ENGROSSED

ENROLLED ACT NO. 55, HOUSE OF REPRESENTATIVES

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AN ACT relating to electrical safety and fire prevention; providing authority for the chief electrical inspector to investigate electrocutions; clarifying duties department of electrical safety and fire prevention, the council on fire prevention and electrical safety buildings and the electrical board; transferring rulemaking authority to the department of electrical safety and fire prevention; providing definitions; providing for amendment of plan reviews; providing for phased applications for plan reviews; amending projects requiring plan reviews; providing for suspension or restriction of licenses for failure to pay child support; providing for supremacy of the National Electrical Code; amending certain fees; specifying qualifications for local inspectors; providing for reversion of enforcement authority; modifying appeals process from local inspection authorities to department; providing for reciprocal licenses; amending license fee revenue allocations; providing waiver of master journeyman licensing requirement for installation, repair or maintenance of certain lawn sprinkler systems by persons who obtain a limited electrical contractor's license; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

**Section 1.** W.S. 35-9-131 is created to read:

# 35-9-131. Investigation of electrocutions; powers of chief electrical inspector.

Except in cases where a federal agency has and (a) asserts right to control an investigation entity or activity applicable federal law or when an involved is regulated by the Wyoming public service commission, the chief electrical inspector, or his

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designee, may investigate the cause, origin and circumstances of each incident of electrocution or serious injury from electrical contact occurring in the state. In cases where more than one (1) agency has investigative authority over the incident, all agencies shall work together to fully investigate.

- (b) In performing the duties imposed by this section, the chief electrical inspector, or his designee, may:
- (i) Enter and examine any property, building or premises where any incident occurred;
- (ii) Enter any property, building or premises adjacent to that in which an incident occurred;
- (iii) Take full control and custody of the buildings and premises until his examinations and investigations are completed; and
- (iv) Take testimony under oath and cause the testimony to be reduced to writing. In taking testimony and performing an investigation, the chief electrical inspector or his designee may:
- (A) Subpoena witnesses and compel their attendance before him;
- (B) Cause to be produced papers he requires in the examination; and
- (C) Administer oaths and affirmations to persons appearing as witnesses before him.
- (c) When the examination discloses that an incident involved criminal activity, the chief electrical inspector

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shall transmit a copy of the testimony to the district attorney for the county where the incident occurred.

- (d) As used in this section, "incident" means an event in which a person is seriously injured or killed as a result of transient electrical current from an electrical device or installation.
- **Section 2.** W.S. 35-9-102(a)(i) and (ii), 35-9-103(c), 35-9-106(a)(i)(intro), (iv) and (b), 35-9-107(a)(ii) and (b)(iii), 35-9-108(b), (d), (n), (q)(ii), (iii), by creating a new subsection (s) and by amending and (s) (t), 35-9-119 creating renumbering as by subsections (b) and (c), 35-9-120(a), (c)(intro), (ii), (e) and (f), 35-9-121(a), (c) through (e) and by creating a new 35-9-121.1(d)(ii), 35-9-123(a)(intro), subsection (f), (iv), (vi) and (vii) by creating a new subparagraph (G), 35-9-124(a)(i), (ii), (c), (d) and by creating a new subsection (g), 35-9-125(a) through (c), 35-9-126(a) through (d), 35-9-127 and 35-9-129(a) (intro) and (b) are amended to read:

#### 35-9-102. Definitions.

- (a) As used in W.S. 35-9-101 through 35-9-130:
- "Apprentice electrician" means a person who insufficient qualifications to be a journeyman electrical electrician is hired by a licensed and contractor to assist a licensed journeyman or master electrician. From and after March 1, 1994, An apprentice electrician must be registered with the department of fire prevention and electrical safety and must be enrolled in a bona fide program of training approved by the bureau of apprenticeship and training, United States department of labor, or present evidence directly to the board department

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that he is enrolled in an apprentice training program which provides training equivalent to a program approved by the bureau of apprenticeship and training, United States department of labor;

(ii) "Apprentice technician" means a person who has insufficient qualifications to be a low voltage or a limited technician and is hired by a licensed electrical contractor, low voltage contractor, or limited contractor to assist a licensed low voltage or limited technician. An apprentice technician must be registered with the department of fire prevention and electrical safety and must be enrolled in a training program as approved by the board department;

