

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1157

That the Senate recede from its amendments as printed on pages 1489-1496 of the House Journal and pages 1238-1245 of the Senate Journal and that Engrossed House Bill No. 1157 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 43-09-01, 43-09-05, 43-09-09, 43-09-09.2, 43-09-10, 43-09-11, 43-09-12, 43-09-13.2, 43-09-15, 43-09-15.1, 43-09-16, 43-09-18, 43-09-20, 43-09-21, 43-09-22, and 43-09-23 of the North Dakota Century Code, relating to regulation by the state electrical board; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

43-09-01. Definitions.

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

1. "Apprentice electrician" means ~~a person~~ an individual who is learning the trade under the personal supervision of a state-licensed electrician.
2. "Board" means the state electrical board.
3. "Class B electrician" means ~~a person having~~ an individual who has the necessary qualifications, training, and technical knowledge to wire, install, and repair electrical apparatus and equipment in accordance with the standard rules and regulations governing such work, ~~and shall have~~ who has eighteen months' experience in farmstead or residential wiring, and ~~shall have~~ passed an examination before the state electrical board based upon the national electrical code as it applies to farmstead or residential wiring.
4. "Journeyman electrician" means ~~a person having~~ an individual who has the necessary qualifications, training, and technical knowledge to wire, install, and repair electrical apparatus and equipment and power limited systems in accordance with the standard rules and regulations governing such work.
5. "Licensee" means an individual who holds a valid license issued by the board.
6. "Master electrician" means ~~a person having~~ an individual who has the necessary qualifications, training, experience, and technical knowledge to plan, lay out, and supervise the installation and repair of electrical wiring apparatus, and equipment for electric light, heat, ~~and power~~ and power.

limited systems, in accordance with the standard rules and regulations governing such work.

7. "Nonelectrical system" means a system as defined by the articles contained in chapter 8 and other articles which contains class II or class III circuits and systems as defined by the national electrical code, as adopted by the board. Although the board may expand this definition, the board may not narrow this definition. The term does not include a circuit or system that is installed:
 - a. Within an area of special occupancies, as defined under articles 500 through 517 of the national electrical code.
 - b. For heat, light, or power.
 - c. For the control of heat, light, or power, unless the circuit or system employs digital communication.
8. "Power limited electrician" means an individual who has the necessary qualifications, training, experience, and technical knowledge to plan, layout, and supervise the installation and repair of a power limited system.
9. "Power limited system" means a system as defined by the articles contained in chapter 8 and other articles which contains class II or class III circuits and systems as defined by the national electrical code, as adopted by the board. Although the board may expand this definition, the term does not include a nonelectrical system.

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

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

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

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

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

Every

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

2. The board shall examine ~~the~~ applicant for licensure and if, upon a technical and practical examination, the applicant is found to possess the required knowledge and skill and to be versed in the laws of electricity, the applicant shall be issued a license in the class for which the applicant was examined. The license ~~shall~~must be signed by the president and the secretary of the board and attested by the seal of the board.
3. Each licensee or permitholder shall report that ~~person's~~individual's licensing or renewals to the electrical inspector, if there is one, in the ~~municipality~~city in which that ~~person~~individual operates.

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

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

1. Except as provided in this section, if ~~an electrical~~ license is required under section 43-09-09 ~~or by local ordinance~~, a person may not advertise to contract for electrical services without being licensed as or being associated with a class B ~~or electrician~~, master electrician, or power limited electrician, unless that person intends to contract the electrical services with a licensed electrical contractor.
2. If a person associates with ~~a class B or master~~an electrician under subsection 1 and that association ends, that person is jointly and severally liable for any ~~electrical services~~ contracts entered under that association.
3.
 - a. A person violating this section is guilty of a class B misdemeanor for a first conviction, but no fine in excess of one hundred dollars and no term of imprisonment may be imposed.
 - b. A person violating this section is guilty of a class A misdemeanor for a second or subsequent conviction, but the penalties are as follows:
 - (1) For a second conviction, no fine in excess of one thousand dollars and no term of imprisonment may be imposed.
 - (2) For a third or subsequent conviction, a fine not to exceed one thousand dollars, or imprisonment not to exceed thirty days, or both, may be imposed.

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

43-09-10. Types of licenses.

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

1. Master electrician.
2. Journeyman electrician.
3. Class B electrician.
4. Power limited electrician.

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

43-09-11. Qualifications.

