

SENATE BILL NO. 2359

Introduced by

Senators Kannianen, Burckhard, J. Roers

Representatives Kempenich, Schmidt, Vigesaa

1 A BILL for an Act to amend and reenact sections 43-09-01, 43-09-05, 43-09-09, 43-09-09.2,
2 43-09-10, 43-09-11, 43-09-12, 43-09-13, 43-09-13.1, 43-09-13.2, 43-09-15, 43-09-15.1,
3 43-09-16, 43-09-18, 43-09-20, 43-09-21, 43-09-22, 43-09-23, and 43-09-25 of the North Dakota
4 Century Code, relating to the regulation of electricians and power limited technicians; and to
5 provide a penalty.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 43-09-01 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **43-09-01. Definitions.**

10 In this chapter, unless the context or subject matter otherwise requires:

11 1. "Apprentice" means an apprentice electrician or power limited technician apprentice
12 registered by the board.

13 2. "Apprentice electrician" means a person an individual learning the trade under the
14 personal supervision of a state-licensed electrician.

15 ~~2.3.~~ "Board" means the state electrical board.

16 ~~3.4.~~ "Class B electrician" means a person having an individual with the necessary
17 qualifications, training, and technical knowledge to wire, install, and repair electrical
18 apparatus and equipment in accordance with the standard rules and regulations
19 governing such work, ~~and shall have~~ having eighteen months' experience in farmstead
20 or residential wiring, and ~~shall have~~ having passed an examination before the state
21 electrical board based upon the national electrical code as it applies to farmstead or
22 residential wiring.

23 ~~4.5.~~ "Journeyman electrician" means a person having an individual with the necessary
24 qualifications, training, and technical knowledge to wire, install, and repair electrical

1 apparatus and equipment and power limited systems in accordance with the standard
2 rules and regulations governing such work.

3 ~~5-6.~~ "Licensee" means an individual who holds a valid license issued by the board.

4 7. "Master electrician" means ~~a person having an individual with~~ the necessary
5 qualifications, training, experience, and technical knowledge to plan, lay out, and
6 supervise the installation and repair of electrical wiring apparatus, and equipment for
7 electric light, heat, and power, and power limited systems, in accordance with the
8 standard rules and regulations governing such work.

9 8. "Power limited technician contractor" means an individual with the necessary
10 qualifications, training, experience, and technical knowledge to plan, lay out, and
11 supervise the installation and repair of power limited systems in accordance with the
12 standard rules and regulations governing such work.

13 9. "Power limited technician" means an individual with the necessary qualifications,
14 training, experience, and technical knowledge to wire, install, and repair power limited
15 systems apparatus and equipment in accordance with the standard rules and
16 regulations governing such work.

17 10. "Power limited technician apprentice" means an individual learning the trade under the
18 personal supervision of a state-licensed power limited technician.

19 **SECTION 2. AMENDMENT.** Section 43-09-05 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **43-09-05. Powers and duties of state electrical board - Biennial report.**

22 The board shall adopt a seal and may adopt reasonable rules to carry out this chapter. The
23 board may submit a biennial report to the governor and the secretary of state in accordance
24 with section 54-06-04. The board shall appoint qualified inspectors. Upon receipt of notice of
25 completion of any electrical wiring installation involving a value of five hundred dollars or more,
26 the inspectors shall inspect the electrical or power limited systems installation and approve or
27 condemn that installation. The inspector shall make a report of the inspection on forms
28 prescribed by the board.

29 **SECTION 3. AMENDMENT.** Section 43-09-09 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **43-09-09. License required - Examination - Board to issue license.**

2 Every

3 1. ~~A person, partnership, company, corporation, limited liability company, or association-~~
4 ~~that undertakes or offers~~ may not undertake or offer to undertake with another person
5 to plan, lay out, supervise, install, make additions, make alterations, or make repairs,
6 in the installation of wiring, apparatus, or equipment for electric light, heat, or power,
7 ~~shall apply to the board for a license~~ and power limited systems, unless licensed by the
8 board.

9 2. The board shall examine ~~the~~ an applicant for licensure and if, upon a technical and
10 practical examination, the applicant is found to possess the required knowledge and
11 skill and to be versed in the laws of electricity, ~~the applicant~~ board shall be issued
12 to the applicant a license in the class for which the applicant was examined. The
13 license ~~shall~~ must be signed by the president and the secretary of the board and
14 attested by the seal of the board.

