

House Study Bill 107

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON ELGIN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for and requiring the statewide licensure of
2 electricians and installers, providing for registration of
3 apprentice electricians, establishing fees, providing
4 penalties, and providing an effective date.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1994HC 81
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1 1 Section 1. NEW SECTION. 542A.1 DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Apprentice electrician" means a person, other than a
1 5 licensee under this chapter, who is engaged, as the person's
1 6 principal occupation, in learning and assisting in the
1 7 installation of electrical wiring, electrical apparatus, and
1 8 electrical equipment as an employee of a licensee under this
1 9 chapter.
1 10 2. "Board" means the electrician examining board created
1 11 under section 542A.3.
1 12 3. "Class A master electrician/electrical contractor"
1 13 means a person having the necessary qualifications, training,
1 14 experience, and technical knowledge to plan, lay out, install,
1 15 and supervise the installation of electrical wiring,
1 16 electrical apparatus, and electrical equipment for electric
1 17 light, heat, power, and other purposes and to supervise
1 18 apprentice electricians.
1 19 4. "Class A journeyman electrician" means a person having
1 20 the necessary qualifications, training, experience, and
1 21 technical knowledge to wire for or install electrical wiring,
1 22 electrical apparatus, and electrical equipment and to
1 23 supervise apprentice electricians.
1 24 5. "Class B master electrician/electrical contractor"
1 25 means a person having the necessary qualifications, training,
1 26 experience, and technical knowledge to plan, lay out, install,
1 27 and supervise the installation of electrical wiring,
1 28 electrical apparatus, and electrical equipment for single=
1 29 phase systems of not over four hundred ampere capacity for
1 30 light, heat, power, and other purposes in any structure used
1 31 and maintained as a residential dwelling but not larger than a
1 32 four=family dwelling.
1 33 6. "Class B journeyman electrician" means a person having
1 34 the necessary qualifications, training, experience, and
1 35 technical knowledge to wire for or install electrical wiring,
2 1 electrical apparatus, and electrical equipment for single=
2 2 phase systems of not over four hundred ampere capacity for
2 3 light, heat, power, and other purposes in any structure used
2 4 and maintained as a residential dwelling but not larger than a
2 5 four=family dwelling.
2 6 7. "Electrical inspector" means a person certified as an
2 7 electrical inspector upon such reasonable conditions as may be
2 8 adopted by the board. The board may permit more than one
2 9 class of electrical inspector.
2 10 8. "Life safety installer" means a person having the
2 11 necessary qualifications, training, and experience to plan,
2 12 lay out, and install electrical wiring, electrical apparatus,
2 13 and electrical equipment for only those components of fire
2 14 alarm systems that operate at fifty volts or less.
2 15 9. "Special electrician" means a person having the
2 16 necessary qualifications, training, and experience in wiring

2 17 or installing special classes of electrical wiring, electrical
2 18 apparatus, or electrical equipment, including irrigation
2 19 system wiring, well pump wiring, and sign wiring.

2 20 Sec. 2. NEW SECTION. 542A.2 CHAPTER INAPPLICABILITY.

2 21 This chapter does not apply to a person licensed as an
2 22 engineer pursuant to chapter 542B or licensed as an architect
2 23 pursuant to chapter 544A providing consultations and
2 24 developing plans concerning electrical installations who is
2 25 exclusively engaged in the practice of the person's
2 26 profession. The chapter does not apply to an employee of an
2 27 electric public utility regulated by chapter 476 while acting
2 28 in the course of employment and performing a function on the
2 29 line side of any metering device, load control device, control
2 30 transformer meter loop, or in an emergency outage.

2 31 Sec. 3. NEW SECTION. 542A.3 ELECTRICIAN EXAMINING BOARD
2 32 CREATED.

2 33 An electrician examining board is created within the
2 34 professional licensing and regulation division of the
2 35 department of commerce. The board shall consist of seven
3 1 members, appointed by the governor and subject to senate
3 2 confirmation, all of whom shall be residents of this state.
3 3 Two members shall be journeyman electricians, one a member of
3 4 an electrical workers union working under a collective
3 5 bargaining agreement and one not a member of a union; two
3 6 members shall be master electricians/electrical contractors,
3 7 one of whom is a contractor signed to a collective bargaining
3 8 agreement and one of whom is a nonunion contractor; one member
3 9 shall be an electrical inspector; and two members, one a union
3 10 member working under a collective bargaining agreement and one
3 11 a nonunion member, shall not be a member of any of the
3 12 aforementioned groups and shall represent the general public.
3 13 The public members of the board shall be allowed to
3 14 participate in administrative, clerical, or ministerial
3 15 functions incident to giving a licensure examination, but
3 16 shall not determine the content of the examination or
3 17 determine the correctness of the answers. Professional
3 18 associations or societies composed of licensed electricians
3 19 may recommend to the governor the names of potential board
3 20 members whose profession is representative of that association
3 21 or society. However, the governor is not bound by the
3 22 recommendations. A board member shall not be required to be a
3 23 member of any professional electrician association or society.

