

ENROLLED ACT NO. 62, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING  
2006 BUDGET SESSION

AN ACT relating to violations of electrical licensing provisions; authorizing the department of fire prevention and electrical safety to issue notices of violation of the electrical licensing statutes and impose civil penalties; authorizing the department to act as the recommending agency to district attorneys or the attorney general for proceedings to enjoin violations of electrical licensing statutes; restricting application of existing criminal penalties; and providing for an effective date.

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

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

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

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

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

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

(b) Violators of W.S. 35-9-101 through 35-9-130 may ~~also~~ be enjoined from continuing the violation by proceedings brought by the district or county and prosecuting attorney or by the attorney general. The department shall make recommendations to the appropriate district attorney, county and prosecuting attorney or

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attorney general regarding proceedings under this subsection.

(c) A person who violates W.S. 35-9-123 shall pay a civil penalty in an amount the department determines of not more than five hundred dollars (\$500.00) for a first offense, or one thousand dollars (\$1,000.00) for any subsequent offense within any three (3) month period. The penalty shall be collected from the violator and credited as provided by W.S. 8-1-109. Notwithstanding subsection (d) of this section, no penalty under this subsection shall be enforceable for sixty (60) days after delivery of the notice of violation or if the violation has been cured or appealed pursuant to subsection (d) of this section within sixty (60) days after issuance of the notice of violation.

(d) Before the department imposes a civil penalty, the department shall notify the person accused of a violation, in writing, stating specifically the nature of the alleged violation. Upon receipt of a notice of violation the person receiving it shall pay the assessed fine to the department within sixty (60) days or file an appeal to the electrical board. The department shall determine the amount of the civil penalty to be imposed in accordance with the limitations expressed in subsection (c) of this section. Each violation is a separate offense. If an appeal is submitted to the electrical board, the board shall hear the appeal at its next regularly scheduled meeting. At the appeal hearing, the electrical board may uphold the proposed fine, rule that the alleged violation is not substantiated, or reduce the amount of the proposed fine.

(e) A civil penalty may be recovered in an action brought thereon in the name of the state of Wyoming in any court of appropriate jurisdiction. Failure to pay the fine

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imposed by the department and upheld by the electrical board shall result in suspension of the electrical license until such time as the fine is paid in full.

(f) The provisions of subsections (c) through (e) of this section are in addition to and not instead of any other enforcement provisions contained in this article, except that no criminal penalty shall be applicable if a civil penalty has been imposed under this section for the same violation.

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

(END)

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Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk