
APPENDICES

Department of Fire Prevention and Electrical Safety

APPENDIX A

Selected statutes

Local enforcement statutes

TITLE 16 – CITY, COUNTY, STATE AND LOCAL POWERS

CHAPTER 6 – PUBLIC PROPERTY

ARTICLE 5 – ACCESSIBILITY OF HANDICAPPED TO PUBLIC BUILDINGS

16-6-501. Building plans and specifications; required facilities; elevators; curb ramps; inspections; exceptions.

(a) The plans and specifications for the construction of or additions to all buildings for general public use built by the state or any governmental subdivision, school district or other public administrative body within the state, shall provide facilities and features conforming with the specifications set forth in the publication entitled "American Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped" (U.S. Patent No. A117.1-1961) as approved October 31, 1961, by the American Standards Association, now called the American National Standards Institute, Inc. Elevators shall be installed in multiple-story buildings to serve all levels normally used by the general public. Elevators shall have the following features:

- (i) The bottom of the elevator control panels shall be no higher than four (4) feet from the elevator floor and the top of elevator control panels shall be no higher than five (5) feet from the elevator floor;
- (ii) Elevator call buttons shall be mounted no higher than four (4) feet above the floor;
- (iii) Elevator control and building call buttons shall have tactile identification beside them;
- (iv) Elevator floor levels shall stop within one-half (1/2) inch of the maximum building floor levels; and
- (v) Elevator control panels shall be mounted on the right side of the elevator as viewed from within the elevator.

(b) Every curb or sidewalk to be constructed or reconstructed in Wyoming, where both are provided and intended for public use, whether constructed with public or private funds, shall provide a ramp at points of intersection between pedestrian and motorized lines of travel and no less than two (2) curb ramps per lineal block. Design for curb ramps shall take into consideration the needs of all physically handicapped persons including blind pedestrians. Existing design standards will be available from the governor's committee for employment of the handicapped. If future improvements in the curb ramp design will benefit handicapped and elderly persons, designs stipulated in this article may be altered after full hearings on the proposed changes by the administrator of the division of vocational rehabilitation, the program manager of the governor's committee on employment of people with disabilities and the state fire marshal.

(c) The state fire marshal or city engineer shall inspect any structure described in subsection (a) of this section at the request of any person. Curb ramps shall be modified or reconstructed by the contracting authority to meet the requirements of W.S. 16-6-501 through 16-6-504.

(d) Exceptions may be granted by the state fire marshal in consultation with the administrator of the division of vocational rehabilitation, the program manager of the governor's committee on employment of people with disabilities, and the occupational health and safety commission chairman.

16-6-502. Building plans and specifications; state fire marshal; review and approval.

All plans and specifications for the construction of or additions to buildings for general public use, built by the state or any governmental subdivision, school district or other public administrative body within this state, shall be submitted for review and approval by the state fire marshal, who shall approve if he finds the plans provide facilities which conform to the specifications set forth in "American Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped" (U.S. Patent No. A117.1-1961) as approved October 31, 1961, by the American Standards Association, now called the American National Standards Institute, Inc., and W.S. 16-6-501, subject however to the waiver specified above.

DFPES statutes

TITLE 35 – PUBLIC HEALTH AND SAFETY

CHAPTER 9 – FIRE PROTECTION

ARTICLE 1 – DEPARTMENT OF FIRE PREVENTION AND ELECTRICAL SAFETY

(Some sections are not included)

35-9-103. Divisions created; council and board created.

(a) There are created within the department:

- (i) The division of fire prevention;
- (ii) The division of electrical safety;
- (iii) The council on fire prevention and electrical safety in buildings;
- (iv) The electrical board.

(b) The council consists of five (5) members appointed by the governor for six (6) year terms which commence on April 1 following appointment. One (1) member shall be appointed to represent each of the following: counties or municipalities, fire fighters, the electrical board, an association of architects or an association of general contractors and the general public. Vacancies shall be filled for the unexpired term. When new appointments are made, the council shall select a chairman, a vice chairman and a secretary. A quorum consists of three (3) members. The council shall meet at least twice each year.

(c) The board consists of five (5) members appointed by the governor for six (6) year terms. At least one (1) member and no more than two (2) members shall be journeymen electricians, at least one (1) and no more than two (2) shall be master electricians, and at least one (1) and no more than two (2) shall be electrical contractors. No two (2) members shall be employed by the same entity and serve on the board. Any member who becomes employed by the same entity as another member during his term of office shall be ineligible to continue as a member of the board. Vacancies shall be filled for the unexpired term. When new appointments are made, the board shall select a chairman and a secretary. A quorum consists of three (3) members. The board shall meet at least twice each year.

(d) The members of the council and board shall receive compensation, per diem and travel expenses in the same manner and amount as the state legislature while going to, attending or returning from meetings. The governor may remove any council or board member as provided in W.S. 9-1-202.

35-9-106. Powers and duties of council.

(a) The council shall adopt rules and regulations to:

(i) Establish minimum fire standards not exceeding the standards prescribed by the International Fire Code, the International Building Code, the International Mechanical Code and the International Fuel Gas Code for:

(A) All new building construction or remodeling under W.S. 35-9-108(a);

(B) The prevention of fire and the protection of life and property from fire and panic in all existing buildings;

(C) The safeguarding of life and property from hazards of fire and explosion arising from storage, handling and use of hazardous substances, materials and devices.

(ii) Repealed by Laws 2003, Ch. 49, § 3.

(iii) Recommend minimum standards for qualification of inspectors for political subdivisions;

(iv) Implement this article.

(b) The council shall investigate the conduct of the divisions, shall have access to records of the divisions and may require written or oral information from any officer or employee of the department.

(c) Except as provided under W.S. 35-9-124(a)(ii), the council shall hear appeals to determine the suitability of alternate materials and type of construction and to interpret and grant variances from rules and regulations of the council.

(d) The standards for liquefied petroleum gas installations shall be the current edition of NFPA 58 Liquefied Petroleum Gas Code and ANSI Z223.1/NFPA 54 National Fuel Gas Code. To the extent the standards for liquefied petroleum gas conflict with the standards prescribed by the International Fuel Gas Code, the NFPA 58 Liquefied Petroleum Gas Code and ANSI Z223.1/NFPA 54 National Fuel Gas Code control.

(e) To the extent that any provision in the International Fire Code, the International Building Code, the International Mechanical Code and the International Fuel Gas Code conflicts with the standards prescribed by the National Electrical Code, the National Electrical Code shall control.

35-9-107. Duties and powers of state fire marshal.