3 24 Sec. 4. NEW SECTION. 542A.4 TERMS OF OFFICE == EXPENSES
3 25 == COUNSEL.

3 26 1. Appointments to the board shall be for three-year terms
3 27 and shall commence and end as provided by section 69.19.
3 28 Vacancies shall be filled for the unexpired term by
3 29 appointment of the governor and shall be subject to senate
3 30 confirmation. Members shall serve no more than three terms or
3 31 nine years, whichever is least.

3 32 2. Members of the board are entitled to receive all actual
3 33 expenses incurred in the discharge of their duties within the
3 34 limits of funds appropriated to the board. Each member of the
3 35 board may also be eligible to receive compensation as provided
4 1 in section 7E.6.

4 2 3. The board shall be entitled to the counsel and to the
4 3 services of the attorney general. The board may compel the
4 4 attendance of witnesses, pay witness fees and mileage, take
4 5 testimony and proofs, and administer oaths concerning any
4 6 matter within its jurisdiction.

4 7 Sec. 5. NEW SECTION. 542A.5 ORGANIZATION OF THE BOARD.

4 8 The board shall elect annually from its members a
4 9 chairperson and a vice chairperson. The administrator of the
4 10 professional licensing and regulation division of the
4 11 department of commerce shall hire and provide staff to assist
4 12 the board in administering this chapter. The board shall hold
4 13 at least one meeting at the location of the board's principal
4 14 office, and meetings shall be called at other times by the
4 15 chairperson or four members of the board. At any meeting of
4 16 the board, a majority of members constitutes a quorum.

4 17 Sec. 6. NEW SECTION. 542A.6 OFFICIAL SEAL == BYLAWS.

4 18 The board shall adopt and have an official seal which shall
4 19 be affixed to all certificates of licensure granted.

4 20 Sec. 7. NEW SECTION. 542A.7 POWERS AND DUTIES.

4 21 The board shall:

4 22 1. Adopt rules pursuant to chapter 17A and in doing so
4 23 shall be governed by the minimum standards set forth in the
4 24 national electrical code issued and adopted by the national
4 25 fire protection association in 2002, publication number 70=
4 26 2002, which code shall be filed in the offices of the
4 27 secretary of state and the board and shall be a public record.

4 28 The board shall update these rules on a timely basis to
4 29 conform with subsequent editions of the national electrical
4 30 code.

4 31 2. Adopt rules, in coordination with the department of
4 32 inspections and appeals, relating to inspection procedures,
4 33 standards, and schedules with regard to complaints concerning
4 34 electrical wiring installed by licensees pursuant to this
4 35 chapter. Rules providing for additional inspections and
5 1 reviews based on complaints received by the board shall
5 2 require commencement of an additional inspection or review
5 3 within forty-eight hours of receipt of a complaint.

5 4 3. Revoke, suspend, or refuse to renew any license granted
5 5 pursuant to this chapter if the licensee:

5 6 a. Violates any provision of the national electrical code
5 7 as adopted pursuant to subsection 1 or an applicable, locally
5 8 adopted electrical code, or any provision of this chapter or a
5 9 rule adopted pursuant to this chapter.

5 10 b. Fails or refuses to pay any application, examination,
5 11 apprentice registration, or license renewal fee required by
5 12 law.

5 13 c. Is a master electrician/electrical contractor or master
5 14 electrician and fails or refuses to provide and keep in force
5 15 a public liability insurance policy as required by the board.

5 16 d. Violates any city=approved or county=approved
5 17 inspection ordinance.

5 18 4. Order disconnection of power to any electrical
5 19 installation that in the board's determination is dangerous to
5 20 health and property.

5 21 5. Order removal of electrical wiring, electrical
5 22 apparatus, and electrical equipment from premises if such
5 23 electrical wiring, electrical apparatus, and electrical
5 24 equipment in the board's determination are dangerous to health
5 25 and property.

5 26 6. Investigate, for the purpose of identifying dangerous
5 27 electrical wiring or violations of the national electrical
5 28 code as adopted pursuant to subsection 1, any death by
5 29 electrocution that occurs within the state.

5 30 7. Adopt rules for continuing education requirements for
5 31 each classification of licensure, and for apprentice
5 32 registration established pursuant to this chapter, and make
5 33 all rules, not inconsistent with law, necessary for the proper
5 34 performance of its duties.

5 35 Sec. 8. NEW SECTION. 542A.8 DISCLOSURE OF CONFIDENTIAL
6 1 INFORMATION == CRIMINAL PENALTY.

