) Evidence that the applicant:

(A) Holds a current license of the same classification issued by another state; or

(B) Meets the experience qualifications required under rules promulgated by the board for a temporary master electrician or a temporary journeyman electrician.

(e) Notwithstanding any restrictions in subsection (d) of this section, the board may issue and renew a temporary license as a master electrician or journeyman electrician for regularly scheduled or emergency maintenance work or shut-downs of not longer than six (6) weeks on industry projects as defined in this chapter.

#### **17-28-302. Electrical contractor license.**

(a) Any person, member, or employee of a firm, partnership, or corporation desiring to engage in the business of electrical contractor may apply for and be issued a license upon satisfying the Board of Electrical Examiners of the State of Arkansas that he or she or it is either a master electrician or employs a master electrician as its superintendent or manager and shall pay a license fee in the amount of one hundred dollars (\$100) per year.

(b) Any electrical contractor having met the requirements of this chapter may work in any municipality in the state without further examinations after first showing evidence of state license as described in this chapter and paying such fees as required by the municipality in which the work is to be performed.

#### **17-28-303. License nontransferable.**

No license certificates issued by the Board of Electrical Examiners of the State of Arkansas shall be assignable or transferable.

#### **17-28-304. License requirements.**

No person shall perform electrical work in this state or display or use any title, sign, card, advertisement or other device to indicate that the person performs electrical work or is an electrician unless the person has first obtained a license to perform electrical work pursuant to the provisions of this chapter, or the individual is exempted from licensing pursuant to the provisions of this chapter.

#### **17-28-305. Local regulatory authority - Exceptions - Electrical inspectors.**

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

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

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

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

**17-28-306. Reciprocity.**

The Board of Electrical Examiners of the State of Arkansas shall be authorized to issue licenses to those applicants holding equivalent licenses in other states, upon payment of the required fees and submission of proof of license in that state, provided an agreement has been reached with that state to recognize the electrical licenses held by Arkansas residents.

**17-28-307. Restricted lifetime master electrician license.**

(a)(1) Upon reaching the age of sixty-five (65), or any time thereafter, any person who has been a licensed master electrician licensed by the Board of Electrical Examiners of the State of Arkansas for not less than twelve (12) years may apply for a restricted lifetime master electrician license.

(2) This license shall be issued upon satisfactory proof of age and upon payment of a fee prescribed by the board.

(b) The board shall promulgate rules and regulations necessary to carry out the provisions of this section.

**17-28-308. Electrical apprentices.**

(a) Upon proper application and payment of the fee, the Board of Electrical Examiners of the State of Arkansas shall register as an electrical apprentice and issue a certificate of registration to any person who furnishes satisfactory proof that the applicant is enrolled in a school or training course for electrical apprentices certified by the Bureau of Apprenticeship and Training of the United States Department of Labor.

(b) The board shall take such actions as are reasonably necessary or appropriate to supervise and enforce apprenticeship supervision ratios established by the board by regulation.

(c) Notwithstanding the provisions of subsection (a) of this section, an apprentice who has successfully completed a certified school or training program and has been released for testing may continue to renew his or her apprentice registration card, if otherwise qualified, without enrolling in a school or training program.

**17-28-309. Penalties.**

(a) The Director of the Department of Labor is authorized to petition any court of competent jurisdiction to enjoin or restrain any person who performs electrical work without a license or who otherwise violates the provisions of this chapter.

(b)(1) A civil penalty may be assessed against any person, firm, or corporation by the Department of Labor and subject to appeal and hearing before the Board of Electrical Examiners of the State of Arkansas according to the Arkansas Administrative Procedure Act, §25-15-201 et seq., if it is determined that the person, firm, or corporation has violated any:

- (A) Provision of this chapter;
- (B) Provision in the Arkansas Electrical Code Authority Act, §20-31-101 et seq.;
- (C) Rule, regulation, or order issued or promulgated by the board; or
- (D) Condition of a license, certificate, or registration issued by the board.

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

- (A) Two hundred fifty dollars (\$250) for a first offense;
- (B) Seven hundred fifty dollars (\$750) for a second offense; or
- (C) One thousand dollars (\$1000) for a third offense.

