

**ADMINISTRATIVE REGULATIONS OF
THE BOARD OF ELECTRICAL
EXAMINERS OF THE STATE OF
ARKANSAS**

**010.13 Administrative Regulations of the Board of Electrical Examiners
of the State of Arkansas**

010.13-001 Statement of Organization and Operations

The Board of Electrical Examiners of the State of Arkansas is a board of state government created by Act 870 of 1979 as amended, Ark. Code Ann. §§ 17-28-201 *et seq.* The licensing authority of the Board is found in Ark. Code Ann. §§ 17-28-201 *et seq.* and its code enforcement authority is found in Ark. Code Ann. §§ 20-31-101 *et seq.* The legislature has delegated to the Board the authority to establish statewide standards for the construction, installation, and maintenance of electrical facilities and the performance of electrical work. Additionally, the legislature has delegated to the Board the power to oversee electrician examination and licensure, conduct examinations of persons who apply for an electrician's license, grant licenses to qualifying applicants, and revoke or suspend a license for cause. The legislature has authorized the Director of the Department of Labor to conduct inspections and to otherwise administer and enforce Ark. Code Ann. §§ 17-28-201 *et seq.* and Ark. Code Ann. §§ 20-31-101 *et seq.* From time to time the Board promulgates rules and regulations.

010.13-002 Information for Public Guidance

The mailing address and telephone number for the Board of Electrical Examiners of the State of Arkansas is:

Arkansas Board of Electrical Examiners
Arkansas Department of Labor
10421 West Markham Street
Little Rock, AR 72205
(501) 682-4548

The Department of Labor makes available a list of persons holding certain responsibilities for handling FOIA requests, licensing questions, complaints against licensees, and compliance requests or assistance so that the public may obtain information about the agency or make submissions or requests. The names, mailing addresses, telephone numbers and electronic addresses can be obtained from the agency's office or Web site. The Department of Labor's Web site is: <http://www.arkansas.gov/labor/>. The Board of Electrical Examiners of the State of Arkansas Web site is: http://www.arkansas.gov/labor/divisions/electrical_exam_p1.html.

The agency has a list of official forms used by the agency and a list of all formal, written statements of policy and written interpretative memoranda, and orders, decisions and opinions resulting from adjudications, which may be obtained from the division's office or Web site.

Copies of all forms used by the agency, written statements of policy and written interpretive memoranda, and all orders issued by the division may be obtained from the division's office.

010.13-003 General Organization

- A. The Board was created by the legislature, Ark. Code Ann. § 17-28-201, to establish electrical licensure and code compliance standards. The Board consists of nine (9) members, including the Director of the Department of Labor. The Board shall annually elect one of its members to serve as Chairman and one other member to serve as Vice Chairman.

- B. The Director of the Department of Labor shall act as Secretary for the Board and shall keep the books and records of the Board. The Director shall also furnish the Board with the necessary facilities for the exercise of its rights and duties.

- C. The business of the Board will be conducted in public meetings pursuant to Robert's Rules of Order and in conformity with the Arkansas Freedom of Information Act. Regular meetings will be held the third Tuesday of the following months: January, March, May, July, September, November. Special meetings may be held on the call of the Chairman.

- D. Five members of the Board shall constitute a quorum and the majority of those present in a meeting shall be necessary for the transaction of official business.

- E. The Board establishes a Screening Committee consisting of four (4) board members appointed by the Chairman. The Screening Committee shall review and take action on all applications for licensure, subject to appeal to the full board. The Screening Committee may refer any application to the Board without prior action at its discretion.

The Board may create other standing or ad hoc committees. The Chairman will appoint members of committees. A quorum for the transaction of committee business is a majority of the number of voting members of the committee.

- F. The Director will prepare the agenda for regular and special meetings of the Board. The agenda will be distributed to board members and agency staff and made available to the public in advance of the meeting. The agenda should state specifically the items that will be considered at the meeting. The agenda should include the following topics as applicable:
 - 1. Call to order
 - 2. Review of minutes

3. Old business
4. New business
5. Other business
6. Adjudicatory hearings
7. Rule-making hearings; and
8. Public comment

The order of the agenda items is intended to be flexible and may be adjusted to meet the needs of the Board. Additionally, the agenda may be amended by appropriate motion.

010.13-004 Rule-Making

A. Authority

The Board has been authorized by the legislature to promulgate rules. Ark. Code Ann. §§ 17-28-202(a)(1) and 20-31-104. The Board follows the procedural requirements of the Arkansas Administrative Procedure Act, in particular Ark. Code Ann. §§ 25-15-203 and -204. Additionally, the Board is required to abide by the provisions of Ark. Code Ann. § 10-3-309.

B. Initiation of Rule-Making

The process of adopting a new rule or amending or repealing an existing rule (hereinafter referred to as “rule-making”) may be initiated by a request of the Board or the director that the department staff submit proposed drafts. Additionally, staff of the department may request permission to initiate rule-making. Third persons outside the agency may petition for the issuance, amendment, or repeal of any rule.

C. Petition to Initiate Rule-Making

Third parties may initiate rule-making to adopt, amend, or repeal a rule by filing a petition with the Board to initiate rule-making. The petition must contain the name, address, and telephone number of the petitioner, the specific rule or action requested, the reasons for the rule or action requested, and facts showing that the petitioner is regulated by the Board or has a substantial interest in the rule or action requested.

The petition to initiate rule-making shall be filed with the Director of the Department of Labor.

Within thirty (30) days after submission of the petition, the Board will either deny the petition, stating its reasons in writing or will initiate rule-making. A special meeting of the Board may be called.

D. Pre-filing with the Bureau of Legislative Research

Thirty (30) days before the public-comment period ends, the division will file with the Bureau of Legislative Research the text of the proposed rule or amendment as well as a financial impact statement and a Bureau of Legislative Research questionnaire as provided by Ark. Code Ann. § 10-3-309.

E. Public Input

1. Before finalizing language of a proposed new rule or an amendment to, or repeal of, an existing rule, the Board will receive public input through written comments and/or oral submissions. The Board will designate in its public notice the format and timing of public comment.
2. Any public hearing will provide affected persons and other members of the public a reasonable opportunity for presentation of evidence, arguments, and oral statements within reasonable conditions and limitations imposed by the Board to avoid duplication, irrelevant comments, unnecessary delay, or disruption of the proceedings.
3. The Board chair shall preside at the public hearing. The Board will ensure that the department personnel responsible for preparing the proposed rule or amendment are available, and will notify third parties initiating rule changes to be available to explain the proposal and to respond to questions or comments regarding the proposed rule.
4. The division will preserve the comments made at the public hearing by a tape recording.
5. Any person may submit written statements within the specified period of time. All timely, written statements will be considered by the Board and be made a part of the rule-making record.

F. Notice of Rule-Making

The Board will give notice of proposed rule-making to be published pursuant to Ark. Code Ann. § 25-15-204. The notice will set any written comment period and will specify the time, date, and place of any public hearing.

G. The Decision to Adopt a Rule

1. The Board will not finalize language of the rule or decide whether to adopt a rule until the period for public comment has expired.
2. Before acting on a proposed rule, the Board will consider all of the written submissions and/or oral submissions received in the rule-making proceeding or any memorandum summarizing such oral submissions, and any regulatory analysis or fiscal impact statement issued in the rule-making proceedings.

3. The Board may use its own experience, specialized knowledge, and judgment in the adoption of a rule.

H. Variance Between Adopted Rule and Published Notice of Proposed Rule

1. The Board may not adopt a rule that differs from the rule proposed in the published notice of the intended rule-making on which the rule is based unless:
 - a. The final rule is in character with the original scheme and was a logical outgrowth of the notice and comments stemming from the proposed rule, or
 - b. The notice fairly apprised interested persons of the subject and the issues that would be considered so that those persons had an opportunity to comment.
2. In determining whether the final rule is in character with the original scheme and was a logical outgrowth of the notice and comments, and that the notice of intended rule-making provided fair warning that the outcome of that rule-making proceeding could be the rule in question, the Board must consider the following factors:
 - a. The extent to which persons who will be affected by the rule should have understood that the rule-making proceeding on which it is based could affect their interests; and
 - b. The extent to which the subject matter of the rule or issues determined by the rule are different from the subject matter or issues contained in the notice of intended rule-making; and
 - c. The extent to which the effects of the rule differ from the effects of the proposed rule contained in the notice of intended rule-making.

I. Concise Statement of Reasons

1. When requested by an interested person, either prior to the adoption of a rule or within thirty (30) days after its adoption, the Board shall issue a concise statement of the principal reasons for and against its adoption of the rule. Requests for such a statement must be in writing and be delivered to the Director of the Department of Labor. The request should indicate whether the statement is sought for all or only a specified part of a rule. A request will be considered to have been submitted on the date on which it is received by the director.
2. The concise statement of reasons must contain:

- a. The Board's reasons for adopting the rule;
- b. An indication of any change between the text of the proposed rule and the text of the rule as finally adopted, with explanations for any such change; and
- c. The principal reasons urged in the rule-making procedure for and against the rule, and the Board's reasons for overruling the arguments made against the rule.

J. Contents

The Board shall cause its rules to be published and made available to interested persons. The publication must include:

1. The text of the rule; and
2. A note containing the following:
 - (a) The date(s) the Board adopted or amended the rule;
 - (b) The effective date(s) of the rule;
 - (c) Any findings required by any provisions of law as a prerequisite to adoption for effectiveness of the rule; and
 - (d) Citation to the entire specific statutory or other authority authorizing the adoption of the rule;
3. The publication of the rule(s) must state the date of publication.

K. Format

The published rules of the division will be organized substantially in the following format:

- I. Statement of Organization and Operations
- II. Information for Public Guidance
- III. General Organization
- IV. Rule-making
- V. Emergency Rule-making
- VI. Declaratory Orders
- VII. Adjudicative Hearings
- VIII. Et seq. Substantive rules and other rules of Agency

L. Incorporation by Reference

By reference in a rule, the Board may incorporate all or any part of a code, standard, rule, or other matter if the Board finds that copying the matter in the Board's rule would be unduly cumbersome, expensive, or otherwise inexpedient. The reference in the Board rule will fully and precisely identify the incorporated matter by title, citation, date, and edition, if any; briefly indicate the precise subject and general contents of the incorporated matter; and state that the rule does not include any later amendments or editions of the incorporated matter. The Board may incorporate such a matter by reference in a proposed or adopted rule only if the agency makes copies of the incorporated matter readily available to the public. The rules must state how and where copies of the incorporated matter may be obtained at cost from the division, and how and where copies may be obtained from an agency of the United States, this state, another state, or the organization, association, or persons originally issuing that matter. The Department of Labor will retain permanently a copy of any materials incorporated by reference in a rule of the Board.

M. Filing

1. After the Board formally adopts a new rule or amends a current rule or repeals an existing rule, and after the rule change has been reviewed by the Legislative Council, the staff will file final copies of the rule with the Secretary of State, the Arkansas State Library, and the Bureau of Legislative Research, or as otherwise provided by Ark. Code .Ann. § 25-15-204(d).
2. Proof of filing a copy of the rule, amendment, or repeal with the Secretary of State, the Arkansas State Library, and the Bureau of Legislative Research will be kept in a file maintained by the Legal Division of the Arkansas Department of Labor.
3. Notice of the rule change will be posted on the department Web page.

010.13-005 Emergency Rule-Making

A. Request for Emergency Rule-Making

The proponent of a rule may request the Board to adopt an emergency rule. In addition to the text of the proposed rule or amendment to an existing rule and any other information required by Regulation 010.13-004(C), the proponent will provide a written statement setting out the facts or circumstances that would support a finding of imminent peril to the public health, safety, or welfare.

B. Finding of Emergency

Upon receipt of the written statement requesting an emergency rule-making and documents or other evidence submitted in support of the assertion that an emergency

exists, the Board will make an independent judgment as to whether the circumstances and facts constitute an imminent peril to the public health, safety, or welfare requiring adoption of the rule upon fewer than 30 days notice. If the Board determines that the circumstances warrant emergency rule-making, it will make a written determination that sets out the reasons for the Board's finding that an emergency exists. Upon making this finding, the Board may proceed to adopt the rule without any prior notice or hearing, or it may determine to provide an abbreviated notice and hearing.

C. Effective Date of Emergency Rule

The emergency rule will be effective immediately upon filing, or at a stated time less than ten (10) days thereafter, if the Board finds that this effective date is necessary because of imminent peril to the public health, safety, or welfare. The Board will file with the rule its written findings justifying the determination that emergency rule-making is appropriate and, if applicable, the basis for the effective date of the emergency rule being less than ten days after the filing of the rule pursuant to Ark. Code Ann. § 25-15-204(e). The Board will take appropriate measures to make emergency rules known to persons who may be affected by them.

010.13-006 Declaratory Orders

A. Purpose and Use of Declaratory Orders

A declaratory order is a means of resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the Board has authority. A petition for declaratory order may be used only to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner's particular circumstances. A declaratory order is not the appropriate means for determining the conduct of another person or for obtaining a policy statement of general applicability from the Board or the department. A petition or declaratory order must describe the potential impact of statutes, rules, or orders upon the petitioner's interests.

B. The Petition

The process to obtain a declaratory order is begun by filing with the Director of the Department of Labor a petition that provides the following information:

1. The caption shall read: Petition for Declaratory Order before Arkansas Board of Electrical Examiners.
2. The name, address, telephone number, and facsimile number of the petitioner.
3. The name, address, telephone number, and facsimile number of the attorney of the petitioner.

4. The statutory provision(s), agency rule(s), or agency order(s) on which the declaratory order is sought.
5. A description of how the statutes, rules, or orders may substantially affect the petitioner and the petitioner's particular set of circumstances, and the question or issue on which petitioner seeks a declaratory order.
6. The signature of the petitioner or petitioner's attorney.
7. The date.
8. Request for a hearing, if desired.

C. Disposition

1. The Board may hold a hearing to consider a petition for declaratory statement. If a hearing is held, it shall be conducted in accordance with Ark. Code Ann. § 25-15-208 and § 25-15-213, and the Board's rules for adjudicatory hearings.
2. The Board may rely on the statements of fact set out in the petition without taking any position with regard to the validity of the facts. Within ninety (90) days of the filing of the petition, the Board will render a final order denying the petition or issuing a declaratory order.

010.13-007 Adjudicative Hearings

A. Scope of This Rule

This Rule applies in all administrative adjudications conducted by the Arkansas Board of Electrical Examiners. This procedure is developed to provide a process by which the Board formulates orders, including orders revoking a permit or license or making a final administrative determination regarding the imposition of a civil penalty or fine.

B. Presiding Officer

The Board chair shall preside at the hearing or may designate a hearing officer, examiner or referee to preside at a hearing.

C. Appearances

1. Any party appearing in any Board proceeding has the right, at his or her own expense, to be represented by counsel.
2. The respondent may appear on his or her own behalf.

3. Any attorney representing a party to an adjudicatory proceeding must file notice of appearance as soon as possible.
4. Service on counsel of record is the equivalent of service on the party represented.
5. On written motion served on the party represented and all other parties of record, the presiding officer may grant counsel of record leave to withdraw for good cause shown.

D. Consolidation

If there are separate matters that involve similar issues of law or fact, or identical parties, the matters may be consolidated if it appears that consolidation would promote the just, speedy, and inexpensive resolution of the proceedings, and would not unduly prejudice the rights of a party.

E. Notice to Interested Parties

If it appears that the determination of the rights of parties in a proceeding will necessarily involve a determination of the substantial interests of persons who are not parties, the presiding officer may enter an order requiring that an absent person be notified of the proceeding and be given an opportunity to be joined as a party of record.

F. Service of Papers

Unless the presiding officer otherwise orders, every pleading and every other paper filed for the proceeding, except applications for witness subpoenas and the subpoenas, shall be served on each party or the party's representative at the last address of record.

G. Initiation & Notice of Hearing

1. An administrative adjudication is initiated by the issuance of a notice of hearing from the Electrical Division.
2. The notice of hearing will be sent to the respondent by U.S. Mail, return receipt requested, delivery restricted to the named recipient or his agent. Notice shall be sufficient when it is so mailed to the respondent's latest address on file with the agency.
3. Notice will be mailed at least twenty (20) days before the scheduled hearing.
4. The notice will include:
 - a. a statement of the time, place, and nature of the hearing;

- b. a statement of the legal authority and jurisdiction under which the hearing is to be held; and
- c. a short and plain statement of the matters of fact and law asserted.

H. Motions

All requests for relief will be by motion. Motions must be in writing or made on the record during a hearing. A motion must fully state the action requested and the grounds relied upon. The original written motion will be filed with the Board. When time allows, the other parties may, within seven (7) days of the service of the written motion, file a response in opposition. The presiding officer may conduct such proceedings and enter such orders as are deemed necessary to address issues raised by the motion. However, a presiding officer, other than the Board chair, will not enter a dispositive order unless expressly authorized in writing to do so.

I. Answer

A respondent may file an answer.

J. Discovery

1. Upon written request, the Board or division will provide the information designated in Ark. Code Ann. § 25-15-208(a)(3).
2. Such requests should be received by the Electrical Division at least ten (10) days before the scheduled hearing.