6 2 A member of the board shall not disclose information
6 3 relating to the following:

6 4 1. Criminal history or prior misconduct of an applicant.

6 5 2. Information relating to the contents of an examination.

6 6 3. Information relating to examination results other than
6 7 a final score except for information about the results of an
6 8 examination given to the person who took the examination.

6 9 A member of the board who willfully communicates or seeks
6 10 to communicate such information, and any person who willfully
6 11 requests, obtains, or seeks to obtain such information, is
6 12 guilty of a simple misdemeanor.

6 13 Sec. 9. NEW SECTION. 542A.9 APPLICATIONS AND
6 14 EXAMINATIONS == FEES.

6 15 1. Applications for initial licensure shall be on forms
6 16 prescribed and furnished by the board, and shall contain
6 17 statements made under oath showing the applicant's education
6 18 and a detailed summary of the applicant's technical work. The
6 19 board shall not require that a photograph of the applicant be
6 20 attached to the application form. An applicant is not
6 21 ineligible for licensure because of age, citizenship, sex,
6 22 race, religion, marital status, or national origin, although
6 23 the application form may require citizenship information. The
6 24 board may deny licensure because of the past felony record of
6 25 an applicant. The board may require that an applicant submit
6 26 references.

6 27 2. Applications for licensure, and licensure renewal as
6 28 provided in section 542A.16, shall be accompanied by
6 29 application fees determined by the board. The board shall
6 30 determine the annual cost of administering licensure
6 31 examinations and shall set examination fees.

6 32 3. The board shall collect and account for all fees
6 33 provided for by this chapter and pay the fees to the treasurer
6 34 of state who shall deposit the fees in the general fund of the
6 35 state.

7 1 Sec. 10. NEW SECTION. 542A.10 PLAN, LAY OUT, OR
7 2 SUPERVISE CERTAIN ACTIVITIES == LICENSE REQUIRED ==
7 3 EXCEPTIONS.

7 4 1. Except as provided in section 542A.11, a person shall
7 5 not, for another, plan, lay out, or supervise the installation
7 6 of electrical wiring, electrical apparatus, or electrical
7 7 equipment for electrical light, heat, power, and other
7 8 purposes unless the person is licensed by the board as a class
7 9 A master electrician/electrical contractor or a class B master
7 10 electrician/electrical contractor. A person authorized to
7 11 plan, lay out, or supervise the installation of electrical
7 12 wiring, electrical apparatus, or electrical equipment for
7 13 electrical light, heat, power, and other purposes by a city
7 14 preceding the effective date of this Act pursuant to a
7 15 supervised written examination and who is currently engaged in
7 16 the electrical contracting industry with at least four years'
7 17 experience, shall be issued an applicable statewide license
7 18 corresponding to that authorized as a class A master
7 19 electrician/electrical contractor or a class B master
7 20 electrician/electrical contractor. The board shall adopt by
7 21 rule criteria for city examination standards satisfactory to
7 22 fulfillment of the requirements of this subsection and for
7 23 documentation of the four years of required experience.

7 24 2. On or after the effective date of this Act, an
7 25 applicant for licensure pursuant to this section shall meet
7 26 one of the following requirements:

7 27 a. Have at least one year's experience, acceptable to the
7 28 board, licensed as a class A or class B journeyman
7 29 electrician.

7 30 b. Have at least five years' documented experience,
7 31 acceptable to the board, in planning for, laying out,
7 32 supervising, and installing electrical wiring, electrical
7 33 apparatus, or electrical equipment for electrical light, heat,
7 34 and power.

7 35 3. In addition to the requirements of subsection 2, an
8 1 applicant shall obtain a score of at least seventy-five
8 2 percent on an examination prescribed and administered by the
8 3 board based upon the most recent national electrical code and
8 4 upon electrical theory.

8 5 Sec. 11. NEW SECTION. 542A.11 WIRING OR INSTALLING ==
8 6 LICENSE REQUIRED == EXCEPTIONS.

8 7 1. Except as provided in subsection 2, a person shall not,
8 8 for another, wire for or install electrical wiring, electrical
8 9 apparatus, or electrical equipment unless the person is
8 10 licensed by the board as a class A master
8 11 electrician/electrical contractor or a class B master
8 12 electrician/electrical contractor, or a life safety installer.

8 13 2. Except as provided in section 542A.10, a person shall
8 14 not wire for or install electrical wiring, electrical
8 15 apparatus, or electrical equipment or supervise an apprentice
8 16 electrician unless the person is licensed as a class A
8 17 journeyman electrician, a class B journeyman electrician, or a
8 18 life safety installer and is employed by a class A master
8 19 electrician/electrical contractor or a class B master
8 20 electrician/electrical contractor, or a life safety installer.