(a) The state fire marshal shall:

(i) Establish administrative policy for the department;

(ii) Enforce regulations promulgated by the council;

(iii) Implement fire safety programs designed to minimize fire hazards and disasters and loss of life and property from these causes. These programs shall include:

(A) Establishment and enforcement of fire safety and safety practices throughout the state;

(B) Preventive inspection and corrective activities;

(C) Coordination of fire safety programs with volunteer and paid fire companies and other state agencies and political subdivisions;

- (D) Critical analysis and evaluation of fire loss statistics to determine problems and solutions;
 - (E) Coordination, development and implementation of training programs designed to assist fire fighters in all phases of fire prevention and suppression activities except the wild land and forestry division fire control programs implemented by the state forester; and
 - (F) Acceptance testing on fire alarm systems, fire sprinkler systems and kitchen hood and duct suppression systems.
- (iv) Inspect each state owned building not under the authority of a local governmental entity pursuant to W.S. 35-9-121(b) and require conformance to the minimum standards of fire prevention, fire protection and public safety;
 - (v) Inspect facilities or installations upon request by the owner. The department may charge reasonable fees not exceeding the cost of the inspection;
 - (vi) Upon request, assist the chief of a fire company or department, a fire marshal, a local building inspector, other state agencies or political subdivisions of the state or county fire wardens in fire prevention matters; and
 - (vii) Keep a record of all fires which occur in the state, including the origin, facts, statistics and circumstances of the fire determined by investigation under this act [§§ 35-9-101 through 35-9-130]. The record, except for testimony given in the examination, shall be open for public inspection at all times.
- (b) The state fire marshal may:
- (i) Enforce state laws not otherwise enforceable by another state agency concerning:
 - (A) The prevention of fire;
 - (B) The storage, sale and use of an explosive, combustible or other dangerous article in solid, liquid or gas form;
 - (C) Repealed By Laws 2003, Ch. 49, § 3.
 - (D) The suppression of arson and investigation of fire and explosions.
 - (ii) Inspect public, business or industrial buildings and require conformance to standards of prevention and safety and of uses of premises as promulgated by the International Fire Code, the International Building Code, the International Mechanical Code and the International Fuel Gas Code;
 - (iii) Deputize a member of a fire department who is approved by the chief of his department, or a local building inspector approved by the local governmental entity, provided that the person is qualified to inspect, investigate and carry out orders for the state fire marshal under the rules adopted by the council;
 - (iv) Employ personnel and contract with appropriate personnel as necessary for the efficient performance of assigned duties.
- (c) The state fire marshal shall not interfere with the hookup of a utility to a new or remodeled building either during construction or after construction is completed, unless the state fire marshal determines that the hookup of a utility poses immediate danger to life or property.

35-9-108. Plan review; procedure; fees.

- (a) Prior to beginning any new construction, the remodeling of existing buildings except as provided under subsection (q) of this section, or the installation of aboveground flammable or combustible fuel storage tanks, the owner or the owner's designated representative shall submit plans to the state fire

marshal for review of the proposed project for compliance with applicable fire and electrical safety standards for:

- (i) Buildings or structures owned or leased by the state or local governmental entities;
 - (ii) Public buildings over five thousand (5,000) square feet of total floor area including basement;
 - (iii) Multistory public buildings;
 - (iv) Buildings intended for use as child care centers housing more than ten (10) children;
 - (v) Public bars, public lounges, restaurants, night clubs, lodge halls, theaters, churches or public meeting places regardless of size;
 - (vi) Public and private aboveground fuel dispensing facilities.
- (b) If the state fire marshal does not notify the sender in writing of violations of the fire or electrical safety standards within twenty-one (21) working days of receiving the plans, they are approved as submitted.
- (c) Plans which are disapproved may be corrected and resubmitted. The state fire marshal shall review only the corrections made in response to the violations cited in the initial review. If the state fire marshal does not notify the sender in writing of violations of the fire and electrical safety standards within ten (10) working days of receiving the corrected plans, they are approved as resubmitted.
- (d) The department shall collect fees for plan reviews and other inspections except as provided in subsections (q) and (r) of this section, in the amount provided in the 1997 Uniform Building Code and adjusted for inflation as adopted by rule or regulation by the council. Fees collected under this subsection shall be deposited into the general fund.
- (e) There shall be no plan review fee for publicly owned buildings.
- (f) Repealed By Laws 2003, Ch. 49, § 3.
- (g) Repealed By Laws 2003, Ch. 49, § 3.
- (h) Nothing in this section shall apply to municipalities or counties which have received enforcement authority for fire safety standards under W.S. 35-9-121.
- (j) No new construction or remodeling of buildings or installation of aboveground flammable or combustible fuel storage tanks shall begin until the state fire marshal has approved the plans for compliance with applicable fire and electrical safety standards.
- (k) If new construction or remodeling of buildings or installation of aboveground flammable or combustible fuel storage tanks is commenced without approved plans, the state fire marshal may order the construction, remodeling or installation to cease until plans are approved, subject to the requirements of subsection (m) of this section.
- (m) Orders issued by the state fire marshal pursuant to this section shall be served upon the owner in the manner provided for service of process by the Wyoming Rules of Civil Procedure. The order shall require that the person served immediately cease certain activities until he has complied with the applicable statutory requirements. The order shall be in full force and effect from the time of service until the person complies with the statutory requirement as described in the order, or the order is revoked by the council. If the person fails to cease certain activities as required within forty-eight (48) hours of service, the person is guilty of a misdemeanor.
- (n) After new construction or remodeling of buildings is completed, the state fire marshal shall inspect the building and determine conformance with the plan review. If he finds conformance, the state fire marshal shall issue a certificate of occupancy for a newly constructed building and a letter of compliance for a remodeled building. No newly constructed or remodeled building shall be used or occupied until the state fire marshal has issued a certificate of occupancy or letter of compliance. If a newly constructed or

remodeled building is used or occupied prior to the issuance of a certificate of occupancy or letter of compliance, the state fire marshal shall order the use and occupancy of the building to cease until a certificate of occupancy or letter of compliance is issued, subject to the requirements of subsection (m) of this section.

(o) After the installation of aboveground flammable or combustible fuel storage tanks is completed, the state fire marshal shall inspect the premises and determine conformance with the plan review. If he finds conformance, the state fire marshal shall issue a letter of compliance. No premises with aboveground flammable or combustible fuel storage tanks installed shall be used until the state fire marshal has issued a letter of compliance. If a premise with aboveground flammable or combustible fuel storage tanks installed is used prior to issuance of a letter of compliance, the state fire marshal shall order the use of the premises to cease until a letter of compliance is issued, subject to the requirements of subsection (m) of this section.

(p) Any owner aggrieved by an order of the state fire marshal may appeal to the council within forty-eight (48) hours. The complaint shall be investigated immediately by direction of the council. Unless the order is revoked by the council, it shall remain in force and the owner shall comply.

(q) A plan review is:

(i) Not required for remodeling that is exempt from permitting under the International Code;

(ii) Required for remodeling that costs less than twenty-five thousand dollars (\$25,000.00) and affects a built-in fire protection system for the building, provided a fee of no more than fifty dollars (\$50.00) per hour shall be paid to the department for the review;

(iii) Required for remodeling that costs twenty-five thousand dollars (\$25,000.00) or more, provided the department shall collect a fee pursuant to subsection (d) of this section.

(r) There shall be no inspection fees for school buildings.

(s) Subsections (a) through (r) shall not apply to remodeling that is exempt under subsection (q).

35-9-118. Exceptions.

(a) W.S. 35-9-106 through 35-9-117 do not apply to:

(i) Farms or ranches of forty (40) acres or more on deeded land;

(ii) County memorial hospitals, state-owned health care institutions, hospital districts, private hospitals and other health care facilities, except as permitted pursuant to W.S. 35-9-121.1;

(iii) Mines or their appurtenant facilities, oil field operations, petroleum refineries and liquefied petroleum gas facilities;

(iv) Railway shops, railway buildings (except those used for public assembly, cafeterias, dormitories, etc.), rolling stock and locomotive equipment;

(v) Automotive equipment employed by a railway, gas, electric or communication utility in the exercise of its function as a public utility.

(b) Nothing in this section prohibits the state fire marshal from assisting, upon request, another state agency, or an owner or operator of property listed in subsection (a) of this section.

35-9-119. Duties of chief electrical inspector.

