

WORKING DRAFT

HOUSE BILL NO. _____

Electrical safety code-civil penalties.

Sponsored by: Joint Corporations, Elections and Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to penalties for violations of electrical
2 licensing provisions; authorizing the electrical board to
3 issue notices of violation of the electrical licensing
4 statutes and impose civil penalties; authorizing the
5 electrical board to act as the recommending agency to
6 district attorneys or the attorney general for violations
7 of electrical licensing statutes; and providing for an
8 effective date.

9

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

11

12 **Section 1.** W.S. 35-9-124(d) and 35-9-130(b) and by
13 creating new subsections (c) through (f) is amended to
14 read:

15

1 **35-9-124. Powers and duties of board; appeals.**

2

3 (d) Except as provided by subsection (e) of this
4 section, any person whose application for a license is
5 denied, who has been assessed a civil penalty under W.S.
6 35-9-130(c) or whose license is suspended, cancelled or
7 refused by the board may appeal to the appropriate district
8 court.

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10 **35-9-130. Criminal penalties; civil penalties; other**
11 **remedies.**

12

13 (b) Violators of W.S. 35-9-101 through 35-9-130 may
14 also be enjoined from continuing the violation by
15 proceedings brought by the district or county and
16 prosecuting attorney or by the attorney general. The
17 electrical board shall make recommendations to the
18 appropriate district attorney or attorney general regarding
19 prosecution under subsection (a) of this section.

20

21 (c) A person who violates W.S. 35-9-101 through 35-9-
22 130 shall pay a civil penalty in an amount the electrical
23 board determines of not more than one thousand dollars
24 (\$1,000.00) for a first offense, or two thousand dollars

1 (\$2,000.00) for any subsequent offense within any three (3)
2 month period. The penalty shall be collected from the
3 violator and credited as provided by W.S. 8-1-109.

4
5 (d) Before the electrical board imposes a civil
6 penalty, the board shall notify the person accused of a
7 violation, in writing, stating specifically the nature of
8 the alleged violation and fixing a time and place, at least
9 ten (10) days from the date of the notice, when a hearing
10 of the matter shall be held. After hearing or upon failure
11 of the accused to appear at the hearing, the electrical
12 board shall determine the amount of the civil penalty to be
13 imposed in accordance with the limitations expressed in
14 subsection (c) of this section. Each violation is a
15 separate offense.

16
17 (e) A civil penalty may be recovered in an action
18 brought thereon in the name of the state of Wyoming in any
19 court of appropriate jurisdiction, and the court may review
20 the penalty as to both liability and reasonableness of
21 amount.

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1 (f) The provisions of subsections (c) through (e) are
2 in addition to and not instead of any other enforcement
3 provisions contained in this article.

4

5 **Section 2.** This act is effective July 1, 2006.

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(END)