8 21 3. A person authorized to wire for or install electrical
8 22 wiring, electrical apparatus, or electrical equipment or
8 23 supervise an apprentice electrician by a city preceding the
8 24 effective date of this Act pursuant to a supervised written
8 25 examination, and who is currently engaged in the electrical
8 26 contracting industry with at least four years' experience,
8 27 shall be issued an applicable statewide license corresponding
8 28 to that authorization as a class A journeyman electrician or a
8 29 class B journeyman electrician.

8 30 4. a. On or after the effective date of this Act, an
8 31 applicant for a journeyman electrician license shall have at
8 32 least four years' experience, acceptable to the board, in the
8 33 electrical trade. Beginning four years after the effective
8 34 date of this Act, an applicant for a journeyman electrician
8 35 license shall have successfully completed an apprenticeship
9 1 training program registered by the bureau of apprenticeship
9 2 and training of the United States department of labor in
9 3 accordance with the standards established by that department.
9 4 The board may by rule provide for the allowance of one year of
9 5 experience credit for successful completion of a two-year
9 6 post-high school electrical course approved by the board.

9 7 b. In addition to the requirements of paragraph "a", an
9 8 applicant for a journeyman electrician license shall obtain a
9 9 score of at least seventy-five percent on an examination
9 10 prescribed and administered by the board based upon the most
9 11 recent national electrical code and upon electrical theory.

9 12 Sec. 12. NEW SECTION. 542A.12 SPECIAL ELECTRICIAN
9 13 LICENSE == QUALIFICATIONS.

9 14 The board shall by rule provide for the issuance of special

9 15 electrician licenses empowering the licensee to engage in a
9 16 limited class or classes of electrical work, which class or
9 17 classes shall be specified on the license. Each licensee
9 18 shall have experience, acceptable to the board, in each such
9 19 limited class of work for which the licensee is licensed.
9 20 Sec. 13. NEW SECTION. 542A.13 LIFE SAFETY INSTALLER
9 21 LICENSE == EXPERIENCE.
9 22 1. A person not otherwise licensed pursuant to this
9 23 chapter shall not plan, lay out, or install electrical wiring,
9 24 electrical apparatus, or electrical equipment for components
9 25 of life safety systems that operate at fifty volts or less
9 26 unless the person is licensed by the board as a life safety
9 27 installer. A person authorized to plan, lay out, or install
9 28 electrical wiring, electrical apparatus, or electrical
9 29 equipment for components of life safety systems that operate
9 30 at fifty volts or less by a city on the effective date of this
9 31 Act shall be issued an applicable statewide license
9 32 corresponding to that authorization as a life safety
9 33 installer.
9 34 2. On or after the effective date of this Act, any person
9 35 licensed as a life safety installer to plan, lay out, and
10 1 install electrical wiring, electrical apparatus, and
10 2 electrical equipment for components of life safety systems
10 3 that operate at fifty volts or less shall have at least two
10 4 years' experience, acceptable to the board, in planning,
10 5 laying out, and installing life safety systems.
10 6 Sec. 14. NEW SECTION. 542A.14 APPRENTICE ELECTRICIAN ==
10 7 REGISTRATION == SUPERVISION.
10 8 1. A person may register with the board and pay a
10 9 registration fee to work as an apprentice electrician while
10 10 participating in an apprenticeship training program registered
10 11 by the bureau of apprenticeship and training of the United
10 12 States department of labor in accordance with the standards
10 13 established by that department. A person is eligible to
10 14 register as an apprentice electrician for only one
10 15 apprenticeship, which shall be limited to six years from the
10 16 date of registration, unless extended by the board upon a
10 17 finding that a hardship existed which prevented completion of
10 18 the apprenticeship program. Such registration shall entitle
10 19 the registrant to act as an apprentice to a class A master
10 20 electrician/electrical contractor, a class B master
10 21 electrician/electrical contractor, a class A journeyman
10 22 electrician, or a class B journeyman electrician as provided
10 23 in subsection 2.
10 24 2. A person shall not serve as an apprentice electrician
10 25 except under the direct, personal, on-the-job supervision and
10 26 control and in the presence of a licensee enumerated in
10 27 subsection 1. Supervision shall include both on-the-job
10 28 training and related classroom training as approved by the
10 29 United States department of labor. A licensee enumerated in
10 30 subsection 1 may employ or supervise apprentice electricians
10 31 at a ratio not to exceed three apprentice electricians to one
10 32 licensee, except that such ratio and the other requirements of
10 33 this section shall not be applicable to a teacher-student
10 34 relationship within a classroom of a community college.
10 35 For purposes of this section, "the direct, personal, on-
11 1 the-job supervision and control and in the presence of a
11 2 licensee" shall mean the licensee and the apprentice
11 3 electrician shall be working at the same project location but
11 4 shall not require that the licensee and apprentice electrician
11 5 be within sight of one another at all times.
11 6 3. An apprentice electrician shall not install, alter, or
11 7 repair electrical wiring, electrical apparatus, or electrical
11 8 equipment except as provided in this section, and the licensee
11 9 employing or supervising an apprentice electrician shall not
11 10 authorize or permit such actions by the apprentice
11 11 electrician.
11 12 4. A person may serve as a temporary or seasonal employee
11 13 for a period not to exceed one hundred twenty days in any
11 14 calendar year or participate in a school-to-work program
11 15 pursuant to which the person may work under the supervision of
11 16 a person licensed under this chapter.
11 17 Sec. 15. NEW SECTION. 542A.15 EXAMINATIONS == REPORT
11 18 REQUIRED.
11 19 Examinations for licensure shall be given as often as
11 20 deemed necessary by the board, but no less than one time per
11 21 month. The scope of the examinations and the methods of
11 22 procedure shall be prescribed by the board. The examinations
11 23 given by the board shall be the experior assessment
11 24 examination, or a successor examination approved by the board,
11 25 or an examination prepared by a third-party testing service

