

West's Alaska Statutes Annotated
Title 8. Business and Professions
Chapter 40. Electrical and Mechanical Administrators
Article 1. Licensing and Regulation of Electrical Administrators

AS § 08.40.005

§ 08.40.005. Purpose of AS 08.40.005 - 08.40.200

Currentness

The purpose of AS 08.40.005 - 08.40.200 is to protect the safety of people and property in the state from the danger of improperly installed electrical wiring and equipment by providing a procedure to assure

- (1) the public that persons responsible for making electrical installations in this state are qualified; and
- (2) a sufficient number of persons are so qualified.

Credits

SLA 1977, ch. 53, § 2.

AS § 08.40.005, AK ST § 08.40.005

Current through legislation passed during the 2018 Second Regular Session of the 30th Legislature

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AS § 08.40.010

§ 08.40.010. Repealed

[Currentness](#)

AS § 08.40.010, AK ST § 08.40.010

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AS § 08.40.011

§ 08.40.011. Repealed by SLA 1994, ch. 101, § 37, eff. June 9, 1994

[Currentness](#)

AS § 08.40.011, AK ST § 08.40.011

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AS § 08.40.020

§ 08.40.020. Repealed

[Currentness](#)

AS § 08.40.020, AK ST § 08.40.020

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AS § 08.40.030

§§ 08.40.030, 08.40.040. Repealed

[Currentness](#)

AS § 08.40.030, AK ST § 08.40.030

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AS § 08.40.040

§§ 08.40.030, 08.40.040. Repealed

[Currentness](#)

AS § 08.40.040, AK ST § 08.40.040

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AS § 08.40.045

§ 08.40.045. Categories of licenses

Currentness

The department may adopt regulations establishing categories of electrical administrators, qualifications for those categories, and the content of examinations for applicants for each category.

Credits

SLA 1977, ch. 53, § 4; SLA 1987, ch. 94, § 22; SLA 1988, ch. 98, § 5; [SLA 1994, ch. 101, § 3](#).

AS § 08.40.045, AK ST § 08.40.045

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AS § 08.40.050

§ 08.40.050. Regulations

Currentness

The department shall adopt regulations subject to AS 44.62 (Administrative Procedure Act), relating to the examination and licensing of electrical administrators and the establishing of the continued competency of an applicant for license renewal and reinstatement.

Credits

SLA 1960, ch. 158, § 2; SLA 1977, ch. 53, § 5; SLA 1980, ch. 71, § 3; SLA 1987, ch. 94, § 23; SLA 1988, ch. 98, § 6; [SLA 1994, ch. 101, § 4](#).

AS § 08.40.050, AK ST § 08.40.050

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AS § 08.40.060

§ 08.40.060. Examinations

Currentness

A licensing examination shall be offered by the department at least twice during each year at appropriate places in the state.

Credits

SLA 1960, ch. 158, § 2; SLA 1987, ch. 94, § 24; SLA 1988, ch. 98, § 7; [SLA 1994, ch. 101, § 5](#).

AS § 08.40.060, AK ST § 08.40.060

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AS § 08.40.070

§ 08.40.070. Inspection or investigation by department

Currentness

The department may make or have made a special inspection or investigation into the work of a licensee that it considers necessary, may issue subpoenas and process compelling the attendance of any person and the production of any papers or books, for the purpose of the investigation and examination, may administer oaths when required, and may petition a court of the state to enforce subpoenas and process or to compel testimony.

Credits

SLA 1960, ch. 158, § 5; SLA 1987, ch. 94, § 25.

AS § 08.40.070, AK ST § 08.40.070

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AS § 08.40.080

§ 08.40.080. Repealed

[Currentness](#)

AS § 08.40.080, AK ST § 08.40.080

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AS § 08.40.090

§ 08.40.090. License required

Currentness

(a) A person may not act as an electrical administrator in the state without a license issued by the department unless the person is covered by an exclusion under [AS 08.40.190](#).

(b) A person licensed under [AS 08.40.005 - 08.40.200](#) may perform work only in a category for which the person is licensed.

Credits

SLA 1960, ch. 158, § 3(c); SLA 1977, ch. 53, § 6; SLA 1987, ch. 94, § 26; [SLA 1994, ch. 101, § 6](#).