(a) The chief electrical inspector shall:

(i) Enforce the minimum requirements for electrical installations except in localities which have received enforcement authority for electrical safety standards under W.S. 35-9-121;

- (ii) Aid cities, towns, counties and inspectors in understanding the National Electrical Code;
- (iii) Distribute copies of the National Electrical Code at cost;
- (iv) Interpret the National Electrical Code; and
- (v) Supervise deputy electrical inspectors.

35-9-120. Minimum requirements for electrical installations; permits; inspections; fees.

(a) The installation of electric equipment in or on buildings, mobile homes and premises shall be made subject to the applicable minimum requirements of the National Electrical Code.

(b) The chief electrical inspector and his deputies:

(i) Have the right of ingress or egress to all buildings or other structures owned or leased by the state or local governmental entities during reasonable working hours to make electrical inspections;

(ii) May inspect any building or structure:

(A) With a search warrant issued by a district court after a finding of probable cause that there is a violation of state law regarding electrical installations; or

(B) At any time during construction and within thirty (30) days after completion of the installation for which an electrical wiring permit was issued or an electrical plan review was performed.

(iii) Shall inspect any building or structure within five (5) business days of the request of the owner or the general or electrical contractor installing the electrical equipment.

(c) For any requested electrical inspection conducted or electrical wiring permit issued by the chief electrical inspector or his deputy, a fee established by the board by rule shall be paid by the person or contractor making the request. The electrical wiring permit fee shall be waived for anyone requesting and paying for an electrical inspection. The fees established by the board shall not exceed the following:

(i) Electrical inspection fees for requested inspections:

(A) Each residential unit \$20.00
plus \$.50 per ampere rating of the electrical service;

(B) Mobile home services \$20.00
plus \$.50 per ampere rating of mobile home;

(C) Temporary services.....\$40.00 each;

(D) Remodels of residential units \$20.00
plus 2% of the value of any electrical installation included in the remodel;

(E) All other electrical installations \$20.00
plus \$.50 per ampere rating of the electrical service;

(F) Reinspections \$50.00
plus \$.20 per ampere rating of the electrical service.

(ii) Effective July 1, 1993, electrical wiring permit fees..... \$30.00

(d) Inspection fees pursuant to paragraph (c)(i) of this section shall be charged for requested inspections made on installations that are not under new construction or remodeling.

(e) No person shall install electrical equipment in new construction or remodeling, if the remodeling requires a public utility to connect or disconnect and restore electrical power, of a building, mobile home or premises without obtaining an electrical wiring permit. No public utility shall energize an electrical service for an electrical installation which requires an electrical wiring permit until the person responsible

for the electrical installation has obtained an electrical wiring permit. A utility may energize an electrical service in an emergency situation without proof that an electrical wiring permit has been obtained, however the utility shall notify the department of fire prevention and electrical safety of the action as soon as possible, but in no case later than five (5) days following the date that the electrical service was energized. Electrical wiring permits shall be issued by the chief electrical inspector upon request. Each permit shall explain procedures and costs for permits and requested inspections conducted by the chief electrical inspector or his deputy electrical inspectors. This subsection does not apply to municipalities and counties granted local enforcement authority for electrical safety standards under W.S. 35-9-121 and to exempt installations under W.S. 35-9-123(a)(ii) through (v).

(f) Fifty percent (50%) of the fees collected pursuant to subsection (c) of this section shall be deposited in a separate account for the purpose of providing additional state electrical inspectors. Fifty percent (50%) of the fees collected pursuant to subsection (c) of this section shall be deposited in the general fund.

35-9-121. Local enforcement.

(a) The state fire marshal shall delegate complete authority to municipalities and counties which apply to enforce and interpret local or state fire, building or electrical safety standards which meet the requirements of this section. The state fire marshal shall notify the governing body of the municipality or county of the minimum standards and requirements of this act and W.S. 16-6-501 and 16-6-502 and transfer jurisdiction and authority by letter. Nothing in this section affects the authority of the state fire marshal or chief electrical inspector regarding state owned or leased buildings. Local enforcement authority under this subsection shall be subject to the following:

(i) Before a municipality or county without local enforcement authority is initially granted local enforcement authority for fire, building or electrical standards the state fire marshal shall determine that the local governing body has adopted minimum standards by ordinance or resolution that are equivalent to or more stringent than those applicable standards adopted by the council on fire prevention and electrical safety;

(ii) If a municipality or county that has been granted local enforcement authority under this subsection fails to adopt, within six (6) months following the adoption of new standards by the council on fire prevention and electrical safety, or maintain standards by ordinance or resolution that at least meet the statewide standards, enforcement authority shall immediately revert to the department of fire prevention and electrical safety. It shall be the responsibility of the municipality or county to notify the department of fire prevention and electrical safety of the repeal of minimum standards in their jurisdiction.

(b) Notwithstanding the provisions of subsection (a) of this section a local governmental entity is authorized to assume joint plan review authority with the state fire marshal, and that entity has sole construction inspection authority on the approved plans, and sole authority for periodic fire and life safety inspections on state owned or leased buildings. For the purpose of this section, school buildings shall be construed to be state buildings. If local code provisions are more stringent than adopted state codes, the local code prevails. The authority granted to local governmental entities under this subsection is subject to certification of local inspectors as follows:

(i) If joint plan review authority is requested, certification of a plan reviewer by the international conference of building officials or the International Code Council;

(ii) If code enforcement authority for fire and building codes is requested, certification of a fire inspector or building inspector by the International Code Council or the International Conference of Building Officials;

(iii) If code enforcement authority for the electrical code is requested, certification of an electrical inspector by the International Code Council or the International Association of Electrical Inspectors and licensing by the state as a master electrician.

(c) If a municipality or county has assumed enforcement authority for only one (1) or two (2) of the fire, building and electrical standards, the municipality or county shall deliver notice of any project plans submitted to the municipality or county for approval to the department of fire prevention and electrical safety. The notice of the project shall be delivered within ten (10) days of receiving plans from the applicant.

(d) A municipality or county which has enforcement authority under this section may create its own appeals boards to determine the suitability of alternate materials and types of construction. The boards shall be appointed and removed by the governing body of the municipality or county. The council on fire prevention and electrical safety in buildings and the electrical board shall serve as appeals boards for a municipality or county that has not created an appeals board under this subsection.

(e) A decision rendered by the local municipal or county appeals board pursuant to subsection (d) of this section regarding state owned or leased buildings may be appealed to the council on fire prevention and electrical safety in buildings for a final decision.

35-9-121.1. Health care facilities; jurisdiction; delegation; rules.

(a) The department of health has jurisdiction over all aspects of construction and remodeling, except electrical installation, of any state licensed health care facility as defined in W.S. 35-2-901.

(b) The fire safety code requirements for the construction and remodeling of any state licensed health care facility shall meet the minimum requirements established in the National Fire Protection Association 101 Life Safety Code or any other code required to meet federal fire and life safety certification. If any code requirements for federal certification conflict with the code of any other state or local governmental entity, the code required for federal certification shall prevail.

(c) The department of health shall promulgate rules and regulations for all aspects of construction and remodeling of health care facilities except electrical installation. For aspects of construction and remodeling included in codes adopted by the council pursuant to W.S. 35-9-106, the rules and regulations shall be based on and not exceed the standards of these codes except where federal certification requirements dictate otherwise.