K. Continuances

1. The Board chair may grant a continuance of hearing for good cause shown. Requests for continuances will be made in writing. The request must state the grounds to be considered and be made as soon as practicable and, except in cases of emergencies, no later than five (5) days prior to the date noticed for the hearing. In determining whether to grant a continuance, the Board chair may consider:
 - a. Prior continuances;
 - b. The interests of all parties;
 - c. The likelihood of informal settlements;
 - d. The existence of an emergency;
 - e. Any objection;

- f. Any applicable time requirement;
 - g. The existence of a conflict of the schedules of counsel, parties, or witnesses;
 - h. The time limits of the request; and
 - i. Other relevant factors.
2. The Board chair may require documentation of any grounds for continuance.

L. Hearing Procedures

- 1. The presiding officer presides at the hearing and may rule on motions, require briefs, and issue such orders as will ensure the orderly conduct of the proceedings; provided, however, any presiding officer other than the Board chair shall not enter a dispositive order or proposed decision unless expressly authorized in writing to do so.
- 2. All objections must be made in a timely manner and stated on the record.
- 3. Parties have the right to participate or to be represented by counsel in all hearings or pre-hearing conferences related to their case.
- 4. Subject to terms and conditions prescribed by the Administrative Procedure Act, parties have the right to introduce evidence on issues of material fact, cross-examine witnesses as necessary for a full and true disclosure of the facts, present evidence in rebuttal, and, upon request by the Board, may submit briefs and engage in oral argument.
- 5. The presiding officer is charged with maintaining the decorum of the hearing and may refuse to admit, or may expel, anyone whose conduct is disorderly.

M. Order of Proceedings

The presiding officer will conduct the hearing in the following manner:

- 1. The presiding officer will give an opening statement, briefly describing the nature of the proceedings.
- 2. The parties are to be given the opportunity to present opening statements.
- 3. The parties will be allowed to present their cases in the sequence determined by the presiding officer.

4. Each witness must be sworn or affirmed by the presiding officer, or the court reporter, or any other person authorized by law to administer oaths and be subject to examination and cross-examination as well as questioning by the Board. The presiding officer may limit questioning in a manner consistent with the law.
5. When all parties and witnesses have been heard, parties may be given the opportunity to present final arguments.

N. Evidence

1. The presiding officer shall rule on the admissibility of evidence and may, when appropriate, take official notice of facts in accordance with all applicable requirements of law.
2. Stipulation of facts is encouraged. The Board may make a decision based on stipulated facts.
3. Evidence in the proceeding must be confined to the issues set forth in the hearing notice, unless the parties waive their right to such notice or the presiding officer determines that good cause justifies expansion of the issues. If the presiding officer decides to admit evidence outside the scope of the notice, over the objection of a party who did not have actual notice of those issues, that party, upon timely request, will receive a continuance sufficient to prepare for the additional issue and to permit amendment of pleadings.
4. A party seeking admission of an exhibit must provide ten (10) copies of each exhibit at a hearing before the Board. The presiding officer must provide the opposing parties with an opportunity to examine the exhibit prior to the ruling on its admissibility. All exhibits admitted into evidence must be appropriately marked and be made part of the record.
5. Any party may object to specific evidence or may request limits on the scope of the examination or cross-examination. A brief statement of the grounds upon which it is based shall accompany such an objection. The objection, the ruling on the objection, and the reasons for the ruling will be noted in the record. The presiding officer may rule on the objection at the time it is made or may reserve the ruling until the written decision.
6. Whenever evidence is ruled inadmissible, the party offering that evidence may submit an offer of proof on the record. The party making the offer of proof for excluded oral testimony will briefly summarize the testimony or, with permission of the presiding officer, present the testimony. If the excluded evidence consists of a document or exhibit, it shall be marked as part of an offer of proof and inserted in the record.

7. Irrelevant, immaterial, and unduly repetitive evidence will be excluded. Any other oral or documentary evidence, not privileged, may be received if it is of a type commonly relied upon by reasonably prudent men and women in the conduct of their affairs.
8. Reasonable inferences. The finder of fact may base its findings of fact upon reasonable inferences derived from other evidence received.

O. Default

If a party fails to appear or participate in an administrative adjudication after proper service of notice, the Board may proceed with the hearing and render a decision in the absence of the party.

P. Subpoenas

1. At the request of any party, the Director of Labor shall issue subpoenas for the attendance of witnesses at the hearing. The requesting party shall specify whether the witness is also requested to bring documents and reasonably identify said documents.
2. A subpoena may be served by any person specified by law to serve process or in any manner authorized by law or by any person who is not a party and who is eighteen (18) years of age or older. Delivering a copy to the person named in the subpoena shall make service. Proof of service may be made by affidavit of the person making service. The party seeking the subpoena shall have the burden of obtaining service of the process and shall be charged with the responsibility of tendering appropriate mileage fees and witness fees pursuant to Rule 45, Arkansas Rules of Civil Procedure. The witness must be served at least two (2) days prior to the hearing. For good cause, the Director may authorize the subpoena to be served less than two (2) days before the hearing.
3. Any motion to quash or limit the subpoena shall be filed with the Board and shall state the grounds relied upon.

Q. Recording the Proceedings

The responsibility to record the testimony heard at a hearing is borne by the Electrical Division. Upon the filing of a petition for judicial review, the agency will provide a transcript of testimony taken before the Board.

R. Factors to be Considered in Imposing Sanctions

In addition to any other considerations permitted by Ark. Code Ann. §§ 17-28-201 *et seq.* and Ark. Code Ann. §§ 20-31-101 *et seq.* and these Regulations, if applicable, the Board in imposing any sanction may consider the following:

1. The nature and degree of the misconduct for which the sanction is being imposed.
2. The seriousness and circumstances surrounding this misconduct.
3. The loss or damage to clients or others.
4. The assurance of future compliance.
5. The profit to the wrongdoer.
6. The avoidance of repetition.
7. Whether the conduct was deliberate, intentional, or negligent.
8. The deterrent effect on others.
9. The conduct of the individual, corporation or other entity during the course of the disciplinary proceeding.
10. Any prior enforcement actions or sanctions, including warnings.
11. Matters offered in mitigation or extenuation, except that a claim of disability or impairment resulting from the use of alcohol or drugs may not be considered unless the individual demonstrates that he or she is successfully pursuing in good faith a program of recovery.

S. Final Order

The Board will serve on the respondent a written order that reflects the action taken by the Board. The order will include a recitation of facts found based on testimony and other evidence presented and reasonable inferences derived from the evidence pertinent to the issues of the case. It will also state conclusions of law and directives or other disposition entered against or in favor of the respondent.

The order will be served personally or by mail on the respondent. If counsel represents respondent, service of the order on respondent's counsel shall be deemed service on the respondent.

010.13-008 The National Electrical Code

- A. The Board hereby adopts and incorporates herein the National Electrical Code, 2008 edition of the National Fire Protection Association.

- B. The National Electrical Code, 2008, shall be the standard for the construction, installation, repair, and maintenance of electrical facilities and the performance of electrical work.
- 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 insure 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.
- E. The Board hereby adopts and incorporates herein the Standard Practices for Good Workmanship in Electrical Contracting, American National Standards Institute/National Electrical Contractors Association 1-2006, as the guide for the quality and the standard of workmanship in the installation of electrical equipment.
- F. This rule does not include any later amendments or editions of the standards incorporated by reference.
- G. Copies of these standards incorporated by reference can be viewed in the offices of the Electrical Division or can be obtained by contacting the following:

National Fire Protection Association
1 Batterymarch Park
Quincy, MA 02169-7471
1-800-344-3555
www.nfpa.org

010.13-009 Definitions

- A. The various classes of licenses shall be defined as follows:
 - 1. “Master electrician” shall mean an individual with an unlimited license classification and who is authorized to plan, lay out, and supervise the installation, maintenance, and extension of electrical conductors and equipment.
 - 2. “Journeyman electrician” shall mean an individual who is limited by license classification to install, maintain, and extend electrical conductors and equipment. A journeyman electrician can not contract with the general public to plan, lay out or supervise the installation, maintenance and extension of electrical conductors and equipment without employing at least one (1) full-time master electrician.
 - 3. “Residential master electrician” shall mean an individual who is limited by license classification to performing electrical work for one and two family dwellings,

including planning and supervising the installation, maintenance and extension of electrical facilities. A residential master electrician may perform electrical work on a commercial or other project under the direct supervision of a journeyman electrician or master electrician in the same manner and with the same ratio as an electrical apprentice.