11 26 which is substantially equivalent to the experior assessment
11 27 examination, or a successor examination approved by the board.
11 28 Any examination may be given by representatives of the board.
11 29 As soon as practicable after the close of each examination, a
11 30 report shall be filed in the office of the secretary of the
11 31 board by the board. The report shall show the action of the
11 32 board upon each application and the secretary of the board
11 33 shall notify each applicant of the result of the applicant's
11 34 examination. Applicants who fail the examination once shall
11 35 be allowed to take the examination at the next scheduled time.
12 1 Thereafter, the applicant shall be allowed to take the
12 2 examination at the discretion of the board. An applicant who
12 3 has failed the examination may request, in writing,
12 4 information from the board concerning the applicant's
12 5 examination grade and subject areas or questions which the
12 6 applicant failed to answer correctly, except that if the board
12 7 administers a uniform, standardized examination, the board
12 8 shall only be required to provide the examination grade and
12 9 such other information concerning the applicant's examination
12 10 results which are available to the board.

12 11 Sec. 16. NEW SECTION. 542A.16 CONTINUING EDUCATION
12 12 REQUIREMENT == LICENSE EXPIRATIONS AND RENEWALS.

12 13 Licenses issued pursuant to this chapter shall expire three
12 14 years following issuance. The secretary of the board shall
12 15 notify every person licensed under this chapter of the date of
12 16 expiration of the certificate and the amount of the fee that
12 17 shall be required for its renewal. Such notice shall be
12 18 mailed at least one month in advance of the date of the
12 19 expiration of the certificate. In order to be eligible for
12 20 renewal, the holder of a license issued pursuant to this
12 21 chapter shall certify to the board, as a part of an
12 22 application to renew, that twelve hours of continuing
12 23 education have been completed covering provisions of the
12 24 national electric code and updates to that code since the
12 25 issuance of the license to be renewed. Renewal may be
12 26 effected by the payment of a fee, the amount of which shall be
12 27 determined by the board. The failure on the part of any
12 28 licensee to renew a certificate in the month of expiration as
12 29 required in this section shall not deprive a person of the
12 30 right of renewal. A person who fails to renew a certificate
12 31 by the expiration date shall be allowed to do so within thirty
12 32 days following its expiration, but the board may assess a
12 33 reasonable penalty. For the duration of any military
12 34 intervention in which the United States is engaged the board
12 35 may, in its discretion, defer the collection of renewal fees
13 1 without penalty, which have or may become due from individuals
13 2 licensed pursuant to this chapter who are engaged in the
13 3 military intervention, and residing outside the state, or who
13 4 are members of the armed forces of the United States, and may
13 5 renew the licenses of individuals licensed pursuant to this
13 6 chapter.

13 7 Sec. 17. NEW SECTION. 542A.17 FOREIGN LICENSEES.

13 8 1. A person holding a certificate of licensure issued to
13 9 the person by a proper authority of a state, territory, or
13 10 possession of the United States, or the District of Columbia,
13 11 based on requirements and qualifications, in the opinion of
13 12 the board equal to or higher than the requirements of this
13 13 chapter, may be licensed without further examination.

13 14 2. A temporary license may be granted to a person licensed
13 15 in another state, territory, or possession of the United
13 16 States, or the District of Columbia, as prescribed by rule,
13 17 provided that before practicing within this state the person
13 18 shall have applied for temporary licensure and shall have paid
13 19 the fee prescribed by the board.

13 20 Sec. 18. NEW SECTION. 542A.18 SUSPENSION, REVOCATION, OR
13 21 REPRIMAND.

