

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 proceedings
7 to enjoin violations of electrical licensing statutes;
8 repealing criminal penalties; and providing for an
9 effective date.

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

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

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2 **35-9-124. Powers and duties of board; appeals.**

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

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

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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, county and prosecuting
19 attorney or attorney general regarding proceedings under
20 this subsection.

21

22 (c) A person who violates W.S. 35-9-101 through 35-9-
23 130 shall pay a civil penalty in an amount the electrical
24 board determines of not more than one thousand dollars

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

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

17
18 (e) A civil penalty may be recovered in an action
19 brought thereon in the name of the state of Wyoming in any
20 court of appropriate jurisdiction, and the court may review
21 the penalty as to both liability and reasonableness of
22 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.

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

6

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

8

9

(END)