### 35-9-103. Divisions created; council and board created.

The board consists of five (5) members appointed by the governor for six (6) year terms. At least one (1) member and no more than two (2) members shall be journeymen electricians, at least one (1) and no more than two (2) shall be master electricians, and at least one (1) and no more than two (2) shall be electrical contractors. (2) members shall be employed by the same entity and serve on the board. Any member who becomes employed by the same entity as another member during his term of office shall be ineligible to continue as a member of the board. Vacancies shall be filled for the unexpired term. When appointments are made, the board shall select a chairman, a vice chairman and a secretary. A quorum consists of three (3) members. The board shall meet at least twice each year.

#### 35-9-106. Powers and duties of council.

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- (a) The council shall adopt rules and regulations to:
- (i) Establish minimum fire standards not exceeding the standards prescribed by the International Fire Code, the International Building Code, the International Mechanical Code, the International Existing Building Code and the International Fuel Gas Code for:
  - (iv) Implement this article section.
- (b) The council shall investigate the conduct of the divisions, shall have access to records of the divisions and may require written or oral information from any officer or employee of the department when conducting investigations pursuant to W.S. 35-9-108(p) and 35-9-117.

#### 35-9-107. Duties and powers of state fire marshal.

- (a) The state fire marshal shall:
- (ii) <u>Enforce Adopt</u> regulations <u>promulgated by</u> the <u>in consultation with the board and council to implement this article, excluding the provisions of W.S. 35-9-106 and 35-9-124;</u>
  - (b) The state fire marshal may:
- (iii) Deputize a member of a fire department who is approved by the chief of his department, or a local building inspector approved by the local governmental entity, provided that the person is qualified to inspect, investigate and carry out orders for the state fire marshal under the rules adopted by the council department;

#### 35-9-108. Plan review; procedure; fees.

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- (b) If the state fire marshal does not notify the sender in writing of violations of the fire or electrical safety standards within twenty-one (21) working days of receiving the plans, they are approved as submitted. If code deficiencies are discovered through inspection by the fire marshal during the construction or remodeling of buildings, the plan and plan review shall be amended to bring the building into compliance with applicable codes.
- (d) The department shall collect fees for plan reviews and other inspections except as provided in subsections (q) and (r) of this section, in the amount provided in the 1997 Uniform Building Code and adjusted for inflation as adopted by rule or regulation by the council department. Fees collected under this subsection shall be deposited into the general fund.
- After new construction or remodeling of buildings is completed, the state fire marshal shall inspect the building and determine conformance with the plan review or amended plan review. If he finds conformance, the state fire marshal shall issue a certificate of occupancy for a newly constructed building and a letter of compliance for a remodeled building. No newly constructed or remodeled building shall be used or occupied until the state fire marshal has issued a certificate of occupancy or letter of If a newly constructed or remodeled building is used or occupied prior to the issuance of a certificate of occupancy or letter of compliance, the state fire marshal shall order the use and occupancy of the building to cease until a certificate of occupancy or letter of compliance is issued, subject to the requirements subsection (m) of this section.

#### (q) A plan review is:

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- (ii) Required for remodeling that costs less than twenty five thousand dollars (\$25,000.00) forty thousand dollars (\$40,000.00) and affects a built-in fire protection system for the building, provided a fee of no more than fifty dollars (\$50.00) per hour shall be paid to the department for the review;
- (iii) Required for remodeling that costs twenty five thousand dollars (\$25,000.00) forty thousand dollars (\$40,000.00) or more, provided the department shall collect a fee pursuant to subsection (d) of this section.
- (s) Plan reviews may be submitted in phases so that work may begin on the first phase of a project upon approval of the plans for that phase. Subsequent work may begin on each successive phase as plans are approved for each successive phase. Plans for fire alarm systems and fire sprinkler systems shall be submitted as successive phase plans after the initial plans are approved.
- $\frac{(s)}{(t)}$  Subsections (a) through  $\frac{(r)}{(s)}$  shall not apply to remodeling that is exempt under subsection (q).

