

HB

876

# FAIRBANKS SECURITY SERVICE

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March 14, 1978

The Honorable Joseph McKinnon  
Chairman, Commerce Committee  
House of Representatives  
Pouch V  
Juneau, Alaska 99811

Re: House Bill 876

Dear Representative McKinnon,

The Board of Electrical Examiners would like to take this opportunity to present written testimony in regard to HB 876.

Preface: There are, at this time, 2 individual statutes which regulate the electrical industry in our state. Of these, one statute under Title 8 (AS 08.40) is administered by the Department of Commerce and Economic Development while the other (AS 18.60 Article 6), falls under the Department of Labor.

Coincidentally, the provisions of AS 08.40 grant enforcement authority to the Department of Labor while the structure of our centralized licensing statute (AS 08.01.050.(19) ) relieves the Department of Commerce from the requirement to provide investigative services to our Board.

In addition to the foregoing, Article 6 of AS 18.60 provides inspection authority to the Department of Labor and others without delineating any criteria as to the minimum qualifications an electrical inspector should have.

It is the opinion of our Board that a comprehensive review of this situation leading to investiture of a common authority under a single statute is mandatory at this time. We have, to this end, taken the liberty of preparing the following documentation which we offer as a possible committee substitute to HB 876.

CSHB 876

A bill for an Act entitled: "An Act relating to electrical safety"

- \* Section 1. AS 18.60.580 through AS 18.60.660 are repealed.
- \* Section 2. AS 08.40 "Article" is amended by adding a new section to read:
  - 4. Electrical safety (Sections 08.40.300 - 08.40.390)
  - 5. Electrical inspectors (Sections 08.40.400 - 08.40.410)
- \* Section 3. AS 08.40 is amended by adding Article 4.  
AS 08.40 Article 4 Electrical safety

Section

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\* Sec 08.40.300 Minimum electrical standards.

The latest published editions of the National Electrical Code and the National Electrical Safety Code, both as approved by the American National Standard Institute (ANSI) constitute the minimum electrical safety standards of the state.

\* Sec 08.40.310 State, Borough and City electrical codes.

- (1) The Board of Electrical Examiners may adopt regulations amending the codes adopted by Sec 300 of this chapter, providing such amendments are not less stringent than the standards prescribed by those codes.
- (2) This chapter does not affect the authority of any Borough, Municipality or Utility to adopt by ordinance, rule or order, standards for their respective areas of jurisdiction not less stringent than the standards prescribed by the Board and/or those established under Sec 300 of this chapter.

\* Sec 08.40.320 Powers and duties of the Board.

The Board may:

- (1) Adopt regulations necessary to carry out the purpose of Sec 300 and Sec 310 of this chapter.
- (2) Cause to have made inspections of the electrical wiring installed in any structure or facility in this state for the purpose of determining compliance with the minimum standards herein established.

\* Sec 08.40.330 Powers and duties of the Department.

(a) The Department may:

- (1) Adopt regulations necessary to carry out the purposes of Sec 330-390 of this chapter.
- (2) Inspect the electrical wiring installed in a structure or facility within this state as directed by the Board or as otherwise authorized by this chapter.

(b) The Department shall maintain records of all electrical inspections conducted.

\* Sec 08.40.340 Delegation of authority.

- (a) Upon application to the Department, a Borough, Municipality or Utility may be authorized by the Commissioner to inspect the electrical wiring in any structure or facility within their respective areas of jurisdiction. Authorization by the Commissioner under this section constitutes a full grant of authority to act within the provisions of Sec 330-390 of this chapter with the same immunities and privileges accorded to the State in the performance of these duties.
- (b) Notwithstanding the above delegation of authority, the Department may, upon reasonable cause or direction of the Board, make inspections of electrical wiring within any jurisdictional area of this state.

\* Sec 08.40.350 Inspection fees.

- (a) A Borough, Municipality or Utility authorized under Sec 340 of this chapter to provide inspection services may charge a fee for those services.
- (b) The Department shall adopt regulations setting forth a schedule of maximum fees for inspection services rendered under Sec 330-390 of this chapter.

\* Sec 08.40.360 Enforcement of compliance.