(d) Upon written request from any county or municipality, the department of health shall delegate plan review and inspection responsibilities to the county or municipality that has personnel who are certified pursuant to the applicable code. The department of health shall transfer jurisdiction and authority by letter. The department of health shall notify the governing body of the municipality or county of the minimum standards and requirements under this section and W.S. 16-6-501 and 16-6-502. The following shall apply:

(i) Any municipality or county may issue a certificate of occupancy for a health care facility. The certificate shall reference any code applied to the construction or remodeling of the facility;

(ii) A municipality or county which has enforcement authority under this subsection may create its own appeals board to determine the suitability of alternate materials and types of construction. If a municipality or county has not created an appeals board, the department of health shall establish an appeals board which includes representation from the department of health and the council.

(e) After construction or remodeling of any health care facility, the department of health shall have jurisdiction over the fire and life safety inspections required for federal certification.

35-9-122. Chief electrical inspector responsible for licensing.

The chief electrical inspector is responsible for licensing electrical contractors, master electricians, journeyman electricians, low voltage electrical contractors, limited electrical contractors, low voltage technicians and limited technicians and shall pass on the fitness and qualifications of applicants for licenses. Every applicant for a license under this chapter shall provide his social security number to the chief electrical inspector.

35-9-123. Electrical installations to be performed by licensed electricians; exceptions.

(a) Licensed electrical contractors employing licensed master or journeymen electricians, or registered apprentice electricians supervised by a licensed master or journeyman electrician shall install all electrical equipment. This requirement is waived for:

(i) Property owned or leased by a person when the person, his partner or a major stockholder of a family corporation is installing the equipment and the property is not for immediate resale;

(ii) Oil or gas field operations, including those operations involving exploration, testing, drilling, production or transporting via pipeline of oil or gas, railroads, petroleum refineries, fertilizer manufacturing facilities, foundries, mines and their appurtenant facilities;

(iii) Liquefied petroleum, gas, electric or communication facilities exercising their function as public utilities;

(iv) Cable-TV, including data and related services of cable-TV providers including its contractors and subcontractors provided such contractors and subcontractors are limited to the installation of low voltage cable, A.M. or F.M. radio stations, television stations, cable phone services, cable internet services, data services and related services;

(v) Farms or ranches of forty (40) acres or more on deeded land;

(vi) Buildings constructed by a school or community college district as part of an industrial arts curriculum, under the direct supervision of a qualified industrial arts instructor. The school or community college district shall have the installations inspected by the state electrical inspector's office or the home rule authority, whichever has jurisdiction, to ensure compliance with W.S. 35-9-120;

(vii) Licensed low voltage electrical contractors employing licensed low voltage technicians or registered low voltage apprentice technicians who may install electrical equipment which falls under the scope of their low voltage license or registration. No low voltage contractor may work on electrical systems which exceed ninety (90) volts unless allowed pursuant to this subsection. The chief electrical inspector may issue a low voltage electrical contractor's license to contractors not qualified for an electrical contractor's license but qualified for their low voltage area of expertise for the installation, repair or remodel of:

(A) All electrical systems under ninety (90) volts;

(B) Alarm systems under ninety (90) volts;

(C) Communication systems under ninety (90) volts or current limited communication systems of higher voltage;

(D) Sound systems under ninety (90) volts;

(E) Television systems under ninety (90) volts;

(F) Control systems under ninety (90) volts.

(viii) Licensed limited electrical contractors employing licensed limited technicians or registered limited apprentice technicians who may install electrical equipment which falls under the scope of their limited license or registration. The electrical work shall only include the electrical system on the load

side of the disconnect which supplies power to the electrical equipment that they are licensed to work on. The chief electrical inspector may issue a limited electrical contractor's license to a contractor not qualified for an electrical contractor's license but qualified in his limited area of expertise for the:

(A) Installation, repair or remodel of heating, ventilating and air conditioning systems limited to wiring on the load side of the equipment disconnect;

(B) Installation, repair or remodel of elevator systems limited to wiring on the load side of the equipment disconnect;

(C) Installation, repair or remodel of sign systems limited to wiring on the load side of the equipment disconnect;

(D) Installation, repair or remodel of water well and irrigation systems limited to wiring on the load side of the equipment disconnect;

(E) Routine repair or maintenance of light fixtures limited to replacement of lamps, ballasts and fixture parts.

(b) Exceptions shall not apply to anyone who contracts or subcontracts to or for any exempt person, partnership or corporation.

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

(a) The board shall:

(i) Adopt rules and regulations to implement W.S. 35-9-122 through 35-9-130;

(ii) Regarding the installation of electrical equipment and electrical safety standards, hear appeals to determine the suitability of alternate materials and type of construction and to interpret and grant variances from rules and regulations of the council.

(b) Any applicant may appeal a decision of the chief electrical inspector to the board.

(c) The board shall suspend or cancel the license of any licensee for flagrant violation of this act or the rules and regulations of the board.

(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.

(e) Upon receipt from the department of family services of a certified copy of an order from a court to withhold, suspend or otherwise restrict a license issued by the board, the board shall notify the party named in the court order of the withholding, suspension or restriction of the license in accordance with the terms of the court order. No appeal under the Wyoming Administrative Procedure Act shall be allowed for a license withheld, suspended or restricted under this subsection.

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

35-9-125. Electrical contractor's, low voltage electrical contractor's and limited electrical contractor's licenses.

(a) On or before July 1 of each year, an electrical contractor shall file with the chief electrical inspector a license application in writing for each of his firms. The applicant shall be or actively employ in a full-time capacity a licensed master electrician of record who assumes responsibility to ensure that the National Electrical Code, W.S. 35-9-120 through 35-9-130 and applicable rules of the department of fire prevention and electrical safety are adhered to on all electrical work undertaken by the electrical contractor in the state of Wyoming, and who is not the master electrician of record for, or employed by,

any other electrical contractor. The electrical contractor shall pay the fee required by W.S. 35-9-129 for each firm operated by him. If the applicant qualifies, he shall receive a license which bears the date of issue and expires on July 1 next following the date of issue.

(b) On or before July 1 of each year, a low voltage electrical contractor shall file with the chief electrical inspector a license application in writing for each of his firms. The applicant shall be or actively employ in a full-time capacity a licensed low voltage technician of record who assumes responsibility to ensure that the National Electrical Code, W.S. 35-9-120 through 35-9-130 and applicable rules of the department of fire prevention and electrical safety are adhered to on all electrical work undertaken by the low voltage electrical contractor in the state of Wyoming, and who is not the low voltage technician of record for, or employed by, any other low voltage electrical contractor. The low voltage electrical contractor shall pay the fee required by W.S. 35-9-129 for each firm operated by him. The low voltage electrical contractor's license fee shall be waived for any low voltage electrical contractor not employing additional low voltage technicians or low voltage apprentice technicians other than himself. If the applicant qualifies, he shall receive a license which bears the date of issue and expires on July 1 next following the date of issue.

(c) On or before July 1 of each year, a limited electrical contractor shall file with the chief electrical inspector a license application in writing for each of his firms. The applicant shall be or actively employ in a full-time capacity a licensed limited technician of record who assumes responsibility to ensure that the National Electrical Code, W.S. 35-9-120 through 35-9-130 and applicable rules of the department of fire prevention and electrical safety are adhered to on all electrical work undertaken by the limited electrical contractor in the state of Wyoming, and who is not the limited technician of record for, or employed by, any other limited electrical contractor. The limited electrical contractor shall pay the fee required by W.S. 35-9-129 for each firm operated by him. The limited electrical contractor's license fee shall be waived for any limited electrical contractor not employing additional limited technicians or limited apprentice technicians other than himself. If the applicant qualifies, he shall receive a license which bears the date of issue and expires on July 1 next following the date of issue.

(d) An electrical contractor, low voltage electrical contractor or limited electrical contractor is entitled to renew his license for the ensuing year by paying the proper fee on or before the date his license expires.