#### 35-9-119. Duties of chief electrical inspector.

- (b) The chief electrical inspector may investigate electrocution incidents that occur in the state pursuant to W.S. 35-9-131.
- (c) Upon receipt from the department of family services of a certified copy of an order from a court to withhold, suspend or otherwise restrict a license issued by the chief electrical inspector, the chief electrical inspector shall notify the party named in the court order of the withholding, suspension or restriction of the license in accordance with the terms of the court order.

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# 35-9-120. Minimum requirements for electrical installations; permits; inspections; fees.

- (a) The installation of electric equipment in or on buildings, mobile homes and premises shall be made subject to the applicable minimum requirements of the National Electrical Code. To the extent that any provision in the International Fire Code, the International Building Code, the International Mechanical Code, the International Existing Building Code and the International Fuel Gas Code conflicts with the standards prescribed by the National Electrical Code, the National Electrical Code shall control.
- (c) For any requested electrical inspection conducted or electrical wiring permit issued by the chief electrical inspector or his deputy, a fee established by the board department by rule shall be paid by the person or contractor making the request. The electrical wiring permit fee shall be waived for anyone requesting and paying for an electrical inspection. The fees established by the board department shall not exceed the following:
- (ii) Effective July 1, 1993, Electrical wiring permit fees..... \$30.00 \$50.00
- (e) No person shall install electrical equipment in new construction or remodeling, if the remodeling requires a public utility to connect or disconnect and restore electrical power, of a building, mobile home or premises without obtaining an electrical wiring permit. No public utility shall energize an electrical service for an electrical installation which requires an electrical wiring permit until the person responsible for the electrical installation has obtained an electrical wiring permit. A

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utility may energize an electrical service in an emergency situation without proof that an electrical wiring permit has been obtained, however the utility shall notify the department of fire prevention and electrical safety of the action as soon as possible, but in no case later than five (5) days following the date that the electrical service was energized. Electrical wiring permits shall be issued by the chief electrical inspector upon request. Each permit shall explain procedures and costs for permits and requested inspections conducted by the chief electrical inspector or his deputy electrical inspectors. This subsection does not apply to municipalities and counties granted enforcement authority for electrical safety standards under W.S. 35-9-121 and to exempt installations under W.S. 35-9-123(a)(ii) through (v).

(f) Fifty percent (50%) Sixty percent (60%) of the fees collected pursuant to subsection (c) of this section shall be deposited in a separate account for the purpose of providing additional state electrical inspectors. Fifty percent (50%) Forty percent (40%) of the fees collected pursuant to subsection (c) of this section shall be deposited in the general fund.

#### 35-9-121. Local enforcement.

(a) The state fire marshal shall delegate complete authority to municipalities and counties which apply to enforce and interpret local or state fire, building, existing building standards or electrical safety standards which meet the requirements of this section. The state fire marshal shall notify the governing body of the municipality or county of the minimum standards and requirements of this act and W.S. 16-6-501 and 16-6-502 and transfer jurisdiction and authority by letter. Nothing in this section affects the authority of the state fire

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marshal or chief electrical inspector regarding state owned or leased buildings. Local enforcement authority under this subsection shall be subject to the following requirements and certification of inspectors:

- (i) Before a municipality or county without local enforcement authority is initially granted local enforcement authority for fire, building, existing building standards or electrical standards the state fire marshal shall determine that the local governing body has adopted minimum standards by ordinance or resolution that are equivalent to or more stringent than those applicable standards adopted by the council on fire prevention and electrical safety department;
- (ii) If a municipality or county that has been granted local enforcement authority under this subsection fails to adopt, within six (6) months following the adoption of new standards by the council on fire prevention and electrical safety department, or maintain standards by ordinance or resolution that at least meet the statewide standards, enforcement authority shall immediately revert to the department. of fire prevention and electrical safety. It shall be the responsibility of the municipality or county to notify the department of fire prevention and electrical safety of the repeal of minimum standards in their jurisdiction;
- (iii) If code enforcement authority for fire and building codes is requested, certification of a fire inspector or building inspector by the International Code Council or the International Conference of Building Officials is required for any inspector employed or contracted after July 1, 2010 to enforce those codes for the municipality or county;

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- (iv) If code enforcement authority for the electrical code is requested, certification of an electrical inspector by the International Code Council or the International Association of Electrical Inspectors and licensing by the state as a journeyman or master electrician is required;
- granted local enforcement authority under this subsection fails to maintain employment of an inspector holding any certification required by this subsection, enforcement authority shall revert to the department one hundred twenty (120) days after the last day the properly certified inspector has left the employment of the municipality or county. It shall be the responsibility of the municipality or county to notify the department upon the termination of employment of any certified inspector required by this subsection.
- (c) If a municipality or county has assumed enforcement authority for only one (1) or two (2) of the fire, building and electrical standards, the municipality or county shall deliver notice of any project plans submitted to the municipality or county for approval to the department. of fire prevention and electrical safety. The notice of the project shall be delivered within ten (10) days of receiving plans from the applicant.
- (d) A municipality or county which has enforcement authority under this section may shall create its own appeals boards to determine the suitability of alternate materials and types of construction. The boards shall be appointed and removed by the governing body of the municipality or county, but the person making the decision upon which the appeal is based shall not be a member of the appeal board. The council on fire prevention and electrical

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safety in buildings and the electrical board shall serve as appeals boards for a municipality or county that has not created an appeals board under this subsection.

- (e) A decision rendered by the local municipal or county appeals board pursuant to subsection (d) of this section regarding state owned or leased buildings may be appealed to the council on fire prevention and electrical safety in buildings for a final decision. A decision of the council may be appealed to the appropriate district court.
- (f) Any appeal to a local board under subsection (d) of this section or the council under subsection (e) of this section shall be heard within thirty (30) days of the request for appeal.

# 35-9-121.1. Health care facilities; jurisdiction; delegation; rules.

- (d) Upon written request from any county or municipality, the department of health shall delegate plan review and inspection responsibilities to the county or municipality that has personnel who are certified pursuant to the applicable code. The department of health shall transfer jurisdiction and authority by letter. The department of health shall notify the governing body of the municipality or county of the minimum standards and requirements under this section and W.S. 16-6-501 and 16-6-502. The following shall apply:
- (ii) A municipality or county which has enforcement authority under this subsection may shall create its own appeals board to determine the suitability of alternate materials and types of construction. If a municipality or county has not created an appeals board, the department of health shall establish an appeals board

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which includes representation from the department of health and the council.

# 35-9-123. Electrical installations to be performed by licensed electricians; exceptions.

- (a) Licensed electrical contractors employing licensed master or journeymen electricians, or registered apprentice electricians supervised by a licensed master or journeyman electrician shall install all electrical equipment. This requirement is waived for the following, however the waiver does not exempt the following persons from meeting all other code requirements under this act:
- (iv) Cable-TV, satellite-TV and telecommunications, including data and related services of cable-TV, satellite-TV and telecommunications providers including its contractors and subcontractors provided such contractors and subcontractors are limited to the installation of low voltage cable, A.M. or F.M. radio stations, television stations, cable—phone services, cable internet services, data services and related services;
- (vi) Buildings constructed by a school or community college district as part of an industrial arts curriculum, under the direct supervision of a qualified industrial arts instructor. The school or community college district shall have the installations inspected by the state electrical inspector's office or the home rule local enforcement authority, whichever has jurisdiction, to ensure compliance with W.S. 35-9-120;
- (vii) Licensed low voltage electrical contractors employing licensed low voltage technicians or registered low voltage apprentice technicians who may install electrical equipment which falls under the scope of

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their low voltage license or registration. No low voltage contractor may work on electrical systems which exceed ninety (90) volts unless allowed pursuant to this subsection. The chief electrical inspector may issue a low voltage electrical contractor's license to contractors not qualified for an electrical contractor's license but qualified for their low voltage area of expertise for the installation, repair or remodel of:

(90) volts. (G) Lawn sprinkler systems under ninety

#### 35-9-124. Powers and duties of board; appeals.

- (a) The board shall:
- (i) Adopt rules and regulations to implement W.S.  $35\ 9\ 122\ through\ 35\ 9\ 130;$  this section and to establish minimum standards for:
- (A) Training requirements for all classes of electricians;
- (B) Licensing requirements for all classes of electricians; and
- (C) Reciprocal licenses for any journeyman electrician, master electrician, low voltage technician or limited technician license.
- (ii) Regarding the installation of electrical equipment and electrical safety standards, hear appeals to determine the suitability of alternate materials and type of construction and to interpret and grant variances from rules and regulations of the council the National Electrical Code.

