

SENATE FILE NO. SF0023

Electrical safety code-penalties.

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

A BILL

for

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

10

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

12

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

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

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3 (d) Except as provided by subsection (e) of this
4 section, any person whose application for a license is
5 denied, who is otherwise disciplined or whose license is
6 suspended, cancelled or refused by the board may appeal to
7 the appropriate district court.

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9 (f) The board may hear appeals of civil penalties
10 imposed by the department pursuant to W.S. 35-9-130.

11

12 **35-9-130. Penalties; civil penalties; other remedies.**

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

22

23 (c) A person who violates W.S. 35-9-101 through
24 35-9-130 shall pay a civil penalty in an amount the

1 department determines of not more than one thousand dollars
2 (\$1,000.00) for a first offense, or two thousand dollars
3 (\$2,000.00) for any subsequent offense within any three (3)
4 month period. The penalty shall be collected from the
5 violator and credited as provided by W.S. 8-1-109.

6
7 (d) Before the department imposes a civil penalty,
8 the department shall notify the person accused of a
9 violation, in writing, stating specifically the nature of
10 the alleged violation. Upon receipt of a notice of
11 violation the person receiving it shall pay the assessed
12 fine to the department within ten (10) business days or
13 file an appeal to the electrical board. The department
14 shall determine the amount of the civil penalty to be
15 imposed in accordance with the limitations expressed in
16 subsection (c) of this section. Each violation is a
17 separate offense. If an appeal is submitted to the
18 electrical board, the board shall hear the appeal at its
19 next regularly scheduled meeting. At the appeal hearing,
20 the electrical board may uphold the proposed fine, rule
21 that the alleged violation is not substantiated, or reduce
22 the amount of the proposed fine.

23

1 (e) A civil penalty may be recovered in an action
2 brought thereon in the name of the state of Wyoming in any
3 court of appropriate jurisdiction, and the court may review
4 the penalty as to both liability and reasonableness of
5 amount.

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7 (f) The provisions of subsections (c) through (e) of
8 this section are in addition to and not instead of any
9 other enforcement provisions contained in this article.

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11 **Section 2.** W.S. 35-9-130(a) is repealed.

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13 **Section 3.** This act is effective July 1, 2006.

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15

(END)