35-9-126. Licensing of master electricians, journeymen electricians, low voltage technicians, limited technicians; temporary permits; reciprocal licenses; master electrician of record for only 1 electrical contractor; technician of record for only 1 low voltage or limited electrical contractor.

(a) Applicants for master electrician, journeyman electrician, low voltage technician and limited technician licenses shall apply to the chief electrical inspector on a form furnished by the board and accompanied by the required examination fee. The form shall state the applicant's full name, his address, the extent of his experience and other information required by the board. An applicant who complies with the rules of the board, is qualified, successfully completes the examination and pays the required license fee shall be issued the proper license by the chief electrical inspector which bears the date of issue. A master license shall expire on July 1 in the third year following the year of issue. A journeyman license shall expire on January 1 in the third year following the year of issue. A low voltage technician license shall expire on July 1 in the third year following the year of issue. A limited technician license shall expire on July 1 in the third year following the year of issue. Credit for time spent in any electrical school shall be given to master electricians, journeyman electricians, low voltage technicians or limited technicians for time spent in classes up to a total of two (2) years, or four thousand (4,000) hours, on the work experience requirements.

(b) Each master electrician, journeyman electrician, low voltage technician or limited technician licensed under this act [§§ 35-9-101 through 35-9-130] may renew his license by paying fifty percent (50%) of the

proper license fee to the state of Wyoming. Master and journeymen electricians shall provide proof of attendance at not less than sixteen (16) hours of training in the National Electric Code or in advances in the electrical industry meeting criteria established by the board on or before the date his license expires. At least eight (8) of the required sixteen (16) hours of training shall specifically cover the National Electrical Code. An electrician or technician who applies for renewal of his expired license within forty-five (45) days after its expiration and is otherwise entitled to renewal of his license shall have his license renewed by paying an additional fee of fifty dollars (\$50.00).

(c) The board shall issue temporary permits to engage in the work of a journeyman electrician, low voltage technician or limited technician to a person who applies, furnishes satisfactory evidence of experience to qualify for the examination and pays the required fee. Temporary permits shall continue in effect not longer than one hundred fifty (150) days and may be revoked by the board at any time.

(d) The board may issue a reciprocal license to any applicant for a journeyman electrician, master electrician, low voltage technician or limited technician license if the applicant has obtained an out-of-state or foreign license through an examination which is equal to or exceeds the Wyoming journeyman electrician's, master electrician's, low voltage technician's or limited technician's examination.

(e) A licensed master electrician of record shall be the master of record for only one (1) contractor at one time.

(f) A licensed low voltage technician of record shall be the technician of record for only one (1) low voltage contractor at a time.

(g) A licensed limited technician of record shall be the technician of record for only one (1) limited contractor at a time.

35-9-127. Apprentice electricians and apprentice technicians.

(a) An electrical contractor may employ apprentice electricians to assist a licensed journeyman or master electrician. From and after March 1, 1994, apprentice electricians shall be enrolled in a bona fide program of training approved by the bureau of apprenticeship and training, United States department of labor, or present evidence directly to the board that he is enrolled in an apprentice training program which provides training equivalent to a program approved by the bureau of apprenticeship and training, United States department of labor. The board may monitor the apprenticeship programs and receive necessary progress reports. For purposes of determining whether a program provides equivalent training the board shall consider and apply the current bureau of apprenticeship and training standards. Apprentice electricians shall register with the department of fire prevention and electrical safety and update the registration yearly as required by the board. The electrical contractor shall notify the chief electrical inspector in writing of the name and address of each apprentice electrician employed, and the date of employment or termination of employment within ten (10) days of the action. A licensed journeyman or master electrician shall supervise each apprentice electrician. A licensed journeyman or master electrician shall not supervise more than two (2) apprentice electricians at the same time.

(b) A low voltage or limited electrical contractor may employ apprentice technicians to assist a licensed technician. Apprentice technicians shall be enrolled in a program of training as approved by the board. Apprentice technicians shall register with the department of fire prevention and electrical safety and update the registration yearly as required by the board. The low voltage or limited electrical contractor shall notify the chief electrical inspector in writing of the name and address of each apprentice technician employed, and the date of employment or termination of employment within ten (10) days of the action. A licensed technician shall supervise each apprentice technician. A licensed technician shall not supervise more than one (1) apprentice technician at the same time.

35-9-129. Fees.

(a) The fees for licenses, work permits, examinations and apprentice registrations shall be determined by the board but shall not exceed:

- (i) Electrical contractor's license \$400.00
- (ii) Low voltage electrical contractor's license \$200.00
- (iii) Limited electrical contractor's license \$200.00
- (iv) Master electrician license \$200.00
- (v) Journeyman electrician license \$100.00
- (vi) Low voltage technician's license \$100.00
- (vii) Limited technician's license \$100.00
- (viii) Temporary working permit for journeyman electrician, low voltage technician or limited technician \$50.00
- (ix) Examination fee \$300.00
- (x) Apprentice registration fee \$20.00

(b) Fifty percent (50%) of the fees collected pursuant to subsection (a) of this section shall be deposited in a separate account for the purpose of providing additional state electrical inspectors. Fifty percent (50%) of the fees collected pursuant to subsection (a) of this section shall be deposited in the general fund.

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

(a) A person who violates W.S. 35-9-101 through 35-9-130 commits a misdemeanor punishable as follows:

- (i) An individual, including an officer or agent of a corporation or association who participates in or is an accessory to the violation may be punished by a fine of not more than five hundred dollars (\$500.00), imprisonment for not more than six (6) months, revocation of his license, or fine, imprisonment and revocation; and
- (ii) A corporation may be punished by a fine of not more than one thousand dollars (\$1,000.00), revocation of its license or both.

(b) Violators of W.S. 35-9-101 through 35-9-130 may 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 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.

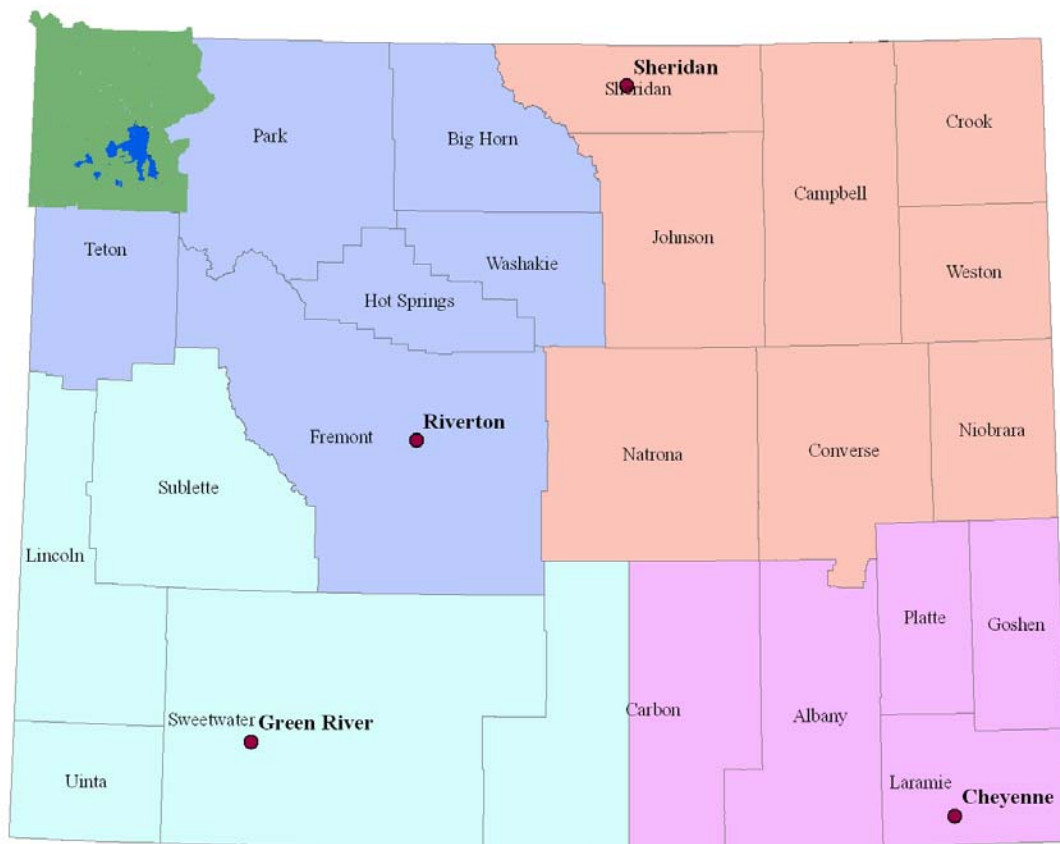
(e) A civil penalty may be recovered in an action brought thereon in the name of the state of Wyoming in any court of appropriate jurisdiction. Failure to pay the fine imposed by the department and upheld by the electrical board shall result in suspension of the electrical license until such time as 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.

