

1/24/02 Referred To: Commerce Reg.

JAN 24 2002
STATE GOVERNMENT

HOUSE FILE 2108
BY CORMACK and GIPP

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:

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1 Section 1. Section 10A.502, Code 2001, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 3. Inspections relating to electrical
4 wiring installed by licensees pursuant to chapter 542A.

5 Sec. 2. NEW SECTION. 542A.1 DEFINITIONS.

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

8 1. "Apprentice electrician" means a person, other than a
9 licensee under this chapter, who is engaged, as the person's
10 principal occupation, in learning and assisting in the
11 installation of electrical wiring, apparatus, and equipment as
12 an employee of a licensee under this chapter.

13 2. "Board" means the electrician examining board created
14 under section 542A.3.

15 3. "Class A master electrician/electrical contractor"
16 means a person having the necessary qualifications, training,
17 experience, and technical knowledge to plan, lay out, install,
18 and supervise the installation of wiring, apparatus, and
19 equipment for electric light, heat, power, and other purposes
20 and to supervise apprentice electricians.

21 4. "Class A journeyman electrician" means a person having
22 the necessary qualifications, training, experience, and
23 technical knowledge to wire for or install electrical wiring,
24 apparatus, and equipment and to supervise apprentice
25 electricians.

26 5. "Class B master electrician/electrical contractor"
27 means a person having the necessary qualifications, training,
28 experience, and technical knowledge to plan, lay out, install,
29 and supervise the installation of wiring, apparatus, and
30 equipment for systems of not over four hundred ampere capacity
31 for light, heat, power, and other purposes in any structure
32 used and maintained as a residential dwelling but not larger
33 than a four-family dwelling located in any city or county
34 which has a population of less than one hundred thousand
35 inhabitants.

1 6. "Class B journeyman electrician" means a person having
2 the necessary qualifications, training, experience, and
3 technical knowledge to wire for or install electrical wiring,
4 apparatus, and equipment for systems of not over four hundred
5 ampere capacity for light, heat, power, and other purposes in
6 any structure used and maintained as a residential dwelling
7 but not larger than a four-family dwelling located in any city
8 or county which has a population of less than one hundred
9 thousand inhabitants.

10 7. "Electrical inspector" means a person licensed as an
11 electrical inspector upon such reasonable conditions as may be
12 adopted by the board. The board may permit more than one
13 class of electrical inspector.

14 8. "Fire alarm installer" means a person having the
15 necessary qualifications, training, and experience to plan,
16 lay out, and install electrical wiring, apparatus, and
17 equipment for only those components of fire alarm systems that
18 operate at fifty volts or less.

19 9. "Installer" means a person who has the necessary
20 qualifications, training, experience, and technical knowledge
21 to lay out and install electrical wiring, apparatus, and
22 equipment for major electrical home appliances on the load
23 side of the main service in any city or county which has a
24 population of less than one hundred thousand inhabitants.

25 10. "Special electrician" means a person having the
26 necessary qualifications, training, and experience in wiring
27 or installing special classes of electrical wiring, apparatus,
28 equipment, or installations, including irrigation system
29 wiring, well pump wiring, air conditioning and refrigeration
30 installation, and sign installation.

31 Sec. 3. NEW SECTION. 542A.2 CHAPTER INAPPLICABILITY.
32 This chapter does not apply to a person licensed as an
33 engineer pursuant to chapter 542B or licensed as an architect
34 pursuant to chapter 544A providing consultations and
35 developing plans concerning electrical installations who is

1 exclusively engaged in the practice of the person's
2 profession.

3 Sec. 4. NEW SECTION. 542A.3 ELECTRICIAN EXAMINING BOARD
4 CREATED.

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

29 Sec. 5. NEW SECTION. 542A.4 TERMS OF OFFICE -- EXPENSES
30 -- COUNSEL.

31 1. Appointments shall be for three-year terms and shall
32 commence and end as provided by section 69.19. Vacancies
33 shall be filled for the unexpired term by appointment of the
34 governor and shall be subject to senate confirmation. Members
35 shall serve no more than three terms or nine years, whichever

1 is least.

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

7 3. The board shall be entitled to the counsel and to the
8 services of the attorney general. The board may compel the
9 attendance of witnesses, pay witness fees and mileage, take
10 testimony and proofs, and administer oaths concerning any
11 matter within its jurisdiction.