4. "Residential journeyman electrician" shall mean an individual who is limited by license classification to install, maintain, alter, repair, maintain, or renovate electrical facilities for one and two family dwellings under the general supervision of a residential master electrician or a master electrician. A residential journeyman may perform electrical work on a commercial or other project under the direct supervision of a journeyman electrician or master electrician in the same manner and with the same ratio as an electrical apprentice.
 5. "Air conditioning electrician" shall mean an individual who is limited by license classification to the installation, maintenance, and extension of electrical conductors and equipment solely for the purpose of supplying heating and air conditioning and refrigeration units.
 6. "Industrial maintenance electrician" shall mean an individual who is limited by license classification to the repair, maintenance, alteration, and extension of electrical conductors and equipment for electrical power and control systems on or within industrial, manufacturing, or similar type facilities. For employees of industrial facilities, it is not necessary to possess this or any other class of license. *See* Ark. Code Ann. § 17-28-102(a)(2) and Regulation 010.13.010(A).
- B. "Board" shall mean the Board of Electrical Examiners of the State of Arkansas.
- C. "Director" shall mean the Director of the Arkansas Department of Labor.
- D. "Direct supervision" shall mean:
1. an apprentice is being supervised by an individual licensed to perform the electrical work being supervised;
 2. during the entire working day of the apprentice, the licensed electrician is physically present at the location or site where the apprentice is performing electrical work and immediately available to the apprentice;
 3. the licensed electrician is physically present and immediately available to the apprentice at all times for assistance and direction;
 4. electronic supervision does not meet the requirement of physically present and immediately available;

5. the licensed electrician shall review the electrical work performed by the apprentice before the electrical work is operational; and

6. the licensed electrician is able and does determine that all electrical work performed by the apprentice is performed in compliance with the standards adopted by these regulations. The licensed electrician is responsible for all the electrical work performed by an apprentice under his or her supervision.

7. With respect to an apprentice requiring direct supervision, this shall mean that the supervising electrician must be within eyesight and no more than fifty (50) feet away when the apprentice is working on energized parts.

E. "Electrical Apprentice" means any person whose principal occupation is the learning of and assisting in the installation of electrical work under the direct supervision of a journeyman electrician or master electrician.

F. "Electrical work" means:

a1. As defined by Ark. Code Ann. §§ 17-28-101(4) and 20-31-102(5):

- 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.

G. "HVACR" shall mean heating, ventilation, air conditioning and refrigeration.

H. "Manager" shall mean any employee:

1. whose primary duty consists of oversight of the technical and business functions of the electrical company in which he or she is employed; and
2. who customarily and regularly directs the work of one or more other employees therein; and
3. who has a good working knowledge of electrical theory, electrical materials and equipment, and electrical installation procedures; and
4. who customarily and regularly exercises discretion and independent judgment; and

5. who has the authority to hire or fire other employees, or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight; and
6. who normally maintains oversight of the electrical work performed by the electrical company in which he or she is employed during such time that company holds itself out to perform such work.

I. “Superintendent” shall mean any employee:

1. whose primary duty consists of oversight of the electrical work performed by the electrical company in which he or she is employed; and
2. who has a good working knowledge of electrical theory, electrical materials and equipment, and electrical installation procedures; and
3. who customarily and regularly directs the work of one or more other employees therein; and
4. who has the authority to hire or fire other employees, or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees, will be given particular weight; and
5. who customarily and regularly exercises discretion and independent judgment; and
6. who normally maintains oversight of the electrical work performed by the electrical company in which he or she is employed during such time that company holds itself out to perform such work.

010.13-010 Construction and exemptions

A. The licensing requirements of Ark. Code Ann. § 17-28-101 *et seq.* shall not apply to the following:

1. The construction, installation, maintenance, repair, or renovation by any public utility, as that term is defined by Ark. Code Ann. § 23-1-101(4)(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 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 such industry;

3. The construction, installation, maintenance, repair and 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 for 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;
 5. The construction and manufacture of manufactured homes covered by the federal Manufactured Home Construction and Safety Standards Act, 42 U.S.C. § 5401 *et seq.*; and
 6. The performance of electrical work on an individual's primary residence by that individual, except as otherwise may be required by state law, regulations, or local ordinance.
- B. The Electrical Code requirements of Ark. Code Ann. § 20-31-101 *et seq.* shall not apply to the following:
1. Any construction, installation, maintenance, repair, or renovation by a public utility regulated by the Arkansas 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.*
- C. 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 (10) feet from any point of the HVACR equipment without an electrician's license.
- D. Any person licensed by the Commission on Water Well Construction pursuant to the provisions of Ark. Code Ann. § 17-50-101 *et seq.*, and subject to that Commission regulations and the National Electric Code, may run power and control wiring from an

existing disconnect box to water well equipment without an electrician's license. Alteration of the existing electrical service shall require an electrician's license.

- E. An employee of a hospital may perform minor repairs or make minor alterations to existing electrical facilities during the normal performance of his duties with a hospital licensed by the Department of Health without an electrician's license.
- F. Nothing in these regulations shall be construed to require an electrician's license in order to test, install, repair, maintain or alter industrial machinery, household appliances, or medical equipment, by the manufacturer(s) or vendor(s) of such machinery and equipment or technicians providing services with respect to such machinery and equipment. Nothing in these regulations shall be construed to require an electrician's license in order to supervise such activities.
- G. Nothing in these regulations shall be construed to require an electrician's license in order to replace an existing wall switch or receptacle in isolated incidences.
- H. Nothing in these regulations shall be construed to require an electrician's license in order to perform manual labor, such as pick up, delivery and distribution of materials and equipment, or to generally maintain the job site in a clean and workmanlike condition. Manual labor does not include actual use of any tools of the electrical trade.

010.13-011 Examinations

- A. The Board shall make provisions for examinations on the following classes of licenses: master electrician, journeyman electrician, industrial maintenance electrician, residential master electrician, residential journeyman electrician, and air conditioning electrician to be given at least every six (6) months.
- B. The examination of each class of license shall be of length and type to ensure proficiency in the tested area. The exact content of any examination shall be within the discretion of the Board. Said examinations shall be confined to questions, the answers to which will aid in determining the fitness and competency of the applicant for the intended service and shall be of uniform grade throughout the state.
- C. Persons applying for a license shall pay the following examination fees as instructed by the director:

1. Master Electrician	\$56.00
2. Journeyman Electrician	\$56.00
3. Industrial Maintenance Electrician	\$25.00
4. Residential Master Electrician	\$56.00
5. Residential Journeyman Electrician	\$56.00
6. Air Conditioning Electrician	\$56.00

- D. Any applicant who shall fail to pass the examination shall continue to be approved for subsequent examinations of the same class without further action by the Board, provided the applicant completed an apprenticeship training program. Any applicant who shall fail to pass the examination and who failed to complete an apprenticeship program may be required by the Board to complete up to two (2) years of an apprenticeship program before being approved for any subsequent examination.

010.13-012 Qualification for Examination and Licensure

- A. All applications for licensure of any class must be received by the Board five (5) business days prior to the date of the scheduled meeting of the Board or the Screening Committee. After review of the applications, the Board will issue a list of approved applicants eligible for examination.
- B. An applicant for a master electrician's license shall have:
 - 1. a degree in electrical engineering plus two (2) years of construction related experience; or
 - 2. six (6) years experience in the construction industry, both residential and commercial, including two (2) years experience as a licensed journeyman electrician; or
 - 3. any combination of training and experience as the Board may approve, such as formal electrical apprenticeship programs specifically approved by the board, on-the-job training specifically approved by the Board, or a combination of training and construction experience that is determined by the Board to be equivalent to that as specified in paragraph 010.13-012(B)(1) or (2) above.
- C. An applicant for a journeyman electrician license shall have the following qualifications, as appropriate:
 - 1. **Applicants who completed an apprenticeship program.** Applicants who have completed a 4-year electrical construction apprenticeship program approved by the U. S. Department of Labor, Bureau of Apprenticeship and Training shall have:
 - a. a “Notice of Apprenticeship Committee Action – Released for Test/Completion” form from the applicant’s training program and approved by the Arkansas Department of Workforce Education; or
 - b. if the applicant completed an apprenticeship program in another state, certification from the Bureau of Apprenticeship and Training or the state agency responsible for oversight of apprenticeship programs of completion.
 - c. The Board may approve an applicant without a Released for Test form in extenuating circumstances.

2. **Applicants who seek reciprocity.** Applicants who seek reciprocity shall have certification from the sister state that:

- a. the applicant is currently licensed as a journeyman and in good standing;
- b. the applicant has held his/her license in the sister state for a period of one (1) year; and
- c. the applicant was tested in the sister state.

3. **Applicants who have not completed an apprenticeship program.** Applicants who have not completed a 4-year electrical construction apprenticeship program approved by the Bureau of Apprenticeship and Training shall have 8 years (16,000 hours) of electrical construction experience or training as may be approved by the Board. This training or experience may include electrical experience gained in the military. *See* Regulation 010.13-012(H) for experience that does not qualify.