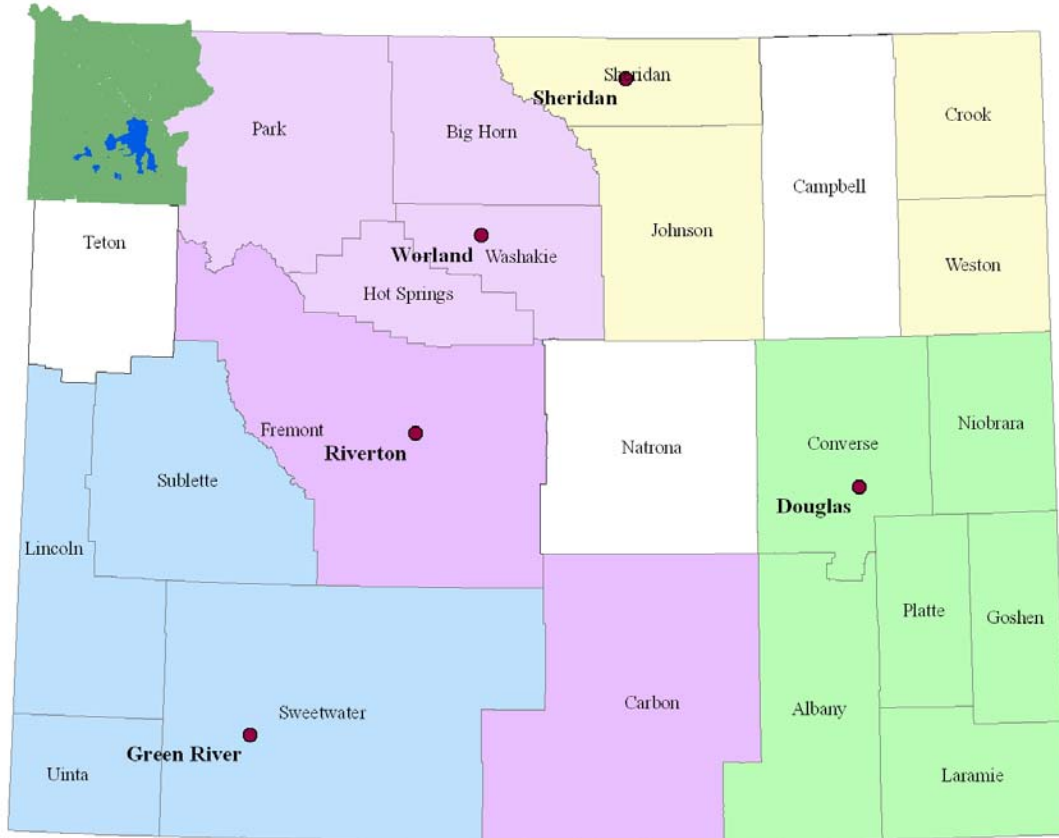
APPENDIX B

DFPES region maps for Training, Fire Prevention, and Electrical Safety

Training Division has four trainers with regional areas

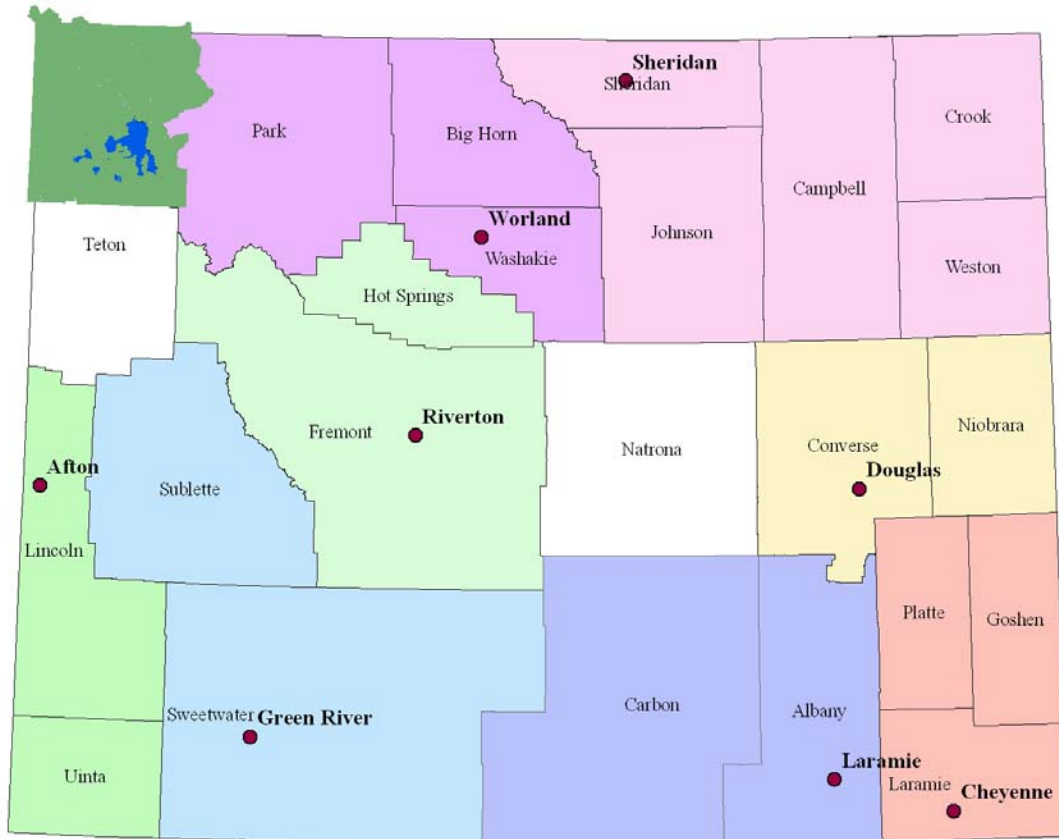


Fire Prevention Division has five inspectors with regional areas



Note: Campbell, Natrona, and Teton Counties are entirely local enforcement for fire and life safety codes, so they are not part of a DFPES region.

Electrical Safety Division has eight inspectors with regional areas



Note: Natrona and Teton Counties are entirely local enforcement for electrical code, so they are not part of a DFPES region.