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- (c) The board shall may suspend or cancel the license of any licensee for flagrant a repeated or serious violation of this act or the rules and regulations of the board. A serious violation is any violation that poses a risk of injury or death to persons or is likely to result in property damage exceeding two thousand five hundred dollars (\$2,500.00). A repeated violation is one that occurs within two (2) years of any previously documented violation.
- (d) Except as provided by subsection (e) of this section, Any person whose application for a license is denied, who is otherwise disciplined or whose license is suspended, cancelled or refused by the board may appeal to the appropriate district court.
- (g) The board may enter into and approve reciprocal license agreements with other states if such agreements conform with the conditions and minimum standards required under W.S. 35-9-126(d).

# 35-9-125. Electrical contractor's, low voltage electrical contractor's and limited electrical contractor's licenses.

(a) On or before July 1 of each year, an electrical contractor shall file with the chief electrical inspector a license application in writing for each of his firms. The applicant shall be or actively employ in a full-time capacity a licensed master electrician of record who responsibility to ensure that the National assumes 35-9-120 Electrical Code, W.S. through 35-9-130 applicable rules of the department of fire prevention and electrical safety are adhered to on all electrical work undertaken by the electrical contractor in the state of

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Wyoming, and who is not the master electrician of record for, or employed by, any other electrical contractor. The electrical contractor shall pay the fee required by W.S. 35-9-129 for each firm operated by him. If the applicant qualifies, he shall receive a license which bears the date of issue and expires on July 1 next following the date of issue.

- On or before July 1 of each year, a low voltage electrical contractor shall file with the chief electrical inspector a license application in writing for each of his The applicant shall be or actively employ in a full-time capacity a licensed low voltage technician of record who assumes responsibility to ensure that the National Electrical Code, W.S. 35-9-120 through 35-9-130 and applicable rules of the department of fire prevention and electrical safety are adhered to on all electrical work undertaken by the low voltage electrical contractor in the state of Wyoming, and who is not the low voltage technician of record for, or employed by, any other low voltage contractor. voltage The low contractor shall pay the fee required by W.S. 35-9-129 for each firm operated by him. The low voltage electrical contractor's license fee shall be waived for any voltage electrical contractor not employing additional low voltage technicians or low voltage apprentice technicians other than himself. If the applicant qualifies, he shall receive a license which bears the date of issue and expires on July 1 next following the date of issue.
- (c) On or before July 1 of each year, a limited electrical contractor shall file with the chief electrical inspector a license application in writing for each of his firms. The applicant shall be or actively employ in a full-time capacity a licensed limited technician of record who assumes responsibility to ensure that the National

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Electrical Code, W.S. 35-9-120 through 35-9-130 applicable rules of the department of fire prevention and electrical safety are adhered to on all electrical work undertaken by the limited electrical contractor in the state of Wyoming, and who is not the limited technician of record for, or employed by, any other limited electrical The limited electrical contractor shall pay contractor. the fee required by W.S. 35-9-129 for each firm operated by The limited electrical contractor's license fee shall any limited electrical contractor waived for employing additional limited technicians or limited apprentice technicians other than himself. Τf applicant qualifies, he shall receive a license which bears the date of issue and expires on July 1 next following the date of issue.

- 35-9-126. Licensing of master electricians, journeymen electricians, low voltage technicians, limited technicians; temporary permits; reciprocal licenses; master electrician of record for only 1 electrical contractor; technician of record for only 1 low voltage or limited electrical contractor.
- (a) Applicants for master electrician, journeymen electrician, low voltage technician and limited technician licenses shall apply to the chief electrical inspector on a form furnished by the board department and accompanied by the required examination fee. The form shall state the applicant's full name, his address, the extent of his experience and other information required by the board department. An applicant who complies with the rules of the board department, is qualified, successfully completes the examination and pays the required license fee shall be issued the proper license by the chief electrical inspector which bears the date of issue. A master license shall expire on July 1 in the third year following the year of

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A journeyman license shall expire on January 1 in the third year following the year of issue. A low voltage technician license shall expire on July 1 in the third year following the year of issue. A limited technician license shall expire on July 1 in the third year following the year of issue. Credit for time spent in any electrical school master electricians, given to iournevman electricians, low voltage technicians limited or technicians for time spent in classes up to a total of two (2) years, or four thousand (4,000) hours, on the work experience requirements.