D. An applicant for an industrial maintenance electrician's license shall have:

1. four (4) years experience under the supervision of an engineer, master electrician, journeyman electrician or industrial maintenance electrician in the maintenance of electrical conductors and equipment; or
2. any combination of training and experience as the Board may approve, such as formal apprenticeship programs approved by the Board, on-the-job training specifically approved by the Board, public or private electrical training programs, such as those conducted by the armed forces, colleges, or vocational-technical schools, specifically approved by the Board, or a combination of training and electrical maintenance experience that is determined by the Board to be equivalent to that as specified in paragraph 010.13-012(D)(1) above.

E. An applicant for a residential master electrician's license shall have:

1. three (3) years experience in the wiring of one (1) or two (2) family dwellings including one (1) year experience as a licensed residential journeyman; or
2. any combination of training and experience as the Board may approve as being equivalent to that as specified in paragraph 010.13-012(E)(1) above.

F. An applicant for a residential journeyman license shall have:

1. two (2) years experience in the wiring of one (1) or two (2) family dwellings;
2. a two-year combination of training and experience as the Board may approve, such as formal apprenticeship programs approved by the Board; and

3. a signed letter from the applicant's school verifying the applicant's hours.
- G. An applicant for an air conditioning electrician's license shall have:
1. two (2) years experience in wiring HVACR equipment; or
 2. any combination of experience and training as the Board may approve as being equivalent to that as specified in paragraph 010.13-012(G)(1) above.
 3. the experience required in paragraph 010.13-012(G)(1) may be demonstrated by having held for two years:
 - a. a HVACR electrician's license issued by an Arkansas municipality, or
 - b. a HVACR Class A or Class B license issued by the state HVACR Licensing Board.
- H. For the purpose of determining experience qualification, the Board shall not consider the following:
1. any experience obtained in violation of Ark. Code Ann. § 17-28-304 (Repl. 2001) which required a state electrician's license beginning July 1, 1998; or
 2. any experience obtained in a sister state in violation of that state's licensing or registration requirements.
- I. Work experience shall be documented by official transcripts, notarized letters or affidavits from past or present employers, official letters from other licensing boards detailing the duration and character of the work, or equivalent evidence. Letters and employment verification shall be dated within six (6) months of application. Employment verification from the Social Security Administration may be required.

010.13-013 Licenses

- A. Generally
1. All division action regarding licensure shall be governed by Ark. Code Ann. §§ 17-28-201 *et seq.* and Ark. Code Ann. §§ 20-31-101 *et seq.* and these Regulations.
 2. The Board is required to oversee electrician examination and licensure, conduct examinations of persons who apply for an electrician's license, grant licenses to qualifying applicants who have paid the prescribed fee, and revoke or suspend the license of any licensee or the certification of any electrical apprentice for cause.

B. Requirement to Keep Current Address on File; Post License Number and Keep License Available

1. All persons holding a license or permit issued by the Board are required to provide the Electrical Division with information so that the division can remain in contact and provide notice of complaints and/or hearings. The licensee is required to provide written notice to the Board of any change in business and/or residence address within ten (10) working days of the change. Service of notices of hearing sent by mail will be addressed to latest address on file with the Electrical Division.

2. The license number of the responsible master electrician and the company name shall be displayed on a sign at all job sites that do not have a permit issued by a city or county building code enforcement authority. The sign shall be a minimum of 12 inches by 12 inches and include the name of the electrical contractor, license number of the responsible master, and telephone number, in contrasting colors to the sign color with a minimum letter size of 1.5 inches.

3. All licensed electricians and apprentices shall have on their person or immediately available, their license and a form of identification with a photo at all times during which the licensee is performing electrical work. The license and photo identification shall be provided to any state or local government electrical inspector or building inspector or fire marshal upon request.

C. Review of Application

The application and supporting documentation will be reviewed by the Board Screening Committee. The Electrical Division will inform the applicant in writing if it determines that the application is incomplete, and will specify why the application is incomplete. When a completed application, a supplemental application, or the requested information is returned, the agency will reinstate action on the application for license. If all requirements of are met, the applicant will be allowed to take the licensing examination.

D. Expiration and Renewal

1. Licenses shall expire on the date indicated on the license. Licenses shall expire on the last day of the month, one year following the date of issue. Such licenses may be renewed as provided herein. All licenses originally issued prior to the adoption of this rule shall continue to expire as indicated on the license.

2. Licenses may be renewed for one (1) year in the last year of an NEC cycle, two (2) years in the second year of an NEC cycle, or three (3) years in the first year of an NEC cycle upon a payment of fifty dollars (\$50.00) per year for a master electrician's license; fifty dollars (\$50.00) per year for a residential master electrician's license; twenty-five dollars (\$25.00) per year for a journeyman electrician's license; twenty-five dollars (\$25.00) per year for a residential journeyman electrician's license; twenty-five (\$25.00) per year for

an air conditioning electrician's license; and twenty-five dollars (\$25.00) per year for an industrial maintenance electrician's license.

3. A license may be renewed within six (6) months of the expiration date by paying the renewal fees stated in Regulation 010.13-013(D)(2).
 4. A license may be renewed after six (6) months from the expiration date, by paying the renewal fee stated in Regulation 010.13-013(D)(2) plus a penalty of ten dollars(\$10.00) for journeyman electrician, residential journeyman electrician, air conditioning electrician, or industrial maintenance electrician, and twenty dollars (\$20.00) for master electrician or residential master electrician.
 5. If any license is not renewed within a year after the expiration of such license, the licensee shall be required to take another examination as authorized by the Board. If any grandfather license is not renewed within a year after the expiration of such license, the licensee shall be required to take an examination as authorized by the Board.
- E. No person, firm, or corporation licensed under the provisions of Ark. Code Ann. § 17-28-101*et seq.* shall alter, transfer, lend or rent his, her or its license.
- F. If any applicant passing any class of examination does not obtain an initial license within one (1) year following the last day of the month in which the examination was taken, the applicant shall be required to take another examination as authorized by the Board before a license is issued. Grandfather applicants that have not obtained a license within one (1) year of approval shall be required to take an examination as authorized by the Board.

G. Electrical Contractors

An applicant for an electrical contractor's license shall submit to the Board the following:

1. an application on a form approved by the Board; and
2. proof that the applicant is a licensed master electrician or employs a licensed master electrician; and
3. if the applicant is not a master electrician, a statement from the master electrician, under oath, disclosing the master electrician's affiliation with any other electrical contractor and verifying that the master electrician is employed as the superintendent or manager of the applicant contractor.

H. Apprentices

1. Upon employing an electrical apprentice to work at the trade, the electrical contractor/master electrician shall within thirty (30) days register such apprentice with the Board, the Department of Workforce Education and the U.S. Department of Labor (BAT). The apprentice must begin school no later

than the first full semester following the date of hire. In the event that school begins more than ninety (90) days from the hire date, the employer shall, in the interim, provide the apprentice with technically related instruction pursuant to the guidelines of the U. S. Department of Labor, Bureau of Apprenticeship and Training.

2. An applicant for registration as an electrical apprentice shall submit the following:
 - a. an application on a form approved by the Board;
 - b. a registration fee of ten dollars (\$10.00);
 - c. satisfactory proof that the applicant is enrolled in and attending a school or training course for electrical apprentices certified by the U.S. Department of Labor, Bureau of Apprenticeship and Training (BAT).
3. Apprentice registration certificates shall be valid for one (1) year. They shall expire on the last day of the month, one (1) year from the date of issue.
4. Apprentice registration certification may be renewed by payment of a ten dollar (\$10.00) renewal fee and submission of satisfactory proof of current enrollment in and attendance of a BAT-approved training program.
5. 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. Such an apprentice may work as a fourth year apprentice for the purpose of Regulation 010.13-013(H)(6) for a period of six (6) months. If an apprentice has not passed the journeyman electrician examination within six (6) months of completing apprenticeship school, the apprentice shall be subject to the same supervision as a third year apprentice pursuant to Regulation 010.13-013(H)(6).
6. Ratios and Supervision
 - a. No journeyman or master electrician shall employ an electrical apprentice at a ratio greater than one (1) apprentice to one (1) journeyman or one (1) master electrician at any one time, except as another ratio may be approved by BAT.
 - b. No electrical contractor or licensed electrician shall work an electrical apprentice except under the direct supervision of a journeyman or a master electrician with a ratio not greater than two (2) apprentices to one (1) journeyman or one (1) master electrician on a construction project at any one time. An overall employment ratio not greater than one (1) apprentice to one (1) journeyman or one (1) master electrician must be maintained unless otherwise approved by BAT. Notwithstanding any provision to the contrary, a fourth-year apprentice is counted as an apprentice for the purposes of determining an employer's overall employment ratio, but is not counted

as an apprentice for the purposes of determining the work ratio on an individual construction project.

c. No electrical contractor or licensed electrician shall work an electrical apprentice except under the direct supervision of a journeyman or a master electrician. However, an apprentice with a valid fourth or final year card issued by the local apprenticeship training committee may work alone but shall not be counted as a journeyman or apprentice electrician in the ratio amounts as described in these Regulations. Apprentices as defined under Regulation 010.13.013(H)(6) must work under the direct supervision of a journeyman or master electrician at all times as required by these Regulations.