12 Sec. 6. NEW SECTION. 542A.5 ORGANIZATION OF THE BOARD.

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

22 Sec. 7. NEW SECTION. 542A.6 OFFICIAL SEAL -- BYLAWS.

23 The board shall adopt and have an official seal which shall
24 be affixed to all certificates of licensure granted.

25 Sec. 8. NEW SECTION. 542A.7 POWERS AND DUTIES.

26 The board may:

27 1. Adopt rules pursuant to chapter 17A and in doing so
28 shall be governed by the minimum standards set forth in the
29 national electrical code issued and adopted by the national
30 fire protection association in 2002, publication number 70-
31 2002, which code shall be filed in the offices of the
32 secretary of state and the board and shall be a public record.
33 The board shall update these rules on a timely basis to
34 conform with subsequent editions of the national electrical
35 code. The board shall adopt rules establishing wiring

1 standards which protect public safety and health and property
2 and which shall apply to all electrical wiring installed by
3 licensees.

4 2. Provide upon request such additional voluntary
5 inspections and reviews as it deems appropriate. The board
6 may, in coordination with the department of inspections and
7 appeals, adopt rules relating to inspection procedures,
8 standards, and schedules with regard to electrical wiring
9 installed by licensees pursuant to this chapter. Rules
10 providing for additional inspections and reviews based on
11 complaints received by the board shall require commencement of
12 an additional inspection or review within forty-eight hours of
13 receipt of a complaint.

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

16 a. Violates any provision of the national electrical code
17 as adopted pursuant to subsection 1, or any provision of this
18 chapter or a rule adopted pursuant to this chapter.

19 b. Fails or refuses to pay any application, examination,
20 apprentice registration, or license renewal fee required by
21 law.

22 c. Is an master electrician/electrical contractor or
23 master electrician and fails or refuses to provide and keep in
24 force a public liability insurance policy as required by the
25 board.

26 d. Violates any city-approved or county-approved
27 inspection ordinance.

28 4. Order disconnection of power to any electrical
29 installation that in the board's determination is dangerous to
30 health and property.

31 5. Order removal of electrical wiring, apparatus, and
32 equipment from premises if such wiring, apparatus, and
33 equipment in the board's determination are dangerous to health
34 and property.

35 6. Investigate, for the purpose of identifying dangerous

1 electrical wiring or violations of the national electrical
2 code as adopted pursuant to subsection 1, any death by
3 electrocution that occurs within the state.

4 7. Adopt rules for continuing education requirements for
5 each classification of licensure, and for apprentice
6 registration established pursuant to this chapter, and may
7 make all rules, not inconsistent with law, necessary for the
8 proper performance of its duties.

9 Sec. 9. NEW SECTION. 542A.8 DISCLOSURE OF CONFIDENTIAL
10 INFORMATION -- CRIMINAL PENALTY.

11 A member of the board shall not disclose information
12 relating to the following:

- 13 1. Criminal history or prior misconduct of an applicant.
- 14 2. Information relating to the contents of an examination.
- 15 3. Information relating to examination results other than
16 a final score except for information about the results of an
17 examination given to the person who took the examination.

18 A member of the board who willfully communicates or seeks
19 to communicate such information, and any person who willfully
20 requests, obtains, or seeks to obtain such information, is
21 guilty of a simple misdemeanor.

22 Sec. 10. NEW SECTION. 542A.9 APPLICATIONS AND
23 EXAMINATIONS -- FEES.

24 1. Applications for initial licensure shall be on forms
25 prescribed and furnished by the board, and shall contain
26 statements made under oath showing the applicant's education
27 and a detailed summary of the applicant's technical work. The
28 board shall not require that a recent photograph of the
29 applicant be attached to the application form. An applicant
30 is not ineligible for licensure because of age, citizenship,
31 sex, race, religion, marital status, or national origin,
32 although the application form may require citizenship
33 information. The board may deny licensure because of the past
34 felony record of an applicant. The board may require that an
35 applicant submit references.

1 2. Applications for licensure, and licensure renewal as
2 provided in section 542A.17, shall be accompanied by
3 application fees determined by the board. The board shall
4 determine the annual cost of administering licensure
5 examinations and shall set examination fees.