An applicant for an electrician's license must have the following experience and training:

1. For licensure as a master electrician, an applicant must have completed one year's experience as a licensed journeyman electrician.
2. For licensure as a journeyman electrician, an applicant must have:
 - a. Completed eight thousand hours' experience in installing and repairing electrical wiring, apparatus, and equipment, which experience may not be obtained in less than three years.
 - b. Effective for an applicant who registered with the board as an apprentice after January 31, 2008, completed at least one of the following:
 - (1) Successfully completed apprenticeship training approved by the federal bureau of apprenticeship and training and completed eight thousand hours' experience in installing and repairing electrical wiring, apparatus, and equipment.
 - (2) Successfully completed an appropriate course of study, which may not be less than two years or the equivalent of two years, at a board-approved institution of higher education and completed eight thousand hours' experience in installing and repairing electrical wiring, apparatus, and equipment. The board may determine equivalent hours of education that may be applied as a credit against the eight thousand hours' experience requirement under this paragraph.
3. For licensure as a class B electrician, eighteen months' experience in farmstead or residential wiring.
4. For licensure as a power limited electrician:
 - a. Hold a valid board-recognized tradesman certification; or
 - b. Possess the necessary work experience and training, as approved by the board.

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

43-09-12. Examination - Requirements.

Each applicant for an electrician's license shall pay the examination fee and shall take an oath and submit written evidence that the applicant has had the required experience. ~~If a partnership, corporation, or limited liability company applies for a license, an officer or manager thereof shall make the application and take the oath and submit evidence as to experience.~~

SECTION 8. AMENDMENT. Section 43-09-13.2 of the North Dakota Century Code is amended and reenacted as follows:

43-09-13.2. ~~Electrical inspectors~~Inspectors - License required - Exception.

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

SECTION 9. AMENDMENT. Section 43-09-15 of the North Dakota Century Code is amended and reenacted as follows:

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

1. An electrician's license may be issued for a term of only one year, but may be renewed without examination upon the payment of the proper fee. If the licensee fails to renew the license for a period of three consecutive years or more, the licensee is required to appear for re-examination. The state electrical board may deny, suspend, revoke, or refuse to renew any license issued or applied for under the provisions of this chapter for any of the following reasons:
 - 1.a. Failure or refusal to maintain or adhere to the minimum standards set forth in the electrical code referred to in section 43-09-21.
 - 2.b. Any cause for which the issuance of the license could have been refused had ~~it~~that information then existed and been known to the board.
 - 3.c. Commitment of any act of gross negligence, incompetency, or misconduct in the practice of ~~a master or journeyman electrician or the business of an electrical contractor~~the profession regulated under this chapter.
 - 4.d. Material misstatement, misrepresentation, or fraud in obtaining the license.
 - 5.e. After due notice, failed or refused to correct, within the specified time, any ~~electrical~~ installation not in compliance with the provisions of this chapter.
 - 6.f. Failure or refusal to make a deposit or acquire public liability insurance as required by ~~sections 43-09-14 and~~section 43-09-20.
 - 7.g. Failure to ~~repay~~pay or enter ~~into~~ a written contract for repayment, under a payment schedule acceptable to the board, ~~of money~~ disbursed from the fund as provided under section 43-09-14, or failure to make timely payments under a payment contract entered into under the board's policy for administering the ~~undertaking~~ fund any financial obligation to the board.
 - 8.h. Failure to furnish certification of completion of continuing education as required under section 43-09-15.1.

~~Any person whose~~

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

SECTION 10. AMENDMENT. Section 43-09-15.1 of the North Dakota Century Code is amended and reenacted as follows:

43-09-15.1. Continuing education.

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

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

43-09-16. When license not required.

The following persons ~~may not be~~ not required to hold an electrician's license ~~be licensed by and are not subject to regulation by the board under this chapter:~~

1. Employees of public utilities engaged in the manufacture and distribution of electrical energy ~~when~~while engaged in work directly pertaining to the manufacture and distribution of electrical energy. This exemption terminates at the first point of service attachment, except for the installing or testing of electric meters and measuring devices and the maintenance of ~~their service~~electric meters and measuring devices.
2. ~~Employees, independent contractors, or subcontractors of a company that operates or installs telephone and radio communication systems when engaged in work pertaining directly to the installation of telephone and radio communication conductors on premises where the installations are made for use exclusively for the transmission of telephone and radio signals~~is a telecommunication carrier as defined under section 57-34-01 or that is a satellite or cable systems provider, while acting in the scope of employment or the terms of the contract.
3. ~~Employees, independent contractors, or subcontractors of dealers in household appliances, such as room air-conditioners, clothes dryers, dishwashers, freezers, garbage disposals, refrigerators, stoves, washing machines, water heaters, and similar appliances when such employees are~~while installing and connecting such appliances to an existing electrical receptacle.
4. A representative of a manufacturing firm that is installing or modifying controls of wiring solely on industrial machinery that is for use by the firm itself, and performed by or under the direction of a registered professional

engineer who issues a state-accepted evaluation, which is to be maintained with the equipment.