- Each master electrician, journeyman electrician, low voltage technician or limited technician licensed under this act may renew his license by paying fifty percent (50%) of the proper license fee to the state of Wyoming. Master and journeymen electricians shall provide proof of attendance at not less than sixteen (16) hours of training the National Electric Code or in advances electrical industry meeting criteria established by the board department on or before the date his license expires. At least eight (8) of the required sixteen (16) hours of training shall specifically cover the National Electrical Code. An electrician or technician who applies for renewal of his expired license within forty-five (45) days after its expiration and is otherwise entitled to renewal of his license shall have his license renewed by paying additional fee of fifty dollars (\$50.00).
- (c) The board department shall issue temporary permits to engage in the work of a journeyman electrician, low voltage technician or limited technician to a person who applies, furnishes satisfactory evidence of experience to qualify for the examination and pays the required fee. Temporary permits shall continue in effect not longer than

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one hundred fifty (150) days and may be revoked by the board department at any time.

(d) The board department may issue a reciprocal license to any applicant for a journeyman electrician, master electrician, low voltage technician or limited technician license if the applicant has obtained an out-of-state or foreign license through an examination which is equal to or exceeds the Wyoming journeyman electrician's, master electrician's, low voltage technician's or limited technician's examination.

# 35-9-127. Apprentice electricians and apprentice technicians.

An electrical contractor may employ apprentice electricians to assist a licensed journeyman or master electrician. From and after March 1, 1994, apprentice electricians shall be enrolled in a bona fide program of training approved by the bureau of apprenticeship and training, United States department of labor, or present evidence directly to the **board**—department that he enrolled in an apprentice training program which provides training equivalent to a program approved by the bureau of apprenticeship and training, United States department of labor. The board department may monitor the apprenticeship and receive necessary progress programs reports. program purposes of determining whether а equivalent training the board department shall consider and apply the current bureau of apprenticeship and training standards. Apprentice electricians shall register with the department of fire prevention and electrical safety and update the registration yearly as required by the board department. The electrical contractor shall notify chief electrical inspector in writing of the name and address of each apprentice electrician employed, and the

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date of employment or termination of employment within ten (10) days of the action. A licensed journeyman or master electrician shall supervise each apprentice electrician. A licensed journeyman or master electrician shall not supervise more than two (2) apprentice electricians at the same time.

A low voltage or limited electrical contractor may employ apprentice technicians to assist a licensed technician. Apprentice technicians shall be enrolled in a program of training as approved by the board department. Apprentice technicians shall register with the department of fire prevention and electrical safety and update the registration yearly as required by the board department. The low voltage or limited electrical contractor shall notify the chief electrical inspector in writing of the name and address of each apprentice technician employed, and the date of employment or termination of employment within ten (10) days of the action. A licensed technician shall supervise each apprentice technician. A licensed technician shall not supervise more than one (1) apprentice technician at the same time.

#### 35-9-129. Fees.

- (a) The fees for licenses, work permits, examinations and apprentice registrations shall be determined by the board department but shall not exceed:
- (b) Fifty percent (50%) Sixty percent (60%) of the fees collected pursuant to subsection (a) of this section shall be deposited in a separate account for the purpose of providing additional state electrical inspectors. Fifty percent (50%) Forty percent (40%) of the fees collected pursuant to subsection (a) of this section shall be deposited in the general fund.

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**Section 3.** W.S. 35-9-106(a)(iii) and (e) and 35-9-124(e) are repealed.

Section 4. This act is effective July 1, 2010.

(END)

Speaker of the House	President of the Senate
-	
Governor	
TIME APPROVED:	
DATE APPROVED:	
DITTE TITTED !	
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I hereby certify that this act original	inated in the House.
Chief Clerk	