- (a) An authorized inspector under this chapter shall give written notice to the owner of constructed premises, or the contractor or builder of premises under construction, of each violation of applicable electrical standards discovered.
- (b) An owner, contractor, or builder whose electrical wiring installation is found not to meet the standards prescribed, has the right to appeal to the Commissioner for a new inspection. Such appeal must be made within five (5) working days of the date of notice of violation and when made, the Department shall, within ten (10) working days of the date of appeal make a new inspection by a designee other than the person conducting the original inspection.
- (c) Within fifteen (15) working days after receipt of written notice of violation under this chapter, an owner, contractor or builder served with such notice must correct the discrepancy and request reinspection.
- (d) Should an owner or contractor fail to appeal the notice of violation and/or fail to correct the discrepant condition(s) within the timeframes specified, the Department may (1) Place a stop work order on the building, facility or project involved (2) Provide written notice of non-conformance to the serving utility, whereupon the supplier of electrical energy may discontinue services to the premises where the alleged violation exists.

\* Sec 08.40.370 Scope of work covered.

- (a) Sections 300-390 of this chapter apply to electrical wiring installed or being installed in any building, structure or facility within this state.

- (b) Exclusion. Electrical installations in single family residential dwellings which are owned by the installer or a member of his immediate family and not intended for sale at the time the installation is made are exempt from the provisions of Sec 320-390 of this chapter.

\* Sec 08.4.380 Penalty for violations.

An owner, contractor or builder who installs electrical wiring not in compliance with the minimum standards as defined in this chapter, and/or who fails to correct a discrepancy after having been notified in writing by an authorized inspector, is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$1,000.00 or by imprisonment for not more than 90 days, or by both.

\* Sec 08.40.390 Definitions.

In Article 4 of this chapter:

- (1) "Board" means the Board of Electrical Examiners.
- (2) "Department" means the Department of Labor.
- (3) "Commissioner" means the Commissioner of the Department of Labor.
- (4) "Electrical Wiring" see Sec 200.(3) of this chapter.

\* Section 4. AS 08.40 is ammended by adding Article 5  
AS 08.40 Article 5 Electrical inspectors  
Section 400 License required  
Section 410 Violation of chapter

\* Sec 08.40.400 License required.

- (a) No person may act as an electrical inspector in this state without an Electrical Administrator's license issued by the Board.
- (b) A person licensed under this chapter may inspect work only in a category for which he is licensed.

\* Sec 08.40.410 Violation of chapter.

A person who knowingly violates Article 5 of this chapter is quilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$300.00, or by imprisonment for not more than 60 days, or by both.

\* Section 5. AS 08.40.190 is ammended to read:

Sec 08.40.190 Exclusions

- (a) Articles 1, 2 and 3 of this chapter do (does) not apply to any Utility or Municipality engaged in -----

Sec 08.40.190

- (b) Articles 1, 2 and 3 of this chapter do (does) not apply to any person engaged in -----

\* Section 6. AS 08.40.200 is ammended to read:

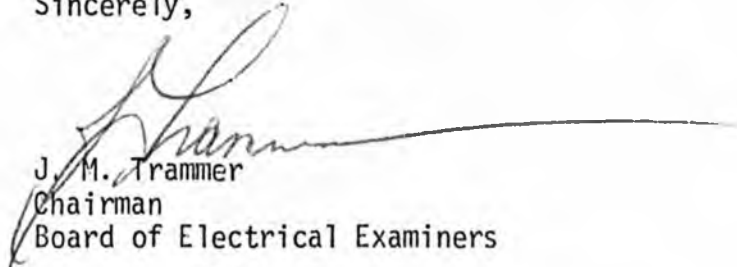
Sec 08.40.200 Definitions.

As used in Articles 1, 2 and 3 of this chapter.

We recognize that the implications of this proposal are somewhat far reaching even though our prime purpose is to codify the authorities into one Act. We would welcome the opportunity to testify before your committee and to hear the testimony of other persons and administrative departments affected.

Please let us know when we can be of assistance to you.

Sincerely,



J. M. Trammer  
Chairman  
Board of Electrical Examiners

JMT:kkm

cc: The Honorable Fred Brown  
The Honorable Bob Bradley  
The Honorable Charles Parr  
The Honorable Larry Carpenter  
The Honorable C. V. Chatterton  
The Honorable Joe Hayes  
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