7. Classroom Study

By memorandum of understanding, the Workforce Education Apprenticeship Office shall oversee related classroom study of apprentices.

8. A certificate of registration may be revoked by the Board for cause. This includes, but is not limited to the following:
 - a. Expulsion from or dropping from the BAT-approved training program;
 - b. Performing electrical work which is not performed under the direct supervision of a licensed master or journeyman electrician; or
 - c. Performing electrical work outside the employment of the apprentice's mentoring or sponsoring electrician or electrical contractor.
9. A licensed electrician shall verify the work hours of any apprentice who has been in his/her employ the previous four (4) years at the request of the Department of Labor; the Department of Workforce Education; the Bureau of Apprenticeship and Training; and any local apprenticeship committee. Failure to comply with such a request may result in the assessment of civil money penalties and the revocation or suspension of a license.

I. Temporary licenses

1. The Board shall issue a temporary license as a master electrician or journeyman electrician for a period of six (6) months, upon submission by the applicant of the following:
 - a. A temporary license fee in the amount of \$50 for a master electrician and \$25 for a journeyman electrician;
 - b. A completed application on a form provided by the Board; and

- c. Evidence that the applicant holds a current license of the same classification issued by another state or has otherwise met the experience qualifications established in Regulation 010.13-012(B) or (C).
2. A temporary license may be renewed one (1) time only for industrial projects, upon submission by the applicant of the items listed in Regulation 010.13-013(I)(1) above.
3. In no event shall a renewed temporary license exceed a period of twelve (12) months from the date of original issue on the first temporary license.
4. 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 by Ark. Code Ann. § 17-28-102(f).

010.13-014 Revocation, Suspension, Surrender and Denial of Licenses

A. Authority of Board

The Board shall have the power to revoke or suspend any license or registration for cause. This includes, but is not limited to, the performance of electrical work which does not comply with the provisions of the National Electrical Code, as adopted by the Board.

B. Automatic Suspension of Apprentice License/Registration

An apprentice license shall be automatically suspended if the Electrical Division determines that the apprentice is not compliant with Regulation 010.13-013(H) of the Board. The Electrical Division shall notify the apprentice of this suspension and that a final revocation hearing has been scheduled before the Board. The automatic suspension shall continue until a final revocation hearing before the Board or until the apprentice proves compliance with Regulation 010.13-013(H) of the Board.

C. Complaints Against Licensee

Any party who is wronged or damaged by an individual or company licensed by the Board in the performance of electrical work on his, her, or its property may make written notice of complaint to the Board. Such complaint shall state the actions of the license holder(s) causing damage to the complainant. Damage or wrongful action which may be investigated includes, but is not limited to the following:

- a. property damage;
- b. electrical work that does not comply with the minimum standards for such work established by Regulation 010.13-008;

- c. threats of bodily harm made by a licensee; and
- d. accepting payment for electrical work or supplies that is not performed or provided.

Upon receipt of a written complaint made against any party holding a license issued by the Board, the Arkansas Department of Labor Electrical Division staff may investigate said complaint to ascertain information relating to the complaint. The Board may on its own motion cause a staff investigation of any licensee's compliance with the provisions of the act or the regulations of the Board.

After investigation, the Arkansas Department of Labor Electrical Division staff shall determine if the allegations against any licensee are sufficient to warrant a revocation/suspension hearing. If such allegations are sufficient to warrant a hearing, staff shall recommend to the Board that a revocation/suspension hearing take place.

Any licensee shall be provided at least twenty (20) days notice of any revocation or suspension hearing. Such notice may be provided by certified mail to the last address provided to the Board by the licensee. Notice shall contain a statement of the allegations and conform to the requirements of the Administrative Procedures Act, Ark. Code Ann. 25-15-201 et seq. and these Regulations.

5. The Arkansas Department of Labor may impose a civil money penalty subject to appeal to the Board pursuant to Rule 010.13-015.

D. Emergency Action

1. If the Board finds that the public health, safety, or welfare imperatively requires emergency action and incorporates that finding in its order, the Board can summarily suspend, limit, or restrict a license. The notice requirement in 010.13-007(G) does not apply and must not be construed to prevent a hearing at the earliest time practicable.

2. Emergency Order:

An emergency adjudicative order must contain findings that the public health, safety, and welfare imperatively require emergency action to be taken by the division. The written order must include notification of the date on which division proceedings are scheduled for completion.

Written Notice. The written emergency adjudicative order will be immediately delivered to persons who are required to comply with the order. One or more of the following procedures will be used:

- a. Personal delivery;

- b. Certified mail, return receipt requested, to the last address on file with the division;
 - c. First class mail to the last address on file with the division;
 - d. Fax. Fax may be used as the sole method of delivery if the person required to comply with the order has filed a written request that division orders be sent by fax and has provided a fax number for that purpose.
 - e. Oral notice. Unless the written emergency order is served by personal delivery on the same day that the order issues, the division shall make reasonable immediate efforts to contact by telephone the persons who are required to comply with the order.
3. Unless otherwise provided by law, within ten (10) days after emergency action taken pursuant to paragraph (D)(1) of this rule, the Electrical Division must initiate a formal suspension or revocation proceeding.

E. Denial of License-Right to Appeal

Any applicant who is denied a license or who is approved for examination for a class of license lower than the class of license sought, shall be notified of such action by mail at the address provided by the applicant. The applicant shall have twenty (20) days from the date of the notice to appeal the denial, or the approval for examination for a lower class license, to the full board. The applicant shall be provided at least twenty (20) days notice of the hearing before the full Board. Such notice will be provided by regular mail to the address on the application.

F. Notice and Burden of Proof

1. Prior to the entry of a final order to suspend, revoke, annul, or withdraw a license, or to impose other sanctions upon a licensee, the Electrical Division will serve the licensee a notice of hearing in the manner set out in A.C.A. § 25-15-208 and Rule 010.13-007(G).
2. The division has the burden of proving the alleged facts and violations of law stated in the notice.

G. Voluntary Surrender of License

The licensee, in lieu of formal disciplinary proceedings, may offer to surrender his or her license, subject to the division's determination to accept the proffered surrender, rather than conducting a formal disciplinary proceeding.

H. Duty of Sanctioned Licensee

In every case in which a license is revoked, suspended, or surrendered, the licensee shall, within thirty (30) days of the revocation, suspension, or surrender, do the following:

1. Return his or her license to the Electrical Division's office;
2. Notify all of his or her clients or employer in writing that his or her license has been revoked, suspended, or surrendered;
3. Notify all clients or his or her employer to make arrangements for other services, calling attention to any urgency in seeking the substitution of another licensee;
4. Deliver to all clients or employer any papers or property to which they are entitled, or notify the client or employer of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property;
5. Refund any part of the fees paid in advance that have not been earned;
6. Keep and maintain a record of the steps taken to accomplish the foregoing;
7. File with the Electrical Division a list of all other state, federal, and administrative jurisdictions by which he or she is licensed. Upon such filing, the division will notify those entitled of the revocation, suspension, or surrender; and
8. The sanctioned licensee shall, within thirty (30) days of revocation, suspension, or surrender of the license, file an affidavit with the agency that he or she has fully complied with the provisions of the order and completely performed the foregoing or provide a full explanation of the reasons for his or her non-compliance. Such affidavit shall also set forth the address where communications may thereafter be directed to the respondent.

I. Reinstatement After Suspension

1. An order suspending a license may provide that a person desiring reinstatement may file with the Board a verified petition requesting reinstatement.
2. The petition for reinstatement must set out the following:
 - a. That the individual has fully and promptly complied with the requirements of section 010.13-014(H) of these rules pertaining to the duty of a sanctioned licensee;
 - b. That the individual has refrained from practicing in this occupation or business during the period of suspension;

- c. That the individual's license fee is current or has been tendered to the division; and
 - d. That the individual has fully complied with any requirements imposed as conditions for reinstatement.
3. Any knowing misstatement of fact may constitute grounds for denial or revocation of reinstatement.
 4. Failure to comply with the provisions of sections 010.13-014(H)7 and (H)8 of this Rule precludes consideration for reinstatement.
 5. No individual will be reinstated unless the Board approves reinstatement upon a recommendation from the Board by a majority vote.