13 22 The board, by a simple majority vote of the entire board,
13 23 may suspend for a period not exceeding two years, or revoke
13 24 the certificate of licensure of, or reprimand any licensee who
13 25 is found guilty of the following acts or offenses:

- 13 26 1. Fraud in procuring a certificate of licensure.
- 13 27 2. Professional incompetency.
- 13 28 3. Knowingly making misleading, deceptive, untrue, or
13 29 fraudulent representations in the practice of the licensee's
13 30 profession or engaging in unethical conduct or practice
13 31 harmful to the public. Proof of actual injury need not be
13 32 established.
- 13 33 4. Habitual intoxication or addiction to the use of drugs.
- 13 34 5. Conviction of a felony under the laws of the United
13 35 States, any state, territory, or possession of the United
14 1 States, the District of Columbia, or any foreign country. A

14 2 copy of the record of conviction or plea of guilty is
14 3 conclusive evidence.

14 4 6. Revocation or suspension of licensure, or other
14 5 disciplinary action by the licensing authority of another
14 6 state, territory, possession of the United States, the
14 7 District of Columbia, or any foreign country. A certified
14 8 copy of the record or order of suspension, revocation, or
14 9 other disciplinary action is prima facie evidence of such
14 10 fact.

14 11 7. Fraud in representations as to skill or ability.

14 12 8. Use of untruthful or improbable statements in
14 13 advertisements.

14 14 9. Willful or repeated violations of this chapter.

14 15 Sec. 19. NEW SECTION. 542A.19 PROCEDURE.

14 16 Proceedings for any action under section 542A.18 shall be
14 17 begun by filing with the board written charges against the
14 18 accused. Upon the filing of charges the board may request the
14 19 department of inspections and appeals to conduct an
14 20 investigation into the charges. The department of inspections
14 21 and appeals shall report its findings to the board, and the
14 22 board shall designate a time and place for a hearing, and
14 23 shall notify the accused of this action and furnish the
14 24 accused a copy of all charges at least thirty days prior to
14 25 the date of the hearing. The accused has the right to appear
14 26 personally or by counsel, to cross-examine witnesses, or to
14 27 produce witnesses in defense.

14 28 Sec. 20. NEW SECTION. 542A.20 INJUNCTION.

14 29 Any person who is not legally authorized to practice in
14 30 this state according to this chapter, who practices, or in
14 31 connection with the person's name, uses any designation
14 32 tending to imply or designate the person as authorized to
14 33 practice in this state according to this chapter, may be
14 34 restrained by permanent injunction.

14 35 Sec. 21. NEW SECTION. 542A.21 CRIMINAL VIOLATIONS.

15 1 A person who violates such a permanent injunction or
15 2 presents or attempts to file as the person's own the
15 3 certificate of licensure or apprentice registration of
15 4 another, or who gives false or forged evidence of any kind to
15 5 the board in obtaining a certificate of licensure or
15 6 apprentice registration, or who falsely impersonates another
15 7 practitioner of like or different name, or who uses or
15 8 attempts to use a revoked certificate of licensure or
15 9 registration, is guilty of a fraudulent practice.

15 10 Sec. 22. NEW SECTION. 542A.22 CIVIL PENALTY.

15 11 1. In addition to any other penalties provided for in this
15 12 chapter, the board may by order impose a civil penalty upon a
15 13 person who is not licensed or registered under this chapter
15 14 and who does any of the following:

15 15 a. Is employed in a capacity in which the person engages
15 16 in or offers to engage in the activities authorized pursuant
15 17 to this chapter.

15 18 b. Uses or employs the words "class A master
15 19 electrician/electrical contractor", "class B master
15 20 electrician/electrical contractor", "class A journeyman
15 21 electrician", "class B journeyman electrician", "life safety
15 22 installer", or implies authorization to provide or offer those
15 23 services, or otherwise uses or advertises any title, word,
15 24 figure, sign, card, advertisement, or other symbol or
15 25 description tending to convey the impression that the person
15 26 is a "class A master electrician/electrical contractor",
15 27 "class B master electrician/electrical contractor", "class A
15 28 journeyman electrician", "class B journeyman electrician", or
15 29 "life safety installer".

15 30 c. Gives false or forged evidence of any kind to the board
15 31 or any member of the board in obtaining or attempting to
15 32 obtain a certificate of licensure or registration.

15 33 d. Falsely impersonates any individual licensed pursuant
15 34 to this chapter.

15 35 e. Uses or attempts to use an expired, suspended, revoked,
16 1 or nonexistent certificate of licensure or registration.

16 2 f. Knowingly aids or abets an unlicensed or unregistered
16 3 person who engages in any activity identified in this
16 4 subsection.

16 5 2. A civil penalty imposed shall not exceed one thousand
16 6 dollars for each offense. Each day of a continued violation
16 7 constitutes a separate offense, except that offenses resulting
16 8 from the same or common facts or circumstances shall be
16 9 considered a single offense.