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

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

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

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

**17-28-310. Grandfather clause.**

(a) Applicants for a license under this chapter shall be exempt from the examination requirement of §17-28-203, provided that the applicant:

(1) Is qualified by experience requirements to take the examination for a particular license classification under the provisions of this chapter and the regulations of the Board of Electrical Examiners of the State of Arkansas;

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

(3) Submits the appropriate fee; and

(4) Applies for a license before July 1, 1998.

(b) Notwithstanding any provision to the contrary, an applicant for a license under this section shall be exempt from the journeyman electrician examination requirement of § 17-28-203 if he or she has completed electrical apprenticeship training and education under a bona fide apprenticeship program registered with the United States Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training and he or she meets the requirements of subdivisions (a)(2) - (4) of this section.

(c) An applicant for a specialist sign electrician license under this chapter shall be exempt from the examination requirement of § 17-28-203, if the applicant:

(1) Is qualified by experience requirements to take the examination for a particular license classification under this chapter and the rules of the Board of Electrical Examiners of the State of Arkansas;

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

(3) Submits the appropriate fee; and

(4) Applies for the specialist sign electrician license before September 1, 2009.

**17-28-311. Continuing education requirement.**

(a) No journeyman electrician license or master electrician license shall be renewed unless the licensee completes at least eight (8) hours of continuing education for each National Electric Code cycle.

(b)(1) The Board of Electrical Examiners of the State of Arkansas shall promulgate rules to set standards for continuing education for licensees under this section.

(2) The rules shall include, but not be limited to, provisions of the National Electrical Code, as in effect on January 1, 2005.

**17-55-101. Licensure of electrical inspectors.**

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

(b) (1) A person shall apply for licensure as an electrical inspector on a form approved by the board within thirty (30) days of employment as an electrical inspector.

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

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

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

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

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

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

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

(C) Payment of a license fee as established by rule of the board that shall not exceed fifty dollars (\$50.00).

(c) An electrical inspector license:

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

(2) May be renewed upon application to the board and submission of the

following information:

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

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

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

(ii) The board shall promulgate rules to set standards for continuing education for licensees under subdivision (c)(2)(C)(i) of this section. The rules shall include without limitation continuing education on the statewide standards for the construction, installation, and maintenance of electrical facilities and the performance of electrical work under § 20-31-104.

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

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

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

(i) Provision of this chapter;

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

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

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

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

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

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

(C) Each day of a continuing violation is a separate violation for purposes of penalty

assessment.

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

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

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

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

- (1) Renewal fee under § 17-28-301; and
- (2) Continuing education requirements for master electricians and journeyman electricians under § 17-28-311.

#### **17-55-102. Provisions applicable to electrical inspectors.**

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

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

(B) The exemption from compliance with the licensing standards shall not be referred to in any way and shall not be evidence of the lack of negligence or the exercise of due care by a party at a trial of any civil action to recover damages by any party.

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

- (1) Installed; or
- (2) Supervised.

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

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

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

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

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

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

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

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

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

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

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

**17-55-104. Disposition of funds.**

All funds received by the Board of Electrical Examiners of the State of Arkansas under this chapter shall be deposited as special revenues into the State Treasury to the credit of the Department of Labor Special Fund, there to be used by the Department of Labor in carrying out the functions, powers, and duties as set out in this chapter, § 17-28-101 et seq., and the Arkansas Electrical Code Authority Act, § 20-31-101 et seq., and to defray the costs of the maintenance, operation, and improvements required by the department in carrying out the functions, powers, and duties otherwise imposed by law on the Director of the Department of Labor.

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

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

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

**17-55-106. Rules.**

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

## **ARKANSAS ELECTRICAL CODE AUTHORITY ACT**

### **20-31-101. Title.**

This chapter may be known and may be cited as the "Arkansas Electrical Code Authority Act".

### **20-31-102. Definitions.**

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

(1) "Board" means the Board of Electrical Examiners of the State of Arkansas created by §17-28-201 et. seq.;

(2) "Department" means the Department of Labor;

(3) "Director" means the Director of the Department of Labor;

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

(5) "Electrical work" means:

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

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

(C) Installations of other outside conductors on the premises.