APPENDIX C

Training and other assistance for fire departments

DFPES assistance to fire departments

The Training Division provides training for firefighters around the state and at the Fire Academy in Riverton. Training Division staff travel to deliver voluntary training to individual fire departments and groups of departments. In calendar year 2007, the Training Division conducted nearly 500 classes around the state. In 2007, the Department purchased the Fire Academy in Riverton, where it offers training to fire departments and private industry; it put on 72 classes in that calendar year. The academy has classrooms and a burn building, but lacks a fire truck and must borrow one locally.

DFPES manages a voluntary firefighter certification program. After firefighters receive training from DFPES or from their own department, they can take a certification test. As of July 2008, almost 1,800 firefighters have their Firefighter I or Firefighter II certification. The Wyoming Firefighters Certification Committee, which the State Fire Marshal created and which is primarily comprised of members of the fire service, provides guidance on certification.

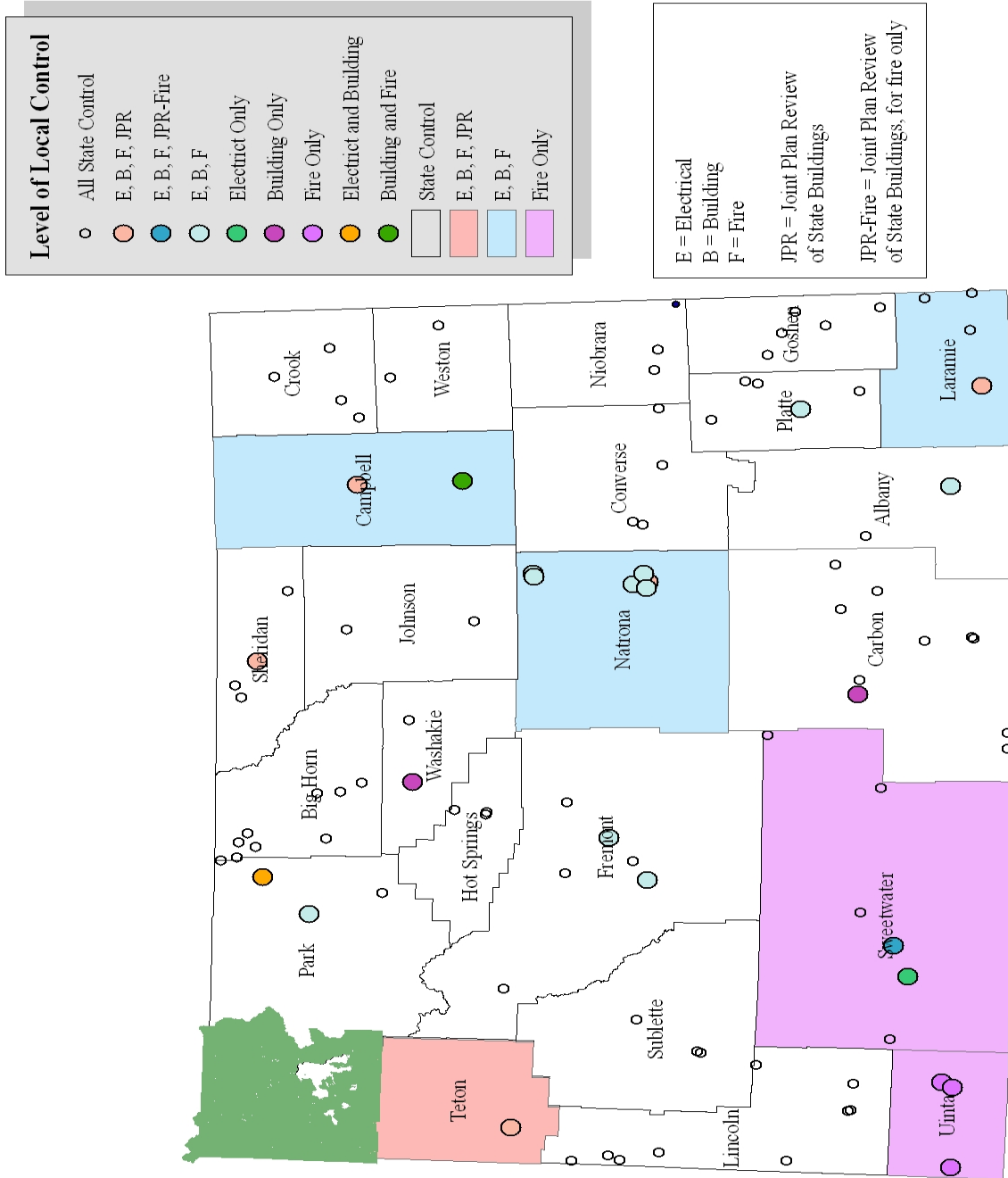
The Training Division investigates fires when local fire departments request assistance; in 2007, it investigated 52 fires. The Division also collects information, which statute requires all fire departments to provide, and produces an annual report on fires.

Wyoming's firefighters

DFPES estimates that the state has between 2,300 and 2,700 firefighters, and over 90 percent of the 146 fire departments are partially or entirely volunteer. These fire departments include municipal, county, industrial, and military departments.

APPENDIX D

Local enforcement jurisdictions



Counties

County	Population	Electric	Building	Fire	State Building
Albany	30,360				
Big Horn	11,390				
Campbell	38,934	✓	✓	✓	
Carbon	15,325				
Converse	12,866				
Crook	6,255				
Fremont	37,163				
Goshen	12,129				
Hot Springs	4,588				
Johnson	8,014				
Laramie	85,384	✓	✓	✓	
Lincoln	16,383				
Natrona	70,401	✓	✓	✓	
Niobrara	2,253				
Park	27,094				
Platte	8,588				
Sheridan	27,673				
Sublette	7,359				
Sweetwater	38,763			✓	
Teton	19,288	✓	✓	✓	✓
Uinta	20,213			✓	
Washakie	7,819				
Weston	6,762				

Municipalities (by population)

County	City/town	Population	Electric	Building	Fire	State Building
Laramie	Cheyenne	55,805	✓	✓	✓	✓
Natrona	Casper	50,632	✓	✓	✓	✓
Albany	Laramie	27,204	✓	✓	✓	
Campbell	Gillette	25,829	✓	✓	✓	✓
Sweetwater	Rock Springs	18,708	✓	✓	✓	✓
Sheridan	Sheridan	16,333	✓	✓	✓	✓
Sweetwater	Green River	13,000	✓			
Uinta	Evanston	11,507			✓	
Fremont	Riverton	9,310	✓	✓	✓	
Carbon	Rawlins	9,006		✓		
Park	Cody	8,835	✓	✓	✓	
Teton	Jackson	8,647	✓	✓	✓	✓
Fremont	Lander	6,867	✓	✓	✓	
Goshen	Torrington	5,776				
Park	Powell	5,373	✓	✓		
Converse	Douglas	5,288				
Washakie	Worland	5,250		✓		
Johnson	Buffalo	3,900				
Platte	Wheatland	3,548	✓	✓	✓	
Weston	Newcastle	3,500				
Hot Springs	Thermopolis	3,172				
Lincoln	Kemmerer	2,651				
Natrona	Mills	2,591	✓	✓	✓	
Big Horn	Lovell	2,361				
Natrona	Evansville	2,255	✓	✓	✓	
Converse	Glenrock	2,231				
Lincoln	Afton	1,818				
Big Horn	Greybull	1,815				
Carbon	Saratoga	1,726				
Uinta	Lyman	1,700			✓	
Lincoln	Star Valley Ranch	1,465				
Niobrara	Lusk	1,447				
Sublette	Pinedale	1,412				