16 10 3. In determining the amount of a civil penalty to be
16 11 imposed, the board may consider any of the following:

16 12 a. Whether the amount imposed will be a substantial

16 13 economic deterrent to the violation.
16 14 b. The circumstances leading to the violation.
16 15 c. The severity of the violation and the risk of harm to
16 16 the public.
16 17 d. The economic benefits gained by the violator as a
16 18 result of noncompliance.
16 19 e. The interest of the public.
16 20 4. Before issuing an order under this section, the board
16 21 shall provide the person written notice and the opportunity to
16 22 request a hearing on the record. The hearing must be
16 23 requested within thirty days of the issuance of the notice and
16 24 shall be conducted in the same manner as provided in section
16 25 542A.19.
16 26 5. The board, in connection with a proceeding under this
16 27 section, may issue subpoenas to compel the attendance and
16 28 testimony of witnesses and the disclosure of evidence, and may
16 29 request the attorney general to bring an action to enforce the
16 30 subpoena.
16 31 6. A person aggrieved by the imposition of a civil penalty
16 32 under this section may seek judicial review in accordance with
16 33 section 17A.19.
16 34 7. If a person fails to pay a civil penalty within thirty
16 35 days after entry of an order under subsection 1, or if the
17 1 order is stayed pending an appeal within ten days after the
17 2 court enters a final judgment in favor of the board, the board
17 3 shall notify the attorney general. The attorney general may
17 4 commence an action to recover the amount of the penalty,
17 5 including reasonable attorney fees and costs.
17 6 8. An action to enforce an order under this section may be
17 7 joined with an action for an injunction.
17 8 Sec. 23. NEW SECTION. 542A.23 LOCAL LAW SUPERSEDED.
17 9 This chapter shall prevail over any local law or regulation
17 10 with respect to the licensure and scope of regulation provided
17 11 in this chapter and shall prevail over any local law or
17 12 regulation that conflicts with the provisions of this chapter.
17 13 It is not intended that this chapter supersede or curtail
17 14 local inspection authority for the enforcement of electrical
17 15 codes.
17 16 Sec. 24. EFFECTIVE DATE. Sections 1 through 6, section 7,
17 17 subsections 1 and 7, and section 8 of this Act, being deemed
17 18 of immediate importance, take effect upon enactment. The
17 19 remaining sections and subsections of this Act shall take
17 20 effect July 1, 2005.

17 21 EXPLANATION

17 22 This bill provides for and requires the statewide licensure
17 23 of electricians and life safety installers and provides for
17 24 the registration of apprentice electricians. Statewide
17 25 licensure replaces current licensure of electricians on a
17 26 city-by-city basis.

17 27 The bill provides that an individual authorized to plan,
17 28 lay out, supervise, or perform the installation of electrical
17 29 wiring, electrical apparatus, or electrical equipment for
17 30 electrical light, heat, power, and other purposes by a city on
17 31 the effective date of the bill, who has passed a city
17 32 examination, is currently engaged in the industry, and
17 33 possesses four years' experience, shall be issued a statewide
17 34 license corresponding to their current classification, as
17 35 defined in the bill, of class A master electrician/electrical
18 1 contractor, class B master electrician/electrical contractor,
18 2 class A journeyman electrician, class B journeyman
18 3 electrician, or life safety installer. The bill provides that
18 4 an individual applying for licensure on or after the effective
18 5 date of the licensing portions of the bill shall be required
18 6 to meet the specified licensure criteria. The bill provides
18 7 that an applicant shall have at least one year's experience,
18 8 acceptable to the board, licensed as a class A journeyman
18 9 electrician or a class B journeyman electrician; or have at
18 10 least five years' documented experience, acceptable to the
18 11 board, in planning for, laying out, supervising, and
18 12 installing electrical wiring, electrical apparatus, or
18 13 electrical equipment for electrical light, heat, and power.
18 14 The bill additionally provides that an applicant must obtain a
18 15 score of at least 75 percent on an examination prescribed and
18 16 administered by the board based upon the most recent national
18 17 electrical code and upon electrical theory.

18 18 The bill provides that an individual authorized to wire for
18 19 or install for another individual electrical wiring,
18 20 electrical apparatus, or electrical equipment, or supervise an
18 21 apprentice electrician, by a city preceding the effective date
18 22 of the licensing portions of the bill shall be issued a
18 23 statewide license corresponding to the individual's current

18 24 classification, as defined in the bill, of class A journeyman
18 25 electrician, class B journeyman electrician, or life safety
18 26 installer provided the individual is employed by a class A
18 27 master electrician/electrical contractor, a class B master
18 28 electrician/electrical contractor, or a life safety installer
18 29 and has passed a city examination, is currently engaged in the
18 30 industry, and possesses four years' experience. The bill
18 31 provides that on or after the effective date of the licensing
18 32 portions of the bill, an applicant shall possess at least four
18 33 years' experience in the electrical trade, and that beginning
18 34 four years after the effective date, an apprenticeship
18 35 training program shall have been successfully completed. The