(6)(A) "Electrician" means any person, individual, member, or employee of a firm, partnership, or corporation which is engaged in the business of or who for hire:

(i) Plans, lays out, and supervises the installation, maintenance, and extension of electrical conductors and equipment; or

(ii) Installs, erects, repairs, or contracts to install, erect, or repair:

(a) Electrical wires or conductors to be used for the transmission of electric light, heat, power, or signaling purposes;

(b) Moulding, ducts, raceways, or conduits for the reception or protection of wires or conduits; or

(c) Any electrical machinery, apparatus, or systems to be used for electrical light, heat, power, or signaling purposes.

(B) "Electrician" also means an "electrical contractor", a "master electrician", a "journeyman electrician", or an "industrial maintenance electrician" licensed under §17-28-101 et seq.; and

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

**[NOTE: Ark. Code Ann. §17-25-101 et seq. is currently codified at Ark. Code Ann. §17-28-101 et seq., following a 1995 recodification of title 17.]**

### **20-31-103. Exemptions.**

(a) The following types of construction and structures shall be exempted from the provisions of this chapter:

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

(2) Any construction, installation, maintenance, repair, or renovation of any nonresidential farm building or structure; and

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

(b) The exemption from compliance with the standards promulgated in this section shall not be referred to in any way, and it shall not be any evidence of the lack of negligence or the exercise of due care by a party at a trial of any civil action to recover damages by any party.

(c) The licensing requirements of this chapter do not apply to an owner that performs electrical work or the construction, maintenance, or installation of electrical facilities upon the existing primary residence of the owner or a primary residence of the owner that is under construction.

**20-31-104. Statewide standards - Enforcement of chapter.**

(a) Beginning January 1, 1992, the Board of Electrical Examiners of the State of Arkansas is hereby empowered to adopt rules and regulations to establish statewide standards for the construction, installation, and maintenance of electrical facilities and the performance of electrical work.

(b) The board shall adopt the National Electrical Code, 1990 edition, of the National Fire Protection Association.

(c) In the event there are updates and new editions to the National Electrical Code, the board shall, after notice and public hearing, adopt such changes and editions which it determines are necessary to ensure the public health and safety.

(d) The statewide standards shall guarantee a uniform minimum standard for the construction, installation, and maintenance of electrical facilities and for the performance of electrical work in:

(1) Any new public, business, or commercial buildings or structures constructed after July 15, 1991;

(2) Any new educational institutions or buildings constructed after July 15, 1991;

(3) Any new single family or multifamily residence constructed after July 15, 1991;

(4) Any other type new construction undertaken in the State of Arkansas not specifically exempted under this chapter.

(e) The term "new" or "new construction" as used in this section shall apply to any new building or structure or any complete addition to or renovation of a building or structure where electrical conductors within are placed, added, or replaced in whole or part. It shall not apply to the repair or replacement of existing electrical conductors in existing buildings or structures or to minor repairs consisting of repairing or replacing outlets or minor working parts of electrical fixtures.

(f) It shall be the duty of the Department of Labor to administer and enforce the provisions of this chapter.

**20-31-105. Compliance required - Penalties.**

(a) Beginning January 1, 1992, unless specifically exempted under this chapter, no person or electrician shall perform any construction, installation, or maintenance of electrical facilities or perform electrical work in this state except in compliance with the statewide standards promulgated hereunder.

(b) Any person or electrician who does any construction, installation, and maintenance of electrical facilities or performs electrical work in this state without an exemption and not in compliance with the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500) or by imprisonment for not more than thirty (30) days, or both fine and imprisonment.

(c) In addition to the penalties in subsection (b) of this section, the Director of the Department of Labor is authorized:

(1) To petition any court of competent jurisdiction to enjoin or restrain any person or electrician who does any construction, installation, and maintenance of electrical facilities or performs electrical work without an exemption, or who otherwise violates the provisions of this chapter; and

(2) To seek the suspension or revocation by the Board of Electrical Examiners of the State of Arkansas of any "electrical contractor", a "master electrician", a "journeyman electrician" or an "industrial maintenance electrician" licensed under §17-28-101 et seq. who is found to be in violation of the provisions of this chapter.