15 3. Each licensee or permitholder shall report that ~~person's~~ individual's licensing or
16 renewals to the electrical inspector, if there is one, in the municipality in which that
17 ~~person~~ individual operates.

18 **SECTION 4. AMENDMENT.** Section 43-09-09.2 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **43-09-09.2. Advertising prohibited - Exceptions - Liability - Penalty.**

21 1. Except as provided in this section, if an electrical license is required under section
22 43-09-09 or by local ordinance, a person may not advertise to contract for electrical or
23 power limited systems services without being licensed as or being associated with a
24 class B ~~or~~ master electrician, or power limited technician contractor unless that person
25 intends to contract ~~the electrical~~ these services with a licensed electrical or power
26 limited technician contractor.

27 2. If a person associates with a class B ~~or~~ master electrician, or power limited technician
28 contractor under subsection 1 and that association ends, that person is jointly and
29 severally liable for any electrical or power limited systems services contracts entered
30 under that association.

- 1 3. a. A person violating this section is guilty of a class B misdemeanor for a first
2 conviction, but no fine in excess of one hundred dollars and no term of
3 imprisonment may be imposed.
- 4 b. A person violating this section is guilty of a class A misdemeanor for a second or
5 subsequent conviction, but the penalties are as follows:
 - 6 (1) For a second conviction, no fine in excess of one thousand dollars and no
7 term of imprisonment may be imposed.
 - 8 (2) For a third or subsequent conviction, a fine not to exceed one thousand
9 dollars, or imprisonment not to exceed thirty days, or both, may be imposed.

10 **SECTION 5. AMENDMENT.** Section 43-09-10 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **43-09-10. Types of licenses.**

13 The classes of ~~electricians~~professionals who may be licensed under section 43-09-09 are:

- 14 1. Master electrician.
- 15 2. Journeyman electrician.
- 16 3. Class B electrician.
- 17 4. Power limited technician contractor.
- 18 5. Power limited technician.

19 **SECTION 6. AMENDMENT.** Section 43-09-11 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **43-09-11. Qualifications.**

22 An applicant for an electrician's or power limited technician's license must have the
23 following experience and training:

- 24 1. For licensure as a master electrician, an applicant must have completed one year's
25 experience as a licensed journeyman electrician.
- 26 2. For licensure as a journeyman electrician, an applicant must have:
 - 27 a. Completed eight thousand hours' experience in installing and repairing electrical
28 wiring, apparatus, and equipment, ~~which.~~ This experience may not be obtained in
29 less than three years.
 - 30 b. Effective for an applicant who registered with the board as an apprentice after
31 January 31, 2008, completed at least one of the following:

1 (1) Successfully completed apprenticeship training approved by the federal
2 bureau of apprenticeship and training and completed eight thousand hours'
3 experience in installing and repairing electrical wiring, apparatus, and
4 equipment.

5 (2) Successfully completed an appropriate course of study, which may not be
6 less than two years or the equivalent of two years, at a board-approved
7 institution of higher education and completed eight thousand hours'
8 experience in installing and repairing electrical wiring, apparatus, and
9 equipment. The board may determine equivalent hours of education that
10 may be applied as a credit against the eight thousand hours' experience
11 requirement under this paragraph.

12 3. For licensure as a class B electrician, eighteen months' experience in farmstead or
13 residential wiring.

14 4. For a power limited technician contractor license, an applicant must have completed
15 one year's experience as a licensed power limited technician.

16 5. For a power limited technician license, an applicant must have:

17 a. Completed six thousand hours' experience installing and repairing power limited
18 systems wiring, apparatus, and equipment. This experience may not be obtained
19 in less than three years.

20 b. Successfully completed an appropriate course of study, which may not be less
21 than one year or the equivalent training as provided by the industry in experience
22 in installing and repairing power limited systems wiring, apparatus, and
23 equipment. The board may determine equivalent hours of education that may be
24 applied as a credit against the six thousand hours' experience requirement under
25 this subsection.