6 3. The board shall collect and account for all fees
7 provided for by this chapter and pay the fees to the treasurer
8 of state who shall deposit the fees in the general fund of the
9 state.

10 Sec. 11. NEW SECTION. 542A.10 PLAN, LAY OUT, OR
11 SUPERVISE CERTAIN ACTIVITIES -- LICENSE REQUIRED --
12 EXCEPTIONS.

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

32 2. On or after the effective date of this Act, an
33 applicant for licensure pursuant to this section shall meet
34 one of the following requirements:

35 a. Have at least one year's experience, acceptable to the

1 board, as a class A or class B journeyman electrician.

2 b. Have at least five years' experience, acceptable to the
3 board, in planning for, laying out, supervising, and
4 installing wiring, apparatus, or equipment for electrical
5 light, heat, and power.

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

11 Sec. 12. NEW SECTION. 542A.11 WIRING OR INSTALLING --
12 LICENSE REQUIRED -- EXCEPTIONS.

13 1. Except as provided in subsection 2, a person shall not,
14 for another, wire for or install electrical wiring, apparatus,
15 or equipment unless the person is licensed by the board as a
16 class A master electrician/electrical contractor or a class B
17 master electrician/electrical contractor, or a fire alarm
18 installer.

19 2. Except as provided in section 542A.10, a person shall
20 not wire for or install electrical wiring, apparatus, or
21 equipment or supervise an apprentice electrician unless the
22 person is licensed as a class A journeyman electrician, a
23 class B journeyman electrician, or a fire alarm installer and
24 is employed by a class A master electrician/electrical
25 contractor or a class B master electrician/electrical
26 contractor, or a fire alarm installer.

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

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

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

20 Sec. 13. NEW SECTION. 542A.12 INSTALLER LICENSE --
21 ELIGIBILITY.

22 The board shall by rule establish criteria for licensure as
23 an installer. An installer shall only lay out and install
24 electrical wiring, apparatus, and equipment for major
25 electrical home appliances on the load side of the main
26 service in cities or counties having a population of less than
27 one hundred thousand persons.

28 Sec. 14. NEW SECTION. 542A.13 SPECIAL ELECTRICIAN
29 LICENSE -- QUALIFICATIONS.

30 The board shall by rule provide for the issuance of special
31 electrician licenses empowering the licensee to engage in a
32 limited class or classes of electrical work, which class or
33 classes shall be specified on the license. Each licensee
34 shall have experience, acceptable to the board, in each such
35 limited class of work for which the licensee is licensed.

1 Sec. 15. NEW SECTION. 542A.14 FIRE ALARM INSTALLER

2 LICENSE -- EXPERIENCE.

3 1. A person not otherwise licensed pursuant to this
4 chapter shall not plan, lay out, or install electrical wiring,
5 apparatus, and equipment for components of fire alarm systems
6 that operate at fifty volts or less unless the person is
7 licensed by the board as a fire alarm installer. A person
8 authorized to plan, lay out, or install electrical wiring,
9 apparatus, and equipment for components of fire alarm systems
10 that operate at fifty volts or less by a city on the effective
11 date of this Act shall be issued an applicable statewide
12 license corresponding to that authorization as a fire alarm
13 installer.

14 2. On or after the effective date of this Act, any person
15 licensed as a fire alarm installer to plan, lay out, and
16 install electrical wiring, apparatus, and equipment for
17 components of fire alarm systems that operate at fifty volts
18 or less shall have at least two years' experience, acceptable
19 to the board, in planning, laying out, and installing fire
20 alarm systems.

21 Sec. 16. NEW SECTION. 542A.15 APPRENTICE ELECTRICIAN --
22 REGISTRATION -- SUPERVISION.

23 1. A person may register with the board and pay a
24 registration fee to work as an apprentice electrician. Such
25 registration shall entitle the registrant to act as an
26 apprentice to a class A master electrician/electrical
27 contractor, a class B master electrician/electrical
28 contractor, a class A journeyman electrician, or a class B
29 journeyman electrician as provided in subsection 2.

30 2. A person shall not serve as an apprentice electrician
31 except under the direct, personal, on-the-job supervision and
32 control and in the presence of a licensee enumerated in
33 subsection 1. Such a licensee may employ or supervise
34 apprentice electricians at a ratio not to exceed five
35 apprentice electricians to one licensee, except that such

1 ratio and the other requirements of this section shall not be
2 applicable to a teacher-student relationship within a
3 classroom of a community college.