AS § 08.40.090, AK ST § 08.40.090

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AS § 08.40.100

§ 08.40.100. Repealed

[Currentness](#)

AS § 08.40.100, AK ST § 08.40.100

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AS § 08.40.110

§ 08.40.110. Application for license

Currentness

An applicant for a license shall apply upon a form prescribed by the department.

Credits

SLA 1960, ch. 158, § 3 (d); SLA 1987, ch. 94, § 27.

AS § 08.40.110, AK ST § 08.40.110

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AS § 08.40.120

§ 08.40.120. Examination of applicant

Currentness

(a) Each applicant shall be examined to determine the applicant's

- (1) ability to understand plans, design specifications, and engineering terms commonly used in the electrical field;
- (2) knowledge of electrical installations and wiring;
- (3) familiarity with the regulations contained in the National Electrical Code and the National Electrical Safety Code, as approved by the American National Standards Institute;
- (4) familiarity with other installation and safety regulations approved by the American National Standards Institute;
- (5) personal skill and ability.

(b) If an applicant for a license submits proof satisfactory to the department that the applicant is licensed as an electrical administrator or the equivalent by another state or territory, that the applicant meets qualifications established by the department under [AS 08.40.045](#), and that the applicant has passed an examination equivalent to the test administered under (a) of this section, the department shall waive all of the examination required under (a) of this section.

Credits

SLA 1960, ch. 158, § 3(d); SLA 1980, ch. 71, § 4; SLA 1987, ch. 94, § 28; SLA 1988, ch. 98, § 8; [SLA 1994, ch. 101, §§ 7, 37](#). Amended by [SLA 2011, ch. 8, § 3, eff. May 10, 2011](#).

AS § 08.40.120, AK ST § 08.40.120

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AS § 08.40.130

§ 08.40.130. Administrator limited to one registered contractor

Currentness

A person may not qualify for or operate as an electrical administrator for more than one registered contractor.

Credits

SLA 1960, ch. 158, § 3(e); SLA 1969, ch. 30, § 1; SLA 1977, ch. 53, § 7.

AS § 08.40.130, AK ST § 08.40.130

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AS § 08.40.135

§ 08.40.135. Renewal and reinstatement

Currentness

(a) A license issued under [AS 08.40.005-08.40.200](#) is nontransferable and, unless revoked or suspended, may be renewed on a date set by the department upon proof of continued competency.

(b) A lapsed license may be reinstated upon proof of continued competency and by payment of all unpaid renewal fees and any penalty fee established under [AS 08.01.100\(b\)](#), unless the license has been lapsed for more than two years. If a person's license has been lapsed for more than two years, the person is required to take an examination under [AS 08.40.120](#).

Credits

SLA 1969, ch. 30, § 2; SLA 1977, ch. 53, § 8; SLA 1980, ch. 71, § 5; SLA 1985, ch. 37, § 24; [SLA 1994, ch. 101, § 8](#).

AS § 08.40.135, AK ST § 08.40.135

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AS § 08.40.140

§ 08.40.140. Issuance and possession of license

Currentness

An applicant who successfully passes the examination shall receive a license. The licensee shall have the license in immediate possession at all times when performing activities for which the license is required and shall present the license for inspection upon the demand of an authorized representative of the department identified as such to the licensee by the representative.

Credits

SLA 1960, ch. 158, § 3(f); [SLA 1994, ch. 101, § 9](#).

AS § 08.40.140, AK ST § 08.40.140

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AS § 08.40.150

§ 08.40.150. Fees

Currentness

Each applicant and each licensee shall pay application and renewal fees established by regulations adopted under [AS 08.01.065](#).

Credits

SLA 1960, ch. 158, § 3 (f); SLA 1969, ch. 30, § 3; SLA 1980, ch. 71, § 6; SLA 1985, ch. 37, § 25.

AS § 08.40.150, AK ST § 08.40.150

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AS § 08.40.160

§ 08.40.160. Repealed

[Currentness](#)