County	City/town	Population	Electric	Building	Fire	State Building
Campbell	Wright	1,347		✓	✓	
Big Horn	Basin	1,238				
Crook	Sundance	1,161				
Uinta	Mountain View	1,153			✓	
Laramie	Pine Bluffs	1,153				
Platte	Guernsey	1,147				
Fremont	Dubois	964				
Natrona	Bar Nunn	936	✓	✓	✓	
Carbon	Hanna	873				
Weston	Upton	872				
Sweetwater	Wamsutter	842				
Crook	Moorcroft	807				
Sheridan	Dayton	750				
Sublette	Marbleton	720				
Lincoln	Diamondville	716				
Sheridan	Ranchester	701				
Fremont	Shoshoni	635				
Big Horn	Cowley	560				
Big Horn	Byron	557				
Lincoln	Alpine	550				
Goshen	Lingle	510				
Lincoln	Cokeville	506				
Carbon	Sinclair	500				
Converse	Rolling Hills	449				
Carbon	Encampment	443				
Uinta	Bear River	441				
Lincoln	LaBarge	431				
Crook	Hulett	409				
Fremont	Hudson	409				
Natrona	Midwest	408	✓	✓	✓	
Sublette	Big Piney	408				
Park	Meeteetse	351				
Carbon	Baggs	348				

County	City/town	Population	Electric	Building	Fire	State Building
Lincoln	Thayne	341				
Goshen	LaGrange	332				
Washakie	Ten Sleep	304				
Laramie	Burns	285				
Carbon	Medicine Bow	279				
Hot Springs	East Thermopolis	274				
Big Horn	Burlington	250				
Johnson	Kaycee	249				
Platte	Chugwater	244				
Sweetwater	Superior	244				
Albany	Rock River	235				
Goshen	Fort Laramie	232				
Platte	Glendo	229				
Crook	Pine Haven	222				
Big Horn & Park	Frannie	209				
Carbon	Elk Mountain	192				
Big Horn	Deaver	177				
Natrona	Edgerton	169	✓	✓	✓	
Fremont	Pavillion	165				
Goshen	Yoder	160				
Sweetwater	Granger	146				
Laramie	Albin	122				
Sheridan	Clearmont	115				
Big Horn	Manderson	104				
Lincoln	Opal	102				
Niobrara	Manville	101				
Sweetwater	Bairoil	97				
Hot Springs	Kirby	79				
Carbon	Dixon	78				
Platte	Hartville	76				
Carbon	Riverside	51				
Niobrara	Van Tassell	16				
Converse	Lost Springs	3				

APPENDIX E

Electrical permit and licensing exemptions

	Permit Exemption	Licensing Exemption¹
Property owned or leased by a person when the person, his partner or a major stockholder of a family corporation is installing the equipment and the property is not for immediate resale		✓
Oil and gas field operations, including exploration, testing, drilling, production, or transporting via pipeline	✓	✓
Railroads	✓	✓
Petroleum refineries	✓	✓
Fertilizer manufacturing facilities	✓	✓
Foundries	✓	✓
Mines and their appurtenant facilities	✓	✓
Liquefied petroleum, gas, electric or communication facilities exercising their function as a public utility	✓	✓
Cable TV, including contractors and subcontractors	✓	✓
Farms and ranches with more than 40 acres of deeded land	✓	✓
Buildings constructed by a school or college as part of its industrial arts curriculum		✓

¹ Licensing exemptions do not apply to contractors or subcontractors, except for Cable TV.

Source: W.S. 35-9-120(e) and 35-9-123(a) and (b)

APPENDIX F

Wyoming boards, councils, and commissions created “within” another agency

Statute for the Department of Fire Prevention and Electrical Safety:
35-9-103 **Divisions created; council and board created.**

- (a) There are created *within* the department:
 - (i) The division of fire prevention;
 - (ii) The division of electrical safety;
 - (iii) The **council** on fire prevention and electrical safety in buildings;
 - (v) The electrical **board**.

We looked at 90 other Wyoming Boards, Councils and Commissions. Of these, 8 other entities contain the created “within” another department or the office of the Governor. These are listed in the table below:

Statute	Entity	Where it is created “within”
9-2-1601	Centennial Commission	The Wyoming Centennial commission <i>is created within</i> the office of the Governor...
9-2-2801(ii)	Health Care Commission	<i>Is established within</i> the Governor’s office to study issues...
9-2-901	Wyoming Council on the Arts	<i>Is created</i> as an advisory council <i>within</i> the department of State Parks and cultural resources...
11-37-103	Beef Council	For administrative purposes the beef council <i>shall be within</i> the department of Agriculture...
14-10-101	State Advisory Council on Juvenile Justice	<i>Is created within</i> the office of the Governor...
33-41-106	Wyoming Board of Professional Geologist	<i>Is created within</i> the department of administration and information...
33-43-103	State Board for Respiratory Care	There <i>is created</i> a state board for respiratory care <i>within</i> the department of administration and information...
36-4-101	Parks and Cultural Resource Commission	There <i>is established</i> the Wyoming Parks and Cultural Resource Commission <i>within</i> the department of State Parks...

APPENDIX G

Research Methodology

Summary of methodologies

This evaluation was conducted according to statutory requirements and professional standards and methods for governmental audits. The research was conducted from June through November 2008.

General methodology

To compile basic information about the Department of Fire Prevention and Electrical Safety, we reviewed relevant statutes, rules, professional literature, legislative history, budget requests and appropriations, annual reports, strategic plans, previous studies and reports, and other information. To gain further understanding, we interviewed DFPES officials and staff at the state offices in Cheyenne and throughout the state. In addition to interviewing fire and electrical inspectors, we observed several inspections. We observed Council on Fire Prevention and Electrical Safety and Electrical Board meetings in August 2008. We also interviewed and surveyed Council and Board members. Additionally, we interviewed local officials and electrical industry stakeholders.

Fire inspection data

The fire inspection data in this report was current as of July 31, 2008. To conduct this analysis, DFPES granted us access to their fire inspection data system, Firehouse, so we were able to review data on fire inspections going back to when the Department first started using Firehouse in 2005. Using Firehouse, we had access to the information that the inspectors enter into Firehouse, including their notes for individual inspections.

For our review of school maintenance inspections, we matched the data on the most recent school maintenance inspection to the list of schools in the School Funding Model on the Legislative Service Office's website. We did this because the Firehouse data did not include all schools. We excluded schools in local jurisdiction areas and schools constructed in the last 18 months. We also excluded schools that had undergone major remodels, but did not exclude the schools that had smaller remodel projects, such as the remodel of the school lunch line or the addition of modular classrooms.

Plan review and electrical safety data

DFPES's other major data system, Fire Prevention and Electrical Safety Information System (FPESIS), includes information on fire and electrical plan reviews and other electrical safety related activities including electrical inspections, permitting, and licensing. The data used in this report is current as of July 31, 2008. We reviewed this and data in the department's unlicensed

electrician warning tracking system to analyze electrical related activities and data quality questions.

LSO review of local enforcement jurisdiction files

To better understand DFPES' relationship with local enforcement jurisdictions, we reviewed active and inactive local enforcement authority transfer files. These files contain all department documentation regarding the process, including correspondence between the state and local jurisdictions. Because of the relatively small number of local jurisdictions, we reviewed the files for all local enforcement jurisdictions, including those that have relinquished authority or have decided after further consideration not to pursue local enforcement authority.