4 For purposes of this section, "the direct, personal, on-
5 the-job supervision and control and in the presence of a
6 licensee" shall mean the licensee and the apprentice
7 electrician shall be working at the same project location but
8 shall not require that the licensee and apprentice electrician
9 be within sight of one another at all times.

10 3. An apprentice electrician shall not install, alter, or
11 repair electrical wiring, apparatus, or equipment except as
12 provided in this section, and the licensee employing or
13 supervising an apprentice electrician shall not authorize or
14 permit such actions by the apprentice electrician.

15 Sec. 17. NEW SECTION. 542A.16 EXAMINATIONS -- REPORT
16 REQUIRED.

17 Examinations for licensure shall be given as often as
18 deemed necessary by the board, but no less than one time per
19 month. The scope of the examinations and the methods of
20 procedure shall be prescribed by the board. Any examination
21 may be given by representatives of the board. As soon as
22 practicable after the close of each examination, a report
23 shall be filed in the office of the secretary of the board by
24 the board. The report shall show the action of the board upon
25 each application and the secretary of the board shall notify
26 each applicant of the result of the applicant's examination.
27 Applicants who fail the examination once shall be allowed to
28 take the examination at the next scheduled time. Thereafter,
29 the applicant shall be allowed to take the examination at the
30 discretion of the board. An applicant who has failed the
31 examination may request, in writing, information from the
32 board concerning the applicant's examination grade and subject
33 areas or questions which the applicant failed to answer
34 correctly, except that if the board administers a uniform,
35 standardized examination, the board shall only be required to

1 provide the examination grade and such other information
2 concerning the applicant's examination results which are
3 available to the board.

4 Sec. 18. NEW SECTION. 542A.17 CONTINUING EDUCATION
5 REQUIREMENT -- LICENSE EXPIRATIONS AND RENEWALS.

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

34 Sec. 19. NEW SECTION. 542A.18 FOREIGN LICENSEES.

35 A person holding a certificate of licensure issued to the

1 person by a proper authority of a state, territory, or
2 possession of the United States, the District of Columbia, or
3 any foreign country, based on requirements and qualifications,
4 in the opinion of the board equal to or higher than the
5 requirements of this chapter, may be licensed without further
6 examination.

7 A temporary license may be granted to a person licensed in
8 another state, territory, or possession of the United States,
9 the District of Columbia, or any foreign country, as
10 prescribed by rule, provided that before practicing within
11 this state the person shall have applied for temporary
12 licensure and shall have paid the fee prescribed by the board.

13 Sec. 20. NEW SECTION. 542A.19 SUSPENSION, REVOCATION, OR
14 REPRIMAND.

15 The board, by a five-sevenths vote of the entire board, may
16 suspend for a period not exceeding two years, or revoke the
17 certificate of licensure of, or reprimand any licensee who is
18 found guilty of the following acts or offenses:

19 1. Fraud in procuring a certificate of licensure.

20 2. Professional incompetency.

21 3. Knowingly making misleading, deceptive, untrue, or
22 fraudulent representations in the practice of the licensee's
23 profession or engaging in unethical conduct or practice
24 harmful to the public. Proof of actual injury need not be
25 established.

26 4. Habitual intoxication or addiction to the use of drugs.

27 5. Conviction of a felony under the laws of the United
28 States, any state, territory, or possession of the United
29 States, the District of Columbia, or any foreign country. A
30 copy of the record of conviction or plea of guilty is
31 conclusive evidence.

32 6. Revocation or suspension of licensure, or other
33 disciplinary action by the licensing authority of another
34 state, territory, possession of the United States, the
35 District of Columbia, or any foreign country. A certified

1 copy of the record or order of suspension, revocation, or
2 other disciplinary action is prima facie evidence of such
3 fact.

4 7. Fraud in representations as to skill or ability.

5 8. Use of untruthful or improbable statements in
6 advertisements.

7 9. Willful or repeated violations of this chapter.

8 Sec. 21. NEW SECTION. 542A.20 PROCEDURE.

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

21 Sec. 22. NEW SECTION. 542A.21 INJUNCTION.

22 Any person who is not legally authorized to practice in
23 this state according to this chapter, who practices, or in
24 connection with the person's name, uses any designation
25 tending to imply or designate the person as authorized to
26 practice in this state according to this chapter, may be
27 restrained by permanent injunction.