J. Re-Licensure for Revoked or Surrendered License

1. No individual who has had his or her license revoked or who has surrendered his or her license will be licensed, except on petition made to the Board. The application for re-licensure is not allowed until at least two (2) years after the revocation or surrender of the license took effect.
2. The applicant bears the burden of proof that he or she is rehabilitated following the revocation or surrender of his license, that he can engage in the conduct authorized by the license without undue risk to the public health, safety, and welfare, and he is otherwise qualified for the license.
3. The Board may impose any appropriate conditions or limitations on a license to protect the public health, safety and welfare.
4. The Board may require that the person seeking re-licensure take the licensing exam.
5. The applicant must comply with the same terms as provide in paragraph (I) of this Rule for reinstatement following a suspension.

010.13-015 Civil Money Penalties

A. Civil Penalties, Generally.

1. Any person, firm, or corporation that violates provisions of Ark. Code Ann. §§ 17-28-101 through 310 or Ark. Code Ann. §§ 20-31-101 through 20-31-105; or any rule, regulation, or order promulgated by the Board; or any condition of a license, certificate, or registration issued by the Board shall be subject to a civil penalty that shall not exceed the following:
 - a. Two hundred fifty dollars (\$250.00) for a first offense;

- b. Seven hundred fifty dollars (\$750.00) for a second offense;
 - c. One thousand dollars (\$1000.00) for a third offense.
2. Each day of a continuing violation shall constitute a separate offense.
 3. Assessment of a civil penalty shall be made no later than two (2) years from the date of the occurrence of the violation.
 4. The amount of civil penalties will be determined in accordance with Regulation 010.13-015(C) and (D).
 5. Nothing in these Regulations shall abridge the authority of the Board to revoke or suspend any license for cause. A licensee may be assessed a civil money penalty and have his or her license suspended or revoked for the same offense.

B. Notice of Civil Money Penalty Assessment

1. In civil penalty cases, the staff of the Electrical Division of the Arkansas Department of Labor shall notify the person, firm, or corporation charged with the violation by regular mail (at the last known address on file with the division, if the individual is licensed) of the following:
 - a. the type of violation(s);
 - b. the date(s) of the violation(s);
 - c. the amount of the civil penalty for the violation(s);
 - d. the civil penalty determination issued by the Electrical Division staff shall be final, unless within twenty (20) days after receipt of this notice, the person, firm, or corporation notifies the Director in writing that the person, firm, or corporation contests the penalty; and
 - e. the procedure for contesting a civil penalty as provided in Regulation 010.13-015(E).
2. If the person, firm, corporation, partnership, or association charged with the violation has not filed written notice with the Director that the charged party contests the civil penalty within twenty (20) days after receiving notice in accordance with Regulation 010.13-015(B)(1), the penalty assessment by the Electrical Division staff shall become the final determination of the Director.

3. Notice of the civil penalty may also be delivered in the same manner as summons in civil cases or by hand-delivered citation by an electrical inspector of the Arkansas Department of Labor.

C. Civil Penalty Assessment

1. If upon inspection or investigation, the Arkansas Department of Labor finds that a person, firm, or corporation has violated any of the provisions of Ark. Code Ann. §§ 17-28-101 through -310 or Ark. Code Ann. §§ 20-31-101 through 105; or any rule, regulation, or order promulgated by the Board; or any condition of a license, certificate, or registration issued by the Board, such person, firm or corporation shall be subject to a civil penalty that shall not exceed the following:
 - a. Two hundred fifty dollars (\$250.00) for a first offense;
 - b. Seven hundred fifty dollars (\$750.00) for a second offense; and
 - c. One thousand dollars (\$1000.00) for a third offense.
2. The amount of a civil penalty will be based on the Violation Fine Schedule in Regulation 010.13-015(D).
3. The Violation Fine Schedule is only a guideline to assist in consistent application of civil monetary penalties. The Board shall only be bound by the statutory fine scale described in Ark. Code Ann. § 17-28-309(b)(2).
4. Upon appeal, the Board may exercise its discretion in determining the appropriate penalty according to the Violation Fine Schedule in Regulation 010.13-015(D). In determining the amount of a civil monetary penalty, the Board may consider:
 - a. The degree and extent of harm to the public safety or to property, or the potential for harm;
 - b. The duration and gravity of the violation;
 - c. Whether the violation was committed willfully or intentionally, or reflects a continuing pattern;
 - d. Whether the violation involved elements of fraud or deception either to the public or to the Board, or both;
 - e. The violator's prior disciplinary record with the Board;
 - f. Whether and to the extent which the violator profited by the violation.

5. No civil penalty assessments older than two (2) years shall be used as the basis for a progressive discipline pursuant to the Violation Fine Schedule in Regulation 010.13-015(D).
6. No provision of this subsection shall abridge authority of the Board to evaluate all past civil money assessments by any person, firm, or corporation to revoke or suspend any license for any offense.

D. Violation Fine Schedule-

1. The Violation Fine Schedule is only a guideline to assist in consistent application of civil monetary penalties. The Board shall only be bound by the statutory fine scale described in Ark. Code Ann. § 17-28-309(b)(2).
2. The aggravating and mitigating factors in Regulation 010.13-015(C)(4) may affect the final civil monetary penalty assessed.
3. Nothing in these regulations shall abridge the authority of the Board to revoke or suspend any license for any offense.

FINE SCHEDULE

Violation	Statute or Regulation Provision	1st	2nd	3rd
Failure to possess appropriate license for electrical work	17-28-304	\$50	\$100	Discretionary (up to \$1000 per day)
Providing false or misleading advertising	17-28-304	\$250	\$500	Discretionary (up to \$1000 per day)
Failure to correct electric code violations within a reasonable time	20-31-105	\$250	\$750	Discretionary (up to \$1000 per day)

<p>Failure of a licensee to maintain supervisory ratio of one licensed electrician to two apprentices on a construction project at any one time, or to maintain an overall employment ratio of one to one, except as another ratio may be approved by BAT</p>	<p>Regulation -010.13-013(H)(6) (Violations of this Regulation shall be assessed per apprentice out of the required ratio)</p>	<p>\$75</p>	<p>\$150</p>	<p>Discretionary (up to \$1000 per day)</p>
<p>Performing electrical work beyond the authorization of the electrical license or registration</p>	<p>17-28-101 & Regulation(s) 010.13-009(A)(1-6)</p>	<p>\$50</p>	<p>\$100</p>	<p>Discretionary (up to \$1000 per day)</p>
<p>Failure of apprentice to register with the Arkansas Department of Labor</p>	<p>Regulation 010.13-013(H)</p>	<p>\$10</p>	<p>\$20</p>	<p>Discretionary (up to \$1000 per day)</p>
<p>Employment by an electrical contractor licensed by the Arkansas Department of Labor or by a master electrician of unlicensed or unregistered persons doing electrical work</p>	<p>Regulation 010.13-017(F)</p>	<p>\$250</p>	<p>\$750</p>	<p>Discretionary (up to \$1000 per day)</p>

Deception, misrepresentation or fraud in obtaining or attempting to obtain a license (includes loaning a license)	17-28-303 & Regulations 010.13-014(A) and 010.13-013(E)	\$250	\$750	Discretionary (up to \$1000 per day)
Other violations		Discretionary (up to \$250 per day)	Discretionary (up to \$750 per day)	Discretionary (Up to \$1000 per day)

E. Contesting a Civil Penalty

1. The person, firm, or corporation may contest the imposition of a civil penalty by filing a written request for a hearing with the Director, 10421 West Markham, Little Rock, Arkansas 72205. The written request must be made within twenty (20) days after receipt of notification of the civil penalty or the assessment will become final.
2. A written request for a hearing shall be scheduled for a hearing before the Board.
3. The person, firm, or corporation shall be provided at least twenty (20) days notice of the hearing. Such notice shall include:
 - a. a statement of the time, date, place, and nature of the hearing;
 - b. A statement of the legal authority and jurisdiction under which the hearing is to be held;
 - c. A short and plain statement of the matters of fact and law asserted; and
 - d. A statement that the person, firm, or corporation may, upon written request, obtain the issuance of a subpoena by the Director for the attendance and testimony of witnesses and the production of documents.
4. The Board shall, after consideration of the evidence, issue a decision and issue an order setting forth findings of fact and conclusions of law. Such decision shall become the final determination of the Board, unless judicial review is sought within thirty (30) days pursuant to the Administrative Procedures Act, Ark. Code Ann. § 25-15-212.
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 final determination, the Director

of the Arkansas Department of Labor may file an action in a court of competent jurisdiction to collect the civil penalty, without paying costs or giving bonds for costs.

F. Failure to pay civil monetary penalties.

1. 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 final determination, the Director of the Arkansas Department of Labor may file an action in a court of competent jurisdiction to collect the civil penalty, without paying costs or giving bonds for costs.
2. Failure to pay assessed fines may result in the denial, revocation or suspension of any electrical license or certification.