AS § 08.40.160, AK ST § 08.40.160

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AS § 08.40.170

§ 08.40.170. Disciplinary actions

Currentness

- (a) The department may take the disciplinary actions set out in (d) of this section upon a finding that
- (1) the license application is fraudulent or misleading;
 - (2) the licensee has knowingly violated [AS 08.40.005-08.40.200](#), the minimum electrical standards established under [AS 18.60.580-18.60.590](#), or a lawful order or regulation of the department;
 - (3) the licensee is incompetent, or has engaged in fraudulent practices.
- (b) Notice of a proposed disciplinary action under this section shall be given in writing, stating the grounds.
- (c) Proceedings for a disciplinary action under this section shall be governed by AS 44.62 (Administrative Procedure Act).
- (d) The department may take the following disciplinary actions under (a) of this section, singly or in combination:
- (1) refuse to issue a license;
 - (2) permanently revoke a license;
 - (3) suspend a license for a specified period;
 - (4) censure or reprimand a licensee;
 - (5) impose limitations or conditions on the professional practice of a licensee;
 - (6) require a licensee to submit to peer review;

- (7) impose requirements for remedial professional education to correct deficiencies in the education, training, and skill of the licensee;
- (8) impose probation requiring a licensee to report regularly to the department on matters related to the grounds for probation.
- (e) The department may withdraw probationary status if the deficiencies that required the sanction are remedied.
- (f) The department may summarily suspend a license before a final hearing is held or during an appeal if the department finds that the licensee poses a clear and immediate danger to the public health and safety. A person is entitled to a hearing conducted by the office of administrative hearings ([AS 44.64.010](#)) to appeal the summary suspension within seven days after the order of suspension is issued. A person may appeal an adverse decision of the department on an appeal of a summary suspension to a court of competent jurisdiction.
- (g) The department may reinstate a suspended or revoked license if, after a hearing, the department finds that the licensee is able to practice the profession with skill and safety.
- (h) The department may accept the voluntary surrender of a license. A license may not be returned to the person who surrendered the license unless the department determines that the person is competent to resume practice and the person pays the appropriate renewal fee.
- (i) The department shall seek consistency in the application of disciplinary sanctions. The department shall explain a significant departure from prior decisions involving similar facts in the order imposing the sanction.

Credits

SLA 1960, ch. 158, § 4; SLA 1969, ch. 30, § 4; SLA 1987, ch. 94, § 29; SLA 1988, ch. 98, § 9; [SLA 1994, ch. 101, §§ 10, 11](#); [SLA 2004, ch. 163, § 12](#).

AS § 08.40.170, AK ST § 08.40.170

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AS § 08.40.175

§ 08.40.175. Cease and desist order

Currentness

(a) If the department determines that a person is acting as an electrical administrator in violation of [AS 08.40.005-08.40.200](#), the department may issue a cease and desist order prohibiting further action by the person as an electrical administrator. The cease and desist order remains in effect until the person has submitted evidence acceptable to the department showing that the violation has been corrected.

(b) A person affected by an order issued under (a) of this section may seek equitable relief preventing the department from enforcing the order.

Credits

SLA 1972, ch. 39, § 1; SLA 1977, ch. 53, § 9; [SLA 1994, ch. 101, § 12](#).

AS § 08.40.175, AK ST § 08.40.175

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AS § 08.40.178

§ 08.40.178. Injunctive relief

Currentness

The department may seek an injunction in the superior court to enjoin a person from violating [AS 08.40.005-08.40.200](#).

Credits

SLA 1972, ch. 39, § 1; [SLA 1994, ch. 101, § 13](#).

AS § 08.40.178, AK ST § 08.40.178

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AS § 08.40.180

§ 08.40.180. Violation of AS 08.40.005 - 08.40.200

Currentness

A person who knowingly violates [AS 08.40.005-08.40.200](#), or who knowingly violates a valid regulation or order of the department or a minimum electrical standard established under [AS 18.60.580-18.60.590](#) that was in effect at the time that the installation or repair was made, is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$5,000.

Credits

SLA 1960, ch. 158, § 10; SLA 1987, ch. 94, § 30; SLA 1988, ch. 98, § 10; [SLA 1994, ch. 101, § 14](#).

AS § 08.40.180, AK ST § 08.40.180

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AS § 08.40.190

§ 08.40.190. Exclusions

Currentness

(a) [AS 08.40.005 - 08.40.200](#) do not apply to any utility or municipality engaged in

(1) electrical construction and maintenance of electrical wiring for the generation and distribution of electrical current where the wiring is an integral part of a system owned and operated by that utility or municipal light and power department;

(2) the installation, operation, maintenance, or repair of telephone, telegraph, signal, or communication systems when the work is performed by the employees of that utility.