28 Sec. 23. NEW SECTION. 542A.22 CRIMINAL VIOLATIONS.

29 A person who violates such a permanent injunction or
30 presents or attempts to file as the person's own the
31 certificate of licensure or apprentice registration of
32 another, or who gives false or forged evidence of any kind to
33 the board in obtaining a certificate of licensure or
34 apprentice registration, or who falsely impersonates another
35 practitioner of like or different name, or who uses or

1 attempts to use a revoked certificate of licensure or
2 registration, is guilty of a fraudulent practice.

3 Sec. 24. NEW SECTION. 542A.23 CIVIL PENALTY.

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

8 a. Is employed in a capacity in which the person engages
9 in or offers to engage in the activities authorized pursuant
10 to this chapter.

11 b. Uses or employs the words "class A master
12 electrician/electrical contractor", "class B master
13 electrician/electrical contractor", "class A journeyman
14 electrician", "class B journeyman electrician", "fire alarm
15 installer", or implies authorization to provide or offer those
16 services, or otherwise uses or advertises any title, word,
17 figure, sign, card, advertisement, or other symbol or
18 description tending to convey the impression that the person
19 is a "class A master electrician/electrical contractor",
20 "class B master electrician/electrical contractor", "class A
21 journeyman electrician", "class B journeyman electrician", or
22 "fire alarm installer".

23 c. Gives false or forged evidence of any kind to the board
24 or any member of the board in obtaining or attempting to
25 obtain a certificate of licensure or registration.

26 d. Falsely impersonates any individual licensed pursuant
27 to this chapter.

28 e. Uses or attempts to use an expired, suspended, revoked,
29 or nonexistent certificate of licensure or registration.

30 f. Knowingly aids or abets an unlicensed or unregistered
31 person who engages in any activity identified in this
32 subsection.

33 2. A civil penalty imposed shall not exceed one thousand
34 dollars for each offense. Each day of a continued violation
35 constitutes a separate offense, except that offenses resulting

1 from the same or common facts or circumstances shall be
2 considered a single offense.

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

5 a. Whether the amount imposed will be a substantial
6 economic deterrent to the violation.

7 b. The circumstances leading to the violation.

8 c. The severity of the violation and the risk of harm to
9 the public.

10 d. The economic benefits gained by the violator as a
11 result of noncompliance.

12 e. The interest of the public.

13 4. Before issuing an order under this section, the board
14 shall provide the person written notice and the opportunity to
15 request a hearing on the record. The hearing must be
16 requested within thirty days of the issuance of the notice and
17 shall be conducted in the same manner as provided in section
18 542A.20.

19 5. The board, in connection with a proceeding under this
20 section, may issue subpoenas to compel the attendance and
21 testimony of witnesses and the disclosure of evidence, and may
22 request the attorney general to bring an action to enforce the
23 subpoena.

24 6. A person aggrieved by the imposition of a civil penalty
25 under this section may seek judicial review in accordance with
26 section 17A.19.

27 7. If a person fails to pay a civil penalty within thirty
28 days after entry of an order under subsection 1, or if the
29 order is stayed pending an appeal within ten days after the
30 court enters a final judgment in favor of the board, the board
31 shall notify the attorney general. The attorney general may
32 commence an action to recover the amount of the penalty,
33 including reasonable attorney fees and costs.

34 8. An action to enforce an order under this section may be
35 joined with an action for an injunction.

1 upon electrical theory.

2 The bill provides that individuals authorized to wire for
3 or install for another individual electrical wiring,
4 apparatus, or equipment, or supervise an apprentice
5 electrician, by a city preceding the effective date of the
6 licensing portions of the bill shall be issued a statewide
7 license corresponding to their current classification, as
8 defined in the bill, of class A journeyman electrician, class
9 B journeyman electrician, or fire alarm installer provided the
10 individual is employed by a class A master
11 electrician/electrical contractor, a class B master
12 electrician/electrical contractor, or a fire alarm installer
13 and has passed a city examination, is currently engaged in the
14 industry, and possesses four years' experience. The bill
15 provides that on or after the effective date of the licensing
16 portions of the bill, an applicant shall possess at least four
17 years' experience in the electrical trade, and that beginning
18 four years after the effective date, an apprenticeship
19 training program shall have been successfully completed. The
20 bill provides that the board may by rule provide for the
21 allowance of one year of experience credit for successful
22 completion of a two-year post-high school electrical course
23 approved by the board. The bill provides that an applicant
24 for a class A or class B journeyman electrician license shall
25 obtain a score of at least 75 percent on an examination
26 prescribed and administered by the board based upon the most
27 recent national electrical code and upon electrical theory.