26 **SECTION 7. AMENDMENT.** Section 43-09-12 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **43-09-12. Examination - Requirements.**

29 1. Each applicant for an electrician's or power limited technician's license shall pay the
30 examination fee and shall take an oath and submit written evidence that the applicant
31 has had the required experience. ~~If a partnership, corporation, or limited liability~~

1 company applies for a license, an officer or manager thereof shall make the
2 application and take the oath and submit evidence as to experience.

3 2. If an applicant for a power limited technician contractor license is a company that is
4 currently installing power limited systems as of July 31, 2020, and one individual
5 related to the company meets the requirements of subdivision a of subsection 5 of
6 section 43-09-11, the board shall issue the license without requiring passage of an
7 examination administered by the board.

8 **SECTION 8. AMENDMENT.** Section 43-09-13 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **43-09-13. License fees.**

11 Examination and annual license fees required to be paid for an electrician's or power limited
12 technician's license must be set by the board.

13 **SECTION 9. AMENDMENT.** Section 43-09-13.1 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **43-09-13.1. Apprentice electrician registration.**

16 An apprentice electrician shall register with the state electrical board within the first six
17 months of employment and shall pay an annual registration fee in an amount set by the board.
18 An apprentice electrician may work on installations only under the personal supervision of a
19 licensed electrician as provided in section 43-09-18.

20 **SECTION 10. AMENDMENT.** Section 43-09-13.2 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **43-09-13.2. Electrical inspectors - License required - Exception.**

23 ~~A person~~An individual employed by the state electrical board or a political subdivision to
24 inspect electrical and power limited system installations must be licensed as a journeyman or
25 master electrician. ~~This section does not apply to an inspector employed by the electrical board~~
26 ~~or a political subdivision as of July 2, 1989.~~

27 **SECTION 11. AMENDMENT.** Section 43-09-15 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **43-09-15. Renewal of license - Denial, suspension, or revocation of licenses.**

30 1. An electrician's or power limited technician's license may be issued for a term of ~~only~~
31 one year, but may be renewed without examination upon the payment of the proper

1 fee. If the licensee fails to renew the license for a period of three consecutive years or
2 more, the licensee is required to appear for re-examination. The state electrical board
3 may deny, suspend, revoke, or refuse to renew any license issued or applied for under
4 the provisions of this chapter for any of the following reasons:

5 ~~4.a.~~ Failure or refusal to maintain or adhere to the minimum standards set forth in the
6 electrical code referred to in section 43-09-21.

7 ~~2.b.~~ Any cause for which the issuance of the license could have been refused had
8 ~~it~~the cause then existed and been known to the board.

9 ~~3.c.~~ Commitment of any act of gross negligence, incompetency, or misconduct in the
10 practice of a ~~master or journeyman electrician or the business of an electrical~~
11 ~~contractor~~the profession regulated under this chapter.

12 ~~4.d.~~ Material misstatement, misrepresentation, or fraud in obtaining the license.

13 ~~5.e.~~ After due notice, failed or refused to correct, within the specified time, any
14 electrical installation not in compliance with the provisions of this chapter.

15 ~~6.f.~~ Failure or refusal to make deposit or acquire public liability insurance as required
16 by sections 43-09-14 and 43-09-20.

17 ~~7.g.~~ Failure to repay or enter ~~into~~ a written contract for repayment, under a payment
18 schedule acceptable to the board, ~~of money disbursed from the fund as provided~~
19 ~~under section 43-09-14~~, or failure to make timely payments under a payment
20 contract entered ~~into~~ under the board's policy ~~for administering the undertaking~~
21 ~~fund~~.

22 ~~8.h.~~ Failure to furnish certification of completion of continuing education as required
23 under section 43-09-15.1.

24 ~~Any person whose~~

25 ~~2.~~ If an individual's license is denied ~~or whose license is~~, suspended, or revoked by the
26 board, or ~~who is~~that individual's application for licensure is refused a license by the
27 board, that individual may appeal to the appropriate court.