19 1 bill provides that the board may by rule provide for the
19 2 allowance of one year of experience credit for successful
19 3 completion of a two-year post-high school electrical course
19 4 approved by the board. The bill provides that an applicant
19 5 for a class A or class B journeyman electrician license shall
19 6 obtain a score of at least 75 percent on an examination
19 7 prescribed and administered by the board based upon the most
19 8 recent national electrical code and upon electrical theory.
19 9 The bill provides for the creation of a seven-member
19 10 electrician examining board within the professional licensing
19 11 and regulation division of the department of commerce. The
19 12 bill provides that board members shall be appointed by the
19 13 governor and subject to senate confirmation, and shall be
19 14 residents of the state. The bill provides that membership
19 15 shall be comprised of two journeyman electricians, one a
19 16 member of an electrical workers union working under a
19 17 collective bargaining agreement and one not a member; two
19 18 master electricians/electrical contractors, one of whom is a
19 19 contractor working under a collective bargaining agreement and
19 20 one of whom is not; one electrical inspector, and two members,
19 21 one union and working under a collective bargaining agreement
19 22 and one nonunion, who are not members of the aforementioned
19 23 groups representing the general public. The bill specifies
19 24 several specific powers of the electrician examining board.
19 25 The bill provides that the board shall adopt rules pursuant to
19 26 Code chapter 17A governed by the minimum standards set forth
19 27 in the national electrical code issued and adopted by the
19 28 national fire protection association in 2002, publication
19 29 number 70-2002. The bill provides that the board shall
19 30 establish rules for inspections based on complaints within 48
19 31 hours, and in coordination with the department of inspections
19 32 and appeals adopt rules relating to inspection procedures,
19 33 standards, and schedules with regard to electrical wiring
19 34 installed by licensees. The bill contains provisions relating
19 35 to the circumstances leading to the revocation, suspension, or
20 1 refusal to renew a license, and provides that the board may
20 2 order disconnection of power to any electrical installation
20 3 that in the board's determination is dangerous to health and
20 4 property, order removal of electrical wiring and apparatus
20 5 from premises when such wiring and apparatus in the board's
20 6 determination is dangerous to health and property, investigate
20 7 dangerous electrical wiring or violations of the national
20 8 electrical code, and establish rules for continuing education
20 9 requirements for each classification of licensure and
20 10 registration.

20 11 The bill provides for the issuance of special electrician
20 12 licenses empowering the licensee to engage in a limited class
20 13 or classes of electrical work. The bill also provides for the
20 14 statewide licensure of an individual authorized to plan, lay
20 15 out, and install electrical wiring, electrical apparatus, or
20 16 electrical equipment for components of life safety systems
20 17 that operate at 50 volts or less by a city on the effective
20 18 date of the licensing portions of the bill. The bill provides
20 19 that beginning on or after the effective date of the licensing
20 20 portions of the bill, an applicant for a life safety installer
20 21 license shall have at least two years' experience, acceptable
20 22 to the board, in planning, laying out, and installing life
20 23 safety systems.

20 24 The bill provides for a registration process and
20 25 requirements for apprentice electricians. The bill provides
20 26 that registration shall entitle the registrant to act as an
20 27 apprentice electrician to a class A master
20 28 electrician/electrical contractor, a class B master
20 29 electrician/electrical contractor, a class A journeyman
20 30 electrician, or a class B journeyman electrician, and that an
20 31 apprentice electrician shall do no electrical wiring except
20 32 under the direct, personal supervision and control and in the
20 33 presence of such licensed individuals. The bill provides that
20 34 a licensee may employ or supervise apprentice electricians at

20 35 a ratio not to exceed three apprentice electricians to one
21 1 licensee, with the exception of a teacher=student relationship
21 2 within a classroom of a community college.
21 3 The bill provides an application process and provides for
21 4 the establishment of application, examination, licensure,
21 5 renewal, and registration fees. The bill additionally
21 6 provides suspension, revocation, reprimand, and penalty
21 7 provisions. The bill further provides that the provisions of
21 8 the new Code chapter shall prevail over any local law or
21 9 regulation with respect to the licensure and scope of
21 10 regulation, or which conflict with the Code chapter's
21 11 provisions. The bill provides that it is not the intent of
21 12 the Code chapter that it supersede or curtail local inspection
21 13 authority for the enforcement of electrical codes. Provisions
21 14 of the bill relating primarily to definitions and the
21 15 establishment of the electrician examining board take effect
21 16 upon enactment. Remaining provisions of the bill, dealing
21 17 primarily with forms of and qualifications for licensure or
21 18 registration, take effect on July 1, 2005.
21 19 LSB 1994HC 81
21 20 rn:nh/cf/24