010.13-016 Reciprocity

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

010.13-017 Non-licensed Persons Performing Electrical Work

- A. The Board staff shall, on behalf of the director, investigate complaints and allegations against any person or corporation not licensed by the Board for violation of Ark. Code Ann. §§ 17-28-101 *et seq.*; 20-31-101 *et seq.*; or the regulations of the Board adopted pursuant thereto.
- B. After investigation, the director shall make an initial determination of whether there has occurred a violation of Ark. Code Ann. §§ 17-28-101 *et seq.*; 20-31-101 *et seq.*; or the regulations of the Board adopted pursuant thereto.
- C. The director shall notify the person(s) or corporation(s) of his determination by certified mail to the last known address. This notice shall conform to the requirements of the Administrative Procedures Act, Ark. Code Ann. § 25-15-201 *et seq.* and shall specifically contain the following:
 1. a statement of the allegations against the person or corporation;
 2. a statement that the person or corporation is entitled to a hearing before the Board on the allegations, provided a written request for a hearing is received by the Board within twenty (20) days of receipt of the notice; and
 3. a statement that the person or corporation's failure to make a written denial of the allegations within twenty (20) days of receipt of the notice or the failure to appear at

any scheduled hearing will result in the director seeking injunctive relief and/or filing a criminal complaint with the local prosecuting attorney.

- D. Notice of any scheduled hearing shall be mailed at least twenty (20) days prior to the hearing date.
- E. If the director finds that the public health, safety, or welfare imperatively requires emergency action, the director may petition a court of competent jurisdiction to enjoin or restrain any person or corporation from violating the provisions of Ark. Code Ann. §§ 17-28-101 *et seq.*; 20-31-101 *et seq.*; or the regulations of the Board adopted pursuant thereto, without providing notice and the opportunity for hearing.
- F. No person licensed by this Board shall employ unlicensed persons or unregistered apprentices to perform electrical work without an exemption.
- G. Any electrical work performed by a non-licensed person that does not comply with the minimum standards established by Regulation 010.13-008, may be required to be removed at the discretion of a state electrical inspector. The responsibility and costs for removal shall be that of the non-licensed person. In the event the non-licensed person is employed by a licensed electrician or an electrical contractor, the responsibility and costs for removal shall be that of the licensee or the responsible master electrician employed by the contractor.

010.13-018 Restricted Lifetime Master Electrician's License

- A. Qualifications. To qualify for a restricted lifetime master electrician license, an applicant shall:
 - 1. have been a licensed master electrician licensed by the Board of Electrical Examiners for not less than twelve (12) years;
 - 2. be at least sixty-five (65) years of age; and
 - 3. have a current license as a master electrician issued by the Board of Electrical Examiners at the time of application for a restricted lifetime master electrician license.
- B. Application
 - 1. Application for a restricted lifetime master electrician license shall be on a form approved by the Board.
 - 2. The applicant for a restricted lifetime master electrician license shall submit with the application satisfactory proof of age, which may include one of the following:

- a. a birth certificate;
 - b. a passport or certificate of arrival in the United States;
 - c. a state-issued driver's license or identification card;
 - d. any document issued by the U.S. Military which includes a photograph or information including name, sex, date of birth, and other identifying information; or
 - e. any other document of similar reliability.
- C. Restrictions. A person holding a restricted lifetime master electrician license is authorized to perform any work authorized for a master electrician. Such license is non-transferable.
- D. Fees. The fee for issuance of a Restricted Lifetime Master Electrician license shall be fifty dollars (\$50.00).
- E. Term of license. The restricted lifetime master electrician license shall be valid for the lifetime of the holder of such license, unless the license is suspended or revoked by the Board for cause.
- F. Revocation or suspension.
- 1. The Board may revoke or suspend a restricted lifetime master electrician license for the same reasons and in the same manner as any other master electrician license. Grounds for suspension or revocation includes, but is not limited to, the performance or supervision of electrical work which does not comply with the provisions of the National Electrical Code, as adopted by the Board.
 - 2. Notice of any complaint, proceeding, or hearing shall be made to the holder of a restricted lifetime master electrician license to the last address on file with the Board.
 - 3. Revocation or suspension proceedings shall be conducted in the same manner as provided for other licensed electricians by regulation of the Board. See Regulation 8 010.13-014. Revocation, Suspension, Surrender and Denial of Licenses.
- G. Change of address. The holder of a restricted lifetime master electrician license shall notify the board of any change of address following issuance of the license.

010.13-019 Continuing Education.

- 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

Electrical Code (NEC) cycle. Continuing education shall consist of classroom or other Board approved instruction relating specifically to the National Electrical Code. The NEC cycle shall begin on January 1 of each year of NEC publication.

B. Approved Continuing Education Hours:

1. Continuing education hours required by these Regulations shall be obtained only in programs and courses approved by the Board.
2. The Board shall examine and approve curricula from any entity that provides continuing education to determine whether it provides appropriate and adequate NEC instruction.
3. Course curricula shall be presented to the Board for approval at least sixty (60) days prior to the date of the course. The curricula shall be presented on a form approved by the Board. Electrical Division staff may recommend course providers and curricula to the Board for approval. The Board may approve retroactive credit for courses completed during the current NEC cycle but before the effective date of these regulations.
4. Upon completion of a Board approved course, the course provider shall complete an attendance roster form approved by the Board to confirm completion. The course provider shall submit this form to the Board and/or the Arkansas Department of Labor Electrical Division. The course provider's roster is the only document acceptable to confirm completion of course credit. Each course provider shall maintain this information not less than five (5) years from the course completion date.
5. The Arkansas Department of Labor Electrical Division shall:
 - a. maintain the attendance rosters submitted by course providers; and
 - b. maintain a list of Board approved courses.

C. No apprentice that completes an apprenticeship program and passes the journeyman exam shall be required to obtain additional continuing education hours during that NEC cycle.

D. Failure to complete continuing education hours

1. If any licensee fails to complete the required continuing education hours before the end of each NEC cycle, the licensee may obtain the required continuing education hours within ninety (90) days without being subject to examination requirements or civil penalties for performing unlicensed electrical work. All other civil penalties shall apply.

2. If the licensee fails to obtain the required hours within this ninety (90) day period, the licensee shall be required to take another examination.

E. Notwithstanding the provisions of 010.13-019(D)(2) above, the required continuing education hours for the 2005 NEC Cycle may be obtained no later than December 31, 2008, without the licensee being required to take another examination. A licensee may be subject to civil penalties for performing unlicensed electrical work and may be subject to an examination requirement pursuant to Ark. Code Ann. § 17-28-301(b)(5).

010.13-020 Code Enforcement

A. An electrical inspector of the department may require electrical work to be exposed for inspection, including the removal of sheetrock or other finish material applied to walls, floors or ceilings in the following circumstances:

1. The electrical work had not been subject to inspection by a city or county code enforcement authority; and

2. The state inspector has evidence of serious violations of the standards established by Regulation 010.13-008 in the visible electrical work. "Serious violations" include the following:

- a. open conductors or unapproved raceways;
- b. open splices not in approved boxes;
- c. cables not protected from physical damage;
- d. unapproved wiring, such as telephone or thermostat wire for 120 volt receptacles; and
- e. Romex cable run in air plenums in walls.

B. Any property damage caused in order to expose electrical work for inspection or in order to correct violations of the minimum standards established by Regulation 010.13.008, shall be repaired by the responsible electrician so that the property is in the same or equivalent status as before the correction or exposure.

C. Disconnecting devices or equipment is not an acceptable method of correcting violations to the minimum standards established by Regulation 010.13.008.

010.13-021 Effective Date, Repealer and History.

A. Effective June 1, 2008 all previous regulations promulgated by the Board are hereby repealed.

B. The effective date of these regulations is June 1, 2008.

C. History

1. The Board of Electrical Examiners first promulgated regulations effective September 12, 1979. These regulations were amended effective October 15, 1987.

2. All previous rules and regulations of the Board were repealed and new rules and regulations were adopted effective January 1, 1992. These regulations were amended effective January 19, 1993; September 29, 1993; January 15, 1996; June 1, 1999; and July 1, 1999

3. All previous rules and regulations of the Board were repealed and new rules and regulations were adopted effective September 1, 1999. These regulations were amended effective August 20, 2001; January 1, 2002; April 1, 2002; April 1, 2004; November 1, 2004; October 1, 2005; and June 1, 2006.

4. All previous rules and regulations of the Board of Electrical Examiners were repealed and new rules and regulations were adopted effective June 1, 2008. [Note: Rule 010.13-019 was amended effective September 1, 2008 by adding subsection (E)].