28 **SECTION 12. AMENDMENT.** Section 43-09-15.1 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **43-09-15.1. Continuing education.**

2 ~~After March 31, 1990, each~~An applicant for renewal of an electrician's or power limited
3 technician's license pursuant to section 43-09-15 must have successfully completed ~~prior-~~
4 ~~thereto at least four hours, and thereafter~~ eight hours each biennium, of continuing education
5 relating to the standards set forth in section 43-09-21 or as otherwise prescribed by the board.
6 The board may not require more than sixteen hours of continuing education in each biennium.
7 The board shall conduct education sessions for licensees each year at not ~~less~~fewer than six
8 locations throughout the state. Attendance at such sessions, or attendance at other education
9 sessions certified by the board as approved, fulfills the educational requirements of this section.
10 The board may charge a fee to licensees for attendance at the education sessions at an
11 amount to be determined by the board, but not to exceed ten dollars per person for each
12 session.

13 **SECTION 13. AMENDMENT.** Section 43-09-16 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **43-09-16. When license not required.**

16 The following persons ~~may~~are not be required to hold ~~an electrician's license~~be licensed by
17 the board:

- 18 1. Employees of public utilities engaged in the manufacture and distribution of electrical
19 energy ~~when~~while engaged in work directly pertaining to the manufacture and
20 distribution of electrical energy. This exemption terminates at the first point of service
21 attachment, except for the installing or testing of electric meters and measuring
22 devices and the maintenance of ~~their service of~~ electric meters and measuring
23 devices.
- 24 2. Employees of a ~~company~~public utility that operates or installs telephone and radio
25 communication systems ~~when~~while engaged in work pertaining directly to the
26 installation of telephone and radio communication conductors on premises where the
27 installations are made for use exclusively for the transmission of telephone and radio
28 signals.
- 29 3. Employees of dealers in household appliances, such as room air-conditioners, clothes
30 dryers, dishwashers, freezers, garbage disposals, refrigerators, stoves, washing

1 machines, water heaters, and similar appliances ~~when~~while such employees are
2 installing and connecting such appliances to an existing electrical receptacle.

3 4. A representative of a manufacturing firm that is installing or modifying controls of
4 wiring solely on industrial machinery that is for use by the firm itself, and performed by
5 or under the direction of a registered professional engineer who issues a
6 state-accepted evaluation, which is to be maintained with the equipment.

7 **SECTION 14. AMENDMENT.** Section 43-09-18 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **43-09-18. Apprentice to master electrician and power limited technician contractor.**

10 ~~Any person~~An individual may serve as an apprentice under a licensed master electrician or
11 power limited technician contractor, but a master electrician or power limited technician
12 contractor may not allow an apprentice to work on any installation without personal supervision
13 of a licensed electrician or power limited technician.

14 **SECTION 15. AMENDMENT.** Section 43-09-20 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **43-09-20. Contract for installation of electrical and power limited systems wiring and**
17 **installation of electrical and power limited systems equipment made with master**
18 **electrician or power limited technician contractor - Requirement for liability insurance.**

19 ~~No~~

20 1. A contract, agreement, or undertaking with another for the installation of electrical or
21 power limited systems wiring or the installation of electrical or power limited systems
22 parts of other apparatus may not be entered ~~into~~ by anyone not a master electrician or
23 power limited technician contractor.

24 2. A class B electrician, ~~as herein defined,~~ may enter ~~into~~ a contract,
25 undertaking, or agreement for the installation of farmstead electrical wiring or
26 residential electrical wiring in one or two family dwellings located in municipalities of
27 two thousand five hundred or ~~less~~fewer population, and the electrician's authority
28 under the contract, undertaking, or agreement is limited to the actual installation by
29 that electrician of farmstead electrical wiring or residential electrical wiring in one or
30 two family dwellings located in municipalities of two thousand five hundred or
31 ~~less~~fewer population, and the installation of electrical equipment, appliances, and

1 apparatus used on farmsteads and such residences. ~~Before an electrician referred to~~
2 ~~in this section enters into a contract for installation of electrical wiring, the electrician~~
3 ~~shall deposit with~~

4 3. If a licensee is acting as a contractor, that licensee shall submit to the board evidence
5 of the existence of public liability insurance with a licensed insurance carrier, with
6 policy limits of:

7 a. For a master electrician or power limited technician contractor, at least five
8 hundred thousand dollars ~~for a master electrician;~~ and

9 b. For a class B electrician, at least two hundred fifty thousand dollars for a class B-
10 electrician.