28 The bill provides for the creation of a seven-member
29 electrician examining board within the professional licensing
30 and regulation division of the department of commerce. The
31 bill provides that board members shall be appointed by the
32 governor and subject to senate confirmation, and shall be
33 residents of the state. The bill provides that membership
34 shall be comprised of two journeyman electricians, one a
35 member of an electrical workers union and one not a member;

1 two master electricians/electrical contractors, one who is a
2 union contractor and one who is not; one electrical inspector,
3 and two members, one union and one nonunion, who are not
4 members of the aforementioned groups representing the general
5 public. The bill specifies several specific powers of the
6 electrician examining board. The bill provides that the board
7 shall adopt rules pursuant to Code chapter 17A governed by the
8 minimum standards set forth in the national electrical code
9 issued and adopted by the national fire protection association
10 in 2002, publication number 70-2002, establishing wiring
11 standards which protect public safety and health and property
12 and which shall apply to all electrical wiring installed by
13 licensees. The bill provides that the board shall provide
14 upon request such additional voluntary inspections and reviews
15 as it deems appropriate, establish rules for inspections based
16 on complaints within 48 hours, and in coordination with the
17 department of inspections and appeals adopt rules relating to
18 inspection procedures, standards, and schedules with regard to
19 electrical wiring installed by licensees. The bill contains
20 provisions relating to the circumstances leading to the
21 revocation, suspension, or refusal to renew a license, and
22 provides that the board may order disconnection of power to
23 any electrical installation that in the board's determination
24 is dangerous to health and property, order removal of
25 electrical wiring and apparatus from premises when such wiring
26 and apparatus in the board's determination is dangerous to
27 health and property, investigate dangerous electrical wiring
28 or violations of the national electrical code, and establish
29 rules for continuing education requirements for each
30 classification of licensure and registration.

31 The bill additionally provides that the board shall
32 establish criteria for the statewide licensure of an
33 individual possessing an installer license to lay out and
34 install electrical wiring, apparatus, and equipment for major
35 electrical home appliances on the load side of the main

1 service in any city or county having a population of less than
2 100,000 inhabitants. The bill provides for the issuance of
3 special electrician licenses empowering the licensee to engage
4 in a limited class or classes of electrical work. The bill
5 also provides for the statewide licensure of an individual
6 authorized to plan, lay out, and install electrical wiring,
7 apparatus, and equipment for components of fire alarm systems
8 that operate at 50 volts or less by a city on the effective
9 date of the licensing portions of the bill. The bill provides
10 that beginning on or after the effective date of the licensing
11 portions of the bill, an applicant for a fire alarm installer
12 license shall have at least two years' experience, acceptable
13 to the board, in planning, laying out, and installing fire
14 alarm systems.

15 The bill provides for a registration process for apprentice
16 electricians. The bill provides that registration shall
17 entitle the registrant to act as an apprentice electrician to
18 a class A master electrician/electrical contractor, a class B
19 master electrician/electrical contractor, a class A journeyman
20 electrician, or a class B journeyman electrician, and that an
21 apprentice electrician shall do no electrical wiring except
22 under the direct, personal, on-the-job supervision and control
23 and in the presence of such licensed individuals. The bill
24 provides that a licensee may employ or supervise apprentice
25 electricians at a ratio not to exceed five apprentice
26 electricians to one licensee, with the exception of a teacher-
27 student relationship within a classroom of a community
28 college.

29 The bill provides an application process and provides for
30 the establishment of application, examination, licensure,
31 renewal, and registration fees. The bill additionally
32 provides suspension, revocation, reprimand, and penalty
33 provisions. Provisions of the bill relating primarily to
34 definitions and the establishment of the electrician examining
35 board take effect upon enactment. Remaining provisions of the

1 bill, dealing primarily with forms of and qualifications for
2 licensure or registration, take effect on July 1, 2003.

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