5. An individual who is installing a nonelectrical system.
6. An individual who is installing a power limited system that is installed within a residential dwelling or is installed with a factory connector or cord powered by an existing electrical receptacle.

SECTION 12. AMENDMENT. Section 43-09-18 of the North Dakota Century Code is amended and reenacted as follows:

43-09-18. ~~Apprentice to master electrician.~~

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

SECTION 13. AMENDMENT. Section 43-09-20 of the North Dakota Century Code is amended and reenacted as follows:

43-09-20. ~~Contract for installation of electrical wiring and installation of electrical equipment~~Installations made with master electrician, class B electrician, or power limited electrician - Requirement for liability insurance.

~~No~~

1. ~~A contract, agreement, or undertaking with another person for the installation of electrical wiring or power limited wiring or the installation of electrical or power limited system parts of other apparatus may not be entered into by anyone not other than a master electrician or power limited electrician. A class B electrician, as herein defined, is authorized to may not enter into a contract, undertaking, or agreement for the installation of farmstead electrical wiring, except for:~~
 - a. ~~Farmstead electrical wiring; or residential~~
 - b. ~~Residential electrical wiring in one or two family dwellings located in municipalities a city with a population of two thousand five hundred or less population, and the electrician's authority under the contract, undertaking, or agreement is limited to the actual installation by that electrician of farmstead electrical wiring or residential electrical wiring in one or two family dwellings located in municipalities of two thousand five hundred or less population, and the installation of electrical equipment, appliances, and apparatus used on farmsteads and such residences. Before an electrician referred to in this section enters into a contract for installation of electrical wiring, the electrician shall deposit with the board fewer.~~
2. If a licensee is acting as a contractor, that licensee shall submit to the board evidence of the existence of public liability insurance with a licensed insurance carrier, with policy limits of at least five hundred thousand dollars for a master electrician, and two hundred fifty thousand dollars for a class-B electrician.

SECTION 14. AMENDMENT. Section 43-09-21 of the North Dakota Century Code is amended and reenacted as follows:

43-09-21. Standards for electrical wiring, apparatus, and equipment.

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

SECTION 15. AMENDMENT. Section 43-09-22 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The board has jurisdiction over and shall provide inspection for all electrical installations. ~~Inspectors~~The board has jurisdiction over and shall provide inspection for all power limited system installations. If there is a disagreement between an electrician and an inspector over interpretation or over a correction for violation issued by any inspector, the executive director of the board shall review the identified disagreement and render a final decision, which either party may appeal to the board.
2. The executive director of the board, as authorized by the board, may condemn installations hazardous to life and property or may order specific corrections to be made. ~~Inspectors~~The executive director may order disconnection of service thereto discontinued after notice to the owner of the property. The order is subject to the owner's right of appeal to the board. ~~No~~A condemned installation may not be reconnected for service until proof has been furnished that the installation has been brought up to the required standards.
3. The board may charge ~~the~~a master electrician, class B electrician, or power limited electrician responsible for the installation a fee ~~to cover the cost of inspection~~for inspections. ~~Cities~~
4. A city may make provisions for inspection of all electrical work done and power limited systems installed within their ~~the~~ corporate limits of the city. ~~City inspectors~~A city shall register their names ~~the name of the inspector~~ with the board within ten days ~~after their~~of appointment. A city may not require inspection of an installation that is outside the jurisdiction of the board.

SECTION 16. AMENDMENT. Section 43-09-23 of the North Dakota Century Code is amended and reenacted as follows:

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

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

1. The board may issue a cease and desist order against a person allegedly making or offering to make ~~electrical~~ installations in violation of section 43-09-09 or 43-09-09.2 based upon information provided to the board by its ~~electrical~~ inspectors or other persons, by investigation reports, affidavits, complaints of witnesses, or oral testimony given to the board at a regular or special board meeting. Violation of the cease and desist order may be considered by the court in issuing a temporary or permanent restraining order and in ordering the payment of costs and attorney's fees in proceedings authorized under this section.
2. The board may apply to the district court in the county in which the violations have occurred for a temporary or permanent injunction under chapter 32-06, enjoining persons from performing, advertising, or contracting for making ~~electrical~~ installations without a valid license issued by the board in violation of section 43-09-09 or 43-09-09.2. The court may not require a written undertaking, security, or bond as a basis for issuing any temporary or permanent restraining order under this section unless the court specifically orders and states the basis for requiring the security. Upon a determination that a violation of section 43-09-09 or 43-09-09.2 has occurred, the court may assess against the defendants the actual costs incurred and reasonable attorney's fees necessary for the investigation and court proceedings against the unlicensed person.
3. After an administrative hearing has been conducted by the board under chapter 28-32, an appeal from an order of the board or from the assessment of costs and attorney's fees may be taken to the district court under chapter 28-32."

Renumber accordingly