11 **SECTION 16. AMENDMENT.** Section 43-09-21 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **43-09-21. Standards for electrical wiring and equipment.**

14 All electrical and power limited systems wiring, apparatus, or equipment must comply with
15 the rules of the board made under authority of the laws of this state and in conformity with the
16 approved methods of construction for safety to life and property. The regulations in the national
17 electrical code and the national electrical safety code, as approved by the American national
18 standards institute, are prima facie evidence of these approved methods. Any municipality may
19 make more stringent requirements. An electrical or power limited systems installation may not
20 be connected for use until proof has been furnished to the person, ~~firm, corporation, or limited-~~
21 ~~liability company~~ supplying electrical energy that there is compliance with the applicable
22 regulations. The manufacturer of a new manufactured building or modular unit shall make any
23 changes required for the proof within fourteen days from the notice that the building or unit does
24 not comply with the applicable regulations. This section does not apply to the movement of a
25 new manufactured building or modular unit into or within this state before the process of being
26 connected for use.

27 **SECTION 17. AMENDMENT.** Section 43-09-22 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **43-09-22. Inspection of installation - Condemnation.**

30 The board has jurisdiction over and shall provide inspection for all electrical and power
31 limited systems installations. Inspectors authorized by the board may condemn installations

1 hazardous to life and property or may order specific corrections to be made. Inspectors may
2 order service ~~theretoto~~ such installations discontinued after notice to the owner of the property.
3 The order is subject to the owner's right of appeal to the board. ~~No~~ A condemned installation
4 may not be reconnected for service until proof has been furnished that the installation has been
5 brought up to the required standards. The board may charge the master electrician or power
6 limited technician contractor responsible for the installation a fee to cover the cost of inspection.
7 ~~Cities~~ A city may make provisions for inspection of all electrical and power limited systems work
8 done within ~~their~~ the corporate limits of the city. City inspectors shall register ~~their~~ the names of
9 the inspectors with the board within ten days after ~~their~~ appointment.

10 **SECTION 18. AMENDMENT.** Section 43-09-23 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **43-09-23. Criminal penalty - Civil proceedings.**

13 Any person ~~whethat~~ violates any of the provisions of this chapter is guilty of a class B
14 misdemeanor. In addition to criminal proceedings, the board may commence administrative or
15 civil court proceedings as follows:

- 16 1. The board may issue a cease and desist order against a person allegedly making or
17 offering to make electrical or power limited systems installations in violation of section
18 43-09-09 or 43-09-09.2 based upon information provided to the board by ~~it~~ the board's
19 electrical inspectors or other persons, by investigation reports, affidavits, complaints of
20 witnesses, or oral testimony given to the board at a regular or special board meeting.
21 Violation of the cease and desist order may be considered by the court in issuing a
22 temporary or permanent restraining order and in ordering the payment of costs and
23 attorney's fees in proceedings authorized under this section.
- 24 2. The board may apply to the district court in the county in which the violations have
25 occurred for a temporary or permanent injunction under chapter 32-06, enjoining
26 persons from performing, advertising, or contracting for making electrical or power
27 limited systems installations without a valid license issued by the board in violation of
28 section 43-09-09 or 43-09-09.2. The court may not require a written undertaking,
29 security, or bond as a basis for issuing any temporary or permanent restraining order
30 under this section unless the court specifically orders and states the basis for requiring
31 the security. Upon a determination that a violation of section 43-09-09 or 43-09-09.2

1 has occurred, the court may assess against the defendants the actual costs incurred
2 and reasonable attorney's fees necessary for the investigation and court proceedings
3 against the unlicensed person.

4 3. After an administrative hearing has been conducted by the board under chapter 28-32,
5 an appeal from an order of the board or from the assessment of costs and attorney's
6 fees may be taken to the district court under chapter 28-32.

7 **SECTION 19. AMENDMENT.** Section 43-09-25 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **43-09-25. License to nonresidents - Reciprocity.**

10 To the extent ~~that~~ other states ~~which~~that provide for the licensing of electricians and power
11 limited technicians provide for similar action, the ~~state electrical~~ board may grant licenses of the
12 same grade or class to electricians and power limited technicians licensed by other states, upon
13 payment by the applicant of the required fee, after being furnished with proof ~~that~~ the
14 qualifications of the applicant are equal to the qualifications of holders of similar licenses in
15 North Dakota.