(b) [AS 08.40.005 - 08.40.200](#) do not apply to a person engaged in

(1) the manufacture, maintenance, or repair of electrical apparatus or equipment;

(2) electrical work, the cost of which does not exceed \$5,000, involving residences or small commercial establishments in communities that

(A) have a population of under 500 according to the latest available federal or state census or other census approved by the department; or

(B) are over 50 miles by air or water transportation from the business place of an electrical administrator licensed under [AS 08.40.005-08.40.200](#);

(3) electrical installation on residential property that is owned by the installer or a member of the installer's immediate family and not intended for sale at the time of making the installation;

(4) the operation, maintenance, or repair of a television or radio broadcasting system and the installation of a radio broadcasting system under 500 watts input power except for A.C. power supply and wiring;

- (5) the installation, maintenance, and repair of elevators so long as the work is performed by an agent or employee of the elevator industry and is confined to the elevator control system, which system does not include the power supply, wiring, and motor connection;

 - (6) the operation, maintenance, and repair of telephone, telegraph, and intercommunication facilities;

 - (7) the installation, maintenance, and repair of fire alarm, intrusion alarm, or other low voltage signaling systems of 48 volts to ground or less;

 - (8) the maintenance or repair of diesel electric engines installed on heavy construction equipment, either in a shop or on a job site;

 - (9) the installation in a commercial water well of the submersible pump motor and the wiring to the well pump system controls if the controls are outside a building or a structure;

 - (10) the installation in a noncommercial water well of the submersible pump motor and the wiring to the well pump system controls;

 - (11) electrical maintenance or repair work if the work is performed by the person as an employee of an owner or tenant of commercial property as part of the employee's work duties with respect to the property but is not offered or performed as a service to the public.
- (c) Work within the exclusionary provisions of this section is nevertheless subject to the inspection provisions of [AS 08.40.070](#) and must follow the regulations adopted by the department, other than regulations requiring licensure for the work.

Credits

SLA 1960, ch. 158, § 8; SLA 1967, ch. 79, § 1; SLA 1977, ch. 53, § 10; SLA 1980, ch. 71, §§ 7, 8; SLA 1986, ch. 49, § 1; SLA 1988, ch. 85, § 15; [SLA 1994, ch. 101, §§ 15, 16](#).

AS § 08.40.190, AK ST § 08.40.190

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AS § 08.40.195

§ 08.40.195. Personal supervision

Currentness

A person licensed under [AS 08.40.005-08.40.200](#) as an electrical administrator who is responsible for the installation or repair of electrical wiring, conduits, devices, fixtures, equipment, or other electrical materials for transmitting, using, or consuming electrical energy or who is responsible for certifying that the installation or repair complies with applicable electrical codes shall personally inspect those materials after installation and repair unless the installation or repair amounts to simple or highly standardized work performed in less than 24 man hours by personnel generally under the supervision of the electrical administrator.

Credits

SLA 1980, ch. 71, § 9; [SLA 1994, ch. 101, § 17](#).

AS § 08.40.195, AK ST § 08.40.195

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AS § 08.40.200

§ 08.40.200. Definitions

Currentness

In AS 08.40.005 - 08.40.200,

- (1) “department” means the Department of Commerce, Community, and Economic Development;
- (2) “electrical administrator” means a person who is responsible for
 - (A) installing or repairing electrical wiring, conduits, devices, fixtures, equipment, or other electrical materials for transmitting, using, or consuming electrical energy; or
 - (B) certifying that an installation or repair described in (A) of this paragraph complies with applicable electrical codes;
- (3) “electrical wiring” means and includes wiring, fixtures, conduits, appliances, devices, equipment, overhead or underground wiring systems, or other equipment in connection with the general distribution or utilization of electrical energy;
- (4) “manufacture” means fabrication or completion of a product or electrical apparatus exclusive of its completion or installation at a job site;
- (5) “utility” means every corporation (whether public, cooperative or otherwise), company, individual, or association of individuals, their lessees, trustees, or receivers appointed by a court, that owns, operates, manages, or controls any plant or system for
 - (A) furnishing, by generation, transmission or distribution, electrical service to the public for compensation;
 - (B) furnishing telecommunications service to the public for compensation.

Credits

SLA 1960, ch. 158, § 3 (a), (b); SLA 1977, ch. 53, §§ 12, 13; SLA 1987, ch. 94, §§ 31, 48; SLA 1988, ch. 98, § 11; [SLA 1994, ch. 101, §§ 18, 37](#).

AS § 08.40.200, AK